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

Re: Westwood Shopping Center; Site Plan Amendment No. 82018019C

Dear Chairman Harris and Members of the Planning Board:

On behalf of our client, Equity One (Northeast Portfolio), LLC (the "Applicant"), the developer of the Westwood Shopping Center generally located at 5400 Westbard Avenue in Bethesda (the "Project"), the purpose of this letter is to request a major amendment to Site Plan No. 82018019B (the "Site Plan") to 1) amend Condition No. 4a to allow for the provision of a minimum of 10% public open space (32,794 square feet) and adjust the areas of public open space depicted on the Open Space Plan, 2) add a pergola in front of the Jewel Building, and 3) remove Condition No. 25j to allow for artificial turf within the Civic Green (the "Amendment").

The original Site Plan (No. 820180190) was approved in May 2019.[1] Construction of the Project commenced soon after and its phased build-out continues today. Condition No. 4a of the Site Plan was very specific about the open space calculations associated with the Project at the time of approval, stating:

> 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).

As the Project has progressed through construction, however, some modifications to the public open space calculations have proven to be necessary to account for final as-built conditions and

[1] The Applicant subsequently sought concurrent minor and major amendments to the Site Plan, which were approved in May and June 2025, respectively. Specifically, the Planning Board approved Site Plan No. 82018019A through MCPB No. 25-060 on June 4, 2025, authorizing the reduction of commercial density by 18,792 square feet, relocation of parking, and modifications to the loading and garage access, building elevations, and transformer locations for the proposed mixed-use building on the Property. On May 8, 2025, the Planning Director administratively approved Site Plan No. 82018019B allowing for designated outdoor café seating areas.

the provision of outdoor seating areas along the Civic Green.[2] Additionally, as part of the recent leasing of the Jewel Building located at the western end of the Civic Green, it was discovered that the previous calculations included the area immediately in front of that building as public open space, when it had always been intended for outdoor seating associated with that private use. To account for these minor adjustments and ensure that a future amendment is not needed to further tweak exact numbers, the Amendment seeks to reduce the mandated public open space to the minimum required of 32,794 square feet, or 10% of the site area. A revised Open Space Plan depicting the updated calculations is included with the Application. Importantly, the design of the Project and how it is visually perceived is not changing as part of this request. The Amendment is simply a technical correction of how spaces are classified in plan view. Further, the common open space calculation of the condition, which was always set at the minimum 10%, is not changing.

Additionally, as part of its use of the outdoor seating area in front of the Jewel Building, the tenant would like to construct a pergola to create a more formalized outdoor space and offer better protection from the elements. The specifics of this proposed structure are also included with the Application.

Finally, Condition No. 25j of the Site Plan required that the Applicant, prior to Certified Site Plan approval, "[r]emove the artificial turf within the Civic Green and replace with grass." While this change was made on the plans prior to Certified Site Plan, upon installation it was determined that artificial turf would be more durable and sustainable for the area. Subsequent to its installation, the Civic Green has become a highly-used community activity center that is retaining its appeal, in part, due to the selection of the turf. In fact, one of the most popular features of this space is a graded area that could not be seeded and would have to be leveled for the installation of grass. As such, the Amendment seeks to formalize the selection of turf and remove the condition requiring natural grass.

The MNCPPC Recreation Guidelines define a "civic green" as "[a] significant public open space containing a variety of areas for recreation and leisure," and list certain design criteria such as providing "formally planned, flexible and programmable open space for public use" and "trees for shading, a substantial central lawn as a focal point, [and] multiple options for sitting." *See* MNCPPC Recreation Guidelines at 114. The Guidelines are silent as to the type of materials an Applicant should use for the construction of lawn areas within a civic green. *See id.* at 145. As a result, the request to use turf within the green does not conflict with the Recreation Guidelines, and, instead, is consistent with the Guidelines' vision for the creation of durable, flexible, and programmable open spaces for the community's recreation and leisure.

The only Site Plan finding of approval affected by the proposed Amendment is that contained in Section 59.7.3.4.E.2.f of the Zoning Ordinance requiring a finding that the proposed development

[2] While Section 59-6.3.6.A.3.b of the Montgomery County Zoning Ordinance (the "Zoning Ordinance") allows up to 5% of public open space to be used for outdoor seating, additional seating areas along the Civic Green above this threshold cannot be counted.

"provides safe, well-integrated parking, circulation patterns, building massing and, where required open spaces and site amenities." As noted above, while the Amendment will formally adjust the provided public open space to match the minimum required, this is only a technical "on paper" adjustment, and will not involve any physical modifications to the Project. As such, the open spaces and site amenities will continue to appear as they have always been.[3] Further, the addition of the pergola will enhance the outdoor seating area associated with the Jewel Box restaurant, and the revision to allow for turf within the Civic Green will ensure the continued enjoyment of that area. Overall, the changes proposed with the Amendment do not materially alter the character or intent of the Project as originally approved.

Thank you for your consideration of this Amendment. If you have any questions or would like any additional information, please feel free to contact me.

Sincerely,

Erin E. Girard

[3] The area in which the pergola will be installed has always been separated from the Civic Green by construction fencing, so has not been in public use.