



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

November 30, 2020

Mr. Eric Willis  
Montgomery County Department of Transportation  
100 Edison Park Drive, 4th Floor  
Gaithersburg, Maryland 20878

RE: Abandonment Request No. AB-773  
Portions of Westbard Avenue and Ridgefield Road Rights-of-Way  
2016 Westbard Sector Plan

Dear Mr. Willis:

At the Montgomery County Planning Board's regularly scheduled meeting on November 19, 2020, the Board reviewed Abandonment Request No. AB-773, for abandonment of portions of Westbard Avenue and Ridgefield Road in Westbard. After a briefing by Planning staff, the Planning Board voted unanimously, 5-0, in favor of recommending abandonment and transmitting comments to the Montgomery County Department of Transportation.

The Planning Board heard testimony from the Petitioner, residents of Westbard and the adjoining neighborhoods, a representative from the Westbard Study Group, and a representative from the Little Falls Watershed Alliance. All submitted written testimony is enclosed. Please consider this letter and its enclosures as the Planning Board's testimony for the official record.

Thank you for the opportunity to provide comments and a recommendation on this petition. Please contact me or Katie Mencarini with the Downcounty Planning Division of the Planning Department, at 301-495-4549 or Katherine.mencarini@montgomeryplanning.org, if you have any questions regarding this letter.

Sincerely,

Casey Anderson  
Chair

Enclosures

cc: Gwen Wright  
Robert Kronenberg  
Elza Hisel-McCoy  
Stephanie Dickel  
Katie Mencarini  
Delisa Coleman  
Chris Conklin, MCDOT  
Rebecca Torma, MCDOT  
Mitra Pedoeem, DPS  
Adam Ortiz, DEP  
Raymond L. Crowel, DHHS



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

MCPB No. 19-032  
Preliminary Plan No. 120170170  
**Westwood Shopping Center**  
Date of Hearing: March 14, 2019

**MAY 06 2019**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on December 20, 2016, Equity One (Northeast Portfolio), LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create 111 lots on 23 acres of land in the CRT 2.0, C 0.75, R 1.25, H 60; CRT 1.0, C 0.25, R 1.0, H 45; CRT 1.5, C 0.5, R 1.5, H 75; CRT 2.5, C 0.5, R 2.0, H 75; and CRT 2.5, C 0.5, R 2.0, H 110 zones, located along Westbard Avenue and Ridgefield Road, between River Road and Massachusetts Avenue ("Subject Property"), in the Bethesda/ Chevy Chase Policy Area and *Westbard Sector Plan* ("Sector Plan") area; and

WHEREAS, Subdivision Regulation Amendment 16-01, adopted by the Montgomery County Council on November 15, 2016 as Ordinance No. 18-19, replaced Chapter 50, Subdivision of Land in its entirety, effective February 13, 2017 ("Subdivision Regulations"); and

WHEREAS, Ordinance 18-19 provided that any preliminary plan application filed and certified as complete before the effective date of the Subdivision Regulations may, at the applicant's option, be reviewed under the Subdivision Regulations in effect when the application was submitted; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120170170 Westwood Shopping Center ("Preliminary Plan" or "Application"); and

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect on December 20, 2016; 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, March 4, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to  
Legal Sufficiency

*Christina Sout* 4/2/19

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
MNCPPC Legal Department  
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WHEREAS, on March 14, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 14, 2019, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor and Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120170170 to create 111 lots on the Subject Property, subject to the following conditions:<sup>1</sup>

#### **General Approval**

1. This Preliminary Plan is limited to 111 lots for a total development of up to 852,915 square feet, including up to 647,378 square feet of residential uses (up to 104 townhomes and up to 410 multifamily dwelling units) and up to 205,537 square feet of commercial uses (including the 29,305 square feet of commercial uses to remain on Lot 3 Block B/ Bowlmor).

#### **Adequate Public Facilities and Outside Agencies**

2. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for one hundred twenty (120) months from the date of mailing of the Planning Board Resolution, phased in the following manner, as illustrated on the Certified Preliminary Plan:
  - a. First Phase - 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.
  - b. Second Phase - 36 months from the expiration date of the validity period for First Phase.
  - c. Third Phase- 24 months from the expiration date of the validity period for Second Phase.
  - d. Fourth Phase - 24 months from the expiration date of the validity period for Third Phase.

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<sup>1</sup> 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.

Outside Agencies

3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its Traffic Impact Study and Traffic Signal Warranty Study letter dated February 28, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 4, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording any plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
6. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("SHA") in its letter dated August 23, 2018 and as amended by emails dated January 4, 2019 and January 30, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated February 27, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval. All future Site Plans will be required to submit updated stormwater management concept plans to reflect proposed development.
9. 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.

## **Other Approvals**

### **Concurrent Site Plan Approval**

10. Prior to approval of a record plat or clearing or grading for the Subject Property, the Applicant must receive certification of Site Plan No. 820180190. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, landscape, hardscape, open space, sidewalks and bike paths is determined through site plan review and approval.
11. If a proposed site plan amendment for the Subject Property substantially modifies the lots, right-of-way configurations, or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment in conjunction with a site plan amendment.
12. Each site covered by Preliminary Plan 120170170 must obtain Site Plan approval prior to any future development on that particular property.

## **Forest Conservation**

13. For all properties included under Preliminary Plan 120170170, the Applicant must obtain approval of an overall certified Preliminary/Final Forest Conservation Plan (FFCP) from the Planning Department prior to any clearing, grading or demolition for the applicable phase. Future Site Plan approvals for implementation of subsequent phases of the larger site covered by the Preliminary Plan will address the remaining forest conservation requirements associated with each future phase and will include a Final Forest Conservation Plan for those phases. Each Site Plan or Site Plan amendment covered by this overall FFCP must address the following:
  - a. The locations of trees credited towards variance mitigation plantings must be at least 5 feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements.
  - b. Prior to any clearing, grading and demolition for each applicable phase, the off-site forest conservation requirements for each phase must be addressed by submitting a certificate of compliance to use an off-site forest mitigation bank to satisfy the required credits as determined in the certified Forest Conservation Plan.
14. Before demolition, clearing, or grading on the Manor Care Site, the Applicant must record a Category I Conservation Easement among the Montgomery County Land Records by deed. The deed must be in a form approved by the M-NCPPC Office of the General Counsel, and the Book and Page for the easement must be referenced on the record plat.

## **Transportation**

### **Existing Frontage Improvements**

15. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
  - a. All land necessary to accommodate 55 feet from the existing pavement centerline along the Subject Property frontage for River Road (MD 190);
  - b. All land necessary to accommodate a right-of-way width of 120 feet on Westbard Avenue, between River Road and Private Street A, as shown on the Certified Preliminary Plan; and
  - c. All land necessary to accommodate an ultimate right-of-way width of 110 feet Westbard Avenue, between Private Street A/ Westbard Circle and the southern loading entrance, except along Lot 1, Block B (Parking Lot 1) Lot 2, Block B (Parking Lot 2), Lot 3, Block B (Bowlmor), which will be subject to an easement for future right-of-way dedication, as shown on the Certified Preliminary Plan.
16. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to construct sidewalk(s) and separated bicycle lane along Westbard Avenue as shown on the Certified Preliminary Plan.

#### Off-Site Improvements

17. 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.
18. Prior to Use and Occupancy Certificate for the Commercial Building, the Applicant must file for abandonment of portions of Ridgefield Road and Westbard Avenue.
19. If applicable, prior to plat approval for the Manor Care site and in accordance with the Westbard Sector Plan, the Applicant must file a corrective map amendment (CMA) changing the underlying R-60 zone within the Westbard Avenue abandonment limits to be consistent with the CRT 1.0, C 0.25, R 1.0, H 45' zone associated with the Manor Care site.
20. Prior to issuance of the Use and Occupancy Certificate for the 55<sup>th</sup> townhouse unit for Site Plan 820180190, the Applicant must construct and dedicate to public use the realigned Westbard Avenue, as illustrated on the Certified Preliminary Plan. In conjunction, the Applicant must:
  - a. Meet all design standards imposed by all applicable road codes; and

- b. Secure a County Council resolution abandoning the portions of existing Westbard Avenue/ Ridgefield Road rights-of-way that are no longer needed for transportation purposes.

Private Roads

21. The Applicant must provide private roads, "Westbard Circle," "Street A," "Street B," and "Street C," including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
  - a. If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the private Road, the record plat must clearly delineate the Private Road and include metes and bounds description of the boundaries of the Private Road.
  - b. The Private Road must be designed and constructed according to the Montgomery County Road Code Standard MC-2005.01 per the modified typical section specified by the subsequent Site Plan.
  - c. Prior to issuance of the final Use and Occupancy Certificate for the Commercial Building, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
  - d. Prior to recordation of the plat, the Applicant must submit to Staff an agreement or other legal instrument that assigns responsibility for the long-term maintenance of the Private Road. To the extent possible, the agreement must conform to the requirements set forth in the covenant recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338. The agreement must be approved by the Commission's Office of the General Counsel, recorded in the Montgomery County Land Records, and referenced on the plat.
  - e. Prior to issuance of the final Use and Occupancy Certificates for the townhouses on Lots 1-15, Block A at Westwood Shopping Center, all private streets must be completed to base course of asphalt and streetscape improvements completed on the townhouse side of the street and inspected by MCDPS.

### **Record Plats**

22. The Applicant may not perform clearing or grading of any site prior to recordation of the plat for each site.

### **Easements, Dedications, Open Space**

23. The record plat must show necessary easements and dedications.
24. The Applicant must record an easement for the Sector-Plan-recommended pedestrian connection from Westbard Avenue to the future Willett Branch Greenway on Parking Lot 1 (Lot 1, Block B).
25. The record plat must reflect all areas under common ownership.
26. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

### **Parkland**

27. The Applicant must convey in fee simple to the Maryland-National Capital Park and Planning Commission (M-NCPPC), at no cost and via plat at the same time as the first plat for Site Plan 820180190, the following areas for use as public park land for the Willett Branch Greenway, as shown on the Certified Preliminary Plan:
  - i. The portion of unimproved land at Lot 2, Block H, at the existing Westwood II Shopping Center and associated parking lot; and
  - ii. The area shown as Lot 3, Block B.
  - iii. The Applicant must provide for invasive species management in dedicated areas.
28. Prior to the first record plat for Site Plan 820180190, the Applicant must record a covenant to M-NCPPC for future conveyance in fee simple of the portion of land at Lot 2, Block H, currently improved with the existing Westwood II Shopping Center and associated parking lot. The covenant must be shown on the Certified Preliminary Plan and be recorded in the land records of Montgomery County.
29. At Lot 3, Block B (Bowlmor), the Applicant must grant to M-NCPPC a 20-foot-wide parks maintenance access easement reaching the east side of the Willett Branch conveyance area for access to the Willett Branch Urban Greenway.
30. If applicable, prior to any land disturbance, the Applicant must comply with all relevant laws and regulations concerning burial sites and an inventory of burial sites and coordinate all activity relevant to these laws and regulations with Montgomery County Planning Department's Historic Preservation Section Archaeologist.



### **Certified Preliminary Plan**

31. The Applicant must include the stormwater management concept approval letter, other applicable agency letters and the Preliminary Plan Resolution on the approval or cover sheet(s).

32. The certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

33. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a. Revise the Westwood Shopping Center townhouse layout to remove the double 90-degree turn in the proposed alley adjacent to townhouse lots 50-56.
- b. Create a new common ownership parcel behind townhouse lots 62-70 for stormwater management conveyance in accordance with MCDPS approved Stormwater Management Concept Plan.
- c. Revise drawings to show a common ownership parcel for stormwater management behind townhouse lots 57-61.
- d. Revise the Manor Care Category I Easement boundary on all appropriate sheets consistent with the Category I Easement shown on Sheet PP-5.
- e. Rectify inconsistencies between plan graphics/notes/ figures/tables.
- f. Modify data table to reflect development standards approved by the Planning Board.

34. Future Coordination Issues for Site Plan Review

- a. Westwood II

Future development must be designed and constructed to minimize adverse impacts on the future implementation of the Willett Branch Greenway.

- b. Manor Care

- i. Maximize plantings in and along the River Road right-of-way;
- ii. Obtain the services of a consultant specialized in stream restoration to address the details of the environmental enhancements, including:
  1. Bank stabilization/stream enhancements;
  2. Invasive control;
  3. Re/afforestation planting and planting of supplemental native species within retained forest areas within the Category I Easement area and right-of-way, as applicable;
  4. Address fences encroaching into the Category I Conservation Easement on the Manor Care site;

5. Soil restoration for restored areas; and
6. Monitoring and maintenance.
- iii. Revised noise study updated per proposed design.

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 Preliminary Plan substantially conforms to the Master Plan.*

The Approved and Adopted 2016 Westbard Sector Plan ("Sector Plan" or "Plan") envisions Westbard as a vibrant walkable village center adjacent to an enhanced Willett Branch Greenway (Sector Plan, p. 6). Toward that vision, the Sector Plan provided specific recommendations for development of the Subject Property and amenities for the entire Sector Plan area (e.g. the realignment of Westbard Avenue and establishment of the Willett Branch Greenway). Both the site-specific and Sector Plan area recommendations are incorporated in the Subject Application and discussed in more detail below.

The Site is located within the area designated by the Sector Plan as "the Westbard Avenue District." Specific Sector Plan recommendations include transforming the existing surface parking lots into an inviting, livable, walkable village with stores and apartments and providing new open spaces. Each of the site-specific recommendations are summarized below.

#### Land Use

##### Westwood Shopping Center

For the Shopping Center site, designated Site 1, the Sector Plan envisioned a mixed-use commercial and residential redevelopment with a maximum building height of 60 feet. In support of the redevelopment on this site, the Sector Plan recommends a central civic green (measuring approximately 1/3 of an acre), a new neighborhood park, and an internal circulation network.

The Application provides a new mixed-use development with a Multi-Family Building with ground-floor retail, a new Commercial Building (expected to accommodate the new Giant supermarket), and up to 70 townhomes. The Applicant will also design and construct a new central civic green, the new Springfield Neighborhood Green Urban Park to be conveyed to M-NCPPC, and a new internal circulation system. The development on the Westwood Shopping Center site conforms to the recommendations of the Sector Plan.

#### Manor Care

For this site, identified as Site 2, the Sector Plan recommends residential townhouse development, limited to 45 feet in height, with commercial uses on this site strongly discouraged. The development of this site is significantly enlarged by the Sector-Plan-recommended realignment of Westbard Avenue and its intersection with Ridgefield Road, discussed below, and the site layout reflects this major public improvement. The Sector Plan also provides specific restrictions on the location of the townhouses, including behind the existing single-family homes and limiting encroachment into the Stream Valley Buffer around the Kenwood Tributary, except where removal of existing paved areas is necessary to mitigate and replant the northerly strip along River Road. As conditioned, the development conforms to these recommendations for the purposes of Preliminary Plan review. Development on this site will be the subject of a future Site Plan application and conformance with the Sector Plan will be reevaluated at that time. The Sector Plan (p. 73) also identifies the possibility for a Corrective Map Amendment that would involve the Manor Care site combined with the road abandonment.

#### Westwood II

For this site, identified as Site 3, the Sector Plan recommends a mixed-use development with a maximum building height of 75 feet coupled with the naturalization of the Willett Branch, which runs through the northern portion of the Subject Property. This site is also significantly impacted by the recommended realignment of Westbard Avenue and Ridgefield Road. The reduced site is reflected on the Preliminary Plan and as conditioned at this stage conforms to the recommendations of the Sector Plan. Development on this site will be the subject of a future Site Plan application and will be re-evaluated then.

#### Transportation Network

As a major improvement to the circulation system of the Sector Plan Area, the Sector Plan recommends the realignment of Westbard Avenue (Street B-1), and its intersection with Ridgefield Road. As part of the Subject Application, in coordination with County and State transportation agencies, the Applicant will construct the realigned Westbard Avenue. Additionally, the Applicant will implement Sector-Plan-recommended streetscape improvements along Westbard Avenue to improve the safety and comfort of all roadway users. As conditioned, the Applicant will provide the necessary improvements to the transportation network and satisfies the Sector Plan recommendations.

#### Open Space and Environment

As discussed above, the Public Open Spaces are consistent with the Sector Plan recommendations. Specific discussion of each of these elements is discussed below:

- **Central Civic Green:** The Sector Plan recommends a new Central Civic Green, measuring between one-half acre and one-third acre, to be located on the Westwood Shopping Center site. The Sector Plan envisions this Public Open Space as a gathering place supported by amenities necessary to make the space an appealing destination for the entire community.
- **Springfield Neighborhood Green Urban Park:** The Sector Plan recommends a new neighborhood park, measuring between one-half acre and one-third acre, at the intersection of Ridgefield Road and Westbard Avenue. Although this space is envisioned as a buffer between the Westwood Shopping Center site and adjacent Springfield Neighborhood, the Sector Plan specifically recommends that it be programmed to serve both workers from the Westbard Avenue District and residents from the neighborhood and designed for more activity than an urban buffer park.
- **Willett Branch Greenway:** The Sector Plan envisions rehabilitation of the Willett Branch to improve both its ecology and community benefit. Toward this goal, the Sector Plan recommends that the Willett Branch be buffered from development, naturalized, and improved with environmentally sensitive public amenities.

As conditioned, the open spaces and Willett Branch accommodations satisfy the Sector Plan recommendations.

### Housing

The Sector Plan places a high priority on the provision of new affordable housing for Optional Method development. Since the development is under the Standard Method, this recommendation does not strictly apply. However, with over 500 new dwelling units, the development will provide 63 total new MPDUs in both the multi-family and townhouse units.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

As a Preliminary Plan application accepted on December 20, 2016, The Application was reviewed under the Subdivision Regulations in effect prior to February 13, 2017, and the 2012 – 2016 Subdivision Staging Policy (SSP). For this reason, technical evaluation of the intersection capacity is based on the Critical Lane Volume (CLV) methodology and is limited to vehicular impacts rather than the Highway Capacity Manual (HCM) methodology and multi-modal analysis associated with the current 2016-2020 SSP.

The Applicant submitted a transportation study, dated June 14, 2018, estimating the development's impact to the transportation network. Based on that analysis, sufficient intersection capacity exists to serve the Project. The Applicant will implement interim improvements to improve existing transportation issues on Westbard Avenue and will implement the Westbard Avenue Realignment, which is anticipated to improve traffic flow in the immediate vicinity of the project.

### School Adequacy Analysis

#### **Overview and Applicable School Test**

Preliminary Plan 120170170, Westwood Shopping Center, is subject to the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018. The Application includes 410 multifamily high-rise dwelling units and 106<sup>2</sup> single family attached dwelling units on land with no dwelling units currently.

#### **Calculation of Student Generation**

To calculate the number of students generated by the development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the southwest region of the County.

Per Unit Student Generation Rates – Southwest Region

	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>SF Detached</b>	0.193	0.111	0.147
<b>SF Attached</b>	0.191	0.094	0.124
<b>MF Low- to Mid-Rise</b>	0.146	0.063	0.083
<b>MF High-Rise</b>	0.055	0.022	0.031

With a net of 410 new multifamily high-rise dwelling units and 106 new single family attached dwelling units, the project is estimated to generate the following number of students:

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<sup>2</sup> School capacity analysis tested for 106 SF Attached, however the latest submitted plans include 104 SF Attached.

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
<b>SF Attached</b>	106	0.191	20.246	0.094	9.964	0.124	13.144
<b>MF High-rise</b>	410	0.055	22.550	0.022	9.020	0.031	12.710
<b>TOTAL</b>	<b>516</b>		<b>42</b>		<b>18</b>		<b>25</b>

This project is estimated to generate 42 new elementary school students, 18 new middle school students, and 25 new high school students.

#### Cluster Adequacy Test

The project is located in the Walt Whitman High School Cluster. The student enrollment and capacity projections from the FY19 Annual School Test for the Whitman Cluster are noted in the following table:

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	2,410	2,539	94.9%	3,047	2,452
Middle	1,336	1,502	88.9%	1,803	1,354
High	2,129	2,397	88.8%	2,877	2,154

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment plus the estimated impact of this Application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

#### Individual School Adequacy Test

The applicable elementary and middle schools for this project are Wood Acres ES and Thomas W. Pyle MS, respectively. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus / Deficit	120% Utilization	Surplus / Deficit	
Wood Acres ES	641	725	88.4%	+84	871	835	683
Pyle MS	1,336	1,502	88.9%	+166	1,803	1,682	1,354

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this application falls below both applicable moratorium thresholds for both Wood Acres ES and Pyle MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

#### **School Capacity Analysis Conclusion**

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development included in this application.

#### **Other Public Facilities**

Public facilities and services are available and will be adequate to serve the development. The Subject Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Subject Property. Electrical, telecommunications, and gas services are also available to serve the Subject Property.

#### **Adequate Public Facility Validity Period**

In accordance with Section 50-20(c)(3)(B) of the Subdivision Code, the Applicant requested a validity period longer than the minimum specified in the Code. That request set forth a detailed phasing plan demonstrating when each phase of

development would be completed. As conditioned, the Adequate Public Facility review for the Preliminary Plan will remain valid for one hundred twenty (120) months, phased in the following manner:

1. First Phase - 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.
  2. Second Phase - 36 months from the expiration date of the validity period for First Phase.
  3. Third Phase- 24 months from the expiration date of the validity period for Second Phase.
  4. Fourth Phase - 24 months from the expiration date of the validity period for Third Phase.
3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The size, width, shape, and orientation of the lots is appropriate for the location of the subdivision taking into account the recommendations included in the Sector Plan, and for the type of development or uses contemplated. The Application complies with the land use recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the mix of uses. Under Section 59.4.5.4 of the Zoning Ordinance, the dimensional standards for the lot will be determined with approval of the subsequent Site Plans.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The entire site is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). A Preliminary Forest Conservation Plan (PFCP) has been submitted for the all the properties under ownership of the Applicant in the Westbard area and a Final Forest Conservation Plan (FFCP) has been included for the Westwood Shopping Center site. As typical with other phased projects, the forest conservation requirements for any particular phase must be satisfied before any clearing or grading occurs within that phase. The afforestation requirements will be satisfied in part 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.

#### B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to ten (10) Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

Table 7: VARIANCE TREES AS PROPOSED FOR REMOVAL

Tree #	Scientific Name/ Common Name	D.B.H (inches)	Field Condition	CRZ Impacts (%)	Disposition
12	<i>Quercus palustris /pin oak</i>	38	Good	N/A	Removal
13	<i>Quercus palustris /pin oak</i>	30	Fair/Poor	N/A	Removal
14	<i>Quercus palustris /pin oak</i>	30	Poor	N/A	Removal
37	<i>Quercus palustris /pin oak</i>	34	Good	N/A	Removal
1014	<i>Prunus serotina/black cherry</i>	40	Fair	N/A	Removal
1006	<i>Robina psuedocacia/ black locust</i>	30	Fair	N/A	Removal

Table 8: VARIANCE TREES AS PROPOSED FOR IMPACT

Tree #	Scientific Name/ Common Name	D.B.H (inches)	Field Condition	CRZ Impacts (%)	Disposition
3	<i>Quercus palustris /pin oak</i>	31	Good	25.2	Save
4	<i>Quercus palustris /pin oak</i>	30	Good	30.1	Save
22	<i>Quercus palustris /pin oak</i>	36	Good	4.3	Save
1018	<i>Robina psuedocacia/ black locust</i>	30	Fair	23.2	Save

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Most of the removals are for subject trees in the ROW and their retention would otherwise preclude the Sector-planned ROW modifications. Furthermore, the impacts to tree 1018 are needed to implement an environmental enhancement project which is also recommended by the Sector Plan. Therefore, the variance request would be granted to any Applicant in a similar situation.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is based on development allowed under the existing zoning and recommended by the Sector Plans. The variance can be granted under this finding if the impacts are avoided or minimized and that any necessary mitigation is provided as conditioned.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is generally a result of the implementation of the Sector Plan recommendations and not as a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality. The subject area currently contains widespread areas of impervious surfaces with no known SWM facilities. The redevelopment will include green roofs and other formal SWM treatments in addition to environmental enhancements within the SVB at the Manor Care site (such as the removal of a linear parking lot and replacement with forest plantings in addition to stream bank stabilization work). Other water quality aspects of the project include dedication of land for the Willett Branch Greenway which will ultimately remove the existing concrete channel as part of the overall for stream naturalization. The DPS review and approval of the sediment and erosion control and stormwater management plans will help ensure that appropriate standards are met.

Additionally, the variance mitigation plantings will contribute to the water quality goals.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees at a ratio of approximately 1" DBH for every 4" DBH removed. No mitigation is required for Protected Trees impacted but retained.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on February 27, 2019. As the Applicant proceeds with future development of the properties covered by this Preliminary Plan, DPS will be reviewing updated stormwater concept plans at the time of Site Plan.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 120 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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.

  
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Casey Anderson, Chair  
Montgomery County Planning Board



**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  
MNCPPC Legal Department  
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8187 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
E-Mail: mcp-chair@mncppc-mc.org

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 to 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:<sup>1</sup>

### **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 to 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.

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<sup>1</sup> 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 46<sup>th</sup> 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 46<sup>th</sup> 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:

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

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 Site Plan No. 820180190  
 Westwood Shopping Center  
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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 Non-Residential	n/a n/a	0.68/369,292 0.31/171,232
	<b>TOTAL</b>	<b>1.0/540,524</b>	<b>1.0/540,524</b>
	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
	Building in side street BTA	35%	N/A
	General (Commercial Building)		
	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



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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> Modification requested pursuant to Section 59.4.5.3.C.5 of the Zoning Ordinance.

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

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

Site Plan Data Table			
6.2.4.B	Blank wall, side/rear (max)	35'	35'
	<b>Vehicular Parking spaces (minimum/maximum)<sup>7</sup></b>		
	Multi-Use – Multi-Family Building <sup>8</sup>		
	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	
	<b>TOTAL</b>	<b>332/511</b>	<b>420<sup>8</sup></b>
	Commercial Building		
	Retail/Service Establishment (118,809)	416/713	
	Office (5,074)	11/16	
	<b>TOTAL</b>	<b>427/729</b>	<b>444<sup>9</sup></b>
	Townhouse		
	Market-rate units (61)	61/122	
	MPDUs (9)	5/18	
	<b>TOTAL</b>	<b>66/140</b>	<b>140<sup>10</sup></b>
	<b>Bicycle Parking spaces (long term/short term)</b>		
	Multi-Use (Multi-Family Building)		
	Residential (200 units)	95/5	95/5
	Retail/Service Establishment (42,069 sf)	1/4	1/4
	<b>TOTAL</b>	<b>96/9</b>	<b>96/9</b>
	Commercial Building		
	Retail/Service Establishment (124,089 sf)	2/11	2/11
	Office (5,074 sf)	2/0	2/0
	<b>TOTAL</b>	<b>4/11</b>	<b>4/11</b>

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

<sup>8</sup> 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.

<sup>8</sup> Parking for multi-family units to be leased separately from units.

<sup>9</sup> 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.

<sup>10</sup> 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

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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

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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



## DEPARTMENT OF TRANSPORTATION

Marc Elrich  
County Executive

Christopher Conklin  
Director

October 26, 2020

Mr. Matthew Folden, Planner Coordinator  
Down-County Division  
The Maryland-National Capital  
Park & Planning Commission  
2425 Reedie Drive  
Wheaton, Maryland 20902

RE: Preliminary Plan Amendment  
Plan No. 1217017A  
Westwood Shopping Center

Dear Mr. Folden:

We have completed our review of the amended preliminary plan uploaded to eplans on September 21, 2020. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on July 7, 2020. The amended plan adds a loading area, accessible from Westbard Avenue, to the proposed building located on Lot 1, Block H. The preliminary plan (#120170170) was originally reviewed and recommended for approval under the MCDOT letter dated March 4, 2019. All conditions from the March 4, 2019 letter remain applicable unless modified below in this letter. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

Significant Plan Review Comments

1. We have reviewed the vehicle turning movement drawings dated July 21, 2020 for the proposed loading access on Westbard Avenue. The vehicle turning movements for an SU-30 truck are based upon a head-in, head-out movement to and from Westbard Avenue. MCDOT **approves** the location of the proposed loading area entrance based upon the turning movements.
2. The loading area entrance shall be per Montgomery County standard MC-302.01.

**Office of the Director**

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX  
www.montgomerycountymd.gov

*Located one block west of the Rockville Metro Station*

Mr. Matthew Folden  
Preliminary Plan No. 12017017A  
October 26, 2020  
Page 2

Standard Plan Review Comments

3. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.
4. This proposed entrance falls within the Bicycle Pedestrian Priority Area (BPPA). Therefore, the proposed driveway should be at-grade with the sidewalk and then drop down to meet the street elevation.
5. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
  - A. Paving, curbs, gutters and sidewalks, associated with this amended plan and entrance, along Westbard Avenue.
  - B. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
  - C. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
  - D. The developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this sketch plan. If you have any questions or comments regarding this letter, please contact me at [william.whelan@montgomerycountymd.gov](mailto:william.whelan@montgomerycountymd.gov) or (240) 777-2173.

Sincerely,

*William Whelan*

William Whelan  
Development Review Team  
Office of Transportation Policy

Enclosures (1)

Sight Distances



Mr. Matthew Folden  
Preliminary Plan No. 12017017A  
October 26, 2020  
Page 3

Sharepoint/transportation/director's office/development review/WhelanW/120170170 Westwood Shopping Center  
/12017017A Westwood Shopping Center – MCDOT Review Letter 102620.docx

cc: Plan letters notebook

cc-e:	Sam Stiebel	Equity One (Northeast Portfolio), LLC
	Kevin Johnson	Johnson Bernat Associates
	Andrew Bradshaw	Johnson Bernat Associates
	Erin Girard	Linowes and Blocher, LLP
	Kwesi Woodroffe	MSHA District 3
	Sandra Brecher	MCDOT CSS
	Beth Dennard	MCDOT CSS
	Deanna Archey	MCDOT DTS
	Sam Farhadi	MCDPS RWPR
	Marie LaBaw	MCFRS
	Mark Terry	MCDOT DTEO
	Vincent Ho	MCDOT DTEO
	Wayne Miller	MCDOT DTS

**DPS-ROW CONDITIONS OF APPROVAL****September 24, 2020****820200200 Kensington of Bethesda**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

**“07-SITE-820200200-SP-001.pdf V3”** uploaded on/ dated **“9/21/2020”**,  
**“07-SITE-820200200-SP-006.pdf V3”** uploaded on/ dated **“9/21/2020”**,  
**“08-LL-820200200-004.pdf V4”** uploaded on/ dated **“9/21/2020”**.

The followings need to be addressed prior to the certification of site plan:

1. Please change note 11 on sheet 1 to: “Streetscape along Westbard Avenue is shown for reference only and is subject to review and approval of ROW permit 377019, the “Westbard Avenue realignment”. The Westbard Avenue realignment is subject to approved conditions of Preliminary Plan 120170170.”
2. Please label the southern entrance as garage access only (no truck entry).
3. Relocate the proposed streetlight outside of the service drive.
4. Provide public sidewalk:
  - a. to ADA standards (minimum five feet wide) and label it accordingly;
  - b. ensure 1' of maintenance strip has been provided; provide PIE if needed;
  - c. Show handicap ramps where needed;
  - d. Provide ramp for cycle track as well at intersections;
  - e. ensure all handicap ramps have receiving ramps and are aligned with them;
  - f. Need dual ramps at intersections if crossing at both directions are planned;
  - g. Label that proposed sidewalk needs to be per MC-110.01 and bike path per section on MC-217.04.
5. Proposed storm drain system:
  - a. Relocate the storm drain to the green space panel;
  - b. Minimize under drain connections to the storm drain system and provide to the structures instead of pipes;
6. Please correct the landscape plans as they do not seem to include the area next to the road pavement within ROW; neither along the site frontage nor across Westbard Ave. Provide street trees:
  - a. Between sidewalk and curb; approved major species at 50' +/- 5'.
  - b. Within the proposed planter boxes; approved minor species at 30' +/- 5'.
  - c. Stagger them between the two rows of trees to minimize conflicts.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

July 24, 2020

Mr. Andrew M. Bradshaw, P.E.  
Johnson Bernat Associates, Inc.  
205 N. Frederick Ave., Suite 100  
Gaithersburg, MD 20877

Re: **SITE DEVELOPMENT STORMWATER  
MANAGEMENT PLAN** for  
5110 Ridgefield Road / Kensington of Bethesda  
Project Phase 2B of SWM No. 282495  
Preliminary Plan #: 120170170  
SM File #: 286122  
Tract Size/Zone: 0.74 AC. / CRT-1.5  
Total Concept Area: 1.09 acres  
Lots/Block: 3/H  
Parcel(s): B  
Watershed: Little Falls Branch

Dear Mr. Bradshaw:

Based on a review by the Department of Permitting Services Review Staff, the Site Development Stormwater Management Plan for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via ESD to the MEP. Full Treatment for this site is provided using micro-bioretenention planter boxes and green roof. **This letter supplements the Combined Stormwater Management Concept #282495 letter approved on February 27, 2019 and revised on July 22, 2020 (or the latest revision), for Phase 2B only.**

The following **items** will need to be addressed **during/prior to** the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping in areas located within the stormwater management easement which are shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. You must use the latest MCDPS design criteria at the time of plan review submittal.



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)

Mr. Andrew M. Bradshaw, P.E.  
July 24, 2020  
Page 2 of 2

6. Provide a minimum of 430 square feet of 8" green roof. At time of plan submittal try to increase the amount of green roof area. This will allow you to reduce the size of the micro-bioretenment facilities.
7. Green roof must be designed by a professional with green roof experience.
8. All covered parking must drain to WSSC. Provide a copy of the drain schematic showing the riser diagrams with the garage draining to WSSC.
9. Provide a copy of the roof drain schematics and riser diagrams showing what areas drain to each micro-bioretenment practice.
10. Access to all stormwater facilities for maintenance and inspection must be through common areas only and not through private rooms.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the final stormwater management design plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6322.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: dwk

cc: N. Braunstein  
SM File # 286122

ESD: Required/Provided 4,679 cf / 4,686 cf  
PE: Target/Achieved: 1.8"/1.8"  
STRUCTURAL: 0.0 cf  
WAIVED: 0.0 ac.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

July 22, 2020

Mr. Andrew M. Bradshaw, P.E.  
Johnson Bernat Associates, Inc.  
205 N. Frederick Ave., Suite 100  
Gaithersburg, Md 20877

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN  
Revision (Phase 1 and Phase 2A) and a  
Concept Plan (Phase 2B and 2C)** for  
Westwood Shopping Center  
Preliminary Plan #: 120170170  
SM File #: 282495  
Tract Size/Zone: 16.55 Ac./CRT-2.5,2.0,1.5&1.0  
Total Concept Area: 16.34 Ac.  
Lots/Block: A-4  
Parcel(s): 360  
Watershed: Little Falls Branch

Dear Mr. Bradshaw:

This conceptual package seeks approval for four phases of development. These are Phase 1, Phase 2A, Phase 2B, and Phase 2C. **This letter replaces the previous approval letter dated February 27, 2019.**

**Phase 1 and 2A:** DPS understands these phases of the project will be seeking a combined Preliminary Plan/Site Plan approval. As such, this stormwater management conceptual approval for Phase 1 and Phase 2A will be a Combined Stormwater Management/Site Development Plan approval.

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management Concept/Site Development Plan for the above-mentioned Phase 1 and Phase 2A are **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP via green roof, micro-bioretenment, permeable pavement, enhanced filters, and structural filtration treatment.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage for Phase 1 and Phase 2A:

1. During the detailed plan review for phase 1, additional locations for incorporation of pervious paving must be provided wherever possible, such as for parking stalls. This may allow for reduction of structural treatment volumes.
2. All micro-bioretenment practices shall include 24-inches of stone below the invert of the underdrain pipe to encourage additional recharge.



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)

Mr. Andrew M. Bradshaw, P.E.  
 July 22, 2020  
 Page 2 of 3

3. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
4. An engineered sediment control plan must be submitted for this development.
5. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
6. You must use the latest MCDPS design criteria at the time of plan submittal.
7. There is to be no dead storage in the structural vault systems.
8. Provide flow splitters to all vaults.
9. Provide pretreatment to the filtering vaults when needed.
10. For Phase 1 the swales and grading to divert offsite drainage to MB-2 & 4, located behind building 8 & 9, must be located on a separate HOA parcel. The swales may not be located on the lots. The swales must be grassed.
11. Placement of fences in back yards of building 8 & 9, of Phase 1, must be above the 10-year flow of the swale and out of the HOA parcel.
12. This list may not be all-inclusive and may change based on available information at the time.

**Phase 2B & 2C:** DPS understands these phases of the project will be seeking Preliminary Plan approval at this time and will be submitted for Site Plan approval at a later date. As such, this stormwater management conceptual approval for Phase 2B and 2C will be a Stormwater Management Concept approval **only at this time.**

**Prior to Planning Board approval of the Site Plan for and part of Phase 2, this stormwater management concept must be formally revised and an approved Site Development Plan (SDP) Approval letter must be issued by DPS. If the Site Plan will be approved in stages, the Site Development Plan revision submittal must specifically refer to the appropriate phase. For the approved Site Development Plan (SDP) Approval letter for Phase 2B see SM# 286122.**

1. Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned **Phase 2B & 2C is acceptable.** The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP with micro-bioretenention, green roof, permeable pavement, enhanced filters, and structural filtration treatment.
2. All micro-bioretenention practices shall include 24-inches of stone below the invert of the underdrain pipe to encourage additional recharge.
3. There is to be no dead storage in the structural vault systems.
4. Provide flow splitters to all vaults.

*Mr. Andrew M. Bradshaw, P.E.*  
*July 22, 2020*  
*Page 3 of 3*

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: CN282495 Westwood Shopping Center Revised.DWK

cc: N. Braunstein  
SM File # 282495

The following project summary is for Phases 1, 2A, 2B, and 2C:  
ESD: Required/Provided 88,157 cf / 47,055 cf  
PE: Target/Achieved: 1.8"/0.97"  
STRUCTURAL: 41,856 cf  
WAIVED: 0.0 ac.



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**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

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**DATE:** 18-Aug-20  
**TO:** Andrew Bradshaw - abradshaw@jba-inc.net  
Johnson Bernat Associates  
**FROM:** Marie LaBaw  
**RE:** Kensington Senior Living @ Westbard Ave - Westwood Shopping Center  
820200200

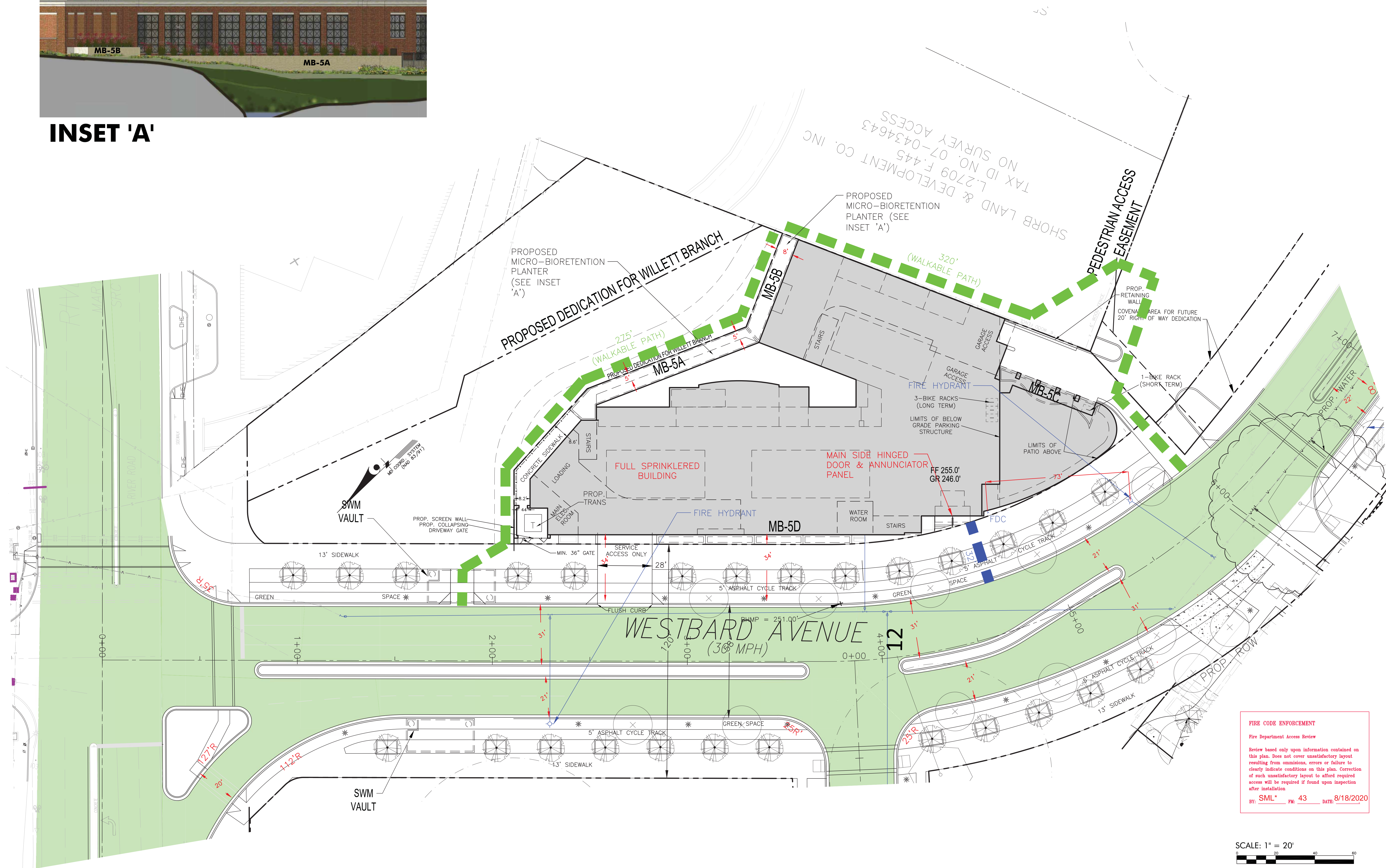
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**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **18-Aug-20**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



### INSET 'A'







# LITTLE FALLS WATERSHED ALLIANCE

## EDUCATION - ACTION - STEWARDSHIP

Sarah Morse  
Executive Director

LFWA Comments on Site Plan 820200200  
Kensington of Bethesda at Westwood II

Board of Directors:

August 31, 2020

Jack Sobel  
President

Mikel Moore  
Vice President

Sara Schneeberg  
Robinson  
Secretary

Jonathan Breul  
Treasurer

Laurie Fink

Randy Lyon

George Wyeth

[Board@lflwa.org](mailto:Board@lflwa.org)

Thank for you the opportunity to comment on the proposed building for the Westwood II site on Westbard Avenue and Ridgefield Road in Bethesda. Little Falls Watershed Alliance (LFWA) has been involved in reviewing and commenting on Westbard redevelopment since 2015, when the first steps were taken to redo the Westbard Sector Plan. We are strong supporters of the Sector Plan's vision for a new stream valley park along a naturalized Willett Branch stream. We look forward to seeing the vision come to fruition and applaud all the hard work made towards that goal by the Parks and Planning Departments and the tremendous support of the Planning board.

The proposed Kensington of Bethesda residential care facility is especially important to the community, as it is located at the gateway of the new park. The design and construction of the building will set the tone for future buildings and define the entrance to the park. Therefore, environmental and aesthetic considerations are paramount to the success of the park and the new naturalized stream.

It appears that at least half of the proposed building is located within the 50-foot stream buffer. It has long been the position of LFWA that there should be no building allowed in the buffer. However, we understand that given the constraints of the site, the existing building in the buffer, and the realignment of Westbard Avenue at that location that the applicant will be allowed to build inside this important environmental line. Given that the building will be in the buffer, the applicant MUST be required to treat the site as an environmentally sensitive area and take extraordinary measures to do no additional harm to the environment. We believe that the new stream should have every possible advantage so that it can establish itself and thrive for generations to come. Further the design of the park, placement of trails and construction of secure retaining walls will serve generations to come. The whole project is a crown jewel for Montgomery County. Our comments are offered with this in mind.

### **Stormwater Management**

We are very pleased to see that the applicant's stormwater plans are relying almost entirely on micro-bioretenention planters which allow the rain water run-off to soak into the ground. As we presented in our comments on the Preliminary Plan, infiltration is key to the success of the new stream. When the rain water is allowed to soak into the soil, it is cleaned and recharges the ground water. As streams depend on ground water for their flow, a robust infiltration system for stormwater management is paramount for a healthy new Willett Branch.

At this site, stormwater management techniques that provide infiltration are not only necessary for the health of the new stream, but also for the safety of the building as they help prevent flooding by sending water into the ground, and not into the storm drain system. Not only is the building located in the 50-foot stream valley buffer, but it abuts the 100-year floodplain. As we have seen in recent storms, the 100-year floodplain is only a line and 100 years is only a suggestion of how often flooding might exceed the area. In Maryland, Ellicott City had two major 100-year floods in the last decade, reminding us why we need stormwater management that infiltrates. The applicant is to be commended for their foresight.

- **Bioretention Planters:**

We were happy to see that a 24" underdrain is required for the micro-bioretention planters. These will help increase the infiltration so necessary at this stream-side site. We are not in favor of the applicant adding more green roof so that they can reduce the micro-bioretentions as suggested in the DPS permit. The bioretentions should remain as shown in the current plan.

It is unclear from the drawings if a patio area on an upper floor of the building is located above the bioretention planters. If so, it should be pulled back in line with the facade. Any overhang will block light to the planter and interfere with its use.

- **Green Roof Treatment Train:**

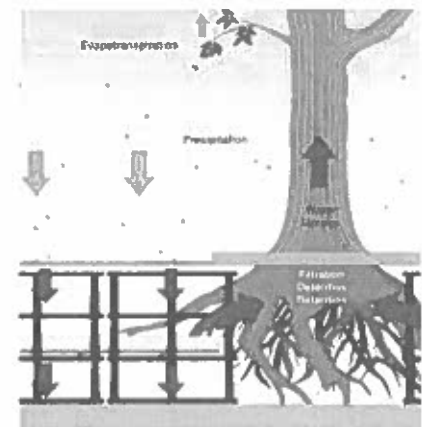
The stormwater management plans call for 430 square feet of green roof. Although, a green roof is an excellent green technology and good for reducing the heat index and also reducing cooling and heating costs for the building, it does not allow the rain water to infiltrate the ground. However, the run-off from the green roof can be directed to one of the bioretentions. The applicant should be required to incorporate this into the roof drain plans. It doesn't add much to the total volume, but in this site, every little bit is important.

- **Permeable Pavement:**

The plans show a concrete path located within the stream buffer. In keeping with the environmental guidelines for NO impervious surfaces in a buffer, this should be a permeable surface as Parks comments have also stated. All hard surfaces in the stream buffer should be permeable unless county code prohibits it.

- **Open Space with Silva Boxes for Trees:**

There are no trees listed for the site. Yes, the site abuts the Willett Branch, but dedication of that land to Parks does not satisfy the need to provide open space. It is our hope that the developer will be required to provide open space on their property, and that this space will include trees. The preliminary plan requires that if there are tree boxes, they must be Silva cells or similar modular suspended pavement systems. This type of box (shown on the right) will allow the trees to grow bigger and treat more stormwater run-off.



### **Building Use, Design, and Location**

While we applaud the developers for their attention to stormwater management—it is so important to the stream that the stormwater infiltrates—the design of the building is a missed opportunity not only for the community but for the developers. To have a building sited along a park is an attractive amenity that increases the value of a property. To build something that essentially makes the park inaccessible to their residents and so small as to be unappealing to the community is not good either for business or for the environment.

- **Building Design, Size and Proximity to the Trail is Not What was Promised:**

Quite frankly, we are disappointed with the enormous size of the building. From the very start of the Westbard redevelopment process, the community was promised a building at this location that embraced the vision of the new park. The original drawings showed trees between the new trail and the building with storefronts and cafes at ground level. Below are the drawings of the redeveloped Westwood II Center that Equity One (now joined with Regency) provided at the first public meetings to plan the park.



Instead, what we got is a plan that squeezes the area so much that it is not even a park, but a scary canyon-like corridor. Not only are there no trees on the property, there is no room for trees and barely room for the trail.

- **No Eyes on the Park:**

Early planning of the Willett Branch Stream Valley Park emphasized commercial and residential buildings with “eyes on the park”. The vision was for the new park to be a major amenity for the new development as well as the surrounding community. There would be cafes and little shops taking advantage of the stream-side location (much like the Carrol Creek Park Project in Frederick, which spurred a vibrant commercial area with the improvement of the stream). In the applicant’s plan, the residents of their building cannot even access the park except through the fire exit in the parking garage. This could not be further from the original vision, and it’s a significant lost opportunity. The developer is not taking advantage of this amenity in their backyard.

Furthermore, the original plan called for a V-shaped building, with windows along the inside of the V. The new plan has no interior opening and therefore many fewer windows. The first several levels of the building above ground are for parking garages, not residential or commercial space. There are no “eyes on the park.”

- **The Building is too Close to the Trail:**

Parks has commented that the building must be moved back at least one foot so that it is not impacted by the 100-year flood plain. We support this comment, and recommend an even further setback as the current plan provides very little breathing room on the sides of the trail. At some places, the walls of the building either touch the trail or come within a few inches. This is scary for trail users. It is easy to imagine a situation where people will be pushed into the walls by other trail users passing aggressively. We see people pushed to the side all the time on the Capital Crescent Trail by large groups or speeding bikes, but at least the Capital Crescent Trail has shoulders.

Pushing the building back a few feet will also site it further from the stream. While the board permitted some encroachment into the 50-foot buffer, the current design allows for much more of the building in the buffer than we anticipated.

- **Canyon-like Effect is Not Pleasing for New Park:**

The towering 2.5 story parking garage along the park creates a canyon-like effect especially when viewed opposite the Kenwood Building (located across the stream). The walls of the parking garage also contribute to the urban heat index. We recommend that the applicant be required to put in green walls here in addition to moving the building back. The micro-bioretentation planters located along the parking garage can provide the necessary space for green wall plants.

### **Open Space, Land Dedication, and Financial Contribution**

Planner Coordinator Matt Folden's comment regarding open space suggest that it could be on or off-site.

*Address how public open space requirements are being met through either on-site improvements or off-site (either improvements or financial contribution). This contribution is separate from the \$500k Willett Branch contribution outlined in the Westwood Shopping Center Site Plan, as the site plan associated with that portion of development also had to meet the open space requirements through the provision of the Civic Green and Springfield Neighborhood Park. (comments, August 17)*

It is our feeling that the open space MUST be provided on-site as more open space on this property will compliment the new park and provide space for much needed trees on the property. One of the goals of Montgomery County is to increase our tree canopy. We can't do it without every developer doing their part.

The developer should also make a substantial financial contribution to the new park. The \$500,000 contribution from Regency was not part of the Preliminary Plan for the Westwood II property, but was a condition in the Site Plan 820180190 (#9) for Westwood I, the Giant site. The developer relies on the park as an amenity for the Kensington building in its Statement of Justification, and should be required to contribute an appropriate share.

Please note that in the Preliminary Plan Resolution, the Westwood II parcel dedication is tied to plat recordings that occur in the Westwood I development. All of the land dedications on the Westwood II property should be made earlier than that if the phasing of construction changes. The dedication of both parcels on the Westwood II site must take place prior to construction of the new Kensington building.

### **The Vision for a Park is for Generations to Come**

The Willett Branch Park may be just a vision today, but it will be an amenity for generations to come. When it is finished, it will provide much needed green space for our community. The Sector Plan describes it as a jewel for Montgomery County. This is our chance to get it right. There is no do-over. With everyone's commitment to the vision, our grandchildren's children will be playing in the sparkling water and enjoying the trails.



Thank you for your hard work on this project.

Sarah Morse

Dear Planning Board and Staff,

Over the summer, we submitted several sets of comments regarding the Kensington Regency proposal for development of Westwood II in Bethesda (Site Plan 820200200 and the associated Preliminary Plan amendment), and do not want to be too repetitive. We thought it might be worthwhile to highlight the major outstanding issues as we see them, incorporating a few new concerns that have come to our attention.

### **Willett Branch Greenway**

As you know from our past comments, we are still unhappy with the plans for the greenway. While we recognize the reasons for delay in its construction, the community still expects a park environment on the Westwood II site once the Kensington building is constructed. We ask that Kensington not only provide the structures and regrading requested by the Parks department (whose comments we support), but that it will also provide plantings that can make the area attractive until the greenway construction takes place – which could be 10-20 years! We feel strongly that Kensington should provide a substantial contribution to the greenway – either in work or in cash, if not both. The community deserves no less, particularly because this was to be the “jewel” of the redevelopment.

We also understand that as part of the new road realignment, the water from the Kenwood tributary will continue to merge into the Willett Branch. We strongly believe that the opportunity to have a small outfall or waterfall at that point on the dedicated land should be part of the construction project; otherwise, this feature will not be possible.

It has also come to our attention that the new building may have footings that extend into the dedicated land and that the developer may refuse to accept the new flood plain elevation that will come with stream naturalization. It is imperative that the entire dedicated land must be made suitable for construction of the greenway before dedication. The building owners and operators must not be allowed to use their status as adjacent property owners to impede park construction and stream naturalization for any reason at a later date.

Further, dedication of land for the park tied to the Westwood I development should be required to occur with the construction of Westwood II, if that takes place first. No use and occupancy permit should be approved until engineers from Parks and DPS certify that the dedicated land is in a condition that will allow for the construction of the park, that it is stable, that the footings and unwanted hardscape are not within dedicated land, and that estimated flood plain projections are acceptable to the property owners and users.

The proposed building needs to better integrate with the park—both in function and design. The employee lounge on a parking level appears to look at the back of the micro-bioretenion planters rather than at the park. The idea that this area will have eyes on the park is good, but it needs to be expanded in a way that works and invites the park into the building in an attractive manner. Green walls on the building would also help.

### **Access around the Building**

For many reasons – fire safety, ADA accessibility, and for the future development of the greenway park trails, the building needs to be moved back sufficiently to allow a bike and pedestrian path all the way

around it. Kensington should build the path – and if that is not acceptable to the board, it should at least provide the space for it. The current plan does not leave enough room for walkers and bikers at the corner, especially given the steep grade.

#### **Traffic light**

We met with DOT. Despite Kensington's assumption that there will be a traffic light at the entrance to the new building in its Statement of Justification, DOT has no current plan to approve a traffic light either at that intersection or at the intersection of Westbard and Ridgefield, where there is an existing light, once the road is realigned. Lights at both of these intersections should be provided for safety regardless of the results of a signal warrant study. Even if DOT is not willing to require lights now, light fixtures should be installed for future lights at both places. Taxpayers should not be required to pay for these lights.

#### **Trucks**

We are concerned that Kensington's representations in the Statement of Justification regarding the timing and number of delivery trucks may not be accurate. We ask that the building owner annually study its truck use and certify to the board that it is complying with its promises under penalty of perjury. We would encourage Regency to help trucks for the Kensington property find a safe and efficient way to make a U-turn after leaving River Road, rather than routing them through Massachusetts Avenue.

In general, we support most of the comments of the Parks and Planning Staff. We expect to give more detailed comments after another round of submissions by the developer. Thank you all for your sustained patience and perseverance in working on this project and reviewing our comments.

Thank you again for your attention.

Sincerely,

Westbard Study Group

Susan Spock

Lynne Battle

Jenny Sue Dunner

Marnie Shaul

**From:** Susan S  
**To:** Folden, Matthew  
**Cc:** "Jenny Sue Dailey"; "LYNNE BATTLE"; "Marnie Shaul"; Dickel, Stephanie; Hisel-McCov, Elza; Mortensen, Paul; Kronenberg, Robert; Cole, Jai; McArdle, Erin; Quattrocchi, Dominic; Paul, Susanne; Gatling, Tsaiquan  
**Subject:** RE: Westwood II/ Kensington of Bethesda Meeting  
**Date:** Thursday, August 6, 2020 8:05:42 PM

**[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.**

Dear Matt and Planners,

Thank you for taking your valuable time to meet with us regarding the Kensington project. We truly appreciate it.

We were very pleased to hear that the Springfield Park will go ahead as planned. We were also interested to learn about Parks' new approach to construction of the Willett Branch Greenway. While we would strongly prefer to have the Kensington/Westwood II area of the Greenway built first, we can understand that building the park all at once could be more economical and practical.

We know that we must more carefully review the new plans to provide comments about the site, but wanted to share what we feel are the most critical issues quickly.

1. It was clear at the Planning Board hearing last year that there was an impasse between staff and Regency over how much the developer should contribute to the Greenway in the Westbard II location. I recall Robert telling me that he hoped the developer would do significant work in that area on the Greenway while constructing the new building. It was made clear to the community that the \$500,000 was a condition of the work on the Giant site—not intended as a contribution for the Westbard II site. Therefore, we would like to see a significant contribution from Kensington towards the park. At a minimum it would be good if this might include:
  - a. Grading requested by Parks that will allow the future greenway to be built, as well as a path around the building that interacts well with adjacent properties. (Note that such a path is contemplated in the fire approval documents)
  - b. SWM access
  - c. Landscaping of the regraded area that makes it attractive, but that can easily be removed when the park is built—there is no need to go for 10 more years without some landscaping on the site. Furthermore, Kensington should be providing funding for this type of open space. In its Statement of Justification, Kensington relies on open space provided by the Greenway, and it is clear that the Greenway will not be built for many years!
  - d. A condition of use and occupancy of the new building that a Parks structural engineer and a DPS structural engineer certify that the Greenway site is accessible for construction and is structurally sound, and that the walls around the stream are stable after building has taken place. Any issues with the wall there or stability of soil must be remedied before use and occupancy. A sediment study should also be requested at that time to ensure the soil is secure.
  - e. An additional substantial financial contribution to the park
2. We agree that the transparency waiver should be rejected. While we believe the allowed 64 parking spaces is not enough, we also think that the sides of the building need to relate to the adjacent areas in a more transparent way. Our first choice would be to have another level of parking below ground;



our second choice would be to find a number that provides an acceptable balance between the need for more parking than the maximum allowed, but also provides an avenue for the desired transparency. Perhaps the 91 spaces proposed in the newly submitted plan may be a compromise as long as there is also more transparency. In the new plans, there is a lounge on P1, but the windows do not appear in the drawing, so it is hard to see whether they actually overlook the park or just view the back of the bioretention planters. It would be nice to see another lounge above that one on the lobby level. We appreciate Paul Mortensen's call for more terraces, to give residents more views and to break up the building façade as well.

3. We are concerned with the lack of traffic lights along the newly built Westbard Avenue intersections, both at the Kensington entrance and at the current Westbard Avenue extension, where all the Ridgefield Road neighborhood traffic from Springfield will have to enter in an awkward turn near the new Manor Care townhouses. There is currently a light at Ridgefield and Westbard, but DOT has not yet approved a replacement light in either location on the rebuilt Westbard Avenue. We would like to know how Springfield traffic will get out without a light. We hope to meet with DOT on this issue. We would like to be sure that infrastructure for lights at both intersections is installed even if the lights are not yet required.
4. We are concerned with truck deliveries to the Kensington building. First, we would like assurances that the number and timing of deliveries in the Statement of Justification will become conditions of approval. Second, we would like to avoid the use of Massachusetts Avenue for trucks, which we believe is the law anyway. Perhaps trucks could use the loading dock by the Giant to turn, as there are not supposed to be many of them?
5. We are a bit unclear as to what a residential care facility means. As we understand it from the Statement of Justification, the facility is not limited to seniors, and residents may have cars. Would the building be able to be changed to a mixed-use apartment building in the future without further approval from the Planning Board?

Thank you again for hearing our concerns. We thank Matt for his email today, and look forward to seeing the summary of your comments on the new drawings for the Kensington building. We look forward to working with you in the next few months.

Stay well!

Sincerely,

Susan Spock  
Lynne Battle  
Jenny Sue Dunner  
Marnie Shaul

**From:** Folden, Matthew [mailto:matthew.folden@montgomeryplanning.org]

**Sent:** Tuesday, August 4, 2020 12:27 PM

**To:** Susan S <susanspk@verizon.net>

**Cc:** Jenny Sue Dailey <jennysuedailey@aol.com>; LYNNE BATTLE <lbattle273@gmail.com>; Marnie Shaul

<marnieshaul@gmail.com>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; McArdle, Erin <Erin.McArdle@montgomeryparks.org>; Cole, Jai <jai.cole@montgomeryparks.org>; Quattrocchi, Dominic <dominic.quattrocchi@montgomeryparks.org>; Paul, Susanne <susanne.paul@montgomeryparks.org>  
**Subject:** Re: Westwood II/ Kensington of Bethesda Meeting

Thanks, Sue. We will hold our meeting as scheduled this week. I look forward to speaking with you.

Regards,

Matt

Matthew Folden, AICP  
Planner Coordinator, Down-County Planning Division  
Montgomery County Planning Department  
matthew.folden@montgomeryplanning.org  
301-495-4539

On Aug 4, 2020, at 11:47 AM, Susan S <susanspk@verizon.net> wrote:

**[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.**

Hi Matt,

Thank you for the options. I think we should go ahead with the meeting, as they seem to be so hard to schedule, and there are other issues besides the park. We would like to meet with Parks at some point.

We very much appreciate your help with this!

Take care,  
Sue

**From:** Folden, Matthew [mailto:matthew.folden@montgomeryplanning.org]  
**Sent:** Tuesday, August 4, 2020 10:05 AM  
**To:** Susan S <susanspk@verizon.net>  
**Cc:** Jenny Sue Dailey <JennySueDailey@aol.com>; LYNNE BATTLE <lbattle273@gmail.com>; Marnie Shaul <marnieshaul@gmail.com>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; McArdle, Erin <Erin.McArdle@montgomeryparks.org>; Cole, Jai <jai.cole@montgomeryparks.org>; Quattrocchi, Dominic <dominic.quattrocchi@montgomeryparks.org>; Paul, Susanne <susanne.paul@montgomeryparks.org>

**Subject:** Westwood II/ Kensington of Bethesda Meeting

Hi Sue,

Some key Parks staff are not able to attend the meeting we scheduled for Thursday.

Planning Staff continue to be available to meet with you if you feel it is worth your time to meet without Parks. If you would like to hold our meeting for Thursday with Planning and set-up a subsequent meeting with Parks, please coordinate with Dom Quattrocchi and Susan Paul (copying me) to identify time that works for all involved.

Please let me know if you would like to hold our previously scheduled meeting for this Thursday.

Regards,

Matt

<image001.png>

**Matthew Folden, AICP**  
Planner Coordinator

**Down-County Planning Division**  
Montgomery County Planning Department  
8787 Georgia Avenue, Silver Spring, MD 20910  
[matthew.folden@montgomeryplanning.org](mailto:matthew.folden@montgomeryplanning.org)  
o: 301.495.4539

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## Citizens Coordinating Committee on Friendship Heights

November 16, 2020

By email

Elza Hisel-McCoy  
Stephanie Dickel  
Matthew Folden  
Montgomery County Planning Department

RE: CCCFH Comments on Kensington of Bethesda's Preliminary Plan and Site Plan

Dear Elza, Stephanie and Matthew:

This letter is written on behalf of the Citizens Coordinating Committee on Friendship Heights (CCCFH) to express our opposition to Equity One's/ Kensington of Bethesda's Preliminary Plan amendment (12017017A) and Kensington of Bethesda's Site Plan (820200200) as they currently appear in DAIC.

CCCFH includes 18 communities in and around the Friendship Heights and Westbard areas, and over 20,000 residents in those communities.

On August 30, 2020 we wrote to you and expressed our concerns. *See* attached letter, which is incorporated by reference. In general, Kensington of Bethesda's Preliminary Plan and Site Plan applications, as they appeared on August 30 in DAIC, have not been modified to meet our concerns. In this letter, we will identify some outstanding, major concerns, and reference as appropriate the August 30 letter for further explanations.

Before we begin, a comment on DAIC is warranted. DAIC does not work with small print and standard-sized monitors. Fine print is not readable. If a reader clicks on "+" at the top of the monitor screen, the center of the page is enlarged, but the sides are eliminated from view. The reader cannot read small print on the sides of documents. If an answer to our concerns resides there, it might as well not exist.

1. The applications need to show that the land to be dedicated to the Parks Department for the Gateway to the Park will be a basic park or in a condition to be readily developed into a suitable park.

There are no M-NCPPC parks in the Westbard area. As previously demonstrated, as part of the Willett Branch Greenway, the Gateway to the Park is called for in the Westbard Sector Plan and strongly supported by the public.

Representing the Communities of Brookdale, Chevy Chase Village, Chevy Chase West, Drummond, Kenwood, Kenwood Condominium, Kenwood Forest II, Kenwood House Cooperative, Little Falls Place, Somerset, Somerset House Condominiums, Springfield, Sumner Village, Village of Friendship Heights, Westbard Mews, Westmoreland, Westwood Mews, and Wood Acres

A major concern is the condition of the part of the Westwood II site to be dedicated to M-NCPPC Parks, at the time of dedication. The applicant's Memo to Dominic Quattrocchi of July 29, point 9 response, as it addresses grading (Rough grading is proposed prior to the turnover of the dedication area to Parks and must tie into the grade of the adjoining property. Design of the trail will require additional grading work.) is cause for substantial concern that the applicant would leave Parks with a pig in a poke. Bear in mind that the public justifiably will want to use the Gateway to the Park area soon after dedication. The plans and the conditions of approval to be proposed in the staff report for the Planning Board resolution(s) (if the project is proposed for approval subject to conditions) must show that rubble and other troublesome materials will be removed, the land to be dedicated will be graded finely at elevations specified by Parks, and fully effective erosion controls will be in place by and on the dedication date. In addition, Kensington needs to provide a park-like setting that the public can use until the Willett Branch Greenway is fully built. All plans need to acknowledge the need for a Park Construction Permit for any work, including demolition, construction activity, grading and storm drain connections, on land that will be conveyed to Parks. If the applications are approved subject to conditions, a condition should require that that DPS and Parks engineers certify that the dedicated land is easily accessible and stable enough for park construction. This certification needs to be in hand before a Use and Occupancy Certificate is issued for the Kensington building. *See generally* August 30 letter at pp. 2-3.

2. The plans need to be revised to move the building back from the property line or, albeit not satisfactory overall, include a documented easement on the American Plant/Shorb property and reflect a revised 100- year floodplain.

Under draft plans filed before our August 30 comments, Kensington of Bethesda proposed to construct the building on the eastern boundary of its land (after the property dedication has occurred). Near where the Willett Branch now begins to be covered, the applicant would put its building up against the American Plant/Shorb property line, which would not allow Fire Department access or accommodate pedestrian access to the future Willett Branch Greenway. *See* [13-FDA-820200200.pdf](#) in site plans; August 30 letter at pp. 4-5. The applicant's revised plans did not move the building, but changed the fire access drawing to indicate a pathway on the American Plant/Shorb property. *See* [13-FDA-820200200-001.pdf](#) (document dated 8/11/2020 but not filed in DAIC until 9/21/2020). From what we can tell, the latter drawing indicates a vague, unsubstantiated easement on the American Plant/Shorb property of some form, referred to on the latter drawing as a walkable path, with the words pedestrian access easement as well.

This remains unsatisfactory for multiple reasons. To begin, in an untrustworthy manner, the document fails to delineate the easement. Where is it? How wide is it? What are its metes and bounds, as provided in property records? When will this pseudo easement come into existence as a real easement and what assures that? Without answers to these questions, fully documented in drawings and in land records, the only conclusion is that there is no easement, which reveals this to be a farce, and requires that the building be moved back from the property line. There are more issues. How will the American Plant property be modified, by whom and when, and what assures it? When time is of the essence, will responders have to spend time cutting through the American plant fence and moving plants and tables? What happens when the American plant/Shorb property is developed and the path referred to on the drawing is encumbered by a

building? And of equal or greater importance from our perspective, there does not appear to be adequate space for a satisfactory trail along the entire length of the Willett Branch Greenway, when the Greenway is fully built.

The addition of an easement would not solve significant problems associated with the facts that space will be tight in the Gateway to the Park and the Greenway Trail to be built will be very close to the property line between Kensington of Bethesda and the Gateway to the Park. *See* August 30 letter at pp 4-5. Much of the to-be-dedicated area where the Willett Branch parallels the proposed Kensington of Bethesda building is about 40 feet wide, from the stream to the proposed building. *See* area to the east of "MB-5A" on drawing "Site, Grading and Utility Plan, 820200200-SP-006.pdf. By the very nature of the area and its future use, a number of elements need to be included in this limited space, including from the Willett Branch, an embankment that extends a considerable distance to the stream which is generally well below the land surface, a large outfall from a pipe originating in the former Manor Care area, vegetated areas, and a hard-surfaced trail entering the area and roughly paralleling the stream. *See* M-NCPPC Parks Willett Branch Greenway Concept Plan for Park Dedication, attached. That trail would connect to segments of the Greenway Trail to be built in connection with future development or acquisitions by Parks.

Making building design accommodations -- a set back from the property line along the to-be dedicated area -- more necessary, in some areas the land area between the stream and the property boundary (after the dedication) is very narrow. The area from the stream to the proposed building wall is only about 20 feet wide at the south end of the building near the words "top of planter" near "MB-5B" on drawing "Site, Grading and Utility Plan," 820200200-SP-006.pdf. *See* M-NCPPC Parks Willett Branch Greenway Concept Plan for Park Dedication.

People do not want their arms against or near a wall when they walk and bicyclists do not want handle bars near a wall or fence. Space needs to be provided by setting back the building wall in the east-most area of the building. More shy distance space is needed for users of the to-be developed Greenway Trail.

In addition, it needs to be made clear that the building footings may not extend onto land to be dedicated to M-NCPPC Parks. Moreover, if the building is not moved back and if it is absolutely necessary, with no other practicable alternative, to service the bioretention filters from Parks property, the easement for servicing the filters must be narrowly tailored and preclude Kensington from arguing that the easement gives it any rights to specify what is done on Parks property. *See* August 30 letter at p. 4.

Two longer term aspects of the Willett Branch Greenway must be considered now. Before turning to them, we note that the applicable Preliminary Plan resolution recognized that "future development must be designed and constructed to minimize adverse impacts on the future implementation of the Willett Branch Greenway." MCPB No. 19-032, p. 8, Para. 34. Along the same lines, the Preliminary Plan resolution states that "the Sector Plan recommends . . . the naturalization of the Willett Branch." p. 10. In light of this directive and the need for functional and harmonious planning for the entire Westwood II area including Kensington of Bethesda and the Gateway to the Park, the effectuation of the Gateway to the Park must be considered in the review of the pending applications. Specifically, we note that stream naturalization is not part of the Kensington proposal. Consistent with the Preliminary Plan, it is necessary to take into

account that the stream channel area will be naturalized and improved after property interests in most or all of the parcels of land for the Greenway are obtained, and that the stream will be modified from its current concrete channel path, which will slow the flow of water, which in turn will raise water levels somewhat in significant precipitation events. This will change the 100-year floodplain to the Ultimate 100-YR Floodplain, as shown on the M-NCPPC Parks Willett Branch Greenway Concept Plan for Park Dedication, attached. Kensington's plans need to assure that heavy equipment can readily operate to naturalize and improve the stream channel. Also, Kensington should accept the new floodplain height needed for Parks to create the Greenway without later objection from Kensington. This should be in drawings or conditions in Planning Board resolution(s).

3. The exterior of the proposed Kensington of Bethesda building needs to be modified and improved from the perspective of eyes on and from the park and so that the park feels like a public space.

There is a considerable history of concerns over the appearance of buildings facing the Willett Branch Greenway. Before the Westbard Avenue HOC building was sold to HOC, there was a discussion of addition of a structure to the rear of the building on what has been tarvia driveway. Gwen Wright expressed concern over the appearance of the potential building from the Greenway. When the Westbard Self Storage facility was before the Planning Board in December of 2017, Commissioner Patterson expressed concern about the appearance of the building, which would face the Willett Branch, and the applicant was required to improve its appearance. As to Kensington of Bethesda, there are a number of comments of record, including from Parks and Planning staffs. *E.g.*, Parks comments to the DRC said M-NCPPC Montgomery Parks has performance objectives for the overall Greenway – including that buildings should not turn their back on the Greenway. But that is what the proposed Kensington building does.

As discussed in our August 30 letter at pp 4-5 and above, space is tight in the Gateway to the Park area. Space is particularly tight in the area from the stream to the proposed building wall is only about 20 feet wide at the south end of the building near the words “top of planter” near “MB-5B” on drawing “Site, Grading and Utility Plan.”

Not surprisingly, the applicant's renditions and elevations in DAIC do not reveal what its building will look like to people on the Greenway trail to be built on the Gateway to the Park. For the location, see M-NCPPC Parks Willett Branch Greenway Concept Plan for Park Dedication, attached, at MB-5B and MB-5A. It will look and feel like a large, looming and hulking brick wall. While not quite as bad as Soviet architecture during the cold war, it will have a cold, hard feel. This is dreadful.

So, what did Kensington do in response to comments? It appears to have added several middle windows on the left side of the building above the ground level, as shown on the south elevation and to have put grilles of some form over 10 brick areas on a parking level. See, [09-ARCH-820200200-007.pdf](#) (drawing dated 9/14/20, filed in DAIC on 9/21/20. The grilles are a small improvement as viewed from a considerable distance, but do not solve the big brick wall appearance and feeling problem from the vantage point of a person walking or biking on the to-be built Greenway trail on the Gateway to the Park. Moreover, the drawing has all the credibility (none) of some sketch plan drawings that developers are not held to, with respect to the grass

slope to the Willett branch and Willett Branch itself. This is the very grass that as discussed above Kensington didn't agree to provide and the stream bank appears out of scale. The grilles, while a slight bit better, do not materially change the appearance of the building. There does not appear to be any real transparency from the building side overlooking the park other than a 9-foot wall and a parking garage facing the park.

In addition, the balcony over one of the bioretention planters needs to be modified, because it would render the filter far less effective.

4. Public open space requirements for the Kensington property need to be met.

Where is the required open space on the Kensington property and how does it meet requirements? *See* August 30 letter at 2.

5. In view of development scheduling changes in Westwood, the land for the Gateway to the Park needs to be conveyed to M-NCPPC at a possibly earlier date that previously indicated.

*See*, August 30 letter at pp. 7-8. Please address this in full.

6. The Plans need to be revised to include more parking spaces.

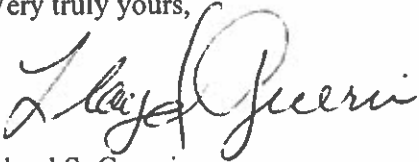
At Kensington's public pre-submission meeting before the initial applications were filed, the public was told there would be 130 parking spaces on site. But the plans show a total of only 91 parking spaces -- 26 at the Lobby Level, 25 at the P1 Level, and 40 at the P2 Level plus eight bicycle spaces for this 155-bed building. It should be noted that Kensington expects to have a peak staff of 50 in a shift, but at shift turnover 70 staff persons may be in the building. Of course, on top of the need for staff parking will be the need for considerable parking for visitors. The Westbard area is poorly served by mass transit. In this context, the number of parking spaces is patently inadequate. Initially, Kensington was seeking a waiver on the number of parking spaces, which should be granted. We have heard that the county planners are considering reducing the parking spaces further below the 91 parking spaces, which obviously is problematic. Regardless of the county planning guidelines, which may work in other locales, the Planning Department should not apply the parking space guidelines in a Procrustean manner here. In the Westbard locale, the new shopping center, apartment and townhouse complex on Westwood I will have limited parking (*see* Site Plan 820180190, MCPB No. 19-033) and overflow parking from Kensington of Bethesda is likely to occur on nearby residential streets, which is most undesirable. Also, some of the visitors may be unable to walk far, so having parking spaces in the building is important.



7. A traffic light needs to be installed.

Near the proposed Kensington building the realigned Westbard Avenue curves and dips down the hill toward River Road, creating a blind spot at the delivery truck area. Below the curve, the sight line is blocked for drivers, bicyclists, and walkers because they cannot see the trucks as they come out of the building. Although the Department of Transportation did a sight study of the trucks coming out of the service area, there was no Sight Study done for the vehicles passing the delivery area on the realigned Westbard Ave. With a traffic light at the intersection just above the service area, the delivery trucks could emerge from the delivery entryway safely.

Very truly yours,



Lloyd S. Guerci

Vice-chair

Citizens Coordinating Committee on Friendship Heights

Cc: Jai Cole

Susanne Paul

Andrew Frank

Erin McArdle

Montgomery County Parks Department

## Citizens Coordinating Committee on Friendship Heights

August 30, 2020

By email

Jai Cole  
Susanne Paul  
Dominic Quattrocchi  
Erin McArdle  
Montgomery County Parks Department  
Elza Hisel-McCoy  
Stephanie Dickel  
Matthew Folden  
Paul Mortensen  
T'saiquan Gatling  
Montgomery County Planning Department

Re: CCCFH Comments on Kensington of Bethesda (Westwood II), Preliminary Plan and Site Plan

Dear Parks and Planning supervisors and staff:

The Citizens Coordinating Committee on Friendship Heights (CCCFH), which includes 18 communities in and around the Westbard sector, is hereby providing these comments on aspects of the Kensington of Bethesda site plan application (820200200) primarily as it relates to the Willett Branch Greenway, and on the preliminary plan application (12017017A) as it relates to timing of the conveyance of part of Westwood II to M-NCPPC Parks.

As you know, the Westbard Sector Plan provides for the Willett Branch Greenway, which will reveal and naturalize the neglected Willett Branch stream to create an open space corridor, providing the Westbard community with access to the stream, native wetland plants and forested areas. The Greenway will also create critical pedestrian linkages between River Road and Westbard Avenue, and to the Capital Crescent Trail. Sector Plan p. 50, 51, 86. The Willett Branch Greenway is envisioned as a regional gem in the Montgomery County park and trail system. Sector Plan p.100.

One element of the envisioned Willett Branch Greenway is at the intersection of realigned Westbard Avenue (now called Ridgefield Road) and River Road, on part of what is now the Westwood II property. Sector Plan pp. 10, 12, 53. The creation of a park in this area requires, in part, a land dedication from Regency to M-NCPPC. See Resolution on Preliminary Plan paragraphs 27 and 28 (May 6, 2019) <https://montgomeryplanningboard.org/wp-content/uploads/2019/05/Westwood-Shopping-Center-Preliminary-Plan-No.-120170170-MCPB-No.-19-032.pdf>.

Representing the Communities of Brookdale, Chevy Chase Village, Chevy Chase West, Drummond, Kenwood, Kenwood Condominium, Kenwood Forest II, Kenwood House Cooperative, Kenwood Place Condominium, Somerset, Somerset House Condominiums, Springfield, Sumner Village, Village of Friendship Heights, Westbard Mews, Westmoreland, Westwood Mews, and Wood Acres

CCCCFH has a number of major concerns about the future Gateway to the Park and the pending Kensington of Bethesda applications. First, we would like to know how Parks expects the to-be-dedicated land to be built out into the Gateway to the Park and how this will fit into the future Willett Branch Greenway. Second, the exterior of the proposed Kensington of Bethesda building needs to be modified and improved from the perspective of eyes on and from the park and so that the park feels like a public space. Third, Kensington of Bethesda proposes to construct the building on the eastern boundary of its land (taking into account the dedication). They would put the building up against the American Plant property line, which would not allow Fire Department access or accommodate pedestrian access to the future Willett Branch greenway. Also, it appears that they could be looking to place part of the footings for the building on to-be-conveyed land. In light of these and other concerns, parts of the building need to be moved back, and as a consequence other adjustments need to be made. Fourth, the developer needs to leave the property that is to be dedicated to M-NCPPC in a good and proper condition, as specified by a Parks permit, so that in short order the public will be able to enjoy it, including before Parks has an opportunity to build the ultimate Gateway to the Park. Fifth, public open space requirements for the Kensington property need to be met. Sixth, what resources, including of the applicant, will be brought to bear to build a suitable Gateway to the Park. Seventh, in view of development scheduling changes in Westwood, the land for the Gateway to the Park needs to be conveyed to M-NCPPC at a possibly earlier date than previously indicated.

Before I set forth comments, I will explain some terms used below. The Willett Branch Greenway is the area that eventually will be built along the Willett Branch. The Gateway to the Park is the area on the Westwood II properties to be conveyed and dedicated to the M-NCPPC Parks Department. At times in other documents this gateway area has been referred to as a green urban park in the Willett Branch Urban Greenway/Stream Valley Park.

These comments are written with the recognition that the Willett Branch Greenway including the Willett Branch stream restoration are projects that will be advanced incrementally, as parcels of property along the Willett Branch are redeveloped and acquired. In some segments, land areas may be improved before the stream itself is restored.

The Gateway to the Park must be devised thoughtfully, consistent with articulated objectives.

The Gateway to the Park can and must be substantially realized as a successful, functioning urban park in connection with the development of Kensington of Bethesda and the dedication of part of the Westwood II property to M-NCPPC Parks.

As recognized in the Preliminary Plan resolution, "Future development must be designed and constructed to minimize adverse impacts on the future implementation of the Willett Branch Greenway." Para. 34. In light of this and the need for functional and harmonious planning for the entire Westwood II area including Kensington of Bethesda and the Gateway to the Park, the effectuation of the Gateway to the Park must be considered now.

We are most appreciative that Parks staff has given considerable thought to the Gateway area, provided comments and prepared a Willett Branch Greenway Concept Plan for Park Dedication (Concept Plan) (plan view, undated, received August 2020).

As Parks stated in its comments to the DRC:

- 5) This section of Willett Branch is a major gateway / entrance trailhead and potential focal point to the greenway. M-NCPPC Montgomery Parks has performance objectives for the overall Greenway . . . and this specific section of the greenway, including:
- a. A safe, accessible gateway area that acts as an inviting entrance to the section of the Willett Branch Greenway between Ridgefield Road and the Capital Crescent Trail. This includes shaded areas, seating, and signage.
  - b. A safe pedestrian and cyclist crossing of River Road at grade.
  - c. Greenway design is seamlessly integrated into the Westwood II development, providing trail users and Westwood II customers with direct, easy, and inviting access between the two spaces, allowing both the Greenway and the Westwood II site to benefit from being adjacent to one another.
  - d. A hard-surface trail extends downstream from the intersection of Ridgefield and River Roads, offering a safe and convenient access for cyclist and pedestrians. This trail provides easy access to the Capital Crescent Trail, the Countywide Recreational Park, the HOC apartments, and to the Westwood Shopping Center.

Also meriting note, the Sector Plan shows a tributary to Willett Branch running along River Road. p. 76. A Planning Department environmental planner, citing the Sector Plan, called for artfully re-engineering and enhancing the existing water features on the east side of Ridgefield Road (Sector Plan p. 76).

The Concept Plan lays out, among others, a Greenway Trail, sloped area toward the Willett Branch, the Willett Branch itself and an outfall and rip rap relating to an underground pipe from the former Manor Care area.

It bears emphasis that space is tight in the Gateway to the Park area. Much of the to-be-dedicated area where the Willett Branch parallels the proposed Kensington of Bethesda building is about 40 feet wide, from the stream to the proposed building. (see area to the east of "MB-5A") on drawing "Site, Grading and Utility Plan"  
[https://eplans.montgomeryplanning.org/UFS/31880/91557/07-SITE-820200200-SP-006.pdf/07-SITE-820200200-SP-006.pdf\\_V2/07-SITE-820200200-SP-006.pdf](https://eplans.montgomeryplanning.org/UFS/31880/91557/07-SITE-820200200-SP-006.pdf/07-SITE-820200200-SP-006.pdf_V2/07-SITE-820200200-SP-006.pdf). By the very nature of the area and its future use, a number of elements need to be included in this limited space, including from the Willett Branch, an embankment that extends a considerable distance to the stream which is generally well below the land surface, a large outfall from a pipe originating in the former Manor Care area, vegetated areas, and a hard-surfaced trail entering the area and roughly paralleling the stream. That trail would connect to segments of the Greenway Trail to be built in connection with future development or acquisitions.

While in general we support the Concept Plan, we believe that benches, a bike rack, shade trees, landscaping and a water feature should be added to the Concept Plan. In addition, as the Resolution on the Preliminary Plan states, the "Sector Plan envisions rehabilitation of the Willett Branch to improve both its ecology and community benefit. Further, the Sector Plan recommends that the Willett Branch be buffered from development, naturalized and improved with environmentally sensitive public amenities." Resolution p. 11.

The proposed Kensington of Bethesda building needs to be modified and improved.

In immediate proximity to the to-be-dedicated park land, on the Kensington of Bethesda property are the proposed micro bioretention structures and building, as well as an egress path. (path appears on <https://eplans.montgomeryplanning.org/UFS/31880/91557/09-ARCH-820200200-002.pdf/09-ARCH-820200200-002.pdf> and <https://eplans.montgomeryplanning.org/UFS/31880/91557/09-ARCH-820200200-003.pdf/09-ARCH-820200200-003.pdf>) These need to fit – functionally and harmoniously with the park. If they do not, they will permanently detract from the Greenway, including its appearance, attractiveness to users, safety and functionality.

We have concerns about the proposed building. Preliminarily, we note that the elevations in the site plan application (<https://eplans.montgomeryplanning.org/UFS/31880/91557/09-ARCH-820200200-007.pdf/09-ARCH-820200200-007.pdf>, see also <https://eplans.montgomeryplanning.org/UFS/31880/91557/09-ARCH-820200200-006.pdf/09-ARCH-820200200-006.pdf>) are not helpful. They do not fairly illustrate the true lack of space between the building and the park, instead showing a seemingly expansive green lawn, and do not appear to depict the true topography from the stream to the building.

As noted in Parks comments to the DRC, M-NCPPC Montgomery Parks has performance objectives for the overall Greenway – including that buildings should not turn their back on the Greenway. Unfortunately, that is what the proposed building does. The exterior elevations may be the result of an approach to building planning that focuses on the interior of a building, but it leaves too much to be desired from the standpoint of its appearance from the Greenway area. Improvements in the appearance as viewed from the park are warranted. Compelling points have been articulated by Paul Mortensen of the Planning Department and Susanne Paul of Parks (need to ensure the park feels like a public space instead of being enclosed on three sides and just the backyard of the building).

The Kensington of Bethesda building must be set back from the property line between Kensington of Bethesda and the property to be dedicated to Parks for Gateway to the Park.

A Concept Plan note says design all retaining walls to be 1 ft off (min) property line. There are at least three reasons for setting the eastern (the side with MB-5A and MB-5B) Kensington building walls back, and some of these dictate that in some places the building should be set back much more than 1 foot. To begin, the footings for the new building should not be on the to-be-dedicated property for the park. Footings transmit loads from a structure to the supporting soil. Ordinarily a footing is considerably wider than the wall that the footing supports and the wall is set back from the footing's edge, at or toward the center of the footing. To the extent that a wall is not centered on the footing, structurally there may be a moment problem. Accordingly, with the footing entirely within the Kensington property (as it will exist after the dedication), it follows that the Kensington building wall and bioretention structures need to be set back from the footing edges and the property boundary.

Second, in some areas the land area between the stream and the property boundary (after the dedication) is very narrow and more shy distance space is needed for users of the to-be developed Greenway Trail. The area from the stream to the proposed building wall is only about 20 feet wide at the south end of the building near the words “top of planter” near “MB-5B” on

drawing "Site, Grading and Utility Plan"

[https://eplans.montgomeryplanning.org/UFS/31880/91557/07-SITE-820200200-SP-006.pdf/07-SITE-820200200-SP-006.pdf\\_V2/07-SITE-820200200-SP-006.pdf](https://eplans.montgomeryplanning.org/UFS/31880/91557/07-SITE-820200200-SP-006.pdf/07-SITE-820200200-SP-006.pdf_V2/07-SITE-820200200-SP-006.pdf). People do not want their arms against or near a wall when they walk and bicyclists do not want handle bars near a wall or fence. Space needs to be provided by setting back the building wall in the east-most area of the building.

Third, as the County's fire and rescue expert, Marie LaBaw, has pointed out to Parks and to Planning, there needs to be space around the proposed building. But the proposed building is against the American Plant property line, which would not allow Fire Department access. In addition, space is needed to accommodate pedestrian access to the future Willett Branch greenway and for crime prevention through environmental design (CPTED) reasons.

Access and utility easements bear heightened scrutiny as they relate to the Greenway.

The applicant seems to want to give property for parkland yet take away property rights in an easement, purportedly to service their facility. Parks fairly says that the applicant shall provide any and all access to their walls and facilities from within their property, and Parkland dedication shall not include maintenance access easements to serve the Applicant. This is in apparent response to the applicant's memo to Dominic Quattrocchi of July 29, 2020 stating: "The Covenant for Future Parkland Dedication for Westwood II contemplates the reservation of certain access and utility easements. The Applicant intends to reserve an access easement for the periodic maintenance of the stormwater facilities as part of the dedication." Response to Point 11.

While we support Parks, if there is a future accommodation, we urge extreme caution. As you will recall, as to Westwood I, the applicant proposed to satisfy its obligations to create Springfield Park by placing it in an area shown as having easements. In fact, one of the easements was for access to Kenwood Place condominiums. In other words, the applicant proposed a not particularly wide park with a road to/from Kenwood Place condominiums going through it. That easement would have eviscerated the park's functionality. The Planning Board did not accept this approach. The lesson learned is to fully understand easements and their impacts.

The same applies here. The metes and bounds of the easements, how they would be used (e.g., subject to a permit) and their impacts on the Greenway need to be fully understood.

Matters related to implementation of the Gateway to the Park need to be addressed.

As I understand Parks' intentions, the Willett Branch streambed itself will not be restored in the Westwood II area until segments(s) larger than Westwood II can be addressed. Recognizing that it may be a long time before the stream is restored, it is imperative that, other than the streambed, the redevelopment of the Gateway to the Park be addressed.

There are a number of concerns and questions.

One is, in what condition will the park area be left after construction of the Kensington of Bethesda building? While notes from Parks say that grading needs to facilitate future stream channel work and Greenway trail construction, the applicant's Memo to Dominic Quattrocchi of

July 29, Point 9 response, as it addresses grading (Rough grading is proposed prior to the turnover of the dedication area to Parks and must tie into the grade of the adjoining property. Design of the trail will require additional grading work.) This is cause for substantial concern that the applicant would leave Parks with a pig in a poke. Bear in mind that we expect that the public will want to use the park area as soon as possible.

A second concern is what is Kensington of Bethesda going to do about some items on the property? There is a large outfall at the end of a pipe from the former Manor Care site, as well as at least one other pipe that discharges into the stream. In addition, as discussed above, Kensington wants an access easement for the periodic maintenance of the stormwater facilities.

Third, what will be advanced by a Park Construction Permit and when will that occur in relation to construction of the building and the dedication of land? As noted in Parks comments to the DRC, all plans need to acknowledge the need for a Park Construction Permit for any work, including demolition, grading, and storm drain connections, on land that will be conveyed to Parks. Applicant will need to coordinate closely with the Parks Department on all details involving the Willett Branch side of the building, including applicant's plan for excavation, retaining walls, storm drain connections, the Kenwood Tributary and more. Work completed on the land to be dedicated is in line with vision and performance objectives of this section of the Willett Branch Greenway. Any impacts proposed to existing or proposed parkland and/or non-park use of parkland will need approval by the Montgomery County Planning Board. The comments further state that appropriate mitigation will need to be agreed upon to offset these proposed impacts prior to Parks staff supporting any recommendations that support these impacts. In our view, engineers from Parks and DPS, possibly with the benefit of work under a Park Construction Permit, should certify that after the grading is completed, the work on rebuilding the walls of the culvert and naturalization can be done in that area without difficulty; and that the land is stable, with no erosion before a use and occupancy permit is issued.

Fourth, what resources can and will be applied to build the Gateway to the Park on the property to be dedicated to M-NCPPC Parks and how will open space requirements be met? Kensington has yet to address how public open space requirements for the Kensington property are being met through either on-site improvements or off-site improvements or financial contributions, which if allowed might include the Gateway to the Park. There should be applicant contributions for the Gateway to the Park related to impacts/ discharges and activities on the Park land such as the discharge from the culvert pipe from Manor Care and any easement to service MB-5A and MB-5B. Further developer support is warranted because some residents of the assisted living facility would use the park and some would delight in seeing the park. A Planning Department environmental planner called for the project to enable the stream to serve as an amenity for adjacent development. Kensington will be better off when the Gateway to the Park has been developed and will be in a less attractive environment if it is not developed.

Fifth, when can and likely will the Gateway to the Park be built? It would be a travesty and lost opportunity to merely do limited grading and plant some grass when the land is conveyed to M-NCPPC and significantly defer the development of a full and true urban park.

The resolution on the Preliminary Plan needs to be updated.

The Preliminary Plan resolution - <https://montgomeryplanningboard.org/wp-content/uploads/2019/05/Westwood-Shopping-Center-Preliminary-Plan-No.-120170170-MCPB-No.-19-032.pdf> (May 6, 2019) - provides in part:

27. The Applicant must convey in fee simple to the M-NCPPC [spelled out], at no cost and via plat at the same time as the first plat for Site Plan 820180190, the following areas for use as public park land for the Willett Branch Greenway, as shown on the Certified Preliminary Plan:

i. The portion of unimproved land at Lot 2, Block H, at the existing Westwood II Shopping Center and associated parking lot; and

...

28. Prior to the first record plat for Site Plan 820180190, the Applicant must record a covenant to M-NCPPC for future conveyance in fee simple of the portion of land at Lot 2, Block H, currently improved with the existing Westwood II Shopping Center and associated parking lot. The covenant must be shown on the Certified Preliminary Plan and be recorded in the land records of Montgomery County.

Initially, Westwood I was going to be redeveloped before Westwood II. Paragraph/condition 28 of the resolution on the Preliminary plan was written in that context. But Westwood I has been delayed and Westwood II has been advanced.

To assure timely dedication, the area shown as proposed dedication for Willett Branch on [https://eplans.montgomeryplanning.org/UFS/31880/91557/07-SITE-820200200-SP-006.pdf/07-SITE-820200200-SP-006.pdf\\_V2/07-SITE-820200200-SP-006.pdf](https://eplans.montgomeryplanning.org/UFS/31880/91557/07-SITE-820200200-SP-006.pdf/07-SITE-820200200-SP-006.pdf_V2/07-SITE-820200200-SP-006.pdf) needs to be dedicated as follows:

The Applicant must convey in fee simple to the M-NCPPC [spelled out], at no cost and via plat at the earlier of (a) the first plat for Site Plan 820180190 and (b) the issuance of the Use and Occupancy Certificate for the Kensington of Bethesda assisted living facility, the following area for use as public park land for the Willett Branch Greenway, as shown on the Certified Preliminary Plan:

i. The portion of unimproved land at Lot 2, Block H, at the existing Westwood II Shopping Center and associated parking lot; and

and

The Applicant must convey in fee simple to the M-NCPPC [spelled out], at no cost and via plat no later than the issuance of the Use and Occupancy Certificate for the Kensington of Bethesda assisted living facility, the following area for use as public park land for the Willett Branch Greenway, as shown on the Certified Preliminary Plan: the portion of land at Lot 2, Block H, currently improved with the existing Westwood II Shopping Center and associated parking lot.



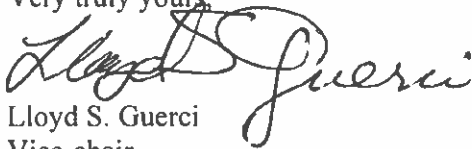
Other provisions relating compliance with the Park Construction Permit as a precondition to the Use and Occupancy Certificate for the Kensington of Bethesda assisted living facility should be considered.

The Resolution on the Preliminary Plan needs to be reevaluated to assure that the proper parties are named

The Preliminary Plan referred to the applicant as Equity One (Northeast Portfolio) LLC. The owner of the assisted living facility is listed as Equity One. The developer is listed as Michael Rafeedie, Regency Kensington Bethesda Ow, 11921 Freedom Drive, Reston, VA.

Our concern is that the ultimate Planning Board resolution have operative effect to the correct party(ies).

Very truly yours,

A handwritten signature in black ink, appearing to read "Lloyd S. Guerci", written in a cursive style.

Lloyd S. Guerci  
Vice-chair

Citizens Coordinating Committee on Friendship Heights

WILLETT BRANCH GREENWAY  
CONCEPT PLAN FOR PARK DEDICATION

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37035

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**The Maryland-National Capital  
Park and Planning Commission**  
Montgomery County's Department of Parks  
9500 Branch Avenue  
Silver Spring, Maryland 20901  
(301) 495-2535



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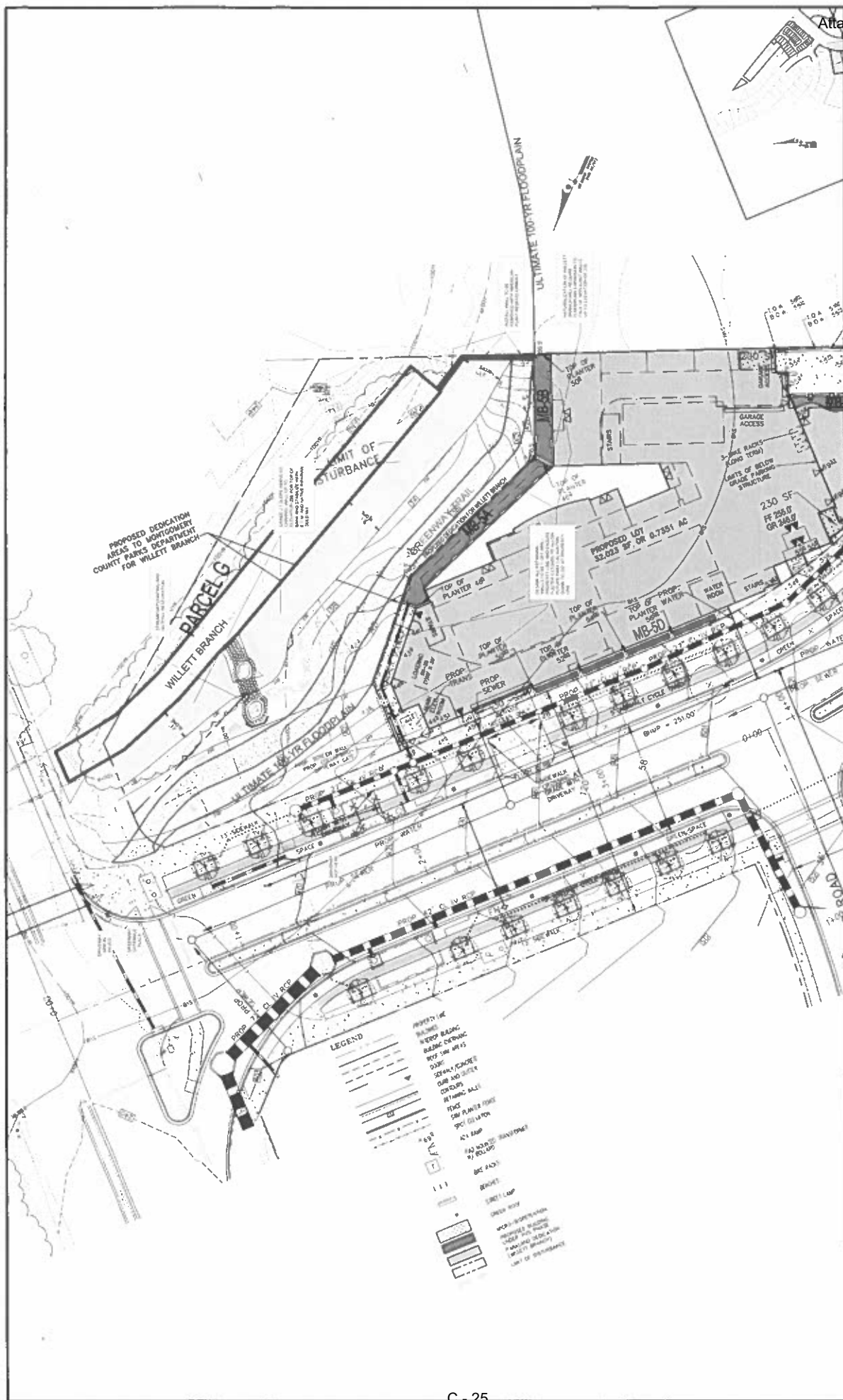
Professional Certification. I hereby certify that these documents were prepared or approved by me and I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. \_\_\_\_\_

Expiration Date \_\_\_\_\_

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# Springfield Civic Association

December 1, 2020

## Comments on the Kensington of Bethesda and related issues regarding the Westwood Redevelopment

The Springfield Civic Association (SCA) represents a residential community of 650 homes surrounding the Westwood redevelopment area. Following are our major concerns with Regency Centers' current plans.

### Issues related to the realigned Westbard Avenue

1. **Due to safety concerns, a traffic light is needed at the intersection of Ridgefield Road/5500 block of Westbard Ave. and the new realigned Westbard Ave.** Although the May 17, 2018 Montgomery County Department of Transportation (MCDOT) traffic warrant studies determined that the traffic volume did not merit a traffic light, we are concerned about safety issues if there is no traffic light at this intersection. Although the speed limit is 25 miles per hour all along Westbard Ave., drivers consistently exceed the speed limit along this section. Currently, drivers heading toward River Rd. barely slow down to make a right-hand turn at the traffic light on the corner of the Westwood II building. Without a traffic light at the new intersection, drivers aspiring to go out to River Rd. will need to cross the traffic coming from River Rd. toward the shopping center and Massachusetts Avenue.
2. **Without a traffic light or even a walkway, pedestrians are expected to cross five lanes of traffic to reach the 23 Ride On bus and school buses.** During rush hour, with cars streaming non-stop on Westbard Ave., it too dangerous to cross the street. The omission of a traffic light and a crosswalk is not consistent with the county's important Vision Zero pedestrian initiative. Without a working traffic signal, we can predict that accidents will occur with the increased truck delivery and pedestrian traffic. There have been several accidents at the intersection of Ridgefield Rd. and Westbard Ave. due to students running to catch the school bus. In another case, a young biker was hit by a car at that intersection. It is a busy corner.
3. **The absence of a traffic signal creates a significant barrier to the neighborhood's use of public transportation**—i.e., the Ride On bus and the WMATA bus to the Metro. During rush hour, with cars streaming non-stop on Westbard Ave., making it too dangerous to cross the street, individuals will have to drive to the Metro or to work. The absence of a traffic signal undercuts the County's interest in having people use public transportation.
4. Another hazard is that the road curves and dips down the hill near the Kensington Senior Living building, **creating a blind spot as vehicles drive toward River Rd.** The delivery truck area is below the curve, blocking the sight line for drivers, bicyclists, and walkers to see the trucks in advance as they come out of the building. Although the Department of Transportation did a Sight Study of the trucks coming out of the building, **there was no Sight Study done of the**

**vehicles passing the delivery area on the realigned Westbard Ave.** With a traffic light at this intersection, the delivery trucks could emerge from the delivery entryway safely.

5. MCDOT's revision in the Preliminary Plan dated March 4, 2019 did allow for a second study to review the intersection. It states "9. The applicant must submit a signal warrant analysis to MCDOT for the future realigned Westbard Avenue intersections with Ridgefield Road and Street A (Westbard Circle) at least six months after and no later than one year after the issuance of the use and occupancy certificate for the commercial building (lot 1 block A) and realigned Westbard Avenue is opened. Prior to record plat for the commercial building, the applicant will bond for the traffic signal at both intersections. If MCDOT determines that a signal is warranted, then the applicant will construct and install the traffic signal(s) in accordance with MCDOT specifications. . . . 13. At the time Westbard Avenue is realigned, the applicant shall provide conduits at all proposed signalized intersections (Westbard Avenue at realigned Westbard Avenue and both intersections of Westbard Avenue at Street A (Westbard Circle))."

Once the realigned Westbard Ave. is completed and the River Rd. entryway at the 5500 block of Westbard Ave. is closed off, **Springfield residents will have to wait six to 12 months or longer before a traffic light is installed.** During that time our residents, especially school children, are at risk of vehicle accidents. In the longer term, construction of 34 townhouses on the Manor Care site plus the existing 25 homes will lead to total gridlock without a traffic light at the intersection.

6. **Stormwater management is essential.** At River Rd., the realigned Westbard Ave. will cross creeks on both sides of the road, located in the 100-year flood plain. We support the requests made by the Little Falls Watershed Alliance to ensure that the stormwater management (SWM) on the road and the site meet best practices and treat 100% of road runoff. The Alliance supports using Lot 24, Block D on the Manor Care site for SWM on the road; using Silva cells for all the street trees; installing permeable pavement on roads, sidewalks, and parking areas; and creating more infiltration on the medians and sidewalk areas.
7. **Underground utilities.** We are pleased to learn that the all utility wires must be put underground under the new realigned Westbard Ave. road. Ideally, the developer should put wires underground further along Westbard Ave., since it would enhance the appearance of the shopping center and the new commercial and residential buildings.

#### **Issues related to the Kensington of Bethesda building**

1. **The delivery loading entryway** on the realigned Westbard Ave. requires trucks to take a round-about route. The most direct entryway to the delivery loading dock would be for delivery trucks to come from the Beltway along River Rd. and turn onto the realigned Westbard Ave. However, delivery trucks cannot access the entryway because the barrier median strip does not have an opening in the street. Regency/Kensington estimates that 15 trucks per week will make deliveries to the assisted living facility. Their plan is to have delivery trucks coming from the Beltway and River Rd. to turn right on Goldsboro Rd. (a winding, two-lane road bordered by culverts with deteriorating issues), left onto

- Massachusetts Ave. (a steep, two-lane road until it expands to four lanes at Sangamore Rd.), and then turn left up the hill on Westbard Ave. Massachusetts Ave. is not a desirable route to reach the Kensington of Bethesda because it is prone to flooding with heavy rain and the traffic is frequently backed up with trailer trucks heading toward Washington, DC. Regency's response was that they are "happy to explore the median break as part of its entitlement process, preliminary feedback from relevant agencies is that it may be unlikely to be approved."
2. **The building is too close to the flood plain.** At least half of the proposed building is located within the 50-foot stream buffer. The building footings should be set back at least two feet from the flood plain. The current plan shows a narrow walkway between the American Plant/Shorb property and the tall Kensington of Bethesda building. Whether the American Plant/Shorb property has granted Regency/Kensington a documented easement for the path is unclear. If the building remains on the property line, the Kensington staff would need an easement from the Parks Department to allow them to service the bioretention filters on the park side.
  3. **Parking Issues.** At the Kensington public meeting, we were told there would be 130 parking spaces on site. But the plans show a **total of 91 parking spaces—26 at the Lobby Level, 25 at the P1 Level, and 40 at the P2 Level plus eight bicycle spaces.** Note that they expect to have 50 staff at peak times but only 40 parking spaces. We have heard that the county planners are reducing the parking spaces further below the 91 parking spaces. This location is not well served by mass transit. Regardless of the county planning standards, the building needs more parking spaces because many employees and visitors can only reach the facility by driving there. Also, some of the visitors may be unable to walk far, so having adequate parking spaces at the site is important. Parking at the shopping center is limited, and overflow parking is likely to park on nearby residential streets.
  4. **High-quality ventilation system needed.** Kensington Senior Development needs to provide more information on its plans to ensure that the building will have a high-quality ventilation system. Current research has found that a major source of spreading the covid-19 virus is small droplets dispersed into the air. There are also concerns about the confined space in the residents' suites, which range from 305 square-feet to 605 square-feet, averaging around 400 square-feet. The facility has 112 suites, with a total capacity of 155 people.
  5. **Fire safety.** It is essential that there are fire exits and doors at the ground level as well as a footpath around the building so residents and staff can exit the building quickly if necessary. In an emergency, fire trucks may need to use the footpath. Also, the footpath is needed to allow pedestrians to have access to the park and walkways along the Willett Branch Greenway Park.

## Issues related to the Willett Branch Greenway Park

1. **Many issues still remain unresolved.** The Planning Department staff and other county experts have worked hard to analyze the many facets of the park, and they have provided useful suggestions to meet county requirements and address the challenges of a sloping hill in a flood plain. Some issues that will have to be resolved in the future:
  - a. The Parks Department plans to wait to work on the park until the other segments of the Willett Branch have been acquired, which could be years from now. To prevent erosion and create a green space, Regency will need to grade the land and plant grass and shrubs.
  - b. Currently the Kenwood Tributary flows under Ridgefield Rd. through a concrete pipe. To avoid erosion of the banks during heavy rains, the tributary needs to be daylighted to create a waterfall/water feature. This work must be done before the realigned Westbard Ave. is built so that construction vehicles can reach the site.
  - c. Before a use and occupancy permit for the building can be issued, the Parks Department and the Department of Permitting Services must certify that the dedicated land is stable enough to naturalize the stream and that heavy equipment can access the site safely.

Regency would greatly benefit from having a fully landscaped park area, making it a welcoming place for the residents in the senior living facility, local residents, and visitors.

2. **Inadequate space for outdoor recreation.** The Willett Branch Greenway Park is a major amenity that will greatly enhance Regency's properties. But other than the park, the Westwood development offers only the Springfield Neighborhood Park and the Civic Green at the shopping center for **outdoor recreation for the residents in the 190 multifamily apartment units, 72 townhouses in the shopping center, and 34 townhouses on the Manor Care site. The crowding may worsen if Regency adds more high-rises on the other side of Westbard Ave.**

**From:** cpgreen@verizon.net <cpgreen@verizon.net>  
**Sent:** Wednesday, October 14, 2020 3:13 PM  
**To:** Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Folden, Matthew <matthew.folden@montgomeryplanning.org>; Suzanne.Paul@montgomeryparks.org; Quattrocchi, Dominic <dominic.quattrocchi@montgomeryparks.org>; stephanie.dickel@montgomerycountymd.gov; Rebecca.Torma-Kim@montgomerycountymd.gov  
**Cc:** SamStiebel@RegencyCenters.com; mraffeedie@Kensingtonsl.com  
**Subject:** Springfield Civic Association comments on the Kensington of Bethesda & the Westwood redevelopment

Dear County Planners,

The Springfield Civic Association represents a residential community of 650 homes surrounding the Westwood redevelopment area. As neighbors, we have some concerns about the extensive changes that are planned. While we can benefit from the improvements at the shopping center, we are also aware that the long construction process will entail traffic backups and blockages, dust and fumes, and construction vehicles on our roads. Following are our major concerns with Regency Centers' current plans. We welcome your feedback.

Cynthia Green  
 President, Springfield Civic Association

## **Springfield Civic Association: Comments on the Kensington of Bethesda and related issues regarding the Westwood Redevelopment**

### **Issues related to the realigned Westbard Avenue**

1. **Due to safety concerns, a traffic light is needed at the intersection of Ridgefield Road/5500 block of Westbard Avenue and the new realigned Westbard Ave.** Although the May 17, 2018 MCDOT traffic warrant studies determined that the traffic volume does not merit a traffic light, we are concerned about safety issues if there is no traffic light at this intersection. Ridgefield Road is on a steep hill and vehicles typically speed down the hill. At the bottom of the hill, vehicles will be merging with traffic from the 5500 Westbard Ave. block, including traffic coming from eastbound River Rd., which is a popular cut-through. Without a traffic light at the Ridgefield Rd./5500 block of Westbard Ave., drivers wishing to go from this intersection down to River Rd. will need to cross the traffic coming up from River Rd. toward the shopping center and Massachusetts Avenue. Drivers are likely to make a U-turn to go down to River Rd. at the traffic light, leading to accidents as trucks and cars merge. Another concern is that there have been several accidents due to students running to catch the school bus at the intersection of Ridgefield Rd and Westbard Ave (where there are MCPS school bus stops). In another case, a young biker was hit by a car at that intersection. It is a busy corner.

The Department of Transportation's revision in the Preliminary Plan dated March 4, 2019 did allow for a second study to review the intersection. It states "9. The applicant must submit a signal warrant analysis to MCDOT for the future realigned Westbard Avenue intersections with Ridgefield Road and Street A (Westbard Circle) at least six months after and no later than one

year after the issuance of the use and occupancy certificate for the commercial building (lot 1 block A) and realigned Westbard Avenue is opened. Prior to record plat for the commercial building, the applicant will bond for the traffic signal at both intersections. If MCDOT determines that a signal is warranted, then the applicant will construct and install the traffic signal(s) in accordance with MCDOT specifications. . . . 13. At the time Westbard Avenue is realigned, the applicant shall provide conduits at all proposed signalized intersections (Westbard Avenue at realigned Westbard Avenue and both intersections of Westbard Avenue at Street A (Westbard Circle)."

Once the realigned Westbard Ave. is completed, Springfield residents will be dodging traffic to reach River Rd. with additional traffic coming from eastbound River Rd. to further create backups at the intersection. While the signal study offers some hope for relief in the future, the Springfield residents will have to wait six to 12 months or longer before a traffic light is installed. During that time our residents, especially school children, are at risk of vehicle accidents. In the longer term, construction of 34 townhouses on the Manor Care site will lead to total gridlock without a traffic light at the intersection.

Our community has three main access points to River Road, with the Ridgefield Road/Westbard Ave. egress having the most capacity and ease of going north. The Springfield Drive intersection cannot handle additional traffic because lanes were removed to add sidewalks. Ogden Road is known to be unsafe, with no light at River Rd. and consistent accidents. Given that Regency's development will be will be receiving a traffic light, and our community's traffic light will be removed, Springfield will lose safe access to River Road that it has had for decades, and the county will incur additional expense and issues with an intersection that is currently operating well.

2. **Stormwater management needs attention.** At River Rd., the realigned Westbard Ave. will cross creeks on both sides of the road, located in the 100-year flood plain. The Planning Department granted a conditional waiver that would allow almost all road run-off (82%) to flow directly into the stream. The condition of the waiver was to have the developer seriously explore ways to increase the stormwater management. The conditional waiver is meaningless. If the Department of Permitting Services determines that the applicant cannot find ways to manage the stormwater, then the developer should not be given a waiver.
3. **Underground utilities.** We are pleased to learn that the all utility wires must be put underground under the new Westbard Ave. road. Ideally, the developer should put wires underground further along Westbard Ave., since it would enhance the appearance of the shopping center and the new commercial and residential buildings.

#### **Issues related to the Willett Branch Greenway Park**

1. **A major concern regarding the Willett Branch Greenway Park is whether Regency will provide supplemental financial support beyond the \$500,000 agreed to as well as making the park useable by regrading the land, adding pathways, trees, benches and other amenities.** The Springfield Civic Association, as well as other nearby communities, would like the developer to deliver a fully landscaped park with a water feature incorporating the Kenwood Tributary where it enters the Willett Branch. The Parks Department does not plan to work on this part of the Willett Branch until the rest of the park area is available which could be years away. Regency



would greatly benefit from having a fully landscaped park area, making it a welcoming place for the residents in the senior living facility, local residents and visitors.

#### Issues related to the Kensington of Bethesda building

1. **The service and loading entryway** on Ridgefield Rd./realigned Westbard Ave. requires delivery trucks to take a round-about route. The most direct entryway to the loading dock at the Kensington of Bethesda building would be for delivery trucks to come from River Rd. and the Beltway and turn onto the realigned Westbard Ave. But delivery trucks cannot access the entryway because the barrier median strip does not have an opening in the street. Regency/Kensington estimates that 15 trucks per week will make deliveries to the assisted living facility. Their plan is to have delivery trucks coming from the Beltway and River Rd. to turn right on Goldsboro Road (a winding, two-lane road bordered by culverts), left onto Massachusetts Ave. (a steep, two-lane road until it expands to four lanes at Sangamore Road), and then turn left up the hill on Westbard Ave. Massachusetts Ave. is not a desirable route to reach the Kensington of Bethesda because it is prone to flooding with heavy rain and the traffic is frequently backed up with trailer trucks heading toward Washington, DC. Regency's response was that they are "happy to explore the median break as part of the entitlement process. Preliminary feedback from relevant agencies is that it may be unlikely to be approved."
2. **Parking Issues.** At the Kensington public meeting, we were told there would be 130 parking spaces on site. But the plans show a **total of 91 parking spaces—26 at the Lobby Level, 25 at the P1 Level, and 40 at the P2 Level plus eight bicycle spaces.** Note that they expect to have 50 staff at peak times but only 40 parking spaces. Regardless of the county planning standards, the building needs more parking spaces because there is limited parking at the shopping center, and overflow parking is likely to park on residential streets. Some of the visitors may be unable to walk far, so having parking spaces at the site is important.
3. **The building is too close to the flood plain.** At least half of the proposed building is located within the 50-foot stream buffer. The building footings should be set back at least two feet to avoid the canyon effect on the Willett Branch Greenway and to avoid building close to the flood plain. We commend Regency/Kensington for their plan to install planter boxes/micro-bioretenention boxes along Westbard Ave. and their plan to install pervious pavement for the egress sidewalk.
4. **Inadequate space for outdoor recreation.** The Willett Branch Greenway Park is a major amenity that will greatly enhance Regency's properties. But other than the park, the Westwood development offers only the Springfield Neighborhood Park and the Civic Green **for outdoor recreation for the residents in the 190 multifamily apartment units, 72 townhouses in the shopping center, and 34 townhouses on the Manor Care site.** The crowding may worsen if Regency adds more high-rises on the other side of Westbard Ave.
5. **High-quality ventilation system needed.** Kensington Senior Development needs to provide more information on its plans to ensure that the building will have a high-quality ventilation system. Current research has found that a major source of spreading the covid-19 virus is

small droplets dispersed into the air. There are also concerns about the confined space in the residents' suites, which range from 305 square-feet to 605 square-feet, averaging around 400 square-feet. The facility has 112 suites, with a total capacity of 155 people.

6. **Fire safety.** It is essential that there are fire exits and doors at the ground level as well as a footpath around the building so residents and staff can exit the building quickly if necessary. The footpath is also needed to allow pedestrians to have access to the park and walkways along the Willett Branch Greenway.

**From:** Patricia Johnson <pdjohnson01@yahoo.com>  
**Sent:** Thursday, July 9, 2020 6:38 PM  
**To:** Folden, Matthew <matthew.folden@montgomeryplanning.org>  
**Cc:** Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>  
**Subject:** Re: Kensington Bethesda/ Westwood II

Thank you Matt, Stephanie and Katie for talking to me about Kensington/Westwood II. Can you please let me and CCCFH know when the public hearing for the abandonment of the road will be held? It will probably be virtual, but we want our communities to know what is going on. We may have quite a few on that call. I formally request that the Planning Staff and Planning Board try to figure out a way for the citizens to participate in these important issues concerning our neighborhoods during this difficult time. Microsoft Teams is woefully inefficient. The hospitals seem to be able to set up tents with chairs spaced apart as needed. I would think for important meetings, the county could try to do the same. Again, CCCFH strongly supports the County Executive's suggestion that controversial issues be postponed until such time as the citizens can participate fully. Thank you for taking the time to give me information and to forward contact names and numbers. As far as the novel virus situation is concerned, I think the codes will change for warehousing seniors. In fact, as a member of ASID (American Society of Interior Designers), a growth segment for our industry is universal design standards that allow seniors to stay at home. People are going to be reluctant to put their elders in senior centers in the future unless the buildings are designed with larger units, improved ventilation, communal spaces that allow distance and more outdoor areas. Kensington Senior Living's structure is a recipe for disaster. They are going to charge upwards of \$5000 per unit. Their residents have choices if they are financially able to pay those fees. I have written to Michael Rafeedie about this. I have copied my email to him below. Please enter my comments into the public record. Just fyi, this virus will be hard to tame. We won't be out of this until the end of next year. There is also another novel virus on its way to us. It is a swine flu variant of H1N1. So it goes. We need to rethink density and the fact that outdoor space and green space will become much more valuable and in fact, life saving. Please wear your masks and don't go into groups or crowds without over six feet between. We need to bring the numbers down to save lives, the economy and the exhausted medical community that has been operating on all cylinders. It is a tribute to their courage and expertise that so many are living with C19. Sincerely, Pat Johnson

On Jul 9, 2020, at 10:34 AM, Folden, Matthew <[matthew.folden@montgomeryplanning.org](mailto:matthew.folden@montgomeryplanning.org)> wrote:

Ms. Johnson,

Thank you for taking time to speak with me today about the proposed Westwood II shopping center redevelopment.

As a follow-up to our conversation, I am providing information about the proposed FAR and a summary of the contact information we discussed at the County Departments of transportation and permitting services:

1. FAR

The application is limited to a standard method density of 1.0 FAR. Based on a tract area of 127,280 square feet and a proposed density of 106,000 square feet, the project is proposing 0.83 FAR. One of my DRC comments to the applicant was to clarify the tract and density numbers on the submittal.

2. Contact information

a. Department of Permitting Services – Right-of-Way Permitting Section

Mr. Sam Farhadi 240-777-6333 or [Sam.Farhadi@montgomerycountymd.gov](mailto:Sam.Farhadi@montgomerycountymd.gov)

b. Department of Transportation – Development Review

Ms. Rebecca Torma 240-777-2118 or [Rebecca.Torma-Kim@montgomerycountymd.gov](mailto:Rebecca.Torma-Kim@montgomerycountymd.gov)

Please contact me if you have any further questions.

Regards,

Matt

<image013.png>

**Matthew Folden, AICP**  
**Planner Coordinator**

Montgomery County Planning Department  
8787 Georgia Avenue, Silver Spring, MD 20910  
[matthew.folden@montgomeryplanning.org](mailto:matthew.folden@montgomeryplanning.org)  
o: 301.495.4539

<image014.png> <image015.png> <image016.png> <image017.png>

<image018.png>

**From:** Patricia Johnson  
**To:** Michael Rafeedie  
**Cc:** Folden, Matthew  
**Subject:** continuing concerns about the Kensington Senior Living Proposal for Westwood 2  
**Date:** Monday, July 6, 2020 6:13:15 PM

---

Dear Mr. Rafeedie: I have written to you before about our community's concerns re. the Senior Living Center planned at Westwood II. I am wondering how you are going to revisit the design of this 105,000 square foot building that will be 75 feet high (actually 82 when measured from specific grade) and house 112 assisted living 'suites' and 155+ resident capacity. You told me that those "suites" are 400 square feet as designed. It's a hotel room, not a "suite".

I am sure you are well aware that the statistics concerning senior living facilities and Covid 19 are alarming. 45% of all US deaths (over 54000 people) due to this novel virus were either residents or health aides in these senior living or nursing home facilities. Clearly warehousing seniors has it's dire risks. 11% of all US Covid cases are from senior facilities. In Maryland, which has 289 facilities at present, the Covid cases from these facilities is currently reported at 12,641. The death rate is 61% of the total state deaths reported. Kensington Senior Living has had its own deaths to report in Virginia and California, as you are well aware. My husband, who is a doctor at the Washington Hospital Center, says that this virus isn't going away easily. The vaccine may only work a short time, if at all.

If you want this business model to do well, I think you have to consider making adjustments to your very dense development. I think you have to design a building that is less dense and has more accessible green space. 400 square feet is too small. 155- 165 residents is too many. The units have to be larger. The green space must be developed. You have shirked your responsibility and yet used it to create pretty pictures.

These plans do not consider any kind of contribution to the construction of the Willett Branch Greenway even though you refer to it consistently as an amenity in your plan. You need to seriously participate in creating greenspace as well as living space. This virus has changed how we think about "warehouse" living. My association, ASID (American Society of Interior Designers) of which I am a professional member, is now calling *aging at home* a mainstay of universal design.

No one wants to send their loved ones to what is now considered a death trap. That is what you are currently designing. There are no walkways, the so called communal spaces are too tight, the living spaces are too small. This is a disaster waiting to happen and happen it will. With global warming, novel viruses will be common. You will see another one in 5 years if not before. There is another novel virus wending it's way toward us as I write this. It is a variant on H1N1..but it is a new one.

If you had ever seen Covid 19 up close and personal, you would rethink your plan. 105,000 square feet, 112 units @ 400 square feet per unit and warehousing 155-160 seniors together is a terrible idea.

Go back to the drawing board and stop just focussing on the bottom line. It will rise up and defeat you in the end.

Sincerely,

Patricia Johnson, (#3019225382). Member of the Kenwood Citizen's Association

Comments from the Westbard Study Group on the Westbard II Site  
for the Planning Board Hearing on December 17, 2020  
Preliminary Plan No. 12017017A and Site Plan 82020200

We are writing to express our continuing concerns with the proposed plans for the Regency Kensington residential care facility to be built on the Westbard II site in Bethesda, Preliminary Plan No. 12017017A and Site Plan 82020200.

We reference our previous comments on the plans, which remain relevant, as the current Regency Kensington submissions to the Board appear not to have materially changed. In brief, we request that any approval to the plan meet the conditions discussed below.

**Ensure the Creation of the Willett Branch Greenway Park**

As the County Council, Planning Board, and residents agree, the creation of the Willett Branch Greenway Park is important to provide green space and environmental enhancements in the Westbard area, and to add to the county trail system—making the area more accessible for bikers and walkers. In fact, the Willett Branch Greenway is truly the only public benefit to the community from the entire redevelopment plan. As planned, the park will remove the concrete channel that begins on the Westwood II site and extends to the Capital Crescent Trail. The stream will be naturalized, and should provide a waterfall feature from the adjacent Kenwood Tributary, that runs below Ridgefield Road along River Road to join the Willett Branch. A new park will be designed along the banks of the Willett Branch, with a shared walk/bike path.

In Preliminary Plan 120170170, the Planning Board Resolution stated that as to the Westwood II site, "Future development must be designed and constructed to minimize adverse impacts on the future implementation of the Willett Branch Greenway." The Westwood II parcel is the first parcel adjacent to the stream to be redeveloped, and it will house the entrance to the new park from the north end.

According to the Preliminary Plan, Regency was to dedicate land for the park in two parcels from the Westwood II site before opening a new building there. At the time of Preliminary Plan, the Planning Staff and the Board left open the conditions regarding the park on that site to be determined at Site Plan – so here we are. We would prefer to see the Applicant construct the new park on the site, as the Planning Staff had proposed at the time the Preliminary Plan was considered in 2019. At a minimum, we request that the Board ensure that the park can be built on the site in the future.

At the moment, the Applicant's submissions are vague—they leave decisions regarding the implementation of the park to a future Park Construction Permit that the Parks Department must issue. We believe the Planning Board should impose a few conditions now to ensure that the new park will actually be feasible on the land to be dedicated at this site, given its importance. We request the following:

1. Both parcels of land required to be dedicated for the park must be dedicated before a use and occupancy permit is issued for the proposed building. At the moment one parcel could be delayed while work on Westwood I continues.
2. The footings of the new building should not rest on dedicated land. Accordingly, the building must be set back to the degree necessary to ensure that the footings rest only on Kensington property.
3. The south-east corner of the building should be set back enough to allow the greenway trail to be wide enough that bikes and pedestrians can easily pass the building at what would otherwise be a sharp corner. In general, the building should be set back to allow the trail to be further from the building, and to provide easy access to its bioretention planters without requiring an easement.

4. The Applicant consents to the new flood plain definition proposed by the Parks Department, as its engineers have determined that the naturalized stream will increase the height of the flood plain. The Applicant must waive any future objections to construction of the park on those grounds.
5. The land should be graded and planted according to Parks specifications to make building the trail feasible, and to hold the banks in place in a way that prevents erosion into the naturalized stream.
6. The open parcel of dedicated land by the stream should be attractively landscaped to give the adjacent neighborhoods an interim park. Simply spreading grass seed around is inadequate and may leave the community with an unsightly piece of land for many years before park construction occurs. The community should be able to enjoy a pleasant park on the site as soon as the building opens.
7. Engineers from both the Parks Department and DPS must certify that before a use and occupancy permit for the building on the site can be issued, the dedicated land is stable enough to naturalize the stream and build the trail, and that heavy equipment will safely be able to access the site and do the work once the Parks Department acquires the adjacent property, currently owned by American Plant.
8. Create the waterfall/water feature when Westbard Avenue is realigned. We raised issues regarding the Ridgefield Road/Westbard Avenue realignment at the Board's road abandonment hearing on November 19, 2020. While deeming the request reasonable, Chairman Anderson noted that the December 17 hearing would be the more appropriate forum to consider this issue. The water feature can best—and perhaps only—be built at the time the road is reconstructed, when the Kenwood Tributary's path into the Willett Branch will be upgraded. The flow into the Willett Branch should be constructed as an attractive waterfall feature, creating an inviting entrance to the new community park.
9. The request for a transparency waiver should be denied unless something is done to make the back of the proposed building more appealing. In the plans, several floors of a parking garage back up to the park, which are unattractive and uninviting and provide few "eyes on the park." The building's façade should be improved, perhaps using a green wall, public art, or other interesting features. It is disappointing that the original plans for the site—a mixed-use building with cafes using the park—will not be realized.
10. The Applicant should provide funds for the construction of the park on the site. Contrary to the statements by the Applicant's attorneys, the \$500,000 provided by Equity One/Regency for construction of the greenway park was NOT part of the Preliminary Plan covering this site, but was a clear requirement in the Site Plan for the development of the Westwood I site across the street, specifically tied to the construction of the commercial building there. See p. 4 of MCPB No. 19-033, Site Plan No. 820180190. It was generally assumed that the funds would not be used on Westwood II, but would be available for other portions of the park. At the time, further contributions were expected from the Westwood II site, and were left to be finalized in the Site Plan at issue here. Any park construction on the dedicated land will largely benefit the Kensington building, and warrants a substantial contribution by the Applicant.

#### **Ensure Best Practices for Stormwater Management**

We tried to raise the issue of stormwater management (SWM) on the realigned Westbard Avenue, which will run across the Westwood II property, at the hearing on the road abandonment mentioned above. Fortunately Chairman Anderson noted that it would be appropriate to raise this issue at the December 17 hearing.

First, please recall that the Sector Plan for Westbard states on p. 58: "To maximize potential benefits, SWM treatment should be done on-site wherever feasible, and the use of waivers should be limited." In the



Preliminary Plan p.3, the Board allowed a partial waiver for SWM on the realigned road, and stated that updated SWM plans must be submitted with future site plans. It referred to the DPS approval of the road dated 2/27/19, which states:

For Phase 2A [the realigned road] you must continue to look for ways of providing additional ED and structural treatment, with the goal of achieving full stormwater management compliance, and reflect these in the stormwater management concept revision to be submitted at the time of Site Plan application. Any proposed treatment located within the public right-of-way must be acceptable to MCDOT.

At the hearing on the road abandonment, the Applicant's lawyer dismissed any further need for SWM, stating that there was no way to accommodate SWM "uphill." That is absurd. No one is requesting uphill SWM. We are requesting that the Applicant ensure that as little untreated stormwater as possible would flow downhill into the newly created Willett Branch park, possibly damaging the park and its environment. The abandoned triangle of land noted in the abandonment hearing as Lot 24, Block D (shown on Figure 2, p.3 of the staff report on the road abandonment) is a perfect place to use for SWM.

We support the requests by Little Falls Watershed Alliance to ensure that the SWM on the road and the site meet best practices and treat 100% of road runoff. That means:

1. using Lot 24, Block D for SWM on the road, in addition to some mitigation trees;
2. using Silva cells instead of tree boxes for all the street trees and any mitigation trees, as required in the Preliminary Plan;
3. installing permeable pavement wherever possible on roads, sidewalks, and parking areas; and
4. creating more infiltration with environmental site design making use of the medians and sidewalk areas for micro-bioretenement.

#### **Ensure the Safety of Pedestrians, Bikers, and Building Occupants**

There are a few remaining safety issues that the Applicant has not fully addressed:

1. The plans show a path around the building to be accessible for the fire department, but on the south side, that path extends across the adjacent property. The plan should therefore be conditioned on setting back the building so the path can be constructed on site. At a bare minimum, Regency must allow an easement for a path that extends onto the adjacent property.
2. The Applicant's Statement of Justification p. 3 states that the entrance to the new facility will be at a "signalized" intersection on the newly aligned Westbard Avenue. At the moment, MCDOT has not approved a signal at that intersection. A signal is also needed where the Westbard Avenue extension intersects with the newly aligned Westbard Avenue to ensure the safety of bikers and pedestrians.

Thank you again for your consideration of our views.

Sincerely,

Susan Spock  
Lynne Battle  
Jenny Sue Dunner  
Marnie Shaul

Dear Planning Board and Staff,

Over the summer, we submitted several sets of comments regarding the Kensington Regency proposal for development of Westwood II in Bethesda (Site Plan 820200200 and the associated Preliminary Plan amendment), and do not want to be too repetitive. We thought it might be worthwhile to highlight the major outstanding issues as we see them, incorporating a few new concerns that have come to our attention.

### **Willett Branch Greenway**

As you know from our past comments, we are still unhappy with the plans for the greenway. While we recognize the reasons for delay in its construction, the community still expects a park environment on the Westwood II site once the Kensington building is constructed. We ask that Kensington not only provide the structures and regrading requested by the Parks department (whose comments we support), but that it will also provide plantings that can make the area attractive until the greenway construction takes place – which could be 10-20 years! We feel strongly that Kensington should provide a substantial contribution to the greenway – either in work or in cash, if not both. The community deserves no less, particularly because this was to be the “jewel” of the redevelopment.

We also understand that as part of the new road realignment, the water from the Kenwood tributary will continue to merge into the Willett Branch. We strongly believe that the opportunity to have a small outfall or waterfall at that point on the dedicated land should be part of the construction project; otherwise, this feature will not be possible.

It has also come to our attention that the new building may have footings that extend into the dedicated land and that the developer may refuse to accept the new flood plain elevation that will come with stream naturalization. It is imperative that the entire dedicated land must be made suitable for construction of the greenway before dedication. The building owners and operators must not be allowed to use their status as adjacent property owners to impede park construction and stream naturalization for any reason at a later date.

Further, dedication of land for the park tied to the Westwood I development should be required to occur with the construction of Westwood II, if that takes place first. No use and occupancy permit should be approved until engineers from Parks and DPS certify that the dedicated land is in a condition that will allow for the construction of the park, that it is stable, that the footings and unwanted hardscape are not within dedicated land, and that estimated flood plain projections are acceptable to the property owners and users.

The proposed building needs to better integrate with the park—both in function and design. The employee lounge on a parking level appears to look at the back of the micro-bioretenion planters rather than at the park. The idea that this area will have eyes on the park is good, but it needs to be expanded in a way that works and invites the park into the building in an attractive manner. Green walls on the building would also help.

### **Access around the Building**

For many reasons – fire safety, ADA accessibility, and for the future development of the greenway park trails, the building needs to be moved back sufficiently to allow a bike and pedestrian path all the way

around it. Kensington should build the path – and if that is not acceptable to the board, it should at least provide the space for it. The current plan does not leave enough room for walkers and bikers at the corner, especially given the steep grade.

### **Traffic light**

We met with DOT. Despite Kensington's assumption that there will be a traffic light at the entrance to the new building in its Statement of Justification, DOT has no current plan to approve a traffic light either at that intersection or at the intersection of Westbard and Ridgefield, where there is an existing light, once the road is realigned. Lights at both of these intersections should be provided for safety regardless of the results of a signal warrant study. Even if DOT is not willing to require lights now, light fixtures should be installed for future lights at both places. Taxpayers should not be required to pay for these lights.

### **Trucks**

We are concerned that Kensington's representations in the Statement of Justification regarding the timing and number of delivery trucks may not be accurate. We ask that the building owner annually study its truck use and certify to the board that it is complying with its promises under penalty of perjury. We would encourage Regency to help trucks for the Kensington property find a safe and efficient way to make a U-turn after leaving River Road, rather than routing them through Massachusetts Avenue.

In general, we support most of the comments of the Parks and Planning Staff. We expect to give more detailed comments after another round of submissions by the developer. Thank you all for your sustained patience and perseverance in working on this project and reviewing our comments.

Thank you again for your attention.

Sincerely,

Westbard Study Group

Susan Spock

Lynne Battle

Jenny Sue Dunner

Marnie Shaul

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Dear Matthew, Gwen, and Mike:

I live on Ridgefield Road near the intersection with River Road and my children play in the neighborhood, including in Willet Branch Stream, but only farther down where the stream is surrounded by woods. I'm writing to let you know how very important it is to us that the gateway park for the new Willett Branch Stream Valley Park be fully landscaped sooner rather than later. The below is text from the Little Falls Watershed Alliance to which we belong and the words express how we feel about this park and development:

The Sector Plan shows a Gateway Park for the new Willett Branch Stream Valley Park at the corner of River and Ridgefield Roads where the new Kensington Senior Living development is proposed. As part of the Westwood II Center redevelopment, the developer should be required to deliver a fully landscaped park with a water feature incorporating the Kenwood Tributary where it enters the Willett Branch. It will be a little oasis of green in an area that is almost entirely paved over.

The formation of the Willett Branch Stream Valley Park and naturalization of the creek is the major amenity in the Sector plan. While Montgomery Parks has stated that they will not begin working on the new Park until all the parcels are acquired, the community should not have to wait so long for this bit of green. Building the gateway park must be part of this new development.

Thank you for your work on this and your commitment to parks in Westbard,

David Krantz and Family  
5510 Ridgefield Road  
Bethesda MD 20816  
703-931-3490

-----Original Message-----

From: Alexa Stevens <alexastevens93@gmail.com>

Sent: Tuesday, November 24, 2020 1:03 PM

To: MCP-Chair <mcp-chair@mncppc-mc.org>

Cc: Folden, Matthew <matthew.folden@montgomeryplanning.org>

Subject: Build the Willett Branch Stream Valley Park now

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

The Sector Plan shows a Gateway Park for the new Willett Branch Stream Valley Park at the corner of River and Ridgefield Roads where the new Kensington Senior Living development is proposed. As part of the Westwood II Center redevelopment, the developer should be required to deliver a fully landscaped park with a water feature incorporating the Kenwood Tributary where it enters the Willett Branch. It will be a little oasis of green in an area that is almost entirely paved over.

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Thank you for your work on this and your commitment to parks in Westbard,

Alexa Stevens

Chevy Chase

Sent from my iPhone

**From:** Carolyn Sherman <carolyn.sherman.sherman@gmail.com>  
**Sent:** Tuesday, November 24, 2020 1:21 PM  
**To:** MCP-Chair <mcp-chair@mncppc-mc.org>  
**Cc:** Folden, Matthew <matthew.folden@montgomeryplanning.org>  
**Subject:** Build the Willett Branch Stream Valley Park now

To the Chairman and Planning Commission:

I'm writing in support of **completing the Willett Branch Stream Valley Park now**! The community needs it, and there is no justification for waiting.

As part of the Westwood II Center redevelopment, the developer should be required to deliver a fully landscaped park with a water feature incorporating the Kenwood Tributary where it enters the Willett Branch. It will be a little oasis of green in an area that is almost entirely paved over.

The formation of the Willett Branch Stream Valley Park and naturalization of the creek is the major amenity in the Sector Plan. While Montgomery Parks has stated that they will not begin working on the new Park until all the parcels are acquired, the community should not have to wait so long for this bit of green. Building the gateway park must be part of this new development.

Thank you for your work on this and your commitment to parks in Westbard. As Montgomery County tax-paying residents, we cannot imagine much that we would rather have our taxes support than parkland in this concrete-filled area.

Carolyn Sherman

4924 Sentinel Dr. #306

Bethesda, MD 20816

**From:** Greta S <swansong7@gmail.com>  
**Sent:** Tuesday, November 24, 2020 12:12 PM  
**To:** MCP-Chair <mcp-chair@mncppc-mc.org>  
**Cc:** Folden, Matthew <matthew.folden@montgomeryplanning.org>  
**Subject:** Build the Willett Branch Stream Valley Park now

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

This is a form letter - but it's important! In these pandemic times, we need more outdoor space!

The Sector Plan shows a Gateway Park for the new Willett Branch Stream Valley Park at the corner of River and Ridgefield Roads where the new Kensington Senior Living development is proposed. As part of the Westwood II Center redevelopment, the developer should be required to deliver a fully landscaped park with a water feature incorporating the Kenwood Tributary where it enters the Willett Branch. It will be a little oasis of green in an area that is almost entirely paved over.

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Thank you for your work on this and your commitment to parks in Westbard,

Greta Swanson  
Chevy Chase, MD

**From:** Leslie Wharton <leslie.b.wharton@gmail.com>  
**Sent:** Wednesday, November 25, 2020 10:39 AM  
**To:** MCP-Chair <mcp-chair@mncppc-mc.org>  
**Cc:** Folden, Matthew <matthew.folden@montgomeryplanning.org>  
**Subject:** Build the Willett Branch Stream Valley Park now

The Sector Plan shows a Gateway Park for the new Willett Branch Stream Valley Park at the corner of River and Ridgefield Roads where the new Kensington Senior Living development is proposed. As part of the Westwood II Center redevelopment, the developer should be required to deliver a fully landscaped park with a water feature incorporating the Kenwood Tributary where it enters the Willett Branch. It will be a little oasis of green in an area that is almost entirely paved over. **Not only is this essential to the integrity of our community and the protection of wildlife, the greenspace is critically important for the mental well-being of the seniors living in the development. Studies show that a natural environment reduces stress and improves the health of the elderly. I know, I am 69 years old and I find the trees, birds, squirrels and other wildlife in this area essential for keeping a positive and healthy outlook.**

The formation of the Willett Branch Stream Valley Park and naturalization of the creek is the major amenity in the Sector Plan. While Montgomery Parks has stated that they will not begin working on the new Park until all the parcels are acquired, the community should not have to wait so long for this bit of green. Building the gateway park must be part of this new development.

Thank you for your work on this and your commitment to parks in Westbard,

Leslie Wharton  
4978 Sentinel Drive #501  
Bethesda, Maryland, 20816



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Thank you for your work on this and your commitment to parks in Westbard,

Ursula Kelnhofer  
4940 Sentinel Drive, Bethesda, Md. 20816

-----Original Message-----

From: Ashlyn Salvage <asalvage27@yahoo.com>

Sent: Tuesday, November 24, 2020 10:18 AM

To: Folden, Matthew <matthew.folden@montgomeryplanning.org>

Cc: Wright, Gwen <gwen.wright@montgomeryplanning.org>

Subject: Build the Gateway Park for the Willett Branch Now

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

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Thank you for your work on this and your commitment to parks in Westbard,

Ashlyn

Bethesda area resident

Sent from my iPhone

-----Original Message-----

From: David Kathan <dkathan@gmail.com>

Sent: Tuesday, November 24, 2020 7:54 AM

To: MCP-Chair <mcp-chair@mncppc-mc.org>

Cc: Folden, Matthew <matthew.folden@montgomeryplanning.org>

Subject: Build the Willett Branch Stream Valley Park now

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

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Thank you for your work on this and your commitment to parks in Westbard,

David Kathan  
Somerset

Sent from my iPhone

**From:** Emily Bramhall <emily.bramhall@gmail.com>  
**Sent:** Tuesday, November 24, 2020 9:49 AM  
**To:** MCP-Chair <mcp-chair@mncppc-mc.org>  
**Cc:** Folden, Matthew <matthew.folden@montgomeryplanning.org>  
**Subject:** Build the Willett Branch Stream Valley Park now

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Thank you for your work on this and your commitment to parks in Westbard,

Emily Bramhall

-----Original Message-----

From: Emily Stuchiner <emilystuchiner@gmail.com>  
Sent: Tuesday, November 24, 2020 10:51 AM  
To: MCP-Chair <mcp-chair@mncppc-mc.org>  
Cc: Folden, Matthew <matthew.folden@montgomeryplanning.org>  
Subject: Build the Willett Branch Stream Valley Park now

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Thank you for your work on this and your commitment to parks in Westbard,

Emily  
Chevy Chase

**From:** Isaac Nelson <isaacmendel@gmail.com>  
**Sent:** Tuesday, November 24, 2020 10:18 AM  
**To:** MCP-Chair <mcp-chair@mncppc-mc.org>  
**Cc:** Folden, Matthew <matthew.folden@montgomeryplanning.org>  
**Subject:** Build the Willett Branch Stream Valley Park now

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Thank you for your work on this and your commitment to parks in Westbard,

Isaac Nelson  
930 Wayne Ave  
Apt 410  
Silver Spring, MD 20910

Sent from Mail for Windows 10

-----Original Message-----

From: Jon Atkins <jon.atkins23@gmail.com>

Sent: Tuesday, November 24, 2020 10:19 AM

To: MCP-Chair <mcp-chair@mncppc-mc.org>

Cc: Folden, Matthew <matthew.folden@montgomeryplanning.org>

Subject: Build the Willett Branch Stream Valley Park now

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

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Thank you for your work on this and your commitment to parks in Westbard,

Jon Atkins  
727 Shepherd St NW

-----Original Message-----

From: Jon Shay <jonshay@verizon.net>

Sent: Tuesday, November 24, 2020 9:51 AM

To: MCP-Chair <mcp-chair@mncppc-mc.org>

Cc: Folden, Matthew <matthew.folden@montgomeryplanning.org>

Subject: Build the Willett Branch Stream Valley Park now

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Thank you for your work on this and your commitment to parks in Westbard,

YOUR NAME

ADDRESS



-----Original Message-----

From: Megan Keane <keaneme@student.elms.edu>

Sent: Tuesday, November 24, 2020 9:50 AM

To: MCP-Chair <mcp-chair@mncppc-mc.org>

Cc: Folden, Matthew <matthew.folden@montgomeryplanning.org>

Subject: Build the Willett Branch Stream Valley Park now

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Thank you for your work on this and your commitment to parks in Westbard,

Megan Keane  
North Bethesda

-----Original Message-----

From: Mary Z. <zhengmar@icloud.com>

Sent: Tuesday, November 24, 2020 11:11 AM

To: Folden, Matthew <matthew.folden@montgomeryplanning.org>

Cc: Wright, Gwen <gwen.wright@montgomeryplanning.org>

Subject: Build the Gateway Park for the Willett Branch Now

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

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Thank you for your work on this and your commitment to parks in Westbard,

Mary Zheng  
Chevy chase

Sent from my iPhone

-----Original Message-----

From: Zachary Sheldon <zacharylsheldon@gmail.com>

Sent: Tuesday, November 24, 2020 10:37 AM

To: MCP-Chair <mcp-chair@mncppc-mc.org>

Cc: Folden, Matthew <matthew.folden@montgomeryplanning.org>

Subject: Build the Willett Branch Stream Valley Park now

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

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Thank you for your work on this and your commitment to parks in Westbard,

Zachary Sheldon

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Thank you for your work on this and your commitment to parks in Westbard,

Barbara Butera  
4825 Willett Parkway  
Chevy Chase MD 20815

Sent from my iPhone