

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



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

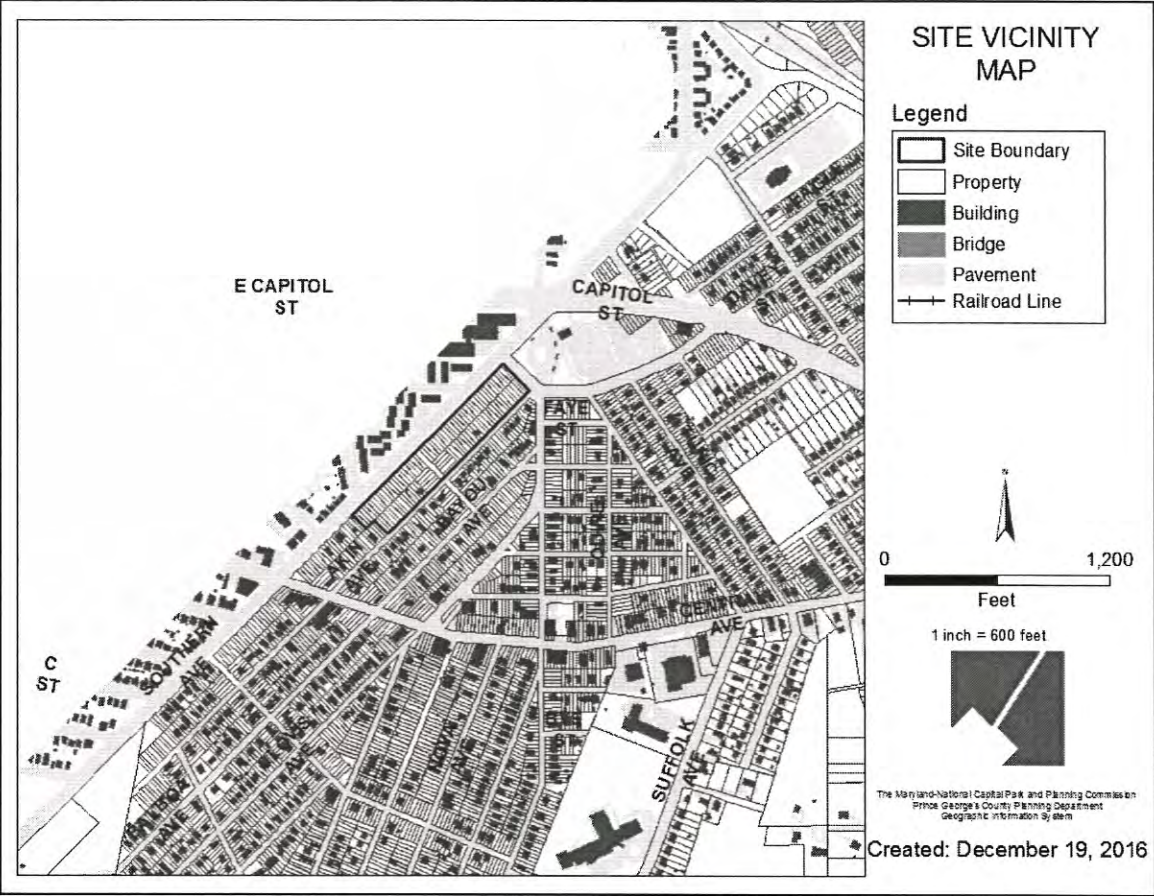
# Conceptual Site Plan

# CSP-16004

| Application   | General Data                 |                     |
|---|------------------------------|---------------------|
| <b>Project Name:</b><br>The Ascent<br><br><b>Location:</b><br>Southwest quadrant of the intersection of Southern Avenue and Davey Street.<br><br><b>Applicant/Address:</b><br>Davey Street, LLC.<br>641 South Street, N.W. Suite 300<br>Washington DC 20001 | Planning Board Hearing Date: | 01/05/17            |
|   | Staff Report Date:           | 12/21/16            |
|   | Date Accepted:               | 09/26/16            |
|   | Planning Board Action Limit: | 01/25/17            |
|   | Plan Acreage:                | 5.05                |
|   | Zone:                        | R-T/C-S-C/<br>T-D-O |
|   | Dwelling Units:              | 370                 |
|   | Gross Floor Area:            | 10,762 sq. ft.      |
|   | Planning Area:               | 75B                 |
|   | Council District:            | 07                  |
|   | Election District            | 18                  |
|   | Municipality:                | Capitol Heights     |
| 200-Scale Base Map:   | 201SE05                      |                     |

| Purpose of Application  | Notice Dates           |          |
|---|------------------------|----------|
| Case continued from Planning Board hearing date of December 15, 2016 to January 5, 2017.<br><br>Rezoning the property from the C-S-C and R-T Zones to the M-X-T Zone for a mixed-use development of residential and retail/commercial uses. | Informational Mailing: | 05/18/16 |
|   | Acceptance Mailing:    | 09/01/16 |
|   | Sign Posting Deadline: | 11/15/16 |

|                             |                          |   |            |
|-----------------------------|--------------------------|---|------------|
| <b>Staff Recommendation</b> |                          | <b>Staff Reviewer:</b> Susan Lareuse, RLA<br><b>Phone Number:</b> 301-952-4277<br><b>E-mail:</b> Susan.Lareuse@ppd.mncppc.org |            |
| APPROVAL                    | APPROVAL WITH CONDITIONS | DISAPPROVAL   | DISCUSSION |
|                             | <b>X</b>                 |   |            |



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conceptual Site Plan CSP-16004  
The Ascent  
Type I Tree Conservation Plan TCP1-008-2016

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

This conceptual site plan (CSP) application was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zone Sectional Map Amendment*;
- b. The requirements of the Prince George's County Zoning Ordinance for the Mixed-Use Transportation-Oriented (M-X-T) Zone and Site Design Guidelines;
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- d. Other site plan related regulations;
- e. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The subject conceptual site plan (CSP) application proposes to rezone the property from the Commercial Shopping Center (C-S-C) and Residential Townhouse (R-T) Zones to the M-X-T Zone. Once rezoned, the property proposes to develop the 5.05 acres of land into a mixed-use development, including approximately 10,762 square feet of commercial space and a maximum of 370 multifamily or single-family attached residential dwelling units.

2. **Development Data Summary:**

| Zone                       | <b>EXISTING</b><br>C-S-C & R-T        | <b>PROPOSED</b><br>M-X-T              |
|----------------------------|---------------------------------------|---------------------------------------|
| Use(s)                     | Commercial/retail,<br>and residential | Commercial/retail,<br>and residential |
| Gross Acreage              | 5.05                                  | 5.05                                  |
| Floodplain Acreage Area    | 0                                     | 0                                     |
| Gross Floor Area (sq. ft.) |                                       |                                       |
| Commercial/Retail          | 0                                     | 10,762                                |
| Residential Dwellings      | 1,380                                 | 391,973                               |
| Total (sq. ft.)            |                                       | 405,135                               |

**Floor Area Ratio (FAR) in the M-X-T Zone**

Base Density Allowed      0.40 FAR  
 Residential component      1.00 FAR

Total FAR Permitted      1.40 FAR (Optional Method of Development)  
 Total FAR Proposed      1.84 FAR\*

**Note:** \*FAR may be increased at the time of DSP in accordance with the provisions of Section 27-545(b) of the Zoning Ordinance. Specifically, additional bonus incentives are required to support a F.A.R. above 1.40.

3. **Location:** The subject property is located in the southwest quadrant of the intersection of Southern Avenue and Davey Street. Specifically, the site is located on the south side of Southern Avenue, north of Atkins Avenue, west of Davey Street, extending westward past Cavalier Street, approximately 640 feet, in Planning Area 75B, Council District 7.
4. **Surrounding Uses:** To the north of the property, across Southern Avenue are existing single-family attached residences in the District of Columbia. To the south of the property, across Akins Avenue are single-family detached developments in the R-T and C-S-C Zones. To the east is Davey Street and beyond, to the west is vacant wooded property.
5. **Previous Approvals:** The subject property was retained in the Commercial Shopping Center (C-S-C) and Residential Townhouses (R-T) Zones by the 2008 *Approved Capitol Heights Transit District Development Plan (TDDP) and Transit District Overlay (TDO) Zone Sectional Map Amendment*. The property is the subject of a plat recorded in land records in plat book A-74 and A-75. The property has an approved Storm Water Management Concept Plan, 29895-2016-00, approved on September 22, 2016.
6. **Design Features:** The applicant proposes to develop the property as a mixed-use development project consisting of a maximum of 370 residential units and 10,762 square feet of commercial/retail use. The retail/commercial space will front on Davey Street, which has approximately 200 linear feet of frontage. The residential component will consist of either townhouses or multifamily units. Access to the site is proposed via a driveway proposed within the existing Cavalier Street, and two access points from Akin Avenue.

The CSP exhibits include a simplified diagram indicating commercial uses along the frontage of Davey street and residential development on the remaining portion of the property.

The residential component of this mixed-use development is proposed as either an townhouses or 370 multifamily units. The proposed stormwater management (SWM) facilities as shown on the plans indicate primarily the use of bio-retention areas located in the southeast corner of the site and underground facilities.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **The 2008 Approved Capitol Heights Transit District Development Plan (TDDP) and Transit District Overlay (TDO) Zone Sectional Map Amendment:** The goal of the TDDP is to provide for transit-oriented development within the Capitol Heights Transit District Overlay Zone. The plan defines transit oriented development for land area located within a ten-minute walk or one-half mile of the rail transit station. The TDDP also goes on to state that the transit-oriented development is development that actively seeks to increase transit use and decrease automobile dependency by:

- Locating homes, jobs and shopping closer to transit services,
- Locating the mix of critical land use in closer proximity to one another; and
- Establishing land use/transit linkages that make it easier to use transit.

The subject applicant proposes the rezoning of the property which would allow for an increase in the intensity of development and to allow for the possibility of vertical mixed use of the property. The increase in residential development is substantial, compared to the existing R-T residential zone. The 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zone Sectional Map Amendment* retained a portion of the site between Davey Street and Cavalier Street in the C-S-C Zone, and the other portion south of Cavalier Street, in the R-T Zone. The portion in the C-S-C Zone is included in the “Recommended Areas for Mixed-Use Rezoning Application” (pages 46 and 47 of TDDP). This area is identified in the plan as the Metro Station Core character area. This area is appropriate to be designed with the highest intensity of the overall site. The portion in the R-T Zone is in the medium-density residential edge area. The rezoning of the subject properties to a higher density zone is consistent with the goals of the TDDP, given their close location to the Capital Heights Metro Station.

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the following Zoning Ordinance requirements:

- a. Section 27-548.09.01 of the Zoning Ordinance prescribes an applicant requesting rezoning in a TDOZ to demonstrate that the proposed development conforms to the purposes and recommendations of the transit district as stated in the TDDP. The following is an analysis of Section 27-548.09.01 of the Zoning Ordinance to address the impact of the proposed rezoning as an amendment to an approved TDOZ.

**(b) Property Owner.**

- (1) A property owner may ask the District Council, but not the Planning Board, to change the boundaries of the T-D-O Zone, a property’s**

**underlying zone, the list of allowed uses, building height restrictions, or parking standards in the Transit District Development Plan. The Planning Board may amend parking provisions concerning the dimensions, layout, or design of parking spaces or parking lots.**

**Comment:** This application must be reviewed by the District Council to change the underlying zone.

**(2) The owner's application shall include:**

**(A) A statement showing that the proposed development conforms with the purposes and recommendations for the Transit District, as stated in the Transit District Development Plan; and**

**Comment:** The applicant has submitted a statement in accordance with the requirement above.

**(B) A Detailed Site Plan or Conceptual Site Plan, in accordance with Part 3, Division 9.**

**Comment:** The applicant has submitted a conceptual site plan in accordance with Part 3, Division 9.

**(3) Filing and review of the application shall follow the site plan review procedures in Part 3, Division 9, except as modified in this Section. The Technical Staff shall review and submit a report on the application, and the Planning Board shall hold a public hearing and submit a recommendation to the District Council. Before final action the Council may remand the application to the Planning Board for review of specific issues.**

**Comment:** The Planning Board's decision will be duly filed with the Clerk of the Council and copies of the decision will be sent to all persons of record.

**(4) An application may be amended at any time. A request to amend an application shall be filed and reviewed in accordance with Section 27-145.**

**Comment:** The application has been amended since the original filing and is in conformance with the above Section 27-145 requirements.

**(5) The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, the District Council shall find that the proposed development conforms with the purposes and recommendations for the Transit Development District, as stated in the Transit District Development Plan, and meets applicable site plan requirements.**

**Comment:** The purposes of the TDOZ are contained in Section 27-548.03 of the Zoning Ordinance. The applicant has filed a conceptual site plan for the entire property proposing the rezoning from the C-S-C and R-T Zones to the M-X-T Zone and includes the land area of Cavalier Street (to be vacated). The applicant has also provided a justification statement in support of the rezoning of the property. Section 27-548.03 lists the following specific purposes of TDOZs. The purposes are stated below in **[boldface]** type and following each is the applicant's justification, followed by the staff's comments:

**(1) To enhance the development opportunities in the vicinity of transit stations;**

The applicant provided the following discussion in the statement of justification:

“The Subject Property is located in the Metro Station Core and Medium-Residential Edge Character Areas. The intent of the TDDP for Metro Core Area is to be developed with the most active and intense development in the Capitol Heights TDOZ. The TDDP calls for buildings that range in height from 4 to 14 stories and serve as landmarks for the surrounding community. This Applicant believes The Ascent, as proposed, complies with the intent of the TDDP while at the same time the development will respect the existing homes in the surrounding community. The building fronting on Davey Street will be 3 to 5 in height. This building, located 15 feet from Davey Street, will incorporate quality and distinctive architecture and quality materials, will create the mass anticipated in the TDDP and therefore create the desired landmark for not only the surrounding community but also for people using the Capitol Heights Metro Station. The residential component of the community will be located to the south of Davey Street and will be comprised of either townhomes or multifamily development.”

**Comment:** The existing C-S-C Zone and the R-T Zone on the subject property are inconsistent with the vision for the site as established by the 2008 Approved Capitol Heights Transit District Development Plan (TDDP) and Transit District Overlay Zone (TDOZ) Sectional Map Amendment. An appropriate mixed-use zoning tool is required to deliver the TOD elements envisioned for this location. The rezoning of the property will allow for greater density as envisioned within the two character areas.

**(2) To promote the use of transit facilities;**

The applicant provided the following discussion in the statement of justification:

“The proposed residential community is located within 400 feet of the Capitol Heights Metro Station. The Applicant believes that the development of a residential community at this site, within such a short distance of this Metro station, will promote use of the transit system by its future residents.”

**Comment:** The subject application will promote the use of transit facilities through its density and adjacency to the transit station, and will reduce single-occupancy vehicle trips.

**(3) To increase the return on investment in a transit system and improve local tax revenues;**

The applicant provided the following discussion in the statement of justification:

“The location of a residential community within close proximity to the Capitol Heights Metro Station will promote the use of this transit facility by the future residents of this community, increase ridership and in turn increase revenue for the transit system. The proposed residential community will also add tax revenues to the local municipality and to Prince George’s County.”

**Comment:** The rezoning of the subject property from the current underlying C-S-C and R-T Zones to a mixed-use zone, which allows an increase in density is warranted and will increase ridership, which in turn will increase the return on investment in the transit system and will improve the local tax revenues.

**(4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;**

The applicant provided the following discussion in the statement of justification:

“The Applicant will be coordinating the development of the property with State and local agencies.”

**Comment:** The proposed plan may support local growth by spurring redevelopment of the properties surrounding the Metro station. The design of the subject site should provide a layout that fosters redevelopment in the area. Density closer to the metro station, as depicted in the Metro Station Core character area of the TDDP is appropriate.

**(5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;**

The applicant provided the following discussion in the statement of justification:

“The TDOZ allows for flexibility in the development process through the use of amendments to the TDDP. In this case, the rezoning of the property as part of the Conceptual Site Plan process will allow development of the Subject Property in a manner that is more conducive to a changing market and to the proposed development of other Character Areas in the transit district.”

**Comment:** The ability of the Transit District Overlay Zone (TDOZ) to adjust the underlying zone of a property provides more flexibility than a zoning map amendment, in that the review period is substantially reduced. The M-X-T Zone is more flexible than the underlying C-S-C and R-T zones in that there are not required quantitative measurements, such as minimum green area or open space, maximum lot coverage, maximum density, etc. The TDDP sets forth its own set of requirements through mandatory development standards, however, the plan is



silent in regard to some of these same development factors, allowing the detailed site plan to set the standard that creates maximum flexibility.

- (6) **To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;**

The applicant provided the following discussion in the statement of justification:

“Additional residential development within close proximity to the Capitol Heights Metro Station will encourage metro ridership and in turn decrease the use of the surrounding road network. In addition, the proposed community will be within close proximity to the retail commercial uses located in the transit district as well as across Southern Avenue in Washington DC. The Applicant will provide connections to the existing pedestrian network and therefore create an environment that encourages pedestrian traffic through the transit district.”

**Comment:** Increasing the intensity of the development of the subject parcels located within walking distance of the metro station, particularly in the Metro Station Core character area, will result in more metro ridership.

- (7) **To provide mechanisms to assist in financing public and private costs associated with development;**

The applicant provided the following discussion in the statement of justification:

“The Applicant will be responsible for the construction of its road frontage improvements in conformance with Subtitle 23 of the Prince George’s County Code as well as the requirements set forth in the TDDP. In addition, the Applicant is proposing to construct stormwater management facilities on site that will be a benefit to the entire transit district. Many of the older properties in the transit district are exempt from current stormwater management regulations.”

**Comment:** The applicant’s contribution to public facility improvements on the property benefits the neighborhood.

- (8) **To provide for convenient and efficient pedestrian and vehicular access to Metro stations;**

The applicant provided the following discussion in the statement of justification:

“The property is located within 400 feet of the Capitol Heights Metro Station entrance. The Applicant will provide connections to the pedestrian system within the TDOZ and therefore convenient access to the metro station.”

**Comment:** Sidewalks will accommodate the pedestrian, and the DSP will provide for convenient and efficient pedestrian and vehicular access to the Metro.

- (9) **To attract an appropriate mix of land uses;**

The applicant provided the following discussion in the statement of justification:

“The Applicant believes that the mix of retail commercial and residential uses proposed for The Ascent can be supported by the community.”

**Comment:** The TDDP contemplated a mix of residential and retail uses for the subject site and the application fulfills this land use vision.

**(10) To encourage uses which complement and enhance the character of the area;**

The applicant provided the following discussion in the statement of justification:

“A Detailed Site Plan will be submitted which will demonstrate that the residential community will, through the use of architecture, set a new standard for redevelopment in The Capitol Heights community. This is the first property in the Transit District to move forward with redevelopment under the TDDP. This community will be very urban in nature since it is located within 400 feet of the Capitol Heights Metro entrance. The retail component of the community will front on Davey Street. Parking associated with the retail component will be located in a garage (behind the retail component) that can be accessed from Akin Avenue. Any retail component of this community will have to be located on Davey Street where it will be visible to the area residents using metro.”

**Comment:** The site plan proposes residential and retail uses that are along the surrounding streets. The mix of uses will enhance the area and activate the streetscapes of these adjacent thoroughfares.

**(11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and**

The applicant provided the following discussion in the statement of justification:

“The Detailed Site Plan will demonstrate that the proposed community will comply with and exceed the site design guidelines. The buildings will meet the build-to-line requirements for Southern Avenue, Davey Street and Akin Avenue. The retail component will face Davey Street and the development will have a strong urban presence at the Davey Street frontage. The residential component will be located to the south of the retail component and will be comprised of either multifamily or townhomes. In light of the change in grade from Davey Street traveling south, the residential component will have a significant visual presence in the transit district.”

**Comment:** The subject plan activates the streetscapes created by lining the streets with residential and retail uses. The urban design aspects of the plan and the relationship among uses will be further explored at the time of the DSP review.

- (12) **To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.**

The applicant provided the following discussion in the statement of justification:

“This community will be designed in a manner that reflects the Applicant’s desire to provide the high quality architecture and landscaping that will set a standard for this Transit District. Although it is the Applicant’s desire to design buildings that will be distinctive and unique to Prince George’s County, the building has been designed in a manner that creates a transition between the high density mixed use development proposed in the TDDP and the existing single-family development located across Akin Avenue and to the south of the Subject Property.”

**Comment:** The TDDP provides for flexibility and the proposed M-X-T zoning also provides for flexibility in the design and layout of buildings that would result into a coordinated integrated, mixed-use project.

- b. The subject application is in conformance with the requirements of Section 27-547, which governs uses in all Mixed-Use Zones.
- (1) The proposed residential and commercial/retail uses are permitted in the M-X-T Zone.
- (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone as follows:
- (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**
- (1) **Retail businesses;**
- (2) **Office, research, or industrial uses;**
- (3) **Dwellings, hotel, or motel.**

**Comment:** The submitted CSP proposes commercial/retail space, and residential units and therefore, meets the requirement for two uses.

- c. Section 27-548, M-X-T Zone regulations, establishes additional standards for the development in this zone. The CSP’s conformance with the applicable provisions is discussed as follows:

- (a) **Maximum floor area ratio (FAR):**
  - (1) **Without the use of the optional method of development—0.40 FAR**
  - (2) **With the use of the optional method of development—8.0 FAR**

**Comment:** This development will use the optional method of development and specifically utilize the one bonus incentive in Section 27-545(b) as follows:

- (b) **Bonus incentives.**
  - (4) **Residential use.**
    - (A) **Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.**

The CSP proposes a maximum floor area ratio (FAR) of 1.84 which exceeds 1.40. However, it should be noted that the mix of uses and square footage of the development will be further reviewed at the time of the DSP. Higher FAR should be provided in the Metro Station Core Area other than on the remaining portion of the property.

- (b) **The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

**Comment:** The illustrative plan shows that the retail uses included in this CSP will be located along Davey Street. It is appropriate that verticle mixed-use occur in this area of the site.

- (c) **Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

**Comment:** This requirement is not applicable since this application is for a CSP. Subsequent DSP approvals will provide regulations for the development on this property.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

**Comment:** The development is not subject to the requirements of the 2010 *Prince George's County Landscape Manual*, because the TDDP for Capital Heights states that the development district standards replace the regulations standards contained in the Landscape Manual and the Prince George's County Zoning Ordinance.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of**

development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.

**Comment:** The FAR for the proposed development is calculated in accordance with the requirement. Further refinement of the proposed FAR is anticipated at the time of DSP application.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

**Comment:** There are no private structures within the air space above, or in the ground below public rights-of-way as part of this project. Therefore, this requirement is not applicable to the subject case.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

**Comment:** The property is surrounding by public streets. Final lotting and street pattern will be decided by the Planning Board at time of Preliminary Plan of Subdivision.

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front façades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing**

ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the District Council may approve a request to substitute townhouses, proposed for development as condominiums, for multifamily dwellings that were required as a condition of approval in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, such townhouses are subject to all other requirements of the Zoning Ordinance.

**Comment:** It appears that if townhouses are ultimately proposed for the development of the property, they should meet the minimum lot size of 1,800 square feet. However, lot size issue will be further reviewed and decided by the Planning Board at the time of the preliminary plan of subdivision.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

**Comment:** This issue must be determined at the time of the DSP and would apply to the development if it is ultimately developed as residential multifamily buildings.

- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements,**

ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).

**Comment:** This requirement does not apply to this CSP.

d. In accordance with Section 27-546(d) of the Zoning Ordinance, in addition to the findings required to approve a CSP, the Planning Board shall make the following findings for projects in the M-XT Zone.

(1) **The proposed development is in conformance with the purposes and other provisions of this Division:**

**Comment:** The purposes of the M-X-T Zone, as stated in Section 27-542(a), include the following:

**Section 27-542(a)**

(1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

**Comment:** The subject project is nearby the Capitol Heights Metro transit station and development of the property will promote and enhance the economic status of the area and provide a desirable living opportunity and contribute to additional employment opportunities.

(2) **To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

**Comment:** The CSP rezoning compact of the property is intended to allow a mixed-use development of a medium- to high intensity development.

(3) **To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

**Comment:** The project proposes 1.84 FAR on the site, a high FAR that may represent the highest and best use of the land; as it contributes to supporting the transportation planning and infrastructure at this location.

- (4) **To promote the effective and optimum use of transit and other major transportation systems;**

**Comment:** The zone is appropriate in this area due to the proximity to the transit station.

- (5) **To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

**Comment:** The CSP proposes commercial and residential uses that will complement each other to create a 24-hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work, or visit in the area.

- (6) **To encourage diverse land uses which blend together harmoniously;**

**Comment:** The proposal includes both residential and commercial development that blend together harmoniously.

- (7) **To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

**Comment:** To rezone the property to the M-X-T Zone, which will allow for the creation of a development with the characteristics listed above.

- (8) **To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;**

**Comment:** Green building techniques such as those employed in Leadership in Energy and Environmental Design (LEED) standards should be utilized at the time of DSP to the extent practical to promote optimum land use and great savings in energy.

- (9) **To permit a flexible response to the market; and**

**Comment:** The M-X-T Zone is one of the mixed-use zones that were created to allow developers maximum flexibility to respond to the changing market.

- (10) **To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

**Comment:** The architecture for the project will be reviewed at the time of DSP for the project. High standards should be utilized to evaluate the architectural design at the time of DSP, in furtherance of this stated purpose of the M-X-T Zone.



Section 27-546(d)

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

**Comment:** The subject property is proposed to be rezoned, so the above finding does not apply.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

**Comment:** The property has frontage on Southern Avenue, Davey Street, and Akins Avenue. This development is expected to inject new economic vitality into the immediate area.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

**Comment:** The development is compatible with the vision proposed in the Sector Plan, for re-development around the transit station. The proposed development will greatly improve the aesthetics of the surrounding neighborhoods.

- (5) **The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

**Comment:** The mix of uses in this CSP includes commercial/retail, and residential development. The design scheme provided for review reflected on the illustrative plan should a cohesive development centering on a main street. The development is capable of sustaining an independent environment of high quality and stability. The arrangement and design of specific buildings will be reviewed at time of DSP.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

**Comment:** The project is to be completed in two stages. Phase I is designed for commercial/retail uses. Phase II is designed for a residential development. The two phases will allow an effective integration due to the complementary nature of the two proposed uses.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

**Comment:** See the Trails discussion below relating to improvements for pedestrian activity. A comprehensive review of pedestrian system will be carried out at time of review of Preliminary Plan of Subdivision of and Detailed Site Plan.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

**Comment:** This requirement will be met when a DSP is approved for the subject project.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

**Comment:** Transportation Planning staff anticipated that greater than 50 trips would be generated during either peak hour, consequently, a traffic impact study (TIS) was requested. To that end, the applicant has provided staff with a TIS dated July 9, 2016. Using data from this recent traffic analyses the following results were determined:

| <b>EXISTING CONDITIONS</b>  |                       |                       |
|---|-----------------------|-----------------------|
| Intersection  | AM<br>(LOS/CLV)/Delay | PM<br>(LOS/CLV)/Delay |
| MD 214 and Southern Avenue (DC)   | D/1414                | C/1219                |
| Southern Avenue and Davey Street (DC) *   | 37.0 seconds          | 22.7 seconds          |
| Southern Avenue and Central Avenue (DC)   | D/1392                | B/1059                |
| Central Avenue and Akin Avenue *  | 17.0 seconds          | 18.4 seconds          |
| Davey Street and Akin Avenue *  | 14.2 seconds          | 11.8 seconds          |
| Davey Street and Capitol Heights Boulevard *  | 20.3 seconds          | 21.3 seconds          |
| Davey Street and MD 214 *   | <b>211.0 seconds</b>  | 13.4 seconds          |
| Central Avenue and Chamber Avenue   | A/694                 | A/880                 |
| Southern Avenue and Clinton Avenue (DC – Proposed)  | n/a                   | n/a                   |
| Akin Avenue and Clinton Avenue - Proposed   | n/a                   | n/a                   |
| * Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed |                       |                       |

In evaluating the effect of background traffic, the TIS included approximately 21 developments whose impact could impact some or all of the critical intersections. Additionally, a growth of 0.5 percent for six years were applied to the through traffic volumes. Combining the effect of background developments plus regional growth, a second analysis was done. The table below shows the results:

| BACKGROUND CONDITIONS   |                      |                      |
|---|----------------------|----------------------|
| Intersection  | AM                   | PM                   |
|   | (LOS/CLV)/Delay      | (LOS/CLV)/Delay      |
| MD 214 and Southern Avenue (DC)   | D/1551               | C/1412               |
| Southern Avenue and Davey Street (DC) *   | 44.3 seconds         | 24.3 seconds         |
| Southern Avenue and Central Avenue (DC)   | E/1546               | C/1204               |
| Central Avenue and Akin Avenue *  | 18.4 seconds         | 24.5 seconds         |
| Davey Street and Akin Avenue *  | 14.5 seconds         | 12.0 seconds         |
| Davey Street and Capitol Heights Boulevard *  | 21.4 seconds         | 22.8 seconds         |
| Davey Street and MD 214 *   | <b>636.0 seconds</b> | <b>465.0 seconds</b> |
| Central Avenue and Chamber Avenue   | A/829                | B/1018               |
| Southern Avenue and Clinton Avenue (DC – Proposed)  | n/a                  | n/a                  |
| Akin Avenue and Clinton Avenue - Proposed   | n/a                  | n/a                  |
| * Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed |                      |                      |

Regarding the total traffic scenario, the TIS applied trip generation rates for retail (ITE-820) based on the *Institute of Transportation Engineer's (ITE) Trip Generation Manual, 9th edition*. Based on a 60 percent pass-by reduction, the net new trips were computed as 17 (10 in, 7 out) AM peak trips, and 56 (27 in, 29 out) PM peak trips. Regarding the multifamily component, the TIS used County rates resulting in a trip generation of 199 (40 in, 159 out) AM peak trips, and 229 (149 in, 80 out) PM peak trips. The total combined trips were computed as 216 (50 in, 165 out) AM peak trips, and 285 (176 in, 109 out) PM peak trips. A third analysis (total traffic) revealed the following results:

| TOTAL CONDITIONS  |                      |                      |
|---|----------------------|----------------------|
| Intersection  | AM                   | PM                   |
|   | (LOS/CLV)/Delay      | (LOS/CLV)/Delay      |
| MD 214 and Southern Avenue (DC)   | E/1580               | E/1452               |
| Southern Avenue and Davey Street (DC) *   | 44.3 seconds         | 29.1 seconds         |
| Southern Avenue and Central Avenue (DC)   | E/1597               | C/1265               |
| Central Avenue and Akin Avenue *  | 18.4 seconds         | 29.3 seconds         |
| Davey Street and Akin Avenue *  | 14.5 seconds         | 13.6 seconds         |
| Davey Street and Capitol Heights Boulevard *  | 21.4 seconds         | 24.9 seconds         |
| Davey Street and MD 214 *   | <b>636.0 seconds</b> | <b>492.0 seconds</b> |
| Central Avenue and Chamber Avenue   | A/837                | B/1054               |
| Southern Avenue and Clinton Avenue (DC – Proposed)  | 17.7 seconds         | 20.1 seconds         |
| Akin Avenue and Clinton Avenue - Proposed   | 9.3 seconds          | 9.5 seconds          |
| * Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed |                      |                      |

The results of the traffic analyses show that under total traffic, all of the critical were deemed to be operating adequately. The intersection of Davey Street and MD 214 is projected to operate with a delay well in excess of 50 seconds. However, pursuant to the "Guidelines," an intersection can be evaluated using the CLV procedure even if the intersection is un-signalized. Under that scenario, the intersection was reevaluated and the results are found to be less than 1,150. Pursuant to the "Guidelines," that level of service is deemed acceptable (see table above). Adequate public facilities to support this

development will be further evaluated at time of Preliminary Plan of Subdivision.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be approved by the applicant.**

**Comment:** This requirement is to be evaluated at the time of approval of a DSP for this project.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

**Comment:** The subject property not being developed as a Mixed-Use Planned Community. Therefore, this requirement is not relevant to the subject project.

- e. The CSP has been reviewed for conformance with the applicable site design guidelines contained in Section 27-274. As the project moves through the DSP process, and is refined as to the development details, further review for conformance with the site design guidelines will continue.

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-008-2016) was submitted with the CSP application.

The plan proposes to remove 3.94 acres of the 4.21 acres of existing woodlands and meet the woodland conservation requirement of 2.29 acres with off-site woodland conservation credits. The 0.27 acre of remaining woodland shown as "woodland retained but not credited" does not contain any of the 15 specimen trees on-site and was given a medium priority for retention and restoration by the qualified professional conducting the forest stand delineation. Once the site is developed, the stand will be an isolated woodland area, within an otherwise urban fabric.

The worksheet submitted with the TCP1 is based on the current zoning designations, the C-S-C and R-T Zones. The CSP application includes a statement of justification for a rezoning request to change the designation to the M-X-T Zone. Based on the current proposal, the rezoning of the site to the M-X-T Zone would result in a reduction in the required woodland conservation, from 2.29 acres to 2.11 acres. The proposed request will not significantly impact the woodland conservation requirement. The Environmental Planning Section recommends approval of Type 1 Tree Conservation Plan TCP1-008-2016 with conditions that have been included in this report.

10. **Other site plan related regulations:** Two additional regulations are applicable to the site plan review that usually requires detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:

- a. **Prince George’s County Tree Canopy Coverage Ordinance (TCC)**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area of TCC. This CSP project has 5.05 acres in the M-X-T Zone that results in a required TCC of 0.505 acres for the site. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP for the project when detailed information is available.

**Specimen Trees**

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.”

The site contains 15 specimen trees with the ratings of good (Specimen Trees 5, 9, and 10), fair (Specimen Trees 6, 11, and 15) and poor (Specimen Trees 1, 2, 3, 4, 7, 8, 12, 13, and 14). The current design proposes to remove all 15 trees for the development of the buildings and associated infrastructure.

A Subtitle 25 Variance Application or Statement of Justification was not included in the submittal packet. A full review will be conducted for the specimen tree removal once an application and statement of justification have been submitted.

Prior to approval of the preliminary plan, a Subtitle 25 variance application should be submitted for the removal of the 15 specimen trees. The application should include a condition analysis of each tree to be removed and a statement of justification and should address the required findings of 25-119(d). A condition has been included in the Recommendation section of this report.

- b. **Prince George’s County Landscape Manual**—The TDDP includes development district standards that override the requirements of the zoning Ordinance. On page 64 of the sector plan, it states:

**Unless stated otherwise, these design standards and guidelines replace the standards and regulations contained in the Landscape Manual and the Zoning Ordinance of Prince George’s County.**

Therefore, at the time of the DSP, the requirements for landscaping will be dictated by the TDDP.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The Planning Board adopts the following:

- a. **Community Planning**—In a memorandum dated November 18, 2016, the Community Planning Division provided the following summarized comments:

**General Plan:** This application is consistent with the Plan Prince George's 2035 Approved General Plan policy for Local Centers. Plan Prince George's 2035 designates this area in Capitol Heights as a Local Center, characterized as a focal point for development and civic activity based on access to transit with medium-to medium-high residential development along with limited commercial uses. Local Centers are envisioned as supporting walkability, especially in their cores and where transit service is available.

**Master Plan:** The 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment* was approved in July of 2008. This application conforms with the Mixed-Use Core and the Residential Medium land use recommendations of the 2008 Approved Capitol Heights Transit District Development Plan. Capitol Heights Metro station is adjacent to the subject site.

The Capitol Heights TDDP envisions compatible, moderate- to higher-density development located within an easy walk of the Metro station, generally with a mix of residential, employment and shopping opportunities. The built environment will favor pedestrians and bicyclists, promote the use of public transit, and accommodate the automobile. A successful Transit Oriented Development (TOD) is characterized by three key elements:

**Density:** Intensity of development sufficient to provide a mass of transit riders.

**Diversity-Mix of Land Uses:** A mix of complementary uses whose interactions help to promote transit ridership by locating intermediate work trip destinations near public transit stations.

**Design:** Development that creates attractive, pedestrian-friendly environments and encourages residents, workers and visitors to arrive by modes of transportation other than the automobile; i.e., public transit, walking and bicycle.

The site falls under two character areas, Metro Station Core and Medium-Density Residential Edge. The Metro station core is envisioned to be the most active and intensively developed of the Capitol Heights TDOZ character areas. It will contain the most diverse development mix and tallest buildings (four to 14 stories) -mid- to high-rise residential units, office space, public parking, retail, and a new central square. The medium-density residential edge will be characterized primarily by mid-rise condominium buildings. Neighborhood-serving commercial uses will be in ground-floor space at scattered sites along Southern Avenue. Buildings will range from four to six stories in height and cover 60 - 80 percent of their lots. In addition to the character area definitions, development standards are established in the TDOZ to help realize the density and quality of development envisioned at this location. The existing C-S-C Zone and the R-T Zone on the subject property are inconsistent with the vision for the site. An appropriate mixed-use zoning tool is required to deliver the three TOD elements envisioned for this location; density, diversity and design. The Community Planning Division recommends approval of this CSP.

- b. **Subdivision Review**—In a memorandum dated October 28, 2016, the Subdivision Section noted that the subject property is known as Lot 14–77, Block 4, being zoned C-S-C, and Lots 1-23 and 69–88, Block 12, being zoned R-T. The property is the subject of a plat recorded in land records in plat book A-74 and A-75. The subject CSP proposes

to rezone the property to M-X-T and proposes the future development of 10,762 square feet of retail and 370 multifamily and/or single-family attached buildings.

The site has frontage on Southern Avenue, Davey Street and Akin Avenue, none of which are master planned roadways, and is adjacent from the Capitol Heights Metro Station. The coversheet of the CSP indicates the property is a total of 5.05 acres, likely to account for the land area of Cavalier Street (platted as Clinton Avenue and unimproved) which bisects the property and is proposed to be improved with the development of this project is 4.91 acres. It should be noted that any previously dedicated right-of-way area that has been deemed as an accepted offering by the operating agency should not be included in the site area, otherwise the right-of-way dedication offered by plat prior to 1908 and not accepted may be shown as abandoned and included in the site area.

The layout depicted on the site plan is conceptual. No specific lotting pattern is currently proposed and may be dependent on the type of development approved for the site. The range of development proposed with this CSP requires a resubdivision of land in accordance with Section 24-111(a) of the Subdivision Regulations. Conformance to Subtitle 24 for this resubdivision will be reviewed as a major PPS approved by the Planning Board. The Subdivision Section recommends approval of this CSP with one condition that has been included in the Recommendation section of this report.

- c. **Transportation Planning**—The Transportation Planning Section has reviewed the Conceptual Site Plan (CSP) application and provided comment in a memorandum dated December 9, 2016. The Property is bounded on the southeast by Akin Avenue, on the north by Davey Street, approximately 420 feet north of its intersection with Old Central Avenue and on the west by Southern Avenue, with approximately 1,125 feet of frontage. Based on information provided in the applicant's *Statement of Justification*, the Applicant is requesting that the subject property be rezoned from the C-S-C and R-T Zones to the M-X-T Zone in accordance with Section 27-548.09.01 of the Zoning Ordinance.

The TIS was referred to other agencies and was reviewed by the Department of Public Works and Transportation (DPW&T) as well as the State Highway Administration (SHA). In a November 28, 2016 memorandum (*Issayans to Masog*), DPW&T noted the following:

“It is stated in the report that the garage access is anticipated to be via Akin Avenue. Akin Avenue, being a substandard road, must be widened and upgraded to accommodate the anticipated traffic generated by this development.”

In a December 1, 2016 letter (*Young to Lenhart*), SHA's District Three office offered no comments.

#### **Master Plan, Right of Way Dedication**

The property is located in an area where the development policies are governed by the 2008 *Approved Capitol Heights Transit District Overlay Zoning Map Amendment*. None of the recommendations of the plan will require additional widening of any street on which the proposed development fronts.

## Transportation Staff Findings

The application analyzed is a Conceptual Site Plan (CSP) for the construction of a mixed-use development. The development will consist of 11,520 square feet of retail and 382 multifamily units. This development will be adding a net total of 216 (50 in, 165 out) AM peak trips, and 285 (176 in, 109 out) PM peak trips. These rates were determined by using the *Institute of Transportation Engineer's (ITE) Trip Generation Manual, 9th edition*, as well as local County rates.

The traffic generated by the proposed CSP will impact the following intersections:

- MD 214 and Southern Avenue (DC)
- Southern Avenue and Davey Street (DC) \*
- Southern Avenue and Central Avenue (DC)
- Central Avenue and Akin Avenue \*
- Davey Street and Akin Avenue \*
- Davey Street and Capitol Heights Boulevard \*
- Davey Street and MD 214 \*
- Central Avenue and Chamber Avenue
- Southern Avenue and Clinton Avenue (DC – Proposed)
- Akin Avenue and Clinton Avenue – Proposed

\*It is worth noting that four of the afore-mentioned intersections are within the jurisdiction of the District of Columbia (DC). Because the Planning Board has no authority within that jurisdiction, all of the analyses and results pertaining to those intersections are being provided for informational purposes only. For the remaining intersections within the County, all are projected to operate within the transportation adequacy thresholds.

The findings and recommendations outlined below are based upon a review of the materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Guidelines."

The subject property is located within the 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:

- (1) **Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better;
- (2) **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. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable



operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

### **Transportation Staff Conclusions**

Based on the preceding findings, the Transportation Planning Section determines that pursuant to Section 27-546 of the County Code, the plan conforms to the required findings for approval of the CSP from the standpoint of transportation if the application is approved with the following condition:

- Total development within the subject property shall be limited to uses which generate no more than 216 AM peak trips, and 285 PM peak trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.

The condition has been included in the Recommendation section of this report.

- d. **Trails**—In a memorandum dated November 1, 2016, the Transportation Planning Section has reviewed the conceptual site plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the applicable area master plan in order to implement planned trails, bikeways, and pedestrian improvements, and provides the following comments:

#### **Background**

The subject application is located at the southwest quadrant of the intersection of Southern Avenue and Davey Street. The application proposes to rezone the site from C-S-C and R-T zones to the M-X-T zone for residential and retail space. The site is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay (TDO) Zoning Sectional Map Amendment* (TDDP). Because the site is in the Capitol Heights Metro Center and the Central Avenue Corridor, it will be subject to the requirements of Section 24-124.01 and the “Transportation Review Guidelines, Part 2, 2013,” at the time of Preliminary Plan.

One master plan trail/bikeway issue impacts the application, with on-road bicycle facilities and standard or wide sidewalks recommended along Davey Street.

The TDDP included a number of standards related to sidewalk and bicycle facilities that are applicable for the subject site. These included standards related to sidewalk construction which are copied below:

#### **4.3 Sidewalks**

**Intent: To ensure a continuous network of sidewalks and crosswalks to provide safe and convenient access between uses and to public transit.**

## Standards

- (1) **Sidewalks:** All sidewalks designated in the TDDP shall be constructed according to the streetscape requirements listed in this section and shall meet the sidewalk width(s) delineated in the TDDP streetscape sections. Sidewalks not designated in the TDDP shall be at least five feet wide and shall meet county specifications.
- (2) **Permitted Materials:** Brick, precast pavers, concrete, tinted and stamped asphalt, Belgium block, or granite pavers. Samples of proposed paving materials shall be submitted with the detailed site plan for review and approval by M-NCPPC staff.
- (3) **Sidewalk Requirements:** Sidewalks are required for all street frontages along which occupied structures (commercial, residential or mixed-use) occur.

**Comment:** The TDDP does not appear to include specific standards regarding sidewalk widths. The street section shown on page 86 do not impact the subject site. However, staff believes that wide sidewalks are appropriate along both Davey Street and Southern Avenue to accommodate pedestrians walking to Metro. These sidewalks should be a minimum of eight feet wide, but the details regarding the width and materials should be made at Preliminary Plan and/or Detailed Site Plan when more information of site design will be provided.

## 4.4 Pedestrian and Bicycle Linkages

**Intent: To develop walkable neighborhoods with contiguous linkages that support pedestrian and bicycle use, residential sociability, and commercial activity.**

### Standards

- (1) **American with Disabilities Act (ADA):** All sidewalks shall be constructed to meet ADA federal standards to comply with accessible design.
- (2) **Primacy of Sidewalks Over Vehicular Curb Cuts:** Vehicular entrances shall permit safe and clear pedestrian crossings. Sidewalk material(s) shall continue across driveway entrances at the same grade as the sidewalk on both sides of the curb cut.

## 9. Bikeways and Bicycle Parking

**Intent: To ensure the construction of bicycle parking facilities that provide convenient access to adjoining uses without compromising pedestrian/bicyclist safety and the quality of the streetscape environment.**

### Standards

- (3) **Bicycle Space Required Number:** The minimum number of required bicycle parking spaces shall be one bicycle space for every 20 off-street vehicular parking spaces. Single-family dwelling units shall be exempt from all bicycle parking requirements.

- (4) ***Bicycle Space Dimensions:*** Bicycle spaces shall be a minimum of six feet long and 2.5 feet wide, and shall provide an overhead minimum clearance of seven feet in covered spaces. A minimum five-foot-wide clear aisle shall be provided between each row of bicycle parking spaces.
- (5) ***Bicycle Parking Locations:*** Bicycle parking shall be located proportionally at each public entrance within a development.
  - (a) **Parking Structures:** Required bicycle parking within a structure shall be located in main entrances or near elevators.
  - (b) **On-Site:** Bicycle parking not located within a parking structure shall be located on-site within 50 feet of main building entrances. Bicycle parking shall not obstruct walkways.
  - (c) **Right-of-Way:** Bicycle parking may be located in the public right-of-way with the approval of SHA, DPW&T, and the Town of Capitol Heights.
  - (d) **Building:** Bicycle parking located within a building shall be easily accessible for bicyclists.
- (6) ***Bike Parking Security***
  - (a) **Bicycle racks:** Secure stationary racks shall be provided that are anchored/bolted to the ground for security of bicycle property.
  - (b) **Bicycle locker:** Lockable enclosures shall be provided for the storage of bicycles for security of bicycle property.
- (7) ***Bike Parking Access:*** Bicycle parking shall have direct access to the public right-of-way.

It should also be noted that the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* includes the following strategy regarding crosswalks along Davey Street:

**Davey Street:** Install new signals and crosswalks on Davey Street between Southern Avenue and East Capitol Street to improve pedestrian access to the Metro station.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) reaffirms the need for sidewalks as frontage improvements are made by including several policies related to pedestrian access and the provision of sidewalks. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

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

**Policy 2:**

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

**Comment:** Standard or wide sidewalks are required along all road frontages and all internal roads. Due to the site's location directly across the street from Metro, wide sidewalks appear to be appropriate. At the time of Preliminary Plan, streetscapes meeting the standards of the TDDP should be included along Davey Street, Southern Avenue, Akin Avenue and the internal road proposed. Both bicycle racks and lockers may also be appropriate. Both Southern Avenue and Davey Street are used as major pedestrian routes to Metro, with one of the main pedestrian walkways on the Metro property beginning at the Davey Street and Southern Avenue intersection opposite the subject site.

**Major Issues:**

- (1) Because the site is in the Capitol Heights Metro Center and the Central Avenue Corridor, it will be subject to the requirements of Section 24-124.01 and the "Transportation Review Guidelines, Part 2, 2013" at the time of Preliminary Plan. The cost cap for the off-site improvements will be based on Section 24-124.01(c), which is copied below:

**The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.**

- (2) Sidewalks are appropriate along all road frontages consistent with the standards of the TDDP. Wide sidewalks are appropriate along Davey Street and Southern Avenue in order to accommodate pedestrians walking from the site to Metro. Recommendations regarding sidewalk widths and treatments will be made at the time of Preliminary Plan and Detailed Site Plan.
- (3) Bicycle parking (racks and lockers) should be provided on-site, consistent with the TDDP. The number and location of these facilities will be determined at the time of Preliminary Plan and/or Detailed Site Plan.
- (4) A Southern Avenue is entirely under the ownership of the District of Columbia, coordination with the District Department of Transportation (DDOT) is necessary for frontage improvements along that road. Improvements made along that road will be coordinated at the time of Preliminary Plan. For the purposes of the BPIS and the Preliminary Plan review, it may be appropriate to show the frontage improvements along Southern Avenue as approved by the District Department of Transportation (DDOT), with confirmation that the improvements within the right-of-way have been agreed to by the operating agency. M-NCPPC Transportation Planning Section has already discussed the case with District Department of Transportation (DDOT) and will be coordinating the improvements along Southern Avenue at the time of Preliminary Plan.

The sidewalk network and compliance with the development standards and guidelines of the TDDP will be evaluated at the time of Preliminary Plan and Detailed Site Plan. All

frontages improvements and internal roads should comply with the standards included in the DDOZ. The BPIS should be submitted at the time of Preliminary Plan consistent with Section 24-124.01.

- e. **Environmental Planning**—In memorandum dated November 18, 2016, the Environmental Planning Section (EPS) provided analysis of the above referenced Conceptual Site Plan (CSP) and a Type 1 Tree Conservation Plan (TCP1) stamped as received on October 21, 2016. The Environmental Planning Section recommends approval of CSP-16004 and TCP1-008-2016 subject to the conditions listed at the end of this memorandum.

#### **Background**

The Environmental Planning Section previously reviewed and signed a Natural Resource Inventory, NRI-047-2016, for this property on March 15, 2016. No other environmental reviews have occurred on this site.

#### **Proposed Activity**

The applicant is requesting approval of a Conceptual Site Plan and a Type 1 Tree Conservation Plan rezoning and future construction of a mixed-use development consisting of residential and retail/commercial space.

#### **Grandfathering**

The project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new Conceptual Site Plan and there are no previous tree conservation plan approvals.

#### **Site Description**

The 5.05-acre site is located on the District of Columbia boundary fronting on the south side of Davey Boulevard, across from the Capitol Heights Metro Station, and between Southern Avenue (located in the District of Columbia) and Akin Avenue. Currently two, single-family dwellings occupy the property. A review of the available information indicates that there are no streams located on the site. The site drains to an unnamed tributary of Watts Branch, which ultimately flows through the District of Columbia to the Anacostia River. The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey is the Christiana-Downer complex. According to available information, Marlboro Clay does not occur on or in the vicinity of this site. The Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program, shows no rare, threatened, or endangered species found to occur on, or near this property. No Forest Interior Dwelling Species (FIDS) habitat or FIDS buffer are mapped on-site. The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. The *2005 Approved Countywide Green Infrastructure Plan* shows that none of the three network features (Regulated, Evaluation or Network Gap areas) are present on the property.

#### **Natural Resource Inventory Plan/Existing Features**

The application has an approved Natural Resource Inventory (NRI), NRI-047-2016, signed on March 15, 2016. The NRI verifies that woodlands and 15 specimen trees are present on the subject property. The TCP1 and the CSP show all the required information

correctly in conformance with the NRI. No revisions are required for conformance with the NRI.

### **Noise**

Davey Street, and Akin Avenue, within Prince George's County are classified as local roads. Southern Avenue, located within District of Columbia is classified by the District Department of Transportation (DDOT) as a minor arterial road. The posted speed on Southern Avenue is 25 miles per hour. According to the Environmental Planning Section's noise model and using the Average Daily Traffic (ADT) from DDOT, the 65dBA Ldn noise contour will not impact this site. A noise study will therefore, not be required at this time.

### **Soils**

The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Christiana-Downer complex (15-25 percent slopes) and the Urban-Land Christiana complex (0-15 percent slopes). Based on available information, Marlboro clay is not mapped on, or in the vicinity of this property. With Christiana complexes mapped on-site, the county may require a soils report in conformance with County Council Bill CB-094-2004 during the building permit review process. This information is provided for the applicant's benefit.

### **Stormwater Management**

An approved Stormwater Management Concept plan and approval letter was submitted with the subject application. SWM Concept 29895-2016-00 was approved on September 22, 2016 with conditions of approval requiring micro-bioretenion, planter boxes, green roof and underground storage facilities. The concept approval expires September 22, 2019. The approval shows that based on this proposal, the applicant will be required to pay a stormwater management fee of \$5,493.00 towards providing on-site attenuation/quality control measures. This fee-in-lieu is subject to change during the technical review.

The worksheet submitted with the TCP1 is based on the current zoning designations, C-S-C and R-T. The CSP application includes a statement of justification for a rezoning request to change the designation to M-X-T. Based on the current proposal, the rezoning of the site to M-X-T would result in a reduction in the required woodland conservation, from 2.29 acres to 2.11 acres. The proposed request will not significantly impact the woodland conservation requirement. The Environment Planning Section recommends the following conditions that have been included in the Recommendation section of this report.

1. Prior to signature approval of the conceptual site plan the TCP1 Plan shall be revised as follows:
  - a. Add "TCP1-008-2016" to the title and to the approval block.
  - b. Show the 0.27 acres of "woodland retained but not credited", as removed.
  - c. Revise Tree Conservation Plan Note 7 to remove "developed tier" and replace with "Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan.*"

- d. Have the revised plan signed and dated by the qualified professional preparing the plan.
2. Prior to approval of the preliminary plan, a Subtitle 25 variance application shall be submitted for the removal of the 15 specimen trees. The application shall include a condition analysis of each tree to be removed and a statement of justification and shall address the required findings of 25-119 (d).

f **Prince George's County Health Department**—The Environmental Engineering Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the site plan submission for CSP-16004, The Ascent, and has the following comments/recommendation:

- (1) As a water conservation measure, the developer should consider design for and implementation of water reuse practices for the proposed buildings and landscaping on the site.

**Comment:** The above comment is noted and has been transmitted to the applicant.

- (2) Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.

**Comment:** The pedestrian system will be fully evaluated in the Preliminary Plan of Subdivision and DSP process.

- (3) The public health value of access to active recreational facilities has been well documented. Future plans should include details regarding the location of active recreational facilities within ¼ mile of the proposed office buildings and/or residences or designate commercial space for recreational activities.

**Comment:** Mandatory Dedication and/or private recreational facilities will be determined at the time of Preliminary Plan of Subdivision.

- (4) Living in proximity to green space is associated with reduced self-reported health symptoms, better self-rated health, and higher scores on general health questionnaires. The site proposes the implementation of "green roofs;" this will be an added health benefit to the surrounding community.

**Comment:** Staff concurs with the above comment and it has been transmitted to the applicant.

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

**Comment:** The above comment is noted and has been transmitted to the applicant.

- (6) Research shows that access to public transportation can have major health benefits. It can be good for connectedness and walkability. The site location is within a ¼ mile radius from the Capitol Heights Metro Station.

**Comment:** The above comment is noted and has been transmitted to the applicant.

- (7) There are no existing carry-out/convenience store food facilities and grocery store/markets within a ½ mile radius of this site. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. Future plans should include designated commercial space for retail facilities offering healthy food choices to occupants/residents of the area.

**Comment:** Zoning cannot mandate the type of tenant and this comment has been transmitted to the applicant.

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

**Comment:** The above comment is noted and has been transmitted to the applicant.

- (9) During the construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Future plans should indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

**Comment:** The above comment is noted and has been transmitted to the applicant.

g. **Historic Preservation Section**—The Historic Preservation Section reviewed the applicant's application and provided comments in a memorandum dated September 30, 2016, indicating that there are two structures on the subject property. According to tax records, 36 Akin Avenue was built in 1949 and 56 Akin Avenue was constructed in 1957. The remainder of the subject property is vacant and contains steep slopes. 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. Phase I archeology survey is not recommended on the subject property. This proposal will not impact any historic sites, historic resources or known archeological sites.

h. **Washington Metropolitan Area Transit Authority (WMATA)**—In a letter dated November 21, 2016, Steven A. Teitelbaum, Senior Real Estate Advisor, WMATA provided the following comments relating to the proposed CSP:

“WMATA was the seller of part of the land that is included in the proposed project. As part of that sale, the buyer committed to develop a portion of the property – the portion we sold and some additional land- for approximately 100,000 square feet of multifamily, office and/or hotel use and approximately 14,500 square feet of retail use, and to more



generally comply with transit-oriented principles. A covenant to that effect was recorded in the County land records. A copy of that covenant is attached for our reference; see Section 2.1 on page 5.

“We are not able to confirm from the Conceptual Site Plan that the proposed project complies with that covenant. We have previously informed the applicant of this but have not had any response.

“Although the covenant is a matter between WMATA and the landowner, we would appreciate it if you would keep this covenant in mind as you review the project. Approving a project that (potentially) violates a use covenant seems wasteful. We would, of course, be happy to be shown that the proposed Conceptual Site Plan does not violate the covenant.”

**Comment:** The subject CSP has been submitted primarily to request the rezoning of the property in accordance with Section 27-548.09.01 of the Zoning Ordinance. This process allows an applicant to determine if the zoning of the property will be approved prior to the design and engineering of the project that will occur at the time of the DSP process. It is premature to decide if the development is in compliance to the private covenants held between WMATA and the developer. In any case, the covenant is not an issue before the Planning Board or the District Council. The only required findings now is that the rezoning to the M-X-T Zone is in conformance with the TDDP, specifically, the Metro Station Core and the medium residential character areas as described in the TDDP, which allows for the dense, compact development that is anticipated and desired by the staff and WMATA. Additional review regarding the site development will be carried out at time of DSP.

- i. **Prince George’s County Department of Parks and Recreation (DPR)**—As of the writing of this staff report, DPR did not respond to the referral request.
  - j. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—As of the writing of this staff report, DPIE did not respond to the referral request. The applicant has to meet DPIE’s requirements through their separate permitting process.
  - k. **Prince George’s County Police Department**—As of the writing of this staff report, the Police Department did not respond to the referral request.
12. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
13. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:
- (4) **The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).**

The Environmental Planning Section noted that there does not appear to be any regulated environmental features on the subject property. Additional review of the proposed impacts is required at the time of Preliminary Plan of Subdivision review.

## RECOMMENDATION

Based on the forgoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and recommend to the District Council APPROVAL of Conceptual Site Plan CSP-16004, and Type 1 Tree Conservation Plan, TCP1-008-2016 for The Ascent, as follows:

- A. APPROVAL of the request to rezone the property from the C-S-C and R-T Zones to the M-X-T Zone.
- B. APPROVAL of Conceptual Site Plan CSP-16004 and Type 1 Tree Conservation Plan TCP1-008-2016, The Ascent, subject to the following conditions:
  1. Total development within the subject property shall be limited to uses which generate no more than 216 AM peak trips, and 285 PM peak trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
  2. Prior to certificate approval, the following information and revisions shall be provided:
    - a. Revise the coversheet and the existing conditions plan to be consistent in the reflection of the acreage of the subject property as shown on the record plat.
    - b. The TCP1 Plan shall be revised as follows:
      - (1) Add "TCP1-008-2016" to the title and to the approval block.
      - (2) Show the 0.27 acres of "woodland retained but not credited," as removed.
      - (3) Revise Tree Conservation Plan Note 7 to remove "developed tier" and replace with "Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan.*"
      - (4) Have the revised plan signed and dated by the qualified professional preparing the plan.
  3. Prior to approval of the preliminary plan, a Subtitle 25 variance application shall be submitted for the removal of the 15 specimen trees. The application shall include a condition analysis of each tree to be removed and a statement of justification to address the required findings of Section 25-119(d).

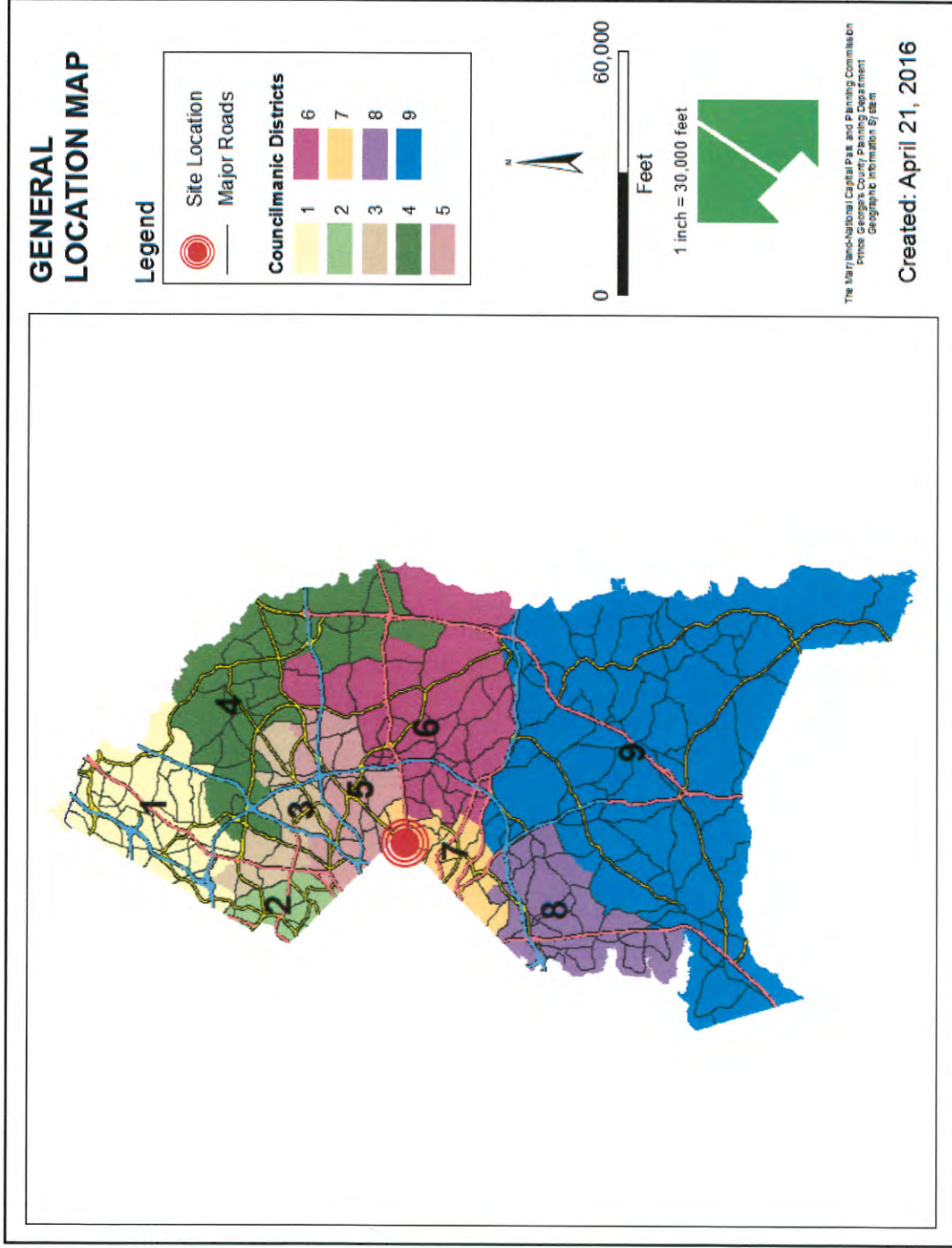
**ITEM: 9**

**CASE: CSP-16004**

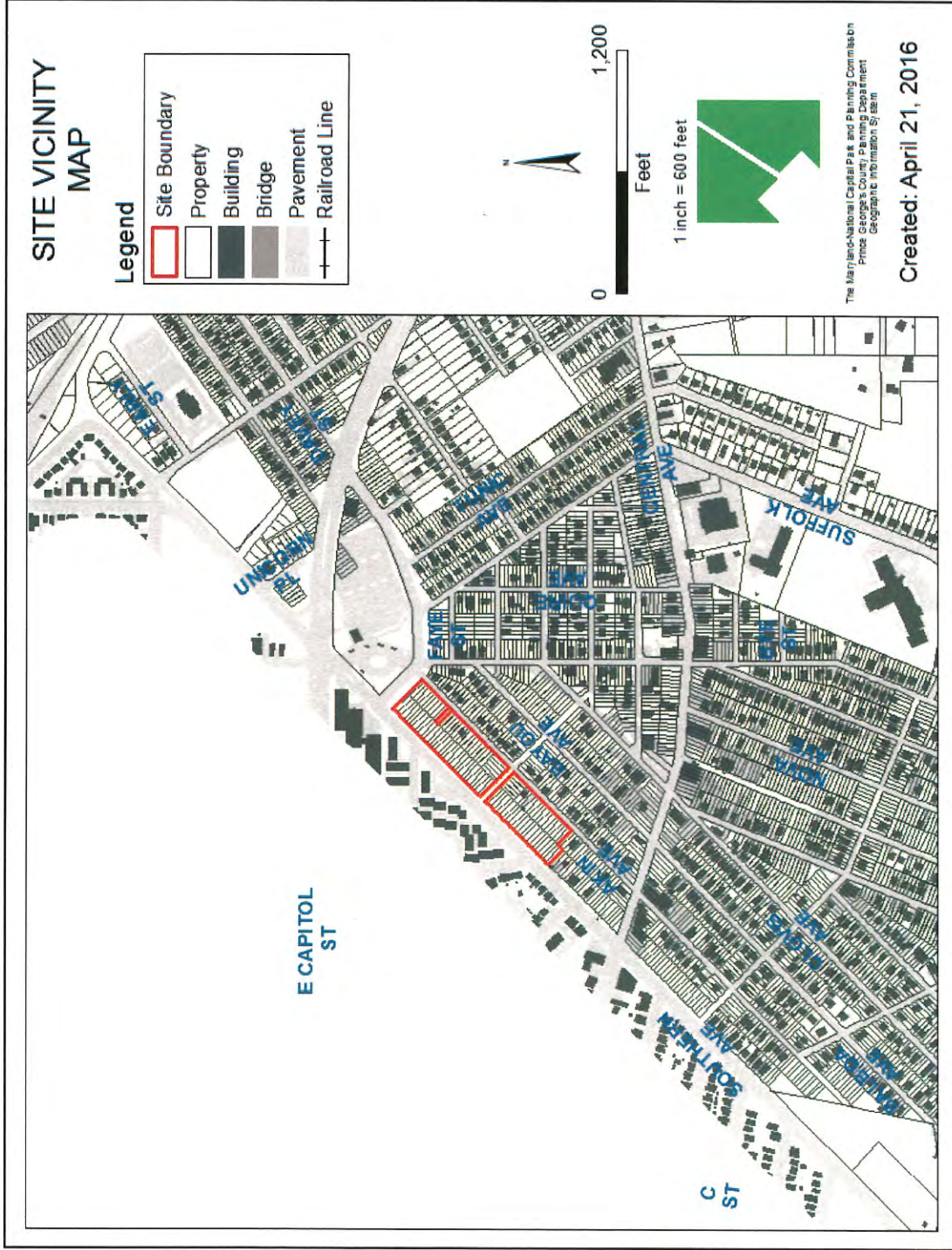
# **THE ASCENT**



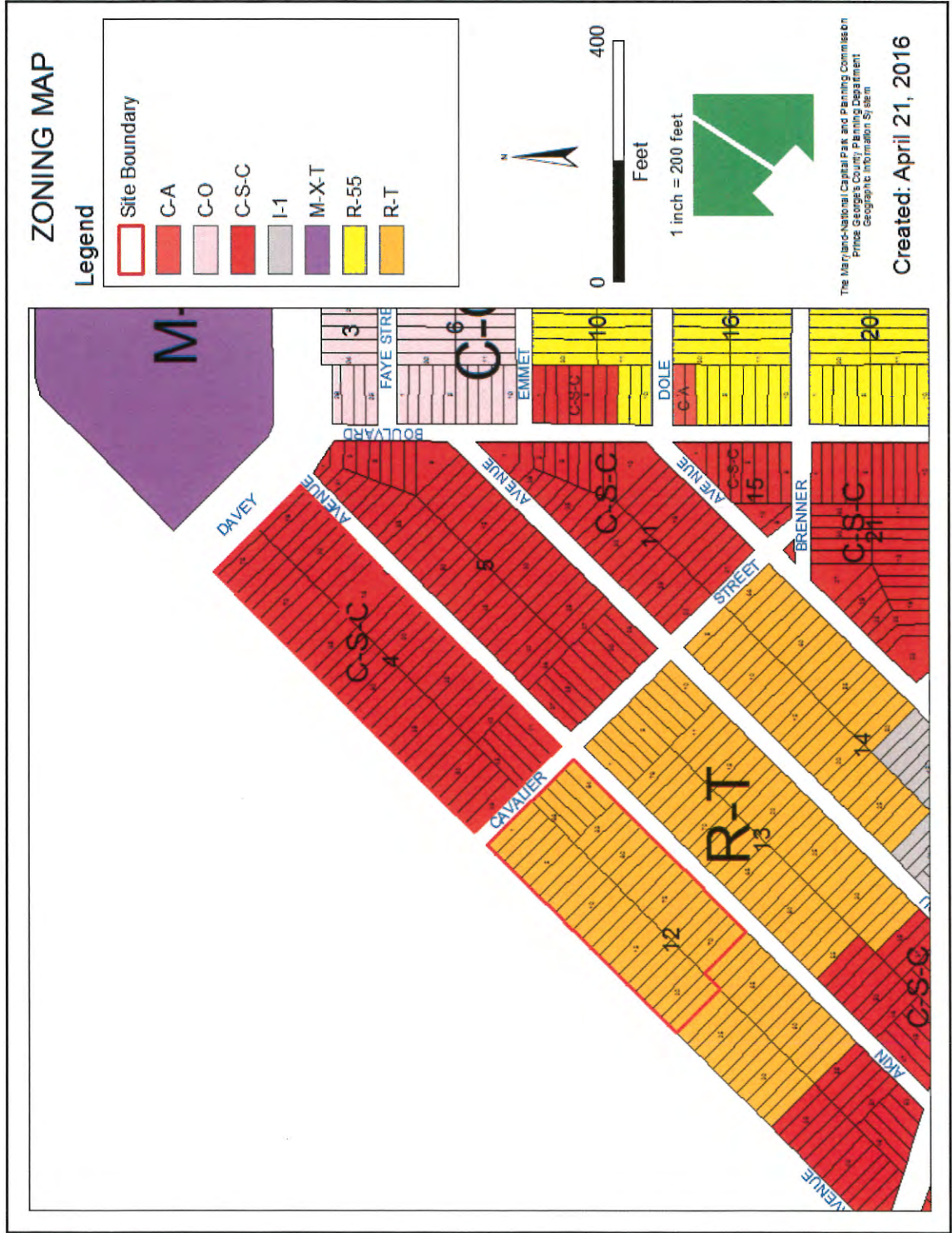
# GENERAL LOCATION MAP



# SITE VICINITY



# ZONING MAP



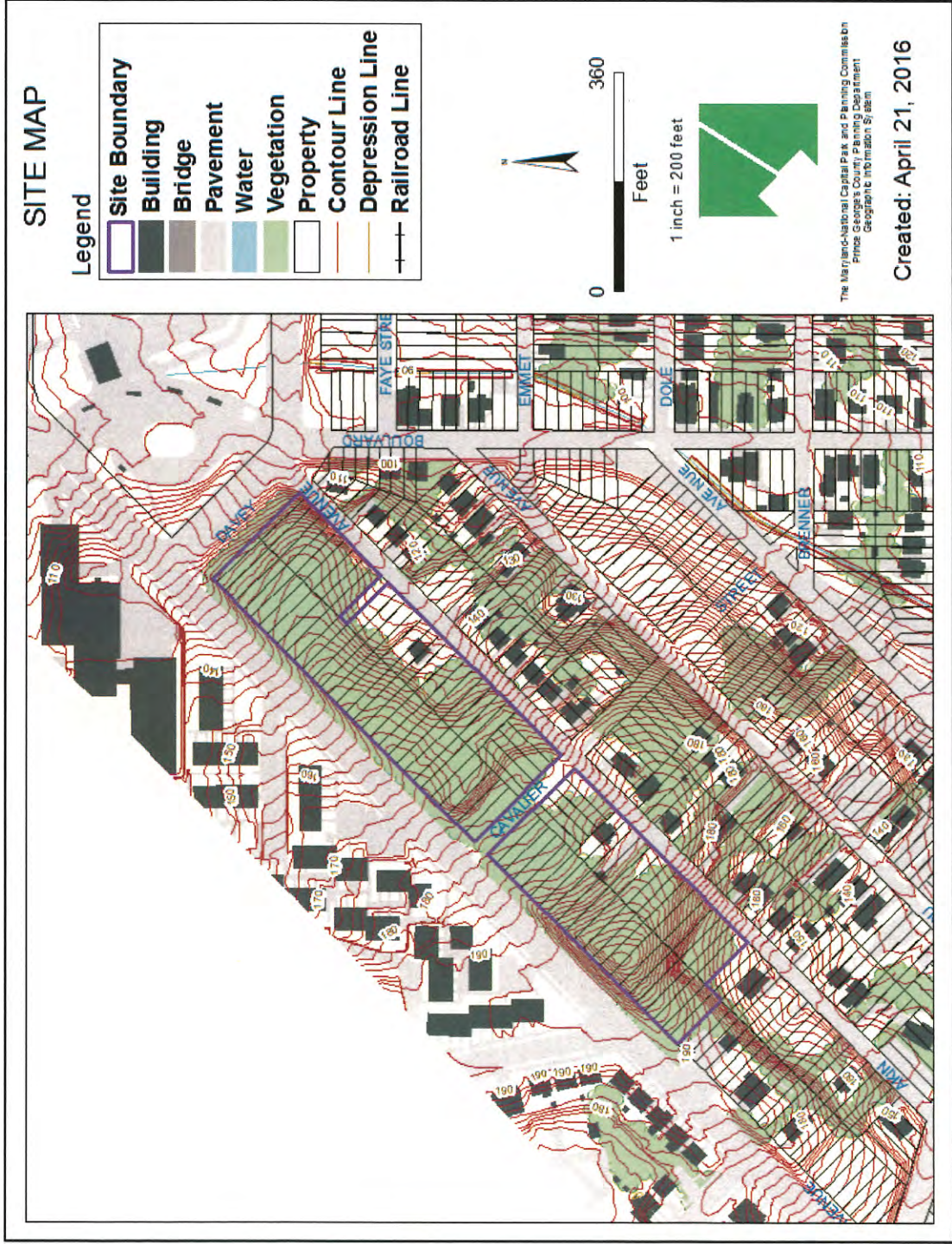
# OVERLAY MAP







# SITE MAP

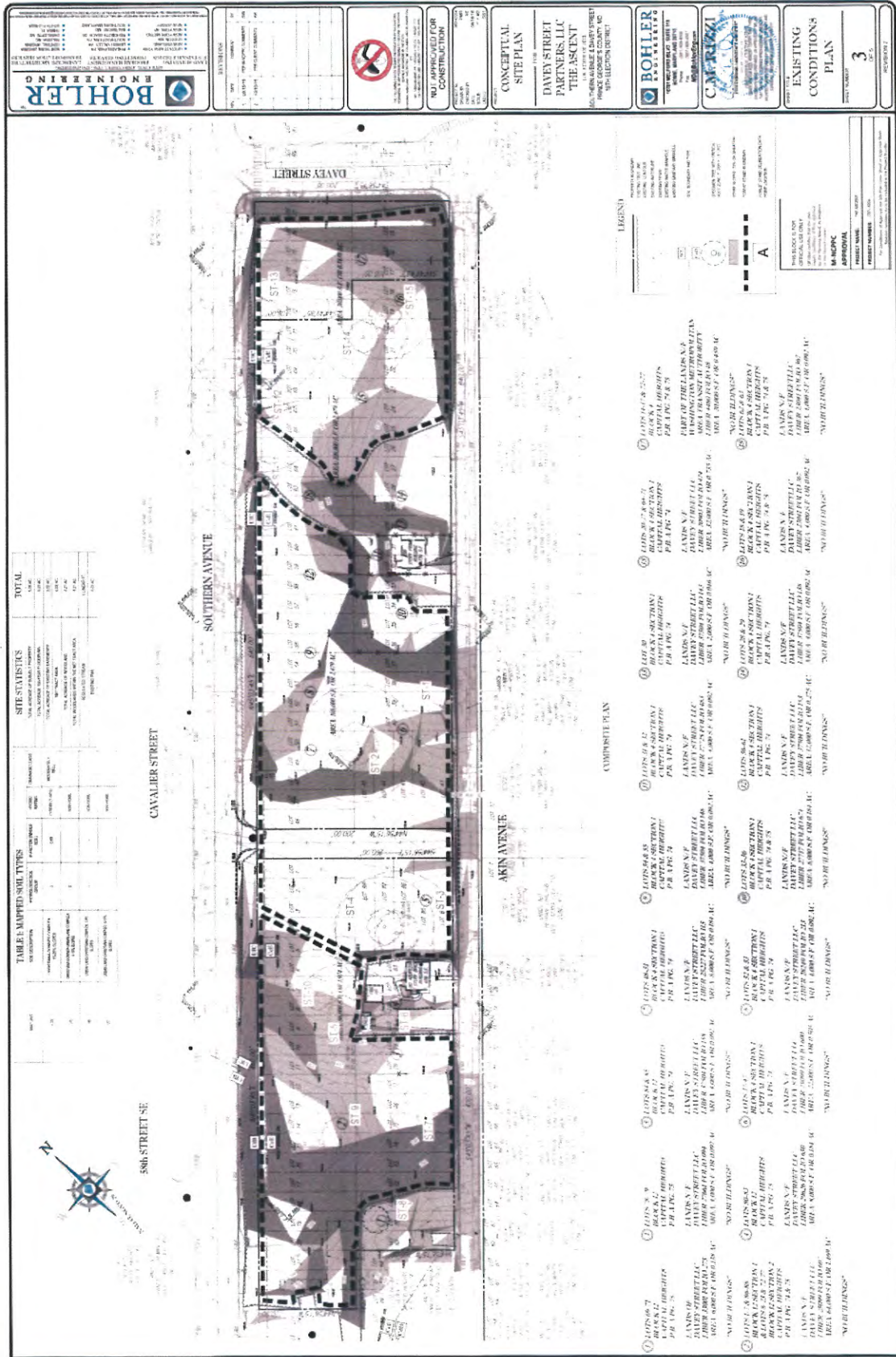


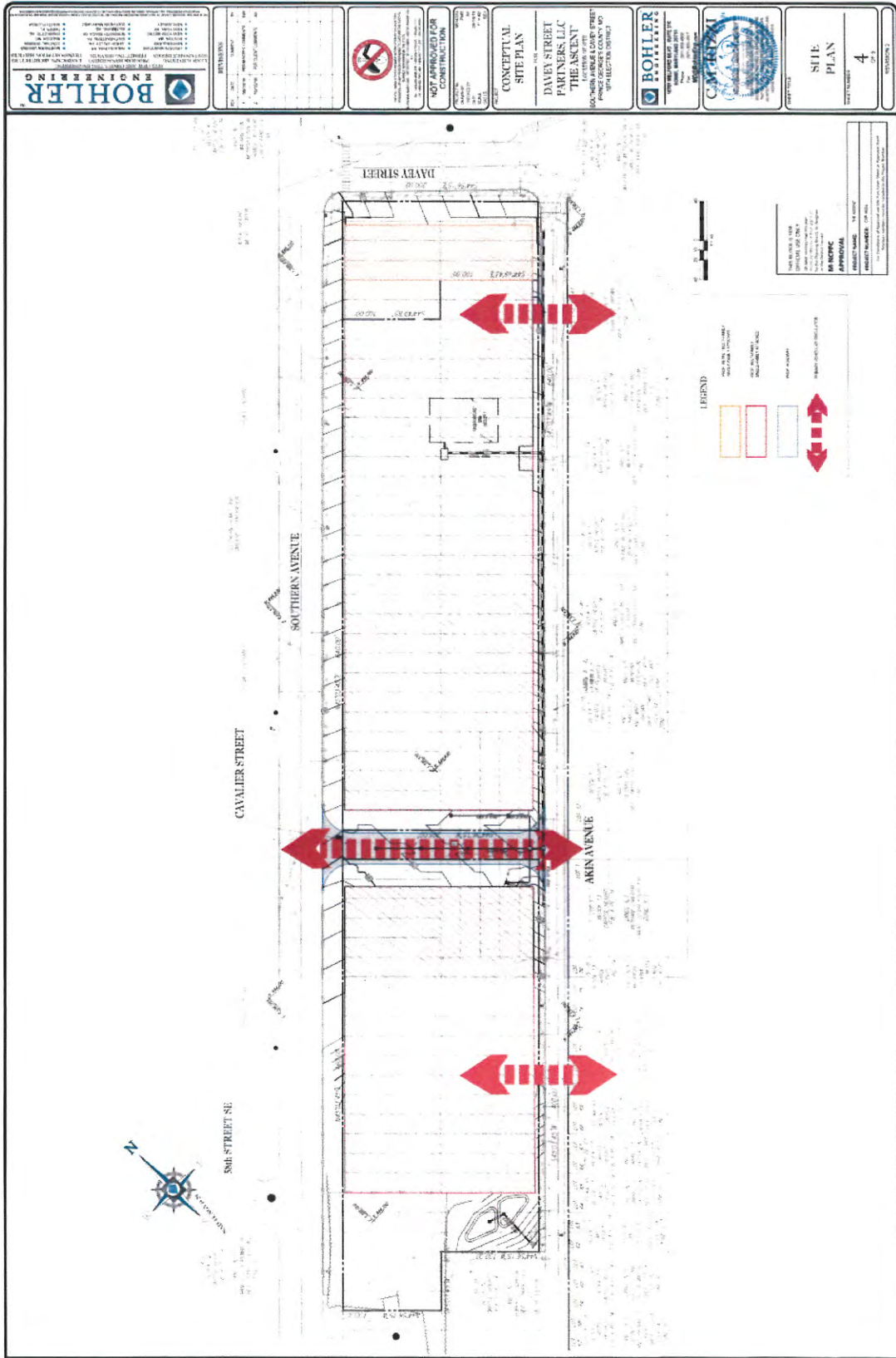
# MASTER PLAN RIGHT-OF-WAY MAP





# PLAN









November 21, 2016

BY E-MAIL

Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
Attn: Ms. Susan Lareuse  
Urban Design Section, Development Review Division

Subject: CSP-16004, The Ascent (Capitol Heights)

Ladies and Gentlemen:

Thank you for the opportunity to comment on the Conceptual Site Plan for The Ascent project in Capitol Heights, CSP-16004.

WMATA was the seller of part of the land that is included in the proposed project. As part of that sale, the buyer committed to develop a portion of the property – the portion we sold and some additional land – for approximately 100,000 square feet of multifamily, office and/or hotel use and approximately 14,500 square feet of retail use, and to more generally comply with transit-oriented principles. A covenant to that effect was recorded in the County land records. A copy of that covenant is attached for your reference; see Section 2.1 on page 5.

We are not able to confirm from the Conceptual Site Plan that the proposed project complies with that covenant. We have previously informed the applicant of this but have not had any response.

Although the covenant is a matter between WMATA and the landowner, we would appreciate it if you would keep this covenant in mind as you review the project. Approving a project that (potentially) violates a use covenant seems wasteful. We would, of course, be happy to be shown that the proposed Conceptual Site Plan does not violate the covenant.

Sincerely,

Steven A. Teitelbaum  
Senior Real Estate Advisor

Attachment: Covenant, Conditions and Reservations Agreement

cc: Mr. Steven A. Siegel (Davey Street, LLC)  
Ms. Nina M. Albert (LAND)  
Tracie S. Dickinson, Esq. (COUN)

**Washington  
Metropolitan Area  
Transit Authority**

600 Fifth Street, NW  
Washington, D.C. 20001  
202/962-1234

By Metrorail:  
Judiciary Square-Red Line  
Gallery Place-Chinatown  
Red, Green and  
Yellow Lines

A District of Columbia  
Maryland and Virginia  
Transit Partnership

2/

37632 008

115<sup>0</sup>

~~PLEASE RECORD AND RETURN TO:~~  
~~WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY~~  
~~600 FIFTH STREET, NW~~  
~~WASHINGTON, DC 20001~~  
~~ATTN: GENERAL COUNSEL~~

AFTER RECORDATION RETURN TO:  
Commonwealth Land Title Insurance Company  
1015 15th Street, N.W., Suite 300  
Washington, DC 20005  
FILE NO. 15-001784-21255171  
TLM 2564

Clerk of the  
Circuit Court

2015 DEC -1 PM 2:27

PR GEO CO MID #86

**COVENANTS, CONDITIONS AND RESERVATIONS AGREEMENT**

by and among

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

**AND**

**DAVEY STREET, LLC**

|                |             |
|----------------|-------------|
| TMP FD SURE \$ | 40.00       |
| RECORDING FEE  | 75.00       |
| TOTAL          | 115.00      |
| Res# PC05      | Rcpt # 4964 |
| SJH MNR        | Blk # 133   |
| Dec 01, 2015   | 02:17 PM    |

Dated October 30, 2015





**COVENANTS, CONDITIONS AND RESERVATIONS AGREEMENT**

This Covenants, Conditions and Reservations Agreement ("**Agreement**") is made and entered into as of October 30, 2015 ("**Effective Date**"), by and among the WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, a regional body, corporate and politic ("**WMATA**"), and DAVEY STREET, LLC, a Maryland limited liability company ("**Developer**").

**RECITALS:**

A. By special warranty deed recorded on the same date and prior to this Agreement, WMATA conveyed the below-defined "**Property**."

B. As a condition of the sale and conveyance of the Property by WMATA to Developer, Developer agreed to record, or cause to have recorded, certain covenants, conditions, and reservations against the Property.

C. The Parties intend that the covenants, conditions, and reservations established by this Agreement shall be covenants running with the land and shall extend to, inure to the benefit of, and be binding upon WMATA and Developer and all their legal representatives, heirs, and successors and assigns, unless expressly set forth to the contrary herein.

**NOW, THEREFORE**, in consideration of the mutual promises hereinafter set forth, the Recitals, which are a substantive part of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, WMATA and Developer agree that the Property is, and shall be, held, transferred, sold, developed, improved, demolished, conveyed, occupied and used subject to the covenants, conditions, and reservations as hereinafter specifically set forth, forever, and do further agree as hereinafter set forth.

**ARTICLE I  
DEFINITIONS**

Section 1.1 General Interpretive Principles. For purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires, (i) the terms defined in this Article have the meanings assigned to them in this Article and include the plural as well as the singular, and the use of any gender herein shall be deemed to include the other gender; (ii) references herein to sections, subsections, paragraphs and other subdivisions without reference to a document are to designated sections, subsections, paragraphs and other subdivisions of this Agreement; (iii) the words "herein," "hereof," "hereunder" and other words of similar import refer to this Agreement as a whole and not to any particular provision; (iv) the word "including" means "including, but not limited to"; and (v) a reference herein to an Exhibit without a reference to a document is to the designated Exhibit attached to this Agreement and incorporated herein by reference.

Section 1.2 General Definitions. As used in this Agreement the following words and phrases shall have the meanings indicated:

37632 010

**"Adjacent Construction Manual"** means WMATA'S Adjacent Construction Project Manual, as amended or replaced from time to time, or any criteria published or used by WMATA to determine materials and procedures for construction on, over or near any WMATA Facilities.

**"Agreement"** means this Agreement, as amended, supplemented or restated from time to time.

**"Compact"** means the Washington Metropolitan Area Transit Authority Compact, Public Law 89-774, 80 Stat. 1324, as same may be amended from time to time.

**"Default Interest"** means the lesser of: (i) five percent (5%) per annum in excess of the "Prime Rate," or (ii) the highest lawful rate. The "Prime Rate" shall be the prime or reference rate of interest published in the Wall Street Journal, or its successor. If such rate is no longer published or announced, then the "Prime Rate" shall be such equivalent rate as is charged from time to time by major money center banks, as determined by WMATA in its reasonable discretion.

**"Developer"** means Davey Street, LLC, and its successors and assigns.

**"Developer Improvements"** means the residential multifamily units and retail space to be constructed and developed on the WMATA/Developer TOD/JD Site and/or any other improvements constructed from time to time on the WMATA/Developer TOD/JD Site.

**"Effective Date"** means the date of execution of this Agreement first set forth above.

**"Environmental Law"** means any federal, state or local laws, ordinances or regulations relating to or addressing the protection of the air, the land, the water or the environment or public health or safety, including but not limited to the Clean Air Act, 42 U.S.C. §§ 7401 et seq.; the Clean Water Act, 33 U.S.C. §§ 1251 et seq.; the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 et seq.; the Emergency Planning and Community Right to Know Act, 42 U.S.C. §§ 11001 et seq.; the Occupational Safety and Health Act, 29 U.S.C. §§ 651 et seq.; the Oil Pollution Act, 33 U.S.C. §§ 2701 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq.; the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq.; the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.; and any similar state or local laws, ordinances, or regulations.

**"Governmental Authorities"** means any board, bureau, commission, department or body of the State of Maryland, Federal government or subdivision thereof, having or acquiring jurisdiction over the Property, or the use and improvement thereof.

**"Hazardous Materials"** means any substance, material or waste which is now or hereafter: (a) defined as a "hazardous waste", "hazardous material", "hazardous substance", "extremely hazardous waste" or "restricted hazardous waste" under any provision of Maryland or federal law, or (b) petroleum, or (c) asbestos, or (d) polychlorinated biphenyls, or (e) radioactive materials.

**"Impositions"** means all real estate taxes, assessments, sewer rents, water meter and water charges, vault charges, excise taxes, levies, payments in lieu of taxes, license and permit fees, impervious area charges, charges for public utilities and all other charges or taxes of whatsoever kind and nature levied or assessed with respect to real property or improvements thereon.

**"Land Records"** means the land records of Prince George's County, Maryland.

**"Laws"** means all laws, statutes, ordinances, orders, rules, regulations and requirements of all Governmental Authorities applicable to the Property.

**"Metro Station"** means WMATA's Capitol Heights Metrorail station, including all related WMATA Facilities located on, under, or adjacent to the Capitol Heights Metrorail station, and the Property.

**"Mortgagee"** means the mortgagee, beneficiary or party secured under any then-current first mortgage, deed of trust or similar security agreement securing or benefitting a lender and encumbering any interest of Developer in the Property of whom WMATA has been given Notice, including the Mortgagee's name and address for Notices.

**"Notice"** shall have the meaning described in Section 5.1.

**"Person"** means a natural person, an estate, a trust, a partnership, a limited liability company, a corporation and any other form of business or legal association or entity.

**"Property"** means the certain tract of land comprising approximately 17,798 square feet of land located in the Town of Capitol Heights, Prince George's County, Maryland, as more particularly described in Exhibit A attached hereto and made a part hereof.

**"WMATA/Developer TOD/JD Site"** means the Property, together with approximately forty thousand (40,000) square feet of adjacent property lying southwest of the Property and already owned by Developer, as shown on Exhibit B.

**"WMATA Facilities"** means all existing or future improvements, structures, infrastructure components, tangible property and areas required in the reasonable judgment of WMATA, for the use, operation, access, maintenance, repair, servicing, replacement or removal of any and all of the following: structures and supports, any and all access, parking, operation and service facilities and areas relating to WMATA's operations or activities, including, without limitation, all rail stations (including, without limitation, the Metro Station), tunnels, rails, tracks, bus stations, bus transfer areas, supervisor kiosks, employee bathrooms, electric substations, conduits and lines, escalators, elevators, canopies, pedestrian traffic, waiting and shelter areas, facilities serving persons with disabilities, cooling towers, chiller plants, vent and fan shafts, bicycle rack and locker areas, and all other associated facilities.

**ARTICLE II  
DEVELOPER'S COVENANTS**

Section 2.1 Continuing Transit Orientation. Developer covenants that the WMATA/Developer TOD/JD Site will be designed and constructed to constitute a mixed-use real estate development project containing approximately one hundred thousand (100,000) square feet in the aggregate of residential multifamily, office and/or hotel use and approximately fourteen thousand five hundred (14,500) square feet of retail use. Developer's use of the WMATA/Developer TOD/JD Site must also be within the parameters of a "Transit-Oriented Development" and be maintained with a "Continuing Transit Orientation" in accordance with Federal Transit Administration ("FTA") regulations and guidelines. The WMATA/Developer TOD/JD Site may not be used for any purpose or use other than the foregoing.

Section 2.2 Compliance With Laws. Developer shall comply with: Title VI of the Civil Rights Act of 1964, 42 USCA 200d, et seq., prohibition against discrimination based on race, color, national origin or sex; all non-discrimination provisions set forth in 49 C.F.R. including, without limitation, those set forth in part 27 thereof; and the Americans with Disabilities Act ("ADA"), 42 U.S.C. Sec. 12101, et seq., as amended. Developer shall comply with provisions in the applicable FTA Master Agreement relating to conflicts of interest and debarment. Developer also acknowledges that FTA may require Developer's compliance with certain laws, regulations and other requirements of FTA imposed upon WMATA. Developer shall comply with all applicable state, local and federal laws, rules, regulations, ordinances, judicial or administrative decrees, orders, decisions, authorizations and permits in connection with all work performed on the Property.

Section 2.3 Developer's Indemnification of WMATA.

(a) Developer shall indemnify, defend (with attorneys reasonably acceptable to WMATA and retained at Developer's expense) and hold WMATA harmless from any and all claims, damages, actions, losses, costs, expenses (including, without limitation any reasonable third party legal fees and expenses) and liabilities of whatsoever nature or kind that may arise in connection with any and all actions taken by Developer or Developer's agents, consultants, contractors, engineers, surveyors, attorneys and employees and their employees, agents, and invitees in, on, about or in connection with the Property, including claims for personal injury or death of any person or persons, including employees of Developer, or their respective contractors, and for loss or damage to any property.

(b) Developer shall release, indemnify, defend (with attorneys reasonably acceptable to WMATA and retained at Developer's expense) and hold harmless WMATA from any and all claims, damages, actions, losses, costs, expenses (including, by way of example and not limitation, legal fees and expenses) and liabilities of whatsoever nature that may arise in connection with the installation, use, generation, removal, treatment, disposal, storage or presence of any Hazardous Materials on, in, or under the Property, whether such claims, liabilities, losses, demands, damages, penalties, fines, costs, charges and/or expenses are incurred by WMATA as a result of a claim asserted or instigated by WMATA or any third party.

Section 2.4 Non-interference with WMATA Operations. Developer shall not interfere or permit any interference with any of WMATA's operations or the free flow of pedestrian traffic to and from any WMATA Facilities. Developer shall not conduct or permit any activities to be conducted that interfere with or diminish, or would reasonably be expected to interfere with or diminish, WMATA's ability to realize transit revenues. WMATA will have the right to disapprove any activities that in WMATA's reasonable sole judgment could result in any injury to WMATA's Facilities or operations or expose WMATA to any liability. No consent by WMATA will be interpreted as a waiver by WMATA or assumption of liability or risk by WMATA.

Section 2.5 Developer Activities. In the event of any present or future construction, demolition or total or partial reconstruction of the Developer Improvements on the Property, Developer, prior to any such construction, reconstruction or demolition, shall submit to WMATA, for review and a determination of impact or no impact to WMATA Facilities and operations during the construction, demolition or reconstruction process, in accordance with the Adjacent Construction Manual, seven (7) copies of all demolition plans and/or design drawings and construction drawings and specifications, as applicable. WMATA will review the submissions in accordance with the then-current Adjacent Construction Manual. Any modifications required to comply with WMATA's review comments shall be incorporated by Developer in the final demolition plans, construction, and/or reconstruction documents. Further, Developer shall provide customary and reasonable indemnities and liability insurance in favor of WMATA during the period of demolition and/or any structural construction. WMATA accepts no liability and waives none of its rights solely by its review of any plans or design drawings or construction drawings and specifications submitted by Developer, nor shall WMATA's review be construed to be a warranty thereof. All submissions shall be submitted and delivered to WMATA to its present office set forth below or any other successor offices by a recognized national overnight tracking delivery or courier service, addressed to:

Director, Joint Development and Adjacent Construction  
 Washington Metropolitan Area Transit Authority  
 Carmen Turner Facility  
 Building C  
 3500 Pennsy Drive  
 Landover, Maryland 20785

And with a copy to:

Washington Metropolitan Area Transit Authority  
 600 Fifth Street, NW  
 Washington, D.C. 20001  
 Attn: Director, Office of Real Estate and Station Planning

Section 2.6 Noise, Light, and Vibrations. Developer waives for itself and all other persons or entities claiming by or through Developer all right to make any claims against WMATA arising from noise, light or vibration caused from WMATA's normal transportation-related

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operation of the WMATA Facilities. Developer shall include a provision to this effect in all subleases, licenses, space occupancy agreements, and similar documents with respect to the Property.

**ARTICLE III  
REAL ESTATE TAXES**

Developer will pay all Impositions on or related to the Property, without contribution from WMATA. Pursuant to Section 78 of the Compact, WMATA is not required to pay taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision, or upon its activities in the operation and maintenance of any transit facilities or upon any revenues therefrom, and the property and income derived therefrom are exempt from all federal, State, District of Columbia, municipal and local taxation.

**ARTICLE IV  
REMEDIES**

Section 4.1 Failure of Performance.

(a) If Developer fails to perform any of its duties or obligations provided under this Agreement, WMATA may, at any time, give Notice to Developer setting forth the specific failures to comply with this Agreement.

(b) If Developer does not correct the failure(s) identified by WMATA within thirty (30) days after the date of delivery of the Notice from WMATA to Developer, or in the case of any non-monetary default, if such failure is not capable of correction within thirty (30) days plus such longer period of time as may be necessary to effect such cure provided that Developer commences to correct the failure within the initial thirty (30) days and thereafter continuously and diligently prosecutes the cure to completion but, in any event, in not more than an additional thirty (30) days, then, upon the first to occur of the expiration of such period or the failure of Developer to continuously and diligently prosecute the cure to completion, WMATA shall provide Mortgagee with Notice of the same, and Mortgagee shall have a period of either (i) fifteen (15) days after Developer's cure period under this Agreement expires in which to cure monetary defaults or (ii) (30) days after Developer's cure period under this Agreement expires in which to cure non-monetary defaults. If Mortgagee cannot reasonably cure a non-monetary default within the time period set forth in the preceding sentence and Mortgagee so notifies WMATA, then Mortgagee shall be afforded an additional period of time, not to exceed thirty (30) additional days in which to cure the default. To exercise its rights under this subsection, Mortgagee must notify WMATA of Mortgagee's doing so or intent to do so at or prior to doing so.

(c) If Mortgagee fails to cure a default within the applicable period stated in Section 4.1(b), then, upon the first to occur of the expiration of the applicable cure period or the failure of Mortgagee to continuously and diligently prosecute the cure to completion, WMATA shall have the right to correct the failure(s), including the right to enter upon the Property to correct

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the failure(s). Developer shall, within ten (10) days of written demand by WMATA, reimburse WMATA for all reasonable costs and expenses incurred pursuant to this Section, including reasonable attorneys' fees and wages, benefits and overhead allocable to the time expended by any WMATA employee in taking such actions, together with Default Interest thereon.

(d) The provisions of this Section are intended to create third-party beneficiary rights for the benefit of Mortgagee and may be relied upon and shall be enforceable by Mortgagee. If Mortgagee invokes the provisions of this Section in any manner, any obligations and terms that may pertain to Mortgagee as a result of this Section are fully applicable to Mortgagee and those obligations and terms may be enforced by WMATA.

Section 4.2 Other Remedies. If Developer shall do or threaten to do anything in violation of this Agreement, then WMATA shall have, in addition to those remedies expressly set forth herein, all rights and remedies at law or in equity, including, but not limited to, the right to specific enforcement of such covenant or agreement or the right to enjoin such violation or threatened violation, and the right to obtain a judgment and enforce a judgment to the extent provided by law. The parties acknowledge that remedies at law may not be useful or appropriate to the requirements of this Agreement and that equitable remedies are appropriate and within their contemplation.

Section 4.3 Lien Rights. All sums owed by Developer to WMATA under this Agreement shall be a charge on Developer's interests in the Developer Improvements and the land thereunder, and shall be a continuing lien thereon.

Section 4.4 No Waiver of Rights. The failure of WMATA to enforce any right or remedy set forth in this Agreement shall not constitute a waiver of the right of WMATA to enforce such right or remedy in the future. All rights and remedies granted herein shall be deemed to be cumulative and the exercise of any one or more thereof shall not be deemed to constitute an election of remedies, nor shall it preclude WMATA from exercising such other rights or remedies as may be granted by this Agreement.

## ARTICLE V NOTICES

### Section 5.1 Giving of Notice.

(a) Except as set forth in Section 2.5 above, any notice, demand, election or other communication (herein, collectively, "**Notices**" or singly referred to as a "**Notice**") which any party hereto shall desire or be required to give pursuant to this Agreement shall be in writing and shall be delivered personally or by overnight courier service to the Address of Record (as defined in Section 5.2 below). Each party agrees that it shall not refuse or reject delivery of any Notice given hereunder, that it will acknowledge, in writing, receipt of the same upon request and that any notice rejected or refused by a party will be deemed for all purposes of this Agreement to have been received by the rejecting party on the date so refused or rejected.

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(b) If at any time and from time to time any Person shall succeed to the interest or estate of any party, then (i) no notice which purports to have been given by such Person shall be effective nor shall the party to whom such notice is addressed have any obligation to recognize such notice as having been given, unless the party to whom such notice is given shall, theretofore or simultaneously therewith, be given written notice of the change of ownership by which such Person shall have acquired such interest or estate, and (ii) such Person shall not be entitled to receive any notice hereunder, and any notice given (or deemed to have been given) to the prior owner of such interest or estate shall be deemed to have been given to such Person, unless and until the party giving such notice shall be given written notice of the change of ownership by which such Person shall have acquired such interest or estate.

Section 5.2 Addresses of Record. As of the Effective Date, the parties' Addresses of Record are as follows:

- If to Developer: Davey Street, LLC  
3121 Adams Mill Road, N.W.  
Washington, D.C. 20010  
Attention: Mr. Steven A. Siegel
  
- If to WMATA: Washington Metropolitan Area Transit Authority  
600 Fifth Street, NW  
Washington, D.C. 20001  
Attn: Director, Office of Real Estate and Station Planning
  
- And with a copy to: Washington Metropolitan Area Transit Authority  
600 Fifth Street, NW  
Washington, D.C. 20001  
Attn: General Counsel

Any party may change its Address of Record by written notice to the other. Notices given to WMATA pursuant to Section 2.5 need be given only to the addresses set forth therein or any successor addresses.

**ARTICLE VI  
MISCELLANEOUS PROVISIONS**

Section 6.1 Captions of No Effect. The captions set forth in this Agreement are intended for ease of reference only and shall have no force or effect in the interpretation of this Agreement.

Section 6.2 Runs With the Land. This Agreement, and the covenants as set forth herein, are made for the benefit of and shall burden both parties and their respective successors and assigns, and shall operate as covenants running with the Property and the WMATA/Developer TOD/JD Site.



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Section 6.3 Severability. If any provision of this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement (or the application of such provision to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

Section 6.4 Governing Law. This Agreement shall be construed and governed in accordance with the laws of the state of Maryland, but excluding its conflicts of laws provisions.

Section 6.5 Successors and Assigns. Whether or not specific reference is made to successors and assigns in each term or provision of this Agreement, all of the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 6.5 Confirmation. The parties mutually covenant and agree that upon the request, from time to time, of any other party hereto or any mortgagee that they shall execute, deliver and record, at the sole cost and expense of the requesting party, among the Land Records such documents as may be reasonably necessary or appropriate to confirm all of the covenants, and reservations and exceptions set forth in this Agreement.

Section 6.6 Counterparts. This Agreement may be signed in several counterparts, each of which shall be deemed an original.

Section 6.7 No Third Party Beneficiaries. Unless expressly stated otherwise, this Agreement is not intended to give or confer any benefits, rights, privileges, claims or remedies to any person or entity as a third party beneficiary. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the burdened property to the general public or for the general public or for any public purpose whatsoever, except where the easements provided for herein are expressly for the benefit of the general public.

Section 6.8 Disputes. All legal proceedings and actions shall be subject to Sections 80 and 81 of the Compact.

Section 6.9 Execution, Recordation, and Recordation Costs. This Agreement shall be effective upon execution by both parties. Developer shall record this Agreement among the Land Records, and the land records of any other jurisdiction in which such recordation may be required by law. All recordation and transfer taxes and fees, and any similar costs, if any, shall be paid exclusively by Developer.

Section 6.10 Sovereign Immunity. In accordance with Section 80 of the Compact, WMATA is liable for its contractual obligations set forth in this Agreement, and breaches thereof.

Section 6.11 Anti-Deficiency Clause. All obligations of WMATA under this Agreement that directly or indirectly require the expenditure by WMATA of any of its funds are subject to

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appropriation by WMATA's Board of Directors and availability of funding through WMATA's budgetary procedures.

Section 6.12 Time of the Essence. Time is of the essence with respect to all provisions of this Agreement.

Section 6.13 Priority. This Agreement as well as the rights excepted and reserved by Developer shall be superior to all leases, conveyances, transfers, assignments, contracts, mortgages, deeds of trust and other encumbrances and documents recorded or entered into hereafter in any way affecting any part of the Property and/or the WMATA/Developer TOD/JD Site, as applicable. Any party foreclosing any such mortgage, deed of trust, lien or encumbrance, and any party acquiring title to or any interest in any part of the Property and/or the WMATA/Developer TOD/JD Site shall acquire and hold such title or interest expressly subject to the provisions of this Agreement.

Section 6.14 Breach Shall Not Permit Termination. It is expressly agreed that no breach of this Agreement shall entitle any person to cancel, rescind, or otherwise terminate this Agreement.

Section 6.15 No Partnership. Neither this Agreement nor any acts of the parties shall be deemed or construed by the parties hereto, or any of them, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of any association between or among them.

Section 6.16 Use of Compact. Developer understands and agrees that in no event shall Developer assert for its own benefit, or attempt to claim or assert, an exemption or immunity available to WMATA under the Compact.

Section 6.17 Officials Not To Benefit.

(a) No member (i.e., Representative or Senator) of, or delegate to Congress, or any similar official, or any member of such person's family, shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom; but this provision shall not apply if this Agreement is made with a corporation or other entity with which such official or family member has only a de minimis (in WMATA's sole opinion) contractual or ownership interest. Developer warrants, represents, and agrees that as of the date of this Agreement no person described in this subsection, nor any entity with which such person is affiliated, has any such interest in Developer or any of its agents, contractors or advisors. Developer shall forthwith deliver written notice to WMATA of any breach of the foregoing warranty, representation, and agreement, and shall make reasonable inquiries from time to time to determine whether any such breach has occurred.

(b) No member, officer, or employee of WMATA or of a local public body during his/her tenure or one year thereafter shall have any interest, direct or indirect, in this Agreement.

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Section 6.18 Gratuities. In connection with this Agreement, or any amendments or modifications thereto, the giving of, or offering to give, gratuities (in the form of entertainment, gifts or otherwise) by Developer or any agent, representative, or other person deemed to be acting on behalf of Developer, or any contractor, subcontractor or supplier furnishing material to or performing work under this Agreement, or any agent, representative or other person deemed to be acting on behalf of such supplier or subcontractor, to any director, officer or employee of WMATA, or to any director, officer, employee or agent of any of WMATA's agents, consultants or representatives, with a view toward securing an agreement or securing favorable treatment with respect to the awarding or amending or the making of any determinations with respect to performance under this Agreement or any agreement that will be negotiated, is expressly forbidden. The terms of this Section shall be broadly construed and strictly enforced in the event of violation hereof.

**[SIGNATURE PAGES TO FOLLOW]**


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IN WITNESS WHEREOF, the parties have entered into this Agreement as of the date first set forth above.

WMATA:

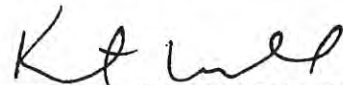
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

By:

  
Name: ANABELA TALAIA  
Title: Contracting Officer

Approved as to form and legal sufficiency:

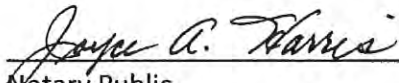
By:

  
Name: Kermit Welch  
Title: Chief Counsel  
WMATA Office of General Counsel

Washington, District of Columbia

I the undersigned, a Notary Public in and for the aforesaid jurisdiction, do hereby certify that Anabela Talaia, who is personally well known (or satisfactorily proven) to me to be the Contracting Officer of the Washington Metropolitan Area Transit Authority, and being authorized to do so, executed the foregoing instrument for the purposes contained therein.

Witness my hand and official seal this 26<sup>th</sup> day of October, 2015.

  
Notary Public

[Notary Seal]

My commission expires: 03-31-2017

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**DEVELOPER:**

**DAVEY STREET, LLC**, a Maryland limited liability company

By: [Signature]  
Name: Steven Siegel  
Title: Managing Member

Washington, District of Columbia

I the undersigned, a Notary Public in and for the aforesaid jurisdiction, do hereby certify that Steven Siegel, who is personally well known (or satisfactorily proven) to me to be Managing Member of Davey Street, LLC, and being authorized to do so, executed the foregoing instrument for the purposes contained therein.

Witness my hand and official seal this 21<sup>st</sup> day of October, 2015

[Signature]  
Notary Public

[Notarial Seal]

My commission expires: Oct 28, 2019



Exhibits

A – The Property

B – The WMATA/Developer TOD/JD Site

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**Exhibit "A"**  
**Legal Description**

All that certain property, together with the improvements thereon and appurtenances thereunto belonging, lying, situate and being in Prince George's County, Maryland, being described as follows:

Lots numbered FOURTEEN (14) through SEVENTEEN (17) and SEVENTY-TWO through SEVENTY-SEVEN (77), Block numbered FOUR (4) in the subdivision known as CAPITOL HEIGHTS, as per plat of said subdivision recorded in Plat Book A at Plat 74, among the Land Records of Prince George's County, Maryland.

NOTE FOR INFORMATIONAL PURPOSES ONLY:

Tax Account Numbers:      18-2084374 (Lots 14-17)  
   18-2084382 (Lots 72-75)  
   18-2084366 (Lots 76-77)

(End of Exhibit "A")

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**Exhibit B**

**The WMATA/DEVELOPER TOD/JD SITE**

**Lots 18 and 19, 62 and 63, Block 4, Section 1, Otway B. Zantzingers Subdivision of Capitol Heights as recorded in Liber JWB 5 at folio 676, and re-recorded in Liber A at folio 74.**

**Tax Account Numbers 18-2034411 and 18-2034445**

**Lots Twenty (20) through Twenty-seven (27) inclusive and Lots Sixty-four (64) through Seventy-one (71) inclusive, Block Four (4) in Otway B. Zantzingers Subdivision of Capitol Heights, as per plat Book A, Plat 74 among the Land Records of Prince Georges County, Maryland.**

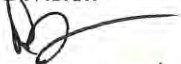
**Tax Account Nos.:**


- 18-2036655 (Lots 20 and 21)**
- 18-2036614 (Lots 22, 23 and 24)**
- 18-2036622 (Lots 25, 26 and 27)**
- 18-2036630 (Lots 64, 65 and 66)**
- 18-2036648 (Lots 67, 68 and 69)**
- 18-2036663 (Lots 70 and 71)**

November 18, 2016

**MEMORANDUM**

TO: Susan Lareuse, Urban Design Section, Development Review Division

VIA: David A Green, Supervisor, Community Planning Division 

FROM: Chidy Umeozulu, Planner Coordinator, Community Planning Division 

SUBJECT: **CSP-16004, The Ascent**

**DETERMINATIONS**

**General Plan:** This application is consistent with the Plan Prince George's 2035 Approved General Plan policy for Local Centers.

**Master Plan:** This application conforms with the Mixed Use Core and the Residential Medium land use recommendations of the 2008 Approved Capitol Heights Transit District Development Plan

**BACKGROUND**

**Location:** Southeast quadrant of the intersection of Southern Avenue and Davey Street

**Size:** 5.67 acres

**Existing Uses:** Underdeveloped and generally wooded

**Proposal:** A zoning change from C-S-C and R-T Zones to M-X-T Zone to allow for a residential community comprised of mix of residential and retail commercial land uses

**GENERAL PLAN, MASTER PLAN, AND SMA**

**General Plan:** Plan Prince George's 2035 designates this area in Capitol Heights as a Local Center, characterized as a focal point for development and civic activity based on access to transit with medium-to medium-high residential development along with limited commercial uses. Local Centers are envisioned as supporting walkability, especially in their cores and where transit service is available.

**Master/Sector Plan:** *2008 Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment*



|                            |  |
|----------------------------|--|
| <u>Planning Area/</u>      |  |
| <u>Community:</u>          | PA 76B/Capitol Heights   |
| <u>Land Use:</u>           | Mixed Use Core and Medium Residential  |
| <u>Environmental:</u>      | Refer to the Environmental Planning Section referral for conformance with the Environmental Infrastructure Chapter of the master plan and the 2005 <i>Countywide Green Infrastructure Plan</i> .   |
| <u>Historic Resources:</u> | There are no historic sites or resources on or adjacent to the site.   |
| <u>Transportation:</u>     | The plan envisions vehicular access within the TDOZ as an important, but not dominant, feature of the future built environment. Transportation concept includes an interconnected network of streets, sidewalks, and off-street bicycle and pedestrian paths to provide critical linkages between neighborhoods, commercial services, and Metro station. The plan recommends an extension of Capitol Heights Boulevard north from Davey Street to East Capitol Street. It also recommends, with the approval of District of Columbia, the closure of Southern Avenue between Davey Street and East Capitol Street to create a new public plaza west of the Capitol Heights Boulevard Extended. |
| <u>Public Facilities:</u>  | Capitol Heights Metro station is adjacent to the subject site.   |
| <u>Parks &amp; Trails:</u> | Capitol Heights Metro Plaza is recommended west of the recommended Capitol Heights Boulevard Extended adjacent to the the subject property.  |
| <u>Aviation/ILUC:</u>      | The subject property is not impacted by the approved M-I-O Zone.   |
| <u>SMA/Zoning:</u>         | The 2008 <i>Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment</i> retained a portion of the site between Davey Street and Cavalier Street in the C-S-C Zone, and the other portion south of Cavalier Street, in the R-T Zone. The potion in the C-S-C Zone was included in the "Recommended Areas for Mixed-Use Rezoning Application" (pages 46 and 47).  |

## **PLANNING ISSUES**

The Capitol Heights TDDP envisions compatible, moderate- to higher-density development located within an easy walk of the Metro station, generally with a mix of residential, employment and shopping opportunities. The built environment will favor pedestrians and bicyclists, promote the use of public transit, and accommodate the automobile. A successful Transit Oriented Development (TOD) is characterized by three key elements:

*Density:* Intensity of development sufficient to provide a mass of transit riders.

*Diversity --Mix of Land Uses:* A mix of complementary uses whose interactions help to promote transit ridership by locating intermediate work trip destinations near public transit stations.

*Design:* Development that creates attractive, pedestrian-friendly environments and encourages residents, workers and visitors to arrive by modes of transportation other than the automobile; i.e., public transit, walking and bicycle.

The site falls under two character areas, Metro Station Core and Medium-Density Residential Edge. The Metro station core is envisioned to be the most active and intensively developed of the Capitol Heights TDOZ character areas. It will contain the most diverse development mix and tallest buildings (four to 14 stories) --mid- to high-rise residential units, office space, public parking, retail, and a new

central square. The medium-density residential edge will be characterized primarily by mid-rise condominium buildings. Neighborhood-serving commercial uses will be in ground-floor space at scattered sites along Southern Avenue. Buildings will range from four to six stories in height and cover 60 - 80 percent of their lots.

In addition to the character area definitions, development standards are established in the TDOZ to help realize the density and quality of development envisioned at this location. The existing C-S-C Zone and the R-T Zone on the subject property are inconsistent with the vision for the site. An appropriate mixed-use zoning tool is required to deliver the three TOD elements envisioned for this location; density, diversity and design.

### **RECOMMENDED CONDITIONS**

N/A

cc: Ivy A. Lewis, Chief, Community Planning Division  
Long-range Agenda



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

December 9, 2016

**MEMORANDUM**

TO: Susan Lareuse, Urban Design Section, Development Review Division  
VIA: Tom Masog, Transportation Planning Section, Countywide Planning Division  
FROM: Gen. Burton, Transportation Planning Section, Countywide Planning Division  
SUBJECT: CSP-16004, The Ascent

The Transportation Planning Section has reviewed the Conceptual Site Plan (CSP) application referenced above. The subject property consists of 5.5 acres of land in the R-T and C-S-C Zones. The Property is bounded on the southeast by Akin Avenue, on the north by Davey Street, approximately 420 feet north of its intersection with Old Central Avenue and on the west by Southern Avenue, with approximately 1,125 feet of frontage. Based on information provided in the applicant's *Statement of Justification*, in order to accommodate the proposed development, the Applicant is requesting that the subject property be rezoned from the C-S-C and R-T Zones to the M-X-T Zone in accordance with Section 27-548.09.01 of the Zoning Ordinance.

**Traffic Impact**

Staff anticipated that greater than 50 trips would be generated during either peak hour, consequently, a traffic impact study (TIS) was requested. To that end, the applicant has provided staff with a TIS dated July 9, 2016. Using data from this recent traffic analyses the following results were determined:

| EXISTING CONDITIONS   |                      |                 |
|---|----------------------|-----------------|
| Intersection  | AM                   | PM              |
|   | (LOS/CLV)/Delay      | (LOS/CLV)/Delay |
| Md 214 and Southern Avenue (DC)   | D/1414               | C/1219          |
| Southern Avenue and Davey Street (DC) *   | 37.0 seconds         | 22.7 seconds    |
| Southern Avenue and Central Avenue (DC)   | D/1392               | B/1059          |
| Central Avenue and Akin Avenue *  | 17.0 seconds         | 18.4 seconds    |
| Davey Street and Akin Avenue *  | 14.2 seconds         | 11.8 seconds    |
| Davey Street and Capitol Heights Boulevard *  | 20.3 seconds         | 21.3 seconds    |
| Davey Street and MD 214 *   | <b>211.0 seconds</b> | 13.4 seconds    |
| Central Avenue and Chamber Avenue   | A/694                | A/880           |
| Southern Avenue and Clinton Avenue (DC – Proposed)  | n/a                  | n/a             |
| Akin Avenue and Clinton Avenue - Proposed   | n/a                  | n/a             |
| * Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. |                      |                 |

In evaluating the effect of background traffic, the TIS included approximately 21 developments whose impact could impact some or all of the critical intersections. Additionally, a growth of 0.5 percent for six years were applied to the through traffic volumes. Combining the effect of background developments plus regional growth, a second analysis was done. The table below shows the results:

| BACKGROUND CONDITIONS   |                      |                      |
|---|----------------------|----------------------|
| Intersection  | AM                   | PM                   |
|   | (LOS/CLV)/Delay      | (LOS/CLV)/Delay      |
| Md 214 and Southern Avenue (DC)   | D/1551               | C/1412               |
| Southern Avenue and Davey Street (DC) *   | 44.3 seconds         | 24.3 seconds         |
| Southern Avenue and Central Avenue (DC)   | E/1546               | C/1204               |
| Central Avenue and Akin Avenue *  | 18.4 seconds         | 24.5 seconds         |
| Davey Street and Akin Avenue *  | 14.5 seconds         | 12.0 seconds         |
| Davey Street and Capitol Heights Boulevard *  | 21.4 seconds         | 22.8 seconds         |
| Davey Street and MD 214 *   | <b>636.0 seconds</b> | <b>465.0 seconds</b> |
| Central Avenue and Chamber Avenue   | A/829                | B/1018               |
| Southern Avenue and Clinton Avenue (DC – Proposed)  | n/a                  | n/a                  |
| Akin Avenue and Clinton Avenue - Proposed   | n/a                  | n/a                  |
| * Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. |                      |                      |

Regarding the total traffic scenario, the TIS applied trip generation rates for retail (ITE-820) based on the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 9th edition. Based on a 60 percent pass-by reduction, the net new trips were computed as 17 (10 in, 7 out) AM peak trips, and 56 (27 in, 29 out) PM peak trips. Regarding the multi-family component, the TIS used county rates resulting in a trip generation of 199 (40 in, 159 out) AM peak trips, and 229 (149 in, 80 out) PM peak trips. The total combined trips were computed as 216 (50 in, 165 out) AM peak trips, and 285 (176 in, 109 out) PM peak trips. A third analysis (total traffic) revealed the following results:

| TOTAL CONDITIONS                             |                      |                      |
|--|----------------------|----------------------|
| Intersection                                 | AM                   | PM                   |
|  | (LOS/CLV)/Delay      | (LOS/CLV)/Delay      |
| Md 214 and Southern Avenue (DC)              | E/1580               | E/1452               |
| Southern Avenue and Davey Street (DC) *      | 44.3 seconds         | 29.1 seconds         |
| Southern Avenue and Central Avenue (DC)      | E/1597               | C/1265               |
| Central Avenue and Akin Avenue *             | 18.4 seconds         | 29.3 seconds         |
| Davey Street and Akin Avenue *               | 14.5 seconds         | 13.6 seconds         |
| Davey Street and Capitol Heights Boulevard * | 21.4 seconds         | 24.9 seconds         |
| Davey Street and MD 214 *                    | <b>636.0 seconds</b> | <b>492.0 seconds</b> |
| Central Avenue and Chamber Avenue            | A/837                | B/1054               |

|   |              |              |
|---|--------------|--------------|
| Southern Avenue and Clinton Avenue (DC – Proposed)  | 17.7 seconds | 20.1 seconds |
| Akin Avenue and Clinton Avenue - Proposed   | 9.3 seconds  | 9.5 seconds  |
| * Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. |              |              |

The results of the traffic analyses show that under total traffic, all of the critical were deemed to be operating adequately. The intersection of Davey Streey and MD 214 is projected to operate with a delay well in excess of 50 seconds. However, pursuant to the “Guidelines”, an intersection can be evaluated using the CLV procedure even if the intersection is un-signalized. Under that scenario, the intersection was reevaluated and the results are found to be less than 1,150. Pursuant to the Guidelines, that level of service is deemed acceptable (see table above).

**Comments from Outside Agencies**

The TIS was reviewed by the Department of Public Works and Transportation (DPW&T) as well as the State Highway Administration (SHA). In a November 28, 2016 memorandum (*Issayans to Masog*), DPW&T noted the following:

*“It is stated in the report that the garage access is anticipated to be via Akin Avenue. Akin Avenue, being a substandard road, must be widened and upgraded to accommodate the anticipated traffic generated by this development.”*

In a December 1, 2016 letter (*Young to Lenhart*), SHA’s District Three office offered no comments.

**Master Plan, Right of Way Dedication**

The property is located in an area where the development policies are governed by the *Approved Capitol Heights Transit District Overlay Zoning Map Amendment, 2008*. None of the recommendations of the plan will require additional widening of any street on which the proposed development fronts.

**TRANSPORTATION STAFF FINDINGS**

The application analyzed is a Conceptual Site Plan (CSP) for the construction of a mixed-use development. The development will consist of 11,520 square feet of retail and 382 multi-family units. This development will be adding a net total of 216 (50 in, 165 out) AM peak trips, and 285 (176 in, 109 out) PM peak trips. These rates were determined by using the Institute of Transportation Engineer’s (ITE) Trip Generation Manual, 9th edition, as well as local rates.

The traffic generated by the proposed CSP will impact the following intersections:

- Md 214 and Southern Avenue (DC)
- Southern Avenue and Davey Street (DC) \*
- Southern Avenue and Central Avenue (DC)
- Central Avenue and Akin Avenue \*
- Davey Street and Akin Avenue \*
- Davey Street and Capitol Heights Boulevard \*
- Davey Street and MD 214 \*
- Central Avenue and Chamber Avenue
- Southern Avenue and Clinton Avenue (DC – Proposed)
- Akin Avenue and Clinton Avenue – Proposed

It is worth noting that four of the afore-mentioned intersections are within the jurisdiction of the District of Columbia (DC). Because the Planning Board has no authority within that jurisdiction, all of the analyses and results pertaining to those intersections are being provided for informational purposes only. For the remaining intersections within the county, all are projected to operate within the transportation adequacy thresholds.

The findings and recommendations outlined below are based upon a review of the materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines.”

The subject property is located within the 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:

- a. **Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better;
- b. **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. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the The Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the The Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

## **TRANSPORTATION STAFF CONCLUSIONS**

Based on the preceding findings, the Transportation Planning Section determines that pursuant to Section 27-546 of the code, the plan conforms to the required findings for approval of the CSP from the standpoint of transportation if the application is approved with the following conditions:

- 1 Total development within the subject property shall be limited to uses which generate no more than 216 AM peak trips, and 285 PM peak trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.



Rushern L. Baker, III  
County Executive

# PRINCE GEORGE'S COUNTY GOVERNMENT

Department of Public Works and Transportation  
Office of the Director




Darrell B. Mobley  
Director

## MEMORANDUM

**DATE:** November 28, 2016

**TO:** Tom Masog, Supervisor  
Transportation Planning Section, M-NCPPC

**FROM:**  André Issayans, Deputy Director  
Department of Public Works & Transportation

**RE:** Zoning, General  
The Ascent at Capitol Heights

This is in response to your October 26, 2016, e-mail correspondence regarding the Traffic Impact Analysis (TIA) for the above referenced project. Our Office of Engineering and Project Management's (OE&PM) Traffic Safety Division has reviewed the report and offers the following:

- It is stated in the report that the garage access is anticipated to be via Akin Avenue. Akin Avenue, being a substandard road, must be widened and upgraded to accommodate the anticipated traffic generated by this development.

Please note that, a few of the studied intersections are under the jurisdiction of the local Government of Capitol Heights, Maryland State highway Administration and the District of Columbia, as such they will make the final decision, recommendations, and all mitigation measures required along their respective roadways.

If you have any questions or need additional information, please contact Armen Abrahamian, Chief, Traffic Safety Division, OE&PM, at (301) 883-5642.

AI/RLA/jmf

cc: Darrell B. Mobley, Director, DPW&T  
Haitham A. Hijazi, Director, DPIE  
Kate A. Mazzara, P.E., Associate Director, OE&PM, DPW&T  
Mary Giles, P.E., Associate Director, S/RPRD, DPIE  
Armen Abrahamian, Chief, Traffic Safety Division, OE&PM, DPW&T  
Rey De Guzman, P.E., Chief, S/RPRD, DPIE  
René Lord-Attivor, Section Chief, Traffic Design and Planning, TSD, OE&PM, DPW&T  
Cipriana Thompson, P.E., Section Chief, Traffic Engineering, S/RPRD, DPIE  
Brian Young, District Engineer, SHA



Larry Hogan, *Governor*  
Boyd K. Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*  
Gregory C. Johnson, P.E., *Administrator*

December 1<sup>st</sup>, 2016

Mr. Michael M. Lenhart  
Lenhart Traffic Consulting, Inc.  
645 Baltimore Annapolis BLVD, Suite 214  
Severna Park, MD 21146

Dear Mr. Lenhart:

Thank you for the opportunity to review the traffic impact study (TIS) for the proposed The Ascent at Capitol Heights – 16APPG030XX on MD – 214 East Capitol St (Mile Point 0.00) in Prince George’s County. The State Highway Administration (SHA) has reviewed the TIS and we are pleased to respond.

- Proposed to be developed with 382 multi-family residential dwelling units and 11,520 square feet of ground floor retail.
- The project is located on the east side of Southern Avenue (Washington D.C., SE) just south of Davey Street.
- Proposed access to the site is via a new road connecting the parallel streets, adjacent to the property (Southern and Akin Avenue).

Based on the information provided, please address the following comments in a point-by-point response:

**Traffic Forecasting and Analysis Division Comments (Provided by Elisa Mitchell):**

1. TFAD concurs with the traffic counts used for the analysis.
2. TFAD concurs with the 0.5% annual growth rate used, applied over six years.

My telephone number/toll-free number is 301-513-7300 or 1-800-749-0737  
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 9300 Kenilworth Avenue • Greenbelt, Maryland 20770 • Phone 301.513.7300 • [www.roads.maryland.gov](http://www.roads.maryland.gov)

3. TFAD notes that the trip generation is based on the ITE manual as well as local rates.
4. The pass-by trip reduction taken for the retail trips of 60% may be excessive. However, the planned retail development is not a significant portion of the development and additional discounts, such as internal trip capture and mode share, were not taken. Therefore, overall, the trip generation presented may not be insufficient and TFAD concurs with the proposed trip cap of 216 AM peak hour trips and 285 PM peak hour trips.
5. The same trip distribution is applied to the retail and residential trips and says that trips generated by the site will use the adjacent network evenly. A comparison of the trip distribution percentages to the existing traffic patterns shows that the proportion of traffic on East Capitol Street is significantly higher than adjacent streets such as Davey Street or Central Avenue (up to 40% in the respective peak direction.) While TFAD agrees to the even distribution of the retail trips, as it is anticipated that the retail will draw local trips, a more conservative analysis would consider a higher distribution to East Capitol Street than Central Avenue, such as a 20% / 10% split. It is reasonable to argue that commuters will use Capital Street more than Central Avenue. A higher trip distribution to study intersection #1 may cause this intersection to exceed APFO standards. However, this intersection is not maintained by SHA.
6. Exhibit 9a notes that study intersection#3, Southern Avenue at Central Avenue, is 'not in County'. However, the other resources shows it is a part of SHA's signal system. TFAD requests that the District or TDSD confirms the responsibility of this signal/intersection. Projected traffic is bordering on an unacceptable capacity.

**Traffic Development & Support Division (TDSD) Comments (Provided by: Eric Waltman):**

1. To address the point raised in DSED's Comment #6, DDOT maintains signal operations for all intersections either within or on the DC boundary.
2. We have no critical comments.

**Regional and Intermodal Planning Division (RIPD) Comments (Provided by: David Rodgers):**

1. A portion of the alignment of Phase 2 of the Maryland-National Capital Parks and Planning Commission's (M-NCPPC) Central Avenue Connector Trail runs along MD 332 (Old Central Avenue) from MD 214 (Central Avenue) to Southern Avenue, which straddles the D.C. line. The document should include some discussion about bicycle/pedestrian

Mr. Michael M. Lenhart  
SHA Tracking No.:16APPG030XX  
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December 1<sup>st</sup>, 2016

accommodations and should consist of some discussion pertaining to the potential interface between the proposed development and the proposed Central Avenue Connector Trail.

**District 3 Traffic Comments (Provided by: Jack Goode):**

1. We have reviewed the traffic impact study and offer no comments at this time.

Further plan submittals should reflect the above comments. Please submit one (1) sets of revised plans, a CD containing the plans and supporting documentation in PDF format, one (1) copy of a point-by-point response to reflect the comments noted above directly to Mr. Brian Young at 9300 Kenilworth Avenue, Greenbelt, MD 20770, attention of Mr. Kwesi Woodroffe. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via the SHA Access Management web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions or require additional information please contact Mr. Kwesi Woodroffe at 301-531-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at [kwoodroffe@sha.state.md.us](mailto:kwoodroffe@sha.state.md.us)

Sincerely,



Brian W. Young  
District Engineer

BWY/jrg

cc: Ms. Samantha Biddle, SHA – RIPD  
Ms. Rola Daher, SHA – TFAD  
Ms. June Dixon, M-NCPPC Prince George's County Planning Department  
Mr. Jack Goode, SHA District #3 Traffic  
Ms. Shadija Maddox, SHA District #3 Traffic  
Mr. Tom Masog, M-NCPPC Prince George's County Planning Department  
Ms. Elisa Mitchell, SHA – TFAD  
Ms. Anyesha Mookherjee, SHA District #3 Traffic  
Mr. Dave Murnan, SHA District #3 Traffic  
Mr. David Rodgers, SHA – RIPD  
Mr. Errol Stoute, SHA – TDSD  
Mr. William Stroud, SHA – TDSD  
Ms. Chanel Torsell, SHA – TFAD



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George’s County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

November 1, 2016

**MEMORANDUM**

TO: Susan Lareuse, Development Review Division  
FROM: Fred Shaffer, Transportation Planning Section, Countywide Planning Division  
SUBJECT: Conceptual Site Plan Review for Master Plan Trail Compliance

The following Conceptual Site Plan was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* and/or the appropriate area Master Plan in order to provide the Master Plan Trails.

Conceptual Site Plan Number: CSP-16004

Name: The Ascent

Type of Master Plan Bikeway or Trail

|                 |               |                           |               |
|-----------------|---------------|---------------------------|---------------|
| Private R.O.W.* | <u>      </u> | Public Use Trail Easement | <u>      </u> |
| PG Co. R.O.W.*  | <u>  X  </u>  | Nature Trails             | <u>      </u> |
| SHA R.O.W.*     | <u>      </u> | M-NCPPC – Parks           | <u>      </u> |
| HOA             | <u>      </u> | Bicycle Parking           | <u>      </u> |
| Sidewalks       | <u>  X  </u>  | Trail Access              | <u>      </u> |

\*If a Master Plan Trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The Transportation Planning Section has reviewed the conceptual site plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the applicable area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

**Background**

The subject application is located at the southwest quadrant of the intersection of Southern Avenue and Davey Street. The application proposes to rezone the site from C-S-C and R-T zones to the M-X-T zone for residential and retail space. The retail space will front on Davey Street and the site has approximately 1,125 linear feet of frontage along Southern Avenue. The residential component will consist of either townhouses or multi-family units. The site is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the *Approved 2008 Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (TDDP). Because the site is located in the Capitol Heights Metro Center and the Central Avenue Corridor, it will be subject to the requirements of Section 24-124.01 and the Transportation Review Guidelines – Part 2 at the time of Preliminary Plan.

One master plan trail/bikeway issue impacts the application, with on-road bicycle facilities and standard or wide sidewalks recommended along Davey Street (see MPOT map).

The TDDP included a number of standards related to sidewalk and bicycle facilities that are applicable for the subject site. These included standards related to sidewalk construction which are copied below:

#### **4.3 Sidewalks**

**Intent:** *To ensure a continuous network of sidewalks and crosswalks to provide safe and convenient access between uses and to public transit.*

##### **Standards**

(1) *Sidewalks:* All sidewalks designated in the TDDP shall be constructed according to the streetscape requirements listed in this section and shall meet the sidewalk width(s) delineated in the TDDP streetscape sections. Sidewalks not designated in the TDDP shall be at least five feet wide and shall meet county specifications.

(2) *Permitted Materials:* Brick, precast pavers, concrete, tinted and stamped asphalt, Belgium block, or granite pavers. Samples of proposed paving materials shall be submitted with the detailed site plan for review and approval by M-NCPPC staff.

(3) *Sidewalk Requirements:* Sidewalks are required for all street frontages along which occupied structures (commercial, residential or mixed-use) occur.

**Comments:** The TDDP does not appear to include specific standards regarding sidewalk widths. The street section shown on page 86 do not impact the subject site. However, staff believes that wide sidewalks are appropriate along both Davey Street and Southern Avenue in order to accommodate pedestrians walking to Metro. These sidewalks should be a minimum of eight-feet wide, but the details regarding the width and materials can be made at Preliminary Plan and/or Detailed Site Plan.

#### **4.4 Pedestrian and Bicycle Linkages**

**Intent:** *To develop walkable neighborhoods with contiguous linkages that support pedestrian and bicycle use, residential sociability, and commercial activity.*

##### **Standards**

(1) *American with Disabilities Act (ADA):* All sidewalks shall be constructed to meet ADA federal standards to comply with accessible design.

(2) *Primacy of Sidewalks Over Vehicular Curb Cuts:* Vehicular entrances shall permit safe and clear pedestrian crossings. Sidewalk material(s) shall continue across driveway entrances at the same grade as the sidewalk on both sides of the curb cut.

#### **9. Bikeways and Bicycle Parking**

**Intent:** *To ensure the construction of bicycle parking facilities that provide convenient access to adjoining uses without compromising pedestrian/bicyclist safety and the quality of the streetscape environment.*

##### **Standards**

(3) *Bicycle Space Required Number:* The minimum number of required bicycle parking spaces

shall be one bicycle space for every 20 off-street vehicular parking spaces. Single-family dwelling units shall be exempt from all bicycle parking requirements.

(4) *Bicycle Space Dimensions*: Bicycle spaces shall be a minimum of six feet long and 2.5 feet wide, and shall provide an overhead minimum clearance of seven feet in covered spaces. A minimum five-foot-wide clear aisle shall be provided between each row of bicycle parking spaces.

(5) *Bicycle Parking Locations*: Bicycle parking shall be located proportionally at each public entrance within a development.

(a) *Parking Structures*: Required bicycle parking within a structure shall be located in main entrances or near elevators.

(b) *On-Site*: Bicycle parking not located within a parking structure shall be located on-site within 50 feet of main building entrances. Bicycle parking shall not obstruct walkways.

(c) *Right-of-Way*: Bicycle parking may be located in the public right-of-way with the approval of SHA, DPW&T, and the Town of Capitol Heights.

(d) *Building*: Bicycle parking located within a building shall be easily accessible for bicyclists.

(6) *Bike Parking Security*

(a) *Bicycle racks*: Secure stationary racks shall be provided that are anchored/bolted to the ground for security of bicycle property.

(b) *Bicycle locker*: Lockable enclosures shall be provided for the storage of bicycles for security of bicycle property.

(7) *Bike Parking Access*: Bicycle parking shall have direct access to the public right-of-way.

It should also be noted that the Approved Subregion 4 Master Plan and Sectional Map Amendment includes the following strategy regarding crosswalks along Davey Street.

Davey Street: Install new signals and crosswalks on Davey Street between Southern Avenue and East Capitol Street to improve pedestrian access to the Metro station.

The *Approved Countywide Master Plan of Transportation (MPOT)* reaffirms the need for sidewalks as frontage improvements are made by including several policies related to pedestrian access and the provision of sidewalks. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

Policy 1:

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

Policy 2:

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

**Comments:** Standard or wide sidewalks are required along all road frontages and all internal roads. Due to the site's location directly across the street from Metro, wide sidewalks appear to be appropriate. At the time of Preliminary Plan, streetscapes meeting the standards of the TDDP should be included along Davey Street, Southern Avenue, Akin Avenue and the internal road proposed. Both bicycle racks and lockers are also appropriate. Both Southern Avenue and Davey Street are used as major pedestrian routes to Metro,

with one of the main pedestrian walkways on the Metro property beginning at the Davey Street and Southern Avenue intersection opposite the subject site.

**Major Issues:**

- Because the site is located in the Capitol Heights Metro Center and the Central Avenue Corridor, it will be subject to the requirements of Section 24-124.01 and the Transportation Review Guidelines – Part 2 at the time of Preliminary Plan. The cost cap for the off-site improvements will be based on Section 24-124.01(c), which is copied below:

*The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.*

- Sidewalks are appropriate along all road frontages consistent with the standards of the TDDP. Wide sidewalks are appropriate along Davey Street and Southern Avenue in order to accommodate pedestrians walking from the site to Metro. Recommendations regarding sidewalk widths and treatments will be made at the time of Preliminary Plan and Detailed Site Plan.
- Bicycle parking (racks and lockers) should be provided on-site, consistent with the TDDP. The number and location of these facilities will be determined at the time of Preliminary Plan and/or Detailed Site Plan.
- A Southern Avenue is entirely under the ownership of the District of Columbia, coordination with DDOT is necessary for frontage improvements along that road. Improvements made along that road will be coordinated at the time of Preliminary Plan. For the purposes of the BPIS and the Preliminary Plan review, it may be appropriate to show the frontage improvements along Southern Avenue as approved by DDOT, with confirmation that the improvements within the right-of-way have been agreed to by the operating agency. M-NCPPC Transportation Planning Section has already discussed the case with DDOT and will be coordinating the improvements along Southern Avenue at the time of Preliminary Plan.

**Conclusion:**

The sidewalk network and compliance with the development standards and guidelines of the TDDP will be evaluated at the time of Preliminary Plan and Detailed Site Plan. All frontages improvements and internal roads shall comply with the standards included in the DDOZ. The BPIS shall be submitted at the time of Preliminary Plan consistent with Section 24-124.01.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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November 18, 2016

**MEMORANDUM**

TO: Susan Lareuse, Master Planner, Urban Design Section  
VIA: Katina Shoulars, Supervisor, Environmental Planning Section  
FROM: Thomas Burke, Senior Planner, Environmental Planning Section  
SUBJECT: **The Ascent; CSP-16004 and TCP1-008-2016**

The Environmental Planning Section (EPS) has reviewed the above referenced Conceptual Site Plan (CSP) and a Type 1 Tree Conservation Plan (TCP1) stamped as received on October 21, 2016. This submittal is a revision to the original plan stamped as received on September 26, 2016, and includes alterations to the original proposal. Verbal comments were provided in a Subdivision Development Review Committee meeting on October 21, 2016, based on the original submittal.

The Environmental Planning Section recommends approval of CSP-16004 and TCP1-008-2016 subject to the conditions listed at the end of this memorandum.

**Background**

The Environmental Planning Section previously reviewed and signed a Natural Resource Inventory, NRI-047-2016, for this property on March 15, 2016. No other environmental reviews have occurred on this site.

**Proposed Activity**

The applicant is requesting approval of a Conceptual Site Plan and a Type 1 Tree Conservation Plan for the construction of a mixed-use development consisting of multifamily units and retail commercial space. The application also includes a rezoning of the property from the C-S-C and R-T zones to the M-X-T zone, in accordance with Section 27-548.09.01.

**Grandfathering**

The project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new Conceptual Site Plan and there are no previous tree conservation plan approvals.

**Site Description**

The 5.5 acre site is located on the District of Columbia boundary fronting on the south side of Davey Boulevard, across from the Capitol Heights Metro Station, and between Southern Avenue (located in the



District of Columbia) and Akin Avenue. Currently two, single-family dwellings occupy the property. A review of the available information indicates that there are no streams located on the site. The site drains to an unnamed tributary of Watts Branch, which ultimately flows through the District of Columbia to the Anacostia River. The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey is the Christiana-Downer complex. According to available information, Marlboro Clay does not occur on or in the vicinity of this site. The Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program, shows no rare, threatened, or endangered species found to occur on, or near this property. No Forest Interior Dwelling Species (FIDS) habitat or FIDS buffer are mapped on-site. The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. The approved Countywide Green Infrastructure Plan shows that none of the three network features (Regulated, Evaluation or Network Gap areas) are present on the property.

### **Environmental Review**

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

### **Natural Resource Inventory Plan/Existing Features**

The application has an approved Natural Resource Inventory (NRI), NRI-047-2016, signed on March 15, 2016. The NRI verifies that woodlands and 15 specimen trees are present on the subject property. The TCP1 and the CSP show all the required information correctly in conformance with the NRI.

No revisions are required for conformance with the NRI.

### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-008-2016) was submitted with the CSP application.

The plan proposes to remove 3.94 acres of the 4.21 acres of existing woodlands and meet the woodland conservation requirement of 2.29 acres with off-site woodland conservation credits. The 0.27 acre of remaining woodland shown as "woodland retained but not credited" does not contain any of the 15 specimen trees on-site and was given a medium priority for retention and restoration by the qualified professional conducting the forest stand delineation. Once the site is developed, the stand will be an isolated woodland area, within an otherwise urban fabric.

**Recommended Finding:** The worksheet submitted with the TCP1 is based on the current zoning designations, C-S-C and R-T. The CSP application includes a statement of justification for a rezoning request to change the designation to M-X-T. Based on the current proposal, the rezoning of the site to M-X-T would result in a reduction in the required woodland conservation, from 2.29 acres to 2.11 acres. The proposed request will not significantly impact the woodland conservation requirement. Staff supports the request.

**Recommended Condition:** Prior to signature approval of the conceptual site plan the TCP1 Plan shall be revised as follows:

- a. Add "TCP1-008-2016" to the title and to the approval block.
- b. Show the 0.27 acres of "woodland retained but not credited", as removed.
- c. Revise Tree Conservation Plan Note 7 to remove "developed tier" and replace with "Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*".
- d. Have the revised plan signed and dated by the qualified professional preparing the plan.

### **Specimen Trees**

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

The site contains 15 specimen trees with the ratings of good (Specimen Trees 5, 9, and 10), fair (Specimen Trees 6, 11, and 15) and poor (Specimen Trees 1, 2, 3, 4, 7, 8, 12, 13, and 14). The current design proposes to remove all 15 trees for the development of the buildings and associated infrastructure.

A Subtitle 25 Variance Application or Statement of Justification was not included in the submittal packet. A full review will be conducted for the specimen tree removal once an application and statement of justification have been submitted.

**Recommended Condition:** Prior to approval of the preliminary plan, a Subtitle 25 variance application shall be submitted for the removal of the 15 specimen trees. The application shall include a condition analysis of each tree to be removed and a statement of justification and shall address the required findings of 25-119 (d).

### **Noise**

Davey Street, and Akin Avenue, within Prince George's County are classified as local roads. Southern Avenue, located within District of Columbia is classified by the District Department of Transportation (DDOT) as a minor arterial road. The posted speed on Southern Avenue is 25 miles per hour. According to the Environmental Planning Section's noise model and using the Average Daily Traffic (ADT) from DDOT, the 65dBA Ldn noise contour will not impact this site. A noise study will therefore not be required at this time.

### **Soils**

The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Christiana-Downer complex (15-25 percent slopes) and the Urban-Land Christiana complex (0-15 percent slopes). Based on available information, Marlboro clay is not mapped on, or in the vicinity of this property. With Christiana complexes mapped on-site, the county may require a soils report in conformance with CB-094-2004 during the building permit review process. This information is provided for the applicant's benefit.

## **Stormwater Management**

An approved Stormwater Management Concept plan and approval letter was submitted with the subject application. Stormwater concept #29895-2016-00 was approved on September 22, 2016 with conditions of approval requiring micro-bioretenion, planter boxes, green roof and underground storage facilities. The concept approval expires September 22, 2019. The approval shows that based on this proposal, the applicant will be required to pay a stormwater management fee of \$5,493.00 towards providing on-site attenuation/quality control measures. This fee-in-lieu is subject to change during the technical review.

## **Summary of Recommended Conditions**

The Environmental Planning Section has completed the review of CSP-16004 and TCP1-008-2016, and recommends approval subject to the following findings and conditions:

**Recommended Finding:** The worksheet submitted with the TCP1 is based on the current zoning designations, C-S-C and R-T. The CSP application includes a statement of justification for a rezoning request to change the designation to M-X-T. Based on the current proposal, the rezoning of the site to M-X-T would result in a reduction in the required woodland conservation, from 2.29 acres to 2.11 acres. The proposed request will not significantly impact the woodland conservation requirement. Staff supports the request.

**Recommended Condition:** Prior to signature approval of the conceptual site plan the TCP1 Plan shall be revised as follows:

- a. Add "TCP1-008-2016" to the title and to the approval block.
- b. Show the 0.27 acres of "woodland retained but not credited", as removed.
- c. Revise Tree Conservation Plan Note 7 to remove "developed tier" and replace with "Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*".
- d. Have the revised plan signed and dated by the qualified professional preparing the plan.

**Recommended Condition:** Prior to approval of the preliminary plan, a Subtitle 25 variance application shall be submitted for the removal of the 15 specimen trees. The application shall include a condition analysis of each tree to be removed and a statement of justification and shall address the required findings of 25-119 (d).

If you have any questions concerning these comments, please contact me at 301-952-4534 or by e-mail at [Thomas.burke@ppd.mncppc.org](mailto:Thomas.burke@ppd.mncppc.org).

# THE PRINCE GEORGE'S COUNTY GOVERNMENT



## Department of Permitting, Inspections and Enforcement

### Site/Road Plan Review Division

9400 Peppercorn Place, Suite 420

Largo, Maryland 20774

(301) 883-5710



## STORMWATER MANAGEMENT CONCEPT APPROVAL

CASE NAME: CAPITOL HEIGHTS\_LOTS 76-80, BLOCK 4\_THE ASCENT CASE #: 29895-2016-00  
APPLICANT'S NAME: DAVEY STREET PARTNEERS, LLC  
ENGINEER : BOHLER ENGINEERING

### REQUIREMENTS:

**Technical Review is required for PUBLIC/PRIVATE Storm Drain/SWM Construction.**

Type of Storm Drainage/SWM Construction is both PUBLIC and PRIVATE.

These additional approvals are required: None.

These fees apply: REVIEW, FEE-IN-LIEU.

These bonds apply: None.

Required water quality controls: SEE CONDITION 1.

Required water quantity controls: 100, SEE CONDITION 2 YEAR ATTENUATION(S).

A maintenance agreement is required.

No special conditions apply.

Required easements: STORM DRAIN.

**Storm Water Management fee payment of \$5,493.00 in lieu of providing on-site attenuation/quality control measures.  
(Fee-In-Lieu subject to change during technical review. )**

### CONDITIONS OF APPROVAL:

*Please see second page.*

APPROVED BY:

Rey De Guzman

APPROVAL DATE: September 22, 2016

EXPIRATION DATE: September 22, 2019

### FOR OFFICE USE ONLY

ADC MAP: 5530 d-9 200' SHEET: 201SE05

STREET NAME: SOUTHERN AVE

WATERSHED: 10-Anacostia River

NUMBER OF DU'S: 109 COST PER DWELLING: 0

# THE PRINCE GEORGE'S COUNTY GOVERNMENT



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## STORMWATER MANAGEMENT CONCEPT APPROVAL

CASE NAME:

CAPITOL HEIGHTS\_LOTS 76-80, BLOCK 4\_THE ASCENT

CASE #:

29895-2016-00

### CONDITIONS OF APPROVAL:

1. WATER QUALITY CONTROL REQUIREMENTS: MICRO-BIORETENTION, PLANTER BOXES, GREEN ROOF & UG CHAMBERS.
2. WATER QUANTITY CONTROL REQUIREMENTS: 100 YEAR QUANTITY CONTROL FOR OUTFALL A.
3. EXISTING HOUSE TO BE RAZED.
4. LANDSCAPE PLANS ARE REQUIRED AT TECHNICAL REVIEW.
5. SITE DEVELOPMENT PERMIT REQUIRED INCLUDING ULTIMATE RW FRONTAGE IMPROVEMENTS, INCLUDING STORM DRAINAGE, STREET TREES AND STREET LIGHTING AND ON-SITE GRADING.
6. THIS PROJECT WILL REQUIRE PERMITS FROM THE MUNICIPALITY FOR EXISTING AND PROPOSED ROADWORK.
7. THIS SITE IS LOCATED WITHIN MXT ZONE AREA.
8. USING MICRO SCALE PRACTICES TO ADDRESS ESD TO THE MEP TREATING 1" OF RAINFALL DUE TO LARGE AMOUNT OF IMPERVIOUS AREA WITHIN THE SITE.
9. THE DRAINAGE AREA ( BYPASS 1 ) COVERS THE ASSOCIATED PARKING FOR BUILDING A, DIVERTED THROUGH PRIVATE SD SYSTEM TO THE UNDERGROUND STORAGE.
10. THE SMALL DRAINAGE AREA ( BYPASS 2 ) FLOWS DIRECTLY INTO PUBLIC SD SYSTEM TO OUTFALL A.
11. CAVALIER STREET TO BE VACATED PRIOR TO FINE GRADING PERMIT ISSUANCE.
12. THE SD EASEMENT IS REQUIRED FOR THE PROPOSED SD PIPE ALONG AKIN AVENUE.
13. 100 YEAR QUANTITY CONTROL ONSITE FOR OUTFALL A IS REQUIRED AT THE TIME OF TECHNICAL REVIEW. REVIEWED BY MA.

Date: November 2, 2016

To: Susan Lareuse, Urban Design, M-NCPPC

From: Adebola Adepoju, Subdivision Review Specialist, Environmental Engineering and Policy Program

Re: CSP-16004, THE ASCENT

The Environmental Engineering Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the site plan submission for CSP-16004, The Ascent and has the following comments/recommendation:

1. ***As a water conservation measure, the developer should consider design for and implementation of water reuse practices for the proposed buildings and landscaping on the site.***
2. Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. ***Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community. Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how development of the site will provide for safe pedestrian access to amenities in the adjacent communities and provide a safe and easy onsite pedestrian circulation.***
3. The public health value of access to active recreational facilities has been well documented. ***Future plans should include details regarding the location of active recreational facilities within ¼ mile of the proposed office buildings and/or residences or designate commercial space for recreational activities.***
4. Living in proximity to green space is associated with reduced self-reported health symptoms, better self-rated health, and higher scores on general health questionnaires. ***The site proposes the implementation of “green roofs”; this will be an added health benefit to the surrounding community.***

5. There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the role of public health in improving quality of life. ***The developer should consider setting aside space for a community garden.***
6. Research shows that access to public transportation can have major health benefits. It can be good for connectedness and walkability. ***The site location is within a ¼ mile radius from the Capitol Heights Metro Station.***
7. There are no existing carry-out/convenience store food facilities and grocery store/markets within a ½ mile radius of this site. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. ***Future plans should include designated commercial space for retail facilities offering healthy food choices to occupants/residents of the area.***
8. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. ***Future plans should indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.***
9. During the construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. ***Future plans should indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.***

If you have any questions or need additional information, please contact me at 301-883-7677 or [aoadepoju@co.pg.md.us](mailto:aoadepoju@co.pg.md.us).

October 28, 2016

**MEMORANDUM**

**TO:** Susan Lareuse, Urban Design Section

**FROM:** Sherri Conner, Subdivision Section *SC*

**VIA:** Whitney Chellis, Subdivision Section *SC for WC*

**SUBJECT:** CSP-16004 The Ascent

The subject property is known as Lot 14-77, Block 4, being zoned C-S-C, and Lots 1-23 and 69-88, Block 12, being zoned R-T. The total acreage of the subject lots is 4.91 acres, all within a T-D-O-Z (Capitol Heights). The property is the subject of a plat recorded in land records in plat book A-74 & 75, however there are no previously approved development applications for the property. The subject CSP proposes to rezone the property to M-X-T and proposes the future development of 10,762 square feet of retail and 370 multifamily and/or single-family attached buildings.

The site has frontage on Southern Avenue, Davey Street and Akin Avenue, none of which are master planned roadways, and is adjacent from the Capitol Heights Metro Station. The coversheet of the CSP indicates the property is a total of 5.05 acres, likely to account for the land area of Cavalier Street (platted as Clinton Avenue and unimproved) which bisects the property and is proposed to be improved with the development of this project. However, the total acreage of the lots included in this subdivision is 4.91 acres. The plans should be revised to consistently and accurately reflect the acreage of the subject property on all plan sheets. Any previously dedicated right-of-way area that has been deemed as an accepted offering by the operating agency shall not be included in the site area, otherwise the right-of-way dedication offered by plat prior to 1908 and not accepted may be shown as abandoned and included in the site area.

The layout depicted on the site plan is conceptual. No specific lotting pattern is currently proposed and may be dependent on the type of development approved for the site. The range of development proposed with this CSP requires a resubdivision of land in accordance with Section 24-111(a) of the Subdivision Regulations. Conformance to Subtitle 24 for this resubdivision shall be reviewed as a major PPS approved by the Planning Board.

**Recommend Condition**

1. Revise the coversheet and existing conditions plan to be consistent in the reflection of the acreage of the subject property.





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Historic Preservation Section

(301) 952-3680  
www.mncppc.org

September 30, 2016

MEMORANDUM

TO: Susan Lareuse, Master Planner  
Urban Design Section  
Development Review Division

VIA: Howard Berger, Supervisor *HB*  
Historic Preservation Section  
Countywide Planning Division

FROM: Jennifer Stabler, Archeology Planner Coordinator *JAS*  
Thomas Lester, Principal Planning Technician *TEL*  
Historic Preservation Section  
Countywide Planning Division

SUBJECT: **CSP-16004, The Ascent**

The subject property comprises 5.67 acres located at the southwest quadrant of the intersection of Southern Avenue and Davey Street in Capitol Heights, Maryland. This application proposes rezoning the subject property from the C-S-C and R-T zones to M-X-T for residential and retail development.

There are two structures on the subject property. According to tax records, 36 Akin Avenue was built in 1949 and 56 Akin Avenue was constructed in 1957. The remainder of the subject property is vacant and contains steep slopes. 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. Phase I archeology survey is not recommended on the subject property. This proposal will not impact any historic sites, historic resources or known archeological sites.

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**McNamee Hosea**  
Attorneys & Advisors

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**Daniel F. Lynch, Esquire**  
Admitted in Maryland

E-mail: [DLynch@mhlawyers.com](mailto:DLynch@mhlawyers.com)  
Direct Dial: Extension 250

November 30, 2016

*Via Electronic Submittal*

Ms. Elizabeth M. Hewlett  
Chairperson, M-NCPPC  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

**Re:    *Conceptual Site Plan CSP-16004***  
***Continuance Request***

Dear Chairperson Hewlett:

We represent the Applicant in the above referenced matter. Please accept this letter as a request for a continuance of the Planning Board Hearing from Thursday December 15, 2016, until Thursday January 5, 2017. This request is the result of technical staff requiring more time to complete their review of CSP-16004.

Thank you in advance for your review and courtesy in this matter. Should you have any questions or require additional comments, please do not hesitate to contact us.

Respectfully submitted,

**McNamee Hosea**



Daniel F. Lynch

CC:    Ms. Susan Lareuse  
       Parties of Record