



February 15, 2017

RE: Westwood Shopping Center, Sketch Plan No. 320170010

Dear Mr. Anderson, Ms. Wright, Mr. Kronenberg and Mr. Marcolin:

The following errors on page 15 of the Planning Department's Staff Report on the Equity One Sketch Plan for the Westwood Shopping Center need immediate correction. The corrections should be posted online and disseminated to the recipients of the original staff report in advance of the Planning Board's February 23<sup>rd</sup> meeting on Westbard, Sketch Plan No. 320170010. We also note a material omission to the Staff Report – namely, that the results of *SaveWestbard's* October 2016 Community Survey are not addressed in the report.

**Error 1:** Reference is made to a 700 person survey purportedly stating that 73% of the community support retaining the zoning from the 1982 sector plan. This appears to be a reference to a *SaveWestbard* study. A key finding from the study is reported incorrectly in the Staff Report.

A 702-person Westbard area community survey conducted in April-May 2016 by *SaveWestbard* (*attached*) found that 79.3% (not 73%) favored retaining existing zoning at Westbard; 3.3% favored the final version of the Westbard sector plan; and 17.4% favored an intermediate option (more density than existing zoning, less density than the Westbard sector plan).

**Error 2:** The Staff Report relies on correspondence from “other members of the community” who “point out that the survey used does not describe sample size, statistical significance, survey design and self-selection bias” (all quotes from the Staff Report). Regrettably, these “other members of the community” are incorrect and the Planning Department's reliance upon them is misplaced. *SaveWestbard* has a survey methodology (*attached*) available on request (the methodology was also available at the time at which our Sketch Plan comments were being prepared), which contains descriptions of:

1. Sample size (702).
2. Statistical significance (+/-4 percentage points at the 95% level of confidence).
3. Survey design (the survey was distributed to approximately 2,400 persons in multiple neighborhoods surrounding Westbard via numerous civic association listservs and e-mail lists, a public weblink and the *SaveWestbard* listserv.)

With regard to the concern about self-selection bias among respondents, we note that our April-May 2016 survey of 702 respondents reached similar conclusions to other surveys on the subject of development at Westbard, including 2015 and 2016 Sumner community surveys (*attached*; 67% think that 1982 zoning should be retained [2016]), an October 2016 *SaveWestbard* survey on the Equity One Sketch Plan (*see below*), [and a 2006 survey conducted by Catholic University of America on behalf of CCCFH](#) and published in 2008 ([link](#), *see Appendix E*), which found that 82% of Westbard area respondents opposed residential buildings of 90 or more feet with ground floor retail on the east side of Westbard Avenue; and 50% (assuming ground floor retail) to 61% (assuming no ground floor retail) opposed 4-6 story residential buildings on both sides of Westbard Avenue; and 74% opposed any significant change at Westbard. **As this demonstrates, majority opposition to high density development at Westbard has been consistent from 2006-**

**2016, as evidenced by several surveys conducted by different organizations. The consistency of findings from several surveys across time and conducted by multiple organizations minimizes the likelihood of response bias and increases confidence in reported results.**

**Material Omission:** The Staff Report's discussion of Community Correspondence on Westbard fails to reference and discuss *SaveWestbard's* October 2016 community survey on the Equity One Sketch Plan (362 respondents; methodology attached and identical to the methodology described for *SaveWestbard's* April-May 2016 survey; statistical significance of +/-4 percentage points at the 95% level of confidence.) *SaveWestbard's* October 2016 survey results, including methodology, were submitted to the Planning Department on October 17, 2016 as part of *SaveWestbard's* formal comments on the Equity One Sketch Plan. We have attached a copy of these formal comments, in which the October 2016 survey is linked and in which the methodology is addressed. The results of that survey are summarized below and are material to the Community Correspondence section of the Westbard Staff Report. We ask that they be added to the Staff Report and conveyed to the Planning Board in advance of the February 23 hearing.

**Community Survey October 2016 Results:** Community Survey (362 respondents) on the Equity One Sketch Plan, submitted in *SaveWestbard's* sketch plan comments to the Planning Department on October 17, 2016 (all results statistically significant within +/-4 percentage points at the 95% level of confidence; results rounded to the nearest tenth of a percent):

- Buildings have too much height/density: 93.4%
- Project has too little public open space: 94.8%
- Traffic study needed due to increased traffic/road redesign: 93.7%
- Utility lines and parking should be buried: 90.9%
- Possible cemeteries should be protected: 84.8%
- No new buildings should be constructed in the Willett Branch stream buffer zone: 91.4%.

**Survey Summaries:** Because the *SaveWestbard* surveys are statistically significant (+/-4 percentage points at the 95% level of confidence for both), well-designed (broad dissemination throughout the Westbard area community through multiple channels), with robust sample sizes (702 respondents for the April-May 2016 survey on the Westbard sector plan; 362 respondents for the October 2016 survey on the Westbard sketch plan), and accord well with the results of other community surveys on Westbard development, we confidently state that our findings demonstrate that an overwhelming majority of Westbard area residents (79.3%) oppose the sector plan and have substantial concerns with major aspects of the Equity One sketch plan, including (but not limited to) proposed height and density (93.4%); sufficiency of public open space (94.8%); potential increases in traffic congestion (93.7%); and potential effect on the Willett Branch stream buffer zone (91.4%).

We respectfully request that the Planning Department correct the above-referenced errors and material omission found in the Staff Report and provide an update to the Planning Board and all Staff Report recipients on or before February 23, 2017. We request a copy of this updated and corrected Staff Report.

Should you have any questions, please contact Leanne Tobias on mobile at 202-355-5270, or by email at [leanne.tobias@malachitellc.com](mailto:leanne.tobias@malachitellc.com).

The comments herein do not constitute *SaveWestbard's* acquiescence to or acceptance of the legal validity of the revised Westbard Sector Plan or of the proposed Equity One Sketch Plan.

Cordially,

Patricia E. Kolesar and Leanne Tobias  
*SaveWestbard*

Attachments

cc: Montgomery County Councilmembers

**Survey Methodology Overview:**  
**Save Westbard Sector Plan Survey**  
**April 28-May 1, 2016**  
**Save Westbard Sketch Plan Survey**  
**October 6 – October 11, 2016**

The Save Westbard Sector Plan and Save Westbard Sketch Plan Surveys were conducted on the Survey Monkey platform. Respondents were required to provide their names, addresses and e-mails to ensure the integrity of results.

Time Frames: The Save Westbard Sector Plan survey was conducted from April 28- May 1, 2016. The Save Westbard Sketch Plan Survey was conducted from October 6- October 11, 2016.

Survey Recipients and Underlying Population: Both surveys were sent to approximately 2,400 persons residing in multiple neighborhoods surrounding the Westbard redevelopment. The underlying population of these neighborhoods approximates the 19,960 person study area for Montgomery County's 2016 Westbard Sector Plan. Survey recipients were drawn from: (1) community association listservs and e-mail lists; (2) an open, public survey weblink; and (3) the Save Westbard e-mail list.

Response Rates: 702 of the estimated 2,400 survey recipients responded to the Sector Plan Survey, for an estimated response rate 29.3%. 362 of the estimated 2,400 survey recipients responded to the Sketch Plan Survey, for an estimated response rate of 15.1%.

Statistical Significance: For both surveys, results are statistically significant at the 95% level of confidence with a confidence interval of +/-4%. Statistical significance is calculated on the basis of sample size (Sector Plan Survey: 702 person sample; Sketch Plan Survey 362 person sample), the estimated underlying population of 19,960, and a minimum level of response agreement of 65.95% for the Sector Plan Survey and 84.81% for the Sketch Plan Survey.



# Westbard Sector Plan April 2016 Survey by Sumner Citizens Association

Thursday, April 28, 2016

Powered by  SurveyMonkey®

# 147

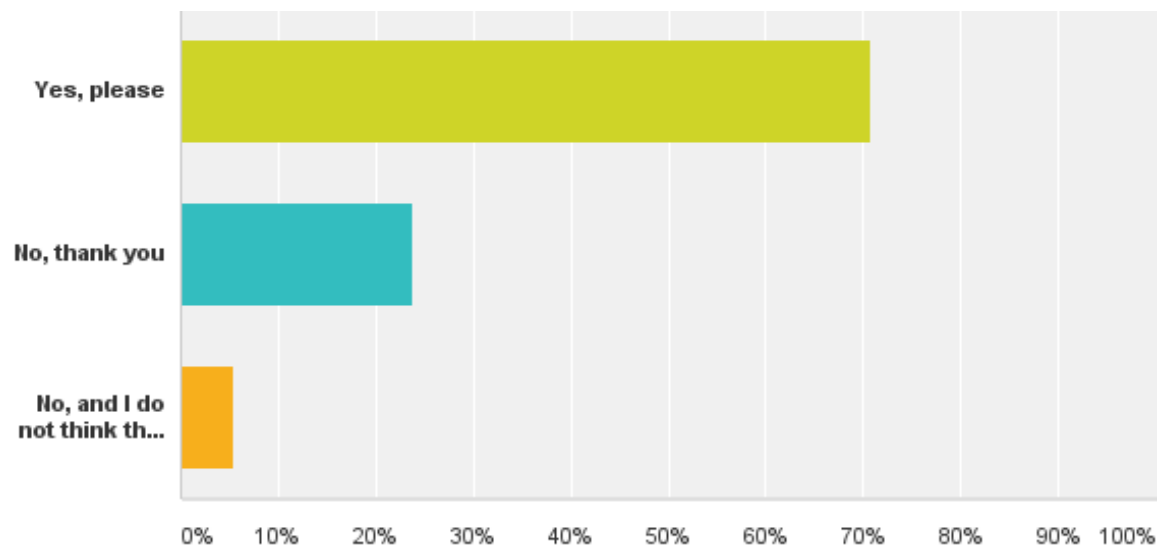
**Total Responses**

Date Created: Tuesday, April 12, 2016

Complete Responses: 147

# Q1: Do you think the Sumner Citizens Association should re-engage on the Westbard Sector Plan with the County Council and other stakeholders?

Answered: 147 Skipped: 0



## Q1: Do you think the Sumner Citizens Association should re-engage on the Westbard Sector Plan with the County Council and other stakeholders?

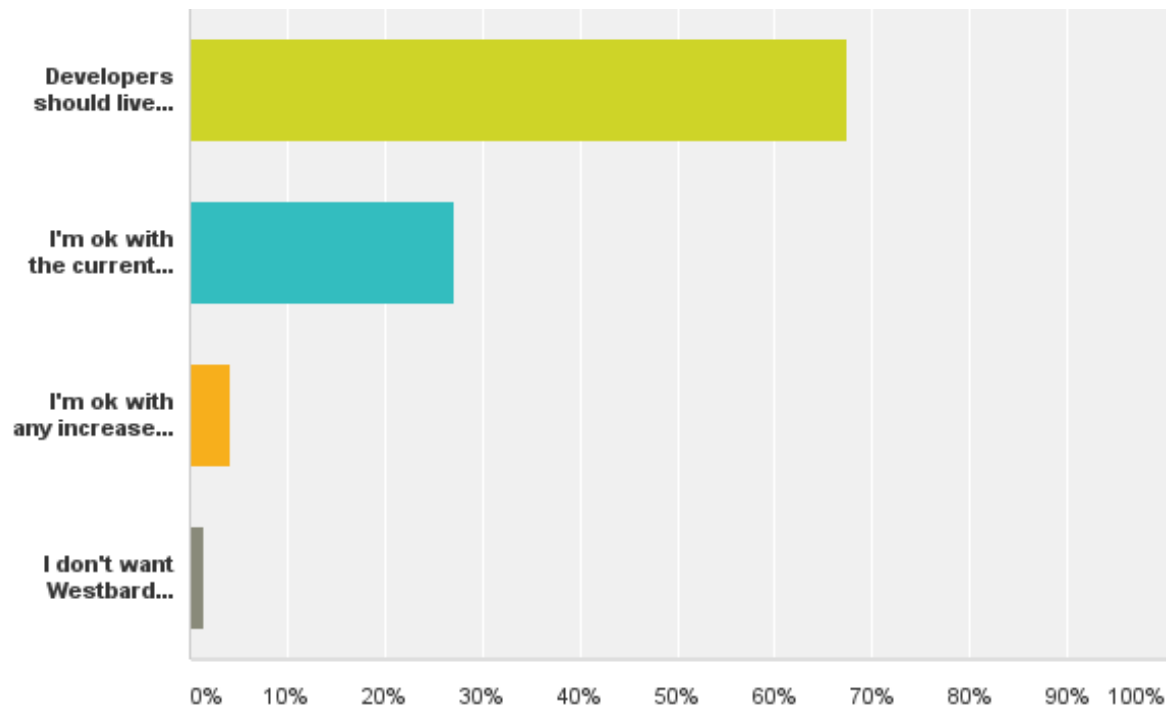
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Answered: 147   Skipped: 0

Answer Choices	Responses
Yes, please	<b>70.75%</b> 104
No, thank you	<b>23.81%</b> 35
No, and I do not think the SCA should engage in these political issues going forward	<b>5.44%</b> 8
<b>Total</b>	<b>147</b>

## Q2: If the Sumner Citizens Association does formally re-engage representing the neighborhood on the Westbard Sector Plan, what should it advocate?

Answered: 147 Skipped: 0





## Q2: If the Sumner Citizens Association does formally re-engage representing the neighborhood on the Westbard Sector Plan, what should it advocate?

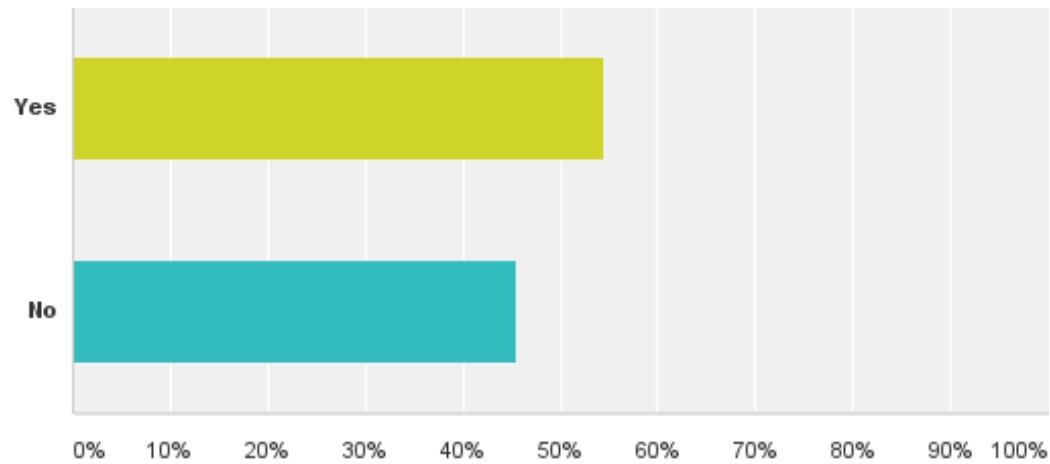
Answered: 147 Skipped: 0

Answer Choices	Responses
Developers should live within the existing zoning - max of 580 new residential units and 50 feet building heights	67.35% 99
I'm ok with the current County Council proposal that will allow 1,213 new residential units and up to 110 feet in building heights	27.21% 40
I'm ok with any increase in density approved by the County Council	4.08% 6
I don't want Westbard redeveloped at all	1.36% 2
Total	147

**Q3: Would you like the Sumner Citizens Association to appoint someone from the SaveWestbard group to the development committee (Fred Graefe has been suggested by them)?**

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Answered: 147 Skipped: 0



**Q3: Would you like the Sumner Citizens Association to appoint someone from the SaveWestbard group to the development committee (Fred Graefe has been suggested by them)?**

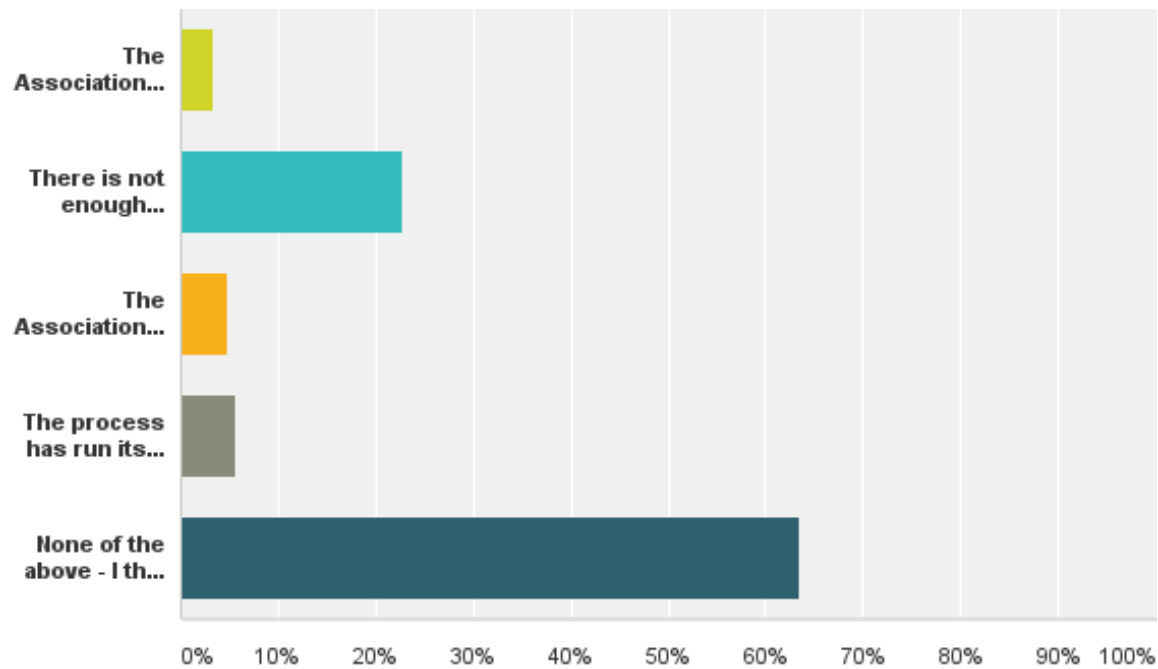
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Answered: 147   Skipped: 0

Answer Choices	Responses	
Yes	54.42%	80
No	45.58%	67
<b>Total</b>		<b>147</b>

#### Q4: If you believe that the Sumner Citizens Association should not take a stance on the Westbard Sector Plan, is it because:

Answered: 123 Skipped: 24



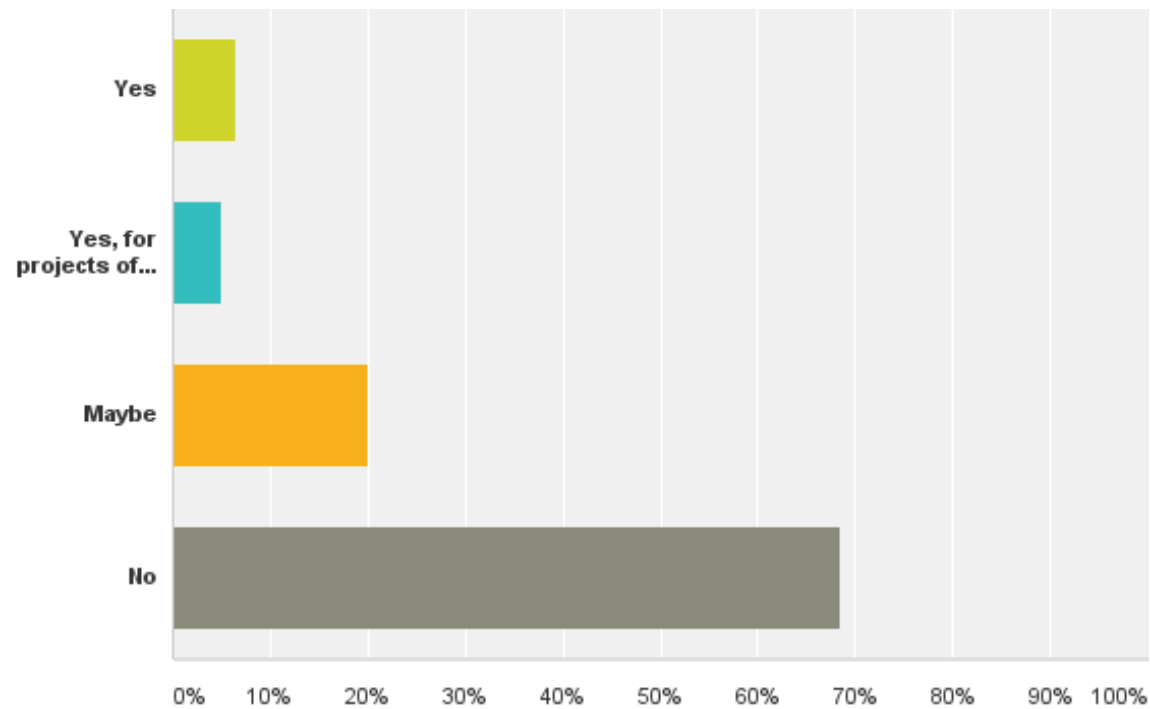
#### Q4: If you believe that the Sumner Citizens Association should not take a stance on the Westbard Sector Plan, is it because:

Answered: 123   Skipped: 24

Answer Choices	Responses	
The Association should not be involved in political issues	3.25%	4
There is not enough uniformity of opinion among neighbors to support a unified formal stance	22.76%	28
The Association should stay focused on issues/projects within the boundaries of the neighborhood	4.88%	6
The process has run its course and further engagement will be futile	5.69%	7
None of the above - I think the Association should be involved	63.41%	78
Total	123	

## Q8: Are you interested in joining the SCA as a board or committee member?

Answered: 140 Skipped: 7





## Q8: Are you interested in joining the SCA as a board or committee member?

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Answered: 140   Skipped: 7

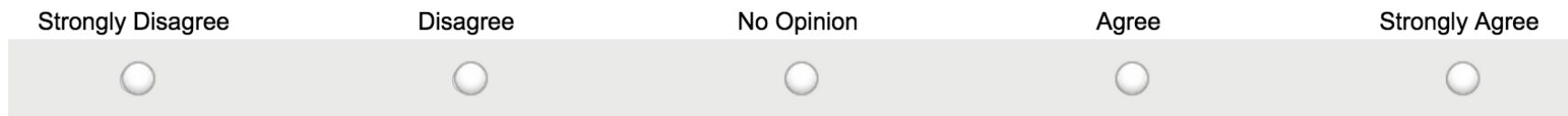
Answer Choices	Responses	
Yes	6.43%	9
Yes, for projects of short duration (e.g., social gatherings, committees, etc.)	5.00%	7
Maybe	20.00%	28
No	68.57%	96
<b>Total</b>		<b>140</b>

# Sumner Citizens Association Survey on Westbard Development

February 2015

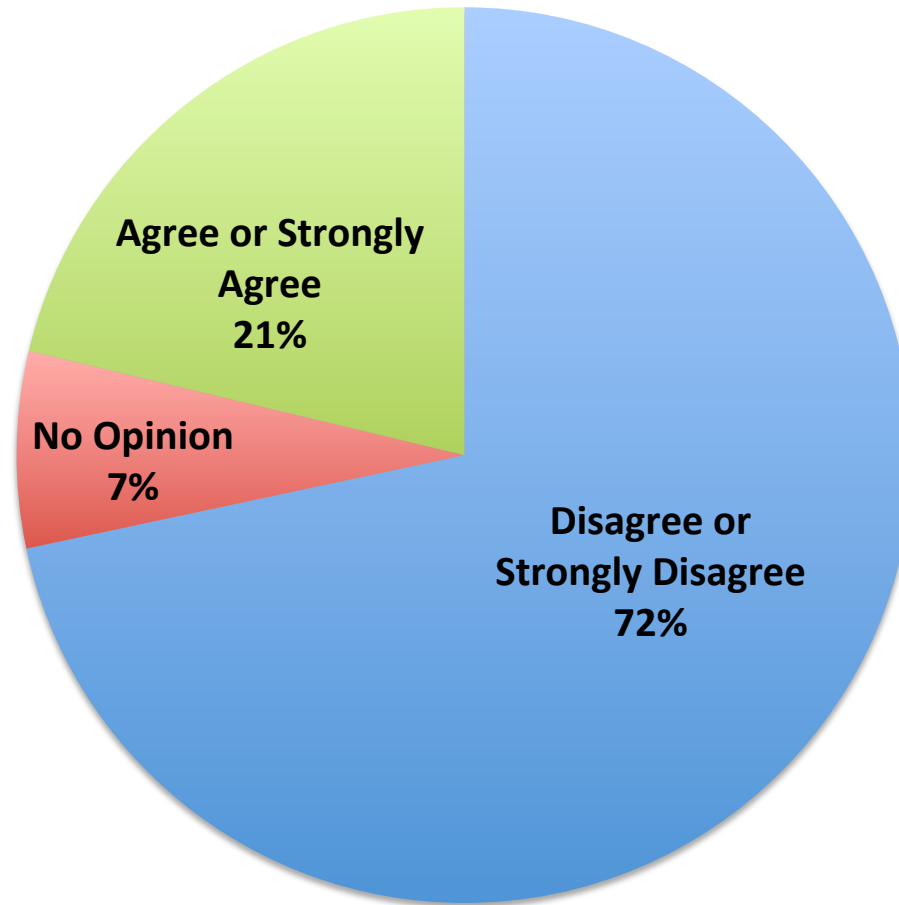
# Survey Methodology

- Survey was sent to Sumner Citizens Association via the ListServ
- Survey was open from Feb 3 – Feb 16, 2015.
- Several reminders were sent via the ListServ to complete the survey
- 130 individuals responded to the survey. This could include members of the same household.

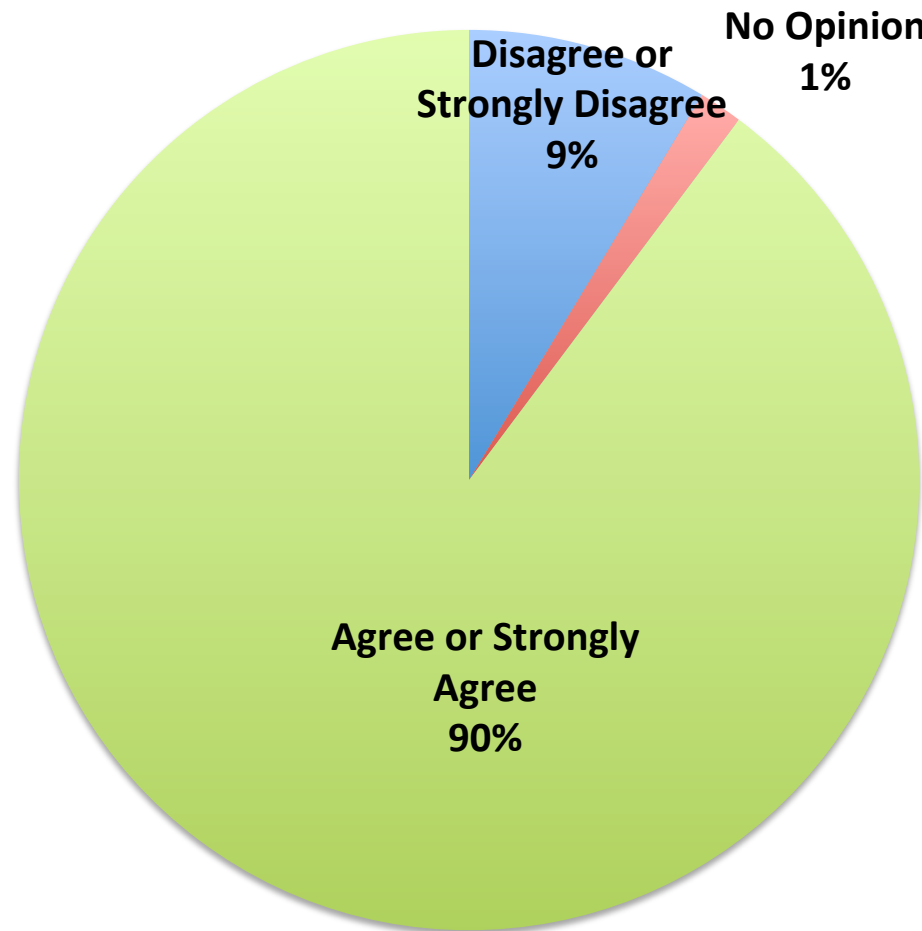


- Users were giving a range of answer options; for simplicity of the visuals, “Agree” and “Strongly Agree” are grouped together, as are “Disagree” and “Strongly Disagree”
- There was strong alignment on issues; Survey results are consistent with email and meeting feedback with neighbors

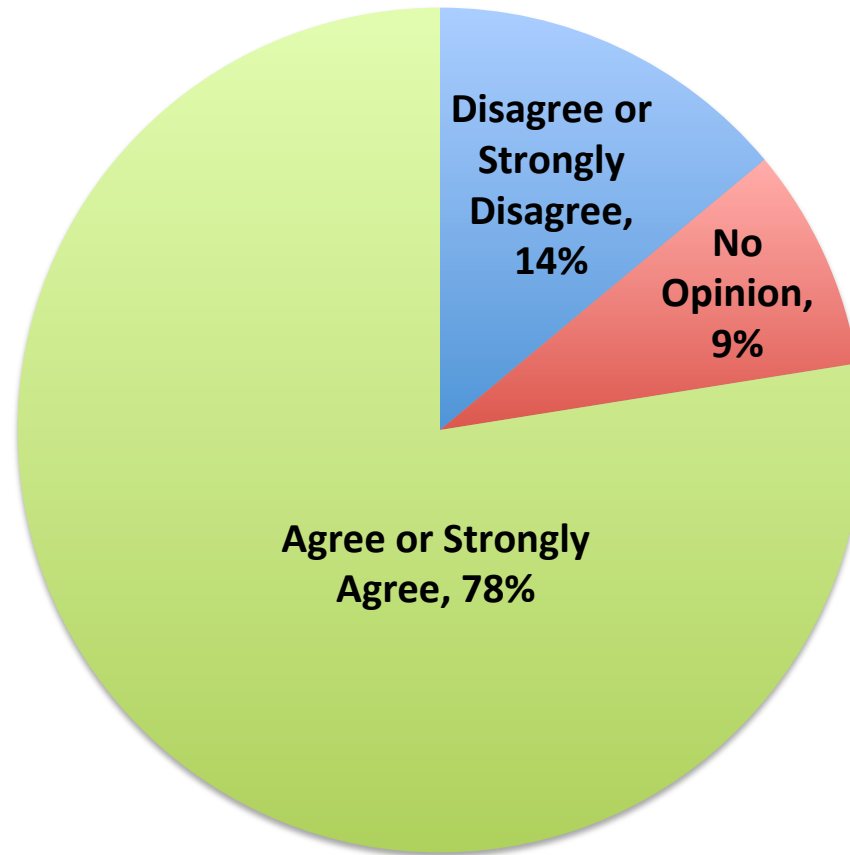
*I like the Westbard development exactly the way it is right now.*



*I think that the Westbard sector could be improved and would welcome new development if done responsibly, considering impact on traffic, schools and quality of life for neighbors.*

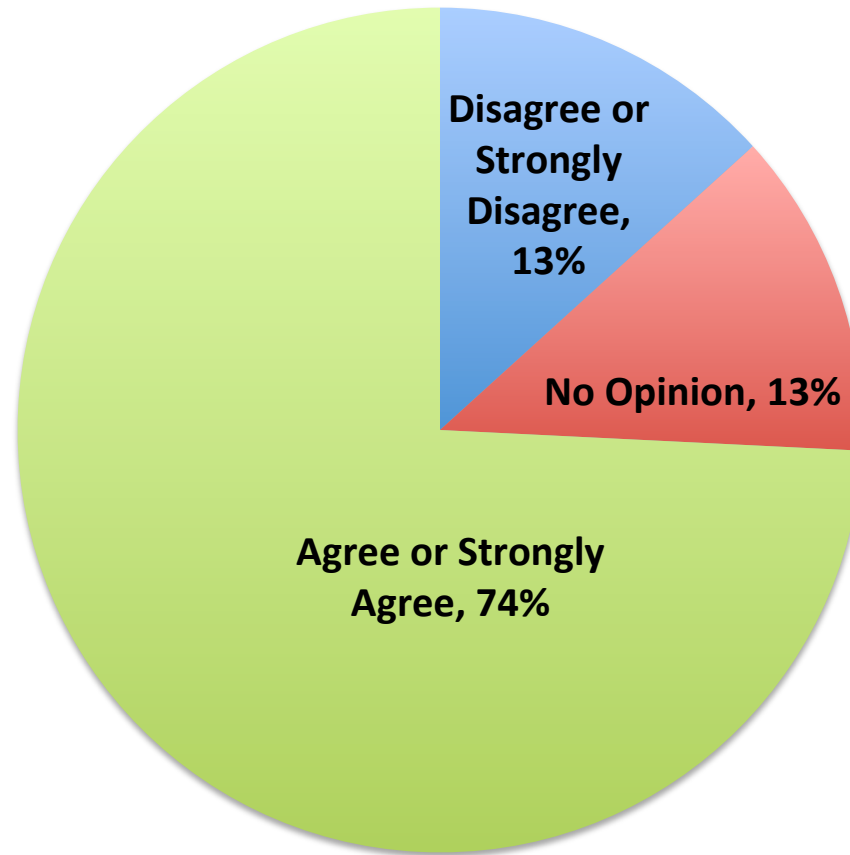


*Residential buildings that are 7 or 8 stories tall feel too large and institutional for the Westbard sector and the new development planned by Equity One.*

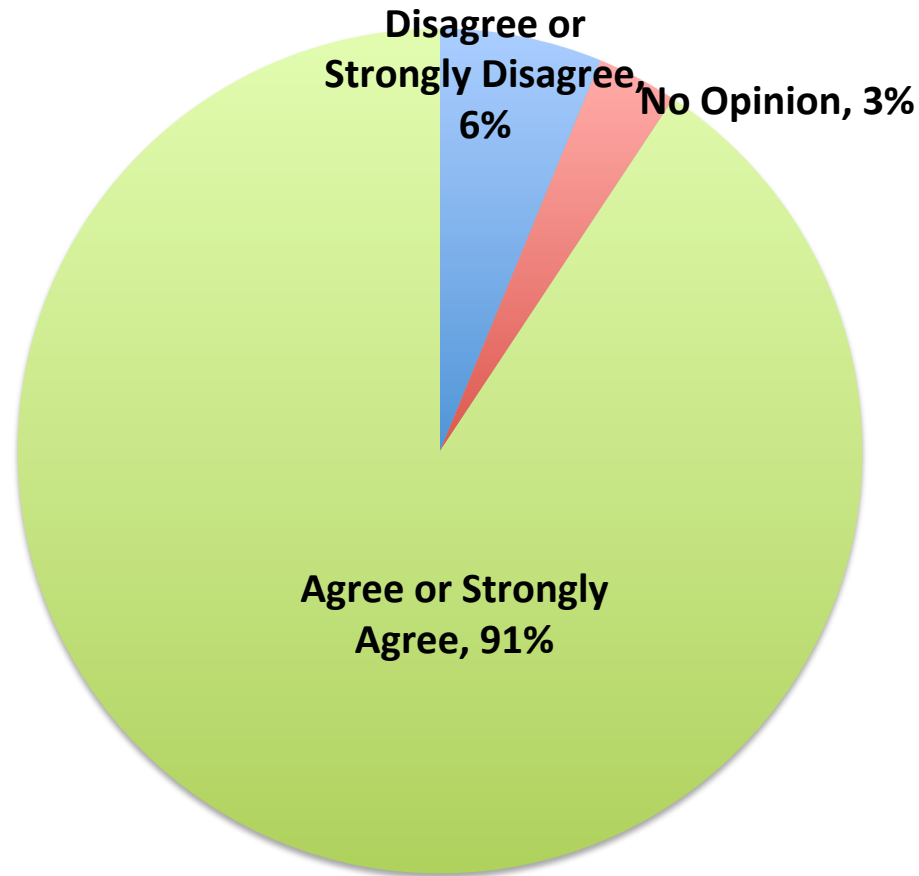




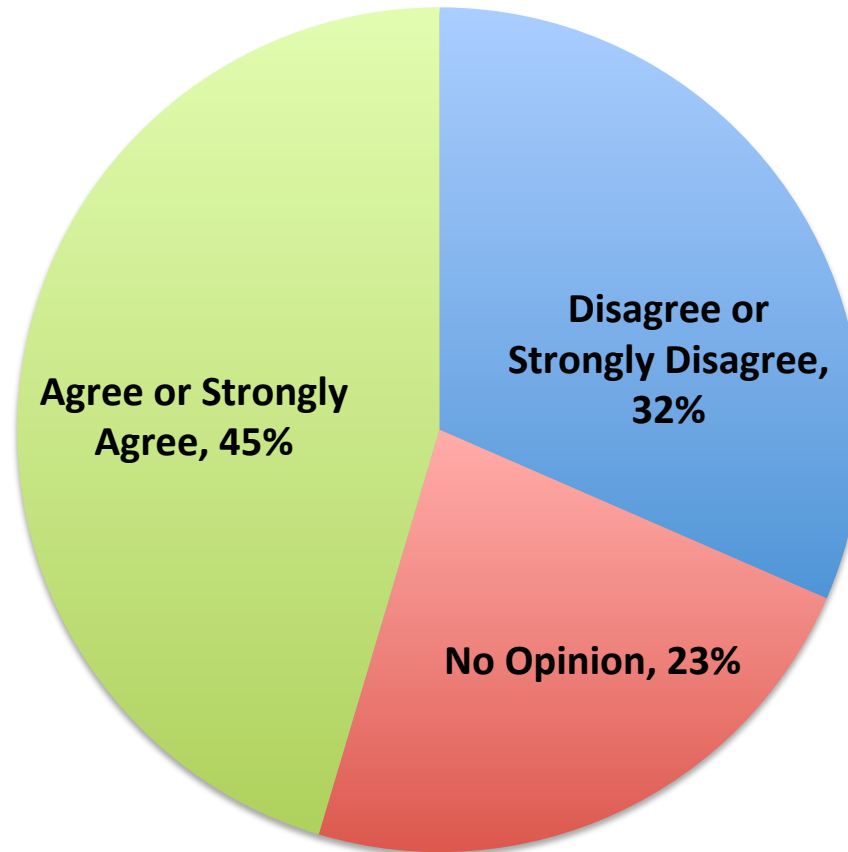
*I support limiting the height for all buildings in the Westbard sector to 50 feet (approx 5 stories).*



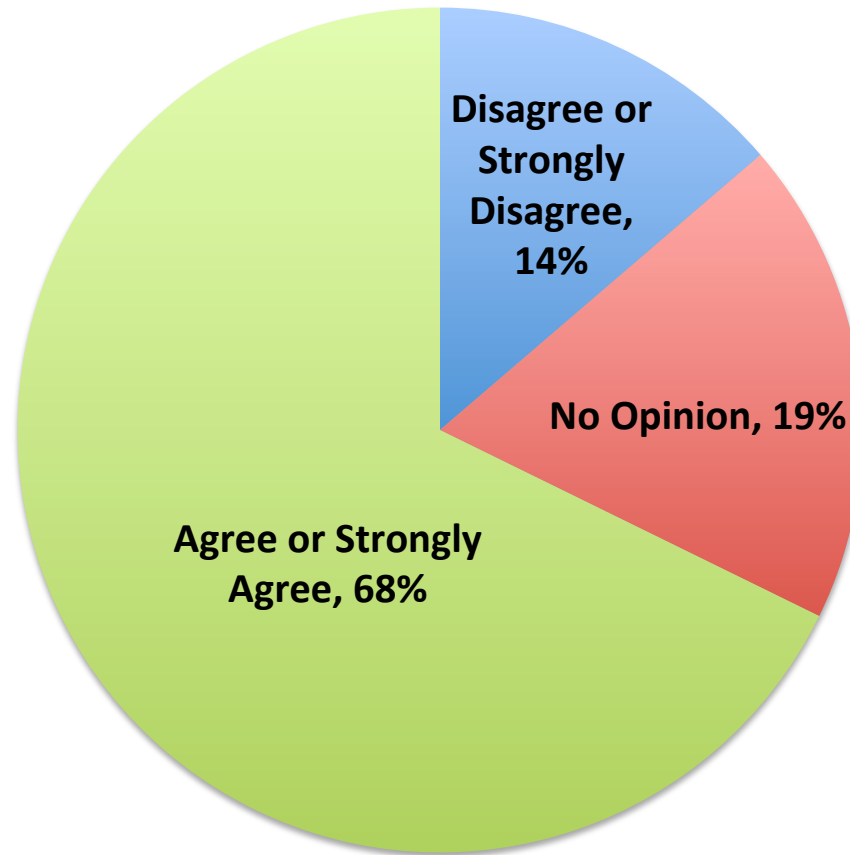
*I am concerned with the impact an increase of up to 2500 residential units will have on traffic in this neighborhood.*



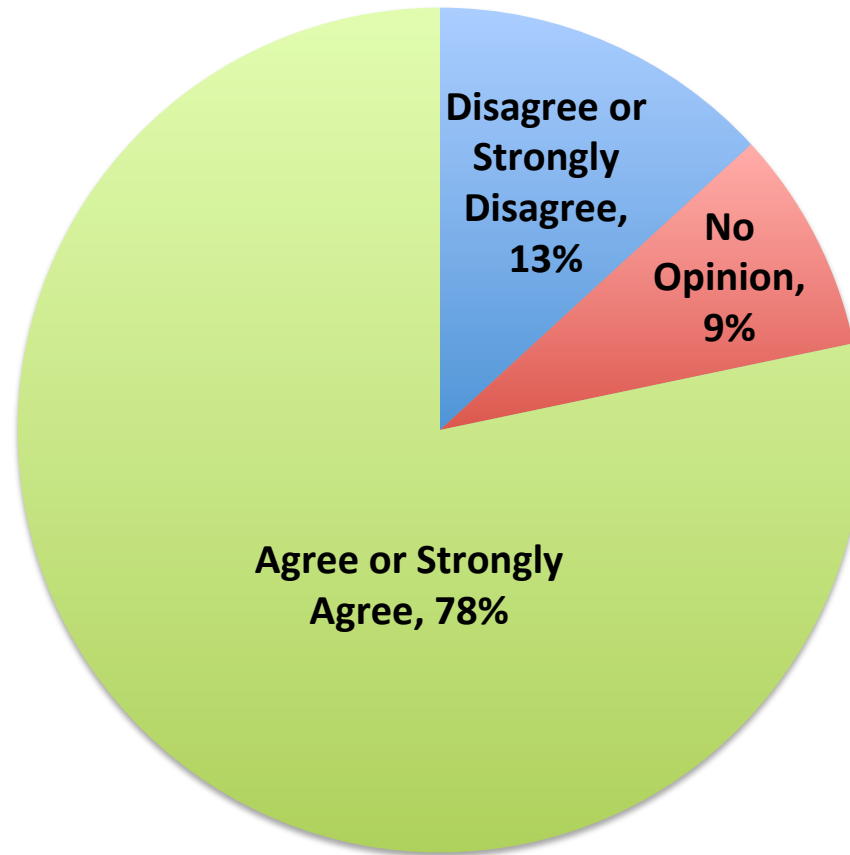
*Improving connectivity between River Rd. and Massachusetts Ave. is important to me.*



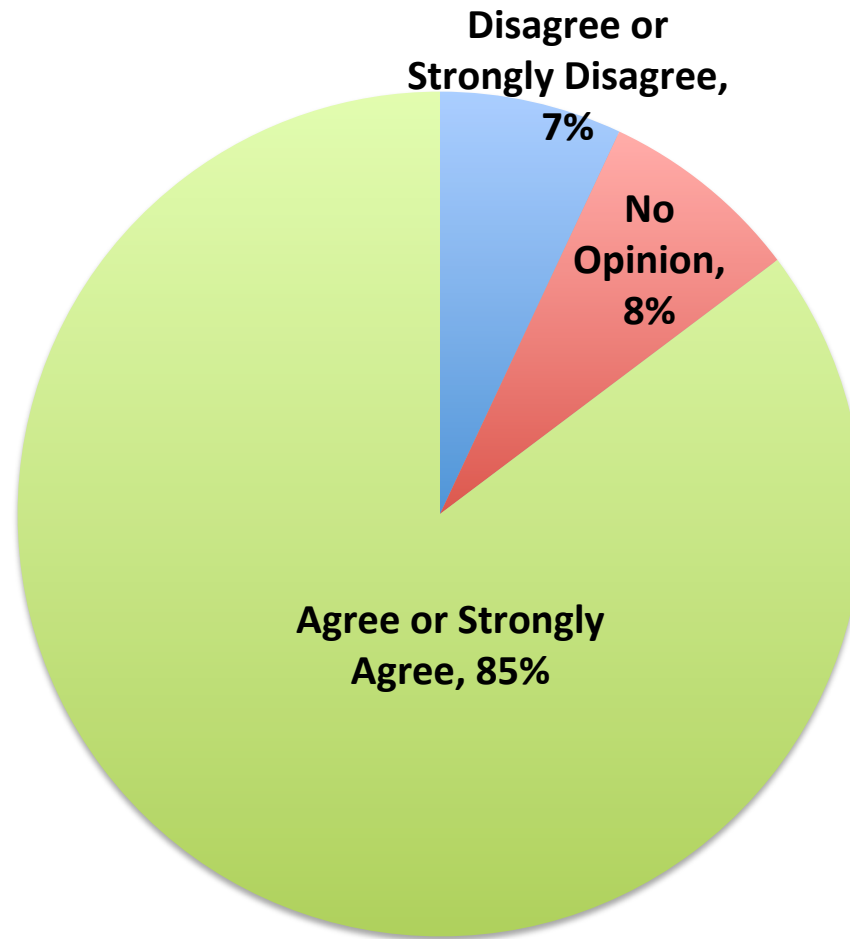
*I am worried that any significant redevelopment of the Westbard area will impact my access to River Road from Massachusetts Ave during construction.*



*I am worried that significant development of Westbard will increase cut-through traffic through Sumner.*

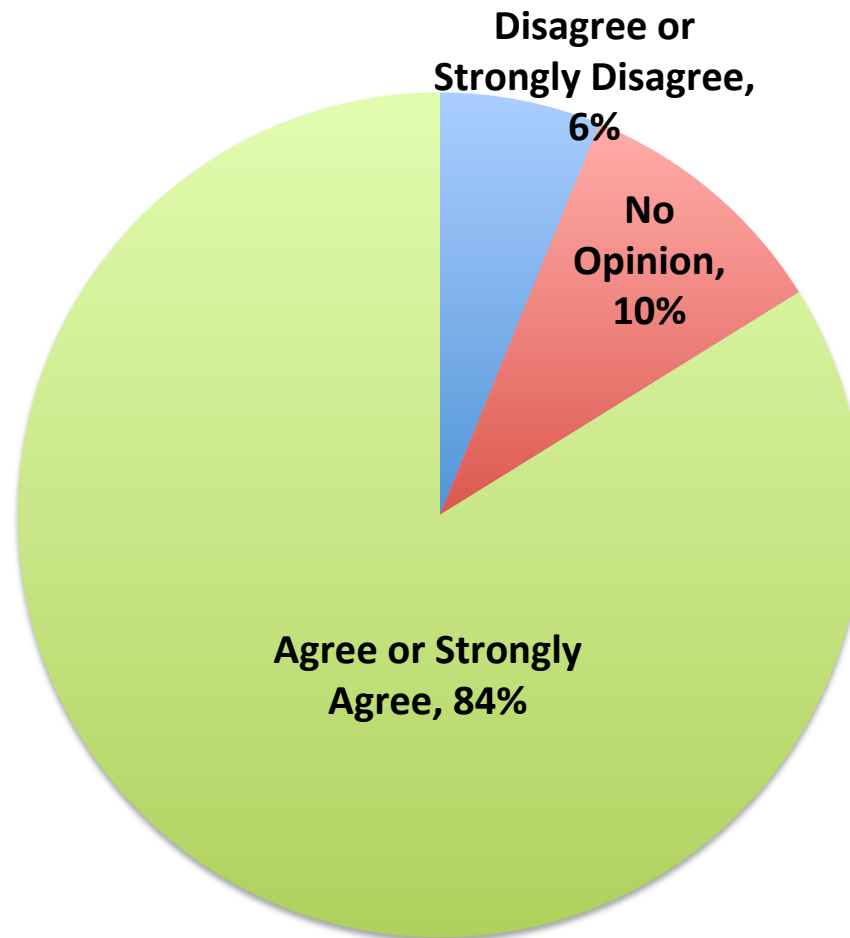


*I am concerned with the impact an increase of up to 2500 residential units will have on the quality of schools.*

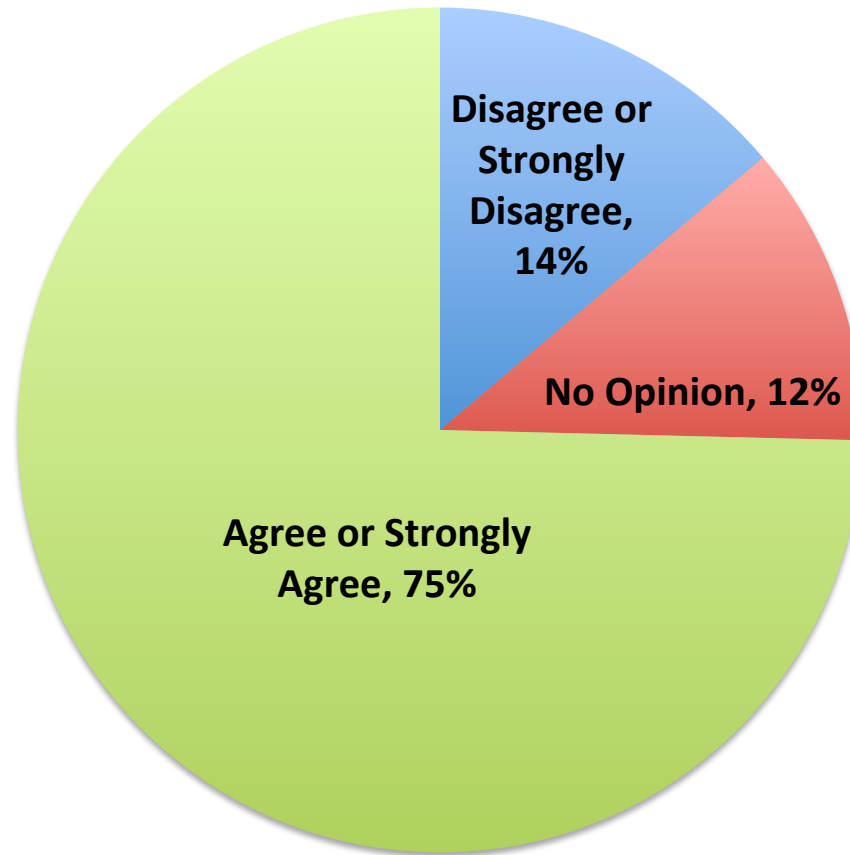




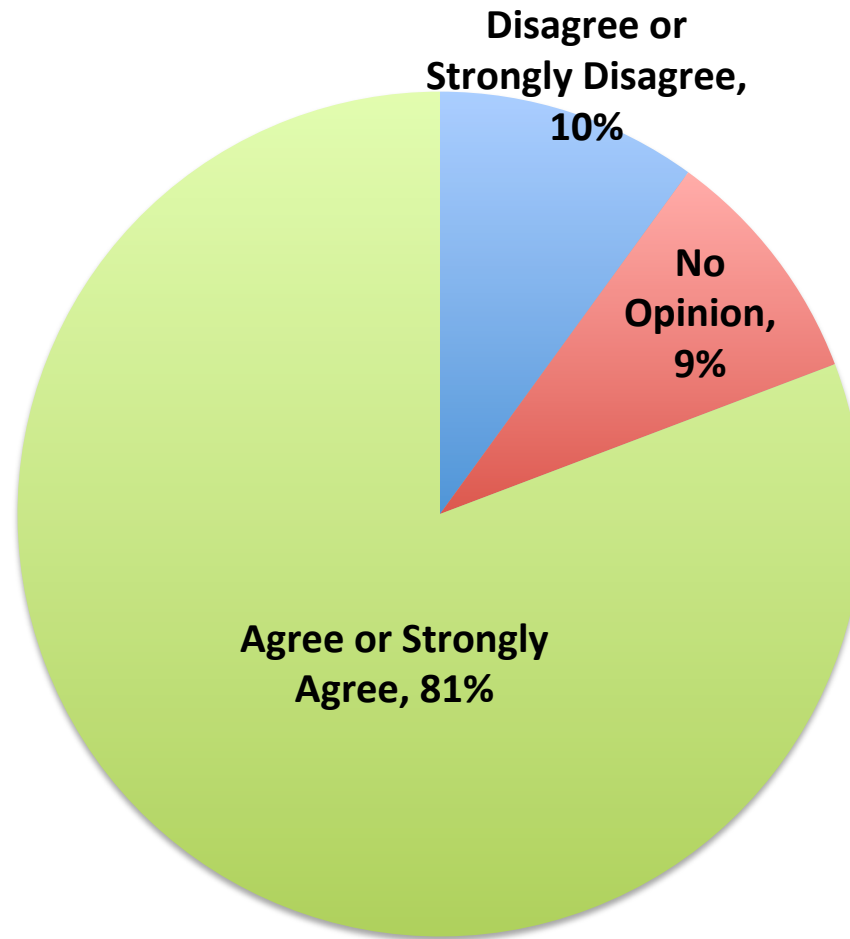
*Elementary, middle and high schools are all at capacity without an increase in residential units under the new plan. It is important to me that the class sizes at our public schools remain small and that no students need to be in temp classrooms.*



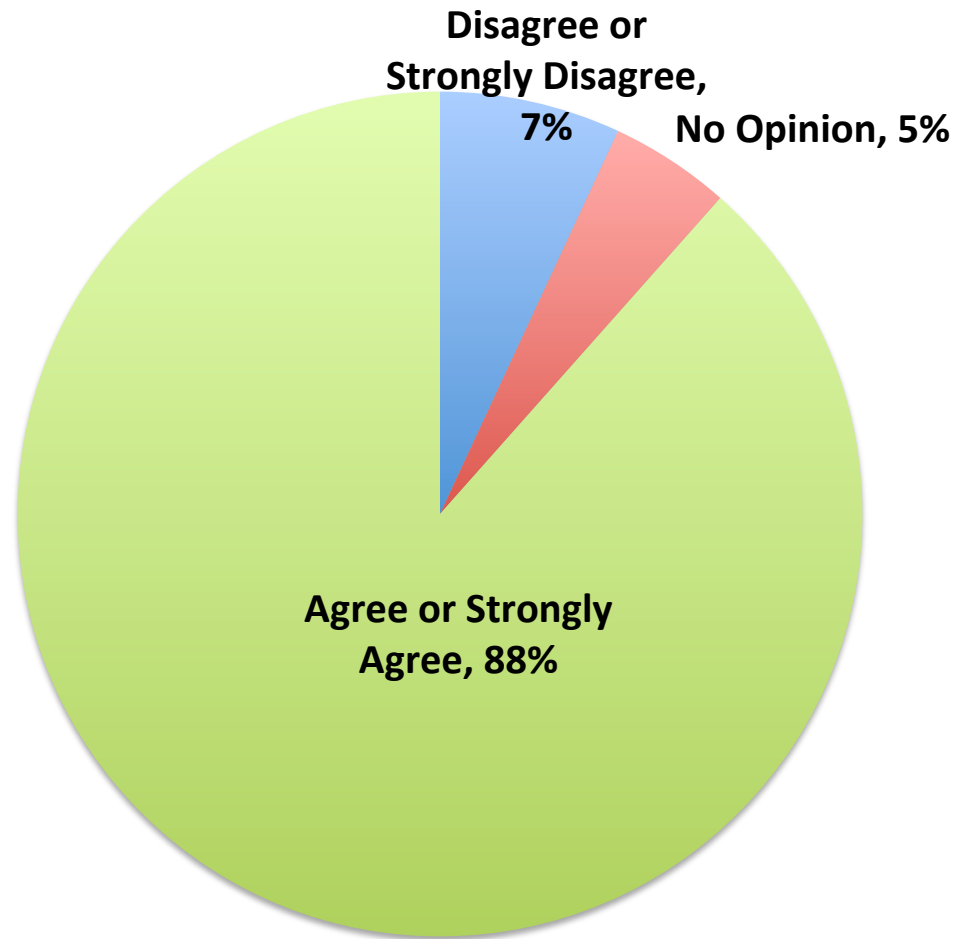
*It is important to have non-chain (Mom & Pop) businesses in the Westbard area.*



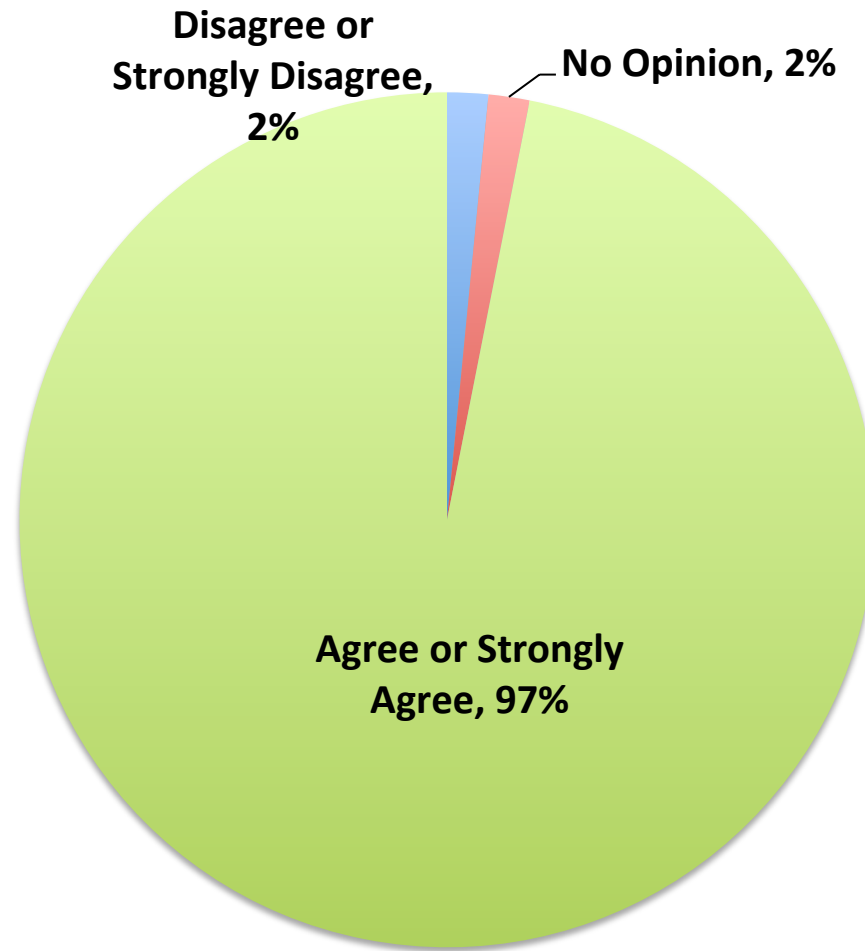
*It is important to keep some of the industrial zoning to provide for gas stations, auto repair, etc. in the neighborhood.*



*It is important to preserve free parking in the new Westbard development.*



*Preserving Little Falls Watershed and the Capital Crescent Trail is important.*



*Please rank the importance of these amenities (realizing that some increase in residential density in the Westbard Sector will likely be required to achieve these)*

	Not Important / Not Very Important	No Opinion	Important / Very Important
Better pedestrian and bike connectivity, in particular between neighborhoods and schools, and across River Rd.	15.38%	10.77%	73.85%
	20	14	96
Fix vehicular and pedestrian conflicts at River Rd and the Capital Crescent Trail	20.00%	15.38%	64.61%
	26	20	84
Naturalize the Willett Branch Stream	15.63%	33.59%	50.78%
	20	43	65
New Library in village center /new development area	42.63%	19.38%	37.99%
	55	25	49
More greenspace / parks / fields	12.31%	10.00%	77.70%
	16	13	101



# Raw Survey Results

	Strongly Disagree	Disagree	No Opinion	Agree	Strongly Agree	
I like the Westbard development exactly the way it is right now.	34.65%	37.01%	7.09%	12.60%	8.66%	
	44	47	9	16	11	127
I think that the Westbard sector could be improved and would welcome new development if done responsibly, considering impact on traffic, schools and quality of life for neighbors.	2.36%	6.30%	1.57%	38.58%	51.18%	
	3	8	2	49	65	127
Residential buildings that are 7 or 8 stories tall feel too large and institutional for the Westbard sector and the new development planned by Equity One.	6.20%	7.75%	8.53%	21.71%	55.81%	
	8	10	11	28	72	129
I support limiting the height for all buildings in the Westbard sector to 50 feet (approx 5 stories).	5.47%	7.81%	12.50%	14.84%	59.38%	
	7	10	16	19	76	128
I am concerned with the impact an increase of up to 2500 residential units will have on traffic in this neighborhood.	2.33%	3.88%	3.10%	17.83%	72.87%	
	3	5	4	23	94	129
Improving connectivity between River Rd. and Massachusetts Ave. is important to me.	13.85%	17.69%	23.08%	27.69%	17.69%	
	18	23	30	36	23	130
I am worried that any significant redevelopment of the Westbard area will impact my access to River Road from Massachusetts Ave during construction.	5.65%	8.06%	18.55%	29.03%	38.71%	
	7	10	23	36	48	124
I am worried that significant development of Westbard will increase cut-through traffic through Sumner.	2.33%	10.85%	8.53%	20.93%	57.36%	
	3	14	11	27	74	129
I am concerned with the impact an increase of up to 2500 residential units will have on the quality of schools.	3.10%	3.88%	7.75%	23.26%	62.02%	
	4	5	10	30	80	129
Elementary, middle and high schools are all at capacity without an increase in residential units under the new plan. It is important to me that the class sizes at our public schools remain small and that no students need to be in temp classrooms.	2.31%	3.85%	10.00%	15.38%	68.46%	
	3	5	13	20	89	130
It is important to have non-chain (Mom & Pop) businesses in the Westbard area.	3.85%	10.00%	11.54%	23.08%	51.54%	
	5	13	15	30	67	130
It is important to keep some of the industrial zoning to provide for gas stations, auto repair, etc. in the neighborhood.	4.62%	5.38%	9.23%	38.46%	42.31%	
	6	7	12	50	55	130
It is important to preserve free parking in the new Westbard development.	4.62%	2.31%	4.62%	20.00%	68.46%	
	6	3	6	26	89	130
Preserving Little Falls Watershed and the Capital Crescent Trail is important.	1.55%	0.00%	1.55%	14.73%	82.17%	
	2	0	2	19	106	129



October 17, 2016

Dear Mr. Anderson, Mr. Kronenberg, Ms. Wright, Mr. Marcolin, Ms. Paul, and Councilmembers and Staff:

The pending lawsuit, *SaveWestbard Plaintiffs v. MoCo County Council* (filed Sept. 19, 2016) speaks for itself. For the procedural and substantive reasons set forth in the Complaint, the Westbard Sector Plan is null and void, illegal and defunct. As such, the Equity One Sketch Plan – currently under review by the Planning Board – is invalid as it draws upon the legally defective Westbard Sector Plan.

Nevertheless, in order to protect residents' rights in this matter, and because the Planning Board is currently reviewing the proposed Equity One Sketch Plan, which may be vacated shortly, we offer the comments below in good faith.

***The comments herein do not constitute SaveWestbard's acquiescence to or acceptance of the legal validity of the Westbard Sector Plan or of the proposed Equity One Sketch Plan.***

**Community Survey, October 6-11, 2016:**

From 6:00 a.m. on October 6, 2016 through 3:00 p.m. on October 11, 2016, the Westbard community actively participated in a [Community Survey](#) which directly addressed the proposed Sketch Plan details. Three hundred and sixty-two Westbard-area residents completed the survey – a statistically significant level of response relative to the size of the surrounding community.

Generally speaking, local opinion remains unchanged [since May, 2016](#). The survey demonstrates that 93% of Westbard-area residents reject the building heights and densities set forth in the proposed Equity One Sketch Plan. The full survey results (which display the actual questions) are linked [here](#); although the names and addresses of our 362 Westbard-area respondents have been withheld for privacy reasons. If you would like to confirm that all respondents are Westbard-area residents, we would be pleased to show the related

documentation to you, but it may not be copied or shared. Further substantiation for the credibility of the survey results may be found in the [Survey Methodology Statement](#).

The overwhelming majority of Westbard-area residents oppose this massive re-development and urbanization project. Westbard-area residents request/have requested an updated shopping center, with a reasonable amount of new density (580 new units). Despite known and quantifiable resident opposition, however, majority opinion has been thwarted by the Planning Board and the County Council to-date.

### **Sketch Plan Particulars in light of the Community Survey:**

**1. Too Much Density (93.37% agreement).** 93.37% of respondents agree with the statement that “Massing is too dense/tall and is incompatible with the adjoining development.” This finding refutes the Sketch Plan narrative, which states that proposed massing is compatible with surrounding development.

The survey finding on massing echoes the overwhelming majority of density-specific comments and written statements submitted to the Planning Department, the Planning Board, and the County Council during this entire process. Opposition to the unreasonable density dump has been residents’ number one, unifying theme, since the very inception of this process. Our schools and roads simply cannot handle the stress of this high-density, enormous development. Moreover, quantifiable community reaction, pursuant to the survey, reveals that these concerns have not been allayed.

Regarding traffic congestion in particular: The lack of a formal traffic study and the lack of a formal environmental assessment regarding the effect of this proposed development upon greenhouse gas emissions and vehicle miles traveled represents a fiduciary and statutory failure on your part. Given that the Sketch Plan proposes to deliver an estimated 1.8 million square feet of residential and retail space and on-site parking for 2,079 to 4,013 vehicles, formal environmental and traffic studies are imperative.

Westbard residents’ real-time experience and collective common sense may readily confirm the following for you: Traffic congestion and school over-crowding already exist in our community; hence, the continuous community opposition to Equity One’s plans for our community. This on-going community opposition to building height and density proposed in the Sketch Plan demonstrates that proposed massing should be reduced to provide for mixed-use redevelopment at Westbard at building height and density levels acceptable to the surrounding community.

**2. Too Little Public Open Space (94.75% agreement).** 94.75% of respondents agree with the statement that “Far too little public open space is proposed in light of the scale of proposed development and the goal of the Westbard sector plan to create public recreational, gathering and relaxation spaces.”

The Sketch Plan offers a mere one-third acre Civic Green for the residents. Further, the entirety of proposed public space will shrink by 45% from what is currently provided (from 3.05 acres to 1.69 acres). The proposed public use area is excruciatingly tiny and wholly inadequate for the proposed density, and it does not meaningfully realize the objective of the \*illegal\* Westbard Sector Plan to “add a network of green open spaces connected by trails and bikeways that provides places for outdoor recreation, gathering and relaxation.”

All too frequently, Bethesda routinely loses its green space to developers. In this context, we reference the [Protect Bethesda Open Space](#) campaign which focuses on this issue for downtown Bethesda. In the wider community, engaged residents recognize that Montgomery County thirsts for Bethesda/Chevy Chase taxpayers, thus requiring that open space in the Bethesda/Chevy Chase area be rendered “profitable” – i.e., developed beyond repair and stuffed with future taxpayers; hence, the evaporation of green space in our Bethesda/Chevy Chase communities. Please protect Bethesda open space.

**3. Traffic Study Needed due to Increased Traffic/Road Re-design (93.65% agreement).** 93.65% of respondents agree with the statement that “Proposed onsite traffic and street redesign could increase road traffic and congestion, and encourage drivers to seek alternative routes through neighborhoods. A detailed traffic study is needed before approving the proposal.”

Community views on this subject are consistent with residents’ comments and statements to the Planning Department, the Planning Board and the County Council during the entire process, which overwhelmingly expressed concerns about aggravating already excessive traffic congestion. Westbard Avenue is the primary thoroughfare serving the proposed development and serves a key role in providing access to River Road and Massachusetts Avenue for surrounding neighborhoods. Survey results demonstrate that neither the \*illegal\* Westbard Sector Plan nor the proposed Sketch Plan allay residents’ concerns that the proposed redesign of Westbard Avenue will impede traffic flow.

*SaveWestbard* is concerned that the proposed Sketch plan will impede vehicle access and traffic flow along Westbard Avenue by installing 13 foot sidewalks, new bicycle paths (5 feet on each side of the road) and on-street parking. The effects of realigning Westbard Avenue to flow directly into an already-congested River Road should also be studied. In addition, the Sketch Plan does not contain sufficient data to demonstrate that a proposed Westbard Avenue shuttle to nearby Metro stations will be sufficient to alleviate traffic congestion associated with the proposed project.

As noted above, a formal traffic study has yet to be undertaken with respect to the Sketch Plan’s proposed redesign of Westbard Avenue and provision of on-site parking for 2,079 to 4,013 vehicles. In addition, this formal traffic study is needed to prepare an accurate environmental assessment of the proposed development, as required under Montgomery County statute, to evaluate the proposed project’s carbon footprint, and impact on greenhouse gas emissions and vehicle miles traveled. The Council’s failure to conduct an environmental assessment during the \*illegal\* Sector Plan process, as required by law, is one of the legal deficiencies cited in the *SaveWestbard* lawsuit.

In short, the slipshod treatment of environmental matters in the Westbard matter is disturbing. Bill Turque's recent article in [The Washington Post \(Metro 10/13/16\)](#) notes that Mr. Roger Berliner and Ms. Nancy Navarro have proposed a bill to divest the County employees' pension fund of any stocks invested in fossil-fuel companies. In the article, the Councilmembers reference the effects of climate change and state that the county "should not be investing in the very companies that undermine our commitment to sustainability," citing past Council bills and resolutions to limit carbon emissions and to promote clean energy. These lofty goals should have been addressed and applied during the \*illegal\* Westbard Sector Plan process. See [Plaintiff Stinson Letter to MoCo Planning Board, dated Oct. 15, 2016](#).

**4. Utility Lines and Parking should be Buried (90.88% agreement).** 90.88% of survey respondents agree with the statement that "All utility lines and multi-story parking should be underground for reliability and aesthetic reasons."

**\*\*\*Utility Lines.** Above-grade utility poles are outdated, aesthetically displeasing, less durable than buried lines, and thoroughly inconsistent with the stated Sector Plan goal to provide presumably pleasant places for "outdoor recreation, gathering and relaxation." Further, the use of above-grade utility poles is antithetical to the design excellence strategy to which Equity One has committed.

**\*\*\*Parking.** The proposed multi-story above-ground parking lot infiltrates the Willett Stream buffer zone and the proposed greenbelt area, ruins our open vistas, and is a detriment to the environment. The proposed structured parking garage is not aesthetically pleasing and it is decidedly incompatible not only with Equity One's commitment to design excellence but also with the open space and sustainability goals outlined in the \*illegal\* Westbard Sector Plan. The disrespect for the environment is profound, and we refer you to the discussion of environmental problems inherent in this proposed Sketch Plan as addressed in the [Comments of the Little Falls Watershed Alliance, dated Aug. 17, 2016](#).

**5. Possible Cemeteries should be Protected (84.81% agreement).** 84.81% of survey respondents agree with the statement that "To ensure appropriate site design, an archaeological study and, if needed, a reburial plan should be completed before the sketch plan is approved."

A complete archaeological study should be undertaken to protect the possible desecration of African-American cemeteries. Credible local history accounts indicate that the cemeteries exist(ed) in/near/around the Westbard redevelopment site. Pursuant to Maryland Burial Law, no new building should be allowed in this area unless and until a formal study substantiates or debunks the existence of the presumed graves. If the graves exist, then proper human respect and decency demand their re-burial.

**6. No New Buildings in the Willett Buffer Zone (91.44% agreement).** 91.44% of survey respondents agree with the statement that "No new building construction should be allowed in the Willett Branch stream buffer zone."

[As recommended by LFWA](#), and as discussed above in *Point No. 4, Parking*, no new building construction should be permitted within the Willett Branch stream buffer zone,

including the building planned for the Bowlmor site and the proposed structured parking facility behind the HOC building. These structures are incompatible with the restoration of the Willett Branch, with the creation of a public greenbelt, and with the sustainability goals outlined in the \*illegal\* Westbard Sector Plan. Moreover, new building construction in the stream buffer zone compromises stormwater management objectives and reduces the areas available for wildlife habitat and public green space.

In addition to the results of the Community Survey, and the discussion of the survey's data points, above, *SaveWestbard* hereby adopts and incorporates herein by reference the [Comments of Westbard resident, Leanne Tobias, dated Sept. 30, 2016.](#)

### **Conclusion:**

The [October, 2016 Community Survey](#) conducted by *SaveWestbard* demonstrates that Westbard area residents are **overwhelmingly dissatisfied** with:

- The Sketch Plan's reliance on excessively dense/tall building massing incompatible with surrounding development, including residential areas. **(93.37%)**
- The Sketch Plan's failure to provide sufficient public open space. **(94.75%)**
- The Sketch Plan's failure to sufficiently address traffic congestion issues, including the effects of the proposed redesign of Westbard Avenue. **(93.65%)**
- The Sketch Plan's failure to place all utility lines and on-site parking underground. **(90.88%)**
- The Sketch Plan's failure to ascertain or disprove the existence of possible cemeteries on the proposed development site and, if needed, to propose a reburial plan, as required under Maryland law. **(84.81%)**
- The Sketch Plan's recommendation to construct new buildings in the Willett Branch stream buffer zone. **(91.44%)**

Residents were told, repeatedly, by you, our Montgomery County government officials, that Sector Plans are never fully built-out; however, that is exactly what is on-tap here. The proposed Sketch Plan's deficiencies, as discussed herein, demand redress and we submit that this Sketch Plan requires a serious dismantling and re-working. In addition to challenging the legality of the Westbard Sector Plan, *SaveWestbard* believes that neither the Sector Plan's content, nor the process adopted to approve it, gives appropriate weight to the expressed needs and desires of Westbard area residents.

We note, finally, that Equity One's Mr. Brown thinks the proposed Sketch Plan will "greatly enhance the Westbard area of the County." We disagree. We did not ask that our suburban community be urbanized in favor of a New York developer.

***The comments herein do not constitute SaveWestbard's acquiescence to or acceptance of the legal validity of the Westbard Sector Plan or of the proposed Equity One Sketch Plan.***

*In Solidarity with the Overwhelming Majority of Westbard Area Residents, as Substantiated by Two Community Surveys, [one in April, 2016](#), and [one in October, 2016](#), I remain, most cordially,*

***Patricia E. Kolesar***

**Patricia E. Kolesar for SaveWestbard, Inc.**

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