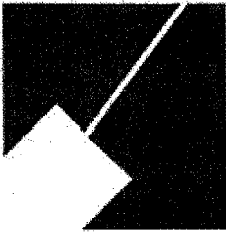


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Date Mailed: **AUG 10 2005**

Action: Approved Staff  
Recommendation with Conditions of  
Approval

Motion of Commissioner Wellington  
seconded by Commissioner Robinson,  
with a vote of 4-0;

Chairman Berlage and Commissioners  
Perdue, Wellington and Robinson  
voting in favor. Commissioner Bryant  
was necessarily absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-05054  
NAME OF PLAN: National Park Seminary  
Date of Hearing: April 7, 2005

*The date of this written opinion is AUG 10 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).*

I. INTRODUCTION

On November 22, 2004, Forest Glen Venture L.L.C. ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property for the National Park Seminary property located in the PD-15 zone. The application proposed 280 dwelling units on 116 lots within 32.18 acres of land located at the northeast quadrant of the intersection of Linden Lane and Woodstock Avenue, in the North and West Silver Spring Vicinity Master Plan area ("Subject Property"). The application was designated Preliminary Plan 1-05054 ("Preliminary Plan"). Official notices of the public hearing scheduled for April 7, 2005 were sent to the adjoining and confronting property owners, local community associations, and other organizations that requested notice. On April 7, 2005, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

## **II. THE SUBJECT PROPERTY 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 Stephen Sitter Lane in Silver Spring and is better known as the National Park Seminary property. 27.2 acres of the Subject Property is located north of Linden Lane, adjacent to Route I-495 and in close proximity to the CSX Railway. The remaining 4.78 acres of the Subject Property is located south of Linden Lane between its intersections with Stephen Sitter Lane and Woodstock Court. 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 surrounding area 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 Forest Glen Metrorail station is located less than one mile north of the Subject Property, and the Silver Spring Metrorail station is about four miles southeast of the Subject Property in downtown Silver Spring. Vehicular access to the site is available at several locations on Linden Lane.

The Subject Property has striking topography that varies more than one hundred feet in elevation from the gently rolling upland hills to the steep stream valley. The site drains to the Lower Rock Creek watershed which is classified as Use I-P. There are tributary streams on the Subject 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 Subject Property 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.

The Subject Property consists of a collection of buildings that are architecturally eclectic to emphasize structures reminiscent of different eras and regions. Many of the well-known buildings include the Japanese Pagoda, the Swiss Chalet, Ye Forest Inn ("Main Building") and the Ballroom; however, smaller buildings, parking areas, sculptures and various housing types exist on the site. The Subject Property originally was constructed as a railroad era hotel, first known as *Ye Forest Inn* and then as a private finishing school for women. The Seminary operated until 1943, when the United States acquired the Property via eminent domain under the War Powers Act. The Property was operated as a United States Army rehabilitation hospital through the end of the Vietnam War. During that period, new buildings were added to the Property and changes were made to the existing buildings. In 1972, the Subject Property was placed on the National Register and, in 1979, on the County Preservation Plan.

In 2003, Montgomery County entered into an agreement with the federal General Services Administration ("GSA") to acquire the Subject Property. In December 2003, the County selected the Applicant to redevelop the site. In October 2004, the GSA transferred ownership of the Subject Property to Montgomery County. The County imposed a Maryland Historic Trust ("MHT") preservation easement on the Subject Property and thereafter transferred title to the Applicant. The only building that is currently occupied is the stable, which is leased by Montgomery County for the Catholic Charities transitional housing facility.

### III. PRIOR PLAN APPROVALS

The Subject Property was rezoned from the R-90 zone to the PD-15 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 this Preliminary Plan.

### IV. PROJECT DESCRIPTION

The Applicant proposes to comprehensively redevelop the Subject Property, creating a residential community with a maximum of 280 dwelling units, plus the transitional men's shelter (collectively "the Project"). The unit types are as follows:

Multi-family units	169
Townhouse units	98
One-family detached units	<u>13</u>
Total	280

The 280 units will be a combination of adaptive reuse of historic structures and construction of new homes. A minimum of 20 percent of the units (56 units) will be affordable, which exceeds the County's requirement for Moderately Priced Dwelling

Units ("MPDUs") under Chapter 25A of the Montgomery County Code ("MPDU Law"). The MPDUs will be rental units located in the main historic building. The Montgomery County Department of Housing and Community Affairs has acknowledged that the proposed plan for providing affordable housing meets the requirements of the MPDU Law. The Project, consisting of adaptive reuse and new construction, is described below:

- 109 one, two and three-bedroom dwelling units will be created in the main historic building, including 56 rental units that qualify as affordable housing.
- Ten of the historic buildings will be renovated into a total of 60 condominium units.
- Thirteen free-standing buildings, at least 12 of them historic, will be renovated and sold as single-family detached homes. These include the more fanciful buildings such as the Pagoda, the Castle and the Windmill.
- A total of 98 new townhouses will be created; 39 will be on the Property south of Linden Lane; 51 will be built within the historic district, on land that is currently undeveloped or is occupied by structures that do not contribute to the historic district and are scheduled for demolition; and eight will be located in a cluster near the northeastern corner of the site, accessed via Smith Road.

The Project is planned to proceed in two phases. Phase 1 will include most of the units, 257 in total. Phase 2 is planned to include 14 multi-family units in the Villa, one single-family dwelling in the Castle, and the eight townhouses on Smith Road, for a total of 23 units. These units are planned as a second phase because they are located on the far side of the Glen, presenting unique challenges for vehicular access and utilities. Phase 2 will be constructed only after the Applicant receives Site Plan approval for this portion of the development pursuant to Section 59-D-3 *et seq.* of the Zoning Ordinance.

In addition to the 280 dwelling units, the Project allocates space within the main historic building for the transitional men's shelter. It provides for the renovation of the Ballroom in the main building, which is to be accessible to the public on a limited basis. It also provides for extensive renovation of the grounds. Landscaping work will include clearing invasive species that currently exist in the Glen, replacing them with new native plantings, adding ornamental plantings in the upland areas of the Subject Property consistent with the historic landscaping, and renovating and relocating historic statuary that once were found throughout the Subject Property.

An extensive pedestrian circulation network has been approved for the site, including a historic interpretive trail, open to the public that will connect the parkland southwest of the Subject Property with the Glen. One key element will be a new trailhead for hikers and bikers that will access a historic connection to Rock Creek, which will serve as an amenity for residents of the Subject Property and its neighbors.

Parking will be provided in the historic district primarily through surface parking lots, with the largest lot extending along the front of the main building. Two historic condominium buildings will have parking within the building. Most of the new townhouses in the historic district will have rear-access, two-car garages. Guest parking will be available through parallel parking on interior streets, as well as the surface parking lots. The eight townhouses near the villa will have one-car garages with front access. All of the new construction south of Linden Lane will have two-car garages with rear access. Guest parking also will be available on the street. An optional parking deck is proposed north of the main building to accommodate additional parking spaces for the units contained in the Main Building.

The site is physically separated by Linden Lane into two development areas. The southern portion of Linden Lane is comprised of 39 townhouses accessed by Private Street B and five one-family detached dwelling units, one of which has been relocated from its original location at the southeastern boundary. The north side of Linden Lane consists of the existing historic buildings, which will be converted to condominiums, rental units, 59 townhouses and a one-family detached house.

The important aspects of Linden Lane rely on a less intense road section with a minimal visual impact in order to retain the country road experience that has been maintained in the Forest Glen area. The Master Plan proposes a primary road section for Linden Lane from the eastern boundary to the section near the Pagoda. A primary road section consists of a 70-foot-wide right-of-way with 26 feet of paving; however, the Department of Public Works and Transportation ("DPWT") with support from M-NCPPC-Transportation has agreed to grant a waiver to reduce the right-of-way to 52 feet with 21 feet of paving and 7-foot-wide parallel parking bays on one side of the road. The area from the Pagoda to the bridge at the intersection at Linden Lane and Newcastle Avenue is improved with curb and gutter on the north side of Linden Lane and a 5-foot-wide sidewalk from the existing historic bridge to Newcastle Avenue. The southwest side of Linden Lane will remain in its existing condition.

The Subject Property is accessed internally by 22 and 24-foot-wide private drives to serve the townhouses and condominium units. One-way roads are 12 feet wide and (2) two-way roads are limited to 16 feet by existing structures and site features. The alleys for the townhouses to the south of Linden Lane are 20-foot-wide while the alleys on the north side are 22-foot-wide. Many of the existing internal streets, such as Hume Drive and Dewitt Drive will remain as part of the historic character of the site and provide access to the condominium units. Dewitt Drive is an internal one-way street circulating from the rear of the Main building and between the Ballroom building, exiting out to Linden Lane. Sacks Road is an existing internal one-way street that provides access from the existing historic bridge to the optional parking garage. Sacks Road continues as a one-way street behind the Swiss Chalet, on the south side of the Ballroom building and becomes a two-way drive between the Japanese Pagoda and the Japanese Bungalow.

Landscaping consists of a mix of deciduous and evergreen shrubs with flowering trees for the foundation planting in the front of the proposed townhouse units with larger shade trees spaced appropriately within the larger green areas between units. The alley treatment in the rear of the proposed townhouse units allows for small shrubs, groundcover and ornamental grasses between the parking pad areas. Foundation planting for the historic structures resembles the setting for each building and architectural style indicative of the era. The Applicant researched historic documentation to determine the appropriate plant palette, if any, associated with each building.

The streetscape for Linden Lane within the 52-foot-wide right-of-way consists of smaller shade trees within a 5-foot-wide lawn panel and five-foot-wide sidewalk beyond the lawn panel. Larger deciduous shade trees punctuate the private entrances into the development.

The entrance to the site from the east features stone entry walls to accent the historic nature of the existing buildings and provide identity to the proposed townhouse units. The stone walls also provide a screen of the proposed surface parking facilities situated along Linden Lane. The stone being used for the walls near the entrance and internally, will come from existing structural features and buildings removed from the site. The reuse of the material will complement the existing features on the site and provide continuity with the proposed building material.

Recreational facilities on the property consist of a variety of outdoor activities such as open lawn areas, nature trails and pathways, including the interpretive trail and picnic and seating areas. The interpretive trail provides access from the Glen at the northern boundary to M-NCPPC property on the southern boundary and then to the entrance of the Rock Creek trail. Interpretive signs will be placed along the hard surface trail to include history of the site and specific architectural and scenic amenities within the Seminary property. Indoor activity areas include a fitness facility and exercise room as well as a community room located within the existing ballroom. The community room is scheduled for use as a neighborhood community facility.

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 entirety of the Glen will be placed in a forest conservation easement and protected for its historic value, visual contributions and environmental benefits. Protection of the large and specimen trees on the property is integral to the requirements of the Forest Conservation Plan. Mitigation for the existing and proposed encroachment within the stream valley buffer is being addressed through an enhancement package.

The plan proposes open space or green area in compliance with the minimum 50 percent required by the PD-15 Zone. The green area requirements and stormwater management facilities satisfy the Phase I portion of the development only. The

Montgomery County Department of Permitting Services ("DPS") approved the stormwater management concept on February 24, 2005.

The Development Plan approved as part of the rezoning case contains five textual binding elements. These elements limit the number of residential units to 280; provide for two phases of construction, with the flexibility to shift units between phases; commit the Applicant to placing a conservation easement on the Glen; require the construction of a historic interpretative trail that is open to the public during daylight hours; and specify that at least 20 percent of the units will be designated as affordable housing according to applicable government codes.

## **V. STAFF RECOMMENDATION**

### **A. Relationship to the Master Plan**

Staff found that the proposed preliminary plan is in conformance with the Master Plan. The North and West Silver Spring Master Plan specifically addresses the Subject Property 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 Master Plan anticipated a need to balance complex issues for any reuse of the Subject Property. For this reason, the Master Plan laid out guidelines for redevelopment of the site, as follows:<sup>1</sup>

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.

Staff analyzed each guideline and specifically found that the Preliminary Plan addresses all of these guidelines and, therefore, substantially complies with the recommendations of the Master Plan.

### **B. Transportation**

---

<sup>1</sup> These guidelines were required to be followed if development proceeded without a limited master plan amendment.



i. Vehicular Access, Circulation, and Parking

The site 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 concluded that the access, circulation, and parking spaces provided for the proposed development are adequate, safe, and will operate efficiently.

ii. 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 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 found that 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.

iii. Signal Warrant Analysis

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 recommended 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.

iv. 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.

v. 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.

Taking into consideration concerns raised by citizens and, in an effort to minimize impact to the environment and to the historic sites, Staff recommended that the Applicant provide a reduced cross-section for Linden Lane between Stephen Sitter Lane and Woodstock Avenue. Specifically, Staff recommended 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 recommended a 20-foot wide total paving section and extending the right-of-way to maintain two-feet behind the curb and gutter. Staff recommended 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 nearby reduced right-of-way wide on Linden Lane between Woodstock Avenue and Stephen Sitter Lane.

vi. Other Citizen Concerns

The Seminary Advisory Board has raised a number of issues with the Applicant, DPWT, the County Executive, and M-NCPPC Staff, which are listed below along with Staff's response:

- 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 issues related to review of this application.

C. **Environmental**

i. 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 Staff recommended conditions of approval that enhance the existing conditions of the remaining environmental buffer as compensation for the supportable and minimized encroachments.

ii. Transportation Noise Impacts and Mitigation

Staff reviewed the noise analysis/monitoring results and recommended mitigation measures performed by Miller, Beam, and Paganelli, Inc. dated January 21, 2005, and concurred in the noise measurements which include noise from the Beltway and the railroad tracks. In regard to mitigation proposals, staff found 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 found 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 recommended 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).

iii. 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.

**D. Requested Waivers**

i. 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 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, and Staff agreed that the proposed development satisfies the requirements for this waiver and recommended that the Planning Board grant the waiver.

ii. Right-of-way Width Waiver

The Applicant 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 stated and Staff agreed that the 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 found that the waiver is the minimum necessary to provide relief from the provision, is not inconsistent with the purposes and objectives of the General Plan, and is not adverse to the public interest.

iii. Waiver to Permit a Building Crossing a Lot Line

The Applicant requested a waiver to permit a building to cross lot lines at three separate locations on the site. One of the locations was through the Main Building and the second location was between the Main Building on Lot 60 and the proposed parking garage.

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 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.

Staff found that the justification provided by the Applicant in support of its waiver request for the lot line through the Main Building did not constitute "practical difficulties or unusual circumstances" and recommended denial of that waiver request. Staff found that the proposed lot line between the Main Building on proposed Lot 60 and the proposed parking garage does not require a waiver.