

June 10, 2025

Council President Stewart
and Members of the Montgomery County Council
Council Office Building
100 Maryland Avenue, 6th Floor
Rockville, MD 20850

Re: Zoning Text Amendment 25-05, Development Standards - Optional Method Public Benefits

Dear Council President Stewart and Members of the Montgomery County Council,

On behalf of our client, Regency Centers (“Regency”), the owner of the approximately 23 acre Westwood Shopping Center development in Bethesda (the “Development”), the purpose of this letter is to express our concerns regarding the planned implementation of Zoning Text Amendment 25-05 (the “ZTA”) and, more specifically, the lack of adequate grandfathering provisions for approved projects in the CRT zone.

Regency obtained Preliminary Plan approval for the Development in 2019. All of the parcels within the Development are zoned CRT and the Preliminary Plan was approved under the standard method of development, with the overall density of the Development falling below the 1.0 FAR optional method threshold. Over time, various phases of the Development have secured site plans under the standard method and begun construction, and still more phases remain valid but have not yet proceeded.

As currently written, the ZTA would lower the trigger for the optional method of development in the CRT zone from the current 1.0 FAR to 0.5 FAR. This is a substantial change for affected property owners, who will now incur significant additional costs to develop their property above a 0.5 FAR, which costs were previously unexpected. More critically, for projects such as the Development, the approval and build-out of which never contemplated such additional costs, the potential application of this change to the Development would have serious impacts and, fundamentally, would be patently unfair. However, the current ZTA fails to include any explicit grandfathering language to ensure that future phases of the Development can continue to proceed under the standard method envisioned at the time of the Preliminary Plan approval, and also does not address whether future amendments of any of the Development entitlements might push any or all of the Development into the optional method of development. We believe the insertion of appropriate grandfathering language is therefore imperative to provide certainty for Regency and similarly-situated property owners that the provisions of the ZTA will not effectuate wholesale change on the plans and expectations for the build-out of their entitled projects.

Thank you for your consideration of this request. Should you have any questions, or need any additional information, please feel free to contact me.

Sincerely,

LERCH, EARLY & BREWER,

CHTD.

A handwritten signature in black ink, reading "Erin E. Girard". The signature is written in a cursive style with a large, stylized 'E' and 'G'.

Erin Girard

cc: Livhu Ndou
Sam Stiebel

301-657-0736