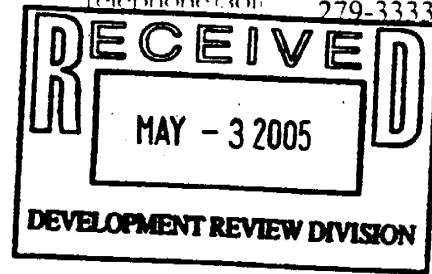


850 Hungerford Drive • Rockville, Maryland • 20850-1747

Telephone: (301) 279-3333

April 28, 2005



Mr. Dan Janousek
 Development Review Division
 Maryland-National Capital Park and Planning Commission
 8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760

Dear Mr Janousek:

This letter is sent as an update to our February 3, 2005, comments on zoning application number G-830. I understand the number of units in the plan has increased from the previous 369 to 435 high-rise multi-family units. The applicant's proposed project is called White Flint Crossing, and is located at Woodglen Drive and 11401 Rockville Pike (at the site of the current Park Inn motel). Based on average yield factors derived from the Maryland National Capital Park and Planning Commission 2003 Census Update Survey, the impact of this project is estimated to be approximately 35 elementary, 17 middle, and 18 high school students.

This property is located within the Garrett Park Elementary School, Tilden Middle School, and Walter Johnson High School service areas. Enrollment at Garrett Park Elementary School exceeds capacity currently and is projected to exceed capacity in 2005-06. In August 2006 a six-room addition is scheduled to open that will raise capacity above projected enrollment through 2008-09. In 2009-10 and 2010-11 the school is projected to again exceed capacity. A modernization of the school, scheduled to be completed in August 2012, will provide additional capacity. Enrollment at Tilden Middle School is projected to be within capacity for the next six years. Enrollment at Walter Johnson High School exceeds capacity currently and is projected to exceed capacity through 2008-09. Completion of the school's modernization scheduled for August 2009 raises capacity above enrollment levels in 2009-10 and 2010-11. See enclosed pages from the Superintendent's Recommended FY2006 Capital Budget and Amended FY 2005-2010 Capital Improvements Program.

The current Annual Growth Policy (AGP) schools test finds capacity adequate in the Walter Johnson cluster.

Sincerely,

Joseph J. Lavergna, Director
 Department of Planning and Capital Programming

JJL:bc

Enclosure

Copy to:

Mr. Bowers

Mr. Crispell

Ms. Turpin

ATTORNEYS

STEVEN A. ROBINS
DIRECT 301.657.0747
SAROBINS@LERCHEARLY.COM

April 29, 2005

BY HAND DELIVERY

Francoise M. Carrier
Director and Hearing Examiner
Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue
Room 200
Rockville, Maryland 20850

**Re: White Flint Crossing, L.L.C./Local Map Amendment
Application No. G-830 for Property Located on
Rockville Pike in North Bethesda, Maryland**

Dear Ms. Carrier:

Our firm represents White Flint Crossing, L.L.C., the Applicant for LMA G-830. Enclosed please find the following materials that we would request be placed into the record for this LMA. They are:

1. A letter from the Smarth Growth Alliance to the Hearing Examiner dated March 29, 2005, endorsing the White Flint Crossing project as a Smart Growth Project Proposal.
2. An outline for the Perpetual Maintenance Obligations of Common Area and Quasi-Public Use Space for the White Flint Crossing umbrella Owner's Association.
3. Draft Declaration of Condominium and Bylaws for the residential component of the development.

Francoise M. Carrier
April 29, 2005
Page 2

By copy of this letter, we are forwarding these materials to Mr. Klauber and Dan Janousek at M-NCPPC. We are happy to provide you with additional copies if you need them. Please contact either Patrick O'Neil or me if you need any additional information.

Sincerely,



Steven A. Robins

Cc: Matthew Hurson
Jason Young
Daniel Janousek
Martin Klauber, Esquire
Patrick L. O'Neil, Jr., Esquire


Enclosure

ATTORNEYS

STEVEN A. ROBINS
DIRECT 301.657.0747
SAROBINS@LERCHEARLY.COM

MEMORANDUM

BY HAND

TO: Dan Janousek
FROM: Steven A. Robins 
SUBJECT: White Flint Crossing
DATE: April 28, 2005

Dan:

Enclosed are materials that I submitted to the Hearing Examiner for LMA G-830, White Flint Crossing. Also, enclosed please find an original of the letter to Derick Berlage from the Smart Growth Alliance. Please submit these materials into the record. Thanks again.

Steve

SMART GROWTH ALLIANCE

March 29, 2005

Mr. Derick Berlage
Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Chairman Berlage and Members of the Board:

My name is John Bailey and I am the Executive Director of the Smart Growth Alliance. The Alliance is a partnership of environmental, civic, business and development organizations committed to smart growth in the Washington Region. The Alliance partners are the Chesapeake Bay Foundation, the Coalition for Smarter Growth, the Greater Washington Board of Trade, the Metropolitan Washington Builder's Council and the Urban Land Institute's Washington District Council.

The mission of the Smart Growth Alliance is to research, identify and encourage land use development and transportation policies and practices that support smart growth in the Washington metropolitan area. We are a regional organization with a regional focus.

The members of the Alliance include environmental and development organizations, some of whom have disagreed on these issues in the past. However, we are jointly committed to improving the quality of life in the Washington region. For us, smart growth is about ensuring that neighborhoods, towns, and regions accommodate growth in a way that supports economic vitality, environmental protection and community livability. It is not a single growth strategy, but a context for making sound decisions as the region considers how best to accommodate future growth.

The Alliance's Smart Growth Project Recognition Program utilizes a detailed set of criteria to evaluate project proposals for consistency with our smart growth principles. The recognition program's criteria are attached.

The Program's independent jury met on January 13, 2005 and recognized White Flint Cross as a Smart Growth Project Proposal.

After careful review, the jury concluded that this proposal incorporates transit-oriented development and pedestrian-oriented design in an area appropriate for growth with development densities consistent with smart growth principles. Below is a brief description of how this proposal met the jury's five criteria:

SGA PARTNERS

Urban Land Institute
Washington

Chesapeake Bay
Foundation

Greater Washington
Board of Trade

Coalition for
Smarter Growth

Metropolitan Washington
Builders' Council

Location

The jury strongly believes that underutilized Metro stations are an ideal location for future development. Being within ¼ mile of the White Flint Metro station, this proposal easily fits within this criterion.

Density, Design and Diversity of Uses

The jury believes that this site provides an appropriate mix of uses – residential and retail – to encourage pedestrian activity, safe streets, and to make the best use of the Metro station.

Density only works when it is accompanied by high-quality and pedestrian-oriented design. Many of the buildings along Rockville Pike are completely auto-oriented, and JBG is to be commended for coming forward with a project that fronts the sidewalk to create a safe, walkable environment. Significantly, all parking will be accommodated through structured parking and on-street.

Transportation

Obviously, much of the transportation criterion is being met through its location at a Metro station. Its pedestrian oriented design will encourage walking to Metro for the new tenants and for the surrounding neighborhood. Additionally, the proposed wide, tree-lined sidewalks and narrow streets will encourage walking.

Environment

The jury was that JBG will add a green roof if possible, something they have been able to accomplish in other developments within the Washington region. Also, JBG will work to incorporate LEED technologies and “best practices” for stormwater management.

Community Assets

We believe that JBG has a well-deserved reputation for working in good faith with the surrounding neighborhoods and jurisdictions, and understand that they have made impressive strides to do this for this site over the past five years. Numerous meetings held with surrounding civic associations. The hi-rise tower on the east side – furthest away from the existing low-rise residential – reflects these discussions.

The jury concluded that this proposal is particularly strong in its commitment to provide all of the county-required Moderately Priced Dwelling Units (MPDUs) on-site. While the project is required to provide support to Montgomery County’s MPDU program, developers will often opt to “buy out.” The SGA believes that the goals of the MPDU program are better served if units are built on-site, especially in neighborhoods with excellent Metro access.

Transit-oriented development and smart growth are all about getting the details right. Unfortunately our region is full of some transit stations with density, and yet they completely fail as livable public spaces. Through its use of high-quality design standards both for its private and public areas, White Flint Crossing will be an example for the county, the Rockville Pike corridor and the entire region.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Bailey", written over the typed name.

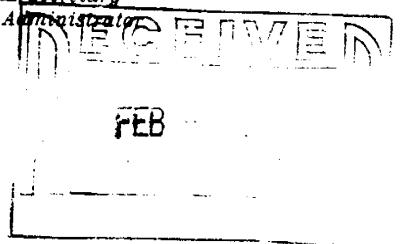
John Bailey
Executive Director
Smart Growth Alliance



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Maryland Department of Transportation

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator



February 1, 2005

Ms. Cathy Conlon
Acting Supervisor Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

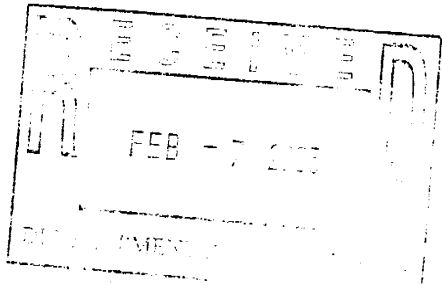
Re: Montgomery County
MD 355
White Flint Crossing
File No. G-830

Dear Ms. Conlon:

This office reviewed the submitted zoning application and offers the following:

- Truncation and right-of-way dedication needs to be in accordance with the Master Plan of Highways. The location of the northern entrance shall be determined by the alignment of future Executive Blvd. SHA will require that right-of-way dedications be platted using SHA standards. Please contact Mr. David Slavish of the Plats and Surveys Division @ 410-545-8937 for additional information. You may also e-mail Mr. Slavish at (dslavish@sha.state.md.us).
- Access to this property is subject to the "Rules and Regulations" of this Administration with a permit issued by this office for entrance, median and sidewalk reconstruction. The southern entrance shall be a typical channelized right-in right-out entrance designed to accommodate passenger vehicles or commercial vehicles. Standard details are attached for your reference. The northern entrance shall be a typical directional right-in right-out left-in entrance. The median shall be modified to preclude left turns out and through movements. The standard detail for a directional 20' median crossover is also attached for your reference. A left-turn lane shall be provided for Fitzgerald Auto Mall. The sidewalk along MD 355 shall be 6' wide with a 10' grass strip.
- Five (5) copies of the updated traffic study need to be submitted so the appropriate divisions within the State Highway Administration (SHA) can make the necessary review. Once received, we will provide written comments within 30 days.

If you have any questions, please contact Greg Cooke at 410-545-5602 or out toll free number in Maryland only 1-800-876-4742 (x5602). You may also e-mail him at (gcooke@sha.state.md.us).



Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits
Division

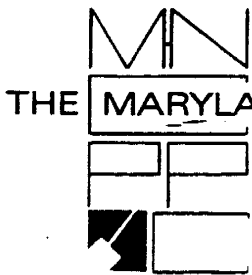
My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Ms. Cathy Conlon

Page two

gc

cc: Mr. Darrell Mobley (Via E-mail)
Mr. Augustine Rebish (Via E-mail)
Mr. David Slavish (SHA-Plats and Surveys)
Mr. Kevin Johnson (JBA Associates, Inc.) – w/attachments
Mr. Shahriar Etemadi (M-NCPPC)
Mr. Richard Weaver (M-NCPPC)
Mr. Lee Starkloff (ADE – Traffic District 3)



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

(301) 495-4605

Montgomery County Planning Board
Office of the Chairman

January 31, 2005

TO: Cathy Conlon, Acting Supervisor
Development Review Division

FROM: Dolores Kinney, Senior Planner
Development Review Division

RE: White Flint Crossing
Local Map Amendment Application #G830

Approval Requirements

Zone: Existing - C-2; Proposed - TS-M
Site Plan Approval Required: Yes
Preliminary Plan Approval Required: Yes

Site Description

The referenced Local Map Amendment Application #G-830, entitled White Flint Crossing, is identified as N56 and N62, both Parts of Lot 4 ("Subject Property") which was originally recorded in 1902 and subsequently sold in part. The Subject Property is located on the west side of Rockville Pike (MD 355), approximately 100 feet north of the intersection with Security Lane. The site is also within a five (5) minute walk from the White Flint Metro Station. Currently, developed with a hotel and surface parking, the site contains 5.98 acres and is zoned C-2.

Project Description

Local Map Amendment Application #G-830, is a request to rezone the Subject Property from C-2 to TS-M Zone to be developed with a mix of high density residential and retail uses and associated parking. The proposed local map amendment complies with the master plan recommendation in that the site is located near a metro transit station as designated in the 1992 North Bethesda Garrett Park Master Plan.

Compliance with Chapter 50 Subdivision Regulations

The Subject Property consists of two (2) parcels, which were both parts of what was once Lot 4, and is currently developed with a hotel with surface parking. Preliminary Plan #1-04025 was approved by the Planning Board on February 19, 2004 for 118,00 square feet of commercial retail and 112,000 square feet of general office use. As a result of the

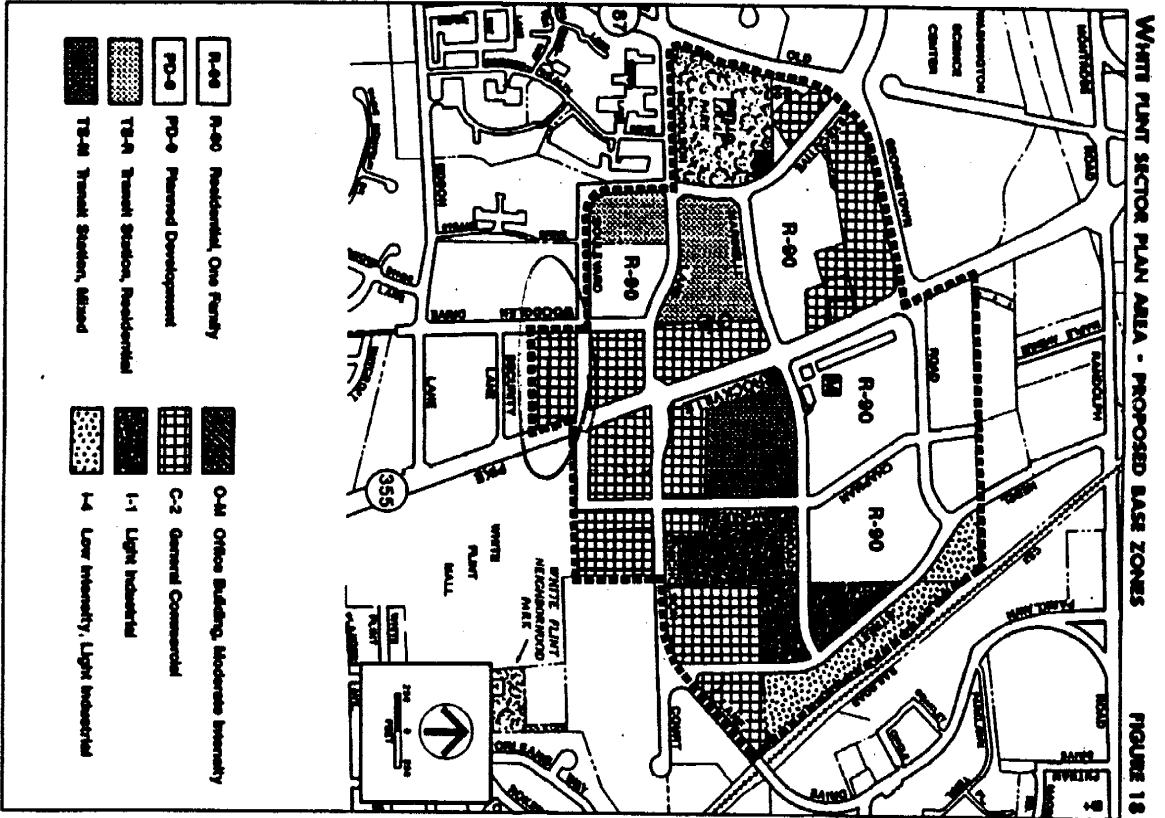
proposed amendment, the site will be rezoned to TS-M, the existing structure(s) will be removed and the parcels will be redeveloped with mixed use residential and retail uses.

Pursuant to Section 50-20 (b) of the Subdivision Regulations, a building permit may not be issued for parts of lots, therefore preliminary plan approval by the Planning Board will be required. As such, the following minimum information must be shown on a preliminary plan and submitted for review by the Maryland National Capital Park and Planning (M-NCPPC) staff in accordance with Chapter 50 Subdivision Regulations, followed by a plat of recordation subsequent to the approval of Local Map Amendment Application #G-830:

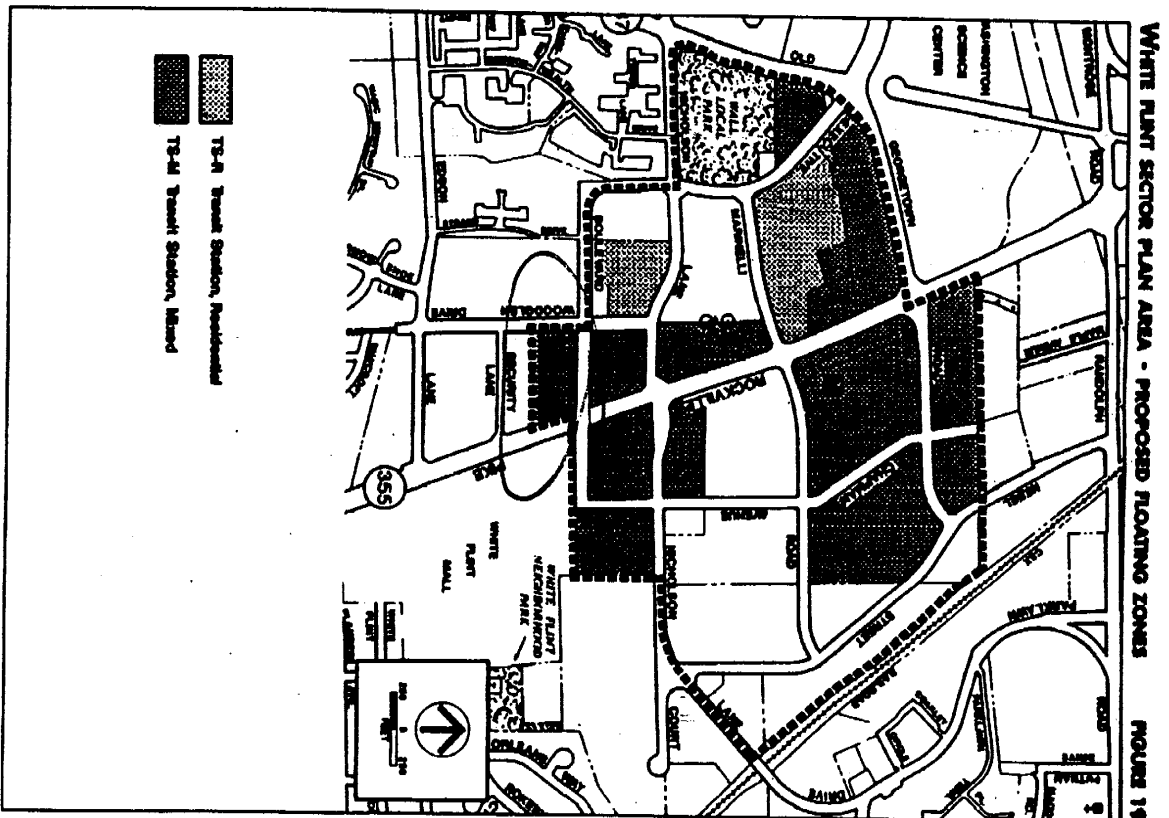
1. Existing and proposed streets (with names and/or route numbers)
2. Existing and proposed sidewalks
3. Required master plan right-of-way dedication
4. Cross walks and pedestrian paths
5. Markers and monuments
6. Water and sewage disposal (drainage lines and connections)
7. Adequate public facilities
8. Street lights
9. Storm water management facilities
10. Parking areas
11. Alleyways
12. Open space or public amenity space
13. If requesting any waiver of Subdivision Regulations, the waiver request, the applicable provision of the Subdivision Regulations and the justification for the waiver
14. All easements

Should you need additional information, please do not hesitate to contact me at (301) 495-1321.

Cc: Dan Janousek
Applicant
File



North Bertram/Cassett Park, Arroyo & Arroyo



North Bertram/Cassett Park, Arroyo & Arroyo