

# WESTWOOD SHOPPING CENTER

7TH ELECTION DISTRICT  
BETHESDA, MARYLAND

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

**Regency  
Centers.**

5400 Westbard Ave. S. 250  
Bethesda, MD 20814  
703-442-4302  
Sam Stiebel

**EYA**

Residential Developer:  
The Neighborhoods of EYA  
4800 Hampden Lane, Suite 300  
Bethesda, MD 20814  
301-634-8600  
Jack Lester

**GREYSTAR™**

Multi-family Developer:  
Greystar  
3101 Wilson Blvd. S. 701  
Arlington, VA 22201  
Justin Donaldson

Attorney:

Lerch, Early & Brewer, Chtd.,  
7600 Wisconsin Avenue, S. 700  
Bethesda, MD 20814  
Pat Harris - 301-841-3832  
Erin Girard - 301-657-0736

**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

**mv+a**

Architect:  
Mushinsky Voelzke Associates | MV+A  
1200 G Street, NW Suite 250  
Washington, DC 20005  
202-682-2822  
Jim Voelzke

**LandDesign.**

Landscape Architect:  
LandDesign  
200 South Peyton Street  
Alexandria, VA 22314  
301-594-7784  
Gabriela Canamar



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

SITE PLAN NO. 82018019A  
AMENDMENT

SITE PLAN –  
COMPOSITE

DECEMBER 23, 2024

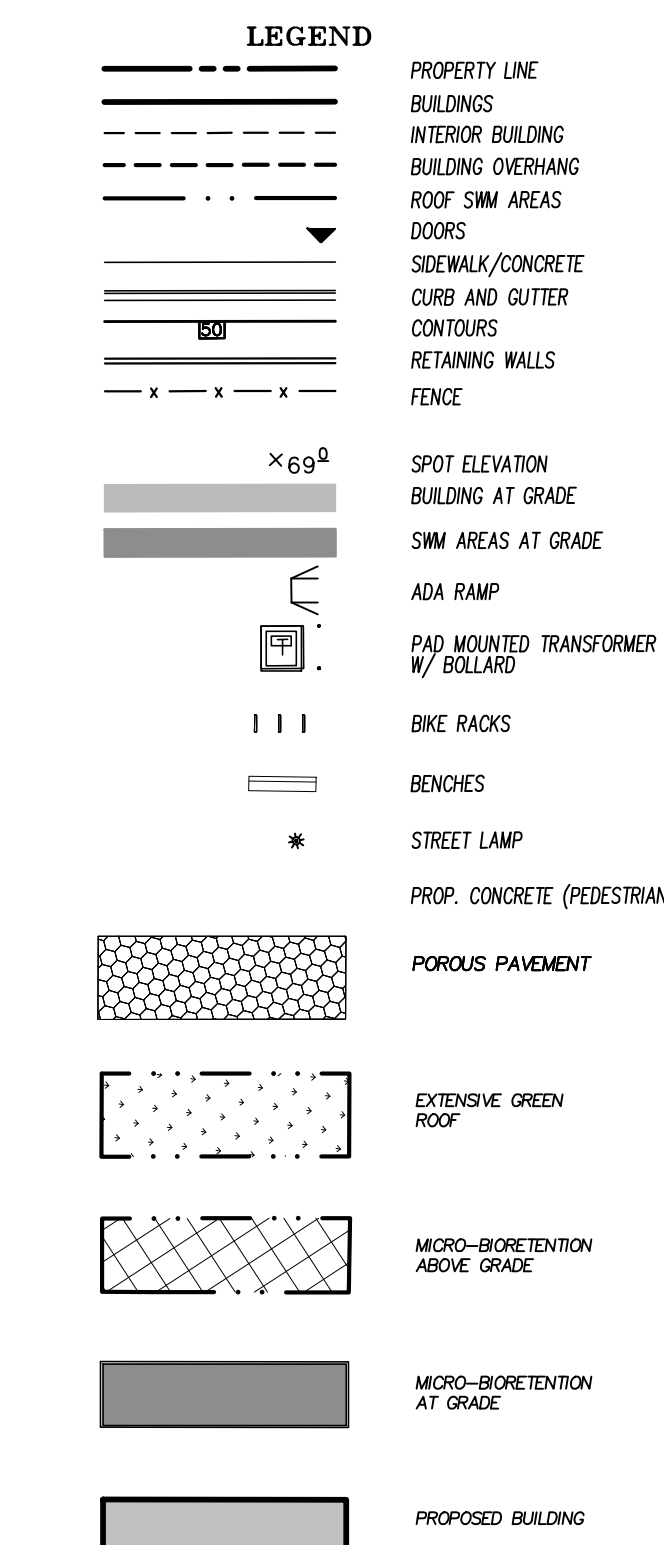
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## AMENDMENT SUMMARY #82018019A

- REDUCTION IN RETAIL SQUARE FOOTAGE AND CORRESPONDING REVISION TO CONDITION NO. 1 OF THE SITE PLAN RESOLUTION TO REFLECT THE DECREASE IN NONRESIDENTIAL SQUARE FOOTAGE
- RELOCATED BELOW GRADE PARKING TO ABOVE GRADE AND LINE THE PARKING STRUCTURE WITH OCCUPIED SPACE
- ELIMINATE GARAGE ENTRANCE ON STREET TO THE NORTH (WESTBARD AVENUE)
- SHIFT LOADING DOCK ON STREET TO THE NORTH (WESTBARD AVENUE) TO THE EAST (TOWARDS WESTBARD AVENUE)
- PROVIDE LARGE AT-GRADE PRIVATE COURT YARD FOR USE BY THE RESIDENTS ALONG THE WESTERN FRONTAGE (TOPAZ LANE) ACROSS THE STREET FROM THE TOWNS
- INCLUSION OF AT-GRADE RESIDENTIAL UNITS IN NORTH AND WEST ELEVATIONS
- RELOCATION OF TRANSFORMERS
- MINOR REVISIONS TO ELEVATIONS

STAFF NOTE: THIS AMENDMENT WILL BE CLASSIFIED AS A MAJOR SITE PLAN AMENDMENT

SCALE: 1"=40'



## DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Site Plan Approval No. 82018019A including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: Equity One (Northeast Portfolio) LLC – Sam Stiebel  
Contact Person

Address: 5400 Westbard Avenue S. 250  
Bethesda, MD 20814

Phone: 703-442-4302

Signature: \_\_\_\_\_

SHEET  
NUMBER

SP-101



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

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

**MAY 06 2019**

**RESOLUTION**

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

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

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

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

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

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect on December 20, 2016; and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, March 4, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to  
Legal Sufficiency

*Christina Sout* 4/2/19

87873 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

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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Westwood Shopping Center  
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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

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

#### Private Roads

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

**Record Plats**

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

**Easements, Dedications, Open Space**

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

**Parkland**

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

### **Certified Preliminary Plan**

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

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

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

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

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

34. Future Coordination Issues for Site Plan Review

- a. Westwood II

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

- b. Manor Care

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

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

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

1. *The Preliminary Plan substantially conforms to the Master Plan.*

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

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

#### Land Use

##### Westwood Shopping Center

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

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

#### Manor Care

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

#### Westwood II

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

#### Transportation Network

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

#### Open Space and Environment

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

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

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

#### Housing

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

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

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

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

### School Adequacy Analysis

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

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

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

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

Per Unit Student Generation Rates – Southwest Region

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

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

<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.

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

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

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

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 06 2019 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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

\* \* \* \* \*

**CERTIFICATION**

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

  
\_\_\_\_\_  
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

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2425 Reedie Drive, 14<sup>th</sup> Floor, Wheaton, Maryland 20902 Phone: 301.495.4605  
Approved as to [www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) E-Mail: [mcp-chair@mncppc.org](mailto:mcp-chair@mncppc.org)  
Legal Sufficiency: \_\_\_\_\_  
M-NCPPC Legal Department

MCPB No. 20-135  
 Preliminary Plan No. 12017017A  
**Westwood Shopping Center**  
 Page 2

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.

2. 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.

MCPB No. 20-135  
Preliminary Plan No. 12017017A  
**Westwood Shopping Center**  
Page 5

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



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

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

**MAY 06 2019**

**RESOLUTION**

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

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

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

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

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

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

Approved as to  
Legal Sufficiency

*Christina Sout* 4/2/19  
8187 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
MNCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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

### **Density, Height & Housing**

1. Density

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

2. Height

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

3. Moderately Priced Dwelling Units (MPDUs)

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

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

### **Open Space, Facilities and Amenities**

4. Open Space, Facilities, and Amenities

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

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

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

5. Recreation Facilities

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

6. Maintenance of Public Amenities

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

**M-NCPPC Department of Parks**

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

8. The Applicant must obtain a Park Construction Permit prior to any work on existing parkland and/or land to be conveyed to the Parks Department.
  - a. At the time of Park Construction Permit review, the final design of all aspects of the project affecting parkland (existing or future) including, but not limited to, park amenities, encroachments, easements, grading, maintenance access, trails, limits of disturbance, tree removals, and plantings, must be approved by Department of Parks staff.
  - b. Additional improvements and/or modifications to the Site Plan may be required as the result of the permit review, and do not require a Site Plan Amendment as long as they do not conflict with conditions of approval.
  - c. As determined by Planning Department Staff, minor changes may be made to location and construction details of amenities and plantings to be located on parkland during the park permit process without the need to amend the Site Plan.
9. Within 60 days of issuance of the final Use and Occupancy certificate for the Commercial Building, the Applicant must contribute \$500,000 to the Montgomery County Department of Parks for the planning, design and implementation of the Willett Branch Greenway.

## Site Plan

### 10. Site Design

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

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

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

#### 11. Lighting

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

#### 12. Landscaping

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

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

## Environment

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

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

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

**19. Stormwater Management**

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

**Transportation & Circulation**

**20. Pedestrian & Bicycle Circulation**

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

**21. Off-Site Interim Improvements**

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

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

**22. Fire and Rescue**

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

**23. Site Plan Surety and Maintenance Agreement**

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

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

**24. Development Program**

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

**25. Certified Site Plan**

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

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

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

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

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

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

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

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

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

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

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

a. Development Standards

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Multi-Family Building**

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

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

**Commercial Building**

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

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

b. General Requirements

i. *Site Access*

Access to the Project (vehicular, loading, pedestrian, and bicyclist) is provided from Westbard Avenue. There will be a total of four curb-cuts along Westbard Avenue that will provide access to the private road network, direct access into the Commercial Building's garage, and access to the Commercial Building's loading area.

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

ii. *Parking, Queuing, and Loading*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The parking associated with the Project will be located primarily in structured parking. The Commercial Building's parking will be accessed either from the northwest corner of the building, via an internal private street, or from the east side of the building, directly from Westbard Avenue. The Multi-Family Building's parking will be accessed entirely from the private road network on the north and west sides.

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

iii. *Open Space and Recreation*

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

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

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

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

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

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

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

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

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other Site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for residents and visitors to the Project. Landscaping and lighting will be provided in accordance with Section 59.6.4.1 of the Zoning Ordinance to ensure that the Project is safe, compatible with the surrounding community, and improves water and air quality. The Project will include new street lighting along the Subject Property's Westbard Avenue frontage and a comprehensive lighting scheme within the Project using a combination of lighting techniques, all designed to be attractive and safe. As shown on the landscape plans included with the Application, the Project also includes significant landscaping, utilizing a variety of tree and shrub species, that provides significant tree canopy and screening where appropriate.

v. *Screening*

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

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

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

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

b. Chapter 22A, Forest Conservation

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

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

The Project provides adequate, safe, and efficient parking and circulation patterns, building massing, open spaces and Site amenities. The building locations and overall site design included in the Application, including the open spaces, circulation systems and landscaping, will be adequate, safe and efficient. As noted above, the majority of the parking provided for the Project is located internal to the buildings and screened from view. The circulation patterns to the parking and around the site are logical and safe, and open spaces and amenities are located in highly visible locations easily accessed by pedestrians and cyclists. Finally, building massing is arranged on the site so as to provide an appropriate street edge along Westbard Avenue, as envisioned by the Sector Plan, while stepping down in height to the west to ensure maximum compatibility. Overall, the development will provide a high degree of safety, convenience, and amenity for site residents, as well as for area residents generally.

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

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

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

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

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

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

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

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

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

The Sector Plan contains several recommendations to preserve, restore and enhance particular environmental features while minimizing the impact of future development including the naturalization of the Willett Branch as discussed above; adding to the almost non-existent SWM facilities, and reducing the heat island effect by meeting tree canopy goals and promoting green roofs. The environmental features of the Site Plan promote these objectives.

Specifically, the Sector Plan recommends the establishment of “a minimum 50 percent canopy cover for all roads, on-street parking and ground level parking lots” (Sector Plan, page 76). As shown on the Tree Canopy exhibit included with the Site Plan Application, the Project will achieve a minimum of 50 percent canopy cover over the roads and on-street parking internal to the Project. The Sector Plan also makes a specific recommendation to reduce impervious surface parking areas, which the Project will achieve through replacement of acres of existing surface parking with the redevelopment.

With regard to stormwater, the Sector Plan acknowledges that much of the existing development in Westbard was completed prior to stormwater regulations and that projects will be subjected to the current County and State regulations as redevelopment occurs. To maximize the benefits of upgraded stormwater management, the Sector Plan also recommends that “SWM treatment should be done on-site wherever feasible, and the use of waivers should be limited” (Sector Plan, page 58). These objectives are achieved with the redevelopment, which will treat 100 percent of the stormwater from the Project on-site without the need for waivers. With regard to Westwood Shopping Center Site Plan in particular, the Sector Plan also recommends that any future redevelopment of that property “address the currently unmitigated storm flows that drain from the Kenwood Place condominium into the Giant Food site (parcels 235 and 360) by installing stormwater buffer strips along and within the perimeter of the Westwood Shopping Center site” (Sector Plan, page 76). The Site Plan moves the townhouse units shown along the property line shared with Kenwood further east to accommodate a buffer between the units and the property line to assist in the collection of stormwater. In accordance with the Sector Plan’s recommendation, the storm flows from Kenwood Place will be collected in a swale along the joint property line and directed to stormwater facilities or to the receiving storm drain system.

With regard to tree and forest preservation, in addition to more general recommendations, the Sector Plan recommends that “any redevelopment should make efforts to preserve the large trees along the entrance driveway to the Kenwood Place Condominium and the property boundary between the condominium and Westwood Shopping Center” (Sector Plan, page 76). As shown on the Final Forest Conservation Plan included with the Site Plan Application, these large trees are preserved and, where practicable, the smaller trees along the Kenwood driveway are also preserved, as shown on the current layout.

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

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

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

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

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

MCPB No. 19-033  
Site Plan No. 820180190  
Westwood Shopping Center  
Page 25

includes significant and attractive open spaces framed by buildings with materials echoing the area's history, and activated streets featuring wide sidewalks, outdoor seating, and significant landscaping and tree canopy.

The Site Plan conforms to the recommendations of the Sector Plan.

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

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

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

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

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

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

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

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

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

\* \* \* \* \*

**CERTIFICATION**

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

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board



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Department of Permitting Services  
Fire Department Access and Water Supply Comments

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**DATE:** 14-Feb-19  
**TO:** Andrew Bradshaw - abradshaw@jba-inc.net  
Johnson Bernat Associates  
**FROM:** Marie LaBaw  
**RE:** Westwood Shopping Center Phase 1  
820180190

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**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **14-Feb-19** .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.

\*\*\* 5/9/2019 Amendment: townhouse layout revisions for Buildings 1, 2, 3 \*\*\*

\*\*\* 5/9/2019 Amendment: townhouse layout revisions for Buildings 13 \*\*\*

\*\*\* 3/19/2020 Fire department access & water supply plan for temporary condition - Construction Phase 1A \*\*\*

\*\*\* 12/7/2021 Add construction trailer \*\*\*

\*\*\* 3/7/2023 Revised FDC & hydrant locations \*\*\*

\*\*\* 3/10/2025 82018019A Site plan amendment \*\*\*



**Johnson ♦ Bernat ♦ Associates, Inc.**

March 7, 2025

S Marie LaBaw, PhD, PE  
Fire Department Access and Water Supply  
Department of Permitting Services  
2425 Reddie Drive, 7th Floor  
Wheaton, Maryland 20902

Re: Westwood Shopping Center – Bethesda, MD  
Greystar Development  
Site Plan Amendment #82018019A

This letter's intention is to request an amendment to the approved Fire Department Access Plan approved on 2/14/19 for the site plan listed above.

1. A Major Amendment is being filed for the multi-family building as a new residential developer is board for its design through construction.

There are small changes in Fire Department Access, however the building will continue to be served by FDA compliant public and private roadways to the east, south, west and north.

There will be a change in the main lobby/fire control room and FDC, however the access doors will remain to be within 50' of an FDA and the FDC will remain to be within 100' of a fire hydrant (i.e. no negative impact to the changes being made. This approval is also seeking approval of a statement of performance based design for the future retail spaces. See attached sketch reflecting the change listed above.

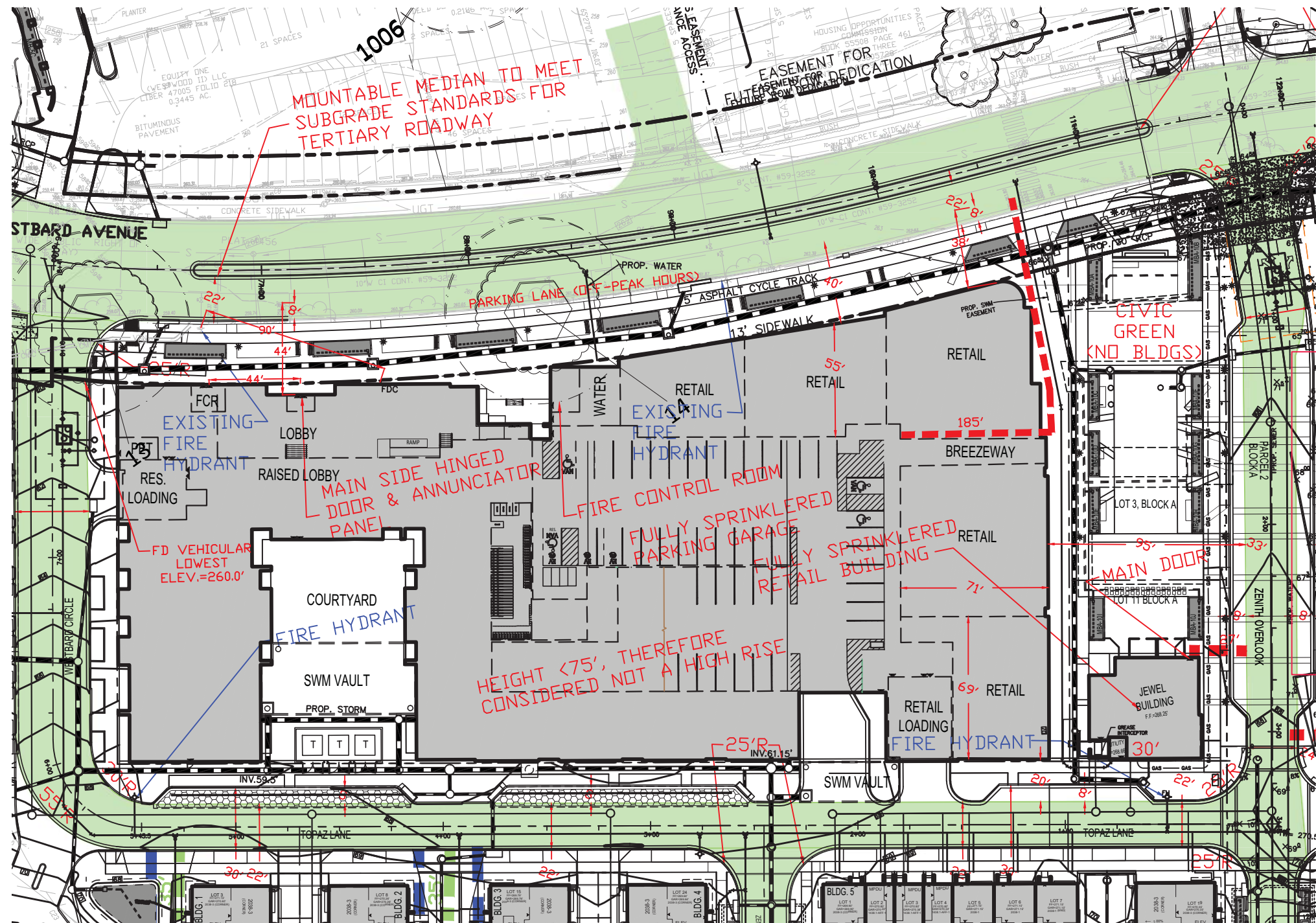
Thank you for your consideration.

Sincerely,

**Johnson ♦ Bernat ♦ Associates, Inc.**

A handwritten signature in cursive script, reading "Andrew M. Bradshaw".

Andrew M. Bradshaw, P.E.



## 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 FM: DPS DATE: 3/10/2025



scale: 1"=60'

## 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.: 35287  
Expiration Date.: 01-07-26



**Johnson ♦ Bernat ♦ Associates, Inc.**

March 7, 2025

S Marie LaBaw, PhD, PE  
 Fire Department Access and Water Supply  
 Department of Permitting Services  
 2425 Reddie Drive, 7th Floor  
 Wheaton, Maryland 20902

Statement of Performance Based Design

Re: Westwood Shopping Center – Bethesda, MD  
 Greystar Development  
 Site Plan Amendment #82018019A

1. Ground floor occupancies' main side hinged doors are not located within 50' of fire department vehicular access as required in NFPA 1 Sec. 18.2.3.2.1.

The building is set back from the private roadway to the south for a civic green area consisting of open lawn spaces and light landscape amenities.

200' pre-connected handline will reach every point on the interior of the retail ground floor occupancies from fire department vehicular access (MCFRS referenced as the source of this response).

Thank you for your consideration.

Sincerely,

**Johnson ♦ Bernat ♦ Associates, Inc.**

Andrew M. Bradshaw, P.E.  
 Project Manager

**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 FM: DPS DATE: 3/10/2025



**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.: 35287  
 Expiration Date.: 01-07-26

**Engineering ♦ Surveying ♦ Planning**

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

## **DPS-ROW CONDITIONS OF APPROVAL**

**ATTACHMENT C**  
**March 17, 2025**

### **82018019A Westwood Shopping Center**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

**“07-BSITE-82018019A-004.pdf V2”** uploaded on/ dated **“03/07/2025”**.

The following needs to be a condition of the certified site plan:

1. Please ensure full compliance with DPS ROW permits 370887, 377019, 390021 and 394113.

**DPS-ROW CONDITIONS OF APPROVAL****December 12, 2018****820180190 Westwood Shopping Center**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

“07-SITE-820180190-SP-100.pdf V8” uploaded on/ dated “12/11/2018”,  
 “07-SITE-820180190-SP-101.pdf V6” uploaded on/ dated “12/11/2018”,  
 “08-LL-820180190-L5-101.pdf V5” uploaded on/ dated “12/11/2018”,  
 “08-LL-820180190-L5-102.pdf V4” uploaded on/ dated “12/11/2018” and

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

1. Curb radii/ turning movements:
  - a. Provide the minimum curb radii that will accommodate the site traffic.
  - b. Provide truck turning movement for all access points and (especially right turn) movements;
2. Provide public sidewalk:
  - a. to ADA standards (minimum five feet wide) and label it accordingly (modify general note 13 on the cover sheet to include ROW area);
  - b. when outdoor seating café is proposed, minimum 6’ clear sidewalk is needed;
  - c. ensure all handicap ramps are shown, have receiving ramps and are aligned with them (modify general note 13 on the cover sheet and delete the part “where indicated”);
  - d. Public and private sidewalks when adjacent each other need to have the physical limits of maintenance provided or PIE/ ROW for the additional sidewalk is needed.
  - e. Do not provide lead walks into the road.
3. Street trees (sheet L5-101):
  - a. Provide two different approved minor species trees (due to existing OH wire along the site frontage) along the site frontage including trees in SWM areas.
  - b. Ensure street trees do not have conflict with handicap ramps.
  - c. Modify the provided pavement strips so additional street trees can be provided. Keep minimum of 5’ between them and street trees.
4. MCDOT Commuter Services Section comments:
  - a. Traffic Mitigation Agreement (TMAg): Commuter Services provides services in and outside of Transportation Management Districts. Although not located within a TMD, it is critical that Commuter Services have the ability to inform residents, employees and visitors at the Project about options and have the ability to promote alternatives to single occupancy auto commuting. Prior to issuance of any building permit by DPS, the Applicant must execute a TMAg with the Department of Transportation and the Planning Board.
  - b. Bikesharing: For the Phase I site plan, label the bikeshare station. MCDOT must review and approve the locations prior to site plan certification.

**From:** [Bogdan, Grace](#)  
**To:** [Benjamin Mann](#)  
**Cc:** [Dicke, Stephanie](#); [Nelson, Cashielle](#)  
**Subject:** RE: Westwood Shopping Center (82018019A)  
**Date:** Wednesday, February 12, 2025 2:15:00 PM  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

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Good afternoon Mr. Mann-

My name is Grace, and I am the planner assigned to the above referenced amendment. You are correct, the DRC meeting on February 25<sup>th</sup> isn't a public hearing but it is live streamed online which you can access [here](#). Any comments we receive before DRC we will send to the Applicant, and if relevant, we will ask the Applicant to address in their next resubmission. These comments will also be included in our staff report when this is considered by the Planning Board. If you or your neighbors would like to be added to the mailing list to be notified when the project will be considered by the Planning Board, please state that in your comments with a name and mailing address.

I've provided the link to view the application materials online below, and if you have any additional questions please feel free to reach out at my number below.

DAIC: <https://eplans.montgomeryplanning.org/daiclinks/pdoxlinks.aspx?apno=82018019A&proname=Westwood%20Shopping%20Center>

Sincerely,

Grace



**Grace Bogdan (she/her/hers)**  
**Planner IV, DownCounty Planning Division**  
**Bethesda Design Advisory Panel (DAP) Coordinator**

Montgomery County Planning Department  
 2425 Reedy Drive, 13<sup>th</sup> Floor, Wheaton, MD 20902  
[grace.bogdan@montgomeryplanning.org](mailto:grace.bogdan@montgomeryplanning.org)  
 o: 301.495.4533




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**From:** Benjamin Mann <[benjaminmann@gmail.com](mailto:benjaminmann@gmail.com)>  
**Sent:** Wednesday, February 12, 2025 11:28 AM  
**To:** Nelson, Cashielle <[Cashielle.Nelson@montgomeryplanning.org](mailto:Cashielle.Nelson@montgomeryplanning.org)>

**Subject:** Westwood Shopping Center (82018019A)

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

Cashielle,

I understand that Regency/Equity1 are seeking a major site plan amendment that would slash the retail square footage by 45%.

I know the development review committee meeting on Feb 25th isn't a public hearing, but can my neighbors and I submit comments for Planning to bear in mind when it provides feedback at the meeting? I know there was a community outreach meeting on this project back in December, but several of our community organizers were out of town at that time.

----Ben

**Greystar Westbard Square – Site Plan Amendment 82018019A  
Pre-submission Civic Meeting Minutes**

Date of Meeting: December 3, 2024, 7:00 p.m. (held virtually)

Property: 5400 Westbard Avenue, Bethesda

Applicant: Greystar Development Services (Greystar)

Attendees on behalf of Applicant: Justin Donaldson and Lily Clarkson, Greystar; Brian Symanski, MVA Architects; Kevin Johnson, JBA Civil Engineers; Sam Stiebel, Regency Centers; and Pat Harris, Lerch, Early & Brewer.

The meeting commenced with Pat Harris introducing the Applicant's team and explaining that the application is a Site Plan Amendment to the existing multi-family building and involves fairly minor revisions. Sam Stiebel then provided an update on the development of the overall project, including EYA's townhomes and the senior living project and Regency's leasing efforts. Justin Donaldson provided an overview of Greystar and their experience in Montgomery County. The majority of the Applicant's presentation was devoted to Brian Symanski explaining the proposed revisions including the 20,000 square foot reduction in retail space, the relocation of the residential lobby to Westbard Avenue, the relocation of one level of below grade parking to above grade and the change in the location and orientation of the private outdoor space. Brian noted that the number of residential units remains unchanged at 200. Brian then ran through a sheet by sheet comparison of the approved and proposed exterior of the project. He noted that the height remains 60 feet and that the approved parking provided a range of 332 minimum and 511 maximum and the applicant is proposing 393 parking spaces. Pat Harris then concluded the Applicant's presentation by explaining the Site Plan Amendment process and that a hearing is anticipated in mid-Spring, 2025.

The attendees had the following questions and comments:

Q. How much parking was previously approved and what is being proposed now? There is concern that there is not a sufficient amount of parking.

A. The number of parking spaces for the residential is not changing. The decrease in parking is a result of the reduction in the retail space. There will be 261 spaces for the residential, 102 for the retail and 30 additional spaces for the office condominium unit. The project meets the Zoning Ordinance requirements and the Applicant is confident that the parking will meet the parking demand.

Comment: I do not support reducing the retail space.

Response: We tried to preserve the retail in the locations where it is most important and moved other activating uses to Westbard Avenue. Vacant retail will not activate the street.

Comment: I have issue with the design of the existing constructed garage.

Response: The point of the meeting is to focus on the multi-family that is the subject of the application.

Q. How many fewer retailers will there be?

A. 20,000 square feet. The space was intended for a junior box retailer, but there is no longer interest in that space. At the most it would have been one or two retailers.

Q. When will construction start?

A. Goal is the end of 2025.

Comment: It is dangerous to have the loading located across the street from a park. I would like to see the location changed:

Response: Given the change in the retail space, only smaller trucks are anticipated now and loading is preferred on a secondary road, instead of along Westbard. Moreover, the park will be fenced.

Q. Have you had difficulty finding retailers?

A. Regency is happy with the mix of retailers that they have secured. The plan was designed eight years ago and the market has changed. The proposed change “right sizes” the retail in the project.

Q. What are you doing to break up the massing of the building? I like the first building. The proposed building needs more colors.

A. MV+A was also architect of the first building as well and we will be employing a number of methods to break up the massing. The façade now twists and turns and the adding of the courtyard also helps to break up the mass in the back. We are working on the colors. Our goal is that the building is compatible with the first building.

Q. Will dogs be allowed? This project has little space for dogs.

A. Greystar does allow dogs in their buildings.

Q. When will the parks be completed?

A. Spring of 2025 is the goal.

Q. How is the height measured?

A. To the flat part of the roof. Note that the Zoning Ordinance does allow architectural embellishments to exceed the height measurement.

Q. Is stormwater provided on the roof?

A. No. The stormwater has not changed from the prior approval.

Q. Do the revisions revise the construction agreement with the Kenwood Condominium?

A. No.

Note: There were a number of questions and comments dealing with the relocation of the entrance to the garage and how that would affect the convenience of the customers to the

Kenwood Condominium. Regency Centers had a scheduled meeting with the Kenwood Condominium owners for December 4th to discuss this issue.

Q. Is the courtyard accessible to the public or only for the residents?

A. It is exclusively for the residents.

Q. The parking garage was supposed to provide overflow parking for the townhouses. Is that still the case?

A. The parking garage is public so individuals using any of the Center may park in the garage.

Comment: We are concerned about the overall lack of parking in the entire project.

Response: The goal of the developers is not to under park the project but also not to provide an excess of spaces that are not needed. The number of spaces falls within the range permitted by the Zoning Ordinance and the developer believes that the number is adequate.

Q. Would you consider lowering the rental rate for the retail and attracting additional tenants?

A. Regency has paid careful attention to the retail mix and amount and thinks they have the right amount. The junior box retailer ultimately did not make sense in this location. Moving the residential lobby to Westbard will activate the street.

Q. Where are the employees of the retailers going to park?

A. The employees can park in the garage. The employees are taken into account in the parking metric required by the Zoning Ordinance.

The meeting adjourned at approximately 8:00 p.m.