

Christopher M. Ruhlen*Attorney*

301-841-3834

cmruhlen@lerchearly.com

October 2, 2024

VIA E-MAIL - county.council@montgomerycountymd.gov

The Honorable Andrew Friedson, Council President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: Bill 16-24, Development Impact Tax – Amendments (the “Bill”)
White Oak Policy Area Transportation Element Recommendations

Dear President Friedson and Members of the Council:

On behalf of our client, Ralph J. Duffie, Inc. (“Duffie”), please include this letter in the public record for the above-referenced Bill. We previously provided testimony to the County Council concerning recommendations in the Planning Board’s draft of the 2024-2028 Growth and Infrastructure Policy (the “Proposed GIP”) to establish a new Red transportation policy area for properties in the “White Oak Downtown” portion of the White Oak Policy Area. These recommendations now are reflected in Lines 35 and 45 of the subject Bill, which implements portions of the Proposed GIP related to transportation impact tax districts.

As we explained in our prior testimony, Duffie supports the designation of a Red policy area for White Oak, but also believes that this policy area change should be expanded within the current White Oak Policy Area (*i.e.*, the proposed White Oak LATIP Area). Rather than dividing the existing White Oak Policy Area into two new, discrete policy subareas (as currently recommended in the Proposed GIP), we suggested that the Red designation either be applied uniformly to all properties located in the White Oak Plan Area or, alternately, to the three “activity centers” established in the 2014 White Oak Science Gateway Master Plan (the “Master Plan”). Either of these changes would better align the Proposed GIP with the specific recommendations of the Master Plan which, among other things, views the entirety of White Oak as “an economic opportunity center, similar in form and function to areas around a Metro Station or a central business district with an ultimately urban character.” (Master Plan, Page 54.) A copy of our previous testimony is provided with this letter for reference.

The proposed Bill, in amending the provisions of the Montgomery County Code related to transportation impact tax districts to implement the Proposed GIP, touches on these same concerns. To that end, we would respectfully request that the Council consider revising Line 35 for consistency with its ultimate determination on this aspect of the Proposed GIP. More specifically, should the Council endorse either of the recommendations for the Proposed GIP presented in our previous testimony, we would request that Line 35 be revised to reference either the “White Oak” policy area or the “White Oak Master Plan Activity Centers” in the broader list of County Red policy areas.

We thank you for your consideration of the above, and look forward to your continued review of these matters.

Sincerely,

A handwritten signature in blue ink, reading "Christopher M. Ruhlen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Christopher M. Ruhlen

w/ Enclosures

cc: Councilmember Gabe Albornoz
Councilmember Marilyn Balcombe
Councilmember Natali Fani-González
Councilmember Evan Glass
Councilmember Will Jawando
Councilmember Sidney Katz
Councilmember Dawn Luedtke
Councilmember Kristin Mink
Councilmember Laurie-Anne Sayles
Councilmember Kate Stewart
Mr. Tim Kamas

ATTACHMENT A

Testimony of Ralph J. Duffie, Inc. re
2024-2028 Growth and Infrastructure Policy, dated September 9, 2024

Christopher M. Ruhlen*Attorney*

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September 9, 2024

VIA E-MAIL - county.council@montgomerycountymd.gov

The Honorable Andrew Friedson, Council President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: 2024-2028 Growth and Infrastructure Policy – White Oak Policy Area Transportation
Element Recommendations

Dear President Friedson and Members of the Council:

On behalf of our client, Ralph J. Duffie, Inc. (“Duffie”), please include this letter in the public record for the 2024-2028 Growth and Infrastructure Policy (the “Proposed GIP”). Duffie is a third generation, family-owned real estate development and asset management company with roots in Montgomery County. Among other accomplishments, the company has been responsible for much of the development that has occurred in the Hillandale community of the White Oak Policy Area, as that policy area is defined in the 2020-2024 Growth and Infrastructure Policy (the “Current GIP”). Duffie owns and maintains – in whole or in partnership – a significant asset base in and around Hillandale that includes the following properties, among others: (i) the Hillandale Shopping Center, located at 10101 and 10145 New Hampshire Avenue; (ii) 10001 New Hampshire Avenue, the area's only privately-owned LEED Gold office building; and (iii) 1701 Elton Road, the home of the LEED Platinum Certified Home2 Suites by Hilton (one of the nation's only LEED Platinum hotels).

In partnership with The Housing Opportunities Commission of Montgomery County, Duffie also is in the process of developing the Hillandale Gateway project on the west side of New Hampshire Avenue. When complete, Hillandale Gateway will deliver a new modern, energy efficient, mixed-use development to the Hillandale community with market rate (including age-restricted) and affordable multi-family housing, commercial space, and amenities. The project also will provide a County bus transit center that is being constructed to satisfy applicable requirements of the White Oak Local Area Transportation Improvement Program (“LATIP”).

Over the years, Duffie has actively participated in the County's formulation of various plans and policies that affect development in the White Oak Policy Area, including the 2014 White Oak Science Gateway Master Plan (the “Master Plan”). Consequently, Duffie has been analyzing the Planning Board's draft of the Proposed GIP closely and with great interest, to ensure that – with all of the revisions made over many months of review – the changes proposed for the White Oak Policy Area's designations and boundaries remain consistent with the Master Plan's vision for the future of this

community. As the Proposed GIP states, “[a]lligning the GIP and related policies with our planned vision increases the likelihood of achieving it.” (Proposed GIP, Page 22.) Duffie shares this objective.

To this end, Duffie supports the Proposed GIP’s establishment of a new Red transportation policy area for properties in the White Oak Downtown. However, rather than dividing the existing White Oak Policy Area into two discrete subareas for this purpose, **Duffie respectfully requests that the proposed Red policy area for White Oak be expanded, so as to apply to all properties within the current White Oak Policy Area (i.e., the proposed White Oak LATIP Area).** This broader policy area boundary would more appropriately reflect the “current and master-planned land-use contexts and travel trends” of the White Oak Policy Area, consistent with the definition of such transportation policy areas in the Proposed GIP. (See Proposed GIP, Page 21-22.) These land-use contexts and travel trends are described in the Master Plan, which provides the following specific recommendation for the transportation standards that are to be applied in the White Oak planning area at large:¹

This Plan recommends that in light of the County’s economic objectives and its ownership interest in the Life Sciences property, the [entire] Plan area be considered an economic opportunity center, similar in form and function to areas around a Metro Station or a central business district with an ultimately urban character, and that the roadway and transit adequacy standards used in the Subdivision Staging Policy for areas that are currently designated as Urban be applied to the Plan area. (Master Plan, Page 54.)

The Proposed GIP explains that Red policy areas are intended for “[d]owntowns and town centers with current or master planned high-density development and premium transit service.” (Proposed GIP, Page 22.) Given the Master Plan’s express recommendation for the White Oak planning area to be considered “urban” for transportation standards purposes, similar to a Metro Station area or central business district, establishing the entire White Oak Policy Area as a Red policy area would bring the Proposed GIP into total alignment with the Master Plan’s vision for future development. In contrast, designating only a portion of the planning area as a Red policy area (i.e., the approach reflected in the current Planning Board draft) does not fully align with the Master Plan’s clear language or intent to treat the entire policy area as an “economic opportunity center” with an “ultimately urban” character.

In addition to the foregoing, we note that the Master Plan specifically recommends the establishment of three distinct activity centers within the White Oak planning area:

The Plan envisions White Oak’s major centers – Hillandale, White Oak, and Life Sciences/FDA Village – evolving from conventional, auto-dependent suburban shopping centers, business parks, and light industrial areas into vibrant, mixed-use, transit-served nodes. Redevelopment of the centers must be carefully integrated with existing residential neighborhoods and designed to enhance the entire area’s quality of life, appearance, walkability, and sense of place... This Plan provides a blueprint to connect White Oak’s

¹ The White Oak Planning Area, as defined in the Master Plan, is generally coterminous with the existing White Oak Policy Area defined in the Current GIP, and with the White Oak LATIP Area defined in the Proposed GIP.

centers to each other and the broader region through a transit system that includes Bus Rapid Transit as an integral component. (Master Plan, Page 11.)

Should the Council determine that it is desirable to establish an expanded Red policy area for White Oak that does not include the entirety of the White Oak Policy Area, **Duffie requests, in the alternative, that the boundaries of any such Red policy area include the three White Oak activity centers described in the Master Plan.** The boundaries of these activity centers are depicted in the Master Plan excerpt attached to this letter as Exhibit A.

We note that the expanded Red policy area boundaries requested herein can be accomplished without adversely impacting the delivery of transportation infrastructure. This is because development in the White Oak Policy Area is subject to the LATIP, which exists separately from the transportation development impact tax to ensure that necessary transportation infrastructure is provided incrementally with, and in proportion to, new development in White Oak.

In summary, by expanding the boundaries of the proposed White Oak Red policy area as described herein, this Council can ensure that the Proposed GIP is more fully aligned with the Master Plan's recommendations for the White Oak community. This, in turn, will increase the likelihood that the housing, infrastructure, and other elements recommended in the Master Plan can be delivered in that policy area in the near future.

We thank you for your consideration of the above, and trust that you will let us know if you any additional information would be helpful.

Sincerely,



Christopher M. Ruhlen

cc: Councilmember Gabe Albornoz
Councilmember Marilyn Balcombe
Councilmember Natali Fani-González
Councilmember Evan Glass
Councilmember Will Jawando
Councilmember Sidney Katz
Councilmember Dawn Luedtke
Councilmember Kristin Mink
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Mr. Tim Kamas

EXHIBIT A

Excerpt from 2014 White Oak Science Gateway Master Plan, Page 29

Map 5 Activity Centers

