

Appendix D
Citizen/Community response to Parking Analysis



December 1, 2008

Dr. Royce Hanson, Chair
and Members of the Montgomery
County Planning Board
8787 Georgia Ave.
Silver Spring, Md. 20910

Re: Opinion of Clarksburg Town Center

Dear Dr. Hanson,

We have been asked to review and consult on the arbitrated plans for the Clarksburg Town Center and we would like for you to consider some of the thoughts outlined in this document. StreetSense is a development, retail brokerage and Architecture firm located in Bethesda, Md. We specialize in creating mixed-use developments locally and nationally. The partners at my company have been involved in many of the nationally recognized mixed use and or town centers around the Country; we also represent over 75 different retailers and have and or are currently developing numerous developments like Clarksburg Town center. Some of the relevant experience for your consideration:

- National Harbor, Oxon Hill, Md.
- Crown Farm, Gaithersburg, Md.
- Park Potomac, Potomac, Md.
- National Gateway (Potomac Yards), Arlington, Va.
- Bethesda Row, Bethesda, Md.
- Crocker Park, Cleveland, Oh.
- East Campus, University of Maryland
- 29th St., Boulder, Co.
- One Loudoun, Ashburn, Va.

Mixed-use real estate development is inherently complicated, especially in areas that have relatively low population density. This is especially true when it comes to retail. Clarksburg Town Center undoubtedly falls into this category. Regardless, Clarksburg is a wonderful traditional neighborhood development and has the potential to offer a vibrant retail offering to its residents as well as to the broader market area.

The Context

As stated above, retail components of planned communities oftentimes do not live up to the success of their residential portions. One of the main reasons for this is that the most ideal commercial sites (i.e., those with the highest visibility, easiest access, etc.) within a site area are used for residential uses and the retail uses are buried within the development. Though this

helps to give the commercial component a village-like feel (with retail surrounded by homes and civic uses, etc.) it can potentially hinder its economic viability. Similarly, retail located within planned communities faces challenges from the perspective of retailers, who question the potential for success within such developments as a result of the rules and thresholds for building and locating in exurban locations. Many existing planned communities have fallen victim to these challenges, including River Ranch (Lafayette, LA), The Kentlands (Gaithersburg, MD), Issaquah Highlands (Issaquah, WA), Celebration (Orlando, FL), and Prospect, CO.

The Market

The emerging Clarksburg market is and will continue to be a great place for people to live. However, residents as well as people that work in the area desperately need additional options when it comes to retail. There is very little in the way of grocery/goods and service/convenience shopping opportunities in the general vicinity. As such, it is clear that there is sufficient demand for a grocery store and some supporting retail and restaurants in the town center portion of Clarksburg, but not for much more. There is simply not enough density to warrant retail development in excess of 125,000-150,000 square feet. Retail follows people and not the other way around. On the whole, retailers continue to view Clarksburg as a rural, ex-urban environment that lacks retail potential. As such, it is imperative that retail rules be followed in planning the center as a result of increasing competition, lack of population, and the fact that this is a local rather than a regional destination.

The Rules

There are many rules when it comes to retail with regards to heights and depth of the physical space, access, visibility, parking, service and loading, and co-tenancy. For example, the depth of a typical retail space should be 65-70 feet to comply with retailer prototypes for inline space. Rarely will you see space less than 55 feet deep for small and local inline retailers; because a developer's viability in a market is dependent upon the flexibility of bay depths, retail will almost never be in the 40-45 foot range. Clear height requirements are usually expected to be 14 feet or higher. Access and visibility are expected to be clear, easy, and abundant, as is parking. Service and loading should be convenient and not be disruptive to shoppers. Co-tenancy (i.e., clustering of similar uses/tenant types) is extremely desirable—restaurants, clothing stores, etc. like to be located near one another.

Though these rules seem extensive and abundant, retailers are willing to overlook a certain site's noncompliance with them if it is in an exceptionally desirable location. In an ideal world, a retailer would have all of these things, but they understand that certain concessions must be made in order to strategically locate themselves in a market. Unfortunately, in the case of Clarksburg Town Center, retailers feel no pressure to compromise. Clarksburg is not a thriving downtown core in which retailers are vying for space or that there is a large daytime office population; rather, it is a largely rural market surrounded by farmland, rustic roadways without sidewalks, and low population density outside of the town center area itself. As such, retailers are going to expect that many of the retail rules are followed here, perhaps none more importantly than parking.

The Parking

There are very clear rules when it comes to parking space ratios required for retail tenants considering opening in a suburban location:

Grocery:	4-5/1000 sq. ft. of gross retail
Inline:	4-5/1000 sq. ft. of gross retail
Restaurants:	18/1000 sq. ft. of gross restaurant or 25/1000 sq. ft. of net restaurant ¹
Multi-family:	1.5-1.8/unit
Townhouse:	2/unit
Live-work:	4-5/unit
Library:	2-2.5/units

If you want to eventually sign letters of intent and then leases, parking ratios need to be in check or they will not be executed. Retail and restaurants cannot be clustered together and be parked at the same ratio. Additionally, examples need to be in small emerging communities, not cities and or towns that do not have the same genetic make-up at Clarksburg which will always have the Agriculture reserve as a neighbor.

Typically a 100,000 sq. ft. neighborhood shopping center will have 20-25% of the inline space designated as restaurant space or 20,000-25,000 sq. ft. which would require 600+ spaces during peak hours (if you use the current code). Therefore, to provide only 914 spaces in total to park the entire retail component (139,000 sq. ft. of grocery-anchored space) in addition to a 26,000 sq. ft. library, 47 live-work units, as well as 17 liner townhomes and 90 multi-family units, seems quite out of proportion, especially considering the auto-oriented nature of the area. Though we anticipate some internal pedestrian trips to restaurants and small shops in the town center, it is safe to say that most people in this rural/exurban environment will drive to the grocery store. As such, internal trip reduction in the grocery category will be nominal.

Like grocery shoppers who want to park close to the store, residential users that live in or adjacent to the town center expect safe and secure dedicated parking, this is the market telling us this not the developers. This makes creating a shared parking strategy extremely difficult in a mixed-use environment.² The term mixed-use is loosely used when describing Clarksburg Town Center due to the limited amount of square footage vertically integrated. It also creates an issue when considering the viability of on-street parking for all users in the town center core. Though it is an appealing format for shoppers, it is very difficult to segregate users in this configuration. Regardless, the parking ratios included above must be considered in order to create a functional commercial offering. No matter how cute the town center is from an architectural perspective, if the parking rules are ignored, retailers will not locate their businesses here—it would not be in their best interest to do so. Retailers have the upper hand in this scenario and will demand parking ratios at or in excess of those included above, more so now given the economic times.

¹ We recommend a code reduction of 25% due to the potential for internal trips within the development as well as the fact that this is an antiquated County-mandated ratio.

² The term mixed-use is loosely used when describing Clarksburg Town Center due to the limited amount of square footage vertically integrated.

Should you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Eisen", with a long horizontal flourish extending to the right.

Jon Eisen
StreetSense, LLC
Managing Principal

Kronenberg, Robert

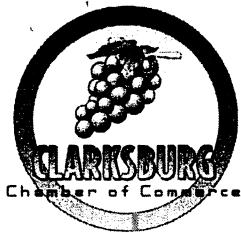
From: Patrick Darby [patadarby@verizon.net]
Sent: Wednesday, November 19, 2008 11:19 PM
To: Hanson, Royce; Kronenberg, Robert; Krasnow, Rose
Subject: Clarksburg Town Center Parking
Attachments: Town Center Parking.doc

Hello,

The testimony of Mr. Gibbs was intriguing and the Chamber decided to research the parking ratio standards. Our research is continuing, but we are expressing our opinion in the hope that it will help your evaluation of the project. I've attached a 7 (out of 10) page report.

Thank you for devoting your time to conduct a long day of hearings. I had other commitments and couldn't stay past 6:30pm. Rose Krasnow and Robert Kronenberg have done a remarkable job with the Clarksburg Town Center development.

Patrick Darby
President, Clarksburg Chamber of Commerce



Clarksburg Chamber of Commerce

23219 Stringtown Road, #304
Clarksburg, MD 20871
301-916-2035

Town Center Development

The November 6 hearing on Town Center's development plan centered on parking for retail. The Chamber's concern from the various testimonies suggests the number of parking spaces is determining the size of retail. The total of retail square footage changes depending on parking ratio, surface lots vs. garages, and street parking. A 14,000 square foot mezzanine should not count as retail space and sacrificing it to justify parking is not realistic. The Master Plan calls for 150,000 square feet of retail and 100,000 square feet of office space.

A reasonable argument can be made for economic feasibility. The current economic crisis, regardless of how it is compared to history, will slow any development for the near future. The current proposal scales back the retail development to reflect today's economy. The economy will eventually grow, but once built, the retail spaces can't expand into the community. The purpose of the Town Center retail is envisioned to attract consumers from outside the Clarksburg community. The Chamber fully supports this vision realizing its potential to sustain the abutting historic district. Unless the land cannot fit 250,000 square feet of office and retail, the Chamber expects the plan to conform to the Master Plan.

The flexibility for economic fluctuation is inherent in the design. The project plan uses 55,720 square feet of flex and live/work units in the total 194,720 square feet of retail and office. That's a sizable portion of office and retail, if you put aside the proposed 62,800 square feet for the grocery. If these units have the option to be residential, it allows the commercial district to expand or contract to suit the economy. However, the numbers are too low to create a "town center" retail space to attract consumers. It appears the parking lot design reduces the square footage of retail space. If the land or plan can't fit 250,000 square feet of commercial space, the Chamber prefers a minimum of 150,000 square feet of retail and a reduction of office space.

The Chamber's view is to set the commercial square footage of the development and then determine the adequate amount of parking space. That statement is a gross simplification of the marathon hearing, but should begin to clarify the debate of the various parking ratios and the need for garages. The Chamber is researching Newland Communities' proposed parking ratios and while we haven't reached a conclusion, would like to offer our opinion. This opinion may also add clarity to a response from Chairman Hanson's question about surface lots vs. garages.

Parking Lot Ratios

The generally accepted number for mixed use parking is 5 spaces per 1,000 square feet. Waivers for the Town Center plan bring the ratio to 4.3 spaces per 1,000 square feet. An additional waiver reduces the number to approximately 3.8 spaces per 1,000 square feet. The applicant is now proposing new standards which can reduce the ratio to 2.2 or 2.7 spaces per 1,000 square feet. The new standard is based on a survey from the American Planning Association. The Chamber hasn't reviewed the survey yet, but assumes the Planning Board and staff have access to the document. Research reveals as much variety in parking ratios around the country as discussed at the hearing. However, there appears to be a current national consensus of roughly 4 spaces per 1,000 square feet.

An article from the APA provides information that helps the Chamber understand the dynamics of parking ratios. The history of parking provides insight into the desire to have more spaces than actually needed. The percentage of U.S. cities' zoning provisions for off-street parking greatly increased in the 1960's, mostly in an attempt to minimize spillover on public streets and ensure safe movement of traffic. The article mentions that some business owners consider excess parking a perk for employees and an attraction to patrons who are assured available parking. Excessive parking could be a double-edged sword, if too many empty spaces give the perception the shopping center is failing. The residents and visiting patrons of Clarksburg Town Center may legitimately worry that a reduction of spaces could jeopardize the success of the retail district. Generations of commuters and consumers have grown up with large parking lots in the suburbs. However, the physical limits of the Town Center will require a careful examination of shared parking.

The article reveals an interesting 2002 survey from the American Public Transit Association that states the number of people using public transportation increased 20 percent since 1995, but so did motor vehicle use. U.S. DOT figures verify the number of registered motor vehicles in the U.S. increased much faster than population growth over the past several decades. It also states the average vehicle is being driven more miles annually. Population growth and longer commutes have certainly affected the traffic congestion in Montgomery County and it's safe to say that the general population drives rather than walk or take public transit. The change in culture to be environmentally friendly is creating the desire to reduce impervious surfaces and the recent spike in gas prices pushes us towards alternate transportation. The two observations may explain the contradictions in testimony where the community is looking for environmental expectations, but worries about a lack of parking.

The applicant's desire to propose a low parking ratio reinforces the new philosophy of reduced impervious surface, environmental friendliness, and providing adequate parking through a shared metric. The question is whether the applicant goes too far in their proposal. It is particularly important to enforce reduced impervious surfaces in Clarksburg which has a number of special protection areas. The project plan is encroaching on a stream valley buffer and roads and parking are the source of contaminants. A reduction of parking space also reduces the amount of pollutants requiring filtration in the County's stormwater management system. The incentive to be eco-friendly while providing adequate shared parking will require careful planning to balance the use of each parking space. At this point, portions of the APA article are included to illustrate examples of how shared parking calculations are determined. The Chamber again assumes the planning staff is evaluating similar formulas and this excerpt represents part of the Chamber's research to form our opinion.

Mixed-Use Development and Shared Parking

The overall number of parking spaces serving multiple uses in close proximity to one another may be significantly reduced through shared parking arrangements. Sharing parking allows more efficient use of land compared to providing dedicated parking spaces for each use. Carefully crafted shared parking arrangements between two or more uses can reasonably meet peak demand, particularly in mixed-use areas or on mixed-use or multiple-use sites. The Victoria Transport Policy Institute (2002) notes that shared parking is also most appropriate where:

- a specific parking problem exists;
- land values and parking facility costs are high;
- clustered development is desired;
- traffic congestion or vehicle pollution are significant problems; and
- adding pavement is undesirable.

Shared parking arrangements recognize that various uses have different peak operating hours. A common example is shared parking between restaurant and office uses. The parking lot may be heavily used by office employees and visitors in the daytime, while the restaurant patrons may park in the lot after most weekday office users have left and on weekends. If the restaurant is open during the day, it may benefit from lunch-time use by office employees while generating little additional daytime parking demand. In addition to efficient sharing of parking spaces and reduced development costs, transportation system benefits may result from a reduction in the number of office employees driving off-site for lunch.

In determining the amount of parking required for mixed-use or multiuse developments, many zoning codes contain provisions such as the following from Minneapolis: “Where there are two or more separate principal uses on the site, the required parking and loading for the site shall be the sum of the required parking and loading for each use, except as otherwise specified in this chapter.” Additional provisions, however, allow as-of-right parking reductions based on shared parking arrangements. The following procedure is used in Minneapolis to reduce the overall number of spaces for shared parking arrangements.

541.190. Shared Parking . . .

1. Computation. The number of shared spaces for two (2) or more distinguishable land uses shall be determined by the following procedure:
 - a. Multiply the minimum parking required for each individual use, as set forth in Table 541-1, Specific Off-Street Parking Provisions, by the appropriate percentage indicated in Table 541-2, Shared Parking Calculations, for each of the six (6) designated time periods.
 - b. Add the resulting sums for each of the six (6) columns.
 - c. The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.
 - d. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.
2. Other uses. If one (1) or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in Table 541-2, Shared Parking Calculations, as determined by the zoning administrator, then the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the zoning administrator shall determine the appropriate shared parking requirement, if any, for such uses.
3. Process. An application for shared parking shall be submitted on a form approved by the zoning administrator, as specified in Chapter 525, Administration and Enforcement.

Variations of this format are found in zoning codes in a variety of communities.

Table 541-1 is shown below. In addition, I am providing an example of how a shared parking agreement between three uses would be calculated.

Those three uses are:

1. a 10,000-square-foot retail building,
2. a 6,000-square-foot office building, and
3. a restaurant with 1,000 square feet of public area.

The Minneapolis Zoning Code requires:

1. 20 parking spaces for the retail building,
2. 7 spaces for the office building, and
3. 20 spaces for the restaurant.

These figures are derived from the Minneapolis code, which outside of the city's downtown area requires one parking space per 300 square feet of gross floor area in excess of 4,000 square feet for retail and office buildings. It also requires parking equal to 30 percent of the capacity of persons in the public area of restaurants, where the capacity of persons is based on the building code allowance of one person per 15 square feet of area. In other words, the code would require that the three uses have a total of 47 parking spaces without a shared parking arrangement. I have not factored in other allowed parking reductions (e.g., providing bicycle parking or an on-site transit shelter).

The greatest sum shown in Table 2 is 41, which becomes the overall parking requirement for the three uses. Thus, the shared parking arrangement allows this particular development or combination of developments to provide six fewer parking stalls than would normally be required. The code assumes that, for the combination of these particular uses, the greatest demand for parking will take place between the hours of 7:00a.m. and 6:00p.m.

TABLE 1.
SHARED PARKING CALCULATIONS
(Table 541-1 from the Minneapolis, Minnesota, code)

General Land Use Classification	Weekdays			Weekends		
	1:00 a.m.– 7:00 a.m.	7:00 a.m.– 6:00 p.m.	6:00 p.m.– 1:00 a.m.	1:00 a.m.– 7:00 a.m.	7:00 a.m.– 6:00 p.m.	6:00 p.m.– 1:00 a.m.
Office	5%	100%	5%	0%	15%	0%
Retail sales and services	0%	100%	80%	0%	100%	60%
Restaurant (not 24 hr)	20%	70%	100%	30%	75%	100%
Residential	100%	60%	100%	100%	75%	95%
Theater	0%	60%	100%	0%	80%	100%
Hotel						
Guest rooms						
Restaurant lounge (in hotel)	100%	55%	100%	100%	55%	100%
Conference rooms	0%	100%	100%	0%	100%	100%
Religious institution	0%	25%	50%	0%	100%	50%

TABLE 2.
THE RESULTS OF SHARED PARKING CALCULATIONS

General Land Use Classification	Weekdays			Weekends		
	1:00 a.m.– 7:00 a.m.	7:00 a.m.– 6:00 p.m.	6:00 p.m.– 1:00 a.m.	1:00 a.m.– 7:00 a.m.	7:00 a.m.– 6:00 p.m.	6:00 p.m.– 1:00 a.m.
Office	0.35	7	0.35	0	1.05	0
Retail sales and services	0	20	16	0	20	12
Restaurant (not 24 hr)	4	14	20	6	15	20
Total	4	41	36	6	36	32

The article continues with other calculations including using a maximum number of spaces in a development, instead of minimum standards. Ordinances that set a maximum number of spaces risks reducing the amount of commercial space, but can be used to contain development. In the case of the Town Center, the Chamber expects 150,000 square feet of retail with a variance in office space. Until it is determined what type of retail and office is planned, setting the square footage starts the evaluation of how much parking and configuration will be required. For example - 150,000 square feet x 2.5 spaces per 1,000 square feet = 375 spaces. The shared use of those spaces must be adequate under a formula of time and type of use, including additional square feet of residential space.

The Montgomery County Chamber of Commerce put us in contact with Raquel Montenegro of the Maryland-National Capital Building Industry Association. Ms. Montenegro was an observer at the all-day hearing, did not testify, and was not involved with any of the participants. She noted Mr. Gibbs reference to the APA survey and is endeavoring to acquire a copy of the report. Her response is similar to the Planning Board, in that the code does not allow a small parking ratio. The concept of reduced parking is intriguing, but will need justification. Ms. Montenegro couldn't provide additional information other than reinforcing the current desire of the public to reduce impervious surfaces, help the environment, but still provide adequate parking.

Parking Lots vs. Garages

The Town Center plan is attempting to place a large number of structures in a small amount of land. Current construction, stream valley buffers, and an established greenway doesn't allow for much flexibility in design. An acceptable formula that determines the number of shared parking spaces will determine if a parking structure, or garage, is necessary.

Studies and surveys indicate that consumers prefer surface level parking. The main reasons are convenience, safety, and traffic flow. In particular, grocery shoppers want surface lots to handle shopping carts and packages. In fact, customers will bypass transit to drive to a grocer because of the amount to carry. Safety has two primary issues. Surface lots are easier to navigate, while the perception is a darker garage causes more accidents. The other issue is a surface lot is safer from personal attack than a garage. In general, surface lots have more entrances and exits than garages.

The Town Center will have an underground deck to the surface lot for the grocer. The lower deck can be reserved, or given priority, for employees and residential parking. The other parking structure would ideally be a surface lot, but if necessary should be a garage. Ms. Montenegro lives in Silver Spring, and the grocer has a surface lot, but the retail across the street has a multi-level parking garage. In an urban area, it's accepted and the convenience is proximity to a number of stores and a theater from one parking space. Since any packages are minimal, the customer accepts the alternative. The possible problem for a garage in the Town Center is the customer may choose to drive to the future Cabin Branch, Aurora Hills, or Comsat shopping centers, if they believe the surface lots and stores are more convenient. These possibilities reinforce the position to maintain the Town Center's commercial size.

If parking becomes inadequate and retail parking spills over into residential areas, the result will be demands for permit parking. This will hurt the success of the businesses. Per the testimony at the hearing, if a garage is necessary, non-surface levels should be reserved for residents in the retail area of one space per resident. Extra spaces for residents will be shared with consumers or employees. Employees should be urged to use non-surface levels.

In summation:

- The Chamber expects the commercial space to reflect a minimum of 150,000 square feet of usable retail and, if necessary, reduce the amount of office space.
- Parking spaces should be based on the fixed amount of commercial and residential square footage in a shared use formula.
- The Chamber's opinion is to accept an estimated 4 spaces per 1,000 square feet, unless a lower ratio can be justified.
- Surface lots are preferable, but if garages are necessary, employees and residents will be given priority or reserved spaces on non-surface levels.

Thank you.

Patrick Darby
President

301-530-6446
patadarby@verizon.net

Kronenberg, Robert

From: Hulley [baines2005@verizon.net]
Sent: Thursday, November 20, 2008 5:06 PM
To: MCP-Chairman
Cc: Krasnow, Rose; Kronenberg, Robert; Maskal, Nellie
Subject: Clarksburg Town Center
Attachments: 112008 planning board letter.doc

Attached is a letter for consideration by the Planning Board.

Kathie Hulley
301-580-4896

21809 Diller Lane
Boys, MD 20841

November 20, 2008

Royce Hanson, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Clarksburg Town Center

Once again I am writing to implore you to do the right thing for Clarksburg.

Parking is critical in Clarksburg because of the lack of transit. It is unlikely that transit will reach us for many decades, since the first shovel will not be put into the ground until 2017 at the earliest (a date which gets put back a year with each of the seasons). The first stage is only planned to Metropolitan Grove, which means the COMSAT destination will be decades after that, and the link to Clarksburg is yet to be taken seriously by anyone except those who need it. The simple fact is that Clarksburg consumers will drive their cars to the center, most of the time. The restoration of the second parking garage is also critical to restoration of the store depth and the sidewalk widths, allowing for outdoor dining and a pleasant main street feel to the center. We absolutely need 60 foot depth of stores with wide sidewalks for restaurants. This is our town center, not a convenience area for immediately-local residents. I hope for a town where there will be community, but the present plan will have the opposite effect.

NOTE: Montgomery County code parking ratios:

Retail 5/1000

Restaurants 25/1000 and 15/1000 for outside dining

Library 2.5/1000

Furniture stores 2/1000

Live/Work 5 is the minimum based on

2/1000 for residential

3/1000 for office space

Architectural guidelines are essential for the look and the feel of the town. Plans shown to residents in the past were never completed as promised and I fear that unless very strict guidelines are imposed, with punitive repercussions for non-performance, we will be sold short once again by a pretty picture that has no chance of becoming reality on the ground.

Newland Communities has violated the law and been given a sentence by the Planning Board. Now, they are not being required to pay the fines imposed by the Board, nor are they being required to build what they agreed to build. I am requesting that monetary fines be imposed - which will be required to fund the acquisition of the right of way from Mr. Patel for the connection of Clarksburg Square Road to Route 355 and towards the building of the library, or for any other improvements the Board and community see as necessary to the equivalent value of the deleted Compliance Plan elements..

The staff report mentions fines of \$500/day for non-performance, but these are for any future infractions and in no way addresses the findings and resolution of the Planning Board.

We believe the center will need more parking than Newland now says will suffice. They agreed to plans, then produced other plans at the very last minute, giving the community and Staff very little time to absorb them and it has happened time and time again with this developer. If they are allowed to get away just with the parking they now say is sufficient, it will not be long before they tell us that "we cannot get any stores to come, so just give us all residential". When will it stop? Is there any certainty for the community at all in the Compliance Program?

The Compliance Program was comprised of elements which were all integrated with one another. Now, Newland is all take and the citizens are all give, in areas such as Block 3 which will be more dense than originally planned, but the compensatory retail portion of the plan has now been demolished, increment by increment, as Newland seeks to alter the plans to suit its desired profit margins. I am certain that Newland has other changes in mind as the process moves forward.

If Newland gets its way, what message does this send to everyone living and doing business in Montgomery County and throughout the Country? Developers will know that they can get what they want if they hold out long enough and the residents will understand that there is no merit whatsoever in the Master Planning process and they might just as well leave the developers to do exactly what they want - rape and pillage of the county.

Sincerely

Kathie Hulley

Kronenberg, Robert

From: ELIZABETH FORREST [betforrest@verizon.net]
Sent: Wednesday, November 19, 2008 7:40 PM
To: Krasnow, Rose; Kronenberg, Robert
Subject: Fw: Charge for using an amenity - Exercise Room.

Last night at the CTC Annual meeting some very disturbing actions on the part of the CTC Board of Directors came to light. Board consists of 5 members - 4 Newland Employee's (Doug Delano, Bob Ditthardt, Peggy Molloy and Nancy Hughes) Pete Roscoe is the only resident and he is nothing more than a rubber stamp for Newland.

Betty Forrest

Sue Schottland is on the Pool and Recreation Committee and so was another woman who sat in front of me and also had no idea about this change no one on the committee was asked their opinion or even alerted to this.

Sincerely,

Betty Forrest

The are as follows:

----- Original Message -----

From: "ELIZABETH FORREST" <betforrest@verizon.net>
To: <bigschott@yahoo.com>
Sent: Wednesday, November 19, 2008 2:59 PM
Subject: Re: Charge for using an amenity - Exercise Room.

> Excellent! add not being able to use the bathroom in the same area as the
> meeting rooms, if you happen to be in the area and are in need of it while
> waiting to hand out bulbs to residents!

>

> Now if they decide to put a special fob opener on the exercise room how
> much will that cost?

>

> We now have 757 homes and 10 foreclosures which makes the amount charged
> to each homeowner .56 cents a month.

>

> This means anyone who wishes to have their Board meetings, etc. in the
> conference rooms will not be able to access them unless given a fob by
> Lisen before the meeting.

>

> Betty

> Things are just getting worse and worse! Insult to injury

> ----- Original Message -----

> **From:** "Schottland" <bigschott@yahoo.com>
> **To:** "ELIZABETH FORREST" <betforrest@verizon.net>
> **Cc:** "Schottland" <bigschott@yahoo.com>
> **Sent:** Wednesday, November 19, 2008 2:11 PM
> **Subject:** Re: Charge for using an amenity - Exercise Room.

>

>

>> Hi Betty,

>> I did email my committee to inform them of this FEE and one member who

>> got back to me is speechless also. Not only might we charge for the pool,
>> but why not charge a fee for residents with children since they use the
>> tot lots which need upkeep as well as a fee for your pets which use the
>> pet stations. Another issue I have is that if I don't pay \$25 to activate
>> my access card, I can't enter the building for committee meetings!! So it
>> will cost me \$25 to volunteer!!! Less than \$.70 a month additional(based
>> only on 700 residents) would more than cover the arbitrary \$5000 a year.
>> I am waiting to get responses from committee members to send our comments
>> to the BOD.

>> Sue

>>

>>

>>

>>

>> --- On Wed, 11/19/08, ELIZABETH FORREST <betforrest@verizon.net> wrote:

>>

>>> From: ELIZABETH FORREST <betforrest@verizon.net>

>>> Subject: Charge for using an amenity - Exercise Room

>>> To: "Peter Roscoe" <proscoc@gmail.com>, "Douglas Delano"

>>> <ddelano@newlandcommunities.com>, "Nancy Hughes" <nancyhughes1@cox.net>,

>>> "Peggy Molloy" <pmolloy@newlandcommunities.com>, "Bob Ditthardt"

>>> <rditthardt@newlandcommunities.com>

>>> Cc: "Julie Neafach" <julie_neafach@hotmail.com>, "Chris Lorenzo"

>>> <c@yahoo.com>

>>> Date: Wednesday, November 19, 2008, 12:06 PM

>>> At our meeting Nov. 5, 2008 one of my Board Members

>>> questioned the income line item - gym cards for \$5,000 and

>>> was told that as of Jan. 2009 in order to use the exercise

>>> room, a facility advertised as an amenity when buying into

>>> CTC, would now be by membership only and that in order to

>>> use the room we had to pay a fee of \$25 per family a year.

>>>

>>> At last nights CTC Annual meeting two of the Pool and

>>> Recreation Committee members were shocked to see and

>>> understand this (thinking it was a charge for lost cards as

>>> I did once) this very important decision had never been

>>> brought to their attention and they were never even

>>> consulted.

>>>

>>> WHY SHOULD ANYONE WASTE THEIR TIME BEING A COMMITTEE

>>> MEMBER"

>>>

>>> I ask now that the Board take a look at another proportied

>>> amenity "The Pool" and also charge memberships for

>>> that so it pays for itself from the membership not all of

>>> residents of CTC.

>>>

>>> "Fair is Fair"

>>>

>>> Sincerely,

>>>

>>> Betty Forrest

>>> P.S. I hope you take this amenity out of your brochures as

>>> it no longer is that. What is next? The plus's in CTC

>>> are getting less and less

>>> 1. Homes prices comparable to other neighborhoods

>>> 2. Additional non deductible taxes in the form of a

>>> Development District Tax and the privilege to pay for items
>>> the developers and builders promised to pay for in order to
>>> be allowed to build or the County paid for out of General
>>> Funds.

>>> 3. A retail center doomed to fail for lack of sufficient
>>> parking so you who live in western CTC - watch out as the
>>> cars circle and circle around your homes looking for
>>> someplace to park i.e. like the small "Farmers
>>> Market" traffic and finally out of frustration either
>>> park in your alley or garage pad or just never come back!

>>> 4. We live in a neighborhood that looks like a war zone
>>> with area's over grown with weeds, people dumping junk
>>> in our forest area's, man holes so high that you must
>>> creatively drive around them and not hit another car coming
>>> the other way, roads impossible to pass on because the
>>> streets have not been made park on one side only (Clarks
>>> Crossing Drive between Murphy Grove Terrace and Clarksburg
>>> Square Road)

>>> 5. Bio-retention area's still not completed that look
>>> like a space ship landed and burnt the area when leaving

>>> 6. Area's corralled by black plastic walls and chicken
>>> wire.

>>> 7. Last night we were told the residents in western CTC
>>> would rather look at a garbage dump and contractor staging
>>> area then look at a nice clean wood fence concealing this
>>> mess.

>>>

>>> Why would anyone, in there right mind, buy in here now!

>>

>>

>>

>>

>>

>>

>

Kronenberg, Robert

From: John Cook [1johncook@gmail.com]
Sent: Thursday, November 20, 2008 5:44 PM
To: Krasnow, Rose; Kronenberg, Robert; MCP-Chairman
Subject: Compliance Program Stage III - Clarksburg Town Center - StreetSense review of plan
Attachments: town_center_opinion_11_20_08.pdf; TC letter 2.doc

John Cook
13625 W. Old Baltimore Rd.
Boys, MD 20841

November 20, 2008

Rose Krasnow
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Compliance Program Stage III - Clarksburg Town Center

Dear Ms. Krasnow:

As a follow up to my many concerns regarding the above referenced plan I met with experienced mixed use commercial developers with many active projects in the County to review it. Mr. Jon Eisen of StreetSense offered the attached summary to briefly review some of the fatal flaws of the current plan.

A short letter cannot convey all we discussed and examined, but Mr. Eisen offered to be available to M-NCPPC staff for further consultation or to discuss any concerns you may have.

Mr. Eisen notes that by code (and by tenant expectations) this type of center in this location would typically require over 600 parking spaces just for the restaurant uses it would contain, leaving out all the other components.

Since I only have a few pages of my 10 page quota left I'll let the attached letter from StreetSense speak for itself.

Sincerely,

John Cook

Cc: Robert Kronenberg

Montgomery County Planning Board



November 20, 2008

John Cook
13625 W. Old Baltimore Rd.
Boys, MD 20841

Re: Opinion of Clarksburg Town Center

Dear John,

As per our conversation, the information in this letter reflects our opinion of the September 2008 plan that you have provided for us to review regarding the proposed Clarksburg Town Center. The information below will be focused on market, parking, configuration and costs as we see it.

Street Sense has the ability to render an opinion based on our company's platform of being an Architect, Developer and Retail Broker. We have successfully conceived, created and completed many developments both locally and nationally. Additionally, I have co-authored the ULI Retail Development handbook and numerous articles on retail and mixed use development. I have worked on over 100 developments in 50 markets and we also represent over 75 retailers in our brokerage practice which is focused solely in the mid Atlantic region.

Market:

The emerging Clarksburg market is and will continue to be a great place for people to live. But one must always remember that retail follows people not the inverse. With that being said, this is a suburban market and the tenants see it this way and will require the rules of suburban retail to follow. The market is clearly in demand of a grocery store and some supporting retail and restaurants. The market cannot generate the kind of income to support a structured parking mixed use development without some form of subsidy from the developer on the parking and the land basis. With that said the plan before you, if considered from a market rate perspective, does not work.

Even with the amount of residential in the town center area the amount of parking trips reduced will only account for about 2% of the total demand for this development. Almost 100% of the grocery shoppers will drive to this location and the majority of the other shopping will drive as well.

Parking:

The plan before you does not meet the county code for parking. Even with a shared parking analysis the parking does not meet code and for that matter meet the demands the retails will require given the site's location. Below are the ratios that all of the tenants we represent need in order to sign a lease in this suburban location.

Grocery: 5/1000 sq. ft. of gross retail
Inline: 5/1000 sq. ft. of gross retail
Restaurants: 18/1000 sq. ft. of gross restaurant or
25/1000 sq. ft. of net restaurant

Occasionally you can reduce the grocery and inline to between a 4-4.5/1000 depending on location and competition. Typically a 100,000 sq. ft. neighborhood shopping center will have 20-25% of the inline space as restaurant space or 20,000-25,000 sq. ft. or 600 plus spaces. So if you are approving a center with just over a 4 per thousand ratio of parking space to gross square feet then I think you will be making a grave mistake. Additionally, this type of market typically does not like structured parking and neither do the tenants. Given the change in the current and future retail and economic conditions the more hurdles you place in front of the end user the harder it will be to make that deal. There are many mixed use developments (in the county) being built or have been built in non transit locations that follow these rules.

The residential users expect safe and secure parking in their garage and typically expect their spaces to be segregated and separate from other end users.

Configuration:

The grocery store seems to be laid out well and can work in this configuration. The inline space is where the problem is, the depth of 42-43 feet is grossly disproportionate to what the market expects and not to mention reduces the eventual owner's ability to be viable in this market place long term. The typical shopping center would find 65-70 feet deep inline space as that is what most retailers think of when they create a prototype for both local and national tenancy. This also provides the owner a greater flexibility in the market when additional density of commercial retail comes online they will have an easier time competing with space that is laid out according to industry standards.

Costs:

I have not seen any development in the country designed like this given this location and the economic thresholds it can afford.

Should you have any questions please do not hesitate to contact me.

Sincerely,

Jon Eisen
StreetSense, LLC
Managing Principal

John Cook
13625 W. Old Baltimore Rd.
Boys, MD 20841

November 20, 2008

Rose Krasnow
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

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Sincerely,

John Cook

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Montgomery County Planning Board