



ATTORNEYS

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August 25, 2008

By Electronic Mail

Mr. Rollin Stanley
Planning Director
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20912

Re: White Flint Sector Plan
White Flint Mall

Dear Mr. Stanley:

This letter is written on behalf of our client, White Flint Mall, regarding the pending White Flint Sector Plan. Specifically, it addresses the Staff presentation made on July 22, 2008 in anticipation of the next Citizens Advisory Committee meeting scheduled for August 28, 2008.

White Flint Mall objects to three key recommendations presented by Staff:

1. The density recommendation of 2.0 FAR for White Flint Mall. In fact, the figures contained in the Staff presentation appear to indicate a much lower actual proposed FAR of 1.5—which is identical to the existing zoning for White Flint Mall (C-2). This density recommendation is materially below similarly situated properties, is internally inconsistent, and does not offer any incentive at all for redevelopment.
2. The proposed building heights for White Flint Mall. A narrow band of a portion of the Mall's frontage along Rockville Pike (about half) is suggested for 250', then 150' in the vicinity of the existing Mall, then 35'—65' easterly and southerly. These building heights are materially below similarly situated properties and generally are inadequate for most of the redevelopment contemplated.
3. The proposed elementary school site to the rear of the Mall. This small site is well below any reasonable MCPS standard, usurps the White Flint Local Park for school purposes, and introduces a problematic use in a topographically and otherwise challenged area.

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We respectfully request that Staff reconsider these objectionable recommendations and address them constructively in the presentation of August 28, 2008 and in the Draft Plan soon to be published.

We met with Staff at length on July 14, 2008. At that time, we reviewed the extensive redevelopment concept plans prepared by our architect/planner, Cooper Carry, in the summer of 2007 and refined since then as a result of meetings with community groups. These plans contemplate a mixed use development of retail, office, hotel, multi-family residential, and townhouse residential over the 44 acre site at an FAR of approximately 3.0. For the foreseeable future, the existing Mall specialty destination retail (approximately 800,000 SF) will be retained, and approximately 400,000 SF of additional specialty mall and lifestyle retail space is proposed. In addition, approximately 1.3M SF of office, 364K SF of hotel, and 2300 multi-family dwelling units are proposed. All of the non-residential space will require underground parking, which must be built in Phase 1. The plan also proposes extensive green spaces, public amenity spaces, and locations for transit facilities.

The plans presented by Staff on July 22, 2008 purported to propose a density for the Mall of 2.0 FAR, with some portions proposed for .5 FAR and RT-12.5. Yet, the proposed development in the narrative equates to only approximately 1.5 FAR (1.41M SF non-residential, and 1277 dwelling units). This is the permitted density in the C-2 zone, the Mall's current zoning.

We respectfully request that the average density of the Mall property be recommended for 3.0 in the Sector Plan. We agree with Staff that the actual density in various areas of the Mall property should vary, in order to accomplish appropriate transitions from the adjoining residential community. Indeed, we have had a number of meetings with leaders of nearby communities to discuss precisely this issue, and we believe we have made good progress on this concept.

We also believe it may be possible to phase the density, and defer some small portion of the overall density for the duration of existence of the current regional mall structure. In this respect, a density allocation of 2.75 FAR could apply while the mall structure remains, with an increase to 3.0 FAR when/if the mall structure is removed or substantially redeveloped.

Most of the Mall property is within a 10 minute walk from the White Flint Metro station. Further, it has extensive frontage on Rockville Pike, making it highly accessible for current and future non-rail transit. It confronts a striking new project, White Flint Crossing, recommended for a 3.0 FAR and approved for a 280' building height. It adjoins the Fitzgerald property recommended for a 3.0 FAR, and the Eisinger property recommended for a 2.5 FAR

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(which lacks any frontage on Rockville Pike). There is no logic to recommend a 2.0 FAR for most of the Mall property, particularly when approximately 25 % is recommended for substantially reduced density--.5 FAR or RT-12.5.

Redevelopment of the Mall will require the construction of extensive underground structured parking for all non-residential uses. This exorbitant development cost, together with the costs of MPDU's, workforce housing, likely TDR purchases, impact taxes, and supplemental contributions to public infrastructure, requires adequate density for redevelopment to be economically viable. The Mall property is profitable today and otherwise has little incentive to redevelop unless the potential value from increased density can offset extraordinarily expensive redevelopment costs. If the Mall does not redevelop, the White Flint Sector Plan area will lose an opportunity to have a strategically located property contribute to the new urban character and amenities of White Flint and to the public/private infrastructure costs.

The proposed building heights for the Mall are inadequate to accomplish the redevelopment objectives. The higher building height of 250', while adequate in overall height, applies only to a small portion of the Mall property—about half of the current front parking lot. This proposed building height needs to extend substantially further south and east, at least to encompass the current geographic area of the mall structure and associated front parking. Thereafter, the 150' proposed building height should be repositioned further east, with only narrow bands of 65' and 35' building heights to transition to the nearby residential community and provide sufficient light and through view opportunities. As proposed, approximately one-third of the Mall property is proposed for 35'—65' of building height, which makes realization of the redevelopment density (whatever it is) extremely difficult. The project plan and site plan processes provide ample opportunity to address appropriate building height and bulk compatibility with the adjoining residential community.

The proposed elementary school site at the rear of the Mall property is entirely inappropriate. It is way too small—much smaller than sites permitted by any published MCPS guidelines. The only way that more than several acres can be achieved is to use the existing White Flint Local Park for school purposes (this park was dedicated to the public by the Mall in the 1970s). Much of this public park is wooded, with steep terrain. The Mall property proposed to be used is completely without any public access unless/until the Mall is redeveloped. Also, this portion of the Mall property is topographically challenged. Moreover, the proposed school site unfairly takes a material portion of the Mall property for public purposes, and adversely affects the proposed redevelopment plans for this vicinity of the site.



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We respectfully suggest that the elementary school site be located elsewhere. At least one viable site is the former Rocking Horse Elementary School in nearby Randolph Hills, which that community seeks to reopen. While it is presently located in a different high school cluster, that reason alone should not prevent its consideration, particularly when the identified need for an elementary school is for many years from now.

The Rocking Horse Elementary School site is almost 19 acres in size, with plenty of room for renovated/enlarged MCPS facilities to accommodate the current non-school uses and future school uses alike. It offers the opportunity for substantial cost reductions to MCPS, because the County already owns the land and may be able to re-use the existing buildings with some alterations. The 19 acre site should afford ample opportunities for student recreation, far more varied than could be afforded with the "pocket-sized" school site that MCPS would be compelled to accept at the rear of the Mall.

Thank you for your consideration of our concerns and for your efforts to accommodate them in your forthcoming presentation and Draft Plan. With regards,

Very truly yours,

Robert G. Brewer, Jr.

- cc: Dr. Royce Hanson
- Ms. Piera Weiss
- Ms. Margaret Rifkin
- Mr. Nkosi Yearwood
- Mr. Dan Hardy
- Mr. Jacob Sesker
- Mr. Alan Gottlieb
- Arnold Kohn, Esq.
- Mr. Warren Elliott
- Mr. Kurt Meeske
- Erica Leatham, Esq.