

Item 1C - Correspondence

From: [Heather Dlhopsky](#)
To: [David Landow](#); [MCP-Chair](#); [Stern, Tanya](#); [Kronenberg, Robert](#); [Hisel-McCoy, Elza](#); [Dickel, Stephanie](#); [Bossi, Adam](#); [Emily.Vaias@montgomeryplanning.org](#); [Mills, Matthew](#)
Cc: [Michael Landow](#)
Subject: RE: Request for Reconsideration of Planning Board Decisions
Date: Wednesday, October 11, 2023 11:41:15 AM
Attachments: [7126 Wisconsin Avenue Response Letter.pdf](#)

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

Dear Chair Harris, and all,

Please find attached our response letter to Mr. Landow's letter from yesterday. First, I apologize. We never intended to exclude The Seasons from our notice list, and the fault in doing so is my own. This is further explained in the attached letter.

Second, as noted in our letter, the applicant is reaching out to The Seasons ownership to discuss the project and their concerns. We agree as they request that they should have an opportunity to be heard by the Planning Board.

Thank you very much!

Heather

Heather Dlhopsky

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UPCOMING OUT OF OFFICE: Thursday, October 12th – Tuesday, October 17th

From: David Landow <dlandow@landowco.com>

Sent: Tuesday, October 10, 2023 5:52 PM

To: MCP-Chair@mncppc-mc.org; Tanya.Stern@montgomeryplanning.org; Robert.Kronenberg@montgomeryplanning.org; Elza.hisel-mccoy@montgomeryplanning.org; Stephanie.Dickel@montgomeryplanning.org; Adam.Bossi@montgomeryplanning.org; Emily.Vaias@montgomeryplanning.org; Matthew.Mills@montgomeryplanning.org

Cc: Michael Landow <mlandow@landowco.com>; Heather Dlhopsky <HDLhopsky@wiregill.com>

Subject: Request for Reconsideration of Planning Board Decisions

Dear Chair Harris:

Attached is a letter regarding Foulger Pratt's proposed development that will be located at Wisconsin, Bethesda, and Miller Avenues in Bethesda, Maryland. It explains that our partnership (The Seasons, a Maryland Limited Partnership) was not given the required notice to provide input on Foulger Pratt's applications. Accordingly,

it asks that the Planning Board suspend any further action on the applications until proper notice is given and we have a chance to submit comments.

We will separately contact Foulger Pratt in an attempt to expeditiously resolve our concerns with them. We hope that they will be receptive to our communications.

On a personal note, I want to acknowledge the Planning Board's important work and the role it plays in ensuring that all relevant parties have the opportunity to provide input in the development process. We have successfully worked within that process for a great many decades. In that regard, we look forward to working with both Foulger Pratt and with the Planning Board so that the development can move forward in a positive and productive manner.

All the best,

David M. Landow

On behalf of The Seasons, a Maryland Limited Partnership



Heather Dlhopsky
hdlhopsky@wiregill.com
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October 11, 2023

Via Email to MCP-Chair@mncppc-mc.org

Chairman Harris and Members of the Montgomery County Planning Board
M-NCPPC
2425 Reddie Drive, 14th Floor
Wheaton, MD 20902

Re: 7126 Wisconsin Avenue – Sketch Plan Amendment No. 32019003A, Preliminary Plan of Subdivision No. 120230020, and Site Plan Application No. 820230020 (collectively, the “Applications”) – Response to 10/10/23 Letter from The Seasons

Dear Chairman Harris:

On behalf of Wisconsin Avenue Properties LLC (the “Applicant” in the above Applications), we are submitting this letter in response to the letter submitted by Mr. David M. Landow on October 10, 2023 on behalf of The Seasons.

First, we apologize for the error in noticing. It was certainly not intentional on our part. When the property that is the subject of the Applications initially proceeded through the Sketch Plan review process at the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) in 2018, resulting in public hearing before the Montgomery County Planning Board on October 24, 2019, it only included three parcels. The fourth, the former Capital One bank site at 4708 Bethesda Avenue, located adjacent to The Seasons at 4710 Bethesda Avenue, was not a part of the project, and therefore The Seasons was not an adjoining property at that time.

When the former bank site was added to the assemblage and we undertook the initial preparation of the Applications in 2021, we updated the notice list as a whole to account for any changes in property ownership since creation of the list at the time of the original Sketch Plan. However, it was an oversight on our part that we did not update the notice list to account for the additional parcel included in the assemblage (the former bank site), and resulting additional adjoining neighbor (The Seasons) that needed to receive mailed notice as a result, and for that we apologize.

Granted, the property that is the subject of the Applications, including the former bank site, has also been posted with signage regarding the Applications since mid-May of 2022 (first with notice of the pre-submission community meeting, and then with notice of the Applications themselves), so we do believe notice was provided in that manner. That said, our neighbors at The Seasons should have received mailed notices, and they did not, so we believe that the correct action is for the Montgomery County Planning Board to provide them an opportunity to be heard at a public hearing on the Applications as they have requested.



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The Applicant will be reaching out in short order to The Seasons ownership to discuss and understand their concerns, and we look forward to these conversations.

Thank you very much, and please contact us should you have any questions or need any additional information.

Sincerely,

Wire Gill LLP

A handwritten signature in black ink that reads "Heather Dlhopsky". The signature is written in a cursive, slightly slanted style.

Heather Dlhopsky

cc: Ms. Tanya Stern
Mr. Robert Kronenberg
Mr. Elza Hisel-McCoy
Ms. Stephanie Dickel
Mr. Adam Bossi
Ms. Emily Vaias
Mr. Matthew Mills
Mr. David M. Landow
Mr. Michael Landow