



MEMORANDUM



DATE: April 1, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*  
Development Review Division

FROM: Catherine Conlon, Acting Supervisor *CC*  
Development Review Division  
(301) 495-4542

REVIEW TYPE: **Preliminary Plan Review**  
CASE #: **1-05054**  
PROJECT NAME: **National Park Seminary,**

APPLYING FOR: Approval of 280 dwelling units, including 56 Moderately Priced Dwelling Units (MPDUs), in the PD-15 Zone, on 32.18 acres

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations and Chapter 59, the Zoning Ordinance

ZONE: PD-15  
LOCATION: In the northeast quadrant at the intersection of Linden Lane and Sitter Avenue in Silver Spring, Maryland  
MASTER PLAN: Silver Spring

APPLICANT: Forest Glen Venture, LLC  
ENGINEER: VIKA, Inc.  
ATTORNEY: Lerch, Early and Brewer

HEARING DATE: April 7, 2005

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**STAFF RECOMMENDATION:** Approval, including a waiver pursuant to §59-C-7.15(d)(2) of the Zoning Ordinance to permit construction within 100 feet of land that is recommended in the Master Plan as a one-family detached zone, and building height greater than its distance from such adjoining land; a waiver of §50-26(a) of the Subdivision Regulations pursuant to §50-38 to permit a reduced right-of-way width for Linden Lane; and subject to the following conditions:

1. Approval under this preliminary plan is limited to 280 residential dwelling units, including a minimum of 56 Moderately Priced Dwelling Units (MPDUs), and consisting of: thirteen (13) one-family detached dwelling units; ninety-eight (98) one-family attached dwelling units; and 169 multi-family dwelling units.
2. Compliance with the specifications and requirements of the approved development plan for Zoning Application No. G-828, County Resolution No. 15-923.
3. No clearing, grading or recording of plats prior to signature set approval.
4. Final approval of the number and location of dwelling units and sidewalks will be determined at site plan.
5. Revise the preliminary plan to eliminate proposed Lot 55 and Lot 61, and place the existing historic structure on one lot.
6. Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
7. Compensation for environmental buffer impacts shall be implemented in the form of several enhancements to the remaining buffer areas. These enhancements shall include, but are not limited to, the following measures:
  - a. Enhancements to the forest structure, and a plan for invasives control management and supplemental plantings as necessary for the Glen.
  - b. Remedial measures for buffer and stream stabilization, including sensitive removal of man-made debris, stabilization of eroded slopes, and stream channel stabilization in selected location(s).<sup>1</sup>
  - c. Afforestation to the area within the buffer currently in lawn at the southeast corner of the site adjoining the phase II entrance drive.
8. Applicant to dedicate to M-NCPPC the land identified as Parcel B to be added to current adjacent parkland. Land to be conveyed at time of record plat, to be free of trash and unnatural debris and not to include any stormwater management facilities. Boundaries to be adequately staked and signed as acceptable to M-NCPPC staff to delineate parkland from private property.
9. Applicant to construct an 8' wide, paved trail through Parcel B to connect with the existing hard surface trail that accesses the Rock Creek Stream Valley Park trail system. Trail to be field located as acceptable to M-NCPPC staff and to be constructed to park standards and specifications.

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<sup>1</sup> A major area in need of stream stabilization was identified in a field visit in March, 2005. Stabilization shall be implemented which may be in addition to DPS' formal requirements, and in coordination with and approval by DPS in conjunction with the Sediment and Erosion Control Plan.

10. Applicant to establish a public use loop trail system within the property and provide for public access and use of the trails by establishing Public Use Trail Easements throughout the applicable areas of open space (particularly within "The Glen"). Include adequate public access between Parcel B and the on site trail system, including public access from Parcel B to Linden Lane. Areas and trails available for public use to be adequately signed as acceptable to M-NCPPC staff.
11. The term "denied access" is to be placed on the final record plat along the property that abuts I-495.
12. Record right of way abandonment simultaneously with the recordation of plat for this preliminary plan, if it is approved by the County Council.
13. Provide the following improvements and/or dedication for Linden Lane:
  - a. Dedicate a 35-foot right-of-way from the centerline of Linden Lane, on the east side between Newcastle Avenue and the existing private bridge. Widen the existing pavement to 26 feet, install curb and gutter, and build a five-foot sidewalk (at face of curb) on the east side of the street. Preserve existing guardrail along east side only.
  - b. Repair existing private bridge and execute a related Maintenance and Liability Covenant, as required by Montgomery County Department of Public Works and Transportation (DPWT).
  - c. Dedicate a 26-foot wide right-of-way from the centerline of Linden Lane, between the existing private bridge and the proposed lot line of Lots 59 (new lot) and lot 58 (Swiss Chalet); widen existing pavement to a 26-foot total width and install curb and gutter on the east side only.
  - d. Widen existing pavement to a 20-foot total width; install curb and gutter, and dedicate additional right-of-way, where possible, as necessary to have a two-foot width behind the curb, along frontage of Lots 58 (Swiss Chalet), and 57 (Japanese Pagoda), on east side only.
  - e. Mill and overlay Linden Lane between Capital Beltway and Woodstock Avenue, and reconstruct existing speed hump, as required by Montgomery County Department of Permitting Services (DPS).
  - f. Dedicate 52 feet of full width right-of-way (26-foot wide from the centerline) on Linden Lane between the Japanese Pagoda (Lot 57) and Woodstock Avenue. In this section, provide pavement widening on the east side of Linden Lane only given historic constraints, 14 feet from centerline and a minimum of 22 feet from the historic retaining wall on the west side of Linden Lane. Curb, gutter and sidewalk to be constructed on the east side only.
  - g. Dedicate 52 feet of full width right-of-way (26-feet wide from the centerline) on Linden Lane between the private driveway at the Woodstock Avenue and Stephen Sitter Lane. In this section, provide 28 feet of pavement that includes two ten-foot travel lanes and eight-foot parallel parking along one side of the street. The remaining right-of-way will provide for five-foot planting strips, five-foot wide concrete sidewalks, and two-foot wide strips behind the sidewalks, on both sides of the street. Execute a Maintenance and Liability Covenant for all infrastructure and improvements behind curb.
  - h. Provide raised crosswalk along Linden Lane at Street B, and execute a Maintenance and Liability Covenant, as required by DPS.

- i. Dedicate a 35-foot right-of-way from the centerline of the road, on north side of Linden Lane between Stephen Sitter Lane and the eastern property line near Smith Drive. In this section, provide a standard, 70-foot right-of-way, primary residential roadway, with 36-foot wide final paving with curb and gutter. The remaining right-of-way will provide for five-foot wide planting strips, five-foot wide concrete sidewalks, and two-foot wide strips behind the sidewalks on the north side only.
14. Dedicate additional right-of-way as necessary to provide for a two-foot wide maintenance strip behind the curb on Woodstock Avenue and Woodstock Court, along Lots 40, 41, 42, and 43. Install curb and gutter and sidewalks along Woodstock Avenue and Woodstock Court as required by DPWT. Truncate right-of-way line at Lot 41 to provide a two-foot wide strip behind sidewalk.
15. Provide an eight-foot off-road, shared-use bikeway for public use, generally parallel to Linden Lane between the existing private bridge and private driveway, near the Japanese Pagoda (Lot 57).
16. Upgrade the existing path to an off-road, shared-use bikeway standard for public use between the regional Rock Creek Park Trail and Private Street B.
17. Provide a pro rata share of the cost, based on traffic volumes, for installation of a traffic signal at the intersection of Linden Lane and Brookville Road, by public or private developer, if required by DPWT. If DPWT decides that intersection reconstruction rather than the installation of a traffic signal is needed, the pro rata share of costs shall be applied to intersection reconstruction costs.
18. Design private streets to the tertiary residential street standards, where possible.
19. Compliance with the conditions in DPWT's letter dated March 18, 2005 and DPS's letter dated March 25, 2005, unless otherwise amended.
20. Record plat to reflect a Category I conservation easement over all remaining areas of environmental buffer and forest conservation, and a blanket Category II conservation easement tied to the approved tree protection plan for specific trees being preserved outside the buffers (e.g., the Three Sisters Oaks). Amendment to allow preservation of historic elements of the site may be proposed, and must be resolved prior to record plat approval.
21. Record plat to reflect common ingress/egress and utility easements over all shared driveways.
22. Record Plat shall reflect all areas under Homeowners Association ownership and all stormwater management parcels.
23. Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
24. Compliance with the conditions of the MCDPS stormwater management approval dated February 24, 2005.
25. Certification from an acoustical engineer that the building shell for residential dwelling units to be constructed within the unmitigated 65 dBA Ldn noise contour, is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn, and 40 dBA Ldn for all bedrooms.
26. Applicant shall comply with all recommendations from the acoustical engineer to ensure that constructed units achieve acceptable interior noise level as specified in

Condition 28, above. Any changes in materials and construction that may affect acoustical performance of the structures shall be approved by an acoustical engineer prior to their implementation.

27. This preliminary plan will remain valid for seventy-three (73) months from the date of mailing of the Planning Board opinion. Record plats shall be recorded in two phases:  
Phase I (expires 37 months from the date of mailing of the Planning Board opinion) – 257 dwelling units  
Phase II (expires 73 months from the date of mailing of the Planning Board opinion) – 23 dwelling units
28. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for ninety-seven (97) months from the date of mailing of the Planning Board opinion.
29. Other necessary easements.

#### **SITE DESCRIPTION and SURROUNDING AREA:**

The subject property consists of 32.18 acres of land located in the northeast quadrant of the intersection of Linden Lane and Sitter Avenue in Silver Spring (see Attachment A). The site is directly adjacent to and south of the I-495 Capital Beltway and southwest of the CSX railroad tracks. The surrounding community to the west is the Forest Glen Park subdivision containing residential lots. Directly to the south of the property is the Walter Reed Hospital Annex site, including associated research buildings, ancillary parking and recreation fields. All of the property to the south and west of the site is zoned R-90.

The property across the CSX railroad tracks to the east is zoned R-60 and consists primarily of residential properties, mixed with some office and industrial sites. Linden Lane becomes Forest Glen Road, north of the beltway at the intersection of Seminary Road. This intersection contains a mix of office, retail and automobile service, surrounded by the residential communities. The intersection is a mix of zones consisting of O-M, C-1, R-20, R-30, R-60 and R-90.

The National Park Seminary site was recently purchased from Montgomery County via the U.S. Army. Since 1943, the Army has used the site as a rehabilitation hospital for returning veterans. Prior to 1943, the site was originally constructed as a railroad era hotel, known as Ye Forest Inn and then as a private finishing school for women. The north side of the site, containing several existing buildings, is located within a historic district under the purview of the Maryland Historic Trust, the National Park Service and the Montgomery County Historic Preservation Commission. The portion of the property in the historic district contains approximately 29 buildings in a campus-like setting, 23 of which (dating from 1887 to 1927) contribute to the historic character of the site.

The property drains to the Lower Rock Creek watershed which is classified as Use I-P. There are tributary streams on the property and approximately 12 acres of existing forest. The forested stream valley that traverses the center of the site, from the southeast to the northwest, is known as "The Glen". The Glen contains a stream valley buffer, steep slopes and a number of large and specimen trees. The southwestern portion of the site also contains a grouping of

specimen trees at the top of the slopes and entry to Rock Creek Park. There are also several individual specimen trees scattered around the historic structures.

#### **PRIOR PLAN APPROVALS:**

The property was rezoned from the R-90 zone per County Council Resolution No. 15-923 adopted on March 15, 2005. The specifications and requirements of this rezoning have been incorporated into the approval of the Preliminary Plan per proposed condition #2.

#### **PROJECT DESCRIPTION:**

The preliminary plan proposes to create a residential community consisting of 13 one-family detached dwelling units, 98 one-family attached (townhouse) dwelling units, and 169 multi-family dwelling units; for a total of 280 dwelling units on 114 lots (see Attachment B). The project includes adaptive re-use of the historic structures and construction of new homes. A minimum of 20 percent of the proposed units will be Moderately Priced Dwelling Units (MPDUs). The development is planned to proceed in two phases with Phase One consisting of the bulk of the units (257 in total). The units (23) proposed for the far side of the Glen in the northeast corner of the site would be constructed in Phase Two after 59-D-3 site plan approval.

#### **RELATIONSHIP TO THE MASTER PLAN:**

Staff finds that the proposed preliminary plan is in conformance with the Master Plan. The North and West Silver Spring Master Plan specifically addresses the Forest Glen site because of the historic status and the deterioration of existing buildings. In addition, when the Master Plan was prepared, the Army and General Services Administration were seeking to transfer the property to another government agency or private entity. The Plan could not anticipate this proposal, but did foresee a need to balance complex issues for any reuse scenario. For this reason, the Master Plan laid out guidelines for redevelopment of the site, as follows:

1. Maintain and restore the district's historic integrity, including the buildings, relationships between the buildings, and the character of open space.
2. Limit impacts on environmentally sensitive areas and provide for private conservation easements and public ownership.
3. Consider, where compatible with the proposed use(s), the ability to allow access (either public or for-fee) to buildings with public or quasi-public uses such as the Ballroom, the Chapel, and the Pagoda.
4. Minimize traffic impact on surrounding neighborhoods and roadways primarily through low-traffic-generating land uses.
5. Minimize noise, light and other environmental impacts on the surrounding residential neighborhoods.
6. Provide trail connections as recommended in this Plan.

## **PRELIMINARY PLAN REVIEW ISSUES**

### Building Setback and Height Waiver

Section 59-C-7.15(b) of the Montgomery County Zoning Ordinance requires that no building, other than a one-family detached residence, can be constructed within 100 feet of land that adjoins a PD zone. The ordinance also states that no building can be constructed to a height greater than its distance from such adjoining land. The applicant has requested a waiver of these requirements pursuant to Section 59-C-7.15(d)(2) of the ordinance. This section allows the Planning Board to waive the setback and height requirement if:

“The site is within or in close proximity to a historic district and the Planning Board finds that reduced setbacks or increased building height will facilitate the preservation, reuse, or redevelopment of a designated historic district and the immediately adjoining property will not be adversely affected by the waiver.”

The applicant has stated (see Applicant’s letter in Attachment C), and staff agrees that the proposed development satisfies the requirements for this waiver and recommends that the Planning Board grant the waiver.

### Right-of-way Width Waiver

The Applicant has requested a waiver pursuant to §50-38 of the Subdivision Regulations to permit a right-of-way width along Linden Lane which is less than required per §50-26(a). The applicant states (see Applicant’s letter in Attachment C), and staff agrees, that waiver is necessary to maintain the existing historic character of the area, to protect and preserve specimen trees and other natural features, to preserve existing historic structures, and to permit new construction which will fund the adaptive reuse of the historic structures.

Staff believes the waiver is the minimum necessary to provide relief from the section, is not inconsistent with the purposes and objectives of the General Plan, and is not adverse to the public interest.

### Waiver to Permit a Building Crossing a Lot Line

Section 50-20(b) of the Subdivision Regulations states that, “A building permit may not be approved for the construction of a dwelling or other structure, except those strictly for agricultural use, which is located on more than one (1) lot, which crosses a lot line, which is located on the unplatted remainder of a resubdivided lot, or which is located on an outlot...”. The applicant has requested a waiver of this provision, pursuant to Section 50-38 of the Subdivision Regulations to permit lot lines to be created through an existing historic structure.

Section 50-38 states that the Board may grant such a waiver “upon a determination that practical difficulties or unusual circumstances exist to prevent full compliance with the requirements...”. The applicant states that this waiver is necessary for the adaptive reuse of this property since the development utilizes various sources of financing which require separately

identifiable security (see Applicant's letter in Attachment D). The subject structure will contain both rental and condominium units. The applicant states that separating this structure into several lots would assist the Applicant's ability to obtain financing, construct the development, and most importantly, provide as much historic preservation and adaptive reuse as is physically possible.

It has been staff's practice to recommend denial of waiver requests based on financial or timing constraints. Staff believes this type of justification does not constitute "practical difficulties or unusual circumstances" that would support a waiver. Staff also believes it is not good planning practice to create lot lines through existing buildings. In this case, applicant's financial concerns could be addressed by creating mortgage or lease lines through the Section 50-35A(a)(4) minor subdivision provisions.

Staff believes the proposed lot line between the existing structure on proposed Lot 60 and the proposed parking garage does not require a waiver.

## **TRANSPORTATION:**

### Vehicular Access, Circulation, and Parking

National Park Seminary consists of 32.18 acres of land with frontage along Linden Lane in the Silver Spring/Takoma Park Policy Area. The property extends from the southern side of the Capital Beltway right-of-way to approximately 300 feet west of the CSX right-of-way, along Linden Lane. Private streets and existing driveways provide access to all the residential dwellings, except for the five single-family dwelling units that gain access from Woodstock Avenue and Woodstock Court. The preliminary plan layout creates a total of two new intersections and a modification to the existing three-legged Linden Lane and Stephen Sitter Lane. The new intersection will be a four-legged intersection.

The roadway design, sidewalks and right-of-way widths reflect the goals of balancing historic preservation while providing safe vehicular and pedestrian passage within and through the National Park Seminary property. The reduced pavement widths, coupled with the proposed raised crosswalk on Linden Lane at Street B, and the reconstruction of the existing speed hump provide traffic-calming effects on Linden Avenue within the limits of the property.

The proposed preliminary plan provides 579 parking spaces if the optional parking deck is constructed; otherwise 528 spaces will be provided. The required parking spaces for this development are 504. The final number of parking spaces will be determined at the time of site plan review for Phase 2. On-street parking will be accommodated along one side of Linden Lane between Woodstock Avenue and Stephen Sitter Lane.

Transportation Planning staff concludes that the access, circulation, and parking spaces provided for the proposed development are adequate, safe, and will operate efficiently. Minor adjustments, if needed, will be made in coordination with the Department of Permitting Services.

### Local Area Transportation Review

A traffic study was submitted to determine the impact of this application on the local area transportation system, and was reviewed under the Local Area Transportation Review (LATR) Guidelines, adopted and approved July 1, 2004. The proposed development consists of 98 townhouses, 169 multi-family units, and 13 single-family units. They are expected to generate a total of 135 and 202 additional peak hour trips during the morning and evening weekday peak periods, respectively. The site's generated peak hour trips were added to the existing and background traffic (from approved but unbuilt developments) to form the total future traffic. All traffic was assigned to three intersections in the study area. The results of the traffic analysis for the existing, background, and total future traffic are shown in Table 1.

The traffic study assumed 75 percent of the site generated traffic will be oriented to/from Georgia and Second Avenues. A regional transportation model was used to determine the assignment of traffic to all directions. Orientation of a majority of traffic to the east and south of the project is due to the concentration of employment centers in the Silver Spring and Washington, D.C. areas. It is also due to travelers using the beltway to reach other employment centers. Fifteen percent of the traffic is oriented to/from Seminary Road, and the other ten percent is oriented to Jones Mill Road. These trip distributions and assignments are consistent with the Local Area Transportation Review (LATR) Guidelines for the Silver Spring/Takoma Park Super District 2, which is based on data related to census journey-to-work information in the regional model. The intersections analyzed were: 1) Seminary Road and Forest Glen Road; 2) Brookville Road and Linden Lane; and 3) Second Avenue and Linden Lane. It was determined that all intersections operate within the congestion standard of 1,600 Critical Lane Volume (CLV) for the Silver Spring/Takoma Park Policy Area.

Transportation Planning staff finds the proposed development will not exceed the congestion standard of 1,600 CLV in the Silver Spring/Takoma Park Policy Area and therefore, it passes the LATR test.

**Table 1 – Results of Critical Lane Volumes (CLV)**

Morning and Afternoon Peak Hour Critical Lane Volumes				
Intersection	Existing CLV AM (PM)	Background CLV AM (PM)	Total CLV AM (PM)	Congestion Standard CLV
Seminary Road (MD 192) and Forest Glen Road	937(900)	997 (933)	1,018 (943)	1,600
Brookville Road and Linden Lane	814 (1,017)	978 (1,102)	1,017(1,153)	1,600
Second Avenue and Linden Lane	731 (1,054)	832 (1,104)	842 (1,162)	1,600

As part of the traffic study scope, staff requested a signal warrant analysis for existing, background, and total future conditions at the intersection of Linden Lane and Brookville Road, since it was identified in the North and West Silver Spring Master Plan for future improvements. The results of the warrant analysis indicate that minimum requirements in the Manual of Uniform Traffic Control Devices for traffic signalization are met for existing volumes. The additional background and total traffic will not increase the number of hours that the warrant requirements will be met. The warrants that the intersection met are:

- Warrant #1 - Condition A – Minimum Vehicular Volume
- Warrant #1 - Condition B – Interruption of Continuous Traffic
- Warrant #1 - Condition C – Combination of Warrants A & B
- Warrant #2 - Four Hour Volume
- Warrant #3 - Peak Hour Volume

The Master Plan recommends improvements to the intersection of Brookville Road and Linden Lane. The improvement study of this intersection is high on the County’s Priority List, and it is also part of the State’s Number One Project Planning Priority List. A traffic signal could be an interim solution to a long-range improvement plan for this location.

Transportation Planning staff recommends that the applicant participate in funding the installation of a traffic signal at this location. The applicant’s contribution is justified because it mitigates their trips at this location, and potentially enhances safety and convenience for the residents of the development, and the neighboring communities. Only DPWT has the sole authority to approve a traffic signal at this location.

### Public Transit

The Montgomery County Ride-On Bus Route Number 4 (Kensington to Silver Spring) passes through the site along Linden Lane. The bus route provides access between the Armory and Knowles, and the Silver Spring Metro Station. Currently, the closest stops to the site are at the Mormon Temple, Walter Reed Medical Center (limited access) and near the intersection of Second Street and Linden Lane. The intersection of Second Street and Linden Lane is approximately sixth-tenths of a mile east of the site, and the Mormon Temple is approximately one mile west. The Forest Glen Metro Station is approximately 1.5 miles northeast of the site and the Silver Spring Metro Station is nearly two miles south of the site.

### Pedestrian Access and Bikeways

Pedestrian counts were conducted as part of the traffic study and indicated that no major activities exist at any of the study area intersections. The circulation plan shows an extensive pedestrian network for the site. The Master Plan recommends an off-road bikeway along the east side of Linden Lane between the Beltway and the entrance to the old carriage road at Ireland Drive (existing gravel in Parcel A). Additionally, it states: “The path should generally parallel Linden Lane and will require careful design to ensure its location is compatible with the National Park Seminary Historic District and its potential reuse.” The Master Plan also recommends providing an on-street bikeway along Linden Lane between the old carriage road, Ireland Drive

and Georgia Avenue for experienced cyclists and notes that a continuous sidewalk connection provides a secondary option for bicyclists traveling through the area. It also shows an existing off-road connection between the regional Rock Creek Park Trail and Linden Lane.

*The Silver Spring/Takoma Park Master Plan recommends:*

- a. An eight-foot minimum, off-road, shared-use bikeway, and pedestrian path, for public use, that is generally parallel to Linden Lane, between the existing private bridge road and private driveway, near the Japanese Pagoda (Lot 57), and
- b. Upgrading the existing path to an off-road, shared-use bikeway, and pedestrian path, for public use, between the regional Rock Creek Park Trail and Linden Lane.

### Roadways

The Master Plan designates Linden Lane, between Fraser Avenue and Stephen Sitter Lane as a commercial/industrial road with a 70-foot right-of-way and a 40-foot pavement width. It recommends that the road retains this classification but reduces pavement width and right-of-way to reflect new standards. The Master Plan is silent on Linden Lane, west of Stephen Sitter Lane.

The Seminary Advisory Board consisting of Save our Seminary, Forest Glen Park Citizen' Association, Linden Lane expressed concerns to the applicant, the DPWT, the County Executive, and Maryland-National Capital Park and Planning Commission's (M-NCPPC) staff regarding the desire for a narrow right-of-way, and pavement on Linden Lane to preserve existing character, and provide a traffic-calming effect, among other issues. The applicant and the regulatory agencies have worked together to formulate a reduced cross-section for Linden Lane between Stephen Sitter Lane and Woodstock Avenue not only to address citizen concerns but also to minimize the impact to the environment and historic sites. As the result, staff recommends that the applicant provide two ten-foot wide travel lanes, one eight-foot parking lane along the northern curbside, two five-foot planting strips, two five-foot sidewalks, and two two-foot maintenance strips beyond the sidewalks within a 52-foot wide right-of-way. This cross section will be provided between Stephen Sitter Lane and the private driveway near the Japanese Pagoda.

Where the historic buildings constrain the right-of-way at Lots 57 (Japanese Pagoda) and 58 (Swiss Chalet), staff recommends a 20-foot wide total paving section and extending the right-of-way to maintain two-feet behind the curb and gutter. Staff recommends a 26-foot wide right-of-way from the centerline and a total pavement width of 26-feet where other historic features such as walls constrain lot size, and the road's sharp curve on a down slope exists at this location. This is necessary for safety reasons and will still provide a consistency with the near by reduced right-of-way wide on Linden Lane between Woodstock Avenue and Stephen Sitter Lane.

### Other Citizen Concerns

The Seminary Advisory Board has raised a number of issues with the applicant, the DPWT, the County Executive, and M-NCPPC staff. Each issue related to Planning Board action is briefly discussed below, if not previously discussed:

- a. Have the developer mitigate traffic, appoint a County transportation coordinator, and establish a Ride-On Bus from Forest Glen Metro and Montgomery Hills shopping area.

Traffic created by this application does not trigger the requirements for a Traffic Mitigation Agreement or the incorporation of Trip Reduction Methods.

- b. Incorporate traffic calming elements into the design of Linden Lane to reduce speed, unsafe driving practices, and cut-through traffic.

The proposed narrow lane width between Stephen Sitter Lane and Woodstock Avenue, coupled with the existing speed hump and proposed raised crosswalk near Street B, will potentially have a calming effect on traffic traveling through this section of Linden Lane. This application does not trigger any congestion threshold criteria that would require traffic mitigation measures off-site. Therefore, requests for a reduction in cut-through traffic, traffic-calming measures, and sidewalks outside the limits of the project must follow the procedures as outlined by the Montgomery County Department of Public Works and Transportation.

Other concerns expressed were related to requesting the County linkage for the metro station and Montgomery Hills shopping area. There was also a request to establish bus routes from the site and surrounding communities to Forest Glen Medical Center and the Forest Glen Metro Station. All these concerns must be addressed by County agencies and are not the issues related to review of this application.

## **ENVIRONMENTAL:**

### Environmental Buffers

Several areas of the environmental buffer have existing encroachments that include buildings to be preserved, and new buildings where disturbance had already occurred. Full restoration of the buffer to natural conditions would be contrary to the historic restoration for these nationally recognized historic landmark. Therefore, compensation for the encroachments is appropriate after minimization has been fully examined, and is the basis for the conditions above that enhance the existing conditions of the remaining environmental buffer as compensation for the supportable and minimized encroachments.

### Transportation Noise Impacts and Mitigation

Staff has reviewed the noise analysis/monitoring results and recommended mitigation measures performed by Miller, Beam, and Paganelli, Inc. dated January 21, 2005, and concurs in the noise measurements which include noise from the Beltway and the railroad tracks. In regard to mitigation proposals, staff believes that the preferred mitigation methods on this Phase I

portion of the site is acoustical treatment to assure acceptable interior sound levels. While an extension of the existing Beltway barrier may provide some additional mitigation to exterior levels, staff believes that the benefit will be minimal for the reasons cited in the report

In this specific situation, noise impacts are amplified by the very high peaks and tonal quality associated with the train and its required warning whistle, together with the noise from the adjoining Beltway/I-495. Given the high pitched whistle noise, staff recommends that acoustical treatment be taken to the higher standard of 40 dBA FOR THE BEDROOM AREAS ONLY, with the standard 45 dBA Ldn applicable elsewhere. This approach is consistent with the more restrictive standards (5 dBA lower) for noise having unique tonal characteristics included in the County Noise Ordinance (Chapter 31B), and has been approved by the Planning Board in the Traville site plan where residential units adjoined Shady Grove Road carrying large volumes of quarry trucks.

#### Forest Conservation Plan

Forest conservation requirements have been met with the retention of 8.70 acres of the 11.7 acres of existing forest on the site. The final forest conservation plan will include forest enhancement, invasive species control, supplemental planting, and stabilization.

#### **CONCLUSION:**

Staff has reviewed the preliminary plan application for compliance with Chapter 50, the Montgomery County Subdivision Regulations. The plan complies with all applicable sections of the Regulations. The lots as proposed conform to the PD-15 standards and adequately address the development issues, accounted for with this application. The location of the site, proposal for the development and site data information is also addressed in the site plan staff report.

#### Attachments:

- Attachment A – Site Vicinity Map
- Attachment B – Preliminary Plan
- Attachment C – Applicant Waiver Request
- Attachment D – Applicant Waiver Request