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Via U.S. Mail and Electronic Mail

Mr. Mark Pfefferle
Chief, DARC
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: White Oak Town Center; Preliminary Plan No. 120150100 (the "Plan"); Notice of Potential Application Withdrawal

Dear Mark:

The purpose of this letter is to respond to your letter, dated June 16, 2017, regarding the potential withdrawal of the above-referenced Plan because Staff is concerned that the Plan may be deemed inactive under Section 5.B.(c) of the Manual of Development Procedures for Montgomery County (the "Manual").

The property that is the subject of the Plan is located in the northeast quadrant of the intersection of Columbia Pike (Route 29) and Industrial Parkway, with a street address of 12345 Columbia Pike, Silver Spring (the "Property"). The proposed Project is envisioned as a mixed-use project containing approximately 65,000 square feet of retail use and 289 mixed-use multi-family residential units (the "Project"). The Project is the first phase of a larger redevelopment encompassing the area bounded by Route 29, Industrial Parkway, and Tech Road.

Section 5.B. (c) of the Manual provides:

"Each applicant is responsible for timely response to staff and agency comments, either in the form of plan revisions or with a request for a follow-up meeting, to resolve issues with appropriate members of the review team... An application that has been inactive for 365 calendar days with no substantive response to staff, agency, or DRC comments must be treated as withdrawn unless the application can demonstrate good cause to extend the application..."

Please be advised that BDC Spectrum II, LLC, the Applicant for the Plan, and its consultants have been actively reviewing and responding to various initiatives in the County that would impact the Property, the Plan, and the potential tenants for the Project.

A summary of the activities undertaken by the Applicant or its consultant team are as follows:

1. Review, research, and discussions with various County and State representatives about SHA's 1995 proposed interchange improvements to Industrial Parkway and confirming the lack of status of the proposed improvements. The conceptual area required for the interchange would have drastically affected the initial plan for the Property.
2. Meetings and discussions with MCPB Staff to review concept plans for the proposed mixed-use development planned for the Property. Initially, after the Project design was shifted to allow for a possible future interchange, Staff objected to the Plan and requested a plan showing more retail and a larger building volume along Industrial Parkway. After the revised plan showing more retail was provided and discussed with Staff, prospective anchor tenants objected to the bulk and quantity of retail along Industrial Parkway.
3. Reviewing and participating in discussions about the County proposed Local Area Transportation Improvement Program ("LATIP") fees. The County's development of the program of road improvements to be included in the LATIP was significantly delayed in being produced by the County's Department of Transportation. Similarly, the methodology for computation of the fees associated with the LATIP has been the subject of protracted dialogue, most recently the question of whether the fee as implemented complies with the legislation creating the fee. This currently open issue adds a significant factor of uncertainty into the feasibility of the Project.
4. Engineers and architects have been actively evaluating potential alternative plans for Property.
5. Reviewing information relating to the Bus Rapid Transit System ("BRT") for Route 29 North and how that system, including its nearby planned "stop," may impact the Property, the Project, and the transportation system in the neighboring area.
6. The Applicant has been pursuing leases with a number of different grocery stores. The uncertainties noted above have made negotiating a lease problematic. As some of the external issues have resolved themselves, leasing has become more feasible. The Applicant is currently negotiating a lease with a potential grocery store tenant. If the negotiations are successful and the lease is

signed, the Applicant will be able to present a design for the Project in accordance with the preferences of a particular tenant, rather than designing the Project for a generic retail grocery use. Having a specific tenant may simplify resolution of some of the outstanding site design issues, by being able to address tenant specific needs/concerns.

As you can see from the above information, there has been ongoing activity toward pursuit of the Project during the term of the review. However, in a number of instances, that activity has not directly involved MCPB staff and submissions to MCPB staff have been delayed due to issues outside the MCPB review process.

The Applicant estimates that given normal expectations for lease negotiation and subsequent adjustment of the Plan to accommodate the tenant, it will be able to present an updated Plan in approximately 6 – 9 months and requests an extension of the Plan until May 16, 2018.

Thank you for your consideration of this extension of the review.

Very truly yours,



William Kominers



Susan M. Reutershan

cc: Ms. Lori Shirley
Mr. Marc Solomon
Mr. Brad Fox