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Note: Staff reports can be accessed at <https://www.mncppc.org/883/Watch-Meetings>

Zoning Map Amendment RST NEW CARROLTON

ZMA-2024-003

REQUEST	STAFF RECOMMENDATION
The applicant requests a continuance of the Planning Board hearing date of April 10, 2025, to May 1, 2025. To rezone the subject site from the Neighborhood Activity Center Zone to the Neighborhood Activity Center-Planned Development Zone to allow development of a mixed-use building with up to 300 multifamily residential units and up to 3,000 square feet of commercial space.	APPROVAL of continuance to May 1, 2025

Location: South side of MD 450 (Annapolis Road), approximately 400 feet east of its intersection with MD 410 (East-West Highway).

Gross Acreage: 4.29

Zone: NAC

Dwelling Units: 300

Gross Floor Area: 3,000

Planning Area: 69

Council District: 03

Election District: 20

Municipality: N/A

200-Scale Base Map: 206NE06

Applicant/Address:

RST DEVELOPMENT, LLC
6116 Executive Boulevard, Suite 740
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Staff Reviewer: Evan King

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Planning Board Date: 04/10/2025

Planning Board Action Limit: N/A

Memorandum Date: 04/01/2025

Date Accepted: 01/31/2025

Informational Mailing: 09/17/2024

Acceptance Mailing: 01/29/2025

Sign Posting Deadline: 03/11/2025

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

http://www.mncppcapps.org/planning/Person_of_Record/.

Please call 301-952-3530 for additional information.



April 1, 2025

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section ^{MG}for
Development Review Division

FROM: Evan King, Planner II, Zoning Section 
Development Review Division

SUBJECT: **Zoning Map Amendment ZMA-2024-003**
RST New Carrollton
Planning Board Agenda April 10, 2025 – Request for Continuance

Staff recommend a continuance of Zoning Map Amendment ZMA-2024-003, RST New Carrollton, which is currently scheduled for the Prince George's County Planning Board hearing date of April 10, 2025.

In a memorandum dated March 20, 2025 (Haller to Shapiro), the applicant's representative submitted a request for a continuance of the Prince George's County Planning Board hearing date for the above referenced application, from April 10, 2025 to May 1, 2025. The continuance is necessary to allow additional time to coordinate with the Prince George's County Planning Department, Development Review Division staff on the project details.

If a continuance is granted, additional posting will not be required. The public hearing notice signs for this application were posted on the subject site on March 11, 2025.

RECOMMENDATION

The Zoning Section recommends that the Planning Board APPROVE a continuance and schedule this application for the Planning Board hearing date of May 1, 2025.

RST NEW CARROLLTON

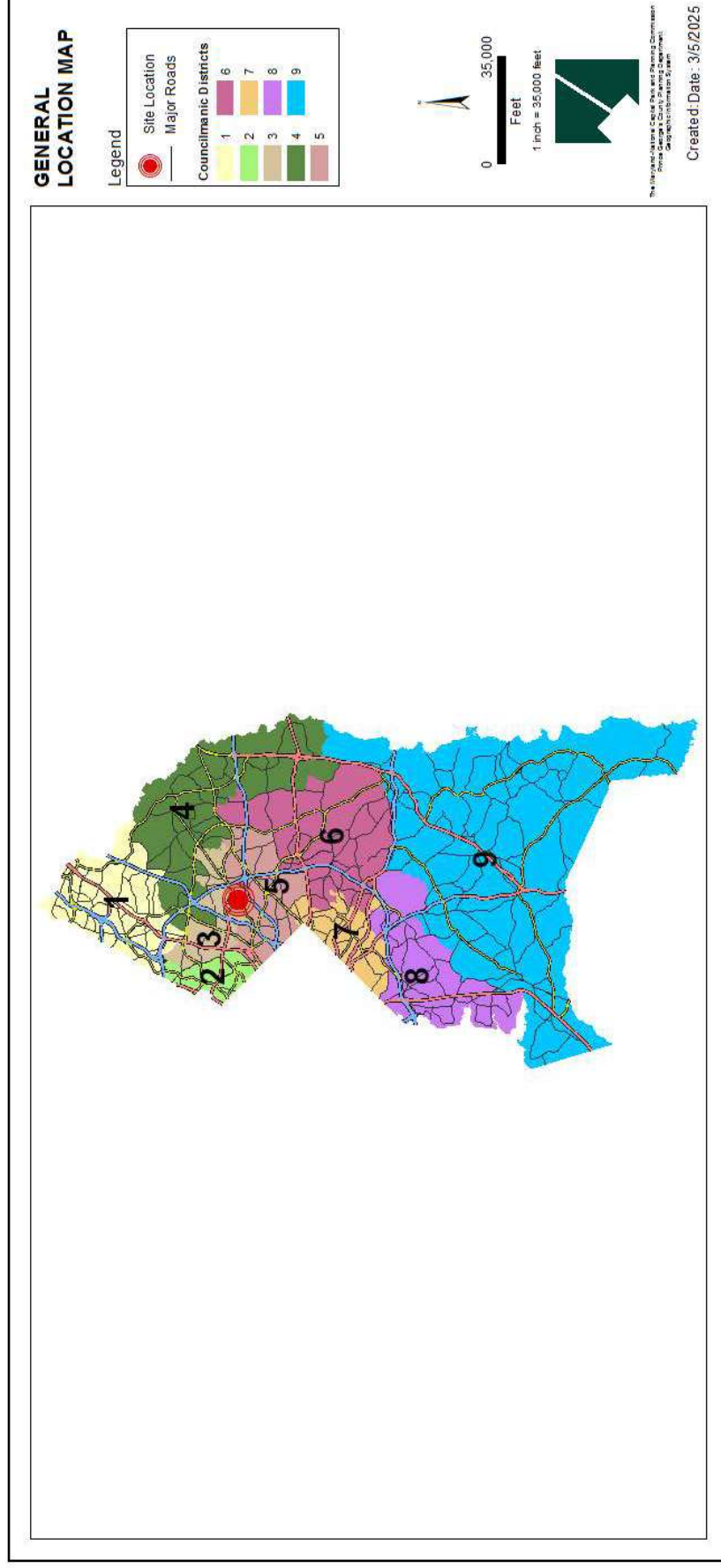
Zoning Map Amendment

Staff Recommendation: CONTINUANCE



GENERAL LOCATION MAP

Council District: 03
Planning Area: 069



Current Zoning Map: NAC

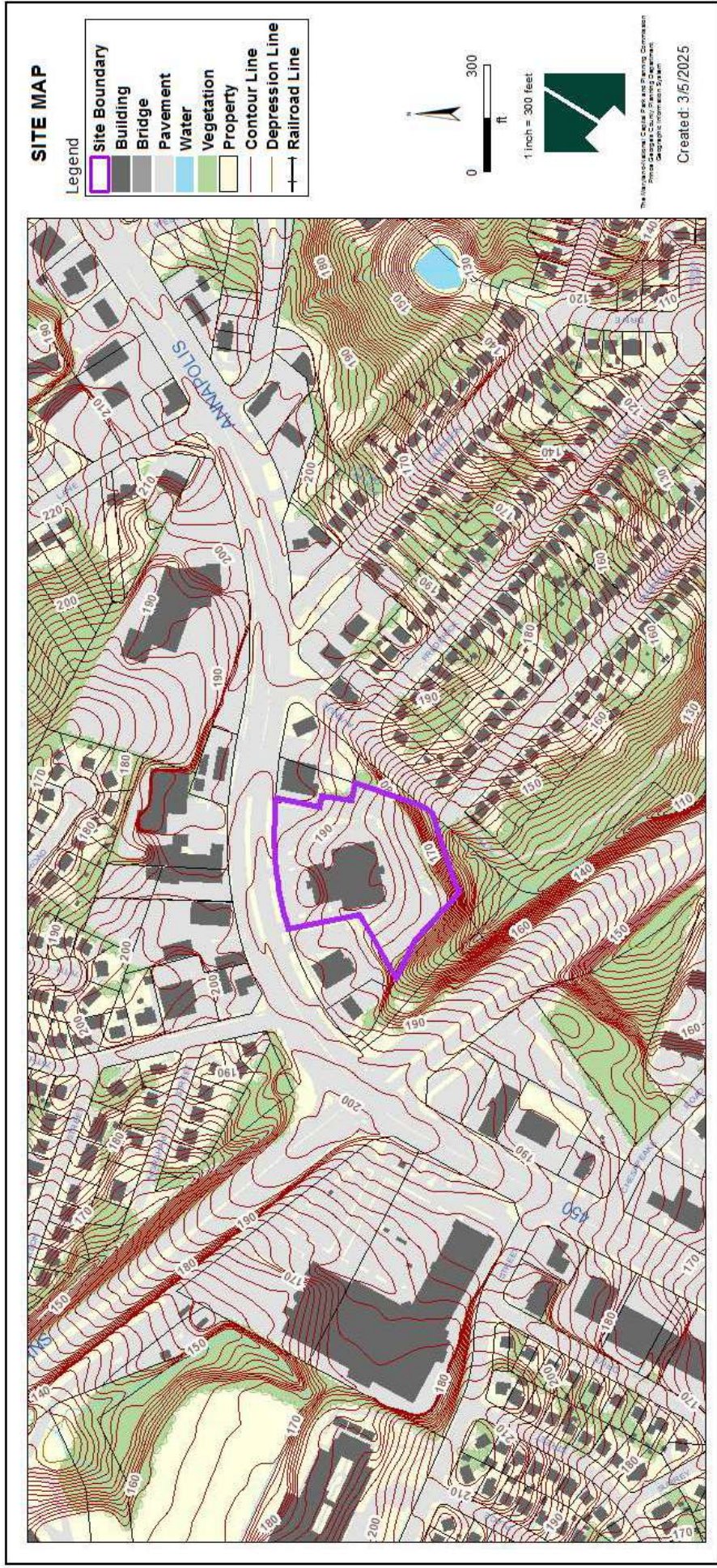


OVERLAY MAP

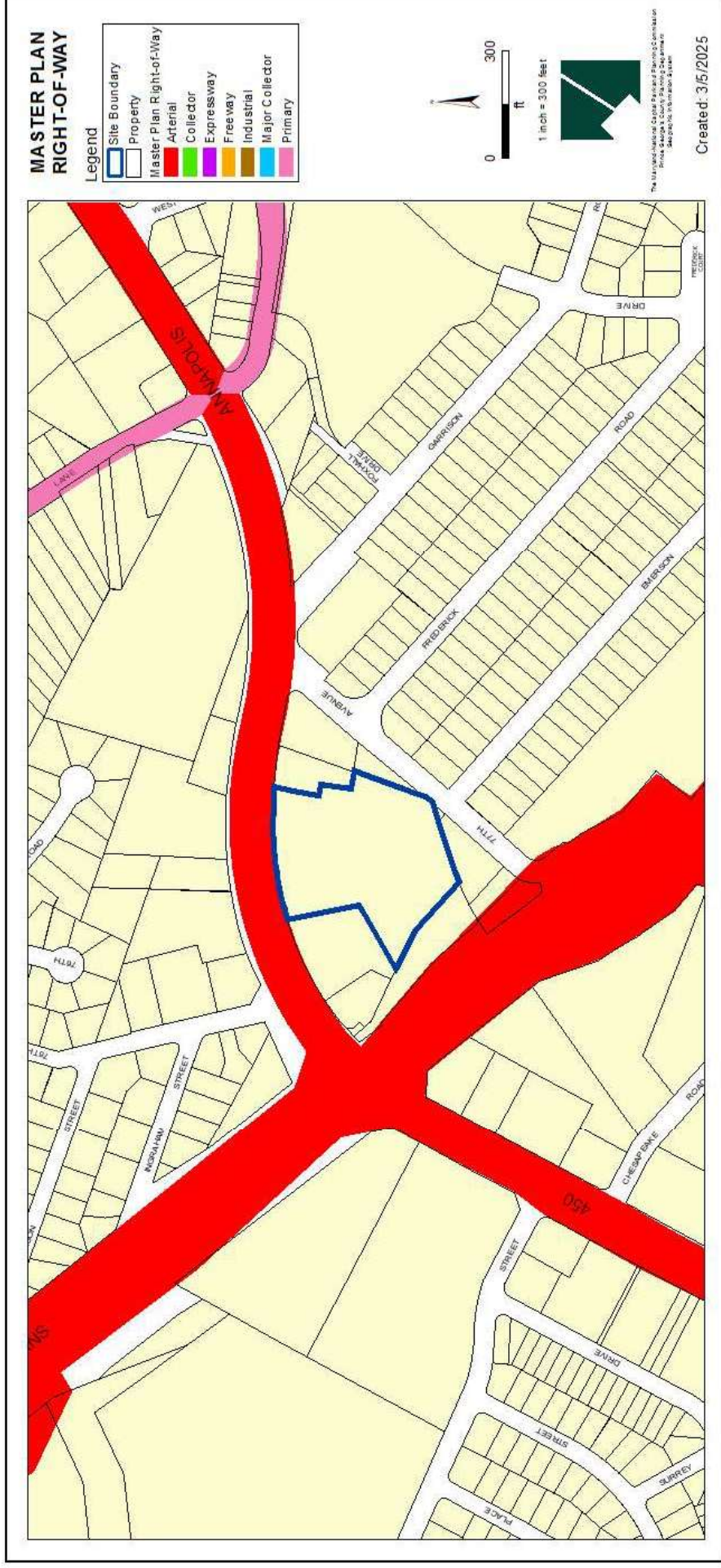
Current Overlay Map



SITE MAP

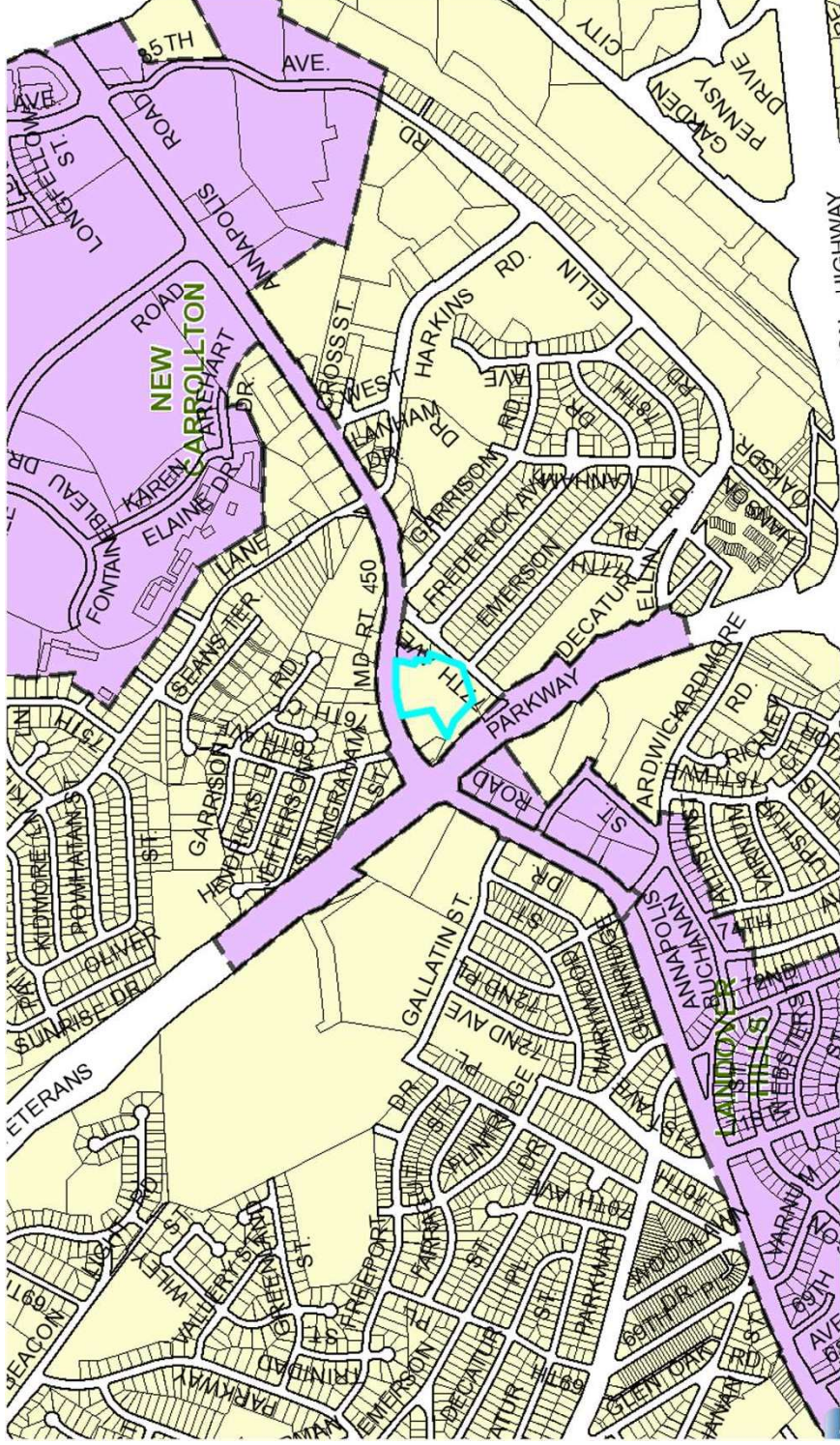


MASTER PLAN RIGHT-OF-WAY MAP

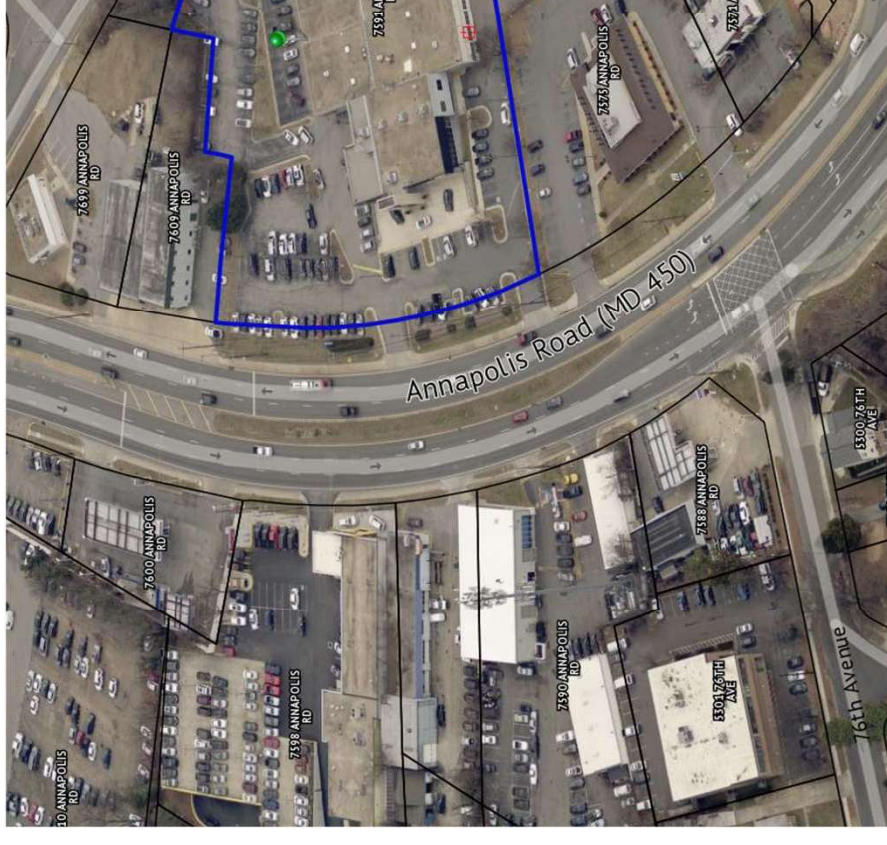




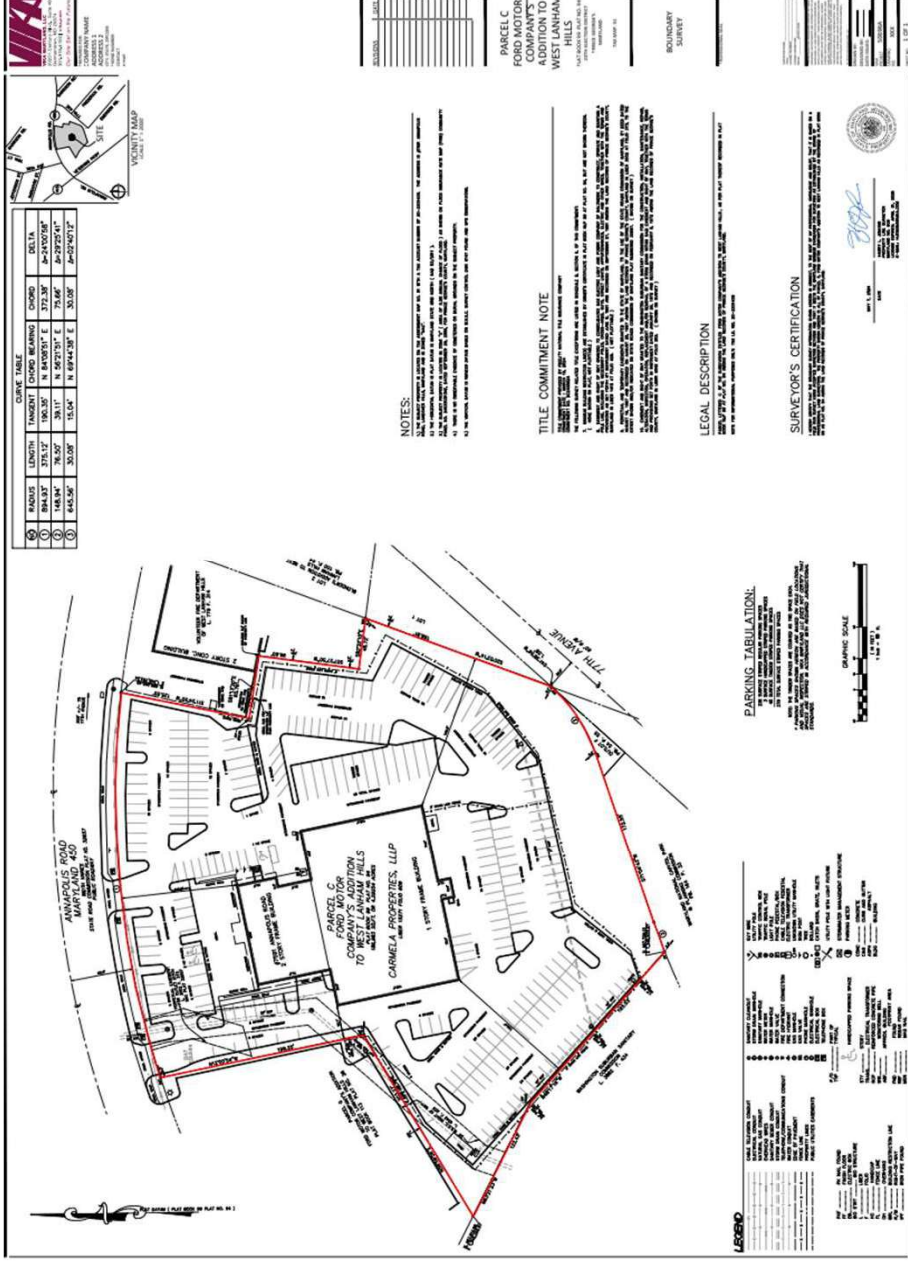
MUNICIPAL BOUNDARY



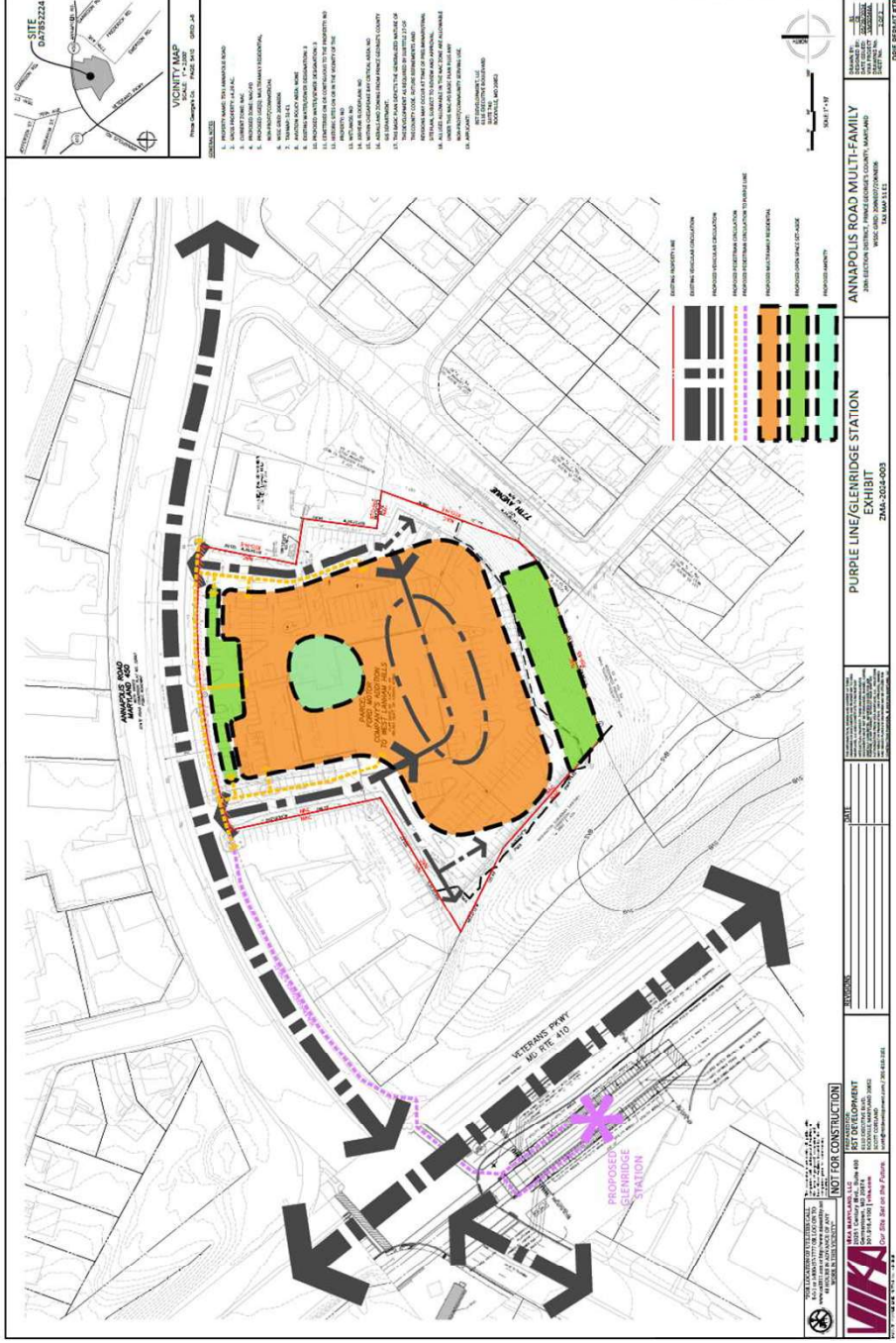
RD'S-EYE VIEW WITH APPROXI



BOUNDARY SURVEY



BASIC PLAN



STAFF RECOMMENDATION

CONTINUANCE to May 1, 2025

Issues: N/A

Applicant Required Mailings:

- Informational Mailing: 09/17/2024
- Acceptance Mailing: 01/29/2025
-

ZMA-2024-003 RST New Carrollton Backup 3/14

Contents:

- applicant statement of justification -2/28/2025
- basic plan – SDRC response 2/28/2025
- referral memorandum – Historic Preservation Planning 2/19/2025
- referral memorandum – Community Planning 3/10/2025
- referral memorandum – Environmental Planning 3/7/2025
- referral memorandum – Transportation Planning 3/7/2025
- referral memorandum – Subdivision Planning 2/12/2025
- referral memorandum – Prince Georges County Department of Parks and Recreation 3/3/2025
- applicant proposed conditions – 3/7/2025

STATEMENT OF JUSTIFICATION
ANNAPOLIS ROAD MULTIFAMILY
ZONING MAP AMENDMENT APPLICATION
ZMA-2024-003
NOVEMBER 22, 2024
REVISED DECEMBER 30, 2024
REVISED FEBRUARY 26, 2025

Applicant

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STATEMENT OF JUSTIFICATION
ANNAPOLIS ROAD MULTIFAMILY
ZONING MAP AMENDMENT ZMA-2023-003

1.0 INTRODUCTION/OVERVIEW/ORIENTATION

The Applicant, RST Development, LLC (the "Applicant"), is pleased to present Zoning Map Amendment Application ZMA-2024-003 for property located at 7591 Annapolis Road in Hyattsville, Maryland (the "Subject Property"). The Applicant is a private, family-owned multifamily real estate development company providing market rate and affordable apartment units throughout the Mid-Atlantic and Southeast. The Applicant has extensive experience in the multifamily market, having developed approximately 10,000 multifamily units since its founding in 1996. As explained below, the Applicant proposes the development of a multifamily building with ground floor commercial along the Annapolis Road Corridor near the future Glenridge Purple Line Transit Station.

The Subject Property is the site of the former East-West Lincoln Mercury automobile dealership. The property still operates as a vehicle rental and repair facility but is no longer selling new vehicles. The Subject Property contains a total of 4.29 acres and is more particularly described as Parcel "C" as shown on a plat of subdivision entitled "Ford Motor

Company's Addition to West Lanham Hills", which plat is recorded among the Land Records of Prince George's County at Plat Book 99 Plat No. 94.

On April 1, 2022, the Countywide Sectional Zoning Map Amendment ("CMA") became effective, along with the new Zoning Ordinance. Prior to the effectuation of the CMA, the Property was zoned C-2, consistent with its use as a new car dealership. Pursuant to the CMA, the Subject Property was rezoned to the NAC Neighborhood Activity Center ("NAC") Zone. The NAC Zone is a transit oriented/activity center zone, the purpose of which is to a) provide lands for lower-density, small-scale, mixed-use centers that are attractive to employers and employees, are well connected to transit, and serve the surrounding neighborhood; (b) incorporate walkable and bikeable areas that are well-connected to a regional transportation network through a range of transit options; and (c) provide a mix of uses that serve local neighborhood needs.

Due to the location of the Subject Property proximate to a Purple Line Transit Station, the Applicant is proposing to raze the existing automobile dealership and to construct a mixed-use building with up to 300 multifamily dwelling units and up to 3,000 square feet of commercial space to either be occupied by a non-profit use or a commercial use appropriate for the

neighborhood. The proposed use would include a maximum density of 69 dwelling units per acre

In 2024, Council Bill CB-15-2024 was adopted, modifying certain provisions of the NAC Zone. Of significance to this application, the maximum density of the NAC Zone was increased from 30 dwelling units per net acre to 90 units per net acre. However, this legislation is now under appeal, placing at risk any entitlement that may be secured under the existing zoning category that exceeds the prior maximum density. As a result, the purpose of this Zoning Map Amendment is to rezone the Subject Property to the NAC-PD Zone to provide both flexibility and certainty in the design and approval of the proposed development.

2.0 GENERAL PROVISIONS FOR ALL PLANNED DEVELOPMENT ZONES

Section 27-4301 sets forth the General Provisions for all Planned Development Zones. These general provisions include the General Purposes of Planned Development Zones set forth in Section 27-4301(a), the General Standards for All Planned Development Zones set forth in Section 27-4301(d)(1) and the Development Standards set forth in Section 27-4301(d)(2). These three sections will be addressed below.

2.1 GENERAL PURPOSES FOR ALL PLANNED DEVELOPMENT ZONES

27-4301(a) sets forth the General Purposes of all Planned Development Zones:

(a) General Purposes of Planned Development Zones

The Planned Development (PD) zones are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives by:

- (1) Reducing the inflexibility of zone standards that sometimes results from strict application of the zone development, form, and design standards established in this Ordinance;
- (2) Allowing greater freedom and flexibility in selecting:
 - (A) The form and design of development;
 - (B) The ways by which pedestrians, bicyclists, transit users, and motorists circulate;
 - (C) The location and design of the development respective and protective of the natural features of the land and the environment;
 - (D) The location and integration of open space and civic space into the development; and
 - (E) Design amenities.
- (3) Where appropriate, allowing greater freedom in providing a well-integrated mix of uses in the same development, including a mix of nonresidential development, housing types, lot sizes, and densities/intensities;
- (4) Allowing more efficient use of land, with coordinated and right-sized networks of streets and utilities;
- (5) Promoting development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses;

- (6) Improving community services and facilities and enhancing functionality of vehicular access and circulation; and
- (7) Promoting development forms that respect and take advantage of a site's natural, scenic, and man-made features, such as rivers, lakes, wetlands, floodplains, trees, historic features, and cultural and archeological resources.
- (8) Providing public benefits to further protect and advance the public health, safety, welfare, and convenience.

COMMENT: The Subject Property will benefit from the flexibility inherent in the planned development zones. The Subject Property is an oddly shaped, fully developed site within a built environment. The Subject Property also backs up to an existing residential neighborhood. The Subject Property is located on an arterial roadway with buildings on either side that were constructed under a suburban standard, one of which is a County fire station. Incorporating a transit oriented, affordable multifamily community in this location requires innovative land planning and site design concepts to achieve the proposed high quality of development. Given these existing conditions, requirements for block length and build-to line set forth in the underlying NAC Zone become a challenge. The proposed intensity and dimensional standards and limited modifications to the development standards in Part 27-6 of the Zoning Ordinance proposed in this application will allow the project to achieve

the vision for development at the Glenridge Transit Station. The public benefits provided by the development are addressed in greater detail below.

2.2 GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT ZONES

Section 27-4301(d)(1) sets forth the General Standards for all Planned Development Zones. This section provides that before approving a PD zone classification, the District Council shall find that the Basic Plan complies with the following standards:

(A) Establish a statement of planning and development goals for the zone that is consistent with the General Plan and the applicable Area Master Plan or Sector Plan and purposes of the PD Zone;

COMMENT: The Annapolis Road Project is designed to be a transit-oriented development within the NAC-PD zone to support a high quality of life and introduce a high-quality urban development. The project focuses on environmental consciousness, energy efficiency, efficient vehicular circulation, pedestrian focused experiences, and public and private communal spaces through thoughtful planning, massing, materiality, and landscape design. Along Annapolis Road, public/civic space is dedicated within a courtyard which is adjacent to a dedicated bicycle path. Residents and visitors will access the site (both ingress and egress) from Annapolis Road at each end of the site. The parking garage will be set back into the center of the site

allowing the appropriate vehicle stacking and will be secluded from public view. The development will include residential units, private amenities, and commercial space. The amenities and commercial space will sit along Annapolis Road and storefront will be utilized on the first level to promote an active and safe environment, which is a strategy for defensible spaces. Along the southern portion of the site, existing woodlands will be preserved to provide a buffer to the residential neighborhood. The multifamily building will be 6 stories along Annapolis Road and step down in stories and height as the development extends back toward the residential neighborhood.

(B) Establish the specific principal, accessory, and temporary uses permitted in the zone. They shall be consistent with the Principal Use Tables (and may only be selected from uses identified as Allowable in the desired PD zone) in Section 27-5101(e), Principal Use Table for Planned Development Zones, and the purposes of the particular type of PD zone, and be subject to applicable use-specific standards identified in the PD Basic Plan, and any additional limitations or requirements applicable to the particular type of PD zone;

COMMENT: The Applicant proposes that the specific principal, accessory and temporary uses shall be those listed in Section 27-5101(e). No uses are proposed to be excluded with the approval of the Basic Plan to allow flexibility for the leasing of the proposed non-profit/commercial space.

(C) Establish the general location of each development area in the zone, its acreage, types and mix of land uses,

number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The residential density and nonresidential intensity shall be consistent with the general purposes of the PD zone and the specific requirements of the individual PD zone;

COMMENT: The Basic Plan depicts the general location of the proposed development area, as well as the acreage, type and mix of land uses. The Basic Plan establishes a maximum number of residential units by use type (300 multifamily dwelling units) as well as the nonresidential floor area (3,000 square feet). The proposed residential density (69 dua) is less than that permitted in the existing NAC Zone and is consistent with the purposes of the NAC-PD Zone, one of which is to permit high-quality, vibrant, lower- to moderate-density, mixed-use development near transit that reduces automobile dependency and supports walkable areas;

(D) Establish the dimensional standards that apply in the PD zone. The dimensional standards shall be consistent with the requirements of the individual PD zone, and its purposes;

COMMENT: The intensity and dimensional standards proposed for this PD zone are set forth on the Basic Plan. The intensity and dimensional standards are consistent with those which are applicable to the current NAC Zone, and minor modifications to those standards are proposed based upon the unique site characteristics.

(E) Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD

zone is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, location and design of parking facilities, hours of operation, exterior lighting, siting of service areas, and any other standards deemed appropriate by the District Council;

COMMENT: This standard is not particularly relevant to the proposed development, which constitutes redevelopment of a prior automobile-oriented use with a transit-oriented use within a built environment. The proposed redevelopment will build upon the vision to create the Glenridge Transit Village and encourage abutting commercial uses to similarly redevelop.

(F) Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zone;

COMMENT: Open space is depicted on the Basic Plan along the property frontage and along the southern property line. Open space along the frontage will consist of shared-use path with urban streetscape elements (street trees, benches, lighting etc.) with a plaza/entry court that will connect the open space to the building seamlessly. Along the southern property line, existing on-site woodland will be preserved to the extent practical as passive recreation area.

(G) Identify the general location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands consistent with the purposes of the individual PD zone and the requirements of this Ordinance;

COMMENT: A Natural Resource Inventory/ Forest Stand Delineation has been prepared for the subject property. It has identified 0.41 acres of existing forest on-site, the majority of which will be saved. There are no specimen, champion or historic trees on the subject property. A stream is located to the west of the site, more than 100 feet from the property boundary. The PMA for this stream does fall on the western-most tip of the subject property and is 0.04 acres on-site. It should also be noted that Christiana complex soils occur on or within the vicinity of the property.

(H) Identify the general location of existing on-site and adjacent historic sites, resources, and districts and archeological and cultural resources;

COMMENT: Two historic resources are located approximately 0.30 miles south of the subject property. William Stanton Wormley House (69-023-17) at 7533 Ardwick Ardmore Road and the Thomas Hunster House (69-023-27) at 7523 Ardwick Ardmore Road. Neither of these resources are visible from the subject property and will not be impacted by the proposed development.

(I) Identify the general on-site pedestrian circulation system, including any existing on-site and adjacent pedestrian circulation systems (pedestrian and bicycle pathways, and trails), and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

COMMENT: General on-site pedestrian circulation has been depicted on the Basic Plan and illustrates how it connects to the Annapolis Road right of way and existing pedestrian circulation.

(J) Identify the general design and layout of the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system, and connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

COMMENT: The proposed development does not propose any public or private streets.

(K) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

COMMENT: The Subject Property is currently served by public water and sewer and the redevelopment will also connect to public water and sewer systems abutting the site.

(L) Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned County systems, in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

COMMENT: On-site stormwater drainage and stormwater management facilities will be located throughout the site to manage the required quality and quantity volumes to the maximum extents practicable.

(M) Identify the general location and layout of all other on-site and off-site public facilities serving the development (including any municipal public facilities, when the subject property is located within a municipality), and how they are consistent with the purposes of the individual PD zone. The other on-site and off-site public facilities considered shall include—but not limited to—parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management;

COMMENT: Park and recreation amenities serving the Subject Property include Glenridge Park and the West Lanham Neighborhood Park, both of which are within a mile of the site.

The Subject Property will be served by Glenn Ridge Elementary School, Charles Carroll Middle School and Parkdale High School. Section 10-192.01 establishes school surcharges and an annual adjustment for inflation. The current amount is \$11,560 per dwelling unit if a building is located between interstate 495 and the District of Columbia.

The Subject Property is served by West Lanham Hills #828, located at 7609 Annapolis Road, which abuts the eastern boundary of the Subject Property. The site meets the seven-minute travel time test for non-residential development from the closest or “first due” Fire/EMS.

The Subject Property is served by Police Division I Hyattsville located at 5000 Rhode Island Avenue, Hyattsville, MD 20781. The Police Response times for the site also meets the standard of 25 minutes for non-emergency calls and 10 minutes

for emergency calls. Currently the non-emergency response time is 13 minutes, and the emergency response time is 9 minutes.

Stormwater management will be addressed with the review and approval of a Site Development Concept Plan by the Department of Permitting, Inspections and Enforcement.

(N) Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;

COMMENT: The Applicant has provided an analysis from Lenhart Traffic Consulting, Inc. to demonstrate that the proposed rezoning will not adversely affect the public health safety and welfare. If the rezoning of the Subject Property is approved, a full analysis of public facility adequacy will be conducted pursuant to the submission of a Certificate of Adequacy. In addition, the project will be the subject of a Site Development Concept Plan to address stormwater management. The Applicant would also note that the Subject Property is in water and sewer category 3 and is currently served by water and sewer facilities. Thus, each of these issues will be addressed through the development and permit review processes.

(O) Establish the development standards that will be applied to development in accordance with Section 27-4301(d) (2), Development Standards; and

COMMENT: The Applicant has reviewed the applicable development standards and has identified those that may need modification with the approval of the Basic Plan.

(P) Include specific public benefits and project amenities in accordance with Section 27-4301(d)(3).

COMMENT: As noted above, one of the General Standards applicable to all PD Zones is to "include specific public benefits and project amenities in accordance with Section 27-4301(d)(3)". This Section defines what constitutes a public benefit feature and provides guidance in how such benefits can be exhibited in a development project. Section 27-4301(d)(3)(A) states that public benefits are superior features that benefit the surrounding neighborhood or the public in general to a significantly greater extent that would likely result from development of a site under the base zone. In designing the proposed development, the Applicant has included several public benefit features.

The Applicant would note that the Zoning Ordinance contains no method of quantifying how many public benefit features must be provided to satisfy the requirement to provide public benefits. In the prior Zoning Ordinance, the Comprehensive Design Zones utilized public benefit features to increase the allowable density. Where an applicant proposed a development below the base density, there was no requirement to provide

public benefit features. In the current PD zones, public benefit features are required (although not quantified) regardless of whether approval of the PD zone increases the available density. The Applicant would submit, however, that the nature of the benefits conferred to the Applicant by approval of the PD Zone should be factored into determining the adequacy of the public benefits provided to support the request for rezoning.

In the current Zoning Ordinance, the Planned Development Zones provide the opportunity for proposed developments to substantially modify the Intensity and Dimensional Standards (including increases in density), achieving greater densities and providing greater flexibility than permitted in the base regulations and expanding the dwelling unit types permitted in the base zones. In the subject application, the density proposed by the Applicant is less than permitted by the base NAC zone. The Applicant requested modifications to the Intensity and Dimensional Standards are minor, partly to reflect existing conditions the Applicant cannot change (such as block length) and partly to reflect design considerations. The proposed use, multifamily dwellings, are permitted by right in both the base NAC Zone and the NAC-PD Zone.

Finally, as noted in detail below, the Applicant is only seeking modification of three Development Standards in Part 27-6 of the Zoning Ordinance. The modification to Section 27-6206(e)(2) related to connectivity can be approved in an application under the base NAC Zone by the Planning Director where cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors. Thus, the NAC-PD zone does not allow for greater flexibility regarding this standard.

The modification to Section 27-61203(c)(1)(A) to allow the proposed building to utilize a flat roof in the design is likely not required, as noted below, but is being requested unless there is a change to a recent interpretation of this section.

The requested modification to Section 27-61203(c)(1)(E) relates to the ability to have balconies on the units that are oriented toward the single family detached dwellings located beyond the retained woods and beyond 77th Avenue. This is the only modification requested by the Applicant which could not be approved under the base NAC Zone. Thus, the Applicant submits that limited benefits accorded by obtaining a rezoning to the NAC-PD zone must be considered evaluating the public benefits proposed.

Section 27-4301(d) (3) (C) includes a list of eligible public benefit features. The Applicant proposes to include the following public benefits:

Section 27-4301(d) (3) (C) (i): Urban design and architecture superior to the high baseline expectation set by this Ordinance, including but not limited to high-quality materials and embellishments on all facades of all buildings, unique and/or signature architectural forms, innovative urban design relationships and placemaking, and demonstrated commitment to superior quality;

COMMENT: The Applicant has incorporated the several design features which exhibit a public benefit. The Applicant submits that these public benefit features benefit the neighborhood surrounding the proposed development as they create a higher quality development and raise the bar for future development proposals in the area. The public benefit design features proposed are as follows:

1. Activate the Edge/Sidewalk with Active Uses along Annapolis Rd:

- **Purpose:** Enhancing street-level engagement fosters a vibrant public realm.
- **Implementation:** Incorporate retail spaces, cafes, or galleries at ground level to encourage pedestrian interaction. Design elements such as transparent façades and frequent entrances can further enliven the streetscape. The base ordinance requires 40% glazing abutting sidewalks, and this project will provide up to 45% transparency along the sidewalk on level 1.

2. Provide a Court along the Sidewalk for Residents and the Public:

- **Purpose:** Creating communal spaces enhances social interaction and community engagement.

- **Implementation:** Design a courtyard adjacent to the sidewalk, equipped with seating, landscaping, and possibly public art, serving both residents and passersby. The Court will provide multiple access points to each pedestrian entrance, where 1 walkway per entrance is the minimum requirement per the base ordinance.

3. Parking Moved to Center of the Site and Hidden by Units:

- **Purpose:** Concealing parking areas improves aesthetic appeal and allocates prime frontage for active uses. The Zoning Ordinance does not prohibit surface parking or prohibit parking which is otherwise visible from outside the property.
- **Implementation:** Position parking structures centrally within the development, surrounded by residential or commercial units, effectively hiding them from street view. The base ordinance allows Street facing Parking Structure Facades and this project hides the parking structure all together.

4. Recess Upper Portions of the Building 25' from the setback along Annapolis Road to Provide Shadow Lines, Massing Variations, and Varying Material Transitions:

- **Purpose:** Articulating building massing enhances visual interest and reduces perceived scale. The base ordinance only requires 1' articulations.
- **Implementation:** Set back upper floors by 25 feet from the street frontage, utilizing different materials and design techniques to create depth and shadow effects. The base ordinance requires a minimum of 3 selections under Building massing and Scale. This project will incorporate at least 7 of the possible selections including (aa, bb, cc, ee, ff, hh, ii).

5. Sustainability Standards - Exceeding:

- **Purpose:** Surpassing standard sustainability criteria promotes environmental responsibility and operational efficiency.

- **Implementation:** Incorporate advanced sustainable design practices, such as energy-efficient systems, sustainable materials, and is aiming for NGBS certification. The requirement per the base ordinance is 4 points. This project will exceed 4 points. The Green Building Standards are addressed in greater detail below.

Implementing the above strategies can significantly enhance the urban fabric, creating a more engaging, sustainable, and aesthetically pleasing environment that exceeds standard ordinance requirements.

Section 27-4301(d) (3) (C) (iv): Site planning demonstrating efficient and economical land utilization;

COMMENT: The Applicant has incorporated design features which demonstrate the efficient and economical use of the land. Again, to the extent that these features enhance the design of the project and enhance the streetscape, these features are a public benefit to the surrounding neighborhood rather than just the public in general. These design features are as follows:

1. Two Points in Ingress and Egress to Minimize Traffic Impacts and Provide Loading Efficiency:

- **Traffic Flow Optimization:** Designing separate entry and exit points reduces congestion, enhancing safety and accessibility.
- **Loading Efficiency:** Dedicated access points streamline loading operations, minimizing disruptions to other site activities.

2. Parking Moved to Center of the Site and Hidden by Units:

- **Aesthetic Enhancement:** Centralized parking concealed by buildings improves the site's visual appeal.
 - **Space Maximization:** This layout frees up peripheral areas for landscaping or additional structures, optimizing land use.
- 3. Activate the Edge/Sidewalk with Active Uses along Annapolis Rd:**
- **Community Engagement:** Placing shops, cafes, or galleries along the sidewalk fosters a vibrant streetscape, encouraging pedestrian activity.
 - **Economic Vitality:** Active frontages can boost local businesses and increase property values.
- 4. Maximizing Density and Allowable Uses on Site:**
- **Resource Efficiency:** Higher density supports efficient infrastructure use and reduces per capita land consumption.
 - **Diverse Functionality:** Mixed-use developments cater to various needs, enhancing convenience for residents and visitors.
- 5. Minimize the Disruption of Existing Forested Areas:**
- **Environmental Preservation:** Protecting natural landscapes maintains biodiversity and contributes to ecological health.
 - **Sustainable Development:** Conserving green spaces aligns with sustainable land use practices, promoting environmental resilience.
- 6. Stepping the Building with the Grades:**
- **Topographical Integration:** Designing structures that follow the natural land slope reduces excavation needs and preserves the site's character.
 - **Structural Harmony:** This approach can enhance building stability and blend the development seamlessly into the landscape.

Implementing the above strategies leads to a well-planned site that balances functionality, aesthetics, and sustainability.

Section 27-4301(d)(3)(C)(vii): Provision of affordable housing options;

COMMENT: Another public benefit feature being provided by the Applicant is affordable housing near a transit station. The Applicant submits that the provision of affordable housing benefits the public in general. The Applicant has a proven track record of constructing high-quality affordable housing projects and the approval of the requested PD Zone is necessary to proceed with the project as proposed. One critical County wide need is affordable housing, and particularly affordable housing that provides residents of the County with access to multiple modes of transportation. The proposed development will provide up to 300 affordable apartment units averaging to 60% AMI within less than a quarter mile from the future Glenridge Transit Station, which is currently under construction. The architecture will be consistent with comparable market rate housing utilizing high-quality materials and embellishments on all facades of the buildings. As evidence for the need in affordable rental housing, the Applicant is providing affordable housing in College Park known as The Flats at College Park. That project, with a total of 317 available units, is currently

under construction and has not commenced leasing. However, there are over 1,000 people on the waiting list at that project. This speaks to the overwhelming need for additional public housing in the County.

Section 27-4301(d)(3)(C)(x): Dedicated building space for uses to benefit the public, including, but not limited to, community educational or social development, promotion of the arts or similar programs, and/or business incubation;

COMMENT: The Applicant has allocated up to 3,000 square feet in the proposed development to be provided to a neighborhood based non-profit at no rental cost. In The Flats at College Park, the Applicant allocated similar space which is being provided to a local non-profit. The Applicant intends to work with the community to identify an appropriate use that will not only benefit the project but the surrounding community as well. This is a public benefit that can benefit the surrounding community and the public in general depending on the scope and mission of the non-profit entity that occupies the space. The Applicant acknowledges that that a tenant has not yet been identified. In the event that a suitable entity cannot be identified within 12 months following the final use and occupancy permit for the residential units, the Applicant would then identify an appropriate retail use to occupy the space. The retail use would provide a service to the residents of the building and the surrounding community.

Section 27-4301(d) (3) (C) (xi): Sustainable and environmental benefits to the extent they exceed the standards otherwise required by the County Code, including, but not limited to:

(aa) Stormwater runoff controls in excess of those required by Subtitle 32 of the County Code and any other County stormwater management regulation;

(bb) Incorporation of environmental site design and other natural design techniques to store, infiltrate, evaporate, treat, and retain runoff in close proximity to where runoff is generated; and/or

(cc) Gardens, urban farms, or other on-site food production through permanent and viable growing space and/or structures. Incorporation of environmental site design and other natural design techniques to store, infiltrate, evaporate, treat, and retain runoff in close proximity to where runoff is generated;

COMMENT: The Applicant is committed to incorporating sustainable and environmental benefits into the project design. The site has been used historically as a new car dealership. This dealership was constructed prior to the implementation of stormwater management regulations. The prior use of the property also resulted in contamination of the soils by oil based solvents. The Applicant intends to enroll in MDE's Voluntary Cleanup Program to ensure the ability to transition the Subject Property to a residential use. Following site cleanup, the Applicant will incorporate environmental site design techniques into the treatment of stormwater, resulting in a better environment than currently exists. The Applicant notes that the proposed rezoning will facilitate a full redevelopment of the Subject

Property and implementation of environmental site design, which would not occur with continued use of the Subject Property under the Base Zone. Although a new car dealership is not permitted in the base NAC Zone, any use permitted under the prior Zoning Ordinance is permitted until April 1, 2025. The environmental clean-up of the site and the implementation of environmental site design is a substantial public benefit that would likely not result from retention of the existing use in the Base zone.

In addition to the environmental cleanup of the site and the implementation of environmental site design features, the Applicant proposes to incorporate significantly more green building features into the project than required by Part 27-6. A multifamily building exceeding 25 units is required to achieve a Green Building Score of 4 points. The Applicant is proposing a minimum of 8 points, including, but not limited to, the following Green Building features:

- Development on previously used or developed land that is contaminated with waste or pollution (brownfield site) 1.00
- Development as a Transit-Oriented/Activity Center Planned Development (PD) zone 1.25
- Redevelopment of an existing parcel within a Neighborhood Reinvestment Area as designated on the Strategic Investment Map in the General Plan, a designated Priority Funding Area, or an area targeted for reinvestment by the Federal, State, or County government 1.00
- Construct the principal building(s) to meet or exceed LEED® Silver certification or equivalent standards of the National Green Building Standard™/NGBS Green or

the International Code Council's International Green Construction Code 1.00

- All toilets are 1.28 GPF or less 0.50
- Retain at least 20% of existing pre-development natural vegetation 0.75
- Limit turf grass to 40% of the landscaped area 0.25
- Provide the following universal design features in 50% of the residential units in the development: 1.0
- Provide an electric vehicle (EV) level 2 charging station that is made available to those using the building 0.75
- Provide a covered and secure bicycle parking room that protects parked bicycles from the elements and from theft 1.00

All of these features will be incorporated into the design of the building at the time of DSP and the provision of these features will benefit the public in general by reducing the carbon footprint of the building.

Section 27-4301(d)(3)(C)(xiv): Multimodal transportation improvements, including, but not limited to, electric vehicle charging stations, the location and funding of bike share stations, commuter services (such as guaranteed ride home services or information on bicycle and car share programs), the construction and maintenance of buffered/separated bike lanes, provision of comprehensive wayfinding signage, provision and maintenance of bus shelters and smart signage, etc.;

COMMENT: The Applicant proposes to provide Electric Vehicle Supply Equipment (EVSE) for 20 electric vehicles and 50 EV-Ready Parking Spaces which provide a dedicated branch circuit that is not less than 40-ampere and 208/240-vold assigned for EVSE terminating in a receptacle or junction box located near the proposed EV parking space. This benefits the general public by

providing housing with access to charging stations. Older apartments do not provide this option. This also offer to residents of the County in need of affordable housing the ability to purchase an electric vehicle, which may not be possible without access to a charging station.

Section 27-4301(d) (3) (C) (xii): Enhanced streetscape design and maintenance provisions.

COMMENT: The Open Space set aside provisions require a certain percentage of the open space in a transit-oriented zone to be provided in the form of a plaza. The Applicant will comply with this requirement, but has elected to locate the plaza along the front of the property in order to create communal space to enhance social interaction and community engagement. By designing a courtyard adjacent to the sidewalk, equipped with seating and landscaping, the courtyard will benefit the surrounding neighborhood. Not only does it provide a "pocket park" which can benefit pedestrians in the neighborhood, it enhances the streetscape in close proximity to the Purple Line Transit Station, again raising the bar to future additional developments in the vicinity.

The combination of the public benefits described above are substantial. Each of the benefits is tangible and quantifiable. The affordable housing component will be guaranteed through LIHTC financing. The space provided for use by a designated

non-profit will be constructed and available at the time of use and occupancy. The cleanup of contamination through the Voluntary Cleanup Program will be documented through the recordation of an Environmental Covenant with the Maryland Department of the Environment. The implementation of environmental site design techniques will ensure that any stormwater runoff is being treated before leaving the site. The incorporation of substantially more green building techniques will be documented through NGBS Certification.

The benefits described above will benefit the surrounding neighborhood or address a critical county need. As noted above, providing space to a local non-profit will benefit the surrounding community and the general public. Providing affordable housing is a critical county need and will place workforce housing close to transit. Removing toxins from the soil and improving stormwater quality benefits the local community and the County by improving the environment with private funding. Substantially increasing the green building features will reduce the carbon footprint of the project and also be a benefit to the general public.

2.3 DEVELOPMENT STANDARDS

Section 27-4301(d)(2) provides that the Development Standards and the Landscape Manual apply to all development in

each PD zone. However, the development standards may be modified in accordance with Table 27-4301(d)(2). It is further noted that while minor departures are permitted to an approved PD Basic Plan in accordance with Section 27-3614, major departures are NOT permitted (see Section 27-4301(e)). Instead, applicants may only amend the approved PD Basic Plan in accordance with the procedures and standards established for its original approval. This is extremely restrictive given that the building has not been fully designed and it is difficult to determine if other departures are necessary at this early stage of development. However, the Applicant has identified modifications to the Development Standards which will require modification.

Based upon the current design of the proposed building, the following modifications and justification for the requested modification are set forth below:

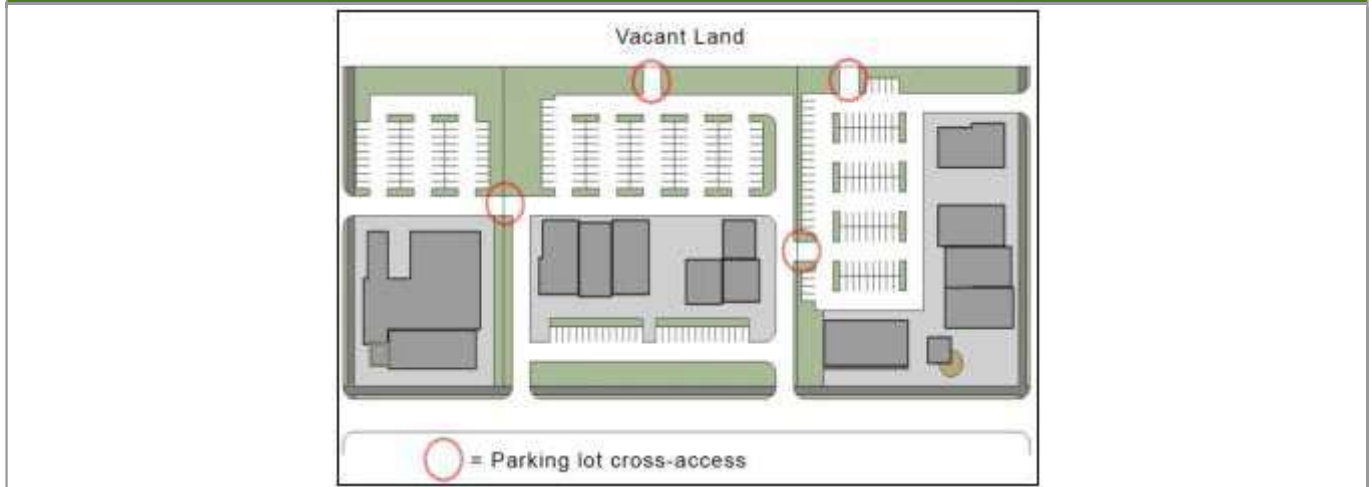
1. Section 27-6206(e)(2) provides as follows:

2. Cross-Access Between Adjoining Developments

To encourage shared parking and minimize access points along streets, new development, other than industrial development, in the Transit-Oriented/Activity Center base and PD zones and Nonresidential base zones shall comply with the following standards:

i. The internal vehicular circulation system shall be designed and constructed to provide vehicular cross-access between the development's vehicular use areas and those on adjoining parcels containing a nonresidential or mixed-use development, or to the boundary of adjoining vacant land in a Transit-Oriented/Activity Center base or PD zone or a Nonresidential zone (see Figure 27-6206(e)(2): Cross-Access Between Parking Areas of Adjoining Developments).

Figure 27-6206(e)(2): Cross-Access Between Parking Areas of Adjoining Development



i. Cross-accessways shall provide for two-way vehicular traffic between the vehicular use areas on the adjoining lots through the use of a single driveway or drive aisle that is at least 22 feet wide or through two one-way driveways or aisles that are each at least 14 feet wide.

ii. The Planning Director or review body deciding a parent application may waive or modify the requirement for vehicular cross-access if the applicant clearly demonstrates that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors.

iii. Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of landowners, shall be recorded in the Land Records of Prince George's County before record plat or prior to the issuance of a building permit for the development.

COMMENT: Section 27-6206(e) requires that, in a PD zone, the internal vehicular circulation system shall be designed and constructed to provide vehicular cross-access between the development's vehicular use areas and those on adjoining parcels containing a nonresidential or mixed-use development. However, the review body deciding a parent application may waive or modify the requirement for vehicular cross-access if the applicant clearly demonstrates that such cross-access is

impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors.

JUSTIFICATION FOR MODIFICATION:

Along the eastern property line, the Subject Property abuts an operating County fire station. Cross access between the proposed development and the fire station would create safety concerns. In addition to the potential conflicts with public safety vehicles, there is an emergency crossover in the median of Annapolis Road. Connecting the proposed development to the fire station site could encourage unauthorized use of this crossover, creating a traffic safety hazard.

Along the western property line, the two abutting properties are fully developed with a laundromat and a Jiffy Lube. These two uses currently have cross access as these are compatible uses. However, they are not compatible with the proposed use on the Subject Property. In addition, due to the median in Annapolis Road, there is no meaningful benefit to connecting the Subject Property with the abutting property since both access the same road. Creating a cross access will create a traffic safety and circulation issues because the vast majority of residents will enter the western point of access. Vehicles entering that driveway from the abutting site will be a conflicting movement. Therefore, a modification is requested to

not provide cross-access to the fire station to the east or the commercial uses to the west.

2. Section 27-61203(c) (1) (A) provides as follows:

(c) Building Design

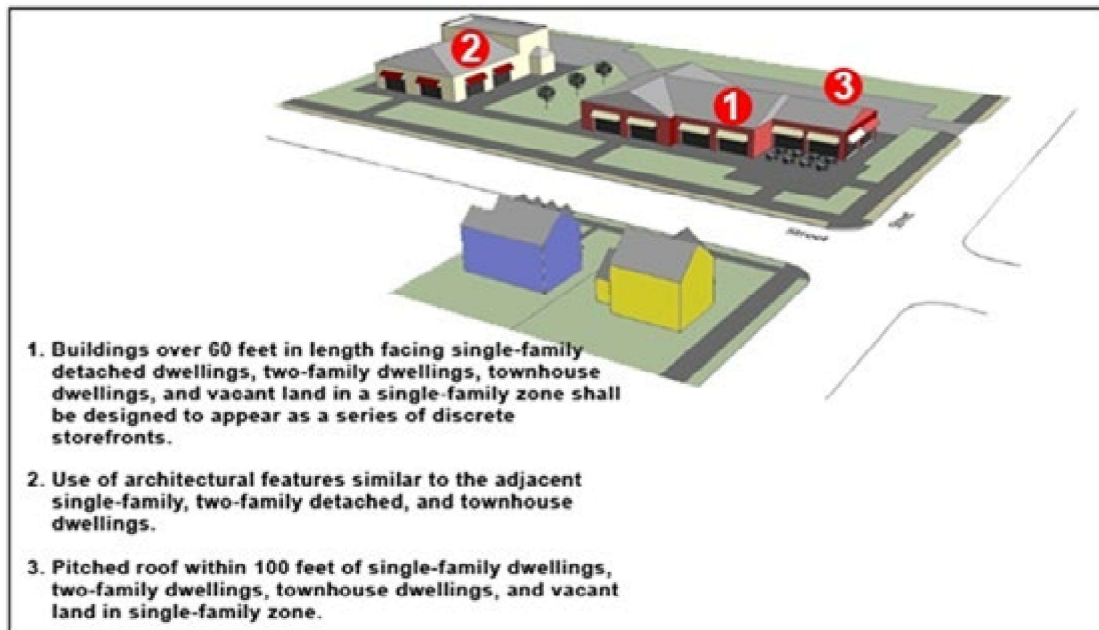
(1) Buildings shall (see Figure 27-61203(c): Compatible Building Design):

- (A) Use a similar roof type to adjacent single-family detached dwellings, two-family dwellings, or townhouse dwellings in terms of slope and arrangement to prevent abrupt changes in roof form;**

COMMENT: This section requires the use of a similar roof type to adjacent single-family detached dwellings in terms of slope and arrangement to prevent abrupt changes in roof form. The Applicant intends to utilize a flat roof on the proposed building, while the adjacent single-family dwellings (constructed in or about 1939) have pitched roofs.

JUSTIFICATION FOR MODIFICATION

In a recent application where this development standard was triggered by the neighborhood compatibility standards, the applicant was advised by Urban Design Staff that if the single homes with pitched roofs are more than 100 feet from the proposed building, the standard does not apply. Specifically, the requirement set for above references Figure 27-61203(c). Comment #3 on the Figure references "Pitched roof within 100 feet of single single-family detached dwellings, two-family dwellings, or townhouse dwellings, and vacant land in a single-family zone." See Comment #3 on the image below:



Based on this, Urban Design has determined that the correct interpretation of the design standard was that the requirement regarding similar roof types only applies if the adjacent structure with the roof is within 100 feet of the proposed building. In the instant case, the pitched roofs of adjacent single family detached homes are not located within 100 feet of the proposed structure and therefore it is the Applicant's understanding that this design standard does not apply. However, if it is now determined that the design standard does apply, the Applicant requests a modification.

In support of this modification, it is noted that the existing building on the Subject Property has a flat roof and the adjacent single-family homes are isolated to the rear of the development. Further, the proposed development will be stepped

down to conform to the neighborhood compatibility requirements. Requiring a pitched roof will make the building too tall in many places. Finally, there are existing woodlands along the rear of the Subject Property, as well as a substantial topographic difference to screen the adjoining single-family dwellings. The Subject Property will not have access to the single-family neighborhood and thus, there will be no perceived incompatibility. For these reasons, a modification is requested.

3. Section 27-61203 (c) (1) (E) provides as follows:

(c) Building Design

(1) Buildings shall (see Figure 27-61203(c): Compatible Building Design):

(E) Orient porches, balconies, and outdoor activity areas away from adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone.

COMMENT: This section requires that porches, balconies, and outdoor activity areas be oriented away from adjacent single-family detached dwellings. The Applicant desires to provide balconies on the southern portion of the building which faces a residential neighborhood on units that will line the parking garage.

JUSTIFICATION FOR MODIFICATION

The southern façade of the building will be buffered by existing woodlands. The Subject Property fronts on and is oriented to Annapolis Road, not the residential neighborhood.

In addition to buffering the rear façade, it will also be stepped down in height to three stories to conform to the neighborhood compatibility standards. Balconies will be an amenity for the residents and strict conformance to this design standard would not protect the adjoining neighborhood (for the reasons stated) but would negatively impact the use and enjoyment of the units impacted by the requirement.

As of the filing of the Zoning Map Amendment Application, the above modifications have been required. In the event that additional modifications are identified as being required, the Applicant will provide additional justification for such modifications.

3.0 SECTION 27-4303: STANDARDS APPLICABLE TO THE NAC-PD ZONE

Section 27-4303 contains the standards applicable to the Transit-Oriented/Activity Center Planned Development Zones. These standards include a purpose statement, a list of the types of form, intensity, dimensional, development and design standards to be applied as part of the PD Basic Plan, and references to applicable use and other standards. The provisions specifically applicable to the NAC-PD zone are set forth in Section 27-4303(a) and are addressed below:

3.1 SECTION 27-4303(a) (1): PURPOSES OF THE NAC-PD ZONE

The purposes of the NAC-PD Zone are set forth in Section 4303(a) (1), and are addressed as follows:

(a) The purposes of the Neighborhood Activity Center Planned Development (NAC-PD) Zone are:

(A) To accommodate and promote the establishment of high-quality, vibrant, lower- to moderate-density, mixed-use development that fosters economic development, reduces automobile dependency, supports walkable areas, and provides opportunities for alternative modes of travel;

COMMENT: As noted above, the project focuses on environmental consciousness, energy efficiency, efficient vehicular circulation, pedestrian focused experiences, and public and private communal spaces through thoughtful planning, massing, materiality, and landscape design. The proposed development will be a high quality mixed-use project which will be designed to promote walkability, bicycle use and use of nearby transit facilities. In addition to the proposed purple line transit station, the site is proximate to the New Carrollton Metro Station and a bus stop is located on Annapolis Road immediately adjacent to the Subject Property. Therefore, the development will have access to many forms of travel and have easy access to both local and regional transit routes.

(B) To provide use types and densities/intensities needed to support mixed-use and transit-supportive development (as appropriate);

COMMENT: As noted herein, the Subject Property is located within the boundaries of the Annapolis Road/Glenridge Neighborhood Center. The vision for this Neighborhood Center, as stated in the 2010 Annapolis Road Corridor Sector Plan, is for a vibrant, pedestrian-friendly mixed-use node that supports community scaled, transit-oriented development. While this Sector Plan does not include the Subject Property, this vision is reinforced by the 2014 Plan Prince George's General Plan and the implementation of the new Zoning Ordinance through the adoption of the Countywide Sectional Map Amendment. The Subject Property has been historically used as a new car dealership, which is not a permitted use in the current NAC Zone. The proposed use of the property will provide new affordable residential housing in close proximity to the transit station, thereby furthering this specific purpose of the NAC-PD Zone.

(C) To encourage a live, work, shop, and play environment that serves as an economic driver for the County's Neighborhood Centers;

COMMENT: The Annapolis Road/Glenridge Purple Line Transit Station is currently under construction and will be operational by the time the Subject Property is developed. Existing commercial development already exists at the Glenridge Shopping Center and other new development opportunities are being pursued (See the Flats at Glenridge project west of Veteran's Highway).

New residential development focused on the proximity of the transit station will benefit existing retail facilities. In addition, this particular Neighborhood Center abuts the regional New Carrollton transit center, which is also the subject of active development. The new economic activity will encourage the work, live, shop and play environment purpose of the NAC-PD Zone.

- (D) To include a well-integrated mix of complementary uses, including commercial, personal services, office, and recreation, where appropriate to support residential uses and serve the needs of the surrounding neighborhood;**

COMMENT: The proposed development includes affordable multifamily housing in an amenity rich location as well as nonresidential space. The goal of the applicant is to identify an appropriate, community-based non-profit to occupy the nonresidential space. In the event an appropriate use cannot be located, an office or retail tenant will be sought which serves the residents of the building and the local community. Given the proximity of the site to the nearby Glenridge Shopping Center, additional commercial space is not proposed so as to unduly compete with an existing retail location.

- (E) To provide multiple, direct, and safe vehicular, bicycle, and pedestrian connections between development;**

COMMENT: As noted herein, the Subject Property is an infill redevelopment site for which the means of public access has been

previously established. The Subject Property has frontage on Annapolis Road and 77th Avenue. However, the frontage on 77th Avenue is only 20 feet and does not support vehicular access. This portion of the Subject Property is also impacted by topography, which limits the ability to provide ADA compatible pedestrian access. This severe topography can be seen on the aerial photo below:



Notwithstanding, the site has access to a fully improved arterial roadway. Two points of access currently exist, and the Applicant proposes to retain two points of access. The arterial roadway is improved with a median which restricts access to right-in/right-out movements. The proposed development will improve pedestrian

access through widened sidewalks and bicycle facilities will also be provided on site.

- (F) To incorporate buildings, open spaces, and other site features that are arranged and designed to create an inviting, walkable, safe, and interactive environment;**

COMMENT: The amenities and commercial space on the street level along Annapolis Road will have a transparent envelope to promote an active and safe environment. A public courtyard will be provided along Annapolis Road and serve the adjacent amenities and commercial space and provide an accessible communal experience.

- (G) To include distinctive and attractive public spaces that help create an identity and sense of place for the zone; and**

COMMENT: An urban streetscape will be provided along the Annapolis Road frontage with pedestrian scale lighting, benches and street trees. It will be designed to complement the architecture of the multi-family building and provide attractive public space along the property frontage. This public space is dedicated within a public court which is adjacent to a bicycle path and sidewalk. The court shall be hardscaped, landscaped, and amenitized to provide a sense of place and provide the user with a communal experience.

- (H) To provide a range of housing options.**

COMMENT: The proposed development will advance this purpose.

The site will provide modern, highly amenitized multifamily housing near the Glenridge transit station consistent with the activity center designation in the General Plan. In addition, the development will offer affordable housing, with a range of bedroom sizes. The proposed development will help to achieve the lack of housing in general as well as the lack of affordable housing, expanding the range of housing options.

3.2 SECTION 27-4303(a) (2): USE STANDARDS

The specific principle uses allowed in an individual NAC-PD Zone shall be established in the PD Basic Plan in accordance with Section 27-4301(d) (1) (B). As noted above, the principle uses permitted will be multifamily residential dwellings, commercial uses permitted in the NAC Base Zone and any form of non-profit/community serving use.

3.3 SECTION 27-4303(a) (3): INTENSITY AND DIMENSTIONAL STANDARDS

Most of the Intensity and Dimensional Standards for the NAC-PD Zone are established in the PD Basic Plan. As such, the Intensity and Dimensional Standards proposed for the development are set forth below (and are shown on the Basic Plan):

DEVELOPMENT STANDARDS: NAC-PD		
STANDARD		NAC-PD PROPOSED
BLOCK LENGTH	EXISTING	1,043'
LOT AREA		5,000 SF
LOT WIDTH		50'
DENSITY	MIN DU PER ACRE	10
DENSITY	MAX DU PER ACRE	70
FLOOR AREA RATIO		N/A
LOT COVERAGE	MAX %	85%
BUILD-TO-LINE	MIN / MAX	10' / 25'
BUILDING WIDTH IN BUILD-TO ZONE	MIN % OF LOT WIDTH	50%
FRONT YARD DEPTH	MIN FT	10'
SIDE YARD DEPTH	MIN FT	0'
REAR YARD DEPTH	MIN FT	10'
BUILDING FAÇADE TRANSPARENCY	MIN % OF STREET-LEVEL FAÇADE AREA ABUTTING OR FACING A STREET FRONTAGE OR PEDESTRIAN WAY	35%
	MIN % OF STREET LEVEL FAÇADE AREA FACING A TRANSIT STATION OR PUBLIC GATHERING SPACE	35%
PRINCIPAL STRUCTURE HEIGHT	MAX	65'
OPEN SPACE SET-ASIDE	MIN % OF NET LOT AREA	7.5%

To the extent possible, the Intensity and Dimensional standards mirror the standards applicable to the base NAC Zone. These standards have been modified to the extent necessary to accommodate the proposed development. For example, in the base NAC Zone, the maximum block length is 600 feet. The existing

block, which extends from Veterans Highway to 77th Avenue, is 1,043 feet. Given that the block configuration was established decades ago and there is no ability to reduce the width of the block based on existing development, the Development Standards applicable to this NAC-PD reflect the existing condition.

3.4 SECTION 27-4303(a) (4): OTHER STANDARDS

Section 27-4303(a) (4) contains additional standards for approval of an NAC-PD development, as follows:

LOCATION STANDARDS:

An NAC-PD Zone may only be located on lands within:

- **A Neighborhood Center as designated on the Growth Policy Map in the General Plan or the applicable Area Master Plan or Sector Plan, as may be amended from time to time;**
- **The Innovation Corridor as designated on the Strategic Investment Map in the General Plan or the applicable Area Master Plan or Sector Plan, as may be amended from time to time; or**
- **Along that portion of US 1 located south of the Innovation Corridor to the border with Washington, D.C.**

COMMENT: The Subject Property complies with this standard because it is located within the boundaries of a Neighborhood Center as designated on the Growth Policy Map in the General Plan. Specifically, the Subject property is located within the boundaries of the Annapolis/Glenridge Neighborhood Center, which extends one-half mile from the Glenridge Purple Line Station currently under construction. The boundaries of the

Neighborhood Center, with the Subject Property outlined in red, can be seen on the attached aerial with the General Plan center designation layer highlighted:



USE MIXING:

The zone should be designed to provide a mix of residential and nonresidential uses to allow residents to meet more of their daily needs within the zone.

COMMENT: The Applicant proposes to include in the building up to 3,000 square feet of non-profit/commercial space. The commercial component of the Glenridge Transit Village is anchored by the Glenridge Shopping Center in the northwest quadrant of the intersection of Annapolis Road and Veterans Highway. The proposed residential dwellings will support the shopping center and any future modifications to the center as the Transit Village matures.

Vertical Mixing of Residential and Nonresidential Uses:

The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is encouraged.

COMMENT: The proposed development includes a vertical mix of residential and nonresidential units. The ground floor will include the proposed non-profit/commercial space and will also include many of the building amenities allocated for use by the residents.

Horizontal Mixing of Residential and Nonresidential

The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is allowed, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.

COMMENT: While allowed, the proposed development does not propose the horizontal mixing of residential and nonresidential uses. Therefore, this provision is not applicable to the proposed development.

Shopping Centers

Shopping centers shall be a minimum of two stories (multistory).

COMMENT: This standard is not applicable as the proposed development is not a shopping center.

Blocks and Alleys:

The zone shall be laid out in blocks, streets, and alleys, to the maximum extent practicable.

COMMENT: The Subject Property does not contain sufficient acreage to support additional development beyond that proposed. Further, the configuration and topography of the Subject Property does not allow for cross streets or alleys to connect to other roads. Therefore, this standard is not applicable to the proposed development.

Streets:

Streets shall be organized according to a hierarchy based on function, capacity, and design speed. They should terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs should be provided to adjacent open land to provide for future connections. Gated streets are prohibited.

COMMENT: As referenced above, no new streets are proposed in conjunction with this development, given the limited road frontage of the Subject Property. The proposed development will access an existing abutting roadway (Annapolis Road), consistent with the historic use and access of the Subject Property. No access to 77th Avenue to the south is proposed due to the lack of road frontage and the topography along the southern boundary line.

Parking:

- **Along any street frontage, all proposed new or additional off-street surface vehicle parking shall be located to the rear or side of the development's principal building(s) or in a parking structure.**

- Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain fewer spaces each and are visually separated by buildings or landscaped swales.
- All vehicle parking lots and structures shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas.

COMMENT: The majority of the parking to serve the proposed development will be in a parking garage which is integrated into the site and screened from view by liner buildings. A small number of surface parking spaces are provided to allow convenient access to the rental office. The Basic Plan depicts the on-site pedestrian routes on-site, although most residents of the building will access the building directly from the parking garage.

Private Sidewalks and Private Street Trees:

- Sidewalks shall be located on both sides of every street with a planting strip between the curb and the sidewalk, as established in the PD Basic Plan. Street trees shall be spaced between 40 and 50 feet on center.
- Sidewalks along street frontages shall be at least 10 feet wide and shall maintain a pedestrian "clear zone" that is at least 5 feet in width and unobstructed by any permanent or nonpermanent object.
- At least one walkway from an adjacent sidewalk shall be provided to each pedestrian entrance.
- Where a sidewalk, greenway path, or other walkway crosses a street, driveway, or drive aisle, the crossing shall be clearly marked with a change in paving material, color, or height, decorative bollards, or similar elements.

COMMENT: The site will be designed to conform to the sidewalk and street tree standards set forth above. Sidewalks will be provided to each pedestrian access as required as well.

Connectivity:

The internal vehicular, bicycle, and pedestrian circulation system shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and any internal systems of adjoining lots, to the maximum extent practicable.

COMMENT: The Subject Property will be developed with integrated vehicular, bicycle and pedestrian connectivity. Cross-access between the internal systems and adjoining lots is not practical at this time given the uses currently located on the adjoining lots. In particular, the abutting property to the east is an operating fire station, which impacts the ability for cross-access.

Building Configuration:

- **Public buildings and uses, including government facilities, cultural facilities, religious institutions, assembly uses, and schools, should serve as focal points and landmarks for the zone and are encouraged to be located on prominent sites.**
- **To the maximum extent practicable, buildings shall be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings should have a fairly consistent setback alignment along the street frontage.**
- **Buildings should be designed with a common architectural scheme and landscaping to support that identity. The intent**

should not be to create a uniform appearance, but rather a distinct sense of place.

COMMENT: The multifamily building will be 6 stories along Annapolis Road and hold a strong urban edge to define the street edge and step down to 3 stories as the development reaches back toward the residential neighborhood. The building will extend up to a 25' setback along Annapolis Road, and step back up to 49' in the center to create a public courtyard. The parking garage is wrapped by residential units and will be blocked from view. The building will act as a buffer between Annapolis Road and a private residential courtyard that is centrally located to provide the residents with an outdoor amenity. The landscape and materiality of the building will coexist to provide an inviting environment and a distinct sense of place.

Transparency:

Where the façade of a principal building other than a single-family detached or two-family dwelling abuts or faces a street frontage with a sidewalk, or a public gathering space, a percentage of the street-level façade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians.

COMMENT: The amenities and commercial space at the street level along Annapolis Road will have a transparent envelope to promote an active and safe environment. The amenities and commercial

space will look out onto the public courtyard and provide visual and physical access to and from each space.

Open Space Design:

Open space should be designed in a hierarchy of formal and informal spaces and used to enhance activity and identity. Formal open spaces consist of squares, greens, common areas, or other park-like settings where people may gather. Such areas should be bounded by streets and/or buildings. Informal open spaces are encouraged to be located throughout the zone, and take the form of walking paths, greenways, parks, passive recreation areas, and natural areas.

COMMENT: An urban streetscape will be provided along the Annapolis Road frontage with pedestrian scale lighting, benches and street trees. It will be designed to complement the architecture of the multi-family building and provide attractive public space along the property frontage. More informal open spaces will be located throughout the site for the use of the residents, as well as the existing forest preservation area.

4.0 SECTION 27-3602(c): PD DECISION STANDARDS

Prior to the approval of the PD zone, the applicant shall demonstrate to the satisfaction of the District Council that the entire development:

- (1) Is in conformance with the General Plan, the applicable Area Master Plan or Sector Plan, or any applicable Functional Master Plan;**

COMMENT: In this instance, the Subject Property is subject to the 1994 Approved Master Plan and Sectional Map Amendment for

Bladensburg-New Carrollton and Vicinity (Planning Area 69). As this Master Plan is 30 years old, the recommendations contained therein are limited in their relevance and applicability to the Subject Property today.

Review of the Master Plan shows no specific recommendations regarding future redevelopment of the Subject Property or the Analysis Area abutting the Subject Property (Analysis Area 9, p. 52). Therefore, there is no instructive recommendation in the Master Plan for this property.

Due to the age of the Master Plan, it predates the Purple Line. However, the Master Plan did note the need for a transit line extending from Silver Spring to New Carrollton. On Page 138 of the Master Plan, the following discussion is set forth:

2. It is recommended that the possibility of an east-west transit line extension from Silver Spring to New Carrollton be studied. This transit way could be an extension of the proposed Bethesda to Silver Spring light rail line and would provide a lateral connection between several Metrobus and Metrorail lines and several dense pockets of existing and proposed inner Beltway development.

The feasibility of this transit option should be explored outside the Bladensburg-New Carrollton Master Plan adoption/approval process due to the fact that the impacts and benefits of this proposal are of regional importance and affect a much larger area than Planning Area 69. This project should be considered for inclusion in any future update of the Master Plan of Transportation.” (emphasis supplied)

Therefore, while the 1994 The Master Plan is applicable as the most recently adopted Master Plan, it does not provide guidance on the proposed rezoning.

While the 1994 Master Plan is outdated, the 2014 Plan Prince George's 2035 Approved General Plan (Plan 2035) contemplated the Purple Line construction. The General Plan does not contain parcel specific recommendations, but it does identify the future Purple Line transit station locations and assigns center designations to them. One such station is the Annapolis/Glenridge Neighborhood Center. The intent of designating the Purple Line stations as local centers was clearly enunciated in Plan 2035:

"Local Centers: Plan 2035 designates 26 Local Centers, which includes new Purple Line stations, as focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available. Town Centers will often be larger in size and may rely more on vehicular transportation. See Table 16 for further description of the various centers. (page 19)"

At the time the Countywide Sectional Map Amendment was adopted, centers without defined boundaries in an underlying plan were considered to extend one-half mile from the transit station platform. The Subject Property is located within one-half mile of

the future Annapolis Road/Glenridge transit stop, and therefore was rezoned to the NAC Zone. In Table 16 of Plan 2035, a brief discussion of each of the Neighborhood Centers is set forth. This discussion identifies that the Glenridge Station would include new residential development with a density range of 10-15 dwelling units per acre. However, the District Council recently adopted CB-15-2024. One of the modifications included in this legislation was to increase the allowable density in the NAC Zone. Thus, instead of a density range of 10-30 dwelling units per acre, the density range now allowed in the NAC Zone is 10-90 dwelling units per acre. The purpose of increasing the density is set forth in a letter dated February 1, 2024 from Staff of the Maryland-National Capital Park and Planning Commission in its analysis of LDR-40-2024, which became CB-15-2024. In this analysis, Staff stated:

In terms of policies and strategies of Plan Prince George's 2035, example policies include Policy 1: "(d)irect a majority of projected new residential and employment growth to the Regional Transit Districts in accordance with the Growth Policy Map and the Growth Management goals set forth in Table 17" and Policy 7: "(l)imit future mixed-use land uses outside of the Regional Transit Districts and Local Centers." LDR-40-2024 complies with these goals through a variety of means. Perhaps most directly, Policy 1 is directly supported by the proposal in LDR-40-2024 to increase the baseline residential density maximum in the County's Transit-Oriented/Activity Center base zones. This increase will greatly incentivize investment and growth in these zones, including the County's eight Regional Transit Districts.

The proposed development of the Subject Property will create up to 300 dwelling units, a density of 69 dwelling units per acre. This proposed density is consistent with the density now permitted in the NAC Zone.

The Applicant would further note that while half of the Annapolis Road/Glenridge Center is still governed by the 1994 Master Plan, the remainder of the center west of Veteran's Highway was included in the 2010 Central Annapolis Road Approved Sector Plan and Sectional Map Amendment. Although 14 years old, the Central Annapolis Road Sector plan does provide guidance and recommendations to guide land use for the half of the transit station governed by that plan.

The Central Annapolis Road Sector Plan describes the vision for Glenridge Transit Village character area thusly:

"bounded by Veterans Parkway on the east, Glenridge Park on the north, Buchanan Street on the south, and Ardwick-Ardmore Road/Surrey Lane on the west—built around the proposed Purple Line light rail station at Annapolis Road and Veterans Parkway, is envisioned to develop as a vibrant, pedestrian-friendly mixed-use node that supports community scaled, transit-oriented development, and new employment/commercial opportunities (see Bird's Eye View on facing page). With enhanced pedestrian, bicycle, and transit access, it forges new connections to key centers in northern Prince George's County and Montgomery County. (page 58)"

The plan goes on to say that "With the construction of the Purple Line station, Glenridge is positioned to evolve into a mixed-use transit village". Page 58. Further, the plan states:

"Housing development in the transit village can also capitalize on Glenridge's Land Use Plan convenient location, transit access, and mixed-use character, with a target market of one- and two-person households generally between 25 to 40 years old. The plan envisions 400-500 new multifamily housing units built within walking distance of the transit station." P 61

Since the adoption of the 2010 Sector Plan, one new development has been proposed within the Glenridge Transit Center, a mixed-use project known as the Flats at Glenridge Station (CSP-23001 and PPS 4-23005), the location of which can be seen below, with the Subject Property outlined in red and the Flats at Glenridge Station highlighted in blue:



This development proposes 245 dwelling units and 1,380 square feet of office space on 3.0 acres of land located just south of the Purple Line transit station. Although now also zoned NAC,

this property is being developed in accordance with its prior M-X-T/DDO Zoning. In approving CSP-23001, the Planning Board made the following finding regarding Master Plan conformance:

The subject site is located within the Glenridge Transit Village of the sector plan. Located near a future Purple Line station, this character area is envisioned to develop as a vibrant, pedestrian-friendly, mixed-use node that supports community scaled, transit-oriented development, and new employment/commercial opportunities. The sector plan notes that Glenridge Transit Village can offer a neighborhood-oriented and affordable mix of land uses, including housing, offices, neighborhood-serving retail, and public space. Specifically, this area has potential for new and affordable mid-rise Class B office space, since it is located within walking distance of transit and services (page 58). Regarding housing development, the sector plan also envisions 400-500 new multifamily housing units (page 60).

By extrapolation, the vision for the Glenridge Station described above for the west side of Veterans Highway will also extend to the east side to include the Subject Property. The proposed redevelopment of the Subject Property as a predominantly residential, mixed-use project is clearly consistent with the vision of Plan 2035 to focus development in transit centers. It is also consistent with the vision for the Glenridge Transit Center set forth in the 2010 Annapolis Road Corridor Sector Plan.

In pre-application comments received from the Environmental Planning Section, the Applicant was requested to "provide a written explanation of how the Environmental Envelope Goal and Objectives of 1994 Approved Master Plan for Bladensburg, New

Carrollton and Vicinity will be met.” The 1994 Master Plan chapter addressing the Environmental Envelope is set forth on pages 13-24. This discussion includes an overarching goal as well as several objectives to implement that goal. Set forth below are the goal and objectives set forth in the Master Plan and a comment explaining how the goal/objective will be met by the proposed development.

GOAL: To protect and enhance the environmental quality of the Planning Area by preserving natural environmental assets as an integral part of the community.

Comment: The proposed project advances this goal in two ways. First, after the adoption of the Master Plan in 1994, Prince George’s County adopted General Plan “Plan 2035”. Plan 2035 encourages the concentration of future development into existing developed areas, and in particular to transit-oriented centers. The proposed development is within one of the transit-oriented centers designated by Plan 2035. Second, the proposed development represents the redevelopment of an already developed site. The existing development, an auto oriented use, is not consistent with the center designation in Plan 2035. The proposed development will respect the existing natural features on site, improve environmental quality by cleaning up the contamination which resulted from the prior automotive use and by providing stormwater management to control future runoff. Thus,

the goal of the Master Plan to protect and enhance environmental quality is achieved by the proposed development.

OBJECTIVES

- **To identify and preserve natural and manmade features that have a significant influence on the environmental and aesthetic quality of the Planning Area.**

COMMENT: The Master Plan notes that much of the Planning Area is developed and that the overall framework of open space has already been developed. As a result, the focus of the Master Plan is to protect, restore and enhance the remaining environmental features whenever possible. The Master Plan identifies the features to be preserved, which include surface waters and floodplains (p. 14), wetlands (p. 15), stormwater management (p. 15), Chesapeake Bay Critical Area (p. 15), woodlands and urban forest (p. 16), noise (p. 16), air quality (P. 17), solid waste management (p. 17) and Anacostia River Restoration (p. 18). Under current regulations, each of these environmental features is required to be addressed, beginning with the preparation and approval of a Natural Resources Inventory. An approved Natural Resources Inventory is submitted with this application for evaluation. As the project advances through the entitlement process, the Planning Board must find

that the regulated environmental features on site are preserved or restored to the fullest extent possible.

The Natural Resources inventory identifies the regulated environmental features on-site, including floodplains, wetlands, steep slopes, forest, and specimen trees. No streams or nontidal wetlands were identified on-site and none of the property is located within the 100-year floodplain. The site also does not contain wetlands of special State concern as defined in COMAR 26.23.06.01, or a Tier II waterbody as defined in COMAR 26.08.02.04.

Stormwater management will be addressed with the review and approval of a Site Development Concept Plan by the Department of Permitting, Inspections and Enforcement. No portion of the property is located within the Chesapeake Bay Critical Area.

The Master Plan Recommendation establishes a woodland cover goal for the Planning Area, to be achieved through retention of woodlands in new developments. The Natural Resource Inventory/Forest Stand Delineation prepared for the subject property identifies 0.41 acres of existing forest on-site, the majority of which will be saved. The Applicant will preserve existing woodlands along the southern portion of the site as a buffer to the residential neighborhood. There are no specimen, champion or historic trees on the subject property.

The development is located adjacent to MD Route 450 and MD Route 410, both master planned and state designated as arterial or higher roadways that are regulated for noise. A Phase I noise study will be required at the time of Preliminary Plan of Subdivision.

The Master Plan recommends that the County continue to participate in developing a plan to achieve federal air quality standards. Air quality is a regional issue, but the proposed development does not produce any emissions that would adversely affect air quality. As addressed elsewhere herein, the Applicant is providing EV charging stations and EV ready parking spaces to encourage the use of EV's, which reduce air emissions typically associated with vehicular use. The Subject Property is also within the Annapolis Road/Glenridge transit center and close to the New Carrollton Metro Center. A Metro Bus Stop is also located on Annapolis Road approximately 250 feet west of the Subject Property. Thus, multiple public transit options will be within walking distance of the Subject Property, further reducing dependence on automobiles.

Regarding Anacostia River Restoration standards, the Subject Property does not include any streams or tributaries of the Anacostia River. As a redevelopment site, however, modern stormwater management practices will be implemented to ensure

that any stormwater generated by the proposed development is treated prior to discharge. In addition, the Applicant will participate in MDE's Voluntary Cleanup Program to remove contamination resulting from its prior use as an automobile dealership.

For the reasons outlined above, conformance with this objective is achieved.

- **To protect, enhance and expand where possible the public and private open space network as an environmental framework for development.**

COMMENT: The open space network set forth in the Master Plan emphasizes the linkage needed for Countywide trail systems. Here, the property abuts open space under government ownership (the abutting property is owned by M-NCPPC) but the opportunity to expand or enhance is limited by steep slopes on site. However, the implementation strategy for the open space network also emphasizes the exercise of existing land use controls and recommended policies without unreasonable demand on the private sector.

In achieving the objective of an open space network, the environmental envelope specifies an implementation strategy that encourages developers to utilize Comprehensive Design Zones to cluster development to ensure environmentally responsible development. The proposed planned development zone achieves the

same goal as the prior comprehensive design zones by providing the flexibility to achieve the design goals while also preserving on site natural features to the maximum extent possible.

- **To locate development according to the opportunities and constraints presented by local environmental characteristics.**

COMMENT: The Subject Property presents a prime opportunity for transit-oriented development without impact to environmental features. The proposed project will be constructed within an area that is already developed, and the Applicant will further remediate past contamination through participation in MDE's Voluntary Cleanup Program. Since the Subject Property is within a short walk to the future Purple Line Station, there could not have been a better location for the development from an environmental impact perspective.

- **To guide development in a manner that will minimize any adverse impacts on the natural environment, with particular emphasis on the stream valleys and buffers of the Northeast Branch and its Brier Ditch tributary, the tributaries to Beaverdam Creek and the Anacostia River.**

COMMENT: The Northeast Branch and its Brier Ditch tributary are not proximate to the Subject Property and will not be impacted by the proposed development. A stream is located to the west of the site, more than 100 feet from the property boundary. The Primary Management Area falls on the westernmost tip of the subject property and comprises 0.04 acres on-site. As noted above,

existing contamination associated with the prior use of the Subject Property will be remediated and stormwater management will be provided to ensure that any runoff from the development is treated. Therefore, the objective set forth by the Master Plan is achieved.

- **To maintain the natural character and aesthetic qualities of stream valleys, wetlands and associated buffers properly planning for stormwater management to prevent loss of life, to minimize property damage, and avoid interruption of services.**

COMMENT: The Subject Property will redevelop a site previously developed in 1960. There are no streams or wetlands on site. The buffer from an adjacent stream impacts .04 acres of the site and will be preserved in its natural state. The stormwater management practices of the original site were negligible or even nonexistent as stormwater management practices were largely unregulated at that time. The site is being redeveloped to comply with modern stormwater management regulations. On-site stormwater drainage and stormwater management facilities will be located throughout the site to manage the required quality and quantity volumes to the maximum extent practicable. As stated previously, stormwater management will be addressed with the review and approval of a Site Development Concept Plan by the Department of Permitting, Inspections and Enforcement.

- **To improve water quality and to provide for the protection and propagation of fish and wildlife (including any**

threatened and endangered species) and the enjoyment of water recreation facilities.

COMMENT: The redevelopment of the Subject Property will be done in accordance with current environmental site design standards regarding stormwater management. This will improve water quality. Additionally, the Wildlife and Heritage Division of the Maryland Department of Natural Resources has confirmed that there are no threatened or endangered species of fish and wildlife within the project site. Accordingly, conformance with this objective is achieved.

Based upon the above, the proposed development meets the goal and objectives of the 1994 Master Plan. Given the age of the Master Plan and the changes in regulations which have enhanced the preservation of regulated environmental features and the design of stormwater management facilities, conformance with current regulations ensures that the Master Plan's objectives will be achieved. In addition, however, the Subject Property presents an infill redevelopment opportunity that is close to transit, allows for existing contamination associated with the prior use to be remediated and has minimal impact on the environment. For these reasons, it is clear that the goals and objectives as they are set forth in the Environmental Envelope of this Master Plan are met.

Based upon the above, the Applicant submits that the District Council can find that the proposed development is in conformance with the Master plan and the General Plan's vision for attracting development to local transit centers.

(2) Meets the purposes of the proposed PD zone;

COMMENT: Conformance with the purposes of the NAC-PD zone is addressed in Section 3.1 of this Statement of Justification above.

(3) Satisfies all applicable standards of the proposed PD zone; and

COMMENT: The Applicable standards of the NAC-PD Zone are addressed in Section 3.1 of this Statement of Justification above.

(4) Will not adversely impact the surrounding properties.

COMMENT: The proposed development is a redevelopment site, and all surrounding properties are fully developed (except for abutting publicly owned parcels). The site represents an opportunity to transition a key location from an auto-oriented use to a transit-oriented use in a manner which fully conforms to the purposes of Plan Prince George's 2035. As such, the proposed development will not in any way adversely impact the ability of surrounding properties to redevelop in a similar manner.

5.0 CONCLUSION

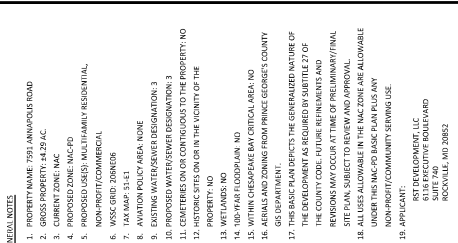
In conclusion, the NAC-PD Zone encourages, and provides the appropriate mechanism to realize, transit-oriented development in designated activity centers. A medium density affordable housing proposal clearly conforms to the purposes and regulations of the NAC-PD Zone.

The proposed Basic Plan provides an overview of the proposal and its relationship to the Master Plan, Plan 2035, the NAC-PD Zone, and the new Prince George's County Zoning Ordinance. More specific development details will be examined through the following stages of the review process. Having satisfied the requirements for approval and being in harmony with the purposes of the Neighborhood Activity Center Planned Development Zone, we respectfully request approval of rezoning to the NAC-PD Zone.

Respectfully submitted



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Countywide Planning Division
Historic Preservation Section

301-952-3680

February 19, 2025

MEMORANDUM

TO: Evan King, Zoning Section, Development Review Division

VIA: Thomas Gross, Planning Supervisor, Historic Preservation Section, Countywide Planning Division **TWG**

FROM: Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **AGE**
Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**

SUBJECT: ZMA-2024-003 RST New Carrollton

The subject property comprises 4.29 acres and is located on the south side of Annapolis Road, approximately 400 feet east of its intersection with East-West Highway (MD 410). The subject property is currently zoned Neighborhood Activity Century (NAC) and located within the 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* area. The subject application proposes rezoning the property from the NAC Zone to the Neighborhood Activity Century Planned Development (NAC-PD) Zone for the development of a mixed-use building containing up to 300 multifamily dwelling units and 3,000 square feet for non-profit or commercial use.

The 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* includes goals and policies related to historic preservation (pages 25-34). However, these are not specific to the subject site or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A Phase I archaeology survey is not recommended. The subject property does not contain and is not adjacent to any designated Prince George's County Historic Sites or resources.

Historic Preservation staff recommends approval of ZMA-2024-003, RST New Carrollton, with no conditions.



3/10/2025

MEMORANDUM

TO: Evan King, Planner II, Development Review Division

VIA: N. Andrew Bishop, Planner IV, Long-Range Section, Community Planning Division *NAB*

VIA: Karen Mierow, AICP, Acting Supervisor, Neighborhood Revitalization Section, Community Planning Division **KM**

FROM: John Parks, Planner II, Neighborhood Revitalization Section, Community Planning Division *JP*

SUBJECT: **ZMA – 2024-003, RST New Carrollton**

FINDINGS:

Community Planning Division (CPD) staff find that;

Pursuant to 27-4301(a), General Purposes of Planned Development Zones, this application is consistent with the purposes of the NAC-PD zone because the proposed PD application proposes modified design standards contributing to a high-quality development, allowing for a more efficient use of land, and promoting a development form that responds to the site's physical, natural, and environmental constraints.

Pursuant to 27-4301(d), General Standards for All Planned Development Zones, of the zoning ordinance, this application is consistent with both the General Plan (Plan 2035) and the applicable Area Master Plan or Sector Plan, and will be consistent with the purposes of the NAC-PD zone if the project includes additional design recommendations as described below to create a high-quality transit-oriented development.

Pursuant to Section 27-4303, Neighborhood Activity Center Planned Development (NAC-PD) Zone, this application meets the requirement because it proposes a mixed-use development in proximity to the proposed Purple Line light rail station and is designed to encourage multimodal transportation. Additional site features are recommended to create a sense of place, provide an inviting, walkable, safe, socially interactive environment, and enhance public engagement, and improve the multimodal opportunities for the site.

Pursuant to Section 27-3602(c), Planned Development (PD) Decision Standards, of the Zoning Ordinance, the proposed application to rezone the subject property from the Neighborhood Activity Center (NAC) Zone to the Neighborhood Activity Center Planned Development (NAC-PD) Zone conforms to Plan 2035 and the 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* (Master Plan) because the applicant is proposing a high-density residential development in proximity to the New Carrollton Metro and the future Purple Line.

It is further noted that the application is consistent with the Master Plan because it recommends residential high future land use on the subject property and the zoning map amendment proposes up to 150 dwelling units per acre and meets the definition of “residential high” (See, Master and General Plan Section Discussion below). The proposal is further consistent with the Master Plan as it is offering a commercial use along the streetscape, additional street-level improvements along the property boundary on MD-450 (Annapolis Road) and expanded availability of high-quality housing.

BACKGROUND

Application Type: Zoning Map Amendment Neighborhood Activity Center - Planned Development (NAC-PD) Zone

Planning Area: PA-69

Community: Bladensburg, New Carrollton & Vicinity

Location: On the south side of MD 450 (Annapolis Road), east of its intersection with MD 410 (Veterans Parkway), at 7591 Annapolis Road, Hyattsville, MD 20784.

Size: 4.29 acres

Existing Uses: Commercial

Future Land Use: Commercial

Proposal: To rezone the property from the Neighborhood Activity Center (NAC) Zone to the Neighborhood Activity Center – Planned Development (NAC-PD) Zone in accordance with Section 27-3602 of the Zoning Ordinance.

Zoning: Neighborhood Activity Center (NAC) Zone

Prior Zoning: General Commercial, Existing (C-2) Zone

Applicable Zoning Ordinance: Current Zoning Ordinance**GENERAL PLAN AND MASTER PLAN****General Plan:**

The property is also within the **Annapolis Road/Glenridge Local Center** which is one of 26 Local centers and is envisioned to include “new Purple Line stations, as focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available.” (page 19)

Master Plan: The subject application is in the 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* (Master Plan). The Master Plan recommends a future land use of Retail Commercial on the subject property.

Retail Commercial uses are not specifically defined in the Master Plan, and the plan is silent on a description of Retail Commercial land use. However, the 2014, *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) defines commercial use as areas of “Retail and business areas, including employment uses such as office and service uses. A range of services are provided at the neighborhood to regional level. New commercial areas have access to multimodal transportation options. (Plan 2035, page 100).

There is an existing commercial structure on the property that has operated as a car dealership, rental service, and repair facility. The applicant intends to propose to raze the existing commercial structure and construct a mixed-use multifamily building with a density of approximately 69 dwelling units/acre (du/acre). In addition to the proposed residential development, the proposal describes approximately 3,000 square feet of ground floor commercial space. An analysis for how this application meets the requirements of the Master Plan is provided below.

Pursuant to Section 27-3602, Planned Development (PD) Zoning Map Amendment, this application is requesting to rezone the subject property from the Neighborhood Activity Center (NAC) Zone to the Neighborhood Activity Center – Planned Development (NAC-PD) Zone. Section 27-4301, General Provisions for All Planned Development Zones, requires the applicant to provide public benefits for the immediate surrounding community, than what would normally occur under the Base Zone. These proposed public benefits must be highlighted within the PD Basic Plan.

The Applicant is proposing the following components of public benefits in seeking the creation of the NAC-PD Zone on the subject property.

- Activation of Commercial Spaces
- Pedestrian Court
- Optimal Transportation Features
- Increased Availability of Affordable Housing Stock
- Environmentally Conscious Building Design and Site Layout

The applicant has demonstrated conformance to the General Plan, and applicable Area Master Plan. This is required under 27-3602(c), Planned Development (PD) Decision Standards. Staff has prepared the following analysis of relevant Goals, Policies, Guidelines, or Objectives to inform any action pertaining to this proposal. As Master Plan conformance is required for the proposed Zoning Map Amendment, this analysis may be used for potential improvements or modifications to the proposal to advance the intent and purpose of the Master Plan and provide corresponding support for a Planned Development (PD) Decision.

Recommendations

Within the 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* (Master Plan), there are Master Plan elements outlining applicable Goals, Policies, Guidelines, or Objectives which should be addressed by the applicant. These five elements are: Environmental Envelope, Living Areas and Housing, Commercial Areas, Urban Design, and Circulation and Transportation. The applicant should seek to follow wider Master Plan recommendations for the Planning Area, and the specific elements. The Master Plan does not provide any parcel specific recommendations for the neighborhood (*Neighborhood 9*, page 52. See *Map 3 "Neighborhoods"*, page 42). The Master Plan is silent on recommendations for Public Facilities. However, Plan 2035 has specific recommendations regarding Public Facilities for the area due to its proximity to the Glenridge Purple Line Station which should be addressed by the applicant.

General Plan – Public Facilities

Policy 3 (Page 188)

- Stabilize existing communities and encourage revitalization and rehabilitation.

HN3.6 (Page 189)

- Partner with private developers, community organizations, and county agencies to construct and repair public facilities, amenities, and services in established communities. Establish an inventory of critical service infrastructure repairs and maintenance.

Staff Analysis

- *Staff encourage the applicant to ensure the proposed development will provide adequate public facilities and services concurrent with residential development. The applicant has described that the proposed development will utilize existing utility connections. Staff encourages the applicant to provide additional details regarding utility system improvements which will be required due to the increased or differentiating demands, due to the change from commercial use to residential use.*
- *The applicant should consider strategies or provide detailed information regarding how the residential property will be linked to community facilities, transportation facilities, employment areas and other living areas by a continuous system of pedestrian walkways. The most prominent facility is the planned Glenridge Purple Line station. Within the PD Basic Plan, the applicant has referenced a strategy for activating the pedestrian thoroughfare directly in front of the property, and the circulation path to access the Glenridge station. As Master Plan conformance is required for the rezoning, the applicant is encouraged to develop and demonstrate a strategy to further the intent of the guidelines of the Master Plan by providing examples of improvements to the connectivity between the proposed development and the Glenridge Purple Line station.*

Environmental Envelope

Goal(s): (Page 13)

- To protect and enhance the environmental quality of the Planning Area by preserving natural environmental assets as an integral part of the community.

Objective(s): (Page 13)

- To identify and preserve natural and manmade features that have a significant influence on the environmental and aesthetic quality of the Planning Area.
- To protect, enhance and expand where possible the public and private open space network as an environmental framework for development.
- To maintain the natural character and aesthetic qualities of stream valleys, wetlands and associated buffers – properly planning for stormwater management to prevent loss of life, to minimize property damage, and avoid interruption of services.

Guidelines: (Page 23)

- The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.
- Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.

Staff Analysis

The applicant has identified and committed to preserving the existing tree coverage on site and is proposing substantial environmental remediation through the Maryland Department of Energy Voluntary Cleanup Program. In addition to the proposed site work, the applicant has outlined additional building-specific environmental designs which go beyond what is required under the base NAC Zone. The applicant should explore opportunities to eliminate unneeded impervious surfaces, that may remain due to the existing automotive related use.

- *Specifically, the applicant should explore an opportunity to enhance the open-space network in the area to the South-West corner of the proposed development. Due to the fact that the parking for the residential or commercial area will be in the central area of the proposed development, this small portion of the property could be reconfigured to be either passive or active open space, rather than a dead-end circulation.*
- *The applicant is encouraged to explore opportunities to enhance the environmental quality of the Planning Area through preserving natural environmental assets. In this case, the property directly abuts a steep grade to the south portion of the subject property. This slope is identified by the applicant as a component of the existing Natural Resource Inventory/Forest Stand Delineation, with 0.41 acres of existing forested area. The applicant should develop strategies and implement measures to ensure the continued health of this forested area and promote soil health on the property. Strategies may include erosion control, soil health promotion, or other methods to protect the integrity of this grade. This is not only an environmental priority but also would provide a tangible public safety benefit to the existing residential structures to the rear of the site.*
- *The applicant has indicated Stormwater concepts will be provided with the Site Development Concept Plan. However, the applicant is encouraged to provide a methodology to utilize environmentally conscious stormwater strategies. These can include micro-bioretenement facilities, green water filtration methods, green roofs, and stormwater strategies as a component of addressing the guidance within the Environmental Envelope portion of the Master Plan.*

Living Areas and Housing

Goal(s): (Page 37)

- To provide decent, safe and sanitary housing for all residents by providing a broad range of housing opportunities and neighborhood choices which can meet the needs of different age groups, family sizes, lifestyles, and income capabilities.

Objective(s): (Pages 37-38)

- To provide for an effective transition between residential uses and adjoining nonresidential uses through imaginative use of urban design and the development of effective buffering techniques and standards.

- To assure that future housing is designed and located to provide protection from floods, stormwater damage, erosion, unstable soil conditions, noise, vibration, and other hazards, and to place a high priority on correcting and preventing these deficiencies.
- To ensure a continuous availability of housing for families of all sizes, all age groups and various income levels.
- To increase public and private efforts to ensure high standards of construction in all forms of housing and high-quality environments for all residential areas.
- To provide adequate public facilities and services concurrent with residential development.

Guideline(s): (Pages 55-56)

- A broad range of housing types and designs should be provided to meet the needs of different household ages, sizes and income levels.
- Wherever possible, living areas should be linked to community facilities, transportation facilities, employment areas and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space and conservation network.
- A living area design proposal should include an analysis of internal traffic circulation, as well as an examination of the development's potential impact on the local transportation system.

Staff Analysis

The applicant is proposing a mixed-use residential property with a density of 69 du/acre. The property will be 100 percent affordable for residents earning 60 percent of the Area Median Income (AMI). The applicant has stated that the property will include a variety of amenities and the building will include a range of bedroom sizes to accommodate the needs of building residents. Quality development and affordability are not mutually exclusive, and the applicant has highlighted the mechanisms to achieve this vision. Also, the applicant has provided evidence of traffic impacts and analysis of the new residential development. The proposed development is consistent with the Goals, Objectives, Guidelines of the Living Areas and Housing chapter of the Master Plan.

Commercial Areas**Goal(s)** (Page 59)

- To provide adequate, appropriately located amounts of various types of commercial space.

Objective(s) (Page 59)

- To maintain and renew existing commercial areas where appropriate, while removing commercial uses from, and stopping intrusions into, areas not appropriate for commercial use.
- To identify specific commercial area assets and deficiencies which affect the image of the Planning Area and the County.
- To encourage churches, social clubs and other quasi-public uses to locate within or adjacent to commercial activities in order to share parking facilities, utilize vacant space and help establish these areas as focal points.

Guideline(s) (Page 76)

- As commercial areas are renewed, multiple-use community centers shall be encouraged in lieu of development as single-function shopping centers.
- Commercial areas should be buffered from surrounding streets and uses, where appropriate, by means of curbs, islands, landscaping, fencing, back-up development and the siting of structures.
- Adequate off-street loading and unloading space should be provided and located where public ways will not be blocked

Staff Analysis

The proposed development will have a sizeable commercial use. The applicant has indicated this use may be reserved for a rent-free space for a community-based nonprofit. Staff believe this is a critical component to further the intent of the Commercial Areas portion of the Master Plan. The applicant has addressed commercial unloading pathways on site and strategies to activate any commercial spaces within the proposed development, however the use of additional streetscape enhancements such as benches, pedestrian-scaled lighting, bicycle parking and landscaping could be included to improve these areas.

Urban Design**Goal(s)** (Page 91)

- To enhance the quality of development and the physical image of the Planning Area by fostering order and harmony in the built environment.

Objective(s) (Page 91)

- To improve the appearance of commercial corridors and employment areas to make them more visually attractive and harmonious with their surroundings.
- To encourage the use of alternative modes of transportation by creating continuous and pleasant pedestrian and bicycle routes.
- To encourage maximum use of large shade trees to create a street canopy and to give definition and continuity to the road age.

Guideline(s) (Pages 109 – 115)

- Maintain existing street tree patterns and relationship to curbs and sidewalks where possible.
- Multifamily housing and townhouses should be sited to obtain adequate light, air, privacy and usable open space for passive recreation and landscape amenities.
- In multifamily complexes, avoid creating hidden areas that are accessible from more than one point to discourage loitering and other illegal activities.
- Whenever possible, the complex should be arranged or rearranged around a clear focal point.
- Internal sidewalks should be well-defined and separated from vehicular travelways by a curb and should connect to external sidewalks.

Staff Analysis

The applicant has put forward several design strategies for the proposed development which further the intent of the Master Plan. The applicant has provided insight into methods to improve the appearance of commercial corridors and employment areas to make them more visually attractive and harmonious with their surroundings.

- *The applicant is encouraged to provide strategies or additional details into methods of leveraging high-quality designs to encourage the use of alternative modes of transportation by creating continuous and pleasant pedestrian and bicycle routes. The applicant has provided details into designs for the pedestrian court along the front of the proposed structure along Annapolis Road, however, the applicant should endeavor to highlight design strategies for the pedestrian thoroughfare leading to the Glenridge Rail Station. The applicant should utilize creative design strategies which contribute to an enjoyable and accessible pedestrian experience along Annapolis Road.*
- *The applicant is encouraged to limit hidden areas on the site plan which, as identified by the Master Plan, should discourage loitering and other illegal activities. Staff encourages the applicant to utilize Crime Prevention Through Environmental Design (CPTED) design principles. As identified in the Environmental Envelope section of this analysis, Staff would like to highlight the portion the internal roadway at the South-West corner of the subject property. This area is accessible to residents and the public. The applicant should discuss methods to discourage loitering or illegal activities in this hidden area.*
- *Staff would highlight the importance of developing design guidelines which will ensure high standards of construction in all forms of housing and high-quality environments for all residential areas. Staff disagree with the assessment of requirements for the proposed PD Plan to not provide standards and requirements to ensure development on the perimeter of the PD zone is designed and located with the character of adjacent existing or approved development. To seek this Zone change, the applicant is encouraged to draft standards and requirements within the PD Plan due to the unique site location (directly*

adjacent to a planned Purple Line stop). These standards and requirements will be critical to further compatible development in adjacent existing or approved development, and to further implement the General Plan and Master Plan. This claim does not conform with the Master Plan and is not consistent with the standards of 27-4301(d)(1)(E), General Standards for All Planned Development Zones.

-

Circulation and Transportation

Goals(s) (Page 125)

- To provide a safe, efficient and effective transportation system which will maximize accessibility and the movement of people and goods in the Planning Area and region.

Objective(s) (Page 125)

- To enable residents and employees to minimize vehicular miles traveled and total travel time in order to minimize fuel consumption and air pollution.
- To develop nonvehicular circulation systems such as bicycle, pedestrian and equestrian trails.
- To improve existing circulation deficiencies.

Guidelines (Page 142)

- Properly design street networks should be provided to facilitate desired traffic flow and continuity (i.e. residential streets should be designed to discourage through traffic, and points of ingress and egress should be minimized to avoid conflicting with through traffic flow while retaining adequate access to properties.
- Dead-end streets should be discouraged unless there is no feasible alternative.

Staff Analysis

The applicant has provided detailed plans on the circulation routes for pedestrians and automobiles within the proposed development. In addition, the applicant has indicated portions of the proposed development which will comprise the pedestrian court, along Annapolis Road.

- *Due to the unique site location in proximity to the Glenridge Purple Line station, the applicant is encouraged to develop a strategy to facilitate multi-modal transportation to the planned rail station. Improvements may include wayfinding signage guiding pedestrians to the Glenridge Purple Line Station, digital signage displaying arrival and departure times for Purple Line trains, and showing amenities in the area. Additional benefits could include art installations along Annapolis Road beyond the property boundary to create an enjoyable pedestrian experience to promote transit ridership. This will be a critical measure to further the intent of the primary Goal as outlined by the Master Plan.*

Staff Analysis Regarding Public Benefits

Pursuant to 27-4301(d)(1)(P), General Standards for All Planned Development Zones, the applicant must include specific public benefits and project amenities in accordance with 27-4301(d)(3). 27-4301(d)(3)(A) describes that *Public benefits are superior features in a Planned Development zone and benefit the surrounding neighborhood, or the public in general, to a significantly greater extent than would likely result from development of the site under a Base zone*. Staff are not able to support the establishment of the PD Zone in response to the narrative and Plan provided by the applicant at this time.

Staff highlight the Current Zoning Ordinance is silent as to an interplay between a magnitude of deviation from the Base Zone and the modifications of the PD Zone, as a means of quantifying an amount or scale of required public benefits. Community Planning Division staff find that pursuant to 27-4105, Relationships Between Base and Planned Development Zones of the zoning ordinance, this application does not provide adequate public benefits to support the allowance of more flexibility in the establishment of form, development, and design standards for the proposed development in the NAC-PD zone as initially submitted.

The applicant has proposed street-level design and pedestrian court, well situated parking, housing affordability and residential density, and rent-free commercial space, which will enhance surrounding neighborhood context through higher-quality development. However, as related in the application materials, Statement of Justification and PD Basic Site Plan, the public benefits package does not satisfy the requirements for the rezoning.

The Community Planning Division would support the rezoning if the applicant is able to provide specific public benefits which contribute to a development which *exceeds a level which would occur under the Base Zone (NAC)*, the additional benefits are described below.

ZONING MAP AMENDMENT ANALYSIS

Community Planning Division staff find that, pursuant to 27-4301(d) General Standards for All Planned Development Zones, this application is consistent with the purposes of the NAC-PD zone and the applicable 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity*, staff would recommend approval to rezone the subject property from the NAC Zone to the NAC-PD Zone based on the following recommendations in addition to, or enhancing of the benefits proposed by the applicant because these additional improvements will adequately benefit the site and the surrounding neighborhood.

Wayfinding signage

Smart signage at points along Annapolis Road indicating departure and arrival times of the Purple Line trains at the Glenridge station. This may be an adequate public benefit pursuant to 27-4301(d)(3)(C)(xiv).

Pedestrian Improvements

Improvements of the pedestrian corridor along the Annapolis Road leading to the Glenridge Purple Line Station to promote the usage of mass transit. This may be an adequate public benefit pursuant to 27-4301(d)(3)(C)(xii).

Commercial

In the establishment of the PD Basic Plan, the Commercial use within the building, as it is referenced as a component of proposed public benefits, be restricted to any Community Service Uses as described by 27- 5101(d), Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones. If the applicant is unable to identify a nonprofit tenant to occupy the commercial space, the applicant may request an amendment to the PD Basic Plan to allow for a wider range of commercial uses.

Innovative stormwater techniques

Use of innovative Stormwater management techniques, beyond what is required by the regulating agency. This may be an adequate public benefit pursuant to 27-4301(d)(3)(C)(xi)(aa).

Aviation/MIOZ: This application is not located within an [Aviation Policy Area Overlay](#) (APAO) Zone or the [Military Installation Overlay \(MIO\) Zone](#), and is not subject to the requirements of Section 27-4402 (b).

SMA/Zoning: On November 29, 2021, the District Council approved CR-136-2021, the Countywide Map Amendment (CMA) which reclassified the subject property from the C-2, General Commercial, Existing Zone to the NAC (Neighborhood Activity Center) Zone effective April 1, 2022

cc: Long-Range Agenda Notebook



Countywide Planning Division
Prince George's County Planning Department

301-952-3650

March 7, 2025

MEMORANDUM

TO: Evan King, Planner II, Zoning Section, DRD

VIA: Tom Burke, Supervisor, Environmental Planning Section, CWPD *TB*

FROM: Mary Rea, Planner II, Environmental Planning Section, CWPD *MR*

SUBJECT: RST New Carrollton: ZMA-2024-003

The Environmental Planning Section (EPS) has reviewed the above referenced zoning map amendment (ZMA) application accepted on January 31, 2025. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on February 14, 2025. The following comments are provided for your consideration.

BACKGROUND

The EPS has reviewed this site previously with the review of the following applications:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
NRI-137-2024	N/A	Staff	Approved	1/7/2025	N/A
ZMA-2024-003	N/A	Planning Board	Pending	Pending	Pending

PROPOSED ACTIVITY

The current application is a ZMA of the property from the Neighborhood Activity Center (NAC) Zone to the Neighborhood Activity Center – Planned Development (NAC-PD) Zone for the development of a multifamily residential building.

APPLICABLE ENVIRONMENTAL REGULATIONS

The project is subject to 2024 Woodland and Wildlife Habitat Conservation Ordinance (2024 WCO) and the environmental regulations contained in Subtitles 24, 25, and 27 because the site does not have a previously approved tree conservation plan.

SITE DESCRIPTION

The subject property is 4.29 acres and is located at 7591 Annapolis Road, approximately 400 feet southeast of the Annapolis Road and Veterans Parkway intersection. The site is currently developed with a former car dealership. The current zoning for the site is NAC.

This site is within the Environmental Strategy Area 1 (formerly the Developed Tier) as designated by the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035).

The site does not contain forest interior dwelling species (FIDS) habitat. The property is within Brier Ditch of the Anacostia River watershed, which is not a Tier II waterway.

According to available information from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, and endangered species are not on the site. The site does not front on a historic or scenic roadway. The site fronts on Annapolis Road (MD 450), which is designated as a master planned arterial roadway.

REVIEW OF PREVIOUSLY APPROVED CONDITIONS

There are no previously approved conditions of approval for this site. According to the Real Property Date Search, the existing building was constructed in 1972.

MASTER PLAN CONFORMANCE

The District Council cannot approve a basic plan unless it finds that the entire development meets the criteria for approval set forth in Section 27-3602(c). With respect to criteria affecting the environment, that subsection provides:

27-3602. Planned Development (PD) Zoning Map Amendment

(c) Planned Development (PD) Decision Standards

Prior to the approval of the PD zone, the applicant shall demonstrate to the satisfaction of the District Council that the entire development:

- (1) Is in conformance with the General Plan, the applicable Area Master Plan or Sector Plan, or any applicable Functional Master Plan;**
- (2) Meets the purposes of the proposed PD zone;**
- (3) Satisfies all applicable standards of the proposed PD zone; and**
- (4) Will not adversely impact the surrounding properties.**

This application conforms to the specific recommendations of Plan 2035, the 1994 Bladensburg, New Carrollton & Vicinity (PA 69) Approved Master Plan and Sectional Map Amendment, and the *Approved Countywide Green Infrastructure Plan* (GI Plan). The principles and guidelines set forth in those plans seek to preserve, enhance, and restore the County's natural and built ecosystems; with the rezoning to NAC-PD the application must follow the guidelines of these plans.

The Zoning Ordinance provides guidance regarding the impact and relationship of general plans with master plans, and functional master plans. Specifically, Section 27-3502(j) of the Zoning Ordinance states the following regarding the approval of a general plan, and its effect on a previously approved master plan:

27-3502. General Plan, Functional Master Plans, Area Master Plans, and Sector Plans

(j) Relationship Between the General Plan, Functional Master Plans, Area Master Plans, and Sector Plans

- (1) **When General Plan amendments and Functional Master Plans (and amendments thereof) are approved after the adoption and approval of Area Master Plans or Sector Plans, the Area Master Plans or Sector Plans shall be amended only to the extent specified by the District Council in the resolution of approval.**
- (2) **Any Functional Master Plan (or amendment), Area Master Plan, or Sector Plan shall be an amendment of the General Plan unless otherwise stated by the District Council.**
- (3) **Any Area Master Plan or Sector Plan may designate, delete, or amend General Plan center or policy area designations or the County's growth boundary. These actions shall constitute amendments to the General Plan unless otherwise stated by the District Council.**

PLAN PRINCE GEORGE'S 2035 APPROVED GENERAL PLAN (2014)

The site is located within the Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map as designated by Plan 2035 and within the Established Communities Area of Plan 2035. The project is within the boundaries of the Annapolis Road/Glenridge Neighborhood Transit Oriented Center.

1994 Bladensburg, New Carrollton & Vicinity (PA 69) Approved Master Plan and Sectional Map Amendment

The site is in the 1994 *Bladensburg, New Carrollton & Vicinity (PA 69) Approved Master Plan and Sectional Map Amendment* which includes applicable goals, objectives, and guidelines for protecting, preserving, and restoring regulated environmental features (REF). The text for the goal, objectives, and guidelines are in **bold**, with responses on how the application addresses the master plan goal with objectives and guidelines in plain text.

Goal: To protect and enhance the environmental quality of the Planning Area by preserving natural environmental assets as an integral part of the community.

In accordance with this Master Plan goal, Subtitles 24-4300, 27-6800, and 25-121(b) of County code, the development of the site shall preserve the woodlands located on the southern slope of the property as this is a natural environmental asset, as well as the primary management area (PMA) located on the northwest part of the property.

Objective(s):

To identify and preserve natural and manmade features that have a significant influence on the environmental and aesthetic quality of the Planning Area.

In accordance with this Master Plan objective, Subtitles 24-4300, 27-6800, and 25-121(b) of County code, woodlands located on the southern slope of the property as well as the PMA located on the northwest part of the property were identified in the approved natural resource inventory (NRI) for the site. These areas shall be preserved to the fullest extent practicable with future development applications.

To maintain the natural character and aesthetic qualities of stream valleys, wetlands and associated buffers – properly planning for stormwater management to prevent loss of life, to minimize property damage, and avoid interruption of services.

In accordance with this Master Plan objective, Subtitles 24-4300, 27-6800, and 25-121(b) of County code, the development of the site shall preserve the PMA and the woodlands located on the southern slope of the property as this will maintain the natural character and aesthetic qualities of the off-site stream valley in the Lower Beaverdam Creek watershed. The proposed development will be subject to current stormwater management requirements and will be reviewed and approved by the County's Department of Permitting, Inspections and Enforcement (DPIE) prior to Planning Board approval of future development applications.

Guidelines:

Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.

In accordance with this Master Plan guideline and per Subtitle 25-121(b) of County code, woodlands located on the southern slope of the property as well as the PMA located on the northwest part of the property were identified in the approved NRI for the site. These areas shall be preserved to the fullest extent practicable with future development applications. Trees utilized as woodland conservation shall be protected by a woodland and wildlife habitat conservation easement.

Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.

In accordance with this master plan guideline and per Subtitle 25-121(b) of County code, woodlands associated with the off-site stream corridors and steep slopes shall be preserved to the fullest extent practicable.

All development proposals shall provide effective means for the preservation and protection of Natural Reserve Areas, and development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.

The Environmental Feature Map provided with the Master Plan does not show a Natural Reserve Area in the location of this site. However, the existing woodlands and PMA shall be preserved to the fullest extent practicable and protected by woodland conservation and conservation easements.

CONFORMANCE WITH THE GREEN INFRASTRUCTURE PLAN

The 2017 *Countywide Green Infrastructure Plan* (GI Plan) was approved with the adoption of the *Approved Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the approved GI Plan, there are mapped Regulated and Evaluation Areas on or abutting to this property.

Implementation of the Green Infrastructure Plan: Policies and Strategies

The following policies and strategies are applicable to the subject application. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan 2035.

Strategies

1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:

- a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.
- b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.
- c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.
- d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

- a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.
- b. Prioritize use of public funds to preserve, enhance, connect, restore, and protect critical ecological systems.

The site does not contain any REF, however natural slopes of 15 percent or greater that are adjacent to an off-site stream occur on-site. Due to these steep slopes a small portion of the site located on the northwest property line contains PMA. The property is not within a SCA. The southern portion of the site consists of wooded steep slopes. In accordance with this master plan policy and strategies, Subtitles 24-4300, 27-6800, and 25-121(b) of County code, it is encouraged that this area be preserved to protect the green infrastructure that is mapped in this area.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.

2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.

As shown on NRI-137-2024, the site does not contain any REF. In accordance with this master plan policy, Subtitles 24-4300, 27-6800, and 25-121(b), woodland conservation requirements will be evaluated through the review of tree conservation plans associated with future development applications.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

As shown on NRI-137-2024, the site does not contain REF. The site is currently developed with impervious surfaces except for the wooded area along the southern property line. No culverts, bridges, or roads are proposed.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.

As shown on NRI-137-2024, the site does not contain REF. However, the area located in the PMA will need to be placed in a conservation easement with future development applications. In accordance with this master plan policy, Subtitles 24-4300, 27-6800, and 25-121(b), woodland conservation requirements will be evaluated with through the review of tree conservation plans associated with future development applications.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.

5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.

As shown on NRI-137-2024, the site does not contain REF. In accordance with this master plan policy, Subtitles 24-4303 and 27-6806, the proposed development will be subject to current stormwater management requirements which will protect Green Infrastructure areas by improving the stormwater runoff into the Anacostia watershed.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

In accordance with this master plan policy, Subtitles 24-4304, 27-6803, and Subtitle 25 Division 3 of County Code, tree canopy coverage and other landscape manual requirements will be evaluated at the time of detailed site plan.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Tree canopy coverage and other landscape manual requirements will be evaluated at the time of detailed site plan. In accordance with this master plan policy, Subtitles 24-4304, 27-6803, and Subtitle 25 Division 3, it is encouraged to maintain the woodlands found along the southern property line that abuts M-NCPPC property.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

Section 27-6802 of County code requires an approved NRI plan with planned development ZMA applications. Approved NRI-137-2024 was included in the application. The plan shows the site is mostly developed with a former car dealership. The southern portion of the site contains a wooded steep slope. There are no REFs on-site, however a small amount of PMA is located on the northwest corner of the site for steep slopes associated with an off-site stream. No further information is needed at this time.

Woodland Conservation

The project is subject to the 2024 Woodland and Wildlife Habitat Conservation Ordinance (2024 WCO) and the environmental regulations contained in Subtitles 24, 25, and 27 of County code. The woodland conservation and afforestation thresholds will remain at 15 percent with the proposed NAC-PD Zone.

The site does not qualify for a standard letter of exemption from the 2024 WCO because the site is greater than 40,000 square feet. All future development applications will require tree conservation plans in accordance with the 2024 WCO. Because the project is within the Annapolis Road/Glenridge Transit Oriented Neighborhood Center, in accordance with Section 25-121(c)(1)(B)(ii) of County code, the woodland removed shall be replaced at a ratio of 0.25 acre planted for every one acre removed. In accordance with Section 25-121(c)(3) of County code, the woodland conservation and afforestation thresholds shall be met on-site, and per Section 25-121(c)(1)(c) of County code all unforested riparian buffers on-site shall be afforested.

Specimen Trees

The approved NRI-137-2024 identifies no specimen trees on-site, but two were located off-site.

Regulated Environmental Features

The approved NRI-137-2024 shows 0.04 acre of PMA for steep slopes adjacent to an off-site stream buffer along the northwestern corner of the property. No other regulated environmental features are located on-site.

Stormwater Management

Section 27-3605(c)(5)(F)(x) of the Zoning Ordinance requires an approved stormwater management concept plan and approval letter in the Development Review Division application. A Site Development Concept is required to be reviewed by DPIE. The concept shall be submitted and reviewed with the future preliminary plan of subdivision and detailed site plan and the layout consistent with the tree conservation plans.

Soils

Section 27-6809, Unsafe Lands of the Zoning Ordinance, states that “all applications shall conform to the requirements pertaining to unsafe land in Section 24-4300, Environmental Standards, of Subtitle 24: Subdivision Regulations”. This application will use the current Subdivision Regulations, and Section 24-4101(c) (1) states “The Planning Director or Planning Board, as appropriate, shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes or soils that are unstable either because they are highly erodible or prone to significant movement or deformation (Factor of Safety < 1.5), or b) man-made conditions on the land, including but not limited to unstable fills or slopes.”

The predominant soil found to occur, according to the U.S. Department of Agriculture Natural Resource Conservation Service Web Soil Survey, is Urban land-Russett-Christiana complex. Christiana clay is mapped on the site, but no geotechnical issues have been identified at this time.

The applicant indicated in the statement of justification that the site contains contaminated soils from its prior use as a car dealership. The applicant intends to enroll in the Maryland Department of the Environment’s Voluntary Cleanup Program to clean up the site. Future development applications shall include detailed information regarding the clean-up of the contaminated soils found on-site.

Erosion and Sediment Control

Section 27-6805 of the Zoning Ordinance requires an approved Grading, Erosion, and Sediment Control Plan. Development shall comply with the requirements for sediment and erosion control in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sediment Control, of the Prince George's County Code.

Erosion and sediment control will be addressed at the time of detailed site plan along with the Type 2 tree conservation plan (TCP2). The TCP2 must reflect the ultimate limits of disturbance, not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures.

SUMMARY

If the proposed ZMA is approved to rezone the property from NAC to NAC-PD, the woodland conservation and afforestation thresholds will remain at 15 percent. In accordance with Section 25-121(c)(3) of County code the threshold shall be met on-site, and per Section 25-121(c)(1)(c) of County code all unforested riparian buffers on-site shall be afforested. Per the applicable master plans and the environmental requirements in Subtitles 24-4300, 27-6800, and 25 Division 2 of County code, woodland conservation requirements will be evaluated through the review of tree conservation plans associated with future development applications. Because the project is within the Annapolis Road/Glenridge Transit Oriented Neighborhood Center, in accordance with Section 25-121(c)(1)(B)(ii) of County code the woodland removed shall be replaced at a ratio of 0.25 acre planted for every one acre removed.



March 7, 2025

MEMORANDUM

TO: Evan King, Zoning Section, Development Review Division

FROM: Noelle Smith, AICP, Transportation Section, Countywide Planning Division

VIA:  Crystal Hancock, Transportation Planning Section, Countywide Planning Division

SUBJECT: **ZMA-2024-003, RST New Carrollton**

Proposal

The subject application is a Zoning Map Amendment (ZMA) that proposes to rezone the approximate 4.29-acre General Commercial (C-2) property, located in Lanham, to the Neighborhood Activity Center – Planned Development (NAC-PD) zone. The Transportation Planning Section (TPS) review of the referenced ZMA application was evaluated using the standards of Section 27 of the current Zoning Ordinance.

Background

The property is located at 7591 Annapolis Road and is currently developed with a former Lincoln Mercury automobile dealership and operates as a car rental and repair facility. The site has no prior approvals that impact the subject application.

Analysis of Traffic Impacts

The subject property is located within the C-2 with a request to rezone to NAC-PD, within Transportation Service Area (TSA) 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections, a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if the delay exceeds 50 seconds, (c) if the delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed and the standard of CLV is 1,150 or less.

For all-way stop-controlled intersections, a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if the delay exceeds 50 seconds, the CLV is computed and the standard of CLV is 1,150 or less.

Comment: The subject application will be followed by a Preliminary Plan of Subdivision (PPS) and a Detailed Site Plan (DET). The review of these applications will require a full traffic study analysis.

Master Plan Compliance

This application is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity*.

Master Plan Right of Way

The subject property fronts along Annapolis Road (MD 450), an arterial roadway with a 120-foot right-of-way. The site also has limited frontage along 77th Avenue, which is not identified as a master planned facility. All right-of-way and/or dedication requirements will be addressed at the time of PPS.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends a wide sidewalk and on-road bicycle facilities along MD 450. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

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

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* recommends the following goals related to multimodal transportation:

Goal (pg.125): to provide a safe, efficient and effective circulation and transportation system which will maximize accessibility and the movement of people and goods in the Planning Area region.

Comment: The development will utilize the existing MD 450 roadway for site access. The implementation of the master planned bicycle and pedestrian facilities will be evaluated with subsequent applications. Staff recommend extensive and comprehensive connections, facilities and amenities throughout the site to meet the intent of both the master and area sector plans. Amenities such as long- and short-term bicycle parking, crosswalks, convenient pathways, wayfinding signage to the nearby transit stops, etc., will be evaluated with the development.

Zoning Ordinance

Section 27-3602 of the zoning ordinance provides guidance on the procedure for developments within the Planned Development (PD) zone. Section 27-4300 provides the general purposes and provisions of PD and Transit Oriented zones. The elements of this section which are specific to transportation have been provided below:

Section 27-4301(d), General Standards for All Planned Development Zones**(1) PD Basic Plan**

(I) Identify the general on-site pedestrian circulation system, including any existing on-site and adjacent pedestrian circulation systems (pedestrian and bicycle pathways, and trails), and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

(J) Identify the general design and layout of the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system, and connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

Comment: The submitted site plans include the general pedestrian, bicycle, and vehicular circulation on site. The development proposes two vehicular access points along MD 450. The final configuration of the access points will be determined with subsequent applications. The site has an existing sidewalk along the frontage of MD 450, connecting the site to adjacent properties and nearby Purple Line station. The development also proposes pedestrian connections within the site, connecting the building entrances to the roadway frontage. No new public or private streets are proposed with this application.

(3) Public Benefits

(C) Public benefits may be exhibited in one or more of the following ways:

- (xii) Enhanced streetscape design and maintenance provisions;**
- (xiv) Multimodal transportation improvements, including, but not limited to, electric vehicle charging stations, the location, and funding of bike share stations, commuter services (such as guaranteed ride home services or information on bicycle and car share programs), the construction and maintenance of buffered/separated bike lanes, provision of comprehensive wayfinding signage, provision and maintenance of bus shelters and smart signage, etc.; and**
- (xv) Other public benefits and project amenities that substantially advance the policies, goals, and objectives of the General Plan or the applicable Area Master Plan, Sector Plan, or Functional Master Plans.**

Comment: The applicant proposes the following improvements as the public benefit for the site:

1. Incorporating transparent facades to engage pedestrian interaction with the retail spaces along the frontage of MD 450.
2. Providing a courtyard and plaza areas adjacent to the pedestrian pathway to serve passing by and resident patrons.

3. Concealing parking to the center of the site.
4. Building setbacks.
5. Sustainable building materials.
6. Affordable housing.
7. Dedicated building space for non-profit organizations and use.
8. Electric vehicular parking.

Staff recommend an additional connection to the adjacent 77th Avenue to enhance connectivity to the neighborhood and nearby transit. However, the grading and slopes of the property along that portion of the property will not accommodate an ADA accessible connection.

Section 27-4303(a) provides additional guidance for the purpose and standards of NAC-PD, as it relates to circulation and connectivity.

Comment: The development proposes utilizing existing roadways, with no new streets proposed. Sidewalks currently exist along the roadway frontage of MD 450. Widened sidewalks are proposed, however, the development will be subject to the streetscape design of the permitting agency. The site plan includes multiple pedestrian connections through the site, connecting to the roadway frontage and proposed streetscape amenities. The existing and proposed infrastructure will also provide connections to the adjacent properties and nearby transit stops. Lastly, the majority of parking is proposed within a garage at the center of the site, with limited surface parking proposed for access to the rental office.

Transportation Staff Conclusions

Based on the findings presented above, staff find that transportation facilities as well as pedestrian and bicycle facilities within the proposed application are consistent with Section 27-3602. The proposed re-zoning of the property will not impair the ability to make transportation-related recommendations that are supported by an approved Master Plan or Functional Master Plan or included in the subdivision regulations and zoning ordinance, with the following condition:

1. Prior to the acceptance of a preliminary plan of subdivision, the applicant, and the applicant's heirs, successors, and/or assigns shall:
 - a. Submit a Traffic Impact Analysis (TIA) to evaluate transportation adequacy and a Bicycle and Pedestrian Impact Statement (BPIS) to evaluate bicycle and pedestrian adequacy as part of the Preliminary Plan of Subdivision application.



February 12, 2025

MEMORANDUM

TO: Evan King, Planner II, Zoning Section

VIA: Mridula Gupta, Acting Planning Supervisor, Subdivision Section *JDH*

FROM: Jason Bartlett, Planner II, Subdivision Section *JB*

SUBJECT: ZMA-2024-003; RST New Carrollton

The subject 4.29-acre property consists of Parcel C, recorded in the Prince George's County Land Records in Plat Book NLP 99, plat no. 94 dated March 21, 1978. The property is located within the Neighborhood Activity Center (NAC) Zone. The applicant has requested to rezone the subject property from NAC Zone to the Neighborhood Activity Center Planned Development (NAC-PD) Zone, pursuant to Sections 27-3601 and 27-3602 of the Prince George's County Zoning Ordinance, for development of up to 300 multifamily dwelling units with a maximum density of 69 dwelling units per net lot area and up to 3,000 square feet of commercial space.

This case was accepted for review on January 31, 2025. Comments were previously provided at the SDRC meeting held on January 14, 2025, and this referral memo is based on plans received on January 31, 2025.

The property is subject to a previous Preliminary Plan of Subdivision (PPS) 4-77292. The property is currently improved with a vehicle rental and repair facility, which is to be razed. A PPS and a certificate of adequacy will be required for the proposed development and division of land following approval of this application per Section 24-3402(b) of the Subdivision Regulations. The new PPS will supersede the prior PPS 4-77292. The proposed site layout and lotting pattern will be further evaluated with the PPS and must comply with all design standards contained in Subdivision Regulations. A final plat of subdivision is required subsequent to approval of this zoning map amendment and following the approval of the PPS before any permits may be approved for development of this site.

Additional Comments

1. The applicant's statement of justification and exhibits identify the proposed public benefits with this application. These include the following:
 - a. Enhanced architecture for facades along the public streets.
 - b. Provision of an enclosed open space (courtyard) open to the public.
 - c. Location of parking structures in the building interior so that they are not visible from the street.

- d. Articulated building form and use of multiple building materials to enhance visual interest.
- e. Enhanced sustainability standards and attainment of National Green Building Standard (NGBS) certification.

The public benefits proposed for the planned development zone in accordance with Section 27-4301(d)(3) of the Zoning Ordinance, should be over and above what would be required to meet the subdivision standards of Part 24-4 of Subdivision Regulations at the time of the PPS such as public facilities adequacy, master plan conformance, and mandatory dedication of parkland. The applicant should demonstrate how the proposed public benefits exceed the improvements required for Section 24-4402, Section 24-4500, and Section 24-4600 of the Subdivision Regulations.

- 2. Section 27-6206(d) of the Zoning Ordinance restrict direct access to an arterial road. The zoning map amendment plan shows two points of direct access to MD 450, a master planned arterial road. The access points and their location will be further evaluated at the time of PPS.
- 3. The subject property is adjacent to MD 450, a master planned arterial road. A Phase I noise study will be required at the time of PPS, to establish noise levels on the property in accordance with Section 27-6104 of the Zoning Ordinance.

Recommended Conditions

None.

This referral is provided for the purpose of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. All bearings and distances must be clearly shown on the zoning map amendment plan and must be consistent with the legal descriptions of the property. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: March 3, 2025

TO: Evan King, Planner II
Development Review Division
Planning Department

VIA: Sonja Ewing, Division Chief [SE](#)
Dominic Quattrocchi, Planning Supervisor [DQ](#)
Park Planning and Environmental Stewardship
Department of Parks and Recreation

FROM: Ivy Thompson, AICP, Planner III [IRT](#)
Land Acquisition/Management & Development Review Section
Park Planning and Environmental Stewardship
Department of Parks and Recreation

SUBJECT: **ZMA-2024-003 RST NEW CARROLLTON**

The Department of Parks and Recreation (DPR) staff reviewed and evaluated this application as it pertains to public parks and recreational facilities.

PROPOSAL

This application is a petition to rezone the subject site from NAC to NAC-PD to allow the development of multifamily residential development with up to 275 affordable dwelling units and up to 3,000 sq ft of retail/ non-profit space.

BACKGROUND:

Located on the south side of Annapolis Road (MD 450) approximately 400 feet east of its intersection with MD 410, the subject site is adjacent to MNCPPC land at the southern property boundary. This rezoning application for mixed use commercial retail development is subject to Zoning Ordinance Section 27-4301(d)(1) subsection F-I, M are specific to DPR staff evaluation. The application is also subject to Subdivision Regulation 24-4600 Mandatory Parkland Dedication, which is separate from any public benefits provided as part of the ZMA. The site is subject to the 1994 *Approved Bladensburg, New Carrollton and Vicinity (PA 69) Approved Master Plan and SMA*, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and *Formula 2040, Functional Master Plan for Parks, Recreation, and Open Space*.

DISCUSSION

Park and recreation amenities serving the subject property include Glenridge Park and the West Lanham Neighborhood Park, both are within a mile of the development site. Outdoor community areas and connections to the West Lanham Neighborhood Park are recommended for this development proposal, which is for a mix of multifamily dwellings, with a density of approximately 10 to 70 dwellings per acre and 3,000 square feet of retail/non-profit space. The Basic Plan

illustrates Open Space along the property frontage and the southern property line that abuts MNCPPC owned land. The applicant is preserving the onsite woodlands as passive recreation space. The pedestrian circulation shown connects to Annapolis Road. Per the Statement of Justification, the slopes along the southern boundary impede the opportunity to create pedestrian access to the West Lanham Park via 77th Avenue. This should be further analyzed as part of future development applications. The Statement of Justification states that the public space will be designed as a public courtyard adjacent to bicycle path and sidewalk. At the time of the evaluation of the Preliminary Plan of Subdivision, DPR staff will review the recommendations and requirements of the NAC-PD zone, relevant Master Plans, and the Subdivision Regulations as they pertain to the provision of public parks and recreation facilities.

RECOMMENDATIONS:

The Department of Parks and Recreation (DPR) recommends approval of the zoning change request with the following conditions:

1. The applicant shall develop a path/trail extension to connect to West Lanham Park as a public benefit.

cc: Leonard Pettiford

ZMA-2024-003
PROPOSED CONDITIONS IN CONFORMANCE
WITH SECTION 27-3602(a)(5)(H)

27-3602. Planned Development (PD) Zoning Map Amendment

(a) Planned Development (PD) Map Amendment Submittal Requirements

(5) A PD map amendment application shall include the following:

(H) A proposed PD Basic Plan and proposed PD Conditions of Approval addressing all requirements and standards set forth in Section [27-4300](#), Planned Development Zones; and

As the proposed development progresses through the entitlement process, all of the applicable provisions of the subdivision and zoning ordinance will be addressed. Specifically related to compliance with Section 27-3602(a)(5)(H), most of the requirements and standards set forth in Section 27-4300 will be incorporated into the Detailed Site Plan and implemented through the construction of the project. With specific regard to the proposed public benefit features, many of them will also be incorporated into the Detailed Site Plan and implemented with the construction of the project. These public benefit features include the following:

Section 27-4301(d)(3)(C)(i): Urban design and architecture

Section 27-4301(d)(3)(C)(iv): Site planning

Section 27-4301(d)(3)(C)(xi): Sustainable and environmental benefits/enhanced green building design features.

Section 27-4301(d)(3)(C)(xiv): Multimodal transportation improvements/EV charging stations,

Section 27-4301(d)(3)(C)(xii): Enhanced streetscape design

The Zoning Ordinance requires that the public benefit features be tangible and quantifiable. The inclusion of the public benefit features listed above into the Detailed Site plan ensure they are quantifiable and the implementation of the project through its construction will ensure that all of these features are incorporated.

There are public benefit features proposed which are not specifically incorporated into the Detailed Site Plan and guaranteed by the construction of the project. For these public benefit features, conditions of approval are appropriate. Specifically, the public benefit features which have been proposed but are not guaranteed by the implementation of the Detailed Site Plan are as follows:

Section 27-4301(d)(3)(C)(vii): Provision of affordable housing options;

Section 27-4301(d)(3)(C)(x): Dedicated building space for uses to benefit the public

As noted in the Statement of Justification, the affordable housing component will be guaranteed through LIHTC financing. In order to complete the financing, the Applicant must have a building

permit. At that point, a covenant will be recorded setting forth this guarantee. Attached is a copy of a LIHTC Covenant recorded for a similar project in the City of College Park constructed by this same Applicant. The Applicant would propose the following condition to ensure the implementation of this public benefit feature:

Prior to the issuance of a use and occupancy permit for the proposed building, the Applicant shall provide evidence of the recordation of a Low-Income Housing Tax Credit Covenant entered into with the Community Development Administration, or other appropriate division of the State of Maryland.

The space provided for use by a designated non-profit will be constructed and available at the time of use and occupancy. The provision of the space is clearly ensured by the construction of the project. However, the Applicant would propose that it will use best efforts to identify and lease the space to a non-profit entity or entities and provide the space rent-free to that entity or entities. In the event however, that an appropriate non-profit entity is identified within 1 year after the final use and occupancy permit is issued for the residential units, the Applicant will be permitted to lease the non-residential space to any other use permitted in the NAC Zone. The applicant would propose the following condition:

The Applicant shall include 3,000± of non-residential space in the Detailed Site Plan to be submitted for this project. The Applicant shall use best efforts to provide this space rent free to a non-profit entity or entities upon construction of the building. In the event that the Applicant has been unable to identify an appropriate non-profit entity to occupy the space within one year following the issuance of the final use and occupancy permit for the residential units, the Applicant will be permitted to seek a use and occupancy permit for a commercial tenant permitted in the NAC Zone.

The above conditions will ensure that the requirements of 27-4300 et. seq are addressed.

This instrument is exempt from recordation tax and transfer tax under Section 12-108(a) and 13-207(a) of the Annotated Code of Maryland, Tax-Property Article

Record & Return to:

 Fidelity National Title
Insurance Company

1620 L Street NW, 4th Floor
Washington, DC 20036

File #: DL2301219 4 of 7

PRINCE GEORGE'S COUNTY, MD

APPROVED BY: # KL3

DATE: 11/29/2023

\$ N/A RECORDATION TAX PAID
\$ 1/4 TRANSFER TAX PAID

Project Name: Flats at College Park

Project Number: MBP 29.628.4700

DECLARATION OF RESTRICTIVE COVENANTS AND REGULATORY AGREEMENT

THIS DECLARATION OF RESTRICTIVE COVENANTS AND REGULATORY AGREEMENT (this "**Regulatory Agreement**") is made as of the 1st day of November, 2023 by and between FLATS AT COLLEGE PARK, LLC, a Virginia limited liability company (the "**Declarant**"), and the COMMUNITY DEVELOPMENT ADMINISTRATION ("**CDA**"), a unit of the Division of Development Finance of the Department of Housing and Community Development, a principal department of the State of Maryland.

WITNESSETH:

WHEREAS, the Declarant has requested and CDA has agreed to make a loan to the Declarant, in the principal amount of Sixty-Five Million Five Hundred Thousand and no/100 Dollars (\$65,500,000) (the "**Project Loan**") to finance a portion of the costs of acquisition and construction of a "**public purpose project**" within the meaning of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, and the regulations promulgated thereunder (the "**Act**") known, or to be known, as Flats at College Park (the "**Project**"). The Project will consist of 317 residential rental units and is located on real property in Prince George's County, Maryland (the "**Property**").

WHEREAS, the Project Loan will be made from the proceeds of a separate loan made to CDA pursuant to the Funding Loan Agreement of even date herewith (the "**Funding Loan Agreement**"), by and among CDA, Wilmington Trust, National Association, as Fiscal Agent, and Wells Fargo Bank, National Association (the "**Funding Lender**") and evidenced by a Multifamily Note from CDA in favor of the Funding Lender (the "**Governmental Note**") in the original principal amount equal to the amount of the Project Loan (the "**Funding Loan**").

WHEREAS, the Declarant is willing to subject the Property to the covenants and restrictions contained in this Regulatory Agreement in order to (i) induce CDA to make the Project Loan and (ii) to satisfy certain requirements applicable to qualification of the interest on the Governmental Note for exclusion from gross income under Section 103 and other applicable provisions of the Code (as defined herein), for federal income tax purposes, including particularly, but without limitation, certain applicable low-income housing set-aside restrictions applicable to the Governmental Note and the Project Loan under Section 142(d) of the Code.

NOW, THEREFORE, in consideration of the premises set forth in the recitals above (the "**Recitals**") and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

1. **Definitions.** As used in this Regulatory Agreement, the following terms have the following meanings:

“**Act**” has the meaning set forth in the Recitals.

“**AMGI**” means the area median gross income for the area in which the Project is located, as determined from time to time by the Secretary of the United States Department of Housing and Urban Development in a manner consistent with determinations of lower income families and area median gross income under Section 8 of the United States Housing Act of 1937, as amended (or if such program is terminated, under such program as in effect immediately before such termination). In no event shall any determination of AMGI be less than such determination of AMGI for the preceding calendar year.

“**Annual Income**” means annual income as defined by the United States Department of Housing and Urban Development at 24 CFR §5.609, as amended.

“**Bond Counsel**” means the firm or firms of bond attorneys whose opinion is set forth on the Governmental Note, or their successors appointed by CDA, or a firm of nationally recognized attorneys at law experienced in the financing of facilities for non-exempt persons through the issuance of tax-exempt revenue bonds and other tax-exempt financing under the exemptions provided under Section 142 of the Code and predecessor provisions and approved by CDA and the Declarant, such approval not to be unreasonably withheld.

“**CDA**” has the meaning set forth in the Recitals.

“**CDA Restrictions**” has the meaning set forth in Section 14.1 hereof.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Declarant**” has the meaning set forth in the Recitals and includes the successors and assigns of such entity.

“**Dwelling Units**” or “**Units**” means any accommodation or unit in the Project containing separate and complete facilities for living, sleeping, eating, cooking and sanitation for a single person or a family. Such accommodations may be served by centrally located equipment, such as air conditioning or heating. As an example, an apartment containing a living area, a sleeping area, bathing and sanitation facilities, and cooking facilities equipped with a cooking range, refrigerator and sink, would constitute a Unit. Each Unit shall be “**similarly constructed**” (within the meaning of Treasury Regulation Section 1.103-8(b)(4), as amended) to all other Units in the Project. An accommodation shall not fail to be treated as a Unit merely because such accommodation is a single-room occupancy Unit (within the meaning of Section 42 of the Code).

“**Income Restrictions**” has the meaning set forth in Section 14.1 hereof.

“**Land Records**” means the land records of Prince George’s County, Maryland.

“**Lower-Income Tenant Occupancy Requirement**” means the requirement of the Code that 40% of the Units in the Project be occupied by Lower-Income Tenants as provided in Section 4 hereof.

"Lower-Income Tenants" means individuals whose Annual Income is 60% or less of AMGI, as adjusted for family size. Except as otherwise provided herein, occupants of a Dwelling Unit shall not be considered to be Lower-Income Tenants if all the occupants are students (as defined in Section 152(f)(2) of the Code), no one of whom is entitled to file a joint federal income tax return. Notwithstanding the foregoing, a tenant is not disqualified as a Lower-Income Tenant merely because he/she is (a) a student receiving assistance under Title IV of the Social Security Act, (b) enrolled in a government supported job training program, (c) a full-time student who is a single parent and is living with his/her children, provided that neither such full time student nor any of his/her children occupying the Unit are dependents of any person other than the full-time student occupying the Unit, (d) a full-time student who is married and files a joint return or (e) a student who was previously under the care and placement responsibility of a foster care program (under part B or Part E of the Title IV of the Social Security Act).

"Project Loan" has the meaning set forth in the Recitals.

"Project Note" means the Project Loan Note of even date herewith evidencing the Project Loan.

"Qualified Project Period" has the meaning used in Section 142(d)(2)(A) of the Code and generally means the period beginning on the first date (on or after the closing date of the Project Loan) on which 10% of the residential Units in the Project are occupied and ending on the latest of the following dates: (1) the date which is 15 years after the first date (on or after the closing date of the Project Loan) on which 50% of the residential Units in the Project are occupied; (2) the first date (on or after the closing date of the Project Loan) on which no proceeds of the Funding Loan with respect to the Project are outstanding; or (3) the first date (on or after the closing date of the Project Loan) on which all assistance provided with respect to the Project under Section 8 has terminated.

"Qualified Residential Rental Project" means a project that satisfies the requirements of a "qualified residential rental project" as set forth in Section 142(d) of the Code.

"Regulated Units" means those Units rented to and occupied by Lower-Income Tenants to satisfy the Lower-Income Tenant Occupancy Requirement.

"Restrictive Covenants" has the meaning set forth in Section 2 hereof.

"Section 8" means Section 8 of the United States Housing Act of 1937, as amended.

"Tax Credit Restrictions" has the meaning set forth in Section 14.1 hereof.

2. Covenants Running with the Land. The Declarant declares that the Property and every part of it is and shall be owned (legally and beneficially), leased, or otherwise conveyed, transferred, developed, constructed, rehabilitated, improved, built upon, occupied, or otherwise used, subject to the covenants and restrictions set forth in Sections 3 through 6 below (collectively, the **"Restrictive Covenants"**). The Restrictive Covenants shall run with the Property and every part of it for all purposes and shall be binding upon the Declarant and all property owners, tenants, licensees, occupants, and their successors in interest with respect to the Property and shall inure to the benefit of the Declarant and CDA and their respective successors and assigns.

3. Rental Requirement.

3.1 (a) All of the Dwelling Units in the Project shall be rented or made available for rental on a continuous basis to members of the general public;

(b) Unless approved by CDA and to the extent permitted under applicable laws, rules and/or regulations, the Declarant shall not give preference in renting Dwelling Units in the Project to any particular class or group of persons, other than Lower-Income Tenants as provided in Section 4 below; and

(c) The Declarant shall not refuse to lease any Unit in the Project to a prospective tenant who is a holder of a voucher or certificate of eligibility under Section 8 solely on the basis of the prospective tenant's status as a holder of such voucher or certificate.

3.2 None of the Dwelling Units shall at any time be utilized on a transient basis, provided that a single-room occupancy Unit shall not be treated as used on a transient basis merely because it is rented on a month-by-month basis; none of the Dwelling Units shall ever be leased or rented for a period of less than 30 days; and neither the Project nor any portion thereof shall ever be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, sanitarium, nursing home, rest home, or trailer court or park. None of the occupants of such Units shall be provided services customarily found in hotels such as room service for food and beverages, maid service, furnishing and laundering of linens or valet service, and the Declarant shall not provide continued or frequent nursing, medical or psychiatric services to residents of the Project.

3.3 No part of the Project shall at any time be owned or used by a cooperative housing corporation unless otherwise approved in writing by Bond Counsel.

3.4 The Project shall not include a Unit in a building unless all Units in such building are included in the Project.

3.5 The Project shall consist of one or more discrete edifices and other man-made construction, each consisting of an independent foundation, outer walls and roof, all of which are: (i) owned by the same person for federal tax purposes; and (ii) financed by the Project Loan or otherwise pursuant to a common plan of finance. The Project shall be located on (i) a common tract of land, (ii) two or more tracts of land which are contiguous except for being separated only by a road, street or stream or similar property, or (iii) two or more tracts of land whose boundaries meet at one or more points.

3.6 The Project shall consist of: Dwelling Units and facilities functionally related and subordinate in purpose and size to property described above, e.g. parking areas, swimming pool, exercise room, and other recreational facilities reasonably required for the Project, heating and cooling equipment, trash disposal equipment, or Units for resident managers or maintenance personnel.

3.7 The Declarant shall not convert the Project to condominium ownership.

3.8 (i) Except as provided in subsection (ii) of this Section 3.8, no Dwelling Unit in the Project shall be occupied by the Declarant at any time unless the Declarant resides in a Dwelling Unit in a building or structure which contains at least five Dwelling Units.

(ii) A reasonable number of Dwelling Units in the Project may be occupied by employees of the Declarant who are a resident manager or other necessary employee (e.g., maintenance and security personnel), and such units will not be taken into account in determining whether the low income occupancy requirement has been satisfied.

4. Lower-Income Tenants and Occupancy Requirements. The Declarant hereby represents, covenants, and agrees that it shall comply with the occupancy requirements of this Section 4.

4.1 At all times during the Qualified Project Period and, if longer, for such additional period as the Project Loan remains outstanding, the Lower-Income Tenant Occupancy Requirement shall be met. The Declarant hereby acknowledges, covenants and agrees that for the purposes of applying the Lower-Income Tenant Occupancy Requirement, the Project shall be treated as a separate Qualified Residential Rental Project.

4.2 For the purpose of satisfying the covenant in Section 4.1 above, a residential Unit in the Project shall be treated as "occupied" if it was previously rented to and occupied by a Lower-Income Tenant and is being held vacant and available for rental to a Lower-Income Tenant. When such a Unit is re-occupied (other than for a temporary period of not more than 31 days), the character of the Unit shall be re-determined.

4.3 For purposes of satisfying the covenant in Section 4.1 above, the determination of Annual Income will be made both prior to occupancy and on a continuing basis. Increases in a Lower-Income Tenant's Annual Income up to 140% of the applicable limit (adjusted for family size) will not result in disqualification as a Lower Income Tenant. In the event that a Lower-Income Tenant's Annual Income, determined as of the most recent Annual Income Certification as described in Section 4.5 hereof, increases to a level more than 140% of the then applicable limit (or if a Lower-Income Tenant's family size decreases so that its Annual Income becomes more than 140% of the then applicable limit adjusted for family size), and before the next Annual Income Certification, each Unit of a comparable or smaller size in the Project (or in the same building if tax credits under Section 42 of the Code are allowed with respect to the Project) that subsequently becomes available is not rented to a Lower-Income Tenant, that Lower-Income Tenant may no longer be counted among the 40% of Units that satisfy the Lower-Income Tenant Occupancy Requirement.

4.4 Within 30 days after the dates on which at least 10% and 50%, respectively, of the Dwelling Units in the Project are first occupied following the closing of the Funding Loan and the Project Loan, the Declarant shall prepare and submit to CDA a certificate (which may be in the form attached hereto as Exhibit B) in recordable form identifying such date (which may be the date of closing of the Funding Loan) for purposes of the calculation of the commencement and termination of the Qualified Project Period, as applicable.

4.5 The Declarant shall obtain and maintain on file annual certifications of Annual Income (the "**Annual Income Certifications**") from each Lower-Income Tenant in the form and containing such information as may be required by the Code. The first such Annual Income Certification shall be dated not later than either (i) in the case of a tenant who initially executes his/her lease after the date of closing of the Funding Loan, the date of execution of the lease, or (ii) in the case of a tenant who was residing in a residential unit on the date of closing of the Funding Loan, the date that is no later than one year after the date of closing of the Funding Loan. Subsequent Annual Income Certifications for existing tenants shall be dated no earlier than 30 days prior to the anniversary date of initial occupancy. Photocopies of each Annual Income

Certification for each new Lower-Income Tenant shall be submitted to CDA as requested by CDA, which may be as often as may be necessary, in the opinion of Bond Counsel, to comply with applicable provisions of the Code.

4.6 The Declarant shall maintain complete and accurate records pertaining to the Dwelling Units occupied or to be occupied by Lower-Income Tenants, and permit any duly authorized representative of CDA, the United States Department of the Treasury or the Internal Revenue Service to inspect the books and records of the Declarant pertaining to the certifications of Annual Income of Lower-Income Tenants residing in the Project upon reasonable notice and at reasonable times.

4.7 The Declarant shall immediately notify CDA if at any time the Dwelling Units in the Project are not occupied or available for occupancy as provided in Section 4.1 above.

4.8 The Declarant shall prepare and submit to CDA a certificate executed by the Declarant stating, among other matters, the number of Dwelling Units of the Project which, as of the first day of such year, were occupied by Lower-Income Tenants or were vacant and available for rental to Lower-Income Tenants, as provided in Section 4.2 above, and stating that the Lower Income Tenant Occupancy Requirement has been met. Such certificate shall be submitted annually on a date determined by CDA for each calendar year following the closing of the Funding Loan.

5. Annual Certification. The Declarant shall submit to the Secretary of the United States Treasury Department, at such time and in such manner as the Secretary of the Treasury may prescribe, an annual certification as to whether the Project continues to meet the requirements of Section 142(d) of the Code.

6. Covenant with Respect to Use of Funding Loan Proceeds. The Declarant hereby covenants that all of the proceeds of the Project Loan will be used to finance buildings and equipment that qualify as a Qualified Residential Rental Project. CDA understands and agrees that the Regulated Units may be located in one or more of the buildings comprising the Project and that CDA will not require that each building contain one or more Regulated Units. All of the Dwelling Units in the Project shall be rented or available for rental on a continuous basis to the general public.

7. Duration and Termination.

7.1 Unless terminated sooner in accordance with the provisions of Sections 7.2 or 7.3, the Restrictive Covenants shall continue and remain in full force and effect at all times with respect to the Property and each part of it, now or hereafter made subject to the Restrictive Covenants, until the expiration of the Qualified Project Period or so long as the Project Loan is outstanding, whichever is longer, it being expressly agreed and understood that the provisions hereof may survive the repayment in full of the Project Loan, if such repayment occurs prior to the termination of the Qualified Project Period.

7.2 This Regulatory Agreement, or any provisions of it, or any of the Restrictive Covenants, may be terminated, extended, modified, or amended upon an amendment to or modification of applicable provisions of the Code relating to the exclusion of the interest on the Governmental Note from gross income for federal income tax purposes, provided CDA obtains an opinion of Bond Counsel to the effect that upon such termination, extension, modification, or amendment, interest on the Governmental Note shall remain excludable from

gross income for federal income tax purposes. Any such termination, extension, modification, or amendment shall be in writing and shall be effective only after execution by CDA and the Declarant, and recordation among the land records of the county in which the Property is located. For purposes of execution of the instrument evidencing such termination, extension, modification or amendment, the Declarant irrevocably appoints CDA its attorney-in-fact, with full power and authority to execute all documents and do all acts necessary or desirable to give effect to such termination, extension, modification, or amendment.

7.3 Notwithstanding any provisions of Sections 7.1 or 7.2 to the contrary, this Regulatory Agreement and the Restrictive Covenants shall automatically terminate in the event of involuntary noncompliance caused by fire, seizure, requisition, foreclosure, transfer of title by deed in lieu of foreclosure, change in a federal law or an action of a federal administration after the date hereof which prevents compliance with the covenants expressed herein, or condemnation or similar event, but only if, within a reasonable period either (i) an allocable portion of the Funding Loan is paid in full, or (ii) amounts received as a consequence of such event are used to provide a project which meets and is subject to the requirements of Section 142(d) of the Code and of Treasury Regulation Section 1.103-8(b), as amended; provided, however, that the restrictions thereof shall nevertheless apply to the Project if, at any time during that part of the Qualified Project Period subsequent to any involuntary event as described in this paragraph, the “**conduit borrower**” on the “**purpose investment**” (as those phrases are defined in Treasury Regulation Sections 1.150-1(b) and 1.148-1(b), as amended), or a “**related party**” (as that term is defined in Treasury Regulation Section 1.150-1(b), as amended) obtains an ownership interest in the Project for tax purposes.

8. Legal Action Upon Violation. Violation of any of these Restrictive Covenants may be enjoined, abated, restrained, or otherwise remedied by appropriate legal or equitable proceedings. Proceedings to restrain violation of these Restrictive Covenants may be brought at any time that such violation appears reasonably likely to occur in the future. In the event of proceedings brought by CDA or any person acting on behalf of CDA to enforce or restrain violation of any of these Restrictive Covenants, or to determine the rights or duties of any person under this Regulatory Agreement, CDA or any person acting on behalf of CDA, if it or they prevail in such proceedings, may recover reasonable attorneys’ fees to be fixed by the court, in addition to court costs and any other relief awarded by the court in such proceedings. However, enforcement of these Restrictive Covenants shall not result in any claim against the Project, the Project Loan Proceeds, or against the rents or other income from the Project.

9. Enforceability. The Restrictive Covenants shall bind the Declarant and its respective heirs, successors, and assigns, and shall inure to the benefit of and be enforceable by CDA and its successors and assigns. The failure of CDA to enforce any of the Restrictive Covenants shall not be deemed a waiver of the right to enforce them thereafter. There shall be no waiver of any of the Restrictive Covenants except in accordance with Section 7.2 above.

10. Grantee’s Covenants. Each grantee accepting a deed, lease (other than residential leases of Dwelling Units), or other instrument conveying any interest in the Property, whether or not it incorporates or refers to this Regulatory Agreement, covenants for itself, and its heirs, successors, and assigns to observe, perform and be bound by the Restrictive Covenants and, unless otherwise specifically permitted by CDA, to incorporate them by reference in any instrument of conveyance; however, this covenant shall not bind a grantee (other than the Declarant or a related person) upon involuntary conveyance of the Property in accordance with Section 7.3 above.

11. Governing Law. This Regulatory Agreement shall be governed by and construed in accordance with the laws of the State of Maryland.

12. Effect of Headings. The headings of the Sections in this Regulatory Agreement are for convenience only and do not affect the meanings or interpretation of the contents.

13. Severability. If any provision of this Regulatory Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions shall not in any way be affected or impaired.

14. CDA Required Provisions.

14.1 Additional CDA Restrictions.

(a) The Declarant has received a determination from CDA that the Project satisfies the requirements for an allocation of federal low income housing tax credits pursuant to Section 42(h)(4) of the Code, and the Project will be subject to income restrictions in connection therewith (the "**Tax Credit Restrictions**"). The Tax Credit Restrictions are evidenced by a Low Income Housing Tax Credit Covenant of even date herewith recorded among the Land Records (the "**Tax Credit Covenant**").

(b) The Declarant has agreed to further restrict the units in the Project as follows (the "**CDA Restrictions**"):

(i) 103 units must be rented to families each of whose Annual Income does not exceed 50% of AMGI; and

(ii) 163 units must be rented to families each of whose Annual Income does not exceed 60% of AMGI; and

(iii) 51 units must be rented to families each of whose Annual Income does not exceed 80% of AMGI; and

(iv) 0 units will be unrestricted market rate units.

(c) The Project will be subject to the Lower-Income Tenant Occupancy Requirements, the Tax Credit Restrictions and the CDA Restrictions (collectively, the "**Income Restrictions**"). Because the various Income Restrictions overlap, at any given time, the Project will be subject to the most restrictive Income Restrictions in effect at such time.

(d) In the event the Declarant has also received a loan or loans from CDA, or any other lender which imposes additional income restrictions on the Project which are more restrictive than the Income Restrictions (the "**Other Restrictions**"), the Project will be subject to the more restrictive of the Income Restrictions or the Other Restrictions in effect at any time.

14.2 Reserved.

14.3 UFAS Units. The Declarant shall ensure that the Project complies with the Uniform Federal Accessibility Standards ("**UFAS**") and all other applicable laws or requirements, including without limitation Section 504 of the Rehabilitation Act of 1973 ("**Section 504**") and the regulations implementing Section 504, and the Americans with Disabilities Act (the "**ADA**")

and the 2010 ADA Standards, as modified by HUD. The Declarant shall ensure that 5% of the units in the Project be UFAS-qualified with an additional 2% of the units in the Project UFAS-qualified for vision or hearing impaired residents (collectively, the "UFAS Units"). To ensure that persons with disabilities who require the features of a UFAS Unit (a "UFAS-Eligible Tenant") receive priority for UFAS Units, when a UFAS Unit becomes available, it must be offered first to a UFAS-Eligible Tenant even if other applicants who do not require accessible units have higher placement on the general waiting list. For family projects, if no UFAS-Eligible Tenant is available, the UFAS Unit shall be held for least 60 days after vacancy for a UFAS-Eligible Tenant. However, for all projects, Declarant shall not be required to disregard occupancy restrictions imposed by any applicable financing program, State or federal law or lease. Additionally, for all projects, when renting UFAS Units to households that do not require a UFAS Unit, owners are encouraged to include provisions in the lease that require the household to move to another comparable unit within the project in order to make the UFAS unit available for a UFAS-Eligible Tenant. The Declarant agrees to maintain a waiting list of UFAS-Eligible Tenants.

14.4 Amount of Initial Rent and Security Deposits.

(a) The Declarant agrees that the initial rent charged for Restricted Units shall not exceed the maximum rents permitted, net of utility allowances, under Section 42 of the Internal Revenue Code, subject to the income restrictions set forth in the Low Income Housing Tax Credit Covenant by and between CDA and the Declarant and Section 14.1 above. The initial rents shall be established at the time the Project is placed in service.

(b) The Declarant agrees that it will not require as a condition of the occupancy or leasing of any Regulated Unit, and may neither accept nor allow any employee or agent to accept, any consideration other than the prepayment of the first month's rent plus a security deposit not in excess of one month's rent and pet deposit, if applicable, to guarantee the performance of the covenants of the lease or this Regulatory Agreement.

(c) The Declarant agrees that moneys paid by tenants as a security deposit for the payment of rent shall be deposited in an interest bearing bank account, separate from all other accounts and funds, with a financial institution whose deposits are insured by an agency of the United States, and interest earned on such account shall be credited to each resident in accordance with Maryland law. The amount in such account shall at all times equal or exceed the aggregate of all outstanding obligations with respect to security deposits.

14.5 Marketing.

(a) Marketing Covenants. Declarant agrees in its marketing of the Project:

(i) To display the "Fair Housing" logo poster in the rental office of the Project in a conspicuous location.

(ii) To insure that any radio, television, newspaper advertisements, signs, pamphlets, or brochures used contain appropriate equal opportunity statements.

(iii) To accept tenants without geographic restrictions.

(b) Non-Discrimination: Drug and Alcohol Free Workplaces.

(i) The Declarant shall not discriminate on the basis of race, color, religion, national origin, sex, marital status, sexual orientation, physical or mental disability, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time or other similar federal laws, in the leasing of or otherwise providing dwelling accommodations at the Project or in any other aspect of the development, administration, operation, construction, repair or maintenance of the Project or in any aspect of employment by the Declarant.

(ii) The Declarant shall comply with all applicable provisions of federal, State and local laws and CDA policies regarding discrimination, equal opportunity in employment, housing and credit practices, and drug and alcohol free workplaces including, but not limited to: Title VI and VII of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968, as amended; the Fair Housing Act Amendments of 1988, as amended; Title 20 of the State Government Article of the Annotated Code of Maryland, as amended; State of Maryland Executive Order 01.01.1989.18 relating to drug and alcohol free workplaces; the Secretary's Minority Business Enterprise Program, as amended; the Americans with Disabilities Act of 1990, as amended.

(iii) The Declarant further covenants to submit to CDA, upon request, information relating to Declarant's operations with regard to marital status, physical or mental disability, race, color, religion, sex, sexual orientation, age or national origin on a form to be prescribed by CDA, to the extent permitted by federal, State or local law.

(iv) All of the Dwelling Units in the Project shall be rented or available for rental on a continuous basis to the general public. The Declarant shall not refuse to lease any Unit in the Project to a prospective tenant who is a holder of a voucher or certificate of eligibility under Section 8 of the United States Housing Act of 1937 on the basis of the prospective tenant's status as a holder of such a voucher or certificate.

14.6 Breach of Agreement; Remedies.

(a) Upon a violation of any of the provisions of this Regulatory Agreement by Declarant, CDA may give written notice to Declarant. If the violation is not rectified to CDA's satisfaction within ten days after the date the notice is mailed or within such further time that CDA reasonably determines is necessary to correct the violation, CDA may without further notice declare a default under this Regulatory Agreement effective on the date of such declaration. Upon such declaration CDA may, in addition to those actions permitted under the Project Note or under Maryland or federal law:

(i) declare the whole of the indebtedness under the Project Note immediately due and payable;

(ii) collect all rents and charges in connection with the operation of the Project and use such collections to pay Declarant's obligations under this Regulatory Agreement and under the Project Note and the necessary expenses of preserving the Property and operating the Project;

(iii) apply to any court, State or federal, for specific performance of this Regulatory Agreement, for an injunction against any violation of this

Regulatory Agreement, for the appointment of a receiver to take over and operate the Project in accordance with the terms of this Regulatory Agreement, or for such other relief that may be appropriate; in this regard, Declarant acknowledges that any injury to CDA arising from a default under any of the terms of this Regulatory Agreement would be irreparable and the amount of damage would be difficult to ascertain.

(b) No failure by CDA to exercise and no delay in exercising any right, power, or privilege under this Regulatory Agreement shall operate as a waiver thereof; nor shall any single or partial exercise of any right, power or privilege preclude any other exercise thereof or the exercise of any other right, power, or privilege.

(c) Any cure of a violation or default hereunder made according to the provisions of this Regulatory Agreement by any subsequent owner of any or all of the Property or the Project, by any other person whose interest in the Property or the Project might be prejudiced in the event of a failure to make such cure, or by any stockholder, partner, member, officer or director of an entity which at any time owns or has an interest in the Property, the Project or in the Declarant, shall be deemed, as between CDA and all persons who at any time may be liable as aforesaid or may own any or all of the Property, the Project or the Declarant, to have been made on behalf of all such persons.

14.7 Commercial Lease. On or about the date hereof, Declarant has entered into a Master Lease (the “**Commercial Lease**”) with Flats at College Park RST, LLC, a Virginia limited liability company and the sole member of Declarant’s managing member (the “**Commercial Tenant**”). Pursuant to the Commercial Lease, Declarant is leasing a portion of the Project (the “**Commercial Lease Premises**”) to the Commercial Tenant who may, in turn, sublease the Commercial Lease Premises to a third party (“**Commercial Subtenant**”) pursuant to a commercial sublease (a “**Commercial Sublease**” and, together with the Commercial Lease, the “**Commercial Leases**”). The Declarant or the Commercial Subtenant shall use the Commercial Lease Premises for a lawful purpose to the extent permitted under the Commercial Lease and under the Act and any such purpose shall be subject to CDA’s prior written consent. A copy of the Commercial Lease has been provided to and approved by CDA and any subsequent Commercial Sublease shall be subject to CDA’s prior written consent. Further, Declarant agrees that it shall not make any modifications to the Commercial Leases of any kind, including but not limited to, changes to the square footage of the Commercial Lease Premises, changes to the amount of rent paid, changes to the use of the Commercial Lease Premises, changes to the Commercial Subtenant, without receiving the prior written consent of CDA. In addition, Declarant agrees to provide CDA with an annual statement regarding the status of the Commercial Leases confirming (i) that the Commercial Leases are still in effect; (ii) that no changes have been made to the Commercial Leases; and (iii) the amount of income received pursuant to the Commercial Leases. Failure to comply with the terms of this section 14.7 shall constitute an event of default hereunder.

14.8 Notice. All notices, demands, requests or other communications to be sent by one party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the addressee or by depositing same in United States mail, postage prepaid, registered or certified mail, return receipt requested, or by overnight courier services, addressed as follows:

Declarant’s Address:	Flats at College Park, LLC c/o RST Development, L.L.C. 168 Business Park Drive, Suite 200
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Virginia Beach, VA 23462
 Attn: Todd Copeland

With Copy To: Klein Hornig LLP
 1325 G Street NW, Ste 770
 Washington, DC 20005
 Attn: Erik T. Hoffman, Esq.

With Copy To: Wells Fargo Bank, National Association
 550 S. Tryon Street, 33rd Floor
 MAC D1086-239
 Charlotte, North Carolina 28202-4200
 Attn: Matthew Parkhill

With Copy To: Pillsbury Winthrop Shaw Pittman LLP
 1200 17th Street, NW
 Washington, DC 20036
 Attn: Craig A. deRidder, Esq.

CDA's Address: Community Development Administration
 7800 Harkins Road
 Lanham, Maryland 20706
 Attn: Director, Division of Credit Assurance

With Copy To: Office of the Attorney General
 7800 Harkins Road
 Lanham, Maryland 20706
 Attn: Counsel

All notices, demands and requests shall be effective upon such personal delivery or upon being deposited in the United States mail as required above. However, with respect to notices, demands or requests so deposited in the United States mail, the time period in which a response to any such notice, demand or request must be given shall commence to run from the date on the return receipt of the notice, demand or request reflecting the date of delivery or rejection of the same by the addressee thereof. Rejection or other refusal to accept, or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice, demand or request sent. By giving to the other party at least 15 days written notice thereof, the parties hereto shall have the right from time to time to change their respective addresses and each shall have the right to specify as its address any other address within the United States of America.

15. Non-recourse; Limits on Personal Liability.

(a) Except as otherwise provided herein, no Declarant, nor any member or partner (as appropriate) of the Declarant shall have any personal liability under this Regulatory Agreement or the other Project Loan Documents for repayment of the Indebtedness (as defined in the Project Note) or for the performance of any other obligations under the Project Loan Documents, and CDA's only recourse for the satisfaction of such debt and the performance of such obligations shall be CDA's exercise of its rights and remedies with respect to the collateral securing the Loan.

(b) Notwithstanding the foregoing, each Declarant shall be personally liable to CDA for any funds or property of the Project retained by any Declarant which, by the provisions of the CDA Documents, such Declarant is not entitled to retain.

(c) To the extent that any Declarant has personal liability under this section, CDA may exercise its rights against such Declarant personally, without regard to whether CDA has exercised any rights against the collateral securing the Loan, or pursued any rights against any other Declarant.

16. Housing Search Website. Within 30 days of Initial Closing, the Declarant shall register the Project with CDA's housing search website, www.mdhousingsearch.org, and shall, for the term of this Regulatory Agreement, continue to maintain and update its listing on the website or any replacement or related website provided by CDA.

17. Freddie Mac Rider. The provisions of the Freddie Mac Rider attached hereto as Exhibit C are incorporated by reference as if fully set forth herein. In the event of a conflict between provisions of the Freddie Mac Rider and the provisions of this Agreement, the provisions of the Freddie Mac Rider shall control. The provisions of the Freddie Mac Rider shall not take effect until the Loan Servicer or Freddie Mac is the holder of the Governmental Note and shall be terminated automatically and without further action required of any party hereto, the Loan Servicer, or Freddie Mac following the Freddie Mac Purchase Date (as defined in the Funding Loan Agreement) upon the earlier of (a) the date the Governmental Note is paid in full, retired, or otherwise discharged and (b) the date neither the Loan Servicer nor Freddie Mac is the Funding Lender or Funding Lender Representative.

17. Exhibits. The following documents are attached as exhibits hereto and are incorporated by reference herein:

- Exhibit A: Legal Description of Project Land
- Exhibit B: Certification Concerning Qualified Project Period
- Exhibit C: Freddie Mac Rider

[SIGNATURES BEGIN ON FOLLOWING PAGE]

Flats at College Park
Declaration of Restrictive Covenants
s/mf/loans/awm/knz

Page 14

IN WITNESS WHEREOF, the signatures and seals of the parties hereto are subscribed to the foregoing instrument the day and year first written above with the specific intention of creating a document under seal.

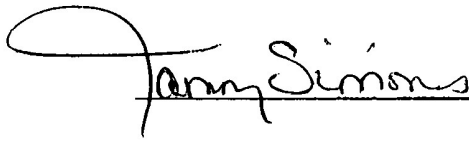
ATTEST OR WITNESS:

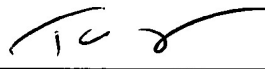
FLATS AT COLLEGE PARK, LLC,
a Virginia limited liability company

By: Flats at College Park RST DE, LLC. a
Delaware limited liability company, its
managing member

By: Flats at College Park RST, LLC, a Virginia
limited liability company, its sole member

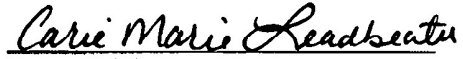
By: RST Development, L.L.C., a Virginia
limited liability company, its sole member



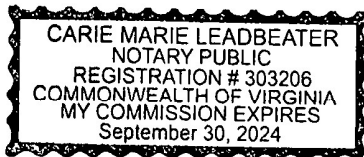
By:  (SEAL)
Todd A. Copeland
Manager

STATE OF ~~MARYLAND~~ ^{VIRGINIA}, CITY/COUNTY OF VIRGINIA BEACH, to wit:

This record was acknowledged before me on the 18 day of October, 2023, by Todd A. Copeland, Manager of RST Development, L.L.C., the sole member of Flats at College Park RST, LLC, the sole member of Flats at College Park RST DE, LLC, the managing member of Flats at College Park, LLC, a Maryland limited liability company.


Notary Public

My Commission Expires: 9/30/2024



[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the signatures and seals of the parties hereto are subscribed to the foregoing instrument the day and year first written above with the specific intention of creating a document under seal.

ATTEST OR WITNESS:

COMMUNITY DEVELOPMENT
 ADMINISTRATION

[Signature]

By: [Signature] (SEAL)
 Maria Davis
 Authorized Officer

STATE OF MARYLAND, COUNTY OF PRINCE GEORGE'S, to wit:

This record was acknowledged before me on the 6 day of November, 2023, by Maria Davis as Authorized Officer of the Community Development Administration.

My Commission Expires: 4/23/24

[Signature]
 Notary Public

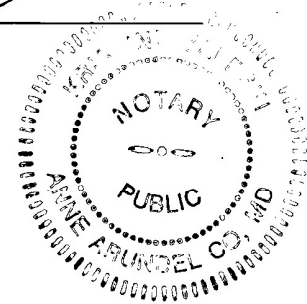


EXHIBIT A

Legal Description

Parcel 1:

Parcel 1 in that certain Subdivision Record Plat of Parcel 1, 9113 Baltimore Avenue, prepared by VIKA Maryland, LLC dated May 24, 2023 and recorded August 11, 2023 among the Land Records of Prince George's County, Maryland in Plat Book ME 264 Plat No. 73.

Parcel 1 was formerly known as:

1. Parcel lettered "A" in a subdivision known as "SIMS TRACT" as per plat thereof recorded in Plat Book NLP 97 at plat 49 among the Land Records of Prince George's County, Maryland. Being in the 21st Election District.

Tax ID No.: 21-2396505

And

2. Metes and Bounds Description: Residue of Lot 34 and 35 in Daniels Park, Berwyn District, Prince George's County, Maryland.

BEGINNING for the subject property at an iron pipe set at the southeast corner of Lot 35 which is as shown on Plat of Subdivision recorded in Plat Book "A", at folio 59, among the Land Records of Prince George's County, Maryland, and thence with the northerly line of Parcel "A" Sims Tract which is as recorded in Plat Book NLP No. 97, at folio 49 among the aforesaid Land Records North 67 degrees 08' 06" West, 306.29 feet to a point and thence with Baltimore Avenue (U.S. Route #1) North 10 degrees 59' 25" East, 194.12 feet to a point and thence along the arc of a curve deflecting to the right said curve having a radius of 24.80 feet and a long chord bearing and distance of North 61 degrees 55' 40" East, 38.51 feet and an arc distance of 44.10 feet to a P.K. nail set and thence with the southerly right of way line of Delaware Street (30 foot right of way) South 67 degrees 08' 06" East, 284.78 feet to an iron pipe set and thence with the westerly right of way line of 48th Avenue (40 foot right of way) South 13 degrees 15' 54" West, 223.00 feet to the point of beginning and containing 1.5599 acres of land more or less. The improvements thereon being now or formerly known as No. 9137 Baltimore Boulevard.

BEING all of that same property as more particularly described in a Deed dated September 4, 1998, and recorded among the Land Records of Prince George's County, Maryland in Liber 12449, folio 388, which was granted and conveyed by Galaxy Corporation, a California corporation unto Capitol Hospitality, Inc., a Maryland corporation, the within Grantor, in fee simple.

Tax ID No.: 21-2411080

And

Parcel 2:

BEING KNOWN AND DESIGNATED as Resubdivision of Lots 36 and 37, 11,229.00 square feet, known as Lot 9, Block A, Daniels Park Subdivision, which Plat is recorded in Plat Book BB 6, Plat numbered 31, in the Berwyn District, Prince George's County, Maryland.

Tax ID No.: 21-2379758

Parcel 3:

Lot numbered One (1) in Block Lettered "A" in the subdivision known as "F.C. EBAUGH'S SUBDIVISION, DANIEL'S PARK", as per plat recorded in Plat Book BB 6, Plat numbered 31, among the Land Records of Prince George's County, Maryland; being in the 21st Election District of said County.

Tax ID No.: 21-2345593

EXHIBIT B

Certification Concerning Qualified Project Period

Flats at College Park, LLC, a Virginia limited liability company (the “**Declarant**”), hereby certifies to the Community Development Administration (“**CDA**”), a unit of the Division of Development Finance of the Department of Housing and Community Development of the State of Maryland, in connection with a certain loan (the “**Project Loan**”) for a certain project known, or to be known, as Flats at College Park, which will consist of 317 residential rental Units, located in Prince George’s County, Maryland (the “**Project**”), as follows:

1. The Qualified Project Period shall begin on the first date on or after the closing date of the Project Loan on which 10% of the total number of residential Units in the Project were occupied, which date the Declarant certifies to be as follows: (_____).
2. The Qualified Project Period shall end on the latest of the following dates to occur:
 - (i) the first date on or after the closing date of the Project Loan on which 50% of the total number of residential Units in the Project were occupied, which date the Declarant certifies to be as follows: (_____), plus an additional 15 years after such date, which resulting date after such 15-year period being as follows: (_____);
 - (ii) the first date on which none of the proceeds of the Funding Loan or any other tax-exempt loan or note made with respect to the Project remain outstanding; or
 - (iii) the first date on which all assistance provided with respect to the Project under Section 8 of the United States Housing Act of 1937, as amended, has terminated.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the signatures and seals of the parties hereto are subscribed to the foregoing instrument the day and year first written above with the specific intention of creating a document under seal.

ATTEST OR WITNESS:

FLATS AT COLLEGE PARK, LLC,
 a Virginia limited liability company

By: Flats at College Park RST DE, LLC, a
 Delaware limited liability company, its
 managing member

By: Flats at College Park RST, LLC, a Virginia
 limited liability company, its sole member

By: RST Development, L.L.C., a Virginia
 limited liability company, its sole member

By: _____ (SEAL)
 Todd A. Copeland
 Manager

STATE OF MARYLAND, CITY/COUNTY OF _____, to wit:

This record was acknowledged before me on the ____ day of _____, 2023, by Todd A. Copeland, Manager of RST Development, L.L.C., the sole member of Flats at College Park RST, LLC, the sole member of Flats at College Park RST DE, LLC, the managing member of Flats at College Park, LLC, a Maryland limited liability company.

 Notary Public

My Commission Expires: _____

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the signatures and seals of the parties hereto are subscribed to the foregoing instrument the day and year first written above with the specific intention of creating a document under seal.

ATTEST OR WITNESS:

COMMUNITY DEVELOPMENT
 ADMINISTRATION

By: _____ (SEAL)

Maria Davis
 Authorized Officer

STATE OF MARYLAND, COUNTY OF PRINCE GEORGE'S, to wit:

This record was acknowledged before me on the ____ day of _____, 2023, by Maria Davis as Authorized Officer of the Community Development Administration.

My Commission Expires: _____

 Notary Public

Return to:

Maryland Department of Housing and Community Development
Multifamily Asset Management
7800 Harkins Road
Lanham, Maryland 20706
Attn: Database Coordinator
E-mail: dca_mf.dhcd@maryland.gov

With a Copy to:

Office of the Attorney General
7800 Harkins Road
Lanham, Maryland 20706
Attn: Counsel
E-mail: legal.dhcd@maryland.gov

Exhibit C

Freddie Mac Rider to Regulatory Agreement – TEL

(Revised 6-27-2023)

THIS FREDDIE MAC RIDER ("**Rider**") is attached to and forms a part of the Declaration of Restrictive Covenants and Regulatory Agreement ("**Regulatory Agreement**"), dated as of the 1st day of November, 2023, by and between the Community Development Administration, a unit of the Division of Development Finance of the Department of Housing and Community Development of the State of Maryland ("**Governmental Lender**") and Flats at College Park, LLC, a Virginia limited liability company (together with any successor to its rights, duties and obligations hereunder and as owner of the Project identified herein, the "**Borrower**").

1. **Definitions.** The terms used in this Rider (except as herein otherwise expressly provided or unless the context otherwise requires) shall have the respective meanings specified below. Terms used herein not otherwise defined shall have the respective meanings set forth in the Regulatory Agreement and the Funding Loan Agreement, as applicable.

"**Delivery Date**" means November 17, 2023.

"**Fiscal Agent**" means Wilmington Trust, National Association., as Fiscal Agent under the Funding Loan Agreement, and any successor thereto in such capacity.

"**Freddie Mac**" means the Federal Home Loan Mortgage Corporation, a shareholder-owned government-sponsored enterprise organized and existing under the laws of the United States, and its successors and assigns.

"**Funding Lender**" means any Person who is the holder of the Governmental Note, initially as of the effective date of this Rider, Wells Fargo Bank, National Association and, on the Freddie Mac Purchase Date, Freddie Mac, and any successors or assigns thereof.

"**Funding Loan Agreement**" means the Funding Loan Agreement, dated as of November 1, 2023, by and among Governmental Lender, Initial Funding Lender, and Fiscal Agent, as such Funding Loan Agreement may be amended, restated, supplemented or otherwise modified from time to time.

"**Governmental Note**" means the Multifamily Note, dated the Delivery Date, executed by Governmental Lender and authenticated by Fiscal Agent in favor of Initial Funding Lender, pursuant to the Funding Loan Agreement, as the same may be amended, restated, supplemented or otherwise modified from time to time, or any note executed in substitution therefor, as such substitute note may be amended, restated, supplemented or otherwise modified from time to time, and together with all addenda thereto.

"**Initial Funding Lender**" means Wells Fargo, National Association

"**Loan Servicer**" means any entity appointed by Funding Lender Representative to service the Loans and any successor in such capacity as appointed by Funding Lender Representative pursuant to Section 3.02 of the Project Loan Agreement. Initially, as of the effective date of this Rider, Loan Servicer shall be Wells Fargo Bank, National Association.

"**Project**" means, collectively, the Land, Improvements, and Fixtures (each as defined in the Security Instrument).

"Project Loan" means the loan from Governmental Lender to Borrower pursuant to the Project Loan Documents, which Project Loan is to be assigned to Fiscal Agent as security for the Funding Loan.

"Project Loan Agreement" means the Project Loan Agreement, dated as of November 1, 2023, among Borrower, Governmental Lender, and Fiscal Agent, as such Project Loan Agreement may be amended, restated, supplemented or otherwise modified from time to time.

"Project Loan Documents" means the Security Instrument, the Project Note, the Project Loan Agreement, the Regulatory Agreement, the Assignment, the Continuing Covenant Agreement, any Subordination Agreement(s) and any and all other instruments and other documents evidencing, securing, or otherwise relating to the Project Loan or any portion thereof.

"Project Note" means the Promissory Note (Project Loan), dated the Delivery Date, executed by Borrower in favor of Governmental Lender, evidencing Borrower's payment obligations in respect of the Project Loan, and endorsed by Governmental Lender to Fiscal Agent as security for the Funding Loan, as the same will be amended and restated into the form attached to the Construction Phase Financing Agreement upon the occurrence of the Conversion Date, and as the same may be further amended, restated, supplemented or otherwise modified from time to time, or any note executed in substitution therefor, as such substitute note may be amended, restated, supplemented or otherwise modified from time to time, and together with all riders and addenda thereto.

"Security Instrument" means the Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated as of November 1, 2023, granting a first priority mortgage and security interest in the Project in favor of Governmental Lender, as the same will be amended and restated into the form attached to the Construction Phase Financing Agreement upon the occurrence of the Conversion Date, and as the same may be further amended, restated, supplemented or otherwise modified from time to time, or any note executed in substitution therefor, as such substitute note may be amended, restated, supplemented or otherwise modified from time to time, and together with all riders and addenda thereto.

2. **Applicability.** The provisions of this Rider shall amend and supplement the provisions of, and in the event of a conflict shall supersede the conflicting provisions of, the Regulatory Agreement.
3. **Indemnification.** Inasmuch as the covenants, reservations and restrictions of the Regulatory Agreement run with the land, the indemnification obligations of Borrower contained in the Regulatory Agreement will be deemed applicable to any successor in interest to Borrower, but, it is acknowledged and agreed, notwithstanding any other provision of the Regulatory Agreement to the contrary, that neither Funding Lender nor any successor in interest to Funding Lender will assume or take subject to any liability for the indemnification obligations of Borrower for acts or omissions of Borrower prior to any transfer of title to Freddie Mac, whether by foreclosure, deed in lieu of foreclosure or comparable conversion of the Project Loan. Borrower shall remain liable under the indemnification provisions for its acts and omissions prior to any transfer of title to Funding Lender. Funding Lender shall indemnify Governmental Lender following acquisition of the Project by Funding Lender, by foreclosure, deed in lieu of foreclosure or comparable conversion of the Project Loan, during, and only during, any ensuing period that Funding Lender owns and operates the Project, provided that Funding Lender's liability shall be strictly limited to acts and omissions of Funding Lender occurring during the period of ownership and operation of the Project by Funding Lender. Funding Lender

shall have no indemnification obligations with respect to the Governmental Note or the Project Loan Documents. Borrower shall remain liable under the Regulatory Agreement for its actions and omissions prior to any transfer of title to Funding Lender.

4. **Sale or Transfer.** None of the following shall apply to any transfer of title to the Project to Funding Lender or to a third party by foreclosure, deed in lieu of foreclosure or comparable conversion of the Project Loan or to any subsequent transfer by Funding Lender following foreclosure, deed-in-lieu of foreclosure or comparable conversion of the Project Loan:

- (a) Restrictions on sale or transfer of the Project or of any interest in Borrower.
- (b) Governmental Lender or Fiscal Agent consents.
- (c) Transferee agreements, transferee criteria and requirements, opinion requirements, assumption fees, transfer fees, penalties and the like.

No transfer of the Project shall operate to release Borrower from its obligations under the Regulatory Agreement. Nothing contained in the Regulatory Agreement shall affect any provision of the Security Instrument or any of the other Project Loan Documents that requires Borrower to obtain the consent of Funding Lender as a precondition to sale, transfer or other disposition of, or any direct or indirect interest in, the Project or of any direct or indirect interest in Borrower, excluding transfers permitted by the Security Instrument. No covenant obligating Borrower to obtain an agreement from any transferee to abide by all requirements and restrictions of the Regulatory Agreement shall have any applicability to a transfer to Funding Lender upon foreclosure, deed-in-lieu of foreclosure or comparable conversion of the Project Loan by Funding Lender, or to any subsequent transfer by Funding Lender following foreclosure, deed-in-lieu of foreclosure or comparable conversion of the Project Loan.

5. **Enforcement.** Notwithstanding anything contained in the Regulatory Agreement to the contrary:

- (a) The occurrence of an event of default under the Regulatory Agreement shall not, under any circumstances whatsoever, be deemed or constitute a default under the Project Loan Documents, except as may be otherwise specified in the Project Loan Documents.
- (b) The occurrence of an event of default under the Regulatory Agreement shall not impair, defeat or render invalid the lien of the Security Instrument.

No person other than Funding Lender shall have the right either to declare the principal balance of the Project Note to be immediately due and payable or commence foreclosure or other like action with respect to the Security Instrument. Governmental Lender and, if the Fiscal Agent is party to the Regulatory Agreement, Fiscal Agent acknowledge and agree that the exercise of any rights and remedies under the Regulatory Agreement is subject to the provisions of the Project Loan Documents.

6. **Notice of Violations.** Promptly upon determining that a violation of the Regulatory Agreement has occurred, Governmental Lender or, if the Fiscal Agent is party to the Regulatory Agreement and required to provide such notice, Fiscal Agent shall, by notice in writing to Borrower, Loan Servicer and Funding Lender, inform Borrower, Loan Servicer and Funding Lender of each of the following:

- (a) The occurrence of such violation.

- (b) The nature of the violation.
- (c) Whether the violation (i) has been cured, (ii) has not been cured, but is curable within a reasonable period of time, or (iii) is incurable.

Notwithstanding the occurrence of such violation, neither Governmental Lender nor Fiscal Agent shall have, and Governmental Lender acknowledges that it shall not have, any right to cause or direct acceleration of the Project Loan, to enforce the Project Note, or to foreclose on the Security Instrument.

7. **Amendments.** The Regulatory Agreement shall not be amended without the prior written consent of Funding Lender.
8. **Fees; Penalties.** Funding Lender shall not be liable for the payment of any compensation or any accrued unpaid fees, costs, expenses or penalties otherwise owed by Borrower or any subsequent owner of the Project prior to the date of acquisition of the Project by Funding Lender, whether such acquisition is by foreclosure, deed-in-lieu of foreclosure or comparable conversion of the Project Loan.
9. **Subordination.** The terms, covenants and restrictions of the Regulatory Agreement, other than those set forth in Sections 3 through 6 are and shall at all times remain subject and subordinate, in all respects, to the liens, rights and interests created under the Project Loan Documents.
10. **Third-Party Beneficiary.** The parties to the Regulatory Agreement recognize and agree that the terms of the Regulatory Agreement and the enforcement of those terms are essential to the security of Funding Lender and are entered into for the benefit of various parties, including Funding Lender. Funding Lender shall accordingly have contractual rights in the Regulatory Agreement and shall be entitled (but not obligated) to enforce, separately or jointly with Governmental Lender or, if the Fiscal Agent is party to the Regulatory Agreement, Fiscal Agent, or to cause Governmental Lender or, if applicable, Fiscal Agent to enforce, the terms of the Regulatory Agreement. In addition, Funding Lender is intended to be and shall be a third-party beneficiary of the Regulatory Agreement.
11. **Notices.** Copies of all notices under the Regulatory Agreement shall be sent to Loan Servicer at the address set forth below or to such other address as Loan Servicer may from time to time designate:

Wells Fargo Bank, National Association
 1751 Pinnacle Drive, 8th Floor
 McLean, Virginia 22102
 Email: WFMCServicing@wellsfargo.com
 Attention: Servicing Department

Any notice to be given to Freddie Mac shall be sent to Freddie Mac at the address set forth below or to such other address as Freddie Mac may from time to time designate:

Federal Home Loan Mortgage Corporation
 8100 Jones Branch Drive
 McLean, Virginia 22102
 Attention: Multifamily Operations - Loan
 Accounting
 Email: mfla@freddiemac.com
 Telephone: (703) 714-4177

Flats at College Park
Declaration of Restrictive Covenants
s/mf/loans/awm/knz

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with a copy to:

Federal Home Loan Mortgage Corporation
8200 Jones Branch Drive
McLean, Virginia 22102

Attention:

Managing Associate General Counsel –
Multifamily Legal Division

Email:

guy_nelson@freddiemac.com

Telephone:

(703) 903-2000

LR - Covenant Recording
 Fee 75.00
 Declarant Name: Flats
 at College Park LLC
 Ref:
 LR - Covenant Surcharge
 40.00
 =====
 SubTotal: 115.00
 =====
 Total: 750.00
 12/04/2023 01:30
 CC16-JeH
 #17743349 CC0703 -
 Prince George's
 County/CC07.03.05 -
 Register 05

Mahasin El Amin - Clerk

Prince George's County Circuit Court
 14735 Main Street
 Upper Marlboro, MD 20772