



Via E-Mail and FAX

August 12, 2008

Ms. Piera Weiss
Community-Based Planning
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: White Flint Sector Plan

Dear Piera,

I thought I would provide you our thoughts on the current staff White Flint Sector Plan preliminary recommendations. I represent property owners of the Nicholson Lane Urban Village. In the past, the staff received several individual property owners' letters, including a holistic approach to the Sector Plan from me on January 31, 2007 and have held a variety of meetings. This letter will respond to several issues in the latest staff power point materials posted on the White Flint Sector Plan web site.

Intensity Principles

We do not agree that the "*highest density*" should be located only at the Metro Station or that the highest density should be along Rockville Pike. An "urban design" and a "metro centric" approach, which these recommendations are based on, represent only two of many planning principles the county should use in planning a new CBD. White Flint is a very large area and its planning should not be based on views from a plane or by looking at a land use map in a book. These 2 principles will have only limited impact. The creation of a "canyon" or spine has also limited appeal from a design or city building theme. Atlanta's focus on Peachtree Road has created a linear development form but has left the rest of the surrounding streets underutilized or barren.

A city should have many focal points and community needs to satisfy, including creating a sense of community (neighborhoods), the achievement of regional housing goals, the fiscal needs of the county, etc. The "tenting of development principle" as advocated by the current staff land use recommendations is not applicable to White Flint since the area is so large and the residential communities surrounding our village plan are separated by a railroad line,

industrial development across the tracks, and in most situations will not be seen by the community.

The Intensity Principles need to be revised to state:

- Density in White Flint should be of a scale to create a 21st Century CBD
- Density in White Flint should be of a scale to provide the housing and job needs of the county
- Development near the Metro Station and other public transportation centers should be some of the highest in the area
- Transition to existing communities should take into consideration actual conditions on the ground.

In terms of your more specific principles, we have prepared a land use plan, a potential development mix for our village and a FAR/height map which we are attaching for your information.

Proposed Land Use

- *The 1992 White Flint Master Plan Density Didn't Work*

In the 15 years since the adoption of the 1992 plan, very limited redevelopment has occurred on properties which have successful commercial businesses. The recommended density of FAR 2.4 has been insufficient to justify the abandonment of successful businesses. Densities must be higher to justify the termination of a lucrative business along with the risk associated with any redevelopment.

- Several broad public policies
 - We believe that a 21st Century new downtown needs more density, more unique neighborhoods, more attention to street retail, medical services and a much wider range of public objectives than is being currently proposed.
 - Do not underestimate the type of city that White Flint can become
 - A series of unique districts/neighborhoods should be planned
 - An “urban village” should be created for the properties along Nicholson Lane. Our plan is to create a “town” within a town; it will create a sense of place where people want to live, work, and visit.
(See Attachment)
 - A large range of housing types and pricing is critical for the county.
 - Workforce housing
One property owner in our group is proposing the largest workforce housing project in the county and it will be within a 7 minute walk to the Metro station. This unique efficiency housing will ensure the vitality of the Nicholson Lane Village, by providing housing for the people working there and will enhance the attraction of our village

- concept. The Nicholson Lane Village must have a critical mass living there to make the retail density work. (See Attachment)
- Need for signature office locations
The White Flint area (especially sites near Metro and along the Pike) is well positioned for development as a Class A regional office center. Corporations seeking large blocks of space (200,000 sf) are now locked-out of DC and, even, Bethesda and Silver Spring. Office uses are an important element in the mixed-use formula because they provide the daytime street life so necessary to creating a 24/7 urban village. Class A office attracts Class A tenants whose employees attract Class A retailers and restaurants.
 - Locate a commuter rail station at Nicholson Court as requested by the Randolph Hills, Randolph Farms, Montrose Park, Hilltop Square and Franklin Park communities, to serve these neighborhoods and spur transit-oriented development in southern White Flint.
 - Keep industrial development in White Flint
 - It is our position that retaining the industrial uses along Nebel Street and in Nicholson Court, as recommended by the staff, is a big mistake. Much of the “industrial” land uses are commercial in nature. Nothing is made or built in White Flint. Nothing is industrial. There are service related businesses which are needed in the county, but what is needed more is transit related development. The entire Nebel Street corridor’s redevelopment will be delayed if the east side of Nebel Street continues to be zoned industrial. FAR ratios of .5 - 1 will not encourage any redevelopment. We recommend designating this area as mixed use with an FAR of 2.5 for Nicholson Court and 2.0 for the east side of Nebel Street
 - Need for hotels
We support the staff’s efforts to encourage the growth of the conference center. New hotel development is a key element of this strategy. Hotels provide important county services and generate low peak hour traffic volumes. Hotels located near Metro stations will help reduce regional traffic needs. There are a variety of hotel markets. Hotel lodging serves the needs of North Bethesda and White Flint employers, such as NRC, by providing smaller conference spaces and lodging. Hotels generate few peak hour trips and local serving retail benefits by this interaction.

What’s in a Name?

Everything! I strongly suggest that you work with the advisory committee to quickly name the “city” that will rise around the White Flint Metro Station. If White Flint is to be North Bethesda Downtown, it needs an updated name and to be classified as one of Montgomery County’s CBD; as an equal with Bethesda, Silver Spring and Wheaton CBDs.’

Thank you for considering our request. We look forward to hearing from you.

Signed

Very truly yours,
Perry Berman

cc: Mr. Nkosi Yearwood
Mr. Jacob Sesker
Mr. Glen Kreger
Mr. John J. Fitzgerald, Jr.
Mrs. Esther Gelman
Mr. Robert Eisinger, Lake Waverly
Mr. Kap Kapastin Quantum Development - White Flint View
Mr. Paul Klinedinst
Mr. Phil Feliciano
Mr. John Bigelow - Medical Office
Mr. Lee Barnes
Ms. Margaret Rifkin

Attachment

Elements of an Urban Village

A village is both intimate and vibrant. It is a place where people know a wide range of others and have access to all of the requisites of daily living: a place to live, work, shop, play, learn, worship, debate and explore. The scale of the urban village helps to connect you to something larger. The urban village provides the "mediating" structure – the bridge – that connects ordinary individuals and families to the larger, much more anonymous world.

- It is a "town" within a town
- Creates a sense of place where people want to live and visit.
- Must be very dense to create a critical mass of residents/employees to support vertical mixed-use neighborhoods with exciting retail streetscapes
- Mixes a wide range of social and economic activities and land uses in horizontal and vertical space.
- Must be pedestrian-friendly
- Includes public spaces to engage people and focus civic and social activity.
- Provides a range of indoor and outdoor recreation opportunities
- Supports public transit and exemplifies smart growth because it invites residents, workers, visitors, and shoppers to walk and/or use metro rather than drive their cars.
- Attracts both the young and old, but must provide strong lifestyle attractions for young professionals: appropriate housing, shopping, restaurants and entertainment.
- Sets a high standard for architecture and public art.
- Acts as an economic engine to create jobs and taxes for Montgomery County.
- Supplies a range of housing types to service a range of price points and life cycle stages.
- Is more than the sum of its parts.

Attachment



January 31, 2007

Via E-mail and Hand Delivered

Dr. Royce Hanson, Chair
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: White Flint Sector Plan Status Report **Planning Board Item #11**
Nicholson Lane Urban Village Property Owners Positions

Dear Dr. Hanson:

We represent over 12 property owners within the White Flint Sector Plan area. Together our property owners have prepared an urban village plan for the Neighborhood Two Nicholson Lane area. We believe this plan supplements the plan that is being presented to you by the staff.

The Recommendations Underestimate What White Flint Can Become

We support the goal of the staff plan to create a new downtown but disagree with their focus.

We believe that a 21st Century new downtown needs more density, more unique neighborhoods, more attention to street retail, medical service and a much wider range of public objectives than is being currently proposed. The staff also underestimates the importance to the region that increased development will reduce regional traffic. With proper planning to set the stage, the marketplace will transform White Flint into one of the National Capital Region's preeminent downtowns. It will become a new downtown that will smartly accommodate the county's growth and provide an economic engine to fund county services. What a great opportunity for the county.

The employment base established by NRC can be expanded to provide additional employment opportunities served by Metro. Higher-density housing

can be provided for young professionals, empty nesters, and others within one-quarter to one-half mile of Metro. This housing could be a resource not only for White Flint area employees, but also could help relieve the demand at Bethesda Naval Medical imposed by BRAC. Location of a MARC station within White Flint would permit this housing resource also to serve the Silver Spring employment base. The Conference Center and hotel, when combined with the demand for business visitor accommodations, will generate demand for more hotels, restaurants, entertainment, and hospitality facilities.

The Allocation of Density Makes Potential Re-Development Unlikely

The proposed White Flint land use pattern should not be based solely on the location of the Metro Station. Walkable streets will stretch the walking radius to the Metro Station. Our Urban Village is within ¼ - ½ mile walking distance to the station, yet the staff appears to discount this proximity. These distances are the acceptable standards. The use of Metro will not vary enough to justify arbitrary development standards as proposed. Design considerations appear to justify this metro centric approach.

There are many important land use goals which can be accommodated by providing greater density in a variety of locations throughout the White Flint area. Each of the plans communities is large enough to support its own focal point. Moreover, there are a variety of other public objectives which need to be considered in addition to Metro usage. Needed housing, roads, public facilities will not occur with the densities recommended by the staff.

Today's staff recommendation assumes redevelopment of several properties which will not likely redevelop within the Master Plan timeframe. Properties such as LCOR, NRC, HOC, Lerner's NRC building, the Grand and the Wisconsin and others are not likely to use the maximum density permitted by the plan. For example, the NRC superblock or Block 10 in the adopted plan is approximately 11 acres. Today these properties are built out at an average FAR is 2. It is extremely unlikely to redevelop to a Far 3-4 as the staff proposes. Why leave Metro development on the table?

The 1992 White Flint Master Plan Density Didn't Work

In the 15 years since the adoption of the 1992 plan, very limited redevelopment has occurred on properties which have successful commercial business. In Mr. Fitzgerald's situation, the recommended density of FAR 2.4 has been insufficient to justify the abandonment of a successful 40 year auto business. Densities must be higher to justify the termination of a lucrative business along with the risk associated with any redevelopment. We have requested a FAR 4 with a total of 800,000 square feet to provide a development program necessary to provide the economic engine needed by the county, the streetscape for streets with underground parking, a signature office building, a hotel and local serving retail.

The Importance of Executive Boulevard Extended

The relief of the traffic congestion at intersection of Rockville Pike and Nicholson Lane has been one of the county's top objectives for sometime. An interchange at this location had been one of the county's top state funded projects. Traffic relief can be provided made easily, cheaper and better if Executive Boulevard is built to Huff Court or further to Nicholson Court. Left turns at the Pike and Nicholson Lane intersection can be eliminated with the redevelopment of the Fitzgerald property. Without Executive Boulevard, traffic congestion at Rockville Pike and Nicholson Lane will grow worse. Without sufficient density which can justify the risks of redevelopment, this needed improvement will not occur.

Need for Hotels

We support the staff's efforts to encourage the growth of the conference center. New hotel development is a key element of this strategy. Hotels provide important county services and generate low peak hour traffic volumes. Hotels located near Metro stations will help reduce regional traffic needs. There are a variety of hotel markets. Hotel lodging serves the needs of North Bethesda and White Flint employers, such as NRC, by providing smaller conference spaces and lodging. Hotels generate few peak hour trips and local serving retail benefits by this interaction.

Need for Signature Office Locations

The White Flint area (especially sites near Metro and along the Pike) is well positioned for development as a Class A regional office center. Corporations seeking large blocks of space (200,000 sf) are now locked-out of DC and, even, Bethesda and Silver Spring. Properly marketed and planned for, the alternative will be North Bethesda with its large blocks of land capable of development for large/trophy office buildings. Office uses are an important element in the mixed-use formula because they provide the daytime street life so necessary to creating a 24/7 urban village. Class A office attracts Class A tenants whose employees attract Class A retailers and restaurants. The recent departure of BAE systems from Montgomery County is a sign of concern.

MARC Station

We support the Board's decision to locate a new MARC station within White Flint area. We disagree with the staff's location and look forward to working with community on finding the right location. We stand ready to assist the staff in any needed studies. A new full service station will link the new White Flint downtown to Silver Spring's employment base. We support a location of a MARC station at the end of Nicholson Court since it provides the best access to the 1,000 plus homes in Randolph Hills community. We stand ready to make this recommendation happen.

Process and Implementation Issues

We are extremely disappointed that the staff does not provide any advance notice of its recommendations to the property owners. One of our property owners found out at the day of Tuesday's meeting that his property was being recommended for a MARC commuter rail station and another of his commercial sites pierced by a road. Little justification was provided. No concern by the staff was expressed. Equally troubling was the staff's lack of concern for the implementation challenges facing their recommendations. If the Clarksburg lessons have taught us anything is that master plans should not promise recommendations that can not be accomplished. You have several property owners who want to assist the county in the provision of a commuter rail station. This is an opportunity to make it happen.

Thank you for considering our request. We look forward to hearing from the Planning Board.

Very truly yours,
Perry Berman

Attachment



16220 Frederick Road, Suite 325
Gaithersburg, MD 20877
(o) 301-208-6700 (f) 301-208-1303

May 14, 2008

Judy Daniels
Margaret Rifkin
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20

Re: White Flint Master Plan
ProMark/Eisinger Property

Dear Judy and Margaret:

Perry Berman forwarded your email of April 25th to me. There are a number of critical issues that need to be evaluated before anyone makes a final decision regarding the FAR of our project:

1. We intend to file a joint site plan with BF Saul (Fitzgerald Property) on our combined properties, inclusive of Huff Court, which we would like approval to build under. If we need to plat the properties together, that can be accommodated, but we will effectively have frontage on Rockville Pike.
2. Our project is designed to provide market rate workforce housing for the County. It is within 7 minutes walking to Metro, it is the best site in the County for this design, and it will be the largest workforce housing project in the County. Cutting the FAR by just 1, will reduce the number of residential units by 300. We do not feel that is in the County's best interest
3. Cutting the FAR to 3 negatively impacts the projects economics. It may not be viable. Quite honestly, the profit is in the last 300 units.
4. We will offer to give to the County the space to build a parking garage to be owned and controlled by the Parking District, and all of our tenants/condo owners will agree to rent back from the County parking spaces at Market, if they in fact want a parking space.
5. There would be very little visual difference between a 3 and a 4 FAR.
6. We may have a Marc Rail station closer to us than Metro
7. The Nicholson Lane Village must have a critical mass living there to make the retail density work. Reducing the units by 300 will influence the viability of the retail component.
8. Our density at a 4 FAR will have less traffic impact than what the staff assumed in its model runs at 2-3 FAR

We would like to thank you for your help in basing the residential densities on FAR rather than units per acre. That was of significant help. We continue to hope that you will see the full benefit of our proposal both to the White Flint Area and the County, both economically and practically, and that you will help us achieve the best utilization of the ground, because once it is built, it will not be redone for a very long long time.

Sincerely,

Robert O. Eisinger
Managing Member
ProMark Real Estate Services, LLC

Cc: Tom Fauquier
Jack Garson Esq.
Jerry Pasternak,
Jody Kline