

# Item 5 - Correspondence

**From:** [Hummel, Phillip A.](#)  
**To:** [MCE-Chair](#)  
**Cc:** [Freer, Walker](#); [Fahim, Natasha](#); [Sharma, Atul](#); [Sanders, Carrie](#); [Wright, Gwen](#); ["Bob Mazuca"](#); [Sears, Barbara A.](#)  
**Subject:** 11/18 Planning Board Meeting - Item 5: Pike District Streetscape Design Guidelines  
**Date:** Wednesday, November 17, 2021 10:51:01 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Chair Anderson and Commissioners,

Our firm represents the Willco Companies, which, in turn, represents the ownership entities of several parcels of land within the Pike District. This includes approximately 21.56 acres of land containing 6001, 6003, and 6011 Executive Boulevard (Washington Science Center), as well as an approximately 13.42 acre portion of the property commonly known as Wilgus. Both of these sites have been the subject of recent regulatory approvals by the Montgomery County Planning Board (Rose Village – Sketch Plan No. 320210120; Wilgus – Sketch Plan No. 320190070, Preliminary Plan No. 120200140, Site Plan No. 820210080). Willco appreciates the Planning Department’s efforts in preparing the draft Pike District Streetscape Guidelines (the “Guidelines”) and has demonstrated its dedication to the continued transformation of the Pike District into a transit-oriented, mixed-use, and vibrant community through its extensive investments in the implementation of the White Flint 2 Sector Plan. Willco, however, has significant concerns regarding the Guidelines’ potential implications related to undergrounding of existing utilities if they are to be imposed on the remaining Rose Village entitlements, as this issue is already addressed in the Rose Village sketch plan resolution adopted on October 21, 2021.

Specifically, page 56 of the Guidelines notes that “[a]ll new development projects in the Pike District are required to place utilities to and around their project underground.” This provision raises numerous reasonable questions that should be more closely reviewed by the Planning Board. For example, the language is unclear as whether it applies to both new *and* existing above-ground utilities. It also does not provide any guidance on how to identify those utilities that are “around their project.” Furthermore, this provision is presented in the Guidelines as a requirement without regard to proportionality, cost, context, the extent of the improvements, whether they are identified as an improvement funded by the White Flint Special Taxing District, or even the utility companies’ position on whether their facilities should be placed underground. The language’s apparent mandatory directive is also inconsistent with the Guideline’s general statement that they are “not rigid requirements” and should be applied “based on the surrounding context, site conditions, and ways in which the projects address applicable plan goals and the intent of the streetscape guidelines.” Guidelines, pg. 7. Additionally, the provision does not address whether it is applicable to development projects that have already received sketch plan approval such as Rose Village, which includes a condition of approval requiring a specific evaluation of undergrounding existing utilities.

Therefore, Willco respectfully requests that this language be removed from the Guidelines. Such a provision cannot be adopted without detailed study and comment from stakeholders, including property owners and utility companies. In the event, however, the Planning Board determines that such a provision must be in the Guidelines, it should be rewritten as follows:

- Evaluating the Undergrounding of Existing Above-Ground Utilities
  - The consideration of whether a new development project is responsible for the undergrounding of existing above-ground utilities should be evaluated on a case-by-case basis based on context-specific factors including, but not limited to, proportionality, cost, context, the extent of the improvements, and inclusion on the list of improvements funded by the White Flint Special Taxing District or in a Capital Improvements Program (CIP) project. For a development project that has already received sketch plan approval, this provision shall not require an applicant to undertake any additional evaluation beyond that already incorporated as a condition of the sketch plan approval.

We appreciate your attention to our comments.

Sincerely,  
Barbara A. Sears, Esq.  
Phillip A. Hummel, Esq.

**Phillip A. Hummel**

11 N. Washington Street | Suite 700 | Rockville, MD 20850-4229  
D: +1 301.517.4814 | O: +1 301.762.1600 | F: +1 301.517.4814



[vCard](#) | [phummel@milesstockbridge.com](mailto:phummel@milesstockbridge.com)



For COVID-19 information and resources, please visit our [Coronavirus Task Force page](#).

**Confidentiality Notice:**

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.

Any federal tax advice provided in this communication is not intended or written by the author to be used, and cannot be used by the recipient, for the purpose of avoiding penalties which may be imposed on the recipient by the IRS. Please contact the author if you would like to receive written advice in a format which complies with IRS rules and may be relied upon to avoid penalties.

[Secure Upload/Download files click here.](#)