

April 1, 2008

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Dr. Royce Hanson
Chairman
The Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: White Flint View (former Noland Plumbing) – White Flint Sector Plan Update

Dear Dr. Hanson:

The purpose of this letter is to comment on the request made by my client, Naples Commercial LLC, with respect to a possible increase in the recommended FAR for the Noland Plumbing Property, located at the northeast corner of the intersection of Nicholson Lane and Citadel Avenue, within the White Flint Sector Plan (see copy of map attached). I understand that the current Plan revision recommends a range of FAR from 3.0 to 4.0 on properties on the west side of Citadel Avenue, across Citadel Avenue from the Noland Property, yet only 2.5 FAR for the Noland Property itself.

My client has already advised you, through earlier correspondence, about the desire of the marketplace to have larger residential units at this site.

The approved subdivision application for a high-rise residential building with ground floor retail was based on the provisions of the C-2 Zone and Text Amendment No. 05-12, which limited use of the C-2 Zone Special Development Procedure for Transit-Oriented Mixed Use Development to 2.0 FAR (plus the appropriate density bonuses). This Text Amendment, its allowable FAR, and the related development approval for the Noland Property, were established at the 2.0 FAR because of the Sector Plan limitation on TS-R properties in that area. The existing Sector Plan provides that, although recommended for TS-R zoning, such properties would be limited to 2.0 FAR, rather than the 3.0 FAR otherwise allowed by the Zoning Ordinance (in each case, allowing the necessary increase in density based upon bonus density provisions). But for the restriction in the Sector Plan, Text Amendment No. 05-12 (which sought to mirror the TS-R standards) and the proposed development of the Noland Property, would have incorporated the higher 3.0 FAR density.

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Text Amendment No. 05-12 was designed to allow the Noland Property to be developed in accordance with recommendations and standards for TS-R zoning (just as is recommended for the other three corners of the intersection on the attached map). The rationale for facilitating the high-rise residential development on the Noland Property remains consistent, irrespective of the difference in FAR. Only in an attempt to accommodate and mirror the Sector Plan recommendation for the TS-R properties was the density on the Noland Property limited. Other properties more distant from the Metro Station (such as the southeast corner of the same intersection) were recommended for TS-R zoning in the Sector Plan.

Given the proximity to the Metro Station and the presence of the new Citadel Avenue providing easier access to the Metro Station (arising in part through the generosity of the Noland Property owner by making the needed dedication, well in advance of platting or construction of the building), higher density is justifiable and reasonable for this site, just as for those on the west side of Citadel Avenue. As a result, the Noland Property should be treated in a like manner to those properties recommended for TS-R zoning that are being increased in density through the new Sector Plan Update process. Consequently, the Noland Property should be recommended for the same 3.0 to 4.0 FAR (plus bonus densities).

Please contact me if you have any questions on this matter. I would be glad to discuss this with you further.

Very truly yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink that reads "Bill Kominers". The signature is written in a cursive, slightly slanted style.

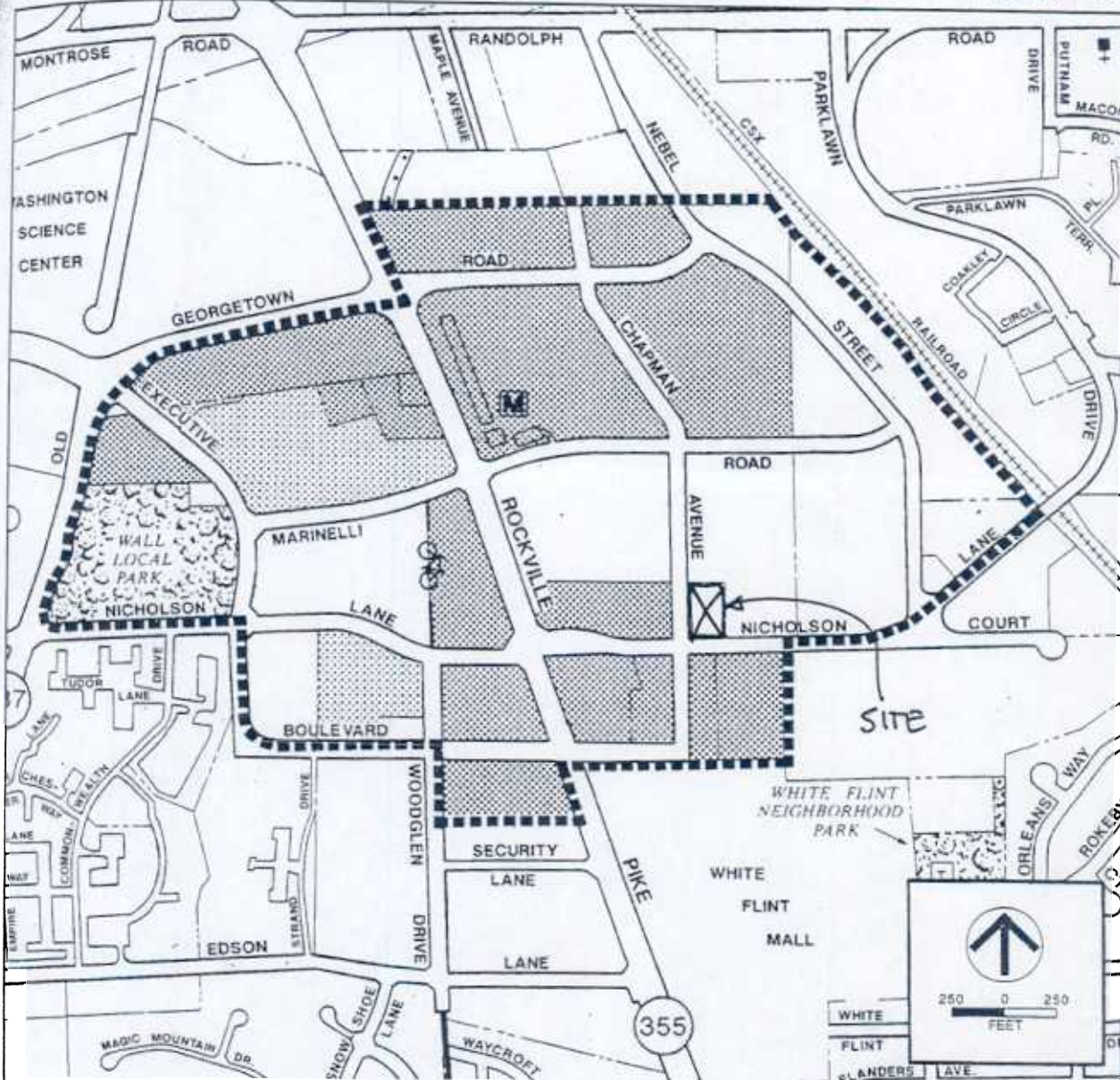
William Kominers

Attachment

cc: Mr. Rollin Stanley
Ms. Judy Daniel
Ms. Margaret Rifkin
Mr. John Carter
Marc Kapastin, Esquire
Mr. Dave Sullivan

WHITE FLINT SECTOR PLAN AREA - PROPOSED FLOATING ZONES

FIGURE 19



-  TS-R Transit Station, Residential
-  TS-M Transit Station, Mixed