



Erin E. Girard  
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May 22, 2020

Christopher Conklin  
Director, Montgomery County Department of Transportation  
101 Monroe Street, 10<sup>th</sup> Floor  
Rockville, Maryland 20850

Re: Abandonment of Portions of Westbard Avenue and Ridgefield Road in Bethesda

Dear County Executive Elrich:

On behalf of our client, Equity One (Northeast Portfolio), LLC ("Equity One"), the purpose of this letter is to formally request the abandonment of an approximately 5,891 square foot portion of Westbard Avenue and an approximately 9,123 square foot portion of Ridgefield Road in Bethesda. The abandonment is sought in connection with the realignment of Westbard Avenue by Equity One, which realignment will make the areas sought to be abandoned no longer necessary for public use. A sketch depicting the realignment and areas to be abandoned is shown on the plan attached hereto as Exhibit "A", and a metes and bounds description and sketch of the areas to be abandoned are attached as Exhibit "B".

The Westbard Sector Plan, approved and adopted in July 2016 ("Sector Plan"), calls for the realignment of Westbard Avenue between Westbard Circle and River Road in order to tie Westbard Avenue directly into River Road with a right-angle intersection. *See* Sector Plan, p. 34-35, 37 (relevant excerpts of the Sector Plan attached hereto as Exhibit "C"). Subsequent to the adoption of the Sector Plan, Equity One sought and obtained approval of Preliminary Plan No. 120170170 ("Preliminary Plan") for its properties lying along Westbard Avenue within the Sector Plan area. A copy of the Preliminary Plan Resolution of Approval is attached hereto as Exhibit "D". As part of the Preliminary Plan approval, Equity One is required to "construct and dedicate to public use the realigned Westbard Avenue." *See* Preliminary Plan Condition No. 20. Recognizing that the realignment will create excess right-of-way necessary for other contemplated redevelopment, the Preliminary Plan also requires that, "[p]rior to Use and Occupancy Certificate for the Commercial Building, the Applicant must file for abandonment of portions of Ridgefield Road and Westbard Avenue." *See* Preliminary Plan Condition No. 18. Condition 20.b of the Preliminary Plan further requires that, prior to the issuance of the Use and Occupancy Certificate for the 55<sup>th</sup> townhouse unit for the associated site plan, Equity One must

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“[s]ecure a County Council resolution abandoning the portions of existing Westbard Avenue/Ridgefield Roads rights-of-way that are no longer needed for transportation purposes.”

Equity One is currently pursuing permits for the first phases of its redevelopment, including the realignment of Westbard Avenue and the first commercial building referenced in Preliminary Plan Condition No. 20. To ensure development can occur at a timely pace without interruption, Equity One is seeking the abandonment now to ensure its approval is complete within the timeframes set forth in the Preliminary Plan. Importantly, in connection with the road realignment, Regency will soon be dedicating by plat approximately 45,183 square feet of area for the new Westbard Avenue right-of-way.

Pursuant to Section 49-63(c) of the Montgomery County Code (“Code”), a right-of-way may be abandoned if the County Council finds that, “(1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future,” or “(2) the abandonment...is necessary to protect the health, safety, and welfare of the residents near the right-of-way to be abandoned.” Although only one criterion need be met for approval of an abandonment, both are met in this case. As noted above, in accordance with the recommendations of the Sector Plan, Westbard Avenue will be realigned so as to intersect directly with River Road, replacing River Road’s existing intersection with Ridgefield Road. When this realignment occurs, sections of Ridgefield Road and Westbard Avenue previously used for right-of-way improvements will no longer be needed for public use, either at that point in time or in the future.

With regard to the protection of health, safety and welfare of residents near the right-of-way, Section 49-63(c)(2) of the Code further provides, “[i]n assessing health, safety, and welfare issues, the Council may consider: (A) any adopted land use plan applicable to the neighborhood; (B) safe and efficient pedestrian and vehicular traffic patterns and flow, together with alternatives, in the immediate neighborhood, for local and through traffic; and (C) changes in facts and circumstances since the original dedication of the right-of-way.” As noted above, the Sector Plan specifically calls for the realignment of Westbard Avenue. The purpose of the realignment is to enhance circulation through the Westbard area and make it more safe and efficient for neighborhood traffic and those accessing the redeveloped areas within the Sector Plan. *See* Sector Plan, p. 10 (“Realign Westbard Avenue and Ridgefield Road to create a clear gateway into the retail area and protect single-family neighborhoods.”) The recommendation calling for this realignment, adopted in 2016, also occurred after the original dedications were made in the 1950s, representing changes circumstances. Therefore, all of the sub-criteria are met for a finding that the abandonment would also protect the health, safety and welfare of the residents of the area.

Based on the foregoing, we respectfully request that the portions of Ridgefield Road and Westbard Avenue detailed and shown on Exhibit “B” be abandoned. As shown on the Proposed Lot Plan included as part of the Certified Preliminary Plan, a copy of which is attached hereto as Exhibit “E”, the abandoned portions of Ridgefield Road are proposed to be incorporated into Lot

15, Block G, and the abandoned portions of Westbard Avenue to be replatted as Lot 24, Block D<sup>1</sup>.

In connection with this abandonment request, enclosed please find the following:

- \$2500.00 filing fee
- Plan depicting the realignment and areas to be abandoned (Exhibit "A")
- Metes and bounds descriptions and sketch of the areas to be abandoned (Exhibit "B")
- Relevant excerpts of the Sector Plan (Exhibit "C")
- Preliminary Plan Resolution (Exhibit "D")
- Proposed Lot Plan (Exhibit "E")
- Aerial photograph of existing conditions
- Tax map highlighting area to be abandoned
- Plan depicting the road realignment
- List of adjoining properties

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

Sincerely,

**Miles & Stockbridge, P.C.**



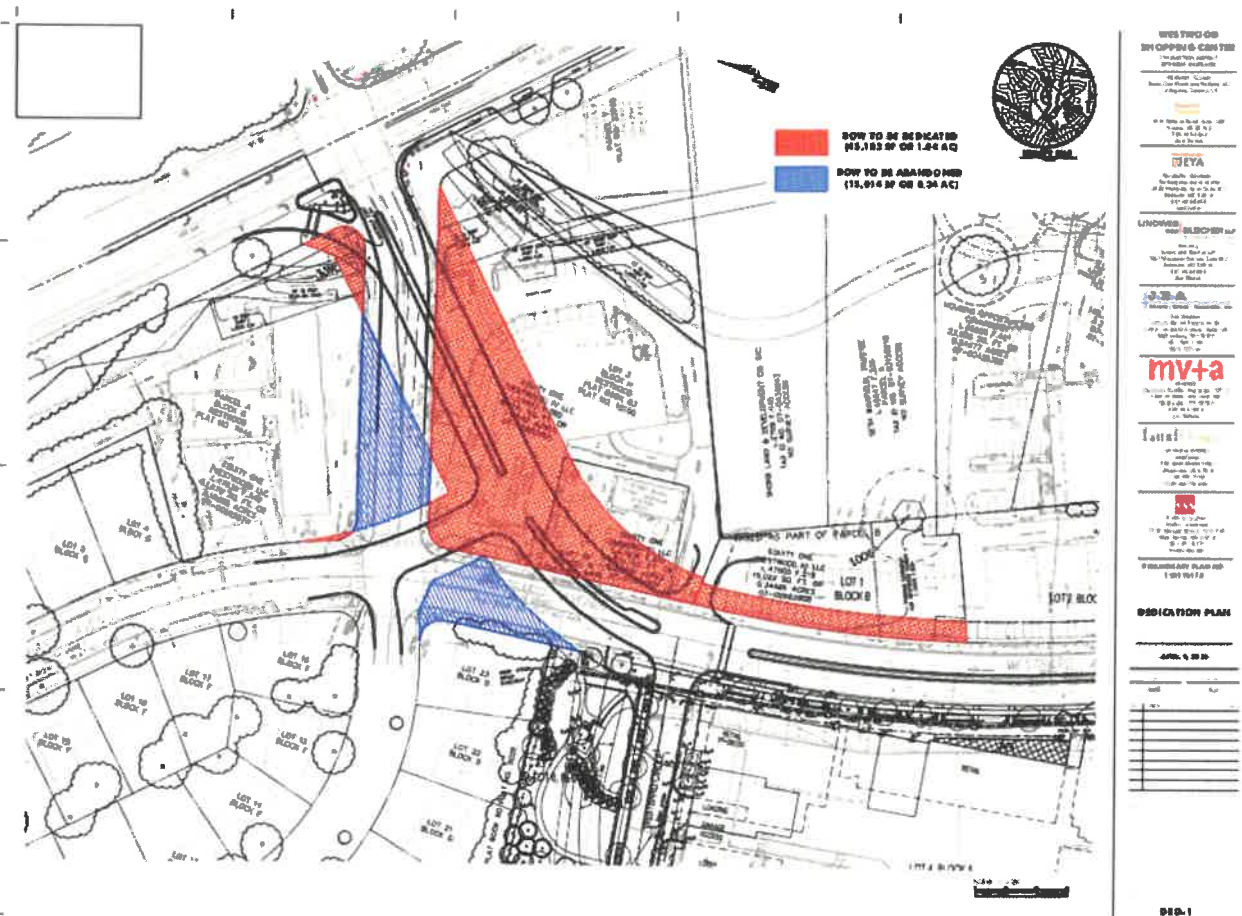
Erin E. Girard

cc: Eric Willis, Esq.  
Sam Stiebel  
Kevin Johnson

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<sup>1</sup> As shown on Plat No. 4456, the relevant portions of Westbard Avenue were dedicated by Equity One's predecessor in title, entitling it to the land after abandonment. Equity One also owns the land on both sides of the relevant portion of Ridgfield Road, originally dedicated by Plat No. 5026, and has chosen to incorporate the whole of that abandoned area into Lot 24, Block D.

**EXHIBIT "A"**







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

**Part 1**

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

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

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

**Part 2**

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

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

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

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

#### SURVEYORS CERTIFICATION

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

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

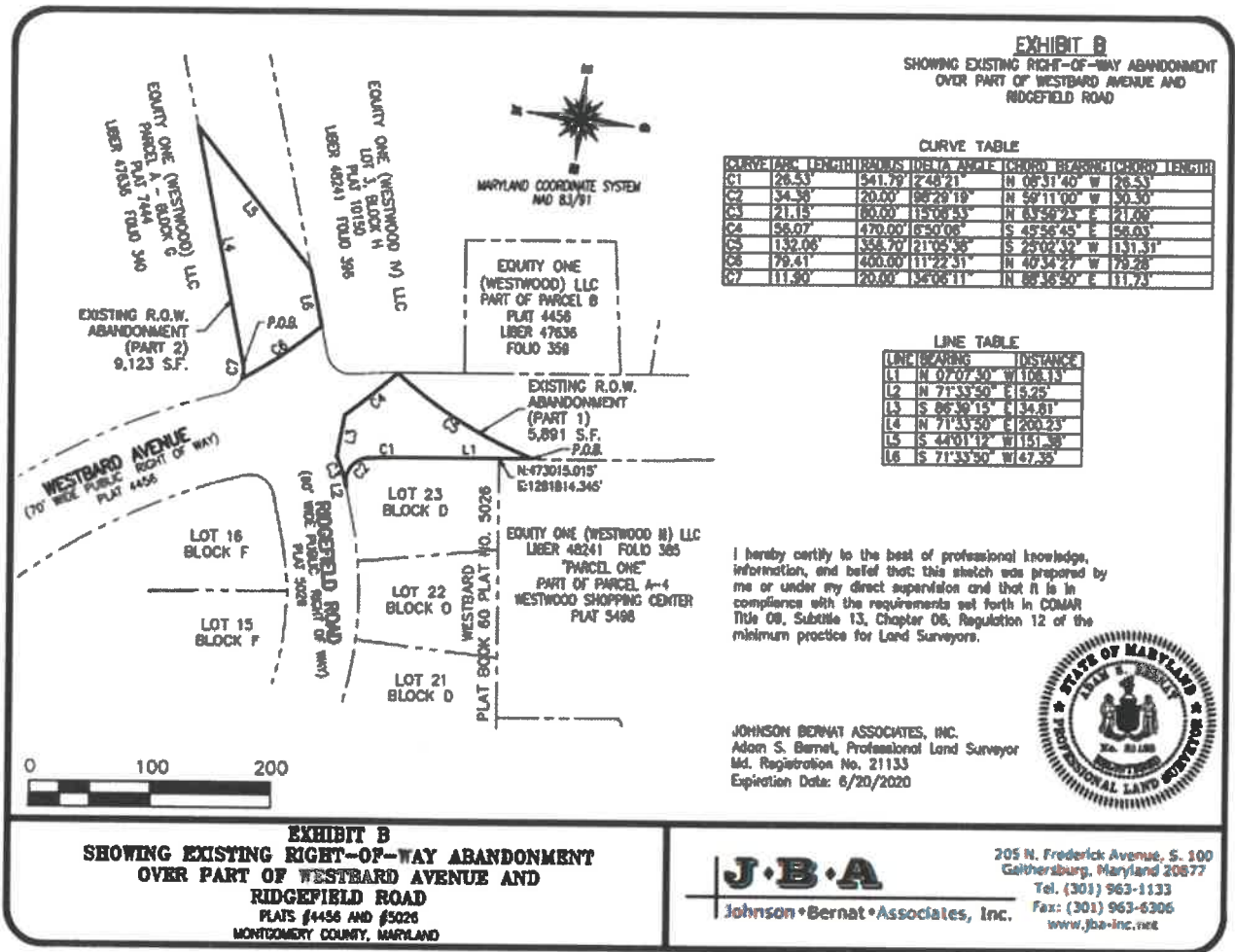
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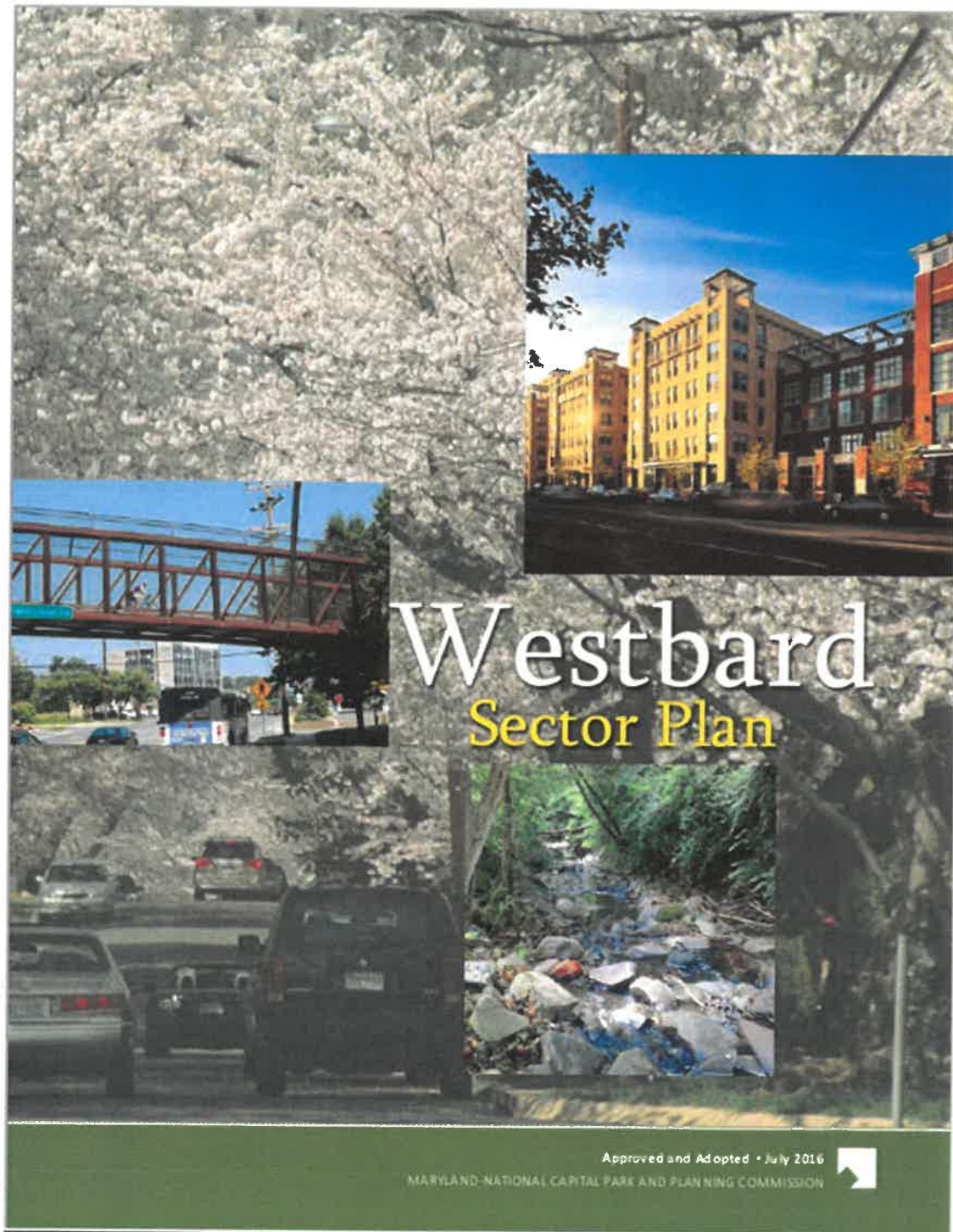
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**EXHIBIT "C"**





**Table 1.2.2: Specific Short-Term Recommendations**

<b>Description</b>	<b>Category</b>
Provide a Central Civic Green (approximately 8-acre but no less than 1/3 acre) within the Westwood Shopping Center site.	Parks
Provide a neighborhood green urban park at the intersection of re-aligned Westbard Avenue and Ridgefield Road.	Parks
Naturalize Willett Branch as a stream amenity and provide a pedestrian trail connector within Westbard. Use easements to preclude further encroachment, and an amenity fund to finance these projects.	Parks
Realign Westbard Avenue and Ridgefield Road to create a clear gateway into the retail area and protect single-family neighborhoods.	Transportation
Transform Westbard Avenue into a multi-use, pedestrian-friendly, tree-lined street with wide sidewalks and on-street parking where practicable.	Transportation
Create a pedestrian/vehicular connection between River Road and Westbard Avenue at the American Plant Food and Roof Center sites to provide another connection between the two streets and act as a gateway to the naturalized Willett Branch Urban Greenway.	Transportation
Provide an increase in public and/or provide private shuttle bus service between Westbard and Metrorail stations in Bethesda and Friendship Heights and/or other nearby major destinations to supplement the existing public transit systems.	Transportation
Reduce and control invasive plant species in the area.	Environment
Provide new storm water treatment systems and improve existing systems.	Environment
Provide affordable housing above the County's minimum moderately priced dwelling unit (MPDU) requirement.	Housing
Provide local housing options for active seniors who are seeking to downsize from single-family homes.	Housing
Encourage the development of senior housing options, including assisted-living facilities.	Housing
Maximize moderately priced dwelling unit (MPDU) options for new construction.	Housing
Preserve existing, local-serving light industrial uses.	Land Use
Maintain existing, local-serving retail establishments.	Land Use

- Expand and implement new transit options.
- Accommodate regional mobility while increasing local connectivity.
- Maintain a land use and a transportation balance
- Improve bicycle and pedestrian infrastructure.

2.4.2 Roadways

It is recommended that the Westbard Sector Plan area be designated as an Urban Area for the application of Road Code Standards. The area should also be designated as a Bicycle Pedestrian Priority Area (BPPA) to facilitate funding for bicycle and pedestrian improvements.

A: Roadway Right-of-Way and Design Elements

River Road-MD 190 (M-2)

(110-foot minimum right-of-way; West Sector Plan Boundary to East Sector Plan Boundary):

River Road is a major highway that provides east-west local connectivity. The segment contained within the Plan area measures approximately 1,800 linear feet. There are numerous curb cuts along this short segment of roadway that add to traffic stress on River Road. The vast amount of curb cuts contribute to many friction points caused by turning vehicles accessing local businesses, as well as through traffic on River Road. In order to improve operations and enhance the safety on River Road, this Plan recommends that the curb cuts be reduced and driveway access points be consolidated in a logical pattern that allows for improved driveway and intersection spacing. Inter-parcel access should be provided to allow for driveway consolidation. This Plan also recommends the installation of traffic signals on River Road at its intersections with B-2/B-3 (Landy Lane) and with B-4 (Clipper Lane). Finally, a median should be provided with left turn lanes for access to the consolidated driveways.

River Road should contain the following elements within the right-of-way:

- Travel Lanes: Two 11-foot lanes per direction.

- Median: To accommodate a left turn lane and pedestrian refuge area.
- Separated Bike Lane: 11-foot-wide, two-way separated bike lanes (cycle track) on the north side with a buffer.
- Landscape Buffer: To accommodate street trees.
- Sidewalks: Minimum 15-foot-wide (due to constraints associated with the Capital Crescent Trail, the sidewalk may need to be narrower under the CCT bridge)

Westbard Avenue – Westbard Circle to Massachusetts Avenue (B-1)

(74-foot minimum right-of-way):

This business district street is the major north-south connection for residents and businesses in the area. A shared-use path is recommended on the west side of the street to facilitate access to the school and library on the west side of the street. The shared-use path will transition to a cycle track and a sidewalk along Street B-1 north of Westbard Circle.

Westbard Avenue should contain the following elements within the right-of-way:

- Travel Lanes: Two 10-11-foot-wide lanes per direction.
- Median: None.
- Landscape Buffer: To accommodate street trees.
- Shared-use Path: Provide on the west side of the street

Westbard Avenue extended/Ridgefield Road – Westbard Circle to River Road (B-1)

(110-foot minimum right-of-way: Westbard Circle to Ridgefield Road; 100 foot minimum right-of-way: Westbard Avenue to River Road).

Westbard Avenue, a business district street, heading toward River Road should be reconfigured to be directly to River Road with a right-angled intersection, instead of teeing into Ridgefield Road. This reconfiguration would create Westbard Avenue extended that would



Figure 2.A.1: Roadway Classifications



**Table 2.4.1: Roadway Classifications**

Designation	Roadway	Limits	Minimum Right-of-Way	Target Speed	Lanes
<b>Major Highway</b>					
M-2	River Road (MD 190)	W. Sector Plan Boundary to E. Sector Plan Boundary	110'	30 mph	4
<b>Business District</b>					
B-1	Ridgefield Road	Westbard Avenue to River Road	100'	25 mph	4
B-1	Westbard Avenue	Ridgefield Road to Westbard Circle	110'	25 mph	4
B-1	Westbard Avenue	Westbard Circle to Massachusetts Avenue	74'	25 mph	4
B-2	New Connector Road	River Road to Westbard Avenue	54'	25 mph	2
B-3	Landy Lane	River Road to Little Falls Parkway	54'	25 mph	2
N/A	Little Falls Parkway	Dorset Avenue to Massachusetts Avenue	N/A	35 mph	2

connect directly with River Road. (Ridgefield Road would be reconfigured to tee into reconfigured Westbard Avenue extended. The block of Westbard Avenue south of River Road would tee into Ridgefield Avenue.) Westbard Avenue should be studied to evaluate the feasibility and implementation of on-street, off-peak parking. Special consideration should be given to implementation of on-street parking on weekends and whether this weekend parking could be accommodated due to the retail and residential demands during those days.

Westbard Avenue should contain the following elements within the right-of-way:

- **Travel Lanes:** Two lanes per direction.
- **Median:** 6-foot wide for pedestrian refuge, mountable curb/load bearing construction for emergency access
- **Separated Bike Lane:** 5-foot-wide, one-way separated bike lane (cycle track) on each side of the road outside of the curb to provide a buffer from traffic.
- **Landscape Buffer:** To accommodate utility poles.
- **Sidewalks:** 13-foot-wide at a minimum, except in the realigned portion where they should be 11 feet wide at minimum.

The Montgomery County Department of Transportation should explore whether additional

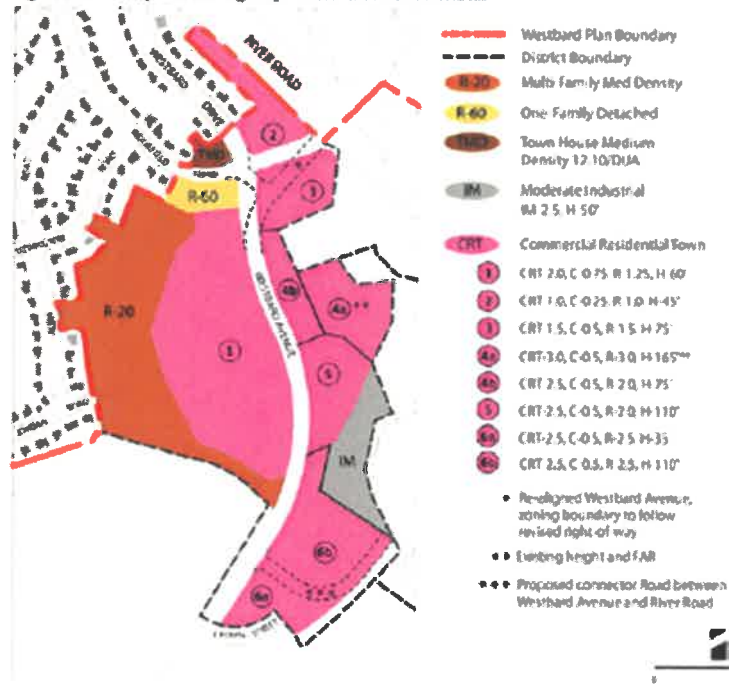
traffic signals are needed on Westbard Avenue.

#### Neighborhood Protection: Westbard Avenue (Residential Portion)

This Plan endorses the permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road at the River Road end. The closure should not occur until the existing Westbard Road/River Road intersection is realigned to intersect River Road with a right-angled turn. The closed end should have a 3-inch-high mountable curb to allow emergency vehicles to access the block from River Road. The closed end should be reconstructed to create a turnaround. Action on this closure is predicated on the submittal of a formal neighborhood application for street closure in accordance with Chapter 49 of the County Code, and its subsequent approval by the County Council.

The Department of Transportation and the State Highway Administration should work with the Kenwood community to develop a design and operations plan for the River Road/Brookside Drive intersection that better protects Kenwood from cut-through traffic without restricting safe and convenient access between realigned Westbard Avenue and River Road.

Figure 3.1.1: Proposed Zoning Map - Westbard Avenue District



compatibility with the adjacent residential community to the west. This will allow an increase in the number of residential units from that currently provided for by the existing zoning.

- Maintain commercial density at 0.75 FAR.
- Allow a residential density of 1.25 FAR.
- Maximum heights of 60'.
- Implement strategies to preserve local retail to the extent practical as discussed earlier in this Plan.

#### Site 2 - Manor Care

**Site Description:** 2.15 Acres. Site of Manor Care nursing home, now vacant.

**Existing Zone:** R-60. Average height is 35'.  
**Existing FAR:** 0.44.

**Proposed Zone:** CRT 1.0, C 0.25, R 1.0, H 45' (Figure 3.1.1 Proposed Zoning Map - Westbard Avenue District).

**Rationale for zoning change:** To allow townhouse development under the CRT zone, which requires contribution to Sector Plan amenities and benefits, while also maintaining compatibility with adjacent single-family neighborhood.

- Allow a Residential FAR of up to 1.0 FAR.
- Limit new development to townhouses.
- Limit height of proposed townhouses to 45 feet and provide appropriate transitions to the adjacent single-family neighborhood.
- The plan strongly encourages Residential as the predominant use for this parcel. Commercial uses are strongly discouraged on this site.

#### Site 3 - Westwood II Center

**Site Description:** 2.25 Acres. Site of the Westwood II shopping center.

**Existing Zone:** CRT 0.75, C 0.75, R 0.25, H 35. Existing height ranges between 25' and 45'.  
**Existing FAR:** 0.65.

**Proposed Zone:** CRT 1.5, C 0.5, R 1.5, H 75.

**EXHIBIT "D"**



**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 14, 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 Staff by:

*Christina Smith* 4/3/19  
MCPB No. 19-032  
Preliminary Plan No. 120170170  
Westwood Shopping Center  
Date of Hearing: March 14, 2019

MCPB No. 19-032  
Preliminary Plan No. 120170170  
Westwood Shopping Center  
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WHEREAS, on March 14, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

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

**General Approval**

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

**Adequate Public Facilities and Outside Agencies**

2. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for one hundred twenty (120) months from the date of mailing of the Planning Board Resolution, phased in the following manner, as illustrated on the Certified Preliminary Plan:
  - a. First Phase - 36 months from the 30th day after the Resolution is mailed; or if an administrative appeal is timely noted by any party authorized to take an appeal, the date upon which the court having final jurisdiction acts, including the running of any further applicable appeal periods.
  - b. Second Phase - 36 months from the expiration date of the validity period for First Phase.
  - c. Third Phase - 24 months from the expiration date of the validity period for Second Phase.
  - d. Fourth Phase - 24 months from the expiration date of the validity period for Third Phase.

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



MCPB No. 19-032  
Preliminary Plan No. 120170170  
Westwood Shopping Center  
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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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Preliminary Plan No. 120170170  
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

MCPB No. 19-032  
Preliminary Plan No. 120170170  
Westwood Shopping Center  
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15. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
  - a. All land necessary to accommodate 55 feet from the existing pavement centerline along the Subject Property frontage for River Road (MD 190);
  - b. All land necessary to accommodate a right-of-way width of 120 feet on Westbard Avenue, between River Road and Private Street A, as shown on the Certified Preliminary Plan; and
  - c. All land necessary to accommodate an ultimate right-of-way width of 110 feet Westbard Avenue, between Private Street A/ Westbard Circle and the southern loading entrance, except along Lot 1, Block B (Parking Lot 1) Lot 2, Block B (Parking Lot 2), Lot 3, Block B (Bowlmor), which will be subject to an easement for future right-of-way dedication, as shown on the Certified Preliminary Plan.
16. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to construct sidewalk(s) and separated bicycle lane along Westbard Avenue as shown on the Certified Preliminary Plan.

Off-Site Improvements

17. Prior to the issuance of the Use and Occupancy Certificate for the Core and Shell for the Commercial Building, the Applicant must construct interim improvements at the intersections of River Road and Ridgefield Road and Westbard Avenue and Ridgefield Road, or if the construction of the realignment of Westbard Avenue, as defined by demolition of existing Ridgefield Road, provide maintenance of traffic as needed to facilitate truck and construction traffic prior to completion of the realignment, with priority to construct the geometric improvements to the intersection of River Road and Ridgefield Road as specified by MCDOT and MDSHA.
18. Prior to Use and Occupancy Certificate for the Commercial Building, the Applicant must file for abandonment of portions of Ridgefield Road and Westbard Avenue.
19. If applicable, prior to plat approval for the Manor Care site and in accordance with the Westbard Sector Plan, the Applicant must file a corrective map amendment (CMA) changing the underlying R-60 zone within the Westbard Avenue abandonment limits to be consistent with the CRT 1.0, C 0.25, R 1.0, H 45' zone associated with the Manor Care site.
20. Prior to issuance of the Use and Occupancy Certificate for the 55<sup>th</sup> townhouse unit for Site Plan 820180190, the Applicant must construct and dedicate to public use the realigned Westbard Avenue, as illustrated on the Certified Preliminary Plan. In conjunction, the Applicant must
  - a. Meet all design standards imposed by all applicable road codes; and

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

Private Roads

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

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**Record Plats**

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

**Easements, Dedications, Open Space**

23. The record plat must show necessary easements and dedications.
24. The Applicant must record an easement for the Sector Plan recommended pedestrian connection from Westbard Avenue to the future Willett Branch Greenway on Parking Lot 1 (Lot 1, Block B).
25. The record plat must reflect all areas under common ownership.
26. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 24015 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.

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**Certified Preliminary Plan**

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

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

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

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

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

34. Future Coordination Issues for Site Plan Review

- a. Westwood II  
Future development must be designed and constructed to minimize adverse impacts on the future implementation of the Willett Branch Greenway.
- b. Manor Care
  - i. Maximize plantings in and along the River Road right of way;
  - ii. Obtain the services of a consultant specialized in stream restoration to address the details of the environmental enhancements, including
    1. Bank stabilization/stream enhancements;
    2. Invasive control;
    3. Re/afforestation planting and planting of supplemental native species within retained forest areas within the Category I Easement area and right-of-way, as applicable;
    4. Address fences encroaching into the Category I Conservation Easement on the Manor Care site;

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

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

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

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

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

#### **Land Use**

##### **Westwood Shopping Center**

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

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



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**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:

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- **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.

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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

	Elementary School	Middle School	High School
<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
SF Attached	106	0.191	20.246	0.094	9.964	0.124	13.144
MF High-rise	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:

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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



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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 59.4.6.4 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 Westhard 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



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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	39	Fair/Poor	N/A	Removal
14	<i>Quercus palustris</i> /pin oak	39	Poor	N/A	Removal
37	<i>Quercus palustris</i> /pin oak	34	Good	N/A	Removal
1014	<i>Prunus serotina</i> /black cherry	49	Fair	N/A	Removal
1006	<i>Robinia pseudoacacia</i> /black locust	39	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>Robinia pseudoacacia</i> /black locust	30	Fair	23.2	Save

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

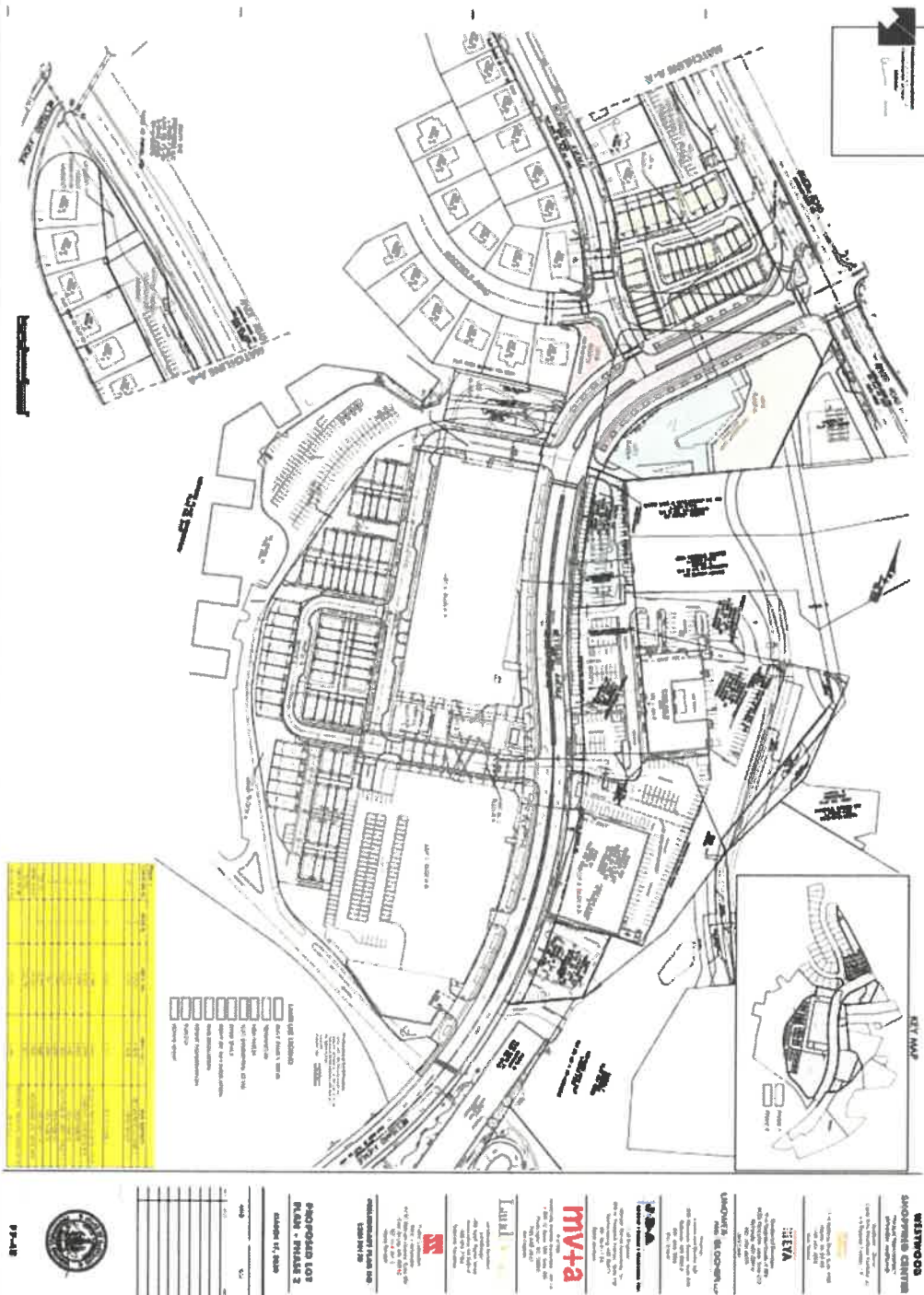
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**CERTIFICATION**

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.

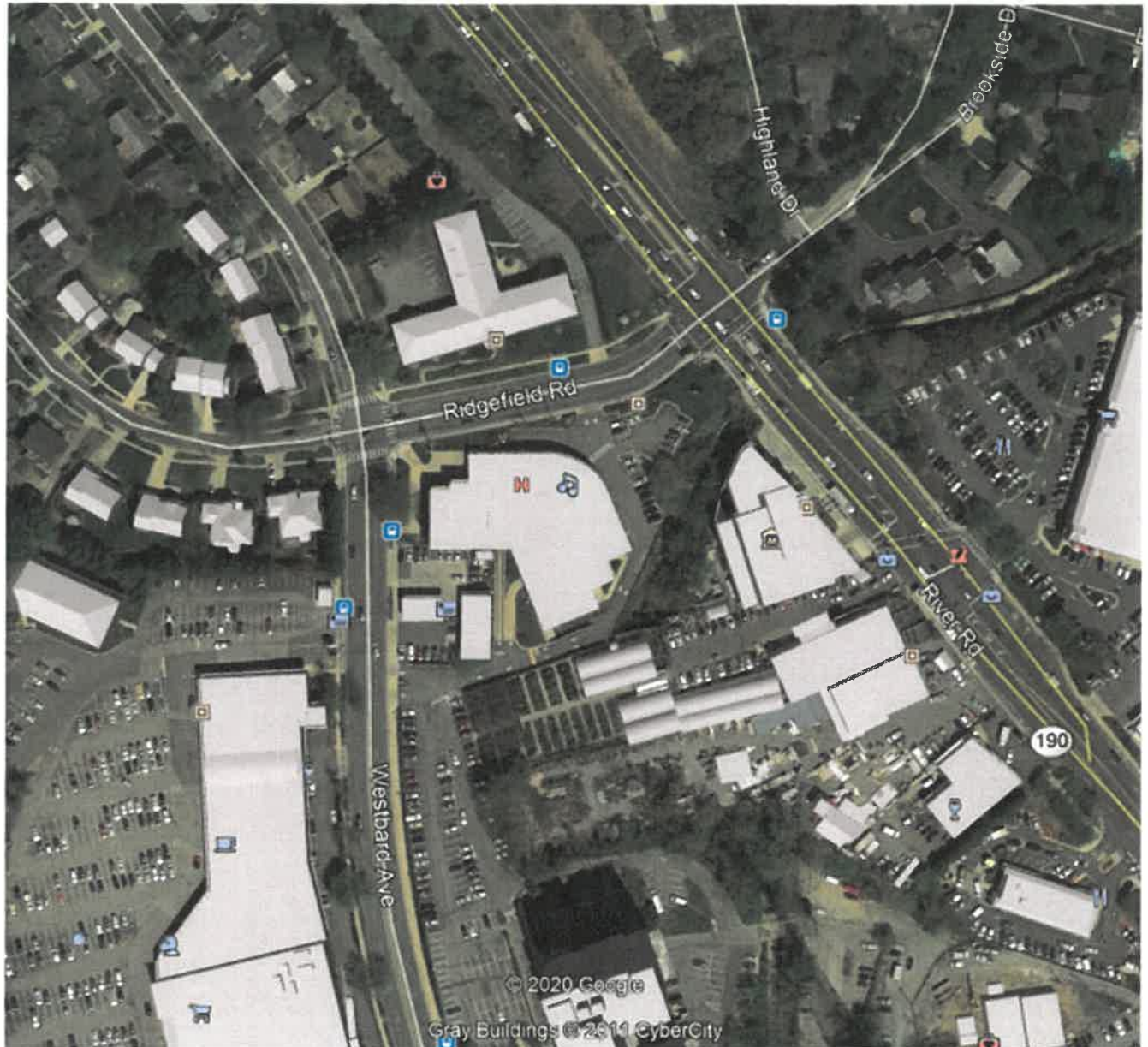
  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

Exhibit "E"





## AERIAL OF EXISTING CONDITIONS



## TAX MAP

**Montgomery County**

[New Search \(https://data1.dat.maryland.gov/RealProperty/\)](https://data1.dat.maryland.gov/RealProperty/)

**District: 07 Account Number: 00662943**



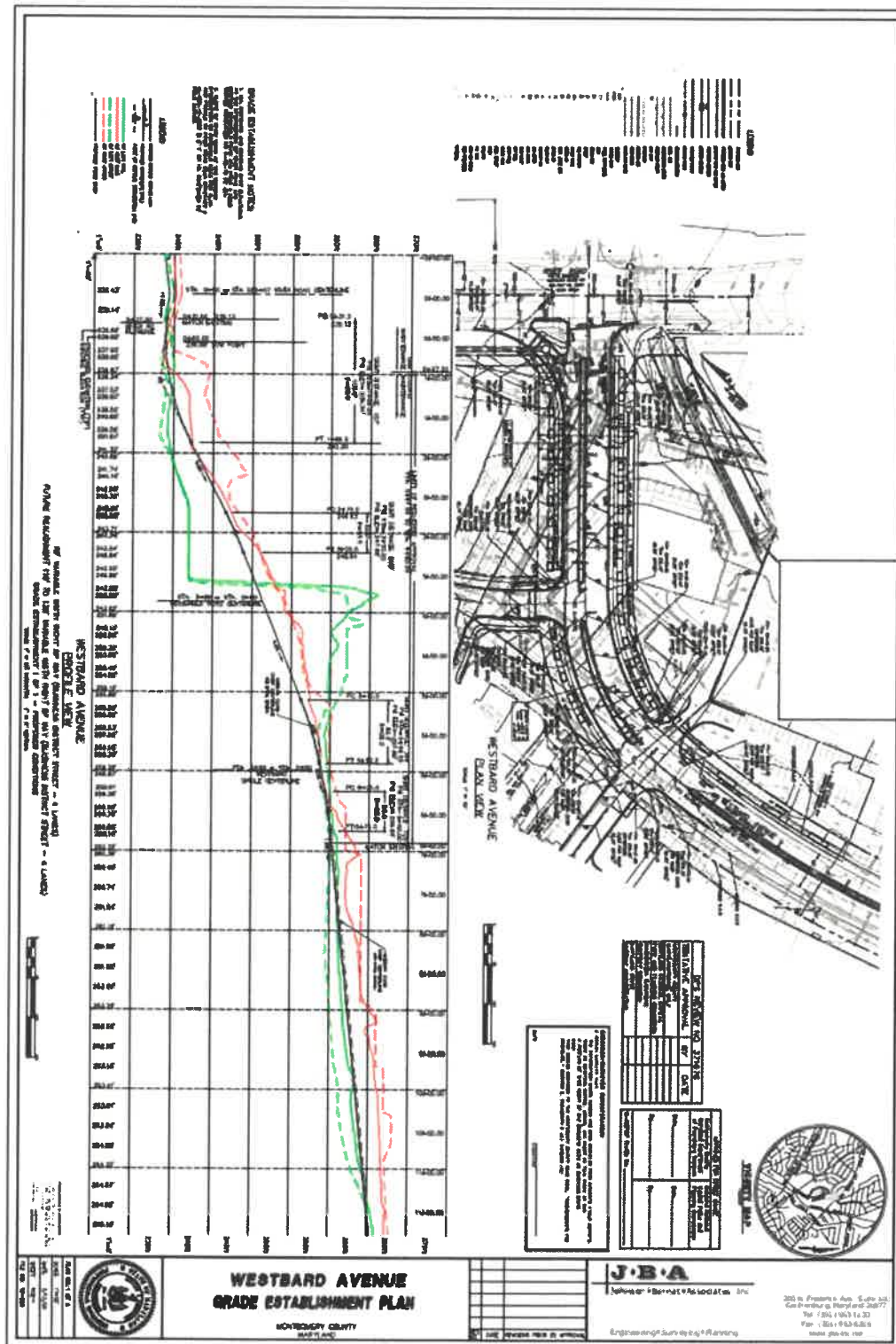
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>)

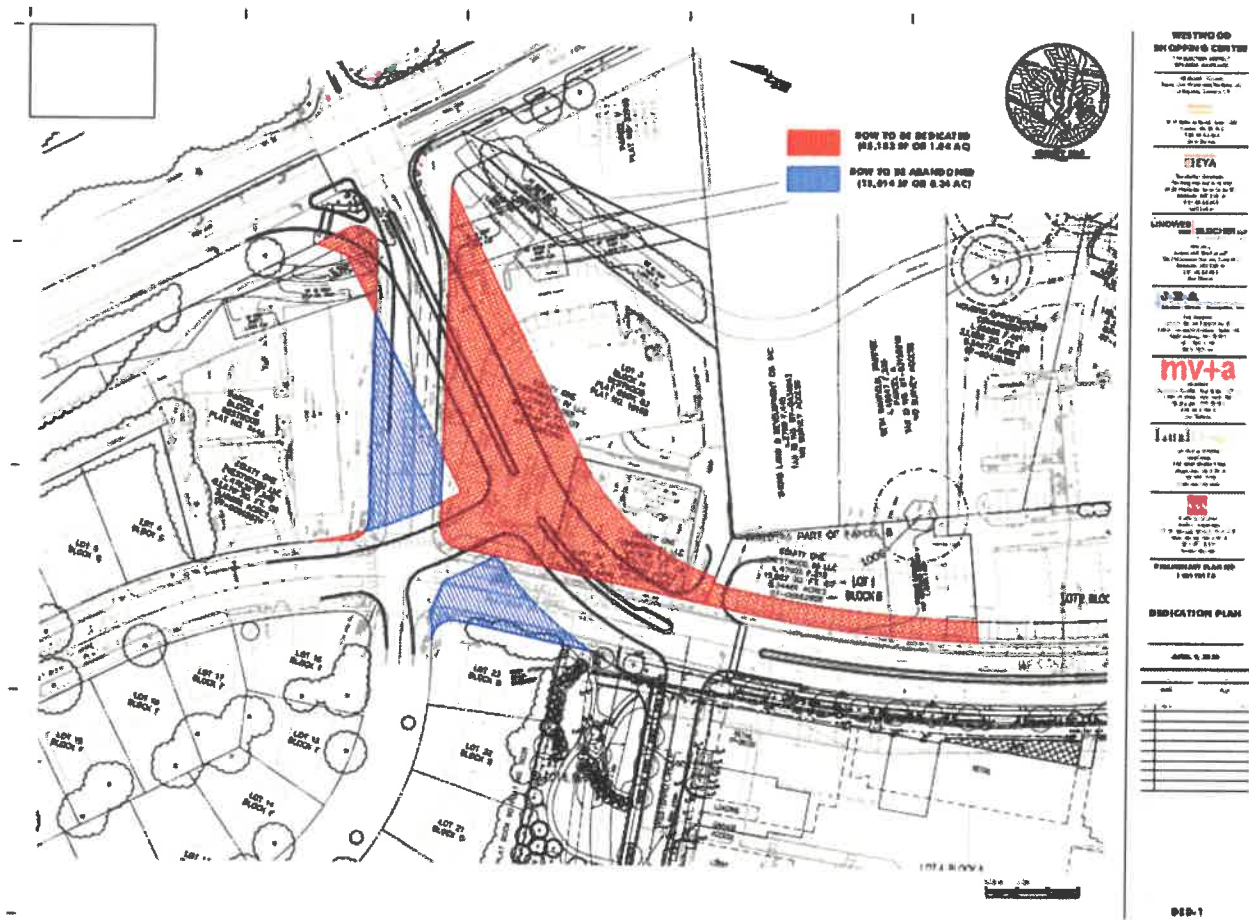




**List of Westbard Avenue Property Owners for Abandonment  
May 21, 2020**

Tax Account No.	Name	Department	Address1	Address2	City	State	Postal Code	Parcel	Block	Lot
Subject Property										
07-00662885	Equity One Westwood IV LLC		P.O. Box 790820		San Antonio	TX	78279		H	J
07-00662874	Equity One (Westwood) LLC	City Property Tax Dept.	P.O. Box 790830		San Antonio	TX	78279-0830		G	
07-00662921	Equity One (Westwood) LLC		P.O. Box 790820		San Antonio	TX	78279-0820	N128		
07-00662830	Marcos Chantel Rev. Trust	Rita Ransabo Chantel Rev. Trust	5200 Ridgely Road		Bethesda	MD	20814-3332		D	23
07-00663941	Equity One (Westwood III) LLC		P.O. Box 790810		San Antonio	TX	78279-0810	N235		

EXHIBIT "A"







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

**Part 1**

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

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

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

**Part 2**

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

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

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

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[www.jba-inc.net](http://www.jba-inc.net)

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

#### SURVEYORS CERTIFICATION

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

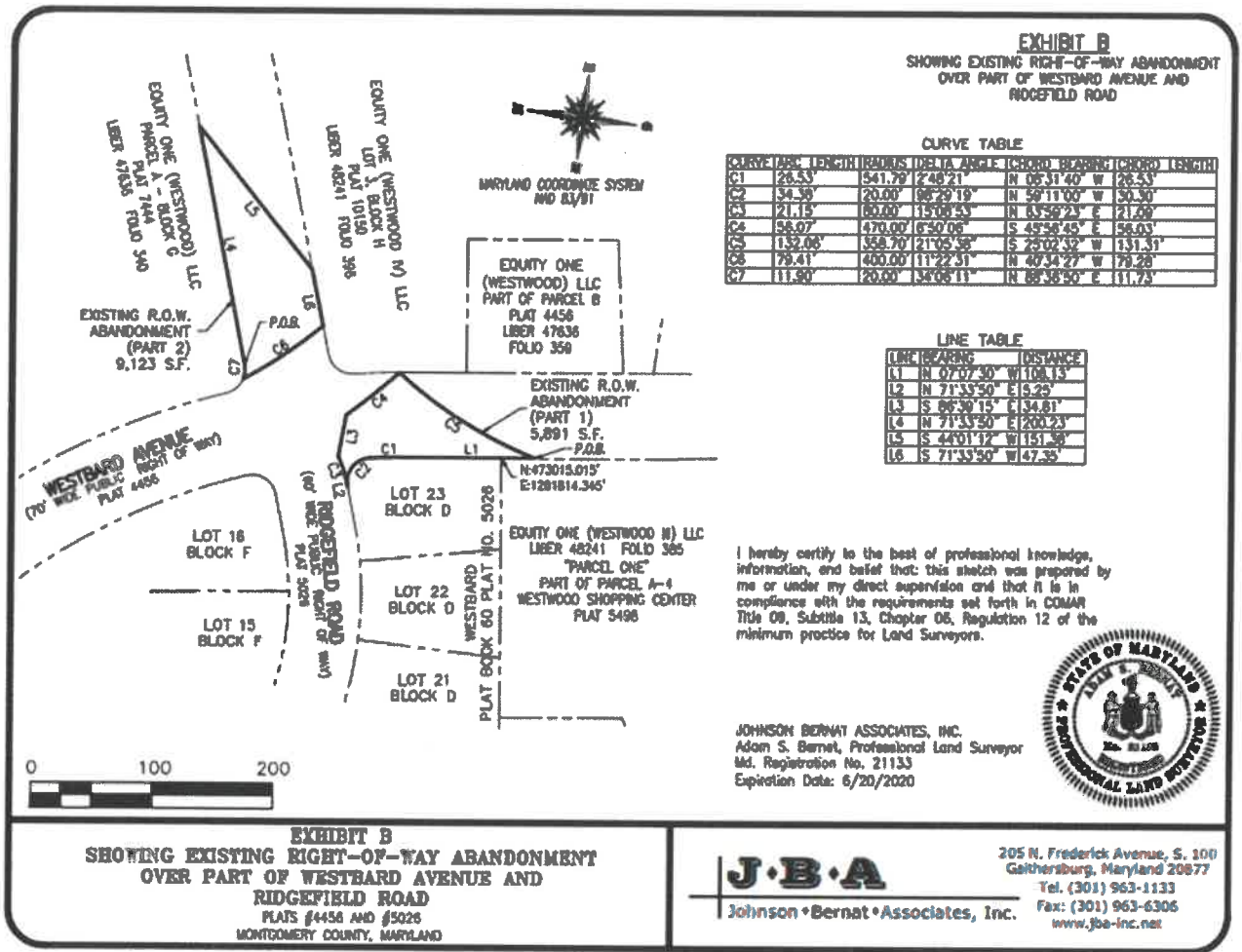
**Johnson ♦ Bernat ♦ Associates, Inc.**  
Adam S. Bernat, L.S.

Date:

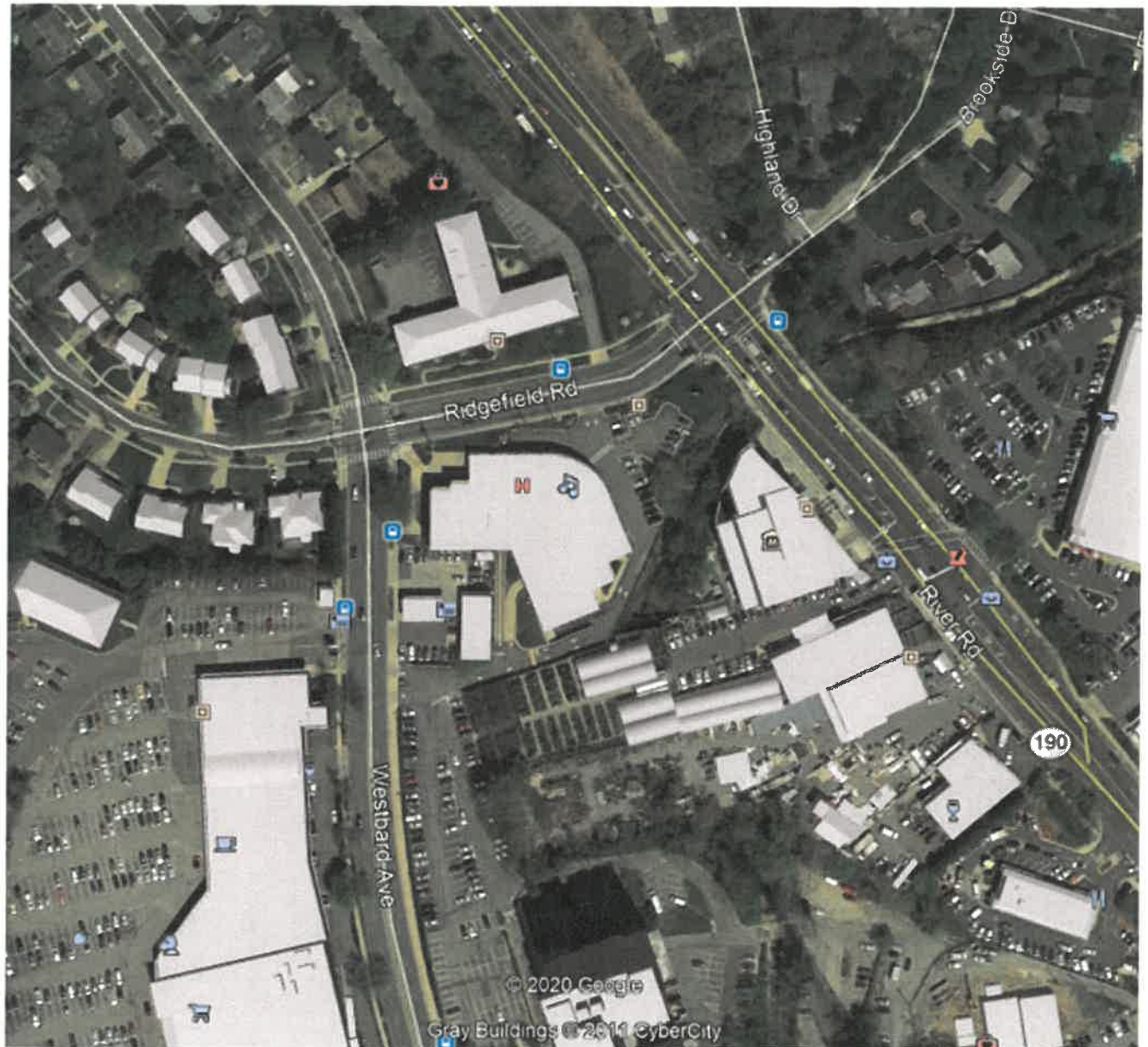


S:\Proj\17-005 - Woodstock Proposed Expansion\RCO\AdamBernat.doc

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## AERIAL OF EXISTING CONDITIONS







# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

**Subject:** Abandonment - AB 773 Portions of Westbard Ave and  
And Ridgefield Road in Bethesda

**Executive Order No.**

127-20

**Subject Suffix**

**Originating Department:**

Transportation

**Department Number**

PA 27-20

**Effective Date**

10/16/2020

1. Pursuant to Section 49-62 of Montgomery County Code (2014) as amended, the County Executive or his Designee shall conduct a Public Hearing virtually

At 12:30 p.m. on Tuesday, December 15<sup>th</sup>, 2020 via the internet-based platform known as Zoom™

to consider an application received from Miles & Stockbridge, P.C. on behalf of their client, Equity One (Northeast Portfolio), LLC (the "Applicant"), seeking abandonment of portions of Westbard Avenue and Ridgefield Road in Bethesda.

2. The Hearing shall be conducted virtually via Zoom™. A link to the virtual meeting will be provided to all registrants several days prior to the Hearing date. Special Accommodations will be addressed as needed.
3. After the aforesaid Hearing, the presiding Hearing Officer shall report the Officer's findings and recommendations to the County Executive for further consideration as prescribed by County Code.

Approved as to Form and Legality:  
Office of the County Attorney

*Robert Birenbaum*

By:

Date: 10/13/2020

APPROVED:

*Adriana Hochberg*

Adriana Hochberg

Assistant Chief Administrative Officer

Date: 10/16/2020

Distribution:

Department of Transportation

Department of Finance

Office of County Attorney



## Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

Willis, Eric <Eric.Willis@montgomerycountymd.gov>

Fri 10/9/2020 10:41 AM

To: Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>; Terry, Mark <Mark.Terry@montgomerycountymd.gov>; Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>; Warnick, Pastora <Pastora.Warnick@montgomerycountymd.gov>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Picerno, Nick <Nick.Picerno@montgomerycountymd.gov>; Washington Gas Light <Slincoln@washgas.com>; sdthomas@pepco.com <sdthomas@pepco.com>; Stanbury-Woolery, Caville <Caville.Stanbury-Woolery@wsscwater.com>; kolyan.l.marcus@verizon.com <kolyan.l.marcus@verizon.com>

 1 attachments (3 MB)

Letter with exhibits requesting abandonment of portion of Westbard Avenue and Ridgefield Road.pdf;

All,

Please be advised that the Montgomery County Department of Transportation has received a request from Miles & Stockbridge, P.C., on behalf of their client, Equity One (Northeast Portfolio), LLC to abandon portions of Westbard Avenue and Ridgefield Road in Bethesda. As part of a redevelopment of the surrounding area, the Applicant will be constructing a realignment of Westbard Avenue which will result in the subject portions of Westbard Avenue and Ridgefield Road being excess rights of way. The Applicant's letter and corresponding exhibits requesting this abandonment is attached for your review.

Please review and submit any comments you may have concerning the subject abandonment request to me (contact information below) by December 8, 2020.

A virtual public hearing on the request has been scheduled for December 15, 2020 at 12:30 p.m.

Thank you. Please feel free to contact me with any questions.

Eric Willis  
Chief, Property Acquisition Section  
Montgomery County Department of Transportation  
100 Edison Park Drive, 4th Floor  
Gaithersburg, MD 20878  
240-777-7255



DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher R. Conklin  
*Director*

MEMORANDUM

December 10, 2020

TO: Eric Willis, Chief  
Property Acquisition Section  
Division of Transportation Engineering

VIA: Rebecca Torma, Manager *RT*  
Development Review Team  
Office of Transportation Policy

FROM: William Whelan, Engineer III *WW*  
Development Review Team  
Office of Transportation Policy

SUBJECT: AB 773- Abandonment of Portions of Westbard Avenue and Ridgefield Road

Thank you for the opportunity to review the following abandonment request:

- 5,891 square feet of public road right-of-way known as Westbard Avenue;
- 9,123 square feet of public road right-of-way known as Ridgefield Road.

This abandonment was requested by Miles & Stockbridge, PC on behalf of it's the Petitioners, Equity One (Northeast Portfolio), LLC ("Equity One"), per the letter dated May 22, 2020 by Miles & Stockbridge, PC. The portions of right-of-way to be abandoned are shown in the attached "Exhibits A & B".

We recommend approval of the requested abandonment of the existing portions of Westbard Avenue and Ridgefield Road as mentioned above per the following conditions:

- The maintenance of the abandoned portion of the rights-of-way will be the responsibility of the applicant.

Office of the Director

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

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

- All existing utilities along the proposed abandoned portions of Westbard Avenue and Ridgefield Road shall be relocated within the right-of-way at the applicant's expense.
- For the portion of Westbard Avenue that is to be realigned, the applicant must underground all utilities.
- The applicant is responsible for the removal of the existing traffic signal and conduits at the existing intersection of Ridgefield Road and Westbard Avenue.
- The applicant is responsible for the conduit installation for the future traffic signal at the intersection of Westbard Avenue and realigned Westbard Avenue.

Attachments (2):

Thank you for cooperation and assistance. If you have any questions regarding this memo, please contact me at your earliest convenience.

cc-e: Christopher Conklin MCDOT

SharePoint\teams\DOT\Director's Office\Development Review\Whelan\WAB 773- Abandonment of Portions of Westbard Avenue and Ridgefield Road





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

**Part 1**

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

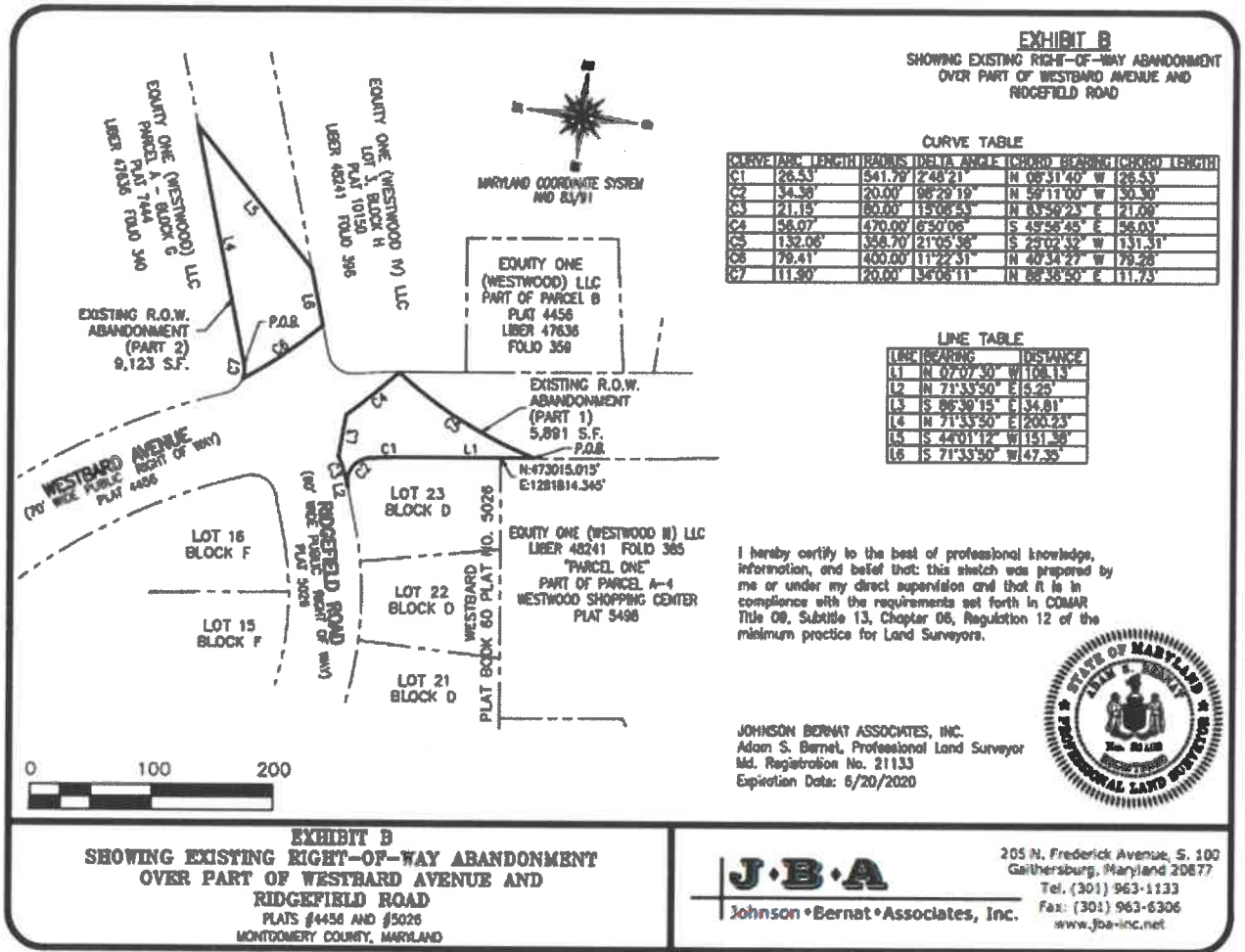
**Johnson ♦ Bernat ♦ Associates, Inc.**  
Adam S. Bernat, L.S.

Date:



§ 19 of 17-096 - Westwood/Proposed Easement/MC/99 Abandonment.doc

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www.jba-inc.net



**RE: 70669\_Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda**

Ho, Vincent <Vincent.Ho@montgomerycountymd.gov>

Wed 11/4/2020 2:00 PM

To: Willis, Eric <Eric.Willis@montgomerycountymd.gov>

Cc: Terry, Mark <Mark.Terry@montgomerycountymd.gov>; TrafficOps <TrafficOps@montgomerycountymd.gov>

Good afternoon Eric:

Below are the comments the Division of Traffic Engineering and Operations has regarding the portions of Westbard Avenue and Ridgefield Road to be abandoned.

- The areas to be abandoned include large portions of existing road pavement. Ensure that underground utilities will be relocated accordingly or access to the utilities for repair or maintenance is still possible.
- The future realigned intersection of Ridgefield Road and Westbard Avenue may be a signalized intersection. Ensure that an easement will be possible should the placement of signal equipment be necessary within the area to be abandoned.

Thanks,

Vincent Ho, P.E.

Division of Traffic Engineering and Operations

Montgomery County Department of Transportation

100 Edison Park Drive, 4th Floor

Gaithersburg, MD 20878

Phone - (240) 777-2190

Fax - (240) 777-2080

**From:** Willis, Eric <[Eric.Willis@montgomerycountymd.gov](mailto:Eric.Willis@montgomerycountymd.gov)>

**Sent:** Friday, October 9, 2020 10:41 AM

**To:** Torma, Rebecca <[Rebecca.Torma-Kim@montgomerycountymd.gov](mailto:Rebecca.Torma-Kim@montgomerycountymd.gov)>; Terry, Mark <[Mark.Terry@montgomerycountymd.gov](mailto:Mark.Terry@montgomerycountymd.gov)>; Panjshiri, Atiq <[Atiq.Panjshiri@montgomerycountymd.gov](mailto:Atiq.Panjshiri@montgomerycountymd.gov)>; Warnick, Pastora <[Pastora.Warnick@montgomerycountymd.gov](mailto:Pastora.Warnick@montgomerycountymd.gov)>; Mencarini, Katherine <[katherine.mencarini@montgomeryplanning.org](mailto:katherine.mencarini@montgomeryplanning.org)>; Picerno, Nick <[Nick.Picerno@montgomerycountymd.gov](mailto:Nick.Picerno@montgomerycountymd.gov)>; Washington Gas Light <[Slincoln@washgas.com](mailto:Slincoln@washgas.com)>; [sdthomas@pepco.com](mailto:sdthomas@pepco.com); Stanbury-Woolery, Caville <[Caville.Stanbury-Woolery@wsscwater.com](mailto:Caville.Stanbury-Woolery@wsscwater.com)>; [kolyan.l.marcus@verizon.com](mailto:kolyan.l.marcus@verizon.com)

**Subject:** Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

All,

Please be advised that the Montgomery County Department of Transportation has received a request from Miles & Stockbridge, P.C., on behalf of their client, Equity One (Northeast Portfolio), LLC to abandon portions of Westbard Avenue and Ridgefield Road in Bethesda. As part of a redevelopment of the surrounding area, the Applicant will be constructing a realignment of Westbard Avenue which will result in the subject portions of Westbard Avenue and Ridgefield Road being excess rights of way. The Applicant's letter and corresponding exhibits requesting this abandonment is attached for your review.

Please review and submit any comments you may have concerning the subject abandonment request to me (contact information below) by December 8, 2020.

Thank you. Please feel free to contact me with any questions.

Eric Willis

Chief, Property Acquisition Section

Montgomery County Department of Transportation

100 Edison Park Drive, 4th Floor

Gaithersburg, MD 20878

240-777-7255

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**RE: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda**

[fred.v.taft@verizon.com](mailto:fred.v.taft@verizon.com) <[fred.v.taft@verizon.com](mailto:fred.v.taft@verizon.com)>

Tue 11/10/2020 12:08 PM

To: Willis, Eric <[Eric.Willis@montgomerycountymd.gov](mailto:Eric.Willis@montgomerycountymd.gov)>; kolyan.l.marcus@verizon.com <[kolyan.l.marcus@verizon.com](mailto:kolyan.l.marcus@verizon.com)>

Cc: mark.g.larsen@verizon.com <[mark.g.larsen@verizon.com](mailto:mark.g.larsen@verizon.com)>

**[EXTERNAL EMAIL]**

Good afternoon Mr. Willis,

We have facilities that will be relocated at the developers expense on a pending job in the area as part of the road realignment.

Thanks,

**Fred Taft | Verizon Engineering**

Office: (240) 970-6326

Cell: (202) 515-1461

[Fred.v.taft@verizon.com](mailto:Fred.v.taft@verizon.com)

Normal Hours: Mon –Fri. 7:00 to 3:00

**From:** Marcus, Kolyan L (Koly)

**Sent:** Friday, October 9, 2020 1:45 PM

**To:** Taft, Fred V <[fred.v.taft@one.verizon.com](mailto:fred.v.taft@one.verizon.com)>

**Cc:** Larsen, Mark G <[mark.g.larsen@one.verizon.com](mailto:mark.g.larsen@one.verizon.com)>

**Subject:** FW: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

Good Afternoon Fred,

Please review the request below for abandonment and realignment and respond to Mr. Willis if we have OSP that will be affected but this project.

Thanks,



Kolyan L. Marcus

Supervisor Network Engineering & Operations

Verizon Maryland/DC LLC

13101 Columbia Pike FDC I

Silver Spring, MD 20904

O 240.970.6110 | C 202.515.6091 | F 301.282.7054

[kolyan.l.marcus@verizon.com](mailto:kolyan.l.marcus@verizon.com)

**From:** Willis, Eric [<mailto:Eric.Willis@montgomerycountymd.gov>]

**Sent:** Friday, October 9, 2020 10:41 AM

**To:** Torma, Rebecca <[Rebecca.Torma-Kim@montgomerycountymd.gov](mailto:Rebecca.Torma-Kim@montgomerycountymd.gov)>; Terry, Mark

<[Mark.Terry@montgomerycountymd.gov](mailto:Mark.Terry@montgomerycountymd.gov)>; Panjshiri, Atiq <[Atiq.Panjshiri@montgomerycountymd.gov](mailto:Atiq.Panjshiri@montgomerycountymd.gov)>;

Warnick, Pastora <[Pastora.Warnick@montgomerycountymd.gov](mailto:Pastora.Warnick@montgomerycountymd.gov)>; Mencarini, Katherine



<[katherine.mencarini@montgomeryplanning.org](mailto:katherine.mencarini@montgomeryplanning.org)>; Picerno, Nick  
<[Nick.Picerno@montgomerycountymd.gov](mailto:Nick.Picerno@montgomerycountymd.gov)>; Washington Gas Light <[Slincoln@washgas.com](mailto:Slincoln@washgas.com)>;  
[sdthomas@pepco.com](mailto:sdthomas@pepco.com); Stanbury-Woolery, Caville <[Caville.Stanbury-Woolery@wsscwater.com](mailto:Caville.Stanbury-Woolery@wsscwater.com)>; Marcus,  
Kolyan L (Koly) <[kolyan.l.marcus@one.verizon.com](mailto:kolyan.l.marcus@one.verizon.com)>

**Subject:** [E] Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

All,

Please be advised that the Montgomery County Department of Transportation has received a request from Miles & Stockbridge, P.C., on behalf of their client, Equity One (Northeast Portfolio), LLC to abandon portions of Westbard Avenue and Ridgefield Road in Bethesda. As part of a redevelopment of the surrounding area, the Applicant will be constructing a realignment of Westbard Avenue which will result in the subject portions of Westbard Avenue and Ridgefield Road being excess rights of way. The Applicant's letter and corresponding exhibits requesting this abandonment is attached for your review.

Please review and submit any comments you may have concerning the subject abandonment request to me (contact information below) by December 8, 2020.

A virtual public hearing on the request has been scheduled for December 15, 2020 at 12:30 p.m.

Thank you. Please feel free to contact me with any questions.

Eric Willis  
Chief, Property Acquisition Section  
Montgomery County Department of Transportation  
100 Edison Park Drive, 4th Floor  
Gaithersburg, MD 20878  
240-777-7255

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## RE: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

Quant, Amy <Amy.Quant@wsscwater.com>

Thu 11/5/2020 8:20 AM

To: Willis, Eric <Eric.Willis@montgomerycountymd.gov>

Cc: Stanbury-Woolery, Caville <Caville.Stanbury-Woolery@wsscwater.com>; Kevin J. Johnson <kjohnson@jba-inc.com>; Andrew Bradshaw <abradshaw@jba-inc.com>

### [EXTERNAL EMAIL]

Hi Eric,

WSSC does not oppose the relocation and abandonment, as long as the applicant relocates our facilities in those streets per our requirements, which they are in the process of doing. Please let me know if you have any other questions or need anything else.

Regards,

### **AMY QUANT, P.E.**

*Acting Section Manager*

*(Supervisor, Project Management)*

Development Services Division

301.206.8810 (O)

[amy.quant@wsscwater.com](mailto:amy.quant@wsscwater.com)

**From:** Willis, Eric <Eric.Willis@montgomerycountymd.gov>

**Sent:** Wednesday, November 4, 2020 2:09 PM

**To:** Quant, Amy <Amy.Quant@wsscwater.com>

**Cc:** Stanbury-Woolery, Caville <Caville.Stanbury-Woolery@wsscwater.com>; Kevin J. Johnson <kjohnson@jba-inc.com>; Andrew Bradshaw <abradshaw@jba-inc.com>

**Subject:** Re: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

### EXTERNAL EMAIL!

Amy,

I'm really just looking to see whether WSSC is in favor of the proposed abandonment (with or without conditions) or opposed to it.

Thanks,  
Eric

---

**From:** Quant, Amy <[Amy.Quant@wsscwater.com](mailto:Amy.Quant@wsscwater.com)>

**Sent:** Wednesday, November 4, 2020 8:20 AM

[inc.com](mailto:inc.com)>; Andrew Bradshaw <[abradshaw@jba-inc.com](mailto:abradshaw@jba-inc.com)>

**Subject:** RE: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

**[EXTERNAL EMAIL]**

Hi Eric,

We have previously approved a Hydraulic Planning Analysis for the project and issued a Letter of Findings. The applicant has already previously submitted Water and Sewer extension plans for review and approval where the abandonment of existing water and sewer are shown. What exactly do you need from WSSC?

Regards,

**AMY QUANT, P.E.**

*Acting Section Manager*

*(Supervisor, Project Management)*

Development Services Division

301.206.8810 (O)

[amy.quant@wsscwater.com](mailto:amy.quant@wsscwater.com)

**From:** Andrew Bradshaw <[abradshaw@jba-inc.com](mailto:abradshaw@jba-inc.com)>

**Sent:** Tuesday, November 3, 2020 1:24 PM

**To:** OneStopShop <[OneStopShop@wsscwater.com](mailto:OneStopShop@wsscwater.com)>; #DSG Intake <[DSGIntake@wsscwater.com](mailto:DSGIntake@wsscwater.com)>

**Cc:** Stanbury-Woolery, Caville <[Caville.Stanbury-Woolery@wsscwater.com](mailto:Caville.Stanbury-Woolery@wsscwater.com)>; Quant, Amy <[Amy.Quant@wsscwater.com](mailto:Amy.Quant@wsscwater.com)>; Kevin J. Johnson <[kjohnson@jba-inc.com](mailto:kjohnson@jba-inc.com)>

**Subject:** FW: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

**EXTERNAL EMAIL!**

Development Services Division (DSD),

As requested below, we wanted to inform DSD that the Westbard Avenue realignment project has submitted to WSSC an SEP plan which includes the abandonment of WSSC facilities in Westbard Avenue and Ridgefield Road (DA6345A17).

Please let us know if there is anything you need in addition to the plan reference above in order to provide comments to MCDOT as requested by Eric Willis of MCDOT (see email below).

Thank you for your time.

-Andy

**Andrew M. Bradshaw, P.E.**

Project Manager

205 North Frederick Ave., Suite 100

(301) 569-7228 direct

(301) 963-6306 Fax

[www.jba-inc.com](http://www.jba-inc.com)

---

**From:** Stanbury-Woolery, Caville <[Caville.Stanbury-Woolery@wsscwater.com](mailto:Caville.Stanbury-Woolery@wsscwater.com)>

**Sent:** Friday, October 9, 2020 12:38 PM

**To:** Willis, Eric <[Eric.Willis@montgomerycountymd.gov](mailto:Eric.Willis@montgomerycountymd.gov)>; Torma, Rebecca <[Rebecca.Torma-Kim@montgomerycountymd.gov](mailto:Rebecca.Torma-Kim@montgomerycountymd.gov)>; Terry, Mark <[Mark.Terry@montgomerycountymd.gov](mailto:Mark.Terry@montgomerycountymd.gov)>; Panjshiri, Atiq <[Atiq.Panjshiri@montgomerycountymd.gov](mailto:Atiq.Panjshiri@montgomerycountymd.gov)>; Warnick, Pastora <[Pastora.Warnick@montgomerycountymd.gov](mailto:Pastora.Warnick@montgomerycountymd.gov)>; Mencarini, Katherine <[katherine.mencarini@montgomeryplanning.org](mailto:katherine.mencarini@montgomeryplanning.org)>; Picerno, Nick <[Nick.Picerno@montgomerycountymd.gov](mailto:Nick.Picerno@montgomerycountymd.gov)>; Washington Gas Light <[Slincoln@washgas.com](mailto:Slincoln@washgas.com)>; [sdthomas@pepco.com](mailto:sdthomas@pepco.com) <[sdthomas@pepco.com](mailto:sdthomas@pepco.com)>; [kolyan.l.marcus@verizon.com](mailto:kolyan.l.marcus@verizon.com) <[kolyan.l.marcus@verizon.com](mailto:kolyan.l.marcus@verizon.com)>

**Subject:** RE: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

**[EXTERNAL EMAIL]**

Good Afternoon Eric,

Please request that the applicant submit to WSSC Water to coordinate a review of impacts to any of our assets and existing easements. Since this abandonment is a part of a larger redevelopment, Please have them contact the Development Services Division by phone or email.

Phone: 301-206-4003

eMail: [onestopshop@wsscwater.com](mailto:onestopshop@wsscwater.com) or [DSGIntake@wsscwater.com](mailto:DSGIntake@wsscwater.com)

Thank you,  
Caville

**CAVILLE STANBURY-WOOLERY, PE**

*Section Manager*

Pipeline Design Division

301.369.7793 (O)

240.470.6662 (C)

[caville.stanbury-woolery@wsscwater.com](mailto:caville.stanbury-woolery@wsscwater.com)

**From:** Willis, Eric <[Eric.Willis@montgomerycountymd.gov](mailto:Eric.Willis@montgomerycountymd.gov)>

**Sent:** Friday, October 9, 2020 10:41 AM

**To:** Torma, Rebecca <[Rebecca.Torma-Kim@montgomerycountymd.gov](mailto:Rebecca.Torma-Kim@montgomerycountymd.gov)>; Terry, Mark <[Mark.Terry@montgomerycountymd.gov](mailto:Mark.Terry@montgomerycountymd.gov)>; Panjshiri, Atiq <[Atiq.Panjshiri@montgomerycountymd.gov](mailto:Atiq.Panjshiri@montgomerycountymd.gov)>; Warnick, Pastora <[Pastora.Warnick@montgomerycountymd.gov](mailto:Pastora.Warnick@montgomerycountymd.gov)>; Mencarini, Katherine <[katherine.mencarini@montgomeryplanning.org](mailto:katherine.mencarini@montgomeryplanning.org)>; Picerno, Nick <[Nick.Picerno@montgomerycountymd.gov](mailto:Nick.Picerno@montgomerycountymd.gov)>; Washington Gas Light <[Slincoln@washgas.com](mailto:Slincoln@washgas.com)>; [sdthomas@pepco.com](mailto:sdthomas@pepco.com); Stanbury-Woolery, Caville <[Caville.Stanbury-Woolery@wsscwater.com](mailto:Caville.Stanbury-Woolery@wsscwater.com)>; [kolyan.l.marcus@verizon.com](mailto:kolyan.l.marcus@verizon.com)

**Subject:** Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

**EXTERNAL EMAIL!**

Please be advised that the Montgomery County Department of Transportation has received a request from Miles & Stockbridge, P.C., on behalf of their client, Equity One (Northeast Portfolio), LLC to abandon portions of Westbard Avenue and Ridgefield Road in Bethesda. As part of a redevelopment of the surrounding area, the Applicant will be constructing a realignment of Westbard Avenue which will result in the subject portions of Westbard Avenue and Ridgefield Road being excess rights of way. The Applicant's letter and corresponding exhibits requesting this abandonment is attached for your review.

Please review and submit any comments you may have concerning the subject abandonment request to me (contact information below) by December 8, 2020.

A virtual public hearing on the request has been scheduled for December 15, 2020 at 12:30 p.m.

Thank you. Please feel free to contact me with any questions.

Eric Willis

Chief, Property Acquisition Section

Montgomery County Department of Transportation

100 Edison Park Drive, 4th Floor

Gaithersburg, MD 20878

240-777-7255

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## RE: [ External ] Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

Lincoln, Stephen <Slincoln@washgas.com>

Fri 10/9/2020 3:50 PM

To: Willis, Eric <Eric.Willis@montgomerycountymd.gov>

### [EXTERNAL EMAIL]

Hi Eric,

We have been coordinating a gas main relocation with Damien Hicks of Davis Utility Consulting concerning this realignment. Once our planned relocation work is complete (into the new alignment), Washington Gas will have no objections to the ROW abandonment. If necessary, we can provide preliminary relocation plans as proof of our coordination with the project.

Thank you,

---

## STEPHEN LINCOLN

Engineer III – System Replacement

Washington Gas | A WGL Company

P 703.750.4739 | M 571.308.5261 | [slincoln@washgas.com](mailto:slincoln@washgas.com)

6801 Industrial Rd., Springfield, VA 22151

**ENERGY ANSWERS. ASK US.**

[WashingtonGas.com](http://WashingtonGas.com)

**From:** Willis, Eric <Eric.Willis@montgomerycountymd.gov>

**Sent:** Friday, October 9, 2020 10:41 AM

**To:** Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>; Terry, Mark <Mark.Terry@montgomerycountymd.gov>; Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>; Warnick, Pastora <Pastora.Warnick@montgomerycountymd.gov>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Picerno, Nick <Nick.Picerno@montgomerycountymd.gov>; Lincoln, Stephen <Slincoln@washgas.com>; sdthomas@pepco.com; Stanbury-Woolery, Caville <Caville.Stanbury-Woolery@wsscwater.com>; kolyan.l.marcus@verizon.com

**Subject:** [ External ] Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

All,

Please be advised that the Montgomery County Department of Transportation has received a request from Miles & Stockbridge, P.C., on behalf of their client, Equity One (Northeast Portfolio), LLC to abandon portions of Westbard Avenue and Ridgefield Road in Bethesda. As part of a redevelopment of the surrounding area, the Applicant will be constructing a realignment of Westbard Avenue which will result in the subject portions of Westbard Avenue and Ridgefield Road being excess rights of way. The Applicant's letter and corresponding exhibits requesting this abandonment is attached for your review.

Please review and submit any comments you may have concerning the subject abandonment request to me (contact information below) by December 8, 2020.

Thank you. Please feel free to contact me with any questions.

Eric Willis

Chief, Property Acquisition Section

Montgomery County Department of Transportation

100 Edison Park Drive, 4th Floor

Gaithersburg, MD 20878

240-777-7255

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**RE: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda**

Warnick, Pastora <Pastora.Warnick@montgomerycountymd.gov>

Fri 12/11/2020 1:56 PM

To: Willis, Eric <Eric.Willis@montgomerycountymd.gov>; Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>; Picerno, Nick <Nick.Picerno@montgomerycountymd.gov>; sdthomas@pepco.com <sdthomas@pepco.com>

No additional comments. Thank you

PATSY WARNICK, PE, CSP  
MANAGER, FIRE CODE COMPLIANCE

OFFICE OF THE FIRE MARSHAL  
DEPARTMENT OF PERMITTING SERVICES

(O) 240-773-8906 (C) 240-642-8208  
[WWW.MONTGOMERYCOUNTYMD.GOV/DPS](http://WWW.MONTGOMERYCOUNTYMD.GOV/DPS)

**DPS – COVID-19 UPDATE**

Effective Monday, March 23 - DPS Offices are closed to the public. DPS continues to deliver services with modifications. For information about electronic plan submittal and inspection scheduling, please visit the DPS website [www.montgomerycountymd.gov/dps](http://www.montgomerycountymd.gov/dps). Thank you for your patience.

Beginning October 12, 2020, DPS will be located at 2425 Reedie Drive in Wheaton on the 7th Floor. The office remains closed to the public.

**From:** Willis, Eric <Eric.Willis@montgomerycountymd.gov>

**Sent:** Thursday, December 10, 2020 2:32 PM

**To:** Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>; Picerno, Nick <Nick.Picerno@montgomerycountymd.gov>; Warnick, Pastora <Pastora.Warnick@montgomerycountymd.gov>; sdthomas@pepco.com

**Subject:** Fw: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

Good afternoon,

Per the below email, please advise if your agency has any comments to the proposed abandonment of portions of the Westbard Avenue and Ridgefield Road rights of way as requested in the attached letter.

The virtual public hearing on this abandonment request is scheduled for next Tuesday (12/15/20) at 12:30 pm. If you would like to attend the hearing, please let me know and I will forward an invitation to you.

Thank you,  
Eric

Eric Willis

Chief, Property Acquisition Section

Montgomery County Department of Transportation

Gaithersburg, MD 20878

240-777-7255

---

**From:** Willis, Eric

**Sent:** Friday, October 9, 2020 10:41 AM

**To:** Torma, Rebecca <[Rebecca.Torma-Kim@montgomerycountymd.gov](mailto:Rebecca.Torma-Kim@montgomerycountymd.gov)>; Terry, Mark <[Mark.Terry@montgomerycountymd.gov](mailto:Mark.Terry@montgomerycountymd.gov)>; Panjshiri, Atiq <[Atiq.Panjshiri@montgomerycountymd.gov](mailto:Atiq.Panjshiri@montgomerycountymd.gov)>; Warnick, Pastora <[Pastora.Warnick@montgomerycountymd.gov](mailto:Pastora.Warnick@montgomerycountymd.gov)>; Mencarini, Katherine <[katherine.mencarini@montgomeryplanning.org](mailto:katherine.mencarini@montgomeryplanning.org)>; Picerno, Nick <[Nick.Picerno@montgomerycountymd.gov](mailto:Nick.Picerno@montgomerycountymd.gov)>; Washington Gas Light <[Slincoln@washgas.com](mailto:Slincoln@washgas.com)>; [sdthomas@pepco.com](mailto:sdthomas@pepco.com) <[sdthomas@pepco.com](mailto:sdthomas@pepco.com)>; Stanbury-Woolery, Caville <[Caville.Stanbury-Woolery@wsscwater.com](mailto:Caville.Stanbury-Woolery@wsscwater.com)>; [kolyan.l.marcus@verizon.com](mailto:kolyan.l.marcus@verizon.com) <[kolyan.l.marcus@verizon.com](mailto:kolyan.l.marcus@verizon.com)>

**Subject:** Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

All,

Please be advised that the Montgomery County Department of Transportation has received a request from Miles & Stockbridge, P.C., on behalf of their client, Equity One (Northeast Portfolio), LLC to abandon portions of Westbard Avenue and Ridgefield Road in Bethesda. As part of a redevelopment of the surrounding area, the Applicant will be constructing a realignment of Westbard Avenue which will result in the subject portions of Westbard Avenue and Ridgefield Road being excess rights of way. The Applicant's letter and corresponding exhibits requesting this abandonment is attached for your review.

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Thank you. Please feel free to contact me with any questions.

Eric Willis

Chief, Property Acquisition Section

Montgomery County Department of Transportation

100 Edison Park Drive, 4th Floor

Gaithersburg, MD 20878

240-777-7255



**RE: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda**

Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>

Fri 12/11/2020 3:47 PM

To: Willis, Eric <Eric.Willis@montgomerycountymd.gov>

Hi Eric: The abandonment of a section of Westbard is fine with DPS and we have not comment., Atiq

**Atiq Panjshiri**

Manager, Right of Way Plan Review

Division of Land Development, MCDPS

Montgomery County, Maryland

2425 Reedie Drive, 6th Floor

Wheaton, Maryland 20902

Tel: 240-777-6352

email: [Atiq.Panjshiri@montgomerycountymd.gov](mailto:Atiq.Panjshiri@montgomerycountymd.gov)

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**From:** Willis, Eric <Eric.Willis@montgomerycountymd.gov>

**Sent:** Thursday, December 10, 2020 2:32 PM

**To:** Panjshiri, Atiq <Atiq.Panjshiri@montgomerycountymd.gov>; Picerno, Nick <Nick.Picerno@montgomerycountymd.gov>; Warnick, Pastora <Pastora.Warnick@montgomerycountymd.gov>; sdthomas@pepco.com

**Subject:** Fw: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

Good afternoon,

Per the below email, please advise if your agency has any comments to the proposed abandonment of portions of the Westbard Avenue and Ridgefield Road rights of way as requested in the attached letter.

The virtual public hearing on this abandonment request is scheduled for next Tuesday (12/15/20) at 12:30 pm. If you would like to attend the hearing, please let me know and I will forward an invitation to you.

Thank you,  
Eric

Eric Willis

Chief, Property Acquisition Section

Montgomery County Department of Transportation



**RE: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda**

Smith, Marcus L:(PHI) <Marcus.Smith3@exeloncorp.com>

Fri 12/11/2020 12:48 PM

To: Willis, Eric <Eric.Willis@montgomerycountymd.gov>

**[EXTERNAL EMAIL]**

I would like to think so. I'll pass this along just in case and see what they come back with.

Marcus

**From:** Willis, Eric <Eric.Willis@montgomerycountymd.gov>

**Sent:** Friday, December 11, 2020 12:27 PM

**To:** Smith, Marcus L:(PHI) <Marcus.Smith3@exeloncorp.com>

**Subject:** Re: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

Understood. This is an active re-development (they have received preliminary plan approval from MNCPPC), so I would assume that your engineering folks have already been contacted about it. The development is called Westwood Shopping Center. I've attached the applicant's letter requesting the abandonment, which includes several exhibits highlighting their development plan.

Eric Willis

Chief, Property Acquisition Section

Montgomery County Department of Transportation

100 Edison Park Drive, 4th Floor

Gaithersburg, MD 20878

240-777-7255

---

**From:** Smith, Marcus L:(PHI) <[Marcus.Smith3@exeloncorp.com](mailto:Marcus.Smith3@exeloncorp.com)>

**Sent:** Friday, December 11, 2020 10:28 AM

**To:** Willis, Eric <[Eric.Willis@montgomerycountymd.gov](mailto:Eric.Willis@montgomerycountymd.gov)>

**Subject:** RE: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

**[EXTERNAL EMAIL]**

Good morning Eric.

We have overhead and underground facilities in the areas of proposed abandonment. Not only that, the existing sidewalks where our facilities are located today will become the road way. Picture below, Red is the proposed roadway, crossed areas are the proposed abandonment.

Even if we could overcome that the question would be where would our facilities go? We would not be interested in being responsible for the cost of relocating any facilities.

If we were to ultimately be okay with the abandonment being contingent upon an easement, engineering would need to see their development plan with Pepco existing facilities identified, and their proposed development to see if going easement route will make sense or not. Even with an easement, Pepco would need 24/7 truck access to our facilities.

Thanks

Marcus

**From:** Willis, Eric <[Eric.Willis@montgomerycountymd.gov](mailto:Eric.Willis@montgomerycountymd.gov)>  
**Sent:** Thursday, December 10, 2020 7:22 PM  
**To:** Smith, Marcus L:(PHI) <[Marcus.Smith3@exeloncorp.com](mailto:Marcus.Smith3@exeloncorp.com)>  
**Subject:** Re: Right of Way abandonment request - Portions of Westbard Ave and Ridgefield Road in Bethesda

Hey Marcus, nice to hear from you.

What if the abandonment was conditioned on the applicant granting easements to maintain utility service through the area?

Thanks,  
Eric

Sent from my iPhone

On Dec 10, 2020, at 6:28 PM, Smith, Marcus L:(PHI) <[Marcus.Smith3@exeloncorp.com](mailto:Marcus.Smith3@exeloncorp.com)> wrote:

[EXTERNAL EMAIL]

Good evening Mr. Willis.

My apologies for not getting back to you sooner as we have been busy with several initiatives in both Real Estate as well as with our 3<sup>rd</sup> Party Attachment group. The area that you were asking or requesting to be abandoned cannot be abandoned per engineering as we have existing overhead and UG utilities in that area. Please let me know if you have any additional questions.

**Marcus Smith | Manager – Real Estate & 3<sup>rd</sup> Party Attachments**  
**Exelon (PHI) | Real Estate & Facilities**  
Mailstop EP4223  
701 9<sup>th</sup> Street NW | Washington, DC 20068  
c: 443.518.0328 or 571.326.4892  
[Marcus.Smith3@exeloncorp.com](mailto:Marcus.Smith3@exeloncorp.com) | [exeloncorp.com](http://exeloncorp.com)

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

November 30, 2020

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

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

Dear Mr. Willis:

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

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

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

Sincerely,

Casey Anderson  
Chair

Enclosures

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

**From:** [R. Shaibani](#)  
**To:** [MCP-Chair](#)  
**Subject:** Nov 19, 2020: Item 4-portions of Westbard and Ridgefield Rd Abandonment No.Ab-773  
**Date:** Wednesday, November 18, 2020 7:00:11 PM

---

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

From residents:  
Raquel and Sanan Shaibani  
5517 Westbard Ave  
Bethesda, Md 20816  
[Rshaibani@yahoo.com](mailto:Rshaibani@yahoo.com)

To The Montgomery County Planning Board and Chair Casey Anderson,

This letter is written in regards to residents views on the Abandonment of Portions of Westbard Ave and Ridgefield Rd. Our family of 6, which include 4 children, reside at 5517 Westbard.

Over the last few years the traffic on our street has significantly gotten worse. Our neighbors conducted our own traffic study in 2017 and another was done in early 2020. Even after changes were implemented by MCDOT (such as new speed humps/new speed signs and no left turn sign onto River Rd.) the traffic has actually increased and the no left turn signage is mostly ignored.

Daily, several large trucks take the short cut through Westbard (ignoring both the weight/speed limit signs) which make it quite noisy and dangerous throughout the day and into the evening.

The noisy street and constant barrage of vehicles and large trucks is distressing but another big concern is the safety of my children and my elderly neighbors who traverse on our street frequently. There have been too many occasions where we will be walking only to become annoyed and frustrated at the speeding vehicles. Specifically a few years ago my older daughter was almost hit by a car that was trying to get past the light on the corner of Ridgefield and Westbard. Another child was actually hit by a vehicle on the Westbard/Ridgefield rd intersection in 2015. The speeding and high traffic count on Westbard is a common occurrence and a constant imminent and dangerous situation. With the impending construction of the Westwood area, I believe the predicament will just get worse. The Realignment and Abandonment of Portions of Westbard and Ridgefield Road should be done ASAP and is of utmost importance for the safety of ALL the residents especially the most vulnerable: the children and elderly who walk the street multiple times a day. The failure of the board to act on this matter will hold all members negligent in the event of any unfortunate mishap.

Respectfully,  
Raquel and Sanan Shaibani



**From:** [DJ](#)  
**To:** [MCP-Chair](#)  
**Subject:** Permanent closure of the residential portion of Westbard Avenue in Bethesda  
**Date:** Wednesday, November 18, 2020 8:24:58 PM

---

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

To: Montgomery County Planning Board  
Subject : Proposed permanent closure of the residential portion of Westbard Avenue in Bethesda

Dear Members of the Planning Board,

I understand the Montgomery County Planning Board will hold a hearing to seek residents views regarding the abandonment of portions of Westbard Avenue and Ridgefield Road.

Since 1998 my family and I have been living on Westbard Avenue in a house near intersection with River Road. .

Over that extended period we have witnessed rapidly increasing traffic of passenger and commercial vehicles.

Needless to say noise and air pollution grew rapidly too. We hear heavy trucks passing by rattling our windows late in the night or squeaking sound of abrupt vehicle braking at the intersection. Being situated near the intersection with busy River Road

we witnessed many accidents engaging traffic coming in or out from River Road and Westbard Avenue.

Also, we observed vehicles entering from River Road at high speed thus endangering residents including children when walking or crossing Westbard Avenue.

To reduce traffic volumes and accidents on the residential section of Westbard Avenue (between Ridgefield and River Road) Montgomery County placed new traffic sign "no left turn" from Westbard Avenue to River Road and a concrete triangle at the end of Westbard Avenue at River Road to force traffic to make right turn on River Road. Unfortunately we noticed that many drivers continue to make dangerous left turn from Westbard Ave. to River Road. Montgomery County effort to mitigate the traffic problem has not been successful so far. Traffic counts carried out in 2017 and in 2020 show only marginal impact i.e. a minor decline of light traffic but increase of trucks and buses using residential section of Westbard Avenue.

I understand that 2016 Westbard Sector Plan endorsed closure of our street between Ridgefield and River Road.

In order to bring permanent solution to the growing problems listed above, my family and I fully support closure of Westbard Avenue residential portion at River Road. My neighbours in Westbard Avenue that I spoke with have same view.

Sincerely,

George Jovanovic  
5528 Westbard Avenue  
Bethesda MD 20816  
[djovan1@comcast.net](mailto:djovan1@comcast.net)

## **Item 4 - Correspondence**

**From:** [LYNNE BATTLE](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Mencarini, Katherine](#); [Dickel, Stephanie](#); [Hisel-McCoy, Elza](#); [Susan S](#); [Jenny Sue Dunner](#); [Marnie Shaul](#); [Folden, Matthew](#)  
**Subject:** Lynne Battle's Testimony on Abandonment of Westbard Avenue and Ridgefield Road  
**Date:** Monday, November 16, 2020 8:49:17 PM  
**Attachments:** [LYNNE BATTLE'S TESTIMONY ON ROAD ABANDONMENT.pdf](#)

---

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

Attached please find my testimony which I will deliver on Thursday, 11/19 in reference to the Abandonment of Portions of Westbard Avenue and Ridgefield Road. I will be speaking on behalf of the Westbard Study Group which includes Jenny Sue Dunner, Marnie Shaul, Susan Spock, and myself. Thank you for your attention to this matter.

Lynne Battle  
5157 Westbard Avenue  
Bethesda, MD 20816

LYNNE BATTLE'S TESTIMONY ON BEHALF OF THE  
WESTBARD STUDY GROUP ON THE ROAD ABANDONMENT  
OF RIDGEFIELD ROAD AT WESTBARD AVENUE  
NOVEMBER 19, 2020

I am here testifying as a member of the Westbard Study Group and resident of Westbard Mews on Westbard Avenue. To more clearly lay out my position, I must set the stage for how this issue first arose.

The plan to abandon Ridgefield Road and realign Westbard Avenue was part of the original plan by Equity One (and subsequently, Regency Development) to redevelop the Westbard Shopping Center as well as parcels on the opposite side of the street. The Planning Board approved a preliminary plan in which the shopping center would be Phase One of an entire redevelopment for which the single most significant public benefit was to be the creation of a beautiful Greenway Park around the Willett Branch stream, in keeping with the Sector Plan's goals.

As part of the redevelopment, Regency is accelerating the road realignment and proposing a faster redevelopment of Westwood II in concert with Kensington Senior Living at the corner of Ridgefield Road and Westbard Avenue, which requires the road abandonment at issue in the hearing. We, and other members of the community, have been hoping to comment on the aspects of new road to the Board, but we were unaware that this hearing would be held until last week.

At the moment, the only true benefits from the project accrue to the developer rather than the public: the new road will allow Westwood II and adjacent properties to be developed more quickly, and the new road will lead more directly to the developer's Westbard shopping center, with none of the traffic lights that currently allow pedestrians to cross the road safely.

We strongly believe that to ensure that the Willett Branch Park is established as a public benefit, Equity One/Regency should begin the creation of the Greenway Park on the property where the abandonment and realignment will occur. When the road is rebuilt, it will have to be constructed over the Kenwood branch stream as it flows into the Willett Branch at the beginning of the proposed Greenway. During construction, the flow of one stream into another should be made into a small waterfall feature that would set off the beginning of the park. Parks and Planning staff proposed this feature a number of years ago, but the developer seems unwilling to create it as part of the road and property redevelopment. We understand that unless it is built while the road is being constructed, the proposed waterfall will probably not be possible to build later on.

The road abandonment will also create a new area on which no construction is contemplated – Lot 24, Block D, as shown on Figure 2 of the staff report, page 3. The staff report does not reference the intended use of this block. While the

preliminary plan envisioned it as a place to put a large number of mitigation trees, we have always believed that the area is too small for this purpose. The trees will be adversely affected by adjacent traffic, and the area would be a much better place for stormwater management (SWM) for the road as a whole. Indeed, at the hearing on the preliminary plan, members of this Board advocated that the developer use SWM best practices for the new Westbard Avenue. Otherwise, road run-off is likely to go down into the newly established greenway park.

Finally, a critical safety need is the installation of a traffic light to cross the new road, which we hope you will ask MCDOT to approve. It is not adequate simply to put in wiring for a traffic light at the intersection on Westbard Avenue that Springfield residents can access, and then wait for a study a year later. With the new road, Springfield drivers will be unable to turn left on Westbard without a traffic light, and no one—including school children—will be able to walk across the road safely. In addition, the realignment will impede the visibility of trucks exiting the delivery area of the Kensington Senior Living building on realigned Westbard for cars, bikes, and walkers raising additional safety concerns. In short, this will be an accident waiting to happen, perhaps leaving the community with injuries and/or deaths as the cost of providing a commercial benefit to this developer.



The abandonment must be permitted only if it helps the health, safety, and welfare of residents. I therefore implore you to order Equity One/Regency and Kensington to begin the creation of a park along the Willett Branch with decent landscaping and a water feature behind the planned senior living facility, and state-of-the-art SWM along the new road. These factors should be required as a condition of granting the desired abandonment so the community is provided the promised Willett Branch Greenway and associated environmental improvements. Further, to construct this realignment without a traffic light in place would be negligence of the highest order.

Respectfully submitted by Lynne Battle

For the Westbard Study Group

(Lynne Battle, Jenny Sue Dunner, Susan Spock, and Marnie Shaul)

**From:** [Sarah Morse](#)  
**To:** [MCP-Chair](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#)  
**Cc:** [Paul, Susanne](#); [Riley, Mike](#); [Hisel-McCoy, Elza](#); [Dickel, Stephanie](#); [Mencarini, Katherine](#); [Lloyd Guerci](#); [Susan Spock](#); [CCCFH Patricia Johnson](#); [Jenny Sue Dunner](#); [LYNNE BATTLE](#); [T. Reid Lewis](#); [Cynthia Green](#)  
**Subject:** Petition to Abandon ROW, AB-773  
**Date:** Tuesday, November 17, 2020 2:34:19 PM  
**Attachments:** [LFWA Comments Abandonment Petition, Westbard.pdf](#)

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

Please find attached comments from the Little Falls Watershed Alliance regarding the right-of-way abandonment, AB-773, Portions of Westbard Avenue and Ridgefield Road.

Thank you for all your hard work on this. We appreciate the effort to bring the new Willett Branch Park to fruition.

Stay Healthy,  
Sarah

Sarah Morse  
Little Falls Watershed Alliance

--

Sarah Morse

*Support your local watershed group. Visit Little Falls Watershed Alliance online - [www.LFWA.org](http://www.LFWA.org)  
Find us on [Facebook!](#)*



# LITTLE FALLS WATERSHED ALLIANCE

## EDUCATION - ACTION - STEWARDSHIP

Sarah Morse  
Executive Director

Comments from Little Falls Watershed Alliance  
Right-of-way Abandonment, AB-773, Portions of Westbard Avenue and Ridgefield Road

Board of Directors:

November 17, 2020

Jack Sobel  
President

Dear Planning Commissions and Staff,

Mikel Moore  
Vice President

Little Falls Watershed Alliance is an environmental stewardship group for the Little Falls watershed, a sub-watershed of the Potomac located in the Bethesda-Chevy Chase area of Montgomery County. We have been actively protecting our natural areas since we incorporated as a non-profit in 2008. With over 2,000 members, we engage more than 1,000 volunteers every year in stewardship projects like habitat restoration, stormwater management installations and trash clean-ups.

Sara Schneeberg  
Robinson  
Secretary

### **Green Infrastructure for the Health of the New Stream**

Jonathan Breul  
Treasurer

As the new development at Westbard is in our watershed and along the banks of the Willett Branch, we have been following the proposed projects since the initial meetings to revamp the Westbard Sector Plan. Along with making sure that the developers follow the strictest application of the County's excellent environmental guidelines, we have an active interest in the formation of the Willett Branch Stream Valley park and the naturalization of the Willett Branch. It promises to be a jewel for Montgomery County and a national model on how to restore urban streams. All new development and redevelopment in the area will impact the stream. It is our hope that Westbard redevelopment will be done in such a way to maximize the health of the new stream and that stormwater management for the area will be entirely Environmental Site Design (ESD). The green methods of ESD will protect the new stream from flooding and make sure that the ground water is properly recharged to give the stream a healthy base flow.

Laurie Fink

Randy Lyon

Karen Thornton

George Wyeth

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

### **New Road Must have 100% ESD Stormwater Management**

When the preliminary plans were approved last year, the Department of Permitting Services (DPS) allowed the developer to treat only 16% of the road run-off despite the county's commitment to treating stormwater on site. As you know, the run-off from a road is the most damaging run-off a stream can experience. As the rain water rushes down the pavement, it picks up what the National Academy of Science calls "a toxic brew of oil, fertilizers and trash". Without stormwater management, this mixture flows



directly to the stream, both flooding the stream and polluting it with trash, oil, chemicals, and other road debris. So, it is essential that the road be treated with the greenest infrastructure techniques.

It is with the health of the new park in mind that we offer these comments and ask that the petition be denied.

- **Proposed Abandon Areas Should be Used for Stormwater Management**

The staff recommendation states that the areas petitioned for abandonment are “no longer necessary for public use.” However, the areas are located along the new road and could be used for achieving 100% stormwater management for the new road. The developer was granted the large waiver for treating stormwater because it was stated that there no room for stormwater management in the right-of-way of the proposed re-aligned road. Lack of ROW makes the need for these areas even more essential. This road is located uphill from the new stream and every bit of the water from a storm will flow directly into the stream. With recent rain events flooding roadways and basements, we all know what happens when stormwater can’t be absorbed into the ground. **These abandoned areas are necessary for public use.** It is in the interest not only of the stream, but of the surrounding residences, that water is captured and directed into the ground and not allowed to flood the area.

- **Water Feature for the New Willett Branch Park needs to be Addressed with New Road**

An important part of the new Willett Branch Stream Valley Park is the gateway park at River and Ridgefield and the daylighting of the Kenwood Tributary with a small water feature. The Kenwood Tributary is channelized now and flows under Ridgefield Road and into the Willett Branch via a 36-inch concrete pipe. If left to enter the stream in a pipe, the volume and velocity of water will create a tsunami of water every time it rains destroying the new stream. The water feature will slow down and spread out the inflow, saving the stream banks from erosion. However, the infrastructure of the new water feature starts under Ridgefield Road. This part of the park should be coordinated with the building of the new road. Until these details are worked out, the request for abandonment should be deferred.

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

There is little sense in putting millions of dollars into naturalizing the stream if stormwater is allowed to compromise its health. We know from past rain events the damage unchecked stormwater can do. We must not let that happen here. The right-of-way should not be abandoned, but used for stormwater management – a use that will benefit the entire community as well as the stream.

The Willett Branch Park is a vision for today and tomorrow. The new stream will delight future generations and hopefully our grandchildren’s children will be playing in the sparkling water and enjoying the trails. This is our chance to get it right. There is no do over.

Thank you for your hard work on this,



Sarah Morse

# Montgomery Planning

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB

Item No.

Date: 11.19.20

## Right-of-Way Abandonment, AB-773, Portions of Westbard Avenue and Ridgefield Road



Katie Mencarini, Planner Coordinator, Downcounty Planning, [Katherine.Mencarini@montgomeryplanning.org](mailto:Katherine.Mencarini@montgomeryplanning.org), 301.495.4549



Stephanie Dickel, Supervisor, Downcounty Planning, [Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org), 301.495.4527

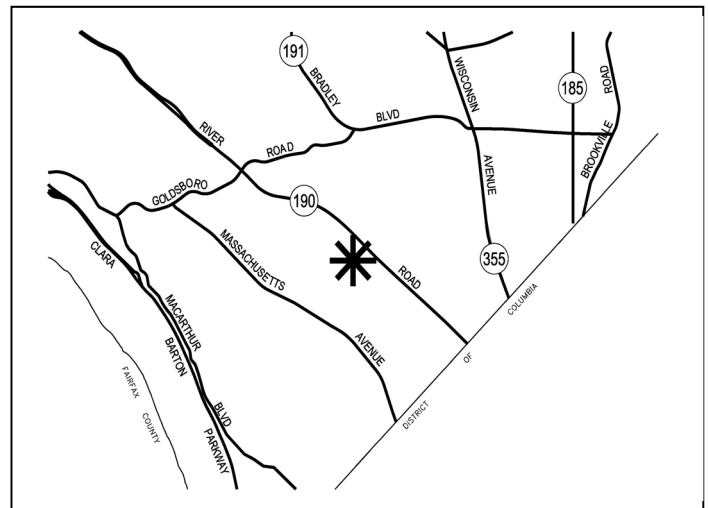


Elza Hisel-McCoy, Chief, Downcounty Planning, [Elza.Hisel-McCoy@montgomeryplanning.org](mailto:Elza.Hisel-McCoy@montgomeryplanning.org), 301.495.2115

### Description

Completed: 11.9.20

- Request to abandon 5,891 feet of Westbard Avenue right-of-way and 9,123 square feet of Ridgefield Road right-of-way
- Zoned CR 1.5, C-0.5, R-1.5, H-75', CR 1.0, C-0.25, R-1.0, H-45', and R-60
- Located between River Road and Westbard Circle
- Petitioners: Equity One (Northeast Portfolio), LLC
- 2016 *Westbard Sector Plan*
- Review Authority: Chapter 49, Streets and Roads



### Summary

- Staff recommends approval of the abandonment petition.
- The 2016 *Westbard Sector Plan* calls for the realignment of Westbard Avenue between Westbard Circle and River Road in order to tie Westbard Avenue directly into River Road with a right-angle intersection.
- On March 14, 2019, the Planning Board approved Preliminary Plan No. 120170170 (MCPB No. 19-032) which included a condition of approval requiring filing of the rights-of-way abandonment prior to obtaining use and occupancy permits (Condition 18).
- As part of the Preliminary Plan No. 120170170 approval, Equity One (Northeast Portfolio), LLC is required to construct and dedicate to public use the realigned Westbard Avenue (Condition 20).
- Transmit comments to the Montgomery County Department of Transportation recommending approval of the request to abandon the subject rights-of-way (Westbard Avenue and Ridgefield Road) because the petition is sought in connection with the realignment of Westbard Avenue, which will make the areas petitioned for abandonment no longer necessary for public use.



## REQUEST FOR COMMENTS BY THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION

On October 9, 2020, the Maryland - National Capital Park and Planning Commission (M-NCPPC) received Abandonment Petition AB773 (Attachment A), in accordance with Section 49-62(g) of the County Code. The subject Petition requests abandonment of portions of the Westbard Avenue and Ridgefield Road (Figure 1) rights-of-way. Collectively referred to in this Report as the “Subject Abandonment,” the Petition seeks abandonment of approximately 5,891 square foot portion of Westbard Avenue and an approximately 9,123 square foot portion of Ridgefield Road in Bethesda. The Subject Abandonment is required in order to achieve the master-planned realignment of Westbard Avenue at River Road. The distinction between the right-of-way to be abandoned and the new right-of-way to be dedicated as part of the realignment project are shown in Figure 2.



*Figure 1: Vicinity Map*

Equity One (Northeast Portfolio), LLC are referred to in this document at the “Petitioners”. The Petitioners own and are pursuing redevelopment of the Westwood Shopping Center/Kensington of Bethesda referenced in Preliminary Plan 120170170 (“Property or Subject Property”), a mixed-use development with 647,378 square feet of residential uses and up to 205,537 square feet of non-residential uses. The Property includes the entirety of the land surrounding the Subject Right-of-way Abandonment (Figure 2). The surrounding properties are zoned CR 1.5, C-0.5, R-1.5, H-75’, CR 1.0, C-0.25, R-1.0, H-45’, and R-60.

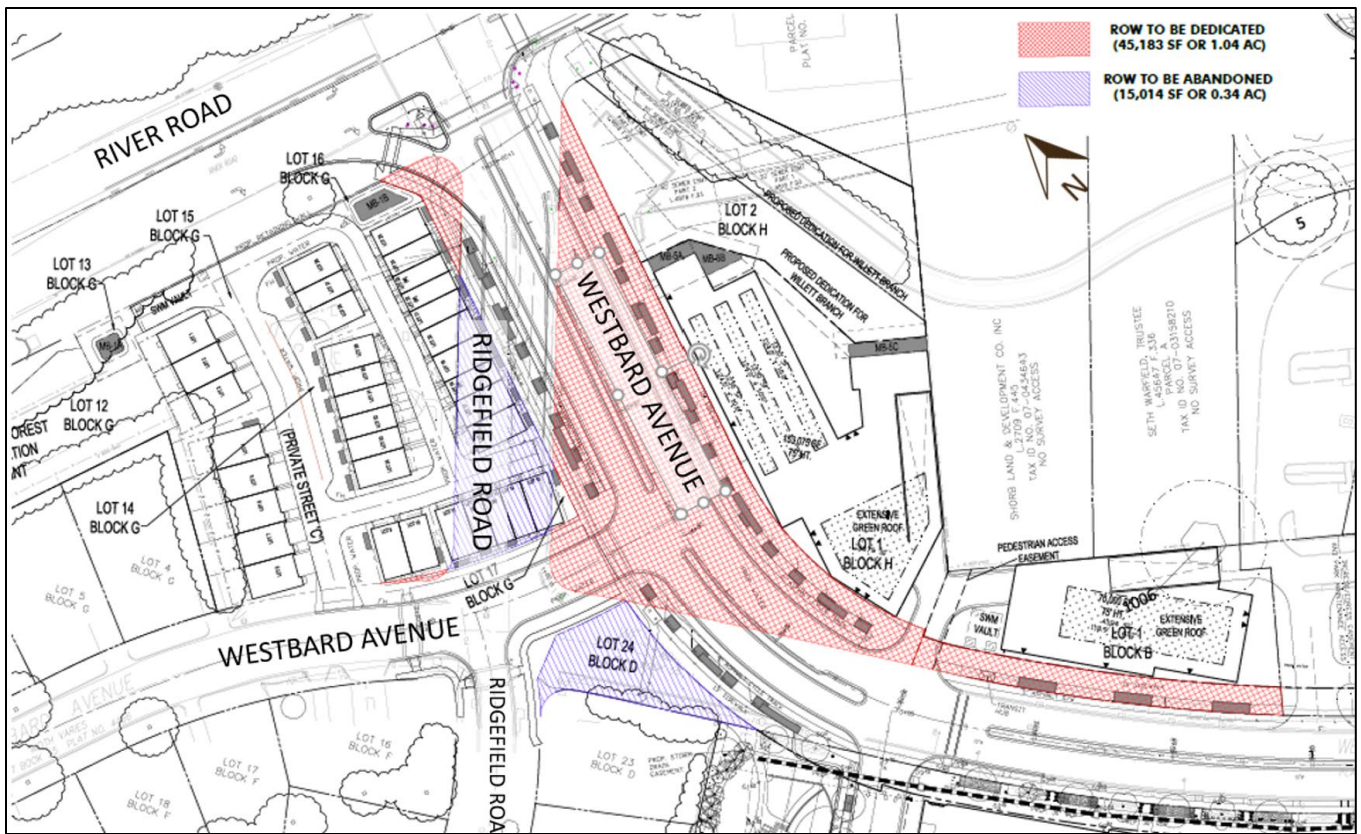


Figure 2: Subject Right-of-Way, Showing Areas Requested for Abandonment and Areas to be Dedicated for Westbard Avenue Realignment

A virtual public hearing has been scheduled for Monday, December 15, 2020 at 12:30 PM in accordance with Section 49-62(f) of the County Code. This Staff Report summarizes comments from the M-NCPPC and seeks permission from the Planning Board to transmit comments to MCDOT for consideration by the County Council.

## SITE DESCRIPTION AND BACKGROUND

Ridgefield Road between River Road and Westbard Avenue is an improved Business District roadway with two lanes in each direction and a master-planned right-of-way of 100 feet. West of Westbard Avenue the road changes character to a residential street and narrows down to one lane in each direction.

Westbard Avenue between Ridgefield Road and Westbard Circle is an improved Business District roadway with two lanes in each direction and a master-planned right-of-way of 110 feet. Westbard Avenue is the major north-south connection for residents and businesses within the Westbard area, linking River Road (MD-190) and Massachusetts Avenue (MD-396).





*Figure 3: Ridgefield Road Looking West towards Westbard Avenue*

#### 2016 Westbard Sector Plan

The 2016 *Westbard Sector Plan* recommends the realignment of Westbard Avenue between Westbard Circle and River Road for the purpose of tying Westbard Avenue directly into River Road with a right-angle intersection (pages 34-35). As explained in the Sector Plan, the realignment will help facilitate direct flow of traffic between the Westwood Shopping Center site and River Road as well as regional traffic between River Road and Massachusetts Avenue. The intersection improvements at River Road include a new channelized right-turn lane. This is necessary to address intersection geometry issues and accommodate large delivery trucks to the large retail establishments on Westbard Avenue.

The Sector Plan endorses permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road end. The closure should not occur until the existing Westbard Road/River Road intersection is realigned to intersect River Road with a right-angled turn.



Figure 4: Approved Preliminary Plan 120170170

#### Relevant Regulatory Approvals

On March 14, 2019 the Montgomery County Planning Board approved the Westwood Shopping Center Preliminary Plan 120170170 which allowed for the creation of up to 111 lots for up to 852,915 total square feet of development. The Preliminary Plan (MCPB No. 19-032, Attachment B) was conditioned to receive approval of the Subject Abandonment (AB773) prior to use and occupancy certificates for the commercial building (condition 18). The Applicant was also required to secure a resolution abandoning all portions of the existing Westbard Avenue/Ridgefield Road rights-of-way that are no longer needed for transportation purposes prior to constructing the realigned Westbard Avenue and associated intersections improvements, and prior to the issuance of use and occupancy certificates for the 55<sup>th</sup> townhouse unit for Site Plan 820180190 (condition 20).

Preliminary Plan 12017017A is currently under review and seeks to modify a previous approved site access point. These modifications if approved would have no effect on the Subject Abandonment and would uphold conditions 18 and 20 of the previously approved preliminary plan.

#### Right of Way Abandonment Petition

This Petition seeks to abandon approximately 5,891 square feet of Westbard Avenue and 9,123 square feet of Ridgefield Road in Bethesda. The petition is sought in connection with the realignment of Westbard Avenue, after which the areas sought to be abandoned will no longer be necessary for public use.

As previously stated, the Petitioner is required as part of Preliminary Plan 120170170 to obtain a council resolution for the Subject Abandonment to construct the master-planned realignment of Westbard Avenue. Construction of the realignment of Westbard Avenue and the associated intersection improvements are also required to pursue permits and certificates needed to realize the projects approved as part of Preliminary Plan 120170170. The Petitioner is currently pursuing permits for the first phases of its redevelopment. Approval of the abandonment is necessary now for the Petitioners to complete the realignment of Westbard Avenue within the timeframes set by the Preliminary Plan. Furthermore, the Petitioner will soon be dedicating by plat, approximately 45,183 square feet of area for the new Westbard Avenue right-of-way.



## ANALYSIS AND FINDINGS

### Conformance to the Master Plan

The 2016 *Westbard Sector Plan* specifically calls for the abandonment of the portions of rights-of-way on Westbard Avenue and Ridgefield Road (page 34-37).

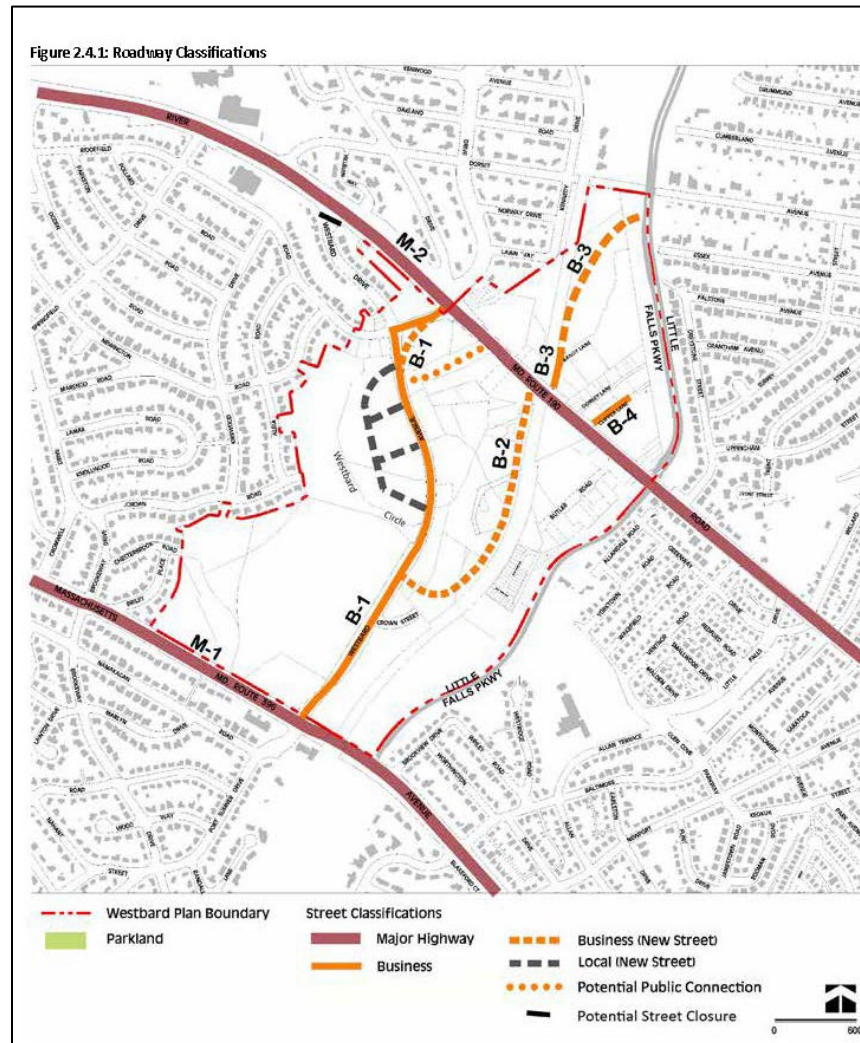


Figure 5: Transportation Network Plan from the 2016 *Westbard Sector Plan* (page 35)

The Sector Plan states, “Westbard Avenue, a business district street, heading toward River Road should be reconfigured to tie directly to River Road with a right-angle intersection, instead of teeing into Ridgefield Road. The reconfiguration would create Westbard Avenue extended that would connect directly with River Road. Ridgefield Road would be reconfigured to tee into reconfigured Westbard Avenue extended. The block of Westbard Avenue south of River Road would tee into Ridgefield Avenue.”

The Petitioner is working closely with MCDOT on the realignment of Westbard Avenue and the redesign of the intersections with River Road and Ridgefield Road. In coordination with MCDOT, the Petitioner has determined the areas needed for abandonment to realize the master-planned vision for Westbard Avenue and Ridgefield Road.

The 2018 *Bicycle Master Plan* prioritized improving the level of traffic stress on two major highways (River Road and Massachusetts Avenue) and the business district road connecting the two (Westbard Avenue). Separated bikeways are envisioned along the entire length of Westbard Avenue, and a significant segment will be realized when the Petitioner reconstructs Westbard Avenue between River Road and Westbard Circle. The reconfiguration of the intersection at Westbard Avenue extended and River Road will improve sightlines and reduce exposure of pedestrians and bicyclists to conflicts with cars when the roadway geometry changes result in a right-angle intersection.

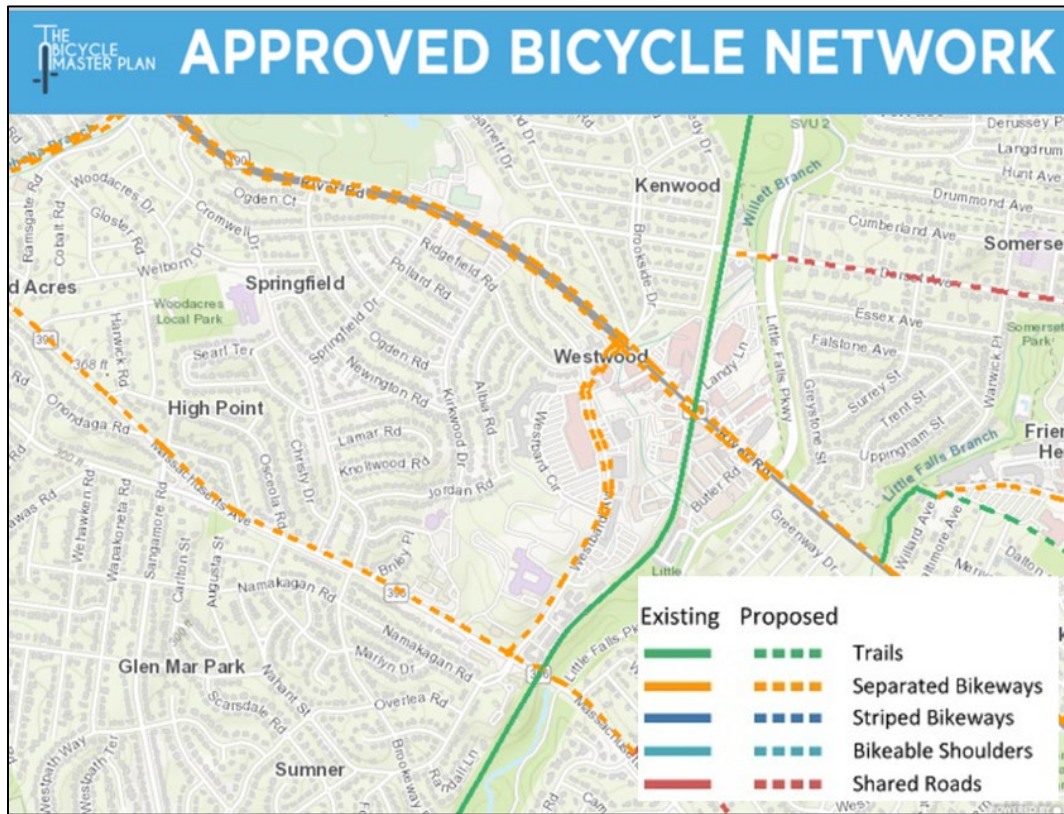


Figure 6: *Bicycle Master Plan Recommendations for Westbard Sector Plan Area*

#### Chapter 49 Findings

Section 49-63(c)(1) -(2) of the Montgomery County Code (the “Code”) authorizes the County Council to abandon a right-of-way, including a public road, upon a finding that:

1. The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or
2. The abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed.

Furthermore, Section 49-62(a) of the Code defines right-of-way, as the following:

*any road, street, alley, crosswalk, pedestrian walkway, shared use path, water main, sanitary sewer, storm sewer, or storm drainage right-of-way used at any time by the public, including use by pedestrians and bicyclists.*

As envisioned by the 2016 *Westbard Sector Plan*, Westbard Avenue is to be realigned to intersect directly with River Road, replacing River Road’s existing intersection with Ridgefield Road. When the realignment is achieved,

the Subject Right-of-way will no longer function as a roadway or other path of travel, nor is it needed for utilities. Therefore, the Subject Right-of-way will no longer be needed for public use. It is important to note that the Subject Right-of-way is not the sole access to any property along Westbard Avenue or Ridgefield Road.

The abandonment of the Subject Right-of-way is also required by Condition of Approval 18 for Primary Plan 120170170, which requires that, prior to the issuance of the Use and Occupancy Certificate for the 55th townhouse unit for the associated site plan, [the Petitioner] must secure a County Council Resolution abandoning the portions of existing Westbard Avenue/Ridgefield Roads rights-of-way that are no longer needed for transportation purposes. In other words, when this realignment occurs, sections of Ridgefield Road and Westbard Avenue previously used for right-of-way will no longer be needed for public use. Therefore, all criteria are met to make a finding in favor of the requested abandonment.

#### **CITIZEN CORRESPONDENCE AND ISSUES**

The Petitioner has complied with all submittal and noticing requirements. As of the date of this Report's posting no citizen correspondence been received.

#### **CONCLUSION**

Staff recommends the Planning Board support the Petition and transmit comments to the Montgomery County Department of Transportation.

#### **Attachments**

Attachment A – Petition for Abandonment 773 and all included attachments  
Attachment B – Planning Board Resolution for Preliminary Plan 120170170





Erin E. Girard  
 301-517-4804  
 egirard@milesstockbridge.com

May 22, 2020

Christopher Conklin  
 Director, Montgomery County Department of Transportation  
 101 Monroe Street, 10<sup>th</sup> Floor  
 Rockville, Maryland 20850

Re: Abandonment of Portions of Westbard Avenue and Ridgefield Road in Bethesda

Dear County Executive Elrich:

On behalf of our client, Equity One (Northeast Portfolio), LLC ("Equity One"), the purpose of this letter is to formally request the abandonment of an approximately 5,891 square foot portion of Westbard Avenue and an approximately 9,123 square foot portion of Ridgefield Road in Bethesda. The abandonment is sought in connection with the realignment of Westbard Avenue by Equity One, which realignment will make the areas sought to be abandoned no longer necessary for public use. A sketch depicting the realignment and areas to be abandoned is shown on the plan attached hereto as Exhibit "A", and a metes and bounds description and sketch of the areas to be abandoned are attached as Exhibit "B".

The Westbard Sector Plan, approved and adopted in July 2016 ("Sector Plan"), calls for the realignment of Westbard Avenue between Westbard Circle and River Road in order to tie Westbard Avenue directly into River Road with a right-angle intersection. *See* Sector Plan, p. 34-35, 37 (relevant excerpts of the Sector Plan attached hereto as Exhibit "C"). Subsequent to the adoption of the Sector Plan, Equity One sought and obtained approval of Preliminary Plan No. 120170170 ("Preliminary Plan") for its properties lying along Westbard Avenue within the Sector Plan area. A copy of the Preliminary Plan Resolution of Approval is attached hereto as Exhibit "D". As part of the Preliminary Plan approval, Equity One is required to "construct and dedicate to public use the realigned Westbard Avenue." *See* Preliminary Plan Condition No. 20. Recognizing that the realignment will create excess right-of-way necessary for other contemplated redevelopment, the Preliminary Plan also requires that, "[p]rior to Use and Occupancy Certificate for the Commercial Building, the Applicant must file for abandonment of portions of Ridgefield Road and Westbard Avenue." *See* Preliminary Plan Condition No. 18. Condition 20.b of the Preliminary Plan further requires that, prior to the issuance of the Use and Occupancy Certificate for the 55<sup>th</sup> townhouse unit for the associated site plan, Equity One must

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Page 2

“[s]ecure a County Council resolution abandoning the portions of existing Westbard Avenue/ Ridgefield Roads rights-of-way that are no longer needed for transportation purposes.”

Equity One is currently pursuing permits for the first phases of its redevelopment, including the realignment of Westbard Avenue and the first commercial building referenced in Preliminary Plan Condition No. 20. To ensure development can occur at a timely pace without interruption, Equity One is seeking the abandonment now to ensure its approval is complete within the timeframes set forth in the Preliminary Plan. Importantly, in connection with the road realignment, Regency will soon be dedicating by plat approximately 45,183 square feet of area for the new Westbard Avenue right-of-way.

Pursuant to Section 49-63(c) of the Montgomery County Code (“Code”), a right-of-way may be abandoned if the County Council finds that, “(1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future,” or “(2) the abandonment... is necessary to protect the health, safety, and welfare of the residents near the right-of-way to be abandoned.” Although only one criterion need be met for approval of an abandonment, both are met in this case. As noted above, in accordance with the recommendations of the Sector Plan, Westbard Avenue will be realigned so as to intersect directly with River Road, replacing River Road’s existing intersection with Ridgefield Road. When this realignment occurs, sections of Ridgefield Road and Westbard Avenue previously used for right-of-way improvements will no longer be needed for public use, either at that point in time or in the future.

With regard to the protection of health, safety and welfare of residents near the right-of-way, Section 49-63(c)(2) of the Code further provides, “[i]n assessing health, safety, and welfare issues, the Council may consider: (A) any adopted land use plan applicable to the neighborhood; (B) safe and efficient pedestrian and vehicular traffic patterns and flow, together with alternatives, in the immediate neighborhood, for local and through traffic; and (C) changes in facts and circumstances since the original dedication of the right-of-way.” As noted above, the Sector Plan specifically calls for the realignment of Westbard Avenue. The purpose of the realignment is to enhance circulation through the Westbard area and make it more safe and efficient for neighborhood traffic and those accessing the redeveloped areas within the Sector Plan. *See* Sector Plan, p. 10 (“Realign Westbard Avenue and Ridgefield Road to create a clear gateway into the retail area and protect single-family neighborhoods.”) The recommendation calling for this realignment, adopted in 2016, also occurred after the original dedications were made in the 1950s, representing changes circumstances. Therefore, all of the sub-criteria are met for a finding that the abandonment would also protect the health, safety and welfare of the residents of the area.

Based on the foregoing, we respectfully request that the portions of Ridgefield Road and Westbard Avenue detailed and shown on Exhibit “B” be abandoned. As shown on the Proposed Lot Plan included as part of the Certified Preliminary Plan, a copy of which is attached hereto as Exhibit “E”, the abandoned portions of Ridgefield Road are proposed to be incorporated into Lot



Page 3

15, Block G, and the abandoned portions of Westbard Avenue to be replatted as Lot 24, Block D<sup>1</sup>.

In connection with this abandonment request, enclosed please find the following:

- \$2500.00 filing fee
- Plan depicting the realignment and areas to be abandoned (Exhibit "A")
- Metes and bounds descriptions and sketch of the areas to be abandoned (Exhibit "B")
- Relevant excerpts of the Sector Plan (Exhibit "C")
- Preliminary Plan Resolution (Exhibit "D")
- Proposed Lot Plan (Exhibit "E")
- Aerial photograph of existing conditions
- Tax map highlighting area to be abandoned
- Plan depicting the road realignment
- List of adjoining properties

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

Sincerely,

**Miles & Stockbridge, P.C.**



Erin E. Girard

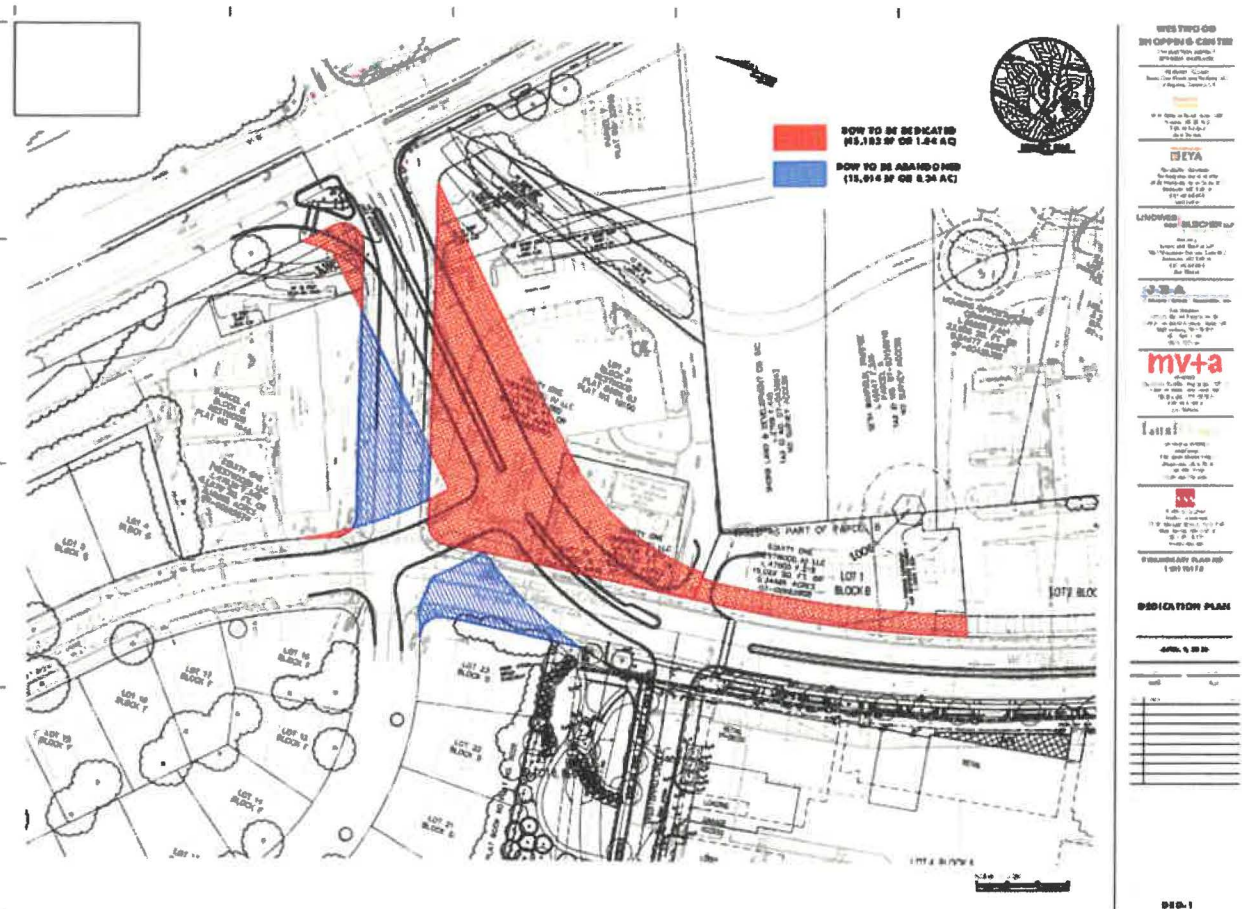
cc: Eric Willis, Esq.  
Sam Stiebel  
Kevin Johnson

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<sup>1</sup> As shown on Plat No. 4456, the relevant portions of Westbard Avenue were dedicated by Equity One's predecessor in title, entitling it to the land after abandonment. Equity One also owns the land on both sides of the relevant portion of Ridgefield Road, originally dedicated by Plat No. 5026, and has chosen to incorporate the whole of that abandoned area into Lot 24, Block D.

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**EXHIBIT "A"**





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

**Part 1**

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

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

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

**Part 2**

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

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

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

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Page 6

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

#### SURVEYORS CERTIFICATION

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

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

Date:

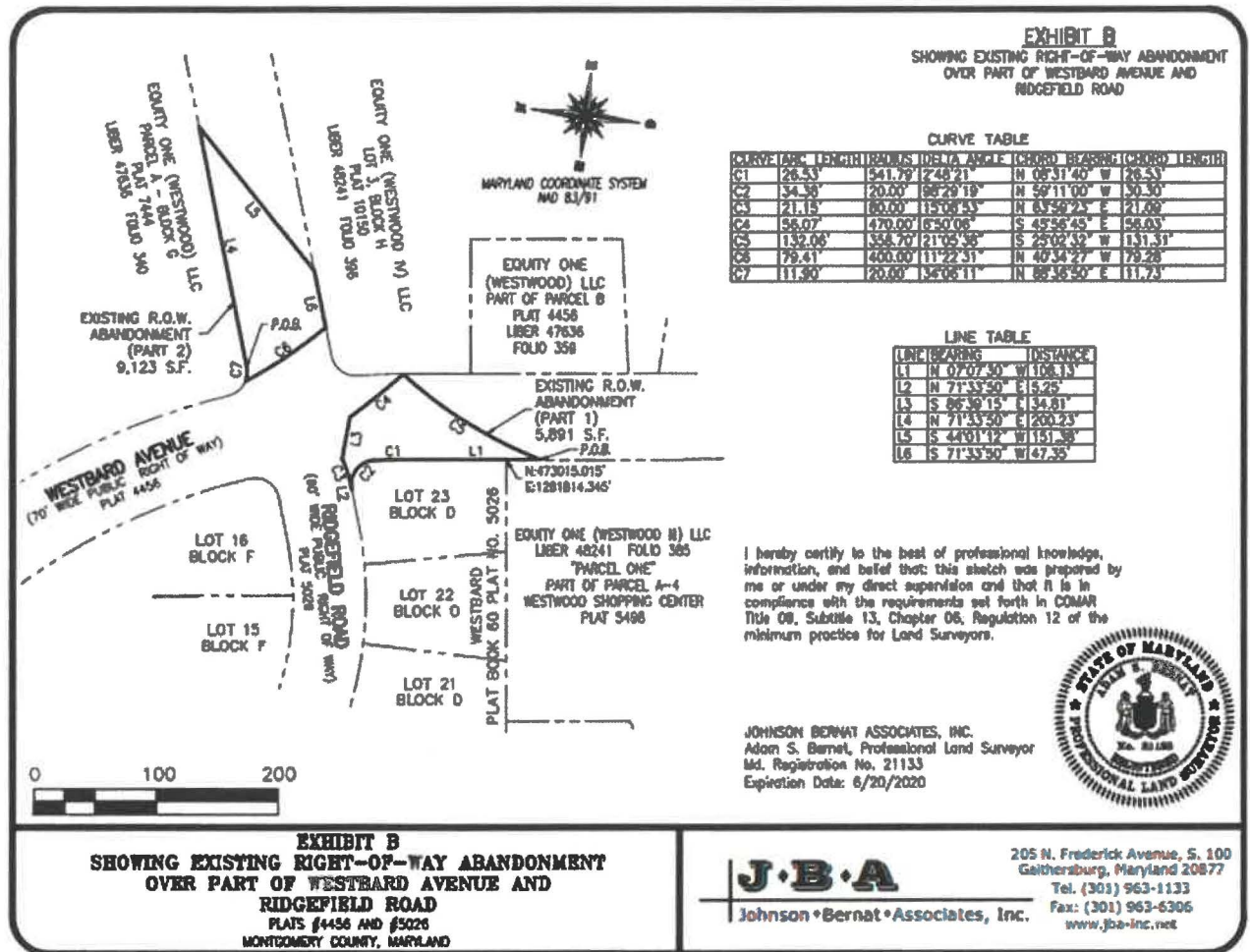


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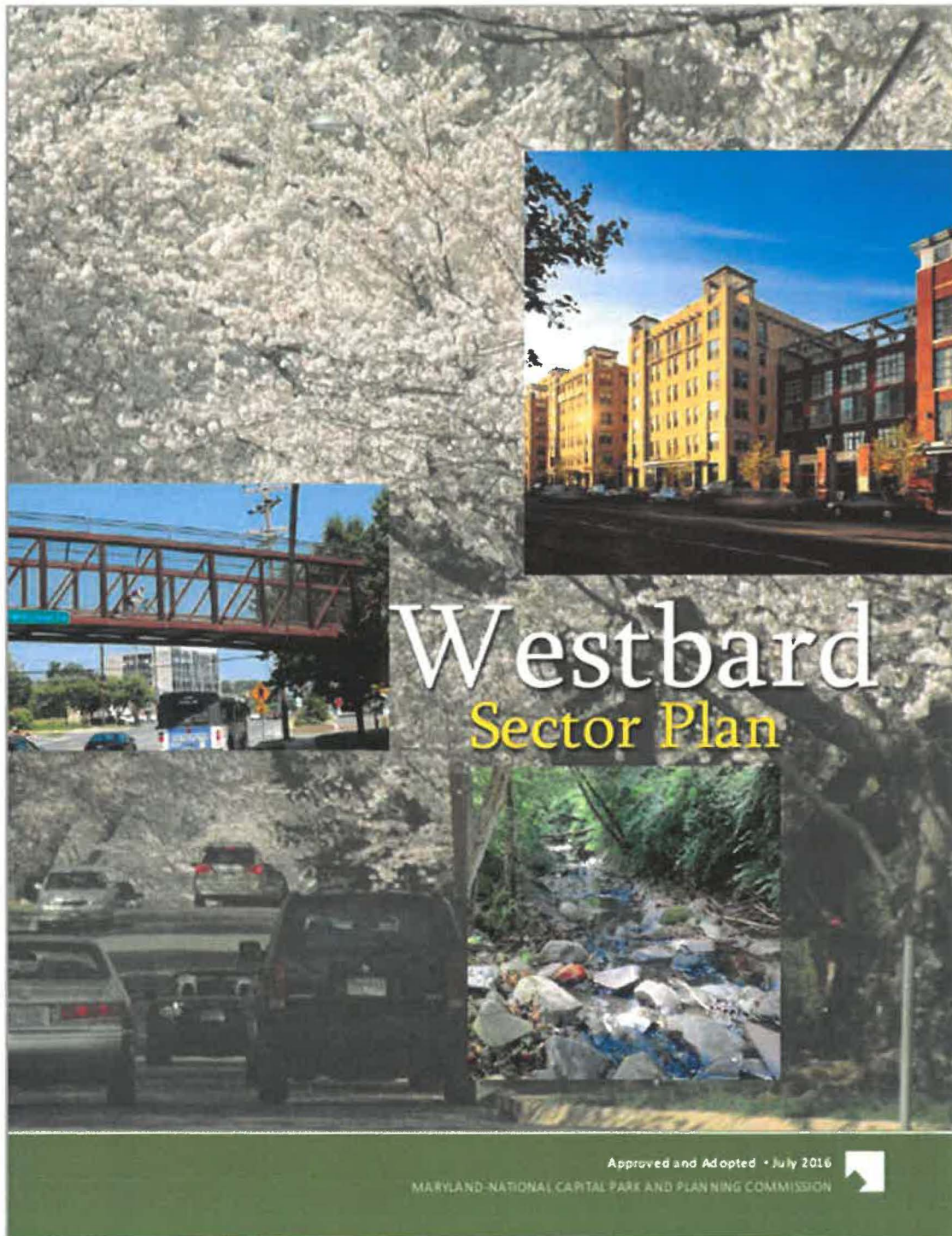
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**EXHIBIT "C"**





**Table 1.2.2: Specific Short-Term Recommendations**

<b>Description</b>	<b>Category</b>
Provide a Central Civic Green (approximately 16-acre but no less than 1/3 acre) within the Westwood Shopping Center site.	Parks
Provide a neighborhood green urban park at the intersection of realigned Westbard Avenue and Ridgefield Road.	Parks
Naturalize Willett Branch as a stream amenity and provide a pedestrian trail connector within Westbard. Use easements to preclude further encroachment, and an amenity fund to finance these projects.	Parks
Realign Westbard Avenue and Ridgefield Road to create a clear gateway into the retail area and protect single-family neighborhoods.	Transportation
Transform Westbard Avenue into a multi-use, pedestrian-friendly, tree-lined street with wide sidewalks and on-street parking where practicable.	Transportation
Create a pedestrian/vehicular connection between River Road and Westbard Avenue at the American Plant Food and Roof Center sites to provide another connection between the two streets and act as a gateway to the naturalized Willett Branch Urban Greenway.	Transportation
Provide an increase in public and/or provide private shuttle bus service between Westbard and Metrorail stations in Bethesda and Friendship Heights and/or other nearby major destinations to supplement the existing public transit systems.	Transportation
Reduce and control invasive plant species in the area.	Environment
Provide new storm water treatment systems and improve existing systems.	Environment
Provide affordable housing above the County's minimum moderately priced dwelling unit (MPDU) requirement.	Housing
Provide local housing options for active seniors who are seeking to downsize from single-family homes.	Housing
Encourage the development of senior housing options, including assisted-living facilities.	Housing
Maximize moderately priced dwelling unit (MPDU) options for new construction.	Housing
Preserve existing, local-serving light industrial uses.	Land Use
Maintain existing, local-serving retail establishments.	Land Use

- Expand and implement new transit options.
- Accommodate regional mobility while increasing local connectivity.
- Maintain a land use and a transportation balance
- Improve bicycle and pedestrian infrastructure.

## 2.4.2 Roadways

It is recommended that the Westbard Sector Plan area be designated as an Urban Area for the application of Road Code Standards. The area should also be designated as a Bicycle Pedestrian Priority Area (BPPA) to facilitate funding for bicycle and pedestrian improvements.

### A. Roadway Right-of-Way and Design Elements

#### River Road-MD 190 (M-2)

(110-foot minimum right-of-way; West Sector Plan Boundary to East Sector Plan Boundary)

River Road is a major highway that provides east-west local connectivity. The segment contained within the Plan area measures approximately 1,800 linear feet. There are numerous curb cuts along this short segment of roadway that add to traffic stress on River Road. The vast amount of curb cuts contribute to many friction points caused by turning vehicles accessing local businesses, as well as through traffic on River Road. In order to improve operations and enhance the safety on River Road, this Plan recommends that the curb cuts be reduced and driveway access points be consolidated in a logical pattern that allows for improved driveway and intersection spacing. Inter-parcel access should be provided to allow for driveway consolidation. This Plan also recommends the installation of traffic signals on River Road at its intersections with B-2/B-3 (Landy Lane) and with B-4 (Clipper Lane). Finally, a median should be provided with left turn lanes for access to the consolidated driveways.

River Road should contain the following elements within the right-of-way:

- Travel Lanes: Two 11-foot lanes per direction.

- Median: To accommodate a left turn lane and pedestrian refuge area.
- Separated Bike Lane: 11-foot-wide, two-way separated bike lanes (cycle track) on the north side with a buffer.
- Landscape Buffer: To accommodate street trees.
- Sidewalks: Minimum 15-foot-wide (due to constraints associated with the Capital Crescent Trail, the sidewalk may need to be narrower under the CCT bridge)

#### Westbard Avenue – Westbard Circle to Massachusetts Avenue (B-1)

(74-foot minimum right-of-way).

This business district street is the major north-south connection for residents and businesses in the area. A shared-use path is recommended on the west side of the street to facilitate access to the school and library on the west side of the street. The shared-use path will transition to a cycle track and a sidewalk along Street B-1 north of Westbard Circle.

Westbard Avenue should contain the following elements within the right-of-way:

- Travel Lanes: Two 10-11-foot-wide lanes per direction.
- Median: None.
- Landscape Buffer: To accommodate street trees.
- Shared-use Path: Provide on the west side of the street

#### Westbard Avenue extended/Ridgefield Road – Westbard Circle to River Road (B-1)

(110-foot minimum right-of-way; Westbard Circle to Ridgefield Road; 100-foot minimum right-of-way; Westbard Avenue to River Road).

Westbard Avenue, a business district street, heading toward River Road should be reconfigured to tie directly to River Road with a right-angled intersection, instead of teeing into Ridgefield Road. This reconfiguration would create Westbard Avenue extended that would

Figure 2.4.1: Roadway Classifications





**Table 2.4.1: Roadway Classifications**

Designation	Roadway	Limits	Minimum Right-of-Way	Target Speed	Lanes
<b>Major Highway</b>					
M-2	River Road (MD 190)	W. Sector Plan Boundary to E. Sector Plan Boundary	110'	30 mph	4
<b>Business District</b>					
B-1	Ridgefield Road	Westbard Avenue to River Road	100'	25 mph	4
B-1	Westbard Avenue	Ridgefield Road to Westbard Circle	110'	25 mph	4
B-1	Westbard Avenue	Westbard Circle to Massachusetts Avenue	74'	25 mph	4
B-2	New Connector Road	River Road to Westbard Avenue	54'	25 mph	2
B-3	Landy Lane	River Road to Little Falls Parkway	54'	25 mph	2
N/A	Little Falls Parkway	Dorset Avenue to Massachusetts Avenue	N/A	35 mph	2

connect directly with River Road. (Ridgefield Road would be reconfigured to tee into reconfigured Westbard Avenue extended. The block of Westbard Avenue south of River Road would tee into Ridgefield Avenue.) Westbard Avenue should be studied to evaluate the feasibility and implementation of on-street, off-peak parking. Special consideration should be given to implementation of on-street parking on weekends and whether this weekend parking could be accommodated due to the retail and residential demands during those days.

Westbard Avenue should contain the following elements within the right-of-way:

- Travel Lanes: Two lanes per direction.
- Median: 6-foot wide for pedestrian refuge, mountable curb/load bearing construction for emergency access
- Separated Bike Lane: 5-foot-wide, one-way separated bike lane (cycle track) on each side of the road outside of the curb to provide a buffer from traffic.
- Landscape Buffer: To accommodate utility poles.
- Sidewalks: 13-foot-wide at a minimum, except in the realigned portion where they should be 11 feet wide at minimum.

The Montgomery County Department of Transportation should explore whether additional

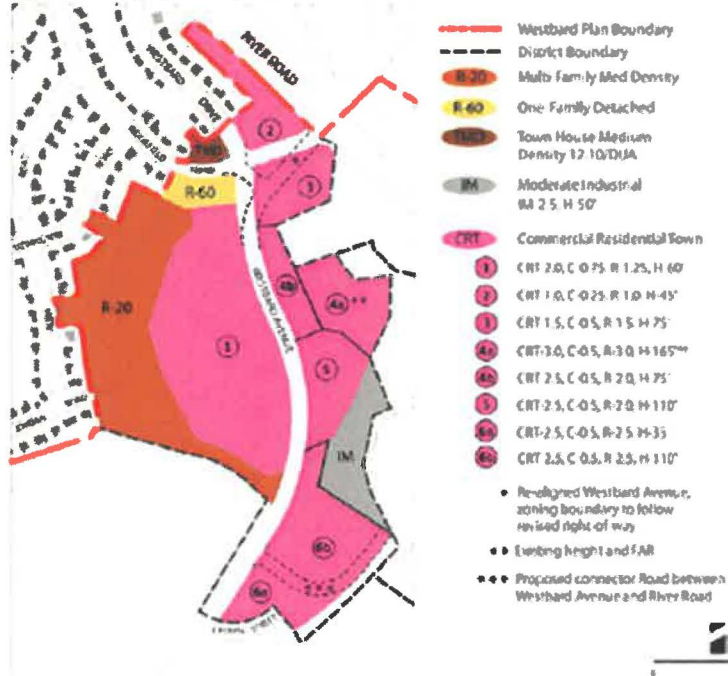
traffic signals are needed on Westbard Avenue.

#### Neighborhood Protection: Westbard Avenue (Residential Portion)

This Plan endorses the permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road at the River Road end. The closure should not occur until the existing Westbard Road/River Road intersection is realigned to intersect River Road with a right-angled turn. The closed end should have a 3-inch-high mountable curb to allow emergency vehicles to access the block from River Road. The closed end should be reconstructed to create a turnaround. Action on this closure is predicated on the submittal of a formal neighborhood application for street closure in accordance with Chapter 49 of the County Code, and its subsequent approval by the County Council.

The Department of Transportation and the State Highway Administration should work with the Kenwood community to develop a design and operations plan for the River Road/Brookside Drive intersection that better protects Kenwood from cut-through traffic without restricting safe and convenient access between realigned Westbard Avenue and River Road.

Figure 3.1.1: Proposed Zoning Map - Westbard Avenue District



compatibility with the adjacent residential community to the west. This will allow an increase in the number of residential units from that currently provided for by the existing zoning.

- Maintain commercial density at 0.75 FAR.
- Allow a residential density of 1.25 FAR.
- Maximum heights of 60'.
- Implement strategies to preserve local retail to the extent practical as discussed earlier in this Plan.

#### Site 2 - Manor Care

**Site Description:** 2.15 Acres. Site of Manor Care nursing home, now vacant.  
**Existing Zone:** R-60. Average height is 35'.  
**Existing FAR:** 0.44.

**Proposed Zone:** CRT 1.0, C 0.25, R 1.0, H 45' (Figure 3.1.1 Proposed Zoning Map – Westbard Avenue District).

**Rationale for zoning change:** To allow townhouse development under the CRT zone, which requires contribution to Sector Plan amenities and benefits, while also maintaining compatibility with adjacent single-family neighborhood.

- Allow a Residential FAR of up to 1.0 FAR.
- Limit new development to townhouses.
- Limit height of proposed townhouses to 45 feet and provide appropriate transitions to the adjacent single-family neighborhood.
- The plan strongly encourages Residential as the predominant use for this parcel. Commercial uses are strongly discouraged on this site.

#### Site 3 – Westwood II Center

**Site Description:** 2.25 Acres. Site of the Westwood II shopping center.  
**Existing Zone:** CRT 0.75, C 0.75, R 0.25, H 35. Existing height ranges between 25' and 45'.  
**Existing FAR:** 0.65.  
**Proposed Zone:** CRT 1.5, C 0.5, R 1.5, H 75.



**EXHIBIT "D"****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 14, 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 Smith, Maryland 2019

M. S. P. C. and Designation

Phone: 301.475.6000 Fax: 301.475.1500

E-Mail: mcpb@montgomeryplanning.org

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WHEREAS, on March 14, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

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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 Warrant 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 MSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") - Water Resources Section in its stormwater management concept letter dated February 27, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS - Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval. All future Site Plans will be required to submit updated stormwater management concept plans to reflect proposed development.
9. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated February 14, 2019, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

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### **Other Approvals**

#### Concurrent Site Plan Approval

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

#### **Forest Conservation**

13. For all properties included under Preliminary Plan 120170170, the Applicant must obtain approval of an overall certified Preliminary/Final Forest Conservation Plan (FFCP) from the Planning Department prior to any clearing, grading or demolition for the applicable phase. Future Site Plan approvals for implementation of subsequent phases of the larger site covered by the Preliminary Plan will address the remaining forest conservation requirements associated with each future phase and will include a Final Forest Conservation Plan for these 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 Core 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



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

#### Off-Site Improvements

17. Prior to the issuance of the Use and Occupancy Certificate for the Core and Shell for the Commercial Building, the Applicant must construct interim improvements at the intersections of River Road and Ridgefield Road and Westbard Avenue and Ridgefield Road, or if the construction of the realignment of Westbard Avenue, as defined by demolition of existing Ridgefield Road, provide maintenance of traffic as needed to facilitate truck and construction traffic prior to completion of the realignment, with priority to construct the geometric improvements to the intersection of River Road and Ridgefield Road as specified by MCDOT and MDSHA.
18. Prior to Use and Occupancy Certificate for the Commercial Building, the Applicant must file for abandonment of portions of Ridgefield Road and Westbard Avenue.
19. If applicable, prior to plat approval for the Manor Care site and in accordance with the Westbard Sector Plan, the Applicant must file a corrective map amendment (CMA) changing the underlying R-60 zone within the Westbard Avenue abandonment limits to be consistent with the CRT 1.0, C 0.25, R 1.0, H 45' zone associated with the Manor Care site.
20. Prior to issuance of the Use and Occupancy Certificate for the 55<sup>th</sup> townhouse unit for Site Plan 820180190, the Applicant must construct and dedicate to public use the realigned Westbard Avenue, as illustrated on the Certified Preliminary Plan. In conjunction, the Applicant must
  - a. Meet all design standards imposed by all applicable road codes; and



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

#### Private Roads

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

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**Record Plats**

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

**Easements, Dedications, Open Space**

23. The record plat must show necessary easements and dedications.
24. The Applicant must record an easement for the Sector Plan recommended pedestrian connection from Westhard 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 28015 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.

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### **Certified Preliminary Plan**

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

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

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

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

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

34. Future Coordination Issues for Site Plan Review

- a. Westwood II  
 Future development must be designed and constructed to minimize adverse impacts on the future implementation of the Willett Branch Greenway.
- b. Manor Care
  - i. Maximize plantings in and along the River Road right of way;
  - ii. Obtain the services of a consultant specialized in stream restoration to address the details of the environmental enhancements, including
    1. Bank stabilization/stream enhancements;
    2. Invasive control;
    3. Re/afforestation planting and planting of supplemental native species within retained forest areas within the Category I Easement area and right-of-way, as applicable;
    4. Address fences encroaching into the Category I Conservation Easement on the Manor Care site;

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

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

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

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

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

**Land Use**

**Westwood Shopping Center**

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

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



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#### **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:



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- **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 Ridgfield 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.

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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

	Elementary School	Middle School	High School
<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
SF Attached	106	0.191	20.246	0.094	9.964	0.124	13.144
MF High-rise	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:

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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



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 Westwood Shopping Center  
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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 Westward 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



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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	49	Fair	N/A	Removal
1016	<i>Robinia pseudoacacia</i> /black locust	39	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>Robinia pseudoacacia</i> /black locust	30	Fair	23.2	Save

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\* \* \* \* \*

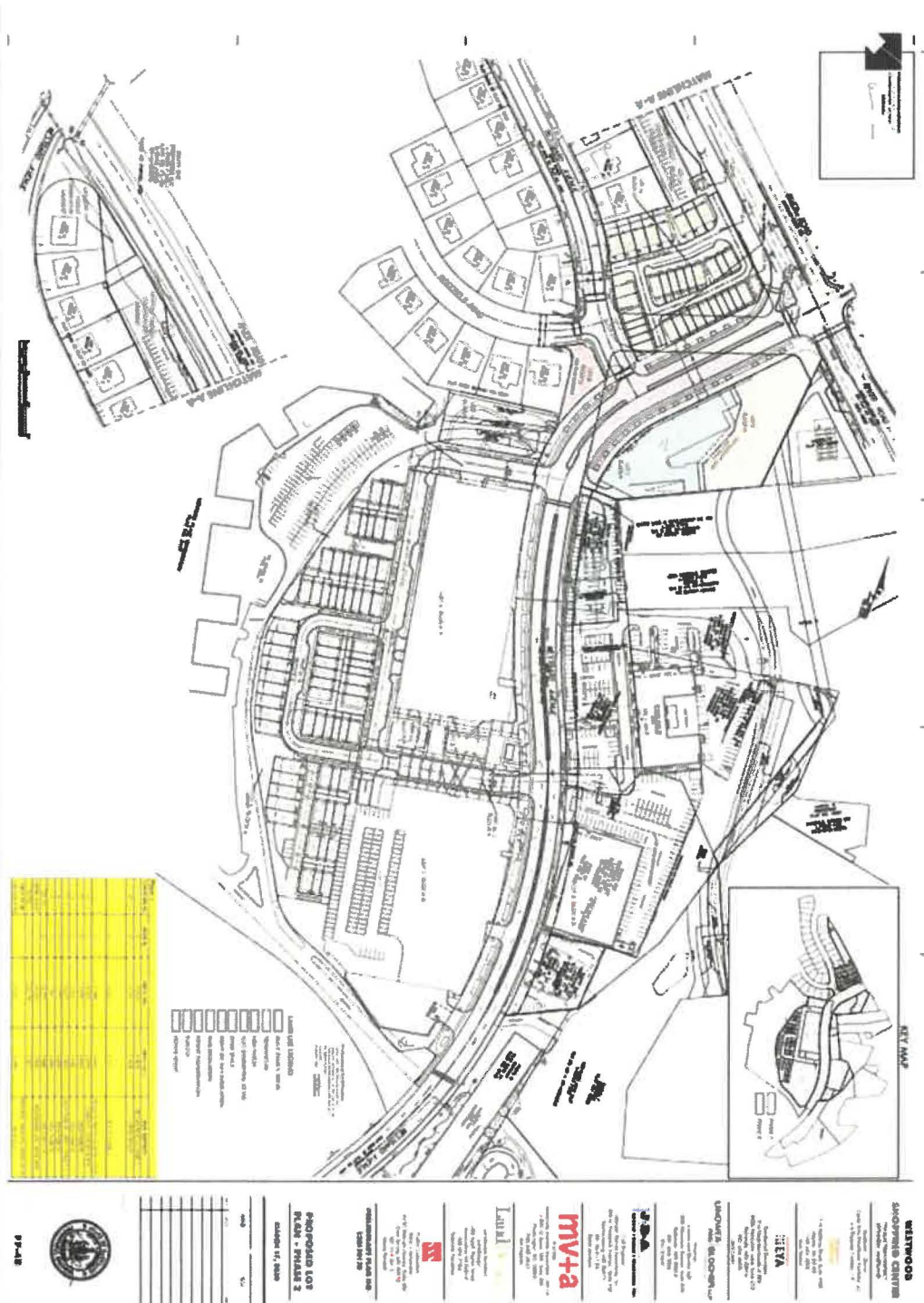
#### CERTIFICATION

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

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

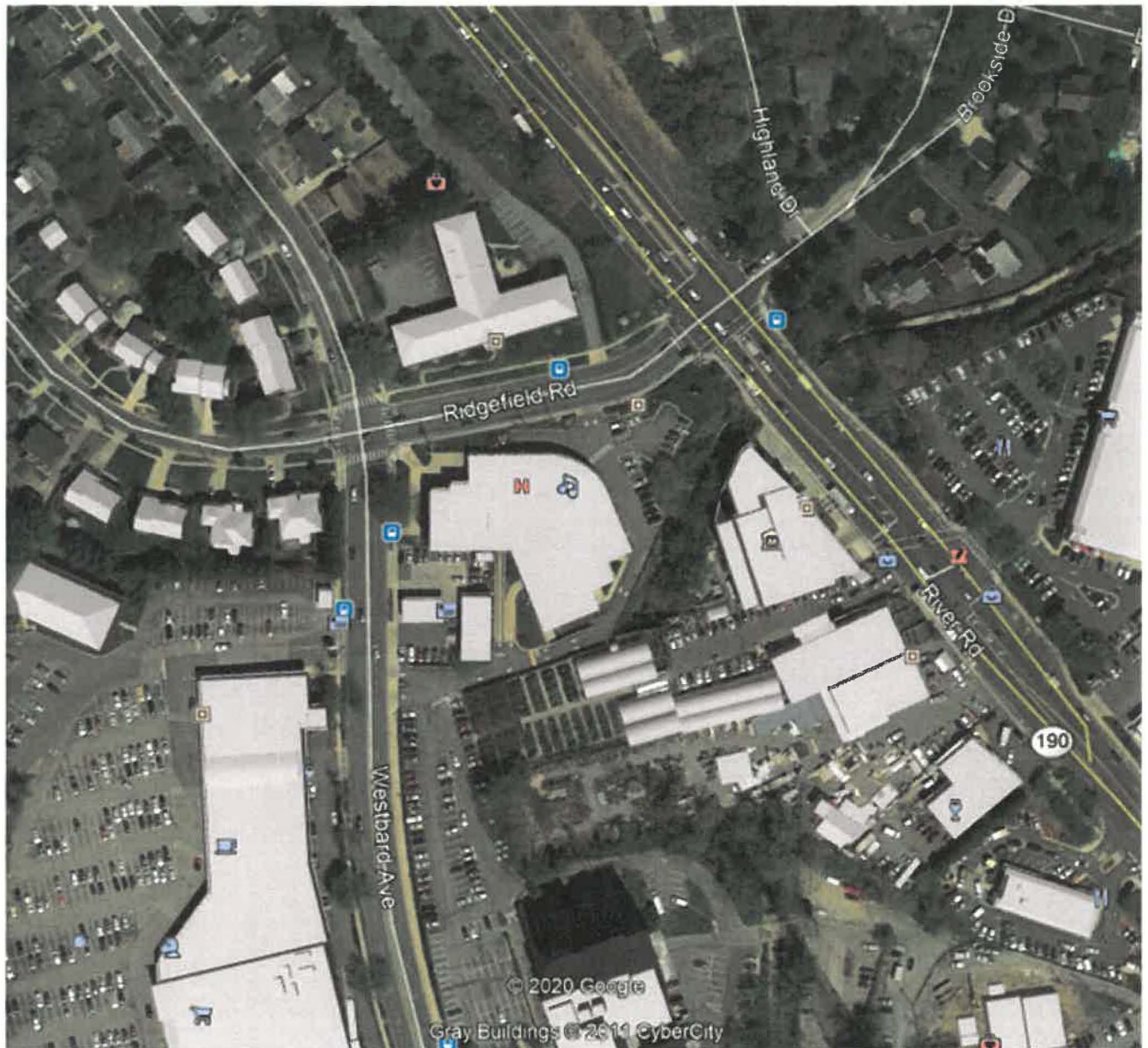


**Exhibit “E”**





## AERIAL OF EXISTING CONDITIONS



## TAX MAP

Montgomery County

New Search (<https://data.del.maryland.gov/RealProperty/>)District: **07** Account Number: **00662943**

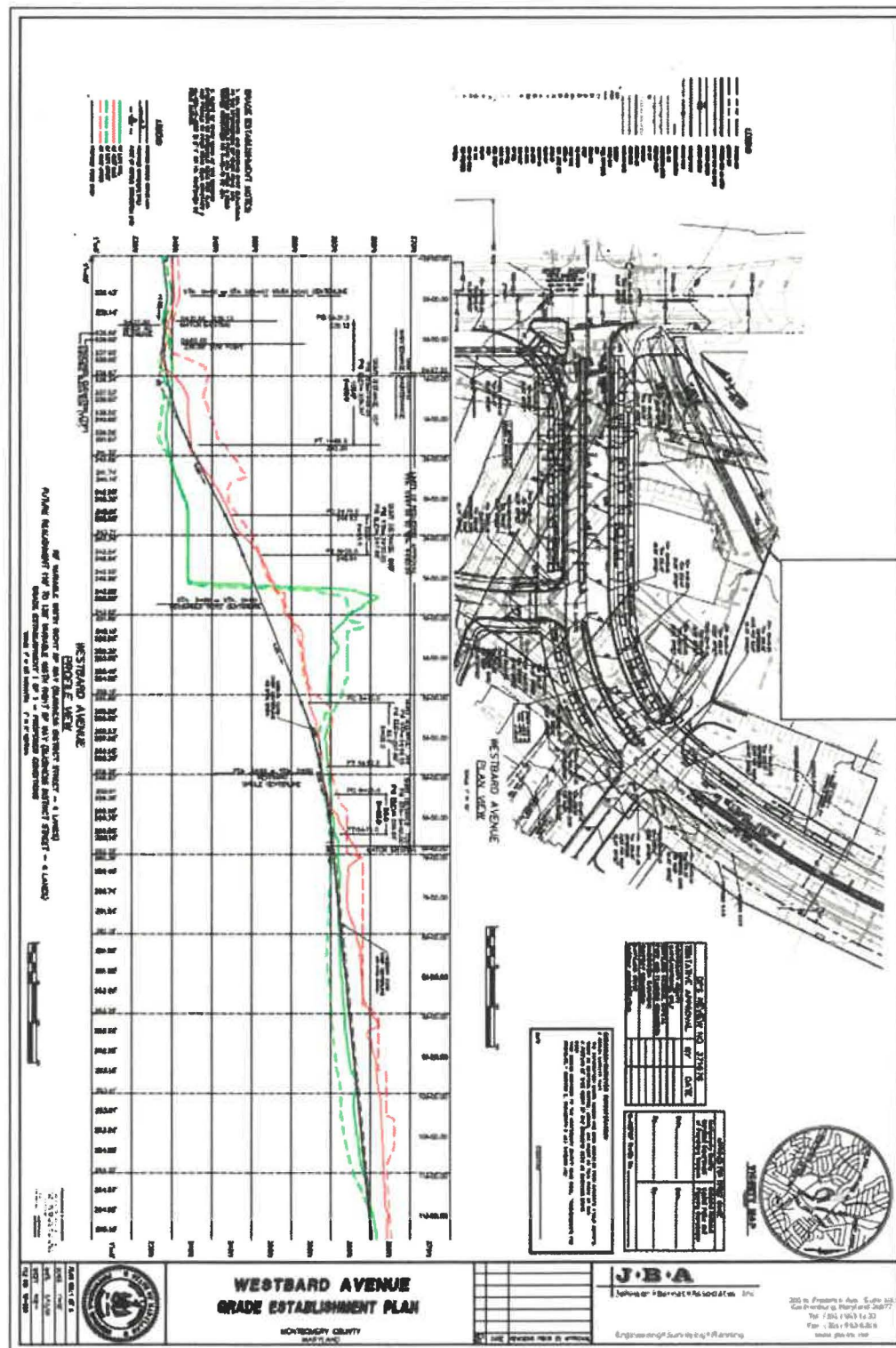
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>)





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**List of Westhard Avenue Property Owners for Abandonment  
May 21, 2020**

Tax Account No.	Name	Department	Address1	City	State	PostalCode	Parcel	Block	Lot
			Subject Property						
07-00662885	Equity One Westwood IV LLC		P.O. Box 790830	San Antonio	TX	78279		H	J
07-00662874	Equity One (Westwood) LLC	c/o Property Tax Dept.	P.O. Box 790830	San Antonio	TX	78279-0830		G	
07-00662921	Equity One (Westwood) LLC		P.O. Box 790830	San Antonio	TX	78279-0830	N128		
07-00662830	Marcos Chaston Rev. Trust	Rita Raulito Chaston Rev. Trust	5200 Ridgely Road	Berkeley	MD	20815-3332		D	23
07-00663943	Equity One (Westwood III) LLC		P.O. Box 790830	San Antonio	TX	78279-0830	N195		

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**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  
MNCPPC 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.

## **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.

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

## NOTICE OF PUBLIC HEARING

### ABANDONMENT OF PORTIONS OF WESTBARD AVENUE AND RIDGEFIELD ROAD IN BETHESDA AB 773

Pursuant to Section 49-62 of the Montgomery County Code (2004) as amended, the County Executive or his Designee shall conduct a virtual Public Hearing via the internet-based platform known as Zoom at 12:30 p.m. on December 15, 2020, to consider an application received from Equity One (Northeast Portfolio), LLC, the Applicant, seeking the abandonment of portions of Westbard Avenue and Ridgefield Road in Bethesda. The abandonment is being requested in order to support the Applicant's redevelopment of the surrounding area, including the re-alignment of Westbard Avenue.

Scanning the attached QR Code with your mobile device will direct you to the registration form required to participate. Completion of the registration form ensures you to receive an electronic invitation prior to the Hearing:



After the aforementioned Hearing, the Hearing Officer shall report his findings and recommendations to the County Executive for further consideration as prescribed by the County Code.

Written statements for consideration in this matter may be submitted to Eric Willis, Property Acquisition, MCDOT, 100 Edison Park Drive, 4<sup>th</sup> Floor, Gaithersburg, Maryland 20878.

**NOTE:** If you require special accommodations for this hearing, please call 240-777-7255 or email [Eric.Willis@montgomerycountymd.gov](mailto:Eric.Willis@montgomerycountymd.gov)



Springfield Civic Association  
Cynthia Green, President  
5515 Westbard Avenue  
Bethesda, MD 20816

Wood Acres Citizens Association  
Eric Fedowitz, President  
5905 Cranston Road  
Bethesda, MD 20816

Kenwood Park Citizens Association  
Krishna Collie, President  
5816 Marbury Road  
Bethesda, MD 20817

Bannockburn Civic Association  
Mike Zang, President  
6760 Brigadoon Drive  
Bethesda, MD 20817

Bannockburn Citizens Association  
Theodore Garrett, President  
6604 Broxburn Drive  
Bethesda, MD 20816

Sumner Citizens Association  
Rich Landfield, President  
5101 Balton Road  
Bethesda, MD 20816

Fort Sumner Citizens Association  
Doug Cooper, Co-President  
6124 Overlea Road  
Bethesda, MD 20816

Glen Echo Heights Citizens Association  
Damian Whitham, President  
5207 Iroquois Road  
Bethesda, MD 20816

Mohican Hills Citizens Association  
Julia Payot, President  
6200 Massachusetts Avenue  
Bethesda, MD 20816

Green Acres-Glen Cove Citizens  
Association  
Ann McDonald, Acting President  
4938 Little Falls Drive  
Bethesda, MD 20816

Brookdale Citizens Association, Inc.  
Marina Bowsher, President  
5329 Saratoga Avenue  
Chevy Chase, MD 20815

*Marcus Chaman + Rita  
Ramalho Chaman  
5220 Ridgely Road  
Bethesda, MD 20816*

*Robert F. Girouard + Julie  
K. Satterfield  
5520 Westbard Ave.  
Bethesda, MD 20816*





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## Legal Services

DIVORCE- Uncontested, \$395+\$86 court cost. WILL \$195.00. No court appearance. Estimated completion time twenty-one days. Hilton Oliver, Attorney (Facebook). 757-490-0126. Se Habla Espanol. BBB Member <https://hiltonoliverattorneyva.com>.

# Legal Ads

## Legal Notices

### NOTICE OF PUBLIC HEARING

ABANDONMENT OF PORTIONS OF WESTBARD AVENUE AND RIDGEFIELD ROAD IN BETHESDA AB 773

Pursuant to Section 49-62 of the Montgomery County Code (2004) as amended, the County Executive or his Designee shall conduct a virtual Public Hearing via the internet-based platform known as Zoom at 12:30 p.m. on December 15, 2020, to consider an application received from Equity One (Northeast Portfolio), LLC, the Applicant, seeking the abandonment of portions of Westbard Avenue and Ridgefield Road in Bethesda. The abandonment is being requested in order to support the Applicant's redevelopment of the surrounding area, including the re-alignment of Westbard Avenue.

Scanning the attached QR Code with your mobile device will direct you to the registration form required to participate. Completion of the registration form ensures you to receive an electronic invitation prior to the Hearing:

After the aforementioned Hearing, the Hearing Officer shall report his findings and recommendations to the County Executive for further consideration as prescribed by the County Code.

Written statements for consideration in this matter may be submitted to Eric Willis, Property Acquisition, MCDOT, 100 Edison Park Drive, 4th Floor, Gaithersburg, Maryland 20878.

NOTE: If you require special accommodations for this hearing, please call 240-777-7255 or email [Eric.Willis@montgomerycountymd.gov](mailto:Eric.Willis@montgomerycountymd.gov)

Run Dates: December 1 and 8, 2020

AD#45295



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## Legal Notice

Contact: Jacki Hillegas, Office Manager  
Fax: 301-681-5968  
Email: [aandtom@aol.com](mailto:aandtom@aol.com)

### CONCERGE PRIMARY CARE PHYSICIANS & PULMONOLOGISTS ANNOUNCE RETIREMENT

After 46 years of providing primary medical care and pulmonary specialty care, Ernest Oser, M.D. and Ira Tauber, M.D. retired from medical practice on October 1, 2020.

For questions or medical record requests, please leave a message at 301-681-7200, or write to Oser & Tauber, MD, PA, 10301 Georgia Avenue, Suite 304, Silver Spring, MD 20902. The request should be made by December 15, 2020, and must include the patient's first and last name, date of birth, last four digits of patient's social security number and name and address of the physician to whom the records should be sent.

A nominal fee will be charged based on the number of pages of records copied.

November 23,24,25,26,27,30, 2020  
December 1,2,3,4, 2020  
AD#45196

### CARLOS ROSARIO PUBLIC CHARTER SCHOOL

#### REQUEST FOR QUOTES

The Carlos Rosario International Public Charter School seeks qualified proposals for the purchase of approximately 750 laptops. HP is the preferred brand, however other manufacturers will be considered. Laptop configurations should balance affordability with cost containment. Each laptop should ship with the latest release of Windows 10 Pro. Please provide a separate cost for the possibility of Internet access via use of a SIM card as well as a separate cost to configure the laptops to our specifications should we decide to go that route. Questions and completed proposals should be directed to Fernando Sugaray at [fsugaray@carlosrosario.org](mailto:fsugaray@carlosrosario.org). Proposals are due by 5p on December 16, 2020 via email to Fernando Sugaray with a copy to Gwenever Ellis at [gellis@carlosrosario.org](mailto:gellis@carlosrosario.org).

November 26, 2020  
December 1, 2020  
AD#45418

Notice is hereby given that Santander Consumer USA Inc. has made application to engage in the business of loaning money from its branch located at 16400 State Road 54, Suite 1300, Odessa, FL 33556-3720 for the license year ending December 31, 2020 as provided by the Act of Congress, approved February 14, 1913. Anyone desiring to protest against the issuance of this license should do so in writing to the Commissioner of the Department of Insurance, Securities and Banking, 1050 First Street, NE, Suite 801, Washington, DC 20002, in the manner prescribed by said Act: See DC Code Title 26, Chapter 9 and 16 DCMR 2.

# Legal Notices

DC & Maryland  
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703-425-0903



The Washington Times

## Trustee Sales: Prince George's Co.

Law Offices of Jeffrey Nadel  
4041 Powder Mill Road, Suite 200  
Calverton, Maryland 20705  
240-473-5000

### SUBSTITUTE TRUSTEES' SALE OF REAL PROPERTY

1329 Dale Drive  
Silver Spring, MD 20910

Under a power of sale contained in a certain Deed of Trust from Athena S. Manthos, dated August 21, 2008, and recorded in Liber 35980, Folio 500 among the Land Records of Montgomery County, MD, default having occurred under the terms thereof, the Substitute Trustee will sell at public auction at Circuit Court for Montgomery County, Judicial Center, Maryland Avenue Entrance, 50 Maryland Avenue, Rockville, MD on

December 2, 2020 at 11:15 AM

ALL THAT FEE SIMPLE LOT OF GROUND KNOWN AS Lot 14, Block 2, WOODSIDE FOREST, Section 2, situated in Montgomery County, MD and more fully described in the aforesaid Deed of Trust, carrying Tax ID No. 13-01982951.

The property will be sold in an "as is" condition and subject to conditions, restrictions, easements and covenants, covenants and rights of record affecting the same, if any, and with no warranty of any kind. SOLD SUBJECT TO a 180 day IRS right of redemption.

**Terms of Sale:** A deposit of \$50,000.00 will be required at the time of sale in the form of cash, certified check, or other form as the Substitute Trustees determine acceptable. No deposit shall be required of the noteholder where the noteholder bids in the property at auction. Balance of the purchase price to be paid to the trustee within ten days of final ratification of sale by the Circuit Court for Montgomery County, time being of the essence for purchaser. In the event that settlement does not occur within the said ten days, the purchaser shall be in default. Upon such default the Trustees may file a Motion and Order to Resell the property at the risk and expense of the defaulting purchaser, and purchaser(s) hereby consent to entry of such resale order without further notice, in which case the deposit shall be forfeited and all expenses of this sale (including attorney's fees and costs of the commission on the gross sale price of this sale) shall be charged against and paid out of the forfeited deposit. The Trustees may then readvertise and resell the property at the risk and cost of the defaulting purchaser, or, without reselling the property, the Trustees may avail themselves of any legal or equitable remedies against the defaulting purchaser. In the event of a resale, the defaulting purchaser shall not be entitled to receive the surplus, if any, even if such surplus results from improvements to the property by said defaulting purchaser. Interest to be paid on the purchase money less the stated deposit called for herein, at the rate pursuant to the Deed of Trust Note from the date of auction to the date funds are received in the office of the Substitute Trustee. There shall be no abatement of interest due from the purchaser in the event additional funds are tendered before settlement or if settlement is delayed for any reason, including but not limited to exceptions to sale, bankruptcy filings by interested parties, Court administration of the foreclosure or unknown title defects. All taxes, ground rent, water rent, condominium fees and/or homeowner association dues, all public charges/assessments payable on an annual basis, including sanitary and/or metropolitan district charges, if applicable, are to be adjusted to the date of auction and thereafter are to be assumed by the purchaser. Cost of all documentary stamps, transfer taxes, agricultural transfer tax, if any and settlement expenses shall be borne by the purchaser. Purchaser shall be responsible for obtaining physical possession of the property. Purchaser assumes the risk of damage to the property from the date of auction forward. If the Substitute Trustee does not convey title for any reason, including but not limited to the Secured Party executing a forbearance agreement with the borrower(s) described in the above-mentioned Deed of Trust, or allowing the borrower(s) to execute their right to reinstate or payoff the subject loan, prior to the sale, with or without the Substitute Trustee's prior knowledge, or if the sale is not ratified for any reason including errors made by the Substitute Trustees, the foreclosure sale shall be null and void and of no effect, and the Purchaser's sole remedy in law or in equity shall be the return of the deposit without interest. Further terms and particulars may be announced at time of sale, and purchaser may be required to execute Memorandum of Sale at the time of auction. (Matter #23985)

December 1st, 2020  
December 8th, 2020

AD#45335

Jeffrey Nadel, Scott Nadel, Daniel Menchel and Doreen Strothman, Substitute Trustees

Tidewater Auctions, LLC  
305 West Chesapeake Avenue, Suite 105, Towson, Maryland 21204  
410-825-2900  
[www.tidewaterauctions.com](http://www.tidewaterauctions.com)

Washington Times, 11/17, 11/24, 12/1 Ad#45151

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## Trustee Sales: Fairfax Co.

**TRUSTEE'S SALE OF 4311 GREENBERRY LANE, ANNANDALE, VA 22003.** In execution of a certain Deed of Trust dated December 15, 2006, in the original principal amount of \$366,400.00 recorded in the Clerk's Office, Circuit Court for Fairfax County, Virginia, in Book 19005 at Page 0317 as Instrument No. 2006039213.006. The undersigned Substitute Trustee will offer for sale at public auction in the front of the Circuit Court building for Fairfax County, 4110 Chain Bridge Road, Fairfax, VA on January 7, 2021, at 9:00 AM, the property described in said Deed of Trust, located at the above address, and more particularly described as follows: LOT SIX-A (6-A), OF A RESUBDIVISION OF LOTS 6-15, BLOCK TWO-A (2-A), EVERGREEN HEIGHTS, AS PER PLAT ATTACHED TO A DEED OF RESUBDIVISION RECORDED IN DEED BOOK 3597 AT PAGE 691, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA. TERMS OF SALE: ALL CASH. A bidder's deposit of ten percent (10%) of the sale price or ten percent (10%) of the original principal balance of the subject Deed of Trust, whichever is lower, in the form of cash or certified funds payable to the Substitute Trustee must be present at the time of the sale. The balance of the purchase price will be due within fifteen (15) days of sale, otherwise Purchaser's deposit may be forfeited to Trustee. Time is of the essence. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled to a return of the deposit paid. The Purchaser may, if provided by the terms of the Trustee's Memorandum of Foreclosure Sale, be entitled to a \$50 cancellation fee from the Substitute Trustee, but shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney. A form copy of the Trustee's memorandum of foreclosure sale and contract to purchase real property is available for viewing at [www.bwwsales.com](http://www.bwwsales.com). BIDDERS ARE STRONGLY ENCOURAGED TO FOLLOW CDC GUIDANCE AND WEAR A COVER OVER BOTH NOSE AND MOUTH AND PRACTICE SOCIAL DISTANCING AT THE AUCTION. Additional terms, if any, to be announced at the sale and the Purchaser may be given the option to execute the contract of sale electronically. This is a communication from a debt collector and any information obtained will be used for that purpose. The sale is subject to seller confirmation. Substitute Trustee: Equity Trustees, LLC, 8100 Three Chopt Road, Suite 240, Richmond, VA 23229. For more information contact: BWW Law Group, LLC, attorneys for Equity Trustees, LLC, 6003 Executive Blvd, Suite 101, Rockville, MD 20852, 301-961-6555, website: [www.bwwsales.com](http://www.bwwsales.com). VA-333730-1.

December 1st, 2020  
December 8th, 2020

AD#45540

## Trustee Sales: Prince William Co.

**TRUSTEE'S SALE OF 3406 TUCKAHOE COURT, DUMFRIES, VA 22026.** In execution of a certain Deed of Trust dated August 12, 2005, in the original principal amount of \$160,000.00 recorded in the Clerk's Office, Circuit Court for Prince William County, Virginia, as Instrument No. 200509080154808. The undersigned Substitute Trustee will offer for sale at public auction in the front of the Circuit Court building for Prince William County, 9311 Lee Avenue, Manassas, Virginia on January 6, 2021, at 9:00 AM, the property described in said Deed of Trust, located at the above address, and more particularly described as follows: ALL THAT PARCEL OF LAND IN THE CITY OF DUMFRIES, PRINCE WILLIAM COUNTY, COMMONWEALTH OF VIRGINIA, AS MORE FULLY DESCRIBED IN DEED BOOK 2179, PAGE 772, ID# 8289-18-7875, BEING KNOWN AND DESIGNATED AS LOT 45, SECTION 7, PRINCETON WOODS, FILED IN PLAT BOOK 1951, PAGE 260, BY FEE SIMPLE DEED FROM WINCHESTER HOMES, INC. A DELAWARE CORPORATION AS SET FORTH IN BOOK 2179 PAGE 772 DATED 08/26/1994 AND RECORDED 08/29/1994, PRINCE WILLIAM COUNTY RECORDS, COMMONWEALTH OF VIRGINIA. TERMS OF SALE: ALL CASH. A bidder's deposit of ten percent (10%) of the sale price or ten percent (10%) of the original principal balance of the subject Deed of Trust, whichever is lower, in the form of cash or certified funds payable to the Substitute Trustee must be present at the time of the sale. The balance of the purchase price will be due within fifteen (15) days of sale, otherwise Purchaser's deposit may be forfeited to Trustee. Time is of the essence. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled to a return of the deposit paid. The Purchaser may, if provided by the terms of the Trustee's Memorandum of Foreclosure Sale, be entitled to a \$50 cancellation fee from the Substitute Trustee, but shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney. A form copy of the Trustee's memorandum of foreclosure sale and contract to purchase real property is available for viewing at [www.bwwsales.com](http://www.bwwsales.com). BIDDERS ARE STRONGLY ENCOURAGED TO FOLLOW CDC GUIDANCE AND WEAR A COVER OVER BOTH NOSE AND MOUTH AND PRACTICE SOCIAL DISTANCING AT THE AUCTION. Additional terms, if any, to be announced at the sale. This is a communication from a debt collector and any information obtained will be used for that purpose. The sale is subject to seller confirmation. Substitute Trustee: Equity Trustees, LLC, 8100 Three Chopt Road, Suite 240, Richmond, VA 23229. For more information contact: BWW Law Group, LLC, attorneys for Equity Trustees, LLC, 6003 Executive Blvd, Suite 101, Rockville, MD 20852, 301-961-6555, website: [www.bwwsales.com](http://www.bwwsales.com). VA-349444-1.

December 1st, 2020  
December 8th, 2020

AD#45335

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## Trustee Sales: Prince William Co.

**TRUSTEE'S SALE OF 2865 SEMINOLE RD, WOODBRIDGE, VA 22192.** In execution of a certain Deed of Trust dated November 15, 2004, in the original principal amount of \$200,900.00 recorded in the Clerk's Office, Circuit Court for Prince William County, Virginia, as Instrument No. 200411290200036. The undersigned Substitute Trustee will offer for sale at public auction in the front of the Circuit Court building for Prince William County, 9311 Lee Avenue, Manassas, Virginia on January 6, 2021, at 9:00 AM, the property described in said Deed of Trust, located at the above address, and more particularly described as follows: ALL OF LOT 39-A, SECTION 11-D, LAKE RIDGE, AS SHOWN ON PLAT RECORDED WITH DEED OF DEDICATION IN DEED BOOK 766, PAGE 339, RESUBDIVISION AND DEDICATION IN DEED BOOK 767, PAGE 333 AND WITH RESUBDIVISION IN DEED BOOK 993, PAGE 320 AND WITH DEEDS OF CORRECTION RECORDED IN DEED BOOK 1039, PAGE 68 AND IN DEED BOOK 1042, PAGE 24 AMONG THE LAND RECORDS OF PRINCE WILLIAM COUNTY, VIRGINIA. TERMS OF SALE: ALL CASH. A bidder's deposit of ten percent (10%) of the sale price or ten percent (10%) of the original principal balance of the subject Deed of Trust, whichever is lower, in the form of cash or certified funds payable to the Substitute Trustee must be present at the time of the sale. The balance of the purchase price will be due within fifteen (15) days of sale, otherwise Purchaser's deposit may be forfeited to Trustee. Time is of the essence. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled to a return of the deposit paid. The Purchaser may, if provided by the terms of the Trustee's Memorandum of Foreclosure Sale, be entitled to a \$50 cancellation fee from the Substitute Trustee, but shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney. A form copy of the Trustee's memorandum of foreclosure sale and contract to purchase real property is available for viewing at [www.bwwsales.com](http://www.bwwsales.com). BIDDERS ARE STRONGLY ENCOURAGED TO FOLLOW CDC GUIDANCE AND WEAR A COVER OVER BOTH NOSE AND MOUTH AND PRACTICE SOCIAL DISTANCING AT THE AUCTION. Additional terms, if any, to be announced at the sale and the Purchaser may be given the option to execute the contract of sale electronically. This is a communication from a debt collector and any information obtained will be used for that purpose. The sale is subject to seller confirmation. Substitute Trustee: Equity Trustees, LLC, 8100 Three Chopt Road, Suite 240, Richmond, VA 23229. For more information contact: BWW Law Group, LLC, attorneys for Equity Trustees, LLC, 6003 Executive Blvd, Suite 101, Rockville, MD 20852, 301-961-6555, website: [www.bwwsales.com](http://www.bwwsales.com). VA-351102-1.

December 1st, 2020  
December 8th, 2020

AD#45502

## Trustee Sales: Montgomery Co.

COHN, GOLDBERG & DEUTSCH, LLC  
ATTORNEYS AT LAW  
600 BALTIMORE AVENUE  
SUITE 208  
TOWSON, MARYLAND 21204

### SUBSTITUTE TRUSTEES' SALE OF IMPROVED REAL PROPERTY

2917 CHAPEL VIEW DRIVE  
SILVER SPRING, MD 20904

Under a power of sale contained in a certain Deed of Trust from Jeanette A. Esik, dated April 2, 2002 and recorded in Liber 20894, Folio 666 among the Land Records of Montgomery County, Maryland, with an original principal balance of \$215,200.00, and an original interest rate of 5.125% default having occurred, the terms thereof, the Substitute Trustees will sell at public auction at the Courthouse door for the Circuit Court for Montgomery County (Maryland Avenue entrance), on

December 2, 2020 at 11:15 AM

ALL THAT FEE-SIMPLE LOT OF GROUND and the improvements thereon situated in Montgomery County, MD and more fully described in the aforesaid Deed of Trust. The property is improved by a dwelling.

**Terms of Sale:** The property will be sold "as is" and subject to conditions, restrictions, easements and agreements of record affecting same, if any and with no warranty of any kind. A deposit of \$34,000.00 by certified funds only (no cash will be accepted) is required at the time of auction. Balance of the purchase price to be paid in cash within ten days of final ratification of sale by the Circuit Court for Montgomery County. At the Substitute Trustees' discretion, the foreclosure purchaser, a corporation or LLC, must produce evidence, prior to bidding, of the legal formation of such entity. The purchaser, other than the Holder of the Note, its assigns, or designees, shall pay interest on the unpaid purchase money at the note rate from the date of foreclosure auction to the date funds are received in the office of the Substitute Trustees.

In the event settlement is delayed for any reason, there shall be no abatement of interest. Real estate taxes and all other public charges, or assessments, including water and sewer facilities charges, ground rent, condo/HOA assessments, private utility, or front foot benefit payments, not otherwise divested by ratification of the sale, to be adjusted as of the date of foreclosure auction, unless the purchaser is the foreclosing lender or its designee. Cost of all documentary stamps, transfer taxes and settlement expenses, and all other costs incident to settlement, shall be borne by the purchaser. Purchaser shall be responsible for obtaining physical possession of the property. Purchaser assumes the risk of loss or damage to the property from the date of sale forward.

**TIME IS OF THE ESSENCE.** If the purchaser shall fail to comply with the terms of the sale or fails to go to settlement within ten (10) days of ratification of the sale, the Substitute Trustees may, in addition to any other available remedies, declare the entire deposit forfeited and resell the property at the risk and cost of the defaulting purchaser, and the purchaser agrees to pay reasonable attorneys' fees for the Substitute Trustees, plus all costs incurred, if the Substitute Trustees have filed the appropriate motion with the Court to resell the property. Purchaser waives personal service of any paper filed in connection with such a motion on himself and/or any principal or corporate designee, and expressly agrees to accept service of any such paper by regular mail directed to the address provided by said bidder at the time of foreclosure auction. In such event, the defaulting purchaser shall be liable for the payment of any deficiency in the purchase price, all costs and expenses of resale, reasonable attorney's fees, and all other charges due and incidental and consequential damages, and any deficiency in the underlying secured debt. The purchaser shall not be entitled to any surplus proceeds or profits resulting from any resale of the property. If the Substitute Trustees cannot convey insurable title, the purchaser's sole remedy at law or in equity shall be the return of the deposit without interest. The sale is subject to post-sale confirmation and audit of the status of the loan with the loan servicer including, but not limited to, determination of whether the borrower entered into any repayment agreement, reinstated or paid off the loan prior to the sale. In any such event, this sale shall be null and void, and the Purchaser's sole remedy, in law or equity, shall be the return of his deposit without interest.

This property will be sold subject to the IRS right of redemption for a period of 120 days after the sale.

Edward S. Cohn, Stephen N. Goldberg, Richard E. Solomon, Richard J. Rogers, Michael McKeefery, and Christiana Kersey  
Substitute Trustees

Mid-Atlantic Auctioneers, LLC  
[www.mid-atlanticauctioneers.com](http://www.mid-atlanticauctioneers.com)

Washington Times, 11/17, 11/24, 12/1  
CGD File #: 451461

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Montgomery Co.

**COHN, GOLDBERG & DEUTSCH, LLC**  
ATTORNEYS AT LAW  
600 BALTIMORE AVENUE  
SUITE 208  
TOWSON, MARYLAND 21204

**SUBSTITUTE TRUSTEES' SALE OF IMPROVED REAL PROPERTY**

**1006 SCOTT AVENUE  
ROCKVILLE, MD 20851**

Under a power of sale contained in a certain Deed of Trust from Silvia Andrea Loduca and Harry D. Edelman, dated July 18, 2009 and recorded in Liber 30827, Folio 161 among the Land Records of Montgomery County, Maryland, with an original principal balance of \$402,103.84, and an original interest rate of 4.000%, default having occurred under the terms thereof, the Substitute Trustees will sell at public auction at the Courthouse door for the Circuit Court for Montgomery County (Maryland Avenue entrance), on

**December 2, 2020 At 11:15 AM**

ALL THAT FEE-SIMPLE LOT OF GROUND and the improvements thereon situated in Montgomery County, MD and more fully described in the aforesaid Deed of Trust. The property is improved by a dwelling.

**Terms of Sale:** The property will be sold "as is" and subject to conditions, restrictions, easements and agreements of record affecting same, if any and with no warranty of any kind. A deposit of \$44,000.00 by certified funds only (no cash) will be accepted by the purchaser, if a corporation or LLC, must produce evidence, prior to bidding, of the legal formation of such entity. The purchaser, other than the Holder of the Note, its assigns, or designees, shall pay interest on the unpaid purchase money at the note rate from the date of foreclosure auction to the date funds are received in the office of the Substitute Trustees.

In the event settlement is delayed for any reason, there shall be no abatement of interest. Real estate taxes and all other public charges, or assessments, including water and sewer facilities charges, ground rent, condo/HOA assessments, private utility, or front foot benefit payments, not otherwise divested by ratification of the sale, to be adjusted as of the date of foreclosure auction, unless the purchaser is the foreclosing lender or its designee. Cost of all documentary stamps, transfer taxes and settlement expenses, and all other costs incident to settlement, shall be borne by the purchaser. Purchaser shall be responsible for obtaining physical possession of the property. Purchaser assumes the risk of loss or damage to the property from the date of sale forward.

**TIME IS OF THE ESSENCE.** If the purchaser shall fail to comply with the terms of the sale or fails to go to settlement within ten (10) days of ratification of the sale, the Substitute Trustees may, in addition to any other available remedies, declare the entire deposit forfeited and resell the property at the risk and cost of the defaulting purchaser, and the purchaser agrees to pay reasonable attorneys' fees for the Substitute Trustees, plus all costs incurred, if the Substitute Trustees have filed the appropriate motion with the Court to resell the property. Purchaser waives personal service of any paper filed in connection with such a motion on himself and/or any principal or corporate designee, and expressly agrees to accept service of any such paper by regular mail directed to the address provided by said bidder at the time of foreclosure auction. In such event, the defaulting purchaser shall be liable for the payment of any deficiency in the purchase price, all costs and expenses of resale, reasonable attorney's fees, and all other charges due and incidental and consequential damages, and any deficiency in the underlying secured debt. The purchaser shall not be entitled to any surplus proceeds or profits resulting from any resale of the property. If the Substitute Trustees cannot convey insurable title, the purchaser's sole remedy at law or in equity shall be the return of the deposit without interest. The sale is subject to post-sale confirmation and audit of the status of the loan with the loan servicer including, but not limited to, determination of whether the borrower entered into any repayment agreement, reinstated or paid off the loan prior to the sale. In any such event, this sale shall be null and void, and the Purchaser's sole remedy, in law or equity, shall be the return of his deposit without interest.

Edward S. Cohn, Stephen N. Goldberg, Richard E. Solomon, Richard J. Rogers, Michael McKeefery, Christianna Kersey, and Kevin Hildebeidel, Substitute Trustees

Mid-Atlantic Auctioneers, LLC  
(410) 825-2900  
[www.mid-atlanticauctioneers.com](http://www.mid-atlanticauctioneers.com)

Washington Times, 11/17, 11/24, 12/1  
CGD File #: 455828

Trustee Sales:  
Virginia

**Trustee's Sale**  
**43616 Habitat Cir., Leesburg, Virginia 20176**  
(Parcel ID: 080152888000;  
Tax Map No.: /62/K38//19)

Default having been made in the terms of a certain Deed of Trust dated May 29, 2019, in the original principal amount of \$530,708.00 and recorded in the Clerk's Office of the Circuit Court of the County of Loudoun, Virginia in Instrument No. 201905300028154, the undersigned Substitute Trustees will sell at public auction on **December 15, 2020, at 11:00 am**, in front of the building housing the Loudoun County Circuit Court, the main entrance to the Loudoun County Circuit Court, 18 E. Market Street, Leesburg, VA 20178, the property designated as Lot 19, Section 31B (previously erroneously 318), Lansdowne on the Potomac, platted and recorded as Instrument No. 20041021-0113527, with Plat as Instrument No. 20041021-0113528, among the land records of Loudoun County, Virginia. Sale is subject to all prior liens, easements, restrictions, covenants, and conditions, if any, of record, or other matters which would be disclosed by an accurate survey or inspection of the premises. **TERMS:** CASH. A deposit of \$53,000.00 or 10% of the sale price, whichever is lower, will be required of the successful bidder at time of sale. Prior to the sale, interested bidders will be required to register with and must present a bid deposit which may be held during the sale by the trustee. The bid deposit must be certified funds and/or cash, but no more than \$9,900.00 of cash will be accepted. The successful bidder's deposit will be retained at the sale and applied to the sale price. If held by the trustee, all other bid deposits will be returned to the unsuccessful bidders. Settlement is to be made within 15 days. The successful bidder will be responsible for obtaining possession of the property, and for all costs and fees related to recording the Trustee's Deed, including the grantors tax. The successful bidder will be required to execute a Memorandum of Trustee's Sale, available for review on the Foreclosure Sales page of [www.glasserlaw.com](http://www.glasserlaw.com), outlining additional terms of sale and settlement. A Trustee's Deed will be prepared by Trustee's attorney at high bidder's expense. This is a communication from a debt collector. Glasser and Glasser, P.L.C. on behalf of Atlantic Trustee Services, L.L.C., REO Solutions, LLC and/or Auction.com-VA, LLC, Substitute Trustees, Crown Center Building, Suite 600, 580 East Main Street, Norfolk, VA 23510, File No. 222644-04, Tel: (757) 321-6465, between 10:00 a.m. & 12:00 noon only.

Run Dates: November 17, 24, 2020  
December 1, and 8, 2020

AD#45216

Order Of Pub - Domestic:  
Prince William Co.

ORDER OF PUBLICATION  
Commonwealth of Virginia  
VA. CODE § 8.01-316

PRINCE WILLIAM  
JUVENILE AND  
DOMESTIC RELATIONS  
DISTRICT COURT

Case No: JJ142164-06-00  
Commonwealth of  
Virginia, in re  
**POOLE  
LYCHEN CHAOS**

The object of this suit is  
to:  
CONDUCT A  
PERMANENCY  
PLANNING HEARING

It is ORDERED that the  
defendant **CHRISTINA  
POOLE** appear at the  
above-named Court and  
protect his or her  
interests on or before  
**January 11, 2021 01:30  
PM.**  
DATE November 10, 2020

Keshara Luster  
CLERK  
December 1, 8, 15 & 22, 2020  
AD#45568

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Auctions: Maryland

NOTICE OF PUBLIC SALE

To satisfy the owner's storage lien, PS Orange Co. Inc. will sell at public auction on **December 8, 2020**, the personal property, which may include but are not limited to: household and personal items, office and other equipment. The public sale of these items will begin at **09:00 AM** and continue until all units are sold. The lien sale is to be held at the online auction website, [www.storage-treasures.com](http://www.storage-treasures.com), where indicated. For online lien sales, bids will be accepted until 2 hours after the time of the sale specified.

**PUBLIC STORAGE # 08081, 9200 Livingston Road, Fort Washington, MD 20744, (301) 337-7920  
Time: 09:00 AM**

**PUBLIC STORAGE # 26424, 5000 Indian Head Hwy, Oxon Hill, MD 20745, (301) 818-0517  
Time: 09:00 AM**

Public sale terms, rules, and regulations will be made available prior to the sale. All sales are subject to cancellation. We reserve the right to refuse any bid. Payment must be in cash or credit card-no checks. Buyers must secure the units with their own personal locks. To claim tax-exempt status, original RESALE certificates for each space purchased is required. By PS Orangeco, Inc., 701 Western Avenue, Glendale, CA 91201. (818) 244-8080.

Run Date: December 1st, 2020

AD#45362

NOTICE OF PUBLIC SALE

Extra Space Storage will hold a public auction at the location indicated: **10590 Metropolitan Ave, Kensington MD 20895 301.908.6593, December 8, 2020 at 10:00 AM**

Unit Number(s) : 1018, 1031, 1087, 1101C, 1112, 1137, 2111, 2182, 2267

The auction will be listed and advertised on [www.storage-treasures.com](http://www.storage-treasures.com). Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

December 1, 2020 Ad#45585

AUCTION

Extra Space Storage will hold a public auction at the location indicated: **8001 Newell St, Silver Spring, MD 20910 301.821.1260, December 8, 2020 at 10:30 AM.**

Unit Number(s): 103 and 278.

The auction will be listed and advertised on [www.storage-treasures.com](http://www.storage-treasures.com). Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

December 1, 2020 Ad#45507

**NOTICE OF PUBLIC SALE:** Self-storage Cube contents will be sold for cash by CubeSmart Asset Management, LLC as Agent for the Owner **9641 Annapolis Road Lanham, Md 20706** to satisfy a lien for rental on **December 8, 2020 at approx. 11:00 a.m.** at [www.storage-treasures.com](http://www.storage-treasures.com)

December 1, 2020 Ad#45655

Auctions: Virginia

**NOTICE OF PUBLIC SALE:** Self-storage Cube contents will be sold for cash by CubeSmart to satisfy a lien for rental on **12/8/2020 at approx. 3 PM** at [www.storage-treasures.com](http://www.storage-treasures.com) for the following locations:

#567 - 847 Trailview Blvd SE, Leesburg VA 20175  
#595 - 6120 Little Ox Road, Fairfax Station VA 22039  
#596 - 13800 McLearn Road, Herndon VA 20171  
#597 - 8621 Sunnyside Drive, Manassas VA 20109  
#924 - 3179 Draper Drive, Fairfax VA 22031  
#925 - 300 Mill Street, NE Vienna VA 22180  
#5159 - 22125 Davis Drive, Sterling VA 20164  
#5652 - 1601 Battlefield Pkwy NE Leesburg, VA 20176  
#5745 - 45000 Russell Branch Pkwy Ashburn, VA 20147  
#5746 - 14250 Charis Ave Gainesville, VA 20155  
14240 Charis Ave, Gainesville, VA 20155  
#6594 - 6875 Lee Hwy, Arlington VA 22213  
#6657 - 2950 Gallows Rd, Falls Church VA 22042  
#6782 - 10609 Dumfries Rd Manassas, VA 20112

Run Date: December 1st, 2020

AD#45506

Notice of Public Sale

Extra Space Storage will hold a public auction at the location indicated: **35 S Dove St Alexandria Virginia 22314. 703-772-0438, December 8th 2020 at 2:00PM**

Unit Number(s) 07084

The auction will be listed and advertised on [www.storage-treasures.com](http://www.storage-treasures.com). Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

December 1, 2020 Ad#45461

Extra Space Storage will hold a public auction at the location indicated:

**5851 King Centre Drive Alexandria, Va., 22315 on 12/8/20 at 12:00 PM**

1183

The auction will be listed and advertised on [www.storage-treasures.com](http://www.storage-treasures.com). Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

December 1, 2020 Ad#45582

Extra Space Storage will hold a public auction at the location indicated:

**5821 Seminary Rd Falls Church, VA 22041 on 12/08/2020 at 12:30 pm**

1070, 1327, 2053, 2151, 2182, 2183

The auction will be listed and advertised on [www.storage-treasures.com](http://www.storage-treasures.com). Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

December 1, 2020 Ad#45433

Extra Space Storage will hold a public auction at the location indicated:

**1022 N Henry St, Alexandria, VA 22314, on December 08, 2020 at 11:00 a.m.**

#112

#220

#6410

The auction will be listed and advertised on [www.storage-treasures.com](http://www.storage-treasures.com). Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

December 1, 2020 Ad#45443

Auctions: Virginia

Notice of Public Sale

Extra Space Storage will hold a public auction at the location indicated:

**5321 Shawnee Rd Alexandria, Virginia 22312. Phone 703-719-4354 on December 8th 2020 at 3PM**

Unit Number(s)  
2066, 2201, 3100, 3135

The auction will be listed and advertised on [www.storage-treasures.com](http://www.storage-treasures.com). Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

December 1, 2020 Ad#45657

ONE FACILITY

Extra Space Storage will hold a public auction at the location indicated: **6102 Freds Oak Rd, Burke, VA 22015 on 12/08/2020 @ 1:30pm.** Units: 506, 2196, 2295. The auction will be listed and advertised on [www.storage-treasures.com](http://www.storage-treasures.com). Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

December 1, 2020 Ad#45435

**NOTICE OF PUBLIC SALE:** Self-Storage unit contents will be sold for cash by Self Storage Plus-Dulles to satisfy a lien for rental on **December 8, 2020 at approximately 10:00am** at [www.storage-treasures.com](http://www.storage-treasures.com) for the following location: 45601 Woodland Rd Sterling, VA 20166. The contents of approximately **2 unit(s)** will be sold.

December 1, 2020 Ad#45654

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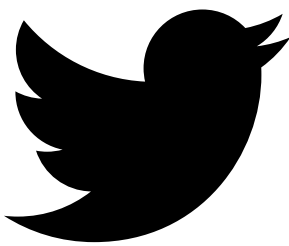
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**MicroStrategy Services Corporation** seeks **Senior Consultant** in **Tysons Corner, VA**. Provide billable consulting services. Understand business & technical requirements of MicroStrategy customers. Will be assigned to various, unanticipated work sites throughout U.S. Must be willing to travel up to 80% of time. Req's: MS (or equiv.) + 2 yrs. exp. OR BS (or equiv.) + 5 yrs. exp. Please mail resume w/ ref. to: (Req.# 18-5771) at: ATTN: Jennifer Frias, MicroStrategy Services Corp., 1850 Towers Crescent Plaza, Tysons Corner, VA 22182. MicroStrategy is an Equal Opportunity & Affirmative Action Employer. Education, experience & criminal background checks will be conducted.

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## Legal Ads

#### Legal Notices

##### NOTICE OF PUBLIC HEARING

ABANDONMENT OF PORTIONS OF WESTBARD AVENUE AND RIDGEFIELD ROAD IN BETHESDA AB 773

Pursuant to Section 49-62 of the Montgomery County Code (2004) as amended, the County Executive or his Designee shall conduct a virtual Public Hearing via the internet-based platform known as Zoom at 12:30 p.m. on December 15, 2020, to consider an application received from Equity One (Northeast Portfolio), LLC, the Applicant, seeking the abandonment of portions of Westbard Avenue and Ridgefield Road in Bethesda. The abandonment is being requested in order to support the Applicant's redevelopment of the surrounding area, including the re-alignment of Westbard Avenue.

Scanning the attached QR Code with your mobile device will direct you to the registration form required to participate. Completion of the registration form ensures you to receive an electronic invitation prior to the Hearing:



After the aforementioned Hearing, the Hearing Officer shall report his findings and recommendations to the County Executive for further consideration as prescribed by the County Code.

Written statements for consideration in this matter may be submitted to Eric Willis, Property Acquisition, MCDOT, 100 Edison Park Drive, 4th Floor, Gaithersburg, Maryland 20878.

NOTE: If you require special accommodations for this hearing, please call 240-777-7255 or email [Eric.Willis@montgomerycountymd.gov](mailto:Eric.Willis@montgomerycountymd.gov)

Run Dates: December 1 and 8, 2020

AD#45295

Notice is hereby given that Santander Consumer USA Inc. has made application to engage in the business of loaning money from its branch located at 16400 State Road 54, Suite 1300, Odessa, FL 33556-3720 for the license year ending December 31, 2020 as provided by the Act of Congress, approved February 14, 1913. Anyone desiring to protest against the issuance of this license should do so in writing to the Commissioner of the Department of Insurance, Securities and Banking, 1000 First Street, NE, Suite 801, Washington, DC 20002, in the manner prescribed by said Act: See DC Code Title 26, Chapter 9 and 16 DCMR 2.

#### Trustee Sales: Montgomery Co.

Council, Baradel, Kosmerl & Nolan, P.A.  
125 West Street, 4th Floor  
Annapolis, Maryland 21401  
(410) 268-6600

##### SUBSTITUTE TRUSTEE'S SALE OF VALUABLE FEE SIMPLE RESIDENTIAL DWELLING

13533 Hunting Hill Way, North Potomac, MD 20878

Under and by virtue of the power of sale contained in a certain Deed of Trust ("Deed of Trust") from Ram N. Tiwari and Kamia Tiwari, not personally but as Trustees on behalf of The Living Trust of May 12, 2017, ("Borrowers") to the Freedom Bank of Virginia ("Lender"), April 27, 2018, and recorded among the Land Records of Montgomery County, Maryland ("Land Records") in Liber 56117, Folio 397, and further secured by a Loan Sale And Assignment And Transfer Agreement ("Assignment") from The Freedom Bank of Virginia ("Assignor") to Lighted Signs Direct, Inc. ("Assignee"), dated December 31, 2018, and default having occurred under the terms thereof, and at the request of the party secured thereby, the undersigned Substitute Trustee will offer for sale at public auction at the Circuit Court for Montgomery County, Courthouse Door, 50 Maryland Avenue, Rockville, MD 20850 on:

Wednesday, December 23, 2020

11:15AM

All that lot of ground and the improvements thereon SITUATED in Montgomery County, Maryland and more fully described in the aforesaid Deed of Trust.

The property is believed to be improved by a residential dwelling. The property address is 13533 Hunting Hill Way, North Potomac, MD 20878.

Said property is in fee simple and is sold in an "as is condition" and subject to all covenants, conditions, liens, restrictions, easements, rights-of-way as may affect same, if any, and with no warranty of any kind.

THIS PROPERTY IS BEING SOLD SUBJECT TO the legal operation and effect of at least one prior senior lien/Deed of Trust, the balance(s) of which will be announced at the time of sale, if known.

Terms of Sale: A deposit of \$17,500.00 will be required of the purchaser, other than the Holder of the Note or its assigns, at the time of sale, such deposit to be in cash or certified check, or other form acceptable to the Substitute Trustee, in his sole discretion. Balance of the purchase price is to be paid in cash within ten (10) days of the final ratification of sale by the Circuit Court for Montgomery County. If payment of the balance does not take place within ten (10) days of ratification, the deposit may be forfeited and property may be resold at the risk and expense of the defaulting purchaser. The defaulting purchaser shall not be entitled to any surplus proceeds or profits resulting from any resale of the property. Interest to be paid on unpaid purchase money at the rate pursuant to the deed of trust note from date of sale to date funds are received in the office of the Substitute Trustee in the event the property is purchased by someone rather than the note holder.

In the event settlement is delayed for any reason, including, but not limited to, exceptions to the sale, bankruptcy filings, interested parties, or court administration of the foreclosure, there shall be no abatement of interest. Taxes, ground rent, water, condominium fees and/or homeowner association dues, all public charges, assessments payable on an annual basis, including sanitary and/or metropolitan district charges and front foot benefit charges, if applicable, to be adjusted for the current year to date of sale and assumed thereafter by the purchaser. Cost of all documentary stamps, transfer taxes and settlement expenses shall be borne by the purchaser. Purchaser shall be responsible for obtaining physical possession of the property. Purchaser assumes the risk of loss or damage to the property from the date of sale forward. If the Substitute Trustee is unable to convey good and marketable title, the purchaser's sole remedy in law or equity shall be limited to the refund of the deposit. Upon refund of the deposit, this sale shall be void and of no effect, and the purchaser shall have no further claims against the Substitute Trustee.

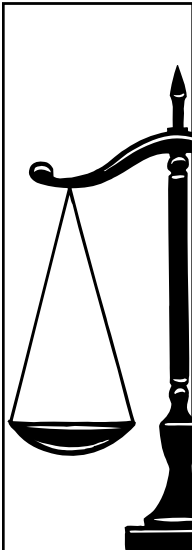
NOTE: The information contained herein was obtained from sources deemed to be reliable, but is offered for informational purposes only. Neither the auctioneer, the beneficiary of the Deed of Trust, the Substitute Trustee nor his agents or attorneys make any representations or warranties with respect to the accuracy of information.

PROSPECTIVE PURCHASERS ARE URGED TO PERFORM THEIR OWN DUE DILIGENCE WITH RESPECT TO THE PROPERTY PRIOR TO THE FORECLOSURE AUCTION. For additional information, please contact the Substitute Trustee.

Brian T. Gallagher, Substitute Trustee

Tidewater Auctions, LLC  
(410) 825-2900  
[www.tidewaterauctions.com](http://www.tidewaterauctions.com)

Washington Times, 12/8, 12/15, 12/22 Ad#45348



## Legal Notices

DC & Maryland  
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Virginia  
703-425-0903

The Washington Times

#### Trustee Sales: Fairfax Co.

**TRUSTEE'S SALE OF 6129 ROCKWELL COURT, BURKE, VA 22015.** In execution of a certain Deed of Trust dated June 10, 2005, in the original principal amount of \$399,000.00 recorded in the Clerk's Office, Circuit Court for Fairfax County, Virginia, in Book 17411 at Page 1471 as Instrument No. 2005024221.004. The undersigned Substitute Trustee will offer for sale at public auction in the front of the Circuit Court building for Fairfax County, 4110 Chain Bridge Road, Fairfax, VA on January 14, 2021, at 9:00 AM, the property described in said Deed of Trust, located at the above address, and more particularly described as follows: LOT 299, BENT TREE SUBDIVISION, AS THE SAME APPEARS DULY DEDICATED, PLATTED AND RECORDED IN DEED BOOK 3647 AT PAGE 706, AMONG THE LAND RECORDS OF FAIRFAX COUNTY. TERMS OF SALE: ALL CASH. A bidder's deposit of ten percent (10%) of the sale price or ten percent (10%) of the original principal balance of the subject Deed of Trust, whichever is lower, in the form of cash or certified funds payable to the Substitute Trustee must be present at the time of the sale. The balance of the purchase price will be due within fifteen (15) days of sale, otherwise the purchaser's deposit may be forfeited to Trustee. Time is of the essence. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled to a return of the deposit paid. The Purchaser may, if provided by the terms of the Trustee's Memorandum of Foreclosure Sale, be entitled to a \$50 cancellation fee from the Substitute Trustee, but shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney. A form copy of the Trustee's memorandum of foreclosure sale and contract to purchase real property is available for viewing at [www.bwwsales.com](http://www.bwwsales.com). BIDDERS ARE STRONGLY ENCOURAGED TO FOLLOW CDC GUIDANCE AND WEAR A COVER OVER BOTH NOSE AND MOUTH AND PRACTICE SOCIAL DISTANCING AT THE AUCTION. Additional terms, if any, to be announced at the sale and the Purchaser may be given the option to execute the contract of sale electronically. This is a communication from a debt collector and any information obtained will be used for that purpose. The sale is subject to seller confirmation. Substitute Trustee: Equity Trustees, LLC, 8100 Three Chopt Road, Suite 240, Richmond, VA 23229. For more information contact: BWW Law Group, LLC, attorneys for Equity Trustees, LLC, 6003 Executive Blvd, Suite 101, Rockville, MD 20852, 301-961-6555, website: [www.bwwsales.com](http://www.bwwsales.com). VA-349396-1.

December 8th, 2020  
December 15th, 2020

AD#45369

**TRUSTEE'S SALE OF 4311 GREENBERRY LANE, ANNANDALE, VA 22003.** In execution of a certain Deed of Trust dated December 15, 2006, in the original principal amount of \$366,400.00 recorded in the Clerk's Office, Circuit Court for Fairfax County, Virginia, in Book 19005 at Page 0317 as Instrument No. 2006039213.006. The undersigned Substitute Trustee will offer for sale at public auction in the front of the Circuit Court building for Fairfax County, 4110 Chain Bridge Road, Fairfax, VA on January 7, 2021, at 9:00 AM, the property described in said Deed of Trust, located at the above address, and more particularly described as follows: LOT SIX-A (6-A), OF A RESUBDIVISION OF LOTS 6-15, BLOCK TWO-A (2-A), EVERGREEN HEIGHTS, AS PER PLAT ATTACHED TO A DEED OF RESUBDIVISION RECORDED IN DEED BOOK 3597 AT PAGE 691, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA. TERMS OF SALE: ALL CASH. A bidder's deposit of ten percent (10%) of the sale price or ten percent (10%) of the original principal balance of the subject Deed of Trust, whichever is lower, in the form of cash or certified funds payable to the Substitute Trustee must be present at the time of the sale. The balance of the purchase price will be due within fifteen (15) days of sale, otherwise Purchaser's deposit may be forfeited to Trustee. Time is of the essence. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled to a return of the deposit paid. The Purchaser may, if provided by the terms of the Trustee's Memorandum of Foreclosure Sale, be entitled to a \$50 cancellation fee from the Substitute Trustee, but shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney. A form copy of the Trustee's memorandum of foreclosure sale and contract to purchase real property is available for viewing at [www.bwwsales.com](http://www.bwwsales.com). BIDDERS ARE STRONGLY ENCOURAGED TO FOLLOW CDC GUIDANCE AND WEAR A COVER OVER BOTH NOSE AND MOUTH AND PRACTICE SOCIAL DISTANCING AT THE AUCTION. Additional terms, if any, to be announced at the sale and the Purchaser may be given the option to execute the contract of sale electronically. This is a communication from a debt collector and any information obtained will be used for that purpose. The sale is subject to seller confirmation. Substitute Trustee: Equity Trustees, LLC, 8100 Three Chopt Road, Suite 240, Richmond, VA 23229. For more information contact: BWW Law Group, LLC, attorneys for Equity Trustees, LLC, 6003 Executive Blvd, Suite 101, Rockville, MD 20852, 301-961-6555, website: [www.bwwsales.com](http://www.bwwsales.com). VA-349444-1.

December 1st, 2020  
December 8th, 2020

AD#45335

#### Auctions: Virginia

Extra Space Storage will hold a public auction at the location indicated:

2820 Hollywood Rd, Falls Church, VA 22043, December 16th, 2020 at 1:30 pm

Unit# A086  
Unit# A174  
Unit# A280  
Unit# B077

The auction will be listed and advertised on [www.storageetreasures.com](http://www.storageetreasures.com). Purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.

Run Date: December 8, 2020 AD#45780

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The Washington Times

December 1st, 2020  
December 8th, 2020

AD#45540

#### Trustee Sales: Virginia

Trustee's Sale  
43616 Habitat Cir., Leesburg, Virginia 20176  
(Parcel ID: 08015288800;  
Tax Map No.: 62/K38//19)

Default having been made in the terms of a certain Deed of Trust dated May 29, 2019, in the original principal amount of \$530,708.00 and recorded in the Clerk's Office of the Circuit Court of the County of Loudoun, Virginia in Instrument No. 201905300028154, the undersigned Substitute Trustee will sell at public auction on **December 15, 2020, at 11:00 am**, in front of the building housing the Loudoun County Circuit Court, the main entrance to the Loudoun County Circuit Court, 18 E. Market Street, Leesburg, VA 20178, the property designated as Lot 19, Section 31B (previously erroneously 318), Landsowne on the Potomac, platted and recorded as Instrument No. 20041021-0113527, with Plat as Instrument No. 20041021-0113528, among the land records of Loudoun County, Virginia. Sale is subject to all prior liens, easements, restrictions, covenants, and conditions, if any, of record, or other matters which would be disclosed by an accurate survey or inspection of the premises. TERMS: CASH. A deposit of \$53,000.00 or 10% of the sale price, whichever is lower, will be required of the successful bidder at time of sale. Prior to the sale, interested bidders will be required to register with and must present a bid deposit which may be held during the sale by the trustee. The bid deposit must be certified funds and/or cash, but no more than \$9,900.00 of cash will be accepted. The successful bidder's deposit will be retained at the sale and applied to the sale price. If held by the trustee, all other bid deposits will be returned to the unsuccessful bidder. Settlement is to be made within 15 days. The successful bidder will be responsible for obtaining possession of the property, and for all costs and fees related to recording the Trustee's Deed, including the grantors tax. The successful bidder will be required to execute a Memorandum of Trustee's Sale, available for review on the Foreclosure Sales page of [www.glasserlaw.com](http://www.glasserlaw.com), outlining additional terms of sale and settlement. A Trustee's Deed will be prepared by Trustee's attorney at high bidder's expense. This is a communication from a debt collector. Glasser and Glasser, P.L.C., on behalf of Atlantic Trustee Services, L.L.C., REO Solutions, LLC and/or Auction.com-VA, LLC, Substitute Trustees, Crown Center Building, Suite 600, 580 East Main Street, Norfolk, VA 23510, File No. 222644-04, Tel: (757) 321-6465, between 10:00 a.m. & 12:00 noon only.

Run Dates: November 17, 24, 2020  
December 1, and 8, 2020

AD#45216

#### Auctions: Virginia

##### LEGAL NOTICE

**AAAA Facility Operators Sale for Non-Payment of Storage Charges Pursuant to the Power of sale contained in VA SELF-STORAGE ACT, 55-416 general charges and for the satisfaction of the facility operator's lien. The operator at the below listed units located at the below AAAA Self Storage locations will be sold Online only at Public Auction at <https://storageauctions.com> on Tuesday, December 15, 2020:**

2305 South Walter Reed Dr. Arlington, VA 22206 at 10:00 AM: 121

45143 Old Ox Rd. Sterling, VA 20166 at 12:00 PM: 114, 908

Terms: Cash or credit at time of sale. AAAA Self Storage reserves the right to cancel a sale at any time for any reason.

December 8 2020

Ad#45721

#### Order Of Pub - Domestic: Alexandria

ORDER OF PUBLICATION  
Commonwealth of Virginia  
VA. CODE § 8.01-316

ALEXANDRIA JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Case No.: J037238-01-00  
Commonwealth of Virginia, in re  
CANALES OSEGUERA, KEVIN JOSUE

The object of this suit is to: CUSTODY AND SPECIAL IMMIGRATION JUVENILE STATUS FOR KEVIN JOSE CANALES OSEGUERA

It is ORDERED that MARIA ROSARIO OSEGUERA MEZA appear at the above-named court and protect his or her interests on or before **February 02, 2021 09:30 AM**.  
DATE: November 10, 2020

Dominika A. Bui  
DEPUTY CLERK

December 8,15,22 & 29,2020  
AD#45809

#### ORDER OF PUBLICATION Commonwealth of Virginia VA. CODE § 8.01-316

ALEXANDRIA JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Case No.: J037238-01-00  
Commonwealth of Virginia, in re  
CANALES OSEGUERA, KEVIN JOSUE

The object of this suit is to: CUSTODY AND SPECIAL IMMIGRATION JUVENILE STATUS FOR KEVIN JOSE CANALES OSEGUERA

It is ORDERED that PEDRO ARMENGOL CANALES COINDRES appear at the above-named court and protect his or her interests on or before **February 02, 2021 09:30 AM**.  
DATE: November 10, 2020

Dominika A. Bui  
DEPUTY CLERK

December 8,15,22 & 29,2020  
AD#45810

#### Order Of Pub - Domestic: Alexandria

ORDER OF PUBLICATION  
Commonwealth of Virginia  
VA. CODE § 8.01-316

ALEXANDRIA JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Case No.: J037260-01-00  
Commonwealth of Virginia, in re  
MEJIA RIVAS, KELVIN ROBIN

The object of this suit is to: DETERMINE CUSTODY AND SPECIAL IMMIGRANT JUVENILE STATUS FOR MEJIA RIVAS, DOB 2/26/2003

It is ORDERED that OMAR ORLANDO MEJIA appear at the above-named court and protect his or her interests on or before **January 26, 2021 09:30 AM**.  
DATE: November 19,2020

Constance H. Frogale  
JUDGE

December 8,15,22 & 29,2020  
AD#45806

#### Order Of Pub - Domestic: Prince William Co.

ORDER OF PUBLICATION  
Commonwealth of Virginia  
VA. CODE § 8.01-316

PRINCE WILLIAM JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Case No.: J142164-06-00  
Commonwealth of Virginia, in re  
POOLE, LYLE CHAOS

The object of this suit is to: CONDUCT A PERMANENCY PLANNING HEARING

It is ORDERED that the above-named CHRISTINA POOLE appear at the above-named Court and protect his or her interests on or before **January 11, 2021 01:30 PM**.  
DATE: November 10,2020

Keshara Luster  
CLERK

December 1,8,15 & 22,2020  
AD#45868

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Hearing Date: Tuesday December 15, 2020

Item 4- Portions of Westbard Avenue and Ridgefield Road Abandonment No. AB-773

### **Testimony of Cynthia Green, resident of Westward Avenue**

Thank you for giving me the opportunity to testify. My name is Cynthia Green. I am president of the Springfield Civic Association and I'm a resident of the 5500 block of Westbard Avenue. I can tell you first hand why Westbard Avenue needs to be realigned, requiring the abandonment of parts of Westbard Avenue and Ridgefield Road, which the Springfield community supports.

There are 25 families living on the 5500 block, including 11 children and several elderly people. I've lived on this block for 36 years and as my neighbors and I can tell you, in the last 10 years we've seen a remarkable increase in the volume of traffic. Why? GPS.

There are a limited number of routes drivers can use to get from the Beltway exit at River Road to downtown D.C. via Massachusetts Avenue and its reverse. These are: Goldsboro Road, Little Falls Parkway, and Western Avenue. Thanks to traffic and mapping apps, drivers found a fourth route, Westbard Avenue.

Years ago we had three speed bumps placed on our block and the county put a "No right turn [from 7 a.m. - 9 a.m.](#)" sign from eastbound River Road. Later, "No thru trucks over 7,000 lbs, GVW" signs were added at both ends of the block. Last year the signs were updated to "No thru trucks over 10,000 lbs GVW" – the new standard weight – and MCDOT added a "No left turn at River Road" sign on the northbound side of the block at Ridgefield Road, and a "No left turn" sign at River Road to discourage drivers from making a left turn onto westbound River Road. This change was needed because it is dangerous for vehicles to cross the traffic on both sides of River Road to go northbound. In addition, MCDOT placed a concrete triangle, which curves to the right, to force drivers to turn onto eastbound River Road, instead of turning left to go northbound. That hasn't significantly discouraged drivers as statistics below will show you.

In the fall of 2017, MCDOT did a traffic study of our block with a follow-up last January 2020, after the no left turn signs and triangle were installed. A summary of those counts is below:

5500 Block of Westbard Ave.	Average Daily Vehicle Count		Totals for Week		% Reduction from 2017-2020
	2017	2020	2017	2020	
Northbound (towards River Road and the beltway)	728	636	5,098	4,450	1.4%
Southbound (towards Mass. Ave.)	908	742	6,354	5,195	1.26%

On its face the reduction in the total number of vehicles looks positive. Traffic volume decreased by 1,700 vehicles per week. Underlying this slight decrease, however, is a disturbing increase of multiple-axle trucks.

Westbard Ave.	Average Daily Trucks		Total Trucks per Week		% Increase 2017-2020
	2017	2020	2017	2020	
Northbound	7	30	46	211	1.24%
Southbound	13	17	89	120	4.87%

More than 330 trips are made by trucks — not pick-up trucks — but tractor trailers with multiple axles. While they can't speed down the street because of the speed bumps, they are noisy, disruptive and a danger to our quality of life. Besides these trucks traveling down our block, there are on average five buses per day that rumble through. Some are school buses, which are neither picking up nor dropping off children on our street, but just driving through, and others are private buses, which use our block as a convenient shortcut, avoiding the narrow, sharp right-hand turn at River Road and Ridgefield Road which has been described in other testimony. I want to stress that the MCDOT traffic engineers have done everything possible to reduce cut-through traffic on our residential street. We appreciate their efforts.



From a personal standpoint, living on such a busy street creates a general sense of anxiety and the need to be alert at all times. When I am raking leaves in front of my house, I have to pay attention to the traffic coming by. Before I cross the street to greet a neighbor, I have to look carefully both ways to see if traffic is coming. I am awakened in the middle of the night by a tractor trailer crashing down on the three speedbumps.

My neighbors and I cope with noise (vehicles honk over every one of our three speedbumps), dust and fumes, trash tossed onto the street, and theft of county traffic signs as well as homeowner's signs. When I put a "Drive like your kids live here" sign in front of my house, it was stolen in less than 24 hours. Some vehicles coming from River Road onto our street are going too fast to turn the corner, causing crashes and near misses. We all have to be on constant alert to make sure children do not go onto the road.

Given our traffic woes, my neighbors and I support the abandonment of sections of Westbard Avenue and Ridgefield Road to prepare for the realignment of Westbard Avenue and some peaceful nights' rest.

LYNNE BATTLE'S TESTIMONY ON BEHALF OF THE  
WESTBARD STUDY GROUP ON THE ROAD ABANDONMENT  
OF RIDGEFIELD ROAD AT WESTBARD AVENUE  
NOVEMBER 19, 2020

I am here testifying as a member of the Westbard Study Group and resident of Westbard Mews on Westbard Avenue. To more clearly lay out my position, I must set the stage for how this issue first arose.

The plan to abandon Ridgefield Road and realign Westbard Avenue was part of the original plan by Equity One (and subsequently, Regency Development) to redevelop the Westbard Shopping Center as well as parcels on the opposite side of the street. The Planning Board approved a preliminary plan in which the shopping center would be Phase One of an entire redevelopment for which the single most significant public benefit was to be the creation of a beautiful Greenway Park around the Willett Branch stream, in keeping with the Sector Plan's goals.

As part of the redevelopment, Regency is accelerating the road realignment and proposing a faster redevelopment of Westwood II in concert with Kensington Senior Living at the corner of Ridgefield Road and Westbard Avenue, which requires the road abandonment at issue in the hearing. We, and other members of the community, have been hoping to comment on the aspects of new road to the Board, but we were unaware that this hearing would be held until last week.

At the moment, the only true benefits from the project accrue to the developer rather than the public: the new road will allow Westwood II and adjacent properties to be developed more quickly, and the new road will lead more directly to the developer's Westbard shopping center, with none of the traffic lights that currently allow pedestrians to cross the road safely.

We strongly believe that to ensure that the Willett Branch Park is established as a public benefit, Equity One/Regency should begin the creation of the Greenway Park on the property where the abandonment and realignment will occur. When the road is rebuilt, it will have to be constructed over the Kenwood branch stream as it flows into the Willett Branch at the beginning of the proposed Greenway. During construction, the flow of one stream into another should be made into a small waterfall feature that would set off the beginning of the park. Parks and Planning staff proposed this feature a number of years ago, but the developer seems unwilling to create it as part of the road and property redevelopment. We understand that unless it is built while the road is being constructed, the proposed waterfall will probably not be possible to build later on.

The road abandonment will also create a new area on which no construction is contemplated – Lot 24, Block D, as shown on Figure 2 of the staff report, page 3. The staff report does not reference the intended use of this block. While the

preliminary plan envisioned it as a place to put a large number of mitigation trees, we have always believed that the area is too small for this purpose. The trees will be adversely affected by adjacent traffic, and the area would be a much better place for stormwater management (SWM) for the road as a whole. Indeed, at the hearing on the preliminary plan, members of this Board advocated that the developer use SWM best practices for the new Westbard Avenue. Otherwise, road run-off is likely to go down into the newly established greenway park.

Finally, a critical safety need is the installation of a traffic light to cross the new road, which we hope you will ask MCDOT to approve. It is not adequate simply to put in wiring for a traffic light at the intersection on Westbard Avenue that Springfield residents can access, and then wait for a study a year later. With the new road, Springfield drivers will be unable to turn left on Westbard without a traffic light, and no one—including school children—will be able to walk across the road safely. In addition, the realignment will impede the visibility of trucks exiting the delivery area of the Kensington Senior Living building on realigned Westbard for cars, bikes, and walkers raising additional safety concerns. In short, this will be an accident waiting to happen, perhaps leaving the community with injuries and/or deaths as the cost of providing a commercial benefit to this developer.

The abandonment must be permitted only if it helps the health, safety, and welfare of residents. I therefore implore you to order Equity One/Regency and Kensington to begin the creation of a park along the Willett Branch with decent landscaping and a water feature behind the planned senior living facility, and state-of-the-art SWM along the new road. These factors should be required as a condition of granting the desired abandonment so the community is provided the promised Willett Branch Greenway and associated environmental improvements. Further, to construct this realignment without a traffic light in place would be negligence of the highest order.

Respectfully submitted by Lynne Battle

For the Westbard Study Group

(Lynne Battle, Jenny Sue Dunner, Susan Spock, and Marnie Shaul)



TESTIMONY OF LYNNE BATTLE ON  
THE ABANDONMENT OF WESTBARD AVENUE  
AND RIDGEFIELD ROAD  
DECEMBER 15, 2020

I am Lynne Battle, a resident of Westbard Mews on Westbard Avenue where I am directly impacted by the proposed abandonment of Ridgefield Road and the realignment of Westbard Avenue. I am speaking for myself and the Westbard Study Group.

I believe that the proposed abandonment provides no benefit to the public at large, but rather serves primarily to benefit the developers of both the Kensington Senior Living Project and the proposed redevelopment of the Westbard Shopping Center, whose entrance will be enhanced by this action. Since the abandonment will apparently proceed nonetheless, I strongly urge that the abandonment and realignment of Westbard Avenue be accomplished with an emphasis on three important requirements that would offer the public some benefit.

First, it is critical for the health, safety and welfare of the residents of the community that a traffic light be installed at the intersection of the proposed realigned Westbard Avenue and Ridgefield Road at the time that this construction takes place. This intersection will be frequently crossed by local residents on foot including school children and passage without a light will be extremely dangerous. Furthermore, neighborhood cars on Ridgefield Road approaching Westbard will find it precarious to turn left toward River Road unless a traffic light is present. This cannot wait until a year or two after construction for further study. It must be installed now to ensure no deadly accidents, and all costs must be absorbed by the developers being benefited.

Secondly, we strongly believe that attention must be paid during construction to the Willett Branch Greenway which is the single most important public benefit of this entire redevelopment, and which will be impacted due to its adjacent location. When the road is rebuilt, it will have to be constructed over the Kenwood branch stream as it flows into the Willett Branch at the beginning of the proposed Greenway

adjacent to River Road. During construction, the flow of one stream into another should be made into a small waterfall feature that would set off the beginning of the park and is part of the Parks Department's design. We understand that unless it is built while the road is being constructed, the proposed waterfall will probably not be possible to build later on. Again, all costs should be borne by the developers.

Finally, the road abandonment will create a new area on which no construction is contemplated – Lot 24, Block D. There is no reference to the intended use of this block. While the preliminary plan envisioned it as a place to put a large number of mitigation trees, we have always believed that the area would be best utilized as a place for stormwater management (SWM) for the road as a whole. Indeed, at the hearing on the preliminary plan, members of the Planning Board advocated that the developer use SWM best practices for the new Westbard Avenue, in keeping with the Sector Plan, which states that “SWM treatment should be done on-site wherever feasible, and the use of waivers should be limited. Otherwise, road run-off is likely to go down into the newly established greenway park adversely affecting its water quality and recreational uses. Accordingly, the establishment of

optimal SWM practices on this parcel now as the road is being constructed should be mandated.

I appreciate your attention today and hope you will support these three critical recommendations.

Submitted By Lynne Battle on Behalf of The Westbard Study Group (Lynne Battle, Jenny Sue Dunner, Marnie Shaul, and Susan Spock)

**Michael & Adrienne Chen-Young**

5521 Westbard Avenue

Bethesda, MD 20186

Phone: (301) 652-9435 (Home)

Email: Mchenyoung@gmail.com

December 13, 2020

Eric Willis [[eric.willis@montgomerycountymd.gov](mailto:eric.willis@montgomerycountymd.gov)]

Chief, Property Acquisition Section

**Montgomery County Department of Transportation (MCDOT)**

100 Edison Park Drive, 4th Floor

Gaithersburg, MD 20878

CC: Cynthia Green [[cpgreen@verizon.net](mailto:cpgreen@verizon.net)], Springfield Civic Association

**Dear Montgomery County Department of Transportation (MCDOT),**

This letter is in regard to the Montgomery County Department of Transportation's (MCDOT) **Public Hearing on Dec. 15 for Abandonment of Portions of Westbard Ave. and Ridgefield Rd. in Bethesda, AB 773** to seek resident views regarding the **2016 Westbard Sector Plan: Abandonment of Portions of Westbard Avenue and Ridgefield Road** (*titled Right-of-Way Abandonment, AB-773, Portions of Westbard Avenue and Ridgefield Road*).

Our family has resided at 5521 Westbard Avenue, Bethesda, MD since 1997, and are blessed to be a part of this neighborhood. Our home is at the end of the Westbard Avenue intersection with River Road. We are longtime patrons of the local neighborhood stores, knowing many of the individuals in these stores by name and friendly face.

While we understand and support upgrading several aspects of the neighborhood with planned development, we have also raised concerns about the negative impact from very large increases in the neighborhood's density. We appreciate the efforts of everyone to try to minimize the negative impacts.

One of the key parts of the plan that we fully support as a mitigating factor is the **Right-of-Way Abandonment, AB-773, Portions of Westbard Avenue and Ridgefield Road**.<sup>1</sup> Even before the new construction has begun, we have seen over the years increases in the amount of morning and evening cut-through traffic passing in front of our home, irrespective of the signage restrictions turning right from River Road in the mornings and turning left on River Road throughout the day and especially in the evenings.

We are negatively impacted by that through traffic in multiple ways listed below:

1. Dangerous speeding cars & trucks disregarding the speed limits and speed bumps: several times while walking we have had to cross quickly to evade the danger, sometimes scolding the driver that they need to slow down
2. Non-residents in cars parking/waiting on the road just past our home as they face River Road to either:

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<sup>1</sup> The Sector Plan endorses permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road end.



- a. rest/nap in the daytime: we've seen drivers (sometime cars with Uber/Lyft signage) waiting there for over 15 minutes; we've seen some drivers recline their seats and take a nap in their cars; several times we have had to go out and ask them if there is anything wrong, after which they drive off; or
  - b. eat lunch: we've frequently seen drivers pull up and stop to eat lunch while in their cars (e.g., from the nearby McDonald's; this would likely increase with the planned new stores); very concerning is that some throw their trash out of their car window on to our grass without any regard; our family ends up picking up the trash and putting in our trash or recycling bins; or
  - c. discard empty beer/alcohol bottles or cans: similar to above, although in the mornings, my family has had to pick up discarded beer/alcohol bottles or cans and sometimes food from the previous night and put in our trash or recycling bins
3. Large trucks illegally (above the weight limit) passing through that:
- a. cause undue noise/rattling: the loud trucks either from their engines or when they go over the speedbumps create undue noise whenever they pass our home; I am even more disturbed by this while working from home
  - b. disrupt cable lines: we have had large trucks inadvertently pull down the cable line that connects from the light pole across the street to our home, impacting our telephone and television service

We are very concerned that both during and after the new construction, we will be even more negatively impacted along the lines above. Our home being at the end of Westbard Avenue before reaching River Road already gets much of the downside from non-resident cars driving, stopping, and throwing trash. There is also a security concern as more non-residents pass through and can monitor our home and yard.

Based on above, to help minimize the negative impact to our family and our home value, we strongly urge the Board to accept and approve the 2016 Westbard Sector Plan's recommended **Right-of-Way Abandonment, AB-773, Portions of Westbard Avenue and Ridgefield Road**.

Sincerely,



Michael & Adrienne Chen-Young

## Abandonment of county-owned property at Westbard/Ridgefield intersection

Peter Mitchell <pmitch222@verizon.net>

Mon 12/14/2020 8:45 AM

To: Willis, Eric <Eric.Willis@montgomerycountymd.gov>

### [EXTERNAL EMAIL]

Dear Mr. Willis:

I reside at 5524 Westbard and am writing in favor of the abandonment mainly so that the intersection at Westbard/River may be closed off. The recent installation of two No Left Turn signs at River has mitigated the traffic problem substantially. However, since it is still physically possible to go through the intersection there is a substantial remnant of law-breaking drivers who do so unlawfully. These fall into four categories: 1) Those who make right turns from River onto Westbard 7-9 am Mon-Fri; 2) Trucks over 10,000 lbs GVWR; 3) Those who make left turns from Westbard onto River and 4) Speeders. All categories negatively affect residents' quality of life, especially 2. Categories 3 and 4 are inherently dangerous. The present situation has the effect of giving law-breaking drivers an advantage over law-abiding drivers as there is next to no traffic enforcement from Police. The only way to deprive the law breakers from the benefit of their unlawful actions is to close off this intersection. Thank you.

Peter Mitchell

December 13, 2020

Mr. Eric Willis

Property Acquisition

MCDOT

100 Edison Park Drive, 4<sup>th</sup> Floor

Gaithersburg, MD 20878

Re: Abandonment of Portions of Westbard Avenue and Ridgefield Road in  
Bethesda, AB773

Dear Mr. Willis:

I am writing this in support of the abandonment of portions of Westbard Avenue and Ridgefield Road in Bethesda as the first step in the realignment of Westbard Avenue.

In 2014, when the charettes began for the Westbard Sector Plan, I was president of the Springfield Civic Association. As the charettes unfolded, residents of the 5500 block of Westbard Avenue (between Ridgefield Road and River Road), a part of the Springfield community, complained to me about the high volume of traffic on their street.

This volume had been increasing over the past several years thanks to the widespread use of GPS, allowing drivers to figure out alternative routes to get to their destinations. The 5500 block of Westbard Avenue is the alternative route to driving one block further east, to the corner of River Road and Ridgefield Road, turning right up Ridgefield Road for one block and then turning left to meet up with southbound Westbard Avenue that goes to Massachusetts Avenue. By turning right onto Westbard Avenue at River Road drivers avoid one traffic light and a left-hand turn, maybe cutting off three to five minutes of their commute.

I say, "commute" because Westbard Avenue, like Goldsboro Road, Little Falls Parkway and Western Avenue is another connector between River Road, where

there's an exit from the Beltway, and Massachusetts Avenue, which heads southeast to downtown D.C. Many of the drivers who use the Westbard Avenue route are commuters from other parts of Montgomery County and Virginia.

In addition to the increasing volume of traffic on Westbard Ave, I knew firsthand about turning issues at the corner of eastbound River Road onto Ridgefield Road. There were several times when I was waiting in the left lane at a red signal at Ridgefield Road and River Road, to turn westbound onto River Road when a tractor-trailer would start to make the right-hand turn from eastbound River Road to go up Ridgefield Road and made a delivery at the Westbard shopping center. The tractor-trailer would be headed right towards me and my vehicle. With a vehicle in front of me and one behind me, I couldn't move out of the way to give the tractor-trailer the clearance it needed until my signal turned green. Tractor-trailers and even school buses cannot easily make that right-hand turn from River Road. Neighbors on Westbard Avenue told me that because of this problem with the turn, many of these trucks and school buses make the right-hand turn from eastbound River Road onto their block as they have more clearance and the drivers are less likely to face heavy oncoming traffic.

As I and other community members talked with the planners about alleviating these traffic issues, especially in light of increased traffic that would result because of the redevelopment of Westwood I and II and other parcels along Ridgefield Road and Westbard Avenue, Equity One, then the developer of the property, was talking to the planners about a "gateway" into the Westwood I development. The only problem with the current "gateway" is that Ridgefield Road, is actually a gateway into the Springfield community, extending at least a mile into the community.

Since the charettes were held in Westwood II, which sits between River Road and Westbard Avenue along Ridgefield Road, the planners had a bird's-eye view of the traffic issues described above. At the same time, understanding the developer's desire, the planners suggested a solution: realignment of Westbard Avenue. This may have been the first and only time during the Westbard Sector Plan discussions that the developer and the community agreed to a solution to a problem.

By realigning Westbard Avenue, residents of the 5500 block get protection from high traffic volume, which is only expected to increase as redevelopment gets underway, and the developer, now Regency, gets its gateway.

From the time realignment was suggested until the Westbard Sector Plan was approved by the County Council, my neighbors and I spoke with the planners, county council members and staff to ensure this would be a part of the sector plan. As a note, I should add, that to further protect the residents of the 5500 block of Westbard Avenue from increased traffic, after Westbard Avenue is realigned, they may petition the county to have the River Road end of the street closed off – except for emergency vehicles – to prevent further cut through traffic.

Since abandoning parts of Westbard Avenue and Ridgefield Road is the first step to realignment of Westbard Avenue and to alleviating the traffic issues that plague the 5500 block, I am in full support of this measure.

Sincerely,

Phyllis Edelman

Past President, 2014-2017

Springfield Civic Association

5810 Ogden Court

Bethesda, MD 20816

[predelman@gmail.com](mailto:predelman@gmail.com)



## Resident's Input to MCDOT Public Hearing on Dec. 15

Alicia Khadduri <abk656@aol.com>

Mon 12/14/2020 2:10 PM

To: Willis, Eric <Eric.Willis@montgomerycountymd.gov>

### [EXTERNAL EMAIL]

Reference: Public Hearing on Dec. 15 for Abandonment of Portions of Westbard Ave. and Ridgefield Rd. in Bethesda, AB 773

To: Mr. Eric Willis  
Chief, Property Acquisition Section  
Montgomery County Department of Transportation

From: Alicia and Farid Khadduri  
Street Address: 5526 Westbard Ave, Bethesda 20816  
Email: [abk656@aol.com](mailto:abk656@aol.com)

Dear Sirs,

We first wish to thank the MCDOT for their time and attention regarding the plan to abandon portions of Westbard Ave. and Ridgefield Rd. in Bethesda in order for Regency Centers (the developer) to build a new road that runs from River Road toward the shopping center (running through the existing Westwood II building, which will be demolished). We much appreciate their consideration in seeking resident views to assist their decision.

We have lived on Westbard Ave near the intersection with River Road for over 45 years and are pleased to submit our perspective.

We strongly endorse the plan to realign Westbard Ave and offer the following in support of this conclusion:

- Over the years, truck traffic has significantly increased in violation with the weight restrictions clearly posted at each end of the 5500 Block of Westbard. This poses a safety risk to the residents of this Block of Westbard which include a number of small children and elderly people.
- Auto traffic has also significantly increased both in volume and speed. Autos routinely ignore the "No Left Turn" sign at the River Road end of Westbard causing accidents and endangering the pedestrian crosswalk at that intersection.
- Autos making the right turn from River Road to Westbard are often speeding. This poses a particular danger to our end of Westbard when we exit our driveway just a few feet from this intersection. An example of how fast cars make this turn occurred recently when a driver making the right turn was traveling so fast that he lost control, smashed into the median island which required his car to be towed away. Thankfully the median strip prevented the worst case scenario (which has occurred several times) of a head-on collision with oncoming traffic.
- The "No Right Turn" restriction from River to Westbard from 7:00 am to 9:00 am is routinely ignored adding to excessive congestion on our street.

weight restrictions and cause even more safety and noise concerns. Realignment of Westbard will provide a safe alternative access to the Development construction site.

Thank you again for the opportunity for us to provide our perspective and recommendation to proceed with the plan to realign Westbard Ave.

Best,

Alicia and Farid Khadduri

**Fwd: Dec. 15, 2020 Hearing - Westbard Sector Plan**

R. Shaibani <rshaibani@yahoo.com>

Mon 12/14/2020 4:37 PM

To: Willis, Eric <Eric.Willis@montgomerycountymd.gov>

**[EXTERNAL EMAIL]**

Begin forwarded message:

**From:** raquel shaibani <rshaibani@yahoo.com>

**Date:** December 14, 2020 at 4:33:21 PM EST

**To:** eric.willis@montgomerycounty.md.gov

**Subject: Dec. 15, 2020 Hearing - Westbard Sector Plan**

This letter is written in regards to residents views on the Abandonment of Portions of Westbard Ave. and Ridgefield Rd.

Our family of 6, which include 4 children, reside at 5517 Westbard Ave.

Over the last few years, the traffic on our street has significantly gotten worse. So much so that our neighbors conducted our own traffic study in 2017 and another was done in early 2020. Even after changes were implemented by MCDOT (such as new speed humps/new speed signs and no left turn signs onto River Rd) the traffic has actually increased and the no left turn signage is mostly ignored.

Daily, several large trucks take the short cut through Westbard Ave. ignoring both the weight/speed limit signs, which make it noisy and dangerous throughout the day and into the evening.

The noisy street and constant barrage of vehicle and large trucks is distressing but the biggest concern is the safety of my children and my elderly neighbors who traverse on our street frequently. There have been too many occasions where we will be walking only to become annoyed and frustrated at the speeding vehicles. Specifically, a few years ago, our oldest daughter was almost hit by a car that was trying to get past the light on the corner of Ridgefield and Westbard. Another child was actually hit by a vehicle on the opposite end of the same intersection in 2015 while trying to board the school bus.

The speeding and high traffic count on Westbard is a common occurrence and a constant imminent and dangerous situation. With the impending construction of the Westwood area, We believe the predicament will only get worse.

The Realignment and Abandonment of Portions of Westbard and Ridgefield road should be done ASAP and is of utmost importance for the safety of ALL the residents especially the most vulnerable: the children and elderly who walk the street multiple times a day.

The failure of this plan to be enforced will hold all members negligent in the event of any unfortunate mishap.

12/14/2020

Mail - Willis, Eric - Outlook

Raquel and Sanan Shaibani

Sent from [Mail](#) for Windows 10