



ATTORNEYS

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November 12, 2002

VIA HAND DELIVERY

Mr. A. Malcom Shaneman
Development Review Division
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20901

Re: North Village
Preliminary Plan 1-87012

Dear Mr. Shaneman:

As you know, we represent North Village - 270 Limited Partnership ("North Village"), the owner of the referenced property. This property has approval for 1,300,000 square feet of office space.

The purpose of this letter is to request a modification of the conditions of the November 28, 1995 Montgomery County Planning Board Opinion (the "Preliminary Plan Opinion") for Preliminary Plan 1-87012 (the "Preliminary Plan"). A copy of the Preliminary Plan Opinion, as amended, is attached hereto as Exhibit A. Pursuant to the Preliminary Plan Opinion, the Preliminary Plan was approved, provided certain conditions were met, including various roadway conditions set forth in the transportation memorandum dated November 9, 1995, a copy of which is attached hereto as Exhibit B.

In connection with the development of North Village, the Planning Board recently approved Site Plan 8-02003 (the "Site Plan") pursuant to a November 4, 2002 opinion (the "Site Plan Opinion"), a copy of which is attached hereto as Exhibit C. The Site Plan Opinion mandates certain conditions relating to various transportation issues. It also contains a condition stating that the conditions of approval set forth in Preliminary Plan Opinion must be amended prior to the expiration of the Preliminary Plan to reflect the transportation requirements set forth in the Site Plan Opinion. As you know, the Preliminary Plan expires on December 31, 2002.

Accordingly, North Village requests that the Preliminary Plan conditions be amended to include the following text:

- "4. Participate in the County's future CIP Project to construct the four-lane divided highway portion of Century Boulevard from its current terminus near Father Hurley Boulevard to its intersection with future Dorsey Mill Road by allocating a portion of their impact taxes when paid to this project.

November 16, 2001

Page 2

5. Construct Crystal Rock Drive as a four-lane divided roadway from its current terminus to its intersection with future Dorsey Mill Road as shown on Site Plan 8-02003.
6. Participate in construction of an acceleration lane on Father Hurley Boulevard to accommodate the movement from northbound Crystal Rock Drive to eastbound Father Hurley Boulevard.
7. Participate in constructing an acceleration lane on Crystal Rock Drive to accommodate the movement from westbound Father Hurley Boulevard to northbound Crystal Rock Drive including reconstruction/reconfiguration of the median and travel lanes on the northern leg of the intersection.”

We have included the following in support of our request:

- A. Application Form for Amendment to Approved Preliminary Plan;
- B. Revised Preliminary Plan; and
- C. List of adjoining and confronting property owners (with mailing labels).

Please schedule this amendment to the conditions of the preliminary plan of subdivision for hearing before the Montgomery County Planning Board at your earliest convenience (on or before December 5, 2002). If additional information is necessary, please do not hesitate to contact us.

Thank you very much. With best regards.

Very truly yours,



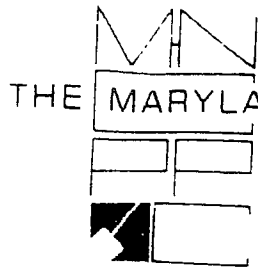
Robert G. Brewer, Jr.

Enclosures

cc: Mr. Peter Rosen
Mr. Nelson Clark
Mr. Dennis Ream

Exhibit A

Date of mailing: November 28, 1995



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring Maryland 20910-3760

Action: Approved Staff Recommendation
(Motion of Comm. Aron, seconded by Comm. Baptiste, with a vote of 4-0; Comms. Aron, Baptiste, Holmes, and Richardson voting in favor, with Comm. Hussmann being absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-87012

NAME OF PLAN: CHURCHILL-FAR NORTH VILLAGE

On 01-13-87, C/O THE ASSOCIATED CO. , submitted an application for the approval of a preliminary plan of subdivision of property in the TS zone. The application proposed to create 12 lots on 110.20 ACRES of land. The application was designated Preliminary Plan 1-87012. On 11-16-95, Preliminary Plan 1-87012 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing , the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-87012 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-87012, subject to the following conditions:

Purpose: Previous Planning Board action of 10-27-88 approved a maximum of 240,000 square feet of office development. Based on the FY 96 Annual Growth Policy there is capacity available for the remaining 4,240 jobs or 1,060,000 square feet pending for this application. With the roadway improvements currently programmed and those proposed by the applicant this application may proceed for approval. All previous conditions remain in full force and effect.

approval to revise Condition No. 1 as follows:

- 1) Prior to recording of plats, submit an amended agreement with the Planning Board to reflect the approval of an additional 1,060,000 square feet of office development resulting in a maximum total of 1.3 Million square feet (240,000 square feet previously approved). Applicant shall provide for the necessary roadway improvements as outlined in 11-9-95 Transportation Division memo.

PRELIMINARY SUBDIVISION PLAN APPLICATION FILE NO: 1-87012

withdrew or superseded: R another plan on property? fileno: 1-20000
NAME OF SUBDIVISION: CHURCHILL-FAR NORTH VILLAGE DATE OF APPLIC: 01-13-87
SPECIAL EXCEPTION OR ZONING CASE NO: DATE OF SRC: 01-13-87
THRESHOLD: 2711 PRE-PRELIMINARY PLAN FOR THIS PROPERTY, ENTER IT: -
LOCATION

A. OF CRYSTAL ROCK DRIVE 1200 FEET NW OF WATERS LANDING DR.
200 BASE MAP NO: 229NW13 MPDUS PROPOSED: 0
NO. LOTS PROPOSED: 12 NUMBER OF RESIDENTIAL UNITS PROPOSED: 0
TYPE OF UNITS: IN, ZONING: TS
NUMBER OF UNITS: 0 0 0 0 ZONING:
PROPOSED SANITARY FACILITIES: WATER: PUBLIC SEWER: PUBLIC
NUMBER OF TDRS: 0 REQUEST CLUSTER OPT: N REQUEST MPDU WAIVER: N
REQUEST STORM WATER MANAGEMENT WAIVER: N HISTORIC SITE OR DISTRICT?: N
OWNER NAME: C/O THE ASSOCIATED CO.
ADDRESS: 7979 OLD GEORGETOWN #805 RD. TELEPHONE NO: 301-654-7041
BETHESDA, MD, 20814

CONTRACT PURCHASER NAME:
ADDRESS: 0 TELEPHONE NO:
CONVEY AREA: 110.20 ACRES , 00000
INCLUDE AREA: 110.20 ACRES PLAN FEE: \$1812.00

RESTRICTIONS: NONE

ENGINEER OR SURVEYOR: CLARK, FINEFROCK & SACKETT
ADDRESS: 7135 MINSTREL SUITE 201 WAY TELEPHONE: 301-381-7500
COLUMBIA, MD, 21045

MPDU REQUIRED: 0 MPDU APPROVED: 0 NO. OF LOTS APPROVED: 12
UNITS APPROVED: TYPE OF UNITS: IN,
NUMBER OF UNITS: 0 0 0 0
DATE OF PLAN ACTION: 10-27-88 PLANNING BOARD ACTION: APPROVED
PLAN EXTENSION: DATE GRANTED: 00-00-00 EXPIRATION: 00-00-00

200 BASE MAP NO: 229NW13 MASTER PLAN AREA: 19 TAX MAP NO: 00000
X COORDINATE 721812 TAX MAP YEAR: CENSUS TRACT & BLOCK: 03011740
Y COORDINATE 498165 PLANNING AREA: 19 TRAFFIC ZONE: 306

SEWERSHED NO: SEWER AUTHORIZATION NO:
STORM WATER MGMT. WAIVER GRANTED: STREAM CHANNEL MODIFICATION:
VRA PERMIT NEEDED:
PARKLAND ACRES: REC FACIL: PLAYGROUND: PLAYFIELD: OTHER:

REVISION#: 2

REVISION ACTION DATE: 11-16-95 PLANNING BOARD ACTION: APPROVED
REVISED AREA: 110.20 ACRES REVISED LOTS: 12
UNITS APPROVED: TYPE OF UNITS: SF,
NUMBER OF UNITS: 12,
SQ FT. APPROVED: COMMERCIAL TYPE:
SQUARE FOOTAGE:
JOBS GENERATED:

ATTORNEYS

KATHLEEN M. SULLIVAN
DIRECT 301.961.6096
KMSULLIVAN@LERCHEARLY.COM

August 7, 2002

Mr. A. Malcom Shaneman
Development Review Division
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20901

Re: North Village/Lerner
Preliminary Plan 1-87012

Dear Mr. Shaneman:

Pursuant to your suggestion, this letter serves as an acknowledgement by North Village – 270 L.P. (the “Applicant”) and the Maryland National Capital Park & Planning Commission (“Park and Planning”) of the administrative modification of Condition No. 1 of the November 28, 1995 Montgomery County Planning Board Opinion (the “Opinion”) for Preliminary Plan 1-87012. A copy of the Opinion is attached hereto as Exhibit A. Pursuant to the Opinion, Preliminary Plan 1-87012 was approved, provided certain conditions were met, including certain roadway conditions set forth in the transportation memorandum dated November 9, 1995, a copy of which is attached hereto as Exhibit B.

Since the issuance of the Opinion, the parties agree that factors beyond the control of the Applicant have arisen which make compliance with Condition No. 1 impossible. Accordingly, this letter serves to modify Condition No. 1 as follows:

“Applicant shall provide for the following necessary roadway improvements:

1. Construct northbound Crystal Rock Drive to eastbound Father Hurley Boulevard acceleration lane.
2. Reconstruct/relocate the median on the northern leg of Crystal Rock Drive, and reduce the existing lane widths to accommodate a westbound Father Hurley Boulevard to northbound Crystal Rock Drive acceleration lane.
3. Modify curb radius in the northeast quadrant of the Father Hurley Boulevard/Crystal Rock Drive intersection to accommodate the free right turn lane, and provide channelized island to facilitate pedestrian crossing.”



ATTORNEYS

If these modified conditions are acceptable, please countersign this letter where indicated and return a copy of the same to my attention. This modification shall be effective as of the date of the countersignature below.

Please do not hesitate to call me with any questions or comments.

Sincerely,


Kathleen M. Sullivan

Accepted and Agreed
this 8 day of August, 2002

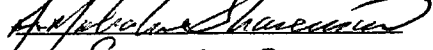
By: 
Name: Superior
Title: D. M. Shaneman

Exhibit B

November 9, 1995

MEMORANDUM

TO: Malcolm Shaneman, Planner
Development Review Division

VIA: Bud Liem, Transportation Coordinator *DL*
Transportation Planning Division

FROM: Ki H. Kim, Transportation Planner *KHK*
Transportation Planning Division

SUBJECT: Transportation APF Review for
North Village, Germantown West
Preliminary Plan No. 1-87012

This memorandum represents the Transportation staff's APF review of the full development of North Village, which is to be located north of Father Hurley Boulevard and east of Crystal Rock Drive in the Germantown West Policy Area. The proposed development under this preliminary plan includes a total of 1.3 million square feet of office in North Village. The subject preliminary plan was previously approved for a development threshold of 400 peak-hour trips (resulting in 240,000 square feet of office development). This APF review is for the remainder of North Village (an additional 1,060,000 square feet of office development) resulting in a total of 1.3 million square feet of office in North Village.

RECOMMENDATIONS

Based on our review of the submitted traffic impact study, we recommend approval of the proposed additional development in North Village with the following conditions.

1. Total development under this preliminary plan does not exceed 1.3 million square feet of office use including the previously approved 240,000 square feet.
2. At the intersection of Father Hurley Boulevard and Crystal Rock Drive, the applicant shall construct a third left-turn lane on southbound Crystal Rock Drive, and a second right-turn lane on westbound Father Hurley Boulevard. These improvements are not needed for the first 950,000 square feet of development of North Village or when Century Boulevard between Father Hurley Boulevard and Crystal Rock Drive is constructed.

3. The applicant shall agree that the roadway improvements listed above shall be under construction prior to issuance of building permits for development exceeding 950,000 square feet. If, however, Century Boulevard is constructed between Father Hurley Boulevard and Crystal Rock Drive, the full development (1.3 million square feet) can be approved without these roadway improvements.
4. The applicant shall agree that all necessary roadway design work must be complete and approved by the Montgomery County Planning Board prior to issuance of building permits as identified in the above staging.

Summary of Local Area Transportation Review

The critical lane volume (CLV) impacts of the proposed development on critical intersections in Germantown West are presented in Table I. The following summarizes the Local Area Review.

1. Under existing traffic conditions, all intersections analyzed are operating at an acceptable CLV. (Line 1 of Table I)
2. Under background conditions, acceptable CLV are projected to continue at all intersections analyzed. (Line 2 of Table I)
3. With the addition of the full site traffic to the background condition and the proposed roadway improvements by the applicant at Father Hurley Boulevard and Crystal Rock Drive, in conjunction with approval of the subject site, all intersections analyzed in the Germantown West area are projected to operate at an acceptable CLV. (Line 3A of Table I)
4. Line 3B of Table I shows that 950,000 square feet of office development of the site can be approved without the proposed intersection improvements at Father Furley Boulevard and Crystal Rock Drive.

The acceptable CLV for the Germantown West Policy Area is 1,500 according to the FY 96 Annual Growth Policy (AGP).

Staging Ceiling Capacity Review

Based on the FY 95 AGP Staging Ceiling capacity for the Germantown West Policy Area, there is capacity available for 5,908 jobs of employment development which should be sufficient ceiling capacity to accommodate the remainder (1,060,000 square feet, or 4,240 jobs) of the full development of this preliminary plan.

CONCLUSION

Staff concludes that, with implementation of all roadway improvements currently programmed in the Approved Road Program and proposed by the applicant in conjunction with the subject preliminary plan, all nearby intersections are anticipated to operate within acceptable CLV. With staging ceiling capacity currently available in the Germantown West Policy Area for the subject preliminary plan, Staff concludes that the subject preliminary plan meets the APF review requirements.

KHK:G:\PP87012
Attachment

TABLE I

INTERSECTION LEVEL OF SERVICE AND CRITICAL LANE VOLUMES
UNDER VARIOUS DEVELOPMENT SCHEMES

PRELIMINARY PLAN NO. 1-87012

Development Condition	MD 118/Aircraft Drive		MD 118/Crystal Rock Drive		MD 118/Middlebrook Road		Middlebrook Rd/ Great Seneca Hwy.		Father Hurley Blvd./Crystal Rock Drive	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
1. Existing	1265	1200	1130	889	704	1042	958	1354	676	404
2. Background with ARP Roadways	1417	1439	1038	1371	1296	1428	1256	1468	1356	1169
3A. Total Traffic Condition with ARP, and Proposed Roadways	1422	1499	1045	1371	1336	1449	1260	1468	1418	1388
3B. 950,000 sf Traffic Condition with ARP Roadways only	--	--	--	--	--	--	--	--	1480	1500

Proposed roadway improvements include all roadway improvements listed as conditions of approval in the memo.

Exhibit C



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: November 4, 2002
SITE PLAN REVIEW #: 8-02003
PROJECT NAME: Churchill Town Sector - Far North Village

Action: Approval subject to conditions. Motion was made by Commissioner Wellington, seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Berlage, Bryant, Robinson, and Wellington voting for, and no Commissioners voting against. Commissioner Perdue was necessarily absent.

The date of this written opinion is November 4, 2002, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before December 3, 2002 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as Preliminary Plan #1- 87012R is valid, as provided in Section 59-D-3.8.

On October 31, 2001, Site Plan Review #8- 02003 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with an approved development plan;*
2. *The Site Plan meets all of the requirement of the TS zone.*
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;*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*
6. *The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection*

Therefore, the Montgomery County Planning Board APPROVES Site Plan #8-02003, which consists of 900,000 square feet of office use with the following conditions to be met prior to the release of the first building permit:

Pedestrian Circulation

1. Submit a plan of the parking garage that clearly shows the pedestrian circulation within the garage and quality of the pedestrian spaces.
2. Add sidewalks to the easternmost garage driveway entrance.
3. Submit a plan showing the connections to the pedestrian bridge and the hours of operations and availability to public.
4. Increase the pedestrian features along the frontage of the property to encourage pedestrian access from transit to buildings – provide detail planting and widened pedestrian connections.

Vehicular Circulation

5. Submit a plan of the parking garage showing the all aspects of the parking garage, ie space dimensions, circulation, lighting, etc. Lighting for the parking garages (interior and roof top) shall not create undue glare or off-site visibility in regards to residential development in the area.
6. The number of parking spaces to be reduced to conform to the Planning Board Interim Parking Guidelines of 4 spaces per 1,000 or 3,600 per full site build out.

Landscaping and Lighting

7. Additional landscaping for the parking areas for Buildings 5 and 6 to provide more depth and complete buffers.
8. Landscape plans to show no landscaping in the PUE with improved landscape screening to frontage of parking areas.
9. Lighting plan for entire project to conform to IESNA guidelines and to provide for minimal light trespass or glare, reduced levels after hours, light directed on site, adequate levels for pedestrian safety, etc.
10. Landscape plans to include additional planting for entry areas, pedestrian open space areas and screening as needed. Plans to include more shrubs, and seasonal or perennial accent areas. Any features (ie gazebos, fountains) within the open space will require more detailed schematic plans to indicate the nature of the feature – general building materials, dimensions, colors, etc.

Compatibility

11. Schematic architecture for buildings and parking garages to be submitted for review in conjunction with circulation, the pedestrian bridges and other elements.
12. Façade of parking garage to be detailed for compatibility to surroundings and impact on pedestrian environment.
13. The Planning Board or their designated representative shall review any changes to the building footprint.

Transportation Issues

14. Total development under this site plan application is limited to 900,000 square feet of office space.
15. The applicant shall participate in the County's future CIP project to construct the four-lane divided highway portion of Century Boulevard from its current terminus near Father Hurley Boulevard to its intersection with future Dorsey Mill Road by allocating a portion of their impact taxes when paid to this project.
16. The applicant shall construct Crystal Rock Drive as a four-lane divided roadway from its current terminus to its intersection with future Dorsey Mill Road as shown on the site plan.
17. The applicant shall participate in constructing an acceleration lane on Father Hurley Boulevard to accommodate the movement from northbound Crystal Rock Drive to eastbound Father Hurley Boulevard.
18. The applicant shall participate in constructing an acceleration lane on Crystal Rock Drive to accommodate the movement from westbound Father Hurley Boulevard to northbound Crystal Rock Drive including reconstruction/ reconfiguration of the median and travel lanes on the northern leg of the intersection.

Signature Set Approval – Documents and Drawings

19. Submit a Site Plan Enforcement Agreement and Development Review Program for review and approval prior to approval of the signature set as follows:

Development Program to include a phasing schedule as follows:
 - a. Landscaping associated with each parking garage; open space and building shall be completed as construction of each facility is completed.
 - b. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - c. Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - d. Coordination of each section of the development and roads.
 - e. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
20. Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Limits of disturbance.

- b. Methods and locations of tree protection.
 - c. Forest Conservation areas.
 - d. Conditions of DPS Stormwater Management Concept approval letter dated September 5, 2001.
 - e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - f. The development program inspection schedule.
 - g. Location of outfalls away from tree preservation areas.
21. No clearing or grading prior to M-NCPPC approval of signature set of plans.
22. Prior to the expiration of Preliminary Plan # 1-87012R for the remaining 900,000 square feet, the Applicant is to amend the Preliminary Plan conditions of approval to reflect the revisions to the transportation requirements as stated in the conditions of approval for Site Plan # 8-02003.

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