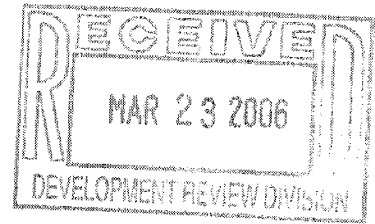


APPENDIX A

JACK SCHWALB
6808 Stonewood Terrace
Rockville, MD 20852



March 21, 2006

Kathy Mitchell
Maryland National Capital Park &
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Park Potomac By Foulger-Pratt

Dear Kathy Mitchell:

As a purchaser at Park Potomac and with over 40 years experience in development and construction in Maryland and Virginia; I highly recommend approval of the proposed site plan scheduled for hearing on March 30, 2006.

The proposed site plan will enhance the integrity of the Community immensely. Parking below grade at a much greater expense alone does wonders, as you know. Plus more open space improves the Streetscape and the public loves it.

Again, I highly recommend approval.

Sincerely,

A handwritten signature in cursive script that reads "Jack Schwalb". The signature is written in dark ink and is positioned above the printed name.

Jack Schwalb

Mitchell, Kathleen

From: Sinr6@aol.com
Sent: Friday, March 10, 2006 12:20 PM
To: Mitchell, Kathleen
Subject: Re: Park Potomac Place

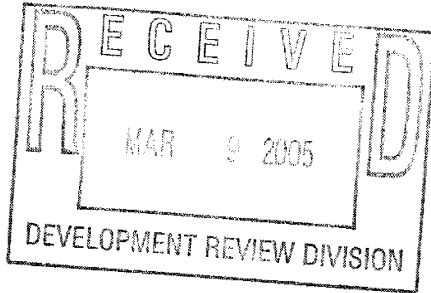
Dear Ms. Mitchell,

I will be away from the Washington area on March 23rd and will not be able to attend the MNCPPC Hearing scheduled for the application submitted by Park Potomac Place. Accordingly, I would like to take this opportunity to offer, as a future resident, my total and complete support of the pending application.

The proposal submitted by Park Potomac Place will permit for a substantial increase in "green space" and other amenities and is completely in conformity with the design and space concepts previously approved. Although I am not sure what valid objection could be offered, one never knows in these circumstances, and thus I felt it important to state the support, without reservation, of one future resident.

Sincerely,

Herbert C. Singer, M.D.



March 8, 2006

Benjamin L. Israel
Partner

2000 K. Street NW, Suite 500
Washington, D.C. 20006-1872
Office 202.828.5817
Fax 202.857.2158
benjamin.israel@bracewellgiuliani.com

Montgomery County Department of Park & Planning
Plan Enforcement, Development Review Division
Attn: Ms. Kathy Mitchell
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Fortune Parc File No. 8-04015A

Dear Ms. Mitchell:

You will recall that we spoke via telephone on February 15, 2006, in order for the Potomac Springs Civic Association ("PSCA") to get an update on developments with regard to the proposed Site Plan Amendment (the "Proposed Amendment") filed in April 2005 in the above-referenced proceeding. There were two things mentioned in that discussion that I would like to memorialize in this letter.

First, you indicated that in your meetings with the applicant it was represented that the PSCA had met with the applicant, and that the applicant and the PSCA were now in agreement regarding the Proposed Amendment. As we discussed, I did meet with the developer on behalf of the PSCA on January 10th, but there could be no mistake in that there was no agreement reached between the developer and the PSCA. In fact, the applicant never responded to my written offer to arrange a meeting with the applicant and local community leaders in an attempt to reach a compromise. The PSCA therefore remains firmly opposed to those aspects of the Proposed Amendment described in our written comments dated December 29, 2005.

Second, you indicated that the Planning Board hearing on the Proposed Amendment was still not scheduled, but that it might be scheduled for sometime in April. I would like to remind you that, as counsel to the PSCA and a member of the PSCA Executive Board I plan to represent the PSCA at the hearing, but my religious faith prevents me from working on the following dates which fall on the Jewish holiday of Passover: April 13th, 14th, 19th, and 20th. I would also be unable to participate in a hearing after 5:00 pm on April 12th and 18th. Given the protracted delay resulting from the applicant's incomplete filing, I trust that you will take appropriate measures to ensure that the Proposed Amendment is not scheduled for a hearing in conflict with this holiday.



Montgomery County Department of Park & Planning
Plan Enforcement, Development Review Division
March 8, 2006
Page 2

Please feel free to contact me if you should have any questions with regard to the issues raised in this letter.

Respectfully,

Bracewell & Giuliani LLP

A handwritten signature in cursive script, appearing to read 'Benjamin L. Israel', written in dark ink.

Benjamin L. Israel

Cc: Montgomery Square Citizens Association
Regency Estates Citizens Association
Treasure Oak Community Association

Mitchell, Kathleen

From: R. Marshall Ackerman [rma0315@comcast.net]
Sent: Monday, March 06, 2006 9:20 PM
To: Mitchell, Kathleen
Subject: Park Potomac Place application

Dear Ms. Mitchell:

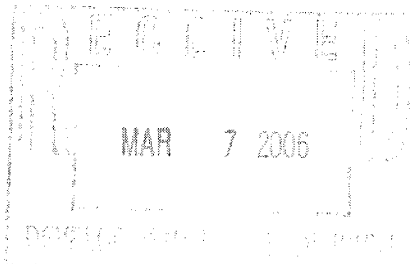
We have purchased a condominium in the south building of phase I in Park Potomac Place and are writing to support the application for approval of the proposed site plan submitted by the developers. We have reviewed the documents sent to us by VIKA, Inc. and believe that it will create a more beautiful landscape with a more open feeling than the original plan for the wood frame five story buildings. With parking moved underground and the area thereby opened, the effect would be much more pleasant. The additional buildings would be similar to the first phase, producing a more uniform area between the townhouses and the commercial buildings. In addition, the pride of ownership would definitely result in similar goals within the entire luxury residential community, making this a very desirable location in Montgomery County.

Please notify us of the date and time of the scheduled hearing.

Sincerely,

Marshall and Linda Ackerman
Rma0315@comcast.net
11517 Cushman Rd.
North Bethesda, MD 20852
301-881-6393

SALVATORE F. DIVITA
8510 BRICKYARD ROAD
POTOMAC, MARYLAND 20854



March 4, 2006

Kathy Mitchell
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Ms. Mitchell,

It is my understanding that Foulger-Pratt, developers of Park Potomac Place, has submitted an application requesting approval of a revised site plan, and that the Planning Board is expected to hold hearings on this matter on March 23, 2006.

As an owner of a condominium unit in Park Potomac Place, I have an interest in what is to happen with this property. Accordingly, I have reviewed the currently approved site plan and the Proposed Site Plan. As a consequence of my review, I am convinced that the Proposed Site Plan makes more effective use of this land. Therefore, please accept this letter as an expression of support for the Proposed Site Plan.

Respectfully submitted.



Sal Divita

Cc Marc L. Weinstein



February 1, 2006

Mr. Robert Kronenberg
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Fortune Parc

Dear Mr. Kronenberg:

As you are aware, Eakin/Youngentob Associates, Inc. ("EYA") is the developer of the townhouse section of the Fortune Parc mixed-use project. It is our understanding that Fortune Parc Development Partners, LLC, the developer of the multi-family and office sections of Fortune Parc ("FPDP"), is proposing to amend approved Site Plan No. 8-04015, which includes these sections of Fortune Parc (the "Site Plan"), to allow for the development of four 100' condominium apartment buildings with associated amenities on Parcels I, J and K, as identified on the Site Plan, instead of the two 3-5 story rental apartment buildings and associated amenities currently shown on Parcels I, J and K. EYA has been aware of FPDP's desire to make this change since we opened for sales and therefore included in our marketing material information reflecting the proposed change. Our sales people have also represented this to our contract purchasers and prospective purchasers. It is our understanding that they are supportive of this change to the approved site plan. In accord with County law we also have the existing approved site plan in our sales offices for review. EYA has reviewed FPDP's plans for the revised building layout and heights and supports FPDP's proposal to amend the Site Plan accordingly.

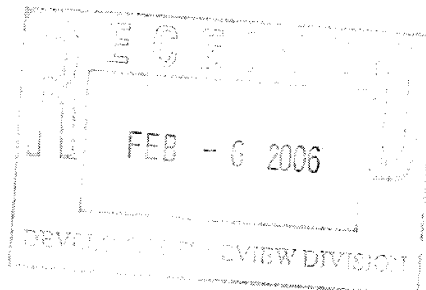
Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Youngentob", is written over a circular stamp or seal.

Robert D. Youngentob

cc: Brent Pratt
Bryant Foulger
Barbara A. Sears, Esq.
Scott C. Wallace, Esq.

L&B 387080v1/09000.0001



Mitchell, Kathleen

From: R. Marshall Ackerman [rma0315@comcast.net]
Sent: Monday, March 06, 2006 9:20 PM
To: Mitchell, Kathleen
Subject: Park Potomac Place application

Dear Ms. Mitchell:

We have purchased a condominium in the south building of phase I in Park Potomac Place and are writing to support the application for approval of the proposed site plan submitted by the developers. We have reviewed the documents sent to us by VIKA, Inc. and believe that it will create a more beautiful landscape with a more open feeling than the original plan for the wood frame five story buildings. With parking moved underground and the area thereby opened, the effect would be much more pleasant. The additional buildings would be similar to the first phase, producing a more uniform area between the townhouses and the commercial buildings. In addition, the pride of ownership would definitely result in similar goals within the entire luxury residential community, making this a very desirable location in Montgomery County.

Please notify us of the date and time of the scheduled hearing.

Sincerely,

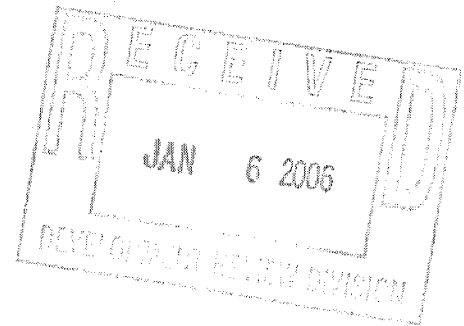
Marshall and Linda Ackerman
Rma0315@comcast.net
11517 Cushman Rd.
North Bethesda, MD 20852
301-881-6393

December 29, 2005

Benjamin L. Israel
Partner

2000 K. Street NW, Suite 500
Washington, D.C. 20006-1872
Office 202.828.5817
Fax 202.857.2158
benjamin.israel@bracewellgiuliani.com

Montgomery County Department of Park & Planning
Plan Enforcement, Development Review Division
Attn: Mr. Robert Kronenberg
8787 Georgia Avenue
Silver Spring, MD 20910-3760



Re: Fortune Parc File No. 8-04015A

Dear Mr. Kronenberg:

As counsel to the Potomac Springs Civic Association, enclosed herewith please find the comments of the Potomac Springs Civic Association in the above-referenced proceeding.

Please feel free to contact me should you require any additional information or clarification with regard to these comments.

Respectfully,

Bracewell & Giuliani LLP

Benjamin L. Israel

Enclosure

Cc: Montgomery Square Citizens Association
Regency Estates Citizens Association
Treasure Oak Community Association

_____))
Montgomery County Department of Park and Planning)
Fortune Parc File No. 8-04015A)
Proposed Site Plan Amendment)
_____)

COMMENTS OF POTOMAC SPRINGS CIVIC ASSOCIATION

Pursuant to the notices dated April 21, 2005¹ and November 7, 2005, issued by the Montgomery County Department of Park and Planning in the above-captioned proceeding, the Potomac Springs Civic Association ("**PSCA**") hereby files the following comments regarding the proposed Site Plan Amendment for Fortune Parc (the "**Proposed Amendment**"). The PSCA is a body of community representatives elected by the 108 families living in the Potomac Springs development located off Seven Locks Road immediately across from the Fortune Parc development (a/k/a Park Potomac) that is the subject of the Proposed Amendment.

The Proposed Amendment proposes any number of changes to the plan that was first described to PSCA representatives and originally submitted to and approved by the Montgomery County Planning Board (the "**Planning Board**"). Among those proposed changes is: (a) the proposal to construct two 10-story condominiums (grouped in a single building complex) in lieu of the two 9-story condominiums currently approved by the Planning Board (the "**Proposed Design Change**"); and (b) the proposal to construct four 10-story condominiums (grouped in two building complexes) in lieu of the two clusters of 4-story garden apartments currently approved by the Planning Board (the "**Proposed Height Change**"). While the PSCA comments address the Proposed Design Change, the PSCA's objection to the Proposed Amendment is limited to the incompatibility of the Proposed Height Change with existing and proposed adjacent development. Not only is the Proposed Height Change incompatible with existing and proposed adjacent development, the application itself fails to even address such compatibility criteria required for consideration by the Planning Board under Montgomery County Planning Ordinance No. 59-D-3.4(a)(4), and must be rejected by the Planning Board.

I. Ordinance No. 59-D-3.4 Requires Maximum Compatibility with Existing and Proposed Adjacent Development.

In reaching a decision on the Proposed Amendment, Montgomery County Planning Ordinance No. 59-D-3.4(a) requires the Planning Board to determine whether:

¹ PSCA notes that it never received any such notice, and that representatives of the civic associations that are proximate to the proposed Fortune Parc development and who are also on the service list (*i.e.* the Montgomery Square Citizens Association, the Regency Estates Citizens Association, and the Treasure Oak Community Association) also never received any such notice. PSCA further notes that there is no information regarding the proposed Site Plan Amendment on the Montgomery County Department of Park and Planning web site.

- (1) the site plan is consistent with an approved development plan or a project plan for the optional method of development, if required;
- (2) the site plan meets all of the requirements of the zone in which it is located, and is consistent with an urban renewal plan approved under Chapter 56;
- (3) the locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
- (4) each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development; and
- (5) the site plan meets all applicable requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection.

Moreover, Montgomery County Planning Ordinance No. 59-D-3.4(b) *prohibits* the Planning Board from approving the Proposed Amendment "if it finds that the development would not achieve a *maximum of compatibility*, safety, efficiency and attractiveness." In fact, the Ordinance No. 59-D-3.4(b) specifically admonishes prospective applicants and the Planning Board that "the fact that a site plan complies with all of the stated general regulations, development standards or other specific requirements of the zone shall not, by itself, be deemed to create a presumption that the proposed site plan is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require approval of the site plan." (Emphasis added.)

The unambiguous requirement of Ordinance No. 59-D-3.4(a)(4) and Ordinance No. 59-D-3.4(b) is that the Planning Board must determine not only whether the Proposed Height Change is compatible with existing and proposed adjacent development, but also whether the Proposed Height Change achieves a *maximum* of such compatibility.

II. The Proposed Height Change is Not Compatible with Existing and Proposed Adjacent Development.

The existing development adjacent to the Fortune Parc site is largely composed of one and two-story detached homes, with a handful of commercial properties within a one-mile radius. The proposed adjacent development known to the PSCA is limited to the currently permitted and ongoing construction of townhouses on the west and south side of the Fortune Parc site itself, and the potential additional development of commercial buildings on the east side of the Fortune Parc site at some undetermined point in the future. The Proposed Height Change is wholly incompatible with the existing detached home communities in the area surrounding the Fortune Parc Site. The Proposed Height change is also incompatible with the existing and proposed construction of townhouses and limited number of commercial buildings proposed for the Fortune Parc site. And even if the Planning Board were to consider that the Proposed Height Change is potentially compatible with the proposed adjacent development on the Fortune Parc site, it is inconceivable how the Proposed Height change can be considered to *maximize* any such compatibility.

A. The Proposed Height Change is Not Compatible with the Existing Community.

The area immediately adjacent to the Fortune Parc site includes thousands of relatively modest one and two-story detached homes, whose average height is 25 feet, many of which have a full or partial view of the Fortune Parc site. In Potomac Springs, many of our families have a full view of the Fortune Parc development from either their front or back yards, as the relatively high elevation of the Fortune Parc site is matched on the opposite side of Seven Locks Road by the homes in Potomac Springs. That means that while the view of Fortune Parc is somewhat obstructed from Seven Locks Road, the view from Potomac Springs is obstructed only by the tree buffer remaining along Seven Locks Road – which affords little protection during the period from late Fall to late Spring. The first of the two proposed 10-story buildings is already largely constructed, giving Potomac Springs' residents a very good idea of how four more 10-story 100-foot buildings would rise above the 50-foot townhouses already under construction and create further visual clutter along the eastern skyline as viewed from Potomac Springs. The proposed buildings associated with the Proposed Height Change are not benign structures – rather they generate light pollution and block the beautiful panorama that remains even with the townhouses under construction. While the proposed buildings associated with the Proposed Height Change appear to be proposed on a downward-sloping area on the south side of the Fortune Parc site, it is reasonably believed that these buildings would still rise above the townhouses for full viewing by Potomac Springs residents from our homes.

Residents of the Treasure Oak community face (both figuratively and literally) a similar situation on the south side of the Fortune Parc site across Montrose Road which is not shielded by any trees along the north side of Montrose Road. The Treasure Oak Community Association ("TOCA"), representing 52 families, also objects to the Proposed Height Change and a copy of their comments are attached hereto as Exhibit A. The Montgomery Square Citizens Association ("MSCA"), representing 436 families immediately behind Potomac Springs, also objects to the Proposed Height Change and a copy of their comments are attached hereto as Exhibit B. The Regency Estates Citizens Association ("RECA"), representing approximately 1,000 families immediately south and west of Treasure Oak, also objects to the Proposed Height Change and a copy of their comments are attached hereto as Exhibit C. The basis for each of these objections is the incompatibility of the Proposed Height Change with the existing residential communities proximate to the Fortune Parc site. This means that each of the communities proximate to the Fortune Parc development, representing approximately 1,600 families, objects to the Proposed Height Change.

The area immediately adjacent to the north side of the Fortune Parc site is the Potomac Woods Shopping Center, which is comprised of two single-story strip malls with an attached two-story commercial building bordering Fortune Terrace. The proposed block of four 10-story, 100-foot condominiums (in addition to the two 100-foot condominiums under construction) would be wholly disproportionate to that commercial property – the equivalent of a 7-11 next to the Department of Health and Human Services building on Fishers Lane. The other commercial buildings in the immediate vicinity appear to be no more than 50 feet in height, and are generally obstructed by lower elevations and/or significant set-backs with significant tree and other vegetation cover. In fact, one would have to travel approximately two miles to Rockville Pike or Westlake Drive – areas zoned for and dominated by dense commercial buildings – in order to find similarly-sized clusters of high-rise apartments or condominiums. The buildings associated

with the Proposed Height Change are clearly incompatible with existing commercial development in the area adjacent or proximate to the Fortune Parc site.

B. The Proposed Height Change is Not Compatible with the Proposed Adjacent Development.

The Planning Board has already approved the construction of 150 townhouses on the west and south sides of the Fortune Parc site. Those townhouses – already under construction – would sit in a perennial shadow of the four 100-foot 10-story buildings associated with the Proposed Height Change. A visit to those townhouses already illustrates their awkward juxtaposition next to the first of the two previously-permitted 100-foot buildings. The original design of the Fortune Parc site contemplated a third building style – two groupings of 50-foot garden apartments – which was presumed to create a visual buffer/transition from the 50-foot townhouses to the two permitted 100-foot condominium buildings. The Proposed Height Change removes any such visual buffer/transition, and would result in a horrific combination of building styles separated by only a 30-foot wide road running along a north-south axis dividing the Fortune Parc site. As noted symbolically above, the townhouses closest to these proposed buildings would remain in the shadow of the four proposed 100-foot 10-story towers, having access to direct sunlight only in the latter part of the day. The PSCA asks whether the purchasers of these new townhouses under construction have been notified of the Proposed Amendment and Proposed Height Change which would directly and adversely affect their own eastern view, their access to direct sunlight, and which would result in a much more visually dense and crowded community. The Proposed Height Change is clearly incompatible with the 150 townhouses already being constructed proximate to the proposed buildings.

The Site Plan approved by the Planning Board also contemplates up to seven commercial buildings located on the eastern side of the Fortune Parc site proximate to I-270. While these buildings *could* be constructed up to 100 feet, there is no proposal currently before the Planning Board for such construction. In fact, the applicant has informally indicated to the PSCA that it is currently contemplated that no more than three of these buildings would be constructed at such height if or when the commercial phase of the Fortune Parc project is developed. Finally, the elevation of the east portion of the Fortune Parc site is significantly lower than the elevation of the site on which the proposed buildings associated with the Proposed Height Change would be located, meaning that these proposed buildings would be the most visible structures on the site and in the area proximate to the site. The Proposed Height Change is therefore incompatible with proposed commercial development proximate to the proposed buildings.

C. The Proposed Height Change would Change the Character of the Entire Fortune Parc Site.

The proposed buildings associated with the Proposed Height Change would change the aesthetics of the Fortune Parc site, creating a visual focus on a wall of steel, stone and brick running along the north-south corridor of the site. Ironically, the applicant has indicated that one *benefit* of the Proposed Height Change is that the construction of four 10-story 100-foot buildings in lieu of the two groupings of the 50-foot 4-story garden apartments would open up the view of the future commercial buildings on the east side of the site to the residences to the west of those commercial buildings. The PSCA hardly considers that a better view of the commercial properties from residential properties is a *benefit*!

As previously noted, the garden apartments will create a diversity of building types on the Fortune Parc site that preserves, to some extent, some harmony and transition between the previously-permitted 100-foot condominiums and the 50-foot townhouses. The buildings associated with the Proposed Height Change would destroy any such harmony and change the overall character of the Fortune Parc site.

Moreover, the buildings associated with the Proposed Height Change would destroy any harmony between the Fortune Parc site and the local community, and change the overall character of the communities in the proximate area. The Proposed Height Change would create a much denser, less attractive area rivaling portions of downtown Silver Spring. The difference, of course, is that downtown Silver Spring is an *urban* area in which skyscrapers have dominated an *urban* landscape for years, whereas the applicant is proposing to construct four additional 10-story 100-foot condominiums in a *suburban* area with not a single similar residential structure within an approximate two-mile radius.² The buildings associated with the Proposed Height Change would therefore not only be incompatible with adjacent existing and proposed development, these buildings would change the entire character of the Fortune Parc site and the immediately surrounding community.

III. The Applicant Has Failed to Carry its Burden to Show that the Proposed Height Change is Compatible with Existing and Proposed Adjacent Development.

Pursuant to Ordinance No. 59-D-3.4(a)(4) and Ordinance No. 59-D-3.4(b), the applicant has the burden to show that the Proposed Height Change is not only compatible with existing and proposed adjacent development, but also that the Proposed Height Change achieves a *maximum* of such compatibility. The applicant in this proceeding has wholly failed to carry that burden. In fact, as of the date of this filing, more than eight months since the Proposed Amendment was filed with the Planning Board, the applicant has filed no three-dimensional drawings illustrating what the proposed buildings associated with the Proposed Height Change would look like in the context of the Fortune Parc site. While the applicant has indicated to the PSCA that such drawings would be prepared and submitted, no such drawings have been provided. The applicant suggests that the Planning Board, the Development Review Division, and the general public (including the PSCA) guess for themselves what these buildings might look like in the context of the Fortune Parc site. The Ordinance clearly indicates that the applicant has the burden to show – and not for the Planning Board or the public to guess – alleged compatibility, and as such the applicant has wholly failed to carry this burden.

² It has been argued that the previously-permitted 100-foot condominium sets a precedent for the Planning Board to approve the Proposed Height Change. This logic is completely circular. The previously-permitted condominiums were approved as part of a package that included the two clusters of 4-story garden apartments that the applicant now proposes to reject in favor of four more 10-story buildings. To adopt such logic would also reflect a failure to heed the lesson associated with the parable of the "camel's nose under the tent," *i.e.* a camel complains to its owner of the terrible cold in the desert at night, and asks to place only its head under the tent for the evening; by morning the entire camel is under the tent and its owner finds himself on the outside.

IV. The Proposed Design Change Mocks the Planning Board's Approval Process.

The PSCA also notes that the existing Site Plan permits the applicant to construct two 9-story condominium buildings up to 100 feet, and that the Proposed Design Change requests the Planning Board's approval to construct those two towers with 10 – rather than 9 – stories. If the 10-story design was already permitted by the Site Plan, the applicant would not be seeking to amend the Site Plan to allow for the Proposed Design Change. Yet, the applicant does not appear to be concerned with the role of the Planning Board with regard to the Proposed Design Change, *as the applicant has already constructed the first half of that structure with 10 stories.* The PSCA does not object to the Proposed Design Change *per se*, but strongly objects to the applicant's construction of these structures consistent with the Proposed Design Change *before* the Planning Board has even completed its review process intended to lead to a decision whether or not the Proposed Design Change complies with all applicable Ordinances.

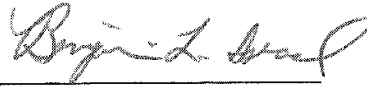
There is now very recent history in Montgomery County associated with the alleged failure of developers to follow site plans approved by the Planning Board, and possibly with the failure of government oversight of the construction process, which now appears to have been replicated at Fortune Parc – albeit on a smaller scale. For the Planning Board to perform its oversight function there must be consequences to developers jumping the gun. This construction activity highlights the need for the Planning Board to remain vigilant in its review of the Proposed Amendment in order to ensure full compliance with all relevant Ordinances, including Ordinance No. 59-D-3.4(a)(4) and Ordinance No. 59-D-3.4(b).

IV. Conclusion.

These comments do not object to the already-permitted Fortune Parc development. Rather, these comments reflect the strong objection of the 1,600 families represented by the PSCA, the TOCA, the MSCA and the RECA against the Proposed Height Change. We are proud to have built a community known for its aesthetic beauty, its civic pride, and the many religious institutions located among us. It is our unified desire to protect our community against the proposed super-sizing associated with the Proposed Height Change that has brought us before the Planning Board to express our strong opposition to this aspect of the Proposed Amendment.

Based on the application on file with the Planning Board since April 2005, and the comments of the communities proximate to the Fortune Parc site, the Proposed Height Change is clearly incompatible with existing and proposed development adjacent to the Fortune Parc site, and pursuant to Ordinance No. 59-D-3.4(a)(4) and Ordinance No. 59-D-3.4(b) must be rejected by the Planning Board.

Respectfully,



Benjamin L. Israel

Partner

Bracewell & Giuliani LLP

2000 K Street, NW

Suite 500

Washington, DC 20006-1872

On behalf of the Potomac Springs Civic Association

Dated: December 29, 2005