

December 5, 2005

BY HAND DELIVERY

Rose Krasnow, Chief
Robert Kronenberg
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

**Re: Forest Glen Venture, LLC/Limited Amendment to Site
Plan No. 8-05024 for The National Park Seminary
Property**

Dear Ms. Krasnow and Mr. Kronenberg:

Our firm represents Forest Glen Venture, LLC (an LLC comprised of The Alexander Company and Eakin/Youngentob Associates, Inc.), collectively, the Applicant for Site Plan No. 8-05024 (the "Site Plan") for development of The National Park Seminary property. The Site Plan was approved by the Board at the public hearing on April 7, 2005 and by opinion dated August 10, 2005. Since that approval, our development team has been diligently pursuing signature set and Record Plat approvals and working on numerous construction related details. As a part of this effort, the Applicant concluded that 16 of the 90 "new" townhouse units in the development, all of which the Board previously reviewed and approved (and that remain unchanged from that approval), may not be fully consistent with one height limitation contained in the development standards portion of the Board's opinion. For the reasons set forth in this letter, the Applicant is respectfully seeking approval of this Limited Site Plan Amendment. We feel that the situation described herein justifies approval of this amendment.

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The following is a brief explanation/justification of our request:

Our development team met with Technical Staff on September 9, 2005, to discuss the Site Plan signature set. At that meeting, we highlighted certain townhouse units (*see* attached Building Height Summary chart) and discussed with Staff how the height would be measured for these units given their location in the development and the site characteristics of the areas in question (particularly topography). We suggested that a modification of the Board's opinion may be necessary to avoid problems as the Applicant moves forward with the issuance of building permits. Specifically, we are suggesting that the development standards chart contained in the opinion be modified as follows:

- The chart on page 16 of the opinion (*see* attachment 1) reflects that the height of proposed dwelling units be no greater than 45 feet. At the hearing, the Applicant pointed out that the Staff Report referenced a height limit of 40 feet and that there were a number of units that would exceed this figure. There was discussion on this issue and the Board, Staff and the Applicant all recognized this point and attempted to address it. As part of that discussion, Staff pointed out to the Board that the designated height limit for these units would be 50 feet. The end result of this discussion was that 45 feet was substituted in place of the 40 feet, even though there appeared to be no disagreement or objection that the standard could have been up to 50 feet. Since the hearing, the Applicant has engaged in more final engineering on the property. The final engineering, together with certain ambiguities related to determining the exact property point of measurement for height, led the Applicant to conclude that it would be prudent to request the Board to modify the chart to reflect the 50 foot height limit, instead of 45 feet. Again, our concern with the substituted 45 foot figure is that there are certain units (as reflected on the attached Building Height Summary chart) that may exceed 45 feet depending upon how the units are measured (while none of the new construction is greater than 45 feet in height at the base of the building(s) itself,

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given the extreme topography that exists on the site and the potential ambiguity in determining the proper point from which to measure building height in this circumstance, where several of the buildings front private streets or alleys, there would be a height differential somewhere between 45 and 50 feet). None of these units would exceed 50 feet and, ultimately, we believe that appeared to be the Board's intent as part of the discussion and approval for these units. To make certain that there are no height related issues raised in the future, the prudent course of action would be to modify the development standards chart to reflect 50 feet (*see attachment #2*).

- An asterisk should be added on the development standards chart to reflect that the heights of the existing historic structures are their existing heights. While this certainly is what the Board approved, it should note on the chart (*see attachment #2*) as part of this limited amendment.
- On page 22 of the opinion, the last paragraph before the fifth finding would be modified to reflect the actual heights set forth in the bullet above for the new product (*i.e.*, 50 feet instead of 45 feet) (*see attachment #3*).

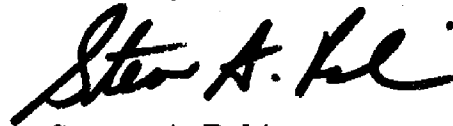
The units involved in this Limited Site Plan amendment are the very same units (with the same heights and same configuration) that were presented to the Board as part of the original approval. We are requesting Board approval of this amendment to provide clarity so that there is no delay in the development process which, given the historic preservation implications, is critically important to the project. Based on our discussions with Staff, we feel certain that the Applicant and Staff have no disagreement that the height limit reflected in the development standards chart for the units should reflect 50 feet.

As part of this Limited Amendment filing, we are submitting a check in the amount of \$2570 and a list of the adjoining and confronting property

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owners/civic associations for notification. Thank you for your consideration on this matter. We very much appreciate the attention that Staff and the Planning Board have given to the National Park Seminary development.

Sincerely,



Steven A. Robins

cc: Debra Daniel, Esq.
Natalie Bock
Matthew Birenbaum
Brian Jackson
Chuck Irish

Enclosures