

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded by
Comm. Perdue with a vote of 3-0;Comms. Bryant, Holmes, and Perdue
Voting in favor

Comm. Wellington absent

MONTGOMERY COUNTY PLANNING BOARD**OPINION**

Preliminary Plan 1-01067

NAME OF PLAN: EAST HAMPSHIRE CENTER

On 04/11/01, MAISEL-HOLLINS DEVELOPMENT COMPANY submitted an application for the approval of a preliminary plan of subdivision of property in the C-2 zone. The application proposed to create 1 lot (19,435 square feet retail/storage and 86,046 square feet of storage warehouse) on 2.15 acres of land. The application was designated Preliminary Plan 1-01067. On 07/19/01, Preliminary Plan 1-01067 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-01067 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-01067.

Approval, subject to the following conditions:

- (1) Approval of this preliminary plan is limited to no more than 8,551 square feet of retail with 10,884 square feet of storage and 86,046 square feet of self-storage warehouse
- (2) Limit access to New Hampshire Avenue (MD 650) to one existing right-in/right-out driveway through closure of the existing right-in/right-out driveway closest to the New Hampshire Avenue/Eastern Avenue intersection
- (3) Coordinate specific design requirements for the MD 650 site access with the Maryland State Highway Administration (SHA)
- (4) Provide a bus shelter on or in the vicinity of the property to mitigate site traffic impacts in accordance with the Local Area Transportation Review (LATR) Guidelines
- (5) Compliance with the conditions of approval with the City of Takoma Park stormwater management approval letter, Approval No. SW01-09
- (6) Prior to recording of plats, submit final landscape, lighting and parking facilities plan for technical staff review and approval. Landscape plan to include streetscape schedule for all rights of way
- (7) Parking facilities plan is limited to the uses described above in Condition No. 1. Any change in the mix of uses which results in an increase in the required number of parking spaces may require further Planning Board review

- (8) No free-standing (pole-mounted) commercial signage is to be erected on the site
- (9) All road rights-of-way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Silver Spring- Takoma Park Master Plan, unless otherwise designated on the preliminary plan
- (10) Record plat to provide for full width dedication of New Hampshire Avenue, Sligo Mill Road and Western Avenue
- (11) Access and improvements as required to be approved by MDSHA prior to issuance of access permit
- (12) Conditions of approval of the City of Takoma Park stormwater management approval dated 5-24-01
- (13) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- (14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- (15) Necessary easements

EAST HAMPSHIRE LLC
8627 16th Street
Silver Spring, MD 2 0910

September 13, 2004

Angela P. Brown
Development Review Division
MNCP & PC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: East Hampshire Center
1-01067

Dear Ms. Brown:

On June 4, 2001 our organization acquired the referenced development with the intent of adding an additional building and making significant site improvements to the existing Track Auto including bio-retention and landscape.

After having worked closely with our development team, which included two of the commission staff members, and securing all of the necessary approvals, Track declared voluntary bankruptcy. This occurred on July 5, 2001, one month after settlement.

After this filing we were in limbo until the judge awarded the assets to Advanced Auto. At that time we hoped to proceed but they chose not to agree to the Track agreements, and after 1½ years in court we are now hoping to settle within the next 120 days. The attorneys are drafting the necessary documents that will allow us to proceed.

The Department of Permitting Services granted us an extension to our building permit after considering these circumstances.

We request a 120 day extension of this plan that will allow us to proceed with the environmental and aesthetic improvements to this development.

Included for your connivance is a copy of the Track bankruptcy filing and our extension from the Permitting Services.

Thank you for your consideration,


Harvey B. Maisel

Cc: Robert Dalkymple
Enclosure

Attachment B

Montgomery County Department of Park & Planning
Development Review Division

Maryland National Capital Park & Planning Commission ■ 3787 Georgia Avenue, Silver Spring, Maryland 20910-3760 ■ (301) 495-4555 Fax (301) 495-1306

APPLICATION

Extension Request

1-01067 E

For M-NCPPC Staff Use Only

Date Application & Fee Received	9/13/04 by AB	NR/IFSD File Number	4 -
Fee (Attach Fee Worksheet)		DRC Meeting Date	
Date Application Complete	9/13/04 by AB	MCPB Hearing Date	
Review Deadline			

Plan Name EAST HAMPSHIRE CENTER

This is a request for extension of: Preliminary Plan Site Plan Project Plan

Plan Information:

Plan Number 1-01067 (1-01067)

Plan will expire on 1/1/05

Request extension for 4 mos./until 1/1/05

Loophole Property? Yes No (refer to MCC DM #1-98, concerning a timely AFP review prior to issuance of a Building Permit)

Checklist: (all must be attached)

- Complete Application Form
- Copy of Adjoining Property Owners list
- Fee
- Copies of Approved Plans List (10) 10 Drawings
- Current Valid Opinion
- Letter Justifying Request

An application will not be accepted for review unless all required information and fees have been provided.

Applicant Information

Name EAST HAMPSHIRE CENTER - HARVEY WAISEL
 Street Address 8627 16TH ST
 City SILVER SPRING State MD Zip Code 20910
 Telephone Number (301) 588-8885 # 102 Fax Number (301) 589-0445

Attorney

Name C. ROBERT DALRYMPLE
 Street Address BETHESDA MD
 City BETHESDA State MD Zip Code 20817
 Telephone Number (301) 961-5208 Fax Number (301) 654-2801

Signature of Applicant (Owner or Contract Purchaser)

Signature [Handwritten Signature]
 Name HARVEY B. WAISEL
 Date 8/30/04

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

In Re: Trak Auto Corporation
52-1281465
Debtor in Possession

Chapter 11
Case No. 01-72167-DHA

**MOTION OF THE DEBTOR
FOR AN ORDER UNDER SECTION 365(d)(4) OF THE BANKRUPTCY CODE
FOR A THIRD EXTENSION OF THE TIME TO ASSUME OR REJECT CERTAIN
NONRESIDENTIAL REAL PROPERTY LEASES**

The Debtor in Possession, Trak Auto Corporation (the "Debtor" or "Trak"), by counsel, pursuant to 11 U.S.C. § 365(d)(4), hereby moves the Court for an Order extending the time to assume or reject certain nonresidential real property leases an additional one hundred twenty (120) days, and in support of this Motion states the following:

Background

1. On July 5, 2001, (the "Filing Date"), Trak filed a voluntary petition under Chapter 11, Title 11, United States Code. Trak remains in possession and control of its business and assets pursuant to 11 U.S.C. § 1107 (the "Estate").
2. This Court has jurisdiction over this core proceeding pursuant to 28 U.S.C. §§ 1157(b) and 1334.

3. No trustee has been appointed in this case.
4. A committee of unsecured creditors has been formed by the United States Trustee in this matter (the "Committee") and the Committee is aware of and supports this Motion.

5. Trak is a retailer of automotive parts and accessories that, on the Filing Date, had 196 retail locations in Hampton Roads, Richmond and Northern Virginia; the District of Columbia; Maryland; Illinois; Wisconsin; Pennsylvania; as well as distribution centers in Illinois and Maryland and certain offices in Michigan and Maryland. Trak's current locations number 79 with distribution centers/warehouse space in Illinois and Maryland.

6. Jurisdiction to consider this matter is vested in the Court pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. § 1408 and 1409.

Relief Requested

7. Trak also previously filed for, and received, two previous extensions to assume or reject its remaining leases, distribution centers and offices. This motion seeks an additional one hundred twenty (120) days from March 5, 2002 for Trak to assume or reject approximately 74 locations, warehouse space in Illinois, office space in Michigan and office and warehouse space in Maryland.

8. Since the filing of the previous extension, Trak has undergone significant reorganization. Trak's Chicago area market has been closed and liquidated, reducing Trak's locations to less than half those on the Filing Date, or approximately 79. The

James T. Lloyd, Jr., Esquire
Virginia State Bar No. 24004
TRAPANI, BERNARD & LLOYD
City Centre, Suite 200
223 East City Hall Avenue
Norfolk, VA 23510
Telephone: (757) 625-2550
Facsimile: (757) 625-4133
e-mail: jllloyd@tbl-law.com
Counsel for the Debtor in Possession

liquidation of the Chicago area market concluded, with minor exceptions, in January 2002.

9. Based on the liquidation of the Chicago area market and concentration on the Metro DC/Maryland/Virginia market (the "Metro only" market), the Debtor will need further time to evaluate the feasibility of operating solely in the Metro DC/Maryland/Virginia market. At this point in time, Trak only has historical financial data regarding the operations of the "Metro only" market for the month of February 2002, traditionally a slow month in the retail automotive business. The retail automotive business experiences better sales beginning in the spring. In order to evaluate the viability of the ongoing operations in the "Metro only" market, Trak and its creditors need to see and examine historical financial data for some of the spring months.

10. The Committee and Trak's main secured creditor, Congress Financial Corporation ("Congress"), support an additional extension for the same reasons stated above. Requiring the assumption of these leases at this time, without the chance to examine viable financial operations in the wake of the Chicago liquidation, can result in significant administrative liability of Trak without sufficient financial information to determine whether such assumption is in the best interests of the Estate. Furthermore, rejection of the leases at this time would end the reorganization efforts of the Debtor and result in no potential recovery for creditors and significantly reduced recovery for Congress.

11. In addition to the above, Trak has received inquiries from parties regarding potential purchase of all or part of Trak. While such inquiries have yet to result in any

concrete offer, assumption and/or rejection of the leases at this time may end such inquiries and potential sale or sales to the detriment of the Estate.

12. Attached as Exhibit A is a list of the locations and landlords involved in this Motion to extend time.

13. Section 365(d) (4) of the Bankruptcy Code provides:
Notwithstanding paragraphs (1) and (2), in a case under any chapter of this title, if the trustee does not assume or reject an unexpired lease of nonresidential real property under which the debtor is the lessee within 60 days after the date of filing for relief, or within such additional time as the court, for cause, within such 60 day period, fixes, then such lease is deemed rejected and the trustee shall immediately surrender such nonresidential real property to the lessor.

14. In *Legacy, Ltd. v. Channel Home Centers, Inc. (In re Channel Home Centers, Inc.)*, 989 F. 2d 682, 689 (3rd Cir.) cert. denied 510 U.S. 865 (1993), the court held that "nothing prevents a bankruptcy court from granting an extension [under 11 U.S.C. § 365(d)(4)] because a particular debtor needs additional time to determine whether the assumption or rejection of particular leases is called for by the plan of reorganization that it is attempting to develop . . . It is permissible for a bankruptcy court to consider a particular debtor's need for more time in order to analyze leases in light of the plan it is formulating." The lessor in *Channel* argued an extension may not be granted to enable a debtor to complete its plan because "the very purpose of § 365(d)(4) is to make debtor decide about assumption or rejection of a lease prior to filing their plan of reorganization." *Id.*, at 688. The *Channel* court rejected this argument as legally "unsound" and found the "it is permissible for a bankruptcy court to consider a particular debtor's need for more time in order to analyze leases in light of the plan it is formulating." *Id.*, at 689.

15. In determining whether "cause" exists to extend the time to assume or reject unexpired leases of nonresidential real property, courts have enumerated several factors to consider, including whether:

- (i) the lease is a primary asset and the decision to assume or reject the lease would be central to any plan or reorganization in the chapter 11 proceeding. . . . (ii) the debtor has not had the time necessary to intelligently appraise its financial situation and the potential value of its assets in terms of the formulation of a plan; and (iii) the existence of any other facts indicating the lack of a reasonable time to decide whether to assume or reject.

In re Wedtech Corp., 72 B.R. 464, 471-72 (Bankr. S.D.N.Y. 1993) accord *Channel Home Centers* (affirming the bankruptcy court).

16. Trak intends to perform its obligations under the remaining Unexpired Leases as and to the extent required by 11 U.S.C. § 365(d)(3). Moreover, individual lessors may ask, for cause shown, that the Court fix an earlier date by which Trak must assume or reject a particular lease, therefore no lessors are prejudiced by the relief sought.

17. This Motion also seeks an extension of time regarding Trak's Landover, Maryland office and warehouse with 75th Avenue Associates ("75th Avenue"). While a previous Order of this Court stated no further extensions would be requested regarding this location, 75th Avenue and Trak have had significant discussions regarding the turnover of a part of the space and reduction in rent in the remaining space and 75th Avenue consents to a 30 day extension, subject to further extension agreed between the parties if necessary, while it and Trak continue their negotiations.

18. Trak further moves that the time to assume or reject the leases that are the subject of this motion be deemed extended until the hearing on the relief requested herein.

19. Notice of this Motion has been given to the Lessors under each lease and those parties on the attached service list.

Notice
Objections

20. OBJECTIONS TO THIS MOTION SHALL BE FILED WITH THE COURT NOT LATER THAN FIVE (5) BUSINESS DAYS PRIOR TO THE HEARING TO BE SCHEDULED IN THIS MATTER. Your rights may be affected. You or your attorney should respond in order to protect your rights. If no objections are filed with the Court and actually received by the parties set forth below, the Court may enter an order without further notice. Any objections shall set forth with particularity the basis for the objection(s). The Objections should be filed with:

Office of the Clerk
U.S. Bankruptcy Court
Room 400, 600 Grandy Street
Post Office Box 1938
Norfolk, VA 23501

Copies of any objections shall be served on the following parties:

James T. Lloyd, Jr., Esquire
TRAPANI, BERNATID & LLOYD, PLC
City Centre, Suite 200
223 E. City Hall Avenue
Norfolk, VA 23510

OFFICE OF THE UNITED STATES TRUSTEE
Room 625, Federal Building
200 Grandy Street
Norfolk, VA 23510

Joseph M. Coleman, Esquire
 Counsel for the Committee
 3700 Thanksgiving Tower
 1801 East Elm Street
 Dallas, TX 75201

21. Pursuant to Local Rule 9013-1(G)(1), the above constitutes the Debtor's motion and memorandum of law in support of this Motion.

WHEREFORE, Trak Auto Corporation respectfully requests entry of an order extending time to assume or reject certain nonresidential real property leases and additional one hundred twenty (120) days and granting such other and further relief as is just.

Dated: March 5, 2002

TRAK AUTO CORPORATION

By: /s/ James T. Lloyd, Jr.
 Of Counsel

CERTIFICATE OF SERVICE

I certify that on this 5th day of March, 2002, a true copy of the foregoing was served, by first class mail and/or electronic means to those landlords noted in Exhibit A and to the attached Service List.

/s/ James T. Lloyd, Jr.
 Of Counsel

Exhibit A - Trak Auto Locations

Store	Landlord
250 Plaza at Landmark 6198 F Little River Turnpike Alexandria VA 22312	High Landmark LLC Urban Retail Properties 3222 M St, NW, Suite 140 Washington DC 20007
251 Mt Airy 400 Ridgeville Boulevard Mt Airy MD 21771	Mark L. Tarr, Carol Stenberg, The Tarr Family Trust Rappaport Management Co 8081 Wolfepg Rd., 2nd Floor Vienna VA 22182
252 Seal Pleasant 5931 Martin Luther King Hwy. Seal Pleasant MD 20743	John and Ermione Spanos 3303 Clearwood Court Falls Church VA 22042
255 Herridon 2525 McNair Farms Drive Herridon VA 22070	McNair Farms CVS, Inc Property Administration #2006 One CVS Drive Woonsocket RI 02895
260 BOWIE 682A RACE TRACK RD BOWIE MD 20715	Hilltop Plaza Pharmacy Leo Storch Mgmt. Corp Suite 312 Hooks Village 28 Hooks Lane Site 312 Baltimore MD 21208
284 Owen Hill 813 Goucher Boulevard Towson MD 21204	Combined Properties United Partnership Combined Properties 1899 L St, NW, 9th Floor Washington DC 20036
265 Fisher Station 5822-A & B OK ROAD FAIRFAX STATION VA 22039	A.J. Dworkin & Associates Inc A.J. Dworkin & Associates Inc 9302 Lee Highway Fairfax VA 22031-1

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State	Landlord
266	Janica H. Leven
Balleys Crossroads	Leven Management
3512 S. Jefferson St.	P.O. Box 326
Bailey's Crossroads	N Plainfield
VA	NJ
22041	7081032
267	Consortium One-Andrews Manor L.L.C.
Andrew's Manor	Formarc Management Inc
4601 Mentown Rd	4733 Beltside Avenue
Camp Springs	Bethesda
MD	MD
20746	20814
268	Beaver Creek Company L.L.C.
Fredericksburg	5809 York Road
4167 Park Rd., Units 15-17	Richmond
Fredericksburg	VA
VA	23226
270	Furl Washington Realty
Swaratoga	4350 East-West Highway
8042 Rolling Road	Bethesda
Springfield	MD
VA	20814
279	The Pelican Group/Laurel Green Shopping Ctr.
Lasering Park	917 Western America Circle Suite 503
16040 Three Notch Road	Mobile
Lexington Park	AL
MD	3660941
280	Fox Run Ltd. Partnership
Prince Frederick	Keremon Operating Partnership, L.P.
635 Solomon's Island Road North	P.O. Box 978, Plymouth Plaza - Suite 200
Prince Frederick	Plymouth Meeting
MD	PA
20878	19462
284	Largo Stryphill Ltd. Partnership
Largo	Petrie Dierman's Partners Inc
954 Largo Center Drive	1430 Sphynhill Rd Suite 210
MD	MD
20785	22102
285	KIR Smokehouse Station L.P.
Spotsylvania	Kenco Realty Corporation
13938 Shoppe's Best Way	3333 New Hyde Park Rd., Suite 100
Woodbridge	New Hyde Park
VA	NY
22192	11042

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State	Landlord
287	Takoma Park
6300 New Hampshire Ave.	Takoma Park
MD	MD
20912	20912
603	Woodbridge
1981 Daniel Stuart Square	Woodbridge
VA	VA
22191	22191
605	Fair City
9404 A Main Street	Fairfax
VA	VA
22031	22031
607	Maneppol Plaza (Manassas)
8311 Sudley Road	Manassas
VA	VA
22110	22110
608	Laurel
951 Farktown Avenue	Laurel
MD	MD
20811	20811
609	Charlity
13653A Lee Jackson Memorial Hwy.	Charlity
VA	VA
22021	22021
610	College Plaza
State #1A	Rockville
MD	MD
20805	20805
612	Greenbelt
7435 Greenbelt Road	Greenbelt
MD	MD
20770	20770
613	Market at Opitz Crossing L.P.
HPR Companies L.C.	12800 Fair Lakes Circle #430
VA	VA
22033	22033
Pickett LLC	Combined Properties
1893 L. St. NW, 9th Floor	Washington
DC	DC
20036	20036
Combined Properties Limited Partnership	1899 L. St. NW, 9th Floor
Washington	Washington
DC	DC
20036	20036
Federal Realty Investment Trust	1620 E. Jefferson St
Rockville	MD
20852	20852
Charlity Plaza LLC	Combined Properties
1899 L. St. NW, 9th Floor	Washington
DC	DC
20036	20036
Relax Lease Acquisition Ltd. Partnership	1899 L. St. NW, 9th Floor
Washington	Washington
DC	DC
20036	20036
Acquired Midatlantic Retail Inc - Greenway	Combined Properties
P.O. Box. 33039	Washington
DC	DC
2003300	2003300

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State	Landlord
613	CFH Realty/Polpomac Run, L.P.
POTOMAC RUN	Fair Tennessee Bank
48220 Polpomac Run Plaza	P.O. Box 1000
VA	Memphis
20184	TN 38148
614	Enterprise Shopping Center/LLC
Enterprise	Combined Properties
State #2C	1899 L. St. NW, 9th Floor
Lanham	Washington
20801	DC 22036
615	Aspen Manor Plaza LLC
Aspen Hill	Combined Properties
13825 Georgia Ave.	1899 L. St. NW, 9th Floor
Silver Spring	Washington
20910	DC 22036
616	Maple Avenue Ltd. Partnership
Vienna	Greenhol Cohan
311A Maple Avenue	5101 Wisconsin Ave Ste. 200
VA	Washington
22180	DC 2001641
617	Hempden Mill L.C.C.
Central Avenue	JBC/Rosenfeld Retail Properties
9185A Central Avenue	7101 Wisconsin Ave Suite 1111
MD	Bethesda
20027	MD 20814
618	Harbor Exchange Associates & L.P.
Upper Marlboro	Chesapeake Realty Mgmt. Inc.
5773 Crain Highway	4750 Owings Mills Blvd
Upper Marlboro	Owings Mills
20870	MD 21117
619	Silver Hill II LLC
Silver Hill	Combined Properties
5628 Silver Hill Road	1899 L. St. NW, 9th Floor
Forest Hill	Washington
20747	DC 20036
621	Alvin, Stella, Nathan Peck & Sons Dist.
Adelphi	Alvin Peck Company
2510 University Boulevard	5808 Nicholson Lane #608
Adelphi	North Bethesda
20783	MD 20852
622	3171 Queens Chapel Road LLC
Queensdown	Cary Lustin
3191 Queens Chapel Road	4 Reservoir Circle
MD	Baltimore
20822	MD 21208
623	Maryland City Plaza
Maryland City	Combined Properties
3408 Fort Meade Road	1899 L. St. NW, 9th Floor
Laurel	Washington
20810	DC 20036
624	East River Limited Partnership
Minnesota Avenue	Greenhol Cohan
3925 Minnesota Avenue, N.E.	5101 Wisconsin Avenue N.W.
Washington	Washington
20019	DC 2001841
625	Federal Realty Investment Trust
Falls Church	Legal Dept
11048 West Broad Street	1826 E. Jefferson St
Falls Church	Rockville
22040	MD 2085240
628	B & E Associates
Mount Vernon	Redstone Development Corp.
7858B Richmond Highway	P.O. Box 2287
Alexandria	Falls Church
22308	MD 20042
627	Med.lean VA Shopping Center Joint Venture
McLean	Lantz & Associates
1449 Chain Bridge Rd.	114241 Livingston Road
VA	Fort Washington
22101	MD 20744
628	Interstate Management, Inc
DALE CITY	5593 Napetdale Plaza
4132 DALE BLVD	Dale City
WOODBRIDGE	VA
22191	22193
629	Bredick, LLC
Backlick	Combined Properties
6900-0 Backdock Road	1899 L. St. NW, 9th Floor
Arlingdale	Washington
22003	DC 20036
630	Retail Leasing Acquisition Ltd. Partnership
Rolling Valley	Combined Properties
92328 Old Keene Hill Road	1899 L. St. NW, 9th Floor
Burke	Washington
22015	DC 20036
632	White Flint Plaza LLC
White Flint	Combined Properties
Shore #7, 5144 Nicholson Lane	1899 L. St. NW, 9th Floor
Kensington	Washington
20895	DC 20036

(10)

81878
 Lee and Harrison
 5400 Lee Highway
 Arlington VA 22207

634
 Annapolis
 2019 B West Annapolis Road
 Annapolis MD 21401

635
 Riverdale
 6250-A Kentworth Avenue
 Riverdale MD 20737

638
 Waldorf
 Crain Highway
 Waldorf MD 20601

640
 Montgomery Village
 8943 Lost Kettle Road
 Gaithersburg MD 20894

641
 Burgas Cheney
 13847 Outlook Drive
 Silver Spring MD 20904

642
 Penn Daw
 6220 A North Kings Hwy.
 Alexandria VA 22303

643
 Brentwood Village
 1301 Rhode Island Avenue, N.E.
 Washington DC 20018

644
 COLUMBIA
 8455 DOBBIN ROAD
 COLUMBIA MD 21045

81879
 Lee and Harrison II LLC
 Combined Properties
 1899 L St. NW, 9th Floor
 Washington DC 20036

Cecil Knighon & Marita E. Knighon
 Cecil Knighon
 47 Southgate Ave
 Annapolis MD 21401

Main Properties Inc.
 Sam Striner
 P.O. Box 3089 Woodmoor Station
 Silver Spring MD 20901

Richard H. Rubin Management Corp
 8001 Monroevue Rd. Suite 700
 Rockville MD 20852

Stonard Centers Montgomery Village, LLC
 P.O. Box 2777858
 Atlanta GA 30384-7

Aquapor Midatlantic Retail Inc. - Biggs Cheney
 Reed Real Estate Investment Managers
 Park 80 West
 Saddlebrook NJ 07653

Penn Daw Associates Ltd. Partnership
 Combined Properties
 1899 L St. NW, 9th Floor
 Washington DC 20036

Brentwood Ltd. Partnership
 Demers Real Estate Inc
 1664 Columbia Rd NW
 Washington DC 20009

Dobbin Rd. Venture LP
 Columbia Mgmt. Inc. #202
 10400 Little Patuxent Parkway, Suite 210
 Columbia MD 21044

81879
 647
 St. Barnabas Road
 4820A St. Barnabas Road
 Marlow Heights MD 20748

648
 Ft. Washington
 12788 Old Fort Road
 Fort Washington MD 20744

650
 Gordon Blvd.
 13188 Gordon Boulevard
 Woodbridge VA 22191

652
 Malita Ave
 8132 Malita Avenue
 Manassas VA 22110

653
 Gaithersburg
 644-652 Quince Orchard Road
 Gaithersburg MD 20878

655
 Loehmana Plaza
 7271B Arlington Boulevard
 Falls Church VA 22042

656
 Fairfax Circle
 8542 Arlington Blvd.
 Fairfax VA 22031

657
 Shirley Duke
 1712 Duke Street
 Alexandria VA 22314

660
 Germantown
 13006 Middlebrook Road
 Germantown MD 20874

81879
 Marlow Management
 15111 Grantstation Way
 Gaithersburg VA 20878

Cherry Associates L.P.
 Nellis Corporation
 6001 Montrose Rd Suite 600
 Rockville MD 20852

Sarandiel of Virginia, Inc.
 3333 New Hyde Park Rd
 New Hyde Park NY 11042-0

Thelma Braxton Taylor
 8817 Portner Ave Suite 2
 Manassas VA 22110

Federal Realty Investment Trust
 1628 E. Jefferson St
 Rockville MD 20852

Peoples Drugstores Incorporated
 Melville Realty Company C/O Linens'n Things
 8 Brighton Rd
 Clifton NJ 07015

Fairfax Circle LLC
 Combined Properties
 1899 L St. NW, 9th Floor
 Washington DC 20036

Duke Street Associates Inc.
 Greenfoot Corp
 5101 Wisconsin Ave NW
 Washington DC 2001841

Kerick, Inc.
 Slutz Management of Detwara, Inc.
 725 Conantrocken State Road
 Bee Cynwyd PA 18004



STORE	Landlord
662	Bladen II LLC
Bladen Plaza	Combined Properties
6454 Annapolis Road	1699 L. St. NW, 9th Floor
Blairstown	Washington
20710	DC 20038
669	PCO Limited Partnership
Flower Hill	Corporate Management Inc.
18208 Flower Hill Way	18205 D Flower Hill Way
Gaithersburg	Gaithersburg
20879	MD 20879
670	Hall Equities/ Rosa Hill Limited Partnership
Rosa Hill	Combined Properties
5115 Franciscan Road	1699 L. St. NW, 9th Floor
Alexandria	Washington
22030	DC 20036
673	George Ave. II LLC
Georgia Ave.	Combined Properties
5928 Georgia Avenue, N.W.	1699 L. St. NW, 9th Floor
Washington	Washington
20011	DC 20036
675	F/Leesburg Plaza L.P.
Leesburg Plaza	Federal Realty Investment Trust
Rt. 7 & Caledon Circle	1826 E. Jefferson St
Leesburg	Rockville
22075	MD 2085240
678	Whitman-Walker Clinic Inc
City Center	1407 S. Street NW
1711 14th Street	Washington
Washington	DC 20009
20005	DC 20009
679	Centerline Square Project LP
Centerville	A.J. Dworkin & Associates Inc.
6045-8049 Centerville Crest Lane	9302 Lee Highway
Centerville	Fairfax
22020	VA 22031
682	Darnestown Road Property LP
Fountain Square	Dornick Commercial Realty
80328 West Broad Street	8003 Franklin Frms, Suite 200
Richmond	Richmond
23229	VA 23229
683	E & A Acquisitor Two
Crossroads	Edens & Avanti
116478 Middleman Turnpike	P.O. Box 528
Richmond	Columbia
23113	SC 29202

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STORE	Landlord
689	Leburnum Square
4722-4724 Finlay Street	Richmond
VA	23235
690	Hanover Center
7041-43 Mechanicsville Turnpike	Mechanicsville
VA	23111
691	Ashland
Bay 203, 203 N. Washington Hwy.	Ashland
VA	23005
693	Bermuda Square
12811 Jefferson Davis Highway	Chester
VA	23831
803	CARLISLE SUPER TRAK
90 EAST HIGH ST	CARLISLE
PA	17013
804	HANOVER SUPER TRAK
430 Eisenhower Drive	HANOVER
PA	17331
300	CHICAGO CORP & WHSE
8811 South 77th Avenue	Bridgeway
IL	0
698	Landover Office
3300 75th Avenue	Landover
MD	20785
751	Trak Office
1170 East Long Lake Road	Toy
MI	77
1618	

Friday, March 01, 2002

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Office of the City Council

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7500 Maple Avenue
Takoma Park, MD 20912

The Honorable Kathy H. Porter, Mayor
The Honorable Bruce R. Williams, Councilmember, Ward 8

November 10, 2004

Mr. Derick Berlage, Chairman
Montgomery County Planning Board
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Chairman Berlage,

We are very concerned that the Planning Board granted an extension to East Hampshire Center (Preliminary Plan No. 1-01067E) on September 30, 2004 with no notice to the City of Takoma Park, in which this development is located. Given the history of this project and the controversy that it has generated, it is imperative that there be full opportunity for the City and the public to participate in this process and for this project to go through the full site plan review process. We are writing to ask that the Planning Board reconsider this extension, for a number of reasons:

- The City of Takoma Park was not notified that this Preliminary Plan extension was on the Planning Board agenda on September 30, 2004. Park and Planning staff mailed the notice for this agenda item to the wrong community association list which does not include the City of Takoma Park as a contact. City staff became aware that the extension had been granted just recently when the City Arborist and City Engineer were contacted by the developer to re-request tree and stormwater permits for the site.
- The Commercial Revitalization Overlay Zone requires that all new commercial development in Takoma Park of 1,000 square feet or greater go through the site plan review process. The property in question used to be in Prince George's County which also requires site plan review for commercial development. The developer submitted its preliminary plan during a very short window of a few months during 2001 after this property became part of Montgomery County but before the CROZ was implemented; therefore it never went through site plan review. Given that over three years have passed since the preliminary plan was approved, the City of Takoma Park requests that site plan review now be required for this site. Another proposed self storage facility was recently required to go through this process and we think that it is fair to require the same process for East Hampshire Center.

Not only do we feel that the City should have been notified about this agenda item according to Park and Planning procedures, we were surprised that agency staff did not contact City staff as a courtesy given the history of this project. This is a significant commercial development for Takoma Park and was quite controversial when it was proposed in 2001. We understand that the fact that this was approved during a short window of time in which the site plan review was not required, and that it was controversial, was not presented to the Planning Board on September 30. For all of these reasons, we would like the Planning Board to reconsider this preliminary plan extension under Section 11 A. (2) and (3) of the Planning Board's Rules of Procedure.

Thank you for your consideration of this request.

Sincerely,



Kathy Porter
Mayor



Bruce R. Williams
Councilmember, Ward 3

cc: Takoma Park City Council
Pinecrest Citizens Association
Tariq El-Baba
Catherine Conlon