





White Flint 2 Sector Plan: Briefing on Implementation Issues-Staging and Finance

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Completed: 09/22/2016

Description

Staff will present initial staging options for the working/staff White Flint 2 draft plan. When the preliminary plan recommendations for the Sector Plan were presented to the Planning Board on July 28, 2016, staff discussed several staging considerations for the draft plan, including infrastructure items from the staging recommendations in the 2010 White Flint Sector Plan. Chairman Anderson also requested an update on the existing White Flint Special Taxing District, which will be provided by Executive Branch staff.

Staff Recommendation: Discussion

Summary

Several staging alternatives are under consideration for the draft White Flint 2 Sector Plan, including staging that is only applicable to the infrastructure requirements in the White Flint 2 Sector Plan; staging that combines key transportation requirements from the 2010 White Flint Sector Plan, including the Western Workaround and the Rockville Pike BRT study; as well as an alternative that would stage development in the Executive Boulevard area and Rockville Pike (MD 355) Corridor but not impose staging triggers east of the CSX tracks. The 2010 White Flint Sector Plan has a three phased staging plan that links new residential and non-residential development with specific infrastructure requirements that are primarily transportation and mobility oriented.

STAGING BACKGROUND

Staging of development links new development with the provision of public infrastructure required to support the plan recommendations. Several of the County's master plans, such as Great Seneca Science Corridor (2010) and the Shady Grove Sector Plan (2006), include staging elements where numerous infrastructure improvements and shifts in mode share are needed to support a large amount of new development in the applicable plan area.

Prior master plans in North Bethesda, including the North Bethesda-Garrett Park Master Plan (1992) and White Flint Sector Plan (2010) required staging of new residential and non-residential development with required public infrastructure, especially transportation. The 2010 White Flint Sector Plan established a three-phased staging plan that links new development with required mobility and transportation infrastructure to support new development and to contribute towards creating a new downtown.

2010 White Flint Sector Plan

The Approved and Adopted 2010 White Flint Sector Plan recommends the transformation of commercial properties in the plan area into an urban mixed-use district that is linked with a staging plan that is focused on providing new public infrastructure, especially mobility options. Staging is also important since Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) are not applicable to the plan area.

The Sector Plan's staging plan is focused on improving transportation options. Increasing the Non-Automotive Driver Mode Share (NADMS) goal in each phase; funding the second Metro Station entrance; reconstructing Rockville Pike with Bus Rapid Transit (BRT) options; and constructing new streets. Phase one of the staging plan requires the contracting for new roadways and funding for new streetscape and bikeways within the 'core' area of White Flint.

The 2010 Plan also required several prerequisites, including the creation of a financing mechanism to implement the Sector Plan and the development of a transportation approval mechanism and a monitoring program. All of the required prerequisites, including the establishment of a financing mechanism, have been implemented. The approved 2010 White Flint Sector Plan staging plan is illustrated below:

Phase 1	Phase 2	Phase 3
<p>3,000 dwelling units 2 million square feet non-residential</p>	<p>3,000 dwelling units 2 million square feet non-residential</p>	<p>3,800 dwelling units 1.69 million square feet non-residential</p>
<p>Contract for the construction of the realignment of Executive Boulevard and Old Georgetown Road</p> <p>Contract for the construction of Market Street (B-10) in the Conference Center block.</p> <p>Fund streetscape improvements, sidewalk improvements, and bikeways for substantially all of the street frontage within one-quarter mile of the Metro Station: Old Georgetown Road, Marinelli Road, and Nicholson Lane.</p> <p>Fund and complete the design study for Rockville Pike to be coordinated with SHA, MCDOT and M-NCPPC.</p> <p>Achieve 34 percent non-auto mode share for the plan area.</p> <p>The Planning Board should assess whether the build out of the Sector Plan is achieving the Plan’s housing goals.</p>	<p>Construct streetscape improvements, sidewalk improvements, and bikeways for substantially all of the street frontage within one-quarter mile of the Metro station: Old Georgetown Road, Marinelli Road, and Nicholson Lane.</p> <p>Complete realignment of Executive Boulevard and Old Georgetown Road.</p> <p>Construct the portion of Market Street as needed for road capacity.</p> <p>Fund the second entrance to the White Flint Metro Station.</p> <p>Explore the potential for expediting portions of Rockville Pike where sufficient right-of-way exists or has been dedicated. It should be constructed once the “work-around” roads are open to traffic.</p> <p>Increase non-auto driver mode to 42 percent.</p> <p>The Planning Board should assess whether the build out of the Sector Plan is achieving the Plan’s housing goals.</p> <p>The Planning Board must develop a plan to determine how to bring the mode share to 51 percent NADMS for residents and 50 percent NADMS for employees during Phase 3.</p>	<p>Complete all streetscape improvements, sidewalks, and bikeways outside one-quarter mile from the Metro Station.</p> <p>Reconstruct any remaining portion of Rockville Pike not constructed during prior phases.</p> <p>Achieve the ultimate mode share goals of 51 percent NADMS for residents and 50 percent NADMS for employees.</p>

Financing

The 2010 White Flint Sector Plan required the creation of a financing mechanism to implement the Sector Plan. Enacted in 2011, the White Flint Special Taxing District (Bill No. 50-10) was established as an *ad valorem* property tax to fund certain transportation infrastructure improvements (see Attachment 1). The Council also approved the White Flint Sector Plan Implementation Strategy and Infrastructure Improvement List (Resolution No. 16-1570) that specifies the different projects that the tax district will fund (see Attachment 2).

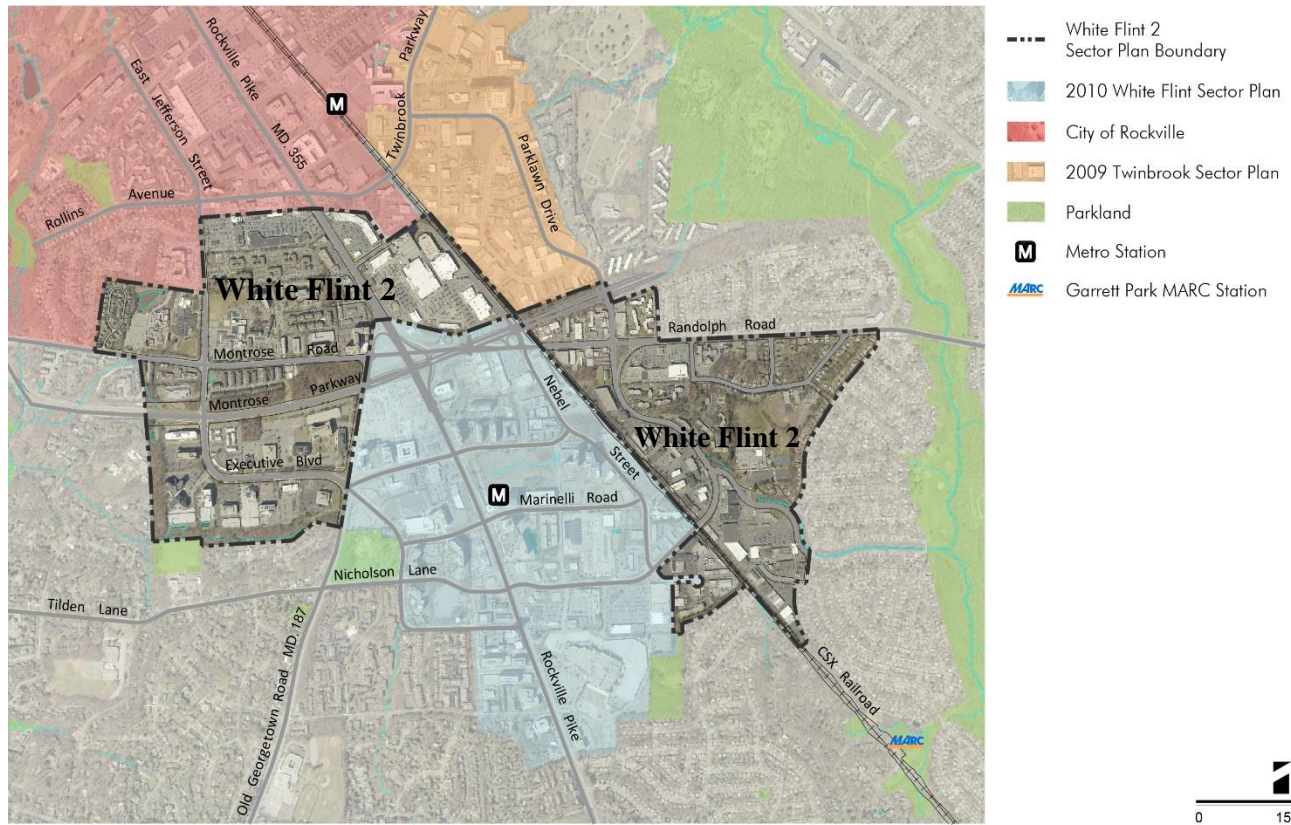
Although all properties were included during the original analyses and during the bulk of the discussions regarding the financing mechanisms, at the time of its creation, existing and approved rental apartment buildings and condominiums, along with a religious institution and residential townhouses on Edson Lane, were excluded from the tax district. Through the Capital Improvements Program (CIP), the County has programmed over \$90 million for transportation projects within the six-year horizon, including the Western Workaround and new bikeways. Much of this will involve advance funding. For properties located within the White Flint Impact Tax District, which coincides with the White Flint Special Taxing District, the transportation impact tax has been set at zero, since the property owners are already required to pay a special transportation district tax.

According to Executive Branch representatives, development has not taken place at the pace that was projected by property owners, and transportation project costs have increased, which limits the bonding capacity for the transportation district, and creates an even higher level of advance funding by the County than predicted. As the development pace improves, the higher assessable base will allow for greater funding capacity or the ability to repay the advanced funds over a shorter period of time. Executive Branch staff will provide the Planning Board with an update on the White Flint Special Taxing District.

Executive Branch and White Flint Sector Plan property owners have concerns about the effect of White Flint 2 development on the transportation capacity of the new roads and intersections being paid for by special taxes on those properties within the taxing district, to allow for their development to go forward.

PROPOSED WHITE FLINT 2 STAGING

The proposed framework for the White Flint 2 Sector Plan staging is established by a critical factor: the plan area's adjacency to the 2010 White Flint Sector Plan area and its staging plan requirements. The proximity of the 2010 White Flint and White Flint 2 plan areas is demonstrated by the extension of both Rockville Pike (MD 355) and Executive Boulevard through both plan areas.



The 2010 White Flint Sector Plan, White Flint 2 plan area, Twinbrook plan area and the City of Rockville

The framework is guided by the following principles:

- Balancing the infrastructure needs and requirements between both White Flint plan areas.
- Addressing the infrastructure needs for White Flint 2, including public facilities.
- Limiting the ‘free rider’ effect where properties in White Flint 2 benefit from new infrastructure in the 2010 White Flint Sector Plan area.
- Development in the core of the 2010 White Flint plan, which is near to the Metro Station and along Rockville Pike, should be prioritized before more distant properties.

Several staging alternatives for White Flint 2 are proposed, including combining different transportation triggers from the 2010 White Flint Sector Plan; stand-alone staging for only the White Flint 2 plan area; and no staging for the plan area. A common element among all alternatives is a modification to the Local Area Transportation Review (LATR) standards.

The extension of the existing White Flint Special Taxing District could be associated with a preferred staging alternative. However, the financial analysis that is necessary to determine the merits of extending the tax district, or another financial implementation instrument, into White Flint 2 has not been determined at this time.

Several important pre-staging items should be considered for the draft White Flint 2 Sector Plan. First, it should be determined if any public financing mechanism will be established to fund public infrastructure in the plan area. This option could include extending the existing White Flint Special Taxing District, or developing another financing option, to properties that will primarily benefit from new infrastructure, including the Western Workaround and the second Metro Station entrance. Second, an approval mechanism must be established prior to approval of any new White Flint 2 development.

I. NO STAGING

No staging in White Flint 2 would permit new development to follow the established Subdivision Staging Policy (SSP) requirements for schools and transportation, including Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR). This alternative is an advantage since the SSP provisions are known, and it allows the 2010 White Flint plan area to be the only outlier without traditional SSP rules.

There are several disadvantages to no staging. First, White Flint 2 properties benefit from the infrastructure improvements in the 2010 White Flint Sector Plan area without any financial contribution towards the new the infrastructure, such as the Western Workaround. Second, public facility needs, especially schools, will not be addressed. Finally, no staging will permit unrestrained development around the periphery of the 2010 White Flint plan area, while the 2010 plan area is limited by staging provisions.

II. WHITE FLINT 2 SECTOR PLAN ONLY

This proposed staging alternative only pertains to the proposed White Flint 2 Sector Plan area. It is structured in a similar manner to the 2010 White Flint plan staging plan where residential and non-residential development is linked with specific public infrastructure identified for three stages.

Any required infrastructure item could be funded through the Capital Improvements Program (CIP) and the State's Consolidated Transportation Program (CTP) for State related projects. A private developer could also fund or make contributions towards the implementation of a staging trigger.

An advantage of this proposal is that most of the staging triggers are associated with the infrastructure needs that are applicable to the White Flint 2 plan, including a feasibility study for the MARC station and providing new bikeways. The Rockville Pike BRT study is a transportation infrastructure project that is common between both plan areas. Another advantage of this proposal is that public facilities, especially considerations for an elementary school in the Walter Johnson Cluster, are included in this alternative. The most significant disadvantage of this

alternative is the lack of an association or linkage to the new infrastructure being implemented in the 2010 White Flint Sector Plan area.

Phase 1	Phase 2	Phase 3
<p>Residential: 1,800 dwelling units Non-Residential: 1 million square feet</p>	<p>Residential: 1,800 dwelling units Non-Residential: 1 million square feet</p>	<p>Residential: 2,000 dwelling units Non-Residential: 1.5 million square feet</p>
<p>Achieve 27% Non-Automotive Driver Mode Share (NADMS) for the plan area.</p> <p>Fund the Executive Boulevard and East Jefferson protected bikeway.</p> <p>Fund and complete the design study for Rockville Pike Bus Rapid Transit (BRT) that will be coordinated with SHA, MCDOT, M-NCPPC and the City of Rockville.</p> <p>Fund the roadway realignment of Parklawn Drive and Randolph Road.</p> <p>Montgomery County Public Schools (MCPS) must evaluate the need for a new elementary school within the Walter Johnson Cluster and determine how and when a new elementary school will be programmed.</p> <p>Maryland Department of Transportation (MDOT) must conduct a feasibility study for an infill MARC station along the Brunswick Line and determine if a MARC station should be located in the plan area.</p> <p>The Planning Board must assess that the Sector Plan is achieving its goals and that all the infrastructure items for this Stage 1 are completed, prior to proceeding to Stage 2.</p>	<p>Achieve 35% Non-Automotive Driver Mode Share (NADMS) for the plan area.</p> <p>Fund the acquisition or dedication of a new public park for the plan area.</p> <p>Fund a shuttle or circulator that serves the plan area, adjacent residential communities, and Metro station areas.</p> <p>Construct the roadway realignment of Parklawn Drive and Randolph Road.</p> <p>Obtain/achieve a new elementary school within the Walter Johnson Cluster.</p> <p>The Planning Board must assess that the Sector Plan is achieving its goals and that all the infrastructure items for Stage 2 are completed, prior to proceeding to Stage 3.</p>	<p>Achieve 42% Non-Automotive Driver Mode Share (NADMS) for the plan area.</p> <p>Fund and construct the Parklawn Drive protected bikeway.</p> <p>Montgomery County Public Schools (MCPS) must construct an elementary school for the Walter Johnson Cluster or determine how elementary school needs will be addressed for the Cluster.</p> <p>Construct a new MARC station, if MDOT determines that a MARC station will be located in the White Flint 2 Sector Plan area.</p>

III. COMBINING KEY TRANSPORTATION FEATURES FROM THE 2010 WHITE FLINT PLAN WITH THE WHITE FLINT 2 PLAN

This staging alternative combines key staging transportation infrastructure requirements from the 2010 White Flint Sector Plan, including the Western Workaround and the second White Flint Metro Station entrance, along with new transportation and public facilities from the proposed White Flint 2 plan area. All *italicized* items are staging provisions in the 2010 White Flint Sector Plan.

The combination of transportation infrastructure requirements from both White Flint plan areas is a major advantage of this alternative. And, it is structured in a manner that is similar to the 2010 Sector Plan. Further, it retains the focus and importance of improving mobility options in this area of North Bethesda. A significant disadvantage of this alternative is the removal of any public facility from staging consideration.

Phase 1	Phase 2	Phase 3
Residential: 1,800 dwelling units Non-Residential: 1 million square feet	Residential: 1,800 dwelling units Non-Residential: 1 million square feet	Residential: 2,000 dwelling units Non-Residential: 1.5 million square feet
<p>Achieve 27% Non-Automotive Driver Mode Share (NADMS) for the plan area.</p> <p>Fund the Executive Boulevard and East Jefferson protected bikeway.</p> <p><i>Fund and complete the design study for Rockville Pike Bus Rapid Transit (BRT) that will be coordinated with SHA, MCDOT, M-NCPPC and the City of Rockville.</i></p> <p><i>Complete the implementation of Western Workaround, including the realignment of Executive Boulevard, Towne Road, and Old Georgetown Road (MD 187).</i></p> <p><i>Fund streetscape improvements, sidewalk improvements and bikeways for substantially all of the street frontage within one-quarter of the Metro Station: Old Georgetown Road, Marinelli Road, and Nicholson Lane.</i></p>	<p>Fund a shuttle or circulator that serves the plan area, adjacent residential communities, and Metro station areas.</p> <p><i>Construct streetscape improvements, sidewalk improvements, and bikeways for substantially all of the street frontage within one-quarter mile of the Metro station: Old Georgetown Road, Marinelli Road, and Nicholson Lane.</i></p> <p>Achieve 35% Non-Automotive Driver Mode Share (NADMS) for the plan area.</p> <p><i>Fund the second entrance to the White Flint Metro Station.</i></p> <p><i>Construct streetscape improvements, sidewalk improvements, and bikeways for substantially all of the street frontages within one-quarter mile of the Metro Station: Old Georgetown Road, Marinelli Road, and Nicholson Lane.</i></p>	<p>Achieve 42% Non-Automotive Driver Mode Share (NADMS) for the plan area.</p> <p>Fund and implement the Parklawn Drive protected bikeway.</p> <p>Construct a new MARC station, if MDOT determines that a MARC station will be located within the plan area.</p>

<p>Fund the roadway realignment of Parklawn Drive and Randolph Road.</p> <p>Maryland Department of Transportation (MDOT) must conduct a feasibility study for an infill MARC station along the Brunswick Line and determine if a MARC station should be located in the plan area.</p> <p>The Planning Board must assess that the Sector Plan is achieving its goals and that all the infrastructure items for this Stage 1 are completed, prior to proceeding to Stage 2.</p>	<p>The Planning Board must assess that the Sector Plan is achieving its goals and that all the infrastructure items for Stage 2 are completed, prior to proceeding to Stage 3.</p>	
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IV. COMBINING KEY TRANSPORTATION STAGING FEATURES FROM THE 2010 WHITE FLINT PLAN

This staging alternative combines key transportation and public facilities staging recommendations from the 2010 White Flint Sector Plan, including the Western Workaround and the second White Flint Metro Station entrance, along with new transportation recommendations from the proposed White Flint 2 plan area. All *italicized* items are staging provisions in the 2010 White Flint Sector Plan.

An advantage of this alternative is the combination of transportation infrastructure and public facilities for both White Flint plan areas. It continues to promote NADMS goals, bikeways and other mobility options.

Phase 1	Phase 2	Phase 3
<p>Residential: 1,800 dwelling units Non-Residential: 1 million square feet</p>	<p>Residential: 1,800 dwelling units Non-Residential: 1 million square feet</p>	<p>Residential: 2,000 dwelling units Non-Residential: 1.5 million square feet</p>
<p>Achieve 27% Non-Automotive Driver Mode Share (NADMS) for the plan area.</p> <p>Fund the Executive Boulevard and East Jefferson protected bikeway.</p> <p><i>Fund and complete the design study for Rockville Pike Bus Rapid Transit (BRT) that will be coordinated with SHA, MCDOT,</i></p>	<p>Fund a shuttle or circulator that serves the plan area, adjacent residential communities, and Metro station areas.</p> <p><i>Construct streetscape improvements, sidewalk improvements, and bikeways for substantially all of the street frontage within one-quarter mile of the Metro station: Old</i></p>	<p>Achieve 42% Non-Automotive Driver Mode Share (NADMS) for the plan area.</p> <p>Fund and implement the Parklawn Drive protected bikeway.</p> <p>Montgomery County Public Schools (MCPS) must construct an elementary</p>

<p><i>M-NCPPC and the City of Rockville.</i></p> <p><i>Complete the implementation of Western Workaround, including the realignment of Executive Boulevard, Towne Road, and Old Georgetown Road (MD 187).</i></p> <p><i>Fund streetscape improvements, sidewalk improvements and bikeways for substantially all of the street frontage within one-quarter mile of the Metro Station: Old Georgetown Road, Marinelli Road, and Nicholson Lane.</i></p> <p>Fund the roadway realignment of Parklawn Drive and Randolph Road.</p> <p>Montgomery County Public Schools (MCPS) must evaluate the need for a new elementary school within the Walter Johnson Cluster and determine how and when a new elementary school will be programmed.</p> <p>Maryland Department of Transportation (MDOT) must conduct a feasibility study for an infill MARC station along the Brunswick Line and determine if a MARC station should be located in the plan area.</p> <p>The Planning Board must assess that the Sector Plan is achieving its goals and that all the infrastructure items for this Stage 1 are completed, prior to proceeding to Stage 2.</p>	<p><i>Georgetown Road, Marinelli Road, and Nicholson Lane.</i></p> <p>Achieve 35% Non-Automotive Driver Mode Share (NADMS) for the plan area.</p> <p><i>Fund the second entrance to the White Flint Metro Station.</i></p> <p><i>Construct streetscape improvements, sidewalk improvements, and bikeways for substantially all of the street frontages within one-quarter mile of the Metro Station: Old Georgetown Road, Marinelli Road, and Nicholson Lane.</i></p> <p>Fund the acquisition or dedication of a new public park for the plan area.</p> <p>The Planning Board must assess that the Sector Plan is achieving its goals and that all the infrastructure items for Stage 2 are completed, prior to proceeding to Stage 3.</p>	<p>school for the Walter Johnson Cluster or determine how elementary school needs will be addressed for the Cluster.</p> <p>Construct a new MARC station, if MDOT determines that a MARC station will be located within the plan area.</p>
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V. COMBINATION OF WHITE FLINT PLAN AREA WITH NORTH AND WEST FOCUS

This staging alternative omits infrastructure triggers from the eastern side of the White Flint 2 plan area. It focuses staging on the Rockville Pike and Executive Boulevard properties, common elements in the White Flint plans that tie the plans together. It moves up the funding of a shuttle or circulator as well as the second Metro Station entrance to the first phase, while retaining other public facilities and transportation staging triggers.

A significant advantage of this proposal is that the critical mobility triggers that will benefit the White Flint 2 plan area, including the second Metro Station entrance, are proposed in the first phase in this alternative. Another advantage of this proposal is the retention of mobility triggers and public facilities. If there is no financing mechanism or public-private partnership to implement the proposed first phase infrastructure triggers, the potential public costs could be significant for only the public to carry.

Phase 1	Phase 2	Phase 3
Residential: 1,800 dus Non-Residential: 1 million square feet	Residential: 1,800 dus Non-Residential: 1 million square feet	Residential: 2,000 dus Non-Residential: 1.5 million square feet
Achieve 27% Non-Automotive Driver Mode Share (NADMS) for the plan area. Fund the Executive Boulevard and East Jefferson protected bikeway. Fund and complete the design study for Rockville Pike Bus Rapid Transit (BRT) that will be coordinated with SHA, MCDOT, M-NCPPC and the City of Rockville. Fund a shuttle or circulator that serves the plan area, adjacent residential communities, and Metro station areas. Fund the second entrance to the White Flint Metro Station. Montgomery County Public Schools (MCPS) must evaluate the need for a new elementary school within the Walter Johnson Cluster and determine	Achieve 35% Non-Automotive Driver Mode Share (NADMS) for the plan area. Fund the acquisition or dedication of a new public park for the plan area. Obtain/achieve a new elementary school within the Walter Johnson Cluster. The Planning Board must assess that the Sector Plan is achieving its goals and that all the infrastructure items for Stage 2 are completed, prior to proceeding to Stage 3.	Achieve 42% Non-Automotive Driver Mode Share (NADMS) for the plan area. Montgomery County Public Schools (MCPS) must construct an elementary school for the Walter Johnson Cluster or determine how elementary school needs will be addressed for the Cluster. Construct a new MARC station, if MDOT determines that a MARC station will be located in the White Flint 2 Sector Plan area.

<p>how and when a new elementary school will be programmed.</p> <p>Maryland Department of Transportation (MDOT) must conduct a feasibility study for an infill MARC station along the Brunswick Line and determine if a MARC station should be located in the plan area.</p> <p>The Planning Board must assess that the Sector Plan is achieving its goals and that all the infrastructure items for this Stage 1 are completed, prior to proceeding to Stage 2.</p>		
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SCHOOLS

Walter Johnson Cluster is the school district for the 2010 White Flint Sector Plan area and the most of the White Flint 2 Sector Plan area. A small portion of the White Flint 2 area is located in the Down County Consortium. There are no public schools in the boundaries of either plan area. There are six elementary schools in the Walter Johnson Cluster: Ashburton, Farmland, Garrett Park, Kensington-Parkwood, Luxmanor and Wyngate. The middle schools are North Bethesda and Tilden, and the high school is Walter Johnson High School.

The 2010 White Flint Sector Plan recommended the southern area of the White Flint Mall property as the preferred location for an elementary school. The Lutrell property, which is located at the southwestern intersection of Woodglen Drive and Nicholson Lane, is the alternative elementary school recommendation. Neither property has materialized for a variety of reasons, including litigation at the White Flint Mall. There are potential new school sites in other areas of the Walter Johnson Cluster, including the WMAL property, reopened schools, and the Woodward site on Old Georgetown Road.

The Walter Johnson Cluster has received significant student enrollment throughout all school levels, especially at the elementary school level. Between 2007 to 2015, more than 1,200 new students were added to the six elementary schools; more than 400 students at the two middle schools; and more than 300 students at the high school level. By 2020, it is anticipated that some elementary schools, including Ashburton, will expand to increase their capacities.

To address the growth in the Cluster, Montgomery County Public Schools (MCPS), along with PTA representatives and other stakeholders, created the Walter Johnson Cluster Roundtable Discussion Group. The roundtable discussed general approaches to solve near-term and long-term enrollment increases and potential solutions to address the projected space deficits in the Cluster. The working group made no specific recommendations, but provided different approaches for different school levels.

Elementary school approaches include:

- Reopen a closed school or open a new elementary school.
- Reorganize elementary schools for Grades K-4; middle schools for Grades 5-7; reopen Woodward as a Grades 8-9 school; and reorganize Walter Johnson High School for Grades 10-12.
- Expand elementary schools core capacity to 850-890.
- Open an early childhood center for prekindergarten and kindergarten students.
- Open a new elementary school and pair it with Ashburton Elementary.
- Reorganize elementary schools for Grades K-4 and middle schools, Grades 5-8.

High school and middle school approaches include:

- Construct additions to middle and high schools.
- Reopen Woodward as a high school or middle school.
- Utilize commercial or office development (Grade 9 or 10).
- Alternative schedule (extend operating hours).
- Online education (12th grade students to take half of their courses online).
- Purchase site for a middle school and high school.
- Collocate new high school and middle school at the Woodward site.
- Reassign Grade 9 students to middle schools and reopen Woodward as Grades 6-9.

The MCPS Superintendent is expected to deliver his recommendations for the Walter Johnson Cluster by October 12, 2016, and the Board of Education will render its decision by the end of this year.

As part of the Roundtable Discussion, MCPS staff developed projections to 2045 that include all recently approved plans, including the 2010 White Flint Sector Plan. This long-range forecast indicates future deficits in the Cluster, especially at the elementary school level. No residential development from the pending White Flint 2 Sector Plan or the Rock Spring Master Plan were included in the long-range forecast.

PUBLIC COMMENTS

Friends of White Flint and representatives for two properties, Willco and Guardian Realty Investors, have submitted written comments on preliminary staging concepts (Attachments 3 and 4). Friends of White Flint indicate that staging may be the most important aspect of the White Flint 2 Plan since it could address the potential of leapfrogging of development and the relationship of the White Flint Special Taxing District with both plan areas.

Both property owners indicate that the prospect of staging could limit development and staging is not justified since the development incentives are lower than 2010 White Flint Sector Plan. They also state that if the tax district is extended into the White Flint 2 plan area, then the development incentives should be the same as the 2010 plan area.

ATTACHMENTS:

1. White Flint Special Taxing District, Bill No. 50-10
2. White Flint Sector Plan Implementation Strategy and Infrastructure Improvement List Resolution No. 16-1570
3. Comments from Friends of White Flint
4. Comments from representatives of Willco and Guardian Realty Investors

ATTACHMENT 1

Bill No. 50-10
Concerning: Special Taxing District -
White Flint - Creation
Revised: 11-30-10 Draft No. 5
Introduced: October 5, 2010
Enacted: November 30, 2010
Executive: December 9, 2010
Effective: March 10, 2011
Sunset Date: None
Ch. 52, Laws of Mont. Co. 2010

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) establish a White Flint Special Taxing District;
- (2) authorize the levy of an *ad valorem* property tax to fund certain transportation infrastructure improvements;
- (3) authorize the issuance of a certain type of bond to finance certain transportation infrastructure improvements;
- (4) generally authorize a White Flint Special Taxing District; and
- (5) generally amend or supplement the laws governing the use of infrastructure financing districts and similar funding mechanisms.

By adding

Montgomery County Code
Chapter 68C, White Flint Special Taxing District

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Chapter 68C is added as follows:**

2 **Chapter 68C. White Flint Special Taxing District.**

3 **68C-1. Definitions.**

4 For purposes of this Chapter, the following terms have the meanings indicated:

5 *Bond* means a special obligation or revenue bond, note, or other similar
6 instrument issued by the County that will be repaid from revenue
7 generated by ad valorem taxes levied under this Chapter.

8 *Cost* means the cost of:

- 9 (1) the construction, reconstruction, and renovation of any
10 transportation infrastructure improvement, including the
11 acquisition of any land, structure, real or personal property, right,
12 right-of-way, franchise, or easement, to provide a transportation
13 infrastructure improvement for the District;
- 14 (2) all machinery and equipment needed to expand or enhance a
15 transportation infrastructure improvement for the District;
- 16 (3) financing charges and debt service related to a transportation
17 infrastructure improvement for the District, whether the charge or
18 debt service is incurred before, during, or after construction of the
19 transportation infrastructure improvement, including the cost of
20 issuance, redemption premium (if any), and replenishment of
21 debt service reserve funds for any bond that finances a
22 transportation infrastructure improvement for the District;
- 23 (4) reserves for principal and interest, the cost of bond insurance, and
24 any other type of financial guarantee, including any credit or
25 liquidity enhancement, related to a transportation infrastructure
26 improvement for the District;

- 27 (5) architectural, engineering, financial, and legal services related to
- 28 providing a transportation infrastructure improvement for the
- 29 District;
- 30 (6) any plan, specification, study, survey, or estimate of costs and
- 31 revenues related to providing a transportation infrastructure
- 32 improvement for the District;
- 33 (7) any administrative expense incurred by the County necessary or
- 34 incident to determining whether to finance or implement a
- 35 transportation infrastructure improvement for the District; and
- 36 (8) any other expense incurred by the County necessary or incident
- 37 to building, acquiring, or financing a transportation infrastructure
- 38 improvement for the District.

39 District means the White Flint Special Taxing District created under
 40 Section 68C-2.

41 Transportation infrastructure improvement means:

- 42 (1) the construction, rehabilitation, or reconstruction of a road, street,
- 43 or highway that serves the District, including any:
- 44 (A) right-of-way;
- 45 (B) roadway surface;
- 46 (C) roadway subgrade or shoulder;
- 47 (D) median divider;
- 48 (E) drainage facility or structure, including any related
- 49 stormwater management facility or structure;
- 50 (F) roadway cut or fill;
- 51 (G) guardrail;
- 52 (H) bridge;
- 53 (I) highway grade separation structure;

- 54 (J) tunnel;
- 55 (K) overpass, underpass, or interchange;
- 56 (L) entrance plaza, approach, or other structure that is an
- 57 integral part of a street, road, or highway;
- 58 (M) bicycle or walking path;
- 59 (N) designated bus lane;
- 60 (O) sidewalk or pedestrian plaza;
- 61 (P) streetscaping and related infrastructure; including placing
- 62 utilities underground; and
- 63 (Q) other property acquired to construct, operate, or use a road,
- 64 street, or highway; and
- 65 (2) a transit facility that serves the needs of the District, including
- 66 any:
 - 67 (A) track;
 - 68 (B) right-of-way;
 - 69 (C) bridge;
 - 70 (D) tunnel;
 - 71 (E) subway;
 - 72 (F) rolling stock;
 - 73 (G) station or terminal;
 - 74 (H) parking area;
 - 75 (I) related equipment, fixture, building, structure, or other real
 - 76 or personal property; and
 - 77 (J) service intended for use in connection with the operation
 - 78 of a transit facility, including rail, bus, motor vehicle, or
 - 79 other mode of transportation.

80 **68C-2. Creation; Boundaries.**

81 (a) The White Flint Special Taxing District is coterminous with the
 82 approved and adopted White Flint Sector Plan area.

83 (b) The following properties, identified by street address, are not included
 84 in the District: 5411 McGrath Boulevard, 5440 Marinelli Road, 5801
 85 Nicholson Lane, 11700 Old Georgetown Road, 11701 Old Georgetown
 86 Road, 11750 Old Georgetown Road, 11800 Old Georgetown Road,
 87 11801 Rockville Pike, 5800 Nicholson Lane, 5802 Nicholson Lane,
 88 5809 Nicholson Lane, 5440 Marinelli Road, 5503 Edson Lane, 5505
 89 Edson Lane, 5507 Edson Lane, 5509 Edson Lane, 11201 Woodglen
 90 Drive, 11203 Woodglen Drive, 11205 Woodglen Drive, 11207
 91 Woodglen Drive, 11209 Woodglen Drive, 11351 Woodglen Drive,
 92 11418 Rockville Pike, 11200-11219 Edson Park Place, 11222 Edson
 93 Park Place, 11224 Edson Park Place, 11226 Edson Park Place, 11228
 94 Edson Park Place, 11230 Edson Park Place, 11232 Edson Park Place,
 95 11234 Edson Park Place, 11236 Edson Park Place, 11238 Edson Park
 96 Place, and 11240 Edson Park Place.

97 **68C-3. Levy of Tax; Limits.**

98 (a) Each tax year the County Council may levy against all the assessable
 99 real and personal property in the District a sum on each \$100 of
 100 assessable property that does not exceed an amount sufficient to cover
 101 the costs of transportation infrastructure improvements that have been
 102 identified in a Council resolution approved under Section 68C-4.

103 (b) Under Section 9-1302 of Article 24, Maryland Code, the limit in
 104 Charter Section 305 on levies of ad valorem taxes on real property to
 105 finance County budgets does not apply to revenue from any tax imposed
 106 under this Chapter.

- 107 (c) The tax imposed under this Chapter must be levied and collected as
 108 other County property taxes are levied and collected.
- 109 (d) The tax imposed under this Chapter has the same priority, bears the
 110 same interest and penalties, and in every respect must be treated the
 111 same as other County property taxes.
- 112 (e) Paying the tax imposed under the Chapter does not entitle any person to
 113 claim a credit against any other tax that the County imposes, including
 114 the development impact tax for transportation improvements imposed
 115 under Section 52-49 or the development impact tax for public school
 116 improvements imposed under Section 52-89.

117 **68C-4. Transportation Infrastructure Improvement Resolution.**

- 118 (a) After holding a public hearing, the Council may approve a resolution
 119 that lists each transportation infrastructure improvement that would be
 120 entirely or partly paid for by a tax imposed under Section 68C-3.
- 121 (b) The resolution must indicate the estimated cost, including a contingency
 122 amount, for each listed improvement.
- 123 (c) The Council may amend the resolution after holding a public hearing.
- 124 (d) The Council must present the resolution and each amended resolution to
 125 the Executive for approval or disapproval. If the Executive disapproves
 126 a resolution within 10 days after it is transmitted to the Executive and
 127 the Council readopts the resolution by a vote of 6 Councilmembers, or if
 128 the Executive does not act within 10 days after the resolution is
 129 transmitted, the resolution takes effect.
- 130 (e) Before the Council holds a public hearing under subsection (a) or (c),
 131 the Executive should transmit to the Council:

- 132 (1) a list of recommended transportation infrastructure improvements
- 133 to be entirely or partly paid for by a tax imposed under Section
- 134 68C-3;
- 135 (2) the estimated cost, including a contingency amount, for each
- 136 listed improvement; and
- 137 (3) an estimated tax rate for each tax to be imposed under Section
- 138 68C-3.

139 (f) Before the County loans or advances any funds to the District that the
 140 District is required to repay to the County, the Council must adopt a
 141 [[financing]] repayment plan in a resolution under this Section, or as
 142 part of an approved Capital Improvements Program resolution, that
 143 specifies:

- 144 (1) each transportation infrastructure improvement for which funds
- 145 would be advanced;
- 146 (2) the amount of funds advanced which the District must repay;
- 147 (3) the [[amount]] expected rate of interest, if any, the District must
- 148 repay;
- 149 (4) the time period during which the District [[must]] is expected to
- 150 repay the amount due; and
- 151 (5) [[the number and timing of installment payments, if any; and]]
- 152 [[6]] any other principal term of repayment.

153 Any [[financing]] repayment plan adopted under this subsection is
 154 binding on the District and the County, except as later modified in a
 155 Council resolution.

156 **68C-5. District Fund.**

- 157 (a) The Director of Finance must establish a separate fund for the proceeds
- 158 collected from any tax imposed under this Chapter. The proceeds of

159 any tax imposed under this Chapter must be pledged to and paid into
 160 this fund.

161 (b) The Director of Finance must use this fund only to pay the cost of any
 162 transportation infrastructure improvement related to the District.

163 (c) If in any fiscal year a balance remains in the fund, the Director of
 164 Finance may use the balance to:

165 (1) pay the cost of any transportation infrastructure improvement for
 166 the District;

167 (2) create a reserve to pay the future costs of any transportation
 168 infrastructure improvement for the District;

169 (3) pay bond-related obligations or retire bonds then outstanding; or

170 (4) pay into a sinking fund required by the terms of bonds which
 171 finance the cost of any transportation infrastructure improvement
 172 for the District that may be incurred or accrue in later years.

173 **68C-6. Issuing Bonds.**

174 (a) Before the County issues any bond payable from ad valorem taxes
 175 levied under Section 68C-3, the Council must adopt a resolution
 176 authorizing the issuance of bonds that meets the requirements of this
 177 Section.

178 (b) Each resolution under this Section must:

179 (1) describe the types of transportation infrastructure improvements
 180 and related costs to be financed; and

181 (2) specify the maximum principal amount of bonds to be issued.

182 (c) Each resolution may specify, or authorize the Executive by executive
 183 order to specify:

184 (1) the actual principal amount of bonds to be issued;

185 (2) the actual rate or rates of interest for the bonds;

- 186 (3) how and on what terms the bonds must be sold;
- 187 (4) how, when, and where principal of, and interest on, the bonds
- 188 must be paid;
- 189 (5) when the bonds may be executed, issued, and delivered;
- 190 (6) the form and tenor of the bonds, and the denominations in which
- 191 the bonds may be issued;
- 192 (7) how any or all of the bonds may be called for redemption before
- 193 their stated maturity dates;
- 194 (8) the nature and size of any debt service reserve fund;
- 195 (9) the pledge of other assets in and revenues from the District to pay
- 196 the principal of and interest on the bonds;
- 197 (10) any bond insurance or any other financial guaranty or credit or
- 198 liquidity enhancement of the bonds; and
- 199 (11) any other provision consistent with law that is necessary or
- 200 desirable to finance any transportation infrastructure
- 201 improvement that has been identified in a Council resolution
- 202 approved under Section 68C-4.
- 203 (d) (1) The County [[covenants]] must covenant to levy ad valorem
- 204 taxes against all assessable real and personal property in the
- 205 District at a rate and amount sufficient in each year when any
- 206 bonds are outstanding to:
- 207 (A) provide for the payment of the principal of, interest on, and
- 208 redemption premium if any, on the bonds;
- 209 (B) replenish any debt service reserve fund established with
- 210 respect to the bonds; and
- 211 (C) provide for any other purpose related to the ongoing
- 212 expenses of and security for the bonds.

- 213 (2) The County further [[covenants]] must covenant, when any bond
 214 is outstanding, to enforce the collection of all ad valorem taxes
 215 under this Chapter as provided by applicable law.
- 216 (e) All proceeds received from any issuance of bonds must be applied
 217 solely towards costs of the transportation infrastructure improvements
 218 listed in the resolution adopted under Section 68C-4, including the cost
 219 of issuing bonds and payment of the principal of, interest on, and
 220 redemption premium if any, on the bonds.
- 221 (f) The bonds issued under this Chapter:
- 222 (1) are special obligations of the County and do not constitute a
 223 general obligation debt of the County or a pledge of the County's
 224 full faith and credit or the County's general taxing power;
- 225 (2) may be sold in any manner, either at public or private sale, and on
 226 terms as the Executive approves;
- 227 (3) are not subject to Sections 10 and 11 of Article 31, Maryland
 228 Code; and
- 229 (4) must be treated as securities to the same extent as bonds issued
 230 under Section 9-1301 of Article 24, Maryland Code.
- 231 (g) To the extent provided by law, the bonds, their transfer, the interest
 232 payable on them, and any income derived from them, including any
 233 profit realized on their sale or exchange, must be exempt at all times
 234 from every kind and nature of taxation by the State of Maryland and any
 235 county or municipality in Maryland.
- 236 (h) The bonds must be payable from the fund required under Section 68C-5
 237 and any other asset or revenue of the District pledged toward their
 238 payment. When any bond is outstanding, the monies in the fund are
 239 pledged to pay the costs of any transportation infrastructure

240 improvement funded entirely or partly by the proceeds of the bonds,
241 including the costs of issuing the bonds and payment of the principal of,
242 interest on, and redemption premium if any, on the bonds. In addition
243 to ad valorem taxes, the bonds may be secured by any other asset in or
244 revenue generated in the District.

245 (i) Any ad valorem tax imposed under this Chapter must not be accelerated
246 because of any bond default.

247 **68C-7. Expiration of district.**

248 Any special taxing district created under this Chapter expires by operation of
249 law 30 days after the cost of all transportation infrastructure improvements identified
250 in a Council resolution approved under Section 68C-4, including all outstanding
251 bonds and cash advances made by the County, have been paid.

252 *Approved:*

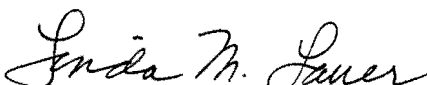
253  12/1/10
Nancy Floreen, President, County Council Date

254 *Approved:*

255  12/9/10
Isiah Leggett, County Executive Date

256

257 *This is a correct copy of Council action.*

258  12/10/10
Linda M. Lauer, Clerk of the Council Date

ATTACHMENT 2

Resolution No.: 16-1570
Introduced: October 5, 2010
Adopted: November 30, 2010

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: White Flint Sector Plan Implementation Strategy and Infrastructure Improvement List

Background

1. On March 23, 2010, the County Council, sitting as the District Council, adopted the White Flint Sector Plan, which approved a long range vision of transforming the Sector Plan area into a pedestrian-friendly transit-oriented urban setting.
2. The White Flint Sector Plan envisions conversion of Rockville Pike (MD Route 355) into a walkable boulevard with bus rapid transit along with road networks to the west and east of Rockville Pike that will provide effective alternatives to the highly congested Rockville Pike and connected blocks for development and connectivity.
3. The Plan's focus on access to Metro transit and redevelopment of the extensively built environment make White Flint a priority smart growth area.
4. The White Flint Sector Plan Area is expected to be a leading economic engine for the County.
5. To provide greater assurance of achieving this vision, the Plan identified a need for a public financing mechanism to fund a portion of the transportation infrastructure. This public financing mechanism anticipates assessments against property or other means of revenue generation and is intended to replace payments that projects redeveloping in the plan area would have to pay under current adequate public facilities requirements for local area transportation and policy area mobility reviews (LATR and PAMR).
6. The Council enacted Bill 50-10, creating the White Flint Special Taxing District to raise revenues to fund certain transportation improvements. The White Flint Special Taxing District will provide greater assurances of reliable and consistent revenue generation and materially greater funds for transportation improvements than would be anticipated from combined payments under otherwise applicable transportation development impositions, including LATR, PAMR, and transportation impact taxes.

7. The Council pursued certain goals in enacting Bill 50-10, including (a) creating a mechanism that will produce a reliable and consistent source of funds to secure debt service and pay for specific transportation infrastructure items; (b) imposing a manageable and sustainable payment for transportation infrastructure associated with new development in the White Flint Sector Plan area without unduly burdening property owners; and (c) setting and maintaining a tax rate that will allow development and businesses in White Flint to be competitive in attracting businesses to the area.
8. County Code Chapter 68C, enacted in Bill 50-10, establishes the White Flint Special Taxing District, authorizes the levy of an ad valorem tax to fund transportation infrastructure improvements in the District, and authorizes the issuance of bonds to finance the transportation infrastructure improvements.
9. Chapter 68C-4 requires a resolution that lists each transportation infrastructure improvement that is to be paid for by the District special tax, and the estimated costs of each improvement, which must include a contingency amount.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

To comply with the requirements of Chapter 68C and to successfully implement the White Flint Sector Plan, the Council takes the following steps and adopts the following implementation strategy to maximize acceptable growth in the Plan area and to move from Stage 1 to Stages 2 and 3 of development envisioned in the Plan.

1. The County's goal is that the White Flint Special Taxing District special tax rate must not exceed 10% of the total tax rate for the District, except that the rate must be sufficient to pay debt service on any bonds that are already outstanding.
2. If the revenues from the special tax at the level in the preceding paragraph are not sufficient to afford additional infrastructure improvements as are necessary and ready for implementation to execute the White Flint Sector Plan, the County Executive, before recommending any increase to the tax rate above the level in the preceding paragraph, must consider alternative approaches, including the timing and scope of each infrastructure item and the structure of the financing plan to pay for it, and alternative revenue sources.
3. Without limiting the specificity of the preceding paragraph, before issuing debt secured by or intended to be paid by the White Flint Special Taxing District, the County Executive must carry out a feasibility or other study to assess whether repaying the debt will require a district tax rate that will exceed the 10% policy goal. If this analysis concludes that a rate higher than the 10% policy goal would be

required, the Council intends that either (a) the debt will not be issued at that time; or (b) the County will manage the debt issuance or repayment in a manner that will have the White Flint Special Taxing District rate stay within the 10% policy goal.

4. For the tax year that began on July 1, 2010, the total base real property tax rate in the White Flint Special Taxing District is \$1.027 per \$100 of assessed value.
5. For the tax year that begins on July 1, 2011, the rate of the White Flint Special Taxing District special tax is estimated to be \$0.103 per \$100 of assessed value. The Council will set the actual Special Taxing District tax rate when it sets other property tax rates in May 2011.
6. The specific transportation infrastructure improvements that will be financed by the White Flint Special Taxing District are listed in Exhibit A, along with an estimated cost for each improvement, including a contingency amount. The District will remain responsible for the actual cost of each designated infrastructure improvement, including any future cost increase.
7. If a gap results between the White Flint Special Taxing District revenue generation and the aggregate cost of those transportation projects to be funded by District revenues, and to assure adherence to the 10% policy rate goal and the prompt building of necessary infrastructure in the Sector Plan area, the Council policy is that, to promptly implement the Sector Plan, the Capital Improvements Program for this area will include forward funding or advance funds to design and build the following:
 - (a) that portion of Market Street from Old Georgetown Road to Woodglan Road, including a bike lane;
 - (b) realignment of Executive Boulevard from Marinelli Road to MD Route 187;
 - (c) the redesign of Rockville Pike (these 3 items collectively may be referred to as “forward-funded items”); and
 - (d) up to \$15 million for other items assigned to the District in Plan stages 1 and 2.

Any forward funding or advance payment must be structured so that it does not count under applicable spending affordability guidelines.

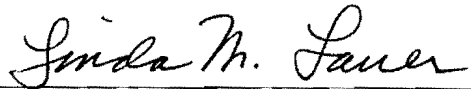
8. As used in the preceding paragraph, forward fund or advance funds means
 - (a) For items 7(a), (b), and (c), the County would include these items in the County Capital Improvements Program and fund them accordingly, and the District, subject to applicable provisions of Chapter 68C, would, on a dollar for dollar basis, without any interest accruing during the first 10 years after that Capital Improvements Program is approved, repay the County when every District improvement listed in Exhibit A has been

funded either directly or through debt secured by the District. However, the District may repay the County earlier for any item to the extent that revenue generation exceeds the funds needed to pay for other improvements assigned to the District and no stage of development under the Sector Plan would be delayed; and

- (b) For item 7(d), the County would coordinate with planned private development and include infrastructure items necessary for that development to proceed in a timely fashion in the County Capital Improvements Program, and the District would reimburse the County for all costs incurred in connection with any advance, including interest costs.
9. The specified items subject to forward or advance funding have estimated costs shown in Exhibit A as follows:
 - (a) The realignment of Executive Boulevard and Market Street from Old Georgetown Road to Woodglenn Road is estimated to cost \$24.8 million, not including right-of-way which is assumed to be dedicated by affected property owners.
 - (b) The redesign of Rockville Pike is estimated to cost \$7.7 million.
 10. The County Executive will include the projects comprising the forward funding in his January 2011 Capital Improvements Program Amendments, with initial expenditures in fiscal years 2015, 2016, and beyond until completed.
 11. Two items have been removed from District funding and must instead be paid for by County or other sources of public funds. These items are:
 - (a) the second entrance to the White Flint Metro Station, which is estimated to cost \$35 million; and
 - (b) the Nebel Street bike lane, which is estimated to cost \$9.2 million.
 12. One item has been modified for District funding: Market Street between MD Route 355 and Station Street (bridge across White Flint Metro station), at an estimated added cost of \$5.2 million and a total cost of \$7.2 million.
 13. The County Council intends that the annual joint State-County transportation priority letter would include a request to the Maryland Department of Transportation that the White Flint Sector Plan Area should receive a Transit Oriented Development designation, but also note that granting this status to the White Flint area does not mean that transportation infrastructure items in that area would supersede any other items in the priority letter.

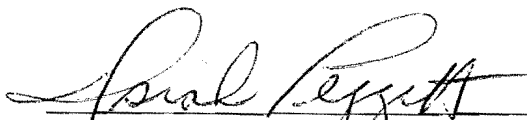
14. The Council intends to amend the law authorizing the County transportation impact tax to create a White Flint impact tax district and to set the tax rate in that district at \$0. The Executive intends to submit a Bill to the Council to do this. The Council also intends that the transportation impact tax rate for the remaining buildings in LCOR Inc.'s North Bethesda Center development be set at \$0. This development had been approved under the former County Growth Policy's Alternative Review Procedure for Metro Station Policy Areas, under which its transportation impact tax rate is 75% of the applicable County-wide rate. This action would also be included in the transportation impact tax amendments bill.
15. The Council intends to fund, in the White Flint Special Taxing District Capital Improvements Program referred to in paragraph 10, to the extent legally allowable, personnel costs and other expenses of the development coordinator for the White Flint planning area that the Executive is required to designate under County Code §2-25(c), enacted in Council Bill 1-10. State law (including Maryland Code Article 24, §9-1302(a)(2), incorporating §9-1301(a)(3)(viii), and §9-1303(a)(2) and §9-1303(e)) authorizes funding of these costs by the District.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

Approved:



Isiah Leggett, County Executive

EXHIBIT A

WHITE FLINT SPECIAL TAXING DISTRICT
DISTRICT-FUNDED IMPROVEMENTS

Improvement Description	Estimated Cost
Old Georgetown Road (MD 187): Nicholson La./Tilden La. to Executive Blvd.	\$17,774,000
Old Georgetown Road (MD 187): Hoya St. to Rockville Pike (MD 355)	1,789,000
Hoya Street (formerly Old Old Georgetown Rd.): Executive Blvd. to Montrose Pkwy.	15,344,000
Rockville Pike (MD 355): Flanders Ave. to Hubbard Drive	66,961,000
Nicholson Lane: Old Georgetown Rd. (MD 187) to CSX tracks	12,942,000
Executive Blvd. Ext.: Marinelli Rd. to Old Georgetown Rd (MD 187)	23,500,000
Main St./Market St.: Old Georgetown Rd. (MD 187) to Executive Blvd. Extended (Bikeway)	1,713,000
Main St./Market St.: Old Georgetown Rd. (MD 187) to Executive Blvd. Ext.	4,933,000
Main St./Market St.: Executive Blvd. to Rockville Pike (MD 355)	4,661,000
Market Street from Maryland Route 355 to Station Street	7,200,000
Executive Blvd. Ext. (East): Rockville Pike (MD 355) to Nebel St. Ext. (South)	16,700,000
Nebel St. Ext. (South): Nicholson La. to Executive Blvd. Ext. (East)	8,200,000
TOTAL	181,717,000

ATTACHMENT 3

Friends of White Flint

August 24, 2016

Casey Anderson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

RE: White Flint 2 Sector Plan

Dear Chairman Anderson:

As you know, Friends of White Flint represents thousands of residents, businesses, and property owners in the White Flint/Pike District area. We have enjoyed being a part of the public discussion to create a new sector plan for the White Flint 2 area.

After soliciting input from our members, The Friends of White Flint Board of Directors met last month to discuss and review the White Flint 2 Preliminary Plan, and there is much that we like about the plan. We also have suggestions to improve the plan and to enable it to meet the diverse needs of our community and county.

The staging of the White Flint 2 sector may be the most important factor in the plan. How the redevelopment of properties in White Flint 2 is incorporated with and affect the staging and the special taxing district created in White Flint 1 is a significant issue that ought to be addressed in the White Flint 2 Sector Plan. If there are different metrics and policies for White Flint 1 and White Flint 2, there exists the potential for economic advantage or disadvantage for different property owners. We feel strongly that leapfrogging development could be damaging to the Pike District. We also believe if and how White Flint 2 property owners pay the White Flint special sector tax should be flushed out in the White Flint 2 plan so there is parity between the White Flint 1 and 2 sector plans.

We have listed below the portions of the plan we support, the portions we'd like to modify, and the items that believe are missing.

- 1) We very much like that plan suggests dedicated sites for the elementary school needed in the White Flint area to address school capacity. While we are not advocating for any site in particular, we agree that dedicating a site in the plan is essential to addressing current and future school overcrowding.
- 2) We strongly support the connectivity outlined in the plan, especially the bike paths along Randolph Road and Parklawn Drive. We believe that bicycle and pedestrian connectivity is crucial to the success of this area. That said, we are quite disappointed that there was no solution to creating a pedestrian-bike track over the railroad tracks to connect White Flint 2 and White Flint 1. We would very much like to see such a connection included in the plan. While we acknowledge there are engineering and other challenges creating a bicycle-pedestrian path over the railroad tracks, we

believe that difficulty is not a reason to omit a needed connection from the plan. This pedestrian-bike path should be incorporated into the future MARC station.

- 3) We very much would like to see more innovative office and residential concepts included in the plan. These might include micro-units, shared housing, and condominiums/apartments that could be used for either residential or office purposes in the same building. These types of creative residential and office buildings are being constructed and leased in other areas in our region.
- 4) We support the plan's re-configured intersection at Parklawn Drive and Randolph Road to ease traffic, increase walkability, and provide a better site for the redevelopment of Loehman's Plaza.
- 5) We support the reconfiguration of the intersection of Boiling Brook Road and Rocking Horse Drive. The current intersection is confusing and dangerous for both cars and pedestrians.
- 6) We endorse keeping light industrial space in the White Flint 2 area but would support plans to change the light industrial space near Randolph Hills Shopping Center to a flexible, mixed-use, higher density, residential-commercial zoning.
- 7) To enhance connectivity and encourage walking between White Flint 1 and White Flint 2 area, we would like to see a sidewalk included on the east side of Route 355 along the bridge over Montrose Parkway to connect with the sidewalk that ends in front of Montrose Crossing.
- 8) We recommend a signalized intersection where the new Rose Avenue intersects at Hoya Street at the Willco property. Both Federal Realty and Willco want this intersection and are willing to fund it. An intersection here is critical to achieving the goal of extending the White Flint 1 street grid into White Flint 2 while providing a much needed mid-block crossing for pedestrians and vehicles.
- 9) We applaud the plan's goal to create 12 acres of public space. However, we would like to see innovative public space that meets the needs of residents, not just the creation of athletic fields that people from other parts of the county would drive to White Flint to use or small contemplative plazas.
- 10) We would like to see the plan encourage traditional and innovative senior housing options.
- 11) We support a lighted pedestrian path behind Executive Boulevard behind Luxmanor Elementary.
- 12) We support the request for Oxford Square to have a density of 1.0 F.A.R to increase the stock of low and mid-rise residential units.
- 13) A MARC station should remain part of the plan.
- 14) While we appreciate the need to have some light industrial space in the down-county area, we would like the Planning Board to consider creating a flexible mixed use zone around the Nicholson Court area.

The Friends of White Flint is happy to meet with you or other Planning Department staff to further discuss our recommendations.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'A. Ginsburg', written in a cursive style.

Amy Ginsburg
Executive Director

cc: Nkosi Yearwood
Glenn Kreger

Yearwood, Nkosi

From: Francoise Carrier <fcarrier@bregmanlaw.com>
Sent: Thursday, September 15, 2016 2:15 PM
To: Yearwood, Nkosi
Cc: Wright, Gwen; Kreger, Glenn; Sturgeon, Nancy; Estrada, Luis; Jason Goldblatt; Brian Mistysyn; Barbara Sears
Subject: Potential WF2 staging alternatives

Nkosi,

Barbara and I are writing on behalf of our client, Wilco, to provide some preliminary thoughts on the "work in progress" alternative approaches to staging for WF2 that you distributed at the White Flint Implementation Committee meeting on September 12.

Wilco is concerned about the prospect of staging that could hold up development in WF2 due to the significant, costly public improvements at issue. The concept is very similar to the staging that was applied in the 2010 White Flint Sector Plan. In the 2010 Plan, however, properties were mapped with significant increases in height and density: almost all the properties in the planning area received at least a 3.0 FAR, many with a maximum height of 200 feet or more. Thus, the limitations of the staging program were accompanied by the incentives of significant height and density. The staff's preliminary recommendations for WF2, in contrast, provide more modest increases in height and density. In Wilco's view, a robust staging program is not justified were development incentives in the form of significant height and density increases are not being provided.

We understand that consideration is also being given to extending the White Flint Special Tax District to include some or all of the WF2 area, largely because the revenues generated in the original White Flint area to date have not met projections as a result of development not moving forward as quickly as anticipated. Wilco would suggest serious consideration of the equities of the situation; properties in the WF2 area should not have to bear an additional financial burden because the 2010 White Flint plan area did not meet timing and revenue projections. At a minimum, if properties in WF2 are to contribute to the cost of improvements that were meant to be funded by properties in the 2010 Plan area, WF2 properties should be given the same kind of development incentives that justified the Special Tax District in 2010.

Thank you very much for taking these preliminary comments into consideration. We will look forward to additional dialogue about potential approaches to staging and financing in the coming months.

Regards,
Francoise

Françoise M. Carrier
Bregman, Berbert, Schwartz & Gilday, LLC
7315 Wisconsin Avenue, Ste. 800 West
Bethesda, Maryland 20814
240-428-4671 business cell
301-656-2707 office phone

ATTACHMENT 4

Yearwood, Nkosi

From: Francoise Carrier <fcarrier@bregmanlaw.com>
Sent: Friday, September 16, 2016 8:57 AM
To: Yearwood, Nkosi
Cc: Wright, Gwen; Kreger, Glenn; Sturgeon, Nancy; Estrada, Luis; blang@guardianrealty.com
Subject: Potential WF2 staging alternatives

Nkosi,

I am writing on behalf of my client, Guardian Realty Investors, to provide some preliminary thoughts on the alternative approaches to staging for WF2 that you distributed at the White Flint Implementation Committee meeting on September 12. We appreciate that you put the list together and shared it publicly while it is still a work in progress.

As you may remember, Guardian owns the property at the southwest corner of the intersection of Old Georgetown Road and Executive Boulevard. Guardian's basic concern is that all of the staging alternatives staff is considering involve the potential to hold up development in WF2 while waiting for the funding and/or completion of significant, costly public improvements. The concept is very similar to the staging that was applied in the 2010 White Flint Sector Plan. In the 2010 Plan, however, properties were mapped with significant increases in height and density: almost all the properties in the planning area received at least a 3.0 FAR, many with a maximum height of 200 feet or more. Thus, the limitations of the staging program were accompanied by the incentives of significant height and density. The staff's preliminary recommendations for WF2, in contrast, provide more modest increases in height and density. Guardian would suggest that a robust staging program is not justified were development incentives in the form of significant height and density increases are not being provided.

We are aware that consideration is also being given to extending the White Flint Special Tax District to include some or all of the WF2 area, largely because the revenues generated in the original White Flint area to date have been very disappointing. Guardian would suggest serious consideration of the equities of the situation; properties in the WF2 area should not have to bear an additional financial burden because the 2010 White Flint plan area did not meet revenue projects. At a minimum, if properties in WF2 are to contribute to the cost of improvements that were meant to be funded by properties in the 2010 Plan area, WF2 properties should be given the same kind of development incentives that justified the Special Tax District in 2010.

Thank you very much for taking these preliminary comments into consideration. We will look forward to additional dialogue about potential approaches to staging and financing in the coming months.

Regards,
Francoise

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