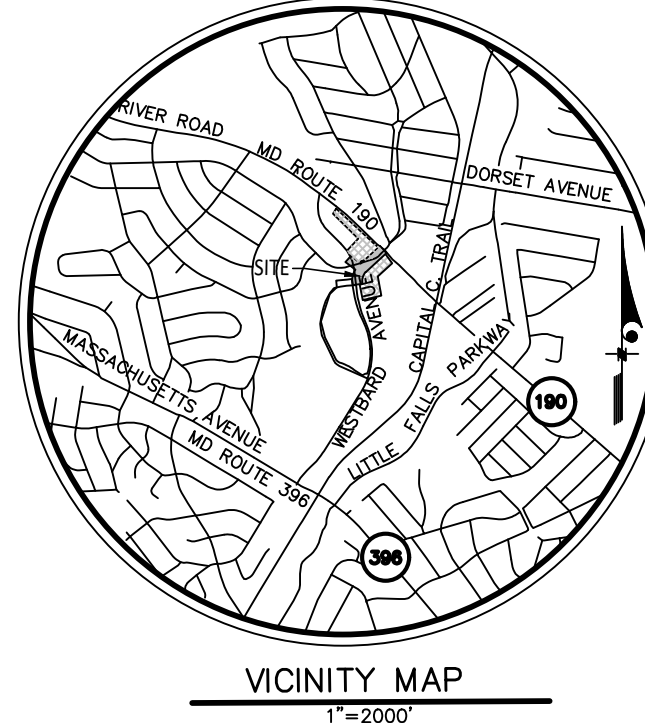
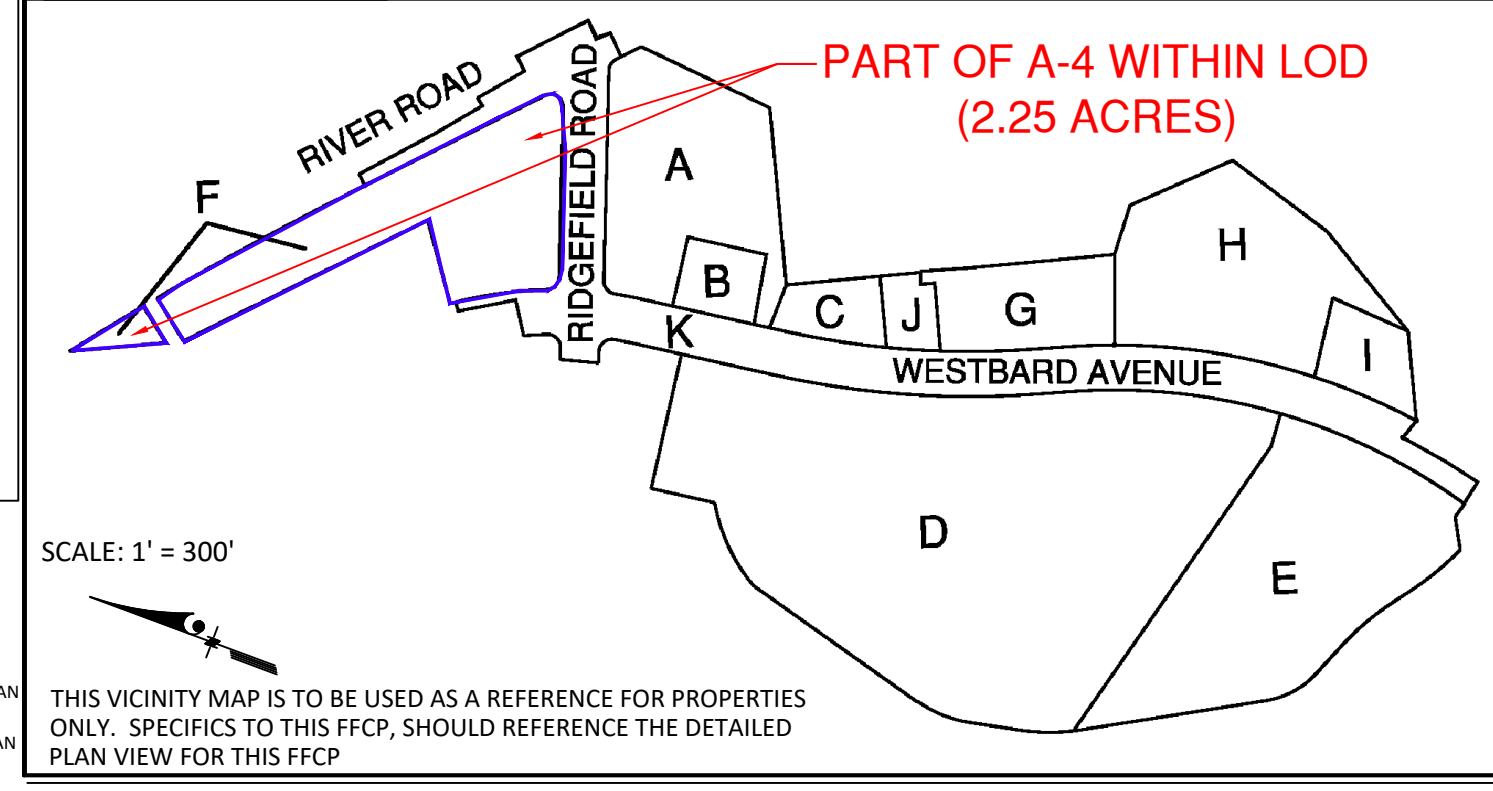






VICINITY MAP



GENERAL PLAN NOTES
THE COLOR CODED PHASING LINES ARE FOR GRAPHIC PURPOSES ONLY. ACTUAL MEASUREMENTS OF EASEMENTS, PROPERTIES AND/OR LIMITS OF DISTURBANCE WERE TAKEN TO REFLECT ACTUAL AREA SQUARE FOOTAGE AND ACREAGE.

IF OTHER FOREST BANKS ARE NOT AVAILABLE AT THE TIME OF PURCHASE, FEE-IN-LIEU WILL BE ACCEPTABLE.
FOREST CONSERVATION CREDIT MUST BE SATISFIED PRIOR TO CLEARING GRADING OR DEMOLITION

THE SUBJECT PROPERTY COMPRISES (SEE VICINITY MAP):

Table with columns: Lettering, Lot/Parcel, Block, Tax No., L&F, AREA SF, Acres. Row 1: part of "A-4", G, 07-00662874, L.47636 F.00340, 98,200, 2.25

Forest Conservation Data Table

Table with columns: FFCP #, Tract Area (ac.), Deduction Area (ac.), Off-site LOD Area (ac.), Total Area (ac.). Rows include FFCP #F20240760, FFCP #120170170, and FFCP #820200200.

Forest Conservation Narrative (FFCP #120170170)

Table with columns: Phase, Tract Area (ac.), Deduction Area (ac.), Off-site LOD Area (ac.), Total Area (ac.). Rows include Phase 1, Phase 2/R-60 Zone, and Overall.

FINAL FOREST CONSERVATION PLAN NARRATIVE

THIS FINAL FOREST CONSERVATION PLAN WILL BE FOR THE FULL DEVELOPMENT OF THE MANOR CARE PROPERTY. THIS FFCP WILL PROVIDE ONSITE MITIGATION TREE PLANTINGS FOR THIS FFCP AS WELL AS FUTURE FFPCS ASSOCIATED WITH PHASE 2 OF THE FFCP #120170170.

THE WESTBARD REALIGNMENT FFCP (ALSO #120170170) AND THE KENSINGTON DEVELOPMENT FFCP (#820200200) ARE INCLUSIVE OF NET TRACT AREAS CONSISTING OF 1.81 ACRES AND 2.25 ACRES (RESPECTIVELY), WHICH ARE PART OF THE PHASE 2 AREA ESTABLISHED BY THE FFCP.

FOREST CONSERVATION EASEMENT REVISIONS

Table with columns: Easement Areas, Rec'd FCE Areas (SF), FCE Area Added per Release SD, Easement Area lost to Final Configuration of Proposed TH Lots (SF), Area dedicated to Lots 4-7 due to existing encroaching fences (SF), Net Total (SF).

LEGEND: Tract Area, Limits of Disturbance, Limits of Disturbance, 100 Year Floodplain, 100 Year Floodplain 2% BBL, Stream Valley Buffer, Soils, Stormwater Facility, Slopes, Existing Forest, Off-site Forest Removed, Proposed Afforestation/Reforestation, Existing Tree Canopy, Existing Specimen Tree, Existing Significant Tree, Existing Specimen Tree, Existing Specimen Tree, Existing Specimen Tree, Mitigation Tree.

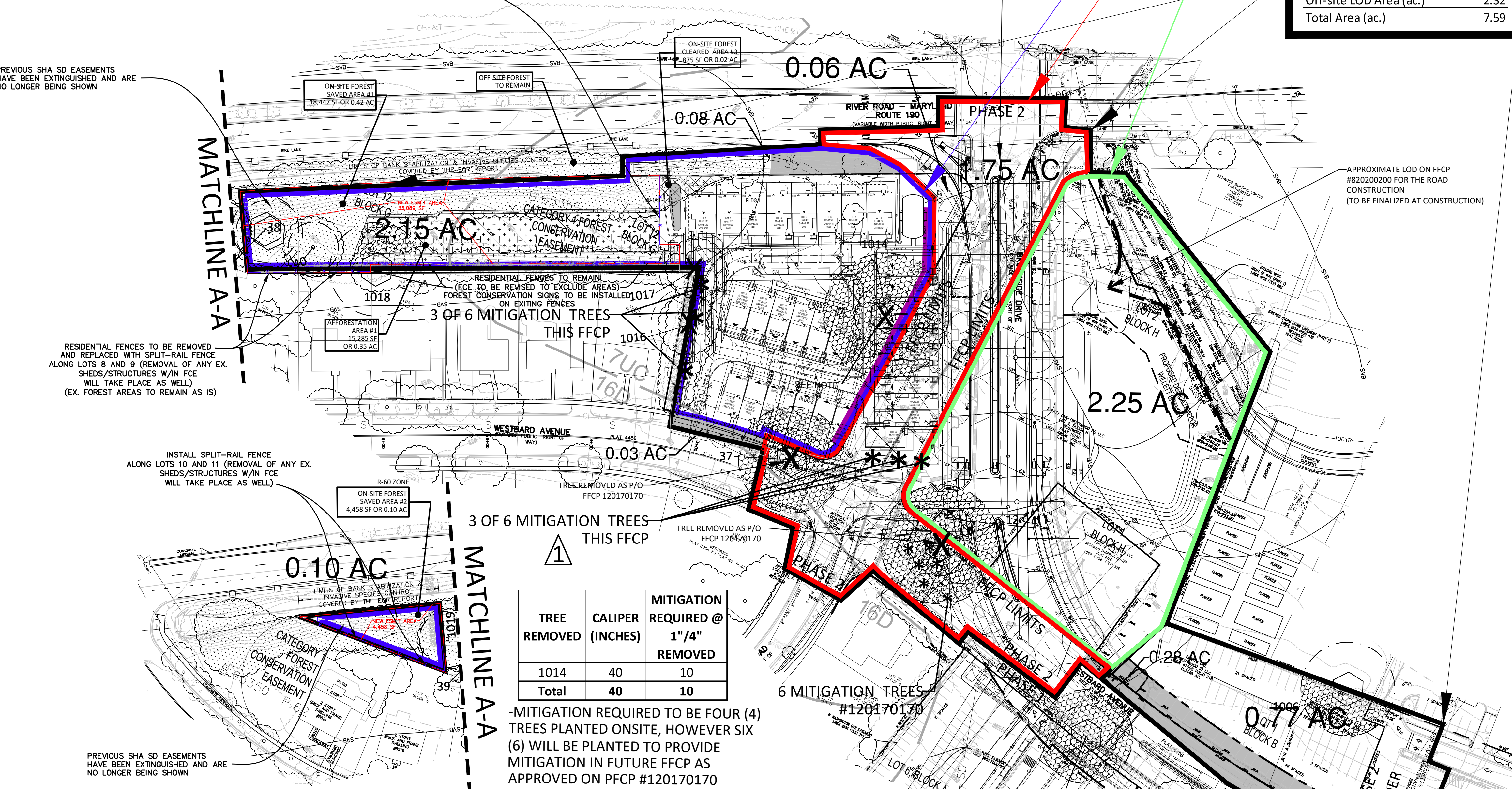


Table with columns: TREE REMOVED, CALIPER (INCHES), MITIGATION REQUIRED @ 1 1/4" REMOVED. Rows include 1014, 1016, 1017, 1018, Total.

MITIGATION REQUIRED TO BE FOUR (4) TREES PLANTED ONSITE, HOWEVER SIX (6) WILL BE PLANTED TO PROVIDE MITIGATION IN FUTURE FFCP AS APPROVED ON FFCP #120170170

Table with columns: SYM., NAME, SIZE. Rows include Quercus rybra/Red Oak and Quercus palustris/Pin Oak.

MITIGATION PLANTING NOTES

PRIOR TO ANY LAND DISTURBING ACTIVITY, MITIGATION TREES MUST BE BONDED PER MONTGOMERY COUNTY FOREST CONSERVATION LAW SECTION 22A12-1(1)A. MITIGATION TREES TO BE INSTALLED AFTER COMPLETION OF ALL CONSTRUCTION ACTIVITIES, BUT BEFORE REMOVAL OF TREE PROTECTION FENCING, TO DETERMINE THE LEVEL OF COMPLIANCE WITH THE PROVISION OF THE FOREST CONSERVATION

Table with columns: TREE NO., BOTANICAL NAME, COMMON NAME, D.B.H. (in)\*, VARIANCE REQUIRED, CONDITION, CRZ (SF), CRZ IMPACT, CRZ IMPACT %, DISPOSITION. Rows include 12, 13, 14, 38, 39, 40, 37, 1014, 1016, 1017, 1018.

ADDITIONAL INFORMATION: Acreage area of tract, Right of Way Dedication, Net Tract Area, Acreage of road & utility R/W's, Acreage of stream valley buffer, Acreage of total existing forest, Acreage of total forest retention, Acreage of total forest cleared, Acreage of forest retained, cleared, and planted within wetland forest, Acreage of forest retained, cleared, and planted within 100-year floodplain, Acreage of forest retained, cleared, and planted within stream buffers, Acreage of forest retained, cleared, and planted within priority areas, Afforestation threshold (15%), Conservation Threshold (20%).

NOTE: FFCP #120170170 APPROVED A TOTAL TRACT AREA OF 7.35 ACRES FOR PHASE 2. THE ASSOCIATED REFORESTATION/AFFORESTATION REQUIREMENT IS 0.89 ACRES. THIS FFCP FOR PART OF PHASE 2 INCLUDES A TOTAL TRACT AREA OF 2.25 ACRES. THIS FFCP WILL PROVIDE A MIN. OF 0.16 ACRES OF AFFORESTATION (WHICH WILL BE APPLIED TO FUTURE FFPCS ASSOCIATED WITH PHASE 2). FUTURE FFCP'S WITHIN PHASE 2 WILL BE RESPONSIBLE FOR THE REMAINING TOTAL TRACT AREA OF 2.49 ACRES. THE ASSOCIATED REFORESTATION/AFFORESTATION REQUIREMENTS FOR THE REMINDER OF PHASE 2 IS 0.16 ACRES (AND IS BEING MET BY THIS FFCP).

GENERAL NOTES

- 1. THE TRACT AREA IS 2.25 ACRES PLUS THE OFF-SITE LOD OF 0.11 ACRES = TOTAL FFCP TRACT AREA OF 2.36 ACRES.
2. THE SUBJECT PROPERTY IS LOCATED ON WSSC MAPS 207NW5 AND 208NW5
3. THE SUBJECT PROPERTY IS LOCATED ON TAX MAP GRID # HM13 AND ZONED: CRT-2.0, C-0.75, R-1.25, H-60
4. NRI 420161340 WAS APPROVED SEPT. 2, 2016
5. THE SUBJECT PROPERTY IS LOCATED IN THE WILLET BRANCH AND LITTLE FALLS STREAMS/WATERSHEDS WHICH ARE BOTH USE-CLASS I-P WATERSHEDS.
6. THIS SITE IS NOT WITHIN AN SPA OR PMA.
7. 100-YR FLOODPLAIN AND STREAMS WITHIN THE STUDY AREA ARE SHOWN ON THE PLAN PER M-NCPC GIS DATA WITH ASSOCIATED BUFFERS. STREAM VALLEY BUFFERS ON ADJACENT PROPERTIES MAY BE REEVALUATED DURING FUTURE SUBMISSION OF NRI/FFCS (BY OTHERS) FOR THE OFFSITE AREAS. 100-YR FLOODPLAIN AND STREAMS ON THE SUBJECT PROPERTY OR WITHIN 200 FEET OF THE PROPERTY ARE SHOWN ON THE PLAN WITH THEIR ASSOCIATED BUFFERS AS PER NRI 420161340.
8. PER U.S. FISH & WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY ON-LINE MAPPER (HTTP://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML) AND MARYLAND'S ENVIRONMENTAL RESOURCES AND LAND INFORMATION NETWORK (MERLIN) (HTTP://WWW.MDMERLIN.NET), THERE ARE NO WETLANDS OR THEIR ASSOCIATED BUFFERS LOCATED ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
9. A PORTION OF THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREA OF 0.2% ANNUAL CHANCE OF FLOOD AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 24031C04550, FOR MONTGOMERY COUNTY, MARYLAND, DATED SEPTEMBER 29, 2006. FLOODPLAINS SHOWN ON THIS PLAN ARE FROM DFRM & M-NCPC GIS RECORDS.
10. IN A LETTER DATED 12/29/15, THE WILDLIFE AND HERITAGE DIVISION OF THE MD DNR STATED THAT THERE IS NO FEDERAL OR STATE RECORDS OF RARE, THREATENED OR ENDANGERED SPECIES WITHIN THE NRI STUDY AREA. NO RARE, THREATENED OR ENDANGERED SPECIES WERE OBSERVED DURING THE FIELD WORK.
11. THERE ARE NO HISTORIC RESOURCES ON OR NEAR THE SUBJECT PROPERTY AS IDENTIFIED IN THE MONTGOMERY COUNTY HISTORIC PRESERVATION ON-LINE MAPPER (HTTP://WWW.MONTGOMERYPLANNING.ORG/GIS/INTERACTIVE/HISTORIC.SHTM)
12. THERE ARE 0.61 ACRES OF EXISTING FOREST ON THE SUBJECT PROPERTY AS DEFINED BY MONTGOMERY COUNTY FOREST LEGISLATION LOCATED ON THE SUBJECT PROPERTY AS DESCRIBED IN THE FOREST STAND CLASSIFICATION AND DESCRIPTION.
13. SEE THE SIGNIFICANT AND SPECIMEN TREE TABLE AND PLAN FOR LOCATIONS AND INFORMATION ABOUT STATE CHAMPION TREES OR TREES 75% OF THE STATE CHAMPION ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
14. A VARIANCE HAS BEEN APPROVED (WITH CONDITIONS) BY THE PLANNING BOARD FOR SPECIMEN TREES TO BE IMPACTED OR REMOVED. SEE THE SIGNIFICANT & SPECIMEN TREE TABLE FOR DETAILS. THIS PLAN PROPOSES 18" OF REPLACEMENT NATIVE SHADE TREES AS MITIGATION FOR REMOVAL OF SPECIMEN TREES AS PER THE SPECIMEN TREE MITIGATION TABLE SHOWN ON THIS SHEET.
15. MINOR MODIFICATIONS TO THE STORMWATER FACILITIES SHOWN MAY BE DONE DURING THE REVIEW OF THE SEDIMENT CONTROL PERMIT DRAWINGS BY THE DEPARTMENT OF PERMITTING SERVICES (SC #286421) EXCEPT FOR INSTANCES WHERE THE MODIFICATIONS WOULD RESULT IN NEW IMPACTS TO VARIANCE TREES.
16. TREE #1014 IS NO LONGER PRESENT AS IT FELL DOWN NATURALLY. SINCE IT WAS APPROVED FOR MITIGATION AS PART OF FFCP #120170170, IT WILL BE MITIGATED AS PART OF THIS FFCP.
17. PER THE FOREST CONSERVATION DEED OF EASEMENT RECORDED AT BOOK 65350 AND PAGE 62, A NEW EASEMENT WILL BE RECORDED WHICH EXCLUDES THE AREA WITHIN THE SINGLE FAMILY RESIDENTIAL FENCES WHICH ARE TO REMAIN AND THE EASEMENT WILL BE EXPANDED TO THE RIVER ROAD PUBLIC RIGHT OF WAY WHERE IT WILL CAPTURE AREA PREVIOUSLY LOCATED IN THE STORM DRAIN EASEMENT PER S.R.C. PLAT 13957.

FOREST CONSERVATION PLAN AMENDMENT: AMEND THE FFCP FOR THE DEVELOPMENT OF THE SITE FOR THE (32) TOWNHOMES.

DEVELOPER'S CERTIFICATE

Form with fields: Developer's Name, Contact Person or Owner, Address, Phone and Email, Signature.

THE BROWNSTONES AT WESTBARD SQUARE

7TH ELECTION DISTRICT BETHESDA, MARYLAND
Owner: Equity One (Westwood) LLC c/o Regency Centers, L.P.
Regency Centers
5400 Westbard Avenue, Suite 250 Bethesda, MD 20816 703-442-4302 Sam Steibel

THE ARCHITECTURE OF EYA
Applicant: Westwood Associates, LLC 4800 Hampden Lane, Suite 300 Bethesda, MD 20814 202-251-1400 Jack Lester

MILES & STOCKBRIDGE
Attorney: Miles & Stockbridge 11 N. Washington Street, Suite 700 Rockville, MD 20850 301-971-1600 Erin Girard

J.B.A. Johnson • Bernat • Associates, Inc.
Civil Engineer: Johnson Bernat Associates, Inc. 205 N. Frederick Avenue, Suite 100 Gaithersburg, MD 20877 301-963-1133 Kevin Johnson

Traffic Consultant: Wells + Associates 8730 Georgia Avenue, Suite 200 Silver Spring, MD 20910 301-971-3415 Nancy Randall

LandDesign
Landscape Architect: LandDesign 200 South Peyton Street Alexandria, VA 22314 703-594-7784 Gabriela Canamar

FINAL FOREST CONSERVATION #F20240760

FINAL FOREST CONSERVATION PLAN

AUGUST 21, 2024

Table with columns: REV., ISSUE, DATE. Rows include AMB, KJJ.

DRAWING STAMP
SHEET NUMBER
F3-02









**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 Sowa* 4/2/19

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
M-NCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org



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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.



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## **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



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- 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.



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## **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;



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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:

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



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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</i> /pin oak	38	Good	N/A	Removal
13	<i>Quercus palustris</i> /pin oak	30	Fair/Poor	N/A	Removal
14	<i>Quercus palustris</i> /pin oak	30	Poor	N/A	Removal
37	<i>Quercus palustris</i> /pin oak	34	Good	N/A	Removal
1014	<i>Prunus serotina</i> /black cherry	40	Fair	N/A	Removal
1006	<i>Robina psuedocacia</i> / black locust	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</i> /pin oak	31	Good	25.2	Save
4	<i>Quercus palustris</i> /pin oak	30	Good	30.1	Save
22	<i>Quercus palustris</i> /pin oak	36	Good	4.3	Save
1018	<i>Robina psuedocacia</i> / black locust	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.



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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



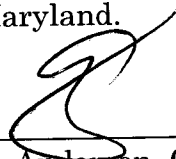
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Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**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





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

**JAN 21 2021**

MCPB No. 20-135  
Preliminary Plan No. 12017017A  
**Westwood Shopping Center**  
Date of Hearing: December 17, 2020

**RESOLUTION**

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

WHEREAS, on May 6, 2019, the Planning Board, by Resolution MCPB No. 19-032, approved Preliminary Plan No. 120170170, creating 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, on June 17, 2020, Regency Kensington Bethesda Owner, LLC ("Applicant") filed an application for approval of an amendment to the previously approved Preliminary Plan to modify the previously approved site access concept, by adding a new access point on the future Westbard Avenue Realignment for loading and service vehicles, and modify the density to permit a residential care facility on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12017017A, Westwood Shopping Center ("Preliminary Plan," "Amendment," 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 December 4, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and



WHEREAS, on December 17, 2020, 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 December 17, 2020, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 4-1; Commissioners Anderson, Cichy, Patterson, and Verma voting in favor and Commissioner Fani-Gonzalez opposed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12017017A to modify the previously approved site access concept, by adding a new access point on the future Westbard Avenue Realignment for loading and service vehicles, and modify the density to permit a residential care facility on the Subject Property by modifying the following conditions:<sup>1</sup>

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, up to 266 multifamily dwelling units, and a residential care facility of up to 106,000 square feet with up to 155 beds) 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).
  
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letters dated March 4, 2019 and October 26, 2020, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
  
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.

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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.



- 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, as amended, approved by the Planning Board.
- g. Include the Preliminary Plan resolution on the cover sheet(s).

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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:

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.*

1. The Preliminary Plan substantially confirms to the Master Plan

The Approved and Adopted *2016 Westbard Sector 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. Site-specific recommendations are summarized below.

Westwood II Shopping Center is identified as Site 3 in the Sector Plan and recommended for redevelopment in accordance with the CRT zone with a maximum building height of up to 75 feet. The Sector Plan envisioned that this Site would contribute to both the naturalization of the Willett Branch, which runs through the northern portion of the Subject Property, as well as the realignment of Westbard Avenue. As a result of the Site’s contributions, in the



form of right-of-way dedication and parkland conveyance, the Project conforms to the recommendations of the Sector Plan.

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

#### School Adequacy Analysis

The development will be served by adequate public facilities, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. The Property is situated in the Walt Whitman School Cluster. Pursuant to both the FY18 and FY19 Annual School Test (which were in place at the time of the original Preliminary Plan Approval), the Walt Whitman School Cluster, as well as the individual school test for Wood Acres Elementary School and Thomas W. Pyle Middle School, are adequate under applicable capacity criterion. Additionally, the residential care facility use has less of an impact on the transportation network and school system when compared to the originally approved multifamily residential use. Water and sewer and other utilities are available to and currently serve the Property. The Property is adequately served by public water and sewer as well as police and fire protection.

#### Transportation

A 155-bed residential care facility is approved in place of the previously approved 144-unit multifamily residential building. Based on trip generation guidance included in the 2017 Local Area Transportation Review Guidelines (LATR), the Project is estimated to generate fewer trips than the previously approved multifamily residential use; 32 fewer person trips in the morning peak hour and 36 fewer person trips in the evening peak hour. Since the Subject Application results in an overall decrease from what was previously evaluated and approved, the LATR was satisfied with a transportation exemption statement, dated July 27, 2020<sup>2</sup>.

Table 1: Project Peak Hour Person Trip Generation Estimate						
	ITE Vehicle Trips		Adjusted Vehicle Trips		Peak Hour Person Trips	
	AM	PM	AM	PM	AM	PM
<b>Previously Approved</b>						
Multifamily Units (mid-rise) 144 units	49	63	43	55	77	98
<b>Approved</b>						

<sup>2</sup> Unused peak hour trips evaluated in the Transportation Impact Study associated with Preliminary Plan 120170170 are reserved and may be applied to future development phases.



Assisted Living 155 beds	29	40	25	35	45	62
Net New	-20	-23	-18	-20	-32	-36

Source: Wells & Associates, LLC Traffic Exemption Statement, dated July 27, 2020.

As stated previously, the only change to the previously approved Preliminary Plan, aside from the conversion of 144 multifamily residential dwelling units to a residential care facility use of up to 155 beds, is the addition of a new access point on Westbard Avenue for loading activities only. The design of the loading access point emphasizes safety for all users along Westbard Avenue and within the Site garage. The driveway will be 28 feet in width, which is the minimum width that will accommodate the truck-turning radii of an SU-30 vehicle. All ingress and egress maneuvers will occur within the site loading area (head-in, head-out), so as not to adversely impact the Westbard Avenue right-of-way. The loading area is completely separated from the parking garage and therefore eliminates any potential conflicts with users of the garage. As conditioned, a Loading Management Plan is required to address the frequency and timing of deliveries, as well as the travel routes delivery vehicles must use to access the Site safely.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 21 2021 (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 Vice Chair Fani-González, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor, at its regular meeting held on Thursday, January 14, 2021, in Wheaton, Maryland.



Casey Anderson, Chair  
Montgomery County Planning Board



August 25, 2024

Adam Bossi  
Montgomery County Planning Department  
2425 Reedie Drive, 14th Floor  
Wheaton, MD 20902

Re: Brownstones at Westbard Square  
Site Plan # 820240160

Dear Adam:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval for up to thirty-two (32) units with 12.5% MPDUs (up to four (4) MPDUs) in Bethesda, Maryland.

An Agreement to Build must be submitted to, reviewed, and executed by DHCA before building permits are obtained from the Department of Permitting Services (DPS). The final MPDU layouts will need to be approved by DHCA at the MPDU Agreement to Build stage. The MPDUs must be reasonably distributed throughout the development.

Sincerely,



Adrian Hopson, Planning Specialist III  
Affordable Housing Programs Section





**DPS-ROW CONDITIONS OF APPROVAL**

**820240160 The Brownstone at Westbard Square**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

**“07-SITE-820240160-005.pdf V3”** uploaded on/ dated **“8/8/2024”** and

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

1. Access points on public roads:
  - a. Label the driveway to be constructed per MC-302.01 modified for “geometry” to meet FDA requirements.
  - b. Provide truck turning movement for all (especially right turn) movements.
  - c. As per discussion with the engineer of record on 7/22/24, the sight distance for this configuration of the access point was approved as part of preliminary plan 120170170. Please modify note 1 accordingly.
2. Provide public sidewalk:
  - a. Show/ label the width of existing sidewalks where connection is made.
  - b. Ensure positive drainage toward ROW.
3. Address the following conditions of MCDOT preliminary plan 120170170 approval letter dated 3/4/19 significant Plan Review Comments:
  - a. 9: Traffic Signal.
  - b. 17: TDM.
4. On landscaping plan, provide street trees per approved tree species list at the required spacing and clearances.



## DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Rabbiah Sabbakhan  
Director

September 5, 2024

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  
The Brownstones at Westbard Square (Phase  
2C)  
Preliminary Plan #: 120170170  
Site Plan #: 820240160  
SM File #: 282495  
Tract Size: 98,200 sf  
Zone: CRT-1.0  
Total Concept Area: 65,991 sf  
Lots/Block: Block G  
Parcel(s): A  
Watershed: Little Falls Branch  
Redevelopment (Yes/No): Yes

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 the use of Micro Bioretention and Storm Filter. This Site Development Stormwater Management Plan approval is only for Phase 2C Revision of The Brownstones at Westbard Square.

The following items will need to be addressed during the detailed sediment control/stormwater management 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 project.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. **Access width to the Micro-Bioretention denoted as MB-1 must be at least 10ft. The property boundary adjacent to the MB-1 should be relocated as necessary to provide adequate inspection access to MB-1 prior to Certified Site Plan.**

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



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)



*Mr. Andrew Bradshaw*  
*September 5, 2024*  
*Page 2 of 2*

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 me at 240-777-6342 or at [Elvina.NewtonTryer@montgomerycountymd.gov](mailto:Elvina.NewtonTryer@montgomerycountymd.gov).

Sincerely,



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

cc: Neil Braunstein  
SM File # 282495

ESD: Required/Provided: 8,964 cf / 1,042 cf  
PE: Target/Achieved: 2.0"/0.23"  
STRUCTURAL: 7,922 cf  
WAIVED: N/A cf.

August 20, 2024

Adam Bossi  
Planner III  
Downcounty Planning Division  
2425 Reddie Drive, Wheaton, MD 20902

Dear Mr. Bossi:

Thank you for the opportunity to review the Site Plan and Forest Conservation Plan Applications (**No. 820240160 and No. F20240760, respectively**) for the **Brownstone at Westbard Square development**. The State Highway Administration (SHA) has reviewed the plans, and we are pleased to respond.

Based on preliminary review, SHA recommends approval of the above referenced Applications but reserves the right to review and provide additional comments if more detailed plans and supporting documents are submitted. SHA will determine whether an Access or District Office (DO) Permit will be required for any proposed work taking place within the State's right of way.

If you have any questions or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at [kwoodroffe@mdot.maryland.gov](mailto:kwoodroffe@mdot.maryland.gov).

Sincerely,



*for* Derek Gunn, P.E.  
District Engineer, District 3, MDOT SHA

DG/kw

cc: Katherine Mencarini, Montgomery County Planning Department





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

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**DATE:** 23-Aug-24  
**TO:** Andrew Bradshaw - abradshaw@jba-inc.net  
Johnson Bernat Associates  
**FROM:** Marie LaBaw  
**RE:** The Brownstone at Westbard Square (Brownstones at Manor Care)  
820240160

---

## **PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **23-Aug-24**. 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.

**\*\*\* Approval of new development only; does not apply to existing intersections \*\*\***



THE BROWNSTONES AT WESTBARD SQUARE

7TH ELECTION DISTRICT  
BETHESDA, MARYLAND

Owner:  
Equity One (Westwood) LLC  
c/o Regency Centers, L.P.

Regency  
Centers

5400 Westbard Avenue, Suite 250  
Bethesda, MD 20816  
703-442-4302  
Sam Steibel

EYA

Applicant:  
Westwood Associates, LLC  
4800 Hampden Lane, Suite 300  
Bethesda, MD 20814  
202-251-1400  
Jack Lester

MILES &  
STOCKBRIDGE

Attorney:  
Miles & Stockbridge  
11 N. Washington Street, Suite 700  
Rockville, MD 20850  
301-762.1600  
Erin Girard

J.B.A.  
Johnson • Bernat • Associates, Inc.

Civil Engineer:  
Johnson Bernat Associates, Inc.  
205 N. Frederick Avenue, Suite 100  
Gaithersburg, MD 20877  
301-963-1133  
Kevin Johnson

WA

Traffic Consultant:  
Wells + Associates  
8730 Georgia Avenue, Suite 200  
Silver Spring, MD 20910  
301-971-3415  
Nancy Randall

LANDSCAPE ARCHITECT

LandDesign  
200 South Peyton Street  
Alexandria, VA 22314  
703.594.7784  
Gabriela Canamar

SITE PLAN # 820240160

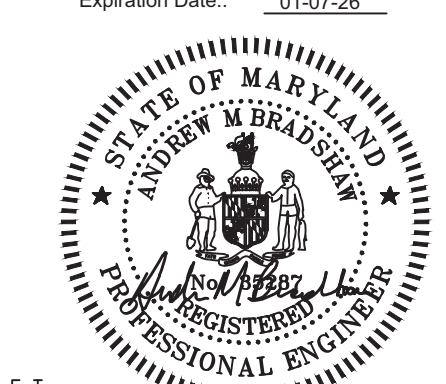
FIRE DEPARTMENT ACCESS PLAN

AUGUST 19, 2024

DRAWN: AMB CHECKED: KJJ

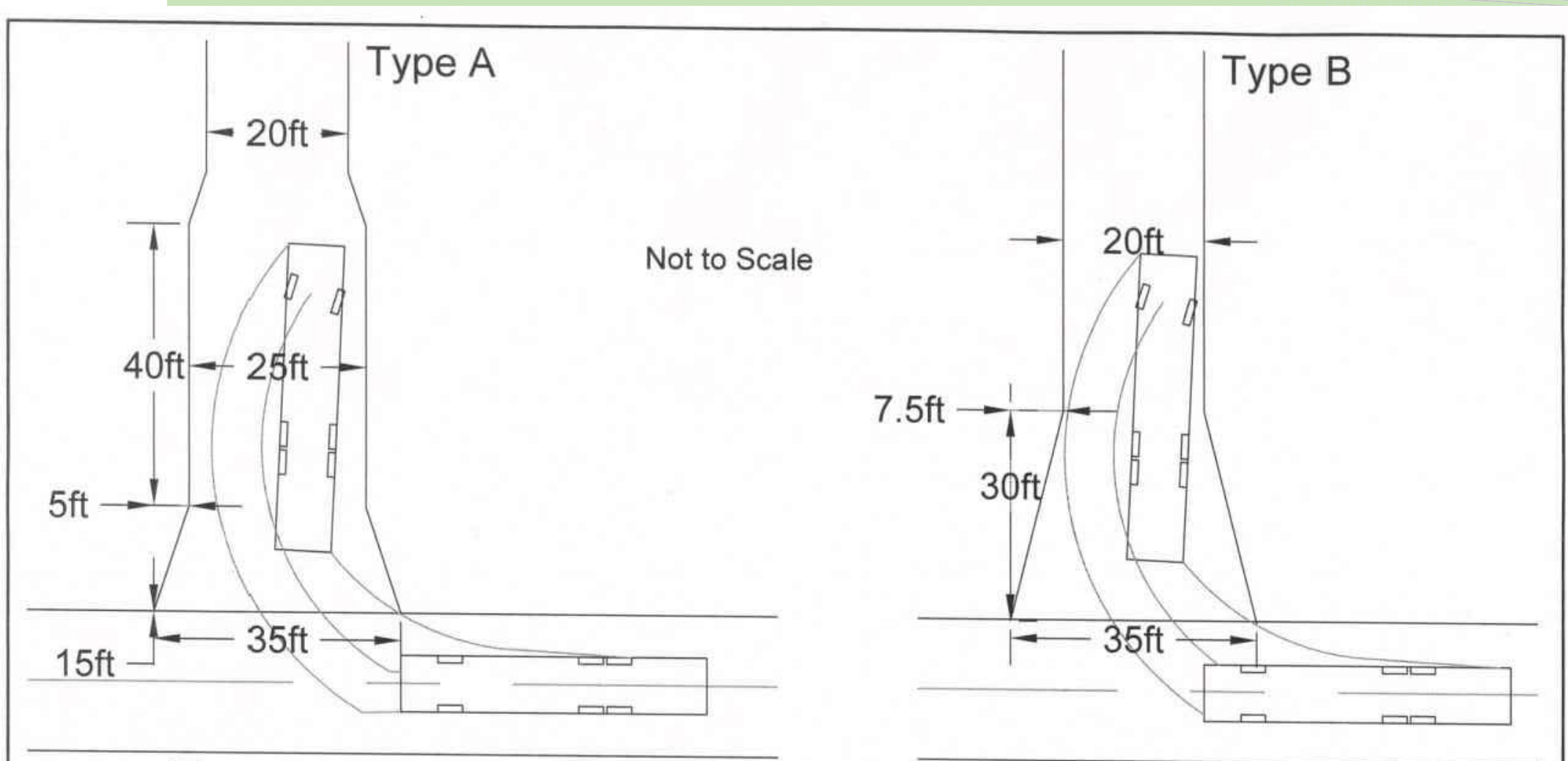
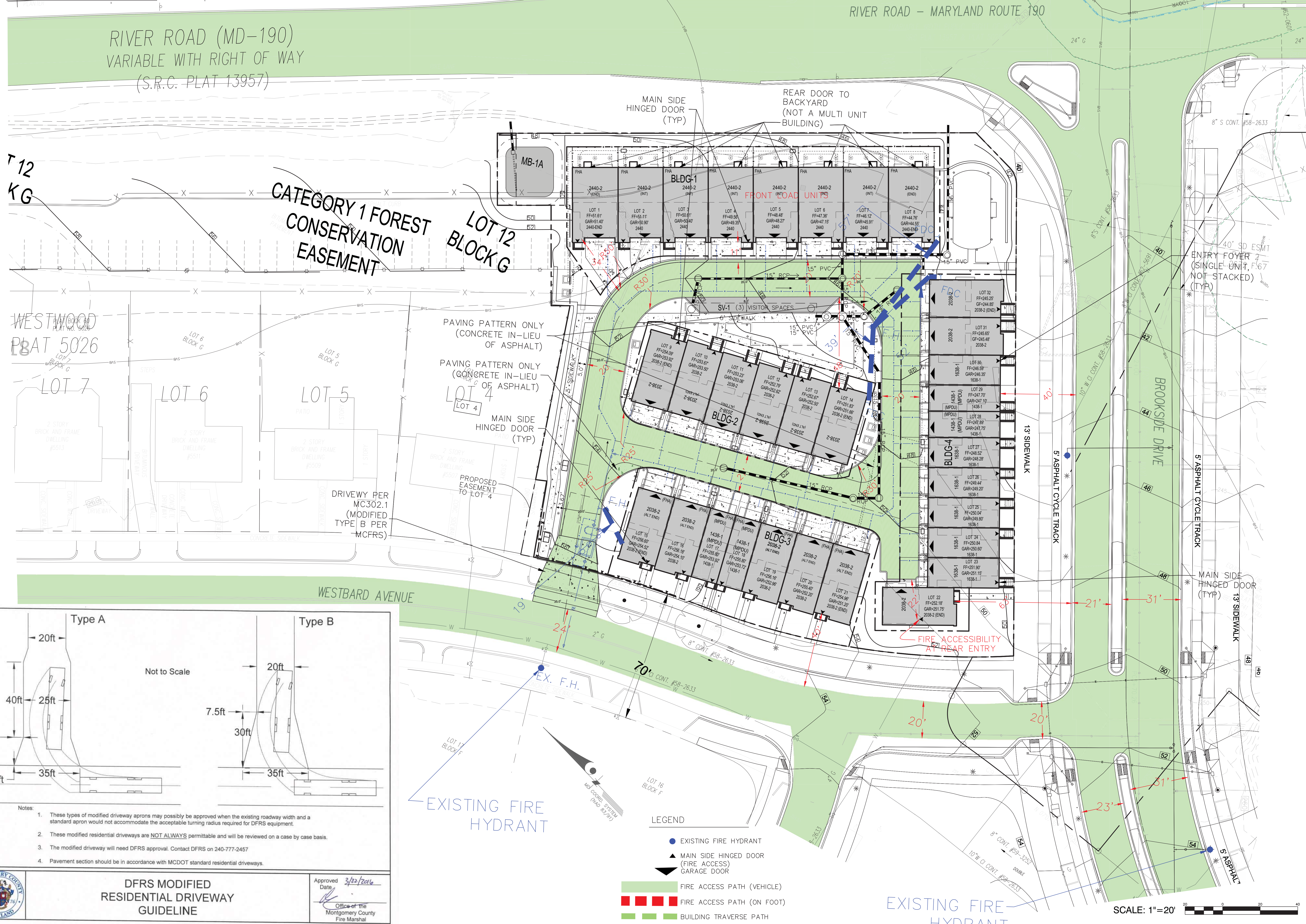
REV. ISSUE DATE

Professional Certification  
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.  
Licence No.: 39287  
Expiration Date: 03/31/26



SHEET NUMBER  
FDA - 01

**FIRE CODE ENFORCEMENT**  
Fire Department Access Review  
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.  
BY: SAC PK 43 DATE: 8/23/2024



Notes:  
1. These types of modified driveway aprons may possibly be approved when the existing roadway width and a standard apron would not accommodate the acceptable turning radius required for DFRS equipment.  
2. These modified residential driveways are NOT ALWAYS permissible and will be reviewed on a case by case basis.  
3. The modified driveway will need DFRS approval. Contact DFRS on 240-777-2457  
4. Pavement section should be in accordance with MCDOT standard residential driveways.

DFRS MODIFIED RESIDENTIAL DRIVEWAY GUIDELINE  
Approved Date: 3/22/2016  
Office of the Montgomery County Fire Marshal

- EXISTING FIRE HYDRANT
- ▲ MAIN SIDE HINGED DOOR (FIRE ACCESS) GARAGE DOOR
- FIRE ACCESS PATH (VEHICLE)
- FIRE ACCESS PATH (ON FOOT)
- BUILDING TRAVERSE PATH
- F.D.C. PATH

SCALE: 1"=20'



*Clerk's Note: Associated map attached.*

Resolution No: 19-1213  
Introduced: April 5, 2022  
Adopted: April 5, 2022

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: County Council

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**SUBJECT:** DOT Docket Nos. AB773  
Abandonment – Portions of Westbard Avenue and Ridgefield Road  
Bethesda, 7<sup>th</sup> Election District

**Background**

1. By letter dated May 22, 2020, Equity One (Northeast Portfolio), LLC (the “Applicant”), requested the abandonment of 5,891 square feet, more or less, of Westbard Avenue, and 9,123 square feet, more or less, of Ridgefield Road (collectively, the “Abandonment Area”) in the Westwood subdivision of Bethesda.
2. The Applicant’s petition is in conjunction with and required by development approvals granted by the Planning Board for the redevelopment of the Westwood Shopping Center, which requires the realignment of Westbard Avenue at its present intersection with Ridgefield Road, as contemplated by the Westbard Sector Plan.
3. A Public Hearing to consider the abandonment proposal was held on December 15, 2020 by the designee of the County Executive.
3. The County Executive forwarded to the County Council the application for abandonment, a report based on the record of the proceedings, together with exhibits relied upon and a transcription of the hearing, and recommended approval of the proposed abandonment request subject to conditions contained in the Executive’s report.

**Action**

The County Council for Montgomery County, Maryland, finds that the Abandonment Area is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment subject to the following conditions which must be satisfied at Applicant’s sole cost and expense prior to the abandonment becoming effective:

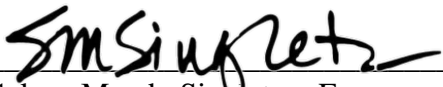
- 1) That the Applicant must fully construct and dedicate to public use the right of way for the realignment of Westbard Avenue to intersect with River Road, replacing River Road’s existing intersection with Ridgefield Road, pursuant to and in compliance with Certified Preliminary Plan No. 120170170, and that such construction be acceptable to the County, in its sole discretion, for maintenance responsibility;

- 2) That the Applicant must at its sole cost prepare and record a new subdivision plat that incorporates the Abandonment Area into the adjacent property;
- 3) That the Applicant must comply with the MCDOT conditions of abandonment stated in a Memorandum dated December 10, 2020 that is filed as Exhibit E(1) in the Hearing Record;
- 4) The Applicant must grant, prepare, and record any necessary easements for County storm drains and public utility facilities, including but not limited to gas lines, electric facilities, and water and sewer facilities to the satisfaction of the County or the public utility, as applicable, allowing such facilities to remain at their current location or relocated locations, and providing perpetual right of ingress and egress from the easement area at any time (which rights must not be subordinate to other interests).

The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area.

Any person aggrieved by the action of the Council for the abandonments may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

This is a correct copy of Council Action.



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Selena Mendy Singleton, Esq.  
Clerk of the Council







**EXHIBIT B  
EXISTING RIGHT-OF-WAY ABANDONMENT  
7<sup>TH</sup> ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND**

**Part 1**

Being a strip of land crossing and being part Westbard Avenue as shown on a plat of subdivision of "Westwood Shopping Center" recorded among the Land Records of Montgomery County, Maryland, as Plat 4456, and being more particularly described as follows:

Beginning for the same at a point on the west line of Westbard Avenue, said point being South 07° 07' 30" East, 27.31 feet from the Northeast corner of Parcel A-4 as shown on a plat of subdivision "Westwood" recorded among the aforementioned Land Record, as Plat 5498; thence with said Westbard Avenue

1. North 7° 07' 30" West, 108.13 feet to a point; thence
2. 26.53 feet along an arc of a curve to the left having a radius of 541.79' (chord North 08° 31' 40" West, 26.53 feet) to a point; thence
3. 34.38 feet along an arc of a curve to the left having a radius of 20.00' (chord North 59° 11' 00" West, 30.30 feet) to a point; thence
4. North 71° 33' 50" East, 5.25 feet to a point; thence
5. 21.15 feet along an arc of a curve to the left having a radius of 80.00' (chord North 63° 59' 23" East, 21.09 feet) to a point; thence
6. South 86° 39' 15" East, 34.81 feet to a point; thence
7. 56.07 feet along an arc of a curve to the left having a radius of 470.00' (chord South 45° 56' 45" East, 56.03 feet) to a point; thence
8. 132.06 feet along an arc of a curve to the left having a radius of 358.70' (chord South 25° 02' 32" West, 131.31 feet) to the point of beginning, containing 5,891 square feet or 0.1352 acre of land.

**Part 2**

Being a strip of land crossing and being part Ridgefield Road as shown on a plat of subdivision of "Westwood" recorded among the Land Records of Montgomery County, Maryland, as Plat 5026, and being more particularly described as follows:

Beginning for the same at a point on the north line of Westbard Avenue, said point being at the beginning of curve number 4 in Block G as shown on the aforementioned plat of subdivision; thence with said Ridgefield Road

9. North 71° 33' 50" East, 200.23 feet to a point; thence
10. South 44° 01' 12" West, 151.38 feet to a point; thence

**Engineering ♦ Surveying ♦ Planning**  
205 N. Frederick Ave. 100 ♦ Gaithersburg, MD 20877 ♦ (301) 963-1133 ♦ (301) 963-6306 Fax  
www.jba-inc.net



- 11. South 71° 33' 50" West, 47.35 feet to a point; thence
- 12. 79.41 feet along an arc of a curve to the right having a radius of 400.00' (chord North 40° 34' 27" West, 79.28 feet) to a point; thence
- 13. 11.90 feet along an arc of a curve to the left having a radius of 20.00' (chord North 88° 36' 50" East, 11.73 feet) to the point of beginning, containing 9,123 square feet or 0.2094 acre of land.

**SURVEYORS CERTIFICATION**

I hereby certify that I was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected in it, all in compliance with the requirements set forth in 09.13.06.12 of the COMAR Regulations.

**Johnson ♦ Bernat ♦ Associates, Inc.**  
Adam S. Bernat, L.S.

Date:



S:\Proj\17-005 - Woodstock Proposed Expansion\RCO\AdamBernat.dwg

**Engineering ♦ Surveying ♦ Planning**  
 205 N. Frederick Ave. 100 ♦ Gaithersburg, MD 20877 ♦ (301) 963-1133 ♦ (301) 963-6306 Fax  
 www.jba-inc.net







March 5, 2024

**Erin E. Girard**  
301.517.4804  
[egirard@milesstockbridge.com](mailto:egirard@milesstockbridge.com)

**NOTICE OF VIRTUAL PRE-SUBMISSION PUBLIC MEETING**

Name of Plan: The Brownstones at Westbard Square  
Applicant: Westwood Associates, LLC  
Current Zoning: CRT-1.0, C-0.25, R-1.0, H-45  
Area Included: Approximately 2.25 acres

Geographical Location: 5501 Westbard Avenue, located in the northwest quadrant of the intersection of River Road and Brookside Drive in Bethesda

Proposed Application: Site Plan application to redevelop the property with 32 single family attached units

A virtual informational meeting regarding the above-referenced project has been scheduled for **Thursday, March 21, 2024 at 7:00 p.m.** All neighbors and members of the public are welcome to join this presentation online at <https://shorturl.at/hAWZ2>, or by telephone at (301) 715-8592. The purpose of this virtual meeting is to review the proposed Site Plan application and answer questions regarding the proposed project.

If you have general questions about M-NCPPC's process, the Information Counter may be reached at (301) 495-4610 and the Development Applications and Regulatory Coordination Division may be reached at (301) 495-4550 or [www.montgomeryplanning.org/development](http://www.montgomeryplanning.org/development).

Very truly yours,

A handwritten signature in black ink that reads 'Erin E. Girard'.

Erin E. Girard



March 13, 2024

**Erin E. Girard**  
301.517.4804  
[egirard@milesstockbridge.com](mailto:egirard@milesstockbridge.com)

**SUPPLEMENTAL INFORMATION REGARDING**  
**VIRTUAL PRE-SUBMISSION PUBLIC MEETING**

A Notice of Virtual Pre-submission Meeting on The Brownstones at Westbard Square was mailed to you on March 5, 2024. The virtual meeting is scheduled for **Thursday, March 21, 2024 at 7:00 p.m** and available at <https://shorturl.at/hAWZ2>. Please be advised that if you choose to use the telephone number included in the original notice of (301) 715-8592 to access the meeting by phone, you will also need to enter access code of **982 9922 1385**. Thank you.

Very truly yours,

A handwritten signature in black ink that reads 'Erin E. Girard'.

Erin E. Girard



**AFFIDAVIT OF VIRTUAL PRE-SUBMISSION MEETING  
FOR THE SITE PLAN APPLICATION  
The Brownstones at Westbard Square**

I HEREBY CERTIFY that on March 20, 2024 at 7:00 p.m. representatives of Westwood Associates, LLC and their consultants held a community meeting to discuss the site plan applications for the property located at 5501 Westbard Avenue. The purpose of the meeting was to comply with Section 59.7.5.1 of the Montgomery County Zoning Ordinance and the Administrative Procedures for Development Review, which require a Pre-Submittal Public Meeting to be held no more than 90 days prior to initial application submittal. The meeting was held virtually, and the meeting invitation was mailed to all of the individuals included on the attached notice list.

**Westwood Associates, LLC**

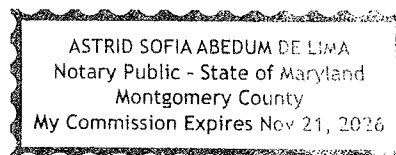
By:   
Frank R. Connors, EVP

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this 27<sup>th</sup> day of March, 2024.

  
\_\_\_\_\_

My Commission Expires:  
11/21/2026

[SEAL]



## VIRTUAL COMMUNITY MEETING FOR THE BROWNSTONES AT WESTBARD SQUARE SITE PLAN PRE-SUBMISSION COMMUNITY MEETING

MARCH 21, 2024

### MEETING MINUTES

The meeting was held via Zoom and was called to order at 7:00 PM. Present at the meeting were Jack Lester, Jack McLaurin, and Luis Gonzales, representing Westwood Associates, LLC (the Applicant), a subsidiary of EYA, Andy Bradshaw of Johnson Bernat Associates, Inc. (the project engineer), and Erin Girard and Cameron Johnson of Miles & Stockbridge P.C. (the Applicant's land use counsel). Approximately 56 attendees joined the meeting.

Ms. Girard began by explaining that tonight's presentation is about The Brownstones at Westbard Square. Ms. Girard stated that the project is part of a larger development that began approvals in 2019, including the Giant grocery store, and the Kensington Building currently under construction. Ms. Girard noted that some people refer to the subject property as the Manor Care site, because of the former business that occupied the site.

Ms. Girard stated that the Preliminary Plan, which was submitted in 2019, included within it the traffic analysis and the schools analysis covering the project and that they would not be revisited as part of the application. She noted that the purpose of the meeting was to discuss the design plans and details such as landscaping for the Project. Ms. Girard stated that at some point in the next few weeks there will be a Site Plan submission for the project, then there will be a notice to the community that it has been formally submitted. Ms. Girard mentioned that the Site Plan will be reviewed by numerous agencies, and that at any point community members will be able to comment. Ms. Girard also directed attendees to [MontgomeryPlanning.org](http://MontgomeryPlanning.org) to find all the materials related to the Site Plan. Ms. Girard stated that the Site Plan approval process will culminate in the fall with a public hearing where people can testify. Ms. Girard noted that many community members had already signed up to be parties of record as part of the Preliminary Plan process, and those people would continue to receive notices. Ms. Girard explained that parties of record get added to the list for all notices and information related to the Site Plan. Ms. Girard asked attendees to either put their information in the Zoom chat platform or email her if they would like to be added as parties of record. Ms. Girard then explained that the Applicant would



go through their presentation and then take questions and comments at the end, and asked people to use Zoom's virtual hand-raising feature if they had any questions.

Mr. Lester began by saying that he is joined by head of architecture and land planning Jack McLaurin, director of engineering Luis Gonzalez, and engineer Andy Bradshaw. Mr. Lester stated that one change to note in the Project is the reduction from the 34 total homes previously approved to 32 total homes.

Mr. Lester showed on the first slide of the presentation the information for the Development Team and explained who each of them are. Mr. Lester stated that the Applicant was selected in 2016 to develop the project and some of the surrounding area. Mr. Lester stated that EYA, an affiliated company to the Applicant, is a 34-year-old Bethesda-based company that specializes in infill development inside the Beltway. Mr. Lester reviewed other projects EYA has done including Grosvener Heights, Cabin John Village, and Montgomery Row, among others.

Mr. Lester then turned the presentation over to Mr. McLaurin. Mr. McLaurin said that they have been working on the Project for many years now. He stated that if the attendees hear the term "Westbard Square" for the Project, that is the marketing name they will be using going forward. Mr. McLaurin moved onto slide 3 of the presentation, which described the area of the Project. Mr. McLaurin stated that they are at the meeting tonight to discuss the parcel that is highlighted in yellow on slide 3. Mr. McLaurin noted that the attendees may not have known that the part of the parcel that extends along River Road and currently houses a parking lot will be torn up and reforested and the Applicant will not develop in that area.

Mr. McLaurin proceeded to the next slide, which showed the timeline for the Project. Mr. Lester mentioned that the Preliminary Plan was from 2019. Mr. Lester stated that the Site Plan submission would take place in the coming weeks, there would be a public meeting in front of the Montgomery County Planning Board in the fall of 2024, land development would hopefully begin in the second quarter of 2025, building construction by the end of 2025, and that the current projected completion of the project was the end of 2027.

Mr. McLaurin referred to a slide that presented a comparison of the layout of the project approved as part of the Preliminary Plan against the new plan that the Applicant is proposing. The plan has evolved which, Mr. McLaurin noted, is not unusual. Mr. McLaurin stated that the

former plan was previously approved with 34 total homes on the site. The proposed plan has two fewer homes, an increased amount of open and green space, and less impervious area than the previously proposed plan. Mr. McLaurin explained that impervious area is any surface, such as a street or sidewalk or rooftops, that would inhibit the natural flow of stormwater. Mr. McLaurin summarized by stating that there will be more green and less paving.

Mr. McLaurin then reviewed some of the other changes that were visible on the presentation slides. As Mr. McLaurin noted, while the original plan located the homes close to the adjacent sidewalks, those homes have now been set farther back to give more space. Mr. McLaurin stated most of the homes will have garages that are “rear-loaded,” or built in the rear. Mr. McLaurin stated that rear-loading the garages leaves the facades and front doors facing the street, which creates a more pleasing streetscape. Mr. McLaurin stated that the original plan had homes that would back up to the single-family neighbors adjacent to the property, and that the Applicant made the decision to move the homes off of that property line and to put the street entering the community on that side to act as more of a buffer between the proposed homes and the single-family neighborhood.

Mr. McLaurin noted that there will still only be one entrance to the project. Mr. McLaurin stated that the homes on River Road will no longer be facing the road, as they were in the original plan, but instead will face into the community. Mr. McLaurin explained that in the southeast corner of the site, as a part of the addition of open space, there will be a “pocket park” or a “gateway park” that is open to the public and will provide a pleasant connection between the proposed community and adjacent roadways. Mr. McLaurin stated that the community will not be gated and that, even though the internal street are private, they are open to the public. Mr. McLaurin stated that there is also now an additional community park in the center of the proposed plan, which he believes is an improvement. In addition, the new design adds a new green space in the southwest corner. There will also be specialty pavers for the streets, although it is still to be determined whether they will be brick pavers, concrete pavers, or another material.

The next slide in the presentation showed an image of the pocket park as seen from the inside of the community facing outward. Mr. McLaurin stated that the pocket park will be a gathering space, and it will have seating areas. Mr. McLaurin mentioned that there will be a robust homeowners’ association (“HOA”) program to ensure maintenance of community



landscaping, which has been designed to ensure it is attractive throughout all seasons. On the next slide, Mr. McLaurin showed a highlight of the park in the center of the community.

Mr. McLaurin stated that every home is provided with 2-car garages interior to the unit so the homeowners will not be relying on private or public streets to park their cars. He added that the HOA will prohibit owners from finishing the garages as additional living space or using them as storage.

Mr. McLaurin explained that the architecture is consistent with that approved behind the Giant site. He noted that the Applicant wanted to take a brownstone style and introduce a flat roof architecture that makes it look more urban. Mr. McLaurin showed a slide that further detailed the architecture. Mr. McLaurin explained that the corner units have bay elements projecting from the buildings to break up the facades. Mr. McLaurin stated that home designs consist of four stories, three of which are at the street level and a fourth story that has a setback façade and a rooftop space.

Ms. Girard then opened the floor to questions. An attendee asked about the planned provisions to limit traffic and asked what traffic was expected to be like during construction. Mr. Lester answered that EYA, after 34 years, is very practiced at working on tight urban sites and minimizing impacts on the surrounding impact. Mr. Lester stated that all of the land development will be done on-site and the roads on site will be done first so there will be an area for the workers and construction vehicles to park. Mr. Lester stated that EYA will be the general contractor on site all day and that they can share the specific information of what individuals will be the EYA points of contact on site when the project is closer to breaking ground.

An attendee asked if there will be elevators in the homes. Mr. McLaurin stated that there will be the ability to purchase elevators in many, but not all of the homes. Mr. McLaurin added that the Applicant would love to offer elevators in every home in the Project, but are not able to due to certain accessibility restrictions. Mr. Lester stated that the Fair Housing Act requires a developer to comply with every aspect of the Fair Housing Act once an elevator is installed in the home, so those homes with elevators have to have an accessible route to the building, which they cannot offer in some of the buildings due to topography constraints.

An attendee asked if there will be guest parking for visitors. Mr. Lester said yes, and that there will be very clear and well-written HOA documents that require on-street spaces to be reserved for guests of the homes. Homeowners themselves will not be allowed to park their cars in the guest spaces. Mr. Lester said that the HOA will have a system of enforcement for this and will make every homeowner aware of the ground rules. Mr. Lester referred to a rendering in the presentation showing that the guest spaces are near the park. Mr. Lester stated that the Applicant likes to put guest parking near open spaces because they act as safety buffers. Mr. Lester stated that homeowners will not be allowed to park cars in the driveways of the garage-fronting homes, and that the County discourages driveways big enough for that because of the increased impervious space.

An attendee asked a question about noise. Mr. Lester stated that there has been a preliminary noise study and that there will be another analysis. Mr. Lester explained that brick veneer is a good noise mitigator, and some windows will be upgraded to mitigate outdoor noise to the interior. Mr. Lester stated that the Applicant follows the direction of its noise consultants and the applicable laws and code.

An attendee asked if there would be a cut-through in the corner of the Project near the Giant grocery store. Mr. Lester stated that, no, there will not be a walkthrough for pedestrians in the southwest corner of the site.

An attendee asked about the price range for the units. Mr. Lester stated that the prices have not yet been set but that the Applicant will be opening up the Project for sale in an estimated eighteen months. Mr. Lester stated that the market will dictate what the units will be sold for, but that he estimates smaller homes will be in the \$800,000 range and the bigger units will be around the \$1,200,000 range.

An attendee asked a question about the access into the Project being provided from Westbard Avenue. Ms. Girard stated that the access was already determined at the preliminary plan phase. Ms. Girard noted that 32 homes is not a significant traffic generator. Regarding emergency fire services, Mr. McLaurin stated that the fire marshal has reviewed the plan for the road and will continue to review all plans.



An attendee asked about pedestrian crosswalks near the Project. Mr. Bradshaw stated that there is no intention for any mid-block crosswalks to be added on Westbard Avenue. He did not recall a mid-block crosswalk being in the original plan, but noted it is not in the proposed plan.

An attendee asked about the intended traffic plan and requested confirmation that no construction vehicles would cut through the 5500 Westbard Ave block. Mr. Lester responded that the Applicant hasn't developed a construction plan yet, but that the Applicant hears the community on this issue and wants to develop a plan that is the least disruptive for the community and still efficient for construction.

An attendee asked about the size of the homes and whether they will all have a fourth floor build-out. Mr. Lester stated that, yes, all of the homes will have that fourth-floor patio and loft area, including the Moderately Priced Dwelling Units. He noted the units will start at 1,400 square feet. Mr. Lester stated that the biggest homes will be approximately 3,400 sq feet and the average units are in between those two figures.

An attendee thanked the Applicant for this project and stated that they live in the neighborhood, have been excited for this project for many years and may buy one of the homes. The attendee stated that they think this development will be good and that there is a need for more walkable communities like this.

An attendee asked how construction vehicles will get to the building site. Mr. Lester stated that they will need to focus on access to the site, minimizing impact, and figure out what the limitations are. Mr. Lester stated that the biggest trucks for construction of the Project will be the lumber delivery truck and the concrete trucks, but not any vehicles bigger than that and no big cranes.

An attendee asked if the Project will have 100% stormwater management on-site, and Mr. Bradshaw confirmed that it would. Regarding the wooded area, Mr. Bradshaw stated that there is some invasive species management to be done, which was a condition of the preliminary plan approval. Mr. Lester added that they will be working closely with Montgomery County to mitigate invasive species and shore up the waterway. Mr. Lester noted that 100% stormwater management means not only the streets but also water that falls on the rooftops.

An attendee asked about the landscaping along River Road. Mr. Lester said that River Road is a State Highway right of way and there are certain things they can and cannot do regarding landscaping in this area. Mr. Gonzalez described the right-of-way side of River Road as where the waterway restoration will occur. Mr. Gonzalez stated that the area to the north along River Road is also where the asphalt will be pulled up and area reforested, but that the Applicant can only do work on the its side of the property line.

An attendee asked if the landscaping plan included native species of trees. Mr. Gonzalez said that, yes, native trees are typically planted after the invasive species are removed. Mr. Lester added that Montgomery County has a list of allowable trees that is strictly enforced.

An attendee asked how many Moderately Priced Dwelling Units there would be in the project. Mr. McLaurin responded that there will be four.

Mr. Lester addressed the timing of the Project, stating that this development is trailing the homes related to the Giant grocery store development side of the project. Mr. Lester stated that the Applicant hopes to have those homes for sale in the next six months. Mr. Lester said that the development of this Project will hopefully begin in the second quarter of 2025 and the sales of the homes in the Project could begin before then. However, Mr. Lester stated that the Applicant was hesitant to start selling the homes much earlier than that, but potentially in the first quarter of 2025. Mr. McLaurin said there is a VIP list that attendees can sign up for to get in early on sales of the project homes and that they can sign up on the EYA website. Mr. Lester said that they are seeing a lot of initial demand and if anyone is interested to go to the EYA website.

An attendee asked how the project differs architecturally and in scale compared to the Little Falls development. Mr. McLaurin stated that Little Falls is ultra-modern architecture with natural stone and true-cedar siding. Mr. McLaurin said that the project is more urban designed, and there will be some smaller homes here for lower price ranges.

Another attendee asked about the square footages of the homes in the Project. Mr. McLaurin stated that the smallest units are proposed to be 1,478 square feet, then the unit sizes will increase to various units of 1,750 square feet, 2,300 square feet, 2,750 square feet, and 3,450 square feet. Mr. McLaurin noted that these square footage estimates include the lofted areas on the fourth floors of the units.



An attendee asked about what the fourth-floor lofts would consist of. Mr. McLaurin stated that there will be the outdoor terrace and then an indoor open space that will have the ability to have a full bedroom and full bathroom. Mr. McLaurin noted that if there is an elevator in the home it will go up to the fourth floor as well.

An attendee asked if the estimate of \$1,400,000 price for one of the units on the website was for the smallest sized units. Mr. Lester stated that, no, that estimated price would be for the largest home not the smallest.

Mr. McLaurin shared his screen to show the EYA website page that has information about the Project and walked the attendees through how to access the Westbard Square development landing page.

An attendee asked the Applicant to confirm that no townhouse garages would be directly accessible from the public roads. Mr. McLaurin said that was correct, and the garages will only be accessible from the internal loop road.

An attendee asked if the HOA for the Project will allow owners of the units to rent the units. Mr. Lester stated that this situation has never come up before, and they have never restricted it in their HOA documents for other developments. Mr. Lester stated that EYA will manage the HOA through the buildout, and that Maryland state law requires that once 75% of homeowners have moved into the Project that the homeowners take over the board. Mr. Lester said that at that time, the homeowners can make decisions about rentals on their own.

An attendee asked what the HOA fee will be for each unit. Mr. Lester stated that they have developed a preliminary budget for that, and the HOA fee is expected to be approximately \$250 per unit per month. Mr. Lester stated that the HOA fee will take care of road maintenance, snow removal, private trash pickup, stormwater management facilities maintenance, and landscaping. An attendee asked if the Project HOA will be the same HOA as the other projects in the larger development. Mr. Lester stated that, yes, it will be the same HOA.

An attendee asked in which school district the Project will be located. Ms. Girard stated that it was determined at the preliminary plan phase that the homes will be in the Whitman school district.

An attendee asked about construction vehicles and traffic. Mr. Lester stated that construction trucks will not be allowed to do anything that is dangerous, such as three point turns on the public roads.

An attendee asked if the Applicant considered styles for the Project other than brownstone. Mr. McLaurin said that, yes, they did initially but thought the brownstone was a more elegant residential form than a colonial or a craftsman. Mr. Lester added that even today they are really working hard to make sure that all the materials are consistent throughout the whole larger development.

An attendee asked about the height of the units. Mr. McLaurin stated that, to the upper-loft roof, the units will be 42 to 45 feet depending on the grading of the ground level. Mr. McLaurin stated that, measuring up to the roof terrace parapet, the height will be more like 36 feet. Mr. McLaurin also stated that the ceilings will be approximately 9 feet high.

An attendee stated that they really appreciated the Applicant giving the community the update. The attendee added that, growing up in the area, the shopping center needed an upgrade from what it was and that they think this Project is a good one. The attendee said that that the changes from the preliminary plan to this proposed new design in the Site Plan are a big improvement as well. Mr. McLaurin thanked the attendee for the comment.

Ms. Girard stated that it was worth repeating that this is the very beginning of the process as this is the pre-submission meeting, and as such, nothing has been submitted yet. Ms. Girard said that there will be a notice to parties of record when the Site Plan is filed. Ms. Girard encouraged attendees to feel free to reach out to her if they have any questions and thanked everyone for attending the meeting.

The meeting ended at approximately 8:02 PM.

Minutes prepared by:

Cameron C. Johnson, Attorney for Applicant  
Miles & Stockbridge P.C.  
1201 Pennsylvania Ave NW, Ste 900  
Washington, D.C. 20004  
202-465-8397



# Attachment F

**From:** [Bossi, Adam](#)  
**To:** [Ben Kayden](#)  
**Cc:** [Dicke, Stephanie](#)  
**Subject:** RE: Westbard Brownstones - Plan Application  
**Date:** Wednesday, June 12, 2024 12:32:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

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Hi Ben,

Thanks for reaching out with questions about the site plan (820240160) and forest conservation plan (F20240760) applications for Brownstone at Westbard. To follow up on our conversation, I've included information and links to web-based resources to assist in learning about the proposed development project and associated review process.

The Brownstone at Westbard proposal is for the development of a 32-unit townhouse community at the southeastern end of the block bound by River Road, Westbard Avenue and Brookside Drive. As mentioned in our call, these applications are under review and tentatively scheduled for a hearing with the Planning Board on September 26, 2024. The Planning Department's review of these applications is rooted in the applicable requirements of the [County Zoning Ordinance](#), [Westbard Sector Plan](#), [Forest Conservation Law](#) and the terms and conditions of approval for [Preliminary Plan No. 120170170](#) (the Preliminary Plan was previously approved for the larger Westwood Shopping Center project, which includes the Brownstone at Westbard townhouse site). The site plan and forest conservation plan are essentially providing the detailed design for the development of this property; with the prior preliminary plan establishing the lots and setting basic development parameters of the larger project, inclusive of the Brownstone site.

All site plan and forest conservation plan application files for review to date are available on the Planning Department's Development Application Information Center (DAIC). The following links direct you to the site plan application materials and forest conservation plan application materials. Once on those webpages, you'll see a link under a map image to "Click here to view Plans and Reports" as circled in green in the image snippet below; click there to get to the list of application files.

[Brownstone at Westbard Site Plan Application \(DAIC\)](#)

[Brownstone at Westbard Forest Conservation Plan Application \(DAIC\)](#)

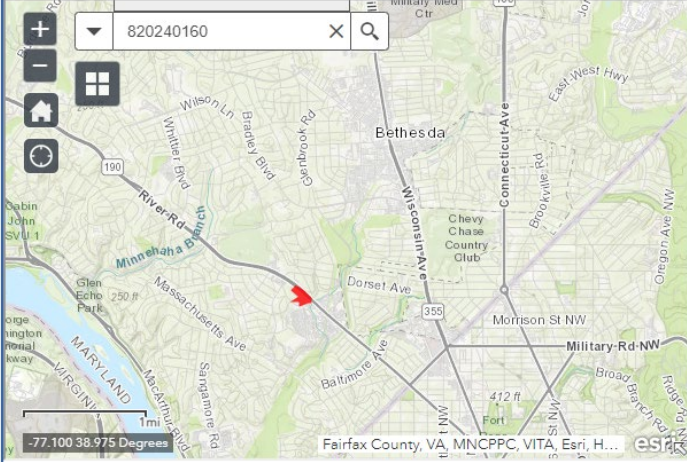
Select Language ▼ Powered by [Google Translate](#)

Development Activity Information Center

# DAIC

Montgomery County Planning > Development Review > Development Activity Information Center

**Plan Number: 820240160** << Back [Bookmarks this!](#) [New Search?](#)




Map showing where plan area is located.

**Online Documents:** [Click here to view Plans & Reports](#)

**Application #:** 820240160

**Development Review Timeline:**



**Application Type:** SITE PLAN

**Application Name:** The Brownstone at Westbard Square

General process and schedule-wise, staff from the Planning Department, SHA and county departments (MCDOT, DPS, DHCA), and utility companies are due to provide the applicant with our initial review comments at the end of this week. Next Tuesday, June 18<sup>th</sup>, there will be a Development Review Committee meeting where the applicant will have the opportunity to talk through any questions they have based on those review comments. The Development Review Committee Brownstone at Westbard discussion is scheduled for 10:35am – 11:05am. The Development Review Committee meetings are open to the public to listen-in, either in-person or via livestream. If you'd like to attend in-person, the meetings are held at the M-NCPPC building at 2425 Reedie Drive in Wheaton, on the 3rd Floor in Conference Room #3-202, just off the elevator lobby. There is a fee-based parking garage at the building and metered parking in a neighboring parking lot and along nearby streets. To listen-in via livestream, the media link will be available the day of the meeting at the weblink below:

[Development Review Committee website](#)



## Development Review

### Development Review Committee

The Development Review Committee (DRC) is an inter-agency task force comprised of representatives from public agencies and utilities such as WSSC, PEPCO, the State Highway Administration, and the county Departments of Permitting Services, Environmental Protection, and Public Works and Transportation.

DRC members discuss the application with planning staff at a regularly scheduled meeting – not more than three weeks after the application has been accepted. Each agency, providing comments for the DRC meeting, does so in writing. Planners then prepare recommendations that are presented to the Planning Board as part of the public hearing on the proposed site plan.

DRC meetings are open to the public but are not public hearings.

Upon request, staff will meet with community representatives to discuss relevant issues. To schedule a meeting concerning a plan, please contact the Information Counter at 301-495-4610.

### Schedules

- [2024 DRC YEARLY SCHEDULE](#) (revised 2/12/24)
- [2024 Sketch Plan Processing Calendar](#)
- [2024 Preliminary and Site Plan Milestone Calendar](#)
- [DRC Schedule, Tuesday, June 4, 2024](#)
- [DRC Schedule, Tuesday, June 18, 2024](#)

Meetings are arranged by date, with the most recent at the top of the list. Click **Video** to listen to the meeting and view agenda documents, or **Agenda** or **Minutes** to see just the documents. You can also search the archive by typing keywords into the Search box.

### Upcoming Events

Event	Date	Time	Video
Development Review Committee Meeting	Jun 18, 2024	09:30 AM	

### Staff Contact

Angela Brown  
301-495-4611  
[Email](#)

### Sign up for our e-Letter

Stay up-to-date with the latest news and information about Development Review.

[SIGN UP](#)

### Development Review Navigators

[Development Review Process](#)

[Information Counter](#)

After the Development Review Committee meeting, the applicant will have the opportunity to revise their plans and application materials and resubmit for additional review and consideration. Planning and public agency staff will review further and ultimately prepare a report and presentation with our analysis and recommendations for the Planning Board's consideration. The staff report will publish online 10 days prior to the Planning Board hearing on the applications, where the Board will make a decision regarding the applications conformance with the applicable requirements of the Zoning Ordinance, Sector Plan and so forth.

Questions, comments and concerns from you, your neighbors or any interested member of the community are always welcomed throughout the duration of the review process (until noon on the day prior to the scheduled Planning Board hearing). Anyone is welcomed to sign up to testify at the Planning Board hearing and can participate either in-person or virtually through Microsoft Teams. The sign-up period to testify at a Board hearing opens 10 days prior to a scheduled hearing and closes at noon the day prior the hearing. Written feedback can be sent by email directly to me, and/or to the Planning Board chairman. Comments received by Planning are shared with our review team, Board members, and the applicant's team as well, so all parties are aware of questions and concerns submitted and can consider them in the review process. Links are below regarding signing up to testify at a Planning Board hearing and submitting written comments:

[Sign up to testify at a Planning Board hearing](#)

[Email the Planning Board Chairman's Office](#)

# Attachment F

Email me @ [adam.bossi@montgomeryplanning.org](mailto:adam.bossi@montgomeryplanning.org)

After you've had the opportunity to review the application materials and submit any questions or concerns in writing, I'd be happy to work with you to schedule a follow up call with staff to talk through questions and concerns.

Thanks again and please don't hesitate to reach out with any further questions.

Adam



## Adam Bossi

**Planner III, Downcounty Planning Division**

Montgomery County Planning Department

2425 Reedie Drive, Wheaton, MD 20902

[adam.bossi@montgomeryplanning.org](mailto:adam.bossi@montgomeryplanning.org)

o: 301 495 4529



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**From:** Ben Kayden <benkayden@gmail.com>

**Sent:** Monday, June 10, 2024 4:37 PM

**To:** Bossi, Adam <Adam.Bossi@montgomeryplanning.org>

**Subject:** Westbard Brownstones - Plan Application

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

Hi Adam,

Thank you again for chatting with me today. As discussed, would you please send along additional background information on the application for the Westbard Brownstones?

Thank you again.

Ben



# Attachment F

**From:** [Bossi, Adam](#)  
**To:** [Myla Taylor Williams](#)  
**Cc:** [Dickel, Stephanie](#)  
**Subject:** RE: Date of public hearing on application for Brownstones at Westbard Square  
**Date:** Monday, September 30, 2024 6:36:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Good morning Myla,

The Planning Board hearing date for the Brownstones at Westbard Square proposal has been shifted back one week, from October 10 to October 17. The tentative start time for this item on October 17<sup>th</sup> is 1:30pm. That time may be subject to change as the agenda is refined closer to the hearing date.

Adam



## Adam Bossi

### Planner III, Downcounty Planning Division

Montgomery County Planning Department  
2425 Reedie Drive, Wheaton, MD 20902  
[adam.bossi@montgomeryplanning.org](mailto:adam.bossi@montgomeryplanning.org)  
o: 301 495 4529



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**From:** Myla Taylor Williams <[myla.williams@gmail.com](mailto:myla.williams@gmail.com)>  
**Sent:** Tuesday, September 24, 2024 2:45 PM  
**To:** Bossi, Adam <[Adam.Bossi@montgomeryplanning.org](mailto:Adam.Bossi@montgomeryplanning.org)>  
**Subject:** Re: Date of public hearing on application for Brownstones at Westbard Square

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

Yes, thank you.

Myla Williams  
6302 Newburn Dr.  
Bethesda, MD 20816

Sent from my iPhone

On Sep 24, 2024, at 2:16 PM, Bossi, Adam <[Adam.Bossi@montgomeryplanning.org](mailto:Adam.Bossi@montgomeryplanning.org)> wrote:

Hello again Myla,

Generally, after we receive inquires from community members on an application, we like to

# Attachment F

include them on the mailing for the notice of the upcoming public hearing. May I ask you for your mailing address for this purpose? The notifications are to be mailed soon.

Thanks.

Adam

<image001.png>

## Adam Bossi

Planner III, Downcounty Planning Division  
Montgomery County Planning Department  
2425 Reedie Drive, Wheaton, MD 20902  
[adam.bossi@montgomeryplanning.org](mailto:adam.bossi@montgomeryplanning.org)  
o: 301 495 4529

[<image002.png>](#)

[<image003.png>](#)

[<image004.png>](#)

[<image005.png>](#)

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**From:** Bossi, Adam

**Sent:** Tuesday, September 24, 2024 10:21 AM

**To:** Myla Taylor Williams <[myla.williams@gmail.com](mailto:myla.williams@gmail.com)>

**Cc:** Dickel, Stephanie <[Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org)>

**Subject:** RE: Date of public hearing on application for Brownstones at Westbard Square

Hi Myla,

Thanks for sharing your questions. My responses are below in italic. Please let me know if you have any other questions.

**- What time will the hearing be held?**

*The Brownstones item is tentatively scheduled for 2pm on October 10. The Planning Board's agenda for this date will not be finalized until 9/30 and will be posted online that day. If you elect to sign up to speak on the item the Chairman's staff will send you a link with the hearing time the afternoon prior to the hearing (on Wednesday, Oct. 9).*

**- Is the hearing for the townhouses planned for where the Manor Care nursing home was, for the townhouses planned for where the Giant shopping center surface parking lot was, or for the townhouses planned for both sites?**

*This hearing will be on the Site Plan and Forest Conservation Plan for the townhouse development proposed for the former Manor Care property only.*

**- On both sites, will 15% of the planned townhouses be MPDUs? If so, will any of them be rentals? And for those that will be for sale, what will be the likely price range (which the**

## County sets, if I'm not mistaken?)?

12.5 percent MPDUs were approved for Manor Care site as part of the Preliminary Plan approved in 2019 for the overall redevelopment of the Westwood Shopping Center and Manor Care properties. The Applicant will be working with the County Department of Housing and Community Affairs (DHCA) regarding pricing of the MPDUs. It is my understanding that all units in the development are to be for sale.

Adrian Hopson at DHCA has reviewed the Brownstones proposal and can be reached at [adrian.hopson@montgomerycountymd.gov](mailto:adrian.hopson@montgomerycountymd.gov) if you have any additional questions relative MPDUs, how pricing is set on those units, etc. The Applicant's attorney, Erin Girard, may also be able to provide some additional information. She can be reached at [eegirard@lerchearly.com](mailto:eegirard@lerchearly.com).

Thanks.

Adam

<image001.png>

### Adam Bossi

**Planner III, Downcounty Planning Division**  
Montgomery County Planning Department  
2425 Reddie Drive, Wheaton, MD 20902  
[adam.bossi@montgomeryplanning.org](mailto:adam.bossi@montgomeryplanning.org)  
o: 301 495 4529

[<image002.png>](#)

[<image003.png>](#)

[<image004.png>](#)

[<image005.png>](#)

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**From:** Myla Taylor Williams <[myla.williams@gmail.com](mailto:myla.williams@gmail.com)>

**Sent:** Friday, September 20, 2024 1:54 PM

**To:** Bossi, Adam <[Adam.Bossi@montgomeryplanning.org](mailto:Adam.Bossi@montgomeryplanning.org)>

**Cc:** Dickel, Stephanie <[Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org)>

**Subject:** Re: Date of public hearing on application for Brownstones at Westbard Square

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

Thanks so much, Adam. Here are some questions I have:

- What time will the hearing be held?

- Is the hearing for the townhouses planned for where the Manor Care nursing home was, for the townhouses planned for where the Giant shopping center surface parking lot was, or for the townhouses planned for both sites?



# Attachment F

- On both sites, will 15% of the planned townhouses be MPDUs? If so, will any of them be rentals? And for those that will be for sale, what will be the likely price range (which the County sets, if I'm not mistaken?)?

Thank you!  
Myla Williams

On Sep 20, 2024, at 8:14 AM, Bossi, Adam  
<[Adam.Bossi@montgomeryplanning.org](mailto:Adam.Bossi@montgomeryplanning.org)> wrote:

Good morning Myla,

Thank you for reaching out. The Planning Board hearing for the Site Plan application for the Brownstones at Westbard Square was rescheduled to October 10.

[You are welcome to participate in Planning Board hearings in-person or virtually \(more information linked here\)](#). Input from the community is always welcomed. Please also feel free to submit any questions or concerns directly to the Planning Board as well at [mcp-chair@mncppc-mc.org](mailto:mcp-chair@mncppc-mc.org).

Do you have any questions about the proposal that I can try to assist in answering?

Thanks.

Adam

Adam Bossi  
Planner III, Downcounty Planning Division  
Montgomery County Planning Department  
2425 Reddie Drive, Wheaton, MD 20902  
[adam.bossi@montgomeryplanning.org](mailto:adam.bossi@montgomeryplanning.org)  
o: 301 495 4529

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

From: Myla Taylor Williams <[myla.williams@gmail.com](mailto:myla.williams@gmail.com)>  
Sent: Wednesday, September 18, 2024 4:08 PM  
To: Bossi, Adam <[Adam.Bossi@montgomeryplanning.org](mailto:Adam.Bossi@montgomeryplanning.org)>  
Subject: Date of public hearing on application for Brownstones at Westbard Square

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

# Attachment F

Hello, Mr. Bossi. I see from Montgomery Planning's website that you're the lead reviewer for the Brownstones at Westbard Square application, currently pending. I'd like to know if the public hearing on that application is still on Sept. 26, or has it been changed, and if so, to what date.

Thank you.

Myla Williams  
Bethesda resident  
301-717-3304

## School Adequacy Analysis

Application: 820240160

Analysis prepared by: Arnita Jackson

Date completed: August 1, 2024

### Overview and Applicable School Test

The proposed Site Plan #820240160 for Brownstones at Westbard Square, Bethesda, Maryland is scheduled to come before the Planning Board in September 2024. Therefore, the FY25 Annual School Test, approved by the Planning Board on June 20, 2024 and effective July 1, 2024 is applicable to this application. This plan proposes a total of 32 single family attached units.

### School Adequacy Test

The project will be served by Wood Acres ES, Thomas W. Pyle MS and Walt Whitman HS. Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 1. FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Wood Acres ES	757	603	79.7%	+154
Thomas W. Pyle MS	1,498	1,320	88.1%	+178
Walt Whitman HS <sup>1</sup>	2,218	2,098	94.6%	+120

Table 2. FY2025 School Test Results

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Wood Acres ES	No UPP	239	306	419
Thomas W. Pyle MS	No UPP	304	478	703
Walt Whitman HS	No UPP	300	564	897

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. **Under the FY25 Annual School Test, Wood Acres ES, Thomas W. Pyle MS and Walt Whitman HS do not require any UPP as identified in Table 1.** If the project is estimated to generate more students than the identified adequacy ceilings, then additional UPPs or partial payments at multiple tiers are required.

### Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed amendment, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

<sup>1</sup> Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.



School Adequacy Analysis: 820240160

With a net of 32 single family attached units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the subject property's location within a Turnover Impact Area:

*Table 3. Estimated Student Enrollment Impacts.*

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
SF Detached	0	0.185	0.000	0.102	0.000	0.154	0.000
SF Attached	32	0.218	6.976	0.119	3.808	0.167	5.344
MF Low-rise	0	0.116	0.000	0.061	0.000	0.081	0.000
MF High-rise	0	0.073	0.000	0.042	0.000	0.053	0.000
<b>TOTALS</b>	<b>0</b>		<b>6</b>		<b>3</b>		<b>5</b>

As shown in Table 3, on average, this project is estimated to generate 6 elementary school students, 3 middle school students and 5 high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school in Table 2. Therefore, no additional UPPs are required and neither are partial payments across multiple UPP tiers.

#### **Analysis Conclusion and Condition of Approval**

Prior to issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:

No UPP condition required.

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

#### **UPP Factor Matrix for Resolution and Recording in Hansen (INTERNAL USE ONLY)**

The following provides the UPP factor matrix that needs to be included in the resolution findings for IRC to record in Hansen, assuming approval of the amendment as described in this report. If the Planning Board approves a different number and/or type of units than is described in this report, please request an updated matrix from CPP staff prior to finalizing the resolution for the approval.

School Name	Tier 1	Tier 2	Tier 3
Wood Acres ES	0.000	0.000	0.000
Thomas W. Pyle MS	0.000	0.000	0.000
Walt Whitman HS	0.000	0.000	0.000

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September 25, 2024

Chairman Harris and  
Members of the Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
2425 Reedie Drive  
Wheaton, Maryland 20902

Re: Variance Request for Minimal Disturbance to Forested Stream Valley Buffer

Dear Chair Harris and Members of the Montgomery County Planning Board:

On behalf of our client, Westwood Associates, LLC (“Applicant”), the owner of the 2.42 acre property located at 5510 Westbard Avenue in Bethesda (“Property”), and pursuant to Section 22A-21 of the Montgomery County Code (“Code”), the purpose of this letter is to request a variance from Section IV.A of the 2021 Environmental Guidelines to allow for the clearing of 850 square feet of forested buffer. Although this encroachment was shown and approved on the 2019 Preliminary Forest Conservation Plan covering the Property, the current Environmental Guidelines (“Guidelines”) were adopted two years after that approval and, as they are promulgated under Chapter 22A of the Code, a variance is now required for this impact.

The clearing of this 850 square feet is needed primarily for the installation of a surface bioretention facility, although a portion of the rear yard of Lot 1, which is immediately adjacent and parallel to the bioretention facility, also encroaches. When applying for a variance, an applicant must:

- (1) describe the special conditions peculiar to the property or other conditions which would cause the unwarranted hardship;*

As noted above, the encroachment was shown on a previous approval and its allowance was therefore assumed in the preparation of the current Site Plan application covering the Property. Therefore, disallowing the encroachment at this point in time would result in the loss of substantial time and money spent on the Site Plan application to date and require a complete reworking of the plan.

Additionally, the encroachment is necessitated by the peculiar shape of the Property, which has a relatively narrow and elongated shape along River Road, and Planning Staff’s insistence through the related preliminary plan approval that no development occur behind the R-60 zoned properties bordering the Property to the west. These factors in combination limit the developable area to the southern portion of the site. The limits of the buffer cut a triangular angle across the northeast corner of the site’s developable area. The relatively square areas of stormwater facilities and residential lots make avoidance of this angle particularly problematic. Denial of the variance

would therefore significantly restrict the limited developable area of the Property, and reduce the amount of much-needed housing that could be provided.

- (2) *describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;*

Strict enforcement of the Guidelines would deprive the Applicant of rights other landowners commonly enjoy. As described above, the variance is necessitated by the unique shape of the Property and the inability to develop behind the R-60 properties, which is not common to other landowners, and the location of the stream buffer, which cuts across the main portion of the Property at an angle. Other landowners not similarly affected by such unique conditions enjoy the right to more logical layouts that denial of the variance would preclude in this case. As such, strict enforcement of the Code would deprive the Applicant of rights commonly enjoyed by others in the same area.

- (3) *verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting the variance; and*

The granting of the variance will not violate or measurably degrade water quality, but rather will improve water quality. By promoting groundwater recharge, the proposed bioretention will improve the effectiveness of the site's SWM system.

- (4) *provide any other information appropriate to support the request.*

As noted above, the variance request covers both a bioretention facility and a portion of the Lot 1 rear yard. Shifting the rear yard out of the buffer area is not possible, as a shift of the lot to the west would preclude access to the bioretention facility and cut off the forest conservation area from the remainder of the development both visually and physically. Vehicular access to Lot 1 would also be significantly constrained, if not precluded. Additionally, as noted above, Staff made clear through previous approvals that no development was to occur further north behind the existing single family houses.

With regard to the bioretention facility, the Guidelines specifically allow for encroachments for stormwater facilities when certain findings can be met. To assist with determining when a SWM facility within the buffer is appropriate, the Guidelines list eight considerations, the majority of which are met in this case, as detailed below:

- *Documented and measurable improvement in the effectiveness of the SWM control system if placed in the buffer.*

The proposed stormwater facility is proposed to be located south of the existing headwall after the point when the channel is conveyed by the 72-inch culvert. As noted above, by promoting groundwater recharge, the proposed bioretention will improve the effectiveness of the SWM system. Additionally, the redevelopment of the Property as a whole will provide stormwater



management where none was previously provided.

- *Minimization of encroachment into the buffer.*

The proposed facility is not located up the slope from the existing channel but adjacent to the closed drainage system, and is the minimal necessary to encroach on the buffer

- *Avoidance of existing sensitive areas*

While a minimal impact to the stream valley buffer, there is no impact to wetlands, floodplain, steep slopes or habitat for rare, threatened and endangered species.

- *Ability to provide full or partial compensation for the loss of buffer function from the disturbance and permanent absence of forested areas.*

The bioretention facility is consistent with the goals of improving the forested area of the adjacent stream buffer through the proposed invasive species management, bank stabilization and supplemental tree planting. The development includes over 15,000 square feet of afforestation and over 22,000 square feet of forest preservation, which will more than help offset the encroachment into the forested stream valley buffer.

Based on the foregoing, we request approval of the variance to allow for the 850 square foot encroachment. Thank you for your consideration of this request.

LERCH, EARLY & BREWER, CHTD.



Erin E. Girard