



# MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**

**Item #**


**9/11/08**

August 29, 2008


## MEMORANDUM

**TO:** Montgomery County Planning Board

**VIA:** Glenn Kreger, Acting Chief  
Community-Based Planning Division

Bill Barron, Team Leader  
Community-Based Planning Division 

**FROM:** Piera Weiss, Planner Coordinator (301.495.4728)  
Bethesda-Chevy Chase/North Bethesda Team  
Community-Based Planning Division

 N'kosi Yearwood, Senior Planner  
Bethesda-Chevy Chase/North Bethesda Team  
Community-Based Planning Division

**SUBJECT:** White Flint I Sector Plan - Preliminary Recommendations

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**STAFF RECOMMENDATION:** Staff is requesting guidance from the Planning Board regarding the direction of the White Flint I Sector Plan. Given the Board's direction, the next step will be either the submission of a draft plan to the Planning Board with a request to set a public hearing date, or another worksession.

## BACKGROUND

The attached document contains preliminary recommendations for the White Flint I Sector Plan area. It sets forth the Plan concept, land use and zoning recommendations, and area-wide recommendations for mobility, sustainability, public infrastructure, and staging to support the proposed land use.

In April 2008, the Planning Board received a status update on the Sector Plan. This presentation highlighted the overall direction of the Plan, including updates on the Community Viz analysis (a 3D GIS-based land use scenario program), transportation modeling, and infrastructure financing.

Staff has since reviewed the results of the transportation analysis, refined the land use and zoning recommendations accordingly, and crafted the tools to implement this Sector Plan amendment.

### **Advisory Committee Presentations**

Staff held meetings on July 22, 2008 and August 28, 2008 to present the preliminary plan recommendations to the advisory committee.

### **Overview of the Land Use Recommendations**

The preliminary land-use recommendations would yield a total of more than 14,000 dwelling units and 13,000,000 square feet of non-residential development. The total amount of square footage supportable by the proposed mobility plan is between 28-30,000,000 square feet, depending on the mix on non-residential and residential uses.

There is a direct relationship between how much development can be proposed and the capacity of the proposed road network, an issue discussed in greater depth later in this memorandum. In addition, the zoning recommendations would generate the following:

- As much as 45 acres of public use space, required by the TMX zone.
- Approximately 1,050 Moderately Priced Dwelling Units (MPDUs) and 730 workforce housing units.

### **Relationship to the Transportation Policy Report and the I-270 Corridor**

The Planning Board's January 2002 *Transportation Policy Report* (TPR) was a comprehensive analysis of Countywide land use and transportation strategies. The TPR examined two community analysis zones, 136 and 137, within the 1992 White Flint Sector Plan (part of the *North Bethesda/Garrett Park Master Plan*). The jobs/housing projection for these two analysis zones were reviewed against Council of Governments (COG) regional forecasts.

The COG 2030 Forecast Round 7.0 proposed a 2.17 jobs/housing ratio for the Sector Plan area, the TPR land use recommendation proposed 1.18 jobs/ housing ratio. In comparison, the 1992 Plan (which covered a larger area than the two analysis zones) proposed 6,700 units and 32,000 jobs, a 4.8 jobs/housing ratio.

A year later, the County Council's *Ten Year Transportation Plan* (2003) supported the TPR land use policy since it would promote increased opportunities for residents to live closer to work and near Metro stations.

The proposed land use recommendations in the *White Flint I Sector Plan* are intended to get closer to the jobs/housing balance of the TPR land use recommendation. The proposed land uses will result in a 2.8 jobs/housing ratio, which is much closer to the alternative TPR scenario and far better than the 1992 proposed jobs/housing ratio.

## ISSUES FOR WHICH STAFF REQUESTS GUIDANCE FROM THE PLANNING BOARD

### 1. *Specific Site Issues:*

#### a. *MARC Station Site: Should staff recommend both sites in the Plan?*

There are two possible sites for a MARC station. The preferred site is east of Nebel Street opposite the intersection with Old Georgetown Road and better serves the highest development densities proposed at the Metro station. A new road will need to be built and a provision made for bus connections to MARC. The second site is farther south of the Metro station, but adjacent to where Nicholson Lane crosses over the CSX railroad tracks and properties with greater redevelopment interests that would facilitate station access to a much larger community. Staff recommends keeping both options at this time.

#### b. *Elementary School Site: Should staff recommend both sites in the Draft Plan?*

There are two possible sites for a public school. Staff looked at additional sites, but found insurmountable problems, such as long-term lease arrangements. Staff met with the affected property owners and developed two options—the first on two adjacent parking lots owned by the White Flint Mall and White Flint Plaza, approximately 3.5 acres, adjacent to the White Flint Local Park and the second on land adjacent to Wall Park and the Aquatic Center, approximately 3.09 acres. Both these sites were recommended for park schools in the past. Staff is working closely with MCPS staff to examine the feasibility of both sites. The communities are concerned that the location of a school on a small site and next to a park will have negative impacts on the parks. In the case of Wall Park, the school site would be on the same property as the proposed relocation of the surface parking lot for the Aquatic Center.

Staff recommends keeping both options at this time so that we and the MCPS staff can examine in detail the constraints on both sites.

### 2. *Does the proposed amount of density provide the incentive to redevelop or should more density be considered, given the expected effect more density will have on congestion?*

#### a. *Acceptable Levels of Congestion*

The results of the transportation analysis for the current staff proposal indicate that Local Area Transportation Review (LATR) standards can likely be met with a proposed expansion of the Metro Station Policy Area boundary to encompass the full Plan area. The Policy Area Mobility Review (PAMR) analysis indicates higher levels of congestion than allowed in the current Growth Policy.

The transportation analysis involved LATR, PAMR, and a determination of an acceptable congestion level. It tested the capacity of the proposed transportation network with different mixed-use scenarios. There were three trip generation assumptions in the analysis:

- Development in Metro Station Policy Areas has a lower vehicle trip generation rate than development elsewhere in Montgomery County, because of the availability of high-quality transit.



- Future commercial development in White Flint can be expected have a lower vehicle trip generation rate than current development due to the County's commitment to transportation demand management strategies including policies and programs designed to affect commuter behavior such as: parking management, excellent sidewalk and bikeway facilities, improved access to Metro and MARC, and expanded circulator bus services.
- Residential development can generally be expected to have a lower vehicle trip generation rate than commercial development.

If the balance between residential and non-residential uses is shifted in favor of residential development, greater density is possible. From a land-use perspective, a shift toward residential uses would comport with the desired jobs/housing ratio and, more importantly, create the kind of urban center and neighborhoods where people would want to live.

There are three mobility principles behind the transportation analysis:

- An enhanced grid street network can diffuse congestion. The Plan recommends a grid street network that includes business district streets and a finer grain of local connections, including private streets, for more direct pedestrian circulation. This robust network relieves pressure on Rockville Pike and Old Georgetown Road, the two major highways that have the most congestion in the Plan area, and provides choice of routes within the Plan area.
- Walkable street connections encourage non-vehicular mobility. During the past year, staff considered additional options to increase mobility, including restrictions on vehicular access such as no-left-turns or one-way streets, higher modal share goals, and additional street connections both within and outside the Plan area. The Plan includes strategies that are aggressively pro-pedestrian, achievable, and affordable.
- The Plan should reflect the County's growth policy objectives for mobility, but additional congestion should be contemplated. To that end, the entire Sector Plan boundary should be considered a Metro Station Policy Area and able to support area-wide congestion levels consistent with the Planning Board's May 2007 Growth Policy proposal to the County Council.

*b. Should the goal be to favor residential uses?*

The relationship between traffic generation and the residential/non-residential mix is such that the greater the residential component, the more overall density can be accommodated. As currently proposed, the total development square footage that can be accommodated in the transportation analysis is between 28,000,000 and 30,000,000 square feet, depending on the residential/non-residential mix.

A goal of 60 percent residential/40 percent non-residential for new development could yield a total square footage at the higher end of the range, as reflected in the table below. Some members of the development community are concerned that the 60/40 mix is not flexible enough to accommodate future market conditions and prefer a range between 50/50 and 60/40. Staff believes that more density, with an emphasis on residential uses, better achieves the Plan's goals.

<b>Proposed Development Capacity</b>			
Existing and Approved Residential Units	4,500	Existing Non-Residential Square Feet	8,600,000
Additional Residential Units	9,700	Additional Non-Residential Square Feet	5,000,000
Total Residential Units	14,200	Total Non-Residential Square Feet	13,600,000
	14,200		

- c. *Would an even higher level of overall density provide more incentive to redevelop and better accomplish the Plan goals, even if more congestion might occur?*

The development community is concerned that the proposed densities are still not sufficient to encourage redevelopment, especially on sites outside the Metro core area. Staff proposes an FAR of 2.5 or less in these areas.

There is some evidence in other parts of the country that urban scale, transit-served development does not always result in higher traffic congestion. Staff notes that the road infrastructure needed to support the proposed development would be the same as for more development. There are no additional roads within the boundaries of the Plan area that would improve mobility.

As explained earlier, there is a balance between congestion, allocation of the non-residential and residential mix, and the total amount of development that can be accommodated. Staff recommends a level of development and a mix of uses that can be accommodated given the construct of the transportation model and assumptions about trip generation.

It is possible that if development were staged with a detailed monitoring program of traffic conditions and other public facility needs, that more development could be accommodated, but over a longer time than the typical 15-20 year sector plan time horizon. The monitoring program would have to include provisions for other transportation analyses such as a sector plan or Annual Growth Policy recommendation for a cordon line cap to support additional densities should the Sector Plan trip generation assumptions prove conservative.

The public infrastructure staging herein recommended by Staff presents an opportunity to provide additional density. In principle it might be possible to have a density range associated with the Staging Plan. Areas within Stage 1 could proceed as recommended, because those areas have the higher densities and much of the critical infrastructure.

For those properties not designated as Stage 1, development approvals would be possible, but at a reduced density and with the responsibility to provide a greater share of the needed infrastructure. This same principle would be applied to Stage 3 and, if necessary, a Stage 4. With this approach, those property owners willing to wait until the Staging Plan applied to their properties would be able to realize a higher density.



3. *Is 0.5 the appropriate standard method FAR for all properties recommended for TMX zoning?*

The TMX zone, as currently proposed, allows a standard method FAR range of 0.25 to 0.5. As a reference, a 0.5 FAR on one acre would support about 20,000 square feet of retail and the requisite surface parking lot. The existing FAR in the General Commercial (C-2) zones in White Flint ranges from 0.2 FAR to 1.0 FAR and there is a generous amount of surface parking.

The maximum density in the C-2 Zone is 1.5 FAR. The other zones and associated maximum FAR in the Plan area are:

- Commercial Office (C-0) with a maximum of 3.0 FAR
- Office Building, Moderate intensity (O-M) with a maximum of 1.5 FAR
- Low-intensity, light industrial (I-4) with a maximum of 1.0 FAR
- Light Industrial (I-1) with no FAR limit.

The 1992 White Flint Sector Plan recommended two floating zones, Transit Station, Residential (TSR) and Transit Station, Mixed (TSM) zones, and limited the FAR to 2.5 and 2.4 FAR respectively. These zones were applied by the County Council in local map amendments and in conjunction with a development plan.

Staff has analyzed the TMX Zone relative to existing development and believes there are two options:

- Set the standard FAR to the maximum FAR allowed in the existing zone or as approved by the Council in a development plan, or
- Set the standard FAR to 0.5 FAR across the board and grandfather any existing or approved development in excess of 0.5 FAR.

Staff believes that the first option may be more equitable; however, fewer BLTs will be terminated. Staff recommends the second option.

4. *Does the Public Infrastructure Staging Plan take the right approach?*

Staff recommends that significant public financing be directed to infrastructure improvements that improve mobility, and that that public sector investment should occur in Stage 1. The area designated for Stage 1 development offers many opportunities and sites for key public facilities. Staff believes that the Sector Plan's "sense of place" would be enhanced by private sector dedication of key public facilities (e.g. library).

A certain amount of pre-staging preparation will be necessary. The financing and parking lot districts must be established prior to any development approvals. The feasibility studies for Capital Improvement Projects necessary for Stage 1 would have to be programmed, and the proposed monitoring program, which is critical to determining the timing of facilities, must be in place prior to any approvals. The public sector will have to provide certain infrastructure, such as major roads, the second Metro entrance, and the MARC station. The realignment of Old Georgetown Road and Executive Boulevard, and the east-west main street are two such public roads that would be critical to Stage 1 development approvals. Feeder bus service and collector bus routes would also have to be planned to support the Plan's transit-driven land-use policy.

The problem of out-of-sequence development could best be addressed through providing a range of densities. Properties within the Stage 3 area could proceed in an earlier phase, but at reduced densities. Put differently, such properties would have an incentive to wait until the appropriate stage.

5. *Should the Stage 1 boundary be expanded to include the entire area west of Rockville Pike?*

Arguably, prior to the reconstruction of Rockville Pike, the “sense of place” in White Flint may be strongly associated with each side of Rockville Pike. As such, it may make sense to expand the Stage 1 boundary to include all properties west of Rockville Pike. This option would also have the added benefit of surrounding the Conference Center block with Stage 1 development.

A risk associated with the expansion of the Stage 1 boundary is that the increased congestion will occur without sufficient increases in non-auto mode share. Because of this risk, Staff recommends keeping the current, more limited Stage 1 boundary.

6. *Is a combination of financing mechanisms that allow future tax revenues and future private sector upside to be leveraged to fund current and future transportation-related improvements the right approach?*

Redeveloping the White Flint area requires imposing a street grid into an existing and profitable suburban shopping environment. The cost and practical challenges associated with creating that grid are substantial. The Plan’s challenge is how to leverage some of the long-term upside of the redevelopment (i.e. public sector tax revenues and private sector profits) to reduce near-term investment risk without increasing the overall fiscal burdens on the public sector.

Staff believes that the following principles should guide the discussion of financing the Plan’s implementation:

- Find ways to capture as much of the impact tax and general fund tax revenue as possible for projects within the district that will resolve short-term mobility issues, including possibly creating one or more districts, expanding the Metro Station Policy Area boundary and supporting changes to the Annual Growth Policy in 2009 that would capture impact taxes paid within a metro station policy area for use only on capital projects within the Metro Station Policy Area.
- Find ways to leverage future private sector revenues to decrease the up-front burden of impact taxes, thereby freeing up more private capital for investment in income/revenue producing uses, including possible road club or special tax/assessments applied to all new and existing commercial uses in lieu of impact taxes on commercial development.
- Find ways to leverage future general fund tax revenues to pay for reconstructing Rockville Pike and undergrounding utilities along the Pike to create a better street-level environment and improved pedestrian and bicycle mobility that benefit all property owners within the district, including using Tax Increment Financing (TIF) or TIF-like mechanisms.

If the Board generally agrees with both a district financing concept and the public infrastructure staging concept, it may become necessary to consider the compatibility of those concepts. One possible method for improving compatibility would be a tiered rate structure for special assessments.

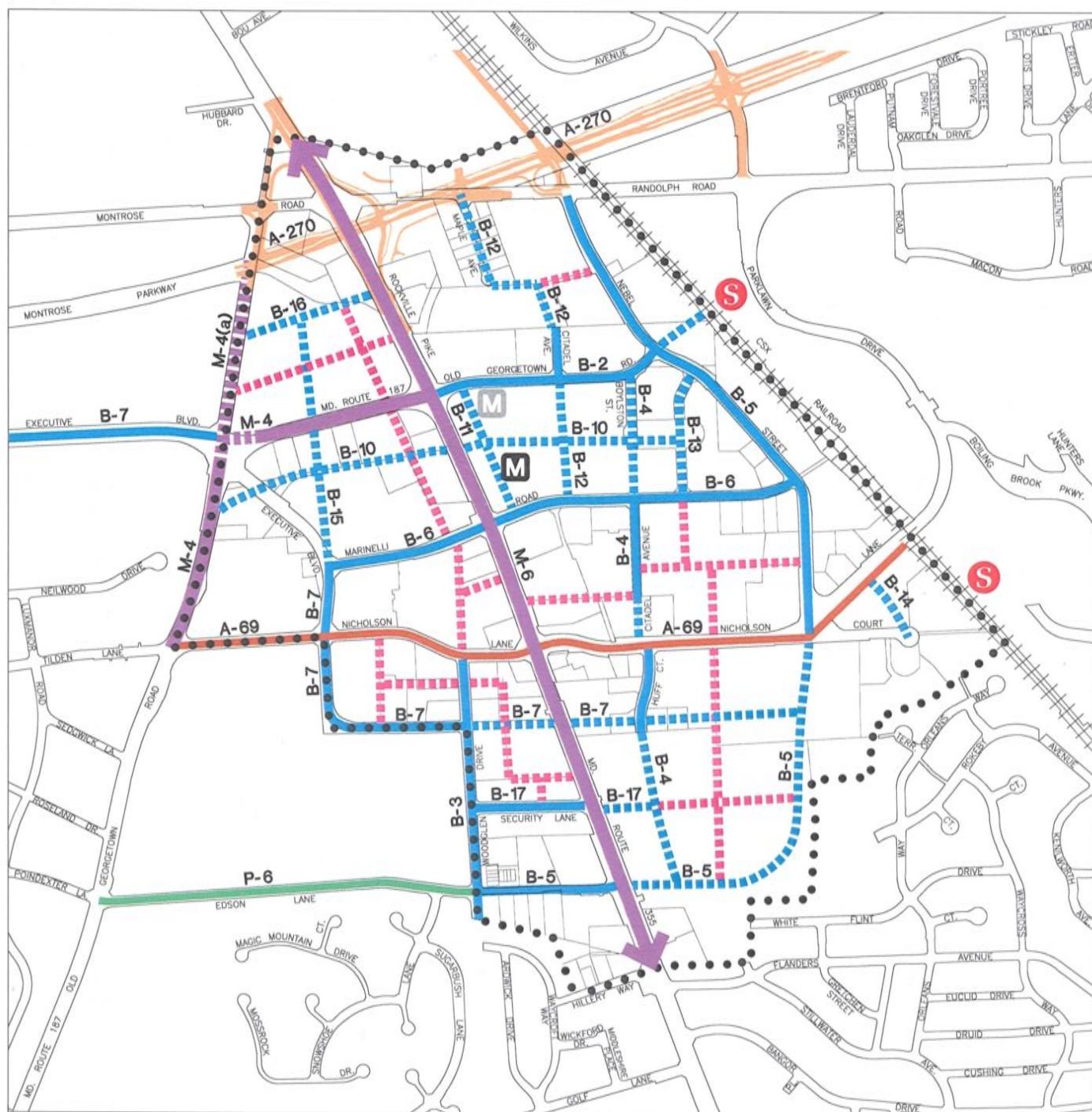
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Attachments:

1. Preliminary Sector Plan Recommendations
2. Street Network Map
3. Density Map
4. Network Capacity
5. Public Facilities Map
6. Staging Map
7. Correspondence



## Existing and Proposed Street Classification



- • • • Sector Plan Area Boundary

### White Flint Metro Station

### Potential MARC Train Station

A-90 Master Plan of Highways Road #

### Potential New Metro Entrance

Existing

Proposed

■■■■■ M: Major Highways

■■■■■ B: Buisness Street

A: Arterial

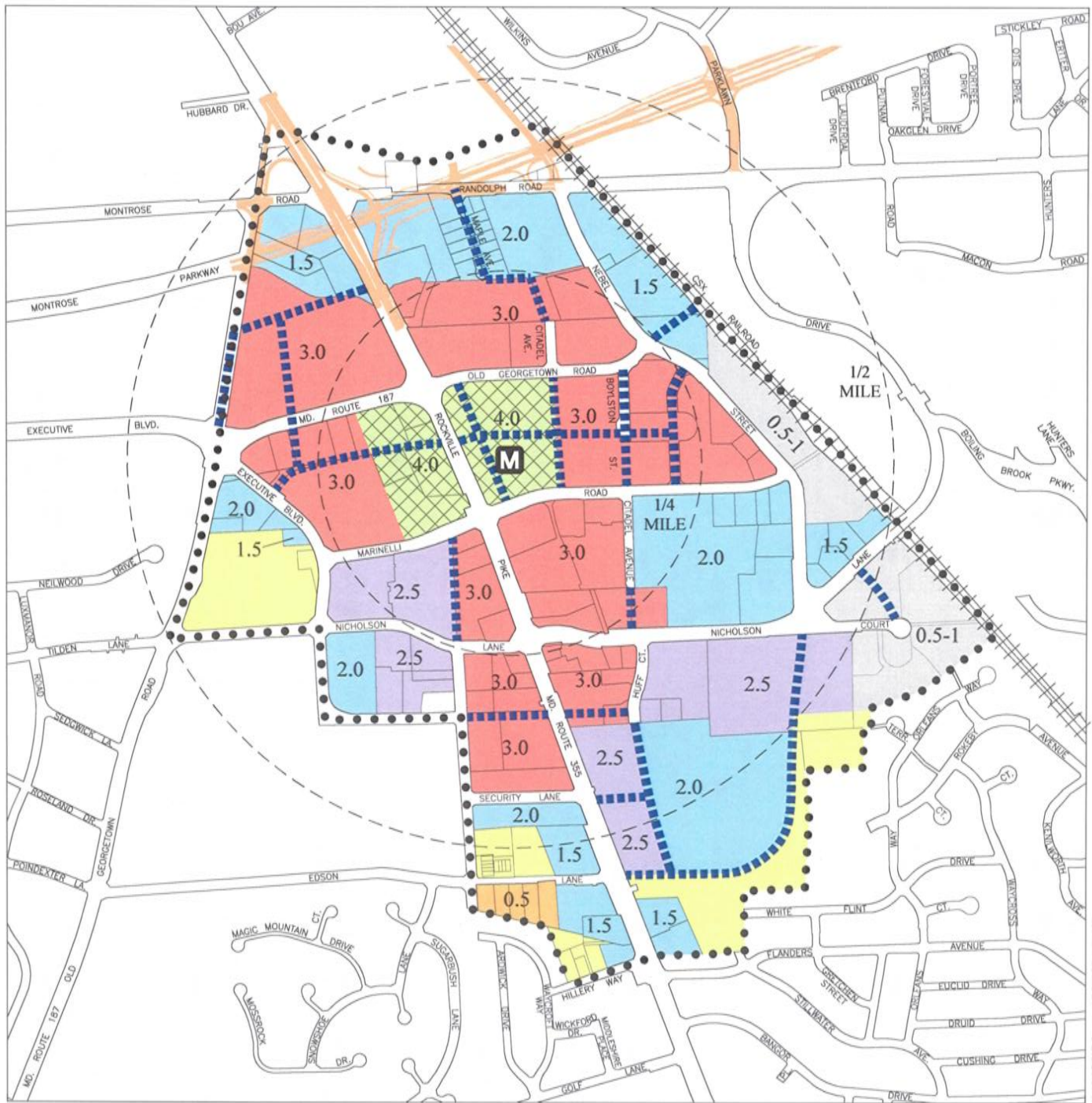
P: Primary Residential Street

Proposed Streets (Public/Private/Alley)

MD 355 & Montrose/  
Randolph Road Interchange

0 1000'

## FAR Density By Blocks



..... Sector Plan Area Boundary



White Flint Metro Station



MD 355 & Montrose/Randolph Road Interchange



B: Business Street



4.0 FAR Area



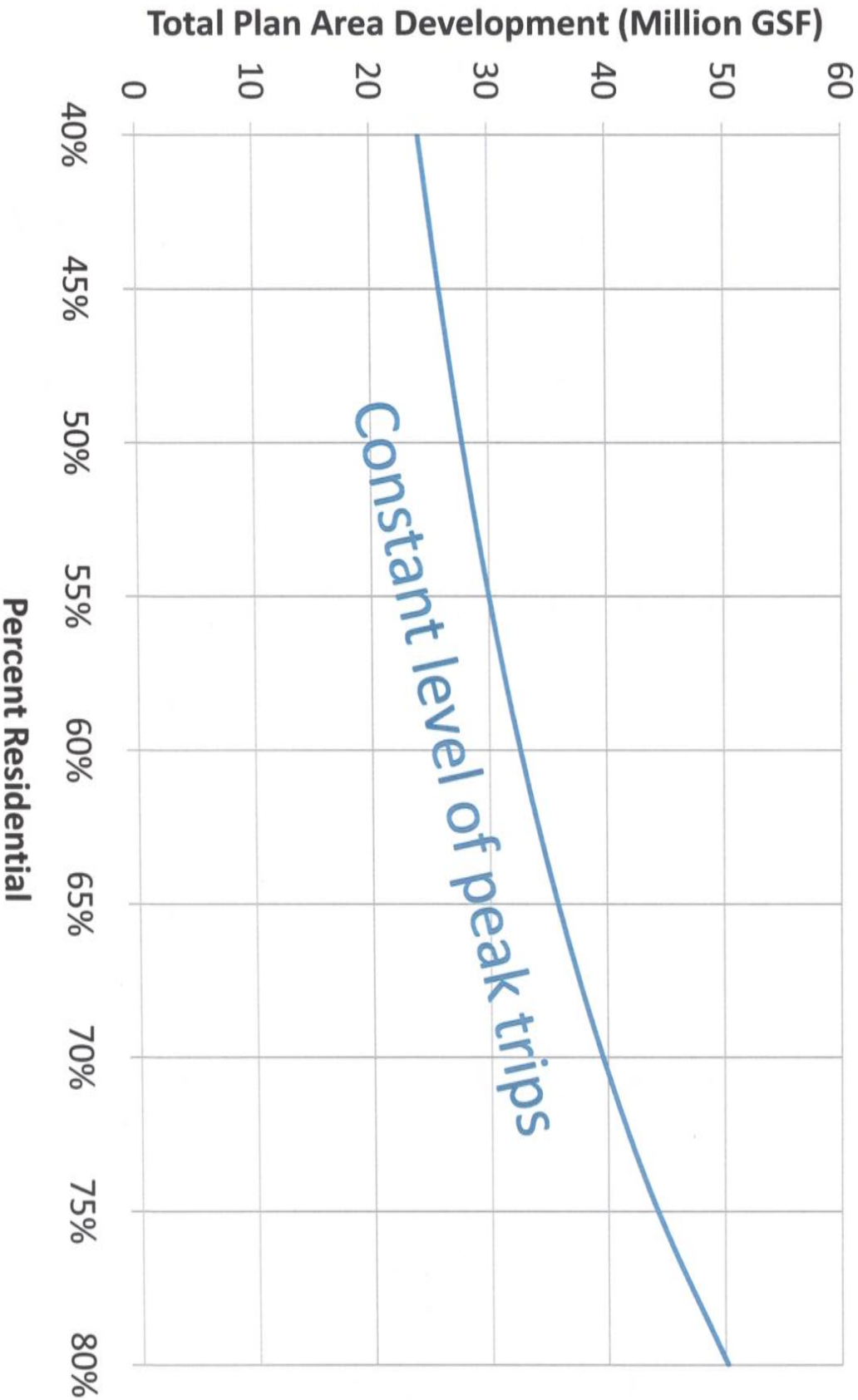
Residential Zones - PD, R-90, RT



0 1000'

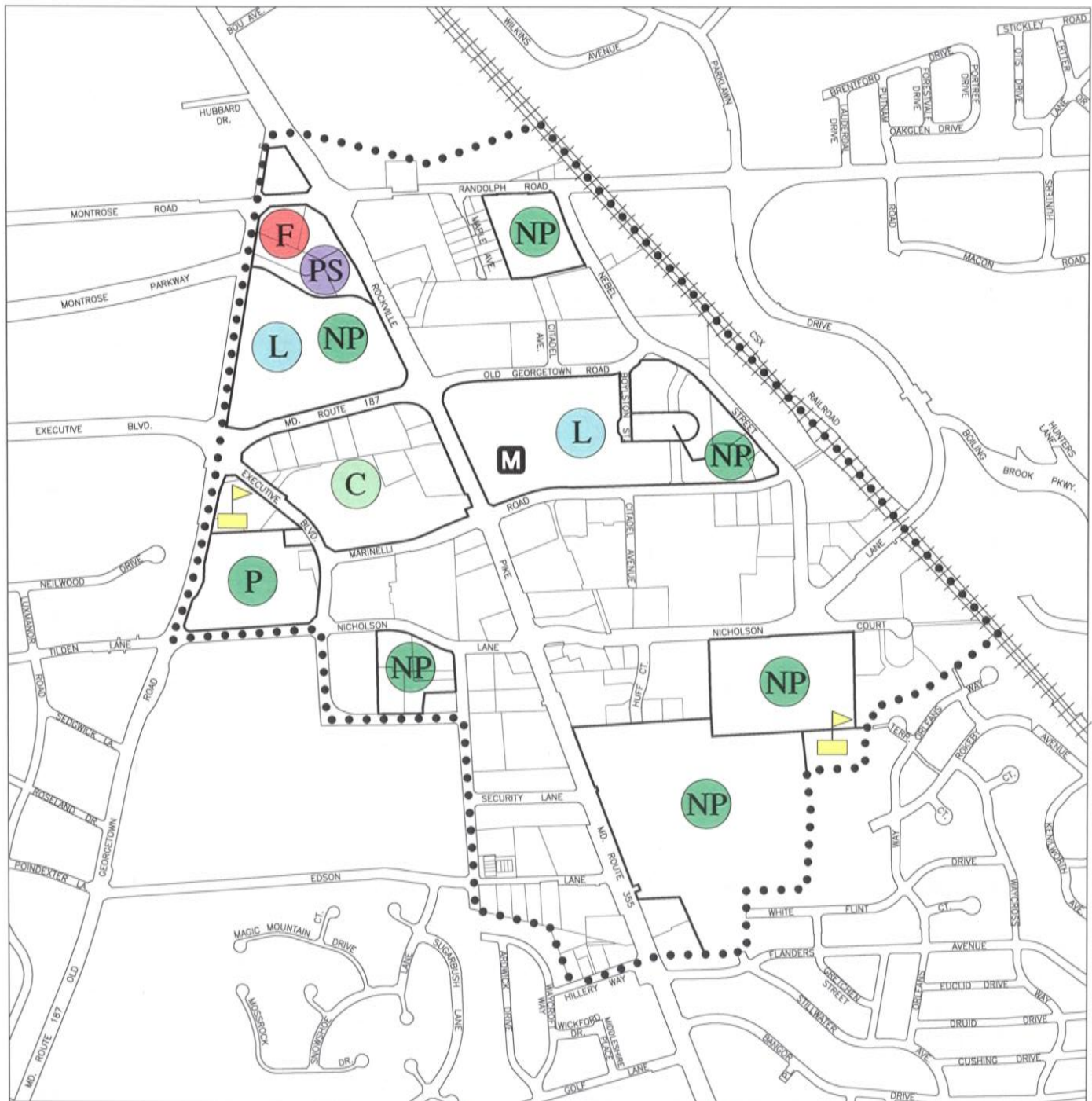


## Better J/HH Ratios Use Network Capacity More Effectively





## Proposed Public Facilities



..... Sector Plan Area Boundary

**M** White Flint Metro Station

**P** Wall Local Park

**NP** Neighborhood Parks

**C** Civic Green

**F** Fire / EMS

**L** Library

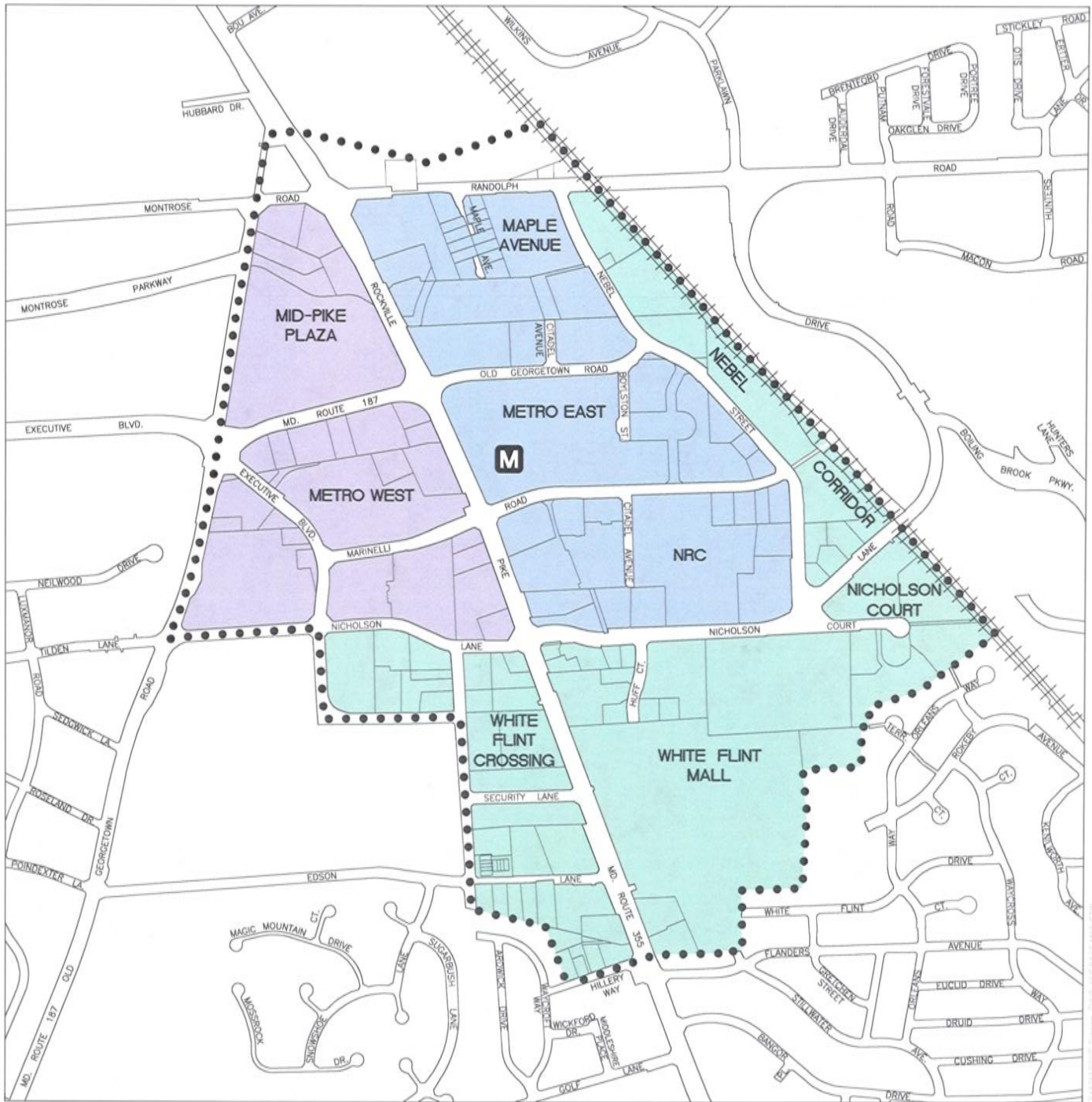
**PS** Police Substation

 Elementary School



0 1000'

## Staging Concept



..... Sector Plan Area Boundary



White Flint Metro Station

Stage I

Stage II

Stage III



0 1000'





*Taking Care of  
the Way People Live*

August 6, 2008

Royce Hanson, Chairman  
and Members of the Planning Board  
Maryland-National Capital Park and  
Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: White Flint Sector Plan (the "Sector Plan")

Dear Chairman Hanson and Members of the Planning Board:

On behalf of Gables Residential, I would like to express our concerns with the White Flint Sector Plan revisions presented at the White Flint Sector Plan Advisory Group meeting on July 22<sup>nd</sup>. As you may be aware, Gables Residential ("Gables") owns the property located at 11605 Old Georgetown Road, lying at the southern corner of the intersection of Old Georgetown Road and Executive Boulevard in North Bethesda (the "Gables Property"). The Gables Property is currently being shown as a potential elementary school site within the White Flint Sector Plan boundary.

Gables has been involved with the Sector Plan process and has worked directly with Maryland-National Capital Park and Planning Commission ("M-NCPPC") Planning Staff and the White Flint Advisory Group members on the White Flint Sector Plan revisions since acquiring the property in September 2007. As you can imagine, we were quite surprised to learn one day prior to the most recent Advisory Group meeting that Planning Staff is considering the Gables Property as a site for an elementary school. Up until this point, it has been anticipated that the Gables Property would be developed with a multi-family residential/mixed-use project at a 2.0 FAR (a very modest density given its distance to the White Flint Metro Station). Gables has been collaborating with M-NCPPC Staff on a plan that would include a structured parking facility to be shared with the adjacent Montgomery Aquatic Center site (the "Aquatic Center") and would allow the existing surface parking at the Aquatic Center to be eliminated, increasing the useable area, and allow for a significant open space amenity within the White Flint area. None of this is likely to occur if an elementary school is placed on the Gables Property.



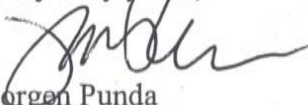
Royce Hanson, Chairman  
and Members of the Planning Board  
August 1, 2008  
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We believe the best use for this site is a high-quality, mixed-use project and not an elementary school. The Gables Property lies at the intersection of two very heavily traveled roads – Old Georgetown Road and Executive Boulevard. The Gables Property sits in a prime location in the White Flint area, and to use this site as an elementary school would be an under-utilization of this important resource. The factors that make this site highly desirable for mixed-use development – visible location and easy access to two major roads in the White Flint area – are exactly what make the site inappropriate for an elementary school as compared to other available sites within a residential neighborhood or immediately adjacent to a residential neighborhood. There are a number of former school sites in the White Flint area that are now either closed or in interim use; Gables urges the Planning Board and Planning Staff to fully evaluate these sites to determine whether they would be more appropriate for an elementary school.

Further, the current draft of the White Flint Sector Plan proposes that the Aquatic Center site be enhanced through the creation of an urban park with flexible, multi-purpose uses. We understand Planning Staff's vision for this park to be one that does not include ball fields or organized recreation of the type usually found at elementary schools, but rather the park and Aquatic Center would become a regional resource that promotes outdoor activity and recreation, drawing visitors from the entire area. Placing an elementary school adjacent to the Aquatic Center does not seem to support such a vision.

Based on the above, we urge the Planning Board and Planning Staff to consider whether the Gables Property is the proper location for an elementary school in the White Flint area and to remove the Gables Property from further consideration as a site suitable for an elementary school. Gables and its counsel look forward to continued discussions with Planning Staff and the White Flint Advisory Group as the Sector Plan moves toward adoption by the County Council.

Very truly yours,



Jorgen Punda  
Gables Residential

cc: Mr. Rollin Stanley  
Mr. Nkosi Yearwood  
Ms. Margaret Rifkin  
Ms. Brooke Farquhar  
Stephen Z. Kaufman, Esq.  
Heather Dlhopsky, Esq.

August 25, 2008

By Electronic Mail

Mr. Rollin Stanley  
Planning Director  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20912

Re: White Flint Sector Plan  
White Flint Mall

Dear Mr. Stanley:

This letter is written on behalf of our client, White Flint Mall, regarding the pending White Flint Sector Plan. Specifically, it addresses the Staff presentation made on July 22, 2008 in anticipation of the next Citizens Advisory Committee meeting scheduled for August 28, 2008.

White Flint Mall objects to three key recommendations presented by Staff:

1. The density recommendation of 2.0 FAR for White Flint Mall. In fact, the figures contained in the Staff presentation appear to indicate a much lower actual proposed FAR of 1.5—which is identical to the existing zoning for White Flint Mall (C-2). This density recommendation is materially below similarly situated properties, is internally inconsistent, and does not offer any incentive at all for redevelopment.
2. The proposed building heights for White Flint Mall. A narrow band of a portion of the Mall's frontage along Rockville Pike (about half) is suggested for 250', then 150' in the vicinity of the existing Mall, then 35'—65' easterly and southerly. These building heights are materially below similarly situated properties and generally are inadequate for most of the redevelopment contemplated.
3. The proposed elementary school site to the rear of the Mall. This small site is well below any reasonable MCPS standard, usurps the White Flint Local Park for school purposes, and introduces a problematic use in a topographically and otherwise challenged area.



Mr. Rollin Stanley  
August 25, 2008  
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We respectfully request that Staff reconsider these objectionable recommendations and address them constructively in the presentation of August 28, 2008 and in the Draft Plan soon to be published.

We met with Staff at length on July 14, 2008. At that time, we reviewed the extensive redevelopment concept plans prepared by our architect/planner, Cooper Carry, in the summer of 2007 and refined since then as a result of meetings with community groups. These plans contemplate a mixed use development of retail, office, hotel, multi-family residential, and townhouse residential over the 44 acre site at an FAR of approximately 3.0. For the foreseeable future, the existing Mall specialty destination retail (approximately 800,000 SF) will be retained, and approximately 400,000 SF of additional specialty mall and lifestyle retail space is proposed. In addition, approximately 1.3M SF of office, 364K SF of hotel, and 2300 multi-family dwelling units are proposed. All of the non-residential space will require underground parking, which must be built in Phase 1. The plan also proposes extensive green spaces, public amenity spaces, and locations for transit facilities.

The plans presented by Staff on July 22, 2008 purported to propose a density for the Mall of 2.0 FAR, with some portions proposed for .5 FAR and RT-12.5. Yet, the proposed development in the narrative equates to only approximately 1.5 FAR (1.41M SF non-residential, and 1277 dwelling units). This is the permitted density in the C-2 zone, the Mall's current zoning.

We respectfully request that the average density of the Mall property be recommended for 3.0 in the Sector Plan. We agree with Staff that the actual density in various areas of the Mall property should vary, in order to accomplish appropriate transitions from the adjoining residential community. Indeed, we have had a number of meetings with leaders of nearby communities to discuss precisely this issue, and we believe we have made good progress on this concept.

We also believe it may be possible to phase the density, and defer some small portion of the overall density for the duration of existence of the current regional mall structure. In this respect, a density allocation of 2.75 FAR could apply while the mall structure remains, with an increase to 3.0 FAR when/if the mall structure is removed or substantially redeveloped.

Most of the Mall property is within a 10 minute walk from the White Flint Metro station. Further, it has extensive frontage on Rockville Pike, making it highly accessible for current and future non-rail transit. It confronts a striking new project, White Flint Crossing, recommended for a 3.0 FAR and approved for a 280' building height. It adjoins the Fitzgerald property recommended for a 3.0 FAR, and the Eisinger property recommended for a 2.5 FAR



Mr. Rollin Stanley  
August 25, 2008  
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(which lacks any frontage on Rockville Pike). There is no logic to recommend a 2.0 FAR for most of the Mall property, particularly when approximately 25 % is recommended for substantially reduced density--.5 FAR or RT-12.5.

Redevelopment of the Mall will require the construction of extensive underground structured parking for all non-residential uses. This exorbitant development cost, together with the costs of MPDU's, workforce housing, likely TDR purchases, impact taxes, and supplemental contributions to public infrastructure, requires adequate density for redevelopment to be economically viable. The Mall property is profitable today and otherwise has little incentive to redevelop unless the potential value from increased density can offset extraordinarily expensive redevelopment costs. If the Mall does not redevelop, the White Flint Sector Plan area will lose an opportunity to have a strategically located property contribute to the new urban character and amenities of White Flint and to the public/private infrastructure costs.

The proposed building heights for the Mall are inadequate to accomplish the redevelopment objectives. The higher building height of 250', while adequate in overall height, applies only to a small portion of the Mall property—about half of the current front parking lot. This proposed building height needs to extend substantially further south and east, at least to encompass the current geographic area of the mall structure and associated front parking. Thereafter, the 150' proposed building height should be repositioned further east, with only narrow bands of 65' and 35' building heights to transition to the nearby residential community and provide sufficient light and through view opportunities. As proposed, approximately one-third of the Mall property is proposed for 35'—65' of building height, which makes realization of the redevelopment density (whatever it is) extremely difficult. The project plan and site plan processes provide ample opportunity to address appropriate building height and bulk compatibility with the adjoining residential community.

The proposed elementary school site at the rear of the Mall property is entirely inappropriate. It is way too small—much smaller than sites permitted by any published MCPS guidelines. The only way that more than several acres can be achieved is to use the existing White Flint Local Park for school purposes (this park was dedicated to the public by the Mall in the 1970s). Much of this public park is wooded, with steep terrain. The Mall property proposed to be used is completely without any public access unless/until the Mall is redeveloped. Also, this portion of the Mall property is topographically challenged. Moreover, the proposed school site unfairly takes a material portion of the Mall property for public purposes, and adversely affects the proposed redevelopment plans for this vicinity of the site.

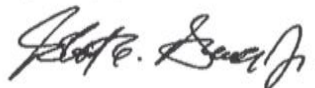
Mr. Rollin Stanley  
August 25, 2008  
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We respectfully suggest that the elementary school site be located elsewhere. At least one viable site is the former Rocking Horse Elementary School in nearby Randolph Hills, which that community seeks to reopen. While it is presently located in a different high school cluster, that reason alone should not prevent its consideration, particularly when the identified need for an elementary school is for many years from now.

The Rocking Horse Elementary School site is almost 19 acres in size, with plenty of room for renovated/enlarged MCPS facilities to accommodate the current non-school uses and future school uses alike. It offers the opportunity for substantial cost reductions to MCPS, because the County already owns the land and may be able to re-use the existing buildings with some alterations. The 19 acre site should afford ample opportunities for student recreation, far more varied than could be afforded with the "pocket-sized" school site that MCPS would be compelled to accept at the rear of the Mall.

Thank you for your consideration of our concerns and for your efforts to accommodate them in your forthcoming presentation and Draft Plan. With regards,

Very truly yours,



Robert G. Brewer, Jr.

cc: Dr. Royce Hanson  
Ms. Piera Weiss  
Ms. Margaret Rifkin  
Mr. Nkosi Yearwood  
Mr. Dan Hardy  
Mr. Jacob Sesker  
Mr. Alan Gottlieb  
Arnold Kohn, Esq.  
Mr. Warren Elliott  
Mr. Kurt Meeske  
Erica Leatham, Esq.

July 3, 2008

VIA: Regular Mail and Electronic Mail - [piera.weiss@mncppc-mc.org](mailto:piera.weiss@mncppc-mc.org)

Ms. Piera Weiss  
Acting Team Leader  
Montgomery County Department of Planning  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: White Flint Sector Plan – Nicholson Court Properties

Dear Ms. Weiss:

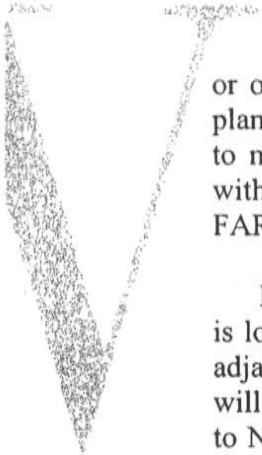
We write regarding the approximately 15 acres of land surrounding Nicholson Court in the White Flint Sector Plan study area. We ask that you recommend rezoning this property from its current I-4 zoning to an appropriate mixed use zone, with an FAR of at least 2.5. We also ask that you identify Nicholson Court as the best location for a future White Flint MARC station.

Mixed Use Zoning

Nicholson Court is one-half mile from the White Flint metro station. The land today is dominated by a strip shopping center, one and two-story office buildings, a large self-storage facility and several light industrial uses. The new White Flint that you and the community are designing will be marked by excellent urban design, a superior pedestrian realm, and active streetscapes. The Nicholson Court property can and should contribute to that future vision by redeveloping as a mixed use project. However, with I-4 zoning, it will not redevelop. Nor will it contribute positively to the new White Flint. It will become an anachronism at best, and a blight at worst.

Rezoned to TMX or a comparable mixed use zone, the property will have the ability to redevelop in conjunction with the many other exciting projects proposed along Nicholson Lane and on the White Flint Mall property. Our vision is a well-designed project that may include residential, technology and artisan trades. The look and feel could be similar to Rockville Town Center, which includes retail, residential, technology and arts uses, all contained within 5-story stick construction. In keeping with the philosophy of form-based planning, we would discourage the Board from specifying the amount of residential, retail





or office in the master plan, leaving that decision to the market and the preliminary/site plan process. As other property owners have told the Board, the FAR must be high enough to motivate redevelopment. Existing businesses with existing leases will not redevelop without the proper incentive. In our case we believe the right number is 2.5, less than the FAR requested for the adjacent Combined Properties site.


Mixed use zoning is desirable for this property whether or not the future MARC station is located at Nicholson Court. The property is a short walk to the White Flint metro and adjacent to the Fitzgerald, Combined Properties and White Flint Mall sites, all of which will become pedestrian-oriented mixed use sites. This pedestrian realm should be extended to Nicholson Court. If it is not, an important redevelopment opportunity will be lost, and the gritty character of the current uses will conflict sharply with the new community.

#### A Nicholson Court MARC Station

Although the property should be rezoned with or without a MARC station, we fully support location of a new MARC station at Nicholson Court. The Nicholson Court MARC site is superior to Old Georgetown Road for three reasons. First, our site creates a new, southern transit hub for White Flint, rather than concentrating the transit facilities to the north. Transit is the life-blood of great urban development, and both areas of White Flint need the infusion. Second, the Nicholson Court location is convenient to the thousands of residents living in Randolph Hills and Garrett Park Estates. Not only will they use the MARC station, but the pedestrian crossing that a MARC station provides will allow residents of these neighborhoods to walk to shops and restaurants throughout White Flint. Third, the Nicholson Court property owners' support for the station will increase the likelihood of actually getting a MARC station built.

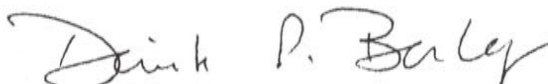
#### Industrial Uses vs. Smart Growth

We know there is resistance to diminishing the supply of industrially-zoned land. We would like to address that concern head on. As important as industrial land may be, there is one land resource in Montgomery County that is even more precious: land within walking distance of a metro station. The public interest will best be served by making this land available to support the kind of urban mixed-use development that represents the County's future in metro and MARC-served locations. Even today, Nicholson Court is not a logical place for industrial uses. As a result, less than half the land is actually being used for industrial purposes. The bulk of the property is used for retail, office, self-storage and the like. The question is not whether Nicholson Court will serve industrial activities. In the long run, it surely will not. The question is whether it will become a positive element of the new White Flint or remain a dreary backwater.



Thank you for taking the time to consider our views.

Very truly yours,



Derick P. Berlage

cc: Margaret Rifkin – *via electronic mail*  
Nkosi Yearwood – *via electronic mail*  
Dan Hardy – *via electronic mail*  
Glenn Kreger – *via electronic mail*