

The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530



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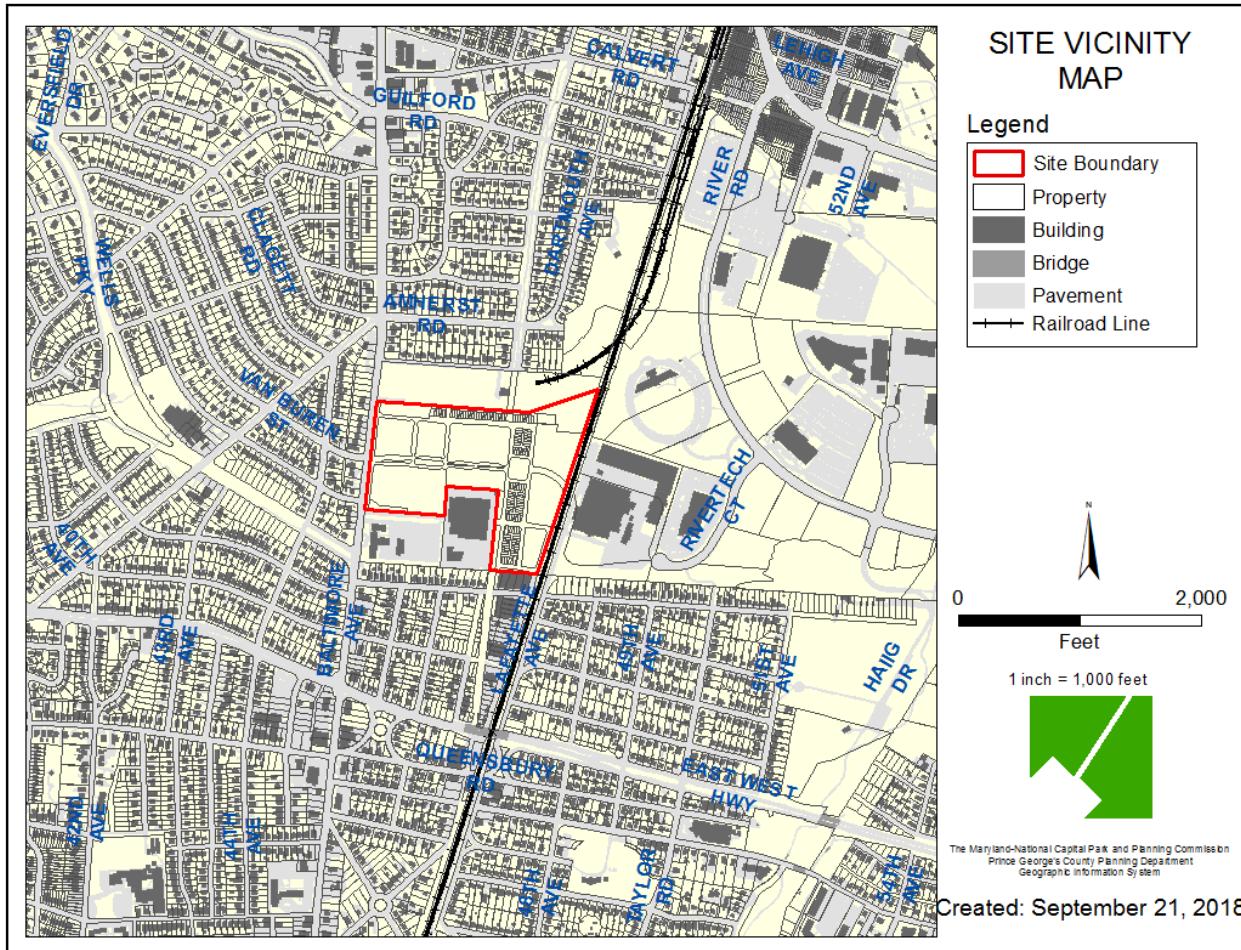
**Detailed Site Plan
Special Permit
Secondary Amendment**

**DSP-13009-15
SP-130003
SA-130001-02**

Application		General Data	
Project Name: Riverdale Park Station (Cafritz Property)		Planning Board Hearing Date:	07/25/19
Location: On the east side of US 1 (Baltimore Avenue), approximately 1,400 feet north of its intersection with MD 410 (East West Highway).		Staff Report Date:	07/10/19
		Date Accepted:	05/22/19
		Planning Board Action Limit:	10/16/19
Applicant/Address: Calvert Tract, LLC 1828 L Street, N.W., Suite 703 Washington, DC 20036		Plan Acreage:	37.34
		Zone:	M-U-TC
		Dwelling Units:	632
		Gross Floor Area:	450 sq. ft.
		Planning Area:	68
		Council District:	03
		Election District:	19
		Municipality:	Riverdale Park and College Park
		200-Scale Base Map:	208NE04

Purpose of Application		Notice Dates	
Construction of two multifamily buildings on Parcels K and L.		Informational Mailing:	08/14/18
Special permit for dwelling units without ground-floor commercial uses and apartment housing for the elderly or physically handicapped.		Acceptance Mailing:	05/17/19
Secondary amendments to the Cafritz Property at Riverdale Park Town Center Development Plan.		Sign Posting Deadline:	06/25/19

Staff Recommendation		Staff Reviewer: Jeremy Hurlbutt Phone Number: 301-952-4277 Email: Jeremy.Hurlbutt@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-13009-15
Special Permit SP-130003
Secondary Amendment SA-130001-02
Type 2 Tree Conservation Plan TCP2-010-13-03
Riverdale Park Station (Cafritz Property)

The Urban Design staff has reviewed the subject applications and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions as described in the Recommendation section of this report.

EVALUATION

These applications were reviewed and evaluated for compliance with the following criteria:

- a. The requirements of Zoning Ordinance No. 11-2012, Primary Amendment to the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*;
- b. The requirements of the *Cafritz Property at Riverdale Park Town Center Development Plan*, as amended;
- c. The requirements of the Mixed-Use Town Center (M-U-TC) Zone;
- d. The requirements for a Secondary Amendment in Section 27-546.14 of the Prince George's County Zoning Ordinance;
- e. The requirements of Preliminary Plan of Subdivision 4-13002;
- f. The requirements of Detailed Site Plan DSP-13009 and its amendments;
- g. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance; and
- h. Referral comments.

FINDINGS

Based upon the analysis of the subject applications, the Urban Design staff recommends the following findings:

1. **Request:** The subject detailed site plan (DSP) and special permit (SP) applications request to construct two multifamily buildings with a total of 632 units, including 195 age-restricted units, and 450 square feet of restaurant or retail use to be located in a freestanding trolley car.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	M-U-TC	M-U-TC
Use	Vacant	Multifamily/Apartment Housing for the Elderly
Total Gross Acreage	37.34	37.34
Parcels	2	2
Gross Floor Area	0	588,000 sq. ft.
Residential	0	587,550 sq. ft.
Commercial	0	450 sq. ft.

Parking Requirements

	REQUIRED*	PROVIDED
Total Parking Spaces	791	791 (structured)
Building 7 (338 multifamily units @ 1.25/unit)	423	423
Building 8 (99 multifamily units and 195 senior units @ 1.25/unit)	368	368

Note: *Required parking rate per *Cafritz Property at Riverdale Park Town Center Development Plan*.

	PROVIDED
Total Bicycle Parking Spaces	696 (632 secure; 64 on-site)
Building 7	338 secure; 34 on-site
Building 8	294 secure; 30 on-site

Total Loading Spaces	2 (1 per building)
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3. **Location:** The Town of Riverdale Park Mixed-Use Town Center (M-U-TC) Zone is mostly located in the Town of Riverdale Park, Council District 3, and Planning Area 68. More specifically, the properties, Parcels K and L, that are the subject of this DSP amendment are located northeast and southeast of the intersection of Van Buren Street and 47th Street. This 5.44 acres, of the larger 37.34-acre Riverdale Park Station development, is located wholly within the Town of Riverdale Park and the M-U-TC Zone.

4. **Surrounding Uses:**

North—	A tot lot and stormwater management (SWM) facility for the development, and beyond by vacant property owned by the Washington Metropolitan Area Transit Authority (WMATA) in the One-Family Detached Residential (R-55) Zone.
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East—	CSX railroad tracks. Beyond the railroad tracks to the east is the Engineering Research Corporation (ERCO) Historic Site (68-022), located on land owned by the University of Maryland. It is currently developed with flex industrial buildings.
South—	A United States Postal Service facility in the R-55 Zone and the Riverdale Park Town Center in the M-U-TC Zone (of which this property is an extension).
West—	Townhouses are immediately across 47th Street, with the rest of the Riverdale Park Station development beyond. US 1 (Baltimore Avenue) is further to the west, and beyond are single-family detached dwellings in the R-55 Zone, within the Town of University Park.

5. **Previous Approvals:** The 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Town of Riverdale Park M-U-TC Zone Development Plan) and corresponding M-U-TC Zone was approved by the Prince George's County Council on January 20, 2004, by County Council Resolution CR-05-2004. The approved plan amends the May 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*.

On February 2, 2012, the Prince George's County Planning Board recommended approval of rezoning 35.71 acres of the subject site from the R-55 Zone to the M-U-TC Zone through Primary Amendment A-10018, with 27 conditions, dated July 12, 2012, and the Cafritz Property at Riverdale Park Town Center Development Plan. On July 12, 2012, the County Council, sitting as the District Council of Prince George's County, approved the rezoning of 35.71 acres of the subject site and amended the 2004 Town of Riverdale Park M-U-TC Zone Development Plan boundary to include the site. District Council approved Primary Amendment A-10018 (Zoning Ordinance No. 11-2012) subject to the 27 conditions approved by the Planning Board.

The site is the subject of preliminary plan of subdivision (PPS) 4-13002, which was approved by the Planning Board on May 16, 2013 for the creation of 126 lots and 39 parcels for 168,200 square feet of commercial/retail, 22,000 square feet of office, a 120-room hotel, 126 single-family attached dwelling units, and 855 multifamily dwelling units, subject to 41 conditions (PGCPB Resolution No. 13-55).

On May 30, 2013, the Planning Board approved DSP-13009 and Type 2 Tree Conservation Plan, TCP-2010-13 (PGCPB Resolution No. 13-63), as well as SP-130002 (PGCPB Resolution No. 13-64) and Secondary Amendment SA-13000 (PGCPB Resolution No. 13-57). On September 30, 2013, District Council approved DSP-13009, subject to 16 conditions, and SA-130001, subject to 11 conditions. DSP-13009 has been amended 15 times since, all at Planning Director level, except for DSP-13009-03, which the Planning Board approved in 2014, as well as SA-130001-01 (PGCPB Resolution No. 14-126) for freestanding signage.

6. **Design Features:** The subject application proposes development of residential Buildings 7 and 8 on Parcels K and L, with associated parking garages, and locating a refurbished trolley car on the north side of Building 7 within Parcel K. In conjunction with this DSP, the applicant has also filed a request for secondary amendments to increase the maximum height of Buildings 7 and 8 from six to seven stories, to reduce the percentage of windows on walls facing a public street from 40 percent to 30 percent, and to add 450 square feet of retail within the trolley car. The applicant also requests a special permit for the following uses in accordance with Section 27-239.02 of the Zoning Ordinance: dwelling units in a building without commercial uses on the first floor and apartment housing for the elderly or physically handicapped.

Building 7 Architecture: This seven-story, 338 dwelling unit, multifamily building with a six-level parking garage will be constructed on Parcel K. The multifamily building will be composed of light buff brick, light beige cement panels, and light grey fiber cement panels. The building will have large multi-paned windows on the ground floor with vertically oriented windows above. A brick façade will be used on the base of the building and recessed cement panels will break up the mass into separate vertical elements, as well as capping the seventh story of the building. Balconies and additional articulation will provide variation to stories 3 through 6. The building will be built to the build-to line, just short of the 40 percent windows along the street requirement, which the applicant has submitted a secondary amendment to address. A large metal canopy with building signage attached on top is located over the parking garage access, which is provided on 47th Street, just north of Van Buren Street. Building entrances are located on either side of the access point to the parking garage. A smaller metal canopy will be placed over the entrance north of the parking garage access. An additional pedestrian entrance will be located on the north side of the building, facing the existing recreation area, with a metal canopy and signage covering it.

The parking garage will be located in the rear of the building adjacent to the CSX railroad tracks. The southern end of the garage fronts on the road bridge over the CSX tracks and projects beyond the southern elevation of the Building 7. The garage staircase and east and north façades have been covered with composite metal panels. A stamped brick precast concrete façade element covers the southern façade of the parking garage giving it more architectural interest. These are important design features as it serves as the terminus of Van Buren Street and back drop of the development.

Building 8 Architecture: The seven-story building on Parcel L will be separated into two uses with 99 multifamily dwelling units and 195 age-restricted dwelling units. The building will be composed of brick and fiber cement panels in white, light and dark grey. Building entrances will be placed at the northwest corner of the building, at the intersection of 47th Street and Van Buren Street, and on Underwood Street on the south end of the building. The building entrances will have metal canopies above with signage affixed to them. A large courtyard along the 47th Street frontage will break up the massing, while the change in the primary color of the building from grey in the north to white in the south will help the single structure seem like two distinct buildings. A black metal fence with brick posts along the sidewalk will maintain the street wall along the 47th Street frontage.

The six-level parking garage will be in the rear of the building, adjacent to the CSX railroad tracks, and accessed from Underwood Street. The garage is fully behind the building but is viewable from Van Buren Street as it crosses the CSX tracks. The applicant has used composite metal panels and stamped brick precast concrete on this northern façade.

Recreation Facilities: The subject DSP/SP application proposes a total of 632 multifamily units, which will result in a projected population of approximately 1,548 new residents. Therefore, the value of the private on-site recreational facilities should be a minimum of \$583,747. The submitted DSP includes a description of proposed private on-site recreational facilities within the multifamily buildings, as follows:

BUILDING 7

Fitness center – 2,100 sq. ft.

Club room/Recreation area/Media Center – 3,300 sq. ft.

BUILDING 8

Two fitness centers – 1,800 sq. ft.

Two Club rooms/Recreation areas/Media Centers – 2,600 total sq. ft.

However, the submitted DSP/SP provides little information in regard to the details, specifications, or a list of private outdoor recreational facilities for the multifamily units. Details and specifications were not provided for the outdoor private recreational facilities, which appear to include seating and lawn areas within the courtyards. While more details were provided for the indoor facilities than for the outdoor facilities, there still was no quantifiable list provided to demonstrate the value of the proposed facilities. In addition, the proposed facilities shown are not detailed sufficiently to provide a thorough review. The plans should also demonstrate conformance to the Prince George's County Department of Parks and Recreation Facilities Guidelines. Again, this information should be revised, submitted, reviewed and approved by the Planning Board or its designee, prior to plan certification. In addition, the DSP should specify the construction schedule requirements.

Trolley Car Architecture: The applicant proposes to incorporate a trolley car for a restaurant or retail use into a plaza feature at the north side of Building 7. The car is shown to be painted white with a red stripe running down the side and a blue painted roof. Signage and construction details are not provided.

Signage: The applicant has provided signage plans for both buildings that conform to the M-U-TC guidelines. The applicant shows signage mounted on canopies at the building and parking garage entrances, but other locations for building-mounted signage have been designated for branding and identification.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance No. 11-2012:** On July 12, 2012, District Council approved an Ordinance to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, by approving a Primary Amendment to the 2004 Town of Riverdale Park M-U-TC Zone Development Plan, subject to 27 conditions and 5 considerations. Of the conditions and considerations attached to the rezoning, the following are applicable to the review of this DSP/SP:

1. **The Design Review Process set forth at pages 65-66 of the January 2004 approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan applies to the Cafritz Property with the following modifications:**
 - a. **Detailed site plan (DSP) approval, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required prior to the approval of a special permit, final subdivision plat, the issuance of any permit, and concurrently with or after the approval of a special exception, for all new development and redevelopment on the property. Each application for a special permit, final subdivision plat, or other permit must be consistent with an approved detailed site plan for the site.**

This application for the DSP is being reviewed in accordance with Part 3, Division 9 of the Zoning Ordinance. This report contains both the special permit review as well as the DSP review, which will ultimately be memorialized in the form of two separate resolutions approved by the Planning Board.

b. **The detailed site plan and a special exception shall be in accordance with the Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan (2004), as amended by the subject application (as amended) where applicable and the site design guidelines of Part 3, Division 9, of the Zoning Ordinance. Development depicted on each detailed site plan must be in general conformance with Map 1: Concept Plan A or Concept Plan B, dated January 7, 2012, particularly with regard to site design and circulation, with the goal of creating a mixed-use community. Flexibility should be allowed in achieving this mixed-use community goal by allowing for a redistribution of the proposed maximum gross floor area of commercial uses throughout the site in order to encourage each phase of the development to include a mix of commercial and residential uses, including consideration of residential uses west of 46th Street and limited supporting retail uses near the intersection of Van Buren Street and Rhode Island Avenue.**

The DSP/SP are in general conformance with Concept Plan B, particularly in regard to the proposed circulation and the featured central recreational area located at the terminus of Van Buren Avenue. During the review of the Primary Amendment, it was recognized that the level of detail included on the concept plan was illustrative only and that, as the plans continued through the development review process, regulations that were not applicable at the time of the zoning would become enforceable.

c. **All detailed site plans shall be referred to the Town of Riverdale Park for review by the M-U-TC Design Committee for all phases and types of development. The M-U-TC Committee is authorized to review detailed site plans as advisory to the Planning Board and the Planning Director as designee of the Planning Board for staff level revisions.**

The plans have been sent to the Town of Riverdale Park for review by the M-U-TC design committee. As of the writing of this technical staff report, staff has not received formal comment from the committee on the plans.

d. **In a detailed site plan or special exception application, in order to grant departures from the strict application of the Guidelines, the Planning Board shall make the following findings:**

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situation or condition;**
- (2) **The strict application of the development plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

(3) The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the town center development plan.

The applicant has not submitted any request for departure from the strict application of the guidelines. However, companion to this case is SA-130001-02.

5. The Historic Preservation Commission shall review the preliminary plan of subdivision and any subsequent plans of development for their impact on identified archeological features, the impact of a potential vehicular access road on the Engineering Research Corporation (ERCO) Historic Site (#68-022), and the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts, including recommendations as to the proposed location and options with respect to the bridge over the CSX railroad.

The submitted application was referred to Historic Preservation Section staff who reviewed the application. The ERCO Historic Site (68-022) has been demolished and the property has already been redeveloped; therefore, a review of potential visual impacts on the historic site is no longer required.

6. Prior to approval of any detailed site plan, the following shall be provided:

b. The plans shall indicate that crosswalks providing appropriate pedestrian safety features are provided throughout the site.

The submitted plans include curb extensions, pedestrian refuges, and crosswalks at many locations. The DSP should be revised to include handicap-accessible curb cuts and ramps at all locations where sidewalks intersect with roadways. Raised crosswalks were added at several locations during the approval of the original DSP. The submitted plans are consistent with the pedestrian network and amenities previously approved.

c. The type, location, and number of bicycle parking and storage spaces shall be provided consistent with the LEED-ND Bicycle Network and Storage Credit (Smart Location and Linkage Credit 4). The number of the enclosed bicycle parking spaces at the multi-family units shall be a minimum of fifteen percent of the total number of bicycle spaces provided for residents at the multi-family units. Pedestrian walkways shall be free and clear of space designated for bicycle parking.

Secure and sheltered bicycle parking is provided in the parking garages for both Building 7 and 8 consistent with the Leadership in Energy and Environmental Design for Neighborhood Development Bicycle Network and Storage Credit. The design standards for public space in the approved development plan also include the following guidance regarding bicycle racks:

4. Businesses are encouraged to provide a minimum of one bicycle rack. Bicycle racks shall be located so that bikes do not extend from the landscaping/pedestrian amenity strip into the pedestrian

right-of-way or into the street. Multiple bike racks may be provided for groups of businesses (Development Plan, page 18).

Bicycle parking needs to be provided at the restaurant/retail use proposed in the trolley car consistent with this design standard.

7. **Prior to approval of a detailed site plan, the plans shall minimize the amount and location of surface parking lots and parking structures and their impacts on the pedestrian zone and streetscape environment. The surface parking lots located between the buildings and Baltimore Avenue, shall be mitigated with a building along Van Buren Street, a monument, a clock tower and landscaping in order to create a true gateway into the community and to provide an inviting entrance to pedestrians and vehicles alike, including creation of a “pedestrian oasis” in the middle of the block to improve pedestrian safety and mobility consistent with the Riverdale Park Gateway Park concept dated January 7, 2012.**

All parking is provided in structures behind the buildings. The impact to the streetscape is minimal as each garage has a single vehicular ingress and egress. The parking structures include architectural design elements where visible from the streetscape.

10. The Environmental Planning Section recommends the following conditions:

- a. **All future applications shall include a valid approved Natural Resources Inventory under the current environmental regulations that addresses the required information as outlined in the current Environmental Technical Manual.**

The DSP application contains a valid approved Natural Resources Inventory, NRI-121-08-01, which was revalidated for one year, and will expire on September 19, 2019.

- b. **At the time of Preliminary Plan, the Type 1 tree conservation plan shall demonstrate that the woodland conservation threshold has been met on-site to the fullest extent practicable. At a minimum, preservation shall be focused on the highest priority areas (Forest Stands 1 and 3).**

This condition was addressed with the PPS. Based on the proposed design, staff agreed that every effort had been made to meet the woodland conservation threshold on-site to the fullest extent practicable for development within the M-U-T-C zone. The revised TCP2 continues to reflect the proposed on-site woodland conservation.

- c. **At the time of preliminary plan, a condition analysis shall be submitted for all specimen trees within Stands 1 and 3 that are outside any proposed woodland conservation area. Every effort shall be made to preserve the healthiest trees on-site.**

This condition was addressed with the PPS. The submitted TCP2 continues to show the preservation of specimen trees, as well as other selected healthy trees in conformance with the previously approved TCP2.

d. **Prior to approval of a special permit, special exception, detailed site plan, or grading permit, whichever is first, every effort shall be made to meet the ten percent tree canopy coverage requirement through the preservation of existing mature woodland, specimen trees and other large existing trees, and landscaping.**

A note was added to the plans as part of DSP-13009, but tree canopy coverage analysis was not provided with this application and should be provided before certification of the DSP.

e. **At the time of preliminary plan, a Phase I noise and vibration study shall be submitted. The study shall determine the location of the unmitigated 65 dBA Ldn noise contour for the adjacent CSX right-of-way, which includes at a minimum, the associated railroad noise and the whistle blower. The 65 dBA Ldn noise contour shall be shown on all future plans.**

The noise study was provided with PPS 4-13002 in March 2013, which can be applied to this review. The study recommended that the proposed buildings and upper levels be constructed with special building materials to ensure proper mitigation of interior noise to 45dBA Ldn or less. No noise study based on the revised layout, which shows a larger building footprint on Parcel K, has been submitted; however, the same recommended mitigation measures are applicable to the revised design. A revised noise study is not required.

A vibration analysis was previously provided during the review of PPS 4-13002 and is applicable to the review of the current plan. The study analyzed both freight and transit trains. The highest vibration level recorded was for a freight train (143.8 micrometers per second). The analysis notes that the results of measurements of vibration levels did not exceed the residential limits (200 micrometers per second) or the commercial limits (400 micrometers per second) established by the International Standards Organization. The report states that this level slightly exceeds the residential limits (143 micrometers per second) established by the Federal Transit Authority imperceptible amount for occupant comfort. The study notes that these limits apply to occupant comfort and not structural damage. The report further states that all levels measured are well below limits established for structural damage. A note should be included on the final plat regarding the close proximity of the building to the railway, as has been conditioned in the Recommendation section of this report.

f. **At the time of preliminary plan, a revised stormwater management concept plan shall be submitted. The proposed plan shall show the use of environmental site design techniques such as bioretention, infiltration, and green roofs. The concept shall be correctly reflected on the Type 1 tree conservation plan.**

This condition was addressed. A revised SWM Concept Approval Letter and Plan (11589-2010-06) was submitted with the current plan, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on January 8, 2019.

g. **At the time of site plan or permit review, whichever is required first, the lighting plan for the subject property shall demonstrate the use of full cut-off optics to ensure that light intrusion into residential and woodland conservation areas is minimized. Details of all lighting fixtures, along with details and specifications that the proposed fixtures are full cut-off optics, and a photometric plan showing proposed light levels at an intensity that minimizes light pollution shall be submitted for review.**

A photometric plan has been submitted with most proposed lights located within the parking structures and along 47th Street. The photometric measurements are permissible.

16. **The applicant shall submit evidence of an application submittal to the U.S. Green Building Council (USGBC) under Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) for a Smart Location and Linkage (SLL) prerequisite review at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan. Upon GBCI/USGBC approval of SLL prerequisites, the applicant shall pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant shall at detailed site plan provide a LEED score card that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the applicant and the Town of Riverdale Park and the Town of University Park (and pursued by the applicant at its expense), at minimum the applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board.**

The applicant submitted evidence with the PPS of submittal and approval of a Smart Location and Linkage Prerequisite review dated August 10, 2012. Conditions of approval of DSP-13009 addressed this condition requiring further documentation prior to certification and issuance of the use and occupancy permit for the first multifamily building.

20. **Prior to approval of any DSP for the project, the applicant shall submit a traffic signal warrant study following the accepted methodology of DPW&T or the Maryland State Highway Administration (SHA) for the intersection of Baltimore Avenue and Van Buren Street with channelization as shown on Sheet 4 of the Development Plan. This analysis will examine both existing and total projected traffic volumes. If signals are deemed warranted by the appropriate agency, the applicant shall initiate a bond to secure the entire cost prior to the release of any building permits within the subject property and shall agree to install the signals as directed by DPW&T or the State Highway Administration. Further, subject to SHA approval, applicant shall install the traffic control devices as noted on the Development Plan (Pork Chop Islands) or as modified by SHA to direct traffic so that no traffic may directly access or egress the property across Baltimore Avenue along Van Buren Street. Both entrances and exits at Woodberry and Wells Parkway, respectively north and south of the Van Buren “gateway,” must be right turn only in and out. Prior to the issuance of a grading permit, the applicant shall**

demonstrate that the State Highway Administration has preliminarily approved the installation of the traffic signal and other traffic control devices at Van Buren Street and Baltimore Avenue, subject to approval of the final construction plan and permit by SHA. If for any reason, including lack of warrants or SHA or other required governmental approval, the traffic signal and other traffic control devices described in this paragraph are not installed or cannot be installed at Van Buren and Baltimore Avenue, no permits may be issued.

A traffic signal has been constructed at Van Buren Street and Baltimore Avenue.

21. Prior to approval of a detailed site plan the plans shall provide or demonstrate:

- a. After completion of construction of the first multi-family building in the project:**
 - (1) At least 80 percent of the parking for the overall development ultimately will be in structured parking; and**

Given the above constraints and the current proposal, the following table was developed:

Current Parking Summary, DSP-13009-15, Cafritz Property						
Land Use	Use Quantity	Metric	Parking Provided			
			Surface	Structure	Street	Total
Commercial Buildings 1/2A/2B/3/4	182,020	square feet	280	100	47	427
Mixed-Use Building 5	230	units	0	752	28	780
	10,050	square feet				
Hotel Building 6A	Per the special exception		0	141	0	141
Residential Building 6B	76	units	0	0	9	9
Townhouses	119	units	0	146	58	204
Residential Buildings 7/8/9	632	units	0	791	27	818
Total Parking by Type			280	1930	169	2,379
Percentage Parking by Type			11.8%	81.1%	7.1%	100%

The rezoning condition requiring that 80 percent of parking will be in structured parking appears to be met. Per this analysis, 81.1 percent of parking on the site is in structures.

- (2) The maximum number of off-street surface parking spaces permitted for each nonresidential land use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance.**

The applicant submitted an updated parking and phasing analysis that proposed 280 off-street surface parking spaces for the nonresidential land use types. This number is well under the cap of 80 percent of the minimum number required, which is 1,632 spaces.

c. Termination of Van Buren Street at a building or enhanced park feature.

A park feature has been located at the terminus of Van Buren Street. The proposed buildings will frame the northeast and southeast corners of the existing park. The parking structure for Building 7 can be seen at the terminus of Van Buren Street and should be designed with architectural elements and features that are cohesive with the adjacent multifamily building and meet the M-U-TC design standards.

The following considerations were included in the approval of Primary Amendment A-10018:

Consideration 3 Provide residential uses above commercial uses in order to create a vertical mix of uses.

The applicant is seeking SP-130003 for dwelling units without first floor retail. Staff supports this request as there is a large amount of commercial already in the development, and the proposed buildings are separated from the commercial corridor centered around Van Buren Street.

Consideration 5 Pursue with Riverdale Park a “Quiet Zone” for the CSX line at appropriate times, so long as it can be demonstrated to be safe.

The applicant has not submitted information relating to this issue as of the writing of this report.

8. The Cafritz Property at Riverdale Park Town Center Development Plan: The Cafritz Property Town Center Development Plan established development standards and land use recommendations for the site. The M-U-TC Zone permits dwelling units in a building containing commercial uses on the first floor as a by-right use, whereas all other residential uses must request that a special permit be granted. The intent is to encourage a mix of uses in town centers where a concentration of commercial and retail establishments will activate the street level and encourage pedestrian movement in the commercial corridors.

The plans were reviewed by the M-U-TC design committee and they have provided an analysis of the conformance of the plans to the development plan. The applicant has modified the plans based on the recommendations, but the Town of Riverdale Park did not provide formal comment at the time of writing this report. The M-U-TC design committee recommended that the amount of windows along the street be increased from 25 percent to 30 percent, which the applicant has addressed. The committee also recommended that the parking garage façades be enhanced with architectural elements, and that Building 7 should better address the southwest corner of the site.

9. Zoning Ordinance: The DSP and SP applications have been reviewed for compliance with the requirements of the M-U-TC Zone, and Airport Compatibility, Part 10B, of the Zoning Ordinance:

- a. Regulations and allowed uses in the M-U-TC Zone come from the approved Town Center Development Plan. The uses, as proposed, are apartment housing for the elderly or physically handicapped and dwelling units (not within a building containing commercial uses on the first floor), which both require approval of a special permit. The applicant has submitted SP-130003 and staff recommends approval of this SP.
- b. Most of Parcel K and a portion of Parcel L are located within Aviation Policy Area (APA) 6, under the traffic pattern for the small general aviation College Park Airport. The applicable regulations regarding APA-6 are discussed, as follows:

Section 27-548.42. Height requirements

- (a) **Except as necessary and incidental to airport operations, no building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulation Part 77 or the Code of Maryland, COMAR 11.03.05, Obstruction of Air Navigation.**
- (b) **In APA-4 and APA-6, no building permit may be approved for a structure higher than fifty (50) feet unless the applicant demonstrates compliance with FAR Part 77.**

The subject application proposes a building complex with a portion of the building that has a height of 85 feet. The proposed building height is inconsistent with the building height restriction of APA-6. Therefore, a condition has been included in the Recommendation section of this report stating that, prior to approval of a building permit, the applicant shall provide proof of compliance with Federal Aviation Regulation Part 77.

- c. Special Permit SP-130003: A special permit is required to allow dwelling units without commercial uses on the first floor and apartment housing for the elderly or physically handicapped uses. In order for the Planning Board to grant a special permit in the M-U-TC Zone for uses specified as such in the Use Table in Appendix A, it shall find that the site plan is in conformance with the approved town center development plan and the guidelines therein and any specific criteria set forth for the particular use (page 66).

Section 27-239.029(a)(6)(B), Special Permits, of the Zoning Ordinance prescribes the following required findings for approval of a special permit:

- (B) **The Planning Board may grant a Special Permit in the M-U-TC Zone if it finds that the site plan is in conformance with the approved Town Center Development Plan and its guidelines and specific criteria for the particular use. In the event a Special Permit is approved by the Planning Board, the approval is conditional upon the issuance of a building or use and occupancy permit by the Department of Permitting, Inspections, and Enforcement, Permits and Review Division.**

Approval of a special permit in a M-U-TC Zone for multifamily without ground-floor retail for Parcels K and L is in conformance with the Town of Riverdale Park M-U-TC Zone Development Plan, and its guidelines and specific criteria for the particular use. Staff finds that the rise of internet commerce since

2014 reduces the need for retail space in almost any environment, and Parcels K and L are not within nor adjacent to the commercial configuration with concentrated retail and service uses at Riverdale Park Station. In addition, providing apartment housing for the elderly or physically handicapped is consistent with the Development Concept, Land Use, which states in part, “The residential locations suggested within the concept are to increase available housing choices to attract the mix of incomes necessary to support a vibrant town center,” (page ii). Therefore, staff recommends approval of SP-130003 for dwelling units without commercial uses on the first floor and apartment housing for the elderly or physically handicapped on subject Parcels K and L.

10. **Secondary Amendment SA-130001-02:** The DSP proposes three secondary amendments to the development plan. These secondary amendments are subject to review pursuant to Section 27.546.14.(b)(8) of the Zoning Ordinance, as follows:

(8) **The Planning Board may only approve a requested secondary amendment of a Development Plan if it makes the following findings:**

- (A) **The requested secondary amendment is in compliance with the requirements for the approval of a Development Plan;**
- (B) **The requested secondary amendment is in conformance with the purposes of the M-U-TC Zone;**
- (C) **The original intent of the Development Plan element or mandatory requirement being amended is still fulfilled with the approval of the requested secondary amendment.**

Height: A secondary amendment is required to change the permitted height from 3–6 to 3–7 stories, for Parcel K, Building 7, and Parcel L, Building 8, as listed in Table 1: Building Recommendations.

Staff finds that the intent of the building height standards is to “Create comfortable pedestrian-scaled spaces, enhance the sense of enclosure and avoid overwhelming the streetscape.” (page 13). The allowed building height for Parcels K and L is 3–6 stories. Building Height Standard 2 states, “An additional two stories may be considered, not to exceed six stories,” (page 13). However, Building Height Standard 3 states, “The height of buildings should be a minimum of one-third the width of the street and streetscape to create a ratio of 1:3 between the width of the street and the height of the building.” The 47th Street right-of-way is 35 feet wide; a 1:3 ratio would allow for a building height of 105 feet, whereas the proposed seven-story buildings are approximately 85 feet high. Therefore, the intent of the building height standards is still fulfilled with the requested amendment to allow an additional story.

Windows: A secondary amendment is requested to reduce the requirement for windows on walls facing public streets from 40 percent to 30 percent, as required by Building Openings, Standard 11. Standard 11 states that, “Walls facing public streets shall have windows that occupy at least 40 percent of the wall area. This standard doe [sic] not apply to Parcel E Building 5 except the corners of 46th and Van Buren Streets and 46th and Woodberry Streets street frontages. (SA-130001 amendment N, subject to condition #9),” (page 16).

Staff recommends that the original intent of the development plan element, or mandatory requirement being amended is fulfilled with the approval of the requested secondary amendment to reduce it to 30 percent. The intent of building openings standards is to, “Design user-friendly buildings through attention to the shape, position, and detailing of entrances and windows. These elements should clearly indicate the character (use) and entrance of the building. Improve the safety of pedestrians and parked vehicles through a strong visual connection from inside to the outside of the buildings through ample windows that overlook streets, alleys and parking lots,” (page 15). Because the requirement for ground-floor retail uses is being lifted under the special permit, a 30 percent window-to-wall ratio will represent a strong visual connection for the proposed multifamily use, and the actual provided window ratios of 37.8 percent, 39.3 percent, and 31.2 percent would be found to meet the original intent of the development plan.

Trolley Car: A secondary amendment is required to allow the proposed trolley car to be placed and used for a restaurant or retail use. The applicant proposes to add to Table 1: Building Recommendations, the trolley car as “Building 10,” the words “trolley car” under “design function,” and “restaurant or retail” under “uses.”

Staff finds that the original intent of the development plan element, or mandatory requirement being amended is fulfilled with approval of the requested secondary amendment. The intent of the Design Standards/Public Space, Parks and Plazas is to “Provide enjoyment to the general public through the provision of parks and plazas that are publicly or privately created and maintained, as shown on Maps 1 & 2: Concept Plan, to create a positive, attractive identity for Riverdale Park through enhanced views and beautified gateways to the town center. Increase safety and the sense of discovery experienced by residents and visitors. Create habitat for indigenous wildlife.” The approval of this secondary amendment would help meet Parks and Plazas Standard 10, which states, “Unique design and visual features are strongly encouraged,” and Standard 11, which states, “Extra amenities to be considered may include but are not limited to: a dog run, a drinking fountain (one per 5,000 square feet), trellis or pergola, gazebo, public art, playground, tot lot, and public performance space,” (page 19). Therefore, the intent of the design standards is still fulfilled with the requested amendment, to allow the trolley car, which will create an attractive identity and a unique design feature.

Staff recommends approval of the three requested secondary amendments.

11. **Preliminary Plan of Subdivision 4-13002:** The site is the subject of PPS 4-13002, approved by the Planning Board on May 16, 2013 for the creation of 126 lots and 39 parcels for 168,200 square feet of commercial/retail, 22,000 square feet of office, a 120-room hotel, 126 single-family attached dwelling units, and 855 multifamily dwelling units subject to 41 conditions. Of the 41 conditions (PGCPB Resolution No. 13-55), the following are applicable to this application:

1. **Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:**
 - v. **Revise Cross Sections EE, GG, HH, JJ, MM, PP, and RR to include on-road bike lanes, wide sidewalks, and curb-to-curb pavement width dimensions.**

Add notes to indicate that the turning radii at intersections will be per Department of Public Works and Transportation (DPW&T) standards in order to accommodate transit and school buses, service, and emergency vehicles, unless modified by the approval of the Secondary Amendment SA-130001.

Conditions 3.e. of Primary Amendment A-10018 and Condition 1.v. of PPS 4-13002 required internal bike lanes along some internal roads. The plans shall be revised to include the previously approved bike lanes along Van Buren Street and around the Village Green, as noted on Condition 1.v. above, and shown on previously approved DSP-13009.

9. **Prior to certificate approval of the detailed site plan, all plans shall identify the locations of all outdoor activity areas and show the mitigated and unmitigated 65dBA Ldn noise contours for the upper and lower levels based on the recommendations of the Phase I noise study. If any new outdoor activity areas are proposed within the lower unmitigated 65dBA Ldn contours, and are directly exposed to noise impacts, a Phase II study shall be provided. The study and plans shall address how mitigation for the outdoor activity areas will be provided to reduce outdoor noise levels to below 65dBA Ldn.**

This condition has been carried forward as the submitted DSP does not identify all noise contours and their relationship to the location of proposed outdoor activity areas.

10. **Prior to approval of building permits certification by a professional engineer with competency in acoustical analysis shall be submitted to The Maryland-National Capital Park and Planning Commission (M-NCPPC) as part of the building permit package. The certificate shall verify that noise mitigation methods have been incorporated in the architectural plans to reduce interior noise levels to 45 dBA Ldn or less.**

This condition will be addressed at the time of building permit.

17. **Prior to certificate approval of the detailed site plan (DSP) and in accordance with Section 24-134(a) of the Subdivision Regulations, private recreational facilities shall be provided to address the mandatory dedication requirement:**
 - a. **At the time of DSP review, the applicant shall submit a comprehensive private recreational facilities package for approval by the Urban Design Section (M-NCPPC). The Department of Parks and Recreation will provide assistance as needed.**
 - b. **The private recreational facilities shall be designed and constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.**
 - c. **The developer and the developer's heirs, their successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.**

The plans currently indicate that there will be on-site private recreational amenities available to the residents. However, a comprehensive list and design details were not provided. A condition has been included in the Recommendation section of this report requiring a list, details, and valuation of the proposed recreational facilities.

34. **The development on the subject site shall be limited to the mix of allowed uses and the intensity that will generate no more than 482 AM, 794 PM weekday, 767 midday, and 1,019 Saturday peak-hour vehicle trips during any stage of development. Any development that is deemed to generate more peak-hour vehicle trips than the levels stated above shall require an additional preliminary plan of subdivision with a new determination of adequacy for transportation facilities.**

The PPS includes a trip cap allowing a mix of uses that would not exceed 482 a.m. peak-hour weekday, 794 p.m. peak-hour weekday, 767 midday peak-hour weekday, and 1,019 Saturday peak-hour trips. The table below focuses on a.m. and p.m. peak-hour weekday trips for the site:

Trip Generation Summary (weekday peak hours): DSP-13009-15: Riverdale Park Station										
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour				
			In	Out	Tot	In	Out	Tot		
Trip Cap from PPS 4-13002			--	--	482	--	--	794		
Current Proposal (current proposal is starred; all others are existing approvals)										
**Senior Housing (per Guidelines)	195	units	10	16	26	20	12	32		
Less Internal Trips (per ITE Handbook)			-1	0	-1	-2	-2	-4		
Less Transit Trip Reduction (30 percent)			-3	-5	-8	-5	-3	-8		
Net Trips for Senior Housing			6	11	17	13	7	20		
Multifamily (per Guidelines)	306	units	31	129	160	119	64	183		
**Multifamily	437	units	43	183	226	170	92	262		
Townhouses (per Guidelines)	119	units	17	67	84	62	33	95		
Less Internal Trips (per ITE Handbook)			-5	-7	-12	-42	-27	-69		
Less Transit Trip Reduction (30 percent)			-26	-112	-138	-92	-48	-140		
Net Trips for Market-Rate Residential			60	260	320	215	113	331		
Office (per Guidelines)	21,150	square feet	38	4	42	7	32	39		
Less Internal Trips (per ITE Handbook)			-2	-1	-3	-3	-7	-10		
Less Transit Trip Reduction (30 percent)			-11	-1	-12	-1	-8	-9		
Net Trips for Office			25	2	27	3	17	20		
*Retail (per Guidelines)	156,580	square feet	90	57	147	395	427	822		
* , **Retail (per Guidelines)	300	square feet	1	0	1	0	1	0		
Less Internal Trips (per ITE Handbook)			-9	-9	-18	-40	-53	-93		
Less Transit Trip Reduction (15 percent)			-12	-7	-19	-53	-56	-109		
Less Pass-By (40 percent)			-28	-16	-44	-121	-128	-249		
Net Trips for Retail			42	25	67	181	191	372		
Hotel (ITE Land Use 310)	120	rooms	33	23	56	37	35	72		
Less Internal Trips (per ITE Handbook)			-2	0	-2	-4	-4	-8		
Less Transit Trip Reduction (30 percent)			-9	-7	-16	-10	-9	-19		
Net Trips for Hotel			22	16	38	23	22	45		
Total Proposed Trips			155	314	469	434	345	779		
Comparison with Trip Cap			Within Trip Cap			Within Trip Cap				
* Retail trip generation is computed using ITE Use Code 820 based on Gross Leasable Area using the Weighted Average Rate in the AM Peak Hour and the Fitted Curve in the PM Peak Hour as recommended by the Trip Generation Handbook (Institute of Transportation Engineers).										
** Current Proposal										

The following table summarizes weekday midday and Saturday trips:

Trip Generation Summary (midday and Saturday): DSP-13009-15: Riverdale Park Station														
Land Use	Use Quantity	Metric	Midday Peak Hour			Saturday Peak Hour								
			In	Out	Tot	In	Out	Tot						
Trip Cap from PPS 4-13002			--	--	767	--	--	1019						
Current Proposal (current proposal is double-starred; all others are existing approvals)														
**Senior Housing	195	units	17	17	34	42	25	67						
Multifamily	306	units	41	41	82	64	67	131						
**Multifamily	437	units	60	60	120	92	96	188						
Townhouses	119	units	16	16	32	28	29	57						
Less Internal Trips (per ITE Handbook)			-21	-16	-37	-25	-19	-44						
Less Transit Trip Reduction (30 percent)			-34	-36	-70	-60	-60	-120						
Net Trips for All Residential			79	82	161	141	138	279						
Office	21,150	square feet	10	12	22	6	5	11						
*Retail	156,580	square feet	382	337	719	457	421	878						
*, **Retail	300	square feet	1	1	2	2	2	4						
Hotel	120	rooms	23	23	46	49	38	87						
Less Internal Trips (per ITE Handbook)			-29	-33	-62	-31	-36	-65						
Less Transit Trip Reduction (30 percent)			-62	-56	-118	-79	-71	-150						
Less Pass-By for Retail (34 percent)			-	-89	-194	-126	-113	-239						
105														
Net Trips for Non-Residential			220	195	415	278	246	524						
Total Proposed Trips			299	277	576	419	384	803						
Comparison with Trip Cap			Within Trip Cap			Within Trip Cap								
General Note: All midday rates are based on diurnal rates from ITE. All Saturday rates are from ITE for the respective uses.														
* Retail trip generation is computed using ITE Use Code 820 based on Gross Leasable Area.														
** Current Proposal														

As noted in the two tables above, the development proposed by the applicant is within all trip caps established by PPS 4-13002.

12. **Detailed Site Plan DSP-13009 and its amendments:** On May 30, 2013, the Planning Board approved DSP-13009 and Type 2 Tree Conservation Plan, TCP-2010-13, subject to the following conditions, which are applicable to the subject applications:

3. **Prior to the issuance of the first grading permit, evidence shall be submitted that all pretreatment and protective devices for specimen trees 255, 281, 262 and 265 have been implemented.**

The required documentation was submitted, and the grading permit was issued.

4. **Prior to the issuance of building permits for Parcels K, L and M, a detailed site plan application for each such parcel shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.**

The subject DSP is submitted in fulfillment of this condition.

5. **Prior to the issuance of use and occupancy building permits for residential units protected from noise by the proposed noise wall, the wall shall be fully constructed on-site, if such a noise wall is required.**

This condition has been addressed and the wall has been constructed.

13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site has previously approved and implemented tree conservation plans. A revised Type 2 Tree Conservation Plan TCP2-010-13-03 has been submitted.

The Woodland Conservation Threshold (WCT) for this site is 15.25 percent of the net tract area or 5.75 acres. The total woodland conservation requirement is 17.61 acres. The plan proposes to meet the woodland conservation requirement with 0.65 acres of woodland preservation and 16.96 acres of fee in lieu. It should be noted that the fee, which slightly exceeds coverage of 16.96 acres, was submitted at the time of the first grading permit. The proposed preservation area is located along the west boundary and contains 8 specimen trees. The plan continues to preserve all specimen trees proposed and approved for retention. The limit of disturbance is consistent with the previously approved TCP1 and TCP2.

14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Historic Preservation**—In a memorandum dated June 13, 2019 (Stabler to Hurlbutt), incorporated herein by reference, the Historic Preservation Section stated that the site has been heavily disturbed indicating the low probability of archeological sites within the subject property. The subject property is adjacent to the site of ERCO Building (68-022), a Prince George's County Historic Site. However, because the historic structure has been demolished and the property has already been redeveloped, a review of potential visual impacts on the historic site, is no longer required.

Historic Preservation staff recommends approval of DSP-13009-15 (SP-130003 and SA-130001-02) without conditions.

- b. **Community Planning**—In a memorandum dated July 8, 2019 (Sams to Hurlbutt), incorporated herein by reference, the Community Planning Section provided comments on this application that have been summarized in relative findings above, as well as a discussion of the Plan Prince George's 2035 Approved General Plan, in relation to the subject application.

c. **Transportation**—In a memorandum dated June 24, 2019 (Masog to Hurlbutt), incorporated herein by reference, the Transportation Planning Section provided a review of conditions attached to prior approvals, and noted the following:

Access and circulation are acceptable; the surrounding infrastructure is mostly built. All traffic-related issues were addressed during the overall review of PPS 4-13002, as analyzed in Finding 11 above.

The development of the site and the related parking is controlled by two significant requirements established by means of the zoning approval. Analysis is provided in Finding 10 above.

US 1 is a master plan collector facility. Adequate right-of-way was dedicated pursuant to the PPS, so no further dedication is required of this site.

From the standpoint of transportation, it is determined that this plan is generally acceptable and meets the finding required for a DSP as described in the Zoning Ordinance.

d. **Subdivision**—In a memorandum dated June 24, 2019 (Turnquest to Hurlbutt), incorporated herein by reference, the Subdivision Section provided a review of conditions attached to prior approvals, and noted the following:

Plat Note 19 on Plat 5, Riverdale Park Station, recorded in Plat Book MMB 239-98 states:

The Detailed Site Plan approval did not include architecture for Parcels K and L resulting in the outlot designation.

Prior to the approval of building permits, a minor final plat shall be filed that removes the outlot designation of Outlot K and Outlot L and revise the designation to Parcel K and Parcel L. The appropriate plat notes shall be carried forward from the original plat and additional notes added as required by the DSP approval.

There are findings of 4-13002 that are relevant to the review of DSP-13009-15, as follows:

Environmental Review (page 61)

A vibration analysis was previously provided during the review of Preliminary Plan 4-12002 and is applicable to the review of the current plan. However, to complete the record, a copy of this plan should be submitted by the applicant as part of this application. The analysis notes that the results of measurements of current vibration levels do not exceed the residential limits (200 micrometers/second) or the commercial limits (400 micrometers/second) established by the International Standards Organization (ISO), or the residential limits (143 micrometers/second) established by the Federal Transit Authority. The study notes that these limits apply to occupant comfort and not structural damage. The report further states that all levels measured are well below limits established for structural damage. The study analyzed both freight and transit trains. The highest vibration level recorded was for a freight train (143.8 micrometers/second). This level

passes the ISO residential standard and only slightly exceeds the FTA residential standard by an imperceptible amount for occupant comfort. The recorded vibration level was for only one occurrence of the 11 freight and 25 total trains observed during the 16-hour survey. Because the vibration levels are below the industry accepted standards for residential uses, no changes to the design, or additional information regarding vibration is required.

This site is bordered to the east by an existing CSX right-of-way and tracks. To the north, the site adjoins vacant land owned by WMATA. There are exposed tracks in the eastern portion of this right-of-way. In the western portion of the WMATA property, the tracks are underground. The railroad service will generate vibration impacts. A vibration study was filed with the PPS, however the subject DSP amendment proposes to increase the height of the multifamily buildings adjacent to the CSX right-of-way. A new vibration analysis should be submitted prior to certification of the DSP to determine if vibration impacts any parcels proposed with residential land uses. The study would include the criteria and thresholds of vibration measurements with regard to predicting annoyance from vibration impacts in residential areas.

Vibration impacts should be measured using the Federal Transit Administration's (FTA) May 2006 manual, *Transit Noise and Vibration Impact Assessment*. Typical vibration impacts for commuter trains are determined to have a frequency of 8 to 80 hertz, with vibration events lasting approximately ten seconds. The FTA manual applies a threshold of 72 velocity decibels (Vdb) or less as "not feelable, but ground borne vibration may be audible inside quiet rooms." The threshold for human perception is 65 Vdb for barely perceptible and 75 Vdb for distinctly perceptible. The report should indicate if residential structures may be exposed to vibration that could result in structural damage, or vibration that may cause slight annoyance due to feelable vibrations within the buildings. As noted in previous vibration studies submitted with subdivision applications, the level of annoyance experienced will depend highly upon the tolerance of each individual. The purpose of the vibration study is to ensure that proper notice is provided for future residents and property owners of any potential vibration impacts in accordance with FTA standards.

Subsequent to staff's review of the vibration report at the time of DSP certification, it should be referred to DPIE as well as WMATA for additional comments and recommendations. In regard to vibration analysis, DPIE has noted that a transit system, commuter rail in this case, often causes significant noise at nearby residences. The FTA recommends noise analysis shall be performed if the structure is located within 1,600 feet from noise source. The proposed project is approximately 490 feet from the centerline of the track to the east, so noise analysis may be required with the DSP. The 65dBA Ldn unmitigated noise contour should be indicated on the DSP from the Metro track. If noise impact exceeds the acceptable level, noise mitigation shall be proposed.

DPIE has indicated that the vibration excited by train movement rarely causes any damage to structures. However, the measured ground-borne velocity, Vdb, should be provided because if it exceeds the FTA impact level for residential building, the future residents may experience vibration. Ground-only vibration impacts may vary depending on the proposed structure. DPIE's experience in dealing with vibration analysis is that the heavier the structure the lower the vibration response will be. Lightweight material will most likely increase the vibration impact. If the vibration study or vibration information submitted with the DSP indicates that the residential land uses will be subject to

vibration, the structural engineer should work closely with acoustical engineer, scientist, or firm to come up with the best possible solution for any vibration impacts if it exists on site.

The Environmental Planning Section has further reviewed the possible effects of vibration and recommended a condition in the Recommendation section to notify future owners or renters of the possibility of feelable vibration from the proximity to the transit line.

- e. **Trails**—In a memorandum dated June 24, 2019 (Shaffer to Hurlbutt), incorporated herein by reference, the trails coordinator provided a review of conditions attached to prior approvals and noted that bicycle parking and bike lanes be provided, as conditioned. The two conditions have been included in the Recommendation section of this report.

The pedestrian network shown on the submitted site plan revision appears consistent with prior approvals. Numerous conditions of approval from the basic plan, PPS, and DSP addressed the streetscape along US 1 and the Trolley Trail, both of which are beyond the scope of the subject application.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated July 3, 2019 (Sun to Hurlbutt), incorporated herein by reference, the DPR provided a review of conditions attached to prior approvals, and noted the following:

As per the conditions of approval for PPS 4-10032, in November of 2013, the applicant conveyed to the Maryland-National Capital Park and Planning Commission, 1.12 acres of land (Liber 36119, Folio 526) along with a 30-foot-wide public use easement (Liber 35503, Folio 344) to allow for a continuous section of the Rhode Island Avenue Trolley Trail to be constructed and implemented. The conditions of approval also required that the applicant construct and maintain private recreation facilities to satisfy the remaining portion of the requirement for mandatory parkland dedication for the PPS. In 2013, the applicant entered into a private recreation facilities agreement, which required that the applicant construct the following amenities for the development: 536 linear feet of the hiker/biker trail; 2 multi-age play areas; 900 linear feet of nature trail; Building 5 courtyard and amenities; Building 6b amenities; and a Village Green.

The subject plans indicate that there will be additional on-site private recreational amenities provided for the residents of Buildings 7 and 8. The list of additional amenities includes: signature plaza with seating areas; private garden at Building 7; private landscaped courtyards at each building, which include seating areas and open lawn areas; and amenity areas in both buildings to include lounges, fitness room, and game/media/club room. The provision of on-site private recreational facilities is consistent with the previous plan approvals for this project.

- g. **Environmental**—In a memorandum dated June 24, 2019 (Reiser to Hurlbutt), incorporated herein by reference, the Environmental Planning Section stated that they have reviewed the DSP, TCP2, and associated information. A discussion of previous environmental conditions of approval related to the subject application have been included in Findings 7, 11, and 12 above. The Environmental Planning Section recommends approval of DSP-13009-15 and TCP2-010-13-03, subject to conditions that have been included in the Recommendation section of this report.

Natural Resources Inventory/Existing Conditions

An approved Natural Resource Inventory, NRI-121-06-01, was submitted with the application. This plan was updated to reflect the current code requirements and was approved as the -01 revision to the plan on March 19, 2012. Subsequent to the last approval, land was added to the overall preliminary plan application increasing the land area. The total area of land within the current application is 37.73 acres and the total amount of woodland has increased from 32.73 acres to 33.12 acres. A revised NRI is not required at this time, and the previously approved NRI has been revalidated with an expiration date of September 19, 2019.

Aviation Policy Areas and Aviation Noise

The site is located within the flight path of College Park Airport and may be affected by airport and aircraft operations. The northeastern portion of the site is located in APA Zone 6. The PPS associated with this application is subject to compliance with APA regulations under CB-51-2002. The following note was placed on the final plat for this site and shall remain when the plat is updated to reflect the proposed parcels:

The limits of this plat lie within a 1-mile vicinity of the College Park Airport in APA 6. At the time of purchase contract with home buyers, the contract purchaser shall sign a General Aviation Airport Environment Disclosure notice in accordance with Sections 27-548.32 and 27-548.48.

- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated June 20, 2019 (Giles to Hurlbutt), incorporated herein by reference, DPIE indicated that they had no objection to the proposed amendments, and the site development is consistent with the approved Concept Plan 11589-2010-06, dated January 8, 2019.
- i. **Washington Suburban Sanitary Commission (WSSC)**—In emailed comments dated June 20, 2019, WSSC offered numerous comments that will be addressed in their separate permitting process.
- j. **Prince George's County Fire/EMS Department**—At the time of the writing of this technical staff report, the Fire/EMS Department has not offered comments on the subject applications.
- k. **Prince George's County Police Department**—At the time of the writing of this technical staff report, the Police Department has not offered comments on the subject applications.
- l. **Prince George's County Health Department**—At the time of the writing of this technical staff report, the Health Department has not offered comments on the subject applications.
- m. **Maryland Aviation Administration (MAA)**—At the time of the writing of this technical staff report, the MAA has not offered comments on the subject applications.
- n. **City of Hyattsville**—At the time of the writing of this technical staff report, the City of Hyattsville has not offered comments on the subject applications.

- o. **City of College Park**—At the time of the writing of this technical staff report, the City of College Park has not offered comments on the subject applications.
- p. **Town of Edmonston**—At the time of the writing of this technical staff report, the Town of Edmonston has not offered comments on the subject applications.
- q. **Town of Riverdale Park**—At the time of the writing of this technical staff report, the Town of Riverdale Park has not offered comments on the subject applications. However, they have actively participated in the review of the subject applications and official comments are expected to be received from them either prior to, or at the Planning Board hearing.
- r. **Town of University Park**—At the time of the writing of this technical staff report, the Town of University Park has not offered comments on the subject applications.

15. Based on the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

16. Section 27-285(b)(4) of the Zoning Ordinance requires that a DSP demonstrate that regulated environmental features have been preserved and/or restored, to the fullest extent possible. The on-site regulated environmental features include a small isolated wetland and a small area of 100-year floodplain. No new impacts to regulated environmental features have been proposed with the current application. Therefore, the regulated environmental features have been preserved and/or restored, to the fullest extent possible.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-13009-15, Special Permit SP-130003, Secondary Amendment SA-13001-01, and Type 2 Tree Conservation Plan TCP2-010-13-03, Riverdale Park Station, subject to the conditions below.

1. Prior to certification of the detailed site plan (DSP), the applicant shall revise the plans as follows or provide the specified documentation:
 - a. The Type 2 tree conservation plan (TCP2) shall be revised, as follows:
 - (1) Add a note on the cover sheet of the TCP2 plan stating: “The option of using fee-in-lieu of off-site woodland conservation was approved by the Prince George’s County Planning Board with the approval of Preliminary Plan of Subdivision 4-13002.”
 - (2) Provide an owner’s awareness certificate on the cover sheet for signature by an appropriate party.
 - (3) Have the revision plans signed by the qualified professional who prepared it.

- b. Revise the plans to include the designated bike lanes along Van Buren Street and the village green consistent with Condition 3e of Primary Amendment A-10018 and previously approved DSP-13009.
- c. Provide bicycle parking at the Trolley Trail restaurant/commercial space consistent with Condition 6c of Primary Amendment A-10018 and Design Standards for Public Space #4.
- d. Add the trolley car to the building schedule and revise square footages on the cover sheet.
- e. Show all sidewalks to doorways on the plans.
- f. Note dimensions of all elevations on architectural plans and label all materials.
- g. Correctly spell/label the trolley car on the plans.
- h. Correct height notes so that it is consistent between plans.
- i. Revise the site and landscape plans to be consistent in the placement of bike racks. Bike racks should be placed between the sidewalk and the building, and the sidewalk should be maintained free and clear.
- j. All plans shall identify the locations of all outdoor activity areas and show the mitigated and unmitigated 65dBA Ldn noise contours for the upper and lower levels based on the recommendations of the Phase I noise study. If any new outdoor activity areas are proposed within the lower unmitigated 65dBA Ldn contours, and are directly exposed to noise impacts, a Phase II study shall be provided. The study and plans shall address how mitigation for the outdoor activity areas will be provided to reduce outdoor noise levels to below 65dBA Ldn or remove outdoor activity areas between Building 7 and the railroad tracks.
- k. Provide tree canopy coverage analysis that shows that the overall DSP meets the 10 percent requirement.
- l. Submit the following information regarding private recreational facilities:
 - (1) Provide complete details, sizes, specifications, floorplans, and/or lists of all private indoor and outdoor recreational facilities on-site that meet the required valuation.
 - (2) Provide a schedule for the timing of the construction of all facilities, which shall be bonded prior to building permit and completed prior to approval of the final certificate of occupancy for the related building.
 - (3) The plans shall be revised to conform to the Prince George's County Department of Parks and Recreation Facilities Guidelines

2. Prior to approval of any building permit:
 - a. A minor final plat shall be filed that converts the outlots to Parcel K and Parcel L, pursuant to detailed site plan (DSP) approval. The appropriate plat notes shall be carried forward from the original plat and additional notes added as required by the DSP approval.
 - b. Demonstrate compliance with Federal Aviation Regulations Part 77 for a building or structure higher than 50 feet.
3. The following note shall be added to the final plat: "This property is located within close proximity to a railway and may be subject to 'feelable vibration' impacts."

ITEM: 10,11 & 12

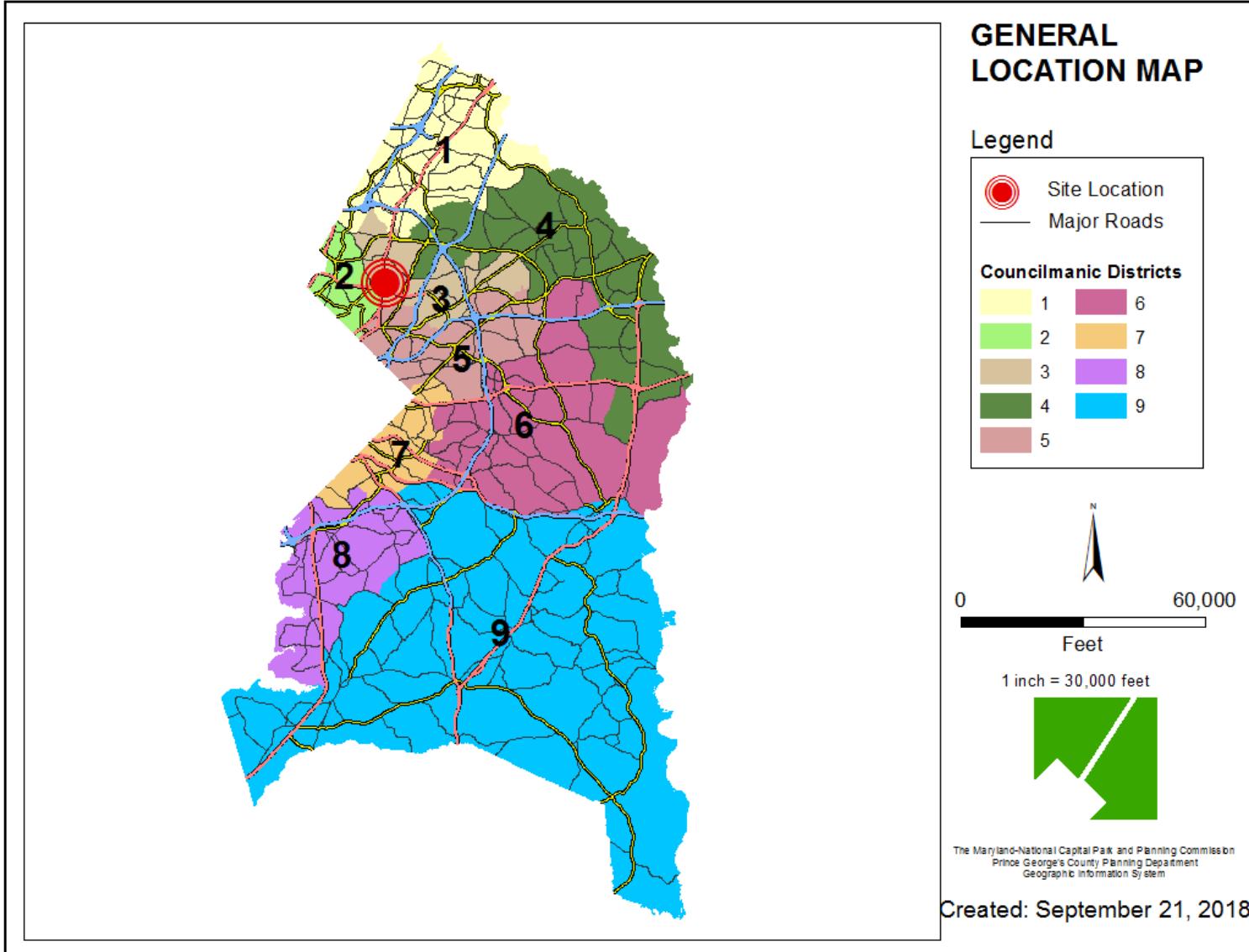
CASE: DSP-13009-15, SP-130003 & SA-130001-02

RIVERDALE PARK STATION CAFTRITZ PROPERTY

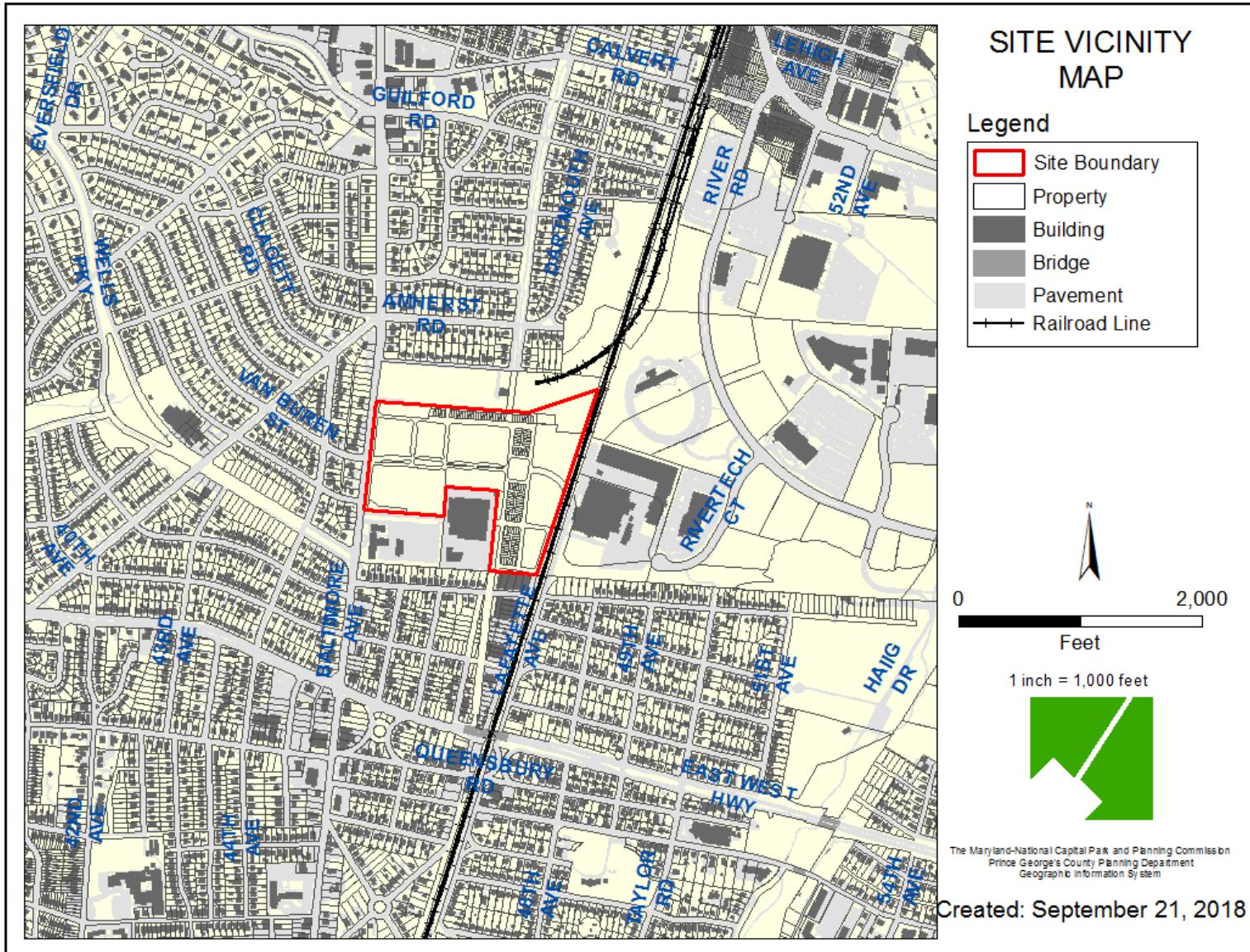
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



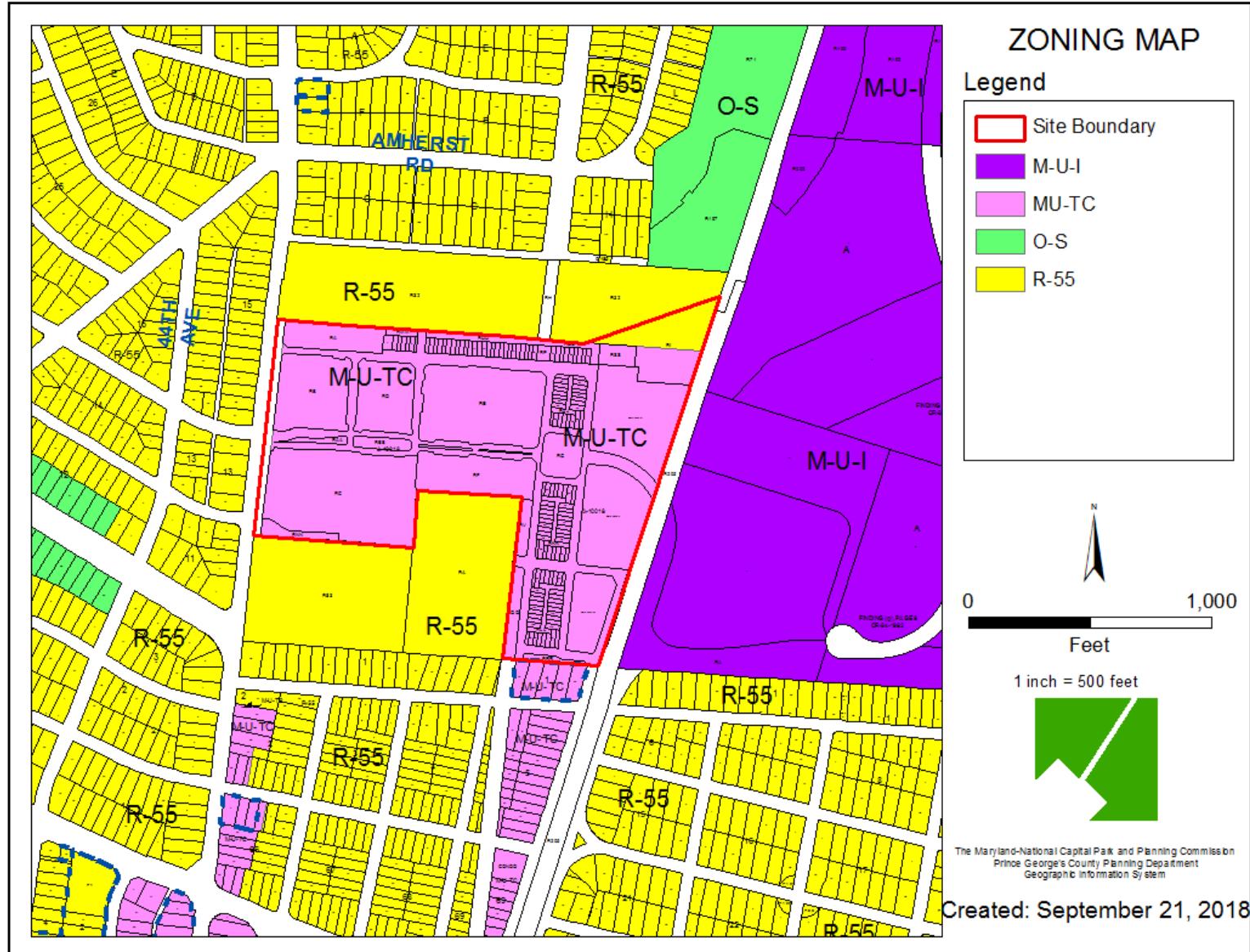
GENERAL LOCATION MAP



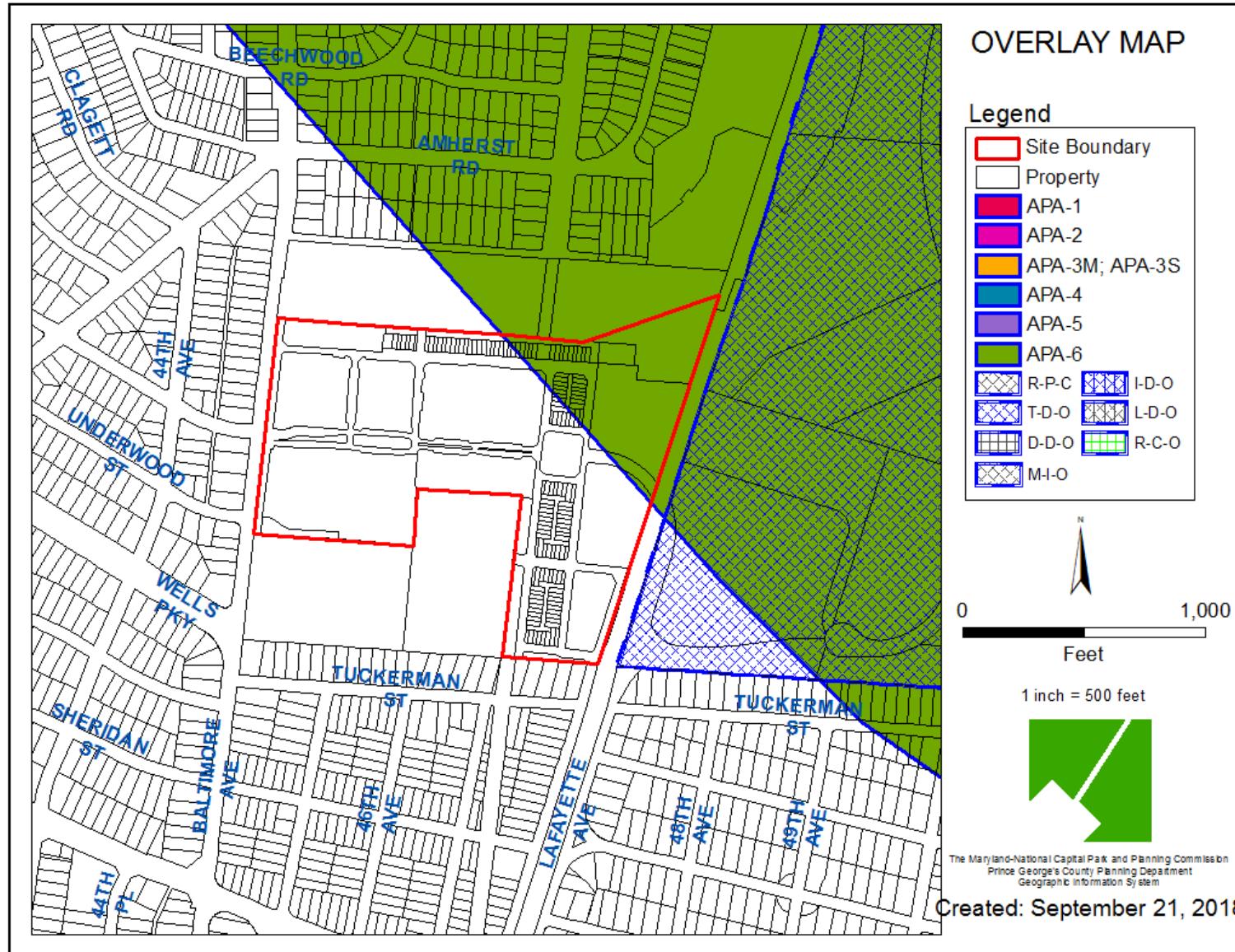
SITE VICINITY



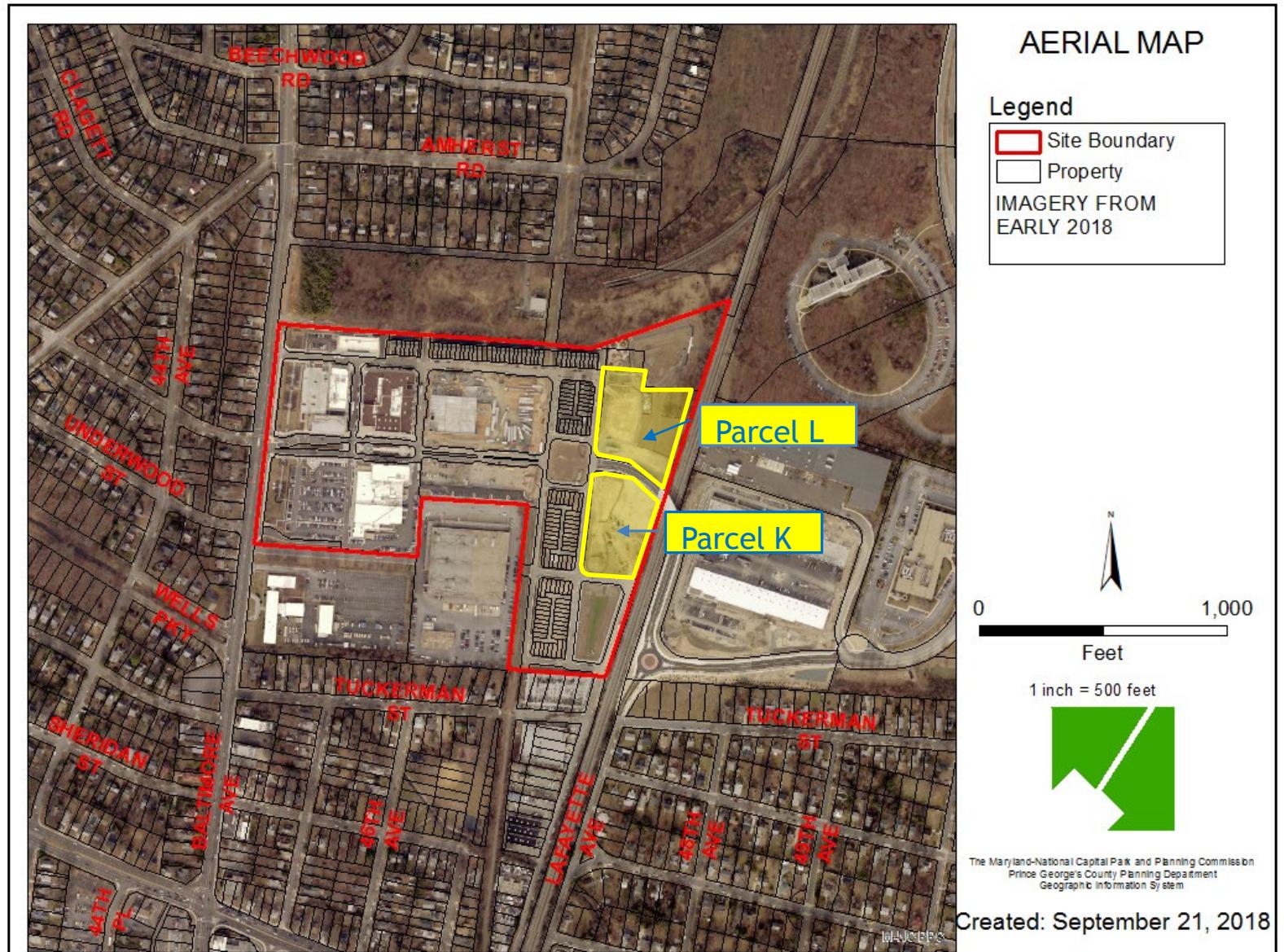
ZONING MAP



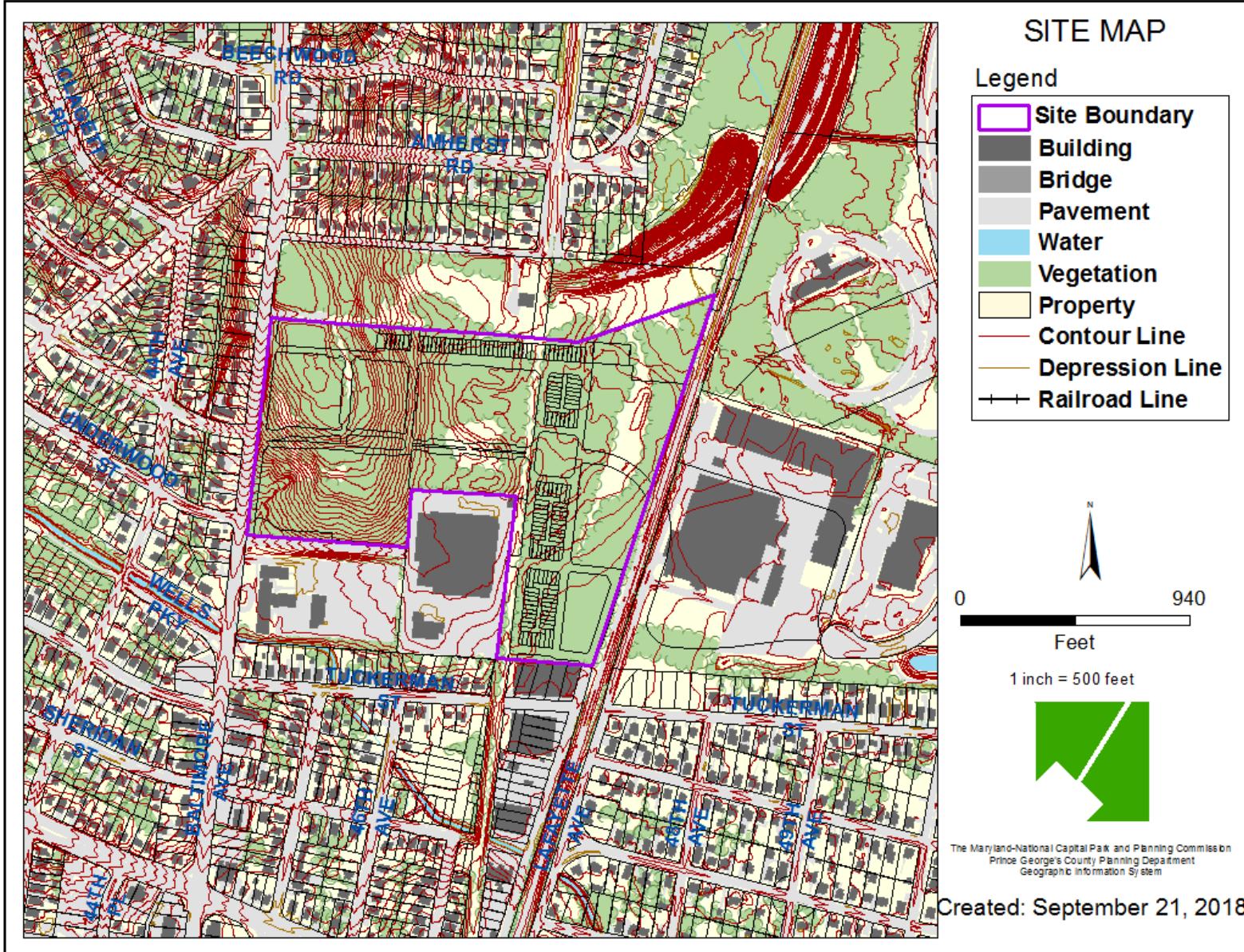
OVERLAY MAP



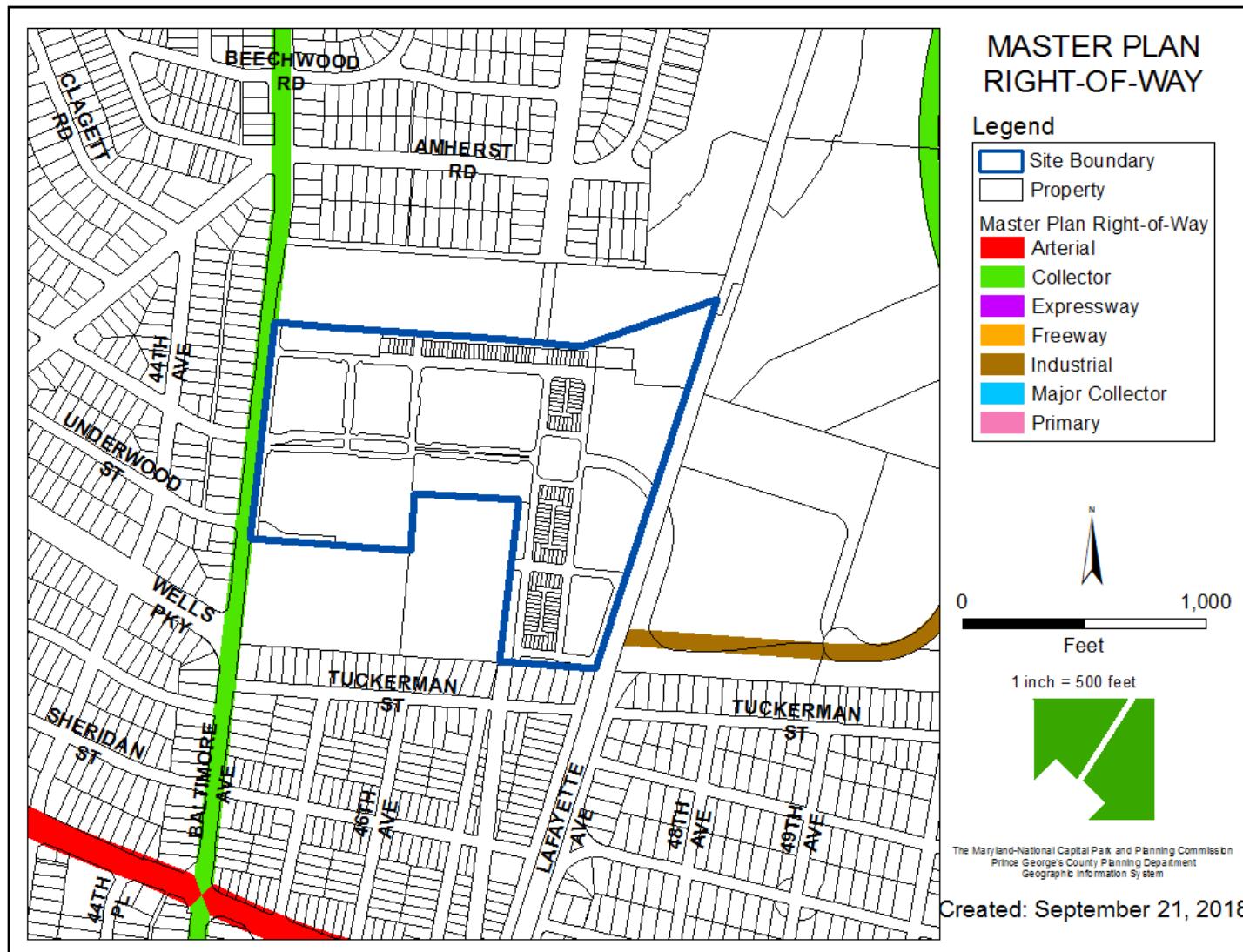
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



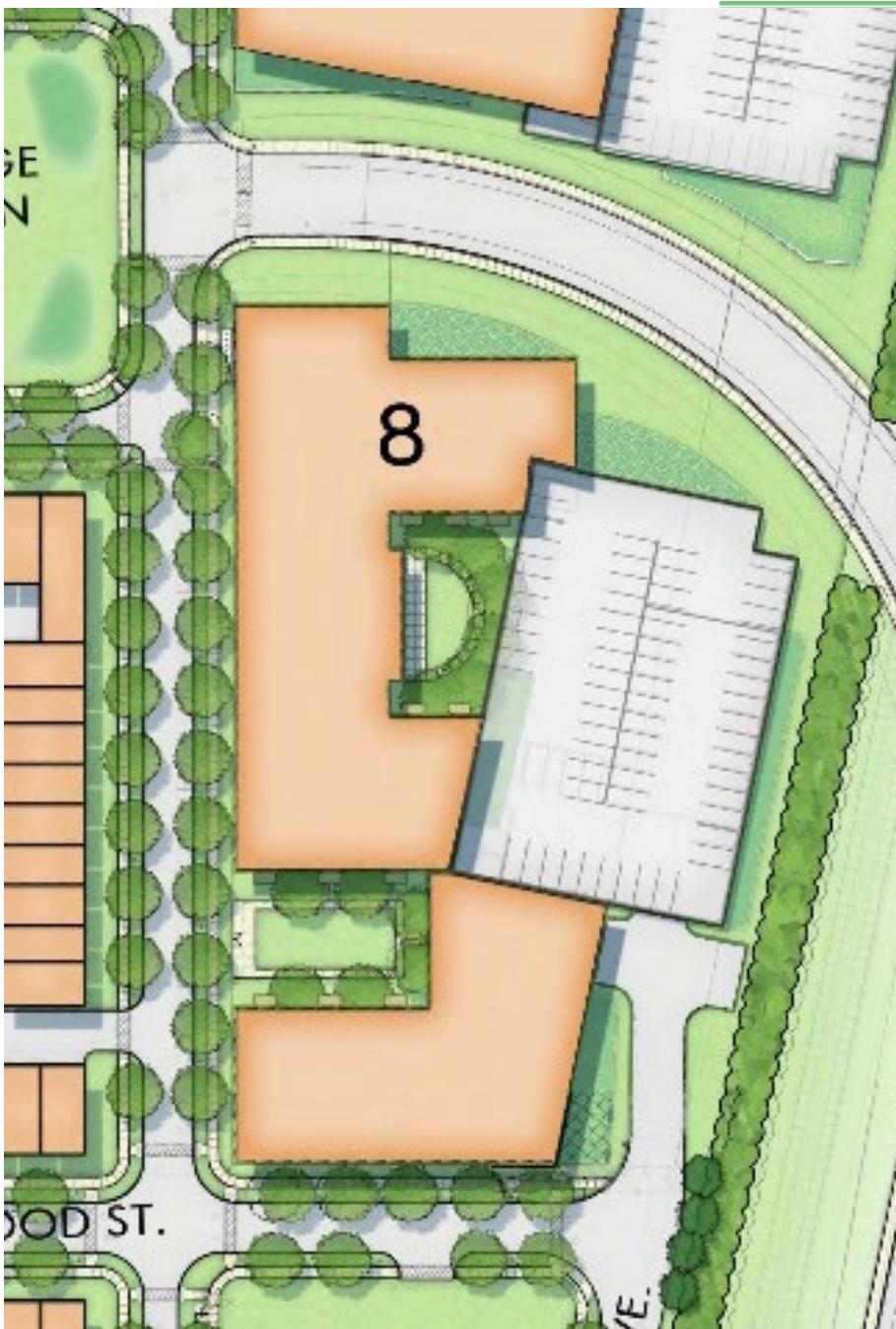
SITE PLAN



SITE PLAN



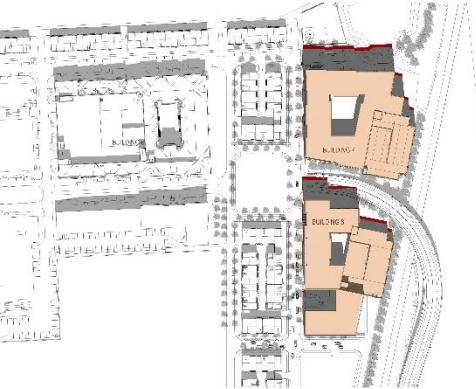
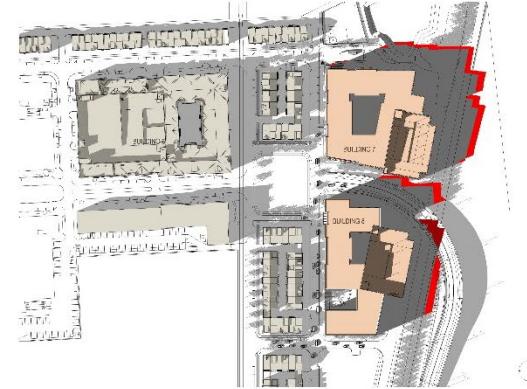
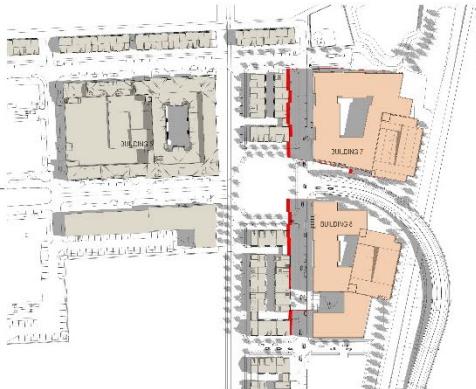
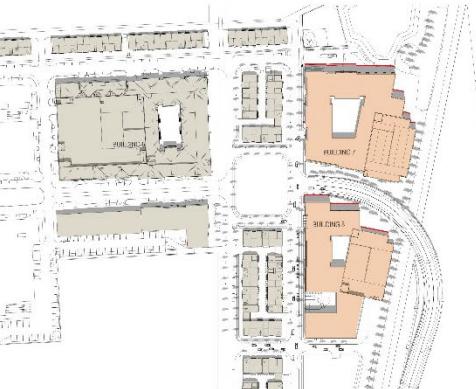
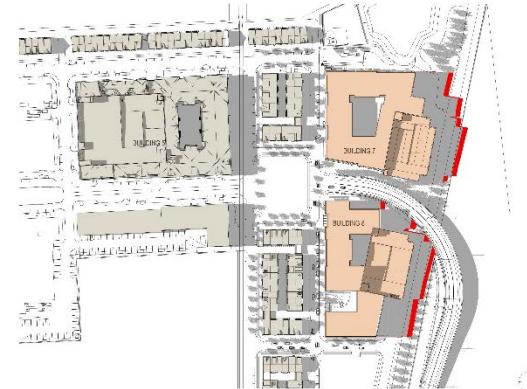
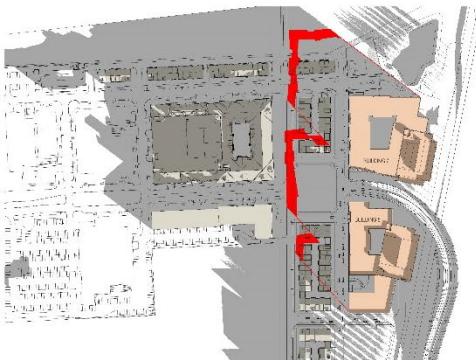
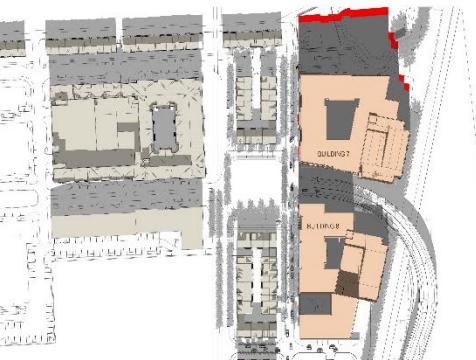
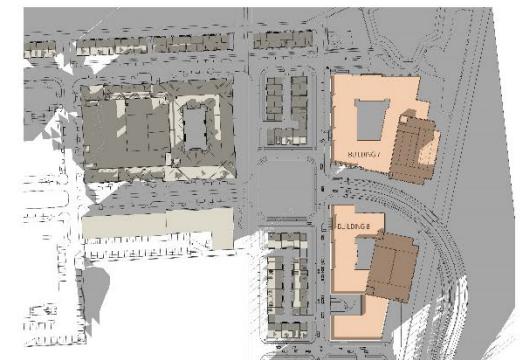
SITE PLAN



47TH STREET CROSS SECTION

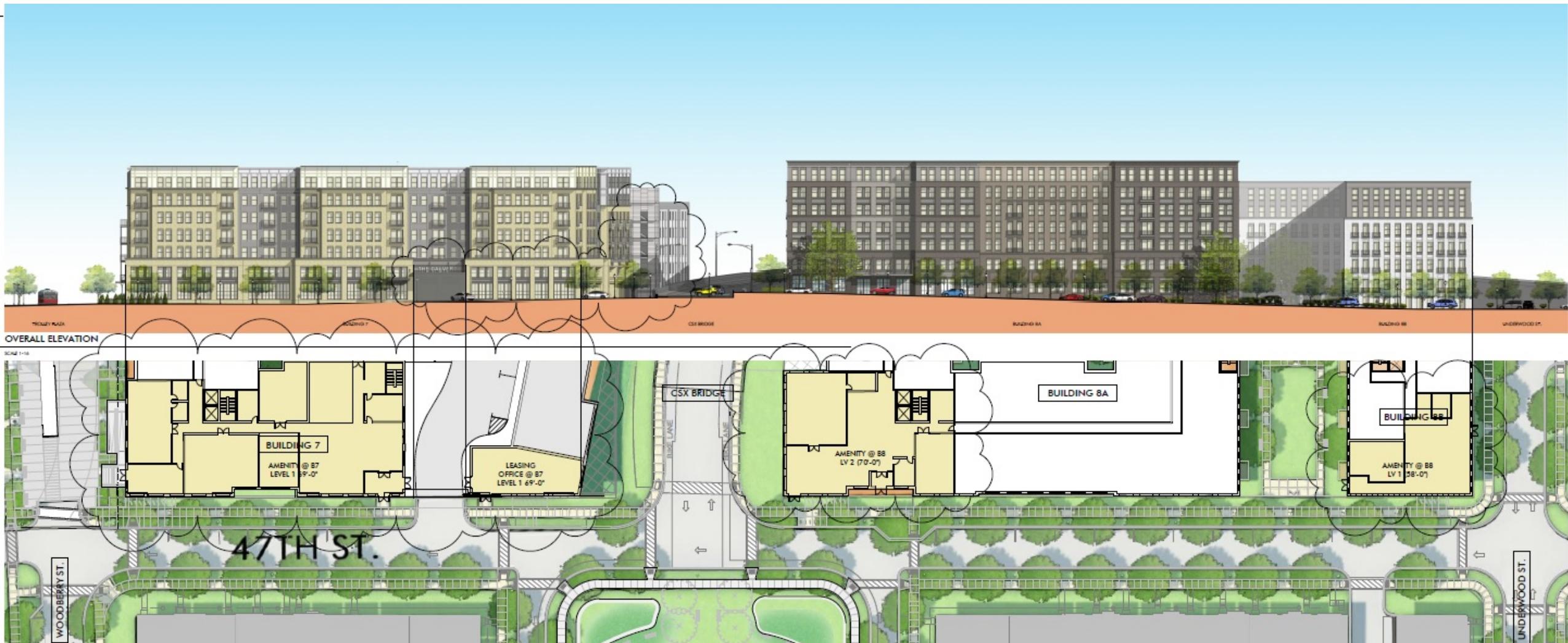


SHADOW STUDY

MARCH 21
9:00 AM (EDT, UTC-4)MARCH 21
12:00 PM (EDT, UTC-4)MARCH 21
4:00 PM (EDT, UTC-4)JUNE 21
9:00 AM (EDT, UTC-4)JUNE 21
12:00 PM (EDT, UTC-4)JUNE 21
4:00 PM (EDT, UTC-4)DEC 21
9:00 AM (EDT, UTC-4)DEC 21
12:00 PM (EDT, UTC-4)DEC 21
4:00 PM (EDT, UTC-4)

DRD

THE
DEVELOPMENT
REVIEW
DIVISION

OVERALL 47TH STREET ELEVATION AND 1ST FLOOR PLAN

OVERALL WEST AND EAST ELEVATIONS



WEST ELEVATION

0"

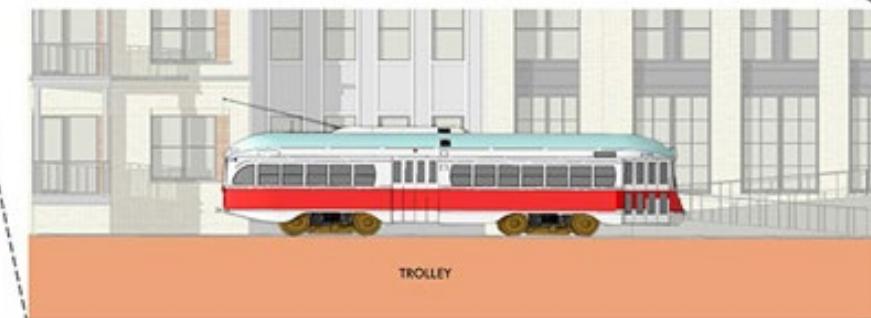


EAST ELEVATION

BUILDING 7 - NORTH ELEVATION



BUILDING 7 - NORTH ELEVATION
SCALE 1/16" = 1'-0"



3 TROLLEY ELEVATION NORTH
7A300 SCALE 1/8" = 1'-0"

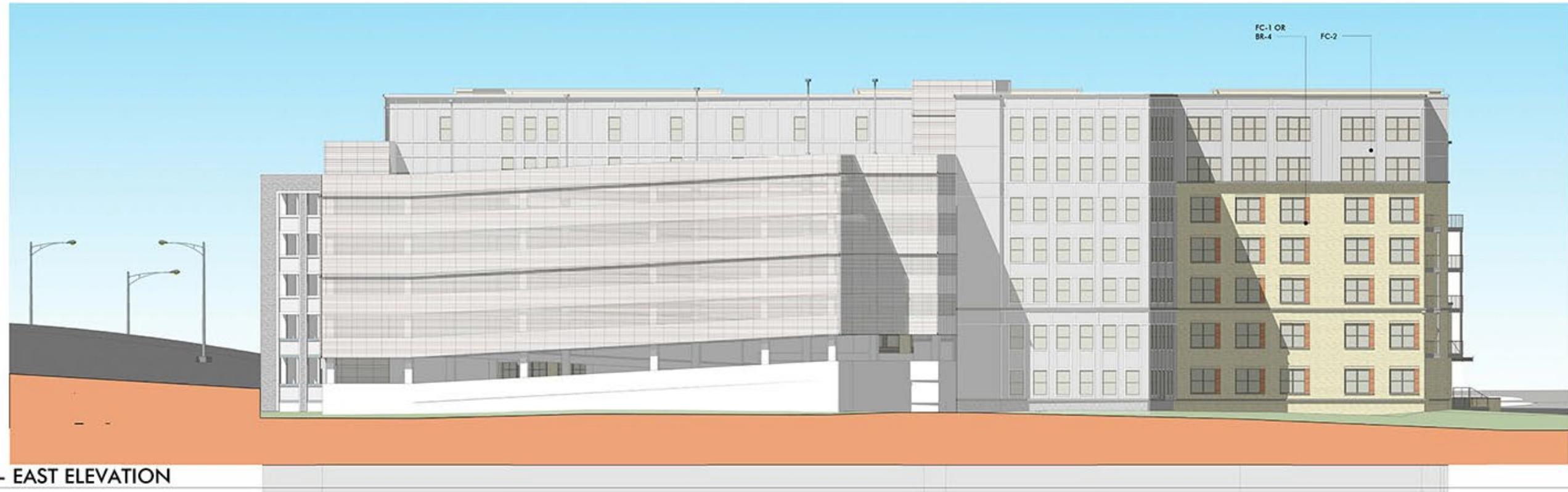
BUILDING 7 - SOUTH ELEVATION



BUILDING 7 - SOUTH ELEVATION

SCALE 1/16" = 1'-0"

BUILDING 7 - EAST ELEVATION



BUILDING 7 - WEST ELEVATION



BUILDING 8 - NORTH ELEVATION

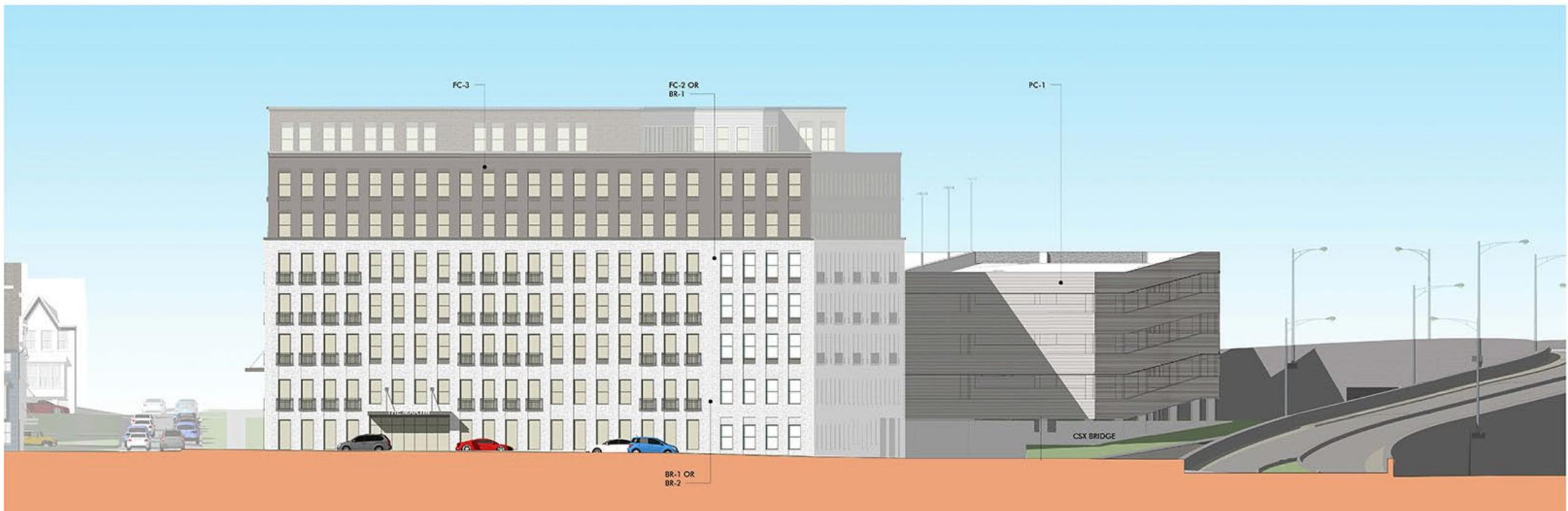


1 BUILDING 8 - NORTH ELEVATION

A300

SCALE 1/16" = 1'-0"

BUILDING 8 - SOUTH ELEVATION



2 BUILDING 8 - SOUTH ELEVATION
A300 SCALE 1/16" = 1'-0"

PERSPECTIVE



1 BUILDING 7 FROM VILLAGE GREEN

PERSPECTIVES



1 BUILDING 7 FROM VILLAGE GREEN



2 BUILDING 7 FROM WOODBERRY STREET

ILLUSTRATIVE VIEWS FOR INFORMATIONAL PURPOSE ONLY



3 BUILDING 7 FROM TROLLEY PLAZA



4 BUILDING 7 DROP OFF AREA

PERSPECTIVES



1 BUILDING 8 FROM VILLAGE GREEN



2 BUILDING 8 FROM UNDERWOOD STREET

ILLUSTRATIVE VIEWS FOR INFORMATIONAL PURPOSE ONLY



3 BUILDING 8 DROP OFF AREA



4 AERIAL VIEW OF BUILDING 8

11

PERSPECTIVES



1 BUILDING 8 FROM UNDERWOOD STREET



2 BUILDING 7 & 8 FROM VILLAGE GREEN



3 BUILDING 8 FROM 47TH STREET



4 BUILDING 7, 8, & VILLAGE GREEN FROM BUILDING 5

11

PERSPECTIVES



1 BUILDING 7 & 8 GARAGE FROM BRIDGE



2 BUILDING 7 GARAGE FROM BRIDGE

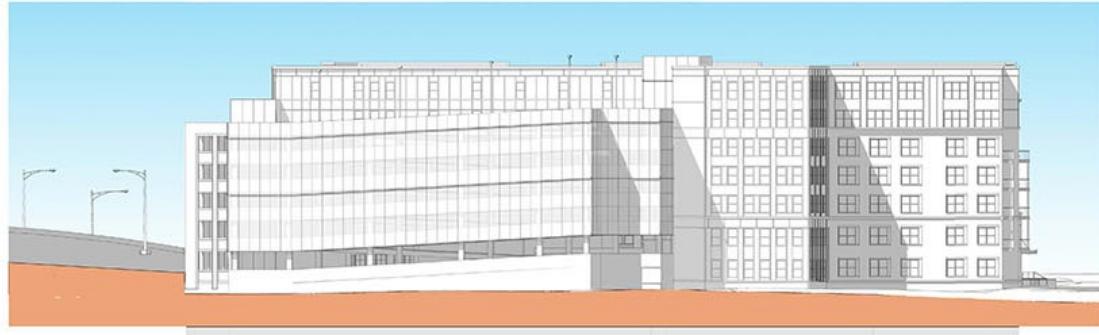


3 BUILDING 8 GARAGE FROM BRIDGE



4 BUILDING 7& 8 FROM TUCKERMAN ST

BUILDING 7 - SIGNAGE



1 BUILDING 7 - EAST ELEVATION SIGNAGE
7A.300-S SCALE 1" = 30'-0"



3 BUILDING 7 - SOUTH ELEVATION SIGNAGE
7A.300-S SCALE 1" = 30'-0"



2 BUILDING 7 - NORTH ELEVATION SIGNAGE
7A.300-S SCALE 1" = 30'-0"



4 BUILDING 7 - WEST ELEVATION SIGNAGE
7A.300-S SCALE 1" = 30'-0"

BUILDING 8 - SIGNAGE



1 BUILDING 8 - EAST ELEVATION SIGNAGE
8A.300-S SCALE 1" = 30'-0"



3 BUILDING 8 - SOUTH ELEVATION SIGNAGE
8A.300-S SCALE 1" = 30'-0"



2 BUILDING 8 - NORTH ELEVATION SIGNAGE
8A.300-S SCALE 1" = 30'-0"



4 BUILDING 8 - WEST ELEVATION SIGNAGE
8A.300-S SCALE 1" = 30'-0"

IN RE: **DETAILED SITE PLAN NO. DSP-13009/15**

APPLICANT: **CALVERT TRACT, LLC**

AGENT/ CORRESPONDENT: Lawrence N. Taub
Nathaniel Forman
O'Malley, Miles, Nylen & Gilmore, P.A.
11785 Beltsville Drive, 10th Floor
Calverton, MD 20785

STATEMENT OF JUSTIFICATION

The Applicant, Calvert Tract, LLC, the owner of the property originally referred to as the Cafritz Property at Riverdale Park, and currently denominated "Riverdale Park Station" ("Development Property") hereby requests detailed site plan approval for the design of Buildings 7 and 8 upon Parcels K and L, respectively, as shown upon the approved Development Plan for the Cafritz Property (entitled "Cafritz Property at Riverdale Park Based On Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan") ("Development Plan") ("Subject Property"). This request is in accordance with Condition No. 4 of the District Council approval of Detailed Site Plan No. DSP-13009 ("DSP") for the Development Property, requiring Parcels K, L and M to obtain detailed site plan approval prior to issuance of building permits. This application also requests approval of a refurbished trolley car, similar to those that once ran upon the Trolley Trail that is located upon the Subject Property, to be located on the north side of Parcel K, north of Building 7 and south of the play area in the northeastern portion of the Development Property. The trolley car is quite a small structure, consisting of only approximately 400 square feet, and is planned to house a retail or restaurant use. In conjunction with this Detailed Site Plan, the Applicant has also filed the following: (1) a request for Secondary Amendments, to increase the maximum height of Buildings 7 and 8 from six (6) to seven (7) stories, to reduce the percentage of windows on walls facing a public street from 40 percent to 25 percent, and to add the trolley car to the Development Plan; and (2) a request for a Special Permit, because these residential buildings do not propose any ground floor commercial space.

PROPERTY AND DETAILED SITE PLAN PROPOSAL

The Subject Property is part of the Development Property, a mixed-use development that was rezoned from the R-55 zone to the M-U-TC zone in 2012 (ZMA No. A-10018) ("ZMA"). Subsequent to ZMA approval, a Detailed Site Plan (DSP-13009), a Preliminary Plan of Subdivision (PPS No. 4-13002, followed by recorded plats), a Special Permit for residential townhouses with no commercial space on the first floor (SP-130002), and certain Secondary Amendments to the Cafritz Development Plan (SA-130001) were all approved in 2013. An additional Secondary Amendment was approved in 2014 to allow a freestanding sign to the entrance to the Development Property, and a number of minor amendments to the DSP were approved between 2014 and 2018. As set forth within the Preliminary Plan of Subdivision, the Subject Property is approved for 168,200 square feet of commercial/retail uses; 22,000 square

feet of office uses; 120-room hotel; 855 multifamily units, and 126 residential townhouses (reduced to 119 in the DSP approval) (though Condition 34 of the Preliminary Plan of Subdivision allows for flexibility within those specific development quantities, permitting a mix of uses that does not exceed 482 AM, 794 PM weekday, 767 midday, and 1,019 Saturday peak-hour vehicle trips).

Within the Development Plan, Parcels K, and L (shown as Buildings 7 and 8) were, from the beginning, designated as multifamily buildings, but were not approved as part of the original DSP because there was simply insufficient time then to do so, resulting in the aforementioned Condition 4 of the DSP, requiring DSP approval for these buildings. It should also be noted that on page 8 of the Planning Board's Resolution of Approval for the Detailed Site Plan, DSP-13009 (PGCPB No. 13-63), as well as on page 4 of the Planning Board's Resolution of Approval for the Special Permit, SP-130002 (PGCPB No. 13-64), both Buildings 7 and 8 were specifically described as future multifamily buildings with no commercial uses, thus requiring a Special Permit application in the future, along with the aforementioned Detailed Site Plan. There is no question, therefore, that this revision for Detailed Site Plan approval of Buildings 7 and 8 is in conformance with the Development Plan.

Within this DSP, on the north side of Building 7 within Parcel K, the Applicant is also proposing to locate a refurbished trolley car, to recall the use of such cars many years ago on the Trolley Trail upon the Development Property. The trolley car is being proposed as a small retail/restaurant-type use for residents and visitors alike, and will provide an interesting and attractive amenity at an appropriate scale in this location.

With regard to the design standards set forth within the Development Plan, a Matrix is attached to this Statement of Justification as Attachment A, demonstrating that with the exception of the building height, the percentage of windows on walls facing a public street, and the location of the trolley car on Parcel K (for which Secondary Amendments are being requested), all other applicable design standards that can be determined at this point in time have been satisfied. As was recognized in the evaluation of the design standards for the buildings now constructed on the Subject Property, there are certain standards that cannot possibly be addressed until building permit applications are submitted, and those are noted within the attached Matrix as "Review at Permit".

The total number of dwelling units proposed within Buildings 7 and 8 is as follows: 338 unrestricted units within Building 7, 195 age-restricted units within Building 8A, and 99 unrestricted units within Building 8B, for a total of 632 dwelling units within the two buildings. As originally proposed, both Buildings 7 and 8 will face west, fronting on 47th Street, and as set forth in Table 1 of the Development Plan, entitled "Building Recommendations", the structured parking in both buildings will be located in the rear of the buildings, screening the CSX railroad tracks. The parking structure in Building 7 will consist of between 6 and 7 levels, will include between 423 and 507 parking spaces, and will be accessed from 47th Street via a pathway under the residential building; the parking structure in Building 8 will consist of between 5 and 6.5 levels, will include between 368 and 441 parking spaces, and will be accessed from Underwood Street via an alley. Some on-street parking will be available along 47th Street.

BUILDING 7 DESIGN CHARACTERISTICS

Building 7 on Parcel K is proposed as a 7-story multifamily residential building, located on the eastern edge of the site, north of CSX bridge. On the north, the building is facing the large open space area that includes the stormwater management pond and the multi-age playground in the northeastern area of the Development Property. As discussed above, the plan also includes a small, refurbished trolley car to be used as an amenity to provide a retail or restaurant use, which will be located on the northern portion of Parcel K. This building defines the corner of 47th and Van Buren Street North at its terminus and has direct access to Village Green.

Building 7 includes amenities and courtyard on the ground floor and a vehicular access path to the garage structure in the back. The garage structure will be wrapped on two sides with the residential building, and will serve to screen the CSX tracks.

To maintain the design unity of the well-established town center at Riverdale Park Station, the design of Building 7 anticipates using high quality materials in a tripartite composition. The base level(s) will be treated with pedestrian level details and separated from upper floors by various articulations, including material changes, banding and cornices. The massing of the building is broken down to create more proportionate compositions. The use of alternating complementary materials and vertical double-glazed windows will enhance a sense of verticality in the overall building design. Building entrances will be articulated with canopies and awnings, and the design anticipates multiple entrances that interact with the public space and sidewalks to the north and west of the building.

BUILDING 8 DESIGN CHARACTERISTICS

Building 8 on Parcel L is proposed as a 7-story multifamily residential building, composed of two adjacent structures, located on the eastern edge of the site, south of CSX bridge and north of Underwood street at the terminus of Maryland Avenue. This building defines the corner of 47th and Van Buren Street, and has direct access to Village Green. These buildings (that collectively comprise Building 8) include amenities and courtyards on the ground floor, and vehicular access to the garage structure is provided from the south via an alley near the rear property line. The garage structure will be wrapped on two sides with the residential building, and will serve to screen the CSX tracks from view.

Similar to Building 7, the design of this parcel anticipates using high quality materials in a tripartite composition. The base level(s) will be treated with pedestrian level details and will be separated from upper floors by various articulations including material changes, banding and

cornices. The massing of the building is broken down to create more proportionate compositions. The west-facing private courtyard provides a more significant break in the general massing along 47th Street. The use of alternating complementary materials and vertical double-glazed windows enhances a sense of verticality in the overall building design. Building entrances will be articulated with canopies and awnings; the design anticipates multiple entrances that interact with the public space and sidewalks to the south and west of the building that follow the natural grade along the streets.

LANDSCAPING AND AMENITIES FOR BUILDINGS 7 AND 8

The landscaping for Buildings 7 and 8 conforms to the M-U-TC guidelines, and is comprised of three typologies: streetscape; open space; and courtyards.

The streetscape consists of street tree plantings and bioretention plantings that line the surrounding streets, creating a shady environment conducive to walking and cycling.

The open space consists of a signature plaza, a private garden, and buffer landscapes. The signature plaza is proposed around the placement of the previously-discussed refurbished trolley car. This historic artifact is intended to become an opportunity for retail services or food and beverage services at the terminus of Woodberry Street, adjacent to the multi-age play area in the northeastern portion of the Development Property. The intention of this space is to create an area for families to gather as a community. It consists of a plaza paved with porous pavers and tables and chairs for seating. The edges of the plaza are proposed to be planted with shade trees to provide a comfortable setting in all seasons.

The private garden is associated with Building 7, and features a patio with a variety of seating options adjacent to the tree save area that will provide an elegant edge to the garden. This garden may include outdoor grills for dining for the residents.

The buffer landscapes are predominantly evergreen screening and bioretention basins, between the building and the adjacent roads and property lines.

Both Buildings 7 and 8 contain private landscaped courtyards for the recreational use by the tenants of these buildings. At Building 7, the courtyard is proposed to include a patio for seating, a lawn area for informal games, and plantings. This area will be a social space for the tenants of the building, as well as a green oasis for views. At Building 8, there are two courtyards. One is completely internal and is proposed to include seating, planting, and a lawn area for informal games. The other one is associated with the senior housing in Building 8A, and is externally focused. It will be fenced for security. This courtyard will include seating, a lawn area, and plantings to create a serene setting for the residents.

In addition to those discussed above, it is anticipated that the amenities for both Building 7 and 8 will include a lobby, lounge, fitness room, game/media/club room, business center, and bike storage.

TROLLEY CAR

As previously discussed, this application also proposes the inclusion of a refurbished trolley car to be located on Parcel K, on the north side of Building 7, and just south of the multi-age play area in the northeastern portion of the Development Property. The trolley car is a small structure, only approximately 400 square feet in size, and will not only serve as retail or restaurant space, but also as an amenity that will serve as a piece of living history, harkening back to the time when trolley cars traversed the Trolley Trail upon the Development Property, as they travelled to and from Washington, D.C.

CONFORMANCE WITH ZONING ORDINANCE A-10018, DSP-13009, PPS NO. 4-13002; SA-130001 AND SP-130002

Most of the conditions of Zoning Ordinance A-10018, DSP-13009, PPS No. 4-13002, SA-130001 and SP-130002 have been satisfied, as evidenced by the existing development upon the Development Property, much of which is currently occupied. Among the most significant issues that were discussed and required through the conditions from these various approvals are the following: (1) the bridge crossing over the CSX tracks on the east side of the Development Property has now been constructed, and is open to the public; (2) the traffic signal at Route 1 and Van Buren Street, along with the pedestrian island, and all frontage improvements along Route 1 have now been installed; (3) the Ice House has been constructed, and one of the airplanes constructed at the former ERCO plant east of the Development Property has been installed on top of this structure; (4) artwork has been installed within Gateway Park and also the public space within the right-of-way of Van Buren Street, formerly referred to as the "Village Square," and now known as "Bear Square"; (5) Buildings 1, 2, 3, and 4 have been constructed and are occupied, and the parking garage within Building 5 is under construction; (6) the street grid and trolley trail have been largely constructed and open to the public; (7) the playground area in the northeast corner of the Development Property has been installed, and is open to the public; (8) a special exception has been approved for the planned hotel (Building 6A); and (9) the townhouses along Woodberry have now been constructed (a number of which are currently occupied), and those along Rhode Island Avenue are now under construction. The following constitutes the status of all conditions of the noted approvals:

(1) Zoning Map Amendment No. ZMA No. A-10018:

Conditions Satisfied: 2; 3; 4; 7; 8; 9; 10 b-g; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; and 26

Remaining Conditions: 1. Only a description of the process.

- 5. Requirement of HPC review, although it has already determined that there is no historic issue on the Subject Property.
- 6. Only issues to be shown on the DSP.
- 10 a. Simply requires inclusion of a valid, approved NRI with the application.
- 27. Not a requirement, although there have been discussions regarding this issue.

(2) Detailed Site Plan No. DSP-13009 (from the District Council approval):

Conditions Satisfied: 1; 2; 3; 5; 7; 8; 9; 10; 13; 14; 15; and 16

Remaining Conditions:

- 4. Requirement of a DSP prior to development of Parcels K, L & M.
- 6. Simply a directive that the plans need to conform to the Development Plan, as modified by any Secondary Amendments.
- 11. We have had, and will continue to have, discussions regarding this issue.
- 12. The Applicant is not opposed to discussions regarding this issue, but this is not a requirement, and is dependent on the actions of other organizations.

(3) Preliminary Plan of Subdivision No. PPS No. 4-13002:

Conditions satisfied: 1; 2; 3; 4; 6; 7; 8; 9; 11; 12; 13; 14; 15; 16; 17; 18; 19; 21; 22; 23; 24; 25; 27; 28; 29; 30; 31; 32; 33; 35; 36; 37; 38; 39; 40; and 41

Remaining Conditions:

- 5. Simply a directive that development must be in conformance with the approved Stormwater Management Concept Plan, as amended.
- 10. Simply a requirement for certification by an acoustical engineer prior to approval of building permits.
- 20. Simply a requirement to include certain historic information on the DSP.
- 26. Simply a notice that any substantial revision to the mix of uses that significantly affects Subtitle 24 findings may require a new PPS.
- 34. Simply a description of the trip cap for this development.

(4) Secondary Amendment No. SA-130001: All conditions are satisfied.

(5) Special Permit No. SP-130002: All conditions are satisfied

CONCLUSION

For all of the above-stated reasons, the Applicant respectfully submits that: (1) the proposed Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use; and that it is in general conformance with the approved Development Plan (no conceptual site plan was required for this zoning), and requests approval of the proposed Detailed Site Plan for two (2) multifamily buildings, Buildings 7 and 8 upon Parcels K and L, and also the proposed trolley car north of Building 7 on Parcel K.

Respectfully submitted,

O'MALLEY, MILES, NYLEN & GILMORE, P.A.

By:

Lawrence N. Taub, Esq.
11785 Beltsville Drive, 10th Floor
Calverton, MD 20705
(301) 572-3274
ltaub@omng.com

Attorney for Applicant

IN RE: **SECONDARY AMENDMENT NO. SA-130001-02**

APPLICANT: **CALVERT TRACT, LLC**

AGENT/ CORRESPONDENT: Lawrence N. Taub, Esq.
O'Malley, Miles, Nylen & Gilmore, P.A.
11785 Beltsville Drive, 10th Floor
Calverton, MD 20785

STATEMENT OF JUSTIFICATION

The Applicant, Calvert Tract, LLC, the owner of the property referred to as the Cafritz Property at Riverdale Park, and currently denominated "Riverdale Park Station" ("Development Property"), hereby requests approval of four (4) Secondary Amendments, pursuant to Section 27-546.14 of the Prince George's County Zoning Ordinance ("Zoning Ordinance"): two for the purpose of allowing the two proposed multifamily buildings planned in the easternmost portion of the Development Property (Buildings 7 & 8) to each be 7 stories in height; one for the purpose of allowing a trolley car to be located on Parcel K along with one of the multifamily buildings (Building 7); and one to allow walls facing public streets for the two proposed multifamily buildings (Buildings 7 & 8) to have windows occupying less than 40 percent of the wall area.

BUILDING HEIGHT, STANDARDS 1 & 2: Buildings 7 and 8 upon Parcels K and L, respectively ("Subject Property"), are denoted as multifamily buildings within the approved Development Plan for the Cafritz Property (entitled "Cafritz Property at Riverdale Park Based On Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan") ("Development Plan"). Within the Development Plan, Standard No. 1 under the category of "Building Height", states: "1. Building height shall conform to Table 1." Within Table 1, Buildings 7 and 8 are each projected to be 3-6 stories in height, and the Applicant now proposes each of these buildings to be 7 stories in height. We thus request that within Table 1, a Secondary Amendment be approved for the "Location" noted as "Parcel K, Building 7, Northeast of 47th Street with Van Buren Street to South", as well as for the "Location" noted as "Parcel L, Building 8, East of 47th Street with Van Buren to the North", allowing the category of "Height (in stories)" for each such building to be amended from "3-6" to "3-7."

Within the same category of "Building Height," Standard No. 2 states: "2. An additional two stories may be considered, not to exceed six stories." For the same reason as set forth above regarding Standard No. 1, we request that this be amended to read, "An additional two stories may be considered, not to exceed seven stories."

TABLE 1: BUILDING RECOMMENDATIONS: The Applicant has obtained a trolley car similar to those that once traversed the Trolley Trail upon the Development Property, and is proposing to locate it upon the northern portion of Parcel K, north of Building 7, and just south of the play area in the northeast portion of the Development Property (described in the Development Plan as Open Space 5). It is quite a small structure, only approximately 350-400

square feet, and while the exact use of this trolley car has not yet been finally determined, it is likely to be used for either a retail or restaurant use. The third Secondary Amendment request, therefore, is to add the trolley car to "Table 1: Building Recommendations." Specifically, the Applicant proposes that within the category "Location" describing the uses within Parcel K, to add the words "Trolley Car" under the category of "Design Function", and to add the words "Restaurant or retail" to the "Uses" category for the same parcel, specifically for the trolley car. Additionally, the proposed trolley car is proposed to be shown upon the Illustrative Plan as Building 10.

BUILDING OPENINGS, STANDARD 11: The two proposed multifamily buildings, Buildings 7 and 8, are proposed as purely residential buildings, with no commercial on the first floor (for which a Special Permit is being applied for). The Standard at issue, requiring walls facing public streets to have windows that occupy at least 40 percent of the wall area, is incompatible with a purely residential building. Windows occupying that amount of the wall area are more commonly found in commercial buildings along public streets. It should be noted that virtually the same development standard appears in the original Riverdale Park Mixed-Use Town Center Development Plan from January, 2004, which was far more focused on the redevelopment of existing buildings, many to mixed-use structures – not the development of new, residential multifamily buildings. This Standard, therefore, appears to have been based upon a different development scenario, and did not anticipate buildings such as those proposed upon Parcels K and L. Within the context of the type of buildings being proposed upon these Parcels, being purely residential, it is unreasonable to expect windows to occupy a minimum of 40 percent of the wall area, given appropriate design and privacy considerations for these types of buildings. For this reason, a Secondary Amendment from this Development Standard is requested to allow windows to occupy at least 25 percent of the wall area of Buildings 7 and 8

The required findings for the approval of the above-described Secondary Amendments are as follows:

"Sec. 27-546.14. Amendments to Development Plan.

...

(b) Secondary amendments.

...

(7) The Planning Board may only approve a requested secondary amendment of a Development Plan if it makes the following findings:

- (A) The requested secondary amendment is in compliance with the requirements for the approval of a Development Plan;
- (B) The requested secondary amendment is in conformance with the purposes of the M-U-TC Zone;
- (C) The original intent of the Development Plan element or mandatory requirement being amended is still fulfilled with the approval of the requested secondary amendment."

The approval of a Development Plan for the M-U-TC Zone requires the following findings, as set forth in Sec. 27-198.05 of the Zoning Ordinance:

- “(A) The entire Map Amendment including the Development Plan, is in conformance with the purposes and other requirements of the M-U-TC Zone;
- (B) Adequate attention has been paid to the recommendations of the Area Master Plans and the General Plan which are found to be applicable to property within the proposed M-U-TC Zone;
- (C) An approved Master Plan recommends a mixed-use town center zone or the area is demonstrated to be an older, substantially developed mixed-use community;
- (D) The Town Center Development Plan will provide a flexible regulatory environment that will support redevelopment and development interests in the area and protect the character of the older mixed-use center; and
- (E) The M-U-TC Zone boundaries are continuous with no land in a different zone remaining solely within the approved M-U-TC Zone boundaries.”

The purposes of the M-U-TC Zone are set forth in Sec. 27-546.09(a) of the Zoning Ordinance, as follows:

- “(1) To create with the community a development framework that can capitalize on the existing fabric of the County’s older commercial/mixed-use centers and corridors.
- (2) To promote reinvestment in, and the appropriate redevelopment of, older commercial areas, to create attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote economic vitality.
- (3) To promote the preservation and adaptive reuse of selected buildings in older commercial areas.
- (4) To ensure a mix of compatible uses which compliments (sic) concentrations of retail and service uses, including institutional uses, encourages pedestrian activity, and promotes shared parking.
- (5) To provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four-hour environment.

- (6) To establish a flexible regulatory framework, based upon community input, to encourage compatible development and redevelopment, including shared parking facilities that will enhance the Town Center.
- (7) Preserve and promote those distinctive physical characteristics that are identified by the community as essential to the community's identity, including building character, special landmarks, small parks and other gathering places, and wide sidewalks."

The M-U-TC zoning for the Development Property was approved in 2012 through ZMA No. A-10018, and the Preliminary Plan of Subdivision (PPS No. 4-13002), Detailed Site Plan (DSP-13009), Special Permit (SP-130002) and certain Secondary Amendments (SA-130001) were all approved in 2013. With regard to the request for the two Secondary Amendments to allow for the maximum height of Buildings 7 and 8 upon Parcels K and L to increase one story from 6 to 7, subsequent to these original approvals in 2013, the Building Code (IBC 2015, Section 510.2) has been amended such that it now does not limit the number of floors that can be built below the horizontal separation (concrete podium) with Type 1A construction. Given this amendment to the Building Code, the design of both Buildings 7 and 8 now anticipates two floors under the horizontal separation with concrete structure and non-combustible material and 5 levels above, with wood structure for a total of 7 stories.

It should also be noted that Buildings 7 and 8 are located on the easternmost portion of the Development Property, immediately adjacent to the CSX railroad tracks, and across the tracks from M-Square, the University of Maryland research and development office park. The additional height of these buildings, if noticed at all, will have no negative impact upon either the Development Property or the adjacent neighborhood, yet will be consistent with the urban nature of the Development Property as planned.

The proposed addition of a trolley car similar to those that once traversed the Trolley Trail upon the Development Property will help to further emphasize the mixed-use character of the Development Property in a manner that will highlight the history of the property. Given its small size, and its proposed location between Building 7 and the play area in the northeast portion of the Development Property, it will add a most interesting accent to the development at an appropriate scale.

As discussed above, Buildings 7 and 8 are proposed as purely residential multifamily buildings, and Development Standard No. 11 within the category of "Building Openings" within the Development Plan, requiring windows on at least 40 percent of the wall area facing public streets, is inappropriate upon a purely residential structure, which, we would suggest, was not anticipated for this standard. To allow a better and more appropriate design for Buildings 7 and 8, therefore, we request that this Standard be reduced to 25 percent.

The Development Property as approved is an urban-style, mixed-use development, and the proposed Secondary Amendments will not alter the character of the development. To this extent, the proposed Secondary Amendments will comport with the following findings for the

approval of the Development Plan for the M-U-TC zone, specifically that: “(A) The entire Map Amendment, including the Development Plan, is in conformance with the purposes and other requirements of the M-U-TC zone;” “(B) Adequate attention has been paid to the recommendations of the Area Master Plans and the General Plan which are found to be applicable to property within the proposed M-U-TC Zone;” “(C) An approved Master Plan recommends a mixed use town center zone or the area is demonstrated to be an older, substantially developed mixed-use community;” and “(D) The Town Center Development Plan will provide a flexible regulatory environment that will support redevelopment and development interests in the area and protect the character of the older mixed-use center;” and “(E) The M-U-TC Zone boundaries are continuous with no land in a different zone remaining solely within the approved M-U-TC Zone boundaries.”

Additionally, the proposed single additional story to Buildings 7 and 8, the addition of the trolley car on the north side of Parcel K, and the reduction of the percentage of windows upon walls facing public streets for Buildings 7 and 8 from 40 percent to 25 percent, will be consistent with the following relevant purposes of the M-U-TC zone: “(1) To create with the community a development framework that can capitalize on the existing fabric of the County’s older commercial/mixed-use centers and corridors;” (2) To promote reinvestment in and the appropriate redevelopment of, older commercial areas, to create attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote economic vitality;” “(4) To ensure a mix of compatible uses which compliments (sic) concentrations of retail and service uses, including institutional uses, encourages pedestrian activity, and promotes shared parking;” “(5) To provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment;” and “(7) Preserve and promote those distinctive physical characteristics that are identified by the community as essential to the community’s identity, including building character, special landmarks, small parks and other gathering places, and wide sidewalks.”

In sum, based upon the above-stated analysis:

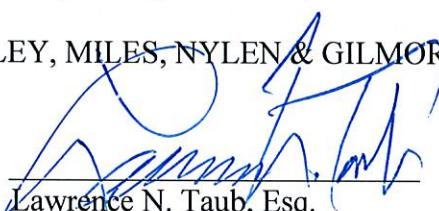
- (1) The requested Secondary Amendments are in compliance with the requirements for the approval of the Development Plan;
- (2) The requested Secondary Amendments are in conformance with the purposes of the M-U-TC Zone; and
- (3) The original intent of the Development Plan element or mandatory requirements being amended with regard to Buildings 7 and 8, to establish two moderate height and appropriately designed multifamily residential buildings upon the Subject Property within the Development Property, and the addition of the trolley car to add to the mixed-use character upon the Development Property, is still fulfilled through the approval of the requested Secondary Amendments.

For all of the above-stated reasons, the Applicant herein respectfully requests the approval of the requested Secondary Amendments.

Respectfully Submitted,

O'MALLEY, MILES, NYLEN & GILMORE, P.A.

By:


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(301) 572-3274
ltaub@omng.com

Attorney for Applicant

IN RE: **SPECIAL PERMIT NO. SP-130003**

APPLICANT: **CALVERT TRACT, LLC**

AGENT/ CORRESPONDENT: Lawrence N. Taub, Esq.
O'Malley, Miles, Nylen & Gilmore, P.A.
11785 Beltsville Drive, 10th Floor
Calverton, MD 20785

SUPPLEMENTAL STATEMENT OF JUSTIFICATION

The Applicant, Calvert Tract, LLC, the owner of the property referred to as the Cafritz Property at Riverdale Park, and currently denominated "Riverdale Park Station" ("Development Property"), hereby submits this Supplemental Statement of Justification for an additional Special Permit in connection with certain age-restricted dwelling units within proposed Building 8 upon Outlot L on the Development Property (which, along with proposed Building 7 upon Outlot K, is referred to herein as the "Subject Property"). The original Statement of Justification for a Special Permit for residential buildings without commercial uses on the first floor is incorporated herein by reference.

The Table of Uses for the Development Plan is noted to be the same Table of Uses set forth in the original Development Plan for the Town of Riverdale Park Mixed-Use Town Center Zone (approved in January, 2004), and within that Table of Uses, a Special Permit is required for "Apartment housing for the elderly or physically handicapped." While age-restricted dwelling units will not occupy all of Building 8 (only 195 of the 294 total dwelling units in that building), to the extent that the proposed age-restricted dwelling units may be construed as "Apartment housing for the elderly or physically handicapped," the Applicant submits that the Special Permit that would be required for this use is justified.

As set forth within § 27-239.02 of the Zoning Ordinance, the Planning Board may grant a Special Permit in the M-U-TC Zone "if it finds that the site plan is in conformance with the approved Town Center Development Plan and its guidelines and specific criteria for the particular use. . . ." Buildings 7 and 8 upon Outlots K and L were, from the beginning, denoted as multifamily buildings upon the approved Development Plan for the Cafritz Property (entitled "Cafritz Property at Riverdale Park Based On Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan") ("Development Plan"). Furthermore, within the findings of the Planning Board Resolution for the Preliminary Plan of Subdivision of the Development Property (PGCPB No. 13-55 for Preliminary Plan No. 4-13002), it was stated that the traffic impact study for the Development Property was predicated, *inter alia*, upon the provision of 219 senior housing units.

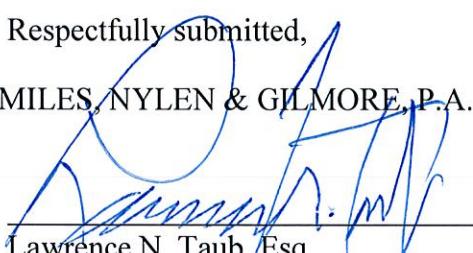
It should also be noted that the proposed age-restricted dwelling units within Building 8 upon Outlot L conform with the guidelines within the approved Riverdale Park Mixed-Use Town Center Development Plan, in that “ The residential locations suggested within the concept are to increase available housing choices to attract the mix of income necessary to support a vibrant town center.” Development Plan, “Development Concept,” page ii.

For all of the above-stated reasons, the Applicant respectfully submits that a Special Permit for “Apartment housing for the elderly and physically handicapped” is justified under the applicable terms of Section 27-239.02 of the Zoning Ordinance, and requests approval of a Special Permit for this use.

Respectfully submitted,

O’MALLEY, MILES, NYLEN & GILMORE, P.A.

By:


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ltaub@omng.com

Attorney for Applicant

The Cafritz Property at Riverdale Park

Revised Site Trip Generation - Adjusting for changes to Residential and Commercial Development Quantities, Update to ITE 10th Edition

Land Use	Amount	Units	AM Peak Hour			PM Peak Hour			Mid Day Peak Hour ¹			SAT Peak Hour		
			In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
Residential														
Senior Housing - attached	195	DU	10	16	26	20	12	32	17	17	34	42	25	67
less internal capture ²			(1)	0	(1)	(2)	(2)	(4)	(3)	(2)	(5)	(5)	(2)	(7)
Net Senior Housing Trips			9	16	25	18	10	28	14	15	29	37	23	60
Less Transit & Metro Rail Reductions ³	30%		(3)	(5)	(8)	(5)	(3)	(8)	(4)	(5)	(9)	(11)	(7)	(18)
Senior Housing External Trips			6	11	17	13	7	20	10	10	20	26	16	42
Faculty Housing ⁴	0	DU	0	0	0	0	0	0	0	0	0	0	0	0
Multi-Family	743	DU	74	312	386	290	156	446	101	101	202	156	163	319
<u>Townhouses</u>	119	DU	17	67	84	62	33	95	16	16	32	28	29	57
Non-Age Restricted Residential Subtotal	862	DU	91	379	470	352	189	541	117	117	234	184	192	376
less internal capture ²			(5)	(7)	(12)	(42)	(27)	(69)	(18)	(14)	(32)	(20)	(17)	(37)
Net Residential Trips			86	372	458	310	162	472	99	103	202	164	175	339
Less Transit & Metro Rail Reductions ³	30%		(26)	(112)	(138)	(93)	(48)	(141)	(30)	(31)	(61)	(49)	(53)	(102)
Non-Age Restricted Residential External Trips			60	260	320	217	114	331	69	72	141	115	122	237
All Residential External Subtotal			66	271	337	230	121	351	79	82	161	141	138	279
Office (ITE 710 for SAT)	21,150	SF	38	4	42	7	32	39	10	12	22	6	5	11
less internal capture ²			(2)	(1)	(3)	(3)	(7)	(10)	(4)	(2)	(6)	(2)	(1)	(3)
Net Office Trips			36	3	39	4	25	29	6	10	16	4	4	8
Less Transit & Metro Rail Reductions ³	30%		(11)	(1)	(12)	(1)	(8)	(9)	(2)	(3)	(5)	(1)	(1)	(2)
Office External Trips			25	2	27	3	17	20	4	7	11	3	3	6
Hotel (ITE 310)	120	Room	32	23	55	33	31	64	23	23	46	49	38	87
less internal capture ²			(2)	0	(2)	(4)	(4)	(8)	(4)	(3)	(7)	(5)	(3)	(8)
Net Hotel Trips			30	23	53	29	27	56	19	20	39	44	35	79
less transit reduction			(9)	(7)	(16)	(9)	(8)	(17)	(6)	(6)	(12)	(13)	(11)	(24)
Hotel External Trips			21	16	37	20	19	39	13	14	27	31	24	55
Retail ITE 820	156,580	SF	91	56	147	363	394	757	383	338	721	459	423	882
less internal capture ²			(9)	(9)	(18)	(39)	(50)	(89)	(21)	(28)	(49)	(24)	(32)	(56)
Net Retail Trips			82	47	129	324	344	668	362	310	672	435	391	826
less transit reduction			(12)	(7)	(19)	(49)	(52)	(101)	(54)	(47)	(101)	(65)	(59)	(124)
Retail External Trips			70	40	110	275	292	567	308	263	571	370	332	702
less pass-by ⁵	40%		(28)	(16)	(44)	(110)	(117)	(227)	(105)	(89)	(194)	(126)	(113)	(239)
Retail New External Trips			42	24	66	165	175	340	203	174	377	244	219	463
Full Buildout Net New External Trips			154	313	467	418	332	750	299	277	576	419	384	803
Approved Trip Cap per Preliminary Plan and DSP						482			794			767		1,019
Net reduction due to changes in development program						(15)			(44)			(191)		(216)

Note: Trip generation is based on MNCPPC rates unless otherwise noted above then used Institute of Transportation Engineers [Trip Generation](#), 10th Edition. ITE Land Use code (LUC) # 252 used for Senior Housing (SAT), ITE LUC # 221 used for all other residential uses (between 3 and 10 stories. for SAT only), ITE LUC # 710 used for Office (SAT), ITE LUC # 310 used for Hotel and ITE LUC # 820 used for Retail. Retail trip calculations based on Gross Leasable Area. Office trip calculations based on Gross Floor Area.

1. Mid Day peak rates were determined based on review of diurnal rates from ITE and other sources (Included in Appendix E)

2. Internal Capture Rates were based on ITE Trip Generation Handbook

3. Based on the MNCPPC Transportation Review Guidelines,Part I, 2012 for reduction in site trips for Transit Oriented Developments. For retail, 15%, though less, was considered as a conservative measure. (See Appendix E)

4. Student Housing rates were used for Faculty Housing (note no longer part of development program)

5. AM and PM Pass-by reduction based on percentage established in MNCPPC Transportation Review Guidelines,Part I, 2012. For Mid-day and Saturday a conservative pass-by percentage of 34% (from ITE Trip Generation Handbook) was considered for conservative purposes

Case No. DSP-13009 Cafritz Property
at Riverdale Park

Applicant: Calvert Tract, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 13-63, to approve with conditions a detailed site plan for a mixed-use development including 855 multifamily units, 126 townhouses,¹ and approximately 187,277 square feet of commercial space distributed on 37.73 acres of land known as the Cafritz Property at Riverdale Park, pursuant to the Town Center Development Plan, located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue, in the Town of Riverdale Park, Council District 3, Planning Area 68, is AFFIRMED, subject to the District Council's original jurisdiction over DSP-13009 pursuant to §27-132(f)(1) and its authority to modify the decision of the Planning Board pursuant to 27-290(d) of the Zoning Ordinance.

As the basis for this action, the District Council, pursuant to §§ 27-132(f)(1), 27-290, and 27-281.01, of the Zoning Ordinance, states its findings and conclusions in Attachment A of this Order. The District Council also adopts and incorporates by reference as if fully stated herein, the findings and conclusions stated by the Planning Board in its Resolution, PGCPB No. 13-63, except as otherwise stated in Attachment A.

¹ Pursuant to Condition 24 of this Order of Approval, herein, elimination of the seven (7) lots in the northeastern corner near the stormwater management pond adjacent to parcel "J" will reduce the total number of townhouses from 126 to 119 units.

ORDERED this 30th day of September, 2013, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, and Toles.

Opposed:

Abstained:

Absent: Council Member Turner.

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

ATTACHMENT A**ORDER OF APPROVAL WITH CONDITIONS DSP-13009****PROCEDURAL HISTORY, FINDINGS, CONCLUSIONS, AND CONDITIONS****Procedural History**

This case involves the 2012 rezoning of 35.71± acres of vacant property from the R-55 Zone (One-Family Detached Residential) to the M-U-TC Zone (Mixed-Use Town Center) by the District Council in Zoning Ordinance No. 11-2012, which was appealed to the Circuit Court for Prince George's County. The Circuit Court recently affirmed Zoning Ordinance No. 11-2012.² Calvert Tract, LLC is the applicant. The subject property and the name of the project are known as the Cafritz Property, legally described as Parcel 81, Tax Map 42, Grid D-1. The Cafritz Property is located approximately 1,400 feet north of the intersections of Baltimore Avenue (MD 410), on the east side of Baltimore Avenue, and it is within the municipal boundaries of the Town of Riverdale Park and the City of College Park. The 2012 rezoning expanded the 2004 Town of Riverdale Park Mixed-Use Town Center Zone Development Plan to include the 35.71± acres of the Cafritz Property for proposed commercial and residential development. *See* Zoning Ordinance No. 11-2012, PGCPB Resolution No. 12-09.

This detailed site plan application (DSP-13009) requests approval of a mixed-use development including 855 multifamily units, 126 townhouses, and approximately 187,277 square

² Several citizens opposed the rezoning of the Cafritz Property and filed timely petitions for judicial review in the Circuit Court, case numbers: CAL12-25136 and CAL12-25243 (consolidated). Pursuant to Md. Rule 7-205, the filing of a petition for judicial review does not stay the order or action of the administrative agency, *i.e.*, the District Council adoption of Zoning Ordinance 11-2012. On September 17, 2013, the Honorable Krystal Q. Alves, of the Circuit Court for Prince George's County, in a 20-page written opinion, AFFIRMED the 2012 rezoning of the Cafritz Property. *See Jason Amster, et. al and Dr. Carol S. Nezzo, et al., v. County Council*, (September 17, 2013, Cir. Ct., J. Alves). *See also* Prince George's County Code, Subtitle 27, §27-141, (20080-09 ed., as amended) (hereinafter "§ 27-____") (The Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including the approval of a preliminary plat of subdivision).

feet of commercial space.³ On June 6, 2013, the Planning Board adopted PGCPB No. 13-63, which approved DSP-13009, subject to conditions.

On June 17, 2013, the District Council, pursuant to §27-290, elected to review DSP-13009.

On July 8, 2013, the Town of University Park (Town), the City of College Park, and certain citizens, Susan Dorn, *et al.*, (Citizens), pursuant to §27-290, filed appeals to the District Council in DSP-13009. All parties requested oral argument.

On September 9, 2013, the District Council, pursuant to §27-132, and the District Council Rules of Procedure, held oral arguments, and subsequently took this matter under advisement.

On September 23, 2013, the District Council, pursuant to §27-132, referred this item to staff to prepare an order of approval with conditions.

Appeal Issues

For clarity, the Council will restate each of the appeal issues raised by the Town, the City, and Citizens as they relate to DSP-13009, and respond accordingly.

- **The Town alleges that the proposed DSP-13009 fails to meet the requirements of Zoning Ordinance No. 11-2012.⁴**

a. Condition 13 of A-10018 requires a “90-120 foot wide buffer” along the entire length of the property frontage on Baltimore Avenue. If the District Council intended to require only a minimum of 90 feet, exclusive of any required SHA right of way along Route 1 as is now provided in the DSP Planning Resolution Condition 1(a)17, it would have done so. Instead, it provided a required range to complement the overall plan for this area as a transition place. Limiting the buffer to 90 feet is not consistent with Condition 13.

³ The applicant also filed applications for a Special Permit (SP-130002), approved, and adopted by Planning Board on June 20, 2013 (Special Permits are governed by §27.239.02, and are reviewable only by the Planning Board), in PGCPB No. 13-64, a Secondary Amendment (SA-130001), approved, and adopted by Planning Board on June 6, 2013, in PGCPB No. 13-57, and a Preliminary Plan of Subdivision (4-13002), approved, and adopted by Planning Board on May 30, 2013 in PGCPB No. 13-55.

⁴ The Town also repeats verbatim appellate issues in DSP-1300 in its appeal to Secondary Amendment 130001. Our responses here, in DSP-13009, shall apply with equal force and effect to the Town’s repetitive appellate issues in its appeal to Secondary Amendment 130001.

Response: This appeal issue is without factual or legal merit. Condition 13 of Zoning Ordinance 11-2012, states: "Prior to approval of a detailed site plan, a 90-to-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable.

The authority to impose conditions on the approval of a zoning map amendment is expressly conferred upon the Council by the Regional District Act, Land Use Article, Md. Ann. Code, §22-214 (2012). We may adopt any reasonable requirements, safeguards, and conditions that 1) may be necessary to protect surrounding properties from adverse effects that might accrue from the zoning map amendment; or 2) would further enhance the coordinated, harmonious, and systematic development of the regional district. We find, based on our review of the record that the Applicant's proposed DSP-13009 incorporates a buffer that is consistent with Condition 13 of the rezoning approval for the rezoning of the subject property imposed by Zoning Ordinance No. 11-2012. The intention of the District Council in imposing Condition 13 of Zoning Ordinance No. 11-2012 is to ensure variation in the width of the buffer area in meeting the 90-foot minimum buffer. The buffer area along the Route 1 frontage is at all points at least 90 feet from the ultimate right-of-way for Route 1 to the western boundary of the parking lots, which includes potential deceleration lanes. As such, the Applicant has met and satisfied the mandatory 90-foot buffer requirement. (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13. The intention of the District Council in imposing the 90-120 foot variable buffer is to ensure variation in the width of the buffer while meeting the mandatory 90-foot buffer requirement. *See Lussier v. Md. Racing Comm'n*, 343 Md. 681, 696-97, 684 A.2d 804 (1996), *McCullough v. Wittner*, 314 Md. 602, 612, 552 A.2d 881 (1989) (An agency's interpretation of the statute that it administers will be given considerable weight).

b. Condition 16 of A-10018 has not been met by the wording adopted by the Planning Board in Condition 1(a)(9). The condition can be met by adopting the wording proposed by the City of College Park, as follows (also referenced on page 20 of the Resolution):

Prior to signature approval of the Detailed Site Plan, the Applicant shall apply and show results of LEED-ND Stage 1 review. If conditional approval is obtained, the Applicant shall employ every effort to obtain full LEED-ND certification and provide documentation of such. If conditional approval is not obtained, the Applicant shall make every effort to achieve U.S. Green Building Council (ISGBC) LEED-Silver certification under LEED-NC and LEED Homes, or if available, equivalent standards for all buildings. Specifically the Applicant shall follow the process below:

Prior to DSP certification, the Applicant shall:

1) Designate a LEED-accredited professional ("LEED-AP") who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact

information for the LEED AP to the City of College Park, the Towns of Riverdale Park and University Park and M-NCPPC.

2) Designate a representative from M-NCPPC and each municipality, who elects to participate, as a team member in the USGBC's LEED Online system. These team members will have privileges to review the project status and monitor the progress of all documents submitted by the project team.

Prior to the issuance of the first use and occupancy permit, the Applicant shall provide documentation that the project has obtained the appropriate LEED certification. If certification has not been completed, the Applicant shall submit certification statements from their LEED-AP that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain the appropriate LEED certification of LEED-ND, LEED-NC and/or LEED Homes.

Response: This appeal issue is without factual or legal merit. Condition 16 of Zoning Ordinance 11-2012 states: "**The applicant shall submit evidence of an application submittal to the U.S. Green Building Council (USGBC) under Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) for a Smart Location and Linkage (SLL) prerequisite review at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan.** Upon GBCI/USGBC approval of SLL prerequisites, the applicant shall pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant shall at detailed site plan provide a LEED score card that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the applicant and the Town of Riverdale Park and the Town of University Park (and pursued by the applicant at its expense), at minimum the applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board." (Emphasis added.) Conditions imposed as part of rezoning, as is the case here, Zoning Ordinance 11-2012, may only be changed by the District Council. *See K.W. James Rochow, et al. v. Maryland National Capital Park and Planning Commission, et al.*, 151 Md. App. 558, 827 A.2d 927 (2003). And the condition remains in effect for so long as the property remains zoned in accordance with Zoning Ordinance 11-2012, and a building permit, use permit, or subdivision plat may not be issued or approved for the property except in accordance with conditions set forth in Zoning Ordinance 11-2012. *See also* §22-214 of the Land Use Article, Md. Ann. Code (2012). The Town is not authorized by law to unilaterally propose, in an appeal, a change to a condition of rezoning by the District Council.⁵

⁵ *See* §27-135. No request for reconsideration or amendment of condition was filed in Zoning Ordinance 11-2012.

The Planning Board's approval of DSP-13009 was conditional, and so is our approval of DSP-13009. That is, **prior to certification of the DSP**, the applicant is required to revise the plans or provide the specified documentation in Condition 1(a)(9) of PGCPB No. 13-63, which provides that the Applicant shall "submit evidence of conditional approval of the plan under leadership in energy and environment design (LEED-ND) 2009 Stage 1 (pre-entitlement) approval." (Emphasis added.)

Our review of the record shows that this condition required the applicant to submit evidence of an application to the USGBC for LEED-ND for a Smart Location and Linkage prerequisite review "at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan." This, in our view, constitutes an issue that was ripe for resolution during consideration of an application for preliminary plan of subdivision, not during our review of DSP-13009. The only potential DSP-13009 issue involved the following language: "If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant shall at detailed site plan provide a LEED scorecard that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the applicant and the Town of Riverdale Park and the Town of University Park (and pursued by the applicant at its expense), at minimum the applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board." An application was made for the LEED-ND, and the Applicant determined that, based on pre-entitlement review, full certification through LEED-ND was practicable. *See PGCPB No. 13-55 (4-13002), Finding 16.*⁶ As such, there was no need to address any of the issues that could have been raised at DSP had it been determined that LEED-ND was "not practicable." This, therefore, is not a DSP issue.

We find no merit in this appeal issue because Condition 1(a)(9) of PGCPB No. 13-63 requires the Applicant, prior to certification of the DSP-13009, to "submit evidence of conditional approval of the plan under leadership in energy and environment design (LEED-ND) 2009 Stage 1 (pre-entitlement) approval," which meets the intent and spirit of Condition 16 of Zoning Ordinance 11-2012.

Furthermore, conditions imposed as part of rezoning, as is the case here, Zoning Ordinance 11-2012, may only be changed by the District Council. *See K.W. James Rochow, et al. v. Maryland National Capital Park and Planning Commission, et al.*, 151 Md. App. 558, 827 A.2d 927 (2003). And the condition remains in effect for so long as the property remains zoned in accordance with Zoning Ordinance 11-2012, and a building permit, use permit, or subdivision plat may not be

⁶ Finding 16 states: The applicant has submitted the U.S. Green Building Council (USGCB) LEED Certification Project Review Report for the Smart Location and Linkage (SLL) application under the provisions and requirements of the LEED-ND (Leadership in Energy and Environmental Design (LEED) for Neighborhood Development) rating system as required by this condition for the PPS. The LEED Certification Project Review Report states that under the SLL prerequisite standards, the Cafritz Property was approved for Development Program and Site Type (Plf1); Project Timeline (Plf2); and Project Location and Base Mapping (Plf3); and the Cafritz Property was awarded for Smart Location (SLLp1); Imperiled Species and Ecological Communities Conservation (SLLp2); Wetland and Water Body Conservation (SLLp3); Agricultural Land Conservation (SLLp4); and Floodplain Avoidance (SLLp5). *See PGCPB No. 13-55 (4-13002).*

issued or approved for the property except in accordance with conditions set forth in Zoning Ordinance 11-2012. *See also* §22-214 of the Land Use Article, Md. Ann. Code (2012). The Town is not authorized by law to unilaterally propose, in an appeal, a change to a condition of rezoning by the District Council.

Notwithstanding, based on our review of the evidence in the administrative record, we find that certain portions of the proposed language supplied by the Town of University Park capture the intended objectives of Condition 16 of Zoning Ordinance No. 12-2012 as to Condition 1a (9), and incorporate those salient points accordingly within the Conditions of Approval, below.

c. Conditions 17, 18, and 19 of A-10018 have not been met. Condition 17 requires the submission of an acceptable Transportation Management Plan (“TMP”), Condition 18 required commitment to a private shuttle with certain headways and destinations, and Condition 19 required commitment to a circulator bus program, all by approval of the Preliminary Plan. These conditions were not satisfied by the Preliminary Plan hearing. The Town, Riverdale Park, College Park and the Applicant met and agreed upon the wording of an acceptable TMP, which included provisions concerning the circulator bus and the shuttle, and monitoring of the TMP, which was proffered to the Planning Board at the hearing. Instead, the Planning Board adopted conditions that extend these requirements to approval of final plat, with review by DPW&T and M-NCPPC staff only and no review by the Town or other municipalities. This action by the Planning Board overrides a specific requirement of Conditions 17, 18 and 19.

Response: Pursuant to §27-285(b)(1) of the Zoning Ordinance, the Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan. §27-285(b)(1). Pursuant to §27-290(d), upon review of a detailed site plan from the Planning Board, we shall affirm, reverse, or modify the decision of the Planning Board, or return the Detailed Site Plan to the Planning Board to take further testimony or reconsider its decision. In approving a Detailed Site Plan, it shall make the same findings which are required to be made by the Planning Board. We take judicial notice of the fact that by letter dated May 6, 2013, to Chairman Hewlett, it was confirmed that the required TMP had been submitted to the M-NCPPC for the entire development, prior to approval of the preliminary plan of subdivision on May 30, 2013, in PGCPB No. 13-55.

We take further judicial notice of the fact that, since the time of filing of Application No. DSP-13009, the Town, as well as the other municipalities, withdrew its appeal as to the issues of the TMP and procedural failure of process. Nevertheless, we find persuasive the evidence concerning the agreement between the Town and applicant, and we further encourage applicant and DPW & T to pursue use of the TMP negotiated by the Town and applicant as the foundation for the TMP and ensure that the items in Condition 14 are addressed. We find that DSP-13009

represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

d. Condition 23 of A-10018 has not been met. This condition prohibits “clear-cutting or regrading any portion of the development until a detailed site plan for that portion of the site has been approved.” The Resolution by the Planning Board recognizes in Condition 4 that Parcels K, L and M, which include the multi-family buildings, are not included in this DSP. Condition 4 states: “Prior to the issuance of building permits for Parcel K, L and M, a detailed site plan application for each such parcel shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.” However, in Condition 10(d), the Planning Board requires the Applicant to revise the plans to show the interim grading and landscaping proposed for Parcels K, L, M, and the portion of Parcel F where the future hotel is proposed. Allowing for interim grading for Parcels K, L and M authorizes clear cutting or re-grading on a portion of the development that is not included in a detailed site plan. The DSP does not cover the entire property, as is clear from Condition 4.

Response: We have reviewed the record and find this contention to be without merit. *See* (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13. Parcels K, L and M were never removed from the subject DSP, and were, in fact, included as part of the approval of that DSP. This is consistent with the Planning Board’s approval of DSP Condition 10d. - had those parcels not been included within this DSP, the Board would not have had jurisdiction to impose such a condition. The Planning Board did not either expressly or by implication require that the parcels be removed from the DSP and the acreage adjusted accordingly-the acreage approved was the same as the acreage applied for. Furthermore, the area of those parcels continued to be included within the calculations for the entire subject property as to such issues as stormwater management and woodland conservation. This is similar to a common situation in which the Planning Board will consider a detailed site plan application for infrastructure only, with detailed site plans for the design and layout of the buildings upon those sites to be submitted at a later date. We find that Parcels K, L, and M unquestionably remain included within DSP-13009.

e. Condition 25 of A-10018 has not been met at either the Preliminary Plan of Subdivision stage nor at the DSP stage, notwithstanding the information provided by Andres Gingles, Esq., on behalf of the Applicant with respect to the consent of the University of Maryland and CSX and public funding. With specific reference to the DSP, Condition 25(b) requires that “(I)f the manner of public funding is tax increment financing, or any other funding mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and

all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property.” Preliminary Plan of Subdivision Condition 36(b) states: The applicant shall demonstrate that the approved funding mechanism committed by the applicant as part of Condition 25 (A-10018), stated above, has been fully established and has been authorized by the county and/or other governmental bodies.” While the County Council has adopted CR-28-2013, which authorizes a Special Taxing District for a portion of the Property, Section 10-269 of the County Code requires additional legislative action to issue bonds to finance the infrastructure improvements, including the crossing, and to levy and impose the tax. There is no legislative determination that the tax to be imposed by the future legislative act is sufficient to pay for a bond that will finance those improvements. Further, the construction of the bridge is now required to demonstrate adequate public facilities. At this point, the Applicant does not control the land needed to comply with these requirements, so that the DSP is premised on something that has not occurred. The cost for the acquisition will affect the financing, which again points to the current inability to obtain governmental approval.

Response: Condition 25(b) of Zoning Ordinance 11-2012, states: “**Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.**” Condition 25(b) **does not** state, as the Town indicates, “(I)f the manner of public funding is tax increment financing, or any other funding mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property.” The Town uses language from Condition 25 out of context. Regardless, the Applicant has satisfied Condition 25(b).

On May 4, 2013, the County Council adopted County Resolution 28-2013 (CR-28-2013), which concerned the Applicant’s property. CR-28-2013 provides, in relevant part, as follows:

For the purpose of designating an area within Prince George’s County, Maryland as a “special taxing district” as that term is used in Section 10-269 of the Prince George’s County Code, as amended, and as that term is used in Section 9-1301 of Article 24 of the Annotated Code of Maryland, as amended, (collectively, the “Act”), such special taxing district to be located in the Town of Riverdale Park, Maryland and to be known as the “Calvert Tract Special Taxing District;” providing for, and determining, various matters in connection with the establishment of a special taxing district, creating a special fund with respect to the special taxing district;

providing for the introduction of a future ordinance or ordinances to provide for the levy of a special tax in connection with such special taxing district; pledging proceeds of such special tax to be paid over to the special fund as provided in the Act; making certain findings and determinations with respect to the special fund and the use of such fund; providing that special obligation bonds may be issued from time to time pursuant to an ordinance or ordinances enacted in accordance with the Act and secured by the special fund; and generally relating to the Calvert Tract Special Taxing District.

WHEREAS, the Owner plans to construct a mixed use development including retail, commercial, residential and office facilities, including, but not limited to, a crossing over the CSX railroad tracks adjacent to the Special Taxing District; and

WHEREAS, such development will further economic development within the County and thus meet the public purposes contemplated by the Act; and

WHEREAS, the Owner has requested that the County issue its special obligation bonds in one or more issues or series to finance infrastructure improvements within or adjacent to the Special Taxing District, as permitted by the Act; and

WHEREAS, the Act authorizes the County to issue special obligation bonds from time to time for the purpose of providing funds to be used to fulfill one or more of the purposes of said Act; and

WHEREAS, the County will consider the introduction of an ordinance or ordinances to, among other things, provide for the levy of a special tax on the real property within the Special Taxing District, and provide that the County will apply the revenues of the Special Tax and the proceeds of any special obligation bonds authorized by the ordinance or ordinances and issued under the Act to fund a portion of the costs of the infrastructure improvements...

See CR-28-2013 (Emphasis added.) We are persuaded by our adopted resolution alone that the Applicant has satisfied Condition 25(b). See Lussier v. Md. Racing Comm'n, 343 Md. 681, 696-97, 684 A.2d 804 (1996), McCullough v. Wittner, 314 Md. 602, 612, 552 A.2d 881 (1989) (An agency's interpretation of the statute that it administers will be given considerable weight). We also take judicial notice of the Applicant's May 6, 2013, letter, which fully described the proposed combination of public and private funding, including the Tax Increment Financing (TIF) District approved by Resolution of the Town of Riverdale Park for the subject property, as well as the County Council Resolution establishing a Special Taxing District for the subject property. Additionally, the two funding mechanisms-the TIF Resolution from Riverdale Park, and the

Special Taxing District Resolution from the County Council were both approved prior to the DSP-13009, and in fact prior to the preliminary plan of subdivision. We are further persuaded by Condition 37 imposed in the preliminary plan of subdivision approval, which requires that, prior to approval of a building permit, the Applicant must demonstrate that the CSX crossing has been constructed, fully bonded and permitted for construction on an agreed upon timetable or otherwise incorporated in specific public facilities financing and implementation program as defined in Section 27-107.01(b)(186.1) of the Zoning Ordinance, as well as Section 24-124(a)(6) of the Subdivision regulations and per SHA, CSX DPWT requirements, or there is a proposal for such roads on an approved master plan and construction scheduled with 100 percent of funds allocated in the CCIP or SCTP.

- The Town submits that it was legal error to not include the following conditions in the DSP:**

1. Prior to the issuance of the first grading permit, the Applicant, its heirs, successors and assigns shall demonstrate that the extension of the approved J-Crossing (Version J.3.300) over the CSX tracks to Rivertech Court with at least 36 feet of road pavement, five foot sidewalks and on-road bike lanes, plus a tow foot barrier (a) have been constructed, (b) fully bonded and permitted for construction with an agreed-upon time table for construction by the Applicant and/or the applicant's heirs, successors, or assigns, (c) otherwise incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01 (186.1) of the Zoning Ordinance or (d) there is incorporated within the adopted County Capital Improvements Program (CIP) or the current State Consolidated Transportation Program (CTP) with one hundred percent (100%) construction funding allocated during the six years. In addition the Applicant must submit for review and comment the completed, revised funding plan for the CSX Crossing (Bridge) of the Office of the Executive, Prince George's County; the Office of the Mayor, Town of Riverdale Park; and the Office of the Mayor, Town of University Park, which shall be allowed 10 days to review and comment prior to the issuance of a grading permit. If no comment is received, the permit may be issued.

2. Prior to approval of the Detailed Site Plan, the applicant shall submit a draft easement for the protection and maintenance of the 90 to 120 foot wide buffer required by Condition 13 of Zoning Ordinance No. 11-2012 for Zoning Map Amendment A-10018 to the benefit of the Town of University Park and the Town of Riverdale Park. The easement for the protection and maintenance, which is subject to approval by the Town of University Park and Town of Riverdale Park, shall include language that sets forth the

rights, responsibilities, and liabilities of the applicant and the applicant's heirs, successors, and/or assignees with respect to maintenance of the buffer, consistent with the requirements of the detailed site plan. The easement shall be reviewed and approved by the Planning Board and its designee.

3. Prior to approval of the final plat, the applicant, and the applicant's heirs, successors, and/or assignees, shall submit a fully executed easement for the protection and maintenance to the benefit of the Town of University Park and the Town of Riverdale Park for the entire buffer delineated on the approved detailed site plan. The liber/folio of the easement shall be reflected on the final plat prior to recordation.

4. Delete or relocate Lots 1-7 along Woodberry Street and create a common play area within this space with appropriate buffering and screening from Building 1.

Response: We find no merit in this appeal issue and request by the Town. The Town offers no legal reason or basis why it was error for Planning Board *not* to include the above conditions in DSP-13009. Nor does the Town offer its legal authority for imposing conditions in DSP-13009. Pursuant to §27-285(5), the Planning Board, in its review of a detailed site plan, shall approve, approve with modification, or disapprove the detailed site plan, and the word "approve" includes "approve with conditions, modifications, or amendments." *See* §27-108.01 (a)(10).

Regardless, the Town's proposed condition 1 is essentially a re-statement **of** preliminary plan of subdivision Condition 37e, with the exception that it requires that the various assurances occur prior to the first grading permit, as opposed to building permits, as designated in the preliminary plan of subdivision. Since this condition relates to the adequacy of public facilities, there was no need for this to occur prior to the first grading permit. *See* (5/30/13, Tr. 201). Condition 37 imposed in the preliminary plan of subdivision approval, which requires that, prior to approval of a building permit, the Applicant must demonstrate that the CSX crossing has been constructed, fully bonded and permitted for construction on an agreed upon timetable or otherwise incorporated in specific public facilities financing and implementation program as defined in Section 27-107.01(b)(186.1) of the Zoning Ordinance, as well as Section 24-124(a)(6) of the Subdivision regulations and per SHA, CSX DPWT requirements, or there is a proposal for such roads on an approved master plan and construction scheduled with 100 percent of funds allocated in the CCIP or SCTP. The Town also requests that the Applicant submit for review and comment the "completed, revised funding plan for the CSX Crossing" to the County Executive and the Mayors of the Towns of Riverdale Park and University Park. To the extent that the public portion of the funding for this crossing will involve the Town of Riverdale Park through its TIF financing, and Prince George's County in connection with the Special Taxing District and other mechanisms, the Office of the County Executive and the Town of Riverdale Park will be involved in the funding for this Crossing. The Town has provided no legal basis to persuade us why it should be involved in this process when it has proffered no public funding for this purpose. *See* (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13. Lastly, in finding that the language of

Condition 27 of the preliminary plan of subdivision approval captures the intentions of the Council stated in Zoning Ordinance 11-2012 conditions as to the rezoning of the subject property, we further note that Condition 37 is more prescriptive and carries weight.

Nevertheless, we take administrative notice of all conditions imposed upon Applicant pursuant to its Preliminary Plan of Subdivision. As such, we further note that the conditions imposed as to the bridge and financing pursuant thereto exceed that of Zoning Ordinance 11-2012, and we support and emphasize compliance therewith.

Proposed condition 2 was rejected by the Town of Riverdale Park because it concluded that it was inappropriate and unnecessary. (5/30/13, Tr. 150-51). We also reject the Town's proposed condition 2 and 3. The subject property, including this front buffer area is, of course, owned by the Applicant, and as with any private property, the owner is responsible for the appropriate maintenance of that property. The owner of this or any other private property cannot be required to cede control of the maintenance of this property to any other party. The property owner is ultimately responsible for the appropriate maintenance of this portion of the subject property, and if it is ever found to be in violation of any applicable code provisions from the Town of Riverdale Park or Prince George's County, it would be subject to code enforcement through either of those jurisdictions – not the Town.

As to proposed condition 4, based on the evidence in the record, we agree that the discussion about the need for additional outdoor play space is with merit. The Planning Board also requested a "minimum of two additional outdoor multi-age playgrounds in condition 22a." We also agree with Planning Board and the Town of Riverdale Park that Lots 1-7 along Woodberry Street is not the appropriate location. Accordingly, and pursuant to authority recited in §§ 27-102(a), 27-281, and 27-290 of the Zoning Ordinance, we find that the Applicant should remove the seven (7) lots in the northeastern corner near the stormwater management pond adjacent to parcel "J" to provide for appropriate play space as indicated in the SA and reflected in condition 22.

- **The Town also submits that the District Council should impose the following additional conditions:**

1. In order to insure that the obligations with respect to the CSX crossing are met, the District Council should require the following:
 - a. Prior to certification of plans, provide a profile, cross sections, architectural renderings and of the bridge crossing for review by Urban Design and the Town of University Park.
 - b. Prior to issuance of a grading permit, require proof of payment of \$50,000 to the University of Maryland by the Applicant.
 - c. Prior to first building permit, require that the Applicant demonstrate final approval of an agreement with the University of Maryland (including approval of the Board of Public Works) with respect to the transfer of the property required to land the bridge to the Applicant.

d. Prior to issuance of a grading permit, the Applicant must file and obtain approval for any required detailed site plan or mandatory referral for the property where the bridge will land.

2. The District Council should also require the following:

a. Prior to certification of plans, include a sheet that references all applicable conditions, including A-10018, the Preliminary Plan and Detailed Site Plan.

b. Prior to certification of plans, Applicant shall show on the plans the final disposition of the improvements required by SHA and the extent of the gateway feature. If a sidewalk is included in SHA improvements, there should be a showing that it meets ADA requirements.

Response: Based on the evidence in the record, we find that the Applicant has substantially complied with the conditions imposed by the rezoning of the subject property imposed by Zoning Ordinance No. 11-2012. However, in order to ensure compliance for the duration of the project, Applicant should provide or continue to provide pertinent documentation to appropriate agencies as set forth in the Conditions of Approval, below, and is further encouraged to share updates concerning the bridge and gateway features / buffer with the general public.

- **The basis for the City's reasons for appeal are as follows:**

1. The DSP should include dedication of Parcel H to the City of College Park and submission of detailed design plans of the Trolley Trail including landscaping and signage elements for review and approval by the City of College Park.

Parcel H contains 19,803 square feet and is located entirely in the City of College Park. The applicant proposes to construct a trolley trail through Parcel H to connect to the existing trolley trail to the north that is owned and maintained by the City of College Park within the historic Rhode Island Avenue right-of-way through the city limits. The city prefers to have jurisdiction over this segment of the right-of-way as well. The M-NCPPC Department of Parks and Recreation has expressed no objection to City of College Park ownership of Parcel H and the trail within it.

The City of College Park asked for conveyance of Parcel H in a letter dated May 15, 2013 to the Planning Board and during testimony at the Planning Board hearing on PPS 4-13002. The Planning Board did not express any objections to ownership of Parcel H by the City but indicated that the City of College Park should pursue the conveyance of this parcel to the City after it is dedicated to M-NCPPC. The City submits that this would create an unnecessary

bureaucratic burden on the City and M-NCPPC when it could be done at the time of final plat by the applicant. The City of College Park should also have the right to review and comment on the detailed design plans for the trolley trail. Condition 1.a.(21) of PGCPB no. 13-63 simply provides a copy of the design plans for the trolley trail to the City without affording the City the opportunity to review, comment or approve the plans.

The City notes that Parcel H is omitted from the Parcel-by-Parcel Description included in Finding 6 of PGCPB No. 13-63.

Response: The allegations by the City generally amount to thoughtful requests lacking in substantive merit. While the Council is aware of the City's preference to have jurisdiction over the right-of-way within the City limits on Parcel H, we find that such a dedication is not required pursuant to the approval of a Detailed Site Plan application for development under Part 3, Division 9 of the Zoning Ordinance. Moreover, we also find, based on a review of the law in light of the record evidence that the requested guarantee to "review, comment, or approve the plans" is not contemplated within §27-280 of the Zoning Ordinance and is not required. Lastly, a review of the record reveals that the Planning Board, in adopting Condition 1.a.(21), and directing that a copy of the design plans for the trolley trail to the City, meets the prescriptions recited in §§ 27-102 and 27-281 of the Zoning Ordinance.

2. Condition 1.a.9 in the DSP is not sufficient to be in compliance with Condition 16 of A-10018 as approved in Zoning Ordinance No. 11-2012. The following condition would satisfy this requirement:

Prior to signature approval of the Detailed Site Plan, the Applicant shall apply and show results of LEED-ND Stage 1 review. If conditional approval is obtained, the Applicant shall employ every effort to obtain full LEED-ND certification and provide documentation of such. If conditional approval is not obtained, the Applicant shall make every effort to achieve U.S. Green Building Council (USGBC) LEED-Silver certification under LEED-NC and LEED Homes, or if available, equivalent standards for all buildings. Specifically the Applicant shall follow the process below:

A. Prior to DSP certification, the Applicant shall:

1) Designate a LEED-accredited professional ("LEED-AP") who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact information for the LEED AP to the City of College Park, the Towns of Riverdale Park and University Park and M-NCPPC.

2) Designate a representative from M-NCPPC and each municipality, who elects to participate, as a team member in the USGBC's LEED Online system. These team members will have

privileges to review the project status and monitor the progress of all documents submitted by the project team.

B. Prior to the issuance of the first use and occupancy permit, the Applicant shall provide documentation that the project has obtained the appropriate LEED certification. If certification has not been completed, the Applicant shall submit certification statements from their LEED-AP that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain the appropriate LEED certification of LEED-ND, LEED-NC and/or LEED Homes.

The language in the City's proposed condition is intended to reflect the next steps in the LEED-ND certification process and provide assurances that Condition # 16 of Zoning Ordinance No. 11-2012 in Case No. A-10018 is met.

Condition #16 states in part, "...the applicant shall pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant shall at detailed site plan provide a LEED scorecard that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review..." This condition language requires that a determination be made at the time of detailed site plan as to which certification path the applicant will follow based on the results of the USGBC pre-entitlement review. Because the applicant had not even applied for this review at time of detailed site plan, this determination could not be made. The Planning Board instead approved Condition #1.a.(9) in PGCPB No. 13-63 that requires the applicant to "Submit evidence of conditional approval of the plan under leadership in energy and environment design (LEED-ND) 2009 Stage 1 (pre-entitlement) approval prior to certification of the DSP."

This condition stops short of requiring the applicant to obtain certification under any LEED program or any other equivalent standards and therefore does not fulfill the condition requirement of the zoning case. The City's reading of the condition is that if the plan is eligible for LEED-ND certification, the applicant is required to pursue said certification, and if the plan is not eligible, the applicant is required to pursue silver certification under LEED-NC and LEED Homes or equivalent standards.

The City's proposed condition language is similar to language previously adopted by the Planning Board in DSP-12034, PGCPB No. 13-36 so it is not without precedent. It established a process for the applicant to follow and enables appropriate parties to follow the progress of the USGBC review online. Most importantly, it makes clear that the ultimate goal is for the project to actually obtain certification under LEED-ND or another standard.

Response: See response above to Town of University Park appeal on these matters, found on pp. 4-6, herein.

3. In order to insure that the bikeshare station required to be shown on the DSP is actually built, the condition should include the following:

Prior to approval of the first building permit, the Applicant shall show a final location for the proposed bikeshare station (11 docks and 6 bikes) that measures 31 feet in length and 6 feet in width in the vicinity shown on the Preliminary Plan. If the Capital Bikeshare Program or similar program is operational or under contract for operation, the Applicant, its successors and assigns, shall pay the then prevailing cost, not to exceed \$45,000 to the Administrator of the Bikeshare Program, or similar program, for the installation and 12-month operation of an 11 dock/6 bike station.

When a bike share is shown on the Detailed Site Plan located on Van Buren Street, funding for the station was not included in any condition adopted in the Preliminary Plan or Detailed Site Plan resolutions nor was it included in the applicant's Transportation Management Plan. The requested funding represents the current cost of purchasing and installing the equipment for one bikeshare station and the cost for operating the station for one year.

The City of College Park and the University of Maryland are in the process of entering into a contract with the Capital Bikeshare providers and intend to launch a nine-station system by January 1, 2014. The goal is to grow the bikeshare network to include other locations along Route 1 corridor and vicinity particularly new mixed-use development projects. Funding to expand the system in this way is needed and has readily been agreed to through conditions of approval by the developers of the following recent projects: The Varsity, M Square, Domain and Koon's Ford. This is a small, one-time cost for a project the size of Cafritz especially when the project will benefit from the enhanced transportation accessibility and connectivity that bikeshare will provide.

Response: Our review of the evidence contained in the record reveals no error of fact or law to supporting the reversal of the decision of the Planning Board embodied in PGCPB Res. No. 13-57. To that end, we find that the Applicant has substantially complied with the requirements imposed by §§ 27-102, 27-281, 27-283, and 27-290 of the Zoning Ordinance. However, we take all due notice of the concerns, including bikeshare, raised by the City and urge that resolution to these issues be made through an executed TMP, which will be developed by the Prince George's County Department of Public Works and Transportation, together with input from the Town of University Park, the City of College Park, and the Town of Riverdale Park.

- **Citizens allege that Planning Board committed the follow errors:**

1. The Planning Board did not postpone the hearing of the Detailed Site Plan on May 23, 2013, as required by Sec. 27-125.05. An enormous amount of new information was submitted both by the Applicant and by various government agencies well after the technical staff report had been completed on May 9, 2013, including specifically, but not limited to, the report of Mr. Faramarz Mokhtari from the County's Transportation Planning Section, regarding changes made by the Planning Board to the Preliminary Plan of Subdivision on May 16, 2013. The Planning Board determined to proceed with its hearing May 23 regardless of the statutory mandate, and it also determined, after it commenced the hearing, which lasted several hours, to continue the hearing on May 30.

Response: This appeal issue has no factual or legal merit. Pursuant to §27-125.05, where the Planning Board is authorized to conduct a public hearing in a zoning or site plan case, the Planning Board shall send by first class mail a copy of the technical staff report to the applicant and all parties of record no less than two (2) weeks prior to the scheduled public hearing on the application. At the same time and in the same manner, the Planning Board shall send a copy of the technical staff report to every municipality located within one (1) mile of the property which is the subject of the application and to all civic associations registered with the Commission for the area which includes the property. **If new information is provided by the applicant or any governmental agency after the technical staff report is completed, any party of record shall be allowed a one (1) week postponement if such party so requests.** (Emphasis added.) First, based on our review of the hearing transcript, Citizens did not request a postponement. *See* (5/23/2013 Tr.). At the May 23, 2013, hearing, Suellen M. Ferguson, Esquire, on behalf of the Town and City, not Citizens, made a request for postponement pursuant to §27-125.05, which the Planning Board granted. Therefore, there was no violation of §27-125.05.

2. The Planning Board gave the public inadequate notice of the continued hearing. Before the Board's website was revised-on May 29-to show that the Detailed Site Plan hearing was on its agenda for May 30, a number of citizens had to call to ask whether the date of

the hearing had been fixed and what its place was on the Planning Board's agenda. No other notice was afforded to persons who had signed up as Persons of Record, despite the fact that the Planning Board maintained on its Persons of Record spreadsheet both the email addresses and the phone numbers of all persons who had provided such contact information.

Response: The Citizens do not complain that they did not receive notice of the May 23, 2013, public hearing or the May 30, 2013 public hearing. Rather they complain that notice of the May 30, 2013, public hearing was inadequate. Pursuant to the Planning Board's Rules of Procedure, notice of all hearings held pursuant to its Rules shall be in accordance with provisions of the Zoning Ordinance and any public hearing may be recessed to an announced time and place or posted at the time and place of the original location for which original notice has been given. Thereafter, no further notice shall be necessary. *See* Prince George's County Planning Board Rules of Procedure, Sections 2 and 3, respectively. PGCPB Resolution No. 08-71, as amended May 8, 2008. We find that the Planning Board provided adequate notice of the May 30, 2013, public hearing. On May 23, 2013, the Planning Board, consistent with its own Rules of Procedure, recessed its public hearing and announced that the next hearing will be held on May 30, 2013, the place of the original location for which original notice had been given. (5/23/13 Tr.) While the parties of record may have been slightly inconvenienced, by rule, after the Planning Board recessed from the May 23, 2013, hearing, no further notice was necessary.

3. The Planning Board has failed to maintain a process sufficient to ensure that its online system of registration of Persons of Record in fact so captures all individuals who use such system. Among the citizens appealing this Detailed Site Plan are several who became aware that they were not so registered, despite their online registration; persons who appeared on May 30; persons who were alerted to the absence of their names from a list that was provided by Planning Board staff and who subsequently "successfully" registered (online or by fax); as well as persons who learned only after May 30 of their exclusion from the list of Persons of Record.

Response: This appeal has no factual or legal merit. Whether Planning Board failed to maintain a sufficient process to ensure that its online system of registration of Persons of Record in fact so captures all individuals who use such system is not legal error in approving a detailed site plan. Pursuant to §27-285(b)(1), the Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan. §27-285(b)(1). We find, after reviewing the record in this matter, that Planning Board committed no legal error in approving DSP-13009. *See* (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13. We would note, however, that a receipt indicating that the registration has been received is appropriate.

4. The Planning Board erred in granting approval of the Detailed Site

Plan when it proceeded to a hearing without having a schematic map or drawing submitted by the Applicant within a timely public record showing in detail adequate (sic) for the Planning Board to make a determination or for the public to make informed comment or suggestion sufficient as to the width of streets and sidewalks, placement of parks, placement of streets, width of curbs, placement of the bridge, crossing of the bridge, and other details necessary to distinguish a Detailed Site Plan from one that is merely conceptual. Inadequacy of the submission is illustrated by the Planning Board's nearly four single-spaced pages of 23 required revisions to the Detailed Site Plan. (See PGCPB No. 13-63 Resolution File No. DSP 13-009, pp.77-81). Similarly, the Planning Board erred by deferring the approval of the Transportation Management Plan, shuttle bus commitment and circulator bus program to approval at final plat. Such deferral failed to meet conditions 17, 18, 19 of the Zoning Ordinance.

Response: This appeal issue is without merit. Pursuant to §27-282(e), a detailed site plan shall include the following:

- (1) Location map, north arrow, and scale;
- (2) Boundaries of the property, using bearings and distances (in feet); and either the subdivision lot and block, or liber and folio numbers;
- (3) Zoning categories of the subject property and all adjacent properties;
- (4) Locations and types of major improvements that are within fifty (50) feet of the subject property and all land uses on adjacent properties;
- (5) An approved Natural Resource Inventory;
- (6) Street names, right-of-way and pavement widths of existing streets and interchanges within and adjacent to the site;
- (7) Existing rights-of-way and easements (such as railroad, utility, water, sewer, access, and storm drainage);
- (8) Existing site and environmental features as shown on an approved NRI;
- (9) A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or a Standard Letter of Exemption;
- (10) A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible;
- (11) An approved stormwater management concept plan;
- (12) Proposed system of internal streets including right-of-way widths;

- (13) Proposed lot lines and the dimensions (including bearings and distances, in feet) and the area of each lot;
- (14) Exact location and size of all buildings, structures, sidewalks, paved areas, parking lots (including striping) and designation of waste collection storage areas and the use of all buildings, structures, and land;
- (15) Proposed grading, using one (1) or two (2) foot contour intervals, and any spot elevations that are necessary to describe high and low points, steps, retaining wall heights, and swales;
- (16) A landscape plan prepared in accordance with the provisions of the Landscape Manual showing the exact location and description of all plants and other landscaping materials, including size (at time of planting), spacing, botanical and common names (including description of any plants that are not typical of the species), and planting method;
- (17) Exact location, size, type, and layout of all recreation facilities;
- (18) Exact location and type of such accessory facilities as paths, walks, walls, fences (including widths or height, as appropriate), entrance features, and gateway signs (in accordance with Section 27-626 of this Subtitle);
- (19) A detailed statement indicating the manner in which any land intended for public use, but not proposed to be in public ownership, will be held, owned, and maintained for the indicated purpose (including any proposed covenants or other documents);
- (20) Description of the physical appearance of proposed buildings (where specifically required), through the use of architectural elevations of facades (seen from public areas), or through other illustrative drawings, photographs, or renderings deemed appropriate by the Planning Board; and
- (21) Any other pertinent information.

Submittal of a detailed site plan does not require “schematic maps.” A “schematic map” is defined as the scale drawing that outlines the floor plan where scale models of basic elements can be placed for best and most effective positioning.⁷ Regardless of this technicality however, our review of the record reveals that original DSP plans were submitted on March 28, 2013, a revised set of plans, with minor changes to labeling and lot/parcel lines, was submitted on April 18, 2013. Planning Board’s findings were based on a final revised set of plans submitted May 1st through the 6th, 2013. *See* (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13.

5. The Planning Board erred in approving the Detailed Site Plan when it did not require actual funding of the bridge by the

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See <http://thelawdictionary.org/schematic-plan/> (last visited September 28, 2013).

Applicant as required in the Zoning Ordinance. There is no evidence in the record that the Applicant has in fact contributed to an escrow account or any other funding mechanism (sic) the required \$5 million dollars proffered by the Applicant to be contributed. Mr. Mokhtari's report notes this oversight; the Planning Board did not take up that observation in its Resolution.

Response: This appeal issue is without factual or legal merit. Condition 25(b) of Zoning Ordinance 11-2012, states: "**Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.**" (Emphasis added.) On May 4, 2013, the County Council adopted County Resolution 28-2013 (CR-28-2013), which concerned the Applicant's property. CR-28-2013 provides, in relevant part, as follows:

For the purpose of designating an area within Prince George's County, Maryland as a "special taxing district" as that term is used in Section 10-269 of the Prince George's County Code, as amended, and as that term is used in Section 9-1301 of Article 24 of the Annotated Code of Maryland, as amended, (collectively, the "Act"), such special taxing district to be located in the Town of Riverdale Park, Maryland and to be known as the "Calvert Tract Special Taxing District;" providing for, and determining, various matters in connection with the establishment of a special taxing district, creating a special fund with respect to the special taxing district; providing for the introduction of a future ordinance or ordinances to provide for the levy of a special tax in connection with such special taxing district; pledging proceeds of such special tax to be paid over to the special fund as provided in the Act; making certain findings and determinations with respect to the special fund and the use of such fund; providing that special obligation bonds may be issued from time to time pursuant to an ordinance or ordinances enacted in accordance with the Act and secured by the special fund; and generally relating to the Calvert Tract Special Taxing District.

WHEREAS, the Owner plans to construct a mixed use development including retail, commercial, residential and office facilities, including, but not limited to, a crossing over the CSX railroad tracks adjacent to the Special Taxing District; and

WHEREAS, such development will further economic development within the County and thus meet the public purposes contemplated by the Act; and

WHEREAS, the Owner has requested that the County issue its

special obligation bonds in one or more issues or series to finance infrastructure improvements within or adjacent to the Special Taxing District, as permitted by the Act; and

WHEREAS, the Act authorizes the County to issue special obligation bonds from time to time for the purpose of providing funds to be used to fulfill one or more of the purposes of said Act; and

WHEREAS, the County will consider the introduction of an ordinance or ordinances to, among other things, provide for the levy of a special tax on the real property within the Special Taxing District, and provide that the County will apply the revenues of the Special Tax and the proceeds of any special obligation bonds authorized by the ordinance or ordinances and issued under the Act to fund a portion of the costs of the infrastructure improvements...

See CR-28-2013 (Emphasis added.) We are persuaded by our resolution alone that the Applicant has satisfied Condition 25(b), and that Planning Board did not commit legal error in its approval of DSP-13009. *See Lussier v. Md. Racing Comm'n*, 343 Md. 681, 696-97, 684 A.2d 804 (1996), *McCullough v. Wittner*, 314 Md. 602, 612, 552 A.2d 881 (1989) (An agency's interpretation of the statute that it administers will be given considerable weight). We also take judicial notice of the Applicant's May 6, 2013, letter which fully described the proposed combination of public and private funding, including the Tax Increment Financing (TIF) District approved by Resolution of the Town of Riverdale Park for the subject property, as well as the County Council Resolution establishing a Special Taxing District for the subject property. Additionally, the two funding mechanisms-the TIF Resolution from Riverdale Park, and the Special Taxing District Resolution from the County Council were both approved prior to the DSP-13009, and in fact prior to the preliminary plan of subdivision.

6. The Planning Board erred in granting approval of the Detailed Site Plan when it relied on conditional rather than actual approval by the University of Maryland concerning the CSX railroad crossing, as required under Condition 25d of the Ordinance. (See A-10018, Notice of Final Decision of the District Council, July 18, 2012, p. 17, and alluded to on p. 37 of the Resolution) Furthermore, as of May 30-and even as of the date of this writing-the actual "off-site land or right-of-way acquisition costs"-among other costs required to be identified in the same Condition of the Ordinance-have not been determined. Although that requirement was demanded with the Preliminary Plan of Subdivision, the incorrect assertion that a Zoning Ordinance condition has been met does not mean either that the condition is waived or that there is no longer a need to meet it completely before proceeding to the Detailed Site Plan.

Response: This appeal issue is premised on Citizens inaccurate and out of context use and restatement of Condition 25(d) of Zoning Ordinance 11-2012. Condition 25(d) is prefaced with: “**Prior to the approval of a Preliminary Plan of Subdivision (the “Preliminary Plan”)**, the applicant shall do the following, subject to the opportunity for review and comment by Prince George’s County, the Town of Riverdale Park, and the Town of University Park:” (Emphasis added.) Condition 25(d) states as follows: “Provide cost estimates for the design, permitting and construction of the CSX Crossing, including off-site land or right-of-way acquisition costs, if any.” *See* Zoning Ordinance 11-2012, Condition 25. We also find that Condition 25(d) is not a prerequisite for approval of DSP-13009. Rather, based on our review of the record and our judicial notice of PGCPB No. 13-55 (4-13002), which approved and adopted the preliminary plan of subdivision in this matter, Planning Board found that the Applicant has satisfied Condition 25(d). *See* (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13, and PGCPB No. 13-55 (4-13002).

7. Planning Board erred in finding that the woodland conservation threshold had been met onsite. The burden is placed rightly on the Applicant to show how such a threshold cannot be met, rather than on the Planning Board to make an apology for the Applicant’s design. The record does not show that the Applicant designed the site in an attempt to meet the woodland conservation threshold, whether or not infill design is a challenge to such a threshold showing. Rather, it is the Applicant’s own design that makes meeting the conservation threshold “challenging.” The Planning Board’s recitation disposing of the woodland conservation threshold is conclusory and without record support. (See Resolution, p.17) Additionally, the Planning Board erred by disregarding Condition 23 of the Zoning Ordinance which prohibits regarding until a detailed site plan has been approved for the specific portion to be re-graded. Despite the fact that the Resolution explicitly fails to include Parcels K, L and M of the property (presumably set aside for multi-family buildings), the Planning Board’s Resolution, Condition 10(d), purports by its language to meet Condition 23, so as to show the interim grading those parcels.

Response: Citizens assertions with regard to woodland conservation are incorrect. The Woodland Conservation ordinance is drafted and interpreted within the context of the land use assigned to a particular property, not as an absolute objective. *See Lussier v. Md. Racing Comm’n*, 343 Md. 681, 696-97, 684 A.2d 804 (1996), *McCullough v. Wittner*, 314 Md. 602, 612, 552 A.2d 881 (1989) (An agency’s interpretation of the statute that it administers will be given considerable weight). Since, as indicated within the Planning Board Resolution for DSP-13009, the M-U-TC zoning of the subject property allows for high-density residential and commercial uses-as evidenced by the nature of the Development Plan approved by the District Council as part of the Zoning Amendment-the Woodland Conservation ordinance was properly applied to the subject property by the Planning Board. The findings by Planning Board embodied an evaluation of this entire issue by the Environmental Planning Section, and is certainly not “conclusory and without record support.” It was properly considered and evaluated within the context of the design goals

of the M-U-TC Zone. As previously discussed, Parcels K, L and M were not removed from this DSP, and were included in the total acreage and calculations regarding Woodland Conservation and Stormwater Management for the entire site. *See PGCPB No. 13-63 and Technical Staff Report, 5/9/13.* Regarding compliance with Condition 23 of Zoning Ordinance 11-2013, Parcels K, L and M are included within DSP-13009. While the Planning Board Resolution does require an additional DSP for each of those parcels prior to the issuance of a building permit, those parcels remained as part of this DSP-13009. We find evidence of this in Condition No. 10d, which require interim grading upon those parcels.

8. The Planning Board erred in recognizing private, indoor fee-to-use recreation facilities as adequate public facilities for recreation. Furthermore, the Planning Board erred in not demanding “complete details” (such as size and type of facility) until certification of the plans, rather than at approval of the Detailed Site Plan. (See Resolution, pp. 79-80) Public comment was made at the hearing suggesting a “pocket park” in the northwest corner of the property to be substituted for one or two townhomes (such townhomes requested to be eliminated by planning staff). To the best of our knowledge and belief, the Preliminary Plan approved by the Planning Board included such a park and thus the Resolution is in conflict with the adopted Preliminary Plan. Neither the public comment nor the planning staff suggestion was carried over into the Resolution. Public comment was made repeatedly requesting that a filed sufficient for soccer or like athletic field be identified and dedicated on the property. No capture of such comment appeared in the Resolution.

Response: Based on the evidence in the record, we agree that the discussion about the need for additional outdoor play space is with merit. The Planning Board also requested a “minimum of two additional outdoor multi-age playgrounds in condition 22a.” We also agree with Planning Board and the Town of Riverdale Park that Lots 1-7 along Woodberry Street is not the appropriate location. Accordingly, and pursuant to authority recited in §§ 27-102(a), 27-281, and 27-290 of the Zoning Ordinance, we find that the Applicant should remove the seven (7) lots in the northeastern corner near the stormwater management pond adjacent to parcel “J” to provide for appropriate play space as indicated in the SA and reflected in Condition 22.

9. The Planning Board erred in failing to require appropriate input from the Historic Preservation Commission (HPC). Based on a prior plan of the project, the HPC concluded at its April 16, 2013 meeting, that there would be “no visual impact” on adjacent National Register Historic Districts. The DSP was (sic) this conclusion. However, the HPC did not take up the current access route’s impact on historical properties until a meeting that took place on May 21 (not May 22 as stated in the Planning Board documents).

In no part of the HPC May 21 meeting was there any discussion of the *visual impact* of the new alignment. Furthermore, the Town of University Park and Riverdale Park are registered in the Maryland Historic Trust's database as in the National Register of Historic Districts, and thus the National Park Service (NPS) has jurisdiction. At no time in the rezoning, PPS or DSP process has the NPS been consulted.

Response: This appeal issue is without factual or legal merit. Referral to HPC is required pursuant to §27-284. DSP-13009 was referred to the HPC. The HPC made the following findings and conclusions on DSP-13009:

At their April 16, 2013 meeting, the Historic Preservation Commission (HPC) reviewed the subject application in regard to its relationship to Archeological Site 18PR259 located on the property; adjacent ERCO Historic Site (68-022); Riverdale Park (68-004), University Park (66-029), and Calvert Hills (66-037) National Register historic districts. After a detailed presentation of the application and discussion with the applicant, the HPC determined that elements of the DSP may require revisions that might not be available in time for review by the Planning Board. As a result, their recommended condition language below provides for additional review of these revisions before the certification of the detailed site plan, if these revisions are not available at the time of the Planning Board hearing. The HPC voted 6-0-1 (the Chairman voted "present") to forward the following findings, conclusions, and recommendations to the Planning Board for its review of Detailed Site Plan DSP-13009 Cafritz Property:

The HPC provided a summary of the background of the subject property and the affected historic sites and districts.

HPC Findings

(1) The subject DSP application provides for the development of residential, commercial, hotel, and office uses within the M-U-TC (Mixed-Use Town Center) Zone and based on a set of site-specific design guidelines. The proposed plans include up to 1,542,000 square feet of residential space (981 multi- and single-family dwelling units); up to 26,400 square feet of office space; up to 201,840 square feet of retail/flex space; and up to 145,080 square feet of hotel space within a network of streets that are extensions of the nearby grid established to the west in University Park and to the south in Riverdale Park.

(2) The subject DSP application, and the associated preliminary plan of subdivision, provides for the retention-in-place of the nineteenth century ice house, the property's most significant remaining historic and archeological feature. The subject application includes the ice house within a landscaped portion of the parking area associated with the proposed grocery store near the southwestern portion of the property. The application provides some conceptual details for the final form of the feature, but does not specifically address the design, materials and construction techniques to be used, or the number and content of interpretive measures to be installed. The applicant's Phase III mitigation plan should include these details and address preservation of the ice house in place, data recovery for the carriage barn site and the required interpretive measures.

(3) The illustrative plans for the proposed development indicate a number of the large, multi-story buildings on the property that may have a visual impact on the adjacent National Register Historic Districts.

(4) At the historic preservation commission meeting dated April 16, 2013, the HPC voiced concern about future access to the ice house for archeological investigation and the preservation of the materials inside the structure. The plans do not provide any details of how the structure will be ventilated. The HPC directed Planning Board to work with the applicant to finalize some of the details of the ice house feature before the review of the DSP by the Planning Board, if possible. These details include the establishment of a limit of disturbance (LOD) to safeguard the ice house during grading and construction, the establishment of an archeology easement, more detailed specifications for the design and construction of the ice house enclosure, and more precise character and location of interpretive signage.

HPC Conclusions

(1) A detailed site plan for interpretive signage and other public outreach measures focused on the history and significance of the MacAlpine property, the Calvert Homes development, the ERCO factory, and the historic trolley right-of-way, should be developed as part of the DSP process affecting the subject property. Because of the short time frame associated with the submittal of the subject application, the applicant has been unable to provide many of the details associated with the retention and interpretation of the ice house before review of the subject application by the Historic Preservation Commission (HPC). Therefore, the applicant should be

required to submit specific details for the design elements to the Historic Preservation Commission for review before certification of the detailed site plan, so that these details and specifications can be included on the certified plans.

(2) The ERCO Historic Site (68-022) and its 13.71-acre environmental setting will be impacted by the bridge that will cross from the subject property over the CSX tracks and onto the University of Maryland property to the east. However, because the historic site is the subject of a Memorandum of Agreement between the University of Maryland and the Maryland Historical Trust providing ultimately for demolition, the impact of the railroad crossing should be considered de minimis. Archeological site 18PR258 will be impacted by the bridge that will cross from the subject property over the CSX tracks and onto the University of Maryland property to the east.

(3) The applicant proposes the use of traditional and historicist design elements, materials, and details throughout much of the development. As such, to the extent that the taller buildings within the developing property may be visible from the adjacent National Register Historic Districts which are low-rise and residential in nature, the new development should have no negative visual impact on the historic districts.

Four of the five HPC recommended conditions are proposed to be included in the PPS report as recommended conditions and therefore, are not needed here. The single condition relevant to this application is included.

At their May 22, 2013 meeting, the Historic Preservation Commission (HPC) reviewed the subject application in regards to the revised alignment for the CSX railroad crossing (alignment "J") and the relocation of two multifamily buildings. Through a discussion, the HPC reaffirmed its conclusion that the ERCO Historic Site (#68-022) will be demolished through an agreement between the University of Maryland and the Maryland Historical Trust, regardless of the revised alignment of the railroad crossing and the relocation of two multifamily buildings within the developing property. As a result, the HPC voted (7-0-1, the Chair voted "present") to reaffirm, without revision, its findings, conclusions, and recommendations on the subject application.

See PGCPB No. 13-63, 27-29, Technical Staff Report, 5/9/13, 27-29. We are persuaded from our review of HPC's findings and conclusions that Planning Board obtained appropriate input from HPC prior to its approval of DSP-13009.

10. The introduction of new plans, maps, conditions and revisions weeks after the staff report and *during* the hearing made it difficult if not impossible for even the best informed members of the public to follow, let alone adequately comment and make meaningful suggestions as to what would be suitable for the property.

Response: Our review of the record does not support Citizens contention legally or factually. First, §27-125.05 states that if new information is provided **by the applicant or any governmental agency after the technical staff report is completed, any party of record shall be allowed a one (1) week postponement if such party so requests.** (Emphasis added.) Second, our review of the hearing transcripts reveals no such facts or request. *See* (5/23/2013 Tr.), (5/30/2013 Tr.). To the contrary, at the May 23, 2013, hearing, Suellen M. Ferguson, Esquire, on behalf of the Town and City, not Citizens, made the request for postponement pursuant to §27-125.05, which the Planning Board granted. It would seem logical that if, at the May 30, 2013, hearing, new information was provided by the applicant or any governmental agency in violation of §27-125.05, Ms. Ferguson would have requested a postponement pursuant to §27-125.05. We found no such request was made, by any party of record, at the May 30, 2013, hearing. Therefore, there was no violation of §27-125.05.

Conditions of Approval

Because the detailed design of land development significantly affects the health, safety, and welfare of the general public, and because regulation of land development through fixed standards can result in monotonous design and lower quality development, certain types of land development are best regulated by a combination of development standards and a discretionary review of a Detailed Site Plan. Some general purposes of a detailed site plan are to 1) provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan, 2) help fulfill the purposes of the zone in which the land is located, and 3) provide for development in accordance with the site design guidelines established in Division 9 (Site Plans) of the Zoning Ordinance. *See* §27-281.

With this statutory framework in mind, our original jurisdiction over DSP-13009 pursuant to §27-132(f)(1), and our authority to modify the decision of the Planning Board pursuant to 27-290(d), affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certification of the DSP, the applicant shall revise the plans as follows or provide the specified documentation:

a. Revise the detailed site plan as follows:

- (1) Revise the detailed site plan to be in conformance with Preliminary Plan of Subdivision No. 4-13002, as approved, and with secondary amendments approved through Secondary Amendment Application No. SA130001. Prior to certification of plans, include a sheet that references all applicable conditions, including A-10018, the Preliminary Plan and Detailed Site Plan.
- (2) Provide details and specifications, subject to review and approval by the Historic Preservation Commission and The Maryland-National Capital Park and Planning Commission (M-NCPPC) staff archeologist for:
 - (a) The design and construction of the ice house feature to be retained to specifically address the techniques to be used to safeguard the archeological feature during construction; the design and materials of the exterior of the ice house and its roof, in order to ensure the long-term preservation of the feature and to ensure proper drainage and ventilation;
 - (b) The design, number, and location of interpretive signs to be erected and public outreach measures to be based on the findings of the archeological investigations; the interpretive measures shall also address the significance of the nearby ERCO factory, the Calvert Homes development, and the trolley that once ran through the subject property. Signage shall also address the site's history relating to the Plummer family and slave life, the MacAlpine Mansion, and the site's relationship to the University of Maryland.
- (3) Provide a plan note that indicates conformance to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

- (4) Provide a plan note that indicates the applicant's intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
- (5) Revise the plans so that the intersection of proposed Van Buren Street with Baltimore Avenue (US 1) is reconfigured employing the appropriate traffic controls and design features per Maryland State Highway Administration (SHA) standards that prohibit through movement between existing Van Buren Street west of Baltimore Avenue (US 1) and the proposed Van Buren Street.
- (6) Revise the plans to indicate high visibility, special treatment crosswalks similar to those installed in downtown College Park as well as pedestrian activated countdown signals at Van Buren Street and Baltimore Avenue (US 1). Crosswalks shall be provided across Van Buren Street on both east and west side of Route 1 and across Route 1 on the south and north side of Van Buren to connect all four corners of the intersection between Van Buren and Route 1. Details for the crosswalks and pedestrian signals shall be provided for the review of the Urban Design Section and subject to approval by SHA. Signage for bikes and pedestrians shall be provided to increase driver awareness.
- (7) Revise the plans so that the intersection of proposed Underwood Street with Baltimore Avenue (US 1) is reconfigured employing appropriate traffic controls and design features per SHA standards that limit vehicular access at this location to right-in-only from Baltimore Avenue (US 1).

(7.b) A pedestrian refuge, as well as a landscaped median in the center lane on US 1 south and north of the intersection with Van Buren shall be employed to ensure pedestrian safety and visibility, subject to SHA approval and within the approved US 1 right-of-way of the preliminary plan.

- (8) A revised photometric plan showing a detail of full cut-off optics shall be submitted. The lighting intensity shall be revised as necessary to be consistent with the use of full cut-off optics.
- (9) Prior to signature approval of the Detailed Site Plan, the Applicant shall apply and show results of LEED-ND Stage 1 review. If conditional approval is obtained, the Applicant shall employ every effort to obtain full LEED-ND certification and provide documentation of such. Prior to DSP certification, the Applicant shall: (a) Designate a LEED-accredited professional ("LEED-AP")

who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact information for the LEED AP to M-NCPPC; (b) Designate a representative from M-NCPPC, who elects to participate, as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team; (c) Prior to the issuance of the first use and occupancy permit for the first multifamily building, the Applicant shall provide documentation that the project has obtained the appropriate LEED-ND pre-certification. Documentation of final LEED-ND certification shall be provided to M-NCPPC.

- (10) Provide a cross section of the proposed Trolley Trail for approval by The MNCPPC Department of Parks and Recreation (DPR) and place on the plans. North South access across the property shall be provided to the greatest extent practicable even during site construction. A plan shall be submitted to M-NCPPC Department of Parks and Recreation (DPR) that maximizes trail access through the subject property prior to and after grading and during project construction until the trail is completed per Condition 2 below.
- (11) Revise the locations of the stop bar along Van Buren Street at Rhode Island Avenue west of the Trolley Trail crossing, unless modified by the Department of Public Works and Transportation (DPW&T).
- (12) The Trolley Trail shall be raised where it crosses the following: Van Buren Street; Woodberry Street; the alley north of Woodberry Street; and the driveway south of Building 6b; unless modified by the Department of Public Works and Transportation (DPW&T).
- (13) Provide for bicycle parking showing the location, number, and type of bicycle parking spaces consistent with the LEED-ND Bicycle Network and Storage Credit to be approved by the Transportation Planning Section.
- (14) Revise the plan to include Americans with Disabilities Act (ADA) curb cuts, ramps and special paving for crosswalks at all locations where sidewalks or trails intersect with on-site roadways. Details and specifications shall be added to the plans, unless modified by DPW&T.
- (15) Revise the landscape plan to identify all specimen trees to be preserved in accordance with the specimen tree variance request as approved with the PPS. Identify each specimen tree to be preserved by number.

- (16) Provide the location of the noise wall, with ten-foot clearance on all sides, and details and specifications, if the noise wall is required.
- (17) Demonstrate the minimum 90-foot depth requirement of the gateway entrance feature on Parcels A, B and C.
- (18) Provide details and specifications for all free-standing walls and retaining walls for review and approval by the Urban Design Section.
- (19) The general notes shall be revised to indicate the exact square footage of uses for each building, rather than a range of square footages. Remove any notation relating to a hotel use on the plans and/or general notes.
- (20) The median within Van Buren Street shall be planted with street trees and/or shrubs, with species and size to be reviewed and approved by the Urban Design Section.
- (21) Detailed design plans of the Trolley Trail including landscaping, screening and signage elements, shall be reviewed and approved by the Urban Design Section and the Department of Parks and Recreation (DPR), with referral to the appropriate public safety agency for its comments, and a copy provided to the City of College Park. Trees and shrubs shall be used heavily as practicable to buffer the Trolley Trail from the rear parking and loading of the U.S. Post Office building, and the Urban Design section shall review for compliance.
- (22) The stormwater management concept plan and detailed site plan shall be consistent in detail and design. A walking trail around the stormwater management pond north of the multifamily building shall be indicated on the plan and designs submitted to the Urban Design Section.
- (23) Prior to certification of the plans, the applicant shall submit the following information regarding private recreational facilities:
 - (a) Provide complete details, sizes, specifications, floorplans, and/or lists of all private indoor and outdoor recreational facilities on-site. These facilities shall be distributed among the residential areas on-site in order to provide convenient and safe recreational opportunities to all residents. They shall include a comprehensive approach to

the design of the facilities considering recreational benefit to the targeted residents, year-round active recreational benefit, activities for all age groups, and shall include a minimum of two additional outdoor multi-age playground facilities of which one shall encourage imaginative play. At least one of these facilities shall be located on the seven (7) lots in the northeastern corner near the stormwater management pond adjacent to parcel "J" and include an "imagination" style playground. All of these facilities shall be of high-quality design with the use of high-quality, low-maintenance materials, not including wood.

(b) Provide a schedule for the timing of the construction of all facilities. The outdoor facilities shall be completed, at a minimum, in phase with the surrounding development, whether it be roads or buildings, and the indoor facilities shall be completed no later than prior to the issuance of a use and occupancy permit for the related building.

(c) Provide information regarding all private on-site recreational facilities to be reviewed and approved by the Planning Board or its designee, and reflected on the final plan set.

(d) The plans shall be revised to conform to the Parks and Recreation Facilities Guidelines.

(24) Remove the seven (7) lots in the northeastern corner near the stormwater management pond adjacent to parcel "J" from the detailed site plan and preliminary plan as well as the alley behind and adjacent to the lots to provide for a connected space to the trail and open space around the stormwater management pond. These lots shall be designated for at least one multi-age playground facility that follows Parks and Recreation Facilities Guidelines and is in accordance with condition 23, above. As a result, a seven-unit reduction of the total number of townhouse units is necessary to reflect the elimination of the seven (7) lots. Accordingly, and in furtherance of the interest of the public safety, health, and welfare as set forth in §§ 27-102 and 27-281 of the Zoning Ordinance, the total number of townhouse units is hereby reduced from 126 units, as approved in PGCPB No. 13-63, to a total of 119 townhouse units, as reflected in Footnote 1 of this Order of Approval, and as further reflected in Condition G of SA-130001.

b. Revise the Type 2 tree conservation plan (TCP2) as follows:

- (1) All specimen trees shall be survey located and accurately reflected on all plans.
- (2) Specimen trees 255, 281, 262, and 265 shall be evaluated by a certified arborist for construction tolerance based on the final site conditions and include the following information: recommendations for treatment prior to, during, and after construction. Treatments may include options such as the placement of protection devices and signs, root pruning, crown pruning, fertilization, and watering. Details of all required treatments and protective devices shall be provided on the TCP2 and reviewed by environmental planning. Significant measures shall be made to preserve these specimen trees.
- (3) Revise the worksheet to show the correct fee-in-lieu factor of \$.90 per square foot, or change the worksheet to reflect off-site mitigation.

c. Revise the TCP2 and landscape plan as follows:

- (1) Revise the label on the TCP2 from "Trees" to "Existing Trees to be Preserved (See Landscape Plan)"
- (2) Demonstrate conformance to the requirement of ten percent tree canopy coverage, per the Development Plan.

2. Prior to issuance of the third building permit, the Rhode Island Avenue hiker/biker trail, and associated interpretive/commemorative features, shall be completed per the approved design plans and open to the public.

3. Prior to the issuance of the first grading permit, evidence shall be submitted that all pretreatment and protective devices for specimen trees 255, 281, 262 and 265 have been implemented.

4. Prior to the issuance of building permits for Parcels K, L and M, a detailed site plan application for each such parcel shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.

5. Prior to the issuance of use and occupancy building permits for residential units protected from noise by the proposed noise wall, the wall shall be fully constructed on-site, if such a noise wall is required.

6. The plans shall be revised to conform to the Cafritz Property at Riverdale Park Town Center Development Plan, as modified by any approved secondary amendments. The MU-TC Guidelines Compliance Matrix ("Matrix"), dated May 5, 2013, shall serve as the instrument to guide the revisions to the plans at either time of certification or prior to building permit, as determined by the Urban Design Section. The Matrix shall be revised upon review to identify

which outstanding guidelines and standards should be addressed at the time of certification of the DSP, and which should be reviewed before the issuance of a building permit for a specific building or parcel.

7. Prior to approval of a final use and occupancy permit for Parcel C, the applicant shall install the on-site commemorative/interpretive features for the ice house and complete other agreed-upon outreach and education measures.

8. Prior to issuance of the third building permit, multiple public artworks shall be incorporated into the greenway entrance feature along Baltimore Avenue (US 1).

9. Prior to approval of permits for construction of the bridge, the applicant shall submit the following to the Urban Design Section (M-NCPPC) for review of aesthetic and functional impacts, and to the Prince George's County Police Department for review of crime prevention through environmental design (CPTED) measures as follows:

- a. The elevations, profiles and cross sections of the bridge design with sufficient detailing to address the materials and design of retaining/abutment walls and or posts. All surfaces should be designed to limit graffiti.
- b. The plans shall be reviewed and comments provided in regard to proposed enclosures of space under the bridge, such as fencing or walls, lighting, and access control.

10. Prior to certification of the detailed site plan, the applicant shall revise the plans as follows or provide the specified documentation:

- a. Revise the plan to provide at least 59 feet of right-of-way dedication from the existing center line along the property's frontage with Baltimore Avenue (US 1) for the provision of standard travel lanes, standard center turn lanes, on-road bike lanes, and a meandering sidewalk / 8-10-foot multiuse path along US 1 within the proposed dedicated right-of-way for US 1.
- b. Revise the plans to provide for porous pavement in the surface parking compound areas to the extent that subsurface conditions are suitable in regards to percolation and structural support, as stated in the soils report.
- c. Indicate on the plans the lots and parcels that are the subject of Special Permit SP13002.
- d. Revise the plans to show the interim grading and landscaping proposed for Parcels K, L, M, and Parcel F.

Landscaping for Parcel F shall include more significant features given its prominence in the subject property near the commercial activity.

- e. Revise the M-U-TC Guidelines Compliance Matrix to correspond to the lots, parcels, and building designations as shown on the approved detailed site plan.
- f. Revise the plans to show two additional exterior entries to Building 5, at least one of which shall be located on Woodberry Street
- g. Revise the plans to show and identify shrubs and trees to buffer and/or screen the CSX railroad tracks in the space available.
- h. Revise the plans to show street planting strips a minimum of six feet wide.
- i. Revise the plans to show the Baltimore Avenue (US 1) landscaping/pedestrian amenity strip with shade trees planted approximately 30 to 40 feet on center. The size of the trees to be planted shall be a minimum of 2.5- to 3-inch caliper, subject to Maryland State Highway Administration (SHA) approval.
- j. Provide a timetable with estimated dates for grading of the site and construction of buildings.
- k. Prior to issuance of a rough grading permit, a plan shall be submitted to the Urban Design Section (M-NCPHC), the Town of University Park to describe phasing of the grading of the property to maintain as much as possible of the mature tree canopy and other screening in the greenway entrance feature on Parcels A, B, and C, until such time as grading is required by construction activity on adjacent parcels.
- l. Revise the site plan to show the building height in feet for all buildings.
- m. Provide landscaping and shading trees 30 feet on-center along the southern edge of the parking lot along driveway access (Underwood Street) on Parcel C as approved by the Urban Design Section as designee of the Planning Board.

- n. Revise the location of the play area shown in the northeast corner of the Village Green to the northwest corner and provide for a unified play area with a low ornamental fence and multiple play equipment.
- o. Provide raised crosswalks at 47th Street at the Van Buren intersection to the Village Green to the adjacent multifamily parcels and provide speed table at western location of the CSX bridge at the Village Green, subject to DPW&T approval.

11. Prior to the release of any building permits for Buildings 6B, 7, 8, or 9, the applicant shall provide evidence of good faith efforts to work with the Town of Riverdale Park to establish and authorize a shared parking district pursuant to Article 21A of the County Code.

12. The applicant should participate in a regional economic partnership along the corridor with existing business groups in neighboring jurisdictions and proximate developments to the east and west to: enhance regional connections and overall economic vitality, support and help recruit small/local businesses, coordinate and co-promote programming of activities, exhibits, thematic events, etc., and help ensure mutual success.

13. Prior to signature approval, provide details and specifications of the proposed green roof technologies to be employed, at a minimum on buildings 4 and 6A, consistent with the approved stormwater concept plan.

14. The TDMD and TMP plans shall address bikeshare, as well as weekend and evening traffic in addition to conditions outlined in the preliminary plan of subdivision (PGCPB No. 13-55, 4-13002). Expansion (improving headways, as well as weekend and evening service of locally provided services such as Bus 17 (Route 1 Ride) shall be reviewed and considered a primary mechanism to address transportation needs identified in the TDMD or TMP.

15. The applicant shall continue an 8-10 foot meandering multi-use (bike and pedestrian) path roughly adjacent to Route 1 that is ADA compliant, subject to Maryland State Highway Administration (SHA) approval and right-of-way availability or permission of the property owner, north of the property on the WMATA parcel and south of the property on the National Guard property. The path north of the site shall connect at Albion Road and pass through the historic, existing, MacAlpine and Calvert columns, if feasible. South of the site decorative bollards on the east side of the path shall be used to replace barricades at National Guard facility, subject to National Guard consent and approval. The applicant shall not bear any cost to acquire right-of-way needed to comply with this Condition.

16. Monument signs as described in the Detailed Site Plan submittal require a secondary amendment. Signage is governed by the 2012 Cafritz Property at Riverdale Park Town Center Development Plan, *Design Standards / Site Design*, “Signage,” Paragraph 5, which states, in pertinent part, that “[u]nique neon signs, internally lit signs, and signs with moving parts or blinking lights may only be approved for creative value that enhances the town center in areas outside

of the historic core.” Because the applicant’s proposed signage was submitted as part of DSP-13009, and not through a secondary amendment as contemplated by the Development Plan, we reverse, and deny the Planning Board’s approval of monument signs as part of DSP-13009. All monument signs must follow the Development Plan guidelines or seek a secondary amendment.

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on May 30, 2013 regarding Detailed Site Plan DSP-13009 for Cafritz Property at Riverdale Park, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) application requests approval of a mixed-use development including 855 multifamily units, 126 townhouses, and approximately 187,277 square feet of commercial space distributed on 37.73 acres of land known as the Cafritz Property at Riverdale Park, pursuant to the Town Center Development Plan.
2. **Development Data Summary:** The following information relates to the overall plan encompassing the DSP application:

APPROVED

Zone	M-U-TC (35.71 ac)
	R-55 (2.02 ac)
Use(s)	Retail (164,677 sq. ft.)
	Office (22,600 sq. ft.)
	Dwelling units (981 total)
	Multifamily (304 units*)
	Townhouse (126 units)
Acreage	37.73
Lots	126
Outlots	0
Parcels	39

*Actual number of units to be approved will be determined with the specific DSP.

3. **Location:** The Town of Riverdale Park Mixed-Use Town Center (M-U-TC) Zone is mostly located in the Town of Riverdale Park, Council District 3, Planning Area 68, within the Developed Tier, as defined by the 2002 *Prince George's County Approved General Plan*. More specifically, the property is located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue. This 37.73-acre site in the M-U-TC and R-55 (One-Family Detached Residential) zones is located on the east side of Baltimore Avenue (US 1), where it intersects with Van Buren Street. The majority of the subject property is located within the Town of Riverdale Park, but two small portions (2.02 acres), in the north and northeast, lie in the R-55 Zone within the City of College Park.

4. **Surrounding Uses:**

North— Vacant property owned by the Washington Metropolitan Area Transit Authority (WMATA) in the R-55 Zone.

East— CSX railroad tracks. Beyond the railroad tracks to the east is the Engineering Research Corporation (ERCO) Historic Site (68-022) located on land owned by the University of Maryland.

South— A U.S. Postal Service facility in the R-55 Zone and the Riverdale Park town center in the M-U-TC Zone (of which this property is an extension).

West— Baltimore Avenue (US 1), and beyond to the west are single-family detached dwellings in the R-55 Zone within the Town of University Park.

5. **Previous Approvals:** The 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Town of Riverdale Park M-U-TC Zone Development Plan) and corresponding M-U-TC Zone was approved by the Prince George's County Council on January 20, 2004 by County Council Resolution CR-05-2004. The approved plan amends the May 1994 Approved Master Plan and Sectional Map Amendment for Planning Area 68.

On February 2, 2012, the Prince George's County Planning Board recommended approval of rezoning 35.71 acres of the subject site from the R-55 Zone to the M-U-TC Zone through Primary Amendment A-10018, with 27 conditions, of the Cafritz Property at Riverdale Park Town Center Development Plan (Development Plan). On July 12, 2012, the County Council, sitting as the District Council of Prince George's County, approved the rezoning of 35.71 acres of the subject site and amended the 2004 Town of Riverdale Park M-U-TC Zone Development Plan boundary to include the site. The District Council approved Primary Amendment A-10018 (Zoning Ordinance No. 11-2012), subject to the 27 conditions, as approved by the Planning Board.

Preliminary Plan of Subdivision 4-13002 was approved by the Planning Board at a public hearing on May 16, 2013, subject to 41 conditions (PGCPB Resolution No. 13-55).

Secondary Amendment SA-130001 was approved by the Planning Board at a public hearing on May 23, 2013, subject to 11 conditions (PGCPB Resolution No. 13-57).

6. **Parcel-By-Parcel Description:** The following is a parcel-by-parcel description of the development proposal. The original DSP plans were submitted on March 28, 2013, and a revised set of plans, with minor changes to labeling and lot/parcel lines, was submitted on April 18, 2013. However, the following description and subsequent findings are based on the final revised set of plans submitted May 1st through the 6th, 2013.

a. **PARCEL A: Building 1**

Request: The DSP for PARCEL A proposes development of 8,822 square feet of retail space within Building 1 (a one-story tenant building) and associated surface parking

compound. Parcel A also includes the most northern portion of the greenway entrance feature along Baltimore Avenue (US 1).

Development Data Summary for PARCEL A, Building 1

Use(s)	Retail
Area	43,516 sq. ft.
Area within 100-year floodplain	0
Gross Floor Area (GFA)	8,822 sq. ft.

	Spaces Provided
Parking-surface	24
Loading	2

PARCEL A: PARCEL A is located in the northwest corner of the site and has frontage on Baltimore Avenue (US 1) and Woodberry Street. The front of the parcel is part of the gateway entrance feature along Baltimore Avenue (US 1). To the north is the WMATA property and to the south is proposed Parcel B, which is a continuation of the commercial portion of the development.

PARCEL A is proposed to contain a multi-tenant building with a surface parking compound located on the west side of the structure. The parking compound will accommodate approximately 24 parking spaces. Loading is proposed to be concealed within the building by garage doors proposed on the east elevation.

Architecture: The architecture proposed is a one-story building, primarily brick painted white with a two-story arcade along the front. The front façade is reminiscent of an old fashioned market place, and is a reasonably attractive structure for such a high-visibility location. The side elevations feature limited window fenestration and a flat roof. The rear is concrete masonry block and will be substantially concealed by a retaining wall nearly the height of the building. This building is the subject of a secondary amendment to reduce the height of the building from two- to three-stories to one story.

b. **PARCEL B: Buildings 2A and 2B, and a Parking Structure**

Request: The DSP for PARCEL B proposes development of 7,402 square feet of retail space within Building 2A and 22,600 square feet of retail/office space within Building 2B. Both buildings (2A and 2B) appear to contain multiple tenants. Associated with this development is a parking garage which is partially buried on the west and northwest, surrounded on the east by proposed Building 2B, and partially screened by proposed Building 2A on the south side. In addition, a plaza is proposed along Van Buren Street, flanked on the east by Building 2A, on the north by the parking garage, and on the west by a retaining wall. The plaza will contain bicycle racks and perhaps a bike share station. The plaza provides a connection to Van Buren Street from both levels of the parking garage.

Development Data Summary for PARCEL B

Use(s)	Office	Retail
Area		96,965 sq. ft.
Area within 100-year floodplain		0
Gross Floor Area (GFA)		30,002 sq. ft.
Building 2A		7,402 sq. ft.
Building 2B	12,000	10,600 sq. ft.

	Spaces Provided
Parking-Structure	132
Loading	2

PARCEL B: PARCEL B is located in the central western portion of the site and has frontage on Baltimore Avenue (US 1), proposed Woodberry Street, 45th Street, and Van Buren Street. The front of the parcel is part of the gateway entrance feature along Baltimore Avenue (US 1). To the north is Woodberry Street and beyond is Parcel A with proposed Building 1. The parking compound will accommodate approximately 132 parking spaces.

Architecture: The architecture is designed so that the parking structure sits into the landscape and is partially buried, which results in a one-story building appearance from Baltimore Avenue (US 1) and a full two-story building as viewed from 45th Street. The building provides sufficient attention to architectural detail through window fenestration, door openings, exterior finish, and color, and will contribute to an attractive vibrant landscape.

c. **PARCEL C: Building 3**

Request: The DSP for PARCEL C proposes development of 61,396 square feet of retail/office space within Building C. This multi-tenant building includes a grocery store as the main anchor, a drive-through bank, and additional retail with office located on the second floor area.

Development Data Summary for PARCEL C

Use(s)	Retail	Office
Area	223,029 sq. ft.	
Area within 100-year floodplain	0	
Gross Floor Area (GFA)	51,396 sq. ft.	10,000 sq. ft.

	Spaces Provided
Parking-surface	258
Loading	2

PARCEL C: PARCEL C is located in the southwestern portion of the site and has frontage on Baltimore Avenue (US 1) and proposed Van Buren Street. PARCEL C is nearly square in shape. The front of the parcel is part of the gateway entrance feature along Baltimore Avenue (US 1). To the north is Van Buren Street and beyond is PARCEL B with proposed Buildings 2A and 2B. To the east is the future hotel site and the U.S. Postal distribution center. To the south is the U.S. Armory site. A right-turn only entrance with appropriate traffic control and design features (per SHA) into Parcel C from Baltimore Avenue (US 1) northbound will accommodate access for both large trucks and passenger vehicles.

PARCEL C is proposed to be developed with 61,396 square feet of retail/office space and a substantial surface parking compound located on the west side, as well as limited parking to the south and east of Building 3. The parking compound will accommodate approximately 258 parking spaces. Loading for the major grocery store tenant is located at the southeast corner of the building. At the far south end of the building is a proposed drive-through bank. Along Van Buren Street, multiple tenants are proposed on the first floor and office above.

Architecture: The building elevations provide sufficient attention to detail and provide for an attractive front elevation along both Baltimore Avenue (US 1) and Van Buren Street.

d. **PARCEL D: Building 4**

Request: The DSP for PARCEL D proposes development of 81,156 square feet of retail space within Building 4, which is a two-story, multi-tenant building; one tenant is proposed as a health club. The majority of the space for this tenant is on the second floor of the structure.

Development Data Summary for PARCEL D

Use(s)	Retail
Area	65,013 sq. ft.
Area within 100-year floodplain	0
Gross Floor Area (GFA)	81,156 sq. ft.

	Spaces Provided
*Parking	0
Loading	2

*Parking for this building is proposed within Building 5 located across 46th Street from the subject site, on PARCEL E.

PARCEL D: PARCEL D is located in the western central portion of the site and is surrounded on all sides by proposed roadways, including Van Buren Street, 45th Street, Woodberry Street, and 46th Street. Parcel D is rectangular in form. The building extends to the streetscape on all four sides. The parking for this building will be provided in Building 5, which is located directly across 46th Street.

Architecture: The architectural elevations of the building activate the streetscapes at both the first and second stories of the building along Van Buren and Woodberry Streets. A portion of the streetscape along 46th Street is relatively blank and without window fenestration. The applicant has explained that 45th Street is the main north/south commercial corridor and that the façade along 46th Street is emphasized at the second story rather than the first story because the first story is retail shelving and storage. The second story bank of windows, which is proposed as the health club, will provide for “eyes on the street.”

e. **PARCEL E: Building 5**

Request: The DSP for PARCEL E proposes development of 266,517 square feet of retail/residential uses within Building 5. The proposed building height is approximately 62 feet.

Development Data Summary for PARCEL E

Use(s)	Retail/Residential
Area	150,935 sq. ft.
Area within 100-year floodplain	0
Gross Floor Area (GFA) Total	266,517 sq. ft.
Retail	5,300 sq. ft.
Multifamily – 228 units	261,217 sq. ft.

	Spaces Provided
Parking-structure	870
Loading	2

PARCEL E is located roughly in the center of the site and is surrounded on all sides by proposed roadways, including Van Buren Street, 46th Street, Woodberry Street, and Rhode Island Avenue. PARCEL E is proposed to be developed with 5,300 square feet of retail located on the first floor of the building along Van Buren and 46th Streets. The building proposes 228 units of residential located on floors one through five. A parking structure is located on the west side of the block with frontage on 46th Street and it is surrounded on three sides by units. The parking structure is six stories in height and will accommodate approximately 870 parking spaces. The parking garage is intended to serve the 228 dwelling units within Building 5, the 76 dwelling units within Building 6, and all of the retail in Buildings 4 and 5.

Architecture: The building is primarily brick with attractive façades and varying rooflines that will complement the commercial core and provide a well-designed transition into the residential neighborhood to the east.

f. **PARCEL F: Building 6B**

Request: The DSP for PARCEL F proposes a five-story multifamily building for 76 dwelling units, which includes 76,348 square feet of GFA. The proposed building height is approximately 62 feet.

Use(s)	Residential
Area	74,990 sq. ft.
Area within 100-year floodplain	0
Gross Floor Area (GFA)	76,348 sq. ft.
Multifamily Units	76

	Spaces Provided
Parking	0
Loading	1

PARCEL F is located in the central western portion of the site, just north of the U.S. Postal distribution site, and has frontage on Van Buren Street and Rhode Island Avenue. The parcel is proposed to include the multifamily Building 6B on the eastern half of the block and a future proposed hotel with structured parking on the western half of the block. The hotel footprint is identified on the plan along with the proposed number of rooms; however, a special exception is required for this use prior to the approval of any building permits. The parking for the multifamily building is proposed within Building 5.

Architecture: This building reflects the same design elements as Building 5 and will complement the streetscape.

g. **PARCEL G: Open Space**

Parcel G is an open space parcel that is square in shape and is the visual terminus of Van Buren Street. The square is bordered on all sides by roadways and is designed as a pocket park for the community. The space is proposed to be maintained by the homeowners association, but will actually be used by the community as a whole as the only real programmed open space other than the trolley trail proposed to traverse the community from north to south. Within this space is a sidewalk system, benches for seating, lighting, and a few pieces of play equipment for the youngest members of the population. The outer edge of the square is approximately 150 by 170 feet in size with sidewalk in an oval form in the center. At each of the corners of the square are seating areas between the curb and the interior sidewalk. Other sitting areas are located on the east side of the square; on the west there is a playground area that includes a slide, a trellis with two swings, and a wood gazebo. The play areas are not fully developed in accordance with the *Park and Recreation Facilities Guidelines*, nor are there enough details and specifications for the

equipment shown to build the equipment. Wood is generally not recommended for play equipment because it tends to degrade quickly and splinters.

h. **PARCEL K: Building 7**

This parcel is proposed as a future multifamily building, with no commercial uses. Therefore, per Section 27-547(c) of the Zoning Ordinance, the use requires a Special Permit application. A condition has been adopted by the Planning Board requiring a DSP and SP at a later date, in accordance with Part 3 Division 9 of the Zoning Ordinance.

i. **PARCEL L: Building 8**

This parcel is proposed as a future multifamily building, with no commercial uses. Therefore, per Section 27-547(c) of the Zoning Ordinance, the use requires a Special Permit application. A condition has been adopted by the Planning Board requiring a DSP and SP at a later date, in accordance with Part 3 Division 9 of the Zoning Ordinance.

j. **PARCEL M: Building 9**

This parcel is proposed as a future multifamily building, with no commercial uses. Therefore, per Section 27-547(c) of the Zoning Ordinance, the use requires a Special Permit application. A condition has been adopted by the Planning Board requiring a DSP and SP at a later date, in accordance with Part 3 Division 9 of the Zoning Ordinance.

Parcels K, L and M (Buildings 7, 8 and 9) are multifamily parcels to be developed with multi-story residential buildings with associated structured parking as part of the approved anticipated multifamily density of 855 multifamily dwelling units as approved in the preliminary plan of subdivision, subject to DSP approval and the applicable trip caps.

k. **LOTS 1-126: Townhouse Development and associated lands**

The proposed townhouse lots, as purely residential, require a Special Permit application per Section 27-547(c) of the Zoning Ordinance. That application, SP-130002, was reviewed and approved by the Planning Board (PGCPB Resolution No. 13-64) in conjunction with this DSP-13009.

The townhouse lots are proposed in a variety of sizes and widths. The basic concept shown is that the lots are 16, 18, and 20 feet wide, and all units are proposed as 40 feet deep. There are a few corner lots that are wider, up to 30 feet in width, so it is assumed that the unit on those lots will be one of the larger units. The depths of the lots vary, and the total sizes of the lots vary. The site plan does not provide typical details of footprints of the townhouse units or the lead walks, so the plans should be revised to provide this information. The landscape plan does not clearly provide for on-lot plantings. Parking is proposed on both sides of the majority of the streets. In some locations, the width of the pavement is shown as 49 feet. The street tree planting area is too narrow. The Planning Board finds that Woodberry Street should be revised to narrow the roadway pavement. A portion of the area now shown as pavement should be converted to street tree plantings and yards along both the north and south sides of the street.

The proposed architecture for the townhouse units is attractive and will provide an urban appearance and character. The exterior finish materials are primarily brick and composite siding or paneling. The window and door fenestration and architectural detailing are well developed; however, the roof slope on some of the units seems rather flat, which is detracts from the appearance of the community. A minimum 7/12 roof slope would be more appropriate.

7. **Recreation Facilities:** The subject DSP application proposes a total of 126 townhouses and 855 multifamily units, which will result in a projected population of approximately 2,045 new residents. The approved Preliminary Plan of Subdivision (PPS) application included a description of proposed private on-site recreational facilities within the parcels that include multifamily residential uses. The preliminary plan lists the following recreational facilities proposed for each of the multifamily parcels:

OUTDOOR

Swimming pool with barbeque and fire pit

INDOOR

Fitness center

Club room

Recreation room

Fireplace

Media center

Business center

Wi-Fi lounge

The program of facilities for each of the multifamily buildings listed above should be further analyzed to determine which of the amenities qualify as a recreational benefit to the inhabitants of the building, for year-round active recreational benefit, and for facilities that provide activities for all ages.

The applicant states that the proposed 1.12 acre land dedication to M-NCPPC for the trolley trail meets the mandatory park dedication for the 126 townhomes; however, this assumption provides no other private recreational facilities for the residents of the townhomes, as presumably use of the facilities within the multifamily parcels will be limited to those residents. Townhouse occupants often include young children and they should be provided outdoor recreational facilities as part of the overall private facilities package.

The recreational facilities package should be considered as a whole for the entire property. Therefore, consistent with the PPS calculations, the value of the private on-site recreational facilities, minus a proportional value for the proposed 1.12 acre land dedication to M-NCPPC, should be a minimum of \$585,462 dollars. This should be distributed throughout the site in order to provide convenient and accessible facilities for all residents.

Despite what was described on the PPS, the submitted DSP provides little information in regard to the details, sizes, specifications, floor plans, or even a list of private indoor recreational facilities for the multifamily units, other than a few outdoor facilities. Details and specifications were provided for the outdoor private recreational facilities including the gateway park area, which has some benches, walkways and lawn space, the Village Square, which includes some benches, decorative pavers, and a fountain, and the central Village Green, which includes a gazebo, walkways, a lawn space, and separate wooden slide and swing play structures. While more details were provided for the outdoor facilities than for the indoor facilities, there still was no quantifiable list provided to demonstrate the value of the proposed facilities. In addition, the proposed facilities shown are not detailed sufficiently to provide a thorough review, and those that are shown should be revised to ensure they are low-maintenance and user-friendly. The plans should also demonstrate conformance to the Parks and Recreational Facilities Guidelines. Again, this information should be revised, submitted, reviewed and approved by the Planning Board or its designee, prior to plan certification. Additionally, the DSP should specify the construction schedule requirements.

8. **Zoning Ordinance 11-2012:** On July 12, 2012, the District Council approved an Ordinance to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, by approving a Primary Amendment to the 2004 Town of Riverdale Park M-U-TC Zone Development Plan, subject to 27 conditions and 5 considerations. Of the conditions and considerations attached to the rezoning, the following are applicable to the review of this DSP:

1. **The Design Review Process set forth at pages 65-66 of the January 2004 approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan applies to the Cafritz Property with the following modifications:**
 - a. **Detailed site plan (DSP) approval, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required prior to the approval of a special permit, final subdivision plat, the issuance of any permit, and concurrently with or after the approval of a special exception, for all new development and redevelopment on the property. Each application for a special permit, final subdivision plat, or other permit must be consistent with an approved detailed site plan for the site.**

This application for the DSP is being reviewed in accordance with Part 3, Division 9 of the Zoning Ordinance. This resolution contains only the DSP review; the SP review, SP-130002, is a separate resolution, PGCPB No. 13-64.

- b. **The detailed site plan and a special exception shall be in accordance with the Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan (2004), as amended by the subject application (as amended) where applicable and the site design guidelines of Part 3, Division 9, of the Zoning Ordinance. Development depicted on each detailed site plan must be in general conformance with Map 1: Concept Plan A or Concept Plan B, dated January 7, 2012, particularly with regard to site design and**

circulation, with the goal of creating a mixed-use community. Flexibility should be allowed in achieving this mixed-use community goal by allowing for a redistribution of the proposed maximum gross floor area of commercial uses throughout the site in order to encourage each phase of the development to include a mix of commercial and residential uses, including consideration of residential uses west of 46th Street and limited supporting retail uses near the intersection of Van Buren Street and Rhode Island Avenue.

The detailed site plan is in general conformance with Concept Plan B, particularly in regard to the proposed circulation and the featured central recreational area located at the terminus of Van Buren Avenue. During the review of the Primary Amendment, it was recognized that the level of detail included on the concept plan was illustrative only and that, as the plans continued through the development review process, regulations that were not applicable at the time of the zoning would become enforceable.

Numerous conditions of the zoning approval were anticipated to have an effect on the ultimate design layout and circulation within the property. It was recognized that adequacy of public facilities and the protection of the environmental features of the site would be further analyzed at the time of the preliminary plan. Some elements of the development concepts as previously shown on Concept Plan B have slightly changed in the review of the preliminary plan due to the requirements of Subtitle 24. The plans have evolved to address the requirements of Subtitle 24 and to accommodate the several possible locations proposed for the CSX crossing. In this evolution, the plans have adhered to the concept plan as much as possible. It should be noted that the trolley trail location has moved to its historic alignment which resulted in the relocation of the townhouses and in the creation of 47th Street. In addition, the preservation of the ice house has generated change to the plans that was not anticipated in the early review of Concept Plan B.

The applicant's proposed DSP reflects an approach that implements Concept Plan B as specified in the revised Cafritz Property Design Standards and Guidelines (July 12, 2012). Maps 1 and 2 for Concept Plan B identify a number of residential blocks that are further detailed in Table 1 on pages 1 and 2. These blocks (7a, 7b, 7c, 8a, 8b, 8c, 9a, and 9b) are clearly identified for residential uses by the Town Center Development Plan as approved by the District Council with the approval of the Cafritz Zoning Map amendment (A-00018). Since the applicant proposes residential uses with no commercial uses on all of these blocks, they are making a good faith effort to implement the recommended land use of the development plan.

Additional information has been submitted that has influenced the location of elements in the design of the project, such as the circulation plan for the various modes of transportation through the site. Among the most important has been the Maryland State Highway Administration's (SHA) review of the project's impact on Baltimore Avenue (US 1). The southernmost access point into the site is recommended to be a right-turn-in

only entrance from Baltimore Avenue (US 1) northbound, and the northernmost access is recommended to be right-turn-in and out to Baltimore Avenue (US 1) northbound. The truck traffic exhibit, submitted with the preliminary plan, indicates that 18-wheeler trucks will be required to enter at the southernmost entrance and travel north on 46th Street to Woodberry Street to exit the site. Despite these adjustments, the DSP and the SP are found to be in conformance Concept Plan B.

With regard to the sub-clause of the required Planning Board finding that the site plan needs to be in conformance with the guidelines and specific criteria for the particular (residential) use, the Planning Board finds the proposed residential component of the Cafritz Property development to be in substantial conformance with the approved Town Center Development Plan standards and guidelines.

- c. **All detailed site plans shall be referred to the Town of Riverdale Park for review by the M-U-TC Design Committee for all phases and types of development. The M-U-TC Committee is authorized to review detailed site plans as advisory to the Planning Board and the Planning Director as designee of the Planning Board for Planning Board level revisions.**

The plans were sent to the Town of Riverdale Park for review by the M-U-TC Design Committee. At the Planning Board hearing, Alan Thompson, chair of the MUTC committee presented a letter from the committee, dated May 21, 2013, that reads as follows:

“At a meeting on May 08, 2013, the Riverdale Park Mixed-Use Town Center Local Design Review Committee voted to recommend APPROVAL WITH CONDITIONS of SA-130001, Secondary Amendments for the Cafritz Property, to include the following conditions:

- “1. Because the committee considers it important that the width of Van Buren remain as narrow as possible (as shown on special permit plans stamped 5/1/2013), the committee would recommend that the bike lanes remain on Woodberry Street and not be added to Van Buren.
- “2. Because the committee is concerned with pedestrian safety and traffic speeds, we do not support widening any parallel parking spaces from 7 feet to 8 feet, as recommend in the M-NCPPC staff report. We understand the motivation to improve bicycle safety, but believe the increased traffic speeds will more than offset this effect.
- “3. The committee supports as much tree canopy as possible, recognizing that there are competing goals, and agrees that street trees 30 feet to 40 feet on center where possible should be planted in the project.

- “4. With the relocation of the CSX overpass to van Buren and associated changes in the project, we support the one-way couplet of Rhode Island and 47th Street as proposed by the applicant.
- “5. In an attempt to provide as much visitor parking to the residential uses as possible, provide a pedestrian buffer, and improve traffic calming, we support parallel parking on both sides of 47th Street.
- “6. We agree with the staff recommendation relating to the standard that one-story buildings should be no less than 20' tall as it applies to Building 1. However, because the building has a unique arcade feature facing onto Woodberry Street, we do not believe the design of the façade or roof should extend to a side elevation, and instead would recommend design changes that distinguish the front of the building from the sides of the building. We agree that if space is available having cafe-style outside seating is highly desirable.
- “7. We fully supported the applicants revision to provide town houses in lots 1 through 7 to improve intermingling of retail and residential uses, and do not support changes that would diminish that goal. Recreational facilities are provided in other locations on the site and nearby.
- “8. The committee supports M-NCPPC staff recommendations on Parcel C with regard to lot coverage and building façade requirements.
- “9. The committee supports M-NCPPC staff recommendations on the height of townhouse entrances above grade. Although we still believe that every effort to elevate the entrance above grade is an important goal, we recognize that topographic reality may not allow universal success on this goal.
- “10. The committee wholeheartedly supports the 5/2/2013 Building 5 West Elevation treatment of the parking garage.
- “11. The committee agrees with M-NCPPC staff recommendation that HVAC units that are behind townhouses do not need to be screened, but believes that HVAC units visible from the street must still be screened.
- “12. The committee endorses the existing Signage standards, but will allow a departure for the Whole Foods signs on Building 3.

“Because the committee met before it had access to the final staff report, the committee did not have a full understanding of the rationale behind many of the staff recommendations (in particular for committee conditions 1 and 5 as numbered above).

“The committee also reviewed the Detailed Site Plan, DSP-13009, and recommended APPROVAL WITH A CONDITION, namely that the applicant be strongly encouraged to have street entrances for ground-floor residential units in order to promote more pedestrian activity along the streets. The committee’s review of M-U-TC standards found that all significant non-compliance with the existing M-U-TC standards had been removed by the secondary amendments discussed above.

“The committee was concerned about compliance at the permit stage with design guidelines that are not fully specified in the DSP. Although the committee did not make a statement to this effect, I believe that the committee members, in order to assist M-NCPPC staff, would be willing to provide an informal technical review of compliance with mandatory M-U-TC requirements at the permit stage for any building in the development.”

The Planning Board considered the Committee’s comments in their review of the plans and included some of their opinions in the final decision of the case.

d. In a detailed site plan or special exception application, in order to grant departures from the strict application of the Guidelines, the Planning Board shall make the following findings:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situation or condition;**
- (2) The strict application of the development plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
- (3) The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the town center development plan.**

The applicant has not submitted any request for departure from the strict application of the Guidelines. However, this case was reviewed in accordance with the Guidelines as amended by Secondary Amendment application SA-130001, approved on May 23, 2013 by the Planning Board (PGCPB Resolution No. 13-57).

4. When off-site parking is necessary to meet parking requirements, the applicant shall provide satisfactory documentation such as affidavits, leases, or other agreements to show that off-site parking is available permanently.

The submitted application does not propose any off-site parking.

5. **The Historic Preservation Commission shall review the preliminary plan of subdivision and any subsequent plans of development for their impact on identified archeological features, the impact of a potential vehicular access road on the Engineering Research Corporation (ERCO) Historic Site (#68-022), and the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts, including recommendations as to the proposed location and options with respect to the bridge over the CSX railroad.**

The submitted application was reviewed by the Historic Preservation Commission and their recommendations are discussed in Finding 13(a) below.

6. **Prior to approval of any detailed site plan, the following shall be provided:**
 - a. **Plans indicating that the signalized intersection at Van Buren Street and Baltimore Avenue (US 1) shall include highly-visible and attractive pedestrian crosswalks, pedestrian signals, and other pedestrian or warning signage as appropriate, subject to State Highway Administration (SHA) approval.**
 - b. **The plans shall indicate that crosswalks providing appropriate pedestrian safety features are provided throughout the site.**

The submitted plans include curb extensions, pedestrian refuges, and crosswalk at many locations. The DSP should be revised to include ADA curb cuts and ramps at all locations where sidewalks intersect with roadways on-site. The high-visibility crosswalk and pedestrian signals at Van Buren Street and Baltimore Avenue (US 1), as well as appropriate traffic controls and design features (per SHA standards) to prohibit through traffic movement between existing Van Buren Street west of Baltimore Avenue (US 1) and proposed Van Buren Street, should be marked and labeled on the DSP, and details should be provided.

- c. **The type, location, and number of bicycle parking and storage spaces shall be provided consistent with the LEED-ND Bicycle Network and Storage Credit (Smart Location and Linkage Credit 4). The number of the enclosed bicycle parking spaces at the multi-family units shall be a minimum of fifteen percent of the total number of bicycle spaces provided for residents at the multi-family units. Pedestrian walkways shall be free and clear of space designated for bicycle parking.**

Prior to signature approval, the submission of a bicycle parking exhibit showing the location, number, and type of bicycle parking spaces on the subject site consistent with the LEED-ND Bicycle Network and Storage Credit is recommended in accordance with this condition. The design standards for public space in the approved Development Plan also include the following guidance regarding bicycle racks:

4. Businesses are encouraged to provide a minimum of one bicycle rack. Bicycle racks shall be located so that bikes do not extend from the landscaping/pedestrian amenity strip into the pedestrian right-of-way or into the street. Multiple bike racks may be provided for groups of businesses (Development Plan, page 18).
7. **Prior to approval of a detailed site plan, the plans shall minimize the amount and location of surface parking lots and parking structures and their impacts on the pedestrian zone and streetscape environment. The surface parking lots located between the buildings and Baltimore Avenue, shall be mitigated with a building along Van Buren Street, a monument, a clock tower and landscaping in order to create a true gateway into the community and to provide an inviting entrance to pedestrians and vehicles alike, including creation of a “pedestrian oasis” in the middle of the block to improve pedestrian safety and mobility consistent with the Riverdale Park Gateway Park concept dated January 7, 2012.**

The DSP has clearly provided the features of the gateway park as listed above. Parking lots have been minimized and designed to reduce their visibility as much as possible.

10. The Environmental Planning Section recommends the following conditions:

- a. **All future applications shall include a valid approved Natural Resources Inventory under the current environmental regulations that addresses the required information as outlined in the current Environmental Technical Manual.**
- b. **At the time of Preliminary Plan, the Type 1 tree conservation plan shall demonstrate that the woodland conservation threshold has been met on-site to the fullest extent practicable. At a minimum, preservation shall be focused on the highest priority areas (Forest Stands 1 and 3).**

This condition was addressed with the Preliminary Plan of Subdivision 4-13002 that was approved on May 16, 2013. The woodland conservation threshold for this site is 5.75 acres based on the M-U-TC and R-55 zoning. The site contains 33.12 acres of woodland. The Type 2 tree conservation plan (TCP2) proposes a total of 0.62 acre of woodland conservation within forest stand three. In a revised letter dated March 27, 2013, the applicant submitted a description and justification for the limited on-site woodland conservation with the proposed development. The letter states that the site is proposed to be developed with 1.20-1.95 million square feet of mixed-use development, including a total of 981 residential units and an elevated crossing of the CSX right-of-way. In addition to the high-density proposed, a vegetated buffer at least 90 feet wide will be

provided along the frontage of Baltimore Avenue (US 1) and an above-ground stormwater management facility is also proposed. The on-site regulated environmental features are minimal, which include a small isolated wetland and a small area of floodplain along the southernmost boundary of the site. The site was previously developed in the 1940s with work-force housing but has since been unoccupied for more than 50 years while the surrounding sites have been fully developed with residential lots and public facilities. Based on the site history, existing conditions, and surrounding development, the property meets the description of an infill site.

In consideration of the applicant's justification in the review of the Preliminary Plan of Subdivision, the Planning Board supported the limited woodland conservation on-site. The subject site is zoned M-U-TC, which requires the site to provide a variety of uses including high density residential and commercial. The requirements to provide safe circulation, parking, stormwater management and necessary infrastructure for a site envisioned with a mixture of high-density development in the Developed Tier make it challenging to fully meet the woodland conservation threshold on site, particularly on infill sites with very minimal regulated environmental features.

In addition to the design requirements, the site area will be limited by the required buffer along the frontage of the site, and an elevated crossing to the east side of the CSX right-of-way. This buffer area will be devoid of woodland, but will be designed as a vegetated area that will retain some existing specimen trees and be enhanced with other landscaping. The eastern perimeter of the site will also retain some specimen trees and two small areas of woodland totaling approximately 0.31 acres. Contiguous woodland conservation along the frontage of the site or within the interior areas of the site would conflict with the M-U-TC design goals to create an urbanized town center.

Based on the proposed design, every effort has been made to meet the woodland conservation threshold on-site to the fullest extent practicable for development within the M-U-TC and R-55 zoned property.

c. At the time of preliminary plan, a condition analysis shall be submitted for all specimen trees within Stands 1 and 3 that are outside any proposed woodland conservation area. Every effort shall be made to preserve the healthiest trees on-site.

This condition was addressed with the Preliminary Plan of Subdivision 4-13002 that was approved on May 16, 2013. A condition analysis was performed for all specimen trees on-site and submitted and reviewed with the preliminary plan application. The condition ratings for the trees ranged from 53–89 percent. A variance request was received for the removal of twenty-five of the thirty-five existing specimen trees and the retention of ten specimen trees. Eight of the trees are located within Stand 3 and two trees are located within Stand 1. Attempts were made, and previous plans showed the preservation of four additional specimen trees; however, it was determined that those trees could not be shown as saved because they would be located within the required right-of-way.

dedication. Although those four trees are shown to be removed, the applicant stated that every effort in the field will be made to preserve those four trees during the implementation of the required right-of-way improvements.

Within Stand 1, Tree 255 is noted to be in poor condition and Tree 281 is in fair condition. Within Stand 3 Trees 262 and 270 are in poor condition; Trees 264 and 265 are in good condition; and Trees 266–269 are in fair condition.

Previous submitted plans showed the preservation of more specimen trees; however, those trees had to be shown as removed because of their location within the required right-of-way dedication. Based on the proposed design, it is unlikely that Specimen Trees 255 and 281 will survive the construction process due to limited preservation of the trees' critical root zones.

The Type 2 tree conservation plan (TCP2) shows an area within the proposed buffer along Baltimore Avenue (US 1) where no grading is proposed. The area is labeled "Trees." The landscape plan indicates that several existing trees will remain on-site within the buffer area. Several of those trees appear to be specimen trees proposed to be removed. The TCP and Landscape plan need to be consistent with regard to proposed disposition of the specimen trees and other trees to remain on-site.

The current plan demonstrates that efforts have been made to preserve specimen trees on-site to the extent possible. The Planning Board adopted conditions relating to the preservation of specimen trees.

- d. Prior to approval of a special permit, special exception, detailed site plan, or grading permit, whichever is first, every effort shall be made to meet the ten percent tree canopy coverage requirement through the preservation of existing mature woodland, specimen trees and other large existing trees, and landscaping.**

The plans meet the ten percent tree canopy coverage requirements.

- f. At the time of preliminary plan, a revised stormwater management concept plan shall be submitted. The proposed plan shall show the use of environmental site design techniques such as bioretention, infiltration, and green roofs. The concept shall be correctly reflected on the Type 1 tree conservation plan.**

A revised stormwater management concept plan (11589-2010-01) was approved on May 7, 2013, which shows the use of bioretention, extended detention, infiltration, green roofs, pervious pavement, and 100-year attenuation. The TCP shows the general location of the proposed stormwater management features, which include a pond, bioretention areas, porous pavement, and green roofs. The approved stormwater management concept plan includes reference to green roofs on Buildings 4 and 6A. Therefore, the Planning

Board finds that the DSP should be revised to provide details and specifications for these features prior to certification.

g. **At the time of site plan or permit review, whichever is required first, the lighting plan for the subject property shall demonstrate the use of full cut-off optics to ensure that light intrusion into residential and woodland conservation areas is minimized. Details of all lighting fixtures, along with details and specifications that the proposed fixtures are full cut-off optics, and a photometric plan showing proposed light levels at an intensity that minimizes light pollution shall be submitted for review.**

This condition has not been fully addressed. A photometric plan has been submitted; however the photometric measurements appear to be based on lighting without full cut-off optics according to the lighting detail so conditions were adopted in order to demonstrate full cut-off optics.

12. Prior to issuance of the third building permit, the Rhode Island Avenue hiker/biker trail portion of the right-of-way shall be completed and open to the public.

This requirement will be enforced at the time of building permit; therefore, the condition has been carried forward as a condition of this approval to ensure enforcement.

13. Prior to approval of a detailed site plan, a 90-to-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable. This depth of buffer may be reduced north of Van Buren Street with approval by the Planning Board, provided the applicant submits evidence demonstrating that it submitted plans to the Town of University Park prior to the acceptance of the detailed site plan and the Town was afforded sufficient time to comment, and if it is determined to be a superior design solution, by providing berms, retaining walls, landscaping, or other screening of the parking lot from the residences to the west consistent with Parking Sections Exhibit dated January 7, 2012. In no event shall the buffer be less than 60 feet in width.

The plan shows a buffer of 105 feet from the existing right-of-way, and a dedication line for Baltimore Avenue of 45 feet from the existing center line. In the review of the preliminary plan, a condition was included that states the following:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:

h. **Revise the PPS and tree conservation plan to reflect the Baltimore Avenue (US 1) buffer (gateway feature) to be shifted in its entirety to the east, outside of the US 1 dedicated right-of-way.**

In any case, the final DSP should demonstrate the minimum 90 foot depth, and this should be required prior to signature approval of the plans.

The applicant proposes to preserve six specimen trees; however, if those trees are determined to be located within the SHA right-of-way dedication, the trees could be removed in the future.

16. The applicant shall submit evidence of an application submittal to the U.S. Green Building Council (USGBC) under Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) for a Smart Location and Linkage (SLL) prerequisite review at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan. Upon GBCI/USGBC approval of SLL prerequisites, the applicant shall pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant shall at detailed site plan provide a LEED score card that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the applicant and the Town of Riverdale Park and the Town of University Park (and pursued by the applicant at its expense), at minimum the applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board.

The applicant submitted evidence with the PPS of submittal and approval of a Smart Location and Linkage (SLL) Prerequisite review dated August 10, 2012. Per this condition, the applicant should now pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval.

At the Planning Board hearing, the City of College Park provided a proposed condition that reads as follows:

“5. Prior to signature approval of the Detailed Site Plan, the Applicant shall apply and show results of LEED-ND Stage 1 review. If conditional approval is obtained, the Applicant shall employ every effort to obtain full LEED-ND certification and provide documentation of such. If conditional approval is not obtained, the Applicant shall make every effort to achieve U.S. Green Building Council (USGBC) LEED-Silver certification under LEED-NC and LEED Homes, or if available, equivalent standards for all buildings. Specifically the Applicant shall follow the process below:

A. Prior to DSP certification, the Applicant shall:

1) Designate a LEED-accredited professional (“LEED-AP”) who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact information for the LEED

AP to the City of College Park, the Towns of Riverdale Park and University Park and M-NCPPC.

- 2) Designate a representative from M-NCPPC and each municipality, who elects to participate, as a team member in the USGBC's LEED Online system. These team members will have privileges to review the project status and monitor the progress of all documents submitted by the project team.
- B. Prior to the issuance of the first use and occupancy permit, the Applicant shall provide documentation that the project has obtained the appropriate LEED certification. If certification has not been completed, the Applicant shall submit certification statements from their LEED-AP that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain the appropriate LEED certification of LEED-ND, LEED-NC and/or LEED Homes.”

The Planning Board reviewed the City of College Park's proposed condition, but upon consideration of the enforceability and legality of such requirements, it did not adopt their recommendation. However, the Planning Board did note that the LEED-ND certification score card in the record indicated that up to Gold certification may be pursued if all the credits shown are attained. The Planning Board did adopt Condition No. 1.a.(9) requiring the applicant to submit evidence of conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval prior to certification of the DSP.

20. Prior to approval of any DSP for the project, the applicant shall submit a traffic signal warrant study following the accepted methodology of DPW&T or the Maryland State Highway Administration (SHA) for the intersection of Baltimore Avenue and Van Buren Street with channelization as shown on Sheet 4 of the Development Plan. This analysis will examine both existing and total projected traffic volumes. If signals are deemed warranted by the appropriate agency, the applicant shall initiate a bond to secure the entire cost prior to the release of any building permits within the subject property and shall agree to install the signals as directed by DPW&T or the State Highway Administration. Further, subject to SHA approval, applicant shall install the traffic control devices as noted on the Development Plan (Pork Chop Islands) or as modified by SHA to direct traffic so that no traffic may directly access or egress the property across Baltimore Avenue along Van Buren Street. Both entrances and exits at Woodberry and Wells Parkway, respectively north and south of the Van Buren “gateway,” must be right turn only in and out. Prior to the issuance of a grading permit, the applicant shall demonstrate that the State Highway Administration has preliminarily approved the installation of the traffic signal and other traffic control devices at Van Buren Street and Baltimore Avenue, subject to approval of the final construction plan and permit by SHA. If for any reason, including lack of warrants or SHA or other required governmental approval, the traffic signal and other traffic control devices described

in this paragraph are not installed or cannot be installed at Van Buren and Baltimore Avenue, no permits may be issued.

A traffic signal warrant study has been submitted to SHA for review and approval. The traffic study indicates that the signal is warranted and additional geometric improvements are needed.

21. Prior to approval of a detailed site plan the plans shall provide or demonstrate:

a. After completion of construction of the first multi-family building in the project:

(1) At least 80 percent of the parking for the overall development ultimately will be in structured parking; and

The applicant has submitted a Parking and Phasing Analysis, dated April 25, 2013, that indicates approximately 87 percent of the parking for the overall development will be in structured parking.

(2) The maximum number of off-street surface parking spaces permitted for each nonresidential land use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance.

The applicant submitted a Parking and Phasing Analysis, dated April 25, 2013 that proposed 282 off-street parking spaces for the nonresidential land use types. This number is well under the cap of 80 percent of the minimum number required, which is 657 spaces.

b. Design features for sustainability that address environmental health, air and water quality, energy efficiency, and carbon neutrality.

The applicant has submitted a LEED for Neighborhood Development Credit Scorecard, dated May 1, 2013 that provides a delineation of how this project specifically addresses the following:

- Smart Location Linkage (SLL)
- Neighborhood Pattern and Design
- Green Infrastructure and Buildings
- Innovation Design Process
- Regional Priority Credit

c. Termination of Van Buren Street at a building or enhanced park feature.

The plan demonstrates a park feature at the terminus of Van Buren Street.

d. A soils study identifying the top soils and subsoils and their appropriateness to support the use of porous pavements.

The applicant has submitted a soil study titled “ECS, Preliminary Report of Subsurface Exploration, Laboratory Testing, and Geotechnical Engineering Analyses” consisting of 198 pages. The Planning Board reviewed the SWM Concept Plan and found that the plan had been approved with areas shown as porous pavement areas, so they adopted a condition relating to the same information being required to be shown on the DSP prior to signature approval.

23. Prohibit clear-cutting or re-grading any portion of the development until a detailed site plan for that portion of the site has been approved.

The subject DSP is for the entire site, so this condition has been fulfilled.

25. Prior to the approval of a Preliminary Plan of Subdivision (the “Preliminary Plan”), the applicant shall do the following, subject to the opportunity for review and comment by Prince George’s County, the Town of Riverdale Park, and the Town of University Park:

b. Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.

d. Provide cost estimates for the design, permitting and construction of the CSX Crossing, including off-site land or right-of-way acquisition costs, if any. Further, the applicant shall participate in the design, provision and acquisition of rights-of-way, permitting, funding and construction of the CSX Crossing, equal to half the complete costs, but not to exceed Five Million Dollars (\$5,000,000). The applicant, its successors and assigns, shall make all reasonable efforts to obtain public funding (federal, state, county, municipal) as necessary in addition to its CSX contribution to construct the CSX Crossing. Public funding may include all or a portion supported by tax increment financing as may be authorized in accordance with state and local laws. If the manner of public funding is tax increment financing, or any other funding mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property.

The applicant has submitted a commitment letter regarding the establishment of a funding mechanism, financial assurances, and a timetable for construction of the CSX Crossing. The commitment letter is dependent on the granting of a special taxing district by the District Council, for which a hearing was held on May 14, 2013. The Planning Board took notice that the District Council had approved the special taxing district in CR-28-2013, thereby fulfilling this condition.

The following considerations were included in the approval of Primary Amendment A-10018:

Consideration 1 **Extending the Rhode Island Avenue Trolley Trail across the Washington Metropolitan Area Transit Authority (WMATA) property, connecting to the terminus of the existing trail at Albion Street and south to Tuckerman Avenue.**

This has been shown on the detailed site plan.

Consideration 2 **Establishing a parking district to promote shared parking within the Town of Riverdale Park town center and with the adjacent Armory with the cooperation of the United States.**

The Planning Board adopted a condition relating to this consideration, requiring that prior to the release of any building permits for Buildings 6B, 7, 8, or 9, the applicant should provide evidence of good faith efforts to work with the Town of Riverdale Park to establish and authorize a shared parking district pursuant to Article 21A of the County Code. The Planning Board recognizes that the initiation of a shared parking district is the responsibility of the City of Riverdale Park.

Consideration 3 **Provide residential uses above commercial uses in order to create a vertical mix of uses.**

The detailed site plan has provided residential dwellings above retail uses in Building 5.

Consideration 4 **Consistent with the spirit of the circulator bus, initiate or contribute to a Regional Economic Partnership along the Corridor with existing business groups in neighboring jurisdictions and proximate developments to the east and west to: enhance regional connections and overall economic vitality, support and help recruit small/local businesses, coordinate and co-promote programming of activities, exhibits, thematic events, etc., and help ensure mutual success.**

The Planning Board adopted a condition relating to this consideration, requiring that the applicant consider participating in a regional economic partnership along the corridor with existing business groups in neighboring jurisdictions and proximate developments to the east and west. This condition preserves the intent of a consideration as set forth in Zoning Amendment No. A-10018, which encourages participation in a regional economic partnership should one be established.

Consideration 5 Pursue with Riverdale Park a “Quiet Zone” for the CSX line at appropriate times, so long as it can be demonstrated to be safe.

The Planning Board considered the inclusion of a recommended condition requiring the applicant to provide evidence of good faith efforts to work with the Town of Riverdale Park to obtain a “Quiet Zone” in regard to the CSX noise impacts on the town center, per this consideration. However, after hearing testimony from Town officials that this issue has to be requested of CSX by a municipality, the Board finds that no such condition should be required of the applicant.

9. The requirements of the 2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan:

The Town of Riverdale Park Mixed-Use Town Center Zone Development Plan.

The Cafritz Property Town Center Development Plan established development standards and land use recommendations for the site. The M-U-TC Zone permits dwelling units in a building containing commercial uses on the first floor as a by-right use, whereas all other residential uses must request that a special permit be granted. The intent is to encourage a mix of uses in town centers where a concentration of commercial and retail establishments will activate the street level and encourage pedestrian movement in the commercial corridors. The plan should be revised to identify which parcels are the subject of the Special Permit.

The plans were reviewed by the M-U-TC Design Committee and they have provided an analysis of the conformance of the plans to the Development Plan. In their analysis, they identified certain plan elements for which conformance can only be ensured by additional design detailing on the plans. Planning Board found that these design details should be provided prior to signature approval of the plans, or prior to the issuance of the applicable building permit as appropriate, to be determined by the Urban Design Section at the time of certification of the plans.

10. Zoning Ordinance: The DSP application has been reviewed for compliance with the requirements of the M-U-TC Zone, the R-55 Zone and Airport Compatibility, Part 10B, of the Zoning Ordinance:

- a. Regulations and allowed uses in the M-U-TC Zone come from the approved Town Center Development Plan. The uses as proposed in the DSP are permitted uses.
- b. The portion of the subject property that is zoned R-55, approximately 2.02 acres, is only proposed to contain a stormwater management pond and part of the proposed trolley trail, neither of which present any issues regarding conformance to the regulations and allowed uses of the R-55 Zone.
- c. A portion of the subject property, in the northeast corner, is located within Aviation Policy Area (APA) 6 under the traffic pattern for the small general aviation College Park Airport. The applicable regulations regarding APA-6 are discussed as follows:

Section 27-548.42. Height requirements

- (a) **Except as necessary and incidental to airport operations, no building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulation Part 77 or the Code of Maryland, COMAR 11.03.05, Obstruction of Air Navigation.**
- (b) **In APA-4 and APA-6, no building permit may be approved for a structure higher than fifty (50) feet unless the applicant demonstrates compliance with FAR Part 77.**

Townhouses, with a maximum height of approximately 43 feet, and two multifamily residential buildings, Building 7 and Building 8, both with a maximum height of approximately 65 feet, fall within the APA-6 area on-site. The proposed building height is inconsistent with the building height restriction of APA-6. However, the DSP was referred to the Maryland Aviation Administration and in a memorandum dated April 11, 2013, that agency stated that, in accordance with COMAR 11.03.05, the proposal is not considered an obstruction or hazard to air navigation at the College Park Airport.

11. **Preliminary Plan of Subdivision 4-13002:** Preliminary Plan of Subdivision 4-13002 was approved by the Planning Board at the public hearing dated May 16, 2013. The plans were reviewed for conformance to the preliminary plan and various conditions were removed from, added to or revised in the approval of the subject DSP to accomplish full compliance with that plan. Additionally, Condition 1.(a)(1) requires that the DSP be revised to conform to the approved PPS 4-13002 prior to certification.
12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is greater than 40,000 square feet and contains more than 10,000 square feet of woodlands. A Type 2 Tree Conservation Plan (TCP2-010-13) has been submitted.

The Woodland Conservation Threshold (WCT) for this site is 15.25 percent of the net tract area or 5.75 acres. The total woodland conservation requirement is 17.61 acres. The plan proposes to meet the woodland conservation requirement with 0.65 acres of woodland preservation and 16.96 acres of fee-in-lieu. The proposed preservation area is located along the west boundary and contains eight specimen trees.

Per Section 25-122(d)(8) of the County Code, the Planning Board may approve the use of fee-in-lieu to meet woodland conservation requirements that total one acre or larger if the project generating the requirement is located in the Developed Tier, or if the approval of the use of fee-in-lieu addresses an identified countywide conservation priority. The subject application is located in the Developed Tier. The Planning Board approved the option for the use of fee-in-lieu

with the preliminary plan. A note is shown on the Type 2 Tree Conservation Plan TCP2-010-13 stating “The option of using fee-in-lieu of off-site woodland conservation has been approved with Preliminary Plan 4-13002 approval.” The proposed TCP2 is found to be in conformance with the proposed TCP1. However, the worksheet on the TCP2 indicated the wrong factor for the fee-in-lieu calculation, which should be \$0.90 per square foot, and this should be revised prior to certification of the DSP. No additional information is needed with regard to woodland conservation.

In accordance with the State Forest Conservation Act, Section 25-122(b)(1)(G) of the Woodland Conservation Ordinance requires a variance if a specimen, champion, or historic tree is proposed to be removed. Tree conservation plan applications are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees. If after careful consideration has been given to preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. A variance was approved with the PPS application for the removal of 25 specimen trees.

Planning Board included conditions relating to the approval of the DSP to show the specimen trees on the DSP and requiring evaluation by a certified arborist.

13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. **Historic Preservation**—At their April 16, 2013 meeting, the Historic Preservation Commission (HPC) reviewed the subject application in regard to its relationship to Archeological Site 18PR259 located on the property; adjacent ERCO Historic Site (68-022); Riverdale Park (68-004), University Park (66-029), and Calvert Hills (66-037) National Register historic districts. After a detailed presentation of the application and discussion with the applicant, the HPC determined that elements of the DSP may require revisions that might not be available in time for review by the Planning Board. As a result, their recommended condition language below provides for additional review of these revisions before the certification of the detailed site plan, if these revisions are not available at the time of the Planning Board hearing. The HPC voted 6-0-1 (the Chairman voted “present”) to forward the following findings, conclusions, and recommendations to the Planning Board for its review of Detailed Site Plan DSP-13009 Cafritz Property:

The HPC provided a summary of the background of the subject property and the affected historic sites and districts.

HPC Findings

- (1) The subject DSP application provides for the development of residential, commercial, hotel, and office uses within the M-U-TC (Mixed-Use Town Center) Zone and based on a set of site-specific design guidelines. The proposed plans include up to 1,542,000 square feet of residential space (981 multi- and single-family dwelling units); up to 26,400 square feet of office space; up to 201,840 square feet of retail/flex space; and up to 145,080 square feet of hotel space within a network of streets that are extensions of the nearby grid established to the west in University Park and to the south in Riverdale Park.
- (2) The subject DSP application, and the associated preliminary plan of subdivision, provides for the retention-in-place of the nineteenth century ice house, the property's most significant remaining historic and archeological feature. The subject application includes the ice house within a landscaped portion of the parking area associated with the proposed grocery store near the southwestern portion of the property. The application provides some conceptual details for the final form of the feature, but does not specifically address the design, materials and construction techniques to be used, or the number and content of interpretive measures to be installed. The applicant's Phase III mitigation plan should include these details and address preservation of the ice house in place, data recovery for the carriage barn site and the required interpretive measures.
- (3) The illustrative plans for the proposed development indicate a number of the large, multi-story buildings on the property that may have a visual impact on the adjacent National Register Historic Districts.
- (4) At the historic preservation commission meeting dated April 16, 2013, the HPC voiced concern about future access to the ice house for archeological investigation and the preservation of the materials inside the structure. The plans do not provide any details of how the structure will be ventilated. The HPC directed Planning Board to work with the applicant to finalize some of the details of the ice house feature before the review of the DSP by the Planning Board, if possible. These details include the establishment of a limit of disturbance (LOD) to safeguard the ice house during grading and construction, the establishment of an archeology easement, more detailed specifications for the design and construction of the ice house enclosure, and more precise character and location of interpretive signage.

HPC Conclusions

- (1) A detailed site plan for interpretive signage and other public outreach measures focused on the history and significance of the MacAlpine property, the Calvert Homes development, the ERCO factory, and the historic trolley right-of-way, should be developed as part of the DSP process affecting the subject property.

Because of the short time frame associated with the submittal of the subject application, the applicant has been unable to provide many of the details associated with the retention and interpretation of the ice house before review of the subject application by the Historic Preservation Commission (HPC). Therefore, the applicant should be required to submit specific details for the design elements to the Historic Preservation Commission for review before certification of the detailed site plan, so that these details and specifications can be included on the certified plans.

- (2) The ERCO Historic Site (68-022) and its 13.71-acre environmental setting will be impacted by the bridge that will cross from the subject property over the CSX tracks and onto the University of Maryland property to the east. However, because the historic site is the subject of a Memorandum of Agreement between the University of Maryland and the Maryland Historical Trust providing ultimately for demolition, the impact of the railroad crossing should be considered de minimis. Archeological site 18PR258 will be impacted by the bridge that will cross from the subject property over the CSX tracks and onto the University of Maryland property to the east.
- (3) The applicant proposes the use of traditional and historicist design elements, materials, and details throughout much of the development. As such, to the extent that the taller buildings within the developing property may be visible from the adjacent National Register Historic Districts which are low-rise and residential in nature, the new development should have no negative visual impact on the historic districts.

Four of the five HPC recommended conditions are proposed to be included in the PPS report as recommended conditions and therefore, are not needed here. The single condition relevant to this application is included.

At their May 22, 2013 meeting, the Historic Preservation Commission (HPC) reviewed the subject application in regards to the revised alignment for the CSX railroad crossing (alignment "J") and the relocation of two multifamily buildings. Through a discussion, the HPC reaffirmed its conclusion that the ERCO Historic Site (#68-022) will be demolished through an agreement between the University of Maryland and the Maryland Historical Trust, regardless of the revised alignment of the railroad crossing and the relocation of two multifamily buildings within the developing property. As a result, the HPC voted (7-0-1, the Chair voted "present") to reaffirm, without revision, its findings, conclusions, and recommendations on the subject application.

- b. **Community Planning**—The subject applications are consistent with the development pattern policies of the 2002 *Prince George's County Approved General Plan* for corridors in the Developed Tier. The proposed mix of uses will fulfill several goals for the Developed Tier by encouraging more intense, high-quality housing and economic development in corridors, maintaining or renovating existing public infrastructure, and

promoting transit-supporting, mixed-use, pedestrian-oriented neighborhoods. The application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The vision for the Developed Tier is a network of sustainable transit supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The 2002 General Plan designated the Riverdale MARC station in the southern portion of the M-U-TC zone development plan area as a possible future community center. The vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

The subject property is also located along the Baltimore Avenue Corridor as designated by the 2002 General Plan. The vision for Corridors is “mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.” (See policy 1, 2002 General Plan, p. 50). This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor.

The subject applications conform to the Approved Cafritz Property at Riverdale Park Town Center Development Plan, dated July 12, 2012, amended and the purposes of the M-U-TC (Mixed-Use Town Center) Zone.

The Cafritz Property at Riverdale Park Town Center Development Plan amends the design standards of the approved 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (as amended by Zoning Ordinance No. 11-2012) for the Cafritz property only and not for the remainder of the Riverdale Park M-U-TC Zone properties.

The following comments are based on a selective analysis of the submitted DSP to determine conformance with the approved the Cafritz Property at Riverdale Park Town Center Development Plan. If a particular standard or guideline of the Amendment Development Plan is not discussed below, it should be assumed that the submitted application conforms to that standard or guideline in full. All page references are taken from the certified copy of the revised Cafritz Property Design Standards and Guidelines (July 12, 2012).

SITE DESIGN

A drive-through area is indicated as part of a bank attached on the southern edge of Building 3; Standard 3 on page 5 strongly discourages drive-through windows, but allows for their consideration if they are accessed by alleys and located on the rear of the property, as is the case with this proposed drive-through.

Fencing, Screening, and Buffering (page 6)

The parking lot associated with Building 3 adjoins Van Buren Street; Standard 7 on page 6 recommends that a wall or fence should not be used to separate parking lots from the adjacent street, but it is a permissive guideline not a required standard. The

applicant's proposed wall and fencing screening method complies with the crime prevention through environmental design best practices while simultaneously improving the visual quality of the proposed development by using a low decorative brick wall to screen cars from public streets and incorporating wrought iron to allow for visual surveillance from public streets into parking areas.

Access and Circulation (Page 7)

The application meets the standards and guidelines for access and circulation.

Services, Utilities, and Stormwater Management (Pages 7 and 8)

The submitted site plans meet the standards and guidelines. Rain gardens and green roofs, bioretention, pervious pavement, and community stormwater ponds are all used throughout the site to improve the stormwater conditions, and micromanagement techniques are scattered throughout the site per Standard 7 on page 8.

Parking and Loading Design (Pages 9 and 10)

The submitted DSP generally meets the design standards and guidelines specified on pages 9-10. With regard to Standard 1 on page 9, the applicant should provide additional trees on landscape islands in the surface parking lot serving Building 3.

Planning Board notes that Standards 12 and 13, which deal with structured parking facing primary streets, are guidelines and not required standards. This is pertinent to the garages fronting 46th Street, Woodberry Street, and Maryland Avenue, none of which are considered primary streets at the locations fronting the structured parking facilities.

Signage (Pages 10 and 11)

The submitted detailed site plan drawings indicate the proposed development will comply with the standards and guidelines for signage with the exception of Standard 9 on page 11 and Building 3. The proposed Whole Foods development incorporates signage that consists of individual, internally lit channel letter signage, which is permitted per approval of Secondary Amendment SA-130001, to Standard 9.

Architecture (Pages 13 and 14)

Most proposed buildings reflect the tripartite (base, middle, top) composition required by Standard 1 on page 13. Building 1 features a more modern architectural design with an understated, short "base" area. The Planning Board adopted conditions relating to required revisions to Building 1.

Building 3 incorporates a more horizontal approach that departs from the traditional vertical tripartite composition, but is attractive, nonetheless. Standard 1 allows for buildings without a tripartite design "if they (a) are architecturally unique and (b) enhance the overall appearance of the town center through conformance to the Cafritz Property development plan's overall design principles." The Planning Board finds that Buildings 1 and 3 meet the "architecturally unique" criteria.

No trademark buildings are proposed on the subject property.

The western façade of Building 5 should be articulated with additional architectural elements, high quality materials, and detailing to improve the overall quality of the design of the buildings and reduce the visual impact of the parking structure on Building 5.

Building Openings (Pages 15 and 16)

The submitted detailed site plan drawings appear to comply with the standards and guidelines for building openings. However, the applicant needs to revise the architectural elevations of the proposed buildings to incorporate notations regarding the percentage of each façade and story that is occupied by transparent windows to fully demonstrate compliance with the standards and guidelines.

PUBLIC SPACE

Sidewalks (Page 17)

The submitted detailed site plan drawings reflect large and inviting pedestrian zones and sidewalks throughout the subject property. However, it does not appear the submitted plans comply with Standard 3 on page 17 to continue the pattern and material of sidewalks across driveways and alleys “to signal that pedestrians and bicyclists may be present in the crosswalk and shall have priority.” The applicant should ensure the materials and design of the sidewalks is continued across the driveways and alleys that provide access to the interior of the proposed blocks within the subject property.

Landscaping and Pedestrian Amenity Zone (Pages 17 and 18)

The submitted detailed site plan drawings do not reflect the minimum eight-foot-wide landscaping/pedestrian amenity strip along Baltimore Avenue (US 1) between the sidewalk edge and the proposed face-of-curb as required by Standard 1 on page 17.

While several bicycle racks are indicated throughout the property, additional racks should be located near the entrances to both the commercial establishments and the multifamily residential buildings to encourage additional bicycle use.

Seating (Page 20)

There appear to be numerous opportunities for seating and gathering places within the proposed development. Planning Board has no concerns or additional comments regarding conformance with this section of the approved development plan.

Other Comments

The applicant includes information on the proposed mix of uses on the DSP cover sheet in General Note 16. However, the applicant needs to provide more specific numbers (rather than a range) of the development program prior to the approval of the detailed site plan. Additionally, these figures indicate an office component is proposed on the subject property but the applicant does not clearly identify the location of the office component.

Furthermore, the future hotel cannot be included on this detailed site plan submittal as anything other than a general indication of a future hotel on a lot or parcel since a hotel use in the M-U-TC Zone Development Plan requires the approval of a special exception, before it can be approved on a detailed site plan.

Every effort should be provided to ensure safe and convenient pedestrian and bicycle access to the historic core of Riverdale Park along the Rhode Island Avenue Trolley Trail and Maryland Avenue. Maryland Avenue proposes a sidewalk on the west side of the street to provide a link to the lands south of the Cafritz Property.

Van Buren Street should be designed to incorporate bicycle lanes in both directions as the major east-west street through the subject site. Additionally, the median of Van Buren Street, east of 46th Street, should be planted with street trees and should not remain a grassy lawn. The addition of street trees in this location will contribute to the site's tree canopy coverage and provide an avenue/park-like character for much of Van Buren Street, contributing to the monumental and celebratory gateway approach feel of this important street.

c. **Transportation Planning**—In a memorandum dated May 21, 2013, the Transportation Planning Section offered the following comments. Additional conditions are included in this report relating to transportation issues.

The Transportation Planning Section has prepared this revised memorandum to reflect the changes and modifications approved by the Prince George's County Planning Board during its public hearing on Thursday, May 16, 2013, for Preliminary Plan of Subdivision No. 4-13002. The Planning Board approval of the Preliminary Plan includes a new CSX railroad crossing identified as the University of Maryland J-Crossing (Version J.3.300). This memorandum supersedes the Transportation Planning Section memorandum dated April 17, 2013.

The subject property consists of approximately 37.73 acres of land, of which about 35.83 acres are in the M-U-TC (Mixed-Use Town Center) zone and the remaining 1.90 acres are in the R-55 zone. The M-U-TC zone for the subject property was approved by the District Council through approval of the Zoning Map Amendment application ZMA A-10018 on July 12, 2012. The Preliminary Plan for the subject property was approved by the Planning Board on May 16, 2013.

The property is located along the east side of Baltimore Avenue (US 1), approximately 1,400 feet north of the intersection of US 1 and East-West Highway (MD 410), south of US 1 and Albion Road, and west of the CSX railroad tracks.

The subject property is covered by the *2009 Approved Countywide Master Plan of Transportation* (MPOT), and the *Approved Cafritz Property at Riverdale Park* (Zoning Ordinance no.11-2012), which amended the *2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*.

The submitted plans propose the site to be developed with 430 residential units (304 multifamily and 126 townhouses), 164,677 Gross Square Feet (GSF) of commercial retail space, and 22,000 GSF of office space. The remaining 551 residential units, which must include 219 senior housing units, will be part of subsequent DSP and/or SP applications. In order to meet the approved Preliminary Plan trip caps, conversion of all or any portion of the 219 senior housing units would result in a significant reduction in the remaining number of multifamily residential units that can be included in any future DSP/SP applications. The proposed trips from the future 120-room hotel were included in the approved Preliminary Plan trip caps, but the hotel use is not part of this DSP and SP application, as provision of a hotel use on this site requires the approval of a Special Exception.

The M-UTC Parking standard No. 1(page 8 of the Cafritz Development Plan) states: “The maximum number of off-street surface parking spaces permitted for commercial (nonresidential) land use types shall be equal to 80% of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance”. The most recent submitted development and parking data provided by the applicant, dated May 21, 2013, proposed 258 off-street surface parking spaces. The applicant states that the total number of off-street surface parking for the entire proposed development shown in the submitted plans is limited to 282 spaces, which is 306 spaces less than the allowed maximum surface parking spaces (using the 80% of the minimum number of required off-street parking spaces and for the propose uses in accordance with Section 27-568(a) of the Zoning Ordinance).

The M-UTC Parking standard No.3 (Page 8 of the Cafritz Development Plan) states: “off –site shared parking can be used to the greatest extent possible to meet parking requirements.” The submitted plans do not propose any off-site shared parking for the proposed development.

The M-UTC Parking Standard No. 4 (Page 8 of the Cafritz Development Plan) states: “Where shared parking is utilized, the applicant shall provide details of the development’s proposed uses and required parking....The applicant shall also provide information on the times when the uses operate so as to demonstrate the lack of potential conflict between multiple uses.” The submitted plans lack the necessary information for the several shared parking lots and/or structures proposed throughout the site.

DSP Review Comments

Conformance to the Approved Plans

ZMA A-10018 contains several transportation- related conditions and considerations. The Preliminary Plan for the subject property also contains several transportation related conditions and findings. The status of the transportation conditions and considerations are summarized below:

a. For ZMA A-10018:

“6. Prior to approval of any detailed site plan, the following shall be provided:

- “a. Plans indicating that the signalized intersection at Van Buren Street and Baltimore Avenue (US 1) shall include highly-visible and attractive pedestrian crosswalks, pedestrian signals, and other pedestrian or warning signage as appropriate, subject to State Highway Administration (SHA) approval.**
- “b. The plans shall indicate that crosswalks providing appropriate pedestrian safety features are provided throughout the site.”**

The submitted plans include curb extensions pedestrian refuges, sidewalks, and cross walks at many locations throughout the site. The plan does not show the provision of 12-foot wide curb lanes or 11-foot travel lanes, as suggested by DPW&T, for most of the proposed roadway cross sections, nor does it show ADA accessible ramps at all proposed curb cuts, ramps, and at all locations where sidewalks intersect with roadways. The submitted plans should also include the provision of wide crosswalks at all internal intersections, especially the required high visibility cross walks along with appropriate traffic controls and design features per SHA standards at all three proposed US 1 entrances to the site. The submitted plan should also include notes regarding the provision of appropriate pedestrian and bike signal controls at the intersection of Van Buren Street and US 1, and provisions for safe crossing of US 1 by pedestrians and bikers. The intersection must be designed to prohibit through vehicular movement between existing Van Buren Street west of US 1 and proposed Van Buren Street east of US 1.

“20. Prior to approval of any DSP for the project, the applicant shall submit a traffic signal warrant study following the accepted methodology of DPW&T or the Maryland State Highway Administration (SHA) for the intersection of Baltimore Avenue and Van Buren Street with channelization as shown on Sheet 4 of the Development Plan. This analysis will examine both existing and total projected traffic volumes. If signals are deemed warranted by the appropriate agency, the applicant shall initiate a bond to secure the entire cost prior to the release of any building permits within the subject property and shall agree to install the signals as directed by DPW&T or the State Highway Administration. Further, subject to SHA approval, applicant shall install the traffic control devices as

noted on the Development Plan (Pork Chop Islands) or as modified by SHA to direct traffic so that no traffic may directly access or egress the property across Baltimore Avenue along Van Buren Street. Both entrances and exits at Woodberry and Wells Parkway, respectively north and south of the Van Buren “gateway,” must be right turn only in and out. Prior to the issuance of a grading permit, the applicant shall demonstrate that the State Highway Administration has preliminarily approved the installation of the traffic signal and other traffic control devices at Van Buren Street and Baltimore Avenue, subject to approval of the final construction plan and permit by SHA. If for any reason, including lack of warrants or SHA or other required governmental approval, the traffic signal and other traffic control devices described in this paragraph are not installed or cannot be installed at Van Buren and Baltimore Avenue, no permits may be issued.”

A traffic signal warrant study has been submitted to SHA for review and approval. Even though the condition requires that "Both entrances and exits at Woodberry and Wells Parkway, respectively north and south of the Van Buren "gateway," must be right turn only in and out", per the requirements of SHA, the submitted plans correctly show the southern access (opposite Underwood Street), as right-in only from US 1 northbound. The plan lacks provision of approved appropriate traffic controls and additional design features and traffic channelization by SHA. As required by the above condition, full provision of these items is necessary prior to the issuance of any permits for the subject property, as required by Condition 1a.(5).

“25(b). Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.

“Further, the applicant shall participate in the design, provision and acquisition of rights-of-way, permitting, funding and construction of the CSX Crossing, equal to half the complete costs, but not to exceed Five Million Dollars (\$5,000,000). The applicant, its successors and assigns, shall make all reasonable efforts to obtain public funding (federal, state, county, municipal) as necessary in addition to its CSX contribution to construct the CSX Crossing. Public funding may include all or a portion supported by tax increment financing as may be authorized in accordance with state and local laws. If the manner of public funding is tax increment financing, or any other funding

mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property.”

The submitted plan includes the approved University of Maryland J-Crossing (Version J.3.300) for the proposed CSX crossing, as recommended by the Planning Board on May 16, 2013. The Planning Board in the approved Preliminary Plan, including the applicant's proffer to contribute an amount not to exceed Five Million Dollars (\$5,000,000), found conformance to the above condition. On May 14, 2013, the County Council adopted CR-28-2013.

b. For the Preliminary Plan of Subdivision (4-13002):

“1.(s). Revise the CSX Bridge crossing alignment in accordance with the conditional approval of the University of Maryland exhibit dated May 7, 2013 for the J Crossing (Version J.3.300).”

The submitted plan shows the University of Maryland J-Crossing (Version J.3.300) for the proposed CSX crossing, as approved by the Planning Board on May 16, 2013.

“1.(v). Along the property frontage with US 1, show a dedication area of at least 59 feet from the existing centerline from the southern limit of the property to the northern limits of the property.”

The submitted plan does not show the required dedication area of at least 59 feet from the existing center line along the property's frontage with US 1, which is deemed sufficient by SHA for the provision of standard travel lanes, standard center turn lanes, on-road bike lanes, and the provision of continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1. The Planning Board adopts Condition 10(a) to ensure compliance with this condition.

“1.(x). Show the locations for the planned car sharing location, taxi-cab loading and waiting zone, and a main bus stop with a shelter and bench along proposed Van Buren Street Extended.”

The submitted plans do not show the approved car sharing location, taxi-cab loading and waiting zone, nor a main bus stop with shelter and bench along the proposed Van Buren Street, however, as a condition of the preliminary plan, Condition 1(a)(1) will ensure compliance with the above condition.

“33.(b) Provide a seven-foot-wide sidewalk along the subject site’s entire frontage of Baltimore Avenue (US 1) at the time of the frontage improvements, per the Riverdale Park M-UTC Plan.”

The submitted plan does not show continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1, because the continuous sidewalk is subject to SHA approval. The Planning Board adopts Condition 10(a) to ensure compliance with this condition.

“34. The development on the subject site shall be limited to the mix of allowed uses and the intensity that will generate no more than 482 AM, 794 PM weekday, 767 midday, and 1,019 Saturday peak-hour vehicle trips during any stage of development.”

The submitted DSP proposes 430 residential units (304 multifamily and 126 attached townhouses), 164,677 Gross Square Feet (GSF) of commercial retail space, and 22,000 GSF of office space. The resulting AM, PM, Midday, and Saturday peak hour vehicle trips that would be generated by the proposed development (as shown on the worksheet that will be presented at the Planning Board hearing) are less than the approved maximum weekday AM, PM, midday and Saturday Peak-hour vehicle trip caps used in making the required transportation adequacy findings for the Preliminary Plan, as stated above.

“35. Prior to signature approval of the detailed site plan, the plans shall be revised to:

“a. Limit the proposed southern access from Baltimore Avenue (US 1) northbound to right-in-only movement by appropriate traffic controls and design features per Maryland State Highway Administration (SHA) standards, and placement of “Do Not Enter” signs along the westbound direction of Underwood Street per Department of Public Works and Transportation (DPW&T) standards and requirements.

“b. Prohibit through traffic movement between existing Van Buren Street west of Baltimore Avenue (US 1) and the proposed Van Buren Street east of US 1 at the US 1 intersection by incorporating appropriate traffic channelization islands and appropriate traffic controls subject to approval by the Town of University Park and per Maryland State Highway Administration (SHA) standards.

“c. Limit the proposed northern access to and from Baltimore Avenue (US 1) to right-in and right-out-only movement by

**appropriate traffic controls and design features per
Maryland State Highway Administration (SHA) standards.”**

The submitted plans correctly show the southern access as right-in only from US 1 northbound, as recommended by SHA and the Planning Board approval of the Preliminary Plan. The submitted plans, however, should be revised to include: (1) the provision of high visibility cross walks, and (2) notes for the provision of appropriate traffic controls and design features per SHA standards at all three proposed US1 entrances, and (3) specific traffic channelization, control and signalization deemed appropriate by SHA at the intersection of Van Buren Street and US 1, that will allow for safe crossing of US 1 by pedestrian and bikers and (4)prohibition of through vehicular movement between existing Van Buren Street west of US 1 and proposed Van Buren Street east of US 1. This information will be shown on the plans proposed for frontage improvements for review by SHA and is not part of the DSP.

“36. Prior to approval of any detailed site plan for the property:

- “a. The applicant must demonstrate that all specific standards identified in the applicant’s completed Guidelines TOD checklist (which is included in the submitted traffic impact study dated March 5, 2013) have been incorporated in the plan as justification for meeting the 2012 Transportation Review Guidelines, Part 1 designation as “excellent” transit oriented development.**
- “b. The applicant shall demonstrate that the approved funding mechanism committed by the applicant as part of Condition 25 (A-10018), stated above, has been fully established and has been authorized by the county and/or other governmental bodies.”**

With the incorporation of (1) continuous sidewalk along US 1 frontage within the dedicated right-of-way, (2) the provision of appropriate traffic controls and design features per SHA standards at all three proposed US 1 entrances, (3) the provision of 12-foot wide curb lanes or 11-foot travel lanes, as suggested by DPW&T, for most of the proposed roadways, (4) the provision of ADA accessible ramps at all proposed curb cuts, ramps, and where sidewalks intersect with roadways, (5) the provision of a car sharing location and taxi-cab loading and waiting zone, and (5) a main bus stop with a shelter and bench along proposed Van Buren Street Extended, the submitted plans would be in full compliance of the TOD checklist.

During its review of the preliminary plan the Planning Board found that the applicant has committed to a public/private partnership as the funding

mechanism, including Tax Increment Financing (TIF) approved by the Town of Riverdale Park, a Special Tax District approved by the County with the adoption of CR-28-2013 on May 14, 2013, and private funds of up to five million dollars.

“37.(e). The construction of the proposed CSX crossing with at least 36 feet of road pavement to accommodate on-road bike lanes, six-foot-wide sidewalks, and two-foot barriers, as well as the bridge extension to Rivertech Court and associated improvements at the Rivertech Court intersection, and as required by DPW&T and per DPW&T and CSX standards and specifications.”

The submitted plans should be revised to show the extension of the approved J-Crossing (Version J.3.300) over the CSX tracks to Rivertech Court and the provision of sidewalks and on-road bike lanes, as well as any associated improvements at the Rivertech Court intersection required by DPW&T.

On-Site Circulation and Access Review and Findings

The subject property is adjacent to US 1. As proposed, the subject site will be served by three new access streets from US 1, two of which are proposed to be stop-controlled and limited to right turns. On the east, the site is served by a CSX railroad crossing that will extend to River Road, and on the south, a street connection to Maryland Avenue. The main access street intersection along US 1 will be at the existing Van Buren Street intersection.

The intersection of the main access street with US 1 will be constructed with special channelized islands per SHA standards which would prohibit the vehicular traffic cross movement at US 1 and access to the existing west leg of the US 1/Van Buren Street intersection. This main access street is proposed as a four-lane divided roadway with a wide median to be used as a plaza for public gatherings. To the east, it transitions to a two-lane roadway and extends west to Rivertech Court across the existing CSX tracks with a bridge structure and approach roadways that at minimum must include 12-foot wide travel lanes, on-road bike lanes, and continuous sidewalks.

The typical street sections, the intersection turning radii, roadway width, and lane width for all internal roadways and alley ways will require approval from the Prince George's County Department of Public Works and Transportation (DPW&T) and the Town of Riverdale Park.

Transportation Recommendations

Based on the preceding findings, the Transportation Planning Section recommends the following conditions of approval for the submitted Detailed Site Plan, Special Permit applications and the proposed Secondary Amendments to the approved Cafritz Development Plan:

1. Prior to the signature approval, the submitted plans must be revised to include:
 - a. Provision of the required information for the proposed shared parking lots and structures throughout the site in order to demonstrate that adequate parking is provided for all uses and there would not be any potential conflict in parking usage between uses.
 - b. The provision of (1) 12-foot wide curb lanes or 11-foot travel lanes, as suggested by DPW&T, for most of the proposed roadway cross sections and (2) ADA accessible ramps at all proposed curb cuts, ramps, and at all locations where sidewalks intersect with roadways.
 - c. The provision of wide crosswalks at all internal intersections and the required high visibility cross walks along with appropriate traffic controls and design features per SHA standards at all three proposed US 1 entrance.
 - d. The provision of appropriate pedestrian and bike signal controls, and traffic channelization per SHA standards at the intersection of Van Buren Street and US 1 in order to provide safe crossing of US 1 by pedestrian and bikers, while prohibiting through vehicular movements between existing Van Buren Street west of US 1 and proposed Van Buren Street east of US 1.
 - e. The provision of at least 59 feet of right-of-way dedication from the existing center line along the property's frontage with US 1, as deemed sufficient by SHA for the provision of standard travel lanes, standard center turn lanes, on-road bike lanes, and continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1.
 - f. The provision of the approved car sharing location, taxi-cab loading and waiting zone, and a main bus stop with shelter and bench along proposed Van Buren Street.
 - g. The provision of continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1.
 - h. The extension of the approved J-Crossing (Version J.3.300) over the CSX tracks to Rivertech Court, including sidewalks and on-road bike lanes, as well as any associated improvements at the Rivertech Court intersection required by DPW&T.
2. Prior to the issuance of any building permit, the applicant and/or the applicant's heirs, successors, or assigns shall demonstrate that the following improvements

(a) have been constructed, (b) fully bonded and permitted for construction with an agreed-upon time table for construction by the applicant and/or the applicant's heirs, successors, or assigns, (c) otherwise incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1) of the Zoning Ordinance, or (d) there is incorporated within the adopted County Capital Improvements Program (CIP) or the current State Consolidated Transportation Program (CTP) with one hundred percent (100%) construction funding allocated during the six years:

- a. The extension of the approved J-Crossing (Version J.3.300) over the CSX tracks to Rivertech Court including sidewalks and on-road bike lanes, as well as any associated improvements at the Rivertech Court intersection required by DPW&T.

The Planning Board reviewed the suggested conditions and incorporated them where appropriate, in conformance with the approved PPS and Basic Plan. However, those conditions that were already contained within PGCPB Resolution No. 13-55 were not repeated.

- d. **Subdivision Review**—The Planning Board reviewed the resolution of approval for the applicable Preliminary Plan of Subdivision 4-13002 (PGCPB No. 13-55) in relation to the subject DSP application and incorporated or revised conditions as appropriate to find conformance with it.
- e. **Trails**—The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

POLICY 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.

The MPOT includes the following project description for the Rhode Island Avenue Trolley Trail project:

Rhode Island Avenue Trolley Trail

Provide a shared-use trail along this former trolley right-of-way. Several segments of this trail have been implemented by the City of College Park. Planning work is also being done in Riverdale Park and Hyattsville. Where an existing roadway is within the former trolley right-of-way, bikeway and sidewalk improvements may be appropriate. Designated bike lanes shall be provided from Greenbelt Road north to Quimby Avenue (MPOT, page 31).

The submitted plans have relocated the trolley trail back to its historic right-of-way. Previous plans had reflected it along a proposed road approximately one block away. The Transportation Planning Section strongly supports this modification and believes that it will help to ensure that the Trolley Trail is the premiere regional facility and amenity intended in the master plan. This trail will connect to the historic Riverdale Park core, as well as Hyattsville to the south and College Park to the north.

The applicant has submitted a March 8, 2013 memorandum that adequately documents that the right-of-way for the Trolley Trail has been abandoned and acquired by the applicant.

Internal Sidewalk Connections

The internal road network includes (1) seven-foot-sidewalks on commercial roads (2) five-foot-sidewalks on residential roads (3) eight-foot-sidewalks on the Van Buren Entry configuration and (4) seven-foot-sidewalks on the Woodberry Entry configuration. This appears to be adequate to accommodate pedestrian movement through the site and to both Baltimore Avenue (US 1) and the Rhode Island Avenue Trolley Trail. Condition 3(e) of Primary Amendment A-10018 requires that an east-west trail/bicycle connection be provided through the site between Baltimore Avenue (US 1) and the trolley trail. This connection is currently shown along Woodberry Street with the provision of standard or wide sidewalks and designated bike lanes along both sides. This location was originally preferable due to the previously proposed location of the bridge over CSX. However, as the bridge has been relocated further to the south and the bikeshare station is proposed along Van Buren Street, and the majority of the commercial destinations are along Van Buren Street, the relocation of the designated bike lanes from Woodberry to Van Buren Street is recommended.

The transportation demand management plan has been amended to include a discussion of bicycle parking and a potential bikeshare station. The submitted plans have also been modified to include a location for the future station. Planning Board supports this location, however, more detail needs to be provided regarding the location, number, and type of bicycle parking provided, particularly with regards to how it meets current LEED-ND standards. Bike rack locations should be determined at the time of the Detailed Site Plan, and should be consistent with Condition 6(c) and the approved Design Standards for Public Space in the Development Plan.

Two additional improvements are recommended at the location where the Trolley Trail crosses Van Buren Street. The stop bar for traffic along eastbound Van Buren Street shall be placed before (or two the west of) the Trolley Trail in order to prevent vehicles from stacking up in the crossing. And, a raised crosswalk is recommended at this location in order to slow the speed of turning traffic and raise the visibility of the crossing.

Major or outstanding issues

- (1) The exact number, type, and location of the bicycle parking should be reflected on the DSP, consistent with LEED-ND standards.
- (2) Redesign the alley on the northern edge of the subject site per the Planning Board exhibit. This will eliminate an additional crossing for the Trolley Trail and help to minimize trail user conflicts with motor vehicles.
- (3) Currently, all road cross sections proposed are labeled as private roads. However, it is recommended that the major roads on the subject site be maintained in public ownership. This is particularly important for Van Buren Street, Maryland Avenue, Rhode Island Avenue, the road within Parcel "P", and the bridge over the CSX tracks. The major bicycle and pedestrian routes should be within the public realm.
- (4) Due to the relocation of the CSX crossing to the south and the placement of the bikeshare station, the east-west bicycle and pedestrian connection is recommended along Van Buren Street.

The Transportation Planning Section has reviewed the detailed site plan in light of the Planning Board's approval of PPS 4-13002 and the relocated "J" bridge crossing and provided the following comments in a memo dated May 21, 2013. The background text and analysis provided in the April 19th memorandum (from Shaffer to Lareuse) remains unchanged, but the conditions of approval have been revised below to reflect the following changes made by the Planning Board as part of the preliminary plan approval:

- The relocation of the CSX bridge crossing.
- The approval of the bike lanes along Van Buren, rather than Woodbury Street.
- The retention of the at-grade crossing of the Trolley Trail at the northernmost alley.

The relocated bridge crossing provides for a more direct bicycle and pedestrian connection from US 1 to the CSX bridge. This revised bridge location and alignment enhances bicycle and pedestrian access through the site by providing a more direct east-west connection (rather than a more circuitous route) through the site and more from US 1 to the CSX crossing over prior alignments proposed. Other than the relocated bike lanes required by the Preliminary Plan approval, the rest of the network for pedestrians and bicyclists remains largely unchanged.

Conclusion and Revised Recommendations

In conformance with the 2009 Approved Countywide Master Plan of Transportation, 2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan (MUTCD), approved A-10018, and approved 4-13002, the applicant and the applicant's heirs, successors and/or assigns shall provide the following prior to signature approval:

- a. Revise the plans to include a raised crosswalk where the Trolley Trail crosses Van Buren Street and Woodberry, unless modified by DPW&T or Riverdale Park.
- b. Revise the plans to show a raised speed table and crosswalk where the Trolley Trail crosses the alley, Parcel EE, between Lot 31 and Lot 32, in order to reduce the conflict of trail users and motorists at this location. Stop signs shall be provided along the alley on each side of the trolley trail in order to provide the right of way to the trail users.
- c. Revise the plans to include ADA curb cuts and ramps at all locations where sidewalks or trails intersect with roadways.

The issues in a-c above have been incorporated in the conditions of this approval and the preliminary plan approval and must be completed prior to signature approval of the plans.

- f. **Department of Parks and Recreation (DPR)**—In a memorandum dated April 24, 2013, DPR provided a description of the background of the case and the following summarized comments:

The applicant submitted a Preliminary Plan of Subdivision which proposes subdivision of the property in order to provide for mixed-use development that will include Office, Retail/Flex, Hotel and Residential. The conditions of approval for the Preliminary Plan state that the applicant shall dedicate 1.12 acres of land (to M-NCPPC) along with a 30-foot-wide Public Use Easement to allow for a continuous section of the Rhode Island Avenue Trolley Trail to be constructed and implemented. The conditions also require that the applicant construct and maintain Private Recreation Facilities to satisfy the remaining portion of the requirements for Mandatory Parkland Dedication for the Preliminary Plan. The applicant has shown Private Recreation Facilities which are being reviewed by the Urban Design Section of the Planning Department.

DPR Recommendations

The Park Planning and Development Division of the Department of Parks and Recreation recommends to the Planning Board that approval of this DSP application be subject to the following condition:

- (1) The applicants, their successors, and/or assigns, shall design and construct the Master Planned Trolley Trail within the dedicated areas and the Public Use Easement.
 - (a) Along with the submission of the first record plat, the applicant shall submit detailed construction drawings for the Master Planned Trolley Trail and review and approval by DPR.
 - (b) The approval of the Trail Construction Plans shall be obtained prior to the signature of the first record plat.
 - (c) Prior to the signature of the first record plat for the subdivision, the applicant shall submit three original, executed Public Recreational Facilities Agreements (RFA). Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland and noted for reference on the record plats.
 - (d) Prior to the start of any trail construction, the applicant shall have the location of the trail staked in the field and approved by DPR.
 - (e) Prior to the release of any building permits, the applicant shall submit to the DPR a performance bond, letter of credit or other suitable financial guarantee for the Master Planned Trail Construction, in an amount to be agreed upon with DPR.
 - (f) As per Re-Zoning Amendment, A-10018, the ten-foot-wide master planned trail shall be completed and ready for use prior to the issuance of the Third building permit.

DPR's recommended conditions were adopted by the Planning Board's approval of the PPS (as modified Conditions 12 and 14) or they have been incorporated in this approval, as appropriate.

- g. **Permit Review**—No Permit Review Section comments were provided on the subject application.
- h. **Environmental Planning**—The site is subject to the environmental regulations in Subtitles 24 and 25 that became effective on September 1, 2010 and February 1, 2012.

Site Description

This 37.73-acre site is split zoned, with 35.83 acres in the M-U-TC zone and 1.90 acres in the R-55 zone. The property is located on the east side of Baltimore Avenue (US 1) where it intersects with Van Buren Street. The site is 88 percent wooded. A review of the available information indicates that streams and steep slopes 15 percent or greater are not found to occur within the limits of this application; however, a small isolated wetland and

a small area of 100-year floodplain exist on-site. The CSX right-of-way is adjacent to the eastern boundary of the site and has been identified as a transportation-related noise generator with potential vibration impacts. The soils found to occur according to the United States Department of Agriculture (USDS) National Resource Conservation Service (NRCS) Web Soil Survey (WSS), are in the Croom, Leonardtown, Sunnyside, and Urban Land series. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Northeast Branch watershed of the Anacostia River basin. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains Evaluation Areas and Network Gaps. The property is further located in the Developed Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

An approved Natural Resource Inventory, NRI/121/06-01, was submitted with the application. This plan was updated to reflect the current code requirements and was approved as the '-01' revision to the plan on March 19, 2012. Subsequent to the last approval, land was added to the overall preliminary plan application increasing the land area. The total area of land within the current application is 37.73 acres and the total amount of woodland has increased from 32.73 acres to 33.12 acres. A revised NRI is not required at this time.

A small isolated wetland and a small area of 100-year floodplain exist on-site.

From the information approved with the NRI, the forest stand delineation (FSD) indicates the presence of six forest stands totaling 32.73 acres and 35 specimen trees. Stand 1 is a late successional oak forest dominated by willow oak and Southern red oak, is located along the eastern portion of the site, is designated as high priority for retention, and totals 4.91 acres. Stand 2 is a mid-successional mixed hardwood forest dominated by Black Cherry and Sweetgum, is located centrally on the site, is designated as low priority for retention, and totals 9.61 acres. Stand 3 is a mid to late-successional mixed hardwood forest dominated by white oak, sweetgum, and hickory, is predominately located along the northeastern portion of the site, is designated as moderate priority for retention, and totals 5.51 acres. Stand 4 is a mid-successional Virginia pine forest located on the central portion of the site, is designated as low priority for retention, and totals 1.54 acres. Stand 5 is an early to mid-successional mixed hardwood forest dominated by black locust, is located on the southeastern portion of the site, is designated as low priority for retention, and totals 7.77 acres. Stand 6 is an early to mid-successional Kentucky Coffee tree dominated forest located on the eastern portion of the site, is designated as moderate priority for retention, and totals 3.39 acres.

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the

Subdivision Regulations. The on-site regulated environmental features include a small isolated wetland and a small area of 100-year floodplain.

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features.

Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. The justification must address how each impact has been avoided and/ or minimized and should include 8½ by 11 exhibits of the proposed disturbance.

A letter of justification for the proposed impacts was stamped as received by the Environmental Planning Section (EPS) on December 10, 2012 and associated exhibits stamped as received December 18, 2012. The justification was reviewed with the preliminary plan application. The plan proposes impacts to the isolated wetland and wetland buffer for the installation of streets and residences and impacts to the floodplain for residential development and roadway extension.

Impact area 1 proposes 937 square feet of impact to the isolated wetland and wetland buffer for the installation of a street and residences. The central location of the isolated wetland would make preservation difficult because of grading constraints as well as negatively affecting the overall vehicular and pedestrian patterns.

Impact 2 proposes 2,488 square feet of impact to the floodplain for residential development and a required connection to Maryland Avenue. Because the floodplain is located along the length of the southern property boundary where the existing Maryland Avenue right-of-way is located, a road connection necessitates impacting the floodplain. 100-year floodplain attenuation has been addressed in the approval of Stormwater Concept Plan (11589-2010-00).

Planning Board supports the request for the proposed impacts to the isolated wetland, wetland buffer, and floodplain for the reasons stated above.

Planning Board reviewed the revised Detailed Site Plan, Landscape Plan and Type 2 Tree Conservation Plan stamped as received by the Environmental Planning Section on May 3, 2013. The revised plans reflect a relocated CSX crossing from the previous plan stamped as received on April 19, 2013, for which a memorandum was provided on April 23, 2013.

CSX Crossing

The original plans, received March 28, 2013, proposed a crossing over the CSX at the north portion of the site, through an area of existing specimen trees that would be impacted as a result of the crossing. The previous plan, received April 19, revised the location of the crossing to be at the south section of the site, through a section of townhouse lots. Staff supported the revised location because it resulted in the preservation of more specimen trees and woodland conservation along the northeast boundary of the site. The May 3rd plan shows the crossing relocated through the central portion of the site. This location will have no impact on the specimen trees and woodland conservation areas previously proposed for preservation.

Noise

The previous layout in the April 19 plan showed several lots and two buildings within a location that would be impacted by noise levels 65dBA ldn or higher. Based on that layout, a noise wall was proposed as recommended by the noise study submitted with the application. The layout has been revised and now shows fewer lots within the 65 dBA ldn noise contour. For most of the lots within the upper and lower level, it appears outdoor and interior noise impacts will be mitigated by the three proposed buildings adjacent to the CSX. For the proposed buildings and lots 43-46, special building materials will be required to mitigate interior noise levels to below 45dBA Ldn.

Stormwater Management

The site has an approved Stormwater Management Concept letter and plan (11589-2010-01). The letter requires the following stormwater management controls: bioretention, extended detention and filtration. The plan shows a series of bioretention areas within the green buffer area along US Route 1. A pond is proposed in the northeast corner of the site. The concept is correctly reflected on the revised TCP2 and DSP.

Woodland Conservation

With regard to woodland conservation, impacts to regulated environmental features, removal of specimen trees, the plan is consistent with the previously submitted plan and in general conformance with the approved preliminary plan of subdivision. There are no changes in the specimen trees to be preserved.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review. The impacts approved are for the installation of

streets and residences over an isolated wetland and wetland buffer and impacts to the floodplain for residential development and roadway circulation.

- i. **Zoning Section**—In regards to zoning, the subject application is generally consistent with the Amended Cafritz Development Plan (DP) for Riverdale Park.
- j. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer comments on the subject application.
- k. **The Department of Public Works and Transportation (DPW&T)**—In a memorandum dated May 15, 2013, DPW&T offered the following summarized comments:
 - “(1) Baltimore Avenue (US 1) is a State-maintained roadway; therefore, coordination with SHA is required. DPW&T would prefer that any proposed sidewalk along US 1 be located within the US 1 right-of-way. Sidewalk along US 1, whether on-site or within the right-of-way, will not be maintained by the County.
 - “(2) The site lies within the Town of Riverdale Park. The Town of Riverdale Park has requested DPW&T conduct the review and permitting of the internal streets. An agreement has been reached stating that DPW&T will do so. After construction, the maintenance of the streets will be determined by the Town of Riverdale Park. Streets will not be maintained by the County.
 - “(3) The internal streets carrying bus traffic are to have the adequate width and curb return radii to ensure that bus traffic can navigate the site safely. Travel lanes are to be a minimum of 11 feet in width and all curb lanes are to be a minimum of 12 feet in width.
 - “(4) The constructed CSX crossing bridge is to be structurally maintained by the County. The maintenance of the normal wear and tear of the pavement driving surface and snow and ice control are to be undertaken by the Town of Riverdale Park in conjunction with the maintenance of the associated roadway connections to the bridge. The bridge will need to be reviewed and approved by the Maryland Department of Transportation (MDOT) and the Maryland Transit Authority (MTA).
 - “(5) The applicant shall obtain all the necessary environmental permits that will be impacted by this proposed CSX crossing and associated roadway connection, but not limited to wetlands and Waters of the US.
 - “(6) The site has an approved Stormwater Management Concept Plan Number 11589-2010-01, dated May 7, 2013.

- “(7) Additional profile information is needed demonstrating that the proposed bridge approach lengths and grades will accommodate the required 30 mph design speed. The bridge approach lengths may require adjustment.
- “(8) The Rivertech Court extended approach to Lafayette Street should be shifted seventy five feet south to comply with University of Maryland requirements.
- “(9) The applicant shall solely obtain all the necessary permits, including the CSX permit, to construct the proposed CSX crossing and the associated roadway connections. The proposed roadways which will connect the CSX crossing to Rivertech Court are to be owned and maintained by the Town of Riverdale Park.
- “(10) The construction cost estimates of the proposed CSX crossing and the associated roadway connections shall be reviewed by DPW&T.
- “(11) Some of the standards regarding the bridge design will include the following: bridge is to be 36 feet road pavement and six-foot sidewalks and two-foot barriers.
- “(12) A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for the proposed buildings, may be required.”

All of the above comments should be noted by the applicant. In regard to the comments about roadway dimensions, ownership and maintenance, these issues were determined at the time of preliminary plan of subdivision (PPS), which reviews for adequate circulation, and the DSP should be revised to match.

1. **Prince George's County Police Department**—In a memorandum dated May 21, 2013, Corporal Kurt Schnitzenbaumer of the Police Department offered the following comments:

“After visiting the site and reviewing the revised plans there are a few CPTED related concerns regarding the site plan submitted. In regards to the retaining walls and barrier walls I recommend using a pre-cast concrete that is made to look like a limestone wall or other type of stone. The main aspect of designing these is to not provide the blank canvass opportunity for graffiti. Another example would be using a textured concrete wall so as not to provide the “blank canvas.”

“I am requesting the architectural plans for the ramp crossing over the railroad tracks in order to review any security concerns. Some of the points I would like to review is whether or not the area under the bridge is going to be enclosed or open. If it is going to

be enclosed what type of fencing or wall is going to be used. Also, what type of lighting is going to be used under the bridge? All of these can have security risks. Such as providing a “blank canvass” for graffiti and places for persons to hide and conduct criminal activity. Understanding the access control will assist law enforcement in how we would respond to calls for service.

“I am also requesting any plans that MNCPPC might have describing the design of the trolley line to the north and south of the CAFRITZ property. It is my understanding that MNCPPC will be maintaining this land. I am curious as to what type of lighting will be used and landscaping will be done along this trail.”

The Planning Board reviewed the Police Department’s comments and incorporated conditions into this approval requiring the applicant to provide design plans for the trolley trail and CSX bridge crossing to the appropriate policing agency for review.

m. **Prince George’s County Health Department**—In a memorandum dated April 12, 2013, the Environmental Engineering Program of the Prince George’s County Health Department provided the following comments on the subject application:

“(1) The site is adjacent to the CSX Washington Subdivision rail line, a major north-south train corridor for CSX intermodal freight and MARC Camden Line commuter passenger trains utilizing diesel locomotives. Published scientific reports have found links between diesel air pollution exposure and increased rates of asthma, stroke, heart attack and cancer. Study and modeling of the particulate air pollution from diesel locomotive sources should be completed to determine the associated potential health impacts on the susceptible residential population, and any recommended modifications, adaptations or mitigation should be implemented.”

The Planning Board is not authorized to impose conditions in DSP applications that are intended to deal with exposure to air pollution.

“(2) Numerous residential units are proposed within the 65 dBA noise zone adjacent to the CSX Washington Subdivision rail line. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. Accordingly, the Department supports the Environmental Planning Section’s recommendations relative to noise modifications/adaptations/mitigation intended to reduce adverse health impacts on the susceptible residential population.”

The Environmental Planning Section reviewed and commented on the noise impacts on the subject property as discussed in Finding 13(h) above.

“(3) Western portions of the property are located in the recharge area for the Patuxent aquifer, a groundwater supply that serves the city of Bowie. Conversion of woodlands/green space in this recharge area to impervious surface could have long term impacts on the sustainability of this important groundwater resource.”

The subject property, as part of the rezoning under A-10018, was included in the Riverdale Park Town Center and planned for the mixed-use development proposed with the subject applications. The subject DSP does show the retention of some existing trees and open green space in the western portion of the site, adjacent to Baltimore Avenue (US 1).

“(4) There are five carry-out/convenience store food facilities, but zero markets/grocery stores within a half mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores, compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. The applicant’s proposal to include a Whole Foods Market in the project will provide alternative nutritional food choices for area residents/office workers and could therefore be expected to foster positive health outcomes.”

This comment has been noted.

“(5) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity, and promote the role of public health in improving quality of life. The applicant/developer should consider setting aside space for a community garden.”

The applicant should take note of this suggestion and is encouraged to preserve the possibility of the future homeowners developing a shared community garden.

“(6) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

This requirement will be enforced at the time of permit; however, a note should be provided on the DSP indicating conformance with these requirements.

“(7) During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code.”

This requirement will be enforced at the time of permit; however, a note should be provided on the DSP indicating conformance with these requirements.

- n. **Prince George’s County Department of Environmental Resources (DER)**—In a memorandum dated April 18, 2013, DER stated that it appears that the request for a referral should be forwarded to DPW&T which is now responsible for stormwater management review and they had no further comment.
- o. **Maryland State Highway Administration (SHA)**—In a memorandum dated April 12, 2013, SHA offered the following summarized comments:

Baltimore Avenue (US 1) is a State secondary roadway with posted speed limit of 35 MPH in the vicinity. The Average Annual Daily Trip (AADT) volume at this location is 24, 221 vehicles per day. The subject property abuts SHA right-of-way along the east side of Baltimore Avenue (US 1) for a distance of approximately 860 feet. Improvements associated with this project along Baltimore Avenue (US 1) within the right-of-way may include, but not limited to grading, paving, installation of curb and gutter, sidewalk, ramps, drainage structures, new traffic signal, pavement markings and signing. The proposed work within the SHA right-of-way will require an access permit. Note that access permits are subject to review and approval per SHA standards and policies. Based on our preliminary review, the SHA comment letter concludes that more detailed information is required and must be consistent with State Highway requirements.

The Planning Board reviewed the issues regarding the Baltimore Avenue (US 1) dedication and improvements in the PPS 4-13002. In that approval a condition was included that the plan should provide at least 59 feet of right-of-way dedication from the existing center line along the property’s frontage with Baltimore Avenue (US 1) for the provision of standard travel lanes, standard center turn lanes, on-road bike lanes, and a continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1, or provide evidence of approval of a reduction to not less than 52 feet from existing centerline from the State Highway Administration (SHA). However, it was recognized that the ultimate design and right-of-way requirement for the Baltimore Avenue (US 1) frontage improvements will be approved by SHA at the time of access permit. A condition, in conformance with the approved PPS, has been included in this approval relating to the Baltimore Avenue (US 1) dedication and improvements.

- p. **Washington Metropolitan Area Transit Authority (WMATA)**—WMATA did not offer comments on the subject application.

q. **Maryland Aviation Administration (MAA)**—In a letter dated April 11, 2013, the Maryland Aviation Administration offered the following summarized comments:

The Maryland Aviation Administration has received the referral request for the Cafritz Property, near College Park Airport, a Maryland licensed public-use facility located in College Park, Maryland. Based on the information received, MAA determines the proposed permanent structures will reside beneath both the Horizontal and Conical Surfaces at College Park Airport with no penetrations of those surfaces. In accordance with COMAR 11.03.05, Obstructions to Air Navigation, the proposal is not considered an obstruction or hazard to air navigation. Not included in this determination are any temporary cranes that may be utilized during the construction phase of this project and will require separate analysis and determination.

In a subsequent letter, dated May 6, 2013, the MAA indicated that in review of the revised DSP with the CSX bridge location known as Option J.

r. **Washington Suburban Sanitary Commission (WSSC)**— In a memorandum received April 2, 2013, WSSC offered comments regarding needed coordination with other buried utilities, suggested modifications to the plans to better reflect WSSC facilities, including mains and outside meter vaults, needed rights-of-way, avoidance of the existing 30-inch water main that runs through the property, and procedures for the applicant to follow to establish water and sewer service.

s. **Verizon**—Verizon did not offer comments on the subject application.

t. **Potomac Electric Power Company (PEPCO)**— In an e-mail dated April 15, 2013, from Tiffani Langdon, PEPCO offered the following comments:

PEPCO prefers for the public utility easements (PUEs) to be ten feet wide in order to accommodate all utilities and provide the appropriate separation between each. PEPCO did not find that the PUEs are adequate to facilitate feeder extension throughout the entire property. Additional PEPCO easements will have to be granted to allow for our feeder extension. PUEs established under sidewalks or paved surfaces do not allow PEPCO to direct bury its facilities. The financial responsibility of the cost difference to modify our design and installation specifications (material and labor) will be borne by the customer/owner/developer.

These comments were addressed by the applicant through the Preliminary Plan of Subdivision, when PUEs are established, or at the time of permitting when the details of utility locations are finalized.

u. **University of Maryland**—In an e-mail dated April 26, 2013, from Ed Maginnis, University Counsel, stated that the University supports the Option J.3.300 alignment for the crossing of the CSX railroad tracks and subsequently the preliminary plan noted that

in letter dated May 7, 2013, from the University of Maryland, they agreed with the proposed location for the bridge landing.

- v. **City of Hyattsville**—The City of Hyattsville did not offer comments on the subject application.
- w. **City of College Park**— The City of College Park provided the following comments in letter dated May 22, 2013 from Terry Schum, AICP, Director of Planning, Community and Economic Development to Chairman Hewlett:

“The City of College Park City Council met at their regular meeting on May 14, 2013 and voted 6-2-0 to recommend DISAPPROVAL of DSP-13009, Cafritz Property, for the following reasons:

- “1. Critical information and materials needed as part of the review of the application were missing, revised and/or submitted after the deadlines established by the Maryland-National Capital Park and Planning Commission for receipt of such information.
- “2. Several conditions that were placed on the property at the time of the rezoning approval, and that are required to be met at the time of application for the preliminary plan, have not been satisfied by the Applicant. If the preliminary plan is not approved, a detailed site plan, by law, cannot be approved.

“In addition, the City Council asks the Planning Board to give consideration to the following conditions should the Planning Board act to approve the application:

- “1. Prior to signature approval of the DSP, revise the Site Plan to:
 - “A. Show pedestrian-oriented street lights between the curb and sidewalk along the Route 1 frontage that are 14' in height and spaced not more than 50' apart in compliance with the Development Plan. The Applicant should also consider replacing existing street lights on utility poles with upgraded fixtures.”

The Planning Board recognized that street lighting within the right-of-way along Baltimore Avenue (US 1) is under the jurisdiction of the Maryland State Highway Administration. The Applicant objected to this proposed condition. The Planning Board agrees, and determines this condition is not necessary.

- “B. Show building heights in feet for all buildings.”

The Planning Board found that the heights of the buildings were shown on the architectural elevations plans but adopted Condition 13(m) that requires this information to be shown on the site plan.

“C. If Parcel H is dedicated to the City of College Park, submit detailed design plans of the Trolley Trail including landscaping and signage elements to be reviewed and approved by the City of College Park.”

Through the Planning Board’s approval of Preliminary Plan of Subdivision No. 4-13002, it was determined that the Applicant will dedicate Parcel H to the M-NCPPC, however, the Planning board adopted a similar condition that requires the design plans for the linear park should be sent to the City of College Park.

“D. Ensure two-way travel the entire length of Woodberry Street.”

The plans demonstrate two-way travel along Woodberry Street.

“2. Prior to signature approval of the DSP, revise the Landscape Plan to:

“A. Conform with the Development Plan requiring trees to be planted [or saved] in the US 1 landscaping/pedestrian amenity strip every 30 to 40 feet (relative to full growth size). The size of the trees to be planted shall meet the required minimum of 2 ½ inch to 3-inch caliper.”

This issue is requiring street trees within the SHA right-of-way to be a minimum size. The Planning Board recognized that the determination of the improvements within the right-of-way is wholly the authority of that agency and that they will control the street tree planting. Nevertheless, the Planning Board adopted a similar condition addressing the street tree plantings, subject to SHA review and approval.

“B. Provide landscaping details for the entirety of Parcel H including trees to be saved and planted and all existing conditions, easements and improvements.”

The design plans for the trolley trail will be reviewed by the Department of Parks and Recreation and the Urban Design Section. The review shall incorporate the above items as well and other issues of concern relating to safety and maintenance. The Planning Board did not adopt the condition as proposed.

“3. Prior to signature approval of the Detailed Site Plan, the Applicant shall provide a grading and construction phasing plan that includes a timetable and dates for grading and construction listed by building permit.”

The Planning Board adopted a similar condition relating to the submission of an estimated phasing plan estimating the timing of grading and construction of buildings.

“4. Prior to issuance of the first use and occupancy permit, the Applicant shall construct a sidewalk (a minimum of 5' wide) along Route 1 between Albion Road and the subject site, across the property owned by WMATA, and subject to the Applicant obtaining a public use easement from WMATA, if SHA ROW is not available.”

This proposed condition is inconsistent with Condition No. 38 imposed by the Planning Board in its approval of Preliminary Plan of Subdivision No. 4-13002, and the Planning Board, therefore, did not impose this condition.

“5. Prior to signature approval of the Detailed Site Plan, the Applicant shall apply and show results of LEED-ND Stage 1 review. If conditional approval is obtained, the Applicant shall employ every effort to obtain full LEED-ND certification and provide documentation of such. If conditional approval is not obtained, the Applicant shall make every effort to achieve U.S. Green Building Council (USGBC) LEED-Silver certification under LEED-NC and LEED Homes, or if available, equivalent standards for all buildings. Specifically the Applicant shall follow the process below:

“A. Prior to DSP certification, the Applicant shall:

“1) Designate a LEED-accredited professional (“LEED-AP”) who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact information for the LEED AP to the City of College Park, the Towns of Riverdale Park and University Park and M-NCPPC.

“2) Designate a representative from M-NCPPC and each municipality, who elects to participate, as a team member in the USGBC's LEED Online system. These team members will have privileges to review the project status and monitor the progress of all documents submitted by the project team.

“B. Prior to the issuance of the first use and occupancy permit, the Applicant shall provide documentation that the project has obtained the appropriate LEED certification. If certification has not been completed, the Applicant shall submit certification

statements from their LEED-AP that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain the appropriate LEED certification of LEED-ND, LEED-NC and/or LEED Homes.”

As stated earlier in this resolution, the Planning Board considered these conditions requested by the City during its consideration of Preliminary Plan of Subdivision No. 4-13002 and upon advice of its legal counsel, the Planning Board did not adopt the proposed condition, but found that the condition was adequately addressed in Condition No. 1(a)(24).

- x. **Town of Edmonston**—The Town of Edmonston did not offer comments on the subject application.
- y. **Town of Riverdale Park**— On May 19, 2013, the Riverdale Park Town Council voted to recommend approval with conditions of Detailed Site Plan DSP -13009 for the Cafritz Property subject to acceptance by the Planning Board of the requests for conditions and changes to conditions set forth below:

“Town requests to STRIKE staff recommendation 1.a.(1), which as written reads:

“1.a.(1) The section of Woodberry Street from the Baltimore Avenue (US 1) right-of-way to the parking compound entrance on the north side of the street, shall be narrowed from 32 feet of paving for drive lanes to 16 feet in width to accommodate one-way traffic. The intersection of Woodberry Street with Baltimore Avenue (US 1) shall be reconfigured to reduce the length of the pedestrian crossing and expand the greenway entrance feature.

“Town requests to REPLACE 1.a.(1) with the following language:

“The Woodberry Street entrance from Baltimore Avenue (US 1) shall remain as proposed by the applicant with a Right turn in from, and a Right turn out onto, Baltimore Avenue.”

The Planning Board considered and properly addressed this issue in the review and approval of Secondary Amendment Application No. SA-130001, Secondary Amendments D.4 and D.5., and Condition No. 12. Condition 1.a.(1) as adopted by the Planning Board requires the Detailed Site Plan to be revised to comply with the approved Secondary Amendment Application No. SA-130001.

“Town requests to STRIKE staff recommendations 1.a.(2), 1.a.(3), and 1.a.(5), which as written reads:

“1.a.(2) The section of Woodberry Street from the first parking compound entrance on the north side of Woodberry to the intersection with 46th Street shall be narrowed from 32 feet of paving for drive lanes to 26 feet in width to accommodate two-way traffic including truck traffic.

“1.a.(3) The section of Woodberry Street from the east side of 46th Street to the terminus of Woodberry shall be narrowed from 32 feet of paving for drive lanes to 22 feet in width for drive lanes.

“1.a.(5) Space resulting from the narrowing of Woodberry Street in accordance with the above Conditions (1), (2) and (3), shall be green area added to the front yards of the townhouse units and added space for street tree plantings located approximately 30 feet on center within a continuous planting bed. Expansion of building footprints into these areas is not permitted.

“Town requests to REPLACE 1.a.(2), 1.a.(3), and 1.a(5) with the following language:

“The width of Woodberry Street shall be reduced to 11-foot lanes or a 22-foot travel way, with 7-foot parking on each side, from Baltimore Avenue to the terminus, and the space resulting from the narrowing of Woodberry Street shall be distributed between front yards, tree-planting strips, and other streetscape elements in a way to be determined by the applicant.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Secondary Amendments D4 and D5, and Condition 12. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendations 1.a.(6) and 1.a.(9), which as written reads:

“1.a.(6) The parallel parking spaces shown on the plans along the east side of 47th Street shall be eliminated in front of multifamily Buildings 7, 8, and 8A, and a seven-foot-wide continuous planting bed shall be provided with street trees planted approximately 30 feet on center.

“1.a.(9) Eliminate the parallel parking spaces shown on the plans along the east side of 47th Street in front of multifamily Buildings 7, 8, and 8A, and provide a seven-foot-wide continuous planting bed with street trees planted approximately 30 feet on center.

“Town requests to REPLACE 1.a.(6) and 1.a.(9)with the following language:

“The parallel parking spaces shown on the plans along the west side of 47th Street shall be eliminated in front of the townhouses. This additional 7 feet of land shall be incorporated into street tree planting strip(s), front yards, or other streetscaping, as to be determined by the applicant. Parallel parking spaces shown on the plans along the east side of 47th Street shall remain.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 3. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(7), which as written reads:

“1.a.(7) Provide two five-foot-wide bike lanes along Van Buren Street.

“Town requests to REPLACE staff recommendation 1.a.(7) with the following language:

“Provide two four-foot-wide bike lanes along Van Buren Street as agreed to in the PPS. These dedicated bike lanes would be taken out of the applicant’s proposed 15’-0” wide travel lanes on each side of the street so that no additional width will be added to the street. At the entry to Van Buren from Baltimore Avenue, flexibility is to be given to the applicant regarding the exact location of the two bike lanes.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 1. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(8), which as written reads:

“1.a.(8) Provide additional landscaping along the streetscape on the east side of Building 2A in the form of either foundation plantings or street trees in a continuous planting bed.

“Town requests to REPLACE staff recommendation 1.a.(8) with the following language:

“Provide street trees and landscaping substantially similar to those shown on Drawing L1-01 of the Landscape Drawings, dated 3-26-13, as submitted with the applicant’s original submission accepted on 4-1-13.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 2. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1a.(10), which as written reads:

“1a.(10) Increase the height of Building 1 to a minimum of 20 feet. The west elevation shall be enhanced with windows, door(s), and the standing seam metal roof on the south elevation shall wrap the west elevation. The roof of the towering element on the south elevation shall be upgraded to a slate or a standing seam roof.

“Town requests to REPLACE staff recommendation 1.a.(10) with the following language:

“Increase the height of Building 1 to a minimum of 20 feet, and enhance the western elevation with more fenestration, openings, a trellis, and/or architectural elements so that it has a more aesthetically pleasing visual presence when viewed from Baltimore Avenue.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 4. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(11), which as written reads:

“1.a.(11) Provide a three- to four-foot-high wall along the parking lot edge along the Baltimore Avenue (US 1) frontage on Lots 1, 2, and 3 where the parking lot is adjacent to the greenway entrance feature. Location, details and specifications shall be provided for review and approval by the Urban Design Section.

“Town requests to REPLACE staff recommendation 1.a.(11) with the following language:

“Provide a three- to four-foot-high hedge along the parking lot edge along the Baltimore Avenue (US 1) frontage on Lots 1, 2, and 3 where

the parking lot is adjacent to the greenway entrance feature. Location, details and specifications shall be provided for review and approval by the Urban Design Section.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 5. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(12), which as written reads:

“1.a.(12) Delete or relocate Lots 1-7 along Woodberry Street and create a common play area within this space with appropriate buffering and screening from Lot 1.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, as reflected in Secondary Amendment I. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(13), which as written reads:

“1.a.(13) Add 12–14 shade trees within the confines of the surface parking lot located on Lot 3 or provide the maximum number of trees for which there is space, without loss of parking spaces and without conflict with light poles or bio-retention areas.

“Town requests to REPLACE staff recommendation 1.a.(13) with the following language:

“Landscaping shall be implemented for Lot 3 as shown on the Revised Landscape Plan.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 7. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(15), which as written reads:

“1.a.(15) Delete the green screen along the 46th Street parking garage and upgrade the structure to address the exterior finish of the building in

such a way that it is in keeping with the design principles for exterior finish compatible with the overall development.

“Town requests to REPLACE staff recommendation 1.a.(15) with the following language:

“The 46th Street parking garage shall be developed and constructed as shown on the Revised Architectural Plan dated April 30, 2013.”

The Planning Board considered and properly addressed the issues above in the review and approval of Secondary Amendment SA-130001, Condition 10. Condition 1.a.(1) as adopted by the Planning Board requires the detailed site plan to be revised to comply with approved SA-130001.

“Town requests to STRIKE staff recommendation 1.a.(28), which as written reads:

“1.a.(28) Provide a raised crosswalk where the Trolley Trail crosses Van Buren Street, unless modified by the Department of Public Works and Transportation (DPW&T).

“Town requests to REPLACE staff recommendation 1.a.(28) with the following language:

“Provide a raised crosswalk where the Trolley Trail crosses Van Buren Street, Woodberry Street, and the alley behind Woodberry Street, unless modified by the Department of Public Works and Transportation (DPW&T).”

The applicant agreed to the Town’s proposed additional location for a raised crosswalk, and also to one more location; the driveway south of Building 6b. The Planning Board agreed with the negotiated condition and adopted Condition 1.a.(28).

“Town requests to STRIKE staff recommendation 1.b.(4), which as written reads:

“1.b.(4) The 16-foot-wide townhouse model shall be deleted and a 22-foot-wide townhouse model shall be included in the architectural package. Lots shall be adjusted in size accordingly.

“Town requests to STRIKE staff recommendation 1.b.(5), which as written reads:

“1.b.(5) Two-car garages shall be provided as a standard feature for all models of townhouses.”

The Town and the applicant both support a wide variety of housing types to allow for a diversity of users and price points, as well as fewer garage spaces to encourage public transportation. Staff also reconsidered their original position on the conditions above and agreed with the town and the applicant. The Planning Board agreed that the proposed conditions should not be adopted.

“Town requests to STRIKE staff recommendation 1.b.(6), which as written reads:

“1.b.(6) Composite exterior finish material for the townhouses shall be predominately in the form of clapboard siding.

“Town requests to REPLACE staff recommendation 1.b.(6) with the following language:

“Any composite exterior finish material for the townhouses shall be predominately in the form of clapboard siding.”

The Planning Board, Town and the Applicant agreed that the alternative wording of this condition as suggested by the Town more accurately reflects the intent of this condition.

“Town requests to STRIKE staff recommendation 4, which as written reads:

“4. Prior to the issuance of building permits for Parcels K, L and M, a Detailed Site Plan and Special Permit application shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.

“Town requests to REPLACE staff recommendation 4 with the following language:

“Prior to the issuance of building permits for Parcels K, L and M, a Detailed Site Plan and Special Permit application for those parcels, limited to height and other bulk issues, architectural features and other site elements, shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.”

The Planning Board did not agree with the wording proposed by the Town and finds that staff’s Condition 4 is correctly worded and allows for the detailed site plan requirement for these parcels to be limited to each of these parcels only

(rather than the overall site) and the Planning Board adopted the staff-recommended condition.

“As part of the Town Council’s recommendation, the Town Council urges the Planning Board to include the following conditions as part of the Planning Board’s approval of the DSP:

“1. Where the attached Matrix (Revised May 5, 2013) identifies a Riverdale Park M-U-TC Design Guideline with respect to a particular building or parcel with the notation “Applicant to Conform, Review at Permit” (Matrix item ## 22, 23, 35, 37-40, 59, 67, 71-73, 75-79, 81-86, 88-95, 98-99, 101, 121-122, 126-128, 135-136, 139-143, 150-155, 159-161, 171-172, 174 and 176), the plans shall be revised to conform to the Guideline before the issuance of a building permit for that building or parcel.”

The Planning Board adopted a similar condition that combined both the staff and the Town’s recommendation on the same issue, and adopted an amended Condition 7.

“2. Amend Findings 6.f., 6.h., and 6.i. on pages 10-11 of the staff report to insert the following sentence in each finding: Street entrances for ground-floor residential units in multifamily buildings promote more pedestrian activity along the streets.”

The Planning Board agrees with the applicant and staff that additional street entrances for ground-floor residential units for the multifamily buildings approved through these current applications is not appropriate at this time as the architecture is not designed either exteriorly or interiorly to accommodate direct unit entrances to the street. However, the applicant proffered two additional entrances for Building 5, at least one of which will be located on Woodberry Street, and the Planning Board adopted Condition 13(f).

“3. Prior to certification of the DSP, revise the detailed site plan and special permit plans to show an additional exterior entry to Building 5.”

“4. Prior to certification of the DSP, revise the detailed site plan and special permit plans to show an additional exterior entry to building 6b.”

Consistent with the comment above related to additional street entrances, the Planning Board agrees with the applicant that an additional street entrance for Buildings 5 or 6b is not appropriate at this time, as the architecture is not designed on either the exterior façade or the interior to accommodate direct unit entrances to the street.

“5. Prior to certification of the DSP, revise the detailed site plan and special permit plans to identify and show shrubbery and trees to screen the CSX railroad tracks and the Post Office site.”

The Planning Board agreed that the CSX railroad tracks need to be buffered and/or screened from ground-level view, and the Planning Board adopted Condition 13h.

- “6. Prior to certification of the DSP, revise the detailed site plan and special permit plans to show street planting strips at 6 feet or larger instead of 5 feet.”

The Planning Board agreed with this proposed condition and adopted Condition 13i.

- “7. Prior to first occupancy permit, public art shall be incorporated into the greenway entrance feature along Baltimore Avenue (US 1), as proposed in the rezoning process.”

The Planning Board reviewed the timing of the proposed condition and agreed with the applicant that public art should be incorporated into the greenway entrance feature along Baltimore Avenue (US 1), but it should more properly occur prior to issuance of the third building permit, and adopted Condition 11.

- “8. Prior to certification of the DSP, revise the detailed site plan and special permit plans to include a general note indicating that signage shall follow the MUTC signage guidelines, except as otherwise approved as part of a Secondary Amendment, where signs with internally-lit channel letters may be used.
- “9. The MUTC development plan guidelines on synthetic modern sidings shall be followed.”

The Planning Board recognized that the Town’s proposed Conditions 8 and 9 do no more than reflect the pre-existing legal requirements of the Riverdale Park M-U-TC Development Plan and, therefore, are not necessary to be imposed as separate conditions.

- z. **Town of University Park**—The Town of University Park provided the following comments in letter dated May 22, 2013 from Mayor Tabori to Chairman Hewlett:

“The University Park Mayor and Town Council (hereinafter the Council) have spent many hours reviewing the plans and specifications submitted by the Applicant as part of DSP-13309, Special Permit SP-13002 and the Secondary Amendment. We note again that the Council’s review of these plans has been hampered by late filings, which have then resulted in submission of referral responses from Maryland National-Capital Park and Planning Commission (“M-NCPPC”) staff and others well after the issuance of the technical staff report, including several received on May 22, 2013. We have appreciated the cooperation of M-NCPPC staff in keeping us informed of the status of the project, however, it is not possible to be fully informed of important aspects of this case for the reasons previously stated in our letter with respect to the Preliminary Plan.

“Further, with the Detailed Site Plan hearing following the Preliminary Plan hearing by one week, we have not had the benefit of seeing the Board’s Resolution with respect to the Preliminary Plan. The Board’s vote was taken after a hearing that took many hours and involved numerous changes to proposed conditions and submission of documents. This has further complicated our review of the applications in this case, especially in view of the fact that the Town was not represented by counsel at that hearing due to a conflict. The Town Council has met on three separate occasions in the last week to discuss these development issues, in addition to attending an M-NCPPC staff meeting and the May 16 Planning Board hearing.

“As the Board knows, the Town supported the rezoning application for this property, which resulted in Zoning Ordinance No. 11-2012, Case No. A-10018 (“A-10018”). This support was specifically based on the conditions that were adopted as a part of that Ordinance. Based on the failure of the Preliminary Plan of Subdivision to comply with those conditions, the Council voted last week to recommend disapproval. For the same reasons, as much as we would like to be able to support this project on May 22, 2013 the Town Council voted 6-0 to recommend denial of Detailed Site Plan DSP-13309, Special Permit SP-130002 and Secondary Amendment SA-130001, based on the fact that the Plans fail to satisfy the requirements of Condition 25 of Zoning Ordinance No. 11-2012, Case No. A-10018. Further, it appears that the wording adopted by the Board in the Preliminary Plan, and proposed for adoption as part of the DSP, would redefine the requirement in Condition 25 of A-0018 that if the manner of public finding required for the CSX crossing requires approval of the County Council or other government body or entity, “the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property”.

“The Town’s concerns with the Applicant’s development have been presented to the Board throughout this process. As noted, these concerns were addressed in A-10018 through certain conditions. These concerns, in sum, are:

- “1. **Traffic management through the provision of a shuttle, circulator bus, effective traffic management plan (“TMP”) and a TDMD.** The Town worked with the Applicant, and the Towns of College Park and Riverdale Park to come to agreement on the wording for the TMP, which included shuttle bus, circulator bus and bikeshare provisions. This TMP was presented to the Planning Board at the Preliminary Plan hearing, with a request that it be substituted in its entirety for the TMP provided by the Applicant in response to Condition 17 of A-10018. We understand that the TMP submitted by the Town has been substituted for the TMP originally submitted by the Applicant to comply with Conditions 17 and 18 of A-10018. However, the Town’s request that it be involved in the process for final approval of the plans was not granted by the Board.

“2. A required “buffer” or gateway entrance feature along the Route 1 frontage facing University Park. The required buffer, ranging in width from 90’ to 110’ and shown on the Preliminary Plan approved by the Board, is now represented in the proposed DSP as a 90’ wide buffer, which is not consistent with the adopted Preliminary Plan. The width of the buffer on the Preliminary Plan is consistent with the dimensions shown to the Town by the Applicant on plans dated 3/13/2013. For whatever reason, it is now inconsistent with the Board decision, which we believe adopted the staff recommendation as follows:

“The PPS reflects the buffer along Baltimore Avenue (US 1) extending east from the right-of-way. The PPS proposes two streets (Woodberry and Van Buren) extending east into the site from US 1. The buffer is shown as a part of development Parcels A, B, and C. As recommended as requested by the Maryland State Highway Administration (SHA) and the master plan. In conformance with this condition, and as recommended by staff, the buffer should be shifted in its entirety to the east consistent to the amount of right-of-way dedication with no reduction in its size and configuration (size and width), prior to signature approval of the PPS.”

“3. Construction of the CSX Crossing.

“As noted in the Town’ letter concerning the Preliminary Plan, Condition 25b of A-10018 has not been met. The funding mechanism for the bridge has not been established as of the time of the Town’s review and was not established at the time of the writing of the Planning Staff report. While the applicant received County Council approval for a special taxing district on May 14, 2013, this does not establish a funding mechanism sufficient to cover the costs associated with the bridge. If that funding mechanism is used, we have no basis to ascertain or verify that the funding stream is sufficient to cover all associated costs, including acquisition of land, costs of capital, design, engineering, and construction. As noted in the May 21, 2013 report from the Transportation Planning Section:

‘The submitted plan includes the approved University of Maryland J-Crossing (Version J.3.300) for this proposed CSX crossing, as recommended by the Planning Board on May 16, 2013. However, as of this writing, the applicant has not provided staff with the required governmental approvals for every component of the proffered funding mechanism to the Planning Board in the approved Preliminary Plan... (at p. 4).’

“The Transportation Planning Section recommends a condition that requires submission of the required government approvals prior to signature approval of the DSP. However, Condition 25 of A-10018 requires this to be provided prior to approval of the DSP.

In its deliberations on the Applicant's Preliminary Plan of Subdivision on May 16, the Planning Board adopted a revised Condition 37 proposed by Staff in their Report of May 9, 2013. This condition appears to expand the infrastructure improvements eligible for funding, particularly those that are on Baltimore Avenue. In addition, it requires that the condition be met by the time of the “approval of a building permit”. The Town would note that when the A-10018 Conditions were developed, none of the parties involved contemplated any form of public infrastructure funding or subsidy beyond the CSX crossing. More importantly, the negotiating parties established a series of triggers that are embodied in Conditions 25 and 26, to insure that the CSX crossing would actually be constructed. This was done in order to ensure that the ground was not graded if the CSX Crossing could not be achieved. If the land were to be graded and the CSX Crossing could not be permitted by the time of the approval of “a building permit,” then that would leave both the surrounding communities and the Applicant in a difficult position.

“In addition, the Town notes that Condition 25 contains a sub condition that is relevant at the DSP stage, i.e., the second part of Condition 25d requires that “if the manner of public funding is tax increment financing, or any other funding mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities ***must be obtained prior to the approval of any detailed site plan for the subject property.***” (emphasis added.) While the staff argues that this condition has been met, the Town would note that the Special Taxing District authorizing process contains two steps, the first of which is to authorize a Special Taxing District and define its boundaries, the second of which is to implement the taxing district by establishing the cost of the project and the ad valorem tax to be assessed. The first step of this process was met by vote of the County Council on May 14 to establish a Special Taxing District covering substantial portions of the Applicant's property. The second part of the process has not yet been initiated.

“After review of the M-NCPPC staff reports with respect to the Detailed Site Plan, Special Permit and Secondary Amendment, the Town Council voted as follows. We apologize for using what may be “old” paragraph numbers and other references from the staff report, which we understand may be amended.

DETAILED SITE PLAN

“1. The Town supports City of College Park conditions 1(b), 3 and 5.”

See Planning Board comments above in response to the recommendations relating to the City of College Park.

“2. The Town requests the following condition:

“Applicant shall be required to phase the grading of the property, to the fullest extent practicable, to maintain as much of the mature tree canopy and other screening in the greenway entrance feature, Parcels A, B and C in place until grading is required by construction activity on adjacent parcels.”

This Planning Board adopted Condition No. 13(l) to address this issue.

“3. The Town requests the following condition:

“Prior to the issuance of the first grading permit, the Applicant, its heirs, successors and assigns shall demonstrate that the extension of the approved J-Crossing (Version J.3.300) over the CSX tracks to Rivertech Court with at least 36 feet of road pavement, five foot sidewalks and on-road bike lanes, plus a two foot barrier (a) have been constructed, (b) fully bonded and permitted for construction with an agreed-upon time table for construction by the Applicant and/or the applicant’s heirs, successors, or assigns, (c) otherwise incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1) of the Zoning Ordinance or (d) there is incorporated within the adopted County Capital Improvements Program (CIP) or the current State Consolidated Transportation Program (CTP) with one hundred percent (100%) construction funding allocated during the six years. In addition, the Applicant must submit for review and comment the completed, revised funding plan for the CSX Crossing (Bridge) to the Office of the Executive, Prince George’s County; the Office of the Mayor, Town of Riverdale Park; and the Office of the Mayor, Town of University Park, which shall be allowed 10 days to review and comment prior to the issuance of a grading permit. If no comment is received, the permit may be issued.”

This proposed condition involves the adequacy of public facilities, which was the subject of Preliminary Plan of Subdivision No. 4-13002, and was addressed in Condition No. 37(e) of that approved application. The Planning Board found, based on advice of legal counsel, that imposition of this proposed condition is improper for a Detailed Site Plan application within the statutory scheme of the County Code.

“4. Delete Condition (C)(34) and substitute the following:

“Demonstrate the full 90 to 110’ depth requirement of the gateway entrance feature on Parcels A, B, and C, consistent with the approved Preliminary Plan of Subdivision.”

Condition No. 13 of Zoning Amendment No. A-10018, as approved through Zoning Ordinance No. 11-2012, requires that “a 90-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable....” The Planning Board believes that the zoning condition requires only a minimum buffer width of 90-feet and adopted the condition of staff as originally proposed.

ADDITIONAL CONDITIONS

“The Town Council adopted a number of conditions in January, 2013 when it first reviewed the Preliminary Plan, which it wished to see adopted by the Planning Board. It reviewed and approved these conditions again on May 13, 2013. These conditions are as follows:

“1. Prior to approval of the Detailed Site Plan, the applicant shall submit a draft easement for the protection and maintenance of the 90 to 120 foot wide buffer required by Condition 13 of Zoning Ordinance No. 11-2012 for Zoning Map Amendment A-10018 to the benefit of the Town of University Park and the Town of Riverdale Park. The easement for the protection and maintenance, which is subject to approval by the Town of University Park and Town of Riverdale Park, shall include language that sets forth the rights, responsibilities, and liabilities of the applicant and the applicant’s heirs, successors, and/or assignees with respect to maintenance of the buffer, consistent with the requirements of the detailed site plan.

“The easement shall be reviewed and approved by the Planning Board or its designee.

“2. Prior to approval of the final plat, the applicant, and the applicant’s heirs, successors, and/or assignees, shall submit a fully executed easement for the protection and maintenance to the benefit of the Town of University Park and the Town of Riverdale Park for the entire buffer delineated on the approved detailed site plan. The liber/folio of the easement shall be reflected on the final plat prior to recordation.”

The applicant testified in opposition to this recommended condition in that they stated that the Town of Riverdale Park would be the enforcing agent if the frontage of the project were not maintained in the manner approved in the DSP. The Planning Board did not adopt the proposed condition.

In addition to the issues raised above, the Town of University Park also submitted a Summary of Remarks to the Planning Board on May 30, 2013 which is provided below and includes additional recommended conditions:

“These comments are intended to expand upon the Town’s letter dated May 22, 2013, which was accepted as part of the Secondary Amendment hearing as University Park Exhibit 1 and is requested to be included in this record also.

“The Town of University Park (“Town”) has participated in the development process for the Cafritz Property at Riverdale Park from the beginning. The Town previously supported the rezoning application for this property, which resulted in Zoning Ordinance No. 11-2012, Case No. A-10018 (“A-10018”). This support was specifically based on the conditions that were adopted as a part of that Ordinance which the Town felt adequately addressed its concerns at that stage. The Town’s major concerns have been and continue to be the following:

- “1. **Traffic management through the provision of a shuttle, circulator bus, effective traffic management plan (“TMP”) and a TDMD.**
- “2. **A required “buffer” or gateway entrance feature along the Route 1 frontage facing University Park with a width of between 90 and 120 feet.**
- “3. **Timely construction of the CSX Crossing.**

“**Traffic Management**—The Town states its disappointment with respect to the status of the traffic management concern. A traffic management plan (“TMP”) was proposed by the Applicant as part of its traffic study. The TMP was found by M-NCPPC staff and the surrounding jurisdictions to be deficient in satisfying Conditions 17, 18 and 19 of A-10018, which were to have been complied with by Preliminary Plan. The Town, College Park and Riverdale Park, together with the Applicant, worked on a revised TMP that also included provisions concerning the shuttle bus and circulator bus, which was included in the record at the hearing before the Board with respect to the Preliminary Plan. The Board has adopted conditions with respect to Conditions 17, 18 and 19, that extend the deadline from Preliminary Plan to prior to approval of final plat. The conditions do not include the TMP presented and do not include it as a building block for inclusion in the future covenant or transportation management agreement, nor do they include participation by the Town.

“Required buffer or gateway entrance.—M-NCPPC staff correctly references that the plans reviewed at Preliminary Plan included a 90 to 110 foot buffer, now referenced as the gateway entrance or feature. This is consistent with the representations made by the Applicant at numerous Town meetings. It is now suggested by M-NCPPC staff that the DSP plans be revised to show a 90 foot depth requirement for the gateway entrance feature on Parcels A,B and C. We understand the Applicant supports this condition.

“The buffer is required by Condition 13 of A-10018. This condition requires “a 90-120 –foot-wide buffer” along the entire length of the property frontage on Baltimore Avenue. If the District Council intended to require only a minimum of 90 feet, as is now contemplated in the DSP, it would have done so. Instead, it provided a required range to complement the overall plan for this area as a transition place. Limiting the buffer to 90 feet is not consistent with Condition 13.

“Further, there is no actual delineation of the buffer, which should be available at DSP. We understand that this can be variable depending upon required SHA right of way.

“Timely construction of CSX crossing.—Condition 25 of A-10018 was carefully crafted to insure that a viable financing structure would be provided before any permit was issued, to avoid grading of the site until this was more than a possibility. The Board has accepted the County Council adoption of a special taxing district as sufficient evidence of establishing a funding mechanism. At DSP, the Applicant must demonstrate that any required governmental approval must be obtained prior to approval of any detailed site plan. It is clear that this has not occurred. While a special taxing district has been enabled, the legislation required to make any financing a reality, as opposed to a concept, does not exist.

“Further, the construction of the bridge is now required to demonstrate adequate public facilities. At this point, the Applicant does not control the land needed to comply with these requirements. The cost for the acquisition will affect the financing, which again points to the current inability to obtain required governmental approval.

“Although the information has been requested, the Applicant has not provided a cross section, profile, architectural renderings or elevations of the bridge.

“In addition, to further the objectives of the Town’s position, the Planning Board should consider adopting the following conditions:

- “1. Prior to certification of plans, provide a profile, cross sections, architectural renderings and of the bridge crossing for review by Urban Design and the Town of University Park.”

The Planning Board did not agree that the bridge review should be conducted by the Town, as the bridge design and structural aspects of it fall under the jurisdiction of the Department of Public Works and Transportation. However, the Planning Board did adopt another condition that is similar to the above and may address some of the concerns of the Town.

- “2. Prior to certification of plans, Applicant shall show on the plans the final disposition of the improvements required by SHA and the extent of the gateway feature. If a sidewalk is included in SHA improvements, there should be a showing that it meets ADA requirements.”

The Planning Board recognized that the timing of the final determinations of the requirements of the SHA and their approval usually occurs at the time of the building permit when the applicant will be required to file for an access permit. To hold the certification of the plans until such time would not allow the grading of the property in a timely manner and would be inconsistent with previous approvals. However, the Planning Board did adopt another condition that is similar to the above and may address some of the concerns of the Town.

- “3. Prior to first building permit, require that the Applicant demonstrate final approval of an agreement with the University of Maryland (including approval by the Board of Public Works) with respect to the transfer of the property required to land the bridge to the Applicant.”

The Planning Board did not adopt the proposed condition above.

- “4. Prior to issuance of a grading permit, require proof of payment of \$50,000 to the University of Maryland by the Applicant.”

The Planning Board did not adopt the proposed condition above.

- “5. Prior to certification of plans, include a sheet that references all applicable conditions, including A-10018, the Preliminary Plan and the Detailed Site Plan.”

The Planning Board did not adopt the proposed condition above.

“6. Prior to issuance of a grading permit, the Applicant must file and obtain approval for any required detailed site plan or mandatory referral for the property where the bridge will land.”

The Planning Board did not adopt the proposed condition above.

The Planning Board made the following additional findings during the public hearing:

14. Based upon the changed configuration of the multifamily site and other site design details a noise wall may not be required. The applicant should provide evidence of whether a noise wall is required to the satisfaction of the Urban Design Section.
15. In order to assess the impact of any proposed free standing walls and retaining walls, the actual details and specifications should be provided to the Urban Design Section.
16. It is noted that at the time of signature approval the range of building square footage should be replaced with an exact square footage calculation for each building.
17. Interim grading and landscaping should be added to the plan for Parcels K, L, M, where the multifamily buildings are proposed, and the portion of Parcel F, where the future hotel is proposed.
18. In reviewing the landscape plans, the Planning Board determined that there was a need to provide landscaping in the form of low plantings and shade trees in the grass strip along the southern edge of the parking lot planned for building 3 near Underwood Drive. Shade trees should be located approximately 30 feet on center to the extent practicable. It was recommended that a landscape proposal be submitted to the Urban Design Section for review and incorporated into the landscape plan.
19. The Planning Board determined that given the proximity of the play area proposed in the northeast corner of the Village Green to the CSX crossing, relocation of that play area to the northwest corner of the Village Green would be a more appropriate location.
20. In addition to raised crosswalks already proposed on the plan, it was recommended that additional raised crosswalks be added near the CXS crossing to connect pedestrians from the multifamily buildings to the Village Green for safety purposes, subject to the review and approval of DPWT.
21. The Board noted the Applicant’s approved stormwater management concept plan includes reference to green roof technologies on Buildings 4 and 6A and that the plans did not provide for details and specifications of the green roofs.
22. The Planning Board finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 2 Tree Conservation Plan (TCP2-010-13) and further APPROVED Detailed Site Plan DSP-13009 for the above-described land, subject to the following conditions:

1. Prior to certification of the DSP, the applicant shall revise the plans as follows or provide the specified documentation:
 - a. Revise the detailed site plan as follows:
 - (1) Revise the detailed site plan to be in conformance with Preliminary Plan of Subdivision No. 4-13002, as approved, and with secondary amendments approved through Secondary Amendment Application No. SA-130001.
 - (2) Provide details and specifications, subject to review and approval by the Historic Preservation Commission and The Maryland-National Capital Park and Planning Commission (M-NCPPC) staff archeologist for:
 - (a) The design and construction of the ice house feature to be retained to specifically address the techniques to be used to safeguard the archeological feature during construction; the design and materials of the exterior of the ice house and its roof, in order to ensure the long-term preservation of the feature and to ensure proper drainage and ventilation;
 - (b) The design, number, and location of interpretive signs to be erected and public outreach measures to be based on the findings of the archeological investigations; the interpretive measures shall also address the significance of the nearby ERCO factory, the Calvert Homes development, and the trolley right-of-way through the subject property.
 - (3) Provide a plan note that indicates conformance to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - (4) Provide a plan note that indicates the applicant's intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
 - (5) Revise the plans so that the intersection of proposed Van Buren Street with Baltimore Avenue (US 1) is reconfigured employing the appropriate traffic controls and design features per Maryland State Highway Administration (SHA)

standards that prohibit through movement between existing Van Buren Street west of Baltimore Avenue (US 1) and the proposed Van Buren Street.

- (6) Revise the plans to indicate high visibility crosswalks and pedestrian signals at Van Buren Street and Baltimore Avenue (US 1). Details for the crosswalks and pedestrian signals shall be provided for the review of the Urban Design Section, unless modified by SHA.
- (7) Revise the plans so that the intersection of proposed Underwood Street with Baltimore Avenue (US 1) is reconfigured employing appropriate traffic controls and design features per SHA standards that limit vehicular access at this location to right-in-only from Baltimore Avenue (US 1).
- (8) A revised photometric plan showing a detail of full cut-off optics shall be submitted. The lighting intensity shall be revised as necessary to be consistent with the use of full cut-off optics.
- (9) Submit evidence of conditional approval of the plan under leadership in energy and environment design (LEED-ND) 2009 Stage 1 (pre-entitlement) approval.
- (10) Provide a cross section of the proposed Trolley Trail for approval by The M-NCPCC Department of Parks and Recreation (DPR) and place on the plans.
- (11) Revise the locations of the stop bar along Van Buren Street at Rhode Island Avenue west of the Trolley Trail crossing, unless modified by the Department of Public Works and Transportation (DPW&T).
- (12) The Trolley Trail shall be raised where it crosses the following: Van Buren Street; Woodberry Street; the alley north of Woodberry Street; and the driveway south of Building 6b; unless modified by the Department of Public Works and Transportation (DPW&T).
- (13) Provide for bicycle parking showing the location, number, and type of bicycle parking spaces consistent with the LEED-ND Bicycle Network and Storage Credit to be approved by the Transportation Planning Section.
- (14) Revise the plan to include Americans with Disabilities Act (ADA) curb cuts, ramps and special paving for crosswalks at all locations where sidewalks or trails intersect with on-site roadways. Details and specifications shall be added to the plans, unless modified by DPW&T.
- (15) Revise the landscape plan to identify all specimen trees to be preserved in accordance with the specimen tree variance request as approved with the PPS. Identify each specimen tree to be preserved by number.

- (16) Provide the location of the noise wall, with ten-foot clearance on all sides, and details and specifications, if the noise wall is required.
- (17) Demonstrate the full 90-foot depth requirement of the gateway entrance feature on Parcels A, B and C.
- (18) Provide details and specifications for all free-standing walls and retaining walls for review and approval by the Urban Design Section.
- (19) The general notes shall be revised to indicate the exact square footage of uses for each building, rather than a range of square footages. Remove any notation relating to a hotel use on the plans and/or general notes.
- (20) The median within Van Buren Street shall be planted with street trees and/or shrubs, with species and size to be reviewed and approved by the Urban Design Section.
- (21) Detailed design plans of the Trolley Trail including landscaping, screening and signage elements, shall be reviewed and approved by the Urban Design Section and the Department of Parks and Recreation (DPR), with referral to the appropriate public safety agency for its comments, and a copy provided to the City of College Park.
- (22) The stormwater management concept plan and detailed site plan shall be consistent in detail and design.
- (23) Prior to certification of the plans, the applicant shall submit the following information regarding private recreational facilities:
 - (a) Provide complete details, sizes, specifications, floorplans, and/or lists of all private indoor and outdoor recreational facilities on-site. These facilities shall be distributed among the residential areas on-site in order to provide convenient and safe recreational opportunities to all residents. They shall include a comprehensive approach to the design of the facilities considering recreational benefit to the targeted residents, year-round active recreational benefit, activities for all age groups, and shall include a minimum of two additional outdoor multi-age playground facilities. All of these facilities shall be of a high-quality design with the use of high-quality, low-maintenance materials, not including wood.
 - (b) Provide a schedule for the timing of the construction of all facilities. The outdoor facilities shall be completed, at a minimum, in phase with the surrounding development, whether it be roads or buildings, and the indoor facilities shall be completed no later than prior to the issuance of a use and occupancy permit for the related building.

- (c) Provide information regarding all private on-site recreational facilities to be reviewed and approved by the Planning Board or its designee, and reflected on the final plan set.
- (d) The plans shall be revised to conform to the Parks and Recreation Facilities Guidelines.

b. Revise the Type 2 tree conservation plan (TCP2) as follows:

- (1) All specimen trees shall be survey located and accurately reflected on all plans.
- (2) Specimen trees 255, 281, 262, and 265 shall be evaluated by a certified arborist for construction tolerance based on the final site conditions and include the following information: recommendations for treatment prior to, during, and after construction. Treatments may include options such as the placement of protection devices and signs, root pruning, crown pruning, fertilization, and watering. Details of all required treatments and protective devices shall be provided on the TCP2.
- (3) Revise the worksheet to show the correct fee-in-lieu factor of \$.90 per square foot, or change the worksheet to reflect off-site mitigation.

c. Revise the TCP2 and landscape plan as follows:

- (1) Revise the label on the TCP2 from "Trees" to "Existing Trees to be Preserved (See Landscape Plan)"
- (2) Demonstrate conformance to the requirement of ten percent tree canopy coverage, per the Development Plan.

2. Prior to issuance of the third building permit, the Rhode Island Avenue hiker/biker trail, and associated interpretive/commemorative features, shall be completed per the approved design plans and open to the public.

3. Prior to the issuance of the first grading permit, evidence shall be submitted that all pretreatment and protective devices for specimen trees 255, 281, 262 and 265 have been implemented.

4. Prior to the issuance of building permits for Parcels K, L and M, a detailed site plan application for each such parcel shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.

5. Prior to the issuance of use and occupancy building permits for residential units protected from noise by the proposed noise wall, the wall shall be fully constructed on-site, if such a noise wall is required.

6. The plans shall be revised to conform to the Cafritz Property at Riverdale Park Town Center Development Plan, as modified by any approved secondary amendments. The M-U-TC Guidelines Compliance Matrix (“Matrix”), dated May 5, 2013, shall serve as the instrument to guide the revisions to the plans at either time of certification or prior to building permit, as determined by the Urban Design Section. The Matrix shall be revised upon review to identify which outstanding guidelines and standards should be addressed at the time of certification of the DSP, and which should be reviewed before the issuance of a building permit for a specific building or parcel.
7. Prior to approval of a final use and occupancy permit for Parcel C, the applicant shall install the on-site commemorative/interpretive features for the ice house and complete other agreed-upon outreach and education measures.
8. Prior to issuance of the third building permit, public art shall be incorporated into the greenway entrance feature along Baltimore Avenue (US 1).
9. Prior to approval of permits for construction of the bridge, the applicant shall submit the following to the Urban Design Section (M-NCPPC) for review of aesthetic and functional impacts, and to the Prince George’s County Police Department for review of crime prevention through environmental design (CPTED) measures as follows:
 - a. The elevations, profiles and cross sections of the bridge design with sufficient detailing to address the materials and design of retaining/abutment walls and or posts. All surfaces should be designed to limit graffiti.
 - b. The plans shall be reviewed and comments provided in regard to proposed enclosures of space under the bridge, such as fencing or walls, lighting, and access control.
10. Prior to certification of the detailed site plan, the applicant shall revise the plans as follows or provide the specified documentation:
 - a. Revise the plan to provide at least 59 feet of right-of-way dedication from the existing center line along the property’s frontage with Baltimore Avenue (US 1) for the provision of standard travel lanes, standard center turn lanes, on-road bike lanes, and continuous sidewalk along US 1 within the proposed dedicated right-of-way for US 1, or provide evidence of approval of a reduction to not less than 52 feet from the existing centerline from the State Highway Administration (SHA).
 - b. Revise the plans to provide for porous pavement in the surface parking compound areas to the extent that subsurface conditions are suitable in regards to percolation and structural support, as stated in the soils report.
 - c. Indicate on the plans the lots and parcels that are the subject of Special Permit SP-130002.

- d. Revise the plans to show the interim grading and landscaping proposed for Parcels K, L, M, and the portion of Parcel F where the future hotel is proposed.
- e. Revise the M-U-TC Guidelines Compliance Matrix to correspond to the lots, parcels, and building designations as shown on the approved detailed site plan.
- f. Revise the plans to show two additional exterior entries to Building 5, at least one of which shall be located on Woodberry Street
- g. Revise the plans to show and identify shrubs and trees to buffer and/or screen the CSX railroad tracks to the extent feasible in the space available.
- h. Revise the plans to show street planting strips a minimum of six feet wide.
- i. Revise the plans to show the Baltimore Avenue (US 1) landscaping/pedestrian amenity strip with shade trees planted approximately 30 to 40 feet on center. The size of the trees to be planted shall be a minimum of 2.5- to 3-inch caliper, subject to Maryland State Highway Administration (SHA) approval.
- j. Provide a timetable with estimated dates for grading of the site and construction of buildings.
- k. Prior to issuance of a rough grading permit, a plan shall be submitted to the Urban Design Section (M-NCPPC) and the Town of University Park to describe phasing of the grading of the property to maintain as much as possible of the mature tree canopy and other screening in the greenway entrance feature on Parcels A, B, and C, until such time as grading is required by construction activity on adjacent parcels.
- l. Revise the site plan to show the building height in feet for all buildings.
- m. Provide landscaping and shading trees 30 feet on-center along the southern edge of the parking lot along driveway access (Underwood Street) on Parcel C as approved by the Urban Design Section as designee of the Planning Board.
- n. Revise the location of the play area shown in the northeast corner of the Village Green to the northwest corner.
- o. Provide raised crosswalks at 47th Street at the Van Buren intersection to the Village Green to the adjacent multifamily parcels, subject to DPW&T approval.

11. Prior to the release of any building permits for Buildings 6B, 7, 8, or 9, the applicant shall provide evidence of good faith efforts to work with the Town of Riverdale Park to establish and authorize a shared parking district pursuant to Article 21A of the County Code.

12. The applicant should consider participating in a regional economic partnership along the corridor with existing business groups in neighboring jurisdictions and proximate developments to the east and west to: enhance regional connections and overall economic vitality, support and help recruit small/local businesses, coordinate and co-promote programming of activities, exhibits, thematic events, etc., and help ensure mutual success.
13. Prior to signature approval, provide details and specifications of the proposed green roof technologies to be employed, at a minimum on buildings 4 and 6A, consistent with the approved stormwater concept plan.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, May 30, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of June 2013.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:SL/JK:ydw/arj

R E S O L U T I O N

WHEREAS, Calvert Tract, LLC is the owner of a 37.73-acre parcel of land known as Tax Map 42 in Grid D-1, and is also known as Parcel 81, said property being in the 19th Election District of Prince George's County, Maryland, and being zoned Mixed Use Town Center (M-U-TC) and One-Family Detached Residential (R-55); and

WHEREAS, on March 12, 2013, Calvert Tract, LLC filed an application for approval of a Preliminary Plan of Subdivision for 126 lots and 39 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13002 for Cafritz Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 16, 2013, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on May 16, 2013, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1-005-12), and further APPROVED Preliminary Plan of Subdivision 4-13002, Cafritz Property, including a Variations from Section 24-121(a)(4) and Section 24-128(b)(12), and a Variance from Section 25-122(b)(1)(G) for 126 lots and 39 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
 - a. Revise General Note 7 with the correct gross acreage in the R-55 and M-U-TC Zones.
 - b. Revise the PPS and tree conservation plan street cross sections to conform to the Cafritz Property Development Plan, or as modified by an approved Secondary Amendment (SA-13001).
 - c. Revise the PPS to 109 townhouse lots to conform to the Cafritz Property Development Plan, or as modified by an approved Secondary Amendment (SA-13001).

- d. Delineate the zoning boundary line between the R-55 and M-U-TC Zones to the south of the site.
- e. Clearly show the 30-foot-wide master plan public use easement for the trolley trail over Parcel Q and directly connecting to Parcel H.
- f. Show the noise wall located on an homeowners association parcel with ten-foot clearance on all sides for maintenance.
- g. Submit a copy of the vibration analysis which was previously provided during the review of Preliminary Plan of Subdivision 4-12002 and which was utilized in the review of this application to complete the record.
- h. Revise the PPS and tree conservation plan to reflect the Baltimore Avenue (US 1) buffer (gateway feature) to be shifted in its entirety to the east, outside of the US 1 dedicated right-of-way.
- i. Revise the PPS and tree conservation plan to show designated bikes lanes (the east-west bicycle route) on Van Buren Street, Parcel CC.
- j. Add a general note regarding Aviation Policy Area 6 (APA-6) disclosure notice on the plan that states the following:

“This area is subject to Aviation Policy Area regulations in Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77.”
- k. Delineate the limit of the ice house easement to be approved by the Historic Preservation Section (M-NCPCC). Provide an inset with the dimensions of the archeological easement around the ice house, including a dimension to the closest property line.
- l. Revise General Note 22 regarding mandatory parkland dedication to state the following:

“Mandatory dedication is being fulfilled by the dedication of land for the Master Plan Trolley Trail and private on-site recreational facilities. The distribution of these facilities on-site and the triggers for construction are as established with the DSP.”
- m. Revise the PPS and tree conservation plan to show 46th Street as a dedicated public right-of-way to stub at the northern property line abutting the Washington Metropolitan Area Transit Authority (WMATA) property. Construction of vehicular connectivity to the WMATA property may occur if and when construction of vehicular connectivity from the WMATA property occurs to the subject site.

- n. Add a general note that states the following:

“Condition 24B of A-10018—Construction of the Maryland Avenue Extension must be completed before Prince George’s County issues the first use and occupancy permit for any retail, office, or hotel use on the Property. No portion of any building on the Property may be used or occupied until construction of the Maryland Avenue Extension has been completed and opened for travel by public safety vehicles.”
- o. Revise the PPS and tree conservation plan to show all private streets as public streets, except Parcel DD on Parcel C. The design, maintenance, use and temporary closure of the dedicated streets to the Town of Riverdale Park shall be subject to an agreement or set of covenants between the Applicant and the Town of Riverdale Park.
- p. Revise the PPS and tree conservation plan to show a raised speed table in the alley, Parcel EE, crossing the trolley trail between Lot 31 and Lot 32 of the trolley trail, in order to reduce the conflict of trail users and motorists crossing for the development. Stop signs shall be provided on each side of the trolley trail and signage providing the right of way to trail users.
- q. Submit a copy of the approved conceptual stormwater management plan.
- r. Revise the CSX bridge crossing alignment in accordance with the conditional approval of the University of Maryland exhibit dated May 7, 2013 for the J Crossing (Version J.3.300).
- s. At all three proposed US 1 access points, note the limitation of access. Right-in and right-out-only at the northernmost access, full access-no thru traffic at Van Buren Street, and right-in-only at the southernmost access.
- t. Change the proposed site density note to: 981 residential units (636 multifamily units, 219 senior housing units, and 126 townhouse units); 22,000 gross square feet office space; a 120-room hotel; and 168,000 gross square feet of commercial retail.
- u. Along the property frontage with US 1, show a dedication area of at least 59 feet from the existing centerline from the southern limit of the property to the northern limits of the property. Prior to approval of any detailed site plan for the property, the amount of right-of-way dedication for road widening of U.S. Route 1 shown on the Preliminary Plan may be reduced in accordance with SHA recommendations, but not less than 52 feet from existing center line to accommodate the lane configurations and on road bike lane and sidewalk, as recommended by the Riverdale M-U-TC Plan.

- v. Revise Cross Sections EE, GG, HH, JJ, MM, PP, and RR to include on-road bike lanes, wide sidewalks, and curb-to-curb pavement width dimensions. Add notes to indicate that the turning radii at intersections will be per Department of Public Works and Transportation (DPW&T) standards in order to accommodate transit and school buses, service, and emergency vehicles, unless modified by the approval of the Secondary Amendment SA-130001.
- w. Show the locations for the planned car sharing location, taxi-cab loading and waiting zone, and a main bus stop with a shelter and bench along proposed Van Buren Street Extended.

2. Prior to approval of any final plat, the applicant and the applicant's heirs, successors, and/or assignees shall submit an approved utility plan which includes all affected utility companies, WSSC, and Washington Gas, for the utility easement configuration as reflected on the approved preliminary plan of subdivision and detailed site plan (DSP), or the applicant shall provide a ten-foot-wide public utility easement abutting all public and private streets, and within the alleys. If the utility easements are modified from that approved on the DSP, a revision to the DSP, approved by the Planning Board or its designee, may be required prior to final plat approval.
3. The final plat shall include a note that "the development of the Mixed Use Town Center (M-U-TC) zoned portion of the property is subject to Primary Amendment A-10018 and the permit triggers of that approval."
4. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall obtain approval of a detailed site plan(s), including the portion of the site (2.02 acres) located within the One-Family Detached Residential (R-55) Zone.
5. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 11589-2010-01, or as amended.
6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-005-12). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-005-12), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

7. Prior to certification of the detailed site plan, the following shall be addressed on the Type 2 tree conservation plan (TCP2):
 - a. All specimen trees shall be survey located and accurately reflected on all plans.
 - b. Specimen Trees 255, 281, 262, and 265 shall be evaluated by a certified arborist for construction tolerance based on the final site conditions, and include recommendations for treatment prior to, during, and after construction. Treatments may include options such as the placement of protection devices and signs, root pruning, crown pruning, fertilization, and watering. Details of all required treatments and protective devices shall be provided on the TCP2.
8. Prior to approval of the first grading permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit evidence that all pretreatment and protective devices for Specimen Trees 255, 281, 262, and 265 have been implemented.
9. Prior to certificate approval of the detailed site plan, all plans shall identify the locations of all outdoor activity areas and show the mitigated and unmitigated 65dBA Ldn noise contours for the upper and lower levels based on the recommendations of the Phase I noise study. If any new outdoor activity areas are proposed within the lower unmitigated 65dBA Ldn contours, and are directly exposed to noise impacts, a Phase II study shall be provided. The study and plans shall address how mitigation for the outdoor activity areas will be provided to reduce outdoor noise levels to below 65dBA Ldn.
10. Prior to approval of building permits certification by a professional engineer with competency in acoustical analysis shall be submitted to The Maryland-National Capital Park and Planning Commission (M-NCPPC) as part of the building permit package. The certificate shall verify that noise mitigation methods have been incorporated in the architectural plans to reduce interior noise levels to 45 dBA Ldn or less.
11. Prior to certificate approval of the detailed site plan (DSP), the DSP and Type 2 tree conservation plan shall show a noise wall on a homeowners association parcel for proposed Lots 104–114 and 120–126 as reflected on the preliminary plan, or provide a revised noise study demonstrating no need for a noise wall at this location. If the noise wall is deemed necessary at this location, the plans shall show the noise wall with top and bottom elevations and a detail provided on the DSP.
12. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall convey to The Maryland-National Capital Park and Planning Commission (M-NCPPC) 1.12± acres of land, Parcels H and W, as shown on the preliminary plan. Land to be conveyed shall be subject to the following:
 - a. An original special warranty deed for the property to be conveyed (signed by the Washington Suburban Sanitary Commission (WSSC) assessment supervisor) shall be

submitted to the Subdivision Review Section of the Development Review Division (M-NCPPC), along with the final plat.

- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed including, but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges, prior to and subsequent to final plat.
- c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits which include such property.
- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR prior to approval of grading permits.
- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that the land is in acceptable condition for conveyance, prior to dedication.
- g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
- h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
- i. No stormwater management facilities, tree conservation, or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR beyond those reflected on the approved preliminary plan and tree conservation plan. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to issuance of grading permits.

13. Prior to approval of the final plat, the applicant shall submit an executed 30-foot-wide public use easement to the benefit of The Maryland-National Capital Park and Planning Commission (M-NCPPC) for that portion of the master plan trolley trail located on private property that

connects the trail between Parcels H and W, and as delineated on the approved preliminary plan. The easement shall be approved by M-NCPPC, Department of Parks and Recreation, and the liber and folio reflected on the final plat prior to recordation.

14. The applicant and the applicant's heirs, successors, and/or assignees shall design and construct the master-planned trolley trail within the land to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) and the public use easement which is to the benefit of M-NCPPC.
 - a. Prior to certificate approval of the detailed site plan, the applicant shall work with the Department of Parks and Recreation (DPR) concerning the exact alignment of the master-planned trolley trail. The alignment shall be approved by DPR.
 - b. Prior to the start of any trail construction, the applicant shall have the location of the trail staked in the field and approved by DPR.
 - c. As per Primary Amendment A-10018, the ten-foot-wide master-planned trail shall be completed and ready for use prior to issuance of the third building permit.
15. Prior to approval of the final plat, the applicant shall submit three original, executed public recreational facilities agreements (RFA). Upon approval by the Department of Parks and Recreation, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland and noted for reference on the record plats.
16. Prior to recommendation of approval of a 2nd building permit by The Maryland-National Capital Park and Planning Commission (M-NCPPC), the applicant shall submit to the Department of Parks and Recreation (DPR) trail construction plans along with a performance bond, letter of credit, or other suitable financial guarantee for the master-planned trail construction, in an amount to be agreed upon with DPR.
17. Prior to certificate approval of the detailed site plan (DSP) and in accordance with Section 24-134(b) of the Subdivision Regulations, private recreational facilities shall be provided to address the mandatory dedication requirement:
 - a. At the time of DSP review, the applicant shall submit a comprehensive private recreational facilities package for approval by the Urban Design Section (M-NCPPC). The Department of Parks and Recreation will provide assistance as needed.
 - b. The private recreational facilities shall be designed and constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
 - c. The developer and the developer's heirs, their successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

18. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (M-NCPPC) for construction of recreational facilities (private) on the subject property for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records.
19. Prior to issuance of building permits for the subject site, which include a residential use, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities on the subject property for the private recreational facilities agreement.
20. All future plans of development for the subject property shall include the identification and boundaries of the Engineering Research Corporation (ERCO) Historic Site (68-022) and the Riverdale Park (68-022), University Park (66-029), and Calvert Hills (66-037) National Register historic districts.
21. The applicant and the applicant's heirs, successors, and/or assigns shall preserve-in-place the portion of Archeological Site 18PR259 that includes the ice house and shall establish a perpetual archeological easement. The extent of the easement shall conform to the approved preliminary plan and tree conservation plan.
22. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall draft a perpetual archeological easement to the benefit of The Maryland-National Capital Park and Planning Commission (M-NCPPC) for the portion of Archeological Site 18PR259 that includes the ice house. The easement shall set forth the rights, responsibilities, and liabilities, and shall include accommodation for reasonable access to M-NCPPC. The easement document shall be approved by M-NCPPC and fully executed prior to approval of the final plat, and recorded in the land records by the applicant. The liber and folio and limits of the easement shall be indicated on the plat prior to recordation.
23. Prior to any ground disturbance within 50 feet of the archeological easement of Site 18PR259, herein the limits of disturbance" ("LOD"), the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II and Phase III archeological investigations for Archeological Site 18PR259. The grading permit for the site shall provide for the installation of a super-silt fence around the LOD, which shall be considered part of the Applicant's sediment control measures for its grading permit and the Applicant shall provide proof of this installation to Historic Preservation staff. The super-silt fence shall remain in place until the final Phase III report is accepted and approved by Historic Preservation staff.
24. Prior to issuance of the building permit for the lot on which the ice house archeological feature is located, the applicant and the applicant's heirs, successors, and/or assignees shall ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.

25. Prior to final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, and Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist.
26. A substantial revision to the mix of uses on the subject property that significantly affects Subtitle 24 adequacy findings may require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
27. Prior to approval of the first final plat that includes a buildable parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit a covenant or a transportation management agreement for approval by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Department of Public Works and Transportation (DPW&T) that will run with the land that shall require conformance to the transportation management plan (TMP). The covenant or transportation management agreement shall include TMP provisions, full funding by the applicant, and be fully executed prior to approval of the final plat. The applicant shall record the covenant or transportation management agreement in the land records of Prince George's County and the liber and folio of that document will be reflected on the final plat prior to recordation.
28. Prior to approval of the first final plat that includes a buildable parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit a covenant or a transportation management agreement for approval by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Department of Public Works and Transportation (DPW&T) that will run with the land that shall provide the details and funding for the private shuttle and be fully executed prior to approval of the final plat. The applicant shall record the covenant or transportation management agreement in land records of Prince George's County and the liber and folio of that document will be reflected on the final plat prior to recordation.
29. Prior to approval of the first final plat that includes a buildable parcel, the applicant and the applicant's heirs, successors, and or assignees shall submit a covenant or a transportation management agreement for approval by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Department of Public Works and Transportation (DPW&T) for approval that will run with the land that shall provide the details and contribution funding by the applicant for the circulator bus program and be fully executed prior to approval of the final plat. The applicant shall record the covenant or transportation management agreement in land records of Prince George's County and the liber and folio of that document will be reflected on the final plat prior to recordation.
30. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) and business owners

association has been established and that common areas have been conveyed to the HOA and business owners association (a portion of Parcel AA east of 46th Street, Parcels BB, EE, HH, a portion of Parcel GG north of Van Buren Street, Parcels JJ, KK, LL, MM, NN, OO, G, I, J, M, N, R, U, and V, and/or as reflected on the approved preliminary plan of subdivision and detailed site plan). Land to be conveyed shall be subject to the following:

- a. A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (M-NCPPC) along with the final plat.
- b. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
- c. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
- d. Any disturbance of land to be conveyed to a HOA/business association shall be in accordance with an approved detailed site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee may be required to warrant restoration, repair, or improvements required by the approval process.
- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division (M-NCPPC) prior to issuance of grading or building permits in accordance with the approved detailed site plan.
- f. Temporary or permanent use of land to be conveyed to a HOA for stormwater management shall be approved by the Development Review Division (M-NCPPC) in accordance with the approved detailed site plan.
- g. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

31. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate the rights-of-way to public use, as shown on the approved preliminary plan.
32. In accordance with Section 27-548.43 of the Zoning Ordinance and prior to final plat approval, the Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport (College Park) within approximately one

mile northeast of the community. The Declaration of Covenants shall include the General Aviation Airport Environmental Disclosure Notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the Declaration. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the general aviation airport.

33. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park MUTCD Plan), and Primary Amendment A-00018, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Right-of-way dedication along Baltimore Avenue (US 1) shall accommodate the designated bike lanes required in the MPOT and the Riverdale Park MUTCD Plan consistent with Maryland State Highway Administration specifications for the design speed of the road.
 - b. Provide a seven-foot-wide sidewalk along the subject site's entire frontage of Baltimore Avenue (US 1) at the time of the frontage improvements, per the Riverdale Park MUTCD Plan.
34. The development on the subject site shall be limited to the mix of allowed uses and the intensity that will generate no more than 482 AM, 794 PM weekday, 767 midday, and 1,019 Saturday peak-hour vehicle trips during any stage of development. Any development that is deemed to generate more peak-hour vehicle trips than the levels stated above shall require an additional preliminary plan of subdivision with a new determination of adequacy for transportation facilities.
35. Prior to signature approval of the detailed site plan, the plans shall be revised to:
 - a. Limit the proposed southern access from Baltimore Avenue (US 1) northbound to right-in-only movement by appropriate traffic controls and design features per Maryland State Highway Administration (SHA) standards, and placement of "Do Not Enter" signs along the westbound direction of Underwood Street per Department of Public Works and Transportation (DPW&T) standards and requirements.
 - b. Prohibit through traffic movement between existing Van Buren Street west of Baltimore Avenue (US 1) and the proposed Van Buren Street east of US 1 at the US 1 intersection by incorporating appropriate traffic channelization islands and appropriate traffic controls subject to approval by the Town of University Park and per Maryland State Highway Administration (SHA) standards.
 - c. Limit the proposed northern access to and from Baltimore Avenue (US 1) to right-in and right-out-only movement by appropriate traffic controls and design features per Maryland State Highway Administration (SHA) standards.

36. Prior to approval of any detailed site plan for the property:

- a. The applicant must demonstrate that all specific standards identified in the applicant's completed Guidelines TOD checklist (which is included in the submitted traffic impact study dated March 5, 2013) have been incorporated in the plan as justification for meeting the 2012 *Transportation Review Guidelines, Part 1* designation as "excellent" transit oriented development.
- b. The applicant shall demonstrate that the approved funding mechanism committed by the applicant as part of Condition 25 (A-10018), stated above, has been fully established and has been authorized by the county and/or other governmental bodies.

37. Prior to the approval of a building permit within the subject property the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following improvements (a) have been constructed, (b) fully bonded and permitted for construction with an agreed-upon time table for construction by the applicant and the applicant's heirs, successors, assignees, and/or others, (c) otherwise incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1) of the Zoning Ordinance and in accordance with Section 24-124(a)(6) of the Subdivision Regulations, and per applicable Maryland State Highway Administration (SHA), Department of Public Works and Transportation (DPW&T), Washington Metropolitan Area Transit Authority (WMATA), CSX Transportation Inc., and/or applicable municipalities' standards and requirements with jurisdiction over the said improvement(s) or (d) there is a proposal for such roads on an adopted and approved master plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the adopted County Capital Improvement Program, or within the current State Consolidated Transportation Program:

- a. Provision of a right-in-only driveway from Baltimore Avenue (US 1) northbound at the southern end of the property.
- b. Provision of a divided main access driveway opposite existing Van Buren Street along with associated improvements that prohibit through movements across Baltimore Avenue (US 1) to and from existing Van Buren Street in either direction.
- c. Provision of a right-in and right-out-only driveway to Baltimore Avenue (US 1) northbound at the northern end of property.
- d. Reconstruction of Baltimore Avenue (US 1) along the property frontage, and within the dedicated right-of-way to include, at a minimum, reconstruction of Baltimore Avenue (US 1) along the property frontage, and within the dedicated right-of-way to include, a minimum of 2 standard travel lanes in each direction (north/south), one standard center left-turn lane, on road bike lane accommodation and a continuous side walk along the property frontage, per SHA standards and specifications.

- e. The construction of the proposed CSX crossing with at least 36 feet of road pavement to accommodate on-road bike lanes, six-foot-wide sidewalks, and two-foot barriers, as well as the bridge extension to Rivertech Court and associated improvements at the Rivertech Court intersection, and as required by DPW&T and per DPW&T and CSX standards and specifications.
- f. Signalization of the intersection of Baltimore Avenue (US 1) with Van Buren Street, as well as any associated improvements and coordination of signals along US 1 between East-West Highway (MD 410) and Amherst Road, per SHA specifications and standards.

38. The applicant shall use its best efforts to obtain permission from the WMATA to construct a five-foot wide sidewalk along the WMATA property frontage , north of the subject property to the Albion Street intersection with US 1, as long as said permission can be obtained at no cost to the applicant, that construction of the sidewalk will not require any utility relocation, extraordinary grading, or any other financial obligations other than costs directly related to the sidewalk construction along said frontage. If said permission cannot be obtained by the approval of the third building permit of the subject property, the applicant shall no longer have any obligation for construction of said sidewalk at this location.

39. Prior to signature approval of the PPS, the Preliminary plan and Tree Conservation Plan shall be revised (i) to depict Van Buren Street as extending through Parcel G as a divided street running east and west along the northern and southern boundaries of Parcel G, and (ii) assigning separate parcel designations for the northern and southern segments of the street.

40. Prior to signature approval of the PPS, the Preliminary Plan and Tree conservation Plan shall be revised to show an extension of street right-of-way at Parcel JJ, (east/west oriented street) going west to the eastern property line of the Post Office Property Parcel A.

41. Prior to signature approval of the PPS, the Preliminary Plan and Tree Conservation Plan shall be revised to show an extension of street right-of-way at Parcel II (Rhode Island Avenue) south to the southern property boundary.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Setting**—The subject property is located on the east side of Baltimore Avenue (US 1), approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410). The site is bordered on the east by an existing CSX right-of-way and tracks. To the north the site adjoins vacant land owned by the Washington Metropolitan Transit Authority (WMATA). There are exposed tracks in the eastern portion of this right-of-way. In the western portion of the WMATA property, the tracks are underground. To the west is the US 1 right-of-

way, and to the south and west the site adjoins the existing post office facility and existing commercial uses along Maryland Avenue, and some single-family dwelling units to the southwest.

3. **Development Data Summary**—The following information relates to the subject preliminary plan of subdivision (PPS) application and the proposed development.

	EXISTING	APPROVED
Zone	M-U-TC (35.71 ac) R-55 (2.02 ac)	M-U-TC (35.71 ac) R-55 (2.02 ac)
Use(s)	Undeveloped	Commercial/Retail (168,200 sq. ft.) Office (22,000 sq. ft.) Hotel (120 rooms) Multifamily (855 units) Townhouse (126 units)
Acreage	37.73	37.73
Lots	0	126
Outlots	0	0
Parcels	1	39
Dwelling Units	0	981 (126 TH; 855 Multifamily)
Public Safety Mitigation Fee	No	No
Variance	No	Yes Section 25-122(b)(1)(G)
Variation	No	Yes Section 24-121(a)(4) Section 24-128(b)(12)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on March 29, 2013. The requested variation to Section 24-121(a)(4) of the Subdivision Regulations for the required lot depth was accepted on March 12, 2013, as discussed further in the Variation to Section 24-121(a)(4) finding, and was heard on March 29, 2013 at SDRC as required by Section 24-113(b) of the Subdivision Regulations. The requested variation to Section 24-128(b)(7)(A) of the Subdivision Regulations, which requires that townhouse lots which are served by alleys shall front on a public street, was accepted on March 29, 2013, as discussed further in the Variation to Section 24-128(b)(7)(A) finding, and was heard on April 12, 2013 at SDRC as required by Section 24-113(b), but was withdrawn by the applicant at the public hearing on May 16, 2013 because it is no longer necessary because the streets will be dedicated to public use with the exception of the alley's and Parcel DD on Parcel C. The requested variation to Section 24-128(b)(12) for the required ten-foot public utility easement along all private streets was accepted on March 29, 2013, as discussed further in the Public Utilities Easement finding, and was heard on April 12, 2013 at SDRC as required by Section 24-113(b).

4. **Previous Approvals**—On February 2, 2012, the Prince George's County Planning Board approved the rezoning of 35.71 acres of the subject site from the One-Family Detached Residential (R-55) Zone to the Mixed Use Town Center (M-U-TC) Zone through Primary Amendment A-10018 with 27 conditions. On July 12, 2012, the County Council, sitting as the District Council of Prince George's County, approved the rezoning of “about” 35.71 acres of the subject site and amended the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park MUTCD Plan) boundary to include the site. That amendment includes the *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan) which was certified on October 2, 2012. The District Council A-10018 (Zoning Ordinance No. 11-2012) and carried forward the 27 conditions approved by the Planning Board. At the Planning Board hearing, the applicant proffered Conditions 11 through 27, and the District Council Order does not contain any findings of fact for these conditions. The following conditions in **bold** are applicable to this PPS:
 1. **The Design Review Process set forth at pages 65-66 of the January 2004 approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan applies to the Cafritz Property with the following modifications:**
 - a. **Detailed site plan (DSP) approval, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required prior to the approval of a special permit, final subdivision plat, the issuance of any permit, and concurrently with or after the approval of a special exception, for all new development and redevelopment on the property. Each application for a special permit, final subdivision plat, or other permit must be consistent with an approved detailed site plan for the site.**
 - b. **The detailed site plan and a special exception shall be in accordance with the Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan (2004), as amended by the subject application (as amended) where applicable and the site design guidelines of Part 3, Division 9, of the Zoning Ordinance. Development depicted on each detailed site plan must be in general conformance with Map 1: Concept Plan A or Concept Plan B, dated January 7, 2012, particularly with regard to site design and circulation, with the goal of creating a mixed-use community. Flexibility should be allowed in achieving this mixed-use community goal by allowing for a redistribution of the proposed maximum gross floor area of commercial uses throughout the site in order to encourage each phase of the development to include a mix of commercial and residential uses, including consideration of residential uses west of 46th Street and limited supporting retail uses near the intersection of Van Buren Street and Rhode Island Avenue.**

- c. **All detailed site plans shall be referred to the Town of Riverdale Park for review by the M-U-TC Design Committee for all phases and types of development. The M-U-TC Committee is authorized to review detailed site plans as advisory to the Planning Board and the Planning Director as designee of the Planning Board for staff level revisions.**
- d. **In a detailed site plan or special exception application, in order to grant departures from the strict application of the Guidelines, the Planning Board shall make the following findings:**
 - (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situation or condition;**
 - (2) **The strict application of the development plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
 - (3) **The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the town center development plan.**

The District Council approval of A-10018 on July 12, 2012 rezoned the majority of the site (35.71 acres) to the M-U-TC Zone and approved the Cafritz Property at Riverdale Park Town Center Development Plan. The District Council retained 2.02 acres within the R-55 Zone which is located primarily within the City of College Park. The R-55 zoned portion of the site is included in this PPS because it is part of the parcel being subdivided (part of Parcel 81). Staff recommended and the Planning Board required that the R-55 zoned portion of the site also be subject to a detailed site plan (DSP), which is required in this case for the M-U-TC zoned portion of the property. The DSP currently locates tree preservation and stormwater management on the R-55 zoned portion of the site which serves the development. The applicant has submitted a Detailed Site Plan (DSP-13009) and Special Permit (SP-13002) which are scheduled for Planning Board hearing on May 23, 2013 and include the R-55 portion of the site.

Conformance to this condition is based on the order of approval to ensure that the PPS and DSP are in conformance. The PPS is scheduled before the Planning Board on May 16, 2013 and the DSP is scheduled on May 23, 2013. Because of this timing, the PPS and DSP technical staff reports are due to be complete on the same day. This timing results in some issues when evaluating a DSP for conformance to a plan that does not have a final staff report and is not yet approved. Coordination is ongoing and with conditions, the PPS and DSP will conform to the Development Plan, each other, and the conditions of A-10018).

- 2. Prior to signature approval of the Development Plan the following revisions shall be made:**
 - a. Revise the general notes on Sheet 1 of 7 of the Plan Sheets to include the adjacent historic site and historic districts, provide the tax map, grid, and parcel number, and clearly indicate if the abandoned right-of-way is a part of the gross tract area.**
 - b. Revise Sheet 3 of 7 of the Plan Sheets to label the right-of-way for ingress/egress for the post office from Baltimore Avenue (US 1), and that it was conveyed to the United States of America by quitclaim deed recorded in the Prince George's County Land Records in Liber 3624, Folio 948.**
 - c. Revise the Plan Sheets to delineate the boundary of Aviation Policy Analysis Zone 6 and the municipal boundaries of the City of College Park and the Town of Riverdale Park.**
 - d. Revise the Development Plan to include streetscape details as indicated on Gateway Park and Street Sections for Baltimore Avenue (US 1) that provide for a safe and attractive pedestrian zone.**
 - e. Provide information and verify that the right-of-way extending north and south through Parcel 81 and the Washington Metropolitan Area Transit Authority (WMATA) property has, in fact, been abandoned and that the issue is settled and/or provide information of the disposition of that area of land, as appropriate.**
 - f. Revise the Development Plan to conform to the amended boundary as reflected in the applicant's January 12, 2012 request.**
 - g. Revise Map 1: Concept Plan A and Concept Plan B and Maps 2 and 3 so that the townhouses front on streets, have ample front yards for tree plantings, and that the units are oriented so that the alleys are parallel to the roadways serving the fronts of the units.**
 - h. Revise the sign standards to reflect the level of detail provided in the *2004 Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* and consolidated into one area of the Guidelines.**
 - i. Revise the Guidelines to add the following:**
 - (1) Development that increases existing gross floor area (GFA) by 5 percent or 2,500 square feet, whichever is smaller, shall subject the site to full review for compliance with the design standards. Lesser**

changes to the site, and additions to single-family residential dwellings, shall not subject the entire site to review for compliance, only the portion impacted by the improvement.

- (2) Gas stations may add a maximum of 30 feet to the build-to line in order to place a pump between the station and the sidewalk. The additional setback may not be used for customer parking, loading, or outdoor storage.**
- (3) All new gas stations shall have a maximum of two 18-foot-wide driveways.**
- (4) Gas stations should minimize the area of impermeable surface.**
- (5) Car repair businesses may have a maximum of two curb cuts that are a maximum width of ten feet each.**
- (6) Buildings shall occupy a minimum of 50 percent of the net lot area for each lot.**
- (7) The building façade shall occupy a minimum of 66 percent of the build-to-line for each lot.**
- (8) Drive-through windows are inconsistent with the pedestrian orientation of the town center and are strongly discouraged. Drive-through windows may only be considered if accessed by alleys and located on the rear of the property.**
- (9) Pedestrian-accessed ATMs may be located on the front or side of the building along a street line. Vehicular oriented ATMs shall not be visible from Woodberry Street, 45th Street north of Van Buren, or Van Buren Street.**
- (10) The maximum number of off-street parking spaces permitted for commercial (nonresidential) land-use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance. If structured parking is provided, this maximum number may be increased.**
- (11) Car repair businesses may not store vehicles in front of or alongside the building, but may store cars inside or in the rear, with appropriate screening if adjacent to a residential use.**

(12) Healthy trees shall be preserved within proposed green areas, landscape strips, streetscapes, and parking lots, where feasible. Where they cannot be preserved on-site, a professional arborist may transplant them to a new location on-site or within the Town of Riverdale Park, where feasible.

j. Revise the Development Plan to combine blocks 6d and 6e into one block 6d.

The approved Development Plan (A-10018) was certified on October 2, 2012 and found to conform to this condition of approval. The PPS is in conformance with the Development Plan with conditions.

3. Prior to acceptance of any application for a Preliminary Plan of Subdivision, the following information shall be provided:

a. The Preliminary Plan shall reflect the unmitigated 65 dBA Ldn from noise generators.

The unmitigated 65 dBA Ldn from the CSX railroad tracks and Baltimore Avenue (US 1) are shown on the PPS. The PPS reflects that both single-family attached and multifamily dwelling units are located within the high-noise area of the CSX railroad tracks. The multifamily units should be designed and oriented to protect outdoor activity areas from noise in excess of 65dBA Ldn through the arrangement of courtyards within the confines of the buildings on the individual parcels. However, the single-family attached dwelling units within the 65 dBA Ldn noise contour should be relocated outside of the 65dBA Ldn to protect the outdoor activity areas that will be impacted by noise generated from the trains, unless pursuant to the May 1, 2013 PPS which was approved by the Planning Board, the multifamily dwelling locations would mitigate the noise impacts on the townhouse dwelling units.

The applicant has submitted a noise study with this application. As part of the review of the noise impacts on this property associated the CSX railroad, the applicant has submitted a variation for lot depth for the townhouse units located within the 65 dBA Ldn. Section 24-121(a)(4) of the Subdivision Regulations requires a 300-foot lot depth for lots along a transit line, to provide an opportunity to locate dwellings away from the noise generator. The PPS proposes a noise wall along the railroad tracks in the southeast portion of the site. This feature is intended to mitigate the 65dBA Ldn to ensure that the rear yard activity areas for the single-family attached dwelling units are located outside of the 65dBA Ldn. The revised PPS approved by the Planning Board relocates a multifamily dwelling to a location that should mitigate noise on the outdoor activity areas for these dwelling units. A revised noise study should be submitted prior to certificate approval of the DSP to ensure that the noise is mitigated and if so a noise wall

would not be necessary or required. The noise study and impacts are discussed further in the Environmental finding.

b. The plan shall delineate the 300-foot lot depth from the right-of-way (CSX railroad tracks) for residential development in accordance with Section 24-121(a)(4) of the Subdivision Regulations. The preliminary plan may establish additional restrictions on the layout if it is determined that noise and vibration issues are associated with the railroad tracks.

A 300-foot lot depth from the right-of-way (CSX railroad tracks) for residential development is required in accordance with Section 24-121(a)(4) and is delineated on the PPS. The applicant has submitted a variation request to Section 24-121(a)(4) for the 300-foot lot depth for all of the lots that do not meet this standard, as discussed further in the Variation to Section 24-121(a)(4) finding of this report. The original PPS reflected that 19 townhouse lots did not meet the lot depth, however, the revised PPS approved by the Planning Board reduced that to 15 lots.

While lot depth (Section 24-121(a)(4)) would not affect the development of condominium units, the issue here is the impact of noise on the health, welfare, and enjoyment of the residents. The purpose of the lot depth requirement is to ensure the ability to locate dwelling units away from sources of noise and vibration. The Planning Board approved a variation to the 300-foot lot depth requirement for 15 townhouse lots conditioned on the installation of a noise barrier and structural mitigation of the buildings based on the recommendation of the noise study, unless the revised noise study to be submitted prior to certificate approval of the DSP demonstrates that a noise wall is not necessary. The noise wall or the placement of a multifamily dwelling between the railroad and the dwellings will reduce the 65dBA Ldn so that it does not impact these lots, which addresses the reason for the lot depth design standard.

c. The applicant shall provide information and verify that the right-of-way extending north and south through parcel 81 has, in fact, been abandoned and/or provide information of the disposition of that area of land, as appropriate.

The applicant has submitted a letter dated March 8, 2013 (Taub to Chellis), and included the Memorandum and Order from the United States District Court from the District of Maryland in Civil Case No. K-88-1927 (1989). The Court Order ruled that the trolley trail right-of-way extending 1,630 feet north and south through Parcel 81 was not a fee-simple conveyance, but was an easement. The 50-foot-wide easement was granted in 1895 from Parcel 81, which is the subject of this application. The Court found that the easement had been abandoned.

Subsequent to the grant of the trolley trail easement in 1895 and prior to its abandonment, the property owner subdivided Parcel A (post office facility) from Parcel 81 in 1968 and dedicated a 15-foot-wide strip of land to public use abutting 660 linear feet along the west side of the 50-foot-wide trolley trail easement. The trolley trail easement was not granted through the subdivision of Parcel A. In fact, Parcel A does not front on what was the trolley trail easement since a right-of-way was dedicated to public use on the west side of the trolley trail easement from the land area deeded for Parcel A.

The PPS correctly shows the entirety of Parcel 81 including the land which was encumbered by the 50-foot trolley trail. The trolley trail right-of-way (50 feet wide) was never a fee-simple conveyance of the land from Parcel A or Parcel 81, nor did the abandonment of the easement by Court Order result in a division of land or any other grant of property. Therefore, the 50-foot trolley trail is part of the entirety of Parcel 81 and is correctly included in the PPS.

d. Documents shall be provided so that the trail will be dedicated to public use within a maintenance easement or other suitable agreement.

The applicant submitted an easement agreement template provided by the Department of Public Works and Transportation (DPW&T). However, the public use easement will be to the benefit of The Maryland-National Capital Park and Planning Commission (M-NCPPC) and not DPW&T. As recommended by staff, the PPS shows Parcels H and W (1.12 acres of the trolley trail alignment) to be dedicated in fee simple to M-NCPPC as part of the mandatory dedication requirement (Section 24-134 of the Subdivision Regulations) and a portion (450 linear feet) of the historic alignment, which extends through the center of the development, to be placed in a 30-foot-wide public use easement. Prior to final plat approval, the applicant should submit an executed public use easement with M-NCPPC for the master plan trolley trail and, prior to recordation, the liber and folio of the agreement to be reflected on the final plat. A portion of the trolley trail right-of-way (Parcel H) may be dedicated to the City of College, as discussed further in the Parks and Recreation finding.

e. Provide one east-west bicycle route through the site either along Van Buren Street or Woodbury Street, in order to accommodate east-west bicycle movement through the site, to the trolley trail, to the planned bicycle facilities along Baltimore Avenue (US 1), and across the CSX crossing.

The PPS does show an east-west bicycle route through the site along Woodberry Street. The Planning Board requires the relocation of the bike lanes from Woodberry Street to Van Buren Street in order to provide direct bicycle access to the commercial and community destinations on the site, proposed bridge crossing,

and to the proposed bikeshare location. Bicycle routes and facilities within the site are discussed further in the Trail and Transportation findings.

f. The applicant shall provide a draft report detailing the Phase II archeology investigations.

The applicant has submitted a draft report of the Phase II archeology investigations. This PPS and Phase II report have been reviewed by the Historic Preservation Commission (HPC) and are discussed further in the Historic Preservation finding.

g. The proposed cross sections, roadbeds, streetscape dimensions, and the use of medians shall be fully incorporated into the application of the preliminary plan so that the width and configuration of the streets can be reduced, yet adequate in design to address the traffic patterns within the development and vehicular and emergency access. The use of public streets in accordance with the standards of the Department of Public Works and Transportation (DPW&T) shall also be considered to serve certain uses and to determine future maintenance of the transportation facilities, including a bridge over the CSX railroad.

The PPS does include proposed street cross sections for both public and private streets within the development. The applicant and the Town of Riverdale Park are working with DPW&T to review the proposed nonstandard street sections which are proposed to accommodate a denser urban environment.

The Development Plan was approved with specific road sections. The PPS and DSP do not conform to those standards as approved. The applicant has filed a secondary amendment to modify those Development Plan standards to be consistent with the PPS and DSP. Prior to certificate approval of the PPS, the plan must be revised to conform to the Development Plan or a secondary amendment must be approved for the modification of the road sections. The Secondary Amendment (SA-130001) for the street section is being reviewed by the Urban Design Section and will accompany the DSP to the Planning Board on May 23, 2013.

The proposed street standards and transportation facilities for the site are discussed further in the Transportation finding.

4. When off-site parking is necessary to meet parking requirements, the applicant shall provide satisfactory documentation such as affidavits, leases, or other agreements to show that off-site parking is available permanently.

This condition will be evaluated at the time of DSP when a determination of the exact number of required parking spaces will be determined.

5. **The Historic Preservation Commission shall review the preliminary plan of subdivision and any subsequent plans of development for their impact on identified archeological features, the impact of a potential vehicular access road on the Engineering Research Corporation (ERCO) Historic Site (#68-022), and the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts, including recommendations as to the proposed location and options with respect to the bridge over the CSX railroad.**

This PPS has been reviewed by HPC and is discussed further in the Historic Preservation section of this report.

6. **Prior to approval of any detailed site plan, the following shall be provided:**
 - a. **Plans indicating that the signalized intersection at Van Buren Street and Baltimore Avenue (US 1) shall include highly-visible and attractive pedestrian crosswalks, pedestrian signals, and other pedestrian or warning signage as appropriate, subject to State Highway Administration (SHA) approval.**
 - b. **The plans shall indicate that crosswalks providing appropriate pedestrian safety features are provided throughout the site.**
 - c. **The type, location, and number of bicycle parking and storage spaces shall be provided consistent with the LEED-ND Bicycle Network and Storage Credit (Smart Location and Linkage Credit 4). The number of the enclosed bicycle parking spaces at the multi-family units shall be a minimum of fifteen percent of the total number of bicycle spaces provided for residents at the multi-family units. Pedestrian walkways shall be free and clear of space designated for bicycle parking.**

This condition is applicable to the DSP.

7. **Prior to approval of a detailed site plan, the plans shall minimize the amount and location of surface parking lots and parking structures and their impacts on the pedestrian zone and streetscape environment. The surface parking lots located between the buildings and Baltimore Avenue, shall be mitigated with a building along Van Buren Street, a monument, a clock tower and landscaping in order to create a true gateway into the community and to provide an inviting entrance to pedestrians and vehicles alike, including creation of a “pedestrian oasis” in the middle of the block to improve pedestrian safety and mobility consistent with the Riverdale Park Gateway Park concept dated January 7, 2012.**

Conformance to Conditions 6 and 7 have been considered with this PPS as discussed and will be further evaluated at the time of DSP.

8. **Prior to any ground disturbance or the approval of any grading permits, if Phase III archeological mitigation is proposed, the applicant shall provide a final report detailing the Phase II and Phase III investigations and ensure that all artifacts are curated in a proper manner.**

This condition is applicable to permits, but is further discussed in the Historic Preservation finding.

9. **Prior to final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, and Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist.**

This PPS has been reviewed by HPC, and is discussed further in the Historic Preservation finding.

10. The Environmental Planning Section recommends the following conditions:

- a. **All future applications shall include a valid approved Natural Resources Inventory under the current environmental regulations that addresses the required information as outlined in the current Environmental Technical Manual.**

The PPS application contains a valid approved natural resources inventory (NRI). No additional information is needed for conformance with this condition.

- b. **At the time of Preliminary Plan, the Type 1 tree conservation plan shall demonstrate that the woodland conservation threshold has been met on-site to the fullest extent practicable. At a minimum, preservation shall be focused on the highest priority areas (Forest Stands 1 and 3).**

Based on the proposed design, every effort has been made to meet the woodland conservation threshold on-site to the fullest extent practicable for development within the M-U-TC and R-55 zoned property, as discussed further in the Environmental finding.

- c. **At the time of preliminary plan, condition analysis shall be submitted for all specimen trees within Stands 1 and 3 that are outside any proposed**

woodland conservation area. Every effort shall be made to preserve the healthiest trees on-site.

The plan demonstrates that efforts have been made to preserve specimen trees on-site to the extent possible. The variance request for the removal of specimen trees is discussed in the Variance finding.

d. Prior to approval of a special permit, special exception, detailed site plan, or grading permit, whichever is first, every effort shall be made to meet the ten percent tree canopy coverage requirement through the preservation of existing mature woodland, specimen trees and other large existing trees, and landscaping.

Conformance to Condition 10d regarding tree canopy coverage will be evaluated at the time of DSP.

e. At the time of preliminary plan, a Phase I noise and vibration study shall be submitted. The study shall determine the location of the unmitigated 65 dBA Ldn noise contour for the adjacent CSX right-of-way, which includes at a minimum, the associated railroad noise and the whistle blower. The 65 dBA Ldn noise contour shall be shown on all future plans.

A Phase I noise study prepared by Phoenix Noise & Vibration LLC, dated March 7, 2013, was submitted with the application. The report identifies the limits of the unmitigated upper and lower level 65dBA Ldn noise level for the CSX right-of-way and Baltimore Avenue (US 1) and provides recommended mitigation. A previous study submitted for the site also addresses vibration. The noise contours are correctly shown on the plans. Noise impacts are discussed further in the Environmental finding.

f. At the time of preliminary plan, a revised stormwater management concept plan shall be submitted. The proposed plan shall show the use of environmental site design techniques such as bioretention, infiltration, and green roofs. The concept shall be correctly reflected on the Type 1 tree conservation plan.

A revised Stormwater Management Concept Plan (11589-2010-00) has been submitted which shows the use of bioretention, extended detention, filtration, and 100-year attenuation. The stormwater concept letter was approved by DPW&T on May 3, 2010 and expired May 3, 2013. The applicant has submitted a new valid Stormwater Management Concept Approval Letter, 11589-2010-01. The approved stormwater concept plan should be submitted prior to signature approval of the PPS.

The Type 1 tree conservation plan (TCP1) shows the general location of the proposed stormwater management features, which includes a pond, bioretention areas, porous pavement, and green roofs; however, the associated stormdrain features also need to be shown.

g. **At the time of site plan or permit review, whichever is required first, the lighting plan for the subject property shall demonstrate the use of full cutoff optics to ensure that light intrusion into residential and woodland conservation areas is minimized. Details of all lighting fixtures, along with details and specifications that the proposed fixtures are full cut-off optics, and a photometric plan showing proposed light levels at an intensity that minimizes light pollution shall be submitted for review.**

Conformance to Condition 10g regarding the lighting plan will be evaluated at the time of DSP.

The applicant proffered the following conditions at the Planning Board hearing for Primary Amendment A-10018 which were retained in the District Council Order:

11. Revise the Guidelines as follows:

a. **To page iii under Overall Design Principles, add the following bullet points to the list of bullet points:**

- (1) Low impact design principles shall be incorporated into the overall community design.**
- (2) Create a community that respects and supports equally all modes of transportation. The development will encourage pedestrian, bicycle, and public transit modes of transportation.**
- (3) Demonstrate design features for sustainability that address environmental health, air and water quality, energy efficiency, and carbon neutrality.**

b. **On page ii, insert at the end of the section Public Spaces the following language:**

“Public spaces such as parks, plazas, and squares should promote activity, in front of buildings or public right-of-ways, and be focal points within the community.”

c. **Page ii, in the first sentence of the second paragraph under Public Spaces, add “appropriate” between “all” and “intersecting”.**

- d. **All standards from the 2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan relating to gas stations and auto-repair should be reinserted into the standards.**
- e. **On Page 5, remove Intent under building placement and streetscape, and add the following language:**

Enhance the Town Center's sense of place by developing a coherent identity through buildings that relate to the street and open spaces. Create buildings that frame the street and open spaces, and encourage close proximity of retail, offices, residential units, and services.
- f. **On Page 7, under Services, Utilities, and Stormwater, replace #1 Standard to read as follows:**

All utility lines added during development shall be underground. All utility meters and access points shall be on the rear of the property. Utilities shall include, but are not limited to, electric, natural gas, fiber optic, cable television, telephone, water and sewer service.
- g. **On Page 7, under Services, Utilities, and Stormwater, add the following to the last sentence of Intent: "sidewalks, open spaces, and MARC train."**
- h. **Page 7, under Services, Utilities, and Stormwater, add to the beginning of #6 under Standards: "All lot-level development shall".**
- i. **Strike Standard #11 from page 10, under Parking and Loading Design.**
- j. **On Page 11, under Lighting, change Standard #5 to add "and design" after "intensity."**
- k. **Page 11, under Landscaping, add "2004 Approved" before "Town" in the first sentence.**
- l. **Page 11, under Landscaping, to Standard #6 "Appendix B" add "of the 2004 Approved Town of Riverdale Park Mixed-Use Town Center Development Plan."**
- m. **Page 11, under Landscaping, Standard #2, after "green areas" add "and where possible in parking areas."**
- n. **Page 12, Building Height, add a new Standard #4, to read as follows:**

Single-story buildings shall match or exceed the height of the adjacent buildings bases, and shall be not less than 20 feet in height. However, single-story buildings are discouraged.

- o. Page 14, Architecture, remove Standard #13.**
- p. Page 13, Architecture, amend Standard #9 to remove “Townhomes” and replace with “Residences.”**
- q. Page 13, Architecture, Standard #5 add to the end of the first sentence the following language: “with exception of cementitious siding.”**
- r. Page 13, Architecture, Standard #5, after the new amendment above, strike the remaining language in the standard and replace it with the following language:**

“Materials other than masonry, brick, wood, and clear glass may be approved if material samples are provided and examples of existing buildings that use such materials in the proposed way are submitted, and the M-U-TC Design Review Committee (in the review of the SP process) and the Planning Board (in the review of the DSP process) finds that it meets the Intent of this section.”
- s. Page 13 Architecture, Standard #6, remove “all” in first sentence, strike “surrounding” in first paragraph, strike C and strike E.**
- t. Page 15, Building Openings, strike Standard #5 and replace with:**

“Tinted and colored windows may not be used unless the M-U-TC Design Review Committee (in the review of the SP process) and the Planning Board (in the review of the DSP) finds that the windows meet the intent of this section.”
- u. Page 16, Signage, strike Standard #8.**
- v. Page 16, Signage, move all standards (except 8) to page 10.**
- w. Page 16, Signage, strike the Intent section.**
- x. Page 16, Signage, include all old standards #8 and #10-19 not specific to historical core.**

- y. **Page 18, Landscaping and Pedestrian Amenity Zone, Standard #5**, strike “as irrigation” and replace with “or absorption.”
- z. **Page 20, Parks and Plazas**, strike Standard 12 and replace with:

“Where possible, add continuous lines of habitat through the use and linkages of street trees, landscaping, parks, and yards.”
- aa. **Page 7, Access and Circulation Standard #4**, substitute with the following:

“The number of vehicle-oriented ATMs shall be less than the number of pedestrian-oriented ATMs on a building-by-building basis, and vehicle-oriented ATMs shall not be visible from primary streets.
- bb. **Page 7, Access and Circulation, Standard #2**, change “windows” to “services”. Limit number of service lanes to two. Drive-through lanes for restaurants are prohibited.
- cc. **Include provisions for loading dock requirements such that they are screened from the street and any adjacent residential development.**
- dd. **Page 7, Services, Utilities, and Stormwater Management, Standard #5** strike “should” in the first sentence and substitute the word “shall”.
- ee. **Pages 7 and 8, Services, Utilities, and Stormwater Management, Standard #6(1)** substitute with the following:

“Lot-level Best Management Practices (BMP’s) that include green roofs, dispersion trenches, rain gardens, cisterns, rain barrels, pervious pavements, and/or other BMPs;”
- ff. **Page 10, Parking and Loading Design**, add a new Standard #18 stating the following:

Parking pads on surface lots shall include permeable paving subject to a soil study identifying the top soils and subsoils and their appropriateness to support the use of porous pavement.
- gg. **Page 12, Building Height**, substitute entirety of Standard #2 with the following:

“An additional two stories may be considered, not to exceed six stories.”

The approved Development Plan for the Cafritz Property (A-10018) was certified on October 2, 2012. Condition 11 is provided in its entirety and discussed further in the Urban Design finding.

12. Prior to issuance of the third building permit, the Rhode Island Avenue hiker/biker trail portion of the right-of-way shall be completed and open to the public.

The PPS locates the hiker/biker trolley trail within its historic alignment on land dedicated to M-NCPPC and on private property in a public use easement (450 linear feet) where it runs through the center of the development. Condition 12 is carried forward as a condition of this PPS. The trolley trail is discussed further in the Trails and Park and Recreation findings.

Staff would note that a portion of the alignment to be dedicated to M-NCPPC extends over an easement held by WMATA. Coordination between M-NCPPC and WMATA will be necessary regarding construction of the master plan trolley trail within the easement held by WMATA.

13. Prior to approval of a detailed site plan, a 90-to-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable. This depth of buffer may be reduced north of Van Buren Street with approval by the Planning Board, provided the applicant submits evidence demonstrating that it submitted plans to the Town of University Park prior to the acceptance of the detailed site plan and the Town was afforded sufficient time to comment, and if it is determined to be a superior design solution, by providing berms, retaining walls, landscaping, or other screening of the parking lot from the residences to the west consistent with Parking Sections Exhibit dated January 7, 2012. In no event shall the buffer be less than 60 feet in width.

The PPS reflects the buffer along Baltimore Avenue (US 1) extending east from the right-of-way. The PPS proposes two streets (Woodberry and Van Buren) extending east into the site from US 1. The buffer is shown as a part of development Parcels A, B, and C. As discussed further in the Transportation finding, right-of-way dedication is recommended as requested by the Maryland State Highway Administration (SHA) and the master plan. In conformance with this condition, the Planning Board found that the buffer should be shifted in its entirety to the east, outside of the right-of-way dedication, with no reduction in its size and configuration (size and width), prior to signature approval of the PPS.

As discussed in the Transportation and Trails findings, the Planning Board requires the provision of a sidewalk along US 1, to serve the public within the public right-of-way, as recommended in the master plan, unless modified by the State Highway Administration as the operating agency. The applicant has indicated that the buffer would serve the entire

community and be open to the public as a type of linear park. The Planning Board would recommend that the municipalities may desire to enter into a public use easement with the applicant if the parties agree. This public use easement is not a condition of this approval, and therefore, M-NCPPC would not be a party to this agreement for the buffer along US 1.

14. Prior to acceptance of an application for a preliminary plan of subdivision, the following information shall be provided:

a. A revised Stormwater Management Concept Plan that designates the property as a new site and complies with the stormwater management provisions contained in CB-15-2011 (Subtitle 32) to provide more environmental site design to the maximum extent practicable, with the goal of no new impact on the tributary drainage into the northeast Branch of the Anacostia River. The proposed plan shall show the use of environmental site design technologies such as bio-retention, infiltration, and especially green roofs to the maximum extent practicable.

A revised stormwater management concept plan has been submitted. The approved revised stormwater management concept plan should be submitted prior to signature approval.

b. The applicant shall provide evidence that copies of all stormwater submittals were provided to the Town of Riverdale Park, the Town of University Park, the City of Hyattsville and the City of College Park, 30 days prior to filing with DPW&T and notification of an invitation to all meetings between the applicant and DPW&T.

The applicant submitted an affidavit that certified that the applicant's attorney, Mr. Lawrence Taub, personally delivered copies of the revised stormwater management concept plan, prepared in conjunction with the revision to Preliminary Plan of Subdivision 4-13002, to the following municipalities on the days as noted: Towns of Riverdale Park and University Park—March 29, 2013; City of College Park—April 2, 2013; and the City of Hyattsville—April 4, 2013. There have not been any meetings between the applicant and DPW&T that staff is aware of.

c. A Revised Traffic scoping agreement and Impact Study that:

- (1) Accurately reflects the development proposal and anticipated phasing;**
- (2) Eliminates corridor averaging for all intersections included in the Study;**

- (3) Analyzes midday and Saturday (10:00 a.m. – 6:00 p.m.) traffic impacts;
- (4) Analyzes all proposed connections, including the proposed CSX Crossing and Maryland Avenue;
- (5) Analyzes the impact of the development on the intersections as specified in the scoping agreement and those in the July 27, 2011 study, as well as the evaluation of the existing prevailing conditions and traffic impact of the development on Queensbury Road, existing Maryland Avenue, Rhode Island Avenue south of Town Center, Lafayette Avenue, Natoli Place, River Road, and other roads as appropriate;
- (6) Provides for vehicle trip reduction through measures including but not limited to rideshare, Zipcar (or similar) programs, bikeshare, enhanced transit service such as a shuttle and/or circulator bus, and the CSX crossing;
- (7) Considers all future development and its effects on the corridor and intersections as identified in (c)(5) above for any projects that have an approved detailed site plan or preliminary plan of subdivision within the study area to include at a minimum the eastern portion of the 2004 approved M-U-TC Zone area; and
- (8) Does not take a discount by redirecting existing traffic on East-West Highway that would not otherwise travel up Baltimore Avenue to the Cafritz Property.

The applicant submitted a revised traffic study based on the scoping agreement which was deemed acceptable by the Transportation Planning Section (M-NCPPC). The analysis of the traffic study and the above condition is discussed further in the Transportation finding.

15. After completion of construction and final inspection of on-site public roads, and upon request of the Town of Riverdale Park, such roads shall be dedicated and turned over to the Town, in such manner and subject to such reasonable terms and conditions as the Town may require, for public use. The determination as to which on-site roads will be public roads subject to dedication and turnover to the Town shall be determined at the time of Preliminary Plan of Subdivision.

The PPS now proposes to have all streets for the development as public, except for Parcel DD on Parcel C and the alleys, which are to be private owned by a business association

and homeowners association, respectively. The analysis of the streets and circulation is discussed further in the Transportation finding.

At the Planning Board hearing on May 16, 2013 staff provided clarification that the record plats will dedicate the street rights-of-way to public use, except for the alley's and Parcel DD on Parcel C. Staff explained that the record plats do not indicate to which governmental or public agency the streets are dedicated. Because the property is within the municipal boundaries of the Town of Riverdale Park, the Town has jurisdiction over said streets. The street construction permits are under the authority of the Town and thru that process the Town may set standards or conditions on which they would accept those dedicated public streets. The Town has indicated their intent to accept the dedicated public streets. Dedication of the public rights-of-way will occur at the time of final plat, but the public streets will not be accepted by the Town of Riverdale Park until they are satisfied as set forth in this condition.

In review of the May 1, 2013 PPS the Planning Board determined to require the extensions of certain public street rights-of-way; 46th Street, extending north to the northern property line with WMATA, for Parcel JJ, extending west to the eastern property line of the adjacent post office property (Parcel A), and for Parcel II (Rhode Island Avenue), extending south to the southern property boundary, to provide interparcel connectivity for future off-site development. Construction of vehicular connectivity from 46th Street to the WMATA property should not occur until vehicular connectivity is constructed from the WMATA property to the subject site.

- 16. The applicant shall submit evidence of an application submittal to the U.S. Green Building Council (USGBC) under Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) for a Smart Location and Linkage (SLL) prerequisite review at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan. Upon GBCI/USGBC approval of SLL prerequisites, the applicant shall pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant shall at detailed site plan provide a LEED score card that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the applicant and the Town of Riverdale Park and the Town of University Park (and pursued by the applicant at its expense), at minimum the applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board.**

The applicant has submitted the U.S. Green Building Council (USGBC) LEED Certification Project Review Report for the Smart Location and Linkage (SLL) application under the provisions and requirements of the LEED-ND (Leadership in Energy and Environmental Design (LEED)® for Neighborhood Development) rating system as required by this condition for the PPS. The LEED Certification Project Review Report states that under the SLL prerequisite standards, the Cafritz Property was approved for Development Program and Site Type (Plf1); Project Timeline (Plf2); and Project Location and Base Mapping (Plf3); and the Cafritz Property was awarded for Smart Location (SLLp1); Imperiled Species and Ecological Communities Conservation (SLLp2); Wetland and Water Body Conservation (SLLp3); Agricultural Land Conservation (SLLp4); and Floodplain Avoidance (SLLp5).

17. **At the time of Preliminary Plan of Subdivision submission, the applicant shall submit a Transportation Management Plan (“TMP”) for the entire development. The TMP shall include provisions to provide for the full funding of the TMP by the owners of the property. The TMP and funding obligations shall run with the land until such time as a Transportation Demand Management District (“TDMD”) is established and includes the property. The TMP shall identify and establish a series of measures to achieve a maximally-efficient use of the adjacent transportation facilities. As the project is developed and occupied, modifications and additions to the TMP shall establish vehicle trip reduction goals with reporting and monitoring provisions subject to independent verification by DPW&T. Specifics of the TMP shall include the following elements referenced in the applicant’s letter to Susan Lareuse dated November 15, 2011, pages 9-10, and car and bike share and residential and employee subsidies. The TMP shall also provide for a private shuttle to be provided as the applicant and the applicant’s heirs, successors, and/or assignees’ expense.**

The applicant has submitted a transportation management plan (TMP) for the entire development. However the TMP does not provide adequate specificity as required by this condition. The analysis of the TMP is discussed further in the Transportation finding and requires certain revisions to the TMP prior to signature approval of the PPS.

Prior to final plat, the applicant shall obtain approval and execute a covenant or a transportation management agreement for approval by M-NCPPC and DPW&T to run with the land, to be recorded in land records, which shall ensure conformance to this condition by providing details and funding for the TMP. The liber and folio of that document will be indicated on the record plat. This condition of approval was a proffer by the applicant at the time of approval of A-10018, and there is no associated finding which would give the specific framework for performance. The covenant or transportation management agreement is intended to clarify those rights, responsibilities, and liabilities as appropriate.

The condition is intended to allow the applicant to obtain approval of a final plat for infrastructure. However, any plat which would allow the applicant to then obtain a building permit should include the liber and folio of the covenants or transportation management agreement on the record plat. The record plat is a sign post to owners and the community of the obligations for performance by the applicant and all parties to the covenants.

18. Prior to approval of a Preliminary Plan of Subdivision, the applicant shall provide a commitment to organize and achieve a private shuttle vehicle to and from the Prince George's Plaza Metro station and the College Park Metro station as necessary to achieve a 15-minute headway between 6:30 a.m. to 9:00 a.m. and 4:30 p.m. to 7:00 p.m., Monday through Friday. This requirement may be provided as part of the TMP and may be satisfied privately or by participating in one or a combination of existing or future adjacent public transportation services. Specifications and assurances for any shuttle service shall be provided prior to issuance of any use and occupancy permit. Service is to continue until there is a preferred alternative approved by the municipalities and the applicant may substitute an equivalent to the private shuttle service.

The applicant submitted a letter dated May 6, 2013 (Taub to Hewlett) stating that the applicant will commit to organize and achieve a private shuttle vehicle to and from the Prince George's Plaza Metro Station and the College Park Metro Station as necessary to achieve a 15-minute headway between 6:30 a.m. to 9:00 a.m. and 4:30 p.m. to 7:00 p.m. Monday through Friday. The analysis of Condition 18 is discussed further in the Transportation finding.

Prior to approval of the final plat, the applicant shall execute a covenant or a transportation management agreement for approval by M-NCPPC and DPW&T that will run with the land, to be recorded in land records, which shall ensure conformance to this condition by providing details and funding for the private shuttle. The liber and folio of that document will be indicated on the final plats. This condition of approval was a proffer by the applicant at the time of approval of A-10018, and there is no associated finding which would give the specific framework for performance. The covenant or a transportation management agreement is intended to clarify those rights, responsibilities, and liabilities as appropriate.

The condition required by the Planning Board with this PPS is more restrictive than the timing established by Condition 18 because the private shuttle is a part of the adequate public facilities (APF) analysis in the applicant's traffic study for this PPS, and required for adequacy prior to building permit. The record plat will provide notice as a sign post to owners and the community of the obligations for performance by the applicant and all parties to the covenants or transportation management agreement.

The condition is intended to allow the applicant to obtain approval of a final plat for infrastructure. However, any plat which would allow the applicant to then obtain a building permit should include the liber and folio of the covenants or transportation management agreement. The record plat is a sign post to owners and the community of the obligations for performance.

19. Prior to approval of the Preliminary Plan, the applicant shall provide details of its commitment to participate in a circulator bus program, whether as part of a TDMD or other effort, and shall contribute funds for this purpose.

The applicant submitted a letter dated May 6, 2013 (Taub to Hewlett) stating that the applicant will commit to providing assistance to a circulator bus program as part of the Riverdale Park contribution. The analysis of Condition 19 is discussed further in the Transportation finding.

Prior to approval of the final plat, that the applicant shall obtain approval and execute a covenant or a transportation management agreement for approval by M-NCPPC and DPW&T, to be recorded in land records, which will run with the land which shall ensure conformance to this condition by providing details and funding for the circulator bus program. The liber and folio of that document will be indicated on the record plat.

The condition is intended to allow the applicant to obtain approval of a final plat for infrastructure. However, any plat which would allow the applicant to then obtain a building permit should include the liber and folio of the covenants or a transportation management agreement. The record plat is a sign post to owners and the community of the obligations for performance by the applicant. This condition of approval was a proffer by the applicant at the time of approval of A-10018, and there is no associated finding which would give the specific framework for performance. The covenant or transportation management agreement is intended to clarify those rights, responsibilities, and liabilities as appropriate for the applicant and all parties to the covenants or agreements.

20. Prior to approval of any DSP for the project, the applicant shall submit a traffic signal warrant study following the accepted methodology of DPW&T or the Maryland State Highway Administration (SHA) for the intersection of Baltimore Avenue and Van Buren Street with channelization as shown on Sheet 4 of the Development Plan. This analysis will examine both existing and total projected traffic volumes. If signals are deemed warranted by the appropriate agency, the applicant shall initiate a bond to secure the entire cost prior to the release of any building permits within the subject property and shall agree to install the signals as directed by DPW&T or the State Highway Administration. Further, subject to SHA approval, applicant shall install the traffic control devices as noted on the Development Plan (Pork Chop Islands) or as modified by SHA to direct traffic so that no traffic may directly access or egress the property across Baltimore Avenue along Van Buren Street. Both entrances and exits at Woodberry and Wells Parkway,

respectively north and south of the Van Buren “gateway,” must be right turn only in and out. Prior to the issuance of a grading permit, the applicant shall demonstrate that the State Highway Administration has preliminarily approved the installation of the traffic signal and other traffic control devices at Van Buren Street and Baltimore Avenue, subject to approval of the final construction plan and permit by SHA. If for any reason, including lack of warrants or SHA or other required governmental approval, the traffic signal and other traffic control devices described in this paragraph are not installed or cannot be installed at Van Buren and Baltimore Avenue, no permits may be issued.

Conformance to Condition 20 will be evaluated at the time of DSP.

- 21. Prior to approval of a detailed site plan the plans shall provide or demonstrate:**
 - a. After completion of construction of the first multi-family building in the project:**
 - (1) At least 80 percent of the parking for the overall development ultimately will be in structured parking; and**
 - (2) The maximum number of off-street surface parking spaces permitted for each nonresidential land use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance.**
 - b. Design features for sustainability that address environmental health, air and water quality, energy efficiency, and carbon neutrality.**
 - c. Termination of Van Buren Street at a building or enhanced park feature.**
 - d. A soils study identifying the top soils and subsoils and their appropriateness to support the use of porous pavements.**

Conformance to Condition 21 will be evaluated further at the time of DSP.

- 22. Establish a trip cap of 548 AM new peak hour trips and 902 PM new peak hour trips for full build-out of the development that may be amended, but not increased at the time of Preliminary Plan. The trip cap will not include purely internal trips.**

The proposed development is projected to generate 482 AM and 794 PM weekday, 767 midday, and 1,019 Saturday peak-hour vehicle trips, respectively, based on the information provided by the applicant in the required traffic study. While the generated AM and PM peak-hour vehicle trips are less than the 548 AM and 902 PM new peak-hour

vehicle trip caps stated by Condition 22 of Zoning Ordinance No. 11-2012, the development is limited to the trip cap approved as a part of this PPS.

23. **Prohibit clear-cutting or re-grading any portion of the development until a detailed site plan for that portion of the site has been approved.**

Conformance to Condition 23 will be evaluated at the time of DSP.

24. **Prior to the approval of the Preliminary Plan of Subdivision, the applicant shall do the following, subject to the opportunity for review and comment by the Town of Riverdale Park and the Town of University Park:**

- a. **The Preliminary Plan shall show a roadway connection from the first phase of the development on the property to existing Maryland Avenue at the southern boundary of the property (the “Van Buren Extension”).**

The PPS shows Maryland Avenue Extension (Parcel JJ) connecting existing Maryland Avenue to the Van Buren Extension (Parcel CC) to Parcel GG and/or Parcel HH to Parcel JJ within the site. The Maryland Avenue extension and all streets with the exception of the Alle's and Parcel DD on Parcel C are to be publicly dedicated rights-of-way.

- b. **Applicant shall make provisions at Preliminary Plan of Subdivision to construct, to at least a similar standard as the existing Maryland Avenue roadway to the immediate south of the property, an extension of Maryland Avenue from the southern boundary of the property to where the existing roadway ends north of Tuckerman Street (the “Maryland Avenue Extension”). Provided that right-of-way exists, construction of the Maryland Avenue Extension must be completed before Prince George’s County issues the first use and occupancy permit for any retail, office or hotel use on the Property. No portion of any building on the Property may be used or occupied until construction of the Maryland Avenue Extension has been completed and opened for travel by public safety vehicles.**

Appropriately, the PPS does not show the off-site extension because the Planning Board’s action is for Parcel 81 only (the subject site). However, the off-site extension of Maryland Avenue to the south from the southern boundary of the property to where the existing roadway ends north of Tuckerman Street should be noted in a general note consistent with this condition.

- c. **Prior to the issuance of use and occupancy permits for more than 100,000 square feet of commercial (retail, office or hotel) space and more than 100 residential dwelling units, the construction of the Van Buren Extension shall be complete as verified by the Town of Riverdale Park.**

Condition 24c will be addressed at the time of permits.

25. Prior to the approval of a Preliminary Plan of Subdivision (the “Preliminary Plan”), the applicant shall do the following, subject to the opportunity for review and comment by Prince George’s County, the Town of Riverdale Park, and the Town of University Park:

a. The Preliminary Plan shall show a crossing over the adjacent CSX railroad tracks (the “CSX Crossing”). The “CSX Crossing” shall mean a bridge, raised roadway, underpass or any other type of way, including on-site and off-site approaches, for vehicles, bicycles and pedestrians to pass across the railroad right-of-way to travel between the subject property and lands to the east of the property with a connection to a public road.

The PPS shows a crossing over the adjacent CSX railroad tracks west of Van Buren Street to the West of Parcel G (J Crossing (Version J.3.300)). The applicant also submitted a conceptual cross section of the bridge across the CSX railroad tracks, a profile which will be further reviewed at the time of DSP. The analysis of the CSX crossing is discussed further in the Transportation finding.

b. Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.

The applicant has provided evidence of the establishment of a funding mechanism required prior to the approval of the PPS. The approval of such funding is required to be obtained prior to the first DSP, which is currently scheduled before the Planning Board on May 23, 2013. The analysis of Condition 25b is discussed further in the Transportation finding.

c. Provide letters from the CSX and University of Maryland (or the affected land owner), that recommend approval of the CSX Crossing as shown on the Preliminary Plan and identify the land or right-of-way acquisition cost, if any, necessary for the construction of the CSX Crossing on land owned by the University (or the affected land owner).

The applicant has provided letters from CSX and the affected landowner, University of Maryland, for the CSX crossing in accordance with J Crossing (Version J.3.300) and has identified acquisition cost for the construction of the CSX crossing, as discussed further in the Transportation finding..

d. **Provide cost estimates for the design, permitting and construction of the CSX Crossing, including off-site land or right-of-way acquisition costs, if any.**

The applicant has provided cost estimates for the design, permitting, and construction of the CSX crossing. The analysis of Condition 25d is discussed further in the Transportation finding.

Further, the applicant shall participate in the design, provision and acquisition of rights-of-way, permitting, funding and construction of the CSX Crossing, equal to half the complete costs, but not to exceed Five Million Dollars (\$5,000,000). The applicant, its successors and assigns, shall make all reasonable efforts to obtain public funding (federal, state, county, municipal) as necessary in addition to its CSX contribution to construct the CSX Crossing. Public funding may include all or a portion supported by tax increment financing as may be authorized in accordance with state and local laws. If the manner of public funding is tax increment financing, or any other funding mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property.

The applicant has provided cost estimates and a funding mechanism for the design, permitting, and construction of the CSX crossing as discussed further in the Transportation finding.

26. The implementation of the CSX Crossing shall be in accordance with the following:

a. **Prior to the issuance of any permits for development on the property, the applicant (1) shall submit a roadway plan for the location and design of the CSX Crossing to CSX, or to AECOM or other agent designated by CSX, and to the University of Maryland (or the affected land owner), and (2) shall submit letters received from both of them that approve the construction of the CSX Crossing in accordance with the roadway plan, subject to approval and authorization of the final construction plan, and verification by the Department of Public Works and Transportation that the roadway plan meets the American Association of State Highway and Transportation Officials' (AASHTO) standards and is appropriate for construction of the CSX Crossing, and has been approved by CSX and the University of Maryland (or the affected land owner).**

b. **Prior to the issuance of building permits for more than 100,000 square feet of commercial (retail, office or hotel) space and more than 120 residential**

dwelling units, the applicant (1) shall have received all necessary permits and approvals for construction of the CSX Crossing, (2) shall have provided the Prince George's County Department of Public Works and Transportation with all approved financial assurances and performance security to ensure completion of construction of the CSX Crossing, and (3) shall have commenced construction of the CSX Crossing as verified by the Prince George's County Department of Public Works and Transportation.

The APF analysis as required for transportation adequacy pursuant to Subtitle 24 of the Prince George's County Code which requires that 26a and b above are provided for in accordance with Section 24-124(a) prior to approval of the first building permit. A condition is included in this decision.

- c. Prior to the issuance of use and occupancy permits for more than 100,000 square feet of commercial (retail, office or hotel) space and more than 120 residential dwelling units, the construction of the CSX Crossing shall be at least fifty percent complete as verified by the Prince George's County Department of Public Works and Transportation, and the Department of Public Works and Transportation shall have verified that all approved financial assurances and performance security to ensure completion of construction of the crossing remain in full force and effect.**
- d. Prior to the issuance of building permits for more than 382 residential dwelling units, the CSX Crossing shall be open for use by public vehicular traffic as verified by the Prince George's County Department of Public Works and Transportation.**

Conditions 26c and d above are more restrictive than conditions of this PPS for transportation adequacy, but are applicable to the development of this property as conditions of the zoning approval. Conformance will be ensured through the permit approval process by M-NCPPC.

- e. Applicant shall timely provide the Towns of Riverdale Park and University Park, the City of College Park, and the Prince George's County Department of Public Works and Transportation with copies of all submittals, notices, approvals and determinations made pursuant to this condition.**

Condition 26e is the responsibility of the applicant.

- 27. The applicant, the Town of Riverdale Park, and the Town of University Park will work together to petition the District Council to initiate and establish a Transportation Demand Management District ("TDMD") program under the Prince George's County Transportation Demand Management District Ordinance Subtitle 20A. Consideration should be given to establishing the boundaries of the TDMD to**

extend from Paint Branch Parkway to Queensbury Road. Once a TDMD is established, the applicant will provide financial support and the TMP will become part of the District and will be monitored by the Transportation Management Authority (“TMA”). The TDMD should provide for traffic reduction goals and periodic independent verification of monitoring whether the goals have been met, including restricting the maximum allowable density to a level that will generate average net additional daily vehicle trips on Baltimore Avenue that are not more than 20% above current levels, and net additional peak hour trips that are no more than 20% above current peak-hour vehicle trips at AM (06:00-09:00), mid-day (11:00-14:00), PM (16:00-19:00), and Saturday (10:00-18:00). These counts will be performed at a fixed location specified in the TDMD between East-West Highway and the southern entrance, and between Queens Chapel Road and the northern entrance, to the project and will be based upon traffic estimates that have been reviewed and determined to be reasonably accurate by the Transportation Planning Section of M-NCPPC. If the goals of the TDMD are not met, additional vehicle trip reduction measures to resolve the problem will be required pursuant to the requirements of Subtitle 20A.

The applicant has submitted a TMP for the entire development. The analysis of the TMP is discussed further in the Transportation finding. At this time, a transportation demand management district (TDMD) has not been established by the District Council that includes the subject property, and is not required by this condition.

5. **Community Planning**—The 2002 *Prince George’s County Approved General Plan* (General Plan) designates the subject property within the Developed Tier. The vision for the Developed Tier is a network of sustainable transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The General Plan designated the Riverdale MARC station in the southern portion of the Riverdale Park MUTCD Plan area as a possible future community center. The vision for centers is mixed-residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The subject property is also located along the Baltimore Avenue (US 1) corridor as designated by the General Plan. The vision for corridors is “mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.” (See Policy 1, 2002 General Plan, page 50) This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. The PPS is consistent with the General Plan Development Pattern policies for the Developed Tier and the Baltimore Avenue corridor by proposing a medium- to high-density, mixed-residential, and commercial development. Approval of this application does not violate the General Plan’s growth goals for the year 2025, upon review of Prince George’s County’s current General Plan Growth Policy Update.

In the Community Planning Division referral for the withdrawn Preliminary Plan of Subdivision application 4-12004 Cafritz Property (Williams to Nguyen, December 27, 2012), staff found that the application did not conform to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*. This referral was included in the

Planning Board backup materials package posted prior to the Planning Board hearing scheduled for January 17, 2013. The applicant withdrew the application on January 15, 2013.

Subsequent to the posting of the backup package, M-NCPPC General Counsel issued an opinion (Borden to Piret/Lewis/Hirsch/Williams, March 13, 2013) that the District Council's amendment of the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park MUTCD Plan) to incorporate the Cafritz Property, under Section 27-546.13 of the Zoning Ordinance, constitutes an amendment to both the 1994 Planning Area 68 Master Plan and the associated Sectional Map Amendment. It is the determination of Counsel "that the purpose and intent of the procedures concerning master plan adoption were in fact served through the Town of Riverdale Park M-U-TC Development Plan and ZMA [Zoning Map Amendment] process."

In accordance with this legal determination and based on the particulars of the application, the application 4-13002 Cafritz Property **conforms to the prevailing master plan** for the subject property, which is now the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (as amended by the District Council in 2012 during the approval of Primary Amendment A-10018, Cafritz Property). The subject application proposes a mix of commercial, retail/office, single-family attached and multifamily residential, future hotel, and open space land uses that fulfill the mix of uses desired for the subject property by the amended 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan).

Community Planning Review

The 2012 Cafritz Property Design Standards and Guidelines, *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan), amends the approved 2004 Riverdale Park MUTCD Plan. It should be noted that the certified Cafritz Property Design Standards and Guidelines only apply to the 35.71-acre Cafritz development and not to the remainder of the Town of Riverdale Park M-U-TC Zone properties. Many of the specific standards and guidelines of the Development Plan will be reviewed at the time of DSP. The certified site plans and streetscape sections approved with A-10018 and Concept Plan B (Map 1), and appropriate (at the subdivision level of review) site standards identified in the Cafritz Property Design Standards and Guidelines document form the basis of review for the following.

Proposed Street and Lot Layout

The proposed subdivision would establish a large right-of-way for the extension of Van Buren Street (intended to be the primary street within the site). The Development Plan identifies two plazas or open space features in the western half of the site within the center of Van Buren Street. Consideration should be given to individually platting and dedicating these proposed plazas to ensure permanent public preservation of these key amenities. In lieu of such dedication, the proposed amenity spaces within Van Buren Street should be conveyed, along with the entirety of the proposed Van Buren Street right-of-way, to public use (Town of Riverdale Park). Both approaches will ensure public ownership and maintenance of these plazas/open space features.

Van Buren Street will be designed to incorporate bicycle lanes in both directions as the major east-west street through the subject site. Additionally, the median of Van Buren Street, east of 46th

Street, should be planted with street trees and should not remain a grassy lawn. The addition of street trees in this location will contribute to the site's tree canopy coverage and provide an avenue/park-like character for much of Van Buren Street, contributing to the monumental and celebratory gateway approach feel of this important street.

The applicant proposes a one-way pair of Rhode Island Avenue and 47th Street to facilitate traffic flow through the site from the CSX bridge crossing to Van Buren Street (Option J), the overall site circulation and traffic patterns have been streamlined and simplified for vehicles, pedestrians, and bicyclists alike, and the proposed one-way pair will serve overall goals of connectivity and circulation.

Staff has evaluated the submitted circulation diagrams and recommends the applicant work to revise transit, truck, and bicycle circulation through the proposed development to better facilitate these modes of travel through an urban mixed-use development, and minimize adverse impacts on future residents to the fullest extent possible. Many of these revisions will likely result in increased bus and truck traffic along Woodberry Street, west of 46th Street. Staff is concerned that this traffic increase may have a detrimental impact on future residents in the northwestern-most stick of seven townhouses on the north side of Woodberry Street (proposed Lots 1-7).

The applicant shall provide for future public street connectivity to the US Post Office site (Parcel A) to the southwest with the extension of Parcel JJ and the National Guard Armory (WMATA property) to the north with the extension of the right-of-way of 46th Avenue, and the extension of Rhode Island Avenue to the south, as conditioned by the Planning Board in the approval of this case.

Street Design, Ownership, and Maintenance

The majority of the proposed streetscape designs tend to reduce the amount of roadway driving lane paving in favor of slightly wider parallel parking, landscape/tree planting, and sidewalk areas. These proposed changes generally correspond to the concepts and requirements of the Development Plan, which call for "a pedestrian-oriented town center with an infrastructure of wide, continuous sidewalks, alley shortcuts, safe street crossings, and rear access parking. A landscaping/pedestrian amenity strip would buffer pedestrians on the sidewalk from traffic" (See page ii of the Cafritz Property Design Standards Guidelines document).

The ownership and maintenance of the proposed streets was an issue which was resolved by the applicant who proffered that all of the streets in the development will be dedicated to public use with the exception of the alley's and Parcel DD on Parcel C, ensuring public ownership of key streets and open spaces in accordance with the desires of the Town of Riverdale Park. There exist numerous potential issues pertaining to ongoing maintenance and public access that will be resolved with cooperation between the Town of Riverdale Park, the applicant, and Prince George's County.

The PPS establishes a foundation to ensure safe and convenient pedestrian and bicycle access to the historic core of Riverdale Park along the Rhode Island Avenue Trolley Trail and Maryland

Avenue. Bicycle lanes and sidewalks should be provided along Maryland Avenue to ultimately link with similar future improvements south of the Cafritz property.

Open Space

The applicant should clearly identify the proposed public plazas, squares, civic greens, and open spaces within the subject property along with all public open space and recreational amenities that are proposed to meet the needs of future residents, shoppers, and visitors at the time of DSP.

Tree Conservation Plan

The applicant has made an effort to preserve more specimen trees than originally proposed, along with what has been presented as “small groves” of trees at several locations within the subject property. In response to continued concerns expressed by the Riverdale Park M-U-TC Design Review Committee, the applicant continues to explore the feasibility of protecting additional specimen trees, and has worked with staff to increase the amount of tree and woodland preservation from the initial submittal.

LEED Certification

Condition 16 of A-10018 requires and the applicant has provided evidence of an application submitted to the U.S. Green Building Council (USGBC) for a Smart Location and Linkage prerequisite review under the provisions and requirements of the LEED-ND (LEED® for Neighborhood Development) rating system. The applicant should provide additional specificity toward certification under the silver or higher level under the LEED-NC (New Construction) and LEED Homes building rating systems at the time of DSP.

Aviation Policy Area

The northeastern portion of this application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area, Aviation Policy Area 6 (APA-6) is subject to regulations adopted by County Council Bill CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. These regulations contain additional height requirements in Section 27-548.42 and purchaser affidavits. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77. The DSP, where architecture and height will be reviewed, and referred to the Maryland Aviation Administration for evaluation and comment. The final plat should provide reference that this site is within the APA and subject to airport noise.

6. **Urban Design**—On July 12, 2012 the District Council approved a Primary Amendment (A-10018) to the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*, that amended 35.71 acres of the zoning map for the Maryland-Washington Regional District in Prince George’s County, Maryland, by designating a Mixed Use Town Center (M-U-TC) Zone on the subject property subject to certain conditions. The conditions of approval required the applicant to revise the associated development plan and guidelines that establish the foundation for development review purposes. That revised information was submitted to the Development Review Division for review on August 14, 2012. A number of revisions to the plans were required to ensure that the plans submitted for certification reflected the record of the A-

10018 case and only the conditions of the approval that adjusted either the development plan or the guidelines. The plans were finalized in accordance with the plans reviewed by the District Council and the certification of the plans and the text, collectively referred to as the *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan), was completed on October 2, 2012.

The following conditions from Zoning Ordinance No. 11-2012 are relevant to the review of this Preliminary Plan of Subdivision, 4-13002:

1. The Design Review Process set forth at pages 65-66 of the January 2004 approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan applies to the Cafritz Property with the following modifications:

a. Detailed site plan (DSP) approval, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required prior to the approval of a special permit, final subdivision plat, the issuance of any permit, and concurrently with or after the approval of a special exception, for all new development and redevelopment on the property. Each application for a special permit, final subdivision plat, or other permit must be consistent with an approved detailed site plan for the site.

This condition requires detailed site plan (DSP) review and approval prior to the approval of any final plat for the property. Prior to approval of any final plat, it must be found to be consistent with the approved DSP. The applicant has included, that portion of the property that is zoned R-55, which is a part of the site for development purposes. A condition of the preliminary plan of subdivision (PPS) approval requires that the R-55 zoned portion be included in the DSP.

b. The detailed site plan and a special exception shall be in accordance with the Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan (2004), as amended by the subject application (as amended) where applicable and the site design guidelines of Part 3, Division 9, of the Zoning Ordinance. Development depicted on each detailed site plan must be in general conformance with Map 1: Concept Plan A or Concept Plan B, dated January 7, 2012, particularly with regard to site design and circulation, with the goal of creating a mixed-use community. Flexibility should be allowed in achieving this mixed-use community goal by allowing for a redistribution of the proposed maximum gross floor area of commercial uses throughout the site in order to encourage each phase of the development to include a mix of commercial and residential uses, including consideration of residential uses west of 46th Street and limited supporting retail uses near the intersection of Van Buren Street and Rhode Island Avenue.

The condition above is applicable to the PPS in recognizing that the subsequent DSP, special permit (SP), or special exception (SE) should be in general conformance with either Concept Plan A or B, dated January 7, 2012, particularly in regard to site design and circulation. The level of detail included in the concept plans was illustrative only. Changes to the development concepts as previously shown on the concept plans may be necessary in order to conform to Subtitle 24. The PPS is in substantial conformance with Condition 1b.

A number of revisions to the PPS have occurred primarily driven by the shifting of the CSX railroad bridge and the relocation of the trolley trail to its historic alignment. The result of these modifications has an impact on circulation and the lotting plan that is supported and approved.

The PPS proposes seven townhouse lots on the north side of Woodberry Street, west of the extension of 46th Street. The Planning Board requires an extension of 46th Street to the northern property line. Lots 1–7 would be located on the west side of this extension.

3. Prior to acceptance of any application for a Preliminary Plan of Subdivision, the following information shall be provided:

a. The Preliminary Plan shall reflect the unmitigated 65 dBA Ldn from noise generators.

The PPS indicates the unmitigated 65 dBA Ldn noise contour. The PPS indicates both single-family attached and multifamily units are located within the unmitigated 65dBA Ldn noise contour. The multifamily units should protect outdoor activity areas through the arrangement of courtyards within the confines of the buildings on the site. However, outdoor activity areas for each single-family attached dwelling should be mitigated or relocated outside of the 65dBA Ldn from the CSX railroad right-of-way. The application indicates that a sound wall is proposed along the railroad tracks in the southeastern portion of the site. This feature, as indicated in the noise study submitted by the applicant, will mitigate the 65dBA Ldn. The noise wall should be located on a separate parcel to be conveyed to the homeowners association, with sufficient access to all sides of the noise wall for maintenance. At the time of DSP, the final building layout and design may eliminate the need for a noise wall at this location, which the applicant must demonstrate with a revised noise study; however, if a wall is still deemed necessary, the DSP should provide elevations and details for it.

The CSX whistle blower noise was included in the noise study. The whistle is an episodic noise source and is included in the analysis of the day and night average (Ldn), which is the standard used by the Planning Board and the state to determine the impacts of noise.

b. The plan shall delineate the 300-foot lot depth from the right-of-way (CSX railroad tracks) for residential development in accordance with Section 24-121(a)(4) of the Subdivision Regulations. The preliminary plan may establish additional restrictions on the layout if it is determined that noise and vibration issues are associated with the railroad tracks.

The PPS shows the 300-foot lot depth demarcation from the CSX railroad and from the metro (WMATA) property to the north. In this case, approximately 15 townhomes are within the 300-foot lot depth. The applicant has filed a variation for the residential lot depth requirement of 300 feet, which is supported by staff and discussed further.

g. The proposed cross sections, roadbeds, streetscape dimensions, and the use of medians shall be fully incorporated into the application of the preliminary plan so that the width and configuration of the streets can be reduced, yet adequate in design to address the traffic patterns within the development and vehicular and emergency access. The use of public streets in accordance with the standards of the Department of Public Works and Transportation (DPW&T) shall also be considered to serve certain uses and to determine future maintenance of the transportation facilities, including a bridge over the CSX railroad.

The PPS was originally submitted showing all of the streets as private. However, at the Planning Board hearing, the applicant proffered that all streets would be public, except for Parcel DD on Parcel C, and the alley's. Convenient and direct bicycle and vehicular circulation from the Van Buren Street entrance from US 1 to the CSX bridge crossing, and to Maryland Avenue, should be provided and is recommended in order to provide connectivity across the railroad tracks and to the historic Riverdale Park town center area. Truck traffic should be minimized.

DPW&T and the Town of Riverdale Park are coordinating in regards to the design of the streets. The Planning Board found to support the use of narrow streets that accommodate bicycles and allow for bus turning movements, but the movement of trucks through the residential portion of the development should be minimized.

9. Prior to final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, and Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist.

This condition will be implemented prior to final plat.

13. **Prior to approval of a detailed site plan, a 90-to-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable. This depth of buffer may be reduced north of Van Buren Street with approval by the Planning Board, provided the applicant submits evidence demonstrating that it submitted plans to the Town of University Park prior to the acceptance of the detailed site plan and the Town was afforded sufficient time to comment, and if it is determined to be a superior design solution, by providing berms, retaining walls, landscaping, or other screening of the parking lot from the residences to the west consistent with Parking Sections Exhibit dated January 7, 2012. In no event shall the buffer be less than 60 feet in width.**

The current proposed layout indicates that the gateway feature will be part of three separate lots. In order to ensure maintenance of the park-like setting and the health of the vegetation in the bioretention areas, it may benefit the community that this area be maintained in conjunction with the Town of Riverdale Park, and perhaps University Park, along with the business community located within the overall site. The front of the property along US 1 was of major concern in the review of the Primary Amendment. This area was shown as one of the green spaces, and basically was proposed as part of the mitigation used for justification of setting the buildings back from the right-of-way (see Applicant's Exhibit 1, Cafritz Property at Riverdale Park, Green Spaces, pages 10-12). This green space is contained within proposed Parcels A, B and C. The applicant developed a set of plans and perspectives to depict the future design of the area as a gateway park to the development. The park-like area exhibits include seating areas, trails, exercise stations, sculpture, historic interpretation, a children's play area, a bus shelter, Wi-Fi access, bike stations, a transportation kiosk, specimen tree preservation, and bioretention areas.

The additional dedication along the frontage of the property, in order to provide adequate right-of-way along US 1 to serve the development, should be reflected on the DSP prior to certificate approval. The existing overhead utilities along US 1 should be placed underground along the frontage of the property, as recommended with the DSP.

16. **The applicant shall submit evidence of an application submittal to the U.S. Green Building Council (USGBC) under Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) for a Smart Location and Linkage (SLL) prerequisite review at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan. Upon GBCI/USGBC approval of SLL prerequisites, the applicant shall pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant**

shall at detailed site plan provide a LEED score card that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the applicant and the Town of Riverdale Park and the Town of University Park (and pursued by the applicant at its expense), at minimum the applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board.

The applicant has submitted the required information for the PPS. As required, further review of this condition is provided with the DSP.

Recreational Facilities

The subject application has provided the trolley trail within the historic right-of-way alignment as a linear greenway park. The county has placed considerable effort in bringing the trolley trail to fruition, along the historic alignment, and staff supports the separation of this land area as a linear park and its partial dedication to the Department of Parks and Recreation as part of the mandatory park dedication requirements. In addition, private on-site recreational facilities are considered toward the mandatory park dedication requirements as discussed further in the Parks and Recreation finding. Within the land area associated with the residential development, the applicant should provide an active outdoor facility, such as a combined tot-lot and pre-teen playground. Within the multifamily buildings, indoor and outdoor recreational facilities should be included. Outdoor facilities should be provided in open courtyards that are buffered from the noise generated by the railroad tracks. The details and timing for construction of the private recreational facilities are included with the DSP-13009 review.

Plan Layout

The plan has been compared to the concept plans that were contained in the record of the hearing for the Primary Amendment. Applicant's Exhibit No. 1 of A-10018 contains two conceptual layouts that are labeled as Concept Plans A and B. These plans represent the concept plans referred to in Condition 1b of A-10018. The subject application has generally followed the conceptual plan layout in regard to the subdivision of land.

7. **Environmental**—A Type 1 Tree Conservation Plan, TCP1-005-12, was required and has been reviewed. A Natural Resources Inventory, NRI-121-06, for this property was signed on September 28, 2006 and was previously reviewed. An updated NRI reflecting the current code requirements was approved as the '-01' revision to the plan on March 19, 2012. With regard to the environmental regulations that became effective on September 1, 2010, the subject application is not grandfathered under Subtitle 25 and Subtitle 24 of the County Code with respect to the delineation of regulated environmental features, woodland conservation, and applicable submittal requirements because the proposed project does not have a previously approved PPS.

General Plan Conformance

The 2002 *Prince George's County Approved General Plan* (General Plan) contains tier-specific and countywide-specific goals, objectives, and policies with regard to the protection of natural features, noise pollution, stormwater management, light pollution, and woodland conservation. Many of these policies have been implemented through updates to the Woodland and Wildlife Habitat Conservation Ordinance, zoning requirements, and applicable master plans that are discussed further.

Master Plan Conformance

The subject site was previously subject to the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*. Through the approval of an amendment (A-10018) to the approved 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park MUTCD Plan), the subject site was rezoned (A-10018) to Mixed Use Town Center (M-U-TC) and incorporated into that planning area. Section 27-546.14(a) of the Zoning Ordinance allows for the expansion of the boundary of an approved M-U-TC as a primary amendment provided that:

- (1) All primary amendments of approved Development Plans shall be made in accordance with the provisions for the initial approval of the Plan.**
- (2) Primary amendments are any changes to the boundary of the approved Plan.**

The approved Development Plan contains environmental standards for noise and tree preservation which are applicable to the current PPS application as follows:

Lighting

- 3. Fixtures shall be located so that light does not spill from a parking lot of service area onto an adjacent residential property.**
- 4. All lighting shall be shielded and of an intensity that minimizes light pollution**

The site is not directly adjacent to any residential uses; however, the residential development is located on the west side of Baltimore Avenue (US 1) across from the development, and the residential lots that are proposed on the subject site may be subject to light pollution from the proposed development. The lighting should use full cut-off optics to ensure that off-site light intrusion into residential and woodland conservation areas is minimized, so that sky glow does not increase as a result of this development. Primary Amendment A-10018, Condition 10g, requires the use of full cut-off optic lighting and will be addressed at the time of detailed site plan (DSP).

Landscaping

- 1. The required tree coverage for each property shall be ten percent of the gross site area, measured by the projected ten year coverage provided by a tree. The tree coverage should be accomplished through the provision of shade rather than ornamental trees. In lieu of meeting this standard, the applicant may plant street trees in conformance with the streetscape standards (see Public Space Section) either on the property or within the abutting right-of-way.**

The site is 91 percent wooded and is in the vicinity of residential areas that exhibit a mature tree canopy cover based on a review of 2009 aerial photos. In order to achieve the mature canopy consistent with the character of the surrounding communities, the requirement should be met through preservation of mature woodlands, specimen trees, and other larger trees on the site. Primary Amendment A-10018, Condition 10d, addresses the requirement for tree canopy coverage with regard to the above standard and will be reviewed at the time of DSP.

- 2. Healthy trees shall be preserved. Where they cannot be preserved on site, a professional arborist may transplant them to a new location within Riverdale Park.**

The site contains several large trees, including specimen trees, which should be considered for preservation. A review of the most recent NRI shows that the site contains 35 specimen trees, of which a majority are located within Forest Stand 1 (Trees 247–257, 277–280, and 282) located along the western portion of the site; and Forest Stand 3 (Trees 261–270, 272–276, and 284) located along the northeastern portion of the site. These stands have also been determined to have the highest priority for preservation on the site. The site contains other trees that do not qualify as specimen trees, but are mature and significant in size, and should be considered for on-site preservation; smaller trees located on-site are of an appropriate size (6 to 12 inches diameter at breast height) to be considered for on-site or off-site transplanting, should designated receiving areas be identified, but is not required.

Primary Amendment A-10018, Condition 10a, addresses the requirement to preserve healthy trees on-site. An analysis of the on-site trees has been performed as discussed further.

Noise Mitigation

- 2. The sound from the exterior to within the interior of all residences shall not exceed 45 dBA (Ldn) and should not exceed 35 dBA (Ldn). This is to be achieved through material and design changes, including, but not limited to:**
 - a. Double-glazed windows/double-pane windows.**
 - b. Above-normal insulation in the roof and walls.**
 - c. Above-normal insulation in doors and other construction elements.**

d. The use of high mass construction materials such as concrete, masonry, and stone.

The subject site is located between Baltimore Avenue (US 1) and the CSX right-of-way. Baltimore Avenue is a major collector and is not generally regulated for noise. The upper-level and ground-level unmitigated 65 dBA Ldn noise contours have been shown on the plans from the CSX and metro (WMATA).

Primary Amendment A-10018, Condition 10e, addresses noise impacts and a review of the submitted noise study with recommended mitigation is provided in the Environmental Review section below.

Conformance with the Countywide Green Infrastructure Plan

The 2005 *Approved Countywide Green Infrastructure Plan* indicates that the property contains network gap and evaluation areas within the designated network.

The site is significantly wooded with no existing development and contains a small isolated wetland and a small area of 100-year floodplain. The site is bordered on the east by CSX railroad tracks, to the west by US 1, to the north by Washington Metro Area Transit Authority (WMATA), and to the south by a site developed with a post office. The WMATA site to the north is partially wooded and partially developed with an existing building and WMATA metro tracks that continue below the ground surface. The potential to establish a contiguous habitat corridor connection is somewhat limited due to the existing conditions of the adjacent properties; however, the site contains areas of woodland that could contribute to the urban tree canopy character of the area and provide benefits that include urban wildlife habitat, water quality improvement, and the reduction of heat island effects. Woodland conservation and tree preservation are discussed below.

Summary of Previous Conditions of Approval, Primary Amendment A-10018

The following text addresses previously approved environmental conditions from Primary Amendment A-10018 related to the subject application. The respective conditions are in **boldface** type, the associated comments, additional information, plan revisions, and recommended conditions are in standard type face:

10. The Environmental Planning Section recommends the following conditions:

a. All future applications shall include a valid approved Natural Resources Inventory under the current environmental regulations that addresses the required information as outlined in the current Environmental Technical Manual.

The PPS application contains a valid approved NRI. No additional information is needed for conformance with this condition.

b. At the time of Preliminary Plan, the Type 1 tree conservation plan shall demonstrate that the woodland conservation threshold has been met on-site to the fullest extent practicable. At a minimum, preservation shall be focused on the highest priority areas (Forest Stands 1 and 3).

Forest Stands 1 and 3 were determined to have the highest priority for preservation on-site compared to Stands 2, 4, and 5. The woodland conservation threshold for this site is 5.75 acres based on the M-U-TC and R-55 zoning. The site contains 33.12 acres of woodland. The current TCP1 proposes a total of 0.65 acre of woodland conservation as preservation within Stand 3. This proposed area of woodland conservation is below the threshold. A portion of the two reforestation areas, located near the northeast boundary adjacent to the CSX right-of-way, falls just below the minimum 50-foot width requirement by one foot. These areas will be further evaluated with the final design at the time of DSP for conformance with the minimum requirements of woodland conservation areas.

In a revised letter dated March 27, 2013, the applicant submitted a description and justification for the limited on-site woodland conservation with the proposed development. The letter states that the site is proposed to be developed with 1.20–1.95 million square feet of mixed-use development, including a total of 981 residential units and an elevated crossing of the CSX right-of-way. In addition to the high density proposed, a vegetated buffer at least 90 feet wide will be provided along the frontage of US 1 and an above-ground stormwater management facility is also proposed primarily on the R-55 zoned portion of the property in the northeast corner. The on-site regulated environmental features are minimal, which include a small isolated wetland and a small area of floodplain along the southernmost boundary of the site. The site was previously developed in the 1940s with work-force housing, but has since been unoccupied for more than 50 years, while the surrounding sites have since been fully developed with residential lots and public facilities, with the exception of the WMATA property abutting to the northwest. Based on the site history, existing conditions, and surrounding development, the property meets the description of an infill site.

The justification letter for primary management area (PMA) impacts notes the goals of the General Plan for the Developed Tier which, in addition to preserving and enhancing natural features, also seek to strengthen existing neighborhoods, promote infill development, promote more intense development, and make efficient use of existing and proposed county infrastructure. The applicant's justification letter states that:

“Preserving existing trees on this site will jeopardize the ability of the applicant to develop the site to its fullest potential as described in the General Plan, Master Plan and MUTC plan. It would be contrary to established smart growth principles to miss the opportunity to maximize

the benefits of focusing developed to the Cafritz site as has been proposed by previous approved county plans and the 2012 zoning further attempts to increase tree save areas will put the implementation of these town center design concepts at risk or becoming the type of suburban development more typically of standard R-55 zoning.”

In consideration of the applicant’s justification, staff supports the limited woodland conservation on-site as proposed. The subject site is primarily zoned M-U-TC which requires the site to provide a variety of uses including high density residential and commercial. The requirements to provide safe circulation, parking, stormwater management, and necessary infrastructure for a site envisioned with a mixture of high-density development in the Developed Tier make it challenging to fully meet the woodland conservation threshold on-site, particularly on infill sites with very minimal regulated environmental features.

In addition to the design requirements, the site area will be limited by the required buffer along the frontage of the site (US 1) and an elevated crossing to the west side of the CSX right-of-way. The US 1 buffer area may be devoid of woodland, but will be designed as a vegetated area with bioretention facilities. Two specimen trees are proposed to be preserved in this area. Landscaping and tree planting in this area will be evaluated with the DSP. The eastern perimeter of the site will also retain more specimen trees and two small areas of woodland totaling approximately 0.65 acre. Contiguous woodland conservation along the frontage of the site or within the interior areas of the site may conflict with the M-U-TC design goals to create an urbanized town center.

Based on the proposed design, every effort has been made to meet the woodland conservation threshold on-site to the fullest extent practicable for development within the M-U-TC and R-55-zoned property.

- c. At the time of preliminary plan, a condition analysis shall be submitted for all specimen trees within Stands 1 and 3 that are outside any proposed woodland conservation area. Every effort shall be made to preserve the healthiest trees on-site.**

A condition analysis was performed for all specimen trees on-site. The condition ratings for the trees ranged from 53–89 percent. A variance request was received for the removal of 25 of the 35 existing specimen trees and the retention of ten specimen trees. Eight of the trees are located within Stand 3 in the western area of the site and two trees are located within Stand 1 along US 1. Attempts were made and previous plans showed the preservation of four additional specimen trees; however, it was determined that those trees could not be shown as saved because they would be located within the required right-of-way dedication. Staff has determined that with or without right-of-way dedication, preservation of

the specimen trees along US 1 will be difficult. Although those four trees are shown as to be removed, the applicant stated that every effort in the field will be made to preserve those four trees during the implementation of the required right-of-way improvements.

Within Stand 1, Tree 255 is noted to be in poor condition and Tree 281 is in fair condition. Within Stand 3, Trees 262 and 270 are in poor condition; Trees 264 and 265 are in good condition; and Trees 266–269 are in fair condition.

The current plan demonstrates that efforts have been made to preserve specimen trees on-site to the extent possible. Based on the proposed design, it may be unlikely that Specimen Trees 255 and 281 will survive the construction process due to limited preservation of each of the trees' critical root zone. The variance request for the removal of specimen trees is discussed in the Environmental Review section.

- d. Prior to approval of a special permit, special exception, detailed site plan, or grading permit, whichever is first, every effort shall be made to meet the ten percent tree canopy coverage requirement through the preservation of existing mature woodland, specimen trees and other large existing trees, and landscaping.**

Conformance with this condition will be addressed at the time of DSP by the Urban Design Section.

- e. At the time of preliminary plan, a Phase I noise and vibration study shall be submitted. The study shall determine the location of the unmitigated 65 dBA Ldn noise contour for the adjacent CSX right-of-way, which includes at a minimum, the associated railroad noise and the whistle blower. The 65 dBA Ldn noise contour shall be shown on all future plans.**

A Phase I noise study prepared by Phoenix Noise & Vibration LLC, dated March 7, 2013, was submitted with the application. The report identifies the limits of the unmitigated upper- and lower-level 65dBA Ldn noise level for the CSX right-of-way and US 1 (including the whistle blower), and provides recommended mitigation. The PPS now reflects a parcel for a multifamily dwelling to be located between the townhouse units and the CSX railroad right-of-way which should provide the needed mitigation from adverse noise impacts. Prior to signature approval of the DSP a revised noise study should be submitted that may demonstrate that noise mitigation measure (noise wall) for outdoor activity areas is no longer required. A previous study submitted for the site also addresses vibration. The noise contours are correctly shown the plans. Noise is discussed further in the Environmental Review section.

f. **At the time of preliminary plan, a revised stormwater management concept plan shall be submitted. The proposed plan shall show the use of environmental site design techniques such as bioretention, infiltration, and green roofs. The concept shall be correctly reflected on the Type 1 tree conservation plan.**

A revised Stormwater Management Concept Plan (11589-2010-00) has been submitted which shows the use of bioretention, extended detention, filtration, and 100 year attenuation. The concept letter was approved by DPW&T on May 3, 2010 and expires May 3, 2013; however, the plan provided has not been certified by DPW&T and appears to have been revised subsequent to the concept letter approval. An approved concept plan and associated letter must be submitted with the DSP.

The TCP1 shows the general location of the proposed stormwater management features, which includes a pond, bioretention areas, porous pavement, and green roofs; however, the associated stormdrain features also need to be shown.

g. **At the time of site plan or permit review, whichever is required first, the lighting plan for the subject property shall demonstrate the use of full cut-off optics to ensure that light intrusion into residential and woodland conservation areas is minimized. Details of all lighting fixtures, along with details and specifications that the proposed fixtures are full cut-off optics, and a photometric plan showing proposed light levels at an intensity that minimizes light pollution shall be submitted for review.**

This condition shall be addressed at the time of DSP.

13. **Prior to approval of a detailed site plan, a 90-to-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable. This depth of buffer may be reduced north of Van Buren Street with approval by the Planning Board, provided the applicant submits evidence demonstrating that it submitted plans to the Town of University Park prior to the acceptance of the detailed site plan and the Town was afforded sufficient time to comment, and if it is determined to be a superior design solution, by providing berms, retaining walls, landscaping, or other screening of the parking lot from the residences to the west consistent with Parking Sections Exhibit dated January 7, 2012. In no event shall the buffer be less than 60 feet in width.**

This condition has been addressed on the TCP1. The plan shows a buffer ranging from 90–110 feet outside of the 45-foot-wide right-of-way dedication shown on the PPS. However, additional dedication is recommended and the TCP1 should be revised accordingly prior to signature approval.

While the timing mechanism for this condition is not specific to the PPS, the variance request for the removal of specimen trees and the plans propose to preserve Specimen Trees 255 and 281 within this area. An additional four other trees were also proposed; however, those trees are located within the right-of-way dedication and could not be shown as saved. Staff does not believe that if no dedication was required, the survivability of those specimen trees is unlikely due to the grading, stormwater management, and infrastructure improvements necessary to develop the property.

14. Prior to acceptance of an application for a preliminary plan of subdivision, the following information shall be provided:

a. **A revised Stormwater Management Concept Plan that designates the property as a new site and complies with the stormwater management provisions contained in CB-15-2011 (Subtitle 32) to provide more environmental site design to the maximum extent practicable, with the goal of no new impact on the tributary drainage into the northeast Branch of the Anacostia River. The proposed plan shall show the use of environmental site design technologies such as bio-retention, infiltration, and especially green roofs to the maximum extent practicable.**

A revised stormwater management concept approval letter has been submitted. The TCP1 shows the general location of the proposed stormwater management features, which includes a pond, bioretention areas, porous pavement, and green roofs; however, the associated stormdrain features also need to be shown. An approved concept plan must be submitted prior to signature approval of the PPS, which should generally conform to the PPS.

Environmental Review

An approved Natural Resources Inventory, NRI/121/06-01, was submitted with the application. This plan was updated to reflect the current code requirements and was approved as the -01 revision to the plan on March 19, 2012. Subsequent to the last approval, land was added to the overall preliminary application increasing the land area. The total area of land within the current application is 37.73 acres and the total amount of woodland has increased from 32.73 acres to 33.12 acres. A revised NRI is not required at this time.

A review of the available information indicates that streams and steep slopes 15 percent or greater are not found to occur within the limits of this application; however, a small isolated wetland and a small area of 100-year floodplain exist on-site. The CSX right-of-way is adjacent to the eastern boundary of the site and has been identified as a transportation-related noise generator with potential vibration impacts. The soils found to occur according to the U. S. Department of Agriculture (USDS), National Resource Conservation Service (NRCS), Web Soil Survey (WSS), are in the Croom, Leonardtown, Sunnyside, and Urban Land series. According to available information, Marlboro clay is not found to occur on this property. According to information

obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Northeast Branch watershed of the Anacostia River basin. According to the *2005 Approved Countywide Green Infrastructure Plan*, the site contains evaluation areas and network gaps. The property is further located in the Developed Tier as reflected in the *2002 Prince George's County Approved General Plan*.

From the information approved with the NRI, the forest stand delineation (FSD) indicates the presence of six forest stands totaling 32.73 acres and 35 specimen trees. Stand 1 along US 1 is a late successional oak forest dominated by willow oak and Southern red oak located along the eastern portion of the site, is designated as high priority for retention, and totals 4.91 acres. Stand 2 is a mid-successional mixed hardwood forest dominated by Black Cherry and sweetgum located centrally on the site, is designated as low priority for retention, and totals 9.61 acres. Stand 3 is a mid to late-successional mixed hardwood forest dominated by white oak, sweetgum, and hickory, is predominately located along the northeastern portion of the site, is designated as moderate priority for retention, and totals 5.51 acres. Stand 4 is a mid-successional Virginia pine forest located on the central portion of the site, is designated as low priority for retention, and totals 1.54 acres. Stand 5 is an early to mid-successional mixed hardwood forest dominated by black locust located on the southeastern portion of the site, is designated as low priority for retention, and totals 7.77 acres. Stand 6 is an early to mid-successional Kentucky Coffee tree dominated forest located on the eastern portion of the site, is designated as moderate priority for retention, and totals 3.39 acres.

This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is greater than 40,000 square feet and contains more than 10,000 square feet of woodlands. A Type 1 Tree Conservation Plan (TCP1-005-12) was submitted with the PPS application.

The woodland conservation threshold for this site is 15.25 percent of the net tract area or 5.75 acres. The total woodland conservation requirement is 17.61 acres. The plan proposes to meet the woodland conservation requirement with 0.65 acre of woodland preservation and 16.96 acres of fee-in-lieu. The proposed preservation area is located along the western boundary and contains eight specimen trees.

Per Section 25-122(d)(8) of the County Code, the Planning Board may approve the use of fee-in-lieu to meet woodland conservation requirements that total one acre or larger if the project generating the requirement is located in the Developed Tier, or if the approval of the use of fee-in-lieu addresses an identified countywide conservation priority. The subject application is located in the Developed Tier. However, because this site is split-zoned and those zones are located within different municipalities, the woodland conservation requirement should be calculated to be based on the area and amount of clearing proposed within each jurisdiction. The Planning Board has approved of the use of fee-in-lieu with the current application. The use of fee-in-lieu will be discussed at the time of approval of a Type 2 tree conservation plan (DSP).

The site has frontage on Baltimore Avenue (US 1) and the CSX railroad right-of-way. Baltimore Avenue is classified as a major collector and not generally regulated for noise. No residential uses are proposed adjacent to US 1; however, residential uses are proposed adjacent to the CSX right-of-way. A Phase I noise study was submitted for the eastern portion of the site adjacent to the CSX right-of-way. The study included noise impacts associated with the passing of trains and their whistle blowers. The study measured the upper- and lower-level 65dBA Ldn noise contours at 350 and 390 feet from the CSX centerline, respectively.

The noise study was based on a layout submitted on March 13, 2013 that showed 47 townhouse lots (Lots 64, 80–89, 101–104, 105–109, and 111–137) and three multifamily buildings impacted by upper and lower noise levels above 65 dbA Ldn. The three buildings and 11 of the 47 lots (Lots 127–137) were exposed directly to the CSX right-of-way. The noise impacts to the remaining 35 lots were mitigated by the three buildings. The study recommended that the proposed buildings and upper levels be constructed with special building materials to ensure proper mitigation of interior noise to 45dBA Ldn or less. For the 11 proposed lots, special building materials were also recommended for interior noise levels; additionally, a noise wall was recommended to mitigate rear and side yard noise impacts to 65dBA Ldn or less.

A revised layout was submitted on May 1, 2013. The plan was revised to relocate a proposed crossing over the CSX right-of-way University of Maryland exhibit dated May 7, 2013 for the J Crossing (Version J.3.300). The plan now shows that a number of townhouse lots may have noise impacts, however, the relocation of multifamily dwellings may mitigate noise impacts. With the revised plan only 15townhouse lots do not meet the 300-foot lot depth requirement per Section 24-121(a)(4), instead of the original 19, which is an improvement in the overall layout. The plan shows lots at the northern section and lots at the southern section that may be exposed to upper noise levels above 65 dbA Ldn. However, a condition of this approval requires that all dwellings be constructed to mitigate interior noise levels to 45dBA Ldn or less. A revised Phase I noise study should be provided at the time of signature approval to ensure that the location of multifamily dwellings will mitigate exterior noise levels to 65dBA Ldn or less. If this is not demonstrated a noise wall is required, to be located on a separate HOA parcel which will provide a 10-foot clear zone around the base of the wall for maintenance. If a separate parcel is required, this PPS approval recognizes that it may be added with the DSP.

For interior noise impacts to the two multifamily building units and the upper levels of units, further analysis of the building materials, which were not available at the time of the study, will be necessary to determine if the interior of the upper levels will be properly mitigated. Prior to issuance of building permits for the affected lots/parcels, certification that noise mitigation methods have been incorporated in the architectural plans to reduce interior noise levels to 45 dBA Ldn or less shall be submitted.

The report is based on interior areas and outdoor activity areas in the rears of residential lots, and not community outdoor activity areas. Because the report addresses the mitigation and the associated mitigated noise contour, a Phase II noise study for the lots and buildings as proposed on

the current plan is not required at this time for PPS review. No outdoor activity areas directly exposed to the CSX right-of-way can be identified on the current plans; however, if any outdoor activity areas are proposed within the 65 dBA Ldn noise contour and are directly exposed to high noise levels, a Phase II noise report will be required to address outdoor mitigation for those areas prior to signature approval of a DSP for those buildings.

A vibration analysis was previously provided during the review of Preliminary Plan 4-12002 and is applicable to the review of the current plan. However, to complete the record, a copy of this plan should be submitted by the applicant as part of this application. The analysis notes that the results of measurements of current vibration levels do not exceed the residential limits (200 micrometers/second) or the commercial limits (400 micrometers/second) established by the International Standards Organization (ISO), or the residential limits (143 micrometers/second) established by the Federal Transit Authority. The study notes that these limits apply to occupant comfort and not structural damage. The report further states that all levels measured are well below limits established for structural damage. The study analyzed both freight and transit trains. The highest vibration level recorded was for a freight train (143.8 micrometers/second). This level passes the ISO residential standard and only slightly exceeds the FTA residential standard by an imperceptible amount for occupant comfort. The recorded vibration level was for only one occurrence of the 11 freight and 25 total trains observed during the 16-hour survey. Because the vibration levels are below the industry accepted standards for residential uses, no changes to the design, or additional information regarding vibration is required.

8. **Primary Management Area (PMA)**—This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include a small isolated wetland and a small area of 100-year floodplain, which are proposed to be removed. Section 24-130(b)(5) states:

- (b) The Planning Board shall require that proposed subdivisions conform to the following:**
 - (5) Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. Any lot or parcel proposed for development shall provide a minimum of one acre of contiguous land area exclusive of any land within regulated environmental features in a configuration that will support the reasonable development of the property. This limitation does not apply to open space and recreational parcels. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are

directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing, or at the point of least impact to the regulated environmental features.

Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. The justification must address how each impact has been avoided and/or minimized and should include exhibits of the proposed disturbance.

A statement of justification for the proposed impacts and associated exhibits was submitted and stamped as received March 28, 2013. The PPS proposes the removal of the isolated wetland and wetland buffer for the installation of streets and residences and the removal of the floodplain on this site for residential development and roadway extension.

Impact 1 proposes 937 square feet of impact to the isolated wetland and wetland buffer for the installation of a street and residences. The central location of the isolated wetland would make preservation difficult because of grading constraints, as well as negatively affecting the overall vehicular and pedestrian patterns.

Impact 2 proposes 2,488 square feet of impact to the floodplain for residential development and a required connection to Maryland Avenue. Because the floodplain is located along the length of the southern property boundary where the existing Maryland Avenue right-of-way is located, road connections necessitates the impact of the floodplain. Attenuation of the 100-year floodplain has been addressed in Stormwater Management Concept Plan 11589-2010-00. A revised Stormwater Management Concept Approval Letter (11589-2010-01) has been submitted, but the plan has not yet been provided.

The Planning Board approves the applicant's request for removal of the isolated wetland, wetland buffer, and floodplain for the reasons stated above.

Primary Management Area Conclusions

The proposed site design and the statement of justification show that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The two proposed impacts for the installation of street and residences totaling 3,425 square feet are approved.

9. **Variance to Section 25-122(b)(1)(G)**—Type 1 tree conservation (TCP1) applications are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees, Section 25-122(b)(1)(G). If the specimen trees on-site have a condition rating of 70 or above, every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the Woodland and Wildlife Habitat Conservation Ordinance or WCO) provided all of the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by a statement of justification stating the reasons for the request and how the request meets each of the required findings.

During the review and discussions with the applicant, staff recommended that preservation of specimen trees should be focused on Stands 1 and 3 near the eastern and western boundaries of the site. It was noted that a green buffer would be required along the western boundary which may present the opportunity to preserve trees. Specimen trees and woodlands preserved along the eastern boundary would also contribute to screening of residential units from the CSX right-of-way.

A variance request from Section 25-122(b)(1)(G) was stamped as received on March 27, 2013 for the removal of 25 of the 35 specimen trees for grading, road entrance, interior road circulation, utility infrastructure, buildings, pedestrian access, and parking. The following analysis remains consistent with the University of Maryland exhibit dated May 7, 2013 for the J Crossing (Version J.3.300). **The trees listed to be removed are Specimen Trees 247–250, 252–254, 256, 257, 259–261, 263, 272–280, and 282–284. The 10 trees listed to be saved are Specimen Trees 255, 262, 264–270, and 281**, in accordance with the approval of Primary Amendment A-10018, Condition 10c.

The specimen tree condition rating score and condition description assist in the evaluation of the potential for long-term survivability along with other proposed site features including the proximity of the limit of disturbance (LOD) to the tree, the percent of critical root zone that is proposed to remain undisturbed, and the grading differential surrounding the trees to remain. Of the trees proposed to be saved, three (255, 281, and 262) are in poor condition. The LOD shows a very limited root zone around Trees 255 and 281 in the west side of the site, and Trees 262 and 264 on the east side of the site. The trees are Southern Red Oaks and White Oaks which are

proposed to be saved. Red Oaks and White Oaks are considered to have moderate to good construction tolerance; however, impacts to the root zone as shown may limit the health and possibly the survivability of both trees. During construction, every effort should be made to preserve as much of the associated root zone as possible.

The area along the frontage of the site adjacent to Baltimore Avenue (US 1) ranges in elevation from 66–120 feet. A portion of the frontage of the site has a horizontally-narrow area of steep grade ranging from six-ten feet. The grades increase up to 120 feet, approximately 50–100 feet into the site. Grading of the site is needed to balance the site as well as to provide a relatively flat area for development purposes. Fifteen of the 35 specimen trees are located in this area. The plan proposes to grade the site to a level ranging from 67 feet at the southern end to 105 feet at the northern end. The cut needed at the central and northern sections of this area necessitate the removal of Specimen Trees 247–250, 252, 257, 277, and 278, so that the site can be brought to a developable level and also allow a safe entrance road onto the site.

Specimen Trees 253, 254, 279, and 280 are all located within the southern section and within the right-of-way dedication for US 1. A stormdrain and ten-foot-wide public utility easement is also located through this area that would necessitate the removal of the trees. Right-of-way dedication is proposed and recommended; however, if the dedication is not required, it appears those trees would still need to be removed because of the extent of grading, utility easement, the proposed southern road entrance, and the stormdrain connections. This is evident in the limited preservation area remaining for Trees 281 and 255, which the applicant has made efforts to preserve.

Specimen Trees 259, 260, 272, 273, 274, and 284 are centrally located in the more developable areas of the site. Tree 256 is located within a proposed right-of-way associated with the entrance of the site. Specimen Tree 261 is a White Ash and should be removed because it is a vector for the Emerald Ash Borer. Specimen Trees 275 and 276 could be preserved because no extensive grading or infrastructure is proposed that would require the removal of the trees. However, the preservation would result in the removal of ten residential lots which are proposed in this area and not recommended to be removed.

The variance included a listing of each tree, the proposed disposition, and comments explaining why each tree is requested to be removed. The list is followed by the applicant's response to the required findings for the variance.

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The statement of justification describes existing constraints on the site such as the existing CSX railroad to the east and the metro rail located partially to the north. Other existing features that are unique to this site include the postal facility to the south, a Washington Suburban Sanitary Commission (WSSC) waterline that bisects the site, as well as a requirement to provide trolley trail improvements. The statement of justification indicates that the site design has been somewhat limited to reduce noise exposure to future residences and that this area has instead been designated for stormwater management

purposes. The statement of justification indicates that the need for adequate stormwater management and environmental site design practices are conditions that are peculiar to the property; however, all development applications are subject to the same stormwater management and environmental site design requirements.

The statement of justification describes a proposed crossing over the CSX railway which is required for transportation and other health, safety, and welfare purposes. The crossing is a design constraint unique to the project and is shown on the plan; however, the crossing has been relocated to an area of the site that will not result in the removal of specimen trees. The right-of-way dedication along US 1 is a special condition required by other agencies. As a result of the dedication, several trees previously proposed to be saved are now shown to be removed due to future road improvements that may impact the trees.

The statement of justification indicates that any additional loss in developable area for specimen tree retention would cause unwarranted hardship.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

The statement of justification indicates that the application proposes the removal of certain specimen trees that hinder the design of residential and commercial development, and that the decision to remove specimen trees is in keeping with the surrounding area's development character. The statement also indicates that existing site constraints exist and that further limiting the developable area to accommodate the protection of specimen trees and their root zones would deprive the applicant of the opportunity to create a functional and efficient mixed-use development. The statement also states that the surrounding area has been developed and that the site itself was previously developed as housing in the 1940s and 1950s.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

Under this finding, the statement of justification indicates that not granting the request to remove specimen trees would prevent the project from being developed in a functional and efficient manner.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The applicant has taken no action to date on the subject property.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The request to remove the trees does not arise from any condition on a neighboring property.

(F) Granting of the variance will not adversely affect water quality.

The stormwater management design for the site is required to meet the current regulations which require the post-development conditions to mimic a pre-development condition of a site as “woods in good condition.” The stormwater concept shows the use of environmental site design features, such as bioretention in addition to extended detention.

Because the site must meet strict water quality and quantity requirements, the loss of specimen trees should not have a significant adverse impact on water quality. Specific requirements regarding stormwater management for the site will be further reviewed and approved by DPW&T.

Variance Conclusions

Based on the preceding analysis, the required findings of Section 25-119(d) have been addressed. **The Planning Board approved the removal of 25 specimen trees: Specimen Trees 247–250, 252–254, 256, 257, 259–261, 263, 272–280, and 282–284.**

10. **Variation to Section 24-121(a)(4)**—The subject property is adjacent to CSX railroad tracks to the east and metro rail to the north. The PPS shows the 300-foot required lot depth demarcation from the CSX railroad right-of-way and from the metro (WMATA) noise generator. In this case, approximately 15 townhouse lots (Lots 46, 48, 102, 113, 114, 115, 116, 117, 118, 119, 120, 123, 124, 125 and 126) are proposed that do not meet the 300-foot lot depth. Lot 46 does not meet the required lot depth from the WMATA right-of-way, and Lots 48, 102, 113–120, and Lots 123–126 do not meet the lot depth from the CSX railroad right-of-way. The applicant also requested a variation for the multifamily parcels, however, those parcels do meet the lot depth requirement and a variation is not necessary. The applicant has proposed mitigation measures to reduce adverse impacts to an acceptable level.

Pursuant to Section 24-121(a)(4) of the Subdivision Regulations, residential lots adjacent to an existing or planned transit right-of-way shall be platted with a depth of 300 feet to provide adequate protection from adverse impacts from noise and vibration nuisances. This requires an applicant to develop residential lots which meet the 300-foot lot depth. The lot depth requirement is intended to provide an opportunity to locate dwelling units away from noise and vibration sources. Section 24-121(a)(4) states:

(a) The Planning Board shall require that proposed subdivisions conform to the following:

(4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of

freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. The applicant has filed a variation from the residential lot depth requirement of 300 feet and submitted a statement of justification on March 12, 2013.

Section 24-113(a) sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

Approval of the applicant's request does have the effect of nullifying the intent and purpose of the Subdivision Regulations if approved as requested.

(1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;

The statement of justification accompanying the variation request indicates that the variation would not be detrimental to public safety, health, welfare, or injurious to other properties because the proposed lot depth of less than 300 feet will not prevent the applicant's ability to mitigate the effects from the adjacent transit right-of-way. It is stated that required noise mitigation, per the appropriate COMAR (Code of Maryland Regulations) section, for interior and exterior uses of the property will be provided and is recommended. The proposed multifamily building located adjacent to the CSX right-of-way will act as a buffer for most if not all of the townhouses and the buildings themselves will be "treated architecturally" to mitigate interior levels.

The townhouses at the southeast boundary will be mitigated by either a noise wall or by a multifamily dwelling located between the lots and the CSX railroad right-of-way to reduce noise on outdoor activity areas. Additionally, stormwater management and tree save areas will provide safety and screening from the right-

of-way. It further states that, taken together, these measures will provide necessary protection against nuisance noise impacts from the adjacent tracks. Staff is in agreement with the submitted noise report which recommends the provision of a noise barrier for the exposed lots and structural mitigation of the buildings, which will also serve to mitigate for other townhouse lots. If a multifamily building is located between the townhouse lots and the CSX railroad along the southern portion of the site, the noise wall would not be required. The applicant should submit a revised noise study prior to certification of the DSP to demonstrate that noise is mitigated and that a noise wall would not be necessary.

(2) The conditions on which the variations is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The statement of justification for the variation request states that the site is located within the Capital Beltway (I-95/495) and that the surrounding areas have been developed in some manner over the years. It further states that the area of the site nearest the CSX line is long and narrow with a configuration that is unique to the surrounding properties and that, without the variation, the site layout would be hindered by poorly placed roads and connectivity, and that it would not be possible to develop the site as described in Primary Amendment A-10018, District Council Order No. 11-2012.

In addition to the applicant's justification, strict adherence to the lot depth requirement would further limit the developable area of the site, which has been reduced by a required buffer along the frontage of Baltimore Avenue (US 1), road dedication, and stormwater management requirements.

(3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and

The applicant will have to obtain permits from other local, state, and federal agencies as required by their regulations; therefore, approval of this variation request would not constitute a violation of other applicable laws.

(4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.

The site is located in the Developed Tier and is located near existing transit. The site concept proposes a walkable mixed-use development as approved by A-10018, District Council Order No. 11-2012. Without approval of this variation, the owner would undergo hardship as opposed to mere inconvenience because

requiring the 300-foot lot depth along the CSX right-of-way would encumber more than an acre of this site, thus negatively impacting both residential and commercial development potential, and the development standards of M-U-TC Zone for an urban and walkable neighborhood could not be met. The statement of justification indicates that the shape of the property, which is narrow along the railroad, results in conditions of this particular property which dictates that much of the residential portion of the site be pushed towards the rear of the property in order to allow the commercial retail access and proximity to US 1. Site topography requires extensive earthwork operation to put the development on grade for construction while maintaining the existing WSSC water line and trolley trail through the site.

(5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is not located in any of the listed zones and therefore this finding does not apply.

In conclusion, the variation to the 300-foot lot depth for 15 townhouse lots (Lots 46, 48, 102, 113-120, 123-126 based on the preceding analysis is approved. The details of the location and details of the noise wall, with regard to height and materials, will be provided and reviewed at the time of DSP if required. The noise wall should be located on a separate parcel to be conveyed to a homeowners association to ensure permanent maintenance and ownership. Access for maintenance is necessary and a minimum of a ten-foot clear zone access area should be provided around the entire base of the noise wall. The additional parcel, if necessary, should be considered consistent with this PPS.

Based on the preceding findings, the Planning Board approved a variation to Section 24-121(a)(4) of the Subdivision Regulations for the required 300-foot lot depth for 15 townhouse lots.

11. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 11589-2010-00, was approved on May 3, 2010 and is valid until May 3, 2013. The stormwater management concept plan shows the use of bioretention, extended detention, filtration, and 100 year attenuation. The street design and lot layout on the concept plan is different from the PPS and it appears the concept plan has not been certified by DPW&T. A valid Stormwater Management Concept Letter (11589-2010-01) dated May 7, 2013 has been submitted. Prior to signature approval of the PPS, the associated plan should be submitted and should be in substantial conformance with the approved PPS.

The approved stormwater management concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management Plan, Section 172 Watershed Management Planning, of the Prince George's County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, has been addressed with the approval of the stormwater management concept plan by DPW&T.

At the public hearing on May 16, 2013 the Planning Board recommends that prior to obtaining a building permit, a copy of the maintenance agreement for the Stormwater Management pond shown on Parcel I of the Preliminary Plan shall be submitted to the City of College Park by the applicant.

12. **Parks and Recreation**—This PPS has been reviewed by the Department of Parks and Recreation (DPR) for conformance to the Subdivision Regulations, the requirements of Primary Amendment A-10018 for Cafritz Property, the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*, R-55 zoning regulations, the Land Preservation and Recreation Program for Prince George's County, and the existing conditions within the vicinity of the proposed development as they pertain to public parks and recreation facilities.

Background

The subject property consists of 37.73 acres of land and is located on the east side of Baltimore Avenue (US 1), approximately 1,400 feet north of the intersection of US 1 and East-West Highway (MD 410). Running north to south and bisecting the property is the historic Rhode Island Avenue Trolley right-of-way. The 2010 *Historic Sites and District Plan* identified "Streetcar Suburbs" as a heritage theme. The Maryland & Washington Railway was the first streetcar line established in Prince George's County in 1897. It extended from Washington, DC to Hyattsville, Riverdale, and by 1902 out to Laurel. The Maryland and Washington Railway operated streetcars and trolley through Riverdale Park (68-004), Calvert Hills in College Park (66-037) and University Park (66-029), all of which are listed as "streetcar suburbs" on the National Register Historic Districts (NRHD). These neighborhoods are located to the south, west, and north of the subject property, respectively. Although the subject property is not within the above mentioned historic districts, the trolley right-of-way is a key component that links and unifies the above mentioned historic districts.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Riverdale Park MUTCD Plan have identified the abandoned Rhode Island Avenue right-of-way as a master-planned trail corridor. One of the conditions of approval of A-10018 is that the applicant must construct the portion of the Rhode Island Avenue Trolley Trail through the subject property. This condition states that the trail must be complete and open to the public prior to issuance of the third building permit on the subject property.

The Rhode Island Avenue Trolley Trail is a vital link in the M-NCPPC's park system. The trail corridor is approximately 3.9 miles in length and runs from Greenbelt Road (MD 193) in College Park to Armentrout Drive in Hyattsville. It is being developed as a major collaborative effort with the local municipalities of the City of College Park, the Town of Riverdale Park, and the City of Hyattsville. The Rhode Island Avenue Trolley Trail is envisioned as a major trail corridor that follows the existing trolley right-of-way not only for recreational purposes, but also as an important north-south commuter corridor parallel to US 1 (Baltimore Avenue) for pedestrians and bicyclists. As a result of collaborative efforts with the local municipalities, several sections of the trail have already been constructed north of the subject property. Funds have been allocated for M-NCPPC to start construction of several other phases in 2013. The Cafritz Property segment of the Rhode Island Avenue Trolley Trail corridor is approximately one-third of a mile in length and will connect Tuckerman Street to Albion Street. When complete (along with the M-NCPPC construction), the master-planned trail corridor will be continuous for almost two miles and connect College Park to Hyattsville.

Discussion

The applicant has submitted a PPS which proposes subdivision of the property into lots and parcels which provides for mixed-use development, which will include office, retail/flex, hotel, and residential. The residential development will consist of 126 single-family attached units along with 855 multifamily units. The total projected population of the development is estimated at 2,045 new residents. Based on Section 24-134 of the Subdivision Regulations, the dedication of 15 percent of the land area can be required by the Planning Board for mandatory dedication of parkland for that portion of the property used for residential purposes, or 20 acres. Based on the applicant's proposal, this requirement would yield three acres of parkland which could be required for mandatory dedication.

The PPS proposes to dedicate Parcels H and W (at the northern and southern ends of the property) to M-NCPPC for the implementation of the master-planned Rhode Island Avenue Trolley Trail, which is consistent with the master plan. The total proposed dedication from both Parcels is 1.12 acres of land. Parcels H and W would be connected by a 30-foot-wide public use easement to allow for a continuous section of the Rhode Island Avenue Trolley Trail to be constructed and implemented. The 30-foot-wide easement should connect directly to Parcel H to the north, as it appears to stop at homeowners association Parcel Q. The 30-foot-wide public use easement shall connect directly to Parcel H.

The alley which crosses Parcel Q should be designed and appropriate signage provided at the intersection of the alley and the trail to provide a clear visual signal to trail users and motorists of the crossing. The alley crossing is less obvious and could create the potential for unintended conflicts if not appropriately designed.

The Planning Board is requiring a street connection from the extension of Parcel JJ to the adjacent off-site parcel to the west, Parcel A, currently the post office. The public street connection to Parcel A will require a crossing of the trolley trail and a dedication of a portion of Parcel W for the public right-of-way.

The applicant has proposed private recreational facilities to satisfy the remaining portion of the requirements for mandatory parkland dedication. The PPS contains a proposed list of amenities and private recreation facilities that will be provided, broken out between the multifamily and townhome units. A sampling listing of the proposed outdoor amenities for the multifamily units include swimming pools, courtyards, barbecue areas, and shared gardens. The proposed indoor amenities for the multifamily units include fitness centers, recreation and club rooms, and media centers. The plans indicate that the townhome units will meet the private recreational facilities requirement with land dedication and construction of the master-planned Rhode Island Avenue Trolley Trail.

The applicant's proposal to meet the requirements of the Subdivision Regulations by providing private recreational facilities (as allowed by Section 24-134(b)), and the dedication of land for the trolley trail is approved. The proposed facilities must be superior or equivalent to those that would have been provided under the provision of mandatory dedication. The applicant originally proposed mandatory dedication separately for the multifamily and townhouse units. However, the development project is reviewed in its entirety as one uniform development for the provision for adequate park and recreational facilities pursuant to Section 24-134.

Additionally, construction of the master-planned Rhode Island Avenue Trolley Trail was a condition of approval for A-10018. The District Council's zoning approval (Subtitle 27) provided no guidance that the zoning approval was intended to meet an adequacy requirement of the PPS pursuant to Subtitle 24. The Planning Board has the sole authority in the approval of a PPS and the determination of adequate recreational facilities.

The mandatory dedication requirement is calculated on the total development and not on each dwelling unit type. Based on the projected population of 2,045, the private on-site recreational facilities should equal \$929,305.00. The applicant is providing 37 percent of the total mandatory dedication in land or 1.12 acres for the master plan trolley trail. The land dedication requirement is based on 20 acres for residential, yielding a possible three acres of land available for dedication pursuant to Section 24-134 of the Subdivision Regulations. Therefore, the private recreational facilities have a bonding requirement of \$585,462.00. The PPS provides a list of private on-site recreational facilities on Sheet 1 of 5 which exceeds \$1.6 million. With the addition of the land proposed for dedication and to be placed in a public use easement for the trolley trail to M-NCPPC, the recreational facilities package will exceed the minimum required.

The DSP will ensure that an appropriate distribution of amenities throughout the subject site will occur. While not counted toward mandatory dedication, the additional open space elements, including the Village Square (Parcel G) and the "linear park" green space within proposed Lots 1, 2, and 3, will also provide for seasonal outdoor activity areas. The applicant developed a set of plans and perspectives to depict the future design of the US 1 buffer area as a gateway park to the development. The park-like area exhibits include seating areas, trails, exercise stations, sculpture, historic interpretation, a children's play area, Wi-Fi access, bike stations, and a transportation kiosk. Overall, the recreational facilities proposed are acceptable in meeting the required

mandatory parkland dedication without including the construction of the master plan trail required by A-10018, provided more specific details and triggers for construction are provided at the time of DSP review.

The applicant's proposal of the combination of dedication of land for the master-planned Rhode Island Avenue Trolley Trail, along with a private recreational facilities package, will fulfill the requirements of mandatory parkland dedication under Section 24-134 of the Subdivision Regulations.

At the Planning Board hearing on May 16, 2013 the City of College Park requested that the Planning Board require the conveyance of Parcel H, the northern section of the Trolley Trail, be dedicated to the City of College Park instead of M-NCPPC. At the hearing staff advised the Planning Board that the Department of Parks and Recreation is in support of the conveyance of Parcel H once the construction of the trolley trail is completed and accepted for public use. The conveyance of Parcel H shall be subject to approval by the City Council of College Park with final approval of the Full Commission, and is not a condition of this approval.

13. **Trails**—This PPS has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, previous approvals, the *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan, in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is located on the east side of Baltimore Avenue (US 1) between Albion Road and Tuckerman Street. The site is covered by the MPOT, the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (area master plan), and Primary Amendment A-10018 (Basic Plan).

Conformance to Prior Approvals

Approved Basic Plan A-10018 included numerous conditions of approval related to bicycle and pedestrian facilities. Conditions related to bicycle and pedestrian facilities and the master plan trail along the Rhode Island Avenue Trolley corridor are discussed in the previous approvals finding.

Conformance to Master Plans

The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of

transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

POLICY 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.

The Rhode Island Avenue Trolley Trail

A preliminary review of the information provided by the applicant confirms that the former trolley right-of-way has reverted to the Cafritz Property (Parcel 81). Based on the ruling of the District Court referenced in a letter dated March 8, 2013 (Taub to Chellis), Cafritz owns the property in fee-simple. Therefore, the 50-foot trolley is part of the entirety of Parcel 81 and is correctly included in the PPS.

The MPOT includes the following project description for the Rhode Island Avenue Trolley Trail project:

Provide a shared-use trail along this former trolley right-of-way. Several segments of this trail have been implemented by the City of College Park. Planning work is also being done in Riverdale Park and Hyattsville. Where an existing roadway is within the former trolley right-of-way, bikeway and sidewalk improvements may be appropriate. Designated bike lanes shall be provided from Greenbelt Road north to Quimby Avenue (MPOT, page 31).

The submitted plans have relocated the trolley trail back to its historic right-of-way. Previous plans had reflected it along a proposed internal road approximately one block away. The Transportation Planning Section strongly supports this modification and believes that it will help to ensure that the trolley trail is the premiere regional facility and amenity intended in the master plan. This trail will connect to the historic Riverdale Park core, as well as Hyattsville to the south and College Park to the north.

Baltimore Avenue (US 1) Streetscape Improvements

The development and design concepts included in the Riverdale Park MUTCD Plan recommend an enhanced streetscape along Baltimore Avenue (US 1). The town center streetscape width varies from a minimum of 90 feet to a maximum of 110 feet. Within this area the following is required:

Sidewalk: An unobstructed seven-foot-wide walkway that is located adjacent to the street wall that is formed by the buildings.

Landscaping/Pedestrian Amenity Strip: Includes street trees and landscaping, and space for the placement of amenities such as benches, post office boxes, and pedestrian-oriented lights.

The Riverdale Park MUTCD Plan recommends five-foot-wide bike lanes along most of US 1 in the town center to facilitate bicycle commuting to the University of Maryland and other

communities along US 1 (MUTCD Plan, page 25). The approved development plan for the Cafritz property reiterates this recommendation. The sidewalk and streetscape along US 1 shall comply with the designs standards on pages 58-61 of the MUTCD Plan and the Design Standards for Public Space in the Cafritz Property Development Plan (page 17). Dedication required along US 1 will be sufficient to include all of the required streetscape elements.

The landscape buffer required along US 1 may include a pedestrian trail which is envisioned to meander through this “linear park.” The Planning Board determined that the sidewalk within the right-of-way of US 1 in accordance with SHA standards, does not duplicate the private path provided within the linear buffer along US 1. The sidewalk linking directly to the north and south within the right-of-way will allow hikers and bikers a direct line for commuting without having to enter the linear park on the applicant’s private property. The design and placement of the pedestrian trail within the buffer may not be desirable for pedestrian and biker commuters especially at night with the vegetation and meandering nature of the trail proposed through the property.

Dedication of 59 feet from the centerline along the properties frontage of US 1 is sufficient to include all of the required streetscape elements, including the seven-foot-wide sidewalk and designated bike lanes, to be in keeping with the Complete Streets element of the MPOT and the Riverdale Park MUTCD Plan. A condition of approval would provide for a reduction of the right-of-way dedication, if agreed to by the State Highway Administration, to not less than 52 feet from the center line of US 1 along the properties frontage to ensure that the required streetscape elements, including the seven-foot-wide sidewalk and designated bike lanes are provided.

Internal Sidewalk Connections

The internal road network includes seven-foot-wide sidewalks on commercial roads; five-foot-wide sidewalks on residential roads; eight-foot-wide sidewalks on the Van Buren Entry configuration; and seven-foot-wide sidewalks on the Woodberry Entry configuration. This appears to be adequate to accommodate pedestrian movement through the site and to both US 1 and the Rhode Island Avenue Trolley Trail.

Condition 3e of A-10018 requires that an east-west trail/bicycle connection be provided through the site between US 1 and the trolley trail. This connection is being provided along Van Buren Street with the provision of standard or wide sidewalks and designated bike lanes along both sides. The bikeshare station is proposed along Van Buren Street, and the majority of the commercial destinations are along Van Buren Street.

The transportation demand management plan (TDMP) has been amended to include a discussion of bicycle parking and a potential bikeshare station. The submitted plans have also been modified to include a location for the future bikeshare station and staff supports this location. However, more details are needed regarding the location, number, and type of bicycle parking provided, particularly with regards to how it meets current LEED-ND standards. Bike rack locations should be determined at the time of DSP, and should be consistent with Condition 6c of A-10018 and the approved Design Standards for Public Space in the Cafritz Property Development Plan.

The intersection of the trolley trail and Van Buren Street will be evaluated at the time of DSP and appropriate pedestrian safety modifications will be recommended at that time. Of primary importance will be getting trail users safely across this east-west road. The plan shows that the trolley trail will intersect and cross a private alley, Parcel EE, at the north portion of the site. That intersection should be carefully designed to ensure that the alley traffic crossing the trail will not create unintended conflicts for trail users and motorists.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

14. **Transportation**—The subject property consists of approximately 37.73 acres of land, of which about 35.83 acres are in the M-U-TC (Mixed Use Town Center) Zone and the remaining 1.90 acres are in the R-55 (One-Family Detached Residential) Zone. The M-U-TC Zone for the subject property was approved by the District Council through approval of Primary Amendment A-10018 on July 12, 2012. The property is located along the east side of Baltimore Avenue (US 1), approximately 1,400 feet north of the intersection of US 1 and East-West Highway (MD 410), south of US 1 and Albion Road, and west of the CSX railroad tracks.

The applicant proposes to re-subdivide Parcel 81, also known as Calvert Tract LLC, into 126 townhouse lots and 39 parcels. Parcels A, B, and C are proposed commercial lots that are fronting US 1, which do not propose direct access onto US 1. The existing site does not contain any development.

Growth Policy—Service Level Standards

The subject property is located within the Developed Tier and the US 1 corridor, as defined and designated in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

Unsignalized intersections: The *Highway Capacity Manual* (Transportation Research Board) procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delays in all movements not exceeding 50.0 seconds are deemed to yield an acceptable operating condition at unsignalized intersections.

Transit-Oriented Development (TOD): TOD is defined in the 2012 *Transportation Review Guidelines, Part 1* (Guidelines) as development that is pedestrian-oriented, and includes compact neighborhoods with moderate-to high-density land uses. Any TOD development within centers

and corridors, as designated in the General Plan (or any successor document) and amended by other master or sector plans, would be eligible for a trip reduction allowance from six percent for “Acceptable/Marginal TOD” to as much as 30 percent for “Excellent TOD” of the total calculated number of site-generated trips.

Proposed Development

The application is a preliminary plan of subdivision (PPS) for a phased mixed-use development, with an anticipated total build-out period of four years. The proposed development, as evaluated by the submitted traffic impact study, consists of approximately 981 residential units (636 multifamily units, 219 senior housing units, and 126 townhouse units); 22,000 gross square feet of office space; a 120-room hotel; and 168,000 gross square feet of commercial retail. The development levels stated in the submitted PPS consist of the same 981 residential units and between 248,880 to 373,320 square feet of development for the mix of commercial, hotel, and office uses.

The required adequacy findings for transportation facilities for this PPS are based on the projected number of AM and PM weekday, midday, or weekend (Saturday) peak-hour vehicle trips. The projected peak hour trips for the subject site are calculated using the procedures outlined in the 2012 *Transportation Review Guidelines, Part 1* (Guidelines) and the revised scoping agreement prepared per the requirements of the Condition 14c of Zoning Ordinance No. 11-2012 (Primary Amendment A-10018).

Transportation Adequacy Requirements

The maximum allowable site generated new trips must not exceed the maximum levels stated in Condition 22 of Zoning Ordinance No. 11-2012, and do not.

Under Section 24-124 of the Subdivision Regulations, prior to approval of a PPS, the Planning Board shall find that all impacted transportation facilities including existing, those listed with 100 percent of construction funds within either the adopted Prince George’s County Capital Improvement Program (CIP) or the current Maryland Department of Transportation Consolidated Transportation Program (CTP), incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1), or otherwise fully bonded and permitted for construction by the applicant, are adequate to accommodate the total projected traffic. The total projected traffic includes the sum of the existing traffic, traffic that will be generated by approved and not yet built development plans, and the projected traffic that will be generated by the four-year build-out of the proposed development.

The Site’s Projected AM/PM/Midday/Saturday Peak-Hour Traffic

Using the applicable trip generation rates contained in the Guidelines and the recommended midday and Saturday rates contained in the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, the net build-out peak-hour vehicle trip generation for each required analysis period is presented in the table below:

Proposed Use	Peak Hour
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	Weekday		Midday	Saturday
	AM	PM		
Residential				
219 units senior housing	28	35	38	66
Less internal capture (ITE)	-2	-7	-7	-8
Less -30% TOD (Guidelines)	-8	-8	-10	-17
New trips	18	20	21	41
Other housing types				
636 units multifamily housing	337	387	208	366
126 units of Townhouses	89	101	50	79
Less internal capture (ITE)	-16	-89	-44	-53
Less- 30% (Guidelines)	-123	-120	-64	-117
New trips	287	279	150	275
<i>Residential New Trips</i>	<i>305</i>	<i>299</i>	<i>171</i>	<i>316</i>
Office				
22,000 sq. ft. general office	44	41	29	9
Less internal capture(ITE)	-4	-11	-8	-3
Less -15% TOD (Guidelines)	-6	-5	-3	-1
<i>Office New Trips</i>	<i>34</i>	<i>25</i>	<i>18</i>	<i>5</i>
Hotel				
120-Room facility	78	96	60	86
Less internal capture(ITE)	-4	-18	-11	-10
Less -15% TOD (Guidelines)	-11	-12	-7	-11
<i>Hotel New Trips</i>	<i>63</i>	<i>66</i>	<i>42</i>	<i>65</i>
Retail				
168,200 sq. ft. retail (shopping center)	214	1,076	1,024	1,202
Less internal capture(ITE)	-25	-123	-69	-74
Less – 15% TOD (Guidelines)	-29	-143	-143	-169
Less pass-by trips-40% (Guidelines)	-18	-20	-21	-41
<i>Retail New Trips</i>	<i>80</i>	<i>404</i>	<i>536</i>	<i>633</i>
Total Net New Trips	482	794	767	1,019
Notes: The above figures include a total peak hour reduction of 30% for the residential, and 15% for office, retail and hotel uses, for what the Guidelines define as “Excellent” Transit Oriented Development (TOD). TOD is defined by the Guidelines as a development that creates options to single occupant vehicle use and support alternative modes of travel.				
The approved Transportation Review Guidelines-Part 1- 2012, allows for a 30% reduction for all uses contained in a development application if the proposed development is deemed “Excellent” TOD by having a combined TOD ranking score of 92 or more.				

The build-out of the proposed development is projected to generate 482 AM and 794 PM new weekday peak-hour vehicle trips, less than the 548 AM and 902-PM new peak-hour vehicle trip caps stated in Condition 22 of Zoning Ordinance No. 11-201.

Traffic Study Review and Findings

Background

With the proposed PPS, the applicant submitted for review a traffic impact study dated March 5, 2012 prepared by Wells and Associates, analyzing the total build-out of the site in four years, or by 2017. Unlike the 2012 traffic study that was submitted in support of an earlier submission that was eventually withdrawn by the applicant, this traffic study does not propose any interim phases for the build out of the development.

The submitted traffic impact study report included an updated analysis of all required intersections with traffic counts conducted in 2013 at the intersections of US 1 with Paint Branch Parkway, US 1 with MD 410 (East-West Highway), and River Road with MD 201 (Kenilworth Avenue). During the review of the previous submission, it was found that these three intersections were operating with traffic volumes that resulted in levels-of-service (LOS) conditions close to the upper limits of acceptable ranges. For all remaining intersections, the early 2012 or 2011 traffic counts were factored using an appropriate annual growth rate (0.5 percent), which was calculated using available Maryland State Highway Administration (SHA) traffic trends.

The Guidelines require using traffic counts that are less than one year old for all intersections that are included in any submitted traffic study for review. On March 15, 2013, a revised traffic study addendum was submitted that included new AM and PM weekday, midday, and Saturday peak period traffic counts collected in the early months of 2013 and revised critical lane volume (CLV) analysis for all intersections. Per staff direction, and to fully document the potential impact of the proposed development, the March 15, 2013 traffic addendum also included a detailed analysis of the reported CLVs comparing the older counts with the counts collected in 2013 to fully document any changes in LOS for all 18 studied intersections.

Following the preliminary review for sufficiency and compliance check with regard to the requirements of Condition 14c (1-8) of Zoning Ordinance No. 11-2012, both reports and all supporting addendums were referred electronically to SHA, the Department of Public Works and Transportation (DPW&T), the City of College Park, the Town of Riverdale Park, and the Town of University Park for review and comment.

The findings outlined below are based upon a review of submitted reports and written comments provided by the reviewing agencies and municipalities, and additional analyses conducted by staff, consistent with the Guidelines and the approved plans.

Existing Conditions

Pursuant to the scoping agreement, the traffic impact study identified the following intersections as the critical intersections, with existing traffic conditions for each analysis period summarized within the table below:

WEEKDAY EXISTING TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	AM	PM
US 1 & Paint Branch Parkway/Campus Drive	B/1081	B/1095
US 1 & Rossborough Lane	A/648	A/797
US 1 & College Avenue/Regents Drive	A/666	A/886
US 1 & Knox Road	A/646	A/894
US 1 & Calvert Road	A/484	A/685
US 1 & Guilford Road	A/656	A/736
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/576	A/542
US 1 & future Northern Access Road	N/A	N/A
US 1 & Van Buren Street*/Future Main Access Road	(10.2) Seconds	(12.7) Seconds
US 1 & Future Southern Access Road	N/A	N/A
US 1 & MD 410	D/1442	E/1593
US 1 & Queensbury Road	A/883	A/937
Paint Branch Parkway & River Road	A/564	A/634
MD 201 & River Road	B/1044	B/1025
Rivertech Court and River Road*	(18.1) Seconds	(28.7) Seconds
Rhode Island Avenue & Queensbury Road *	(10.3) Seconds	(10.9) Seconds
Lafayette Avenue & Queensbury Road *	(8.7) Seconds	(14.8) Seconds
Natoli Place & Queensbury Road *	(9.1) Seconds	(10.2) Seconds

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a simple two-phase signal operation results in 1,150 or better.

MIDDAY & SATURDAY EXISTING TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	Midday	SAT
US 1 & Paint Branch Parkway/Campus Drive	N/S**	B/1050
US 1 & Rossborough Lane	N/S	A/712
US 1 & College Avenue/Regents Drive	A/905	A/702
US 1 & Knox Road	N/S**	A/948
US 1 & Calvert Road	N/S**	A/627
US 1 & Guilford Road	N/S**	A/640
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/451	A/534
US 1 & future Northern Access Road	N/A	N/A
US 1 & Van Buren Street*/Future Main Access Road	(12.5) Seconds	(12.4) Seconds
US 1 & Future Southern Access Road	N/A	N/A
US 1 & MD 410	D/1382	E/1507
US 1 & Queensbury Road	A/629	A/860
Paint Branch Parkway & River Road	N/S**	A/230
MD 201 & River Road	N/S**	A/540
Rivertech Court and River Road*	N/S**	(9.3) Seconds
Rhode Island Avenue & Queensbury Road *	(8.1) Seconds	(8.7) Seconds
Lafayette Avenue & Queensbury Road *	(8.3) Seconds	(9.0) Seconds
Natoli Place & Queensbury Road *	(9.4) Seconds	(10.0) Seconds

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a simple two-phase signal operation results in 1,150 or better.

** N/S: Not required by the traffic study scope.

Background Conditions

As required, the background condition evaluates the anticipated background traffic with existing and programmed transportation infrastructure and improvements that are 100 percent funded, or bonded and permitted for construction.

The background traffic combines growth in existing traffic volumes attributable to development outside the study area with traffic that would be generated by approved, but not yet built developments within the study area. A review of the historical SHA traffic volume maps indicates that US 1 in the immediate vicinity of the site has experienced less than 0.1 percent growth per year over the last seven years. Therefore, staff concurs that the use of the 0.5 percent per year growth rate for US 1 through 2017, the proposed build-out year, used in the analysis is appropriate. In addition, there are nine approved, but not yet built development plans, including M

Square/ Riverside and Maryland Book Exchange, in the study area which would collectively contribute a total of new 2,939 AM weekday peak hour trips; 3,110 PM weekday peak hour trips; 2,168 mid-weekday peak hour trips; and 1,795 Saturday peak hour trips to the area road network.

For the background condition, the traffic study includes the provision of a double left-turn lane along northbound US 1 at its intersection with MD 410, which is fully funded in the current CTP with construction scheduled for the later part of 2013, and the following two improvements for the signalized intersection of River Road with MD 201:

- a. Additional right-turn lane on the eastbound approach of MD 201 at River Road
- b. Additional left-turn lane on the northbound approach of MD 201 at River Road

These two improvements are fully bonded by the University of Maryland, the owner and developer of the M-Square development to the west.

It is, however, important to note that as part of the most recent analysis done by SHA for the proposed Purple Line between New Carrollton and Bethesda, the construction of these improvements may no longer be feasible. SHA is considering an alternative set of improvements that would accommodate the proposed Purple Line alignment and the projected traffic that is anticipated by the build-out year for the Purple Line.

The results of background analyses are shown within the following table:

WEEKDAY BACKGROUND TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	AM	PM
US 1 & Paint Branch Parkway/Campus Drive	C/1250	D/1395
US 1 & Rossborough Lane	A/752	A/859
US 1 & College Avenue/Regents Drive	A/839	B/1065
US 1 & Knox Road	A/841	B/1090
US 1 & Calvert Road	A/637	A/849
US 1 & Guilford Road	A/781	A/871
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/717	A/688
US 1 & future Northern Access Road	N/A	N/s
US 1 & Van Buren Street*/Future Main Access Road	(13.5) Seconds	(14.8) Seconds
US 1 & Future Southern Access Road	N/A	N/A
US 1 & MD 410 W/ SHA funded improvement	E/1400	E/1586
US 1 & Queensbury Road	A/993	B/1023
Paint Branch Parkway & River Road	A/690	A/819
MD 201 & River Road w/ planned improvements	D/1358	C/1164

WEEKDAY BACKGROUND TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	AM	PM
Rivertech Court and River Road * Two-phase CLV Calculation	(250) Seconds 643	(264) Seconds 811
Rhode Island Avenue & Queensbury Road *	(10.7) Seconds	(11.2) Seconds
Lafayette Avenue & Queensbury Road *	(8.6) Seconds	(12.9) Seconds
Natoli Place & Queensbury Road *	(8.8) Seconds	(9.5) Seconds

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a simple two-phase signal operation results in 1,150 or better.

MIDDAY & SATURDAY BACKGROUND TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	Midday	SAT
US 1 & Paint Branch Parkway/Campus Drive	N/S**	C/1299
US 1 & Rossborough Lane	N/S	A/987
US 1 & College Avenue/Regents Drive	A/857	A/977
US 1 & Knox Road	N/S**	B/1020
US 1 & Calvert Road	N/S**	A/708
US 1 & Guilford Road	N/S**	A/819
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/505	A/667
US 1 & future Northern Access Road	N/A	N/A
US 1 & Van Buren Street*/Future Main Access Road	(12.6) Seconds	(16.9) Seconds
US 1 & Future Southern Access Road	N/A	N/A
US 1 & MD 410 w/ SHA funded improvement	C/1126	D/1433
US 1 & Queensbury Road	A/783	B/1055
Paint Branch Parkway & River Road	N/S**	A/340
MD 201 & River Road w/ planned improvements	N/S**	A/647
Rivertech Court and River Road	N/S**	(10.9) Seconds
Rhode Island Avenue & Queensbury Road *	(8.4) Seconds	(9.1) Seconds
Lafayette Avenue & Queensbury Road *	(9.0) Seconds	(9.3) Seconds
Natoli Place & Queensbury Road *	(9.3) Seconds	(9.2) Seconds

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a simple two-phase signal operation results in 1,150 or better.

** N/S: Not required by the traffic study scope.

Future (Total) Conditions

An analysis of the traffic data under “Total” conditions for the build-out of the proposed development represents a combination of background traffic and site-generated traffic, as presented above. The total traffic analysis conditions reported in the following tables are based upon the following additional concepts, assumptions, and proposed roadway improvements:

- a. The vehicular access to the site will be via three access points on US 1, the connection to River Road and MD 201 via a proposed new two-way and grade-separated CSX crossing, and a connection to Maryland Avenue. The Planning Board is also requiring public street connections to Parcel A (Post Office site) to the west, WMATA to the north and Rhode Island to the south, however these connections were not a part of the transportation analysis.

- b. The proposed northern access to US 1 was analyzed as right-out only, while the proposed southernmost access to US 1 was assumed as right-in only. The proposed main access driveway to US 1, opposite existing Van Buren Street, will accommodate all movements except for east-west traffic crossing US 1. At the Planning Board hearing the Transportation Planning Section clarified that pedestrian and bike movements between existing Van Buren Street west of Baltimore Avenue (US1) and proposed Van Buren Street would be accommodated by required high visibility crosswalk and pedestrian traffic controls, design features, and traffic channelization that must be installed per SHA standards at the intersection of Van Buren Street and US1.
- c. The total traffic conditions represent the full build-out of the project in four years, without additional analysis or findings for any phasing of the proposed development.
- d. The submitted traffic report results are based on the full 30 percent reduction of the projected vehicle traffic that would be generated by the proposed residential uses and 15 percent by the proposed retail, office, and hotel uses, as noted by the Guidelines for any development that is deemed as “excellent” TOD. The Guidelines further define TOD as a development that offers residents, employees, and visitors a convenient non-automobile-based commute to a quality mix of jobs, shopping, and entertainment by incorporating measures within the proposed development that are designed to optimize the use of alternatives to the private automobile. In a completed checklist for determining the appropriate trip reduction credits for TOD, the applicant’s traffic consultant indicated that the proposed development would have its on-site pedestrian pathways direct, convenient, and continuous with existing and proposed off-site pedestrian facilities as well as providing attractive and protected on-site transit stops and other strategies that places much greater emphasis on promoting alternate modes of transportation to and from the site.
- e. In addition to the TOD trip reductions noted above, the submitted traffic report applied additional reductions to the projected site traffic based on the recommended ITE procedures, to account for the number of potential pass-by trips for the proposed retail uses and internal trips.
- f. Per the requirements of the Guidelines, the proposed directional distribution of some background traffic and site traffic assumes that both the proposed new CSX grade crossing with connections to River Road and MD 201, and the proposed vehicular connection to the existing Maryland Avenue, are either complete and open to traffic, or are fully funded or bonded, and permitted for construction by the appropriate authorities prior to issuance of any building permit.
- g. Conversion of the outside through lane along northbound US 1 to a through/right-turn lane at the proposed southern and main access roadways to the site.

h. Provision of a traffic signal and associated geometric improvements at the US 1/Van Buren/Future Main Access Roadway intersection and as specified by Zoning Ordinance No. 11-2012, which includes traffic islands and barriers, per SHA standards and specifications, that would eliminate the potential for any traffic from either direction of Van Buren Street to cross US 1 completely and gain access to the other side.

WEEKDAY TOTAL TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	AM	PM
US 1 & Paint Branch Parkway/Campus Drive	C/1231	D/1379
US 1 & Rossborough Lane	A/764	A/878
US 1 & College Avenue/Regents Drive	A/855	B/1095
US 1 & Knox Road	A/855	B/1099
US 1 & Calvert Road	A/647	A/880
US 1 & Guilford Road	A/831	A/946
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/762	A/760
US 1 & Site's north Access*	(10.5) Seconds	(13.6) Seconds
US 1 & Van Buren Street/ Site's Main Access W/ Signal	A/716	B/1044
US 1 & Site's South Access*	(10.4) Seconds	(12.5) Seconds
US 1 & MD 410 W/ SHA funded improvement	D/1389	E/1590
US 1 & Queensbury Road	A/958	B/1019
Paint Branch Parkway & River Road	A/682	A/750
MD 201 & River Road w/ planned improvements	D/1441	C/1203
Rivertech Court and River Road *	(933) Seconds	(645) Seconds
Rhode Island Avenue & Queensbury Road *	(10.7) Seconds	(11.4) Seconds
Lafayette Avenue & Queensbury Road *	(8.6) Seconds	(13.1) Seconds
Natoli Place & Queensbury Road *	(8.8) Seconds	(9.5) Seconds

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a simple two-phase signal operation results in 1,150 or better.

MIDDAY & SATURDAY TOTAL TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	Midday	SAT
US 1 & Paint Branch Parkway/Campus Drive	N/S**	D/1318
US 1 & Rossborough Lane	N/S	B/1007
US 1 & College Avenue/Regents Drive	A/818	B/1017
US 1 & Knox Road	N/S**	B/1074
US 1 & Calvert Road	N/S**	A/763
US 1 & Guilford Road	N/S**	A/908
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/562	A/760
US 1 & future Northern Access Road	(11.2) Seconds	(12.2) Seconds
US 1 & Van Buren Street/ Main Access w/ planned signal	A/784	A/963
US 1 & Future Southern Access Road	(10.8) Seconds	(11.4) Seconds
US 1 & MD 410 w/ SHA funded improvement	B/1121	D/1442
US 1 & Queensbury Road	A/785	B/1055
Paint Branch Parkway & River Road	N/S**	A/332
MD 201 & River Road w/ planned improvements	N/S**	A/691
Rivertech Court and River Road *	N/S**	(8.7) Seconds
Rhode Island Avenue & Queensbury Road *	(8.6) Seconds	(9.3) Seconds
Lafayette Avenue & Queensbury Road *	(9.1) Seconds	(9.4) Seconds
Natoli Place & Queensbury Road *	(9.3) Seconds	(9.3) Seconds

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a the simple two-phase signal operation results-in 1,150 or better.

** N/S: Not required by the traffic study scope.

The results shown in the tables above indicate that all studied intersections would operate acceptably under total traffic, provided that the noted improvements are either constructed or fully bonded and permitted for construction, including the proposed traffic signal and channelization at the US 1/Van Buren Street/ Future Center Access roadway, the proposed multimodal roadway including the CSX crossing that extends from US 1 to River Road in a dedicated and direct alignment, and the proposed vehicular connection to Maryland Avenue.

In addition to the above intersection level-of-service analysis, and at staff's request, a queuing analysis was done for the US 1 southbound left turns at the proposed signalized intersection of Van Buren Street and the Future Center Main Access roadway using the total projected traffic. This queuing analysis indicates that a maximum queue length of 400 feet plus the required taper, per SHA standards, would be needed. Since this required length is significantly less than the

existing 1,200 feet from this location to the next signalized intersection to the north along US 1, staff concurs with the report findings that a single left-turn lane at this location would be sufficient to accommodate the total build-out left-turn traffic from US 1 southbound.

Finally, SHA has been provided with a signal warrant analysis for the US 1/Van Buren Street/Future Center Access roadway intersection prepared by the applicant's traffic consultant, and has concurred with the analysis results that the projected traffic volumes are sufficient to meet several signal warrants (Warrant 1A, Minimum Vehicular Volume; Warrant 1B, Interruption of Continuous Traffic; and Warrant 2, Four Hour Volumes). A technical memorandum that included the results of the requested SYNCHRO analysis for a segment of US 1 that include both upstream and downstream signals and the proposed new signal at Van Buren Street were also submitted by the applicant's traffic consultant to M-NCPCC, SHA, DPW&T, and the three municipalities for their review and comment.

Conformance to the Approved Plans

The subject property is covered by the recommendations of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the July 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan, Zoning Ordinance No. 11-2012), which amended the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park MUTCD Plan). The PPS conforms to these plans with conditions.

The existing right-of-way for US 1 in the vicinity of the subject site is approximately 60 feet wide. The existing roadway consists of two substandard and narrow (ten feet wide) travel lanes on each side and a ten-foot-wide center left turning lane. While there are no sidewalks along the property frontage or along the WMATA property, sidewalks exist along US 1 and north of the WMATA property within the limits of the City of College Park and south of the subject site within the limits of the Town of Riverdale Park.

Both approved plans envision and recommend US 1 as a four-lane collector roadway with turning lanes at selected intersections. "Turning lane" refers to the provision of left-turn and exclusive right-turn lanes, the latter also referred to as "deceleration lane." On page 25 of the 2004 Riverdale Park MUTCD Plan it is stated that: "The plan also includes slightly wider travel lanes, 11 feet, to comply with ASSHTO standards for safety. This plan shall be used to calculate build-to lines and design the streetscape for all new development until the SHA has adopted a new Plan." The recommended future right-of-way width for US 1 adjacent to the subject property is 90 to 110 feet.

The submitted plan shows the dedication of public right-of-way of 45 feet from the existing centerline along the entire US 1 property frontage, or dedication of an additional 13 to 15 feet from the property line. This amount of dedication will result in partial reconstruction of US 1, on a relatively short segment (between the proposed Southern Access roadway and the Future Center Main Access roadway).

During a recent multi-agency transportation-focused meeting with the applicant's representatives, SHA representatives expressed the need for the submitted plan to show dedication of 59 feet

measured from the existing US 1 centerline or dedication of an additional 14 feet along the properties frontage of US 1. This amount of dedication would provide for the complete reconstruction of US 1 along the limits of the subject property as a five-lane roadway with adequate accommodation for on-road bike lanes and sidewalks in a dedicated right-of-way, to complete the multimodal roadway as envisioned by the approved plans. This is due to the fact that there is no practical opportunity to expand the existing right-of-way limits along the western edge of US 1, due to the presence of several existing homes. By keeping the west side curb lane as it currently exists, this would provide for the reconstruction of US 1 per current SHA and ASSHTO (American Association of State Highway and Transportation Officials) standards and specifications as a complete and multimodal street. It would greatly enhance the safety for all users, especially at the proposed US 1/Van Buren/Future Center Main Access roadway intersection, since the site would be separated from through northbound traffic on US 1.

The required dedication for US 1 is substantially less than the maximum right-of-way dedication width (equivalent to the width of a primary residential street or 60 feet in width) that the Planning Board may require as part of any PPS approval. Furthermore, it is also important to note that SHA, as part of the approval of any access permit, has the authority to require full dedication for the construction of improvements deemed needed to bring the state frontage road to current standards, providing for all modes of transportation, and safely and efficiently accommodating the anticipated traffic.

On-Site Circulation and Access Review

The subject property is adjacent to US 1. As noted earlier, the subject site will be served by three access driveways from US 1, two of which are proposed to be stop-controlled, a CSX railroad crossing that will extend east to River Road, and a southern access driveway connection to Maryland Avenue. The main access driveway along US 1 will be opposite existing Van Buren Street and is proposed as a multi-lane divided gateway with an extra-wide median to be used for public gathering places and plazas. Since this roadway provides a connection to major focal points of the proposed development, it is essential that this roadway be constructed in a dedicated right-of-way with wide sidewalks, wide crosswalks, on-road bike lanes, and bus stops with shelters and other passenger amenities, as proposed by the applicant. The planned bikeshare and car-share stations, as well as an on-site taxi loading/waiting zone need to be along this main gateway. The extension of this roadway is also proposed as a connection to the planned CSX crossing, the Riverdale Park town center, and the Riverdale MARC Station. The plan also shows the extension of existing Maryland Avenue into the subject property connecting to the proposed internal street network. The plan will also provide a public vehicular stub-connection from the proposed internal streets to the WMATA property, the U.S. Postal Service (USPS) property, and Rhode Island Avenue to the south. These connections will establish and begin to form a desirable future street grid system, if and when these properties are redeveloped.

At all three proposed US 1 access points, the submitted plan should incorporate the configuration, required right-of-way, frontage improvements, channelization, and crosswalks per the requirements suggested by the Town of University Park and SHA recommendations and standards.

The submitted PPS shows the proposed CSX crossing at a location east of Van Buren Street extended. This location is consistent with the recommendations of the University of Maryland exhibit dated May 7, 2013 for the J Crossing (Version J.3.300). CSX Transportation Inc. provided an approval letter for a general crossing location in a letter addressed to the Chairman of the Prince George's County Planning Board dated March 30, 2012. The CSX approval requires the provision of horizontal and vertical clearances as specified by CSX for this or any proposed crossing location. The applicant has submitted an approval letter from the University of Maryland (Spector to Hewlett) dated May 7, 2013, as indicated, that is subject to conditions which includes that the location of the bridge be consistent with the J-Crossing (Version J.3.300), consistent with the revised plans submitted by the applicant on May 1, 2013. The applicant will be required to obtain an approval letter for the crossing location from the Maryland Department of Transportation (MDOT) prior to permits for the bridge construction.

Staff would note, that the applicant should explore the provision of granting an access easement to the southern proposed access roadway for use by future redevelopment of the existing USPS property (Parcel A). SHA may also require this as part of their approval of the applicant's planned access permit application to US 1. Provision of an access easement at this location would enable staff and SHA to require the provision of additional right-of-way as part of any future plans to redevelop the current USPS site. With this added right-of-way dedication, it would be possible to provide the needed right-turn lane (deceleration lane) from US 1 northbound for the proposed southern access roadway, as well as the inclusion of on-road bike lanes that would greatly improve the overall safety of all users including the anticipated truck traffic for the proposed retail uses on the subject site.

Review of Transportation Related Conditions and Considerations

District Council Zoning Conditions

On July 2012, the District Council approved the rezoning of the subject property (Cafritz at Riverdale Park) from the R-55 Zone to the M-U-TC Zone in Primary Amendment A-10018. Zoning Ordinance No. 11-2012 (A-10018) contains several transportation-related conditions relevant to the review of this PPS. Several of these transportation conditions and considerations require review at, or prior to, approval of the PPS. The status of these transportation-related conditions and considerations as contained in Zoning Ordinance No. 11-2012 are summarized below:

3. Prior to acceptance of any application for a Preliminary Plan of Subdivision, the following information shall be provided:

- e. one east-west bicycle route through the site either along Van Buren Street or Woodbury Street, in order to accommodate east-west bicycle movement through the site, to the trolley trail, to the planned bicycle facilities along Baltimore Avenue (US 1), and across the CSX crossing.**

The plan shows a five-foot-wide bike lane along both sides of the proposed CSX crossing and is conditioned to provide it along Van Buren Street Extended and along US 1. Provision of five-foot-wide on-road bike lanes on both sides of cross sections (EE, GG, HH, JJ, NN, PP, and QQ) would create a much better biking network between the proposed uses and the surrounding communities and nearby transit stations.

g. The proposed cross sections, roadbeds, streetscape dimensions, and the use of medians shall be fully incorporated into the application of the preliminary plan so that the width and configuration of the streets can be reduced, yet adequate in design to address the traffic patterns within the development and vehicular and emergency access. The use of public streets in accordance with the standards of the Department of Public Works and Transportation (DPW&T) shall also be considered to serve certain uses and to determine future maintenance of the transportation facilities, including a bridge over the CSX railroad.

Originally the submitted plan proposed all internal streets in the proposed subdivision, except for the CSX crossing, as private streets and not as public roadways. At the Planning Board hearing the applicant proffered to dedicate all of the internal streets to public use with the exception of the alley's and Parcel DD in Parcel C, which resulted in a revision of a number of previous recommendations. The approval of this PPS requires this dedication. The importance of Van Buren Street Extended and its connection to the proposed CSX crossing to all users wishing to travel between US 1 and MD 201, as well as the College Park Metro Station and Town of Riverdale Park MARC Station, is addressed with the applicant agreeing to dedicate the streets with lane widths and geometric configurations as deemed appropriate by DPW&T and the Town of Riverdale Park for access by all users, including transit and school buses, as well as large emergency vehicles.

14c. A Revised Traffic scoping agreement and Impact Study that:

- (1) Accurately reflects the development proposal and anticipated phasing;**
- (2) Eliminates corridor averaging for all intersections included in the Study;**
- (3) Analyzes midday and Saturday (10:00 a.m. – 6:00 p.m.) traffic impacts;**
- (4) Analyzes all proposed connections, including the proposed CSX Crossing and Maryland Avenue;**
- (5) Analyzes the impact of the development on the intersections as specified in the scoping agreement and those in the July 27, 2011 study, as well as the evaluation of the existing prevailing conditions and traffic impact of the development on Queensbury Road, existing Maryland Avenue, Rhode Island**

Avenue south of Town Center, Lafayette Avenue, Natoli Place, River Road, and other roads as appropriate;

- (6) **Provides for vehicle trip reduction through measures including but not limited to rideshare, Zipcar (or similar) programs, bike share, enhanced transit service such as a shuttle and/or circulator bus, and the CSX crossing;**
- (7) **Considers all future development and its effects on the corridor and intersections as identified in (c)(5) above for any projects that have an approved detailed site plan or preliminary plan of subdivision within the study area to include at a minimum the eastern portion of the 2004 approved M-U-TC Zone area; and**
- (8) **Does not take a discount by redirecting existing traffic on East-West Highway that would not otherwise travel up Baltimore Avenue to the Cafritz Property.**

This condition has been met. This condition requires specific analysis procedures and a traffic impact study scope that has been fully incorporated in the submitted traffic studies, the prepared subsequent technical addendums, and within this decision.

15. **After completion of construction and final inspection of on-site public roads, and upon request of the Town of Riverdale Park, such roads shall be dedicated and turned over to the Town, in such manner and subject to such reasonable terms and conditions as the Town may require, for public use. The determination as to which on-site roads will be public roads subject to dedication and turnover to the Town shall be determined at the time of Preliminary Plan of Subdivision.**

As stated earlier, all internal streets with the exception of the alley's and Parcel DD in Parcel C will be dedicated to public use. The streets with lane widths and geometric configurations should be constructed and deemed appropriate by DPW&T and the Town of Riverdale Park, including adequate width and curb return radii, and per the agreed-upon standards to ensure safe accommodation of all modes, especially transit buses and commercial and emergency vehicles, and is a condition of approval.

17. **At the time of Preliminary Plan of Subdivision submission, the applicant shall submit a Transportation Management Plan (“TMP”) for the entire development. The TMP shall include provisions to provide for the full funding of the TMP by the owners of the property. The TMP and funding obligations shall run with the land until such time as a Transportation Demand Management District (“TDMD”) is established and includes the property. The TMP shall identify and establish a series of measures to achieve a maximally-efficient use of the adjacent transportation facilities. As the project is developed and occupied, modifications and additions to the TMP shall establish vehicle trip reduction goals with reporting and monitoring**

provisions subject to independent verification by DPW&T. Specifics of the TMP shall include the following elements referenced in the applicant's letter to Susan Lareuse dated November 15, 2011, pages 9-10, and car and bike share and residential and employee subsidies. The TMP shall also provide for a private shuttle to be provided as the applicant and the applicant's heirs, successors, and/or assignees' expense.

The applicant has submitted a commitment letter dated May 6, 2013 (Taub to Hewlett) and a transportation management plan (TMP) for the entire development, identifying strategies and containing most of the elements referenced in the "applicant's letter to Susan Lareuse dated November 15, 2011, pages 9-10." While the submitted TMP includes discussion of residential subsidies and provision of a private shuttle, it does not include any provision for car share, bikeshare, on-site taxi loading/waiting area, transit resources kiosks in residential lobbies, or employee subsidies.

The submitted TMP also lacks the required funding obligations that will ensure the required funding for the implementation of the required strategies and guarantees that their implementation will continue and "shall run with the land until such time as a Transportation Demand Management District is established" by the District Council. To this end, staff recommends that the applicant enter into a recorded agreement with DPW&T after review and approval by the three municipalities of College Park, Riverdale Park, and University Park which includes specific vehicle trip reduction goals and objectives for each identified strategy, with full financial commitment by the applicant to implement each of them, along with a commitment to work with WMATA to enhance and increase service hours and headways of the existing TheBus Route 17, known as the Route 1. This commitment agreement should also include the provision of a bus stop within the subject property that would be served at least by the Route 1 service, as well as the submission of annual monitoring and evaluation reports to M-NCPPC, DPW&T, and the municipalities for review and future modifications to the TMP, if deemed warranted. The revised TMP should also include the provision of car sharing (at minimum to include three designated spaces with two cars), bike sharing (at minimum to include 11 docks and six bikes), taxi service, bus stops with shelters and benches, transit resource kiosks in residential lobbies, and employee subsidies as referenced in the "applicant's letter to Susan Lareuse dated November 15, 2011, pages 9-10." These revisions are required to the TMP prior to signature approval of the PPS.

To ensure future conformance to this condition, approval of a covenant or a transportation management agreement is required to be recorded in land records prior to approval of the final plat.

18. **Prior to approval of a Preliminary Plan of Subdivision, the applicant shall provide a commitment to organize and achieve a private shuttle vehicle to and from the Prince George's Plaza Metro station and the College Park Metro station as necessary to achieve a 15-minuteheadway between 6:30 a.m. to 9:00 a.m. and 4:30 p.m. to 7:00 p.m., Monday through Friday. This requirement may be provided as part of the TMP and may be satisfied privately or by participating in one or a combination**

of existing or future adjacent public transportation services. Specifications and assurances for any shuttle service shall be provided prior to issuance of any use and occupancy permit. Service is to continue until there is a preferred alternative approved by the municipalities and the applicant may substitute an equivalent to the private shuttle service.

The applicant has submitted a letter of commitment dated May 6, 2013 (Taub to Hewlett) to organize and achieve a private shuttle vehicle. However, the applicant has not submitted any document showing the proposed shuttle route and/or proposed service hours, which must include 15-minute headways between 6:30 a.m. to 9:00 am and 4:30 p.m. to 7:00 p.m., as well as the required funding. The applicant also has not provided any evidence of coordination with any of the existing transit operating agencies to evaluate if the proposed shuttle service can be implemented by expanding or changing existing transit service for approval and funding of the proposed service.

To ensure future conformance to this condition, approval of a covenant or transportation management agreement is required to be recorded in land records prior to the approval of the final plat.

19. Prior to approval of the Preliminary Plan, the applicant shall provide details of its commitment to participate in a circulator bus program, whether as part of a TDMD or other effort, and shall contribute funds for this purpose.

The applicant has submitted a letter of commitment dated May 6, 2013 (Taub to Hewlett) to participate in a circulator bus program and to contribute funds for this purpose. The applicant should work with WMATA and/or DPW&T to possibly enhance the existing TheBus Route 17 (Route 1 Shuttle) by ensuring that service hours are extended, weekend service is provided, existing headways are decreased especially during the AM and PM peak commuting periods, as well as ensuring that a convenient and attractive bus stop for this service is established within the subject site. This commitment should provide for either (1) a new circular bus and/or (2) the enhancement to the existing TheBus Route 17 (Route 1), that at minimum will consist of extending its service hours to 9:00 p.m. during week nights, provision of week-end service, improving the frequency of its service (to 30 minute headways or less), and inclusion of a service stop within the core of the proposed development.

To ensure future conformance to this condition, approval of a covenant or transportation management agreement is required to be recorded in land records prior to approval of the final plat.

22. Establish a trip cap of 548 AM new peak hour trips and 902 PM new peak hour trips for full build-out of the development that may be amended, but not increased at the time of Preliminary Plan. The trip cap will not include purely internal trips.

This condition is fully met. The traffic study (dated March 5, 2013) and technical addendum (dated March 15, 2013) submitted in support of the proposed development and reviewed for making the required adequacy findings concludes that the proposed development, at build-out and with implementation of all appropriate trip reduction measures used in the study, will generate no more than 482 new AM peak-hour vehicle trips, 794 new PM peak-hour vehicle trips, 767 new midday peak-hour vehicle trips, and 1,019 Saturday peak-hour vehicle trips. Since the required adequacy determination for existing and planned transportation facilities are based on these lower caps, this approval includes a lower AM and PM vehicle trip caps than those required by Condition 22 of the zoning approval.

24. Prior to the approval of the Preliminary Plan of Subdivision, the applicant shall do the following, subject to the opportunity for review and comment by the Town of Riverdale Park and the Town of University Park:

- a. The Preliminary Plan shall show a roadway connection from the first phase of the development on the property to existing Maryland Avenue at the southern boundary of the property (the “Van Buren Extension”).**
- b. Applicant shall make provisions at Preliminary Plan of Subdivision to construct, to at least a similar standard as the existing Maryland Avenue roadway to the immediate south of the property, an extension of Maryland Avenue from the southern boundary of the property to where the existing roadway ends north of Tuckerman Street (the “Maryland Avenue Extension”). Provided that right-of-way exists, construction of the Maryland Avenue Extension must be completed before Prince George’s County issues the first use and occupancy permit for any retail, office or hotel use on the Property. No portion of any building on the Property may be used or occupied until construction of the Maryland Avenue Extension has been completed and opened for travel by public safety vehicles.**

The extension of Maryland Avenue is shown and has been incorporated in the submitted PPS.

25. Prior to the approval of a Preliminary Plan of Subdivision (the “Preliminary Plan”), the applicant shall do the following, subject to the opportunity for review and comment by Prince George’s County, the Town of Riverdale Park, and the Town of University Park:

- a. The Preliminary Plan shall show a crossing over the adjacent CSX railroad tracks (the “CSX Crossing”). The “CSX Crossing” shall mean a bridge, raised roadway, underpass or any other type of way, including on-site and off-site approaches, for vehicles, bicycles and pedestrians to pass across the railroad right-of-way to travel between the subject property and lands to the east of the property with a connection to a public road.**

The submitted PPS shows the proposed CSX crossing east of proposed Van Buren Street Extended. This location is slightly different, but in substantial conformance with the two potential CSX crossing locations identified by the Development Plan, specifically Option B. The submitted plan shows the details of the bridge cross sections and the bridge elevation profile.

- b. Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.**

By letter dated May 6, 2013 (Gingles to Himler), the applicant provided staff with notice of a funding mechanism using a combination of public and private funds that include:

Private Funds—50 percent of the total cost, not to exceed the amount of \$5 million by the Developer.

Public Funds—Tax increment revenues resulting from the creation of a development district created by the Town of Riverdale Park to finance an amount not to exceed one-third of the total cost, excluding the developer's contribution. The Town of Riverdale Park adopted Resolution No. 2-13-R-11 on April 1, 2013, said resolution authorizing the creation of a Tax Increment Financing District ("Calvert Tract Development District") within the Town.

Public Funds—Up to two-thirds of the total cost, excluding the developer's contribution, by other federal, state or local funding and/or special tax revenues to finance improvements resulting from a Prince George's County special taxing district petitioned for by the developer. A petition has been submitted by the applicant requesting authorization of the special tax district, which request is embodied in Council Resolution CR-28-2013, scheduled for public hearing on May 14, 2013.

For PPS purposes, this condition is satisfied.

- c. Provide letters from the CSX and University of Maryland (or the affected land owner), that recommend approval of the CSX Crossing as shown on the Preliminary Plan and identify the land or right-of-way acquisition cost, if any, necessary for the construction of the CSX Crossing on land owned by the University (or the affected land owner).**

The applicant has acquired an approval letter from CSX Transportation Inc. for a proposed crossing, provided such crossing meets CSX required horizontal and vertical clearances. The applicant has also provided staff with an approval letter from the University of

Maryland dated May 7, 2013 (Spector to Hewlett), the affected property owner, for the proposed crossing location referred to as J Crossing (Version J.3.300). The revised plans submitted on May 1, 2013 reflected the bridge location 13 feet south from that reflected on the University of Maryland exhibit attached to their May 7, 2013 letter. The PPS, Type 1 tree conservation plan, DSP, and Type 2 tree conservation plan are in accordance with the J Crossing (Version J.3.300).

d. Provide cost estimates for the design, permitting and construction of the CSX Crossing, including off-site land or right-of-way acquisition costs, if any.

The applicant has provided staff with a detailed cost estimate for the design, permitting, and construction of the proposed CSX crossing, including off-site land or right-of-way acquisition cost.

Further, the applicant shall participate in the design, provision and acquisition of rights-of-way, permitting, funding and construction of the CSX Crossing, equal to half the complete costs, but not to exceed Five Million Dollars (\$5,000,000). The applicant, its successors and assigns, shall make all reasonable efforts to obtain public funding (federal, state, county, municipal) as necessary in addition to its CSX contribution to construct the CSX Crossing. Public funding may include all or a portion supported by tax increment financing as may be authorized in accordance with state and local laws. If the manner of public funding is tax increment financing, or any other funding mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property.

This condition has been addressed.

27. **The applicant, the Town of Riverdale Park, and the Town of University Park will work together to petition the County Council to initiate and establish a Transportation Demand Management District (“TDMD”) program under the Prince George’s County Transportation Demand Management District Ordinance Subtitle 20A. Consideration should be given to establishing the boundaries of the TDMD to extend from Paint Branch Parkway to Queensbury Road. Once a TDMD is established, the applicant will provide financial support and the “TMP” will become part of the District and will be monitored by the Transportation Management Authority (“TMA”). The TDMD should provide for traffic reduction goals and periodic independent verification of monitoring whether the goals have been met, including restricting the maximum allowable density to a level that will generate average net additional daily vehicle trips on Baltimore Avenue that are not more than 20% above current levels, and net additional peak hour trips that are no more**

than 20% above current peak-hour vehicle trips at AM (06:00-09:00), mid-day (11:00-14:00), PM (16:00-19:00), and Saturday (10:00-18:00). These counts will be performed at a fixed location specified in the TDMD between East-West Highway and the southern entrance, and between Queens Chapel Road and the northern entrance, to the project and will be based upon traffic estimates that have been reviewed and determined to be reasonably accurate by the Transportation Planning Section of M-NCPPC. If the goals of the TDMD are not met, additional vehicle trip reduction measures to resolve the problem will be required pursuant to the requirements of Subtitle 20A.

This condition does not require, as a condition of approval, the establishment of a transportation demand management district (TDMD). However, staff is not aware that any such petition to initiate and establish a TDMD has been prepared or submitted for approval by the County Council.

District Council Zoning Considerations

- 1. Extending the Rhode Island Avenue Trolley Trail across the Washington Metropolitan Area Transit Authority (WMATA) property, connecting to the terminus of the existing trail at Albion Street and south to Tuckerman Avenue.**
- 2. Establishing a parking district to promote shared parking within the Town of Riverdale Park town center and with the adjacent Armory with the cooperation of the United States.**

The submitted plan shows the Rhode Island Avenue Trolley Trail located across the WMATA property, connecting to the terminus of the existing trail at Albion Street and south to Tuckerman Avenue.

Staff is not aware that any petition to initiate and establish a parking district under the County Code to promote shared parking within the Town of Riverdale park town center and with the adjacent armory with the cooperation of the United States has been prepared or submitted for approval by the County Council.

Transportation Conclusions

In accordance with the above findings, adequate transportation facilities would exist as required pursuant to Section 24-124 of the Subdivision Regulations.

At the Planning Board hearing on May 16, 2013, in accordance with the recommendations of the City of College Park, the applicant will request that the Prince George's County Department of Public Works and Transportation (DPW&T) and the appropriate operating agencies, and WMATA provide a Route#17 (Route 1 Ride) bus stop on Route 1 at or near the Van Buren Street entrance to the property, and if approved, to provide said bus stop at the approved location.

15. **Variation to Section 24-128 (b)(7)(A)**—The preliminary plan originally proposed all streets and alleys as being private with the exception of the CSX crossing. The plan showed townhouse lots having frontage on private streets and access onto private alleys and multifamily parcels having frontage and direct access onto private streets. The applicant filed a variation request from Section 24-128(b)(7)(A) of the Subdivision Regulations to allow all rights-of-way and alleys to be private for the entire development. However, the applicant at the Planning Board hearing proposed conditions (Applicant Exhibit 1) to convert all of the private streets to public streets to be dedicated to public use with the exception of the alley's and Parcel DD on Parcel C. Therefore, this variation was withdrawn by the applicant at the hearing.
16. **Schools**—The residential portion of this PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003, and concluded the following:

Residential

Impact on Affected Public School Clusters
Attached Single-Family Units

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	126	126	126
Pupil Yield Factor	0.140	0.113	0.108
Subdivision Enrollment	18	14	14
Actual Enrollment	32,692	9,421	14,494
Total Enrollment	32,710	9,435	14,508
State Rated Capacity	36,567	11,807	16,740
Percent Capacity	89%	80%	87%

Multi-Family Units

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units*	606	606	606
Pupil Yield Factor	0.042	0.039	0.033
Subdivision Enrollment	25	24	20
Actual Enrollment	32,692	9,421	14,494
Total Enrollment	32,717	9,445	14,514
State Rated Capacity	36,567	11,807	16,740
Percent Capacity	89%	80%	87%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

*Not including age-restricted

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (i-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$8,762 and \$ 15,020 to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Nonresidential

The commercial portion of this PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded that this portion of the subdivision is exempt from a review for schools because it is a nonresidential use.

17. **Fire and Rescue**—The residential portion of this PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations, and is within the recommended response times.

Residential

The proposed development is within the seven-minute required response time for the first due fire station using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
7	Riverdale	4714 Queensbury Road

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

Nonresidential

The commercial portion of this PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
7	Riverdale	Engine	4714 Queensbury Road	1.19	3.25	Within
1	Hyattsville	Ladder Truck	6200 Belcrest Road	1.43	4.25	Within
12	College Park	Paramedic	8115 Baltimore Avenue	2.19	4.25	Within
7	Riverdale	Ambulance	4714 Queensbury Road	1.19	7.25	Within

Capital Improvement Program

The Prince George's County Capital Improvement Program (CIP) for Fiscal Years 2012–2017 proposes replacing the existing Hyattsville Fire/EMS station with a new four-bay fire/EMS station.

The above findings are in conformance with the 2008 *Adopted and Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

18. **Police Facilities**—The subject property is located in Police District I, Hyattsville. The response time standard for residential is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The PPS was accepted for processing by the Planning Department on March 12, 2013.

Residential

Reporting Cycle	Previous 12 Month	Emergency Calls	Nonemergency Calls
Acceptance Date 3/12/2013	3/2012-2/2013	6 minutes	13 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and the 25 minutes for nonemergency calls were met on March 25, 2013.

The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

Nonresidential

The proposed development is within the service area of Police District I, Hyattsville. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the July 1, 2012 (U.S. Census Bureau) county population estimate is 881,138. Using 141 square feet per 1,000 residents, it calculates to 124,240 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

19. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in dormant water and sewer Category 3. An active Category 3 must be obtained for the subject property for water and sewer through the administrative amendment procedure administered by the Department of Environmental Resources, prior to approval of a final plat.

Water and sewer lines in Baltimore Avenue (US 1) abut the property. Water and sewer line extensions and/or an on-site system may be required to service the proposed subdivision and must be approved by WSSC. The WSSC easements must be approved prior to final plat as a part of an approved utility plan, as discussed further in this report.

20. **Health Department**—The Prince George's County Health Department has evaluated the proposed PPS and has no comments.

21. **Public Utilities Easement**—In accordance with Sections 24-122(a) and 24-128(b)(12) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The preliminary plan (PPS) shows a ten-foot-wide public utility easement (PUE) along Baltimore Avenue (US 1), the only street currently proposed as a public right-of-way. Staff is recommending a combination of public and private streets. The preliminary plan shows seven-foot-wide PUEs within all private rights-of-way for the site. The applicant has a variation request from Section 24-128(b)(12) to reduce the ten-foot-wide PUE along private right-of-way to be a seven-foot-wide PUE within the private right-of-way. Staff has analyzed this requested variation in light of the staff recommendation to convert several streets within the community to public rights-of way. A ten-foot-wide PUE is also required along public rights-of-way.

Section 24-128(b)(12) of the Subdivision Regulations states:

(a) **The Planning Board shall may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:**

(12) **Private roads provided for by this Subsection shall have a public utility easement contiguous to the right-of-way. Said easement shall be at least ten (10) feet in width, and shall be adjacent to either right-of-way line.**

The applicant is asking for relief from this requirement to allow nine private rights-of-way, Woodberry Street (Parcel AA), 45th Street (Parcel BB), Van Buren Street (Parcel CC), 46th Street (Parcel FF), Underwood Street (Parcel DD), Parcel GG, Parcel HH, Parcel JJ, and Parcel II, on the site to have a reduction in the width of PUE to seven feet in width and to be located within the private right-of-way. The PPS shows a ten-foot-wide PUE along US 1, a public right-of-way, and along Maryland Avenue and Parcel KK, private rights-of-way.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. The applicant has filed a variation from Section 24-128(b)(12) which was submitted on March 29, 2013 and was heard on April 12, 2013 at the Subdivision Development Review Committee (SDRC) meeting as required by Section 24-113(b).

Section 24-113(a) reads:

(a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this**

Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

It could not be determined if the granting of the variation for a reduction and relocation of PUEs will serve the utility companies to a greater extent than the standard ten-foot-wide PUE required for both public and private streets by Subtitle 24. The applicant was advised at the SDRC meeting on March 29, 2013 that staff would support a reduction and relocation of the utility easements if the alternative was approved by all of the affected utility companies. Staff advised the applicant that they could demonstrate this agreement by submitting an approved utility plan signed by all of the affected utilities. At the time of the approval of this PPS, staff has not received that approved alternative utility plan from the applicant.

(1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;

Applicant Response: The private rights-of-way as proposed upon the subject property are designed to provide safe and efficient use and transport by vehicles, pedestrians, and bicyclists. The rights-of-way have been designed to accommodate emergency vehicles and will be properly maintained by the homeowners association and/or business association, to be created for the residences and businesses upon the subject property. With regard to the PUEs, whatever width and/or location is approved must be accepted to be safe and appropriate by the affected utility.

Since the SDRC meeting, staff has informed the applicant that an alternative PUE must be acceptable to all affected utilities, including WSSC and Washington Gas. A color-coded utility plan must be approved by the affected utilities and submitted to staff for the review. A color-coded utility plan has been submitted, but the plan has not been approved by the affected utilities and, therefore, it cannot be determine if the grant of the variation would be detrimental to public safety, health, or welfare.

(2) The conditions on which the variations is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

Applicant Response: The subject property is being developed as an integrated mixed-use town center development, to include commercial uses (retail, service, and office uses), a proposed hotel, residential townhomes, and residential

multifamily buildings, along with a hiker-biker trail and other open space to serve the various uses within this development. Adjacent development evidences a “suburban design and character” as contrasted with the pedestrian-, bicycle-, street-friendly design of the proposed project. Similar design aspects are incorporated into the few other truly urban places successfully implemented in the county, e.g., National Harbor and the Arts District Hyattsville. Private streets are an integral part of both of those successful communities. The requested variations are for this proposed development only, and are unique to this particular property in a manner that is not generally applicable to other properties.

While the applicant does not clearly establish the uniqueness of this property to other properties, the density and intensity of development on this site are unique to the surrounding properties.

(3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and

Applicant Response: We find no evidence or statutory issue indicating that the variations do or would constitute a violation of any other applicable law, ordinance, or regulation.

The applicant will have to obtain permits from other local, state, and utility companies as required by their regulations; therefore, approval of this variation request would not constitute a violation of other applicable laws.

(4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.

Applicant Response: The proposed development upon the subject property will be an urban, pedestrian-oriented development, which will be attractive and amendable to pedestrians and bicyclists, while still providing safe and efficient rights-of-way for vehicular traffic as well. The development will include larger sidewalks than ordinarily included in most developments and the placement and width of utility easements may vary, depending upon the particular use to be served within this development. There is inherent flexibility in private rights-of-way which may be necessary to address these needs within the development as proposed. The lack of flexibility which may result if the rights-of-way are public could well result in a hardship to the owner in attempting to provide the easements that may be required. For this same reason, and especially given the urban nature of the proposed development, it is important to maintain flexibility in the width, and possibly the location, of the PUEs upon the subject property.

Additionally, the proposed development will utilize some nontraditional paving materials, which will provide a unique design and character within the proposed development. Such treatments are generally disfavored by public jurisdictions for public streets as a result of the additional costs required for snow removal and other general maintenance upon streets composed of these materials. These issues are handled by the homeowners association and/or the business association if the streets are private. Losing the design character that is necessary to create and attract the style of living and amenities anticipated by the zoning for this property would negatively impact the success commercial and residential uses sought, and thereby create a particular hardship to the owner, distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

The property is 37.67 acres in size and does have an irregular shape not shared by other properties being exceptionally narrow along the eastern property boundary.

(5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

Applicant Response: The site is not located in any of the listed zones; therefore, this condition does not apply.

The subject site is not located in any of the listed zones; therefore, this requirement is not applicable to the site.

In conclusion, the PPS must provide a ten-foot-wide PUE along the public and private rights-of-way. However, the Riverdale Park MUTCD Plan contains design standards and guidelines for streetscape that may impact the applicant's ability to provide standard PUEs in a dense urban environment. The applicant can provide an alternative PUE that is acceptable to all affected utilities, including WSSC and Washington Gas. A color-coded utility plan must be approved by all of the affected utilities and be submitted. A color-coded utility plan has been submitted, but the plan has not been approved by the affected utilities.

The implications of providing a ten-foot-wide PUE along all of the public and private streets on the layout of the PPS and DSP are significant and, while the Planning Board supports an alternative, the applicant must gain the approval of the utility companies. Prior to the approval of any final plat, the applicant must submit evidence of the utility plan approval or a ten-foot-wide PUE is required abutting all public and private streets. This could require a revision to the DSP if the approved utility plan does not match the alternative currently reflected on the DSP and PPS.

22. **Historic**—The Historic Preservation Commission (HPC) reviewed the subject application at its April 16, 2013 meeting and voted 6-0-1 (the Chairman voted “present”) to forward the following findings, conclusions, and recommendations to the Planning Board for its review of Preliminary Plan of Subdivision, 4-13002, Cafritz Property.

HPC recommends to the Planning Board approval of Preliminary Plan 4-12004 with the following conditions:

- a. All future plans of development for the subject property shall include the identification and boundaries of the Engineering Research Corporation (ERCO) Historic Site (68-022); and the Riverdale Park (68-022), University Park (66-029), and Calvert Hills (66-037) National Register historic districts.
- b. The applicant and the applicant’s heirs, successors, and/or assignees shall preserve-in-place the portion of Archeological Site 18PR259 that includes the ice house and shall establish a perpetual archeological easement. The extent of the easement shall conform to the Historic Preservation Section recommendation prior to signature approval of the detailed site plan (DSP), and shall also be reflected on the preliminary plan (PPS) and tree conservation plan (TCP) prior to signature approval. The DSP and PPS must be consistent.
- c. Prior to approval of the final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall draft for approval a perpetual archeological easement to the benefit of M-NCPPC for the portion of Archeological Site 18PR259 that includes the ice house. The easement shall set forth the rights, responsibilities, and liabilities, and shall include accommodation for reasonable access to M-NCPPC. The easement document shall be approved by M-NCPPC and fully executed prior to approval of the final plat, and recorded in the land records by the applicant. The liber and folio and limits of the easement shall be indicated on the plat prior to recordation.
- d. Prior to any ground disturbance or the approval of any grading permits, the applicant and the applicant’s heirs, successors, and/or assignees shall provide a final report detailing the Phase II and Phase III archeological investigations.
- e. Prior to issuance of a building permit for the lot on which the ice house archeological feature is located, the applicant and the applicant’s heirs, successors, and/or assignees shall ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.

Background

The subject property comprises approximately 37.73 acres, is bordered on the west by Baltimore Avenue (US 1) and on the east by CSX railroad tracks, and is located north of Tuckerman Street and south of Albion Road in Riverdale Park, Maryland. The subject application proposes a

residential, commercial, hotel, and office development. Portions of Archeological Site 18PR259 (ice house) is located on proposed Parcel C and borders the south side of the right-of-way of Van Buren Street.

The ERCO building (68-022), a Prince George's County historic site, is adjacent to the southeastern portion of the subject property. Built in 1939, the ERCO building is a two-story industrial structure with a large administrative block finished in the Moderne style and a larger rear factory that is without ornamentation. This industrial building mimicked the design of contemporary transportation machinery such as ships, airplanes, and automobiles, and industrial and consumer products, such as bicycles, toasters, radios, and vacuum cleaners. Built by Henry Berliner, the ERCO plant is representative of the significant developments in aviation that took place in the county; the factory produced the Ercoupe (the first tricycle aircraft that was touted as characteristically incapable of spinning) and was later adapted to meet defense needs during World War II.

Also adjacent to the subject property are the Riverdale Park (68-004), University Park (66-029), and Calvert Hills (66-037) National Register historic districts to the south, west, and north, respectively.

The Riverdale Park Historic District (listed December 2002) is significant as a late nineteenth and early twentieth century railroad and streetcar suburb that surrounds the Calvert family's Riversdale plantation house (a national historic landmark completed in 1807). The suburb of Riverdale Park began in earnest around 1890 and includes a range of houses that reflect late nineteenth and early twentieth century residential architectural preferences. The University Park Historic District (listed in October 1996; boundary expansion pending) is an early twentieth century automobile suburb begun in 1920 that reflects middle-class residential architectural styles through World War II, and in the post-war period until 1960). The Calvert Hills Historic District (listed in December 2002), formerly a part of the Calvert family's Riversdale Plantation is significant as a late nineteenth and early twentieth century streetcar and automobile suburb. The earliest houses in Calvert Hills are from the 1890s, although the majority date from the 1920s and 1930s, and reflect the architectural taste of the pre-World War II period. The National Register historic districts are not regulated by Subtitle 29, the Prince George's County Historic Preservation Ordinance.

The developing property was once part of Charles Benedict Calvert's Riversdale plantation. Charles Calvert donated land for and was the founder of the Maryland Agricultural College, now the University of Maryland. In addition, he served one term in the United States Congress from 1861 to 1863, representing the Sixth District of Maryland. After the death of Charles Calvert in 1864, his estate was divided amongst his wife and children. His son, Charles Baltimore Calvert, was allotted a tract comprising 203.5 acres that was approximately 600 yards wide and stretched from Baltimore Avenue on the west, across the Baltimore and Ohio (B&O) railroad tracks to Paint Branch and Edmonston Road on the east. Calvert built a residence known as MacAlpine and developed a farm on his property around 1868. Calvert designed and supervised the construction of the house and the various outbuildings that included a brick cow barn, a brick icehouse, a brick carriage barn, a meat house, a smokehouse, and a wooden corn shed/wagon shed. MacAlpine was

built on the site of an earlier structure occupied by a foreman of the Riversdale estate that was destroyed by fire. An old well from the earlier structure served MacAlpine until it ran dry. A new well, pump house, and water tower were placed directly behind the house and served as the water supply until public water utilities were installed in the twentieth century.

Historic photographs of MacAlpine show that the structure was a Georgian-style brick residence with a full-length porch on the front with a central stairway and a low balustrade. The farm produced about 200 barrels of corn per year, as well as a substantial quantity of dairy products. Charles Baltimore Calvert died in 1906 and his family continued to reside at the MacAlpine estate until 1910. Between 1910 and 1917, MacAlpine was used as the Calvert family's summer residence. Charlotte Calvert Spence (a daughter of Charles Baltimore and Eleanor Calvert) and her husband, Thomas H. Spence, a Dean of the University of Maryland, moved into MacAlpine in 1917. Eleanor Calvert died in 1932 and Charlotte and Thomas Spence moved from MacAlpine in 1934. The Calvert family eventually rented the MacAlpine estate to the Longfellow School for Boys in 1934 and subsequent years.

The subject property was acquired by the federal government in 1942 and a residential development, known as Calvert Homes, was built for the defense workers at the nearby ERCO plant. All of the houses were built on concrete pads, some units containing two bedrooms and others just one. The Calvert Homes development was closed in 1954 and was subsequently demolished.

In 1948, the Prince George's County Board of Education purchased a 1.4-acre tract adjacent to the MacAlpine house for use as a school for the residents of Calvert Homes. After the demolition of the Calvert Homes development, the school continued to be used to educate physically handicapped children. Morris Cafritz acquired the subject property in 1960 and the property remains in the possession of the Cafritz family. The MacAlpine house was subsequently demolished and there are no remaining buildings on the subject property.

The Washington Branch of the B&O Railroad (now the CSX line) was completed along the eastern edge of the subject property in 1835. Established by a group of Baltimore businessmen to compete with the canal systems, the B&O provided rail access to Chicago, St. Louis, Baltimore, Washington, Philadelphia, and New York City by the end of the nineteenth century. The railroad ran through the center of Charles Calvert's Riversdale plantation with a stop located near its intersection with the Baltimore Washington Turnpike (now US 1), just north of Bladensburg. The railroad is now owned by CSX Transportation and borders the eastern edge of the subject property.

With the growth of suburbs surrounding Washington, DC in the late nineteenth century, streetcar lines were established to shuttle residents to and from their jobs in the nation's capital. Charles Baltimore and Eleanor Calvert conveyed a right-of-way through their property to the Columbia and Maryland Railway Company in 1895. The Columbia and Maryland Railway Company established a streetcar line that ran parallel to the B&O tracks and reached Hyattsville and Riverdale in 1899. The trolley line reached Berwyn by 1900. The railway company changed names over the years and was eventually acquired by the City and Suburban Railway of Washington. This

trolley line contributed to the growth of the Riverdale Park and Calvert Hills communities. The last trolley ran on the Maryland Line in 1958.

Findings

A condition of the zoning case requires the review of the PPS by HPC for its impact on identified archeological features, the impact of a potential vehicular access road on the ERCO historic site (68-022), and the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts.

A Phase I archeological survey was completed on the subject property in March 2008. Two historic archeological sites were previously recorded on the property in 1984: 18PR259, the MacAlpine Mansion, and 18PR260, the Calvert Homes residential development. The Phase I investigations in 2008 combined the two sites into one site, 18PR259, that included the MacAlpine Mansion and the Calvert Homes development. Pedestrian survey identified numerous concrete pads associated with the Calvert Homes development. Several features related to the MacAlpine Mansion were also noted, including a concrete-lined cellar, a pile of bricks where a barn is thought to have been located, and an ice house. The ice house at MacAlpine is one of only three surviving examples of the form in the county. The Riversdale Plantation was known to include several ice houses, all of which are no longer extant. Phase II investigations were recommended on the four features associated with the MacAlpine estate: the MacAlpine foundation, the ice house, the meat house, and the brick barn foundation. Very little cultural material was found in association with the Calvert Homes development. Therefore, no further work is required in the areas associated with the 1940s housing development.

Phase II archeological investigations were conducted on the Cafritz property in March 2012. Portions of the MacAlpine House foundation were exposed and several 3-x-3 foot (1-x-1 meter) test units were excavated on the interior and exterior to determine whether earlier intact archeological deposits remained and to identify the construction techniques used for the house. The concrete cellar identified in the Phase I survey was found to be a 1940s addition to the building when it was used as an administrative office for the Calvert Homes development under the ownership of the federal government. A chimney was added to the rear of the house in the 1940s to provide additional heating and remains of the chimney flue were identified in the Phase II investigations. The areas inside and outside the foundation walls of MacAlpine were heavily disturbed by the mid-twentieth century additions and uses. In addition, one of the granite monuments marking the outlines of various tracts comprising the Riversdale Plantation was found to the south of the house foundation.

Excavations around the ice house consisted of three exploratory trenches inside the structure to determine its size and its state of preservation. The upper portions of the brick-lined ice house were robbed and the opening was used as a trash dump through the 1940s and 1950s. The nature of the rubble deposit inside the ice house prevented further excavation and the base was not reached.

The area of what was identified as the bank barn in the Phase I survey was investigated with close-interval shovel testing and two test units. The west wall of a building was identified and two test units were excavated, one on the interior and one on the exterior of the building. Test Unit 1, located on the exterior of the building, revealed a thick layer of demolition debris overlying the original ground surface with a 21–22 percent slope. Test Unit 2 on the interior of the structure revealed a two-foot-thick layer of demolition debris overlying a 0.30-foot-thick ash layer. The building had a beaten earth floor. The east wall of the building was found in one of the shovel test pits. The east-west dimensions of the building were estimated to be 25 feet in width. Therefore, the building was interpreted as the carriage barn and not the bank barn.

The University of Maryland is the owner of the ERCO Historic Site (68-022), which is adjacent to the subject property to the east, across the CSX right-of-way. The University signed a Memorandum of Agreement with the Maryland Historical Trust in November 2012 to provide for the demolition of the ERCO building due to its deteriorated condition and to provide mitigation measures for the loss of the site. The PPS proposes that the bridge that will cross the CSX tracks on the eastern edge of the property will extend onto the University of Maryland property that contains the ERCO site. Although the ERCO building may be demolished in the future, it remains a Prince George's County historic site with an environmental setting that encompasses all of Lot 5 of the ERCO Subdivision (Plat Book REP196:53). Archeological Site 18PR258 was recorded on the ERCO property in 1984 and consisted of the standing structures and runways (now demolished) associated with the ERCO plant. The site measures 823 by 400 m (2,700 by 1,312 feet).

Tree conservation and other illustrative plans for the application indicate several potential impacts of the historical features on the property: (1) substantial grading that would remove all of the trees and seemingly the archeological features associated with the MacAlpine residence and the carriage barn currently identified on proposed Lots 2 and 3; (2) a vehicular connection between the subject property and the University of Maryland property containing the ERCO Historic Site to the east by means of a flyover across the CSX railroad right-of-way; (3) the illustrative plans for the proposed development indicate the possibility of multi-story buildings on the property that may have a visual impact on the adjacent National Register historic districts.

At its December 18, 2012 meeting, HPC reviewed a previous PPS application (4-12004) for the subject property. That plan did not provide for preservation-in-place of the ice house feature. HPC agreed that the ice house was a significant feature and noted that it was located on the edge of a proposed parking lot. HPC felt that the applicant had not explored all of their options to try to preserve this significant feature in place. Historic Preservation staff noted that there was insufficient information at that time to determine the exact location of the ice house feature within the developing property, the depth of the feature, or its physical character. In addition, there is insufficient information on the extent and integrity of the brick carriage barn. The applicant also had not presented alternative designs to try to avoid the ice house. HPC asked the applicant to further explore the possibility of preserving in place the ice house feature on the subject property.

At its April 16, 2013 meeting, the HPC reviewed the preliminary plan of subdivision for its impact on identified archeological features, the impact of a potential vehicular access road on the Engineering Research Corporation (ERCO) Historic Site (#68-022), and the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts. The subject preliminary plan application provides for the preservation-in-place of the ice house feature and for Phase III data recovery archeological investigations of the brick carriage barn. The HPC noted that the applicant had addressed the previous concern regarding the ice house feature by providing for its preservation in place and agreed that Phase III data recovery archeological investigations were appropriate for the carriage barn. The HPC reviewed and approved the applicant's Phase III work plan.

Conclusions

Phase II archeological investigations on the subject property revealed extensive disturbance to the MacAlpine House foundations, the ice house, and the outbuilding to the south. The floor plans of the MacAlpine House have been sufficiently documented through historic sources and the archeological investigations. Additional excavation within and around the foundation will not provide further significant information on the operations of the farm or its period of significance. No further work is recommended on the MacAlpine House foundations.

The ice house is a rare surviving structure type in Prince George's County. The ice house feature meets the following criteria for Phase III treatment in the *Guidelines for Archeological Review*: A—rarity, there are only two other examples of extant ice houses in the county; B—public value, the feature was built for Charles Baltimore Calvert whose family was instrumental in the establishment of the University of Maryland and the Baltimore & Ohio Railroad; C—research value, the ice house could provide information on food preservation practices in the late 1800s and early 1900s; D—site integrity, the lower portions of the structure appear to remain intact; and E—interpretive value in place, the ice house could be used to demonstrate food preservation practices in the late 1800s and early 1900s. The applicant has submitted a preliminary Phase III work plan with the DSP application that provides for preservation-in-place of the ice house feature and public interpretive measures.

The brick outbuilding meets criteria A—rarity, there are few all brick barns in Prince George's County; and C—research value, the ash layer within the outbuilding could provide information on farming activities on the MacAlpine farm in the 1930s. A plan for Phase III data recovery archeological investigations on the carriage barn was submitted with the applicant's DSP proposal.

The PPS application provides for preservation-in-place of the ice house feature within proposed Parcel C. A Phase III work plan for preservation of the ice house feature and data recovery archeological investigations of the brick carriage barn within Archeological Site 18PR259 was approved by HPC. A detailed plan for preservation of the ice house feature within a public plaza was submitted with the applicant's DSP proposal.

An initial plan for interpretive signage and other public outreach measures focused on the history and significance of the MacAlpine property, the Calvert Homes development, the ERCO factory, and the trolley right-of-way was submitted with the applicant's DSP proposal.

The ERCO Historic Site (68-022), its 13.71-acre environmental setting, and Archeological Site 18PR258 will be impacted by a proposed bridge that will cross from the subject property over the CSX tracks and onto the University of Maryland property to the east. The proposed bridge and its landing on the University of Maryland property will be reviewed by the Maryland Historical Trust in consultation with Historic Preservation staff if this proposal is approved. However, because the historic site is the subject of a Memorandum of Agreement between the University of Maryland and the Maryland Historical Trust providing ultimately for demolition, the impact of the railroad crossing should be considered *de minimis*. At its April 16, 2013 meeting, the HPC approved the bridge crossing as shown on the applicant's April 12, 2013 preliminary plan of subdivision submission, based on the ultimate demolition of the ERCO building.

The preliminary plan of subdivision does not show the location, dimension or character of proposed buildings. Therefore, the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts is more appropriately addressed with the detailed site plan. The HPC forwarded recommendations to the Planning Board regarding the impact of the proposed buildings with the detailed site plan application.

23. **Use Conversion**—The subject application is proposing 981 residential units, 168,200 square feet of commercial/retail space, 22,000 square feet of office space, and a 120-room hotel in the M-U-TC Zone. Primary Amendment A-10018 approved a mixed-use development for the site. If a substantial revision to the mix of uses on the subject property is proposed, that significantly affects Subtitle 24 adequacy findings, that revision may require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
24. **Background**—The subject site is located on Tax Map 42 in Grid D-1, and is known as Parcel 81. The majority of the site, 35.71 acres, is in the Mixed Use Town Center (M-U-TC) Zone and within the Town of Riverdale Park. A small portion of the site, 2.02 acres, is in the One-Family Detached Residential (R-55) Zone with 1.63 acres in the City of College Park and 0.39 acre in Riverdale Park. The current configuration of Parcel 81 is the result of the creation of Parcel 32 to the north and Parcel A to the west. In 1988, pursuant to a deed recorded in Prince George's County Land Records in Liber 7227 Folio 243, Parcel 32 to the north was subdivided from Parcel 81 by a Declaration of Taking by the Washington Metropolitan Area Transit Authority (WMATA), a state agency, for a "public use for construction, maintenance and operation of a rapid transit system and related facilities necessary." Parcel A was recorded in Plat Book WWW 69-62 on September 4, 1968 and conveyed to the United States Postal Service, and a 15-foot-wide strip of right-of-way was dedicated to public use at that time abutting the west side of the 50-foot-wide trolley trail easement. Parcel 81 is a legal acreage parcel never having been the subject of a preliminary plan of subdivision (PPS).

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Shoaff and Hewlett voting in favor of the initial and amended motion to include findings from the City of College Park, Variations from Section 24-121(a)(4) and Section 24-128(b)(12), and Type 1 Tree Conservation Plan TCP1-005-12, with Commissioner Washington absent, and on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey and Hewlett voting in favor of the motion to approve a Variance from Section 25-122(b)(1)(G), with Commissioner Shoaff opposing the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, May 16, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of May 2013.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:QN/WC:arj

Case No. SA-130001 Cafritz Property at
Riverdale Park Town Center
Development Plan

Applicant: Calvert Tract, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 13-57, to approve with conditions a secondary amendment to the Cafritz Property at Riverdale Park Town Center Development Plan dated July 12, 2012, for the M-U-TC zoned portion of the Cafritz Property in order to create a town center on 35.71 acres of land located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue, the amendments do not propose to change the Mixed Use Town Center (M-U-TC) Zone boundary; therefore, the request meets the definition of a secondary amendment pursuant to Section 27-546.14(b)(1) of the Zoning Ordinance, and is, AFFIRMED, subject to the District Council's original jurisdiction, pursuant to §27-132(f)(1), over SA-130001, and its authority to modify the decision of the Planning Board pursuant to §27-280 of the Zoning Ordinance.

As the basis for this action, the District Council, pursuant to §§ 27-132(f)(1), 27-546.14, 27-276, and 27-280 of the Zoning Ordinance, states its findings and conclusions in Attachment A of this Order. The District Council also adopts and incorporates by reference as if fully stated herein, the findings and conclusions stated by the Planning Board in its Resolution, PGCPB No. 13-63, except as otherwise stated in Attachment A.

ORDERED this 30th day of September, 2013, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, and Toles.

Opposed:

Abstained:

Absent: Council Member Turner.

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

ATTACHMENT A**ORDER OF APPROVAL WITH CONDITIONS SA-130001****FINDINGS, CONCLUSIONS, AND CONDITIONS****Procedural History**

This case involves the 2012 rezoning of 35.71± acres of vacant property from the R-55 Zone (One-Family Detached Residential) to the M-U-TC Zone (Mixed-Use Town Center) by the District Council in Zoning Ordinance No. 11-2012, which has been appealed to the Circuit Court for Prince George's County.¹ Calvert Tract, LLC is the applicant. The subject property and the name of the project are known as the Cafritz Property, legally described as Parcel 81, Tax Map 42, Grid D-1. The Cafritz Property is located approximately 1,400 feet north of the intersections of Baltimore Avenue (MD 410), on the east side of Baltimore Avenue, and it is within the municipal boundaries of the Town of Riverdale Park and the City of College Park. The 2012 rezoning expanded the 2004 Town of Riverdale Park Mixed-Use Town Center Zone Development Plan to include the 35.71± acres of the Cafritz Property for proposed commercial and residential development. *See* Zoning Ordinance No. 11-2012, PGCPB Resolution No. 12-09.

This secondary amendment (SA-130001) requests to amend the Cafritz Property at Riverdale Park Town Center Development Plan (Development Plan) dated July 12, 2012.² On

¹ Several citizens opposed the rezoning of the Cafritz Property and filed timely petitions for judicial review in the Circuit Court, case numbers: CAL12-25136 and CAL12-25243 (consolidated). Pursuant to Md. Rule 7-205, the filing of a petition for judicial review does not stay the order or action of the administrative agency, *i.e.*, the District Council adoption of Zoning Ordinance 11-2012. On September 17, 2013, the Honorable Krystal Q. Alves, of the Circuit Court for Prince George's County, in a 20-page written opinion, AFFIRMED the 2012 rezoning of the Cafritz Property. *See Jason Amster, et. al and Dr. Carol S. Nezzo, et al., v. County Council*, (September 17, 2013, Cir. Ct., J. Alves). *See also* Prince George's County Code, Subtitle 27, §27-141, (2008-09 ed., as amended) (hereinafter “§ 27- ____”) (The Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including the approval of a preliminary plat of subdivision).

² The applicant also filed applications for a Special Permit (SP-130002), approved, and adopted by Planning Board on June 20, 2013, (Special Permits are governed by §27.239.02, and are reviewable only by the Planning Board), in PGCPB No. 13-64, a Detailed Site Plan (DSP-13009), approved, and adopted by Planning Board on June

June 6, 2013, the Planning Board adopted PGCPB No. 13-57, which approved SA-130001, subject to conditions.

On June 17, 2013, the District Council, pursuant to §27-280, elected to review SA-130001.

On July 8, 2013, the Town of University Park (Town), pursuant to §27-280, filed an appeal to the District Council in SA-130001, and requested oral argument.

On September 9, 2013, the District Council held oral arguments pursuant to §27-132 and the District Council Rules of Procedure. At the conclusion of oral arguments, the District Council took this matter under advisement.

For clarity, the Council will restate each of the appeal issues raised by the Town, as they relate to SA-130001, and respond accordingly.

Appeal Issues

- **With respect to the Secondary Amendment, the Town asserts that it was legal error:**

1. To adopt Condition H of the Secondary Amendment **instead** of the following condition:
Approve the amendment to Landscaping and Pedestrian Amenity Zone for the purpose of eliminating the standard sidewalk, subject to SHA approval, and providing only a publicly owned and maintained serpentine sidewalk and bike path to increase the likelihood of tree preservation. (Emphasis added.)
2. To grant a variance from MUTC sign standard for the requested Whole Foods sign (Standard 9 on page 11 and Building 3) as it is not in conformance with Section 27-546.14 of the Zoning Ordinance.

20, 2013, in PGCPB No. 13-63, and a Preliminary Plan of Subdivision (4-13002), approved, and adopted by Planning Board on May 30, 2013, in PGCPB No. 13-55.

3. To adopt Condition 5 of the Secondary Amendment instead of the following conditions:

Require a minimum four foot high, attractive brick wall and dense evergreen shrub hedge which will address crime prevention through environmental design, block ambient light from motor vehicles, and is consistent with the storm water management along the parking edge for Parcels A and B, also referenced as Lots 1, 2 and 3, where the edge is adjacent to the greenway entrance feature. Details, specifications and specific plantings shall be provided for review and approval by the Urban Design Section.

Response: The authority to impose conditions on the approval of a zoning map amendment is expressly conferred upon the Council by the Regional District Act, Md. Code Ann., Land Use § 22-214 (2012). We may adopt any reasonable requirements, safeguards, and conditions that 1) may be necessary to protect surrounding properties from adverse effects that might accrue from the zoning map amendment; or 2) would further enhance the coordinated, harmonious, and systematic development of the regional district.

As to the allegation by the Town that a condition that dispenses with a standard sidewalk and, rather, that imposes requirement for a meandering path subject to all appropriate approvals by SHA, we find that the proposed language suggested by the Town has merit and augments both tree preservation and will more readily comply with ADA requirements applicable to the development proposed for the subject property. As a result, and in accordance with the purposes of promoting the public safety, health, and welfare under the auspices of §§ 27-102 and 27-281 of the Zoning Ordinance, find that an 8-to-10-foot multiuse path, subject to pertinent approval by SHA, will better serve the public interest, as provided in Condition H, below.

Regarding the Town's allegation concerning Applicant's request for a variance from the M-U-TC sign standard as to the Whole Foods sign, we find that the Town does not state how it believes that the proposed Secondary Amendment is not in conformance with Section 27-546.14 of the Zoning Ordinance. The Applicant set forth its justification for this requested Secondary Amendment, including compliance with Section 27-546.14 of the Ordinance, and the M-U-TC Development Review Committee, the Town of Riverdale Park, and the Planning Board agreed that it satisfied the required conditions for its approval, including compliance with that section of the Ordinance. Accordingly, and given the dearth of evidence in the record to substantiate the arguments advanced by the Town as to the Whole Foods sign, we find no reasonable basis to support disapproval.

This Secondary Amendment was the subject of a justification statement by the Applicant, was fully evaluated and recommended for approval by both the M-U-TC Design Review Committee, and the Town of Riverdale Park, and was approved by the Planning Board. University Park provides no basis to overturn this determination, and the mere fact that it disagrees with this issue is insufficient to justify its reversal.

As a practical matter, the Town's stated concern regarding ambient light from motor vehicles will be best addressed through a wall with evergreen landscaping. A review of the evidence in the record supports incorporation of portions of the language advanced by the Town as to the method of buffering portions of the site from adjacent uses meets the purposes of Sections 27-102 and 27-281 of the Zoning Ordinance. As such, the Council is persuaded by evidence in the record supporting the use of three-to-four-foot-high wall and evergreen shrub landscaping along the parking edge of Lots 1, 2, and 3, where the edge is adjacent to the greenway entrance feature, as imposed by the conditions of approval set forth in this Order.

Conditions of Approval

The District Council may only approve a requested secondary amendment of a Development Plan if 1) the requested secondary amendment is in compliance with the requirements for the approval of a Development Plan, 2) the requested secondary amendment is in conformance with the purposes of the M-U-TC Zone; and 3) the original intent of the Development Plan element or mandatory requirement being amended is still fulfilled with the approval of the requested secondary amendment. *See §§ 27-280, 27-546.14.* The specific purposes of the M-U-TC Zone are (1) to create with the community a development framework that can capitalize on the existing fabric of the County's older commercial/mixed-use centers and corridors, (2) to promote reinvestment in, and the appropriate redevelopment of, older commercial areas, to create attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote economic vitality, (3) to promote the preservation and adaptive reuse of selected buildings in older commercial areas, (4) to ensure a mix of compatible uses which compliments concentrations of retail and service uses, including institutional uses, encourages pedestrian activity, and promotes shared parking, (5) to provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment, (6) to establish a flexible regulatory framework, based upon community input, to encourage compatible development and redevelopment, including shared parking facilities, that

will enhance the Town Center, and (7) to preserve and promote those distinctive physical characteristics that are identified by the community as essential to the community's identity, including building character, special landmarks, small parks and other gathering places, and wide sidewalks. *See §27-546.09*

With this statutory framework in mind, our original jurisdiction over SA-130001 pursuant to §27-132(f)(1), and our authority to modify the decision of the Planning Board pursuant to 27-280, affirmance of the Planning Board's decision is subject to the following conditions:

- A. Approve the amendment to street configurations subject to showing two four to five-foot-wide bike lanes within Van Buren Street spanning the distance between Baltimore Avenue (US 1) and Rhode Island Avenue staying within the right-of-way and paving sections shown on the preliminary plan and detailed site plan. Van Buren Street from Rhode Island around the Village Green to and from the CSX Crossing shall show a four-foot wide bike lane.
- B. Approve the amendment to reduce the parallel parking width to a minimum of seven feet (from a minimum of eight feet) when parking is not directly adjacent to a bike lane; when adjacent to a bike lane, a minimum of eight feet is required, throughout the site.
- C. Approve the amendment to tree zone area to widen planting strips to a minimum of five feet in width and a minimum of eight feet in length. Street trees shall be planted approximately 30 feet on center throughout the site, where feasible.
- D. Amendments to "Proposed Roadbed and Streetscape Dimensions" as set forth in Table 3, as proposed by the applicant, notwithstanding the amendments of A, B, and C above, as follows:
 1. Approve the amendment to Location 1, Van Buren Street at Village Square, width of roadbed 65–85 feet, distance from centerline 51–72 feet, subject to Condition 1 below.
 2. Approve the amendment to Location 2, Van Buren Street at Residential, distance from centerline 51–72 feet, subject to Condition 1 below.

3. Approve the amendment to Location 3, 45th Street, distance from centerline 29–40 feet, streetscape dimension 12–20 feet, subject to Condition 2 below.
4. At Location 4, Woodberry Street at Commercial Uses, the width of roadbed is to be adjusted from a range of 20–24 feet plus an 8-foot-wide on-street parking lane and a 5foot-wide bike lane, to 29 feet total, including a 22-foot driving surface and a 7foot onstreet parking lane. The drive lane dimensions are to be adjusted from a range of 1012 feet to 11 feet; the distance from centerline to building is to be adjusted from a range of 29–39 feet to a range of 25.5–43 feet; and the streetscape dimension is proposed to be adjusted from a range of 12–20 feet, to a range of 14.5–25 feet.
5. At Location 5, Woodberry Street at Residential Uses, the width of roadbed is to be adjusted from a range of 20–24 feet, plus an 8-foot-wide on-street parking lane and a 5foot-wide bike lane, to 36-feet total, including a 22-foot driving surface and two 7foot on-street parking lanes; the drive lane dimensions are to be adjusted from a range of 1012 feet to 11 feet; the distance from centerline to building is to be adjusted from a range of 32–44 feet to a range of 34.5–53 feet; and the streetscape dimension is to be adjusted from a range of 15–25 feet to a range of 16.5–35 feet.
6. Approve the amendment to Location 6, 46th Street, distance from centerline 29–40 feet, streetscape dimension 12–20 feet.
7. Approve the amendment at Location 8, Rhode Island Avenue, as requested.
8. Approve the amendment to Location 9, Maryland Avenue, width of roadbed 18–26 feet, distance from centerline 19–53 feet, streetscape dimension 10–40 feet.

9. Approve the amendment to 47th Street, with the width of roadbed of 22 feet total, including a 15-foot driving surface and a 7-foot on-street parking lane; the drive lane dimension is to be 15 feet; the distance from centerline to building dimension is to be a range of 29–51.5 feet; and the streetscape dimension is to be a range of 21.5–27 feet, subject to Condition 3 below.
- E. Approve the amendment to Table 1, Building Recommendations, to allow a one-story building for Locations 6a and 6b (Buildings 1, 2A, and 2B), subject to Condition 4 below.
- F. Approve the amendments to Building Placement and Streetscape Standard 1 for Location 6a (Parcel A), from the standard minimum of 50 percent of the net lot area to 25.7 percent, and for Location 6d (Parcel C), from the standard minimum of 50 percent of the net lot area to 22 percent; and approve the amendments to Building Placement and Streetscape Standard 2 for Location 6a, from the standard minimum of 66 percent of the build-to line for the Woodberry Street frontage to 45 percent, and for Location 6d, from the standard minimum of 66 percent of the build-to line for the Van Buren Street frontage to 45 percent, subject to Condition 5 below.
- G. Amend the Development Plan to increase the number of townhouses proposed from 109 to a maximum of 119, in accordance with Condition 24 of DSP-13009. The seven (7) lots in the northeastern corner near the stormwater management pond adjacent to parcel “J” as shown on the preliminary plan shall be removed as set forth in Condition 24 of DSP-13009 in furtherance of the public safety, health, and welfare and pursuant to §§ 27-102 and 27-281 of the Zoning Ordinance.
- H. Approve the amendment to Landscaping and Pedestrian Amenity Zone to provide for a 8-10 foot meandering multi-use (bike and pedestrian) path that is ADA compliant between the landscaping/pedestrian amenity strip and the east edge of the PUE, subject to Maryland State Highway Administration (SHA) approval. The wider multi-use path replaces the original 7 foot sidewalk as well as the parallel sidewalk shown north of Van Buren Street and allows for tree preservation and ADA compliance to address grade concerns.
- I. Approve the amendment to Parking and Loading Design for interior parking lot landscaping on Location 6d (Parcel C), subject to Condition 7 below.
- J. Approve the amendment to Architecture Standard 7 to allow ground-level residential units to be less than a minimum of three feet above grade, subject to Condition 8 below.

- K. Approve the amendment to Noise Mitigation to allow HVAC to not be required to be enclosed by a wall or fence, unless said units are visible from a public street.
- L. Approve the amendment to Signage to allow for the use of internally-lit channel letters on Location 6d (Building 3), as per Applicant's Exhibit No. 4 (Building 3 Signage Sheet 3A300S).
- M. Approve the amendment to Building Openings Standards 1 and 2 for a reduction of the minimum of 60 percent of the ground floor to be transparent for Location 6c (Building 4) along the 46th Street and Woodberry Street frontages, subject to Condition 9 below.
- N. Approve the amendment to Building Open Space Standard 11 for a reduction of the minimum 40 percent of the façade to be windows for Location 7a (Building 5) for the building frontage, except the corners of 46th and Van Buren Streets and 46th and Woodberry Streets street frontages, subject to Condition 9 below.
- O. Disapprove the amendment to Parking and Loading Design Standard 11 for Location 7a (Building 5) to allow the parking garage to use a green screen to screen the parking.

The above amendments are subject to the following conditions, to be demonstrated on Detailed Site Plan DSP-13009 or Special Permit SP-130002, as appropriate:

1. The plans shall be revised to provide two four to five-foot-wide bike lanes within Van Buren Street spanning the distance between Baltimore Avenue (US 1) and Rhode Island Avenue staying within the right-of-way and paving sections shown on the preliminary plan and detailed site plan. Van Buren Street from Rhode Island around the town square to and from the CSX Crossing shall show a four-foot wide bike lane.
2. Landscaping along the streetscape on the east side of Building 2A shall be as shown on Sheet L.1.01 of the landscape plan, as per Applicant's Exhibit No. 3 (Building 2A, Landscape Plan).
3. The parallel parking spaces shown on the detailed site plan along the west side of 47th Street shall be eliminated in front of multifamily Buildings 7, 8, and 9, and the seven-foot area previously proposed for on-street parking will be distributed between additional front yard for the residential structures on the east side, and street tree plantings at approximately 30 feet on center, to the extent practicable, the exact distribution to be approved by the Urban Design Section.

4. Building 1 shall be increased in height for a minimum of 20 feet, and enhance the western elevation with more fenestration, openings, a trellis, and/or architectural elements, so that it has a more aesthetically pleasing visual presence when viewed from Baltimore Avenue (US 1). The roof of the towering element on the south elevation shall be a slate or tile roof.
5. For the three-to-four-foot-high wall and evergreen shrub landscaping proposed along the parking edge of Lots 1, 2, and 3, where the edge is adjacent to the greenway entrance feature, details and specifications for the wall and evergreen landscaping shall be provided for review and approval by the Urban Design Section.
6. Provide a buffer/screen between the Commercial Building One's loading and trash area and the adjacent proposed townhouses located in the northwest corner of the site. A loss of one or two dwelling units, or alternatively a reduction in the footprint of Building One may be necessary in order to achieve appropriate mitigation. The loading and the trash access shall be contained within the limits of the commercial parcel and shall not co-mingle with the residential alley.
7. Landscaping shall be implemented for Parcel C as shown on the revised landscape plan.
8. Investigate ways to provide separation for the townhouse unit from the streetscape through landscaping, fencing, or walls if feasible.
9. Prior to signature approval of the detailed site plan:
 - a. The architectural plans and/or an exhibit shall be provided for Building 4 to demonstrate that the ground façade is at least 60 percent transparent material (glass) along Van Buren Street and 45th Street.
 - b. The architectural plans and/or an exhibit shall be provided for Building 4 to demonstrate that the second floor along 46th Street is at least 60 percent transparent.
 - c. The architectural plans and/or an exhibit shall be provided for Building 5 to demonstrate that windows will occupy at least 40 percent of wall area for façades other than a parking garage, and façade other than the corners of 46th and Van Buren, and 46th and Woodberry Streets.

10. The 46th Street parking garage shall be developed and constructed as shown on the revised architectural plan, as per Applicant's Exhibit No. 1.
11. Woodberry Street, from its intersection with the Baltimore Avenue (US 1) right-of-way to its terminus, will be a 46-foot right-of-way, to be distributed as follows: two 11-foot travel lanes; two 7-foot on-street parking lanes; and the balance of ten feet to be distributed on the north or south sides, as follows: green area added to the front yards of the townhouse units and/or street tree plantings at approximately 30 feet on center, to the extent practicable, the exact distribution to be approved by the Urban Design Section. The right-of-way for Woodberry Street as described herein may be adjusted to allow for the adequate curve radii.

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on November 6, 2014, regarding Secondary Amendment SA-130001-01 for Cafritz Property at Riverdale Park Town Center Development Plan, the Planning Board finds:

1. **Request:** The applicant requests approval of a Secondary Amendment (SA-130001-01) revision to the signage standards within the 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan) for the purpose of amending the development district standards on freestanding signage for the property.
2. **Requirements of the Zoning Ordinance:** The revisions to the 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan) apply to the entire 37.73-acres. The request conforms to the requirements for amendments to development plans per Section 27-546.14 (b) for Secondary Amendments, of the Prince George's County Zoning Ordinance.
3. **Section 27-546.14(b)(6)** of the Zoning Ordinance references Planning Board procedures for a requested secondary amendment. The procedure is the same as a conceptual site plan, but limited to Section 27-276(a)(1), (3), (4), (5), (6); Section 27-276(c)(1), (2); and Section 27-276(d). The following is extracted from the Zoning Ordinance, but the term [Secondary Amendment] is added for the reader's clarity.

Section 27-276 Planning Board Procedures

(a) General

- (1) **Prior to approval of any preliminary plan of subdivision or Detailed Site Plan, or the issuance of any grading, building, or use and occupancy permit, for the development or use of any land for which a Conceptual Site Plan [Secondary Amendment] is required, the applicant shall obtain approval of a Conceptual Site Plan [Secondary Amendment] from the Planning Board.**

The companion case application for DSP-13009-03 is predicated on the approval of this proposed secondary amendment. The Planning Board took action on the Secondary Amendment SA-130001-01 and the companion Detailed Site Plan and approved them on November 6, 2014, after review and testimony was heard.

(3) The Planning Board shall give due consideration to all comments received from other agencies.

Notification letters and copies of the secondary amendments were transmitted to several Prince George's County agencies for review and comment prior to the public hearing and the information was presented at the public hearing and duly noted.

(4) The Planning Board shall only consider the Plan at a regularly scheduled meeting after a duly advertised public hearing.

Public hearing notice signs were posted within the M-U-TC and R-55 (One-Family Detached Residential) Zone boundary on October 7, 2014, as evidenced by the sign posting affidavit.

(5) The Planning Board shall approve, approve with modification, or disapprove the Conceptual Site Plan [Secondary Amendment], and shall state its reasons for the action.

The application for the secondary amendments was presented to the Planning Board by staff and the staff recommended approval of the application on November 6, 2014.

(6) The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Conceptual Site Plan [Secondary Amendment] approval process) and the District Council.

The Planning Board's decision on the application is embodied in this resolution and the resolution will be sent to all persons of record and the District Council.

(c) Time limits for action

(1) The Planning Board shall take action on the Conceptual Site Plan [Secondary Amendment] within seventy (70) days of its submittal. The month of August and the period between and inclusive of December 20 and January 3 shall not be included in calculating this seventy (70) day period.

The secondary amendment application was accepted on October 6, 2014 and was reviewed and acted upon by the Planning Board on November 6, 2014, which is 31 days from the acceptance date.

(2) **If no action is taken within seventy (70) days, the Conceptual Site Plan shall be deemed to have been approved. The applicant may (in writing) waive the seventy (70) day requirement to provide for some longer specified review period.**

The Planning Board's 70-day limit to take action on this secondary amendment application was complied with in the review of this application.

(d) **Notification of applicant**

(1) **If a Conceptual Site Plan [Secondary Amendment] is not approved, the Planning Board shall notify the applicant (in writing), stating what changes are required for approval.**

The Planning Board approved the application.

4. **Section 27-280 Appeal of the Planning Board's Decision**

(a) **The Planning Board's decision on a Conceptual Site Plan or amendment of the Development District Standards for an approved Development District Overlay Zone may be appealed to the District Council upon petition by any person of record. The petition shall specify the error which is claimed to have been committed by the Planning Board and shall also specify those portions of the record relied upon to support the error alleged. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.**

(b) **The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the Conceptual Site Plan, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the Plan, and any additional information or explanatory material deemed appropriate.**

(c) **The District Council shall schedule a public hearing on the appeal or review.**

(d) **Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the Conceptual Site Plan to the Planning Board to take further testimony or reconsider its decision. Where the Council approves a Conceptual Site Plan, it shall make the same findings which are required to be made by the Planning Board. If the Council fails to act within the specified time, the Planning Board's decision is automatically**

affirmed.

(e) **The Council shall give its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to the all persons of record, and the Planning Board.**

This section of the Zoning Ordinance outlines the procedure for review by the District Council if a person of record appeals the Planning Board's decision on the application, or if the District Council votes to review the decision within 30 days after the Planning Board's decision.

5. **Request for Secondary Amendment:** The applicant submitted the following request for a secondary amendment to the Cafritz Property at Riverdale Park Town Center Development Plan, and the following is the applicant's justification statement for the secondary amendment:

“This request for a Secondary Amendment to a Development Plan is set forth in, and legally permitted by Sec. 27-546.14 of the Prince George’s County Zoning Ordinance, and is in connection, and part of, the Detailed Site Plan and for the development of the property known as the Cafritz Property at Riverdale Park (the ‘Development’), with this application being noted as DSP-13009/03 and SP-130002/01.

“Within the Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan for the Cafritz Property at Riverdale Park (‘Development Plan’), within the section entitled ‘Signage’, under No. 2 states as follows:

“2. Commercial signs shall be building mounted only. Freestanding signs shall not be allowed, unless they provide directional information marking the way to parking, historic sites, maps of the area, and other amenities. In these cases, such signage may only be provided in coordination with the Town of Riverdale Park and other applicable agencies and may not include commercial or product information.

“The following amendment to this Standard is proposed as follows:

“2. Commercial signs shall generally be building-mounted, but freestanding signs shall be permitted to provide identification of the development and/or certain businesses within the development, as well as directional information marking the way to parking, historic sites, maps of the area, and other amenities. In the case of freestanding signs for directional information, said signage may only be provided in coordination with the Town of Riverdale Park and other applicable agencies.”

Applicant’s Justification:

“Given the above-described findings for approval of the M-U-TC Zone, as well as the purposes of the M-U-TC Zone, the requested Secondary Amendment is justified for the

following reasons. The Development, as approved through Zoning Map Amendment No. A-10018, Preliminary Plan of Subdivision No. 4-13002, Detailed Site Plan No. DSP-13009 (including all approved revisions to date), Special Permit No. SP-130002, and Secondary Amendment No. SA-130001, is a community that will include 119 townhouses, 855 multifamily units (a portion of which will require additional detailed site plan approval), approximately 186,676 square feet of commercial space, and a hotel (that will require approval of a special exception). As can be seen from the above-referenced approvals, as well as the approval of the Development Plan, this is intended to be a cohesive and coordinated community, with a significant amount of commercial space. Allowing freestanding signs at appropriate locations will, among other things, assure that the Development will successfully ‘ensure a mix of compatible uses that compliments (sic) concentrations of retail and service uses...’; ‘provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment’, ‘encourage compatible development...that will enhance the Town Center’, and ‘provide a flexible regulatory environment that will support redevelopment and development interests in the area....’ Freestanding signs at appropriate locations will not only help to emphasize the identity and cohesive nature of the Development as a whole, but also help to identify the existence of significant commercial establishments within the Development. The identification of such businesses within the Development is often a requirement of such businesses, which will not locate within developments such as this without this type of signage. The existence of freestanding signs at appropriate locations within the Development, therefore, is not only helpful to establish the character of the Development and the location of significant commercial establishments within the Development, but is actually crucial to the commercial success of the Development.

“It is also important to note the ‘Intent’ of the ‘Signage’ section of the Development Plan, which states as follows:

“Encourage a positive and attractive identity for businesses and the town center and make the street more interesting for pedestrians. Allow creative commercial expression and visual variety without creating clutter or overwhelming streetscape.

“The proposed freestanding signs (as shown on the accompanying application for a Revision to the approved Detailed Site Plan) will, in fact, implement a positive and attractive identity for businesses and the town center as intended by the Development Plan, and they will thus be consistent with the intent of the signage element of the Development Plan. Quite frankly, a development of the size and scope such as that which has been previously approved for this Development could not be successful without allowing certain freestanding signs, as proposed through this application, as well as the proposed 03 Revision to DSP-13009.

“For all of the above-stated reasons, the applicant herein submits that proposed Secondary Amendment that would allow freestanding signs at specified locations within the

Development is in compliance with the requirements for the approval of the Development Plan, is in conformance with the purposes of the M-U-TC Zone, and fulfills the original intent of the signage element of the Development Plan, and for these reasons, requests that it be approved.”

The Planning Board considered the applicant’s request and approved the following language as an amendment to the originally approved language contained within the 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan):

Commercial signs shall generally be building-mounted, but freestanding signs shall be permitted to provide identification of the development and/or certain businesses within the development, as well as directional information marking the way to parking, historic sites, maps of the area, and other amenities. In the case of freestanding signs for directional information, said signage may only be provided in coordination with the Town of Riverdale Park and other applicable agencies.

6. Section 27-546.14 (b) (7) of the Zoning Ordinance states:

(7) **The Planning Board may only approve a requested secondary amendment of a Development Plan if it make the following findings:**

(A) **The requested secondary amendment is in compliance with the requirements for the approval of a Development Plan;**

The approval of this secondary amendment to the Development Plan requires compliance with the original approval of the Development Plan, A-10008, which does not have any prohibition of freestanding signage in the conditions of approval. Planning Board finds that the secondary amendment is consistent with the requirements of the Development Plan as was determined in the original rezoning of the property in the Primary Amendment. This secondary amendment is needed to provide for a reasonable regulatory framework to allow for freestanding signage to ensure the success of the commercial development in the future.

(B) **The requested secondary amendment is in conformance with the purposes of the M-U-TC Zone;**

The purposes of the M-U-TC Zone are set forth in Section 27-546.09(a) of the Zoning Ordinance, as follows:

(1) **To create with the community a development framework that can capitalize on the existing fabric of the County’s older commercial/mixed use centers and corridors.**

- (2) **To promote reinvestment in, and the appropriate redevelopment of, older commercial areas, to create attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote economic vitality.**
- (3) **To promote the preservation and adaptive reuse of selected buildings in older commercial areas.**
- (4) **To ensure a mix of compatible uses which compliments (sic) concentrations of retail and service uses, including institutional uses, encourages pedestrian activity, and promotes shared parking.**
- (5) **To provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment.**
- (6) **To establish a flexible regulatory framework, based upon community input, to encourage compatible development and redevelopment, including shared parking facilities that will enhance the Town Center.**
- (7) **To preserve and promote those distinctive physical characteristics that are identified by the community as essential to the community's identity, including building character, special landmarks, small parks and other gathering places, and wide sidewalks.**

The Planning Board finds that the secondary amendment is in conformance with the purposes of the M-U-TC Zone because this change will continue to provide a development framework that can capitalize on the existing fabric of the county's older commercial/mixed-use centers and corridors. The freestanding signage will promote investment in the commercial core of the community. This secondary amendment will allow signage to draw customers into the development and contribute to the realization of the center for shopping, socializing, entertaining, living, and to promote economic vitality. This secondary amendment will not detract from the sense of history of the larger community through limited freestanding signage and will not impact the older historic portion of the town center, which is not affected by this Development Plan. The secondary amendment does not detract from the intent of the Development Plan to ensure a mix of compatible and complementary uses, and to create a concentration of retail, service, and institutional uses, that encourages pedestrian activity, and promotes shared parking and a vibrant 24-hour environment. The approval of this amendment will create a flexible regulatory framework based upon community input that encourages compatible development. Further, the secondary amendment will not have an impact on the previous finding in the review of the original Development Plan that it will preserve and promote those distinctive physical characteristics that are considered by the community to be

essential to its identity, including building character, special landmarks, small parks and other gathering places, and wide sidewalks.

(C) The original intent of the Development Plan element or mandatory requirement being amended is still fulfilled with the approval of the requested secondary amendment.

The purpose of the modifications to the Development Plan through the approval of the proposed secondary amendment is consistent with the intent of the Development Plan that amended the Town of Riverdale Park M-U-TC Zone Development Plan. Additionally, Section 27-546.13 of the Zoning Ordinance states the following:

(a)(2) The Development Plan shall consider the evolution of development regulations and the existing development character and create more appropriate standards and development guidelines that will encourage investment that supports the purposes of the zone.

This secondary amendment is a result of the evolution of the overall project as it moves through the development review process in response to market forces. The language above recognizes that the Development Plan will evolve in this process and that it needs to be a flexible regulatory tool. This secondary amendment recognizes the need for freestanding signage for purposes of advertisement of the proposed commercial uses within the development, and does not vary greatly from the original concept plans.

7. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. **Community Planning**—The Planning Board considered the following analysis and summarized comments for the application:

This application is located within the county's Innovation Corridor and is within a designated employment area. Employment areas are described as "areas commanding the highest concentrations of economic activity in four targeted industry clusters-healthcare and life sciences; business services; information, communication, and electronics; and the Federal Government." The Innovation Corridor is a prioritized employment area described by *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) as follows:

Innovation Corridor

The second transformative Plan Prince George's 2035 recommendation is designating parts of the City of College Park, the City of Greenbelt, the Town of Riverdale Park, the Town of Edmonston, the Town of Berwyn Heights, and areas along the Baltimore Avenue (US 1) corridor and around the University of Maryland, College Park, and the Beltsville

Agricultural Research Center (BARC) as the Innovation Corridor. This area has the highest concentrations of economic activity in our four targeted industry clusters and has the greatest potential to catalyze future job growth, research, and innovation in the near- to mid-term. This area is well positioned to capitalize on the synergies that derive from businesses, research institutions, and incubators locating in close proximity to one another and on existing and planned transportation investment, such as the Purple Line.

The development program approved for the site consists of a mix of retail, office, residential, and recreational land uses and is in conformance with the overall vision, goals, policies, and strategies of both Plan Prince George's 2035 and the Riverdale Park Mixed-Use Town Center Development Plan. There are no general plan or master plan issues with this application.

The northeastern portion of this application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area (APA) regulations adopted by County Council Bill CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in APA-6. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to the evaluation of this application. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77; however, none of the free standing signs are over 50 feet in height.

- b. **Prince George's County Police Department**—The Police Department provided comment on the subject application indicating that there are no crime prevention through environmental design (CPTED) related issues.
- c. **Prince George's County Health Department**—The Health Department was sent a referral but has not offered comments on the subject application.
- d. **Town of Riverdale Park**—In letter dated November 5, 2014 to Elizabeth M. Hewlett, Chairman of the Prince George's Planning Board from Sara Imhulse, Town Administrator of Riverdale Park, the Town provided the following comments:

“The Riverdale Park Town Council voted at a legislative meeting on Monday, November 3, 2014, to provide the Planning Board with the following comments on DSP-13009-03 and SA-130001-01:

“The Town is concerned about the broad nature of the proposed secondary amendment and recommends that it be amended to limit freestanding signs and signage in Riverdale Park Station in the following ways:

- “1. Freestanding signs shall only be allowed in the parcels along Baltimore Avenue.
- “2. The total number of signs in the parcels along Baltimore Avenue shall be limited to one commercially-oriented sign per parcel abutting Baltimore Avenue; non-commercial community entrance feature signs should not be limited in the same way.
- “3. The allowed freestanding signs shall be limited to twelve feet in height above ground.
- “4. Only externally-lit freestanding signs shall be allowed, with standards similar to those in Standards 5 and 9 for lighting, on Page 11 of the existing Cafritz Property Design Standard Guidelines.
- “5. Each freestanding sign panel shall not exceed fifty square feet in area.
- “6. Pole-mounted freestanding signs shall remain prohibited throughout the zone.
- “7. All freestanding signs in the parcels along Baltimore Avenue shall be monument signs and have a similar set of materials, scale, and character to those presented in DSP 13009-03, so as to present a cohesive whole.

“The Town fully expects the site and signs to be well-maintained as provided through the original Detailed Site Plan and Secondary Amendment process.”

The Planning Board considered the Town of Riverdale Park’s recommendation and adopted their recommendations.

e. **Town of University Park**— In letter dated November 5, 2014 to Elizabeth M. Hewlett, Chairman of the Prince George’s Planning Board from Lenford C. Carey, Mayor, the Town provided the following comments:

“This letter is sent on behalf of the Town of University Park to present its formal position concerning the application of Calvert Tract, LLC, for Secondary Amendment SA-130001-01 and DSP-13009-03, for the Cafritz Property at Riverdale Park. The Town Council voted on November 3, 2014 to support the SA-130001-01 with conditions and DSP-13009-03 with conditions. Specifically, the Council voted to support the following:

“SA-13-0001-01

“The Council supports the secondary amendment of the Cafritz Property at Riverdale Park Town Center Development Plan (“Plan”) under Section 25-546.14 of the County Zoning Code, provided certain conditions are included. These are:

- “a. Freestanding commercial signs shall only be allowed in the parcels fronting on Baltimore Avenue, currently referenced as Parcels A, B and C.
- “b. The total number of commercial signs in the parcels along Baltimore Avenue shall be limited to one sign per parcel, for a total of three.
- “c. The current language in Standard 2 within the Plan in the section entitled “Signage” concerning freestanding signs with directional information marking the way to parking, historic sites, maps of the areas, and other amenities, not to include commercial or product information, to be provided in coordination with the Town of Riverdale Park and other applicable agencies, should be retained and not amended.
- “d. The allowed commercial freestanding signs shall be limited to twelve feet in height above ground.
- “e. Only externally-lit freestanding signs shall be allowed, and shall conform to Standards 5 and 9, in the section entitled “Signage” in the Plan.
- “f. Each freestanding sign panel shall not exceed fifty square feet in area.
- “g. Pole-mounted freestanding signs shall remain prohibited throughout the zone.
- “h. All freestanding signs in the parcels along Baltimore Avenue shall be monument signs and have a similar set of materials, scale, and character to those presented in DSP 13009-03, so as to present a cohesive whole.
- “i. All future revisions to the Detailed Site Plan with respect to signage shall be referred for comment to the Town of University Park.

“DSP-13009-03

“The proposed revision includes installation of three freestanding signs, one a commercial sign in Parcel B on the north side of Van Buren Street at the intersection with Route 1, the second a community identification sign in Parcel C on the south side of Van Buren at this intersection, and the third a commercial sign in Parcel C on the north side of Underwood at its intersection with Route 1. The Council supports DSP-13009-03 with conditions. Specifically, the Council voted to support the following:

“The two commercial and one directional information signs approved in the DSP shall be consistent with the dimensions, elevation, placement, and entryway renderings contained in the document labeled Planning Department, Cafritz

Property, Parcels B and C, dated October 24, 2014, which is part of the staff recommended approval. The brick color to be used should be off-white with a matte surface.”

The Planning Board considered the Town of University Park’s recommendation in conjunction with the Town of Riverdale Park and adopted conditions applying to the secondary amendment as modified.

- f. **City of College Park**—The City of College Park responded that they had no comment on the application.
- g. **City of Hyattsville**—The City of Hyattsville has not offered comments on the subject application.
- h. **Town of Edmonston**—The Town of Edmonston has not offered comments on the subject application.

8. The original DSP-13009 for the case was reviewed and approved by the District Council (Order affirming the Planning Board’s decision) and their decision included the following condition:

16. Monument signs as described in the Detailed Site Plan submittal require a secondary amendment. Signage is governed by the 2012 Cafritz Property at Riverdale Park Town Center Development Plan, *Design Standards / Site Design*, “Signage,” Paragraph 5, which states, in pertinent part, that “[u]nique neon signs, internally lit signs, and signs with moving parts or blinking lights may only be approved for creative value that enhances the town center in areas outside of the historic core.” Because the applicant’s proposed signage was submitted as part of DSP-13009, and not through a secondary amendment as contemplated by the Development Plan, we reverse, and deny the Planning Board’s approval of monument signs as part of DSP-13009. All monument signs must follow the Development Plan guidelines or seek a secondary amendment.

This secondary amendment request directly relates to the condition above and follows the process set forth by the District Council in their directions to the applicant regarding the process.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Secondary Amendment SA-130001-01 to Signage Standard No. 2 as follows:

Commercial signs shall generally be building-mounted, but freestanding signs shall be permitted to provide identification of the development and/or certain businesses within the development, as well as directional information marking the way to parking, historic sites,

maps of the area, and other amenities. In the case of freestanding signs for directional information, said signage may only be provided in coordination with the Town of Riverdale Park and other applicable agencies.

Subject to the following conditions:

1. Freestanding commercial signs shall only be allowed in the parcels fronting on Baltimore Avenue, currently referenced as Parcels A, B and C.
2. The total number of commercial signs in the parcels along Baltimore Avenue shall be limited to one sign per parcel, for a total of three.
3. The allowed commercial freestanding signs shall be limited to twelve feet in height above ground.
4. Only externally-lit freestanding signs shall be allowed, and shall conform to Standards 5 and 9, in the section entitled "Signage" in the Plan.
5. Each freestanding sign panel shall not exceed fifty square feet in area.
6. Pole-mounted freestanding signs shall remain prohibited throughout the zone.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, November 6, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of December 2014.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:SL:arj



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

June 13, 2019

MEMORANDUM

TO: Jeremy Hurlbutt, Urban Design Section, Development Review Division

VIA: Howard Berger, Supervisor, Historic Preservation Section, Countywide Planning Division *HB*

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division *JAS*
Tyler Smith, Historic Preservation Section, Countywide Planning Division *7AS*

**SUBJECT: DSP-13009-15 (SP-130003 & SA-130001-02) RIVERDALE PARK STATION
(CAFTRITZ PROPERTY)**

The subject property comprises approximately 37.34 acres, bordered on the west by Baltimore Avenue and on the east by the CSX railroad tracks and is located north of Tuckerman Street and south of Albion Road in Riverdale Park, Maryland. The subject application proposes development of Buildings 7 and 8 on Parcels K, and L and locating a refurbished trolley car on the northside of Building 7 within Parcel K. In conjunction with this detailed site plan (DSP) the applicant has also filed for a request for Secondary Amendments, to increase the maximum height of Buildings 7 and 8 from six to seven stories, to reduce the percentage of windows on walls facing a public street from 40 percent to 25 percent, and to add the trolley car to the development plan, and a request for a special permit, because the residential buildings do not propose any ground floor commercial space.

Previous versions of the detailed site plan have been reviewed by Historic Preservation Section staff. The site has been heavily disturbed indicating the low probability of archeological sites within the subject property. The subject property is adjacent to the site of ERCO Building (68-022), a Prince George's County Historic Site. However, because the historic structure has been demolished and the property has already been redeveloped, a review of potential visual impacts on the historic site, is no longer required.

Historic Preservation staff recommends approval of DSP-13009-15 (SP-130003 & SA-130001-02) without conditions.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Community Planning Division

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org
301-952-3972

July 9, 2019

MEMORANDUM

TO: Jeremy Hurlbutt, Master Planner, Urban Design Section, Development Review Division

VIA: Scott Rowe, AICP, CNU-A, Supervisor, Long-Range Planning Section, *BSR*
Community Planning Division
David A. Green, MBA, Master Planner, Community Planning Division *DS*

FROM: Daniel Sams, Planner Coordinator, Neighborhood Revitalization Section, *DS*
Community Planning Division

SUBJECT: **DSP-13009-15; SP-130003; SA-130001-02 Riverdale Park Station
(Cafritz Property) Buildings 7 & 8**

FINDINGS

Community Planning Division staff finds that, pursuant to Section 27-239.02(a)(6)(B), Approval of a Special Permit in a Mixed-Use Town Center (M-U-TC) Zone, the Special Permit Site Plan to eliminate ground-floor retail in the proposed multifamily buildings and include apartment housing for the elderly is in conformance with the *2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*, and its guidelines and specific criteria for the particular use; and

Community Planning Division staff finds that, pursuant to Section 27-546.14(b)(2) and 27-546.14(b)(8), Approval of a Secondary Amendment in a Mixed-Use Town Center (M-U-TC) Zone, the original intent of the Development Plan element or mandatory requirement being amended is fulfilled with the approval of the requested secondary amendment to install a reclaimed trolley car as Building 10 with a retail or restaurant use; and

Community Planning Division staff finds that, pursuant to Section 27-546.14(b)(2) and 27-546.14(b)(8), Approval of a Secondary Amendment in a Mixed-Use Town Center (M-U-TC) Zone, the original intent of the Development Plan element or mandatory requirement being amended is fulfilled with the approval of the requested secondary amendment to increase the building heights from six to seven stories; and

Community Planning Division staff finds that, pursuant to Section 27-546.14(b)(2) and 27-546.14(b)(8), Approval of a Secondary Amendment in a Mixed-Use Town Center (M-U-TC) Zone, the original intent of the Development Plan element or mandatory requirement being amended is not fulfilled by decreasing the window-to-wall ratio from a minimum of 40 percent to a minimum of 25 percent on walls facing a public street, but is fulfilled with a reduction to 30 percent as shown in the submitted plans.

BACKGROUND

Application Type: Combined Detailed Site Plan Amendment, Special Permit, and Secondary Amendments to a Mixed-Use Town Center (M-U-TC) Development Plan.

Location: 6611 Baltimore Avenue, Riverdale, MD 20737

Size: 37.34 acres (total acreage for Riverdale Park Station)

Existing Uses: Parcels K and L are unimproved

Proposal: Combined Detailed Site Plan Amendment to construct buildings 7 and 8; Special Permit to allow multifamily without ground-floor retail and apartment housing for the elderly; and Secondary Amendments to increase the maximum height of buildings from 6 to 7 stories, reduce the required percentage of windows facing public streets, and install a fixed trolley car with a retail or restaurant use.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan:

A portion of Parcel K (Building 7) and all of Parcel L (Building 8) are located in the Riverdale MARC, a General Plan-designated Neighborhood Center.¹ The growth management goals for Neighborhood Centers are an increase of 15 percent new dwelling units with 9,450 projected dwelling units, and an increase of 15 percent new jobs with 17,100 projected new jobs (see p. 110). The property is also part of the General Plan's Innovation Corridor (see map, p. 22). "The Innovation Corridor capitalizes on the synergy that comes from businesses, research institutions, and incubators being in close proximity to one another. The Innovation Corridor has countywide importance as a key opportunity to leverage existing strengths and act as an employment catalyst," (see p. 288).

The property is located in a General Plan-designated Employment Area. "The Employment Areas were identified as the result of two major County plans: the 2013 *Strategic Development Plan* and the 2014 *Southern Green Line Station Area Plan*. These designated employment areas have the highest concentrations of economic activity in our four targeted industry clusters—healthcare and life sciences; business services; information, communication, and electronics (ICE); and the Federal Government. Plan 2035 recommends continuing to support business growth in these geographic areas—in particular in the targeted industry clusters—concentrating new business development near transit where possible, improving transportation access and connectivity, and creating opportunities for synergies," (see page 19).

Development Plan:

County Council of Prince George's County, Maryland, Sitting as the District Council, Zoning Ordinance No. 11-2012, July 12, 2012, Revised December 4, 2014 per SA-130001-01, Cafritz Property at Riverdale Park, Based on Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan, January 2004.

Planning Area/Community: 68/Hyattsville-Riverdale-Mount Rainier-Brentwood

¹ However, it appears no part of proposed Building 7 (except a sliver of the parking garage) will be located within the boundaries of the Center. Source: PGAtlas.com.

Aviation/MIOZ: All of Parcel K (except an approximately 2,176.10 square foot triangular-shaped portion at the southwest corner) and none of Parcel L (except an approximately 2,881.80 square foot segment-shaped portion at the northwest corner) are located in Aviation Policy Area 6, the Traffic Pattern Area. At this specific location, the elevation of the Horizontal Surface is 198 feet above mean sea level. The approximate ground elevation is 99 feet. Therefore, a hypothetical structure must be less than 99 feet in height to avoid penetrating the imaginary surface and obstructing air navigation.

SMA/Zoning: The 1994 *Approved Sectional Map Amendment for Planning Area 68* retained the subject property in the R-55 (One-Family Detached Residential) Zone. The 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* and associated zoning map amendment were approved by the County Council in January 2004 (CR-5-2004). This Development Plan designated two town centers: one along the US 1 corridor and the other along the B&O Railroad Line. The latter was enlarged in 2012 by District Council approval of A-10018, rezoning approximately 37 acres of land that is now the mixed-use development “Riverdale Park Station” (also known as the “Cafritz Property”).

DEVELOPMENT PLAN CONFORMANCE ISSUES

1. Special Permit: Uses. Special permit required to allow dwelling units without commercial uses on the first floor and apartment housing for the elderly.²

In order for the Planning Board to grant a special permit in the M-U-TC Zone for uses specified as such in the Use Table in Appendix A, it shall find that the site plan is in conformance with the approved town center development plan and the guidelines therein and any specific criteria set forth for the particular use (p. 66).

Community Planning Division staff finds that, pursuant to Section 27-239.02(a)(6)(B), Approval of a Special Permit in a Mixed-Use Town Center (M-U-TC) Zone, the Special Permit Site Plan for multifamily without ground-floor retail for Parcels K and L is in conformance with the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*, and its guidelines and specific criteria for the particular use. Staff finds that the rise of internet commerce since 2014 reduces the need for retail space in almost any environment, and Parcels K and L are not within nor adjacent to the Commercial Configuration³ with concentrated retail and service uses at Riverdale Park Station. In addition, providing apartment housing for the elderly is consistent with the Development Concept, Land Use, which states in part, “The residential locations suggested within the concept are to increase available housing choices to attract the mix of incomes necessary to support a vibrant town center,” (p. ii).

2a. Secondary Amendment: Height. A secondary amendment is required to change the height in stories from 3-6 to 3-7, for Parcel K, Building 7 and Parcel L, Building 8 as listed in Table 1: Building Recommendations⁴ and to change Building Height Standard 2, which states “An additional two stories may be considered, not to exceed six stories,” (p. 13) The proposed amendment would revise this to “not to exceed seven stories.”

² See 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*, Table of Uses for M-U-TC Zone, p. 76.

³ Shown in SA-130001, Illustrative Street Configurations, Amendments A, B, & C, *Development Plan, January 2004* (unpaginated, “ix”).

⁴ *Ibid*, p. 2.

Community Planning Division staff finds that, pursuant to Section 27-546.14.(b)(2) and 27-546.14.(b)(8), Approval of a Secondary Amendment in a Mixed-Use Town Center (M-U-TC) Zone to increase the building height from 3-6 stories to 3-7 stories, for Parcel K, Building 7 and Parcel L, Building 8 and to change Building Height Standard 2 fulfills the intent of the Development Plan mandatory requirement; the intent of the Building Height Standards is, “Create comfortable pedestrian-scaled spaces, enhance the sense of enclosure and avoid overwhelming the Streetscape,” p. 13.

Staff finds the Intent of the Building Height Standards is best articulated by Building Height Standard 3, which states, “The height of buildings should be a minimum of one-third the width of the street and streetscape to create a ratio of 1:3 between the width of the street and the height of the building.” The right-of-way is 35 feet; a 1:3 ratio would allow for a building height of 105 feet rather than the approximately 85 feet requested for a seventh story. Therefore, the intent of the Building Height Standards remains fulfilled with the requested additional story.

2b. Secondary Amendment: Windows. A secondary amendment is required to reduce the requirement for windows on walls facing public streets from 40 percent to 25 percent as required by Building Openings Standard 11. Standard 11 states, “Walls facing public streets shall have windows that occupy at least 40 percent of the wall area. This standard doe [sic] not apply to Parcel E Building 5 except the corners of 46th and Van Buren Streets and 46th and Woodberry Streets street frontages. (SA-130001 amendment N, subject to condition #9),” (see p. 16).

Community Planning Division staff finds that, pursuant to Section 27-546.14(b)(2) and 27-546.14(b)(8), Approval of a Secondary Amendment in a Mixed-Use Town Center (M-U-TC) Zone, the original intent of the Development Plan element or mandatory requirement being amended is not fulfilled with the approval of the requested secondary amendment to reduce it to 25 percent, but would be to reduce it to 30 percent. The Intent of Building Openings standards is, “Design user-friendly buildings through attention to the shape, position, and detailing of entrances and windows. These elements should clearly indicate the character (use) and entrance of the building. Improve the safety of pedestrians and parked vehicles through a strong visual connection from inside to the outside of the buildings through ample windows that overlook streets, alleys and parking lots,” (p. 15). Because the requirement for ground-floor retail uses is being lifted under the special permit, a 30 percent window-to-wall ratio will represent a “strong visual connection” for multifamily use, and the actual window ratios of 37.8 percent, 39.3 percent and 31.2 percent would meet the original intent.

2c. Secondary Amendment: Trolley Car. A secondary amendment is required to allow the proposed trolley car to be placed and used for a restaurant or retail use. The applicant proposes to add to Table 1: Building Recommendations,⁵ the trolley car as “Building 10;” the words “trolley car” under “design function;” and “restaurant or retail” under “uses.”

Community Planning Division staff finds that, pursuant to Section 27-546.14.(b)(2) and 27-546.14.(b)(8), Approval of a Secondary Amendment in a Mixed-Use Town Center (M-U-TC) Zone, the original intent of the Development Plan element or mandatory requirement being amended is fulfilled with the approval of the requested secondary amendment. The Intent of the Design Standards / Public Space, Parks and Plazas is: “Provide enjoyment to the general public through the provision of parks and plazas that are publicly or privately created and maintained, as shown on Maps 1 & 2: Concept Plan, [t]o create a positive, attractive identity for Riverdale Park through enhanced views and beautified gateways to the

⁵ Ibid, p. 2.

town center. Increase safety and the sense of discovery experienced by residents and visitors. Create habitat for indigenous wildlife.” The approval of this secondary amendment would help meet Parks and Plazas Standard 10, which states, “Unique design and visual features are strongly encouraged,” and Standard 11, which states, “Extra amenities to be considered may include but are not limited to: a dog run, a drinking fountain (one per 5,000 square feet), trellis or pergola, gazebo, public art, playground, tot lot, and public performance space,” (p. 19).

c: Long-range Agenda Notebook

Frederick Stachura, J.D., Planning Supervisor, Neighborhood Revitalization Section
Community Planning Division



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Transportation Planning Section

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301-952-3680

June 24, 2019

MEMORANDUM

TO: *JK* Jeremy Hurlbutt, Urban Design Section, Development Review Division
FROM: *TM* Tom Masog, Transportation Planning Section, Countywide Planning Division
SUBJECT: **DSP-13009-15 & SP-130003 & SA-130001-02: Riverdale Park Station**

Proposal

The applicant is seeking detailed site plan approval for multifamily housing within a larger mixed-use development. As a part of this request, the special permit approval is required for dwelling units not located within a building with commercial uses on the first floor. As part of this request, a secondary amendment for four design changes is also proposed.

Background

The detailed site plan (DSP) is required pursuant to Section 27-546.12 which requires a detailed site plan for development within the M-U-TC Zone in cases where the zone was granted via a zoning map amendment; that section makes no specific requirements that are transportation-related or otherwise. The site plan is required to address the M-U-TC Zone standards and regulations. The site plan is also required to address issues related to architecture, building siting, and relationships between the development and any open space. Additionally, the site plan is required to address general detailed site plan requirements such as access and circulation. There are no transportation-related findings related to traffic or adequacy associated with a detailed site plan.

The special permit (SP) has no transportation-related findings related to traffic or adequacy. Likewise, the secondary amendment (SA) has no transportation-related findings or requirements.

Review Comments

The current proposal seeks approval of multifamily buildings along the eastern edge of the site. The plan proposes 437 multifamily residences in two buildings on Parcel K and Parcel M. The plan also proposes 195 age-restricted residences in a single building on Parcel L. Access and circulation are acceptable; the surrounding infrastructure is mostly built. All traffic-related issues were addressed during the overall review of Preliminary Plan of Subdivision (PPS) 4-13002.

The PPS includes a trip cap allowing a mix of uses that would not exceed 482 AM peak-hour weekday, 794 PM peak-hour weekday, 767 midday peak-hour weekday and 1,019 Saturday peak-hour trips. The table below focuses on AM and PM peak-hour weekday trips for the site:

Trip Generation Summary (weekday peak hours): DSP-13009-15: Riverdale Park Station										
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour				
			In	Out	Tot	In	Out	Tot		
Trip Cap from PPS 4-13002			--	--	482	--	--	794		
Current Proposal (current proposal is starred; all others are existing approvals)										
**Senior Housing (per Guidelines)	195	units	10	16	26	20	12	32		
Less Internal Trips (per ITE Handbook)			-1	0	-1	-2	-2	-4		
Less Transit Trip Reduction (30 percent)			-3	-5	-8	-5	-3	-8		
Net Trips for Senior Housing			6	11	17	13	7	20		
Multifamily (per Guidelines)	306	units	31	129	160	119	64	183		
**Multifamily	437	units	43	183	226	170	92	262		
Townhouses (per Guidelines)	119	units	17	67	84	62	33	95		
Less Internal Trips (per ITE Handbook)			-5	-7	-12	-42	-27	-69		
Less Transit Trip Reduction (30 percent)			-26	-112	-138	-92	-48	-140		
Net Trips for Market-Rate Residential			60	260	320	215	113	331		
Office (per Guidelines)	21,150	square feet	38	4	42	7	32	39		
Less Internal Trips (per ITE Handbook)			-2	-1	-3	-3	-7	-10		
Less Transit Trip Reduction (30 percent)			-11	-1	-12	-1	-8	-9		
Net Trips for Office			25	2	27	3	17	20		
*Retail (per Guidelines)	156,580	square feet	90	57	147	395	427	822		
* , **Retail (per Guidelines)	300	square feet	1	0	1	0	1	0		
Less Internal Trips (per ITE Handbook)			-9	-9	-18	-40	-53	-93		
Less Transit Trip Reduction (15 percent)			-12	-7	-19	-53	-56	-109		
Less Pass-By (40 percent)			-28	-16	-44	-121	-128	-249		
Net Trips for Retail			42	25	67	181	191	372		
Hotel (ITE Land Use 310)	120	rooms	33	23	56	37	35	72		
Less Internal Trips (per ITE Handbook)			-2	0	-2	-4	-4	-8		
Less Transit Trip Reduction (30 percent)			-9	-7	-16	-10	-9	-19		
Net Trips for Hotel			22	16	38	23	22	45		
Total Proposed Trips			155	314	469	434	345	779		
Comparison with Trip Cap			Within Trip Cap			Within Trip Cap				

* Retail trip generation is computed using ITE Use Code 820 based on Gross Leasable Area using the Weighted Average Rate in the AM Peak Hour and the Fitted Curve in the PM Peak Hour as recommended by the Trip Generation Handbook (Institute of Transportation Engineers).

** Current Proposal

The following table summarizes weekday midday and Saturday trips:

Trip Generation Summary (midday and Saturday): DSP-13009-15: Riverdale Park Station														
Land Use	Use Quantity	Metric	Midday Peak Hour			Saturday Peak Hour								
			In	Out	Tot	In	Out	Tot						
Trip Cap from PPS 4-13002			--	--	767	--	--	1019						
Current Proposal (current proposal is double-starred; all others are existing approvals)														
**Senior Housing	195	units	17	17	34	42	25	67						
Multifamily	306	units	41	41	82	64	67	131						
**Multifamily	437	units	60	60	120	92	96	188						
Townhouses	119	units	16	16	32	28	29	57						
Less Internal Trips (per ITE Handbook)			-21	-16	-37	-25	-19	-44						
Less Transit Trip Reduction (30 percent)			-34	-36	-70	-60	-60	-120						
Net Trips for All Residential			79	82	161	141	138	279						
Office	21,150	square feet	10	12	22	6	5	11						
*Retail	156,580	square feet	382	337	719	457	421	878						
*, **Retail	300	square feet	1	1	2	2	2	4						
Hotel	120	rooms	23	23	46	49	38	87						
Less Internal Trips (per ITE Handbook)			-29	-33	-62	-31	-36	-65						
Less Transit Trip Reduction (30 percent)			-62	-56	-118	-79	-71	-150						
Less Pass-By for Retail (34 percent)			-105	-89	-194	-126	-113	-239						
Net Trips for Non-Residential			220	195	415	278	246	524						
Total Proposed Trips			299	277	576	419	384	803						
Comparison with Trip Cap			Within Trip Cap			Within Trip Cap								
General Note: All midday rates are based on diurnal rates from ITE. All Saturday rates are from ITE for the respective uses.														
* Retail trip generation is computed using ITE Use Code 820 based on Gross Leasable Area.														
** Current Proposal														

As noted in the two tables above, the development proposed by the applicant is within all trip caps established by PPS 4-13002.

The development of the site and the related parking is controlled by two significant requirements established by means of the zoning approval:

1. The parking minimums for each proposed use are set by the M-U-TC development plan for the Cafritz Property.
2. By condition of the rezoning, it is required that at least 80 percent of parking for the overall development ultimately will be in structured parking.

Given the above constraints and the current proposal, the following table was developed:

Current Parking Summary, DSP-13009, Cafritz Property						
Land Use	Use Quantity	Metric	Parking Provided			
			Surface	Structure	Street	Total
Commercial Buildings 1/2A/2B/3/4	182,020	square feet	280	100	47	427
Mixed-Use Building 5	230	units	0	752	28	780
	10,050	square feet				
Hotel Building 6A	Per the special exception		0	141	0	141
Residential Building 6B	76	units	0	0	9	9
Townhouses	119	units	0	146	58	204
Residential Buildings 7/8/9	632	units	0	791	27	818
Total Parking by Type			280	1930	169	2,379
Percentage Parking by Type			11.8%	81.1%	7.1%	100%

From this table, the following is noted:

1. The rezoning condition requiring that 80 percent of parking will be in structured parking appears to be met. Per this analysis, 81.1 percent of parking on the site is in structures.
2. At this point, the site exceeds the minimum parking requirement set by the M-U-TC development plan. It is determined that the site has sufficient parking given the uses and parking requirements of each use.

Baltimore Avenue (US 1) is a master plan collector facility. Adequate right-of-way was dedicated pursuant to the preliminary plan, so no further dedication is required of this site.

Transportation planning has no comment on either the special permit or the four-part secondary amendment. No elements of either of these requests are transportation related.

Conclusion

From the standpoint of transportation, it is determined that this plan is generally acceptable and meets the finding required for a detailed site plan as described in the Zoning Ordinance.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

June 24, 2019

MEMORANDUM

TO: Jeremy Hurlbutt, Master Planner, Urban Design Section

VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section *✓*

FROM: Amber Turnquest, Planner Coordinator, Subdivision and Zoning Section *AT*

SUBJECT: DSP-13009-15, SP-130003, and SA-130001-02, Riverdale Park Station (Cafritz Property)

The subject property is located on Tax Map 42 in Grid D-2 and is split zoned Mixed Use Town Center (M-U-TC) and One-Family Detached Residential (R-55) within Aviation Policy Area 6. DSP-13009 (37.73 acres) was previously approved by the District Council on September 30, 2013.

The applicant has submitted the DSP for the approval of 400 square feet of restaurant/retail development to be located in a trolley car on the northern portion of Outlot K and two multifamily buildings located on Outlot K and Outlot L. At the time of the original final plat the applicant had not obtained approval of the architecture for the multifamily buildings and the two parcels were therefore platted as outlots. Prior to the approval of building permits, the outlots must be replatted as buildable parcels and appropriate plat notes carried forward from the DSP and original record plats. The parcels may be replatted through the minor final plat process to be approved by the Planning Director to remove the outlot designation.

The site is the subject of preliminary plan of subdivision (PPS) 4-13002, approved by the Planning Board on May 16, 2011 for the creation of 126 lots and 39 parcels for 168,200 square feet of commercial/retail, 22,000 square feet of office, a 120-room hotel, 126 single-family attached dwelling units, and 855 multifamily dwelling units subject to 41 conditions. Of the 41 conditions (PGCPB Resolution No. 13-55) the following are applicable to this application:

9. **Prior to certificate approval of the detailed site plan, all plans shall identify the locations of all outdoor activity areas and show the mitigated and unmitigated 65dBA Ldn noise contours for the upper and lower levels based on the recommendations of the Phase I noise study. If any new outdoor activity areas are proposed within the lower unmitigated 65dBA Ldn contours, and are directly exposed to noise impacts, a Phase II study shall be provided. The study and plans shall address how mitigation for the outdoor activity areas will be provided to reduce outdoor noise levels to below 65dBA Ldn.**
10. **Prior to approval of building permits certification by a professional engineer with competency in acoustical analysis shall be submitted to The Maryland-National Capital**

Park and Planning Commission (M-NCPPC) as part of the building permit package. The certificate shall verify that noise mitigation methods have been incorporated in the architectural plans to reduce interior noise levels to 45 dBA Ldn or less.

This condition will be addressed at the time of building permit.

11. Prior to certificate approval of the detailed site plan (DSP), the DSP and Type 2 tree conservation plan shall show a noise wall on a homeowners association parcel for proposed Lots 104–114 and 120–126 as reflected on the preliminary plan, or provide a revised noise study demonstrating no need for a noise wall at this location. If the noise wall is deemed necessary at this location, the plans shall show the noise wall with top and bottom elevations and a detail provided on the DSP.

A Phase I Noise Analysis dated November 14, 2013 has been submitted with this application. Conformance with Condition 9 should be reviewed and determined by the Urban Design Section. The Phase I Noise Analysis proposes a noise barrier along the eastern property of Outlot M. The plan submitted do not include a portion of the area included in the DSP, and should prior to certification.

17. Prior to certificate approval of the detailed site plan (DSP) and in accordance with Section 24-134(b) of the Subdivision Regulations, private recreational facilities shall be provided to address the mandatory dedication requirement:

- a. At the time of DSP review, the applicant shall submit a comprehensive private recreational facilities package for approval by the Urban Design Section (M-NCPPC). The Department of Parks and Recreation will provide assistance as needed.**
- b. The private recreational facilities shall be designed and constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.**
- c. The developer and the developer's heirs, their successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.**

Conformance with Condition 17 should be reviewed and determined by the Urban Design Section.

20. All future plans of development for the subject property shall include the identification and boundaries of the Engineering Research Corporation (ERCO) Historic Site (68-022) and the Riverdale Park (68-022), University Park (66-029), and Calvert Hills (66-037) National Register historic districts.

Conformance with Condition 20 should be reviewed and determined by the Historic Preservation Section.

34. The development on the subject site shall be limited to the mix of allowed uses and the intensity that will generate no more than 482 AM, 794 PM weekday, 767 midday, and 1,019 Saturday peak-hour vehicle trips during any stage of development. Any development that is deemed to generate more peak-hour vehicle trips than the levels stated above shall require

an additional preliminary plan of subdivision with a new determination of adequacy for transportation facilities.

The Transportation Planning Section should determine conformance to this condition prior to approval of the DSP.

36. Prior to approval of any detailed site plan for the property:

- a. **The applicant must demonstrate that all specific standards identified in the applicant's completed Guidelines TOD checklist (which is included in the submitted traffic impact study dated March 5, 2013) have been incorporated in the plan as justification for meeting the 2012 *Transportation Review Guidelines, Part 1* designation as "excellent" transit oriented development.**
- b. **The applicant shall demonstrate that the approved funding mechanism committed by the applicant as part of Condition 25 (A-10018), stated above, has been fully established and has been authorized by the county and/or other governmental bodies.**

The Transportation Planning Section should determine conformance to this condition prior to approval of the DSP.

Plan Comments

1. Plat Note 19 on Plat 5, Riverdale Park Station, recorded in Plat Book MMB 239-98 states:

The Detailed Site Plan approval did not include architecture for Parcels K and L resulting in the outlot designation.

Prior to the approval of building permits a minor final plat shall be filed that removes the outlot designation of Outlot K and Outlot L and revise the designation to Parcel K and Parcel L. The appropriate plat notes shall be carried forward from the original plat and additional notes added as required by the DSP approval.

2. Findings of PPS 4-13002

There are findings of 4-13002 that are relevant to the review of DSP-13009-15:

Environmental Review (page 61)

A vibration analysis was previously provided during the review of Preliminary Plan 4-12002 and is applicable to the review of the current plan. However, to complete the record, a copy of this plan should be submitted by the applicant as part of this application. The analysis notes that the results of measurements of current vibration levels do not exceed the residential limits (200 micrometers/second) or the commercial limits (400 micrometers/second) established by the International Standards Organization (ISO), or the residential limits (143 micrometers/second) established by the Federal Transit Authority. The study notes that these limits apply to occupant comfort and not structural damage. The report further states that all levels measured are well below limits established for structural damage. The study analyzed both freight and transit trains. The highest vibration level recorded was for a freight train (143.8 micrometers/second). This level passes the ISO residential standard and only slightly exceeds the FTA residential standard by an

imperceptible amount for occupant comfort. The recorded vibration level was for only one occurrence of the 11 freight and 25 total trains observed during the 16-hour survey. Because the vibration levels are below the industry accepted standards for residential uses, no changes to the design, or additional information regarding vibration is required.

This site is bordered to the east by an existing CSX right-of-way and tracks. To the north the site adjoins vacant land owned by the Washington Metropolitan Transit Authority (WMATA). There are exposed tracks in the eastern portion of this right-of-way. In the western portion of the WMATA property, the tracks are underground. The railroad service will generate vibration impacts. Plan Prince George's 2035 addresses noise, but it does not address vibrations caused by commuter rail lines. A vibration study was filed with the PPS, however the subject DSP revision proposes to increase the height of the multifamily buildings adjacent to the CSX right-of-way. A new vibration analysis should be submitted prior to certification of the detailed site plan to determine if vibration impacts any parcels proposed with residential land uses. The study would include the criteria and thresholds of vibration measurements with regard to predicting annoyance from vibration impacts in residential areas.

Vibration impacts should be measured using the Federal Transit Administration's (FTA) manual – "Transit Noise and Vibration Impact Assessment" of May 2006. Typical vibration impacts for commuter trains are determined to have a frequency of eight to 80 hertz (HZ) with vibration events lasting approximately ten seconds. The FTA manual applies a threshold of 72 velocity decibels (VdB) or less as "not feelable, but ground borne vibration may be audible inside quiet rooms." The threshold for human perception is 65 Vdb for "barely perceptible and 75 Vdb for "distinctly perceptible." The report should indicate if residential structures may be exposed to vibration that could result in structural damage, or vibration that may cause slight annoyance due to 'feelable' vibration within the buildings. As noted in previous vibration studies submitted with subdivision applications, the level of annoyance experienced will depend highly upon the tolerance of each individual." The purpose of the vibration study is to ensure that proper notice is provided for future residents and property owners of any potential vibration impacts in accordance with FTA standards.

Subsequent to staff's review of the Vibration report at the time of DSP certification, it should be referred to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) as well as the Washington Metro Area Transit Authority (WMATA) for additional comments and recommendations. In regard to vibration analysis, DPIE has noted that a transit system, commuter rail at this case, often causes significant noise at nearby residences. Federal Transit Administration, FTA, recommends noise analysis shall be performed if the structure is located within 1,600 feet from noise source. The proposed project is approximately 490 feet from the centerline of the track to the south so noise analysis may be required with the DSP. The 65dBA Ldn Unmitigated noise contour should be indicated on the DSP from the metro track. If noise impact exceeds the acceptable level, noise mitigation shall be proposed.

DPIE has indicated that the vibration excited by train movement rarely cause any damages to the structure. However, the measured ground-borne velocity, Vdb, should be provided because if it exceeds the FTA impact level for residential building the future residence may experience vibration. Ground only vibration impacts may vary depending on the proposed structure and DPIE's experience in dealing with vibration analysis is that

the heavier the structure the lower the vibration response will be. Light weight material, will most likely increase the vibration impact. If the vibration study or vibration information submitted with the DSP indicates that the residential land uses will be subject to vibration the should have the structural engineer work closely with acoustical engineer/scientist (or firm) to come up with the best possible solution for any vibration impacts if the exists on site.

The Environmental Planning Section is further reviewing the possible affects of vibration and may recommend a condition to notify future owners or renters of the possibility of feelable vibration from the proximity to the transit line.

Recommended Conditions

1. Prior to the approval of building permits, a minor final plat shall be filed that converts the outlots to Parcel K and Parcel L, pursuant to the DSP approval. The appropriate plat notes shall be carried forward from the original plat and additional notes added as required by the DSP approval.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. The DSP has been found to be in substantial conformance with the preliminary plan of subdivision and record plat, subject to the recommended conditions for this DSP. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

June 24, 2019

MEMORANDUM

TO: Jeremy Hurlbutt, Development Review Division
FROM:  Fred Shaffer, Transportation Planning Section, Countywide Planning Division
SUBJECT: Detailed Site Plan Review

The following detailed site plan (DSP) was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* and/or the appropriate area master plan in order to provide the appropriate recommendations.

Detailed Site Plan Number: DSP-13009/15

Name: Riverdale Park Station

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*	<input checked="" type="checkbox"/>	Public Use Trail Easement	_____
PG Co. R.O.W.*	<input checked="" type="checkbox"/>	Nature Trails	_____
SHA R.O.W.*	<input type="checkbox"/>	M-NCPPC – Parks	_____
HOA	<input type="checkbox"/>	Bicycle Parking	<input checked="" type="checkbox"/>
Sidewalks	<input checked="" type="checkbox"/>	Trail Access	_____

*If a master plan trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The Transportation Planning Section has reviewed the submitted detailed site plan application referenced above for conformance with prior approvals and consistency with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (MUTC) in order to implement planned trails, bikeways, and pedestrian improvements.

Prior Approvals:

The subject application proposes revisions on two multifamily buildings and the addition of a 400-square foot restaurant within an historic trolley car in the previously approved Cafritz Property. Numerous prior approvals addressed bicycle and pedestrian access on the site and the subject applications make minimal modifications to the sidewalk, bicycle and trails network.

The pedestrian network shown on the submitted site plan revision appears consistent with prior approvals. Numerous conditions of approval from the basic plan, preliminary plan and detailed site plan addressed the streetscape along US 1 and the Trolley Trail, both of which are beyond the scope of the subject application. Prior conditions of approval that impact the subject revision are addressed below. Condition 3e of A-10018 addressed bike lanes internal to the Riverdale Park development.

3. Prior to acceptance of any application for a Preliminary Plan of Subdivision, the following information shall be provided:
 - e. Provide one east-west bicycle route through the site either along Van Buren Street or Woodbury Street, in order to accommodate east-west bicycle movement through the site, to the trolley trail, to the planned bicycle facilities along Baltimore Avenue (US 1), and across the CSX crossing.

Condition 1v of 4-13002 reiterated the need for on-road bike facilities internal to the subject site.

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
 - v. Revise Cross Sections EE, GG, HH, JJ, MM, PP, and RR to include on-road bike lanes, wide sidewalks, and curb-to-curb pavement width dimensions. Add notes to indicate that the turning radii at intersections will be per Department of Public Works and Transportation (DPW&T) standards in order to accommodate transit and school buses, service, and emergency vehicles, unless modified by the approval of the Secondary Amendment SA-130001.

Comment: Conditions 3e of A-10018 and Condition 1v of 4-13002 required internal bike lanes along some internal roads. The plans shall be revised to include the previously approved bike lanes along Van Buren Street and around the Village Green as noted on Condition 3e above and shown on previously approved DSP-13009.

Condition 6 of A-10018 addressed internal pedestrian safety features and bicycle parking on the subject site.

6. Prior to approval of any detailed site plan, the following shall be provided:
 - b. The plans shall indicate that crosswalks providing appropriate pedestrian safety features are provided throughout the site.

Comment: The submitted plans include curb extensions, pedestrian refuges, and crosswalk at many locations. The DSP shall be revised to include Americans with Disabilities Act (ADA) curb cuts and ramps at all locations where sidewalks intersect with roadways. Raised crosswalks were added at several locations during the approval of the original DSP. The submitted plans are consistent with the pedestrian network and amenities previously approved.

- c. The type, location, and number of bicycle parking and storage spaces shall be provided consistent with the LEED-ND Bicycle Network and Storage Credit (Smart Location and Linkage Credit 4). The number of the enclosed bicycle parking spaces at the multi-family units shall be a minimum of fifteen percent of the total number of bicycle spaces provided for residents at the multi-family units. Pedestrian walkways shall be free and clear of space designated for bicycle parking.

Comment: Secure and sheltered bicycle parking is provided in the parking garages for both Building 7 and 8 consistent with the LEED-ND Bicycle Network and Storage Credit.

The Design Standards for Public Space in the approved Development Plan also includes the following guidance regarding bicycle racks:

- 4. *Businesses are encouraged to provide a minimum of one bicycle rack. Bicycle racks shall be located so that bikes do not extend from the landscaping/pedestrian amenity strip into the pedestrian right-of-way or into the street. Multiple bike racks may be provided for groups of businesses (MUTC, page 18).*

Comment: Bicycle parking needs to be provided at the restaurant proposed in the Trolley Car consistent with this design standard.

Recommendation:

Prior to certification of the detailed site plan, the applicant shall revise the plans as follows or provide the specified documentation:

- a. Revise the plans to include the designated bike lanes along Van Buren Street and the Village Green consistent with Condition 3e of A-10018 and previously approved DSP-13009.
- b. Provide bicycle parking at the Trolley Trail restaurant/commercial space consistent with Condition 6c of A-10018 and Design Standards for Public Space #4.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation
6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: July 3, 2019

TO: Jeremy Hurlbutt
Urban Design Section
Development Review Division

VIA: Helen Asan, Acting Land Acquisition Supervisor
Park Planning and Development Division *HA*
Department of Parks and Recreation

FROM: Paul J. Sun, RLA, Land Acquisition Specialist *PJS*
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: **DSP-13009/15 (SP-130003 & SA-130001-02)-Riverdale Park Station (Cafritz Property)**

The staff of the Department of Parks and Recreation has reviewed the above-referenced Detailed Site Plan (DSP) Revision, Special Permit (SP) and Secondary Amendment (SA) for conformance to the approved Preliminary Plan of Subdivision 4-13002, and previous DSP/SP/SA revisions as they pertain to Public Parks and Recreation Facilities.

BACKGROUND

In May of 2013, Preliminary Plan of Subdivision 4-10032 was approved with conditions by the Prince George's County Planning Board, PGCPB Resolution No.13-55. Additionally, on September 30, 2013, the District Council affirmed PGCPB Resolution No. 13-63 for DSP - 13009, which allowed for a mixed-use development on the property (with conditions) to include 855 multi-family units, 126 townhouses, and approximately 187,277 square feet of commercial space.

As per the conditions of approval for Preliminary Plan 4-10032, in November of 2013, the applicant conveyed to M-NCPPC, 1.12 acres of land (Liber 36119, Folio 526) along with a 30' Public Use Easement (Liber 35503, Folio 344) to allow for the continuous section of the Rhode Island Avenue Trolley Trail to be constructed and implemented. The conditions of approval also required that the applicant construct and maintain Private Recreation Facilities to satisfy the remaining portion of the requirements for Mandatory Parkland Dedication for the Preliminary Plan. In 2013, the applicant entered into a Private Recreation Facilities Agreement (RFA). The recorded RFA required that the applicant construct the following amenities for the development:

- 536 linear feet of the hiker-biker trail
- Two multi-age play areas
- 900 linear foot nature trail
- Building 5 courtyard and amenities
- Building 6b amenities
- Village Green

FINDINGS AND DISCUSSION

With this DSP/SP/SA revision, the applicant is requesting modifications to the multi-family buildings known as Buildings 7 and 8 to increase the building heights, reduce the percentage of windows, which will affect the total number of dwelling units and revise the residential density for the development. The current plans indicate that Building 7 will consist of 338 unrestricted dwelling units and that Building 8 will consist of 195 age-restricted dwelling units and 99 unrestricted dwelling units, for a total of 632 total new dwelling units.

The plans also indicate that there will be additional on-site private recreational amenities provided for the residents. The applicant list of additional amenities will include:

- “Signature Plaza” with seating areas
- Private garden at Building 7
- Private landscaped courtyards at each building which include seating areas and open lawn areas.

- Amenity areas in both buildings to include lounges, fitness room, game/media/club room and bike storage.

DPR finds these additional facilities acceptable, subject to the review by DRD for adequacy.

The provision of on-site private recreational facilities is consistent with the previous plan approvals for this project.

Recommendations:

The Park Planning and Development Division of the Department of Parks and Recreation recommends to the Planning Board that approval of the above-referenced Detailed Site Plan be subject to the following conditions:

1. The applicant, his successors, and/or assigns shall provide additional adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
2. Submission of an amended Recreational Facilities Agreements (RFA) for the additional recreational facilities to the DRD for their approval, prior to a submission of the building permits. Prior to the issuance of any building permits, the RFA shall be approved by the DRD, and recorded in the land records of Prince George's County, Upper Marlboro, Maryland.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

Countywide Planning Division
Environmental Planning Section

301-952-3650

June 24, 2019

MEMORANDUM

TO: Jeremy Hurlbutt, Master Planner, Urban Design Review Section

VIA: Megan Reiser, Acting Planner Supervisor, Environmental Planning Section

FROM: Kim Finch, Planner Coordinator

SUBJECT: Riverdale Park Station (formerly Cafritz Property)
DSP-13009, SP-13003, SA-03001; and TCP2-010-13-03

PG FOIA MNR

The Environmental Planning Section (EPS) has reviewed the Detailed Site Plan (DSP) and Type 2 Tree Conservation Plan stamped as received by the Environmental Planning Section on May 22, 2019. The Environmental Planning Section recommends approval subject to the conditions listed at the end of this memorandum.

Background

The following tables lists previous and current approval applicable to the environmental review of this application.

Development Review Case	Tree Conservation Plan	Approval Authority	Status	Action Date	Approval Document
NRI-121-06	NA	Planning Director	Approved	9/28/2006	NA
A-10018	NA	District Council	Approved	7/12/2012	Zoning Ordinance No. 11-2012
4-13002	TCP1-005-12	Planning Board	Approved	5/16/2013	PGCPB No. 13-55
NRI-121-06-01	NA	Planning Director	Approved	3/19/2012	NA
DSP-13009	TCP2-010-13	District Council	Approved	9/30/2013	PGCPB No. 13-63
DSP-13009-01	TCP2-010-13-01	Planning Director	Approved	5/14/2014	NA
DSP-13009-02	TCP2-010-13-02	Planning Director	Approved	8/5/2014	NA
NRI-121-06-01	NA	Planning Director	Approved	9/19/2018	1 Year Revalidation
DSP-13009-15	TCP2-010-13-03	Planning Board	Pending	Pending	Pending

Grandfathering

The site is subject to the environmental regulations in Subtitles 24, 25 and 27 that became effective on September 1, 2010 and February 1, 2012.

Site Description

This 37.34-acre site in the M-U-TC zone. The property is located on the east side of Baltimore Avenue (US Route 1) where it intersects with Van Buren Street. The site is 88 percent wooded prior to development. A review of the available information indicates that streams and steep slopes 15 percent or greater are not found to occur within the limits of this application; however, a small isolated wetland and a small area of 100-year floodplain exists on-site. The CSX right-of-way is adjacent to the eastern boundary of the site and has been identified as a transportation-related noise generator with potential vibration impacts. The soils found to occur according to the United States Department of Agriculture (USDA) National Resource Conservation Service (NRCS) Web Soil Survey (WSS), are in the Croom, Leonardtown, Sunnyside, and Urban Land series. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered (RTE) species found to occur in the vicinity of this property. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Northeast Branch watershed of the Anacostia River basin and the Developed Tier as previously reflected in the adopted *General Plan (2005)* in the Established Communities General Plan Growth Policy of *Plan Prince George's 2035* and is a Neighborhood Center. According to the approved *Countywide Green Infrastructure Plan (2017)*, the site contains Regulated Areas and Evaluation Areas. The property is further located in the Developed Tier as reflected in the adopted General Plan.

Summary of Previous Conditions of Approval

The following text addresses previously approved environmental conditions related to the subject application. The respective conditions are in **bold** typeface, the associated comments, additional information, plan revisions and recommended conditions are in standard typeface.

Zoning Case A-10018

10. The Environmental Planning Section recommends the following conditions:

- a. All future applications shall include a valid approved Natural Resources Inventory under the current environmental regulations that addresses the required information as outlined in the current Environmental Technical Manual.**

The DSP application contains a valid approved Natural Resources Inventory, NRI-121-08-01, which was revalidated for one year, and will expire on September 19, 2019. No additional information is needed for conformance with this condition.

- b. At the time of Preliminary Plan, the Type 1 tree conservation plan shall demonstrate that the woodland conservation threshold has been met on-site to the fullest extent practicable. At a minimum, preservation shall be focused on the highest priority areas (Forest Stands 1 and 3).**

This condition was addressed with the preliminary plan. The subject site is zoned M-U-TC, which requires the site to provide a variety of uses including high density residential and commercial. The woodland conservation threshold for this site is 5.75

limits (400 micrometers/ second) established by the International Standards Organization. The report states that this level slightly exceeds the residential limits (143 micrometers/second) established by the Federal Transit Authority “imperceptible” amount for occupant comfort. The study notes that these limits apply to occupant comfort and not structural damage. The report further states that all levels measured are well below limits established for structural damage. A note on the final plat should be included to note the close proximity of the building to the railway. A condition is recommended at the end of this memorandum.

f. At the time of preliminary plan, a revised stormwater management concept plan shall be submitted. The proposed plan shall show the use of environmental site design techniques such as bioretention, infiltration, and green roofs. The concept shall be correctly reflected on the Type 1 tree conservation plan.

This condition was addressed. A revised stormwater management concept approval letter and plan (11589-2010-06) was submitted with the current plan, which was approved by the Department of Permitting, Inspections and Enforcement (DPIE) on January 8, 2019 and expires on June 2, 2019.

13. Prior to approval of a detailed site plan, a 90-to-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable. This depth of buffer may be reduced north of Van Buren Street with approval by the Planning Board, provided the applicant submits evidence demonstrating that it submitted plans to the Town of University Park prior to the acceptance of the detailed site plan and the Town was afforded sufficient time to comment, and if it is determined to be a superior design solution, by providing berms, retaining walls, landscaping, or other screening of the parking lot from the residences to the west consistent with Parking Sections Exhibit dated January 7, 2012. In no event shall the buffer be less than 60 feet in width.

This condition was addressed with DSP-13009 and is reflected on the revised plans with this application.

Conformance with Detailed Site Plan DSP-13009

On May 30, 2013, the Prince George's County Planning Board approved DSP-13009 and Type 2 Tree Conservation Plan, TCP2010-13, subject to the following conditions which are environmental in nature and were not addressed prior to certification.

3. Prior to the issuance of the first grading permit, evidence shall be submitted that all pretreatment and protective devices for specimen trees 255, 281, 262 and 265 have been implemented.

The required documentation was submitted, and the grading permit was issued.

4. **Prior to the issuance of building permits for Parcels K, L and M, a detailed site plan application for each such parcel shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.**

This condition will be addressed at the time of permit review.

5. **Prior to the issuance of use and occupancy building permits for residential units protected from noise by the proposed noise wall, the wall shall be fully constructed on-site, if such a noise wall is required.**

This condition has been addressed and the wall has been constructed.

Environmental Review

As revisions are made to the plans, the revision boxes on each plan sheet shall be used to describe the changes, the date made, and by whom.

Natural Resources Inventory/Existing Conditions

An approved Natural Resource Inventory, NRI-121-06-01, was submitted with the application. This plan was updated to reflect the current code requirements and was approved as the -01 revision to the plan on March 19, 2012. Subsequent to the last approval, land was added to the overall preliminary plan application increasing the land area. The total area of land within the current application is 37.73 acres and the total amount of woodland has increased from 32.73 acres to 33.12 acres. A revised NRI is not required at this time, and the previously approved NRI has been revalidated with an expiration date of September 19, 2019.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site has previously approved and implemented tree conservation plans. A revised Type 2 Tree Conservation Plan (TCP2-010-13-03) has been submitted.

The Woodland Conservation Threshold (WCT) for this site is 15.25 percent of the net tract area or 5.75 acres. The total woodland conservation requirement is 17.61 acres. The plan proposes to meet the woodland conservation requirement with 0.65 acres of woodland preservation and 16.96 acres of fee in lieu. It should be noted that the fee, which slightly exceeds coverage of 16.96 acres, was submitted at the time of the first grading permit. The proposed preservation area is located along the west boundary and contains 8 specimen trees.

As previously noted, the plan continues to preserve all specimen trees proposed and approved for retention. The limit of disturbance is consistent with the previously approved TCP1 and TCP2

Preservation of Regulated Environmental Features

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Ordinance. The on-site regulated environmental features include a small isolated wetland and a small area of 100-year floodplain. No new impacts to regulated environmental features have been proposed with the current application.

Aviation Policy Areas and Aviation Noise.

The site is located within the flight path of College Park Airport and may be affected by airport and aircraft operations. The northeastern portion of the site is located in aviation policy area (APA) zone 6. The Preliminary Plan associated with this application is subject to compliance with APA regulations under CB-51-2002. The following note was placed on the final plat for this site and shall remain when the plat is updated to reflect the proposed parcels:

“The limits of this plat lie within a 1-mile vicinity of the College Park Airport in APA 6. At the time of purchase contract with home buyers, the contract purchaser shall sign a General Aviation Airport Environment Disclosure notice in accordance with Sections 27-548.32 and 27-548.48.

SUMMARY OF RECOMMENDED FINDINGS AND CONDITION

The Environmental Planning Section recommends approval of DSP-13009-15 and TCP2-010-13-03 subject to the following findings and conditions

Recommended Findings

1. The current DSP and TCP2 application are consistent with previously approved environmental impacts and requests no additional impacts. The plan demonstrates that the regulated environmental features of the site are preserved to the fullest extent possible.

Recommended Conditions

1. Prior to certification of the DSP, the TCP2 shall be revised as follows:
 - a. Add a note on the cover sheet of the TCP2 plan stating: “The option of using fee-in-lieu of off- site woodland conservation was approved by the Planning Board with the approval of Preliminary Plan 4-13002.”
 - b. Provide an Owner’s Awareness Certificate on the cover sheet for signature by an appropriate party.
 - c. Have the revision plans signed by the Qualified Professional who prepared it.
2. The following note shall be added to the final plat: “This property is located within close proximity to a railway and may be subject to “feelable vibration” impacts.”

If you have any questions concerning these comments, please feel free to contact me at 301-952-3506 or by e-mail at kim.finck@ppd.mncppc.org.



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

June 20, 2019

TO: Jeremy Hurlbutt, Urban Design Section
Development Review Division, M-NCPPC

FROM: *Mary M. Giles, P.E.*, Associate Director
Site/Road Plan Review Division, DPIE

RE: Riverdale Park Station (Cafritz Property)
Detailed Site Plan No. DSP-13009-15
Special Permit No. SP-130003
Secondary Amendment No. SA-130001-0)

CR: Van Buren Street (Town of Riverdale Park)
CR: 47th Street (Town of Riverdale Park)

In response to the Detailed Site Plan No. DSP-13009-15, Special Permit No. 130003 and Secondary Amendment No. 130001-02 referrals, the Department of Permitting, Inspections, and Enforcement (DPIE) offers the following:

- The property is located on the east side of Baltimore Avenue (US 1), approximately 1,400 feet from its intersection with East-West Highway (MD 410).
- DPIE has no objection to the proposed revision to two multifamily buildings and the addition of 400 square feet of restaurant/retail to be located in a trolley car.
- The proposed site development is consistent with the approved Concept Plan No. 11589-2010-06, dated January 8, 2019.
- All storm drainage systems and facilities are to be in accordance with the Department of Public Works and Transportation (DPW&T) Standards and Specifications.

This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:

- a) Exact acreage of impervious areas has been provided on the concept plan;
- b) Proposed grading is shown on plans;
- c) Delineated drainage areas at all points of discharge from the site have been provided on the concept plan;

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774
Phone: 301.636.2060 ♦ <http://dpie.mypgc.us> ♦ FAX: 301.925.8510

Jeremy Hurlbutt
June 20, 2019
Page 2

- d) Stormwater volume computations have been provided with the concept plan;
- e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in this submittal;
- f) Provide a stream restoration plan, if applicable, associated with ESD practices;
- g) A narrative in accordance with the Code has been provided;
- h) Please submit any additional information described above for further review at time of Site Development Fine Grading permit;

If you have any questions or require additional information, please contact Mr. Steve Snyder, District Engineer for the area, at 301.636.2060.

MG:SS:csw

cc: Rene Lord-Attivor, Chief, Traffic Engineering, Dpie
Steve Snyder, P.E., District Engineer, S/RPRD, Dpie
Yonas Tesfai, P.E., Engineer, S/RPRD, Dpie
O'Malley, Miles, Nylen & Gilmore, P.A., 11785 Beltsville Drive,
10th Floor, Beltsville, Maryland 20705
Calvert Tract, LLC, 1828 L Street, NW, Suite 703,
Washington, DC 20036

CAFTRITZ AT RIVERDALE PARK

DETAILED SITE PLAN / SPECIAL PERMIT

ALL TOWNHOUSE LOTS, HOA COMMON AREA PARCELS,
AND BUILDING 6B ARE SUBJECT
TO SPECIAL PERMIT No. 130002

LOT AND PARCEL TABLE																
LOT TABLE		LOT TABLE		LOT TABLE		LOT TABLE		LOT TABLE								
LOT	AREA (S.F.)	% LOT COVERED	LOT	AREA (S.F.)	% LOT COVERED	LOT	AREA (S.F.)	% LOT COVERED	LOT	AREA (S.F.)	% LOT COVERED					
1	2,426	44.4%	N/A	31	1,240	64.5%	N/A	61	1,008	71.4%	N/A	91	1,008	71.4%	N/A	
2	1,116	64.5%	32	1,116	64.5%	62	896	71.4%	92	996	71.4%					
3	1,116	64.5%	33	1,116	64.5%	63	1,008	71.4%	93	1,008	71.4%					
4	1,116	64.5%	34	1,240	64.5%	64	1,008	71.4%	94	1,008	71.4%					
5	992	64.5%	35	1,116	64.5%	65	1,520	71.4%	95	1,520	68.8%					
6	1,240	64.5%	36	1,116	64.5%	66	1,220	65.6%	96	1,160	69.0%					
7	1,240	64.5%	37	1,116	64.5%	67	976	65.6%	97	928	69.0%					
8	36	992	64.5%	38	992	64.5%	68	1,098	65.6%	98	1,044	69.0%				
9	1,116	57.3%	39	1,240	64.5%	69	1,098	65.6%	99	1,044	69.0%					
10	1,116	64.5%	40	1,160	69.0%	70	1,098	65.6%	100	1,044	69.0%					
11	1,116	64.5%	41	928	69.0%	71	1,098	65.6%	101	1,044	69.0%					
12	1,116	64.5%	42	928	69.0%	72	1,098	65.6%	102	1,044	69.0%					
13	1,116	64.5%	43	928	69.0%	73	976	65.6%	103	928	69.0%					
14	1,116	64.5%	44	928	69.0%	74	1,220	65.6%	104	1,160	69.0%					
15	1,116	64.5%	45	1,044	69.0%	75	1,160	65.6%	105	1,220	65.6%					
16	992	64.5%	46	1,160	69.0%	76	928	65.6%	106	976	65.6%					
17	1,240	64.5%	47	1,220	65.6%	77	1,044	69.0%	107	1,098	65.6%					
18	1,240	64.5%	48	1,098	65.6%	78	1,044	69.0%	108	1,098	65.6%					
19	992	64.5%	49	976	65.6%	79	1,044	69.0%	109	1,098	65.6%					
20	1,116	64.5%	50	976	65.6%	80	1,044	69.0%	110	1,098	65.6%					
21	1,116	64.5%	51	976	65.6%	81	1,044	69.0%	111	1,098	65.6%					
22	1,116	64.5%	52	1,098	65.6%	82	928	65.6%	112	976	65.6%					
23	992	64.5%	53	1,220	65.6%	83	1,160	65.6%	113	1,120	71.4%					
24	992	64.5%	54	1,520	88.8%	84	1,520	88.8%	114	1,120	71.4%					
25	1,116	64.5%	55	1,098	71.4%	85	1,008	71.4%	115	1,098	71.4%					
26	1,116	64.5%	56	1,008	71.4%	86	1,008	71.4%	116	896	71.4%					
27	1,116	64.5%	57	896	71.4%	87	896	71.4%	117	1,098	71.4%					
28	992	64.5%	58	1,008	71.4%	88	1,008	71.4%	118	1,098	71.4%					
29	992	64.5%	59	1,120	71.4%	89	1,120	71.4%	119	1,520	88.8%					
30	1,116	64.5%	60	1,120	71.4%	90	1,120	71.4%	120	1,3048	TOTAL					

LOT TABLE

LOT	AREA (S.F.)	% LOT COVERED	LOT	AREA (S.F.)	% LOT COVERED	LOT	AREA (S.F.)	% LOT COVERED	LOT	AREA (S.F.)	% LOT COVERED																																																																																																																																																																																																																																																																																																																																																																																			
1	44,325	RETAIL/COMM/OFFICE	2	90,081	RETAIL/COMM/OFFICE	3	215,390	RETAIL/COMM/OFFICE	4	66,737	RETAIL/COMM/OFFICE	5	155,038	RETAIL/COMM/OFFICE/HOSPITALITY	6	76,414	RETAIL/COMM/OFFICE/HOSPITALITY	7	28,785	VILLAGE SQUARE	8	16,594	TRAIL NORTH	9	89,331	OPEN SPACE / SWM	10	12,437	PRIVATE ROAD	11	10,414	RESIDENTIAL	12	1,140	OPEN SPACE	13	1,140	OPEN SPACE	14	1,140	OPEN SPACE	15	1,140	OPEN SPACE	16	1,140	OPEN SPACE	17	1,140	OPEN SPACE	18	1,140	OPEN SPACE	19	1,140	OPEN SPACE	20	1,140	OPEN SPACE	21	1,140	OPEN SPACE	22	1,140	OPEN SPACE	23	1,140	OPEN SPACE	24	1,140	OPEN SPACE	25	1,140	OPEN SPACE	26	1,140	OPEN SPACE	27	1,140	OPEN SPACE	28	1,140	OPEN SPACE	29	1,140	OPEN SPACE	30	1,140	OPEN SPACE	31	1,140	OPEN SPACE	32	1,140	OPEN SPACE	33	1,140	OPEN SPACE	34	1,140	OPEN SPACE	35	1,140	OPEN SPACE	36	1,140	OPEN SPACE	37	1,140	OPEN SPACE	38	1,140	OPEN SPACE	39	1,140	OPEN SPACE	40	1,140	OPEN SPACE	41	1,140	OPEN SPACE	42	1,140	OPEN SPACE	43	1,140	OPEN SPACE	44	1,140	OPEN SPACE	45	1,140	OPEN SPACE	46	1,140	OPEN SPACE	47	1,140	OPEN SPACE	48	1,140	OPEN SPACE	49	1,140	OPEN SPACE	50	1,140	OPEN SPACE	51	1,140	OPEN SPACE	52	1,140	OPEN SPACE	53	1,140	OPEN SPACE	54	1,140	OPEN SPACE	55	1,140	OPEN SPACE	56	1,140	OPEN SPACE	57	1,140	OPEN SPACE	58	1,140	OPEN SPACE	59	1,140	OPEN SPACE	60	1,140	OPEN SPACE	61	1,140	OPEN SPACE	62	1,140	OPEN SPACE	63	1,140	OPEN SPACE	64	1,140	OPEN SPACE	65	1,140	OPEN SPACE	66	1,140	OPEN SPACE	67	1,140	OPEN SPACE	68	1,140	OPEN SPACE	69	1,140	OPEN SPACE	70	1,140	OPEN SPACE	71	1,140	OPEN SPACE	72	1,140	OPEN SPACE	73	1,140	OPEN SPACE	74	1,140	OPEN SPACE	75	1,140	OPEN SPACE	76	1,140	OPEN SPACE	77	1,140	OPEN SPACE	78	1,140	OPEN SPACE	79	1,140	OPEN SPACE	80	1,140	OPEN SPACE	81	1,140	OPEN SPACE	82	1,140	OPEN SPACE	83	1,140	OPEN SPACE	84	1,140	OPEN SPACE	85	1,140	OPEN SPACE	86	1,140	OPEN SPACE	87	1,140	OPEN SPACE	88	1,140	OPEN SPACE	89	1,140	OPEN SPACE	90	1,140	OPEN SPACE	91	1,140	OPEN SPACE	92	1,140	OPEN SPACE	93	1,140	OPEN SPACE	94	1,140	OPEN SPACE	95	1,140	OPEN SPACE	96	1,140	OPEN SPACE	97	1,140	OPEN SPACE	98	1,140	OPEN SPACE	99	1,140	OPEN SPACE	100	1,140	OPEN SPACE	101	1,140	OPEN SPACE	102	1,140	OPEN SPACE	103	1,140	OPEN SPACE	104	1,140	OPEN SPACE	105	1,140	OPEN SPACE	106	1,140	OPEN SPACE	107	1,140	OPEN SPACE	108	1,140	OPEN SPACE	109	1,140	OPEN SPACE	110	1,140	OPEN SPACE	111	1,140	OPEN SPACE	112	1,140	OPEN SPACE	113	1,140	OPEN SPACE	114	1,140	OPEN SPACE	115	1,140	OPEN SPACE	116	1,140	OPEN SPACE	117	1,140	OPEN SPACE	118	1,140	OPEN SPACE	119	1,140	OPEN SPACE	120	1,140	OPEN SPACE	121	1,140	OPEN SPACE	122	1,140	OPEN SPACE	123	1,140	OPEN SPACE	124	1,140	OPEN SPACE	125	1,140	OPEN SPACE	126	1,140	OPEN SPACE	127	1,140	OPEN SPACE	128	1,140</td

1 - WSSC comments

Created by: Adan Rivera
On: 06/06/2019 12:26 PM

1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
2. Coordination with other buried utilities:
 - a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
 - b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
 - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
 - d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
 - e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
 - f. The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
 - g. Upon completion of the site construction, utilities that are found to be located within WSSC's rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicants expense.
3. Forest Conservation Easements are not permitted to overlap WSSC existing or proposed easements. Potential impacts to existing Forest Conservation Easements (due to proposed water and/or sewer systems) must be reviewed and approved by County staff.
4. Unless otherwise noted: ALL extensions of WSSC's system require a request for Hydraulic Planning Analysis and need to follow the System Extension Permit (SEP) process. Contact WSSC's Permit Services Section at (301-206-8650) or visit our website at <https://www.wsscwater.com/business--construction/developmentconstruction-services.html> for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSC's Permit Services Section at (301) 206-4003.

----- 0 Replies -----

2 - WSSC - Design

Created by: Arthur Atencio
On: 06/20/2019 10:30 AM

1. This review of the revision to the DSP13009-15 covered Parcels K and L (buildings 7 & 8) only.
2. All conditions of the approved Hydraulic Planning Analysis DA5436Z12 Amendment#2 apply.
3. No changes to the previously reviewed DSP13009 water and sewer mains or connections were noted. All previous comments to DSP 13009 still apply.

----- 0 Replies -----



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

June 21, 2019

MEMORANDUM

TO: Jeremy Hurlbutt, Master Planner, Urban Design Section

FROM: Alice Jacobs, Principal Planning Technician, Permit Review Section *AKS*

SUBJECT: DSP-13009-15 (SP-130003 & SA-130001-02) – Riverdale Park Station (Cafritz)

1. Property is zoned M-U-I and all standards are set by the Planning Board.
2. No further comments are offered at this time.

Additional Back-up - July 25, 2019



TOWN OF UNIVERSITY PARK

MAYOR
Lenford C. Carey

July 17, 2019

Ms. Elizabeth Hewlett, Chair
Prince George's County Planning Board
Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

COMMON COUNCIL
David Brosch
Joseph Schultz
Laurie Morrissey
Linda Verrill
David Caskey
Martha Wells
Roland Stephen

Re: DSP-13009-15; SP-130003; SA-130001-02 (Cafritz Property/Riverdale Park Station)

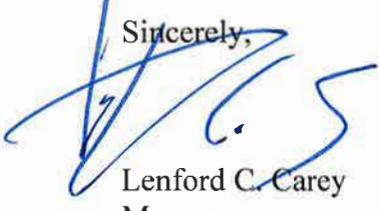
Dear Ms. Hewlett:

On July 15, 2019, the Town Council of University Park approved the recommendation of the Town's Development Overview Committee and voted to support approval of DSP-13009-15, SP-130003, and SA-130001-02 in full concurrence with the Town of Riverdale Park. The work encompassed in these plans includes:

1. Development of multifamily residential buildings 7 and 8, each with increased height in an added story and associated parking garages.
2. Removal of commercial space for buildings 7 and 8, making them residential only.
3. Decrease the percentage of windows on walls facing a public street, from 40 percent to 30 percent.
4. Addition of 450 square feet of retail within a refurbished trolley car on the north side of Building 7.

Thank you for your consideration of our comments.

Sincerely,



Lenford C. Carey
Mayor

Cc: Larry Taub, Cafritz
Alan Thompson, Mayor, Town of Riverdale Park
Jeremy Hurlbutt, M-NCPPC Urban Design Section, Development Review Division



Town of Riverdale Park, Maryland

Town Administration

July 11, 2019

Mr. Jeremy Hurlbutt
Urban Design Section, Development Review Division
Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

Re: DSP-13009-15, SA-130001-02, and SP-130003 Riverdale Park Station (Cafritz)

Dear Mr. Hurlbutt:

On July 1, 2019, the Riverdale Park Mayor and Council voted to recommend approval of DSP-13009-15, SA-130001-02, and SP-130003 for the Riverdale Park Station Development to include:

1. Increase in height of two multi-family residential buildings (buildings 7 and 8);
2. Decrease in percentage of windows on walls facing a public street;
3. Addition of a trolley car on a parcel near building 7; and
4. Removal of commercial space for buildings 7 and 8 (making them residential only).

Please contact Town Clerk Jessica Barnes at jbarnes@riverdaleparkmd.gov or 301-927-6381 ext. 505, if you need any additional information.

Sincerely,

The Town of Riverdale Park

A blue ink signature of John N. Lestitian.

John N. Lestitian, Town Manager

Town Hall • 5008 Queensbury Road • Riverdale Park • Maryland 20737

www.RiverdaleParkMD.gov

Telephone - 301.927.6381

EXHIBIT'S LIST

Regular Planning Board Meeting

JULY 25, 2019

Exhibits Transmitted to Development Review Division

AGENDA ITEM 10 - DETAILED SITE PLAN - DSP-13009-15 &

AGENDA ITEM #11 – SPECIAL AMENDMENT – SA-130001-02 &

AGENDA ITEM #12 – SPECIAL PERMIT SP-130003

RIVERDALE PARK STATION (CAFRTIZ PROPERTY)

The following exhibits were accepted and entered into the record:

Proposed Revisions to Recommended Conditions

APPLICANT's EXHIBIT #1

1-page

MARIE PROCTOR July 25, 2019

Marie Proctor 7/25/2019

Sign and Date

DSP-13009-15; SA-130001-02; SP-130003

RIVERDALE PARK STATION (CAFRTIZ PROPERTY)

PROPOSED REVISIONS TO RECOMMENDED CONDITIONS

1.1. Submit the following information regarding private recreational facilities:

- (1) Provide complete details, sizes, specifications, floorplans, and/or lists of all private indoor and outdoor recreational facilities on-site and identify which ones are part of the mandatory dedication requirement meeting the required valuation.
- (2) Provide a schedule for the timing of the construction of all facilities that are part of the mandatory dedication requirement, which shall be bonded prior to building permit and completed prior to approval of the final certificate of occupancy for the related building.
- (3) The plans shall be revised to conform to the Prince George's County Department of Parks and Recreation Facilities Guidelines.
- (3) The recreation facilities that are included within the mandatory dedication requirement shall conform to the Prince George's County Department of Parks and Recreation Facilities Guidelines.

3. ~~The following note shall be added to the final plat: "This property is located within close proximity to a railway and may be subject to 'feelable vibration' impacts."~~

Prior to certification, the applicant shall submit an updated vibration analysis to determine if occupants of the multifamily buildings will be subject to feelable vibration as established by the Federal Transit Administration (VdB) standards. If indicated, the DSP and final plat shall include the following note: "This property is located within close proximity to a railway and may be subject to 'feelable vibration' impacts."