

1 THE PRINCE GEORGE'S COUNTY PLANNING BOARD OF
2 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

3
4
5 9113 BALTIMORE AVENUE
6 Detailed Site Plan, DSP-22015

7
8 T R A N S C R I P T
9 O F
10 P R O C E E D I N G S

11
12 COUNTY ADMINISTRATION BUILDING

13 Upper Marlboro, Maryland

14
15 January 19, 2023

16 VOLUME 1 of 1
17

18
19 BEFORE:

20 PETER A. SHAPIRO, Chair

21 DOROTHY F. BAILEY, Vice Chair

22 A. SHUANISE WASHINGTON, Commissioner

23 MANUEL R. GERALDO, Commissioner

24 WILLIAM M. DOERNER, Commissioner

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OTHERS PRESENT:

MRIDULA GUPTA, Staff

TOM HALLER, Attorney for Applicant

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P R O C E E D I N G S

1
2 MR. CHAIR: We'll now move on to our regular
3 agenda items. We'll begin with Item No. 5. This is a
4 DSP-22015, 9113 Baltimore Avenue. The attorney for the
5 Applicant is Tom Haller. We'll have a Staff presentation by
6 Ms. Gupta and, and, yeah, that's it. So, take it away, Ms.
7 Gupta.

8 MS. GUPTA: Thank you, Mr. Chair. Good morning to
9 you and members of the Board. For the record, I'm Mridula
10 Gupta with the Urban Design Section. I'm sorry, can you
11 hear me okay?

12 MR. CHAIR: We can hear you fine.

13 COMMISSIONER WASHINGTON: Yes.

14 MADAM VICE CHAIR BAILEY: Yes.

15 MS. GUPTA: Okay. Thank you. The item before you
16 is Item 5, Detailed Site Plan DSP-22015 for 9113 Baltimore
17 Avenue. This application proposes one mixed use building
18 with 317 multi-family dwelling units and 3,296 square feet
19 of ground floor commercial space.

20 As a matter of housekeeping, the additional back-
21 up includes one exhibit received from the Applicant and four
22 letters of opposition from citizens, all received prior to
23 the January 17th noon deadline. Staff also received two
24 exhibits from the City of College Park which were received
25 after the deadline and were, therefore, not included in the

1 case record. Next slide, please.

2 The subject property is in Planning Area 66 and
3 Council District 3. Next slide, please.

4 More specifically, the 3.82-acre subject site
5 outlined here in red is located in the southeast quadrant of
6 the intersection of Delaware Street and U.S. 1. The
7 property is also located in the municipality limits of the
8 city of College Park. Next slide, please.

9 The image to the left shows that the subject site
10 outlined here in red is located in the local transit-
11 oriented edge, or LTOE Zone, as highlighted in pink color.
12 The adjoining properties to the south and across U.S. 1 are
13 also located in the LTOE Zone; while the properties to the
14 north and east are located in the LTOE and Residential
15 Single-Family 65 Zone. Pursuant to Section 27-1903(d) of
16 the Zoning Ordinance, this Detailed Site Plan is reviewed in
17 accordance with the prior Zoning Ordinance under which this
18 site is within the mixed use in-fill, or MUI Zone, as shown
19 in the image to the right in dark pink color. Next slide,
20 please.

21 The image to the left shows that the subject site
22 outlined in red is not located within any Overlay Zone.
23 Under the prior zoning ordinance, however, as shown in the
24 image to the right, the property is located in the
25 development district overlay, or DDO Zone, of the 2010

1 approved Central U.S. 1 Corridor Sector Plan and Sectional
2 Map Amendment. Next slide, please.

3 The aerial photograph shows that the site outlined
4 in red is currently developed with three hotels which are to
5 be raised. The property is bound to the north by Delaware
6 Street with offices and single-family residential dwellings
7 beyond; to the west, by U.S. 1, with a motel and mixed-use
8 development beyond; to the east by a church and apartment
9 building, and by unimproved 48th Street, with single-family
10 residential dwellings and vacant land beyond; and to the
11 south by Cherokee Street with vacant land proposed for
12 mixed-use development beyond. Next slide, please.

13 This slide shows that the site, which is
14 delineated in pink, slopes evenly away from U.S. 1 in a
15 southeasterly direction. Next slide, please.

16 This slide shows U.S. 1, which is classified as a
17 major collector, highlighted in blue; and is located on the
18 west side of the site. Next slide.

19 This is the bird's eye view of the property which
20 is outlined in red looking east. The existing development
21 on the property can be seen which consists of three hotels
22 which are to be removed. Next slide, please.

23 As stated earlier, the property is located in the
24 DDO zone of the Central U.S. 1 Corridor Sector Plan.
25 Further, this property is located in the walkable north

1 character area of the DDO Zone as highlighted in this map in
2 gold color. The property is outlined in blue. The
3 properties to the south across Cherokee Street to the
4 southeast and to the north across Delaware Street are also
5 within the walkable north character area. Next slide,
6 please.

7 This slide shows the Site Plan which depicts one
8 six to 7-story building, approximately 76 feet in height,
9 and oriented towards U.S. 1. The Detailed Site Plan was
10 filed and designed in accordance with the Preliminary Plan
11 of Subdivision 4-22007, which was approved by the Planning
12 Board in September 2022. The building's frontage on the
13 south will include ground-level commercial retail space
14 along Cherokee Street. The main pedestrian entrance and
15 lobby are located midway along the building facing U.S. 1.
16 While the main vehicle access to the structured parking
17 garage is located off Cherokee Street, one right out only
18 exit from the garage is located off U.S. 1. There are
19 several pedestrian access points provided to the building
20 from U.S. 1 and Cherokee Street. Fortieth Avenue will be
21 improved to provide access to the loading and service areas
22 located in the rear of the building. The regular access
23 points are shown with red arrows; and the pedestrian access
24 points are marked with blue stars on this slide.

25 This development will be designed to achieve or

1 exceed national green building standard certification
2 required for a silver rating, including solar and
3 ventilation standards; utilize Energy Star appliance and LED
4 lighting; and drought-tolerant vegetation. Dedicated
5 parking spaces for charging electric vehicles are also
6 provided in the parking garage.

7 Other sustainable design features being employed
8 in the property include avoiding surface parking areas with
9 use of grass pavers; use of fire retention facilities; and
10 managing onsite stormwater run-off.

11 The proposed streetscape includes a 12-foot-wide
12 sidewalk along the frontage of U.S. 1; 8-foot-wide sidewalks
13 along the frontages of Delaware Street and Cherokee Street;
14 and four to 5-foot-wide sidewalks along the frontage of 48th
15 Street, 48th Avenue, sorry. A 6.5-foot-wide bicycle path is
16 also included along the frontage of U.S. 1, further
17 recommendations of the Central U.S. 1 Corridor Sector Plan.
18 In addition, street trees and lighting, benches, bicycle
19 racks, track receptacles and a landscape strip with planting
20 are also proposed along the main streetscape of U.S. 1.

21 The Central U.S. 1 Corridor Sector Plan includes
22 standards for this development district which contain
23 regulations that impact the design and character of the
24 Central U.S. 1 Corridor. This application generally meets
25 the standards of the development district such as the

1 building form and coverage requirements; however, the
2 Applicant is requesting modifications to several development
3 district standards. These alternate standards may be
4 approved if they can be found to benefit the development and
5 the development district, and will not substantially impair
6 implementation of the Master Plan, Master Plan Amendment or
7 the Sector Plan.

8 The Applicant's request, Staff's analysis and
9 recommendations for these requested modifications are
10 presented in Finding 7 of the Staff Report. Next slide,
11 please.

12 This slide shows the landscaping provided for the
13 project in accordance with the, the sections of the
14 Landscape Manual. The plan provides landscaping along the
15 street frontages, in the outdoor recreational areas,
16 planting for screening and greenspace requirement. Next
17 slide, please.

18 This slide exhibits the amenities provided for the
19 residents. Recreational facilities for the, to be provided
20 onsite include the following: An outdoor courtyard space,
21 including a pool; a landscaped courtyard; outdoor seating
22 areas; grilling stations and furniture; a multi-purpose
23 room; and a fitness center. These facilities are located in
24 the area highlighted in pink.

25 The recreational facilities also include a gated

1 outdoor play area with a play structure and benches,
2 highlighted in green; and an outdoor dog park, including a
3 separate area for small dogs, a pet waste station and a dog
4 drinking fountain, which is shaded in blue.

5 The Applicant is also proposing a sun room,
6 library cafe, business center, game room, a kitchenette,
7 these are all located in the pink area on the slide; and a
8 bike storage area with a repair station located in the
9 parking garage. The yellow areas in this slide show the,
10 the pedestrian, the pedestrian lobbies along U.S. 1.

11 The next four slides, would you go to the next
12 slide, please? So, the next four slides show the
13 prospective use of the proposed building. The architectural
14 design of the multi-family building is contemporary with a
15 flat roof, and is finished with a mix of materials,
16 including brick veneer, fiber cement panels and siding, and
17 glass elements. Emphasis has been given to the variety of
18 materials used on the facades using different volumes,
19 massing and architectural design elements.

20 This slide shows the view from the intersection of
21 U.S. 1 and Delaware Street. The ground floor of the
22 building has residential units in the northern portions of
23 the building. On the ground floor located along U.S. 1 are
24 the main residential entrance, the lobby and amenities.
25 Floors two through six are proposed with residential units

1 and a number of them are, they include Juliet, or full-sized
2 balconies. Next slide.

3 This slide shows the view from Intersection of
4 U.S. 1 and Cherokee Street. The proposed commercial retail
5 space is located at the ground floor level at this corner.
6 The upper floors consist of residential units. Next slide.

7 This view is from Cherokee Street and it shows the
8 entrance to the parking garage which is located in the
9 eastern portion of the site. Next slide.

10 This slide provides a view from the intersection
11 of Delaware Street and 48th Avenue. The building is stepped
12 down to five stories fronting 48th Avenue. This step-back
13 in building form, along with the landscape buffer on the
14 property across the street seen on the left edge of this
15 slide reduces the impact of the proposed development and
16 provides a transition to the existing residential
17 development to the east. Next slide.

18 This and the next four slides depict the
19 elevations of, for the proposed building fronting the
20 adjoining street, as well as elevations of the internal
21 courtyard. Next slide.

22 And you can go to the next slide. Next slide.
23 Next slide. Next slide. This slide shows detailed proposed
24 site signage which include multiple building-mounted signs
25 proposed along U.S. 1 and Cherokee Street, and above the

1 residential, commercial and parking garage entrances. Next
2 slide.

3 As mentioned at the beginning of this
4 presentation, additional back-up includes one Applicant's
5 exhibit which proposes revisions to the recommended
6 conditions, and also provides background on one of city of
7 College Park's condition of approval which Staff did not
8 carry forward in recommendations to the Board. The
9 Applicant requests revisions to Condition 1(g), additional
10 Condition 1(r), revision to Condition 3(f) and deletion of
11 Condition 3(h). Staff has reviewed the proposed conditions
12 and is in agreement with revision to Condition 1(g), which
13 relates to timing of construction of the onsite recreational
14 facilities. Staff does not agree with the addition of
15 Condition 1(r) since providing a right-in, right-out access
16 from the parking garage to U.S. 1 will not be in conformance
17 with the conditions of approval of the application by the
18 Preliminary Plan of Subdivision.

19 Staff's recommendation for this Detailed Site Plan
20 is based upon this plan meeting the requirements of the code
21 and its evaluation based on conformance with prior approvals
22 and the Sector Plan. Staff has no opposition to revision to
23 Condition 3(f) and deletion of Condition 3(h) which relate
24 to architecture of the building subject to the city's
25 agreement to these revisions since these were the city's

1 conditions of approval carried forward by Staff.

2 Staff also received four letters from citizens in
3 opposition to this Detailed Site Plan. The letters express
4 concern regarding inadequate utilities and parking to serve
5 the proposed development and traffic impact. Concerns were
6 also raised regarding the height of the building, noise
7 generated, proposed density of the dwelling units and
8 transition to existing residential neighborhood.

9 Staff also notes that the Staff Report includes an
10 error on page 17 under Finding 7(f), building form and
11 parking access. The finding incorrectly states that
12 secondary access to the parking structures provided via
13 Delaware Street and that access from Delaware Street exceeds
14 the minimum width.

15 Staff would like to clarify that there is no
16 secondary access provided to the parking garage from
17 Delaware Street and that the only access to the garage is
18 from Cherokee Street. If the Board pleases, Staff will make
19 the appropriate correction to Finding 7(f).

20 The site is exempt from the provisions of the
21 Woodland Conservation Ordinance because the property
22 contains less than 10,000 square feet of woodland. Finding
23 11 on page 28 of the Staff Report, however, lists the
24 different exemption provision of the ordinance. If the
25 Board pleases, Staff will make the appropriate correction to

1 Finding 11.

2 In conclusion, Staff recommends that the Planning
3 Board adopt the findings and approve Detailed Site Plan DSP-
4 22015; approve the alternative development district
5 standards that's stated on pages 37 and 38 of the Staff
6 Report subject to the conditions found on pages 38 through
7 42 of the Staff Report; and revisions to Conditions 1(g) and
8 Conditions 3(f) and 3(h) as stated in Applicant's Exhibit 1,
9 and corrections to findings 7(f) and 11. This concludes
10 Staff's presentation.

11 MR. CHAIR: Thank you, Ms. Gupta. Commissioners,
12 before we hear from the Applicant, are there any questions
13 for Staff?

14 COMMISSIONER DOERNER: May I, I'd like to go back
15 to the slide 11 because I think that was a new slide that
16 was inserted which is the south one. So, on this slide, I
17 just have like two main questions. You might defer the
18 first one to, to the Applicant, but I was hoping that you
19 could provide a little bit more description about the
20 crosswalks that are over U.S. 1 right there, if it's going
21 to be lit, or how that's going to work right there; and then
22 the crosswalk that's over, I guess, Cherokee Street that,
23 that runs kind of like horizontal in the image right here,
24 or north and south, in kind of that direction, is that going
25 to be realigned like we had talked about in the PPS earlier?

1 And then on my section question, it's on the deletion or the
2 change of Condition 1(r) where we are saying we only want a
3 right-out as shown in this diagram; but the Applicant is
4 asking for a right-in, right out. I want to know, is the
5 opposition by Staff just because it wasn't in the
6 Preliminary Plan and that would require reconsideration; or
7 is there some other like non-conformance that, that's not,
8 that Staff is, is not okay with? I just want a little more
9 detail about why you're, you're not in agreement with the
10 Applicant.

11 MS. GUPTA: Yeah. Thank you, Commissioner. The,
12 the sidewalk, the crosswalks at Cherokee Street and U.S. 1
13 intersection were part of the BPIS improvements condition of
14 the Preliminary Plan; and they would be designed in
15 accordance with the State Highway and the city of College
16 Park. I, I am not aware of the realignment issue; but the
17 Applicant can talk about it further because I am not clear
18 on the issues regarding the alignment.

19 COMMISSIONER DOERNER: This was brought up by me
20 before because when you try and walk across that
21 intersection right there, it's, it's not direct, like
22 parallel with the street. Like you have to kind of go over
23 to the side and it's just a really messy intersection.
24 Let's let the Applicant talk about that, or Mr. Haller.

25 MS. GUPTA: Yeah.

1 COMMISSIONER DOERNER: And on the --

2 MS. GUPTA: Thank you.

3 COMMISSIONER DOERNER: -- the other question on
4 the right-in, right-out?

5 MS. GUPTA: Yeah, so, yeah, Staff, essentially,
6 you're correct, it, we have a Detailed Site Plan that was
7 submitted in accordance and in conformance with the
8 Preliminary Plan that was approved a few months ago; and the
9 access to the site, the traffic analysis, the queueing,
10 queueing analysis at the intersections, the critical
11 intersections, they were all analyzed by Staff at that time;
12 and there were meetings with the Applicant, between the
13 Applicant and the Staff that also reviewed the initially
14 proposed right-in, right-out on U.S. 1; and Staff analysis
15 at that time did not deem a right-in safe at that location.
16 And Mr. Capers is on, I see him, and he can further talk
17 about what was the decision-making process at the time of
18 the Preliminary Plan which led to that decision.

19 MR. CHAIR: I also have Director Checkley here
20 with me who may want to be weighing in as well. So --

21 MS. CHECKLEY: Yes, thank you, Mr. Chair. Mr.
22 Green Checkley, Planning Director for the record. Very
23 succinctly, the reason that the Staff's position is what it
24 is is because the Detailed Site Plan was filed and designed
25 in accordance with the Preliminary Plan and its conditions

1 of approval. We, we have a concern about the safe operation
2 in queueing that has not been demonstrated to allow a right-
3 in and right-out is too close to the Cherokee intersection;
4 and a dedicated turn lane, which was required with the
5 Preliminary Plan at Cherokee Street/U.S. 1 intersection to
6 alleviate the city's concerns and provide additional
7 capacity.

8 A right-in and right-out is also not in accordance
9 with the Sector Plan recommendations which state that access
10 to the garage from U.S. 1 should be avoided to the fullest
11 extent possible to reduce the number of driveways; and the
12 ultimate design for the U.S. 1, or U.S. 1 anticipates a
13 complete street with bike lanes and wide sidewalks, you
14 know, to be pedestrian-friendly. Providing the right-in,
15 right-out kind of defeats that vision of a complete street
16 and creates, in Staff's opinion, an unsafe environment with
17 additional points for conflict between vehicular and
18 pedestrian traffic.

19 MR. CHAIR: Very helpful. I appreciate that. Are
20 there any other Staff responses to this issue? Mr. Doerner,
21 does that address what you were asking?

22 COMMISSIONER DOERNER: Yes, yeah, yes, thank you.
23 That was helpful.

24 MR. CHAIR: So, if there's nothing else for Staff,
25 let me turn to the Applicant. Mr. Haller, you can introduce

1 your team. You've got a number of folks here with the, with
2 the developer's team. You can introduce the, the folks; and
3 I'll, you can manage the process as you see fit.

4 MR. HALLER: Thank you very much, Mr. Chairman.
5 Good morning, members of the Planning Board. Thomas Haller,
6 I'm an attorney with offices in Largo and it's my pleasure
7 today to be here representing RST Development, which is the
8 Applicant for this mixed-use project which is known was the
9 Flats at College Park.

10 Let me just start by saying that there are three
11 components to this project that set it apart from other
12 projects which you've seen in the Baltimore Avenue corridor.
13 The first element is that this is a true redevelopment
14 project. This building will replace three older motels
15 which, just to be kind, have outlived their ability to serve
16 the community's interest. And so, we were happy to be able
17 to accomplish that goal which is something that the Sector
18 Plan has attempted to encourage.

19 The second unique element to this project is that
20 even though it's in the Route 1 corridor, it is not student
21 housing. In fact, it is a 100 percent affordable rental
22 project which will be operated by RST Development and will
23 be programmed and integrated in the community. And I'm
24 going to ask Mr. Copeland to address you in just a minute,
25 but just to give you a little bit more flavor on that.

1 But the third element of this project that is
2 unique is that in our meetings with the North College Park
3 Civic Association, we were introduced to Meals on Wheels;
4 and Meals on Wheels has been a long, has long been located
5 in the City of College Park but was, was not able to stay
6 and is now relocated outside of the city; and they expressed
7 an interest in occupying the commercial component of this
8 building and we have, we are working with them to accomplish
9 that goal. They are the projected tenant for our commercial
10 frontage and, and RST is working with them and is providing
11 that space to them for a rent of a dollar a year in order to
12 facilitate their operations. So, we are very happy to have
13 them as part of this project that Scott will give you a
14 little bit more flavor as to how it fits in with their
15 overall mission.

16 But if I could, before I get into the specific
17 details of the application or the issues that have been
18 raised, I would like Mr. Copeland to address you briefly to
19 discuss RST's plans for the property.

20 MR. COPELAND: Good morning and, and thank you;
21 and I, and I promise I, I will be brief; although, we, I
22 could, I could speak of this project for quite a while
23 because we are, we are very excited about it for the
24 reasons, for, for the reasons and others that Tom has
25 already mentioned.

1 And I, I just want to highlight a few things.
2 Obviously, the, the, the affordable piece is, is important.
3 We are a long-term, affordable developer and are excited to
4 bring these 317 affordable units to this inside-the-Beltway
5 location where it is, it is desperately needed, as I'm sure
6 all have heard, and would agree.

7 The second piece that I want to highlight is this
8 special relationship that we have with, with the community;
9 and Meals, Meals on Wheels is, is, is a highlight and we're
10 very excited to share the physical space with them; but to
11 also enhance their importance in the community. And then,
12 and then the, the other, the other piece that, that, you
13 know, we spoke about a little bit at the Preliminary Plan is
14 the relationship to yet another partner which is called Main
15 Street Connect that I mentioned before is located in
16 Rockville. And in full disclosure, it's, it's a, it's a
17 family entity. My wife runs the organization and it, it is
18 housed inside of a, an apartment building that offers,
19 again, affordable, and in this case inclusive housing
20 opportunities for, for people with special needs, and
21 physical and, and other disabilities.

22 And Main Street Connect will be an integral part
23 of the operation of this property and the programming is
24 vibrant, and robust, and I don't, I can't do justice to all
25 the good work that they do day in and day out. I can only

1 highlight this past week actually, just on Monday, for our,
2 our, in commemoration of Martin Luther King Day, the service
3 day, we had over 225 people that fully represented the
4 diversity of our community; and I see that happening here,
5 too. These are, these are important pieces to enhancing our
6 community and, and we, we feel honored and privileged to be
7 able to do it.

8 So, I'll pass it back to Tom and thank you all
9 very much for your consideration.

10 MR. HALLER: Thank you. And, and I do want to
11 mention that in addition to Scott, we have Danny Copeland as
12 well from RST. We also have the representatives of our
13 team, including our traffic consultant, Wes Guckert; and our
14 architect, representatives of our architects, as well as our
15 engineers, to answer any questions that you have.

16 From a, from a, a technical standpoint, we are in
17 virtual full agreement with, with Staff and the Staff's
18 recommendation. And there's one particular issue that I do
19 want to discuss and highlight which has been raised and
20 requested by the city of College Park. Obviously, we've
21 been working with the city very closely over several months
22 and we are excited about their enthusiastic support of the
23 project. And as I, as I mentioned, we're largely in
24 agreement with your Staff's recommendation as well. The
25 proposed revisions to the conditions that Ms. Gupta

1 highlighted are intended to incorporate the city's
2 conditions to the extent that they are slightly different
3 than your Staff's condition.

4 There is one condition that the city has requested
5 and that we have requested which is not supported by your
6 Staff, and that is the provision of a right-in entrance to
7 the garage where it fronts on Baltimore Avenue. And I
8 submitted a letter to you on Tuesday to provide some
9 background, but just to kind of review the highlights, I
10 wanted to provide a little bit of the history of how we got
11 to where we are for you to have some, some, some
12 understanding of, of where we are.

13 As we stated in our letter, when we submitted our
14 Preliminary Plan, our initial Traffic Study and our initial
15 design concept did include a right-in, right-out entrance
16 onto U.S. 1. In response to our initial referrals from both
17 the Community Planning Division, as well as the
18 Transportation Planning objecting to that movement because
19 of, in large part, because of the recommendations of the
20 Sector Plan which they go on a property fronts on both a
21 primary road and a secondary road, that primary access
22 should be from the secondary street. Again, that is to
23 avoid adding additional points of access to the primary
24 road.

25 On July 18th, we had a meeting with your Staff,

1 Transportation Division, the city of College Park and State
2 Highway Administration to discuss the issue; and what we
3 explained to them at that point in time is that we do have
4 our primary entrance to the garage on Cherokee Street. And
5 the way the garage is designed is you'll enter onto Cherokee
6 Street, you'll go up a ramp and then you will reach the
7 entrance to the building. And we had designed the garage to
8 provide for a drop-off or Uber or Lyft drivers, as well as a
9 place for package delivery services such as Amazon to be
10 able to deliver, deliver packages; and we anticipate that
11 most of those trips will, will leave the garage and travel
12 north on Route 1. And so, the idea of having the right out
13 is to allow for that free flow through the garage, not force
14 those types of drivers to do a U-turn.

15 And, you know, Staff reviewed their concern that
16 by providing a right-in and right-out, that it would make
17 that a primary entrance to the garage and they felt that
18 that did not conform to the Sector Plan. So, what, but they
19 did indicate that if we modified our entrance to restrict it
20 to only right-out, that that would ensure conformance with
21 the Sector Plan because it would no longer be a primary
22 entrance to the garage, and that they could support that
23 revision.

24 We ultimately revised our Site Plan, excuse me,
25 our Preliminary Plan of Subdivision to change the entrance

1 to the garage from a right-in, right-out, to a right-out
2 only; and we, we did that really for two reasons. The first
3 reason was because our Traffic Study that we submitted with
4 the application indicated that that movement, the right-in
5 movement, would only serve three vehicles in the a.m. peak
6 hour and 12 vehicles in the p.m. peak hour; and so, from
7 that perspective, it wasn't necessarily serving a high-
8 volume of traffic; but, more importantly, the city had asked
9 us to widen Cherokee Street where it intersects with U.S. 1.
10 And that is not a movement, that is not an improvement that
11 was necessary to achieve a finding of adequacy; but
12 currently, Cherokee Street is a 2-lane road, one, one lane
13 going eastbound, one lane going westbound; and when you get
14 to U.S. 1 where a traffic signal was just installed, you
15 know, approximately in 2015, if a car wants to turn right
16 and there are cars waiting at the light to turn left, they
17 back-up. And that is an issue that the, that the
18 neighborhood has seen, and that was a concern that was
19 expressed to us.

20 When we looked at that issue, even though it
21 wasn't a necessary adequacy requirement, we viewed that as
22 being a benefit to not only the project, but also being a
23 benefit to, to the community as well because what it does
24 ensure is that vehicles won't back-up and block the entrance
25 to the garage. And if they block the entrance to the

1 garage, obviously, that could cause them to back-up toward
2 U.S. 1. So, we, we proffered to make that improvement. We
3 revised our plans to accommodate that improvement. That,
4 that widening is shown on our Detailed Site Plan and, and it
5 was for that reason that we ended up not pushing the issue
6 at the time of the Preliminary Plan. And so, the
7 Preliminary Plan was approved with the right-out only exit;
8 and we have conditions that require the Detailed Site Plan
9 to conform with that. And so, that's what we brought to
10 this application when we filed it.

11 When we appeared before the City Council on the
12 Detailed Site Plan in December, and then again earlier this
13 month, several of the Council members who represent this
14 area, and who live in the neighborhood behind us, expressed
15 a concern about having that right-in added back to the
16 garage. I'm going to let the city articulate the, their
17 concerns because they will do that more than I would; but I,
18 that they noted several issues, one of which is, is that
19 that the community has noticed an increase in cut-through
20 traffic since the traffic signal was constructed at Cherokee
21 and Route 1; and so, their, their, the traffic through their
22 neighborhood has increased; and they also noted that there
23 is going to be another multi-family building constructed on
24 the south side of Cherokee Street across from our property.
25 It's been approved and a portion of the development has been

1 constructed, but that building has not; and so, their
2 concern is, is that the addition of that building, in
3 combination with the cut-through traffic, is going to
4 increase traffic in that area. And, and I think their view,
5 and I'll, I'll let, again, I'll let them express it, is that
6 taking any traffic off of that, out of that intersection
7 would be a benefit to the community.

8 And so, that, and so as a result of that, they
9 asked us if we would consider adding it back. And, and
10 I'll, and I'll be clear, RST, in a perfect world, would like
11 to have that entrance into the garage, it provides
12 additional point-of-access into the garage; but I do, we are
13 concerned about the impact that filing a reconsideration
14 would have on the timing of the, on this. And, and I, I
15 think that if it, if the Planning Board reviews this issue
16 and, and were to elect to have us add that entrance back,
17 what we would request is that the Planning Board authorize
18 Staff to expedite the consideration of that so it doesn't
19 hold us up; but as I said, we, we did propose it initially
20 because it does provide another access into the, into the
21 garage; but we do not want the, the timing to be delayed in
22 a manner that it would impact the project. So, I just
23 wanted to express that and I'm going to, obviously, the city
24 will be testifying with regard to their concerns with regard
25 to that.

1 To just touch on a couple of other issues,
2 Commissioner Doerner asked about the crosswalks. And as
3 Staff indicated, we were trying to identify BPIS
4 improvements when we did the Preliminary Plan; and as part
5 of that, our Certificate of Adequacy for the project
6 included improvements at several crosswalks. We have a, we
7 are going to be, there are two crosswalks currently striped
8 on, at the intersection of Cherokee and Route 1; and so, we
9 will be providing crosswalks on all four legs of the
10 intersection, as well as crosswalks at U.S. 1, at Route 1
11 and Indian Lane, and at U.S. 1 and Fox Street. And to your
12 point about the alignment, we, as I noted before, we'll be
13 adding a right turn lane on Cherokee which is going to, is
14 going to force, if you will, a realignment of the road to
15 some extent; and so that will all be worked out with State
16 Highway as part of the permitting process as we add those
17 crosswalks and any pedestrian signals that are necessary in
18 order to accommodate those crosswalks.

19 I mean the goal on this project is to create a
20 much more pedestrian-friendly area along Route 1. As you
21 can see on the plan that's in front of you, we are proposing
22 a cycle track which was recommended by the Sector Plan, as
23 well as a wide, 12-foot sidewalk. So, we're going to be
24 making substantial improvements that will enhance the
25 pedestrian experience along the road; but particularly as it

1 relates to the crosswalks, we're, we're providing
2 substantial improvements there as well.

3 I'm going to stop my presentation at this point.
4 I know there's some other people that have signed up to
5 speak and I, I will appreciate the opportunity to respond to
6 any concerns that they raise; but, but our issue with regard
7 to the application, we have proposed revisions to the
8 conditions to implement the requested conditions that were
9 approved by the city; and we look forward to answering any
10 questions that you have with regard to any of those matters.

11 MR. CHAIR: Thank you, Mr. Haller. Appreciate it.
12 Before we turn to folks who have signed up to speak, and
13 we'll start with the city of College Park when we do that,
14 are there questions for the Applicant from Commissioners?

15 COMMISSIONER DOERNER: Yeah. I'd like to just ask
16 about the right-in and, and find out how that would be
17 restricted to only the, the handful of cars or vehicles that
18 you had mentioned will be using potentially, Mr. Haller, and
19 not other cars that would be going onsite or, or confusing
20 in any way; and then I'll, I'll just sort of tee up a
21 question also for Ms. Schum. When, if we're thinking about
22 a right-in, or at least it's, it's something that's being
23 talked about at the moment, how does that, that not, adding
24 the right-in not conflict with the complete streets or
25 endanger pedestrian and bike travel that's going through

1 here if they're looking in another direction; and, and, in
2 fact, like even the right-out, how is that not going to
3 break-up some of the, the flow in that area as opposed to
4 just using the intersections that are right there? So,
5 those, those are my two questions for Mr. Haller and,
6 eventually, Ms. Schum.

7 MR. HALLER: Sure. Thank you for that question.
8 With regard to, I mean I think the Planning Board is aware
9 that there are plans by State Highway Administration to
10 upgrade this portion of Route 1. Those are not at a state
11 where they're beginning construction as they are south of
12 193; but there are plans to upgrade Route 1 and provide
13 medians. I know that when we were talking about access to
14 the project, even the, even with the right-out only, the
15 city expressed concern that we approach State Highway
16 Administration about placing a median of some sort to make
17 sure that nobody tries to turn left out of that, even though
18 it's going to be channeled. And they had that same concern,
19 I think, when we proposed it as a right-in, right-out, is to
20 make sure that we approached State Highway about putting
21 some sort of a median or a barrier to make sure that people
22 don't try to go the other way.

23 I think as far as coming out of the, of, of the
24 garage, the vehicles will be moving slowly; and because of
25 the width of our sidewalk and the setback of the building, I

1 think there's plenty of opportunity for both pedestrians and
2 bicyclists, and motorists to, to have, to be, have
3 visibility so that there isn't any safety issue with regard
4 to the ability to exit the garage. Entering the garage,
5 obviously, cars will be coming in and slowing down as they
6 approach the, the entrance if the entrance was provided;
7 and, and there, there will be adequate visibility along
8 northbound Route 1 with the improvements that we're making,
9 again, with, with a wide sidewalk.

10 I mean we think it could operate safely in both
11 directions. Obviously, having it only one way reduces
12 points conflict. We, we get that; and, but, but I do think
13 it could operate safely under either scenario.

14 COMMISSIONER DOERNER: Just kind of going back to
15 my question, more specifically for you, Mr. Haller, how do
16 you, how do you prevent other cars from going in there that
17 wouldn't, that aren't supposed to be going in? So, when you
18 had mentioned earlier that the purpose for the right-in was
19 for certain kinds of vehicles to access it in the a.m./p.m.
20 hours, how do you --

21 MR. HALLER: No, the -- oh, I'm sorry. I must
22 have misspoken. The purpose of the right-in is not only for
23 a specific number of, a specific type of vehicles. Anybody
24 could come in that way. Anybody could come in that way.
25 So, I didn't want to, I don't want to, I think my comment

1 was that when we designed the garage, the anticipation was
2 that people would enter the garage from Cherokee, go up the
3 ramp, drop-off packages or, or, or passengers; and then
4 exit, and that the right-out was, in particular, to improve
5 traffic flow in the garage to avoid people having to turn
6 around to go back to Cherokee Street. But the entrance was
7 not restricted to any particular type of vehicle or any
8 particular type of movement.

9 COMMISSIONER DOERNER: Okay. That might have been
10 my, my misunderstanding; but that, that helps in the
11 clarification. Okay. That, that's it for me for now.
12 Thank you.

13 COMMISSIONER GERALDO: I have a question, Mr.
14 Chair, for Mr. Haller; and I, I may have missed it.

15 MR. CHAIR: What's your --

16 COMMISSIONER GERALDO: I didn't see, is there a
17 provision for electric vehicle charging?

18 MR. HALLER: Yes, there is.

19 COMMISSIONER GERALDO: Okay. All right. Thank
20 you.

21 MR. HALLER: And, and, and, and I'm sure you
22 heard, there's also a dog pound as well for the dogs.

23 COMMISSIONER GERALDO: I think so, I did. Thank
24 you very much. (Unintelligible).

25 MR. HALLER: We got them all covered.

1 COMMISSIONER GERALDO: I know and I'm sure, I'm
2 sure the residents will appreciate that. Thank you.

3 MR. CHAIR: Thank you, Commissioner. Any other
4 questions before I turn to the city of College Park?

5 (No affirmative response.)

6 MR. CHAIR: Okay. Ms. Schum and who else, I just
7 want to make sure I'm, I'm understanding who is going to be
8 speaking on behalf of the city of College Park. I'm going
9 to turn to you, Ms. Schum, appropriately or not. Just tell
10 me who, who from the city of College Park do we have on the
11 list who will be speaking?

12 MS. SCHOM: Okay. Thank you, Mr. Chair. In
13 addition to myself, we have city attorney, Suellen Ferguson;
14 we have the councilmember from the district where this
15 project resides, Llatetra Esters; and we have Senior
16 Planner, Miriam Bader, who will only speak if necessary.
17 But the city attorney and the councilmember would like the
18 opportunity to speak to you today.

19 MR. CHAIR: We defer to the councilmember. That
20 makes sense to me.

21 MS. SCHOM: Well, I think the councilmember would
22 like to follow Staff and the attorney, unless you, she, she
23 is now with us; so, you can ask her directly about her
24 preference.

25 MR. CHAIR: Councilmember Chair, your call how

1 you want to proceed with the folks who are speaking on
2 behalf of the city of College Park. I'll turn it over to
3 you and you can direct whoever you want to go first.

4 MS. ESTERS: Thank you. I think that I would
5 defer to the attorney first and go thereafter.

6 MR. CHAIR: Okay. Thank you. So, we'll start
7 with Ms. Ferguson.

8 MS. FERGUSON: Mr. Chair, I believe that Ms., Dr.
9 Esters is referencing that she would like to go last. We
10 would prefer that Terry Schum orient the Board so that our
11 arguments are, are clear to the Board.

12 MR. CHAIR: Clear as day. We'll start with Ms.
13 Schum and then, I believe, we'll then go to Ms. Ferguson;
14 and then well go to Dr. Esters.

15 MS. SCHUM: Thank you, Mr. Chair. Good morning,
16 members of the Board. My name is Terry Schum. I'm the
17 Planning Director for the city of College Park
18 (unintelligible).

19 MR. CHAIR: Hold on one sec, Ms. Schum. We've got
20 some feedback. Just hold on one sec until we clear that up.
21 Try speaking again and see how it does.

22 MS. SCHUM: And I'm here representing the city of
23 College Park's position, the City Council's position on this
24 matter, along with the persons just mentioned who will speak
25 after me. So --

1 MR. CHAIR: Thank you. Go ahead.

2 MS. SCHUM: -- I'd like to start off by
3 apologizing for being four minutes late and getting our City
4 Council position letter into the Board. We were having some
5 computer difficulties. We were hoping this could be
6 accepted; but I would like to ask now that you accept the
7 city's letter dated January 17, 2023, into the record; and
8 I'd also like to ask if, by chance, you do have a copy of
9 that before you now for reference because I'd rather not
10 read it into the record; but let me hear your response.

11 MR. CHAIR: Hold on. I'm checking with Staff, Ms.
12 Schum. Hold on a sec. It did not make it in in time, so we
13 do not have it. So, I think it will be helpful if you read
14 it into the record.

15 MS. SCHUM: Okay. I'm happy to do that. I will
16 just say that --

17 MR. CHAIR: How long is it, Ms. Schum?

18 MS. SCHUM: It is, it is four pages long; so, what
19 I would like to do, if possible, since the City Council's
20 motion mimics mostly what your Staff's motion was and what
21 the Applicant has proffered in terms of changes today; so, I
22 would, instead, like to focus attention on the one area of
23 disagreement between the city and your Staff; and that is in
24 regard to the City Staff's Proposed Condition 4(f).

25 MR. CHAIR: That's, that sounds like a good way to

1 proceed, so take it away and let's talk about the, the issue
2 of contention and focus our energy on that.

3 MS. SCHUM: Okay. Thank you very much. So, as
4 you've already heard from Mr. Haller, the city is requesting
5 in Condition 4(f) that a right-in to the project from Route
6 1 be added to the existing right-out only that's shown on
7 the Site Plan. So, while the city voted unanimously to
8 support this project, and I, and I would like to say we are
9 really thrilled to be getting affordable housing to add to
10 our existing stock in this city, so there is complete
11 support for the project in, in that regard; and this is the
12 sole difference of opinion. However, it is critical, it was
13 critical to the city's support of the project, and that's
14 why the request is to add the right-in to Route 1; and to,
15 and it sounds like it would be necessary to request a
16 reconsideration from you to allow this to happen since it is
17 part of a Preliminary Plan condition already; but I, I want
18 to say a couple of things about that.

19 First of all, adding the right-in to the project
20 does not make this the primary access to the project. The
21 primary access is from Cherokee Street, as you've heard, and
22 that is where there is an existing traffic signal. So, the
23 Route 1 access is really a secondary access. And the Sector
24 Plan is clear about being opposed to primary access on Route
25 1 if there are other alternatives, as there is in this case.

1 But to also get at Mr. Doerner's question a little bit, this
2 project is a little exceptional. You've heard that it
3 replaces three existing motels that had multiple access
4 points to the site; and this building is one building, it's
5 a single building that is approximately 600-feet long. So,
6 in some places, that would be the equivalent of three city
7 blocks. So, it is not exceptional to expect that you would
8 have additional access into a project like this and not rely
9 on a single access on Cherokee Street.

10 So, what has been demonstrated in the traffic
11 impact analyses, and there were two of them done by the
12 Applicant, is that there will be relief on Cherokee Street
13 if this right-in is added; and if you like, I can spell out
14 the exact benefit in terms of numbers; but let me just say,
15 generally, that it would improve the intersection of Route 1
16 and Cherokee, and the traffic volume along Cherokee which
17 the Traffic Impact Study correctly notes is at Level E at
18 this time and near failing in terms of its critical lane
19 volumes.

20 So, it would, it would help the traffic on
21 Cherokee Street. We've heard that it won't harm the traffic
22 on Baltimore Avenue as it only results in, I believe it's
23 three a.m. and 12 peak a.m. hour trips on Baltimore Avenue;
24 and the State Highway Administration, who has looked at this
25 project, has no objections to the Conceptual Design of the

1 Project as right-in, right-out.

2 So, Mr. Haller did also mention the city's concern
3 about the possibility of making left turns in or out of the
4 site. That is not something that the city supports and,
5 unfortunately, we're waiting for the State Highway
6 Administration to put a median in front of this project
7 which would prevent that movement from happening; but we
8 also know that you could at this location put a small median
9 in front of this access point to prevent those left-in,
10 left-out. So, it's been done elsewhere on the corridor.

11 So, another point I'd like to make is that the
12 city really doesn't think, and it's been demonstrated by the
13 traffic analyses, is that this is not an adequate public
14 facilities issues. It is really a Sector Plan issue; and
15 so, is most properly dealt with at the Detailed Site Plan
16 level. This is a standard in the Route 1 Sector Plan. This
17 project meets adequacy without the right-in or the right-
18 out. Adequacy is not impacted with the addition of the
19 right-in; and, and there would be overall benefit to the
20 project by adding it; and the Applicant supports it as well.
21 As you heard, it was their initial plan for this project to
22 have a right-in, right-out access.

23 So, you know, that is, essentially, the
24 disagreement between us and your Staff in regard to the
25 impact; in regard to the APF issues; and we would urge the

1 Planning Board to add this condition, support this
2 condition; and ask the Applicant to add the right-in back to
3 their project; and facilitate the request for a
4 reconsideration before you at a later date, which the
5 Applicant has also requested.

6 So, with that, I, I will stop and turn it over to
7 the city's attorney, Suellen Ferguson.

8 MS. FERGUSON: If there are no questions at this
9 point, I will continue.

10 (No affirmative response.)

11 MS. FERGUSON: Thank you. Suellen Ferguson, city
12 attorney for the city of --

13 MR. CHAIR: Ms. Ferguson, I'm sorry, I, Ms., let
14 me interrupt. I was on mute. I apologize. I think there
15 probably will be some questions. I have some as well. If
16 you're going to be talking about other subjects beyond the,
17 the right-in, right-out issue; or is that where you're going
18 to focus your, your talk as well?

19 MS. FERGUSON: That is where we will focus because
20 the city is in support of the remainder of the conditions
21 that are proposed.

22 MR. CHAIR: All right. So, then why don't you all
23 continue? We'll wait until we hear from all of you before
24 we have any questions related to this issue.

25 MS. FERGUSON: Very good. Thank you. The

1 condition that Ms. Schum is referencing is to provide a
2 right-in, right-out access from the parking garage to
3 Baltimore Avenue subject to Planning Board approval of a
4 reconsideration of Preliminary Plan 4-22007, if required.
5 The city, as Ms. Schum has noted, is very much in support of
6 this project to the extent that it is allowing as part of
7 the project the use of city right-of-way at the rear, for
8 the entrance from Delaware Street. So, there is support
9 from the city also; and, and that's very strong support.

10 However, there's a very strong, countervailing
11 concern here about the cut-through traffic that has
12 developed over the last few years, depending, based on the
13 fact that there's a light that's been installed at Cherokee
14 Street so that traffic is coming over from Rhode Island
15 Avenue and the streets in between to have a light access
16 onto Route 1. And the city heard strongly about that in a
17 fairly long meeting; also from, the Councilmembers have
18 heard a lot about this issue; and as Ms. Schum has noted,
19 Dr. Esters is a resident of that area.

20 I'm here to talk about the procedural part which
21 is we do have a Preliminary Plan that just has the right-out
22 option, even though at the beginning of the Preliminary
23 Plan, a right-in, right-out was shown as, as on the plan.
24 And so, the city does not wish to delay this project either;
25 and so, it's looking today for this condition so that

1 there's reassurance for the developer and for the city that
2 the Planning Board would support this right-in turn so that
3 any additional activity that is required such as returning
4 to the Planning Board would be something that, hopefully,
5 would be expedited; but we would be fairly reassured that it
6 would have a favorable hearing. So, that's one of the
7 reasons that this condition is in the DSP; and as Ms. Schum
8 has also noted, this is not an adequacy issue at this point;
9 it's more a requirement of the Sector Plan.

10 This development reduces the number of entrances
11 from Route 1 into the property considerably. You've already
12 got an exit that is proposed. So, adding the right-in is
13 not that much of an addition in terms of the amount of space
14 it takes. The State Highway Administration has indicated
15 that it has no issues with this configuration. We're hoping
16 that the Planning Board will be able today to take an action
17 that would show support for this; and, if necessary, could
18 possibly, depending on what a required Planning Board
19 hearing for the Preliminary Plan to accommodate that would
20 allow two options in the Detailed Site Plan, depending on
21 what occurs later.

22 So, I thank you for your time and I would like to
23 hand it over to Dr. Esters for her comments.

24 MR. CHAIR: Thank you, Ms. Ferguson. Dr. Esters,
25 take it away, Councilmember.

1 COUNCILMEMBER ESTERS: Thank you, Chair, and
2 members of the Board. I appreciate the opportunity to speak
3 to you today. My name is Llatetra Brown-Esters and I am a
4 resident and serve on the City Council.

5 I'd like to begin by saying that I appreciate and
6 am excited for the affordable housing project proposed by
7 RST Development. As many of you, as many of you know, this
8 region is in great need of affordable housing; and I'm happy
9 that the city of College Park has the opportunity to add
10 such a housing option to our inventory, as was said earlier.
11 However, my concern about the plans for this project has to
12 do with the limited access to its 360-parking-space garage
13 which is currently planned for Cherokee Street.

14 In recent years, this street has seen increased
15 activity and traffic as a traffic light has been installed;
16 and it has become a cut-through from Rhode Island Avenue to
17 Baltimore Avenue. There has also been the addition of
18 townhomes on the street and, yet, another pending
19 development on Cherokee Street and Baltimore Avenue. All of
20 these factors have caused grave concerns about traffic and
21 congestion.

22 The developer has proposed the widening of the
23 street and the addition of the right turn lane, which is
24 greatly appreciated; but I would argue that that is not
25 enough. Cherokee Street should not have to bear the brunt

1 of the traffic and congestion being the only entrance to the
2 garage; and I hope that the Planning Board will seriously
3 consider a right-in to the garage from Baltimore Avenue.

4 I want our residents to --

5 MR. CHAIR: Bear with us one sec. We'll take care
6 of that technical issue, Councilmember. Hold on one sec.

7 COUNCILMEMBER ESTERS: Sure.

8 MR. CHAIR: Okay. We got it. Apologies for the
9 technical issue. Continue.

10 COUNCILMEMBER ESTERS: No, no issue. Thank you
11 very much. I want our residents to appreciate the
12 development for its merits rather than resent it due to the
13 difficulty it will present for current and future residents.

14 I'd like to also clarify as well that Cherokee
15 Street, it actually houses two districts. So, the
16 development is in District 1, that side of Cherokee Street.
17 The other side is District 2, which I represent; and,
18 obviously, live in that area and have heard from residents
19 on both sides of, of that area. So, thank you very much for
20 the time.

21 MR. CHAIR: Thank you. Much appreciated.
22 Commissioners, we have other folks who signed up to speak as
23 well, in addition to the folks from the city of College
24 Park; but, but let me just stop here to see if there are any
25 specific questions related to the, for folks in the city of

1 College Park before we hear from other speakers.

2 COMMISSIONER WASHINGTON: Mr. Chairman, I have two
3 questions and they're clarifying in nature. And, Ms. Schum,
4 forgive me if I misheard you, but I thought you had a
5 different perspective or take on the conflict with the
6 Sector Plan; and if so, if you could please elaborate on
7 that? And then my second question is related to Cherokee
8 Street, Street or Avenue; and I believe Mr. Haller in his
9 overview, or his presentation, he indicated that they had
10 agreed to widen that street; and I wondered had that, if, in
11 fact, that, if I understood him correctly, going from a 2-
12 lane to perhaps a 4-lane, or at least to include a turning
13 lane, if, in fact, that would have any impact on the cut-
14 through traffic from Rhode Island over to Baltimore Avenue?
15 Thank you.

16 MS. SCHUM: Thank you, Mr. Chair. Would you like
17 me to respond to Question No. 1 regarding the Sector Plan?

18 MR. CHAIR: Yes, please.

19 MS. SCHUM: Thank you for, for that question.
20 The, the Route 1 Sector Plan has been guiding development up
21 and down Route 1 for the past 10 years now; and there are
22 pages and pages of development standards, as you are well-
23 aware; and all of those standards are, can be modified at
24 the request of the Applicant if they are thoroughly
25 justified and then supported by, by your Staff and you.

1 So, what the Sector Plan says, specifically, is
2 that it strongly discourages primary access from a primary
3 frontage. So, in this case, U.S. 1, Baltimore Avenue, is
4 the primary frontage. Cherokee Street, obviously, is a
5 secondary street and that is where the primary access is
6 located. So, that is the main access to the garage; it
7 provides a right-in, right-out; and, therefore, I believe
8 complies with the Sector Plan.

9 And a secondary access on Route 1 is not
10 prohibited. It could be modified if you believe it is
11 needed; but I don't believe the language in the Sector Plan
12 requires that, again, because it does not provide the
13 primary access for this project. So, hopefully, that --

14 COMMISSIONER WASHINGTON: Thank you. Thank you.

15 MS. SCHUM: -- helps, but I can clarify further if
16 needed.

17 COMMISSIONER WASHINGTON: No, it does, Ms. Schum.
18 Thank you so much. I wanted to make sure I understood your
19 explanation. Thank you.

20 MS. SCHUM: Sure, you're welcome.

21 COMMISSIONER DOERNER: Could I ask Ms. Schum --

22 MR. CHAIR: Okay.

23 COMMISSIONER DOERNER: -- I'm curious, like why
24 would --

25 COMMISSIONER WASHINGTON: Mr. Doerner, can I get a

1 response to my second question regarding --

2 COMMISSIONER DOERNER: Okay.

3 COMMISSIONER WASHINGTON: -- (unintelligible).

4 COMMISSIONER DOERNER: Yeah, yeah, sorry.

5 MS. SCHUM: Was that directed at me? I'm sorry,
6 could you repeat that question?

7 COMMISSIONER WASHINGTON: Yeah, Mr. Haller, in his
8 initial presentation, spoke to the widening of Cherokee
9 Street, meaning, as I understand it now, it's just 2-lane,
10 one, you know, one, one direction or the other direction;
11 and each of you spoke about the cut-through traffic from
12 Rhode Island over to Baltimore Avenue; and if I understood
13 Mr. Haller correctly, he indicated that they are, they are,
14 in fact, planning improvements for Cherokee. And I just
15 wondered if that had been taken into consideration with
16 regards to the right-in, right-out on Cherokee Street; or if
17 that had any impact at all with regards to your position?

18 MS. SCHUM: Yes. Thank you. Sorry for --

19 COMMISSIONER WASHINGTON: Uh-huh.

20 MS. SCHUM: -- asking for you to repeat it; but --

21 COMMISSIONER WASHINGTON: That's okay.

22 MS. SCHUM: -- at the request of the city, a right
23 turn out of Cherokee onto Baltimore Avenue is being
24 provided; and you can see it on the Site Plan that's being
25 displayed. It goes from the access to the parking garage on

1 Cherokee; and carries through to Baltimore Avenue where
2 there is a traffic signal; and would provide for, I'm not
3 certain, between six to 10 cars to stack up there in order
4 to make a right turn out of Cherokee.

5 So, what that does, primarily, is to allow through
6 traffic and left-turning traffic from Cherokee to not get
7 backed up; so, to allow the right turns out of Cherokee,
8 which are the, the largest traffic movement on the street,
9 to be accommodated without further distressing traffic on
10 Cherokee Street already.

11 So, the Applicant agreed to do this. Their second
12 Traffic Study reviewed this addition to infrastructure and
13 concurred that it would provide a benefit to traffic on
14 Cherokee and to the project as a whole.

15 COMMISSIONER WASHINGTON: Yeah, and I agree with
16 that, that, that, that is definitely a good improvement; but
17 I'm just wondering if you then have right-in access from
18 Baltimore Avenue at that very, I mean close to that same
19 corner, you may be relieving access on Cherokee Street, but
20 what about a line potentially going into the garage off
21 Baltimore Avenue?

22 MS. SCHUM: Yeah. So, if you look at the Traffic
23 Study that was done that considered the right-in being added
24 to the project, it project, it projects that there will only
25 be three morning and 12 p.m. peak hour trips that use that

1 access; however, it also shows that the benefit to Cherokee
2 Street is, is even greater than, if I could, I have some
3 numbers here. There would be a decrease in traffic entering
4 Cherokee Street of six vehicles in the a.m. peak hour and 18
5 in the p.m. peak; there would be a decrease in traffic
6 exiting Cherokee Street and making a right turn of 17
7 vehicles in the a.m. and 10 in the p.m.; and then, in
8 addition, from the site access from the garage on Cherokee
9 Street, there would be a decrease in 19 vehicles in the a.m.
10 and 16 vehicles in the p.m.; and in addition to that, that
11 was the, you know, the, the analysis regarding overall peak
12 hour traffic volumes on the street.

13 And if you look at the intersection capacity
14 analysis, there is also improvement at the intersection when
15 a right-out is added to Baltimore Avenue. So, there's
16 improvements in the intersection of Route 1 and Cherokee
17 Street. So, the critical lane volumes here are still high;
18 so, currently, they're at 1,577; and that is near a failing
19 number. If you recall, failing is about 1,600 critical lane
20 volume; and there is a reduction in that critical lane
21 volume situation by adding the additional right-in from
22 Route 1.

23 So, we believe that traffic studies done by the
24 Applicant which we relied on indicate that there will be an
25 overall benefit to Cherokee Street if this is added; and I

1 think you've heard from the Applicant that they believe it
2 also benefits their project.

3 COMMISSIONER WASHINGTON: Thank you, Ms. Schum.
4 That's it for me, Mr. Chairman.

5 MR. CHAIRMAN: Thank you, Commissioner.
6 Commissioner Doerner, you had questions as well?

7 COMMISSIONER DOERNER: Yeah, and I apologize for
8 attempting to cut-off Commissioner Washington. I wasn't my
9 intention. I just, and just in Ms. Schum's depiction, it
10 might, it might be more for the transportation expert than
11 Mr. Haller has; but what changes or, I guess, why would
12 Cherokee Street be the primary entrance if a, if a right-in
13 is put onto Route 1? Because if I'm, if I'm thinking about
14 most of the traffic, it's, it's going up and down Route 1;
15 and if I'm, I'm going either up to the, the highway and
16 going onto the Beltway; or if I'm going down into like D.C.
17 or even into your city building, I'm, I'm probably going to
18 pick Route 1 to kind of go, go there even if there's, I
19 guess, coming out of it, perhaps, not if I can't do a left
20 out; but I, I'm just curious as to why they wouldn't become
21 the primary because if I were ever to go there or live
22 there, I would probably use that entrance all the time
23 instead of trying to turn onto Cherokee and then maybe turn
24 left into the garage if there, especially if there's traffic
25 into there.

1 MS. SCHUM: Uh-huh. So, I think there's a really
2 good answer to that question and it is that there's an
3 existing traffic signal at Baltimore Avenue and Cherokee
4 Street; and so, therefore, it safely accommodates left turn
5 into and out of the project. On Route 1, left turn movement
6 would be prohibited; and we're also asking SHA to
7 accommodate, you know, a small median in the center of the
8 road to, to help ensure that left turns aren't made there.

9 So, because that is not a full movement access to
10 the project, it is not the primary access. The primary
11 access was always designed and intended to be Cherokee
12 Street because that's where the traffic signal exists
13 already; and where all movements, vehicular and pedestrian,
14 can be safely accommodated.

15 COMMISSIONER DOERNER: Okay. Yeah, no, I think
16 that answers my, my questions. It's just, it's still a
17 little puzzling that if, it sort of assumes that everyone is
18 going to go south from there; and I don't know if that's
19 necessarily going to be the, the answer that's, that's true.
20 Like if people are always going north when they're exiting
21 the building, then that Route 1 could actually become the
22 primary focus for those cars. So, yeah, it's just a little
23 bit curious. I, I understand your, your statement and, and
24 why that might be just because it doesn't have one
25 additional, directional kind of egress; but, but I don't

1 know if I would necessarily expect everyone to go down
2 south. But, all right, thank you.

3 MR. CHAIR: I appreciate those questions.
4 Actually, it was helpful for me, too. Other questions for
5 city of College Park?

6 (No audible response.)

7 MR. CHAIR: So, I've got, I just --

8 MS. GUPTA: If I may? Mr. Chair, if I may? I
9 think to clarify some of the other Commissioners' questions,
10 I, I think Mr. Capers can respond to the traffic issues; and
11 I, I, before Mr. Capers can talk, I also wanted to clarify
12 that Ms. Schum said that traffic is not (unintelligible)
13 issue; but it was. The entire, the access issue, the
14 queueing analysis, traffic, the distribution of the traffic
15 trips at different intersections and access points is
16 evaluated at the time of Preliminary Plan; and it's on that
17 basis that a project is found adequate based on that
18 analysis.

19 And Ms. Schum, or someone also said that the State
20 Highway was in agreement with this right-in, right-out.
21 Actually, we did not receive a referral or any comments from
22 the State Highway on this project. We do have an email that
23 was received at the time of the Preliminary Plan that said
24 that the location of the proposed right-in, right-out, and
25 I'm reading out their email, the location of the proposed

1 right-in, right-out access point is conceptually acceptable;
2 and it also further states that once more detailed
3 engineering plans and supporting documents become available,
4 the Applicant will need to submit them to the MDOT SHA
5 District 3 Access Management for a comprehensive review.

6 So, at this time, at the time of this email, State
7 Highway had not done a review of the Traffic Study. I do
8 not believe they looked at the safety issues which are
9 looked at by our Staff. And Mr. Capers is online to further
10 elaborate. Thank you.

11 MR. CHAIR: Thank you for that, Ms. Gupta. I'll
12 turn to Mr. Capers; and, Ms. Schum, I do see your hand.
13 I'll get back to you in a sec. Mr. Capers.

14 MR. CAPERS: (Unintelligible).

15 THE COURT: Anything you want to add?

16 MR. CAPERS: Good afternoon, Mr. Chair and members
17 of the Planning Board. I don't have too much to add. I am
18 available for any questions that you may have. I align my
19 comments with Director Checkley's regarding the safety
20 implications that were reviewed as part of the access point
21 on Route 1; and also, with Ms. Gupta's comments regarding
22 the process and the procedure in evaluating access points as
23 part of the adequacy. There were some information that was
24 provided by the Traffic Study that wasn't completely
25 accurate that I, I, and available to provide clarification

1 on it, if needed.

2 MR. CHAIR: Thank you very much, Mr. Capers.
3 There may be questions for you.

4 Ms. Schum, take, take it away. I just, before you
5 go, I just want to say, I heard you say, either you or, or
6 Ms. Ferguson, that State Highway had given some conceptual
7 support for this So, that distinction between that formal
8 approval versus saying, you know, this is good in concept,
9 I, I think we get that there's a distinction there. So,
10 I'm, Ms. Gupta, I appreciate you bringing that to our
11 attention as well in that way. So, Ms. Schum, you have
12 something you want to add?

13 MS. SCHUM: Yes, just very briefly. No, I do
14 agree with Ms. Gupta's statement that there, there is, and I
15 thought my comments reflected the email that she read that
16 State Highway had no objection to right-in being added; and
17 that they conceptually did not have a problem with that in
18 the, in the Detailed Site Plan.

19 Also, I'd just like to say that it was my
20 understanding that both traffic studies done by the
21 Applicant, one with just the right-out only, and one
22 including a right-in, right-out, found the project to meet
23 the APF requirement. So, it met adequacy, regardless of
24 which type of access on Route 1 you provided. So, if
25 there's additional information regarding that, I'm not, I'm

1 not aware of it. So, I just wanted to clarify that.

2 MR. CHAIR: Thank you. Thanks for that. So,
3 Commissioners, the only thing I wanted to add and, I don't
4 know, there may be a question on what I'm about to say, I'm
5 not sure, is that there's two things here we're dealing
6 with. One is the content, whether this is a good idea or
7 no; but then there's also the process piece and I just want
8 to speak to the process piece because I even heard, I think
9 Ms. Ferguson, your point that what would be helpful for you
10 all would be if we could support you all going forward on
11 reconsideration and could even suggest that there would be
12 some favorable consideration of that. That's how I heard
13 what you said, which I want to be clear about our process
14 which is that if there was a request for reconsideration, we
15 would take that up on the merits; and part of those merits
16 is that there, there's certain criteria that have to be met
17 for us to even consider a reconsideration; and we cannot
18 prejudge any of that.

19 So, by any stretch of the imagination, if it,
20 would, we're not even hinting at what we might do if a
21 reconsideration came before us, okay? So, I just want to be
22 crystal clear around our process piece.

23 So, there, there may be a request for
24 reconsideration in the future and we certainly would
25 entertain that; but that's about as far as we would go in

1 terms of what we might do in relation to that. And let me
2 turn to Ms. Coleman. Did I, does that sort of capture where
3 we are and what we do, and what we don't do accurately?

4 MS. COLEMAN: That's correct, Chair. The
5 reconsideration request cannot be something that is
6 guaranteed in advance. There has to be certain criteria
7 that would be met even for the reconsideration request to be
8 heard.

9 MR. CHAIR: Okay. Thank you.

10 MS. FERGUSON: May I, may I speak, Mr. Chair?

11 MR. CHAIR: Yes, Ms. Ferguson.

12 MS. FERGUSON: Thank you. I, I fully understand
13 what you have said and fully expect that your attorney would
14 support that. We're not asking for a predetermination.
15 The, what we're asking for is the support for the condition
16 that I read out earlier that makes, which is subject to the
17 Planning Board approval at the Preliminary Plan level.
18 That's what we're asking for. We're not asking you to pre-
19 judge it; but the other concern that came up when we were
20 discussing this with Staff the other day is a delay issue.
21 So, that if, in fact, it was returned to the Planning Board
22 for a Preliminary Plan change, that then Staff said to us at
23 that time it would have to come back up to you at the
24 Detailed Site Plan level to allow for the change in the
25 right-in, which shocked all of us in terms of the amount of

1 time that would be required.

2 So, what we're asking for is that, if it's
3 possible to do it, that you allow for two options here, the
4 one that's currently on the screen, and another option that
5 would allow the right-in at subject to the Planning Board
6 approval; and, hopefully, that the Planning Board approval
7 could be, I'm sorry, review at the Preliminary Plan level
8 could be expedited.

9 MR. CHAIR: Yeah, no, I hear you and I'm, I'm just
10 trying to think of how we do that in a way that doesn't hint
11 at some kind of pre-judgment. Ms. Coleman?

12 MS. COLEMAN: Yeah, Mr. Chair, it, it, there's a
13 process involved in all of that; and so while I'm certain
14 that if it is something that the Board would want to
15 entertain as far as a reconsideration request and the
16 subsequent, subsequent revision to any type of plans, but
17 there are notice requirements that are, are in place that we
18 must comply with. So, I'm certain Staff would work with the
19 Applicant to try to do their part; but there would be
20 certain steps that, obviously, could not be circumvented.

21 MR. CHAIR: So, you're saying, but I want to make
22 sure I'm hearing this clearly from you and, perhaps,
23 Director Checkley as well, that for, for us to take the
24 action that Ms. Ferguson is suggesting, and I'm not talking
25 about content, I'm just talking about process, that, that

1 it's not appropriate for us -- what I'm hearing you all
2 saying, it's not appropriate for us to do what she's asking
3 us to do, to put in two options at this stage of the process
4 and have one of the options be conditioned upon a potential
5 action that we might take in the future?

6 MS. COLEMAN: That's correct.

7 MR. CHAIR: Okay. And, Director Checkley, you
8 want to weigh in?

9 MS. CHECKLEY: Yes. Thank you, Mr. Chair. I
10 think that if, should the Board decide that we could have
11 alternate conditions, we could have a condition that
12 basically says if, you know, the Applicant receives a
13 reconsideration, then they can do X.

14 MR. CHAIR: And that would, in effect, without
15 prejudging at all, that would expedite the process for the
16 developer if it ended up going in that direction? It just
17 gives them some flexibility?

18 MS. CHECKLEY: Right, they wouldn't have to come
19 back for a new Detailed Site Plan.

20 MR. CHAIR: Right. And I, and thank you. And I
21 understand, Ms. Coleman, that that's different than what
22 you're saying? I would, I think I would err on the side of
23 our Planning Director folks on this one, even if it's, I
24 don't know, if, if, if it doesn't quite fit in with the way
25 our, our legal team sees how we should proceed. I think

1 allowing some measure of flexibility without even coming
2 close to prejudging a process makes sense to me. But I'm
3 curious to see where you all are on this and I, I actually
4 want to look for a little advice. I wonder if we could stop
5 this right now, go to hear from other folks who are going to
6 speak, and then we can come back to this and whatever else
7 we hear, is that okay?

8 The other thing, Commissioners, is this day is
9 going to go a little bit longer than I thought; and I'm
10 wondering about a lunch break; and some advice from you all
11 whether we should continue with this and have this thing
12 wrap, have this process wrap up, which I, you know, I don't
13 know, could take another half hour. Do you want to take a
14 break now and have everybody come back? What do you want to
15 do, Commissioners?

16 COMMISSIONER WASHINGTON: I would recommend we
17 continue and, with this case if it's probably another half
18 hour, so that's fine with me.

19 MADAM VICE CHAIR BAILEY: (Unintelligible).

20 COMMISSIONER DOERNER: I'm very surprised that my
21 colleague would suggest that. I would assume that we would
22 go straight to lunch, but --

23 COMMISSIONER WASHINGTON: I knew you would say
24 that, Will.

25 COMMISSIONER DOERNER: If that's, if that's the

1 recommendation, I can go with it. In terms of like
2 procedural stuff, I just want to hear from maybe Ms. Gupta
3 about the right-in in terms of -- I think Ms. Schum sort of
4 started to address my, my only concern about, that's
5 remaining about how this would kind of break-up the complete
6 streets; because if we already have a right-out, I'm just
7 kind of confused how an additional right-in would be any
8 more damaging to the complete streets. In my preferred
9 world, like we wouldn't have had any entrance right there
10 because that would be the, the true, complete streets; but
11 if we're already allowing the, the right-out, then I don't
12 see how we, the right-in would be any more conflicting. So,
13 that's kind of my, my hang-up on this issue at the moment
14 for, for this particular case; and I don't have any other
15 hang-ups on other stuff.

16 MR. CHAIR: Thank you. You have a question for
17 Ms. Gupta on that?

18 COMMISSIONER DOERNER: Yeah. I just want to see
19 what, what her, her kind of opinion is on that.

20 MS. GUPTA: Yeah. Thank you, Commissioner. So,
21 it, adding a right-in also, essentially, you're adding more
22 traffic, more vehicles to that entrance, clear and simple.
23 It, it's a no-brainer; and, and it's, it's not being
24 evaluated by Staff, but just adding a right-in to a right-
25 out only is adding more vehicles to that point; and it's

1 more points of conflict between bicyclists, pedestrians and
2 vehicles; and then you have --

3 MR. CAPERS: Ms. Gupta --

4 MS. GUPTA: Yes, Mr. Capers?

5 MR. CAPERS: I was going to say, and to add to
6 that, Mr. Doerner, imagine, assuming that design, the
7 complete theory require a sort of an uninterrupted,
8 continuous network for pedestrians and bikes. As the design
9 we have here limits the, the crossings, it's a shorter
10 crossing, it's suitable for one vehicle to access it.
11 Adding a right-in will increase that by at least another 12
12 feet. The queues, as Ms. Gupta has provided, the queueing,
13 and also as the other Commissioners, the garage will occur
14 on Route 1, which would disrupt that continuous network.
15 So, the right-out, all the queues with the right-out, they
16 are in a queue and it will be restricted within the site.
17 It will not impede the, the road network or the, the multi-
18 motor transportation network.

19 COMMISSIONER DOERNER: Okay. So, let me ask my
20 question maybe a little bit differently then. And, Mr.
21 Chair, this might be for you if you're the one kind of
22 reviewing it initially, why do they allow a right-out
23 because I, I mean I agree that like, yeah, you're going to
24 add extra, extra length in there and more disruption; and,
25 sure, there's going to be more vehicles; but like in my, in

1 my perfect world, like we wouldn't have any, any entrances
2 there. We'd be just totally restricted to the streets and
3 not, necessarily, to the building entrances right there if
4 we really wanted to prioritize pedestrian and, and bike
5 safety, and sort of other activity around there.

6 MR. CAPERS: You're, you're actually right,
7 Commissioner Doerner. The initial meeting we had with the
8 Applicant, the city of College Park and the state, Staff did
9 propose that they restrict completely access to Route 1.
10 This was the compromise that we developed with the
11 Applicant. The Applicant, as he stated, as Mr. Haller
12 stated earlier, that it was necessary to at least have an
13 outbound movement outside to work with the consideration of
14 their parking lot. So, this was the compromise to which we
15 agreed that a limited access right-out would be acceptable
16 and would minimize the pedestrian and vehicular conflicts;
17 but we did recommend, initially, to completely remove the
18 access; but this is a compromise that, that, as we stated,
19 minimizes the conflicts.

20 MR. CHAIR: Helpful to hear.

21 COMMISSIONER DOERNER: Okay. Thank you.

22 MR. CHAIR: Ms. Schum, I'm going to, we're, we'll
23 have more to talk about, I'm sure. So, let me move on and
24 allow for the other speakers to come in; and let me just
25 review who we have on the list, who is actually here. I

1 have a Gulruh Mamatova, or Mamatova? Are you here?

2 (No affirmative response.)

3 MR. CHAIR: Okay. Vanesa Hercules?

4 (No affirmative response.)

5 MR. CHAIR: No? Judy Blumenthal, I see you; so, I
6 know you are here. You can hear us okay?

7 MS. BLUMENTHAL: Yes, sir.

8 MR. CHAIR: And we can hear you, too. We'll get
9 back to you in a second. I have an Oleh Podryhula?

10 MR. PODRYHULA: I am here, sir. Thank you.

11 MR. CHAIR: Okay. And I apologize if I pronounced
12 your name wrong. Mary Cook, are you here?

13 MS. COOK: Yes, I'm here. Thank you.

14 MR. CHAIR: Okay, great. And I think that's it.

15 Is there anyone I have missed? I mean these are the folks
16 we have signed up; so, these are the folks that are eligible
17 to speak, but I'm just checking. Anybody else who believes
18 they're supposed to be speaking?

19 (No affirmative response.)

20 MR. CHAIR: Okay, excellent. So, let me go
21 through in the order that we have there. If the other folks
22 show up in the next bit, we'll certainly give them an
23 opportunity to speak as well. You'll each have up to three
24 minutes to speak; and we'll set a clock for you just to help
25 keep you and us aware of the time; and I will start with Ms.

1 Blumenthal.

2 MS. BLUMENTHAL: Thank. Thank you, Mr. Chairman,
3 and --

4 MR. CHAIR: If you could, Ms. Blumenthal, if you
5 could identify your name and address for the record, too?

6 MS. BLUMENTHAL: Judy Blumenthal, 49th Avenue in
7 College Park, Maryland. Thank you for the opportunity to
8 speak today. The proposed development has serious issues
9 for the city of College Park, especially in North College
10 Park. I'm asking that the safety and welfare of the
11 residents of North College Park supersede allowances in a
12 Sector Plan and that you deny the proposed construction.

13 The Sector Plan has been overtaken by
14 environmental trends and permitted changes. The proposed
15 construction of a six to 7-story building with 313 multi-
16 family dwelling units will negatively impact the safety and
17 welfare of the surrounding neighborhoods and residents.

18 Beginning with utility systems, there are several
19 major issues. The proposed development will overload the
20 already weakened gas lines. Recent Washington Gas
21 attention, the serious leaks in the city of College Park
22 occurred in February and December of 2022; the latter caused
23 Baltimore Avenue to be closed in both directions for several
24 days. In 2021, within a 45-day period, Washington Gas
25 responded to eight gas leak odor calls in the city, in the

1 city of College Park and made 25 leak repairs.

2 Power grids cannot be maintained in our current
3 environment. For example, the severe storm of July 2022
4 resulted in more than 27,000 customers in Prince George's
5 County having problems. The most damage was in the College
6 Park, Berwyn and Greenbelt areas. Water mains are old and
7 nearing the end of their useful life, as reported in College
8 Park in 2013. Further stated, after more than 90 years of
9 service, water and sewer is facing decaying pipes and
10 valves; the water mains in College Park were originally
11 installed in the 1920s, 50s, 60s and 70s.

12 Another serious impact is the increase in traffic.
13 As it now stands, emergency vehicles have difficulty
14 reaching their destination promptly; and there's no safe
15 evacuation route. New development will worsen this.
16 Parking will overwhelm North College Park. It will become
17 even more unmanageable. Cherokee Street will be more of a,
18 of a fire trap.

19 The proposed construction for 1.5 cars per unit
20 should be increased to three cars per unit because of an
21 increase in 59.7 million residents now living in multi-
22 generational housing units with an increase of 58.4 million
23 in 2019 alone. Along with co, people buying homes together,
24 families buying homes together, there's 772 percent
25 increase; and with renting, I ask that you exercise your

1 authority to deny the proposed construction. Thank you very
2 much for your attention to this matter.

3 MR. CHAIR: Thank you, Ms. Blumenthal. I
4 appreciate you taking the time to speak to us. Let me, let
5 me just comment real quick. First of all, I hear you loud
6 and clear around the concerns around infrastructure; and,
7 certainly, you're, you know, this comes up from time-to-time
8 throughout the County. So, that's not, that's not what's
9 before us as part of the Detailed Site Plan; but it's a real
10 concern and I hear you loud and clear.

11 So, this, it may be helpful for, to have some
12 measure of conversation with our Department of Permits,
13 Inspections and Enforcement, DPIE, around this very issue;
14 and we can help facilitate that connection and just make
15 sure your voice is heard around that if that's, if that's
16 helpful for you.

17 MS. BLUMENTHAL: That would be great. Thank you,
18 sir.

19 MR. CHAIR: Okay. All right. We'll make sure
20 that, that we have some measure of follow-up with you around
21 that.

22 MS. BLUMENTHAL: Thank you very much.

23 MR. CHAIR: You are welcome. Okay. Next on our
24 list of -- Commissioners, any other questions for Ms.
25 Blumenthal since I took the initiative to ask some?

1 Anything else?

2 (No affirmative response.)

3 MR. CHAIR: No? Okay. Thank you all. I'll turn
4 to Oleh Podryhula.

5 MR. PODRYHULA: Thank, thank you very much. Good
6 afternoon, ladies and gentlemen. My name is Oleh, last name
7 Podryhula. I presenting reside at 4 Ellis Circle in East
8 Sandwich, Massachusetts; but I also own property at 4814
9 Delaware Street. My wife and I purchased there in 1976.
10 And in the mid-90s, we found out we had to move up to
11 Massachusetts. We still own that property. We have a good,
12 a very big affinity and love for that particular area and
13 for Prince George's County.

14 I suggest that the proposed project for that area
15 is going to be overburdensome. It's too large, too dense
16 and will, will impose traffic impositions on the
17 neighborhood where we've had people living there for over 40
18 years without these problems.

19 I'd like to refer you to my letter in opposition.
20 I don't, I'm not going to rehash that because I see that the
21 time is running on this, but I would like to suggest at this
22 point in time that the Traffic Study, in my estimation, is
23 flawed. There was, the Traffic Study that I saw was done,
24 dated in September of 2021. There was an indication that
25 there was a recent one done. I haven't seen that. But the

1 Traffic Study that I looked at, which was done in 2021,
2 indicated that it was a view that the pandemic was still not
3 over; that the traffic count made a 4 percent adjustment to
4 the possibility that a lot of people were still tele-
5 commuting. It does not take into account the traffic that
6 come, going to be coming down south from the Beltway into
7 the city who don't want to be taking that turn on Cherokee
8 Street. You're going to turn into the residential
9 neighborhoods, primarily Delaware Street, Fox Street, which
10 has a light, shoot down to the Rhode Island Avenue area and
11 then come around and come out to Cherokee Street from the
12 east adding to the entrance of the building there.

13 There's nothing in the study to show what the
14 proposed service area from Delaware Street to the project
15 would have, no traffic counts there whatsoever; and any
16 service vehicles coming into that building for moving,
17 delivering items. When they leave, they're not going to get
18 out onto Delaware Street; they're going to get their way out
19 of there through the neighborhood. That wasn't even looked
20 at by the traffic studies.

21 When I lived there all those years, I never got
22 out to Route 1 from Delaware Street. We just couldn't do it
23 and it was totally unsafe. You did it from Fox Street where
24 there was a traffic light and you could move; or you go
25 through Rhode Island Avenue.

1 Seven, six stories, that should not be put there.
2 The buffer should be to step down from two, to the two to
3 three, which the district requires. I'm running out of
4 time. Thank you for your consideration. Please don't pass
5 this project. There's other projects that could go there.
6 Thank you.

7 MR. CHAIR: Thank you, Mr. Podryhula. I
8 appreciate you taking the time and we hear you. Next, we
9 have Mary Cook.

10 MS. COOK: Thank you for allowing me to speak
11 today. In full disclosure, I'm the community liaison for
12 Council Chair Tom Dernoga, but I'm speaking today as a 20-
13 year resident of North College Park. I would like to add
14 that I'm a former Board member of Meals on Wheels and former
15 President of the North College Park Community Association,
16 NCPCA.

17 First, let me say thank you to the Copelands for
18 agreeing to work with Meals on Wheels. This organization,
19 which serves residents not only from College Park, but
20 Beltsville, Riverdale, Hyattsville and other municipalities,
21 is one that has been in existence for some time and they are
22 giving them the opportunity to return to College Park. I
23 also applaud the fact that they're introducing affordable
24 housing to College Park.

25 Last June, NCPCA invited the RST developers to

1 present to our group. There were mixed reactions to the
2 project and no position was taken at that time. Please
3 understand that my objections are ones that many in North
4 College Park have. I do not have, and I do not have to
5 remind you that quality of life and retention of the
6 character of the neighborhood are two priorities of the
7 Route 1 Sector Plan.

8 I have three issues that I will address today.
9 They include ingress/egress, the stepdown and lead. I
10 really don't have to say anything more about that right-in,
11 right-out. I think everyone has said it and Ms. Schum did
12 it exceptionally well. Honestly, I have to tell you that I
13 used to avoid Rockville Pike at all costs. Now I avoid
14 Route 1 at all costs.

15 Regarding the stepdown, the Applicant is correct,
16 that the Sector Plan does allow them to use a landscape
17 buffer which they have proposed to mitigate the impact of a
18 7-story structure next to a residential neighborhood;
19 however, I don't think that any of you would appreciate
20 looking up the street to a 7-story building which takes away
21 from the Suburban surroundings. I urge the Planning Board
22 to insist on a stepdown of two to three stories.

23 And, finally, regarding the lead certification,
24 the developers have stated that they are not seeking lead
25 silver certification; it is seeking certification through an

1 alternate standard which substantially complies with the
2 intent of the Sector Plan. This alternate standard will not
3 substantially impair implementation of the Sector Plan per
4 the Applicant; and after reading the home renovation website
5 from which they are comparing their, to this, to lead
6 certification, it appears that many of the items described
7 would fit the requirements to attain silver lead
8 certification. If that is the case, why not become lead
9 certified as has been required for the, by the majority of
10 construction in Prince George's County.

11 I urge you to hold the developers to this standard
12 and thank you for the opportunity to speak.

13 MR. CHAIR: Thank you, Ms. Cook. I appreciate you
14 taking the time. Is there anyone else who signed up to
15 speak? I want to go back to Gulruh Mamatova or Vanesa
16 Hercules. Either one present?

17 (No affirmative response.)

18 MR. CHAIR: Okay. No? Commissioners, any
19 questions for the folks who have spoken in opposition to
20 this?

21 (No affirmative response.)

22 MR. CHAIR: Okay. All right. Thank you. Thank
23 you all very much for participating in this hearing. Much
24 appreciate it.

25 So, let me go to the Applicant again. Actually,

1 Ms. Schum, let me afford you the opportunity. You had
2 something you wanted to bring up that was related to one of
3 the issues that we were talking about. I want to give you a
4 chance to do that because I want to give the Applicant last
5 word with rebuttal and conclusion, and close. So, Ms.
6 Schum?

7 MS. SCHUM: Thank you very much. I just wanted to
8 go back and address the Commissioner Doerner's question
9 about complete streets; and I wanted to refer you to a
10 condition that's been placed on this project. It's your
11 Staff's Condition AP and that requires that what we call
12 tabletop cost locks be provided along any driveway access to
13 this project. So, in other words, that gives priority to
14 the pedestrian, or in this case also the bicyclist because
15 there, there will be a cycle track along the frontage of
16 this project.

17 So, that (unintelligible) prioritize those users
18 over the vehicles using that as ingress and egress. So, I
19 think that's an important condition and I think that helps
20 to mitigate the fact that this frontage would be interrupted
21 with another driveway; but, again, it's an exceptionally
22 long frontage, so it's not unusual to expect, you know,
23 perhaps another driveway at this location. Thank you.

24 MR. CHAIR: Thank you. And with that, if there's
25 no other questions or no other comments, I'm going to turn

1 it to the Applicant for any rebuttal, if there is any, and
2 for your close. Tom, you're, Mr. Haller, you're muted. We
3 don't have you yet. You're still muted.

4 MR. HALLER: I apologize, Mr. Chair. My screen
5 went crazy for a second and I couldn't figure out how to
6 unmute myself. I apologize.

7 But thank you for the opportunity to, to address
8 you again. I do want to respond to a couple of the comments
9 that were made by the, the residents that testified. The, I
10 want to mention first that the, I want to just talk a little
11 bit more about the stepdown that a couple of the, of the
12 residents mentioned.

13 The Route 1 Sector Plan does address what's called
14 step back transitions. It's on page 238 of the Sector Plan.
15 And where our property, like this one, is in a walkable node
16 area either across the street from or sharing a real
17 property line within the (unintelligible).

18 MR. CHAIR: Hold on one sec. Okay. You can
19 continue. We got it.

20 MR. HALLER: Sure. The, he Sector Plan says that
21 a step back transition and/or a landscape buffer shall be
22 required. Normally, the setback requirement in the Sector
23 Plan is if you are by the street is zero feet to 24 feet;
24 and for a rear yard setback, it's only 10 feet. And so, in
25 a situation like this where a building is located at a

1 right-of-way line across the street, which it will be about
2 a 50-foot distance, or it's only 10 feet from a property
3 line, a, a stepdown to two or three stories might be
4 appropriate; but the Sector Plan also shows scenarios where
5 no step down is proposed but a landscape buffer is provided.

6 In our particular instance, we have a unique
7 opportunity because the property which is being acquired by
8 RST includes two, two other lots that are outside of the
9 Sector Plan area but which allow for them to provide a
10 buffer. And as Staff noted in their Staff Report that the,
11 that the, the buffer or step back applies to the area on the
12 east side of 48th Avenue, and you can see on the, on the
13 image on the screen that that area there showing a, a berm
14 and landscaping on the property immediately across 48th
15 Avenue, what that allows us to do is to provide a buffer
16 that's two to three times as wide as what the Landscape
17 Manual would normally require and is, and we're providing
18 plant units that are more than double what the plant, of the
19 Landscape Manual would normally require; and in addition to
20 that, we are stepping the building down to five stories.
21 So, as Staff has evaluated and analyzed in their Staff
22 Report, and the City Staff had also evaluated and analyzed,
23 what we've proposed conforms to the Sector Plan requirements
24 in a way that's slightly different than what's anticipated
25 but is, is consistent with the Sector Plan has asked for

1 which is landscape and/or a step back. So, I just wanted to
2 address that specifically just so the Board was aware how we
3 are addressing the compatibility with the adjoining
4 neighborhood.

5 And, and then I would also just like to comment
6 that with regard to the traffic issues, those were fully
7 evaluated as we discussed ad nauseum this morning as part of
8 the Preliminary Plan and the ADQ application that we filed
9 earlier.

10 And then the final thing I want to note, I think,
11 is that going back to the discussion that you had with the
12 city, you absolutely pinned it earlier. If the Board were
13 inclined or, or supportive of the concept of a right turn
14 in, even though they may want to look at it further, and
15 would have to look at it further as part of the right-in,
16 right-out, if the condition was not added to the Site Plan,
17 we would then be forced to certify this Site Plan and then
18 come back after the fact if the Board were to elect to
19 reconsider it and amend the Site Plan again. And it's, it's
20 a combination of the reconsideration process and the
21 requirement to amend the Site Plan that we're trying to
22 address here.

23 So, if the Board were inclined to allow that
24 movement, we understand we'd have to request the
25 reconsideration. The Board is not obligated to grant it;

1 but we don't want to be in a position where we then further
2 would have to further amend the Site Plan. Timing is an
3 important factor in this particular case and so being able
4 to get to plat is very important to us.

5 And with that, I would conclude my, my comments
6 and be happy to answer any questions that the Board may
7 have.

8 MR. CHAIR: Thank you, Mr. Haller. If that, that
9 concludes the hearing portion of this. Commissioners,
10 that's us to deliberate. I mean my, my quick, my first
11 thought on this is that I like the idea of providing,
12 legally, appropriately providing some measure of flexibility
13 of providing some options if this was, if there was a
14 reconsideration that came our way, we'll take that up
15 cleanly and without prejudging that at all. It may or may
16 not qualify; but if it did, then at least the Applicant
17 would have options and those are the options that actually,
18 from what I hear, the majority of folks in the community,
19 and the city and the Applicant are all in support of. So,
20 I'm okay going that direction; but I'm curious to see where
21 you all are, Commissioners. So, take it away.

22 COMMISSIONER WASHINGTON: No, I'm in the same
23 place, Mr. Chairman; and thank you for raising the question
24 about 1(r) because I think the way it's currently written,
25 it kind of predisposes something that will happen. And I

1 did like the Planning Director's distinction in that regard
2 or, or, or suggested alternative, if you will.

3 COMMISSIONER DOERNER: But I, I'm not supportive
4 of the right-in. I wouldn't have been supportive of the
5 right-out if we had had that before us today because I think
6 both are inconsistent with the way streets -- like I
7 understand the idea of prioritizing pedestrian traffic with
8 the various crosswalks, and I appreciate that being pointed
9 out, but the true prioritization is not to have them have
10 any of their, their, their path interrupted right there. We
11 already have the streets and that's enough of an
12 interruption as it is if we're trying to really get to the
13 real, complete street and urban kind of design.

14 I'm supportive of the rest of the application and
15 I'm, I'm very eager to see this kind of a, of a development
16 with the affordable housing coming in. I think that the
17 cause, just on a personal level, I know we're not supposed
18 to rule on uses and stuff, but I, I'm very close to these
19 kinds of cause and, and I support the application
20 completely. So, for me, it's just, it's, it's not anything
21 to do with the use or anything; it's just the traffic part
22 right there. That's the one hiccup for me that I would not
23 vote in favor of that, or a motion for that; however, if the
24 motion does pass, then I think the, the right step to take
25 is the conditional kind of, of finding like, like we have

1 mentioned earlier. So, I think I would be supportive of a
2 conditional one; I'm just not supportive of it in general.

3 MR. CHAIR: Understood. Other comments from
4 Commissioners?

5 MADAM VICE CHAIR BAILEY: Well, at this -- I'm
6 definitely in support of the condition; and, and the project
7 as well, and would like to, and appreciate all the citizens
8 who have come to share their comments. I have worked at the
9 University of Maryland for a very long time and understand a
10 good bit about the traffic there; and any solutions that we
11 can find, certainly, I, I am in support of. And I think the
12 Staff has offered some suggestions and solutions to almost
13 an impossible task of traffic in that area.

14 MR. CHAIR: Thank you, Madam Vice Chair.
15 Commissioner Geraldo?

16 COMMISSIONER GERALDO: Yeah, I, I concur on the
17 comments of, of the Vice Chair. I mean it's a great, great
18 project; it's needed. There was discussions today about, in
19 certain areas about the middle-income housing being absent
20 in the County, as well as affordable housing; and this
21 serves that purpose. The only concerns that I have is with
22 pedestrian and bicycle safety; but I believe what the
23 Planning Director has offered as alternatives may be an
24 effective compromise.

25 MR. CHAIR: Thank you. I think it's clear where

1 we are with this. So, if there's no further deliberation on
2 this, the only issue would be if there were a motion to this
3 effect that reflects our discussion around this. I want to
4 get the language right around the conditionality related to
5 this; so --

6 MS. GUPTA: Yeah, Mr. Chair --

7 MR. CHAIR: -- is there something you want to
8 weigh-in? Yeah?

9 MS. GUPTA: Yes, Mr. Chair. Thank you for the,
10 for your consideration. So, Staff does offer alternative
11 language for that condition for your and other
12 Commissioners' review, if you allow me?

13 MR. CHAIR: Yes, please.

14 MS. GUPTA: So, the alternative language could be,
15 and, and this would ensure that the Applicant does not need
16 to come back to revise the Detailed Site Plan; and we could
17 read the condition as provide a do not enter sign to
18 facilitate a limited right-out only exit driveway from the
19 site along U.S. 1, Baltimore Avenue, including the profiles
20 of the signage; add a median to U.S. 1 at the garage exit
21 subject to approval by the Maryland State Highway
22 Administration. The DSP shall include an option for a
23 right-in access at the driveway; and if the Applicant
24 subsequently obtains subdivision approval, allowing for
25 right-in access from U.S. 1, this DSP option shall be

1 permissible without requiring further approval of the DSP
2 and the signage will not be required. So, this would be a
3 revision to existing Condition 1(n). It would be revision
4 to Condition 1(n) and we would not need to add another
5 Condition 1(r).

6 MR. CHAIR: Okay.

7 MS. GUPTA: But this would allow --

8 MR. CHAIR: But that is -- go ahead, Ms. Gupta.

9 MS. GUPTA: Yes, as I, it, I was just reiterating
10 that the Applicant would not need to come back and revise
11 the DSP.

12 MR. CHAIR: Okay. That's very, very helpful that
13 you provide us with that language. I think that captures
14 where we are; and I hear Commissioner Doerner, you loud and
15 clear that this isn't the direction you'd like to go in
16 general. I have some concerns about that as well and I feel
17 like this is a compromise that captures some of the concerns
18 from the Councilmember of the city of College Park; and it
19 feels like this is an appropriate balance from my
20 perspective; but it's neither here nor there because there's
21 just a question of whether there will be a reconsideration;
22 and if there is, then we'll be taking that up at a, at a
23 later time.

24 So, Commissioners, if there's no further
25 discussion on this, Staff has provided us some language

1 around what this flexibility language --

2 MS. COLEMAN: Mr. Chairman, I just wanted to make
3 a technical correction to that language.

4 MR. CHAIR: Yes, Council --

5 MS. COLEMAN: I, sorry, the DeLisa Coleman,
6 Associate General Counsel, for the record. The last
7 sentence, I believe it should actually state, "The DSP shall
8 include an option for right-out access at the driveway; and
9 if the Applicant subsequently obtains subdivision approval,
10 allowing for right-in access from U.S. 1."

11 MR. CHAIR: That makes --

12 MS. COLEMAN: It would --

13 MR. CHAIR: That makes sense to me. Ms. Gupta,
14 that's, that feels appropriate for you as well?

15 MS. GUPTA: Yes, thank you, Ms. Coleman, for that
16 correction.

17 MR. CHAIR: Yeah, very helpful. Thank you. Okay.
18 So, we have what's before us. Is there a motion to that
19 effect?

20 COMMISSIONER WASHINGTON: Mr. Chairman, I move
21 that we adopt the findings of Staff to include the technical
22 corrections to the finding as noted on the record by Staff;
23 and approval alternative development District standards A1
24 through 13 as outlined in Staff's Report. In addition to
25 approving DSP, what's the number, DSP-22015, along with the

1 associated conditions as outlined in Staff's Report; and
2 Condition 1(n) shall be modified to reflect the revision as
3 read into the record by Staff and further amended by legal
4 counsel, in addition to the conditions as modified by
5 Applicant Exhibit No. 1, with the exception of proposed new
6 Condition 1(r), which shall be stricken.

7 MS. GUPTA: Commissioner, I also requested
8 correction to two findings where there are errors in the
9 Staff Report and their findings.

10 COMMISSIONER WASHINGTON: I, I did note that, Ms.
11 Gupta, in terms of the technical corrections.

12 MS. GUPTA: Got it. Thank you.

13 COMMISSIONER WASHINGTON: Thanks. You're welcome.

14 MR. CHAIR: We've got a motion. Is there a
15 second?

16 COMMISSIONER DOERNER: Second.

17 COMMISSIONER GERALDO: Second.

18 MR. CHAIR: Got a motion by Commissioner
19 Washington and a second by Commissioner Doerner. Is there
20 any discussion on the motion, on the very well-read motion -
21 -

22 COMMISSIONER WASHINGTON: The first time.

23 MR. CHAIR: -- a second? Under discussion,
24 Commissioner Doerner?

25 COMMISSIONER DOERNER: Yes, I thank the motion

1 maker for keeping everything in line because that was,
2 didn't know how that was going to come on, as always, on
3 point. Yeah, I just mention that I, in terms of like if we
4 do get to this stage of a reconsideration, I'm not
5 supportive of the right-in. Even if we have the merits to
6 do a reconsideration, to go that far, I just wanted that to,
7 at least how it's stated now, the Applicant, and what we've
8 heard today, I would have voted against this if we had been
9 considering just the Applicant Exhibit 1 or finding because
10 I, I realize that when you come before us and you go through
11 all these processes, it's not cheap to do these things; and
12 you're on a limited budget, so I do look around me and kind
13 of consider like whether or not it's worth it to try and get
14 the right-in. I want, I want to at least to be transparent
15 on my end that I'm not supportive of the right-in. I'm not
16 supportive of the right-out; but that wasn't before us in
17 this capacity. So, I just want you to, to realize that; but
18 I think the way that the motion went today, it's, it's
19 clear; and if you do, I'm only one vote. Like if you do
20 come back and you get it, then it could, it could overturn
21 and not go the way that, that I, I feel but, and that's
22 fine. But I do want you to know that as you're kind of
23 going forward, so you have like all kind of information at
24 least to this point you can consider because that's
25 important as you go through development; and I think the way

1 this had all been set up right now, it's, it's great. It
2 looks really good. And I think one person in the audience
3 had mentioned without approvals of silver lead
4 certifications, we don't actually require that. I just want
5 the others in the audience who came, to thank them for
6 coming today; but just realize we don't actually require
7 that; it just happens that a lot of people end up going in
8 that direction because it's the common certification method
9 that people use. Sometimes they get all the way up to
10 platinum; but at least getting the criteria, to me, is more
11 important than getting the certification because the
12 certification costs a lot of money.

13 I live in a house that's completely lead certified
14 in terms of the criteria. The reason why I bought the house
15 is because they didn't get the certification and it was
16 marketed at about \$200,000 less as a result of that. So,
17 I'm not really concerned about the certifications if the
18 quality standards are still up to that; and we're, we're
19 making efforts towards green and other kinds of good
20 buildings that makes, I mean the, the act and, and the
21 intent is more important to me than getting a piece of paper
22 saying that they didn't net all the points that they had to
23 accumulate, particularly on projects that are, that have
24 social needs and, and the portability kind of concerns.
25 It's just an additional cost on the developer and I, and I

1 don't really see the, the, the importance of, of having that
2 certification if everything else is being met, but you're
3 just not paying for a certifier and some people to come out
4 and, and getting that, that accolade. So, that's another
5 discussion to make.

6 MR. CHAIR: Thank you, Commissioner. Any further
7 discussion on the motion?

8 (No affirmative response.)

9 MR. CHAIR: Seeing none, I will call the roll. I
10 believe the motion was made by Commissioner Washington and
11 seconded by Commissioner Doerner. There's no further
12 discussion. Commissioner Washington?

13 COMMISSIONER WASHINGTON: I vote aye.

14 MR. CHAIR: Commissioner Doerner?

15 COMMISSIONER DOERNER: Vote aye.

16 MR. CHAIR: Vice Chair Bailey?

17 MADAM VICE CHAIR BAILEY: Vote aye.

18 MR. CHAIR: Commissioner Geraldo?

19 COMMISSIONER GERALDO: I vote aye and I thank
20 everybody's attending and the input of the community.

21 MR. CHAIR: Thank you. I join with those remarks.
22 I vote aye. And the ayes have it 5-0. Folks, thanks,
23 everybody, again, as Commissioner Geraldo said, for your
24 participation in this case. It's an exciting project. We
25 are going to take a break. I'm going to suggest we take a

1 half hour break. We're on a bit of a time crunch, I am, for
2 later in the afternoon. So, it's, it's a couple minutes
3 after 1:00. If we can handle this, let's come back and
4 start up at 1:30, okay?

5 COMMISSIONER WASHINGTON: Okay.

6 MR. HALLER: Thank you.

7 COMMISSIONER GERALDO: Thank you.

8 MR. CHAIR: Okay. See you all back then. We're
9 in recess until 1:30.

10 MR. PODRYHULA: Thank you.

11 **(Whereupon, the proceedings were concluded.)**

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9113 BALTIMORE AVENUE
Detailed Site Plan, DSP-22015

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