

# ATTACHMENT D

MONTGOMERY COUNTY PLANNING BOARD

## AFFIDAVIT OF PRE-SUBMISSION PUBLIC MEETING

12500 Ardennes Avenue

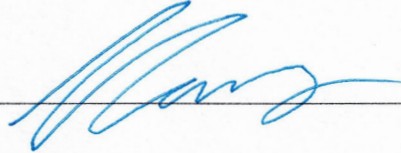
Sketch Plan Amendment and Site Plan Applications

I HEREBY CERTIFY that on September 11, 2023 at 6:30 pm, representatives of Fairstead, its consultants, and Matthew Gordon of Selzer Gurvitch, held a Pre-Submission Public Meeting in order to discuss the sketch plan amendment and site plan applications for 12500 Ardennes Avenue. The purpose of this meeting was to comply with Section 59.7.5.1 of the Zoning Ordinance and the Administrative Procedures for Development Review, which require a Pre-Submittal Public Meeting to be held no more than 90 days prior to initial application submittal. The meeting was held through Microsoft Teams accessible through the following methods: (a) online, <https://bit.ly/3OXX9Sa1>; and/or (b) telephone, +1 469-998-7395, meeting ID: 286 744 745 675, passcode: e9SNAk, and the meeting invitation was mailed to all of the individuals included in the attached notice list.



By: Matthew Gordon  
Selzer Gurvitch Rabin Wertheimer & Polott, P.C., Attorney  
for the Applicant, Fairstead

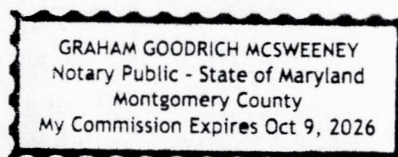
Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this 14<sup>th</sup> day of September, 2023.



My Commission Expires:

10/9/26

[SEAL]





August 24, 2023

Matthew M. Gordon, Esquire  
[mgordon@sgrwlaw.com](mailto:mgordon@sgrwlaw.com)  
Direct Dial: 301-634-3150

**FIRST CLASS MAIL**  
**UPDATED NOTICE OF PRE-SUBMISSION PUBLIC MEETING**

**Name of Plan:** 12500 Ardennes Avenue  
**Applicant:** Twinbrook Ardennes Owner LLC  
**Current Zoning:** Commercial-Residential (CR-2.0 C-1.5 R-2.0 H-145 T)  
**Number of Proposed Lots/** 1 lot (75,272 square feet of tract area)  
**Area Included:**  
**Geographical Location:** Southwest of the intersection of Ardennes Avenue and Twinbrook Parkway, within the Twinbrook Sector Plan (the "Property")  
**Proposed Application:** Amendment to Sketch Plan No. 320180220 and new Site Plan application to develop the Property with up to 198,718 square feet of residential gross floor area (up to 220 multi-family residential units, including a minimum of 22% MPDUs), and above-grade structured parking, public open space, and private amenities and recreational facilities (the "Project").

A virtual informational meeting regarding the above-referenced Project has been scheduled for **Monday, September 11<sup>th</sup> at 6:30 pm.** *Please note that the previously scheduled meeting (September 7<sup>th</sup>) has been rescheduled to September 11<sup>th</sup>.* You are invited to join the virtual informational meeting by calling +1 469-998-7395 and entering Phone Conference ID 411898983# or visiting the following website: <https://bit.ly/3OXX9Sa>, Meeting ID: 286 744 745 675 Passcode: e9SNak. A copy of the presentation will be posted by Thursday, September 7<sup>th</sup> at the following website: <https://bit.ly/3OEJ2FD>. If you intend to participate in the virtual informational meeting and/or would like to provide written comments, please send an email with your name and mailing address to Graham McSweeney (301-634-3177; [gmcsweeney@sgrwlaw.com](mailto:gmcsweeney@sgrwlaw.com)) of Selzer Gurvitch Rabin Wertheimer & Polott, P.C.). We encourage you to submit questions and comments in advance of the informational meeting.

The Property that is the subject of the Sketch Plan Amendment and Site Plan applications consists of approximately 75,272 square feet of tract area and is located southwest of the intersection of Ardennes Avenue and Twinbrook Parkway, within the Twinbrook Sector Plan. The Sketch Plan Amendment and Site Plan applications propose to develop the Property with up to 198,718 square feet of residential gross floor area (up to 220 multi-family residential units, including a minimum of 22% MPDUs), and above-grade structured parking, public open space, and private amenities and recreational facilities. The purpose of this meeting is to review the proposed Sketch Plan Amendment and Site Plan applications, and the meeting will then be open to questions regarding the proposed Project.

If you are interested in receiving more information about the proposed application, you may contact either Matthew Gordon (301-634-3150; [mgordon@sgrwlaw.com](mailto:mgordon@sgrwlaw.com)) or Graham McSweeney (301-634-3177; [gmcsweeney@sgrwlaw.com](mailto:gmcsweeney@sgrwlaw.com)) of Selzer Gurvitch Rabin Wertheimer & Polott, P.C.

You may also contact the Maryland-National Capital Park and Planning Commission ("M-NCPPC") if you have general questions about M-NCPPC's process. The Information Counter may be reached at (301) 495-4610. The Development Applications and Regulatory Coordination Division may be reached at (301) 495-4550 or [www.montgomeryplanning.org/development](http://www.montgomeryplanning.org/development).

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**Selzer Gurvitch Rabin Wertheimer & Polott, P.C.**

4416 East West Highway • Fourth Floor • Bethesda, MD 20814-4568 Phone:

(301) 986-9600 • Fax: (301) 986-1301 • Toll Free: (888) 986-9600

[www.selzergurvitch.com](http://www.selzergurvitch.com)

Thank you in advance for your interest and attention.

Very truly yours,

**Selzer Gurvitch Rabin Wertheimer & Polott, P.C.**

*Matthew M. Gordon*

Matthew M. Gordon

Notice List - 12500 Ardennes Ave  
8/8/2023

Tax Account No.	Name	Name2	Address	City	State	PostalCode
04-00080650	TWINBROOK ARDENNES OWNER LLC		250 W 55TH ST, 35TH FL	New York	NY	10019
<b>Adjoining and Confronting Property Owners</b>						
04-03599973	TWINARD LIMITED PARTNERSHIP	C/O UNIWEST MANAGEMENT INC	8191 STRAWBERRY LN STE 3	Falls Church	VA	22042
04-03520468	UNITED STATES PHARMACOPEIAL CONVENTION INC		12601 TWINBROOK PKWY	Rockville	MD	20852
04-00079935	SEA SALT LLC		18 LOVETON CIR	Sparks	MD	21152
04-03629752	TWINBROOK COMMONS RESIDENTIAL NORTH LLC	C/O JBG SMITH PROPERTIES	4747 BETHESDA AVE STE 200	Bethesda	MD	20814
<b>Homeowner's and Civic Associations</b>						
	Cambridge Walk Homeowners Association I	Matt Klinger, Resident Agent	5936 Halpine Road	Rockville	MD	20851
	Cambridge Walk Homeowners Association II	Joseph McClane, Primary Contact - Owner	216 Halpine Walk Court	Rockville	MD	20851
	East County Citizens Advisory Board	Rachel Evans, Chair	3300 Briggs Chaney Road	Silver Spring	MD	20904
	Midtown Bethesda North Condominium	Rod Barrera, Admin Agent	5750 Bou Avenue	North Bethesda	MD	20852
	Midtown Bethesda North Condominium	Teresa Taylor, Primary Contact - Owner	5750 Bou Avenue Unit 1115	North Bethesda	MD	20852
	Midtown Bethesda North Condominium	Tina Hayman, Mgmt Contact	4401 Ford Avenue	Alexandria	VA	22302
	Montgomery County Civic Federation	Alan Bowser, Co-President				
	Montgomery County Renters Alliance Inc.	Matt Losak, Executive Director				
	Montgomery County Taxpayers League	Edward Amatetti, President				
	Montrose Civic Association	Natasha Hurwitz, Neighborhood Lead	1708 Lorre Drive	Rockville	MD	20852
	Montrose Civic Association	Susan Zemsky, Neighborhood Lead	1622 Martha Terrace	Rockville	MD	20852
	Northern Montgomery County Alliance	Julius Cinque, Chair	22300 Slidell Road	Boyds	MD	20841
	Sierra Club - Montgomery County Group	Al Carr, ExCom Member				
	Sierra Club - Montgomery County Group	Jennifer Rossmere, Treasurer	P O Box 4024	Rockville	MD	20849
	Twinbrook Community Association	Halley Henry, Secretary	1204 Grandin Ave	Rockville	MD	20851
	Twinbrook Community Association	Marissa Valeri, Vice President	13302 Midway Avenue	Rockville	MD	20851
	Twinbrook Community Association	Mike Stein, President	13004 Atlantic Avenue	Rockville	MD	20851
	Twinbrook Community Association	Vincent Russo, Treasurer	1019 DeBeck Drive	Rockville	MD	20851
<b>Schools and Library</b>						
	Twinbrook ES		5911 Ridgway Avenue	Rockville	MD	20851
	Julius West MS		651 Great Falls Road	Rockville	MD	20850
	Richard Montgomery HS		250 Richard Montgomery Drive	Rockville	MD	20852
	Twinbrook Library		202 Meadow Hall Dr	Rockville	MD	20851
<b>Parties of Record</b>						
<b>Development/Other</b>						
	M-NCPPC	Intake, IRC	2425 Reedy Dr, 2nd Flr	Wheaton	MD	20902
	Matthew M. Gordon, Esq.	Selzer Gurvitch	4416 East West Highway 4th Flr	Bethesda	MD	20814
	Bob Dalrymple, Esq.	Selzer Gurvitch	4416 East West Highway 4th Flr	Bethesda	MD	20814
	Robert Barnard	Fairstead	4550 Montgomery Avenue Suite 450	Bethesda	MD	20814
	Kevin Mack	Dewberry	2101 Gaither Road, Suite 340	Rockville	MD	20850
	Valerie Hochman	SK+I Architecture	4600 East-West Highway, Suite 700	Bethesda	MD	20814

**12500 Ardennes Avenue**

**Sketch Plan Amendment and Site Plan Applications**

**Pre-Submission Community Meeting**

*Monday, September 11, 2023, 6:30 PM*

*Virtual meeting held via Microsoft Teams*

<https://bit.ly/3QXK9Sa1>

*1 469-998-7395, meeting ID: 286 744 745 675, passcode: e9SNAk*

**Attendance Sheet**

<b>NAME</b>	<b>ADDRESS</b>	<b>INCLUDE AS PARTY OF RECORD? (Y/N)<sup>1</sup></b>
Joe McClane, President, Cambridge Walk II HOA	216 Halpine Walk Court Rockville, MD 20851	Y
Vincent Russo		N
Vivian Byrd		N
Dawn Volz		N
Jessica B.		N
Amelia		N
Vivian Horn		N

<sup>1</sup> The pre-submission community meeting notice and pre-submission community meeting presentation provided email instructions for any participant electing to become a party of record. Mailing addresses are included for the Microsoft Teams participants that submitted a request, via email or Microsoft Teams chat, that they be added as a party of record.

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**12500 Ardennes Avenue**

**Sketch Plan Amendment and Site Plan Applications  
Pre-Submission Community Meeting**

*Monday, September 11, 2023, 6:30 PM*

*Virtual meeting held via Microsoft Teams*

<https://bit.ly/3OXK9Sa1>

*1 469-998-7395, meeting ID: 286 744 745 675, passcode: e9SNAk*

**MEETING MINUTES**

Attendees on behalf of the Applicant:

Rob Barnard, Fairstead/Twinbrook Ardennes Owner LLC, Applicant  
Bobby Byrd, Fairstead/Twinbrook Ardennes Owner LLC, Applicant  
Jackson Crow, Fairstead/Twinbrook Ardennes Owner LLC, Applicant  
Eric Falvo, Fairstead/Twinbrook Ardennes Owner LLC, Applicant  
Jane Mahaffie, Consultant  
Valerie Hochman, SK&I Architecture, Architect  
Kevin Mack, Dewberry, Civil Engineer  
Trini Rodriguez, ParkerRodriguez, Landscape Architect  
Steve Sattler, ParkerRodriguez, Landscape Architect  
Jami Milanovich, Wells + Associates, Traffic Engineer  
Matthew Gordon, Selzer Gurvitch, Land Use Counsel

Start time: 6:32 PM

End time: 7:24 PM

1) Applicant's presentation:

Jane Mahaffie began the meeting by welcoming everyone and introducing the Applicant and development team listed above. Graham McSweeney of Selzer Gurvitch will be taking meeting minutes tonight, a copy of which will be included with the filed applications. After the presentation, we will have time to address any comments/questions you may have, and you can also enter comments/questions into the Microsoft Teams chat box.

Bobby Byrd of Fairstead described the Applicant as a purpose driven real estate company that's dedicated to building sustainable communities across the country. Fairstead is headquartered in New York, but have offices in Colorado, Florida, and here in Montgomery County. We are owners of over 170 communities across 28 states, the vast majority of which are focused on providing and preserving affordable housing to those communities. We leverage our comprehensive platform that contains both acquisitions and development, but also design to construction and property management in those communities.

Rob Barnard of Fairstead described the project as a very unique and ambitious development opportunity to deliver 213 affordable multifamily apartment homes to families in Montgomery County at a transit-oriented development a quarter mile from the Twinbrook Metro Station. Part

of the development plan is a “speed to market” execution so Fairstead can deliver as many affordable apartment homes to the community as quickly as possible. Given the background of this site with its prior site plan approval in 2020, we are going to maintain but improve upon the proposed project to best serve the future residents of this community.

The new development plan will allow for 213 affordable apartment homes, which will include studios, one-bedrooms, two-bedrooms, and also three-bedrooms, which is a new addition to the development plan with the intention to best serve families within Montgomery County. The proposed units will be 100% affordable and serve residents earning anywhere between 40% and 80% of area median income.

Some key changes include eliminating a level of podium parking to allow for additional units to be added to the second level of the property, which was a key driver in facilitating the addition of the three-bedroom units to serve larger families in the community. Additionally, we are planning to add what we call “social purpose” real estate on the ground floor located next to the public plaza that will allow for nonprofits within the community to have a physical space where they can implement their mission to help residents of the community and the surrounding neighborhood. We plan to partner with both the state and the county to help finance the project, which we plan to fund with tax-exempt bonds, low income housing tax credits, and a variety of other sources.

Matt Gordon of Selzer Gurvitch explained this is a required pre-submission community meeting for a sketch plan amendment application and new site plan application. The site is zoned Commercial-Residential (CR-2.0 C-1.5 R-2.0 H-145 T) and had a previous sketch plan approved in 2019 and then a site plan approved in 2020. The Applicant purchased the property this year and is amending the sketch plan to adjust some of the public benefits that are being provided, namely, the Applicant is providing much more affordable housing than the prior proposal. The new proposed site plan is also very similar to the prior approved site plan, as will be discussed in more detail later in the presentation.

If you have not already been added as a party of record on the notice mailing list and wish to become one, please email Graham McSweeney of Selzer Gurvitch at [gmcswweeney@sgrwlaw.com](mailto:gmcswweeney@sgrwlaw.com) [entered in chat box] or put your name and mailing address into the chat box and Graham will add you as party of record so you receive future mailed notices regarding the project. Future notices will include notification of when the applications are formally accepted, which will include a tentative Planning Board hearing date, and then you will also get a notice of the Planning Board hearing when that is firmly scheduled. If you have any questions or comments after this meeting, feel free to reach out to Graham McSweeney or Matt Gordon and we will get those questions/comments to the applicant team for review and response.

Jane Mahaffie described the site located at the corner of Twinbrook Parkway and Ardennes Avenue that is currently improved with a one-story commercial office building that will be demolished as part of the new redevelopment. There is a residential development to the west of the site, commercial office buildings across Ardennes Avenue to the north and Twinbrook Parkway to the east, and a gas station to the south. Context aerials of the site and illustrative landscape plan and floor plans were displayed.

As mentioned previously, while the Applicant is submitting a new site plan, mostly procedural at this point, what the Applicant tried to do in the public space was to keep as much as had been approved before. The prior approved site plan was a nice plan with a lot of community

involvement. We've kept the two curb cuts from the previous project: the ingress/egress for the parking and curb cut for loading/trash. Regarding the public urban plaza, as mentioned by Rob, another change to the prior site plan will be to have additional amenity space on the ground floor for non-profits serving the residents and neighborhood, and we have added a door to get into that space from the public urban plaza. Regarding parking, while the previous plan proposed around 187 parking spaces, we have proposed reducing that amount to 106 parking spaces as our maximum count. The project will consist of one level of parking and six levels of residential, to achieve the same maximum building height of 100 feet and seven-story building that was previously approved. The major difference is we are cutting out a level of parking, which allows for the courtyard to be on level two instead of three. The proposed pool in the courtyard from the prior site plan has also been removed to allow for additional green space, a play area and seating areas.

Valerie Hochman of SK&I Architecture discussed renderings of elevations and massing of the building that were displayed, with the architecture of the building designed to enhance street activation at a busy corner. Overhangs, accents, and horizontal planes are used to incorporate the residential with the ground floor lobby/amenity space and urban plaza in a seamless way. The urban plaza will contain a pocket green area with bench sculptural seating to engage the public as they walk through. Street trees, lighting, and utilization of wood materials will create an open and inviting green environment for people to gather and converse.

Jane Mahaffie explained the private amenity courtyard will include a lawn, grilling and dining areas, lounge and seating groups, bioretention planters, planting areas, and playful elements that both younger kids and older residents can enjoy. The bioretention plantings also acts a buffer from the residential units facing the courtyard.

Kevin Mack of Dewberry explained the proposed stormwater management, including the use of bio planters that ring around the perimeter and collect all the water from the upper roof. We will be treating all of the water from the upper roof in these bio planters. The stormwater that lands on the plaza itself will be treated in an underground storage and storm filter under the garage floor of the building. All of the stormwater will be treated and released into the public system on Ardennes Avenue. Overall, we will be vastly improving stormwater quality for the site because the existing site has zero stormwater management for both quantity and quality, and we will be providing the maximum extent practical for the site.

Trini Rodriguez of ParkerRodriguez explained the streetscape remains pretty much the same from the prior approval, where the previous Applicant had worked with staff to make the corner more engaging and create a little pocket park within the urban plaza. The community room has direct access to the urban plaza and that will serve as an additional activator to the space that includes public seating. One goal of this plan was to make it very porous, so it includes different points of access for optimal circulation. The amenity courtyard was always intended to be private in nature and for residents only. The only major change to it from the prior approval was the deletion of the pool, but it becomes really more of a garden and a true sort of urban oasis for the residents.

Addressing sustainability, Jane Mahaffie explained the project will be pursuing the silver level certification of the National Green Building Standard and also the multifamily Energy Star certification. Some attendees may be familiar with an old crab apple tree existing on the site along Twinbrook Parkway. The Applicant had an arborist do a current evaluation as the tree had changed



dramatically since the previous approval, but they determined the tree has been in substantial decline since 2019 and would not survive relocation or root pruning in advance of any transfer or construction. Therefore, based on the tree's declining health, the Applicant is submitting a tree variance request with the applications to remove the crab apple tree.

Schedule (subject to change)

- Sketch Plan Revision/Site Plan Submission: mid-September 2023
- Site Plan Hearing (anticipated): December 2023 - January 2024
- Permitting: Q2 2024
- Project Commencement: Closing: Q2 2024  
Commencement: Q3 2024
- Project Completion: Q2 2026

2) Questions/comments from the audience:

- Is it correct that 22% of the proposed dwelling units will be MPDUs but 100% of the units will be priced at ranges of affordability from 40 to 80% of the area median income? And this is made possible through a variety of public financing?

Applicant response: 100% of the units will be restricted to residents earning between 40% and 80% of AMI. So across unit types, roughly 20% of units will be restricted for rent to residents earning 40% of AMI 60% restricted for residents who's earning 60% of AMI, and the remaining 20% for those earning 80% of AMI. Those restrictions will be done through the Low-Income Housing Tax Credit Program through Maryland DHCD. And then in addition to that, 22% of units will be restricted MPDUs under Montgomery County's definition, which will fall in line with that 100% of affordability under the tax credit program.

- What is the community room? Is that for the public or just for people with a connection to the building? What's the vision for that use of that space?

Applicant response: The concept that we are utilizing is called social purpose real estate and so that space will be accessible by both residents of the property and members of the public during restricted hours when services are ongoing. So that space is intended to provide a physical space for local nonprofits that can serve both the residents of the property but also residents of the surrounding community who are looking for similar types of services so as to provide them with a physical space to deploy their mission in the form of a flexible open space room that can be used for a variety of uses, as well as a boardroom type space that will have the necessary kind of audio and visual components to conduct a board meeting.

- Since the site is directly adjacent to the City of Rockville (the "City") limits, will there be coordination with the City to ensure cohesion in the planning of the street, specifically in regards to stormwater management and pedestrian infrastructure?

Applicant response: Yes, we have to submit the stormwater management plan for the site to the Washington Suburban Sanitation Commission (WSSC) for approval and

WSSC looks at the entire area in coordination with surrounding projects. The Ardennes Avenue right-of-way is also completely within the City limits, and we have met with the City previously and will continue to meet with them as we go through the process. The City was instrumental in the prior approval in helping to propose improvements along the City right-of-way, which we have kept, and include widening of the sidewalk and creating a buffer for safer pedestrian movement in this location.

- I live in the area and am excited about the project, especially the affordable housing piece. I actually do a lot of volunteer work for the Montgomery County volunteer center, and we hear a lot from agencies that they do not have public spaces where they can conduct a lot of activities. So, the space that is going to be devoted for nonprofits is really exciting as well.

Applicant response: Thank you so much for your comments and support of the project.

- What's the process going forward? Is there a public hearing and how can we provide letters of support to go on record for this project?

Applicant response: The next step after this meeting is to submit concurrent sketch plan amendment and site plan applications to Maryland National Capital Park and Planning Commission (M-NCPPC) and we will submit that in mid-September. M-NCPPC has roughly 90 days to review it, they can move faster or a little bit slower depending on how fast we move through their process. We anticipate a Planning Board hearing between December and January of this year. There is staff at M-NCPPC assigned to the project that you can direct comments and letters to that will be included in the public record and we can provide their email addresses; Amy Lindsey is likely going to be the lead planner; Matt Folden is the regulatory supervisor; and Carrie Sanders is the chief of Mid-County planning. If you received notice already for this meeting or signed up as a party of record with Graham, you will get a notice in the mail approximately two weeks before the hearing is scheduled. You may also check the status of the project, including viewing submitted plans and documents once the applications are accepted, by entering "12500 Ardennes Avenue" in the County's Development Information Activity Center (DAIC) website located at <https://montgomeryplanning.org/development/> [entered in chat box].

### 3) Conclusion

- Jane Mahaffie thanked everyone for their attendance and interest in the project and reminded all attendees that they should feel free to contact the Applicant at any time via Graham McSweeney or Matt Gordon with any comments, questions, or concerns. The meeting concluded at 7:24 PM.

Meeting minutes taken by Graham McSweeney, paralegal at Selzer Gurvitch.