



Date Mailed: November 22, 2002
Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Wellington with a vote of 4-0;
 Comms. Berlage, Bryant, Robinson
 and Wellington voting in favor with
 Comm. Perdue absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02020
 NAME OF PLAN: CHEVY CHASE LAKE EAST

On 09/13/01, CHEVY CHASE LAND COMPANY submitted an application for the approval of a preliminary plan of subdivision of property in the C-1; C-2; R-30 zones. The application proposed to create 1 lot on 5.0 acres of land. The application was designated Preliminary Plan 1-02020. On 10/17/02, Preliminary Plan 1-02020 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 1-02020 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02020.

Recommended Conditions of Approval for Preliminary Plan No. 1-02020 – Chevy Chase Lake:

- (1) Approval under this preliminary plan is limited to a maximum of 174,016 square feet of Commercial retail and 48,708 square feet of office uses replacing the existing 67,009 square feet of general retail use. The remaining 25,648 square feet of office space (for a total of 74,356 square feet of office space) proposed may be approvable in Phase II when sufficient staging ceiling is available
- (2) Prior to the recordation of a plat of subdivision on the property, the applicant to enter into an agreement with Montgomery County to pay the sum of One million dollars for transit enhancements as part of the Local Area Transportation Review requirements. This agreement could be included in the standard Public Improvements Agreement administered by the Montgomery County Department of Public Works and Transportation. This contribution applies to the 174,016 square feet retail area and 74,356 square feet of office space
- (3) The applicant agrees to provide for the other following transportation related improvements:
 - a) Lengthen the southbound left turn lane on Connecticut Avenue at Manor Road to provide sufficient storage area for traffic turning left onto Manor Road in accordance with MDSHA permitting requirements
 - b) Reconfigure the two (2) lanes on the westbound approach to Manor Road to Connecticut Avenue to provide one exclusive right turn lane and a combined through/left turn lane

- c) Participate with MDSHA in the programmed second left turn lane from eastbound East-West Highway to northbound Connecticut Avenue
 - d) Coordinate with the Maryland Mass Transit Authority (MTA) as part of the project planning and design process to optimize station access and circulation for the Bethesda to Silver Spring segment of the Purple Line
 - e) Design entrance "B" on Manor Road as a "right-in and right-out" only access
 - f) Provide a raised paver crosswalk on Manor Road in the vicinity of Village Park Place and the site entrance "C", subject to MCDPW&T approval
 - g) Extend the median on entrance "B" south on Manor Road to prevent traffic turning onto the site from turning left into the parking area along the south side of Manor Road
 - h) Provide signage on Manor Road, subject to approval by MCDPW&T, indicating the entrances for traffic destined to the office/retail area as opposed to traffic going to the grocery store location
 - i) Dedication of Connecticut Avenue 60' off centerline and 35' off center line for Manor Road
- (4) All road rights of way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Bethesda-Chevy Chase Master Plan, unless otherwise designated on the preliminary plan
 - (5) All roads shown of the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan "To be constructed by _____" are excluded from this condition
 - (6) Compliance with the conditions of MCDPS stormwater management approval
 - (7) Prior to issuance of building permits applicant to coordinate with M-NCPPC staff regarding the location and possible improvements associated with Master Planned Capital Crescent Trail and the coordination of public use space, recreation areas and pedestrian circulation as outlined in the Bethesda-Chevy Chase Master Plan
 - (8) Other necessary easements
 - (9) The Adequate Public Facilities (APF) review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
 - (10) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed

LINOWES
AND BLOCHER LLP
 ATTORNEYS AT LAW

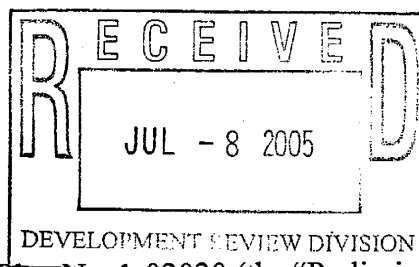
July 5, 2005

C. Robert Dalrymple
 301.961.5208
 bdalrymple@linowes-law.com

Anne C. Martin
 301.961.5127
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Hand Delivered

Mr. Richard Weaver
 Maryland-National Capital Park
 and Planning Commission
 8787 Georgia Avenue
 Silver Spring, MD 20910



Re: Chevy Chase Lake East - Preliminary Plan No. 1-02020 (the "Preliminary Plan")

Dear Mr. Weaver:

On behalf of The Chevy Chase Land Company of Montgomery County Maryland (the "Land Company") and in furtherance of our discussions regarding the Preliminary Plan, we hereby submit this application and supporting materials to amend the Preliminary Plan (the "Preliminary Plan Amendment") as our formal request to the Planning Board to approve the 25,648 square feet of office use remaining to be approved as part of the 248,372 square foot Chevy Chase Lake East commercial redevelopment (the "Project"). As you recall and as detailed in our previous correspondence (attached hereto for convenience as Attachment "1"), the Planning Board granted Preliminary Plan and Adequate Public Facilities Ordinance ("APFO") approval for the Project by opinion dated November 22, 2002 (the "Opinion", attached hereto for convenience as Attachment "2"), but withheld final approval of 25,648 square feet of office space because there were insufficient "jobs" available in the Bethesda-Chevy Chase Policy Area (the "B-CC Policy Area") under the County's Annual Growth Policy ("AGP"). The Preliminary Plan and APFO approvals acknowledged that upon such time as additional "jobs" became available in the B-CC Policy Area under the AGP, the Preliminary Plan and APFO approvals would be amended to include this final 25,648 square feet of office use. It is important to again note that the entire Project, including the 25,648 square feet of office use sought to be approved with this Preliminary Plan Amendment, was included in the local area review analysis as part of the APFO review and approval; accordingly, local area review is not an issue with this Preliminary Plan Amendment and the 25,648 square feet of office use has already received the requisite local area review approval as part of the original APFO approval.

Mr. Richard Weaver
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As noted in our August 22, 2003 correspondence, the requisite 116 "jobs" necessary for policy area review approval for the 25,648 square feet of remaining office use were specifically part of the conversion of residential capacity to commercial capacity in this Policy Area in 2003. With this Project at the top of the list for entitlement to this capacity, these 116 "jobs" provided the remaining density for the Project and the Preliminary Plan Amendment could have been approved anytime thereafter. The available policy area capacity was also noted in the M-NCPPC correspondence dated August 5, 2003, a copy of which is attached for your reference as Attachment "3". Despite previous requests by the Land Company to have this Preliminary Plan Amendment approved, it has not been advanced and it is still in need of Planning Board action. In the meantime, the AGP has been amended as well, and this current request for the Preliminary Plan Amendment for the remainder of the Project is not tied to existing capacity in the Policy Area, but it is based on the current AGP and elimination of Policy Area review and a staging ceiling requirement. As such, under current AGP criteria and with the remaining development already approved for local area review, APFO approval is available for the Preliminary Plan Amendment.

We again respectfully request that this matter be scheduled before the Planning Board to approve the remaining portion of the Project. Concurrent with the approval of the remaining 25,648 square feet, we request that the Planning Board reset the Preliminary Plan validity period for thirty-seven (37) months and the APFO validity period for the remainder of the validity period permitted pursuant to Section 50-20(c)(3)(iii), this being twelve (12) years, or 144 months, with 32 months having expired from the original November 2002 approval and thus the validity period requested is approximately 112 months (or 9 years and 3 months). These new validity periods are necessary for the following reasons: 1) the redevelopment process to initiate the Project was contingent on the inclusion of the remaining 25,648 square feet with the current expiration of the Preliminary Plan set to occur on December 22, 2005. Our request to amend the Preliminary Plan to include the 25,648 square feet, initially requested several months ago, has not been processed. A new validity period is thus appropriate to permit progression towards constructing the entire project; 2) in order to preserve options for the possible location of a transit stop at this location should the "Purple Line" progress as an east-west transit connector (which is not incorporated in the current approved plans) the Land Company seeks additional time before commencing redevelopment of the Project to determine how the Purple Line is progressing and how best to preserve future opportunities related to the Purple Line (if it appears to be imminent in the foreseeable future) into the Project. Obviously, this is critically important to the long-term utilization of both the land which is the subject of the Project and the Land Company's other land holdings in this area. Unfortunately, despite intensive involvement by the Land Company in advancing the Purple Line, the decisions relating to the Purple Line are well beyond the control of the Land Company. Should the Purple line become a reality, the Land Company desires to incorporate a transit stop in the Project for the Georgetown Branch light rail transitway and trail that is recommended in the Bethesda-Chevy Chase Master Plan (and recommended for

Mr. Richard Weaver
July 5, 2005
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approval by the Planning Board); and 3) the development of the Project with or without the Purple Line will be dramatically different and the updated validity period will give the Land Company additional time to evaluate how best to develop the land. Allowing this additional time to see how the Purple Line progresses as a public policy matter, and giving the Land Company additional time to decide how to redevelop its land holdings in response to the availability or unavailability of mass transit in this area is in the public interest.

As part of the Preliminary Plan Amendment application, we have also included the application form, application fees, the Preliminary Plan (showing the entirety of the Project), an updated adjoining and confronting property owners list and two sets of address labels.

Thank you for your consideration of this matter and please advise us when this matter will be on the Planning Board agenda. Please do not hesitate to call us if you have any questions.

Sincerely,

LINOWES AND BLOCHER LLP

C. Robert Dalrymple, A.M.
C. Robert Dalrymple

Anne C. Martin
Anne C. Martin

Enclosures

cc: ~~Ms.~~ Rose Krasnow
~~Ms.~~ Cathy Conlon
Mr. Shahriar Etemadi
Mr. Edward H. Asher
Ms. Michele H. Cornwell
Mr. David M. Smith
Ms. Stacy Wahlert
Mr. Charles A. Irish
Mr. Craig Hedberg

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

March 17, 2005

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✓ Anne C. Martin
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Hand Delivered

Ms. Catherine Conlon
Mr. Richard Weaver
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Chevy Chase Lake East - Preliminary Plan No. 1-02020

Dear Ms. Conlon and Mr. Weaver:

On behalf of the Chevy Chase Land Company (the "Land Company") and in furtherance of our August 22, 2003 correspondence which is attached hereto as Exhibit "A", we respectfully request that the Planning Board approve the 25,648 square feet of office use remaining to be approved as part of the above-referenced Preliminary Plan for the 248,372 square foot Chevy Chase Lake East commercial redevelopment (the "Project"). As you recall, the Planning Board granted Preliminary Plan and Adequate Public Facilities Ordinance ("APFO") approval for the Project by opinion dated November 22, 2002 (the "Opinion"), but withheld final approval of 25,648 square feet of office space because there were insufficient "jobs" available in the Bethesda-Chevy Chase Policy Area under the County's Annual Growth Policy ("AGP"). A copy of the Opinion is attached for your reference as Exhibit "B". The Preliminary Plan and APFO approvals acknowledged that upon such time additional "jobs" became available in this Policy Area under the AGP, the Preliminary Plan and APFO approvals could be amended to include this final 25,648 square feet. As noted in our August 22, 2003 correspondence, the requisite 116 "jobs" were specifically part of the conversion of residential capacity to commercial capacity in this Policy Area in 2003 to provide for the remaining density for the Project. The available capacity was also noted in the M-NCPPC correspondence dated August 5, 2003, a copy of which is attached as Exhibit "C". However, this current request for the Planning Board to approve the remaining 25,648 square feet in the Project is not tied to existing capacity in the Policy Area, but is based on the current AGP and elimination of Policy Area review and a staging ceiling requirement.

We again respectfully request that this matter be scheduled before the Planning Board to approve the second and last phase of development in the Project. As local area review was fully satisfied

Ms. Catherine Conlon
Mr. Richard Weaver
March 17, 2005
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for the entire project, an additional traffic study is not necessary. Concurrent with the approval of the remaining 25,648 square feet, we request that the Planning Board include an updated validity period of thirty-seven (37) months and an updated APFO validity period of sixty-one (61) months, since the redevelopment process to initiate the Project was contingent on the inclusion of the remaining 25,648 square feet. This additional validity period is also justified in order to preserve options for the possible location of a transit stop at this location should the "Purple Line" progress as an east-west transit connector. The Land Company desires to incorporate the transit stop in the Project for the Georgetown Branch light rail transitway and trail that is recommended in the Bethesda-Chevy Chase Master Plan (and recommended for approval by the Planning Board as the Purple Line) if this transit project becomes reality. The development of the Property with and without the Purple Line will be dramatically different and the additional validity period will give the Land Company additional time to evaluate how best to develop the land.

Thank you for your consideration of this matter and please advise us when this matter will be on the Planning Board agenda. Please do not hesitate to call us if you have any questions.

Sincerely,

LINOWES AND BLOCHER LLP

C. Robert Dalrymple /ALH
C. Robert Dalrymple

Anne C. Martin
Anne C. Martin

Enclosures

cc: Ms. Rose Krasnow
Mr. Shahriar Etemadi
Mr. Karl Moritz
Mr. Edward H. Asher
Ms. Michele H. Cornwell
Mr. David M. Smith
Ms. Stacy Wahlert

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

August 22, 2003

C. Robert Dalrymple
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Anne C. Martin
301.961.5127
amartin@linowes-law.com

Hand Delivered

Mr. Malcolm Shaneman
Development Review Division
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Chevy Chase Lake East - Preliminary Plan No. 1-02020

Dear Mr. Shaneman:

On behalf of the Chevy Chase Land Company, we respectfully request that 116 "jobs" of the staging ceiling capacity granted by the County Council in the recently approved FY2004 Annual Growth Policy ("AGP") for the Bethesda -Chevy Chase Policy Area be allocated to the remainder of the development for the above-referenced Preliminary Plan. As referenced on the copy of the Planning Board's Opinion of approval the Preliminary Plan dated November 22, 2002, attached hereto as Exhibit "A" (the "Opinion"), there was not sufficient capacity at the time of the approval for 25,648 square feet of office space for Phase II of the commercial project, but it would be approvable when sufficient staging ceiling became available. The copy of recent AGP-Staging Ceiling for Jobs attached hereto as Exhibit "B" demonstrates that there are currently 149 jobs available in this Policy Area. Further, as noted by the correspondence attached hereto as Exhibit "C", the County Council specifically took into consideration the 116 jobs pending in the queue for this project when it recently redistributed the 149 jobs in the Bethesda -Chevy Chase Policy Area to permit minimal expansions to other commercial developments in the Policy Area. As you recall, we specifically obtained the number of jobs in the queue for this project from your department prior to forwarding that request to the Planning Board and County Council.

In order to allocate the staging ceiling to the 25,648 square foot remainder of the Phase II portion of the project, please schedule this matter before the Planning Board at the earliest available time to have the second and last phase of development approved. If this can be handled without a Planning Board action, please advise us to what additional information you

Mr. Malcolm Shaneman
August 22, 2003
Page 2

may need from us. As local area review was satisfied for the entire project through a fee in lieu arrangement (payable at permit), an additional traffic study is not necessary.

Thank you for your consideration of this matter. Please do not hesitate to call us if you have any questions.

Sincerely,

LINOWES AND BLOCHER LLP

C. Robert Dalrymple / ACM
C. Robert Dalrymple

Anne C. Martin
Anne C. Martin

Enclosures

cc: Mr. Karl Moritz
Mr. Ronald C. Welke
Mr. Edward H. Asher
Ms. Michele H. Cornwell
Mr. David M. Smith



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE HELD: NOVEMBER 22, 2002

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded by
Comm. Wellington with a vote of 4-0;

Comms. Berlage, Bryant, Robinson
and Wellington voting in favor with
Comm. Perdue absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02020

NAME OF PLAN: CHEVY CHASE LAKE EAST

On 09/13/01, CHEVY CHASE LAND COMPANY submitted an application for the approval of a preliminary plan of subdivision of property in the C-1; C-2; R-30 zones. The application proposed to create 1 lot on 5.0 acres of land. The application was designated Preliminary Plan 1-02020. On 10/17/02, Preliminary Plan 1-02020 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 1-02020 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02020.

Recommended Conditions of Approval for Preliminary Plan No. 1-02020 – Chevy Chase Lake:

- (1) Approval under this preliminary plan is limited to a maximum of 174,016 square feet of Commercial retail and 48,708 square feet of office uses replacing the existing 67,009 square feet of general retail use. The remaining 25,648 square feet of office space (for a total of 74,356 square feet of office space) proposed may be approvable in Phase II when sufficient staging ceiling is available
- (2) Prior to the recordation of a plat of subdivision on the property, the applicant to enter into an agreement with Montgomery County to pay the sum of One million dollars for transit enhancements as part of the Local Area Transportation Review requirements. This agreement could be included in the standard Public Improvements Agreement administered by the Montgomery County Department of Public Works and Transportation. This contribution applies to the 174,016 square feet retail area and 74,356 square feet of office space
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 - e) Design entrance "B" on Manor Road as a "right-in and right-out" only access
 - f) Provide a raised paver crosswalk on Manor Road in the vicinity of Village Park Place and the site entrance "C", subject to MCDPW&T approval
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- (6) Compliance with the conditions of MCDPS stormwater management approval
- (7) Prior to issuance of building permits applicant to coordinate with M-NCPPC staff regarding the location and possible improvements associated with Master Planned Capital Crescent Trail and the coordination of public use space, recreation areas and pedestrian circulation as outlined in the Bethesda-Chevy Chase Master Plan
- (8) Other necessary easements
- (9) The Adequate Public Facilities (APF) review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- (10) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

August 5, 2003

BOB DALRYMPLE
LNOWES & BLOCHER
7200 WISCONSIN AVENUE, SUITE #800
BETHESDA, MD 20814

Re: Preliminary Plan No. 1-02021

Dear Sir/Madam

This letter is being sent to you as notification that the staging ceiling capacity is now available in the Bethesda-Chevy Chase (Jobs), North Bethesda (Housing and Jobs) and Twinbrook (Jobs) Policy areas. The capacity has become available as the result of the recently approved FY 2004 Annual Growth Policy (AGP). Since you have an application for preliminary plan of subdivision pending within one of the policy areas, we are notifying you that there is sufficient staging ceiling capacity now available to accommodate some or all of the pending applications of subdivision depending on which policy area the plan is located in and its position in the "queue".

In accordance with the requirements of the FY 2004 AGP, applicants with projects that would generate fifty (50) or more peak hour trips must request background data from the Planning Board's Transportation Planning Division, in order to prepare a traffic study, within one month of receipt of this notice that capacity is available. The required traffic study must then be submitted within one (1) month after receiving the background data from staff. The Planning Board must then approve the preliminary plan within six (6) months after the complete traffic study is submitted. If the plan is not approved by the Planning Board or if an extension of the "queue date" is not granted within that period, then the plan will lose its standing in the "queue" to provide an opportunity for other complete applications to proceed through the process.

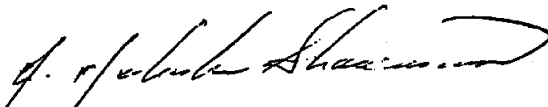
For applications that will generate fewer than fifty (50) peak hour trips, the applicant must update the traffic statement originally submitted as part of the preliminary plan submission. The traffic statement must include the proposed size and use of the facility as well as a trip generation rate to assure that the peak hour trips do not exceed fifty (50) trips. Again, if the plan is not approved by the Planning Board or if an extension of the "queue date" is not granted within that period, then the plan will lose its standing in the "queue" to provide an opportunity for other complete applications to proceed through the process.

For an application to be considered by the Planning Board it must be updated and considered complete. The updated information must include any revisions to the plan as part of the review or modifications to the original application, if necessary. Other information that may need to be updated might include a natural resources inventory/forest stand delineation, final forest conservation plan, revised stormwater management concept approval and updated adjoining and confronting property owners list. It is the applicant's responsibility to provide the required information and studies to staff in a timely manner.

It will be necessary to schedule a Development Review Committee meeting for applications that have been in the "queue" for more than one (1) year. This meeting will be scheduled promptly after all applicable information is submitted and accepted as complete. Staff will schedule the applications for Planning Board consideration as soon as they are ready to proceed, but certainly within the six (6) months provided by the AGP. If it appears that governmental review or delays beyond the applicant's control will require more than the allotted six (6) months, then the applicant must submit a written request to the Planning Board for an extension of up to six (6) additional months. An extension would have to be approved by the Planning Board.

If you should have any questions concerning the status of your application or the subdivision process, please contact me at 301-495-4587. If you have questions concerning the position of your application in the "queue", please contact Richard Weaver at 301-495-4587. For your information the FY 2004 AGP tables are attached to this memorandum that depict the staging ceiling levels for each policy area.

Sincerely,



A. Malcolm Shaneman
Subdivision Supervisor
Development Review



Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Wellington with a vote of 4-0;
Comms. Berlage, Bryant, Robinsco
and Wellington voting in favor wit
Comm. Perdue absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02020

NAME OF PLAN: CHEVY CHASE LAKE EAST

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Recommended Conditions of Approval for Preliminary Plan No. 1-02020 – Chevy Chase Lake:

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

August 5, 2003

BOB DALRYMPLE
LINOWES & BLOCHER
7200 WISCONSIN AVENUE, SUITE #800
BETHESDA, MD 20814

Re: Preliminary Plan No. 1-02021

Dear Sir/Madam

This letter is being sent to you as notification that the staging ceiling capacity is now available in the Bethesda-Chevy Chase (Jobs), North Bethesda (Housing and Jobs) and Twinbrook (Jobs) Policy areas. The capacity has become available as the result of the recently approved FY 2004 Annual Growth Policy (AGP). Since you have an application for preliminary plan of subdivision pending within one of the policy areas, we are notifying you that there is sufficient staging ceiling capacity now available to accommodate some or all of the pending applications of subdivision depending on which policy area the plan is located in and its position in the "queue".

In accordance with the requirements of the FY 2004 AGP, applicants with projects that would generate fifty (50) or more peak hour trips must request background data from the Planning Board's Transportation Planning Division, in order to prepare a traffic study, within one month of receipt of this notice that capacity is available. The required traffic study must then be submitted within one (1) month after receiving the background data from staff. The Planning Board must then approve the preliminary plan within six (6) months after the complete traffic study is submitted. If the plan is not approved by the Planning Board or if an extension of the "queue date" is not granted within that period, then the plan will lose its standing in the "queue" to provide an opportunity for other complete applications to proceed through the process.

For applications that will generate fewer than fifty (50) peak hour trips, the applicant must update the traffic statement originally submitted as part of the preliminary plan submission. The traffic statement must include the proposed size and use of the facility as well as a trip generation rate to assure that the peak hour trips do not exceed fifty (50) trips. Again, if the plan is not approved by the Planning Board or if an extension of the "queue date" is not granted within that period, then the plan will lose its standing in the "queue" to provide an opportunity for other complete applications to proceed through the process.

MONTGOMERY COUNTY PLANNING BOARD, 8787 GEORGIA AVENUE, SILVER SPRING, MARYLAND 20910
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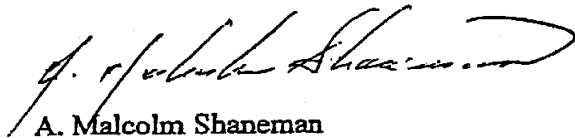
ATTACHMENT 3

For an application to be considered by the Planning Board it must be updated and considered complete. The updated information must include any revisions to the plan as part of the review or modifications to the original application, if necessary. Other information that may need to be updated might include a natural resources inventory/forest stand delineation, final forest conservation plan, revised stormwater management concept approval and updated adjoining and confronting property owners list. It is the applicant's responsibility to provide the required information and studies to staff in a timely manner.

It will be necessary to schedule a Development Review Committee meeting for applications that have been in the "queue" for more than one (1) year. This meeting will be scheduled promptly after all applicable information is submitted and accepted as complete. Staff will schedule the applications for Planning Board consideration as soon as they are ready to proceed, but certainly within the six (6) months provided by the AGP. If it appears that governmental review or delays beyond the applicant's control will require more than the allotted six (6) months, then the applicant must submit a written request to the Planning Board for an extension of up to six (6) additional months. An extension would have to be approved by the Planning Board.

If you should have any questions concerning the status of your application or the subdivision process, please contact me at 301-495-4587. If you have questions concerning the position of your application in the "queue", please contact Richard Weaver at 301-495-4587. For your information the FY 2004 AGP tables are attached to this memorandum that depict the staging ceiling levels for each policy area.

Sincerely,



A. Malcolm Shaneman
Subdivision Supervisor
Development Review

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

August 2, 2005

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✓
Ms. Catherine Conlon
Mr. Richard Weaver
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Chevy Chase Lake East - Preliminary Plan No. 1-02020 (the "Preliminary Plan")

Dear Ms. Conlon and Mr. Weaver:

Thank you for taking the time to meet with me and representatives of the Chevy Chase Land Company of Montgomery County, Maryland (the "Land Company") on Friday, July 29, 2005 to discuss the pending amendment to the Preliminary Plan. Without getting into the details or the rationale for the amendment to the Preliminary Plan (which is all extensively documented in previous correspondence), you have asked me to respond further to the rationale for requesting an extended validity period for the Adequate Public Facilities Ordinance ("APFO") approval for this proposed redevelopment project.

As you are aware, the current Preliminary Plan and APFO approvals are due to expire on December 22, 2005 and December 22, 2007, respectively. In conjunction with the pending amendment (which will add the previously contemplated 25,000± square feet of office development to the approval now that staging ceiling restraints are no longer applicable), we are asking that a new 3-year validity period be established for the Preliminary Plan and that the remaining 9 years of the statutory 12-year validity period for APFO approval be allowed for this proposed redevelopment project. Our reasons for this are summarized below.

As we have addressed in the previous correspondence for this amendment to the Preliminary Plan, the property which is the subject of the Preliminary Plan (the "Property") is immediately adjacent to the Georgetown Branch ("Purple Line") transit and hiker/biker right-of-way, and the Property is specifically identified in the preferred Maryland Transit Authority (MTA) Purple Line alternative as being a major transit stop between the Metro stations of the Silver Spring and the Bethesda CBDs. While the original Preliminary Plan approval, and the

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additional amount of square footage sought through this amendment, would allow a feasible redevelopment of the Property under current zoning, the currently proposed development does not meaningfully contemplate the adjacency of the Property to a future transit station of the magnitude that is proposed in the MTA preferred alternative for the Purple Line. Should the Purple Line come to fruition in the foreseeable future (and the Land Company is a strong proponent and advocate for this to happen, as is the Planning Board and the County Council, and this is consistent with the approved BCC Master Plan), it is quite likely that the redevelopment of the Property would take on a completely different look and feel. Funding for the completion of the planning and environmental phases of the Purple Line between Silver Spring and Bethesda was part of the recently enacted 6-year federal transportation bill for federal transportation funds, so there is hope that this transit project will occur in the foreseeable future.

While the Land Company desires to, and will, protect this land asset in ensuring the highest and best use of the land under existing zoning and subdivision regulations, and while the existing development on the Property is fairly dated and nearing the point of being in need of substantial renovation or redevelopment, the Land Company also does not want to force the redevelopment of the Property if more appropriate opportunities are lurking in the near future should the Purple Line become reality. In this event, the Land Company would reconsider the manner in which it approached this redevelopment consistent with this being a major transit hub.

To allow all possible variables to remain in play for the redevelopment of the Property, we are accordingly asking for the new validity periods for the Preliminary Plan and the APFO approvals. With a new 3 year validity period for the Preliminary Plan, and with the APFO validity period remaining for 9 years, the Land Company can withhold for the immediate future the process of recording a plat and thereafter commencing a construction start for redevelopment of the Property to see what might or might not develop with respect to the Purple Line. It is certainly in the best interests of the Land Company to have additional time to contemplate the future, but it is also in the best interests of the public in general to preserve the flexibility of having the redevelopment of the Property respond to the highest, best and most productive use in conjunction with a possible transit stop at this location. There are no compelling reasons not to allow these approvals for the time periods we request.

Should you or the Planning Board not agree that these new validity periods are warranted (but we hope that you will easily find that they are), at a minimum the Land Company will need a 6-month extension of time on the validity period of the currently approved Preliminary Plan

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(from December 22, 2005) in order to complete the engineering necessary to have a record plat recorded among the Land Records to validate the Preliminary Plan. Our request to amend the Preliminary Plan to add the additional 25,000± square feet, in addition to our request for the additional validity period for both the Preliminary Plan and the APFO approval, has been pending with M-NCPPC since mid-2003, and now that we are approaching the expiration of the initial Preliminary Plan validity period (December 22, 2005), and with this matter not going to the Planning Board until, at the earliest, September 8, 2005, we do not have sufficient time to complete the engineering to have a record plat timely recorded to validate the currently approved Preliminary Plan.

Thank you for your consideration of this matter, and please do not hesitate to contact me if you have any additional questions or need further explanation or information. I am also copying Shahriar Etemadi as it pertains to the APFO validity period, and I similarly invite Mr. Etemadi to call me if he has any questions, concerns or needs relative to this request.

Very truly yours,

LINOWES AND BLOCHER LLP



C. Robert Dalrymple

CRD:kam

cc: Mr. Shahriar Etemadi
Mr. Edward Hall Asher
Ms. Michele Horwitz Cornwell
Mr. David Smith
Ms. Stacey Wahlert
Mr. Chuck Irish
Mr. Craig Hedberg
Anne C. Martin, Esq.
Maurice J. Montaldi, Esq.