

Item 11 - Correspondence

From: [Eileen Finnegan](#)
To: [MCP-Chair](#)
Cc: [Wright, Gwen](#); [Jackson, Molline](#); [Butler, Patrick](#); [Larson, Clark](#)
Subject: Sept 29 Agenda Item 11: Fairland & Briggs Chaney Recommendations
Date: Saturday, September 24, 2022 2:24:05 PM
Attachments: [MCatBroadbirchLease.pdf](#)

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

Hello Chair, Commissioners and Planning Staff,

Attached is the Montgomery County College lease agreement to establish an East County facility on Broadbirch Drive in the WestTech section of the White Oak Science Gateway Plan area. The College's Board of Trustees enthusiastically approved this 15-year lease with two optional 5-year extensions at their meeting on Sep 19.

Given this commitment, the preliminary recommendations made in the staff report (point c. on top page 11) should be removed.

Regards,
Eileen Finnegan
10404 Sweetbriar Parkway
Silver Spring, MD 20903

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 11
September 19, 2022

**AUTHORIZATION FOR LEASE OF SPACE FOR
THE EAST COUNTY EDUCATION CENTER
AT 2221 BROADBIRCH DRIVE, SILVER SPRING, MARYLAND**

BACKGROUND

The College delivered an exploratory report on the potential of a Montgomery College presence in the East County to the county executive and the county council in February 2020. As a result of the exploratory work, the College recommended a complete feasibility study to determine community needs, real estate options, and budget requirements. County government leaders concurred with the recommendation and provided financial support for the study.

The feasibility study, known as the East County Presence Feasibility Study, commenced in October 2020. Preliminary information from the study established that the residents of the East County will benefit from the presence of a Montgomery College academic operation. The study was completed in September 2021 and recommended that the College establish an education center in East County in the short term, and continue planning for a fourth campus, including obtaining approvals from appropriate agencies and developing programmatic offerings to serve community and market needs. It also recommended that the College explore long-term real estate opportunities that maximize potential catchment areas by maintaining appropriate distance from existing College campuses, connect to multi-modal transportation networks, and integrate with planned development.

At the Board of Trustees' April 19, 2021, public meeting, based upon initial information developed as part of the feasibility study, the Board approved Resolution 21-04-043, which authorized the president or designees to move forward with development of an East County Education Center, namely, to locate a site, plan programs and services, develop a budget, and seek revenue sources as appropriate, and to execute documents necessary or appropriate to carrying out such authorized actions.

The feasibility study identified a number of site evaluation criteria for a suitable site, including proximity to public transportation such as Ride On and/or a Flash bus rapid transit stop; visibility to a major thoroughfare; adequate parking; proximity to food and shopping options; distance from other MC campuses; proximity to anchor institutions, recreation centers, parks, libraries, high schools, etc.; whether the site is on the market; walkability; and bikeability.

Following a procurement process, the College entered into a real estate broker agreement on February 10, 2022, with Jones Lang LaSalle Americas, Inc. (JLL), to assist the College in finding a location for an education center in the East County.

A letter of intent dated April 11, 2022, was signed by the College and DSC Partners LLC for an approximately 55,193 rentable square foot building located at 2221 Broadbirch Drive, Silver Spring, Maryland, for use as an education center. Pursuant to the letter of intent, a lease has been negotiated for 2221 Broadbirch Drive for a 15-year term at an annual triple net rent of \$22.50 per rentable square foot with an annual escalation of 2.5 percent. Over the 15-year lease, the total base rent to be paid is \$22,268,629. JLL has reviewed the East County office rental market and advises that the proposed rent and terms are consistent with what is available on the market.

The landlord is responsible for the turnkey delivery of the building in accordance with the College's program of requirements for the building, and per space plans to be approved by the College and the landlord. The landlord will provide an allowance for tenant improvements of \$100 per rentable square foot, plus a rental abatement equal to the first-year rent. A range of buildout costs has been preliminarily estimated and will be refined as design advances. If any unforeseen circumstance arises during design, the College must decide its disposition by January 1, 2023. In the unlikely event that an opt-out option is exercised, the College will pay the landlord only for actual incurred costs. Both the allowance and the abatement will be applied to the costs of completing the turnkey delivery of the building. The College will pay the balance of the renovation costs.

The lease term commences upon substantial completion of the construction of the space and includes two options to renew for five years each at market rent. The rent includes 192 surface parking spaces, free of charge for the primary and subsequent renewal options. The College will occupy the entire building and will be responsible for the costs of services to, and ordinary maintenance of, the building. The lease is subject to annual appropriation of the College's budget.

The proposed site is served by public transportation with a Ride On stop at its front entrance and is approximately one third of a mile from the Flash bus rapid transit Tech Road stop on Route MD-29. It is near ample community serving restaurants and retail, close to Adventist HealthCare White Oak Medical Center, FDA, the planned Viva White Oak with related amenities, and existing and planned multi-family communities, and convenient to many public resources.

The College will offer both credit and noncredit classes at the location in fields of interest to residents as we learned when conducting the feasibility study—as well as targeting skill gaps in key industry sectors such as health care (nursing) and IT. These include small business/entrepreneurship, cybersecurity/IT, allied health, early childhood education, English for speakers of other languages, career starter series, and general education.

Board approval is required for lease actions over \$25,000 and/or for a term of more than one year. Sufficient funds are available in the FY23 operating budget for the lease payments and obligations including, as preliminarily estimated, any excess costs for completion of buildout for the College.

RECOMMENDATION

It is recommended that the Board of Trustees authorize the president to execute a lease agreement for a 15-year term with a total base rent of \$22,268,629 and two optional five-year renewals with DSC Partners LLC, their successors and assigns, and to negotiate and execute such additional documents as may be required to implement the authorization herein provided and to perform and exercise rights conferred under the lease agreement.

BACKUP INFORMATION

College Policy 73001
Board Resolution 21-04-043
East County Presence Feasibility Study

RESPONSIBLE SENIOR ADMINISTRATORS

Dr. Cain
Mr. Collette

RESOURCE PERSONS

Mr. Dietz
Ms. Greaney
Ms. Jones
Mr. Mills
Ms. Mei

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number:
Adopted on:

Agenda Item Number: 11
September 19, 2022

**Subject: Authorization for Lease of Space for the East County Education Center at
2221 Broadbirch Drive, Silver Spring, Maryland**

WHEREAS, In its April 19, 2021, Resolution 21-04-043, the Board of Trustees authorized the opening of a Montgomery College Education Center in the East County and authorized the College president or the president's designees to locate a site, plan programs and services, develop a budget, and seek revenue sources as appropriate, and to execute documents necessary or appropriate to carrying out such authorized actions; and

WHEREAS, Approximately 55,193 rentable square feet of available space in a building located in the East County at 2221 Broadbirch Drive, Silver Spring, Maryland, with 192 parking spaces is available for lease; and

WHEREAS, Pursuant to an April 11, 2022, letter of intent, a lease has been negotiated for a 15-year term at an annual triple net rent of \$22.50 per rentable square foot with an annual escalation of 2.5 percent, and over the 15-year lease, the total base rent to be paid is \$22,268,629; and

WHEREAS, The landlord is responsible for the turnkey delivery of the building in accordance with the College's program of requirements for the building, and per space plans to be approved by the College and the landlord; and

WHEREAS, The landlord will provide an allowance for tenant improvements of \$100 per rentable square foot, plus a rental abatement equal to the first-year rent, and both the allowance and the abatement will be applied to the costs of completing the turnkey delivery of the building, where the College will pay the balance of the renovation costs; and

WHEREAS, A range of buildout costs has been preliminarily estimated and will be refined as design advances, and if any unforeseen circumstance arises during design, the College must decide its disposition by January 1, 2023, and, in the unlikely event that an opt-out option is exercised, the College will pay the landlord only for actual incurred costs; and

WHEREAS, The lease term commences upon substantial completion and includes two options to renew for five years each at market rent; and

WHEREAS, The chief business/financial strategy officer affirms that funds are available in the College's FY23 operating budget to enable the College to proceed with the lease agreement as recommended; and

WHEREAS, The vice president of facilities affirms that this location meets the College's needs for location, timetable, and criteria identified in the East County Presence Feasibility Study, and, subject to design, can meet the College's program of requirements for the building; and

WHEREAS, Board of Trustees approval is required for lease actions over \$25,000 and/or for a term of more than one year; and

WHEREAS, The president of the College recommends the following action; now therefore be it

Resolved, That the president is authorized to complete negotiations for and execute a 15-year lease with DSC Partners LLC, its successors or assigns for the 55,193 rentable square foot building at 2221 Broadbirch Drive, Silver Spring, Maryland, at an annual triple-net rent of \$22.50 per rentable square feet with an annual escalation of 2.5 percent, for a total base rent of \$22,268,629 over 15 years, and that the lease is subject to annual appropriation of the College's budget; and be it further

Resolved, That the president, or his designee ("Authorized Officer"), shall have the authority to authorize, execute, and deliver the lease and related transaction documents, as applicable, with such changes, as may be approved by the Authorized Officer, in consultation with the College's general counsel, together with any additional documents, certificates, agreements, or other instruments as the Authorized Officer, in consultation with the College's general counsel, may deem necessary or appropriate in connection therewith, and to authorize the Authorized Officer and employees of the College to do and cause to be done any and all acts and things necessary, proper, appropriate, advisable, or desirable to perform and exercise rights conferred under the lease agreement, and to satisfy obligations of the College; and the execution of any such documents, or carrying out any acts, in connection with the matters, which are set forth in this resolution, shall constitute evidence of the College's and the Authorized Officer's authorization, approval, and ratification of such documents, certificates, and instruments, so executed and the actions so taken.

From: [Butler, Patrick](#)
To: [Eileen Finnegan](#); [MCP-Chair](#)
Cc: [Wright, Gwen](#); [Jackson, Molline](#); [Larson, Clark](#); [Kronenberg, Robert](#); [Zeigler, Donnell](#)
Subject: RE: Sept 29 Agenda Item 11: Fairland & Briggs Chaney Recommendations
Date: Monday, September 26, 2022 4:54:13 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hello Eileen,

We will address this and modify our recommendation in our presentation on Thursday.

Thank you for the information and input.



Patrick Butler

Chief, Upcounty Planning Division

Montgomery County Planning Department

2425 Reddie Drive, 13th Floor, Wheaton, MD 20902

patrick.butler@montgomeryplanning.org

o: 301-495-4561 c: 240-772-6736



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Eileen Finnegan <finnegan20903@yahoo.com>
Sent: Saturday, September 24, 2022 2:23 PM
To: MCP-Chair <mcp-chair@mncppc-mc.org>
Cc: Wright, Gwen <gwen.wright@montgomeryplanning.org>; Jackson, Molline <Molline.Jackson@montgomeryplanning.org>; Butler, Patrick <patrick.butler@montgomeryplanning.org>; Larson, Clark <Clark.Larson@montgomeryplanning.org>
Subject: Sept 29 Agenda Item 11: Fairland & Briggs Chaney Recommendations

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Hello Chair, Commissioners and Planning Staff,

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Given this commitment, the preliminary recommendations made in the staff report (point c. on top page 11) should be removed.

Regards,

Eileen Finnegan
10404 Sweetbriar Parkway
Silver Spring, MD 20903

From: djwilhelm@verizon.net
To: [MCP-Chair](#)
Cc: [Jackson, Molline](#); [Larson, Clark](#); don.zeigler@montgomeryplanning.org
Subject: Fairland Master Plan Preliminary Recommendations, Item 11, 9-29-2022
Date: Tuesday, September 27, 2022 6:39:24 PM

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

**904 Cannon Rd
Colesville, MD 20904
September 28, 2022**

Montgomery County Planning Board
Attn: Casey Anderson, Chair
2425 Reedie Drive
Wheaton, MD 20902

Re: Fairland Master Plan Preliminary Recommendations, Item 11, 9-29-2022

Dear Chairman Anderson:

The planning staff to date has been going to different events asking people what they want in the area and they are often receiving ideas that apply to the broader east Montgomery County area, not just the Master Plan area. The ideas on pages 5-7 accurately represent what residents want. However, that report to you is the first document where staff has provided any indication about what they are thinking. To have real public input and buy-in to the plan, the public needs to have an opportunity to react to the concepts the staff is considering. That process must include sit-down meetings where there is a give and take, not just another pop-up event. That sit-down meeting must occur after the public has had an opportunity to review actual written ideas.

At the July 6 workshop, there was discussion about the need for grocery stores and more employment. A number of the staff took a strong position that the plan could not consider such needs outside the master plan boundaries, like the Life Science Activity Center in the White Oak Science Gateway Master Plan. I am surprised that in the proposed framework the staff is considering large areas outside the Fairland Master Plan boundaries – see Figure 1, related to inner and outer green loops, 5-minute walk connections, historical properties, and street connections. While they consider those items outside the boundaries, they don't consider other items, such as employment and education facilities, which are in the Life Science Center. I agree that the plan needs to integrate its recommendations with what is in the neighboring areas.

The staff uses the term “activity center” often to apply to proposed changes to a single property or several smaller adjacent properties – such as Paint Branch HS, and both Verizon buildings. A different term is needed to avoid confusion with that term in the Thrive Plan. In Thrive the term applies to a much larger area, even for the smallest activity neighborhood center. I could see the Briggs Chaney shopping center and adjacent area being considered as a single center.

There is a lot of road congestion on Briggs Chaney Road in the Master Plan area and on East Randolph/Cherry Hill Road. I oppose proposed changes to these roads which would just

increase road congestion. Assuming Viva White Oak development gets underway, it will substantially increase congestion at East Randolph/Cherry Hill and Tech Rd. Improvements are slated for both in the Local Area Transportation Improvement Program (LATIP), but this plan fails to acknowledge them.

DOT has studied BRT on US29 three times and using the median north of Tech Rd for it has been rejected each time. Any proposed use of the median needs to be eliminated. Today, the shoulder is available for the BRT vehicles, but not other vehicles as shown in the concept plan. BRT is needed on East Randolph Rd per the Transit Master Plan and would surely use Old Columbia/Tech Road to connect to and cross US29. The plan needs to include that corridor and identify land-use changes related to it, including whether a new BRT station is needed (on Old Columbia Pike at Adventist World HQ). The plan also needs to address the need for improved local bus service to complement BRT (DOT Study underway).

I agree that interchanges on US29 need to be eliminated from the plan. With BRT and improved local transit, those interchanges are not needed. There is also no state funding for them within the timeframe needed to support development in the area that needs to move forward.

The idea of expanding the Briggs Chaney Road Bridge over US29 is not practical (lack of access) and cost prohibitive and therefore needs to be removed from the plan.

The idea of Montgomery College locating in this area is not practical from the standpoint of when development can occur. I strongly support locating to East Montgomery County. The College has already selected a site to accommodate its near-term needs and will be working early next year to select a long-term site for its campus. The proposed location within the auto park is presently in use and thus will not be available in the timeframe needed by the College. The proposed location in the area near US29 and East Randolph Rd is also not available since a mixed-use development plan is being reviewed for that site.

Sincerely,

Daniel L. Wilhelm