

MEMORANDUM

DATE: April 1, 2005
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor
 Development Review Division
 FROM: Robert A. Kronenberg, RLA *RAB*
 Development Review Division
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REVIEW TYPE: **Site Plan Review**
 CASE #: **8-05024**
 PROJECT NAME: **National Park Seminary, Phase I**
 APPLYING FOR: Approval of 257 dwelling units for Phase I, including 155 multi-family units, 90 one-family attached units, and 12 one-family detached units, including 56 MPDUs in the PD-15 Zone, on 27.95 acres
 REVIEW BASIS: Div. 59-D-3 of Montgomery County 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 Master Plan
 APPLICANT: Forest Glen Venture, LLC
 FILING DATE: January 25, 2005
 HEARING DATE: April 7, 2005

STAFF RECOMMENDATION FOR SITE PLAN: Approval of 257 dwelling units for Phase I, including 155 multi-family units, 90 one-family attached units, and 12 one-family detached units, including 56 MPDUs in the PD-15 Zone, on 27.95 acres, with the following conditions:

1. Development Plan Conformance
 The proposed development shall comply with the binding elements listed in the Zoning Map Amendment G-828 and associated Development Plan [Appendix B].
2. Preliminary Plan Conformance
 The proposed development shall comply with the conditions of approval for Preliminary Plan 1-05054.

3. Site Design
 - a. Provide three dedicated parking spaces at the trailhead near lot 31 on Private Street B that will be available for use by the public, including trail users during daylight hours.
 - b. Provide the boundary of the historic setting on the site plan.
4. Landscaping

Provide the final foundation planting designs for the historic structures, in conjunction with the reviews from the Maryland Historic Trust (MHT) and Historic Preservation Commission (HPC).
5. Lighting
 - a. All light fixtures shall be full cut-off fixtures or be able to equip the fixture with a refractor, reflector, deflector or shield.
 - b. Deflectors or shields shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
 - c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.
 - d. The height of the light poles shall not exceed 18 feet including the mounting base, except on Dewitt Drive and Dewitt Circle where the poles shall not exceed 24 feet.
 - e. Construction methods for the lights on Dewitt Drive, between Dewitt Circle and the parking garage, shall be shown on the Tree Protection Plan. Trenching is not permitted outside the limits of disturbance for the proposed surface parking facility in order to protect specimen trees 72-74.
6. Pedestrian Circulation
 - a. Provide a PAE (Public Access Easement) over the portion of the 5-foot-wide and 8-foot-wide interpretive trail from the "Glen" to the dedicated park boundary in Parcel B.
 - b. The applicant shall engineer and construct the 8-foot-wide, hard surface trail from Private Street B, through Parcel B, to the existing Rock Creek Park trail. Exact location of trail alignment shall be determined during the preconstruction meeting with M-NCPPC and the applicant to avoid potential impacts to the grove of specimen trees. Construction specifications of the trail shall be reviewed and approved by M-NCPPC-PPD and Development Review staff.
 - c. Provide a PAE over the portion of the 8-foot-wide sidewalk adjacent to the west side of Sacks Street and connecting to the existing bridge (one-way Sacks Street) at the intersection with Linden Lane.
 - d. Provide a 5-foot-wide sidewalk connection from Sacks Street (bridge) on the east side of Linden Lane to the intersection with Newcastle Avenue.
7. Recreation Facilities
 - a. Provide the revised calculations that correspond to the on-site supply and demand totals, as shown on the recreation calculations under the project data table.
 - b. Provide on-site and community recreation facilities that include open play areas, pedestrian systems, and nature trails, seating areas and indoor community space, exercise room and fitness facility.
8. M-NCPPC Park Facility

The applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Research Analysis in the memorandum dated February 23, 2005 [Appendix C]:

- a. The applicant shall dedicate to M-NCPPC the areas identified on the Site Plan as Parcel B. Dedication of parkland shall not include any stormwater management ponds or facilities. Land to be conveyed by time of record plat for the project areas that include the dedicated parkland and adjacent roads and lots. Dedicated property shall be conveyed free of trash and unnatural debris and the boundaries to be adequately staked and signed to delineate between private properties and parkland.
9. Moderately Priced Dwelling Units (MPDUs)
The proposed development shall provide 56 (or 20 percent) MPDUs/Affordable Units on-site in accordance with the letter from the Department of Housing and Community Affairs to Chairman Berlage dated December 20, 2004 [Appendix A].
10. Forest Conservation
The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memoranda dated March 25, 2005 and March 29, 2005 [Appendix C]:
 - a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
 - b. Record plat of subdivision shall reflect a Category I conservation easement over all remaining areas of environmental buffer and forest conservation, with a blanket Category II tree preservation easement tied to a tree protection plan for specific trees which are to remain (e.g., the Three Sisters Oaks) outside the buffer. Amendments to allow preservation of historic elements of the site may be proposed, and must be resolved prior to record plat approval.
11. Noise Attenuation
The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated March 25, 2005 to attenuate noise from the CSX Railroad:
 - a. 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.
 - b. Applicant shall comply with all recommendations from the acoustical engineer to ensure that constructed units achieve acceptable interior noise level as specified 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.
12. Environmental Buffer, Priority Forest and Tree Minimization
The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated March 25, 2005 [Appendix C]:
 - a. The optional parking garage design shall minimize disturbance to forested steep slopes in the environmental buffer, consistent with March 18, 2005 letter from Alexander Company regarding the parking structure design. Minimization elements shall include drive aisle widths no greater than 22', and minimal size parking spaces as feasible. Arborist recommendations for nearby trees shall be prepared following redesign.

- b. 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:
 - 1) Enhancements to the forest structure, and a plan for invasive control management and supplemental plantings as necessary for the Glen
 - 2) 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).
 - 3) Afforestation to the area within the buffer that is currently in lawn at the southeast corner of the site adjoining the phase II entrance drive.
 - 4) Existing and possible new/relocated pathways within the remaining environmental buffer area shall be located to both maintain historically-significant connections and maximize environmentally sensitive surfaces, wherever feasible.
- 13. Historic Preservation
 The applicant shall comply with the following conditions of approval from M-NCPPC-Historic Preservation Section in the memorandum dated March 30, 2005 [Appendix C]:
 - a. Apply for a Historic Area Work Permit (HAWP) for the optional parking garage structure, the proposed one-family attached dwelling units on the north side of Linden Lane and for the proposed one-family detached dwelling unit on lot 59.
- 14. Stormwater Management
 The proposed development is subject to Stormwater Management Concept approval conditions dated January 24, 2005 [Appendix C].
 - a. Provide separate parcels for the stormwater management facilities, if required by the Montgomery County Department of Permitting Services.
 - b. Provide the stormwater management parcels and facilities on the overall site plan.
- 15. Common Open Space Covenant
 Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 180th building permit that Applicant’s recorded Homeowners Association Documents incorporate by reference the Covenant.
- 16. Development Program
 Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The Development Program shall include a phasing schedule as follows:
 - a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - b. Community-wide pedestrian pathways and recreation facilities including the 5-foot-wide interpretive trail, signs and relocated sculptures and the 5-foot-wide public trail (between the Pagoda and the Sacks Street bridge) shall be completed prior to issuance of the 200th building permit.
 - c. The 8-foot-wide trail connection from Private Street B, adjacent to unit 31, to the Rock Creek trailhead shall be completed no later than 6 months after the completion of units

- 25-37. Provide a program for safe and continuous pedestrian circulation during construction, including signage.
- d. Landscaping, lighting and stone entry walls associated with each parking lot and building shall be completed as construction of the structure, building or road adjacent to each facility is completed.
 - e. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
 - g. Provide each section of the development with necessary roads.
 - h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths or other features.
17. Clearing and Grading
 The Applicant may begin clearing and grading prior to M-NCPPC approval of signature set of plans only after the final Forest Conservation Plan, Sediment Control Plans and Historic Area Work Permits (HAWP) have been approved. Signature set of plans shall be approved by M-NCPPC prior to issuance of any building permit or recording of plat(s).
18. Signature Set
 Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:
- a. Development program, inspection schedule, and Site Plan Opinion.
 - b. Areas of mitigation for the stream buffer encroachment.
 - c. Limits of disturbance.
 - d. Methods and locations of tree protection.
 - e. Forest Conservation easement areas.
 - f. MPDU and recreation facility calculations.
 - g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - h. Centralized, screened trash areas for all multi-family units.
 - i. Location of outfalls away from tree preservation areas.
 - j. Environmental setting protecting the historic resource or site.
 - k. Details of the interpretive signs to be reviewed and approved for context and material by the Historic Preservation Commission (HPC) staff and Maryland Historic Trust (MHT).
 - l. Details of the signs for the dedicated parking spaces for the Rock Creek Trail on Private Street B to be reviewed and approved by M-NCPPC staff and HPC staff.
 - m. Provide a letter from the US Army for off-site grading between the property line and Steven Sitter Avenue or comply with the note as described on the plan.
 - n. Provide letters from MHT and HPC regarding the foundation planting and the proposed light fixtures within the historic district.
 - o. Submit an interim pedestrian circulation plan for pedestrians and bicyclists that address the continuous operation of the Rock Creek Trail and connection to Linden Lane.