DSP-06001-03



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 <u>http://mncppc.igm2.com/Citizens/Default.aspx</u>*

Detailed Site Plan The Commons at Addison Road Metro

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REQUEST **STAFF RECOMMENDATION** This case was continued from the Planning Board hearing date of March 5, 2020 to April 9, 2020. Development of a mixed-use building Approval with conditions including 193 multifamily dwelling units and 11,000 square feet of ground-floor commercial uses. **Location:** In the southwest quadrant of the intersection of MD 214 (Central Avenue) and Addison Road, with frontage on Zelma Avenue. Gross Acreage: 2.98 C-S-C/R-55/D-D-0 Zone: 193 **Dwelling Units**: 182,500 sq. ft. Gross Floor Area: **Planning Area:** 75A Council District: 07 **Election District:** 18 Municipality: N/A 04/09/2020 **Planning Board Date:** 200-Scale Base Map: 201SE06 **Planning Board Action Limit:** Indefinite **Applicant/Address**: Staff Report Date: 03/26/2020 6301 Central Avenue, LLC Banneker Ventures, LLC Date Accepted: 04/10/2019 1738 Elton Road, Suite 215 **Informational Mailing:** 09/25/2018 Silver Spring, MD 20904 03/29/2019 **Staff Reviewer:** Andrew Bishop Acceptance Mailing: Phone Number: 301-952-4897 02/04/2020

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person of Record/. Please call 301-952-3530 for additional information.

Sign Posting Deadline:

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT:Detailed Site Plan DSP-06001-03Type 2 Tree Conservation Plan TCP2-013-2019The Commons at Addison Road Metro

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

EVALUATION

The detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the October 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity;*
- b. The requirements of the Prince George's County Zoning Ordinance in the Commercial Shopping Center Zone and the One-Family Detached Residential Zone;
- c. The requirements of Preliminary Plans of Subdivision 4-05068 and 4-08019;
- d. The requirements of Detailed Site Plan DSP-06001 and its amendments;
- e. The requirements of the Development District Overlay Zone;
- f. The requirements of the 2010 *Prince George's County Landscape Manual;*
- g. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance; and,
- h. Referral comments.

FINDINGS

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

1. Request: The subject application requests approval of an amendment to a detailed site plan (DSP) for a mixed-use building including 193 multifamily dwelling units and 11,000 square feet of ground-floor commercial uses. This amendment completely supersedes the previous approvals of the DSP.

2. Development Data Summary:

	EXISTING	PROPOSED
Zone	C-S-C/R-55/D-D-0	C-S-C/R-55/D-D-0
Use	Vacant	Multifamily residential; commercial
Acreage	2.75 C-S-C/D-D-O 0.23 R-55/D-D-O	2.75 C-S-C/D-D-0 0.23 R-55/D-D-0
Total Acreage	2.98	2.98
Parcels	2	2
Lots	1	1
Total Gross Floor Area (sq. ft.)	0	182,500

Proposed Development					
Unit Type	Approved with DSP-06001-01	Proposed with DSP-06001-03			
Studio	0	10			
1Bedroom	79	123			
2 Bedroom	91	60			
3 Bedroom	1	0			
Total	171	193			
Office	37,170 sq. ft.	0 sq. ft.			
Library	32,820 sq. ft.	0 sq. ft.			
Retail	15,890 sq. ft.	11,000 sq. ft.			

PARKING AND LOADING TABULATION

Use	Number of Spaces Required*	Number of Spaces Provided
Total Parking	300	160
Studio 10 @ 1.33/unit	14	
1BR 123 @ 1.33/unit	164	
2BR 60 @ 1.66/unit	100	
11,000 sq. ft. of retail @ 1/250 sq. ft.	22**	
Total On-site Surface Parking		122
Handicap-Accessible		2
Standard Spaces		78 (22 reserved for commercial uses)
Compact		42

Use	Number of Spaces Required*	Number of Spaces Provided		
Total On-site Garage Residential Parking		38		
Handicap-Accessible		5		
Standard Spaces		24		
Compact		8		
Parking and Ride Space		1***		
Total Loading Spaces	3	3		
Multifamily				
1 space/100 to 300 Dwelling Units	1	1		
Retail (11,000 sq. ft.)				
1 space/ 2,000 – 10,000 GFA +1 space/ for 10,000 – 100,000 GFA	2	2		

Note: *The 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* does not include specific requirements for the number of residential parking or loading spaces required; therefore, Sections 27-568 and 27-582 of the Zoning Ordinance serve as the requirements for the site, and the applicant is requesting an amendment to that requirement, as discussed in Finding 8.

**Parking site design standard S2.Q. of the Development District Overlay Zone of the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* allows for a reduction in the required number of commercial parking spaces on a property, but not more than one half (page 177).

***The application proposes one space for the use of ride-share services, such as Uber and Lyft, that has been included in the total number of spaces provided. Due to the size of the development, and with respect to the applicant's justification that the development has been designed to promote pedestrian-friendly, transit-oriented development near the Metro station, staff recommends that two spaces be provided for ride-share services, as conditioned herein.

- **3. Location:** The site is located in Planning Area 75A, Council District 7. More specifically, it is located in the southwest quadrant of the intersection of MD 214 (Central Avenue) and Addison Road, across from the Addison Road Metro Station, at 6301 Central Avenue. In addition, it is noted that the property is located within the Subarea 3–Metro West (Town Commons) portion of the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* (ARM Sector Plan and SMA).
- **4. Surrounding Uses:** The subject property is bounded to the north by MD 214, with commercial land uses beyond; to the west by Zelma Avenue, with single-family detached residential uses beyond; to the south by single-family detached residential uses; and to the east by Addison Road, with the Addison Road Metro Station beyond.

5. Previous Approvals: Preliminary Plan of Subdivision (PPS) 4-05068 was approved by the Prince George's County Planning Board on February 9, 2006 (PGCPB Resolution No. 06-37) for Parcel A, on which the mixed-use building is proposed. Detailed Site Plan DSP-06001 was subsequently approved by the Planning Board on September 21, 2006 (PGCPB Resolution No. 06-217) for a mixed-use development to include 170 multifamily units and 22,696 square feet of commercial uses within an eight-story building. The Prince George's County District Council elected to review the case and affirmed the Planning Board decision, with additional conditions, on May 15, 2007. On June 2, 2008, the District Council approved a Revised Condition 4.m., which relates to the undergrounding of utilities.

PPS 4-08019 was approved by the Planning Board on September 25, 2008 (PGCPB Resolution No. 08-124) for Parcel 87, on which a surface parking compound is proposed by the subject DSP. DSP-06001-01 was subsequently approved by the Planning Board on April 8, 2010 (PGCPB Resolution No. 10-50) for construction of 171 multifamily units, 15,890 square feet of retail, 37,170 square feet of office, a 32,820-square-foot public library, and a freestanding, four-story parking garage. The subject application supersedes the previous DSP approvals.

In addition, the site has an approved Stormwater Management (SWM) Concept Letter, 24628-2005-03, and associated plan that is valid until February 28, 2022.

6. **Design Features:** This amendment to the DSP proposes a six-story, 193 multifamily dwelling unit, mixed-use building, similar to the previous approvals. However, the mix of uses proposed has been modified and the site layout reconfigured, and will supersede prior approvals.

The building is oriented toward MD 214 and is located approximately 55 feet from the public right-of-way. Between the building and the street, the DSP proposes to enhance the streetscape by including an 8-foot pedestrian sidewalk along MD 214 and a generous amount of landscaping. Three distinct plaza and courtyard areas to serve the users of the site are proposed between the building and MD 214. Each plaza includes different paving patterns and finishes to accent the spaces and provide visual interest. The plazas include a passive recreation space with grills, landscaping, and open space for residents of the building on the western end of the frontage; a central residential entrance plaza; and an urban plaza with seat walls, benches, tables, and a public art element adjacent to the ground-floor commercial portion of the building, near the intersection of MD 214 and Addison Road.

The western plaza proposes a passive recreation space and landscape area that is screened from MD 214 by a 7-foot-high, decorative wood wall for privacy and to mitigate the noise from the roadway. Staff recommends that the height of this fence be reduced to a maximum of 5 feet to improve the scale of the plaza, as conditioned herein.

The site proposes a drive aisle behind the building that runs across the site from Addison Road on the east to Zelma Avenue on the west. The elevation at the rear of the site is higher than the elevation along MD 214, and a retaining wall is proposed along the southern property line to accommodate this change. The applicant is proposing to finish the face of the retaining wall with a mural that will introduce art and design into this area of the site.



Figure 1: Examples of Proposed mural and public art

Parking for the site is proposed at the rear and side of the building and includes 122 surface parking spaces and 38 garage parking spaces, which are located under the building in a subsurface parking garage.

Architecture

The building is six stories and approximately 75 feet in height. The first floor of the building is proposed with ground-floor commercial retail uses on the eastern portion of the building and residential units on the western portion of the building, in addition to the main entrance and lobby. The main residential entrance to the building, which leads to the lobby space, a conference room, a lounge/media room, a clubroom, a fitness center, a multipurpose room, and men's and women's rest rooms, is further accented by a cantilevered metal canopy. Floors two through six are proposed with residential units, and a number of units include Juliet or full-size balconies.

The architectural design of the multifamily building is contemporary, with a generally flat roof, and is finished with a mix of materials including brick, concrete panels, glass, and metal. Three shades of red brick on the building face are proposed in textured and smooth horizontal bands, in combination with vertical bands of concrete panels, which are proposed in varied shades of gray. Emphasis has been given to the variety of materials used on the façades through different volumes, massing, architectural design elements, and finish materials. Blue canvas canopies are proposed on the northern and eastern elevations, directly above the oversized steel and tempered glass windows, and help break up the horizontal mass of the building.



Figure 2: Proposed Architectural Elevations

Signage

Multiple sign areas are proposed on the building and the canopies for the individual retail tenants, in addition to signage for the multifamily building that is proposed above the main entrance to the building and on a blade sign on the northern and eastern building elevations.

The sign areas vary and measure approximately 6 to 70 square feet and bear the tenant's name and logo for the various retail locations and multifamily building. The applicant has provided sign illustrations and locations for the signs on the façades of the structure. The signage for this application is generally acceptable. It is noted that some of the retail sign examples appear to be internally illuminated. The standards stated in the Development District Overlay (D-D-O) Zone do not specifically prohibit internally illuminated signs, but recommend that signs be externally illuminated. However, staff is not opposed to the modern style of internally illuminated signs proposed.

A signage schedule of the individual signs showing the square footage was included for the multifamily building, but did not include the future commercial tenants. Instead, examples of the signage proposed for the commercial tenants show blade, building-mounted, channel-letter, and canopy signs. The sign examples propose high-quality attractive sign alternatives, enhance the architectural character of the building, and create a sense of place encouraging the creation of a mixed-use development in proximity to the Addison Road Metro Station. The signage examples also propose sign standards and limit the square footage of the individual retail signs to 31.5 square feet each. The signage schedule only includes the proposed freestanding and building-mounted signage for the multifamily

building and should also include the future commercial tenant signage for clarification. This revised schedule should include a note stating that the proposed and allowed signage area is equal to, or less than, what is allowed by Section 27-613 of the Prince George's County Zoning Ordinance, as is required by the D-D-O Zone standards (page 221). In addition, it is noted that the signage schedule provided with the DSP includes wayfinding signage, such as parking and directional signage. This type of signage does not count toward the total amount of signage allowed and should be removed from the schedule.

Therefore, conditions requiring the applicant to revise the signage schedule have been included in the Recommendation section of this report.

One six-foot-tall, double-faced, freestanding sign is proposed along Addison Road, near the entrance to the site. The sign is constructed of aluminum and mounted on a brick veneer base. The sign includes back-lit, gold leaf lettering on a black background. The 11-foot-wide sign includes landscaping at its base for seasonal interest and has been found acceptable, with the exception of the illumination, which is not allowed by the D-D-O Zone; however, an amendment to allow the sign's illumination is recommended for approval.



Figure 3: Proposed Freestanding Sign

Lighting

The applicant states that the DSP proposes to integrate building-mounted, pole-mounted, and other accent lighting, such as bollards, sconces, and other architectural lighting, throughout the site. The submitted photometric plan shows adequate lighting for users on-site and is sufficient for illuminating site access, drive aisles, building entryways, and walking paths. However, it is noted that the details of the proposed lighting have not been included and should be provided for clarification. Therefore, a condition has been included requiring the applicant to provide the details and specifications for the various types of proposed building-mounted and site lighting, and clearly label their locations throughout the site.

Loading and Trash Facilities

Loading spaces are proposed on the site, one for the multifamily building and two for the commercial retail uses. These loading spaces are located on the southeast portion of the site, at the rear of the building. The three loading spaces proposed with this application meet the required number of spaces and are appropriately screened from the public rights-of-way by the building. Trash facilities will be located internal to the building.

COMPLIANCE WITH EVALUATION CRITERIA

7. 2000 Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity and the standards of the Development District Overlay (D-D-O) Zone: The subject property is located within the Subarea 3–Metro West (Town Commons) portion of the D-D-O Zone implemented by the ARM Sector Plan and SMA. An amendment to the D-D-O Zone use table allowing dwelling units above the first floor of a building containing commercial uses, four or more stories in height, was approved by the Planning Board with DSP-06001, in accordance with Section 27-548.26(b)(1)(B) of the Zoning Ordinance. An amendment, DSP-06001-01, was approved by the Planning Board and, in both cases, the District Council affirmed the Planning Board's approval of the amendment to the list of allowed uses to permit dwelling units above the first floor of a building containing commercial uses.

The unit mix of this DSP has been revised, but the use remains the same as the prior applications. Dwelling units are proposed above the first floor within the main building on Parcel A, which contains commercial uses and is more than four stories in height. The previously approved amendment to the use table for the subject property continues to apply to the subject DSP-06001-03.

Requests to Amend Development District Standards—The submitted application and statement of justification (SOJ) indicate the need to deviate from a number of development district standards, in order to accomplish the proposed development on the subject property. In accordance with Section 27-548.25(c) of the Zoning Ordinance, if the applicant so requests, the Planning Board may apply development standards which differ from the approved development district standards. These alternate standards may be approved if they can be found to benefit the development and the development district and will not substantially impair implementation of the master plan, master plan amendment, or sector plan. These alternate standard requests are discussed, as follows (all page numbers reference the sector plan):

a. S1. Vehicular Circulation/Access, Standard C (page 174): Vehicular entrance drives shall permit safe and clear pedestrian crossings. Sidewalk material should continue across driveway aprons.

The applicant has not provided a justification for this amendment; however, staff finds that the application is not in conformance with this standard, and notes that the DSP proposes crosswalk markings, which are limited to striping only at the drive aisle intersections on the site. Staff recommends that the plans be revised to provide raised crosswalks that include a material change at all drive aisle intersections and all internal pedestrian crossings on-site. Therefore, staff recommends that the Planning Board **disapprove** this amendment request.

b. S3. Building Siting and Setbacks, Standard C (page 180): A front build-to line between 10 and 15 feet from the right-of-way line shall be established for office, retail/commercial and institutional buildings which front onto MD 214 and Addison Road.

The proposed mixed-use building does not meet the build-to line setbacks and proposes a varied setback of 12 to 60 feet from the right-of way. This is needed because of the zone of influence established by the adjacent underground Metro tunnel, and a larger setback from MD 214 and Addison Road is required. Given the site's constraints and the improvements proposed along these streetscapes, staff finds that the requested amendment will benefit the proposed development and development district and will not substantially impair implementation of the sector plan. Therefore, staff recommends that the Planning Board **approve** this amendment request.

c. B1. Height, Scale and Massing, Standard I (page 205): Proposed buildings shall be between one and four stories in total height within the town center.

The proposed building exceeds the maximum height of four stories, as is limited by the D-D-O Zone. The applicant's proposal for a six-story building is supported by staff, is not inconsistent with prior approvals for the site, and conforms to the D-D-O Zone's objective to encourage a vertical mix of uses and the creation of residential uses above ground-floor retail along the main street of the Town Commons, Addison Road, and MD 214 (pages 90, 166-168). The applicant's proposal is consistent with this recommendation, and staff notes that it will revitalize the town center with new, upscale residential and commercial development that will lead to new business and increased densities near the Metro station, in accordance with the Plan Prince George's 2035 Approved General Plan (Plan 2035). Therefore, staff finds that the requested amendment will benefit the proposed development and development district and will not substantially impair implementation of the sector plan. Therefore, staff recommends that the Planning Board **approve** this amendment request.

d. B7. Signs, Standard H (page 220): Signs that are externally lit are recommended and should be directed to illuminate the sign face only. Sign faces that are internally lit are not recommended. Individual letters or characters should be lit instead of the entire sign face.

The applicant has not provided a justification for this amendment; however, staff does not have an objection to the proposed back-lit letters for the freestanding signage showing the name of the development. Other examples of signage for the future commercial tenants offer a variety of signage options, including illuminated box-panel and channel-letter signs. Staff recommends that the future signage for the commercial tenants be externally-illuminated or propose back-lit letter signage, consistent with the freestanding signage. Staff finds that the requested amendment will not substantially impair implementation of the master plan. Therefore, staff recommends that the Planning Board **approve** this amendment request.

- 8. **Prince George's County Zoning Ordinance:** The subject site plan has been reviewed for conformance with the applicable requirements of the Commercial Shopping Center (C-S-C), One-Family Detached Residential (R-55), and D-D-O Zones and the site design guidelines. The following discussion is offered regarding these requirements:
 - a. The project is subject to the applicable requirements of the Zoning Ordinance for the C-S-C and R-55 Zones, which are not superseded by the D-D-O Zone.
 - b. The applicant has proposed a site plan, in accordance with Section 27-283 (Site design guidelines) of the Zoning Ordinance, that further cross-references the same guidelines as stated in Section 27-274 of the Zoning Ordinance, specifically in regard to parking, loading, internal circulation, service areas, and lighting.
 - c. The ARM Sector Plan and SMA does not have specific requirements for the number of residential parking spaces. Therefore, Section 27-568 of the Zoning Ordinance serves as the requirement; 278 spaces are required. The DSP proposes only 138 parking spaces to support the residential use. Section 27-548.25(e), for the D-D-O Zone, specifically states:
 - (e) If a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.

The applicant seeks a departure for the number of parking spaces. While the commercial parking being provided on the site meets the development district standard, the applicant requests an approximate 50 percent reduction (a waiver of 140 parking spaces) in required residential parking.

The applicant asserts that one of the primary goals of the sector plan is to promote transit-oriented development near the Addison Road Metro Station. In stating this, the applicant notes that the site is directly across the site from the Addison Road Metrorail Station, and the sector plan emphasizes that transit-oriented development serves the pedestrian users, not the automobile. The applicant believes that this development, as proposed, is one step in realizing the sector plan concept of minimizing automobile impacts, and creating a walkable neighborhood while affording pedestrians and Metrorail users more convenience.

The applicant states that the DSP is taking measures to mitigate parking issues and incentivize the use of transit and other modes of transportation, and this includes the following:

- a. Offering residents signing a one-year lease, a Washington Metropolitan Area Transit Authority (WMATA) SmarTrip card worth up to \$200 per year for each year (up to five years) that they are residents of the complex.
- b. Proposing graduated pricing for onsite parking.

- Including wide sidewalks to facilitate pedestrian movement along Central Avenue, and a planting strip, thereby creating an improved edge. The 12-foot-wide sidewalk, as proffered by the applicant, along Central Avenue will further connect this site to the rest of the community.
- d. Proposing a five-foot wide sidewalk along the subject site's entire frontage of Zelma Avenue.
- e. Proposing a dedicated shared-ride location (serving Uber, Lyft, and other ride-sharing services) with signage. The provision of a shared-ride location will provide a safe and defined location for utilization of such services, encourage ride-sharing drivers to be more readily available to residents and visitors, and prevent the blockage of traffic flow along Central Avenue for all users.
- f. Proposing the installation of 48 bicycle spaces within the garage along with an additional 26 bicycle spaces at the rear of the building. These spaces will be augmented with a bicycle repair station for the use of residents and visitors and the establishment of a cycling club for residents of the building and the general community.

The Transportation Planning staff also analyzed approved parking ratios for several Prince George's County projects, as well as projects in Montgomery County, as compared to the current proposal. While it is believed that the location of the site and the amenities provided by the applicant justify a reduction from the parking requirements in Section 27-568, it is also observed that the parking ratio (the number of parking spaces provided divided by the number of residential units) is lower than any projects that have been recently constructed in Prince George's County. Nevertheless, given the location and the proffers for amenities and incentives provided by the applicant, the transportation staff believes that the 50 percent reduction in residential parking for this site is supportable.

With the proximity of an adjacent residential area, parking reductions should be consistent with the needs of the future residents of the site under review, but must also consider that the parking and loading needs of adjacent residential areas will not be infringed upon. While this is a finding for granting a separate parking departure and is not a requirement for reducing parking within the D-D-O Zone, it is believed that the amenities and incentives proposed by the applicant will go far toward addressing the issue of parking in nearby neighborhoods.

In conclusion, the DSP's reduction in parking will encourage pedestrian mobility and promote transit-oriented development near the Metro station. The reduction in the number of parking spaces decreases the total amount of asphalt surface area on the site. The layout of the proposed parking on-site is broken into multiple locations. In addition, it is noted that the size of the parking spaces and their relationship to the multifamily building conform to all of the applicable D-D-O Zone standards and meet the intent of the D-D-O Zone. Therefore, staff is recommending that the Planning Board approve this departure for a reduction in the number of parking spaces.

9. Preliminary Plan of Subdivision 4-05068: PPS 4-05068 was approved by the Planning Board on February 9, 2006 (PGCPB Resolution No. 06-37) for Parcel A, on which the main mixed-use building is proposed, subject to 18 conditions, of which the following are applicable to the review of this application and warrant discussion, as follows:

2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved, if required.

A Type2 tree conservation plan (TCP2) has been submitted with this application and is recommended for approval, with conditions, as discussed in Finding 14.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #24628-2005-00, and any subsequent revisions.

The site has an approved revised SWM Concept Letter, 24628-2005-03, which is in conformance with the site's design.

5. A Phase II noise study shall be prepared and included in the submission package for the detailed site plan (DSP). It shall contain specific building material recommendations to ensure that the interior noise levels are 45 dBA Ldn or less. The DSP shall locate any outdoor activity areas and the noise study shall address how noise levels have been mitigated to 65 dBA Ldn or less for these areas. The DSP shall address, if it is determined appropriate, the issue of possible ground vibration from the Metro tunnel located in the northeast corner of the site.

A Phase II traffic noise analysis, prepared by Acoustics 2 Acoustical Consultants, dated December 2, 2019, was submitted with this DSP. Results from the study reflected noise impacts in excess of 65 dBA Ldn along MD 214, and show the location of the unmitigated 70 and 65 dBA Ldn noise contours related to MD 214 and Addison Road. The location of the combined noise contour for these roadways is shown on the DSP and TCP2.

Based on the review of the DSP, the outdoor activity areas proposed in the plaza spaces in front of the building will be impacted. The location of these spaces is intended to activate the streetscape, interact with the pedestrian experience, and engage the public realm; therefore, the noise impact in these areas cannot be avoided. Staff recommends the use of additional noise mitigation techniques, such as additional landscaping and short walls or other noise in these outdoor areas.

Noise impacts, with regard to interior noise, are proposed to be addressed through the use of architectural materials and will be sufficient to reduce interior noise levels to 45 dBA Ldn or less, as required.

A condition has been included in this report requiring the applicant to submit a certification by a professional engineer, with competency in acoustical analysis, to the Maryland-National Capital Park and Planning Commission (M-NCPPC), and a note shall added to the building permit stating that "the affected building shells of

this structure has been designed to reduce interior noise levels to 45 dBA Ldn or less" at the time of building permit.

6. At time of DSP review, the DSP shall show the locations and design of all bioretention and/or infiltration facilities for stormwater management and all associated landscaping shall be shown on the landscape plan.

SWM Concept Plan 24628-2005-03 states that water quality and quantity control is required to be provided with retention and infiltration. The approved SWM concept plan shows this requirement will be met with an underground SWM facility that will store and filter stormwater runoff. The facility is located in the southwest corner of the site. In addition, the project is required to provide a SWM fee of \$13,920, in lieu of providing additional on-site quality and quantity control measures.

9. The applicant, his heirs, successors and/or assignees shall make a monetary contribution (determined at the time of detailed site plan) to the M NCPPC Department of Parks and Recreation for the development of the Rollins Avenue Neighborhood Park, for the fulfillment of the mandatory dedication of parkland requirements. The timing for the payment of the monetary contribution shall be established at the time of review of the DSP.

At the time of review of DSP-06001, the Prince George's County Department of Parks and Recreation (DPR) indicated that the applicant's contribution should be \$57,138 for development of the Rollins Avenue neighborhood park, to be contributed prior to approval of any building permit. This issue remains applicable and a condition is included in the Recommendation section of this report requiring the applicant to provide the contribution prior to issuance of the building permit.

- 10. In conformance with the adopted and approved Addison Road Metro Town Center and vicinity sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide a minimum eight-foot-wide sidewalk along the subject site's entire road frontage of MD 214, unless modified by SHA.
 - b. Provide a minimum eight-foot-wide sidewalk along the subject site's entire road frontage of Addison Road, unless modified by DPW&T.
 - c. Provide a standard sidewalk along the subject site's entire road frontage of Zelma Avenue, unless modified by DPW&T.

The submitted plans show sidewalks of the required widths along the appropriate road frontages. Specifically, the plans show an 8-foot-wide sidewalk along the subject site's entire frontage of MD 214 and Addison Road, that are separated from the curb by a 5-foot-wide landscape strip. In addition, it is noted that the plan proposes a 5-foot-wide sidewalk and landscape strip along the subject site's entire road frontage of Zelma Avenue, as required. These improvements are subject to modification by the operating agencies at the time of permitting.

12. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for construction of private recreational facilities, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county Land Records.

This requirement was initially fulfilled prior to the approval of the final plat for Parcel A. However, the currently proposed private on-site recreational facilities are significantly different from those originally approved and listed in the RFA. The RFA on record at Liber 31088 Folio 315 will require revision, at the time of final plat, to reflect the recreational facilities to be approved with this DSP.

17. The following access and circulation issues shall be addressed at the time of detailed site plan:

a. The elimination of the direct access to the parking garage from Zelma Avenue.

Direct access to the underground parking garage is not proposed from Zelma Avenue, and it is noted that the above-ground parking garage is no longer proposed.

b. The provision of limited access to Addison Road, which prohibits any left turn to and from the site.

Driveway access onto Addison Road, a master plan arterial, was allowed with the approval of PPS 4-05068, pursuant to a variation from Section 24-121(a)(3) of the Subdivision Regulations. However, that variation limited access to right-in/right-out only. While the current plans show an access driveway accommodating right turns in and out of the site, the plan also proposes northbound left-turn access into the site from Addison Road. In support of the design, the applicant has filed a request for reconsideration of the PPS to amend the left-turn restriction. The reconsideration is pending Planning Board hearing on the merits. Revisions to the median or other aspects of the road design are right-of-way improvements, which are under the review of the operating agency and outside the scope of this DSP. A condition is included in the Recommendation section of this report requiring the access to be shown in accordance with the PPS, unless modified.

18. Total development within the subject property under this preliminary plan shall be limited to 162 residences (21 three bedroom units, 113 two bedroom units, and 28 one bedroom units), and 24,500 gross square feet of retail commercial uses, or other mix of commercial and residential uses that generate no more than 163 AM and 226 PM peak hour vehicle trips. Any development beyond the AM and PM peak hour trips noted herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities. This condition establishes an overall trip cap for the subject property of 163 AM and 226 PM peak-hour trips. The subject proposal would generate 145 AM and 182 PM peak-hour trips as noted in the table below, which complies with the established trip cap.

Trip Generation Summary: DSP-06001-03: Commons at Addison Road								
	Use		AM Peak Hour			PM Peak Hour		
Land Use	Quantity	Metric	In	Out	Tot	In	Out	Tot
Residential	193	Residences	27	108	135	100	54	154
Commercial/Retail	11,000	square feet	6	4	10	20	22	42
Less Pass-By (34 percent PM)			0	0	0	-7	-7	-14
Net Trips for Proposed Commercial/Retail			6	4	10	13	15	28
Total Trips for DSP-06001-03			33	112	145	113	69	182
Trip Cap: PPS 4-05068/4-08019					163			226

10. Preliminary Plan of Subdivision 4-08019: PPS 4-08019 was approved by the Planning Board on September 25, 2008 (PGCPB Resolution No. 08-124), subject to five conditions, for existing Parcel 87, on which a surface parking lot is proposed. The conditions warrant discussion, as follows:

1. Development of this site shall be in conformance with the Stormwater Management Concept Plan, No. 24628-2005-01 and any subsequent revisions.

As discussed in Finding 9, it is noted that the site has an approved revised SWM Concept Letter, 24628-2005-03, and it is in conformance with the site's design.

2. Total development within the subject property shall be limited to construction of a parking garage which is projected to generate zero AM and zero PM vehicle trips. The proposed parking facility is to serve the required parking needs (Part 11) for the Commons at Addison Road Development Preliminary Plan of Subdivision (4-05068) only. Any other use of the proposed parking structure or any additional development on this site shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities. Direct access from Parcel B to Addison Road is denied without the approval of a variation to Section 24-121 of the Subdivision Regulations.

This condition essentially requires that any parking shown within this parcel is ancillary to the uses within PPS 4-05068. The subject DSP shows surface parking on this area, and it serves the uses within the overall site. No other uses are proposed within the area of PPS 4-08019, and no direct access from this parcel to Addison Road is reflected on the plan; all access to this parking compound is from the interior driveway.

4. Prior to approval of the final plat the applicant and the applicants heirs, successors and/or assignees shall obtain approval of a revision to Detailed Site Plan DSP-06001 (PGCPB Resolution No. 06-217) to incorporate Parcel A and the accessory parking garage proposed on Parcel B into one development site.

The submitted DSP amendment fulfills this condition.

- 5. In conformance with the Approved Addison Road Metro Town Center and Vicinity Sector Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide an eight-foot wide sidewalk along the subject site's entire road frontage of Addison Road, unless modified by DPW&T.

An 8-foot-wide sidewalk is shown along the subject site's entire road frontage of Addison Road.

- **11. Detailed Site Plan DSP-06001:** DSP-06001 was approved by the Planning Board on September 21, 2006 (PGCPB Resolution No. 06-217) for a mixed-use development to include 170 multifamily units and 22,696 square feet of commercial uses within one, eight-story building. The District Council elected to review the case and affirmed the Planning Board decision, with additional conditions, on May 15, 2007. The additional conditions required the addition of library and office uses and an increase in the building height, up to 10 stories. The conditions warrant discussion, as follows:
 - 5. All mechanical equipment and dumpsters shall be screened from public view and rights-of-way, with an appropriate buffer consisting of plantings, walls, or fences in compliance with the screening requirements of the Landscape Manual.

Mechanical equipment is appropriately screened from the public rights-of-way. Specifically, the proposed transformers on Zelma Avenue are screened from the right-of-way with a wall, fence, and plantings. In addition, it is noted that the dumpsters are located within the building, and the loading areas are adequately screened from MD 214 and Addison Road by the building.

6. Prior to the approval of any building permit, the applicant shall provide evidence of a contribution to the M-NCPPC Department of Parks and Recreation in the amount of \$57,138 for the development of the neighborhood park.

The applicant has agreed to provide this contribution to DPR, as stated in Finding 9.

7. In conformance with the Adopted and Approved Addison Road Metro Town Center and Vicinity Sector Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:

- a. Construct_ the eight-foot-wide sidewalk along the subject site's entire frontage of Central Avenue (MD 214). This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.
- b. Construct the five-foot-wide sidewalk along the subject site's entire frontage of Zelma A venue. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.

The submitted plans are in conformance with the conditions noted above.

- **12. Detailed Site Plan DSP-06001-01:** DSP-06001-01 was approved by the Planning Board on April 8, 2010 (PGCPB Resolution No. 10-50) for a mixed-use development with 171 dwelling units, 37,170 square feet of office space, a 32,820-square-foot library, 15,890 square feet of retail, a freestanding parking structure, and an indoor pool (natatorium) building. The District Council elected to review the case and affirmed the Planning Board decision, with additional conditions, on October 4, 2010. The Final Council Order includes 13 conditions of approval, which warrant discussion, as follows:
 - 2. A new final plat for Parcel A (Preliminary Plan 4-05068) shall be approved in accordance with Section 24-108 of the Subdivision Regulations. This plat in conjunction with the prospective final plat for Parcel B (Preliminary Plan 4-08019), shall both carry the following note:

The combined proposed development on Parcel A (4-05068) and Parcel B (4-08019) shall be limited to uses generating no more than 163 AM and 226 PM peak hour trips. Any further development on either parcel that generates a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities, for that development generating the additional impact.

This condition of approval is still valid and has been carried forward with DSP-06001-03, with modifications. The intent of the above condition was to consolidate the parcels, which are proposed to have a unified development scheme and access from Parcel A. The consolidation of Parcels A and B, however, does not alter the PPS approvals for their respective land areas. Therefore, their respective trips caps will continue to apply. This final plat shall be required prior to issuance of any building permits and as conditioned herein.

3. A final plat for Lot 5 of Block B shall be approved with the following note:

"Development on Lot 5 of Block B is limited to a cumulative 5,000 square feet of gross floor area pursuant to Section 24-111(c). At such time that development should exceed this maximum, then a preliminary plan of subdivision shall be required."

This condition of approval is still valid and has been carried forward with DSP-06001-03, with modifications. The facts remain the same, as was evaluated with DSP-06001-01, regarding development of Lot 5, and a new final plat will establish the lot's proposed right-of-way dedication and 10-foot wide public utility

easement, as shown on the subject DSP. This final plat shall be required prior to issuance of any building permits, as conditioned herein.

4. The application for the building permit for Parcel A shall contain a certification, to be submitted to The Maryland-National Capital Park and Planning Commission (M-NCPPC), prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

This condition of approval is still valid and has been carried forward with DSP-06001-03.

5. Prior to the issuance of any building permit, the applicant shall:

a. Provide evidence that the proposed disturbances to WMATA-owned land have been approved by WMATA.

This condition of approval is still valid, and the applicant has reached out to and will continue to coordinate with WMATA to limit any proposed disturbance to WMATA-owned property.

b. Provide evidence of a contribution for the benefit of the Prince George's County Memorial Library System, in the amount of \$57,138, for the development of the library on the subject property.

When the District Council reviewed DSP-06001-01, this condition was modified to require the contribution for the benefit of the Prince George's County Memorial Library System. However, the library is no longer being proposed with the current application, and a monetary contribution to DPR is required to meet mandatory dedication of parkland requirements, as conditioned herein.

6. The applicant shall place underground all on-site utility lines and facilities, for utilities that serve the subject property and the proposed project. Utility lines and facilities off site need not be underground, but the applicant shall participate in an underground utilities fund at Central Avenue (MD 214) and Addison Road, if one is created, to study or implement the underground placement of utilities in this vicinity. Funding contributions by the applicant shall not exceed \$10,000.

This condition of approval is still valid and has been carried forward with DSP-06001-03. The applicant has indicated that all on-site utility lines and facilities serving the subject property will be placed underground, and is conditioned to revise the DSP to show conformance to this condition.

7. All residential portions of the building shall be accessed only by an electronic security card system.

A general note showing conformance to this condition has been added to the plan.

- 8. The applicant shall construct the eight-foot-wide sidewalk along the subject's entire frontage of Central Avenue (MD 214), unless modified by SHA. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip, if right-of-way is available, unless modified by SHA.
- 9. The applicant shall construct the eight-foot-wide sidewalk along the subject site's entire road frontage of Addison Road, unless modified by DPW&T.
- 10. The applicant shall construct the five-foot-wide sidewalk along the subject site's entire frontage of Zelma Avenue, unless modified by DPW&T. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.

The submitted DSP shows conformance to the three conditions above.

12. The fitness center, aerobics room, business center, media center, and lounge/billiards room shall be completed prior to the completion of the 123rd dwelling unit. Prior to issuance of the final Use and Occupancy Permit for the 171st dwelling unit, the applicant shall have completed the indoor pool building (natatorium).

The application is proposing a fitness center, an aerobics room, a business center, a media center, and a lounge, in conformance to this condition, and is no longer proposing a pool with this DSP. The pool has been replaced by a series of outdoor amenity and plaza spaces featuring decorative finishes and other site elements along MD 214. No timing of construction is necessary for these facilities, as they are not provided in fulfillment of the mandatory dedication of parkland requirement.

13. Conditions 4.m., 5, 6, 10.a., 10.f., 10.g., 10.i., 10.j., and 10.k. of the District Council's Order of Approval for Detailed Site Plan DSP-06001 remain valid and are applicable to the subject application.

These conditions are discussed as follows:

- 4. Prior to certification of the detailed site plan, the following revisions shall be made
 - m. The applicant shall place underground all on-site utility lines and facilities, for utilities that serve the subject property and the proposed project. Utility lines and facilities off site need not be underground, but the applicant shall participate in an underground utilities fund at Central Avenue and Addison Road, if one is created, to study or implement the underground placement of utilities in this vicinity. Funding contributions by the applicant shall not exceed \$10,000.

This condition remains valid and has been carried forward in the subject application.

5. All mechanical equipment and dumpsters shall be screened from public view and rights-of-way, with an appropriate buffer consisting of plantings, walls, or fences in compliance with the screening requirements of the Landscape Manual.

Mechanical equipment is appropriately screened, as discussed in Finding 11 above.

6. Prior to the approval of any building permit, the applicant shall provide evidence of a contribution for the benefit of the Prince George's County Memorial Library System, in the amount of \$57,138, for the development of the library on the subject property.

This issue is discussed in Finding 11 above.

- 10. Prior to signature approval, the applicant shall make the following revisions to the plans. (This condition shall be controlling, to the extent that it may be inconsistent with any provision in conditions 1-9.)
 - a. Building height may not exceed 10 stories. The top two floors shall be constructed as two-story condominiums.

The proposed building is six stories high and approximately 75 feet tall, meeting the requirement for height. Market conditions have changed since the approval of DSP-06001-01, and the DSP proposes the top two floors of the building as single-story apartments, instead of two-story condominiums.

- f. There shall be one or more security persons on the premises at all times.
- g. There shall be round-the-clock CCTV camera coverage, at all building entrances and exits.
- i. Before 9:00 a.m. and after 8:00 p.m., the building shall be accessed only by an electronic security card system.

These conditions remain valid and have been included on the plans as General Notes 2, 3, and 5.

j. A six-foot wrought iron fence shall be constructed around the perimeter of the property.

A 42-inch-high, decorative, estate-style aluminum fence is shown proposed on top of a 30-inch-high brick wall, totaling 6 feet in height, on the Zelma Avenue and Addison Road frontages, in accordance with this condition. A metal 6-foot-high fence is proposed along the southern property line of the site on Parcels B and 87, between the parking lot and the adjacent single-family detached residential properties.

k. There shall be at least 300 parking spaces, provided in a parking structure.

A separate parking structure is no longer being proposed. In addition, it is noted that the development proposed by the applicant has been reduced and no longer requires the same number of parking spaces. The proposed parking for the application is being provided in below-grade parking, surface parking lots, and off-site parking at the Addison Road Metrorail parking garage.

- **13. 2010 Prince George's County Landscape Manual:** The application is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) for Section 4.1, Residential Requirements; Section 4.2, Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Staff notes that the required plantings and schedules are provided, in conformance with the Landscape Manual, as modified by the D-D-O Zone standard.
- 14. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance: This property is subject to the provisions of the 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 2 Tree Conservation Plan, TCP2-013-2019, was submitted with the DSP application. A woodland conservation exemption letter was previously submitted with earlier applications because the site contained less than 10,000 square feet of woodland. A review of a full natural resources inventory (NRI) in 2015 confirmed that continued woodland generation on the site resulted in 1.26 acres of woodlands. As such, a full TCP2 is required.

Based on the TCP2 submitted with this application, the woodland conservation worksheet must be revised to show the approved on-site existing woodland. The worksheet lists the site as having 2.98 acres of woodlands; however, the approved NRI shows the site to contain 1.26 acres. Based on staff's calculations, the total woodland conservation requirement will be approximately 1.58 acres. The TCP2 proposes to meet the requirement with the woodland conservation fee-in-lieu. Once corrected, the use of off-site mitigation must be used to meet any requirement that cannot be met on-site. With conditions included herein, the proposed TCP2 is in conformance with the woodland conservation requirements.

15. Prince George's County Tree Canopy Coverage Ordinance: Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that propose more than 5,000 square feet of disturbance. Properties zoned C-S-C are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy; properties zoned R-55 are required to provide 15 percent. The

overall site measures 2.98 acres and requires 13,482 square feet of TCC. The site plan appears to provide the appropriate amount of TCC, as required, but it has not provided the appropriate schedule demonstrating conformance. Therefore, a condition has been included in the Recommendation section of this report requiring that the applicant revise the site plan, as necessary, and provide a Tree Canopy Coverage schedule demonstrating conformance with Section 25-128 of the Prince George's County Code.

- **16. Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Historic Preservation and Archeological Review**—In a memorandum dated December 11, 2019 (Stabler to Bishop), incorporated herein by reference, the Historic Preservation Section stated that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, or known archeological sites.
 - b. **Community Planning**—In a memorandum dated December 24, 2019 (Li to Bishop), incorporated herein by reference, the Community Planning Division provided a discussion of the requested D-D-O Zone development district amendments to the standards that is incorporated into the findings above.
 - c. **Transportation Planning**—In a revised memorandum dated March 23, 2020 (Masog to Bishop), incorporated herein by reference, the Transportation Planning Section offered an analysis of the site design, a discussion of the previous conditions of approval, and an analysis of the reduction in the number of required parking spaces, that has been incorporated into the findings above.

From the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a detailed site plan, as described in the Zoning Ordinance, as conditioned herein.

- d. **Subdivision Review**—In a memorandum dated December 26, 2019 (Diaz-Campbell to Bishop), incorporated herein by reference, the Subdivision Review Section offered comments relative to the subject application and noted that a final plat of subdivision should be filed by the applicant to include Parcel A and Parcel B (Parcel 87). It is staff's recommendation that a plat of consolidation would provide the best avenue for all parties to mutually agree to the eventual execution of the development plan. In addition, it was noted that a certified copy of PPS 4-08019 is not on record. The applicant should either provide a certified copy or submit a copy of the approved plan for certification. The DSP is found to be in substantial conformance with Subtitle 24 of the County Code, subject to minor technical conditions, which have been included in the Recommendation section of this report.
- e. **Trails**—In a memorandum dated December 24, 2019 (Shaffer to Hurlbutt), incorporated herein by reference, the Transportation Planning Section analyzed the DSP for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the conditions of prior approvals that have been incorporated into the findings above, and noted that the subject property has

existing sidewalks along the frontage of MD 214 and sidewalks are proposed along the frontage of Addison Road and Zelma Avenue. In addition, it was noted that planned bike lanes will be constructed along Addison Road and MD 214. The network of sidewalks included in the proposed DSP appear to adequately serve the subject site.

The Approved Subregion 4 Master Plan and Sectional Map Amendment and the *Central Avenue-Metro Blue Line Corridor TOD Implementation Mobility Study* recommend the Central Avenue Connector Trail (CACT) along MD 214 in the vicinity of the subject site, including the frontage of the property. Design work for the CACT has continued since the adoption of the master plan. Thirty percent design plans have been completed for the frontage of the site, which appear to be compatible with the improvements proposed on-site. Staff recommends that the CACT be incorporated into the DSP. Some needed changes include widening the sidewalk/trail from 8 feet wide to 12 feet wide. Through discussions, the applicant agreed to provide the widened sidewalk along the frontage of the property, to accommodate the construction of the CACT. The revisions will require a slight modification to the layout and an exhibit has been provided to illustrate the required changes. A condition has been included herein, to require the applicant to construct the 12-foot-wide trail along the frontage of the property on Central Avenue, in accordance with the applicant's exhibit.

However, these improvements cannot be conditioned with this DSP, as the trail is located within the right-of-way of MD 214 and is under the jurisdiction of the Maryland State Highway Administration (SHA), who will enforce necessary frontage improvements. The Transportation Planning Section recommends approval of the DSP, subject to conditions that have been addressed through revisions or are included in the Recommendation section of this report.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated December 23, 2019 (Zyla to Bishop), incorporated herein by reference, DPR provided an analysis of the DSP's conformance with the previous conditions of approval, which have been incorporated into the findings above. They also commented on the CACT improvements, which will be up to SHA to implement.
- g. **Permits**—In a memorandum dated September 27, 2019 (Bartlett to Bishop), incorporated herein by reference, the Permit Review Section offered numerous comments, which have been addressed through revisions to the plans or have been included as conditions in the Recommendation section of this report.
- h. **Environmental Planning**—In a memorandum dated January 24, 2020 (Schneider to Bishop), incorporated herein by reference, the Environmental Planning Section provided an analysis of the DSP's conformance with all applicable environmental conditions attached to previous approvals and a discussion of the DSP's conformance with the WCO, which has been included into the findings above. Additional comments are summarized, as follows:

Specimen Trees

Section 25-122(b)(1)(G) of the WCO 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 Environmental Technical Manual (ETM)."

The site contains seven specimen trees on-site with the ratings of good (1, 2, 3, and 6) and fair (4, 5, and 8). One specimen tree (7) is located off-site, but within close proximity to the site's boundary. Specimen Tree 7 is in fair condition. The current design proposes to remove the seven on-site specimen trees (1, 2, 3, 4, 5, 6, and 8) for development of the buildings and associated infrastructure.

A variance from Section 25-122(b)(1)(G) was submitted with this DSP for removal of the site's seven existing specimen trees. An SOJ was submitted on January 8, 2020 and addresses the required findings of Section 25-119(d) of the WCO for all seven specimen trees as a group. The findings of approval are discussed, as follows:

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The site is adjacent to the Addison Road Metro Local Transit Center, and Plan 2035 recommends medium- to medium-high residential development for the subject property, with limited commercial uses. This site has existing topography with an 18-foot grade change that makes it very difficult to keep existing vegetation when grading this site. Also, the two site access points limit development to certain areas of the property. To effectively develop the site with the appropriate mix of uses, the necessary right-of-way and infrastructure improvements, and the grading necessary to effectively develop the site, the subject specimen trees must be removed.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

The site is recommended for a high level of development to meet the needs of the adjacent Metro station. The removal of the specimen trees and the proposed development of the site is in keeping with Plan 2035 and similar projects within the area.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

Based on the various site constraints, the granting of this variance will allow the project to be developed in a functional and efficient manner.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

This request is not based on conditions or circumstances which are solely the result of actions by the applicant. The removal of the specimen trees is primarily due to the grading required to develop the site, due to the existing contours of the site.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

This request is based on the nature of the existing site and the distribution of the existing specimen trees. The removal of the specimen trees is primarily due to the grading required to develop the site. This request is not based on a condition relating to land or a building use on a neighboring property.

(F) Granting of the variance will not adversely affect water quality.

The proposed development will not adversely affect water quality because the review of the project is subject to the requirements of the Prince George's County Soil Conservation District and approval of a stormwater concept plan by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

The required findings of Section 25-119(d) have been adequately addressed for the removal of seven specimen trees (1, 2, 3, 4, 5, 6, and 8).

Stormwater Management

Approved SWM Concept Plan 24628-2005-03 was submitted with the subject application, which includes an underground storage facility, and requires an SWM fee of \$13,920.00 for on-site attenuation/quality control measures.

The Environmental Planning Section recommends approval of DSP-06001-03 and TCP2-013-2019, subject to conditions that have been included in the Recommendation section of this technical staff report.

- i. **Prince George's County Fire/EMS Department**—In a memorandum dated April 18, 2019 (Reilly to Bishop), the Fire/EMS Department offered comments on the subject application, which have been addressed through revisions to the plans or have been included as conditions in the Recommendation section of this report.
- j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated June 7, 2019 (Giles to Bishop), DPIE offered comments on the subject application and noted that the proposed site plan is consistent with approved SWM Concept Plan 24628-2005-03, dated February 28, 2019, and other comments related to this application will be addressed during their separate permitting process.

- k. **Prince George's County Police Department**—At the time of the writing of this technical staff report, comments have not been received from the Police Department.
- I. Prince George's County Health Department—In a memorandum dated December 9, 2019 (Johnson to Bishop), the Environmental Engineering, Policy Program, of the Health Department offered comments on the subject application that have been provided to the applicant and are included as conditions herein, as appropriate.
- m. **Washington Metropolitan Area Transit Authority (WMATA)**—At the time of the writing of this technical staff report, comments have not been received from WMATA.
- n. **Maryland State Highway Administration (SHA)**—In an email dated December 19, 2019 (Woodroffe to Bishop), incorporated herein by reference, SHA indicated that this application is not required to construct the improvements on MD 214, but they have concerns with how the applicant plans to construct widening on Addison Road without impacts to the SHA right-of-way. These concerns have been provided to the applicant and will be addressed at the time of permitting.
- o. **Towns of Seat Pleasant, Capitol Heights, and Fairmont Heights**—At the time of the writing of this technical staff report, comments have not been received from these municipalities.
- p. **Public Utilities**—At the time of the writing of this technical staff report, comments have not been received from the Potomac Electric Power Company (PEPCO) or Verizon.
- 17. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
- 18. As there are no regulated environmental features located on the subject property, the normally required finding, pursuant to Section 27-285(b)(4) of the Zoning Ordinance, that the regulated environmental features have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations, does not need to be made for the subject DSP.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and:

- A. APPROVE the alternative development district standards, as follows:
 - 1. **S3. Building Siting and Setbacks, Standard C (page 180):** To allow the build-to line from MD 214 (Central Avenue) and Addison Road to be 15 to 65 feet from the right-of-way.
 - 2. **B1. Height, Scale and Massing, Standard I (page 205):** To allow the construction of a six-story building within the town center.
 - 3. **B7. Signs, Standard E (page 220):** To allow back-lit letters for the proposed freestanding signage.
- B. DISAPPROVE the alternative development district standard, as follows:
 - 1. **S1. Vehicular Circulation/Access, Standard C (page 174):** To permit sidewalk materials not to continue across driveways and allow only striping of crosswalk locations on-site.
- C. APPROVE Detailed Site Plan DSP-06001-03 and Type 2 Tree Conservation Plan TCP2-013-2019, including a departure in the number of residential parking spaces and a variance for the removal of seven specimen trees, for The Commons at Addison Road Metro, subject to the following conditions:
 - 1. Prior to certification of this detailed site plan (DSP), the applicant shall:
 - a. Provide a signage area schedule, removing the proposed wayfinding signage, and demonstrate that the proposed signage area is equal to, or less than, what is permitted by Section 27-613 of the Prince George's County Zoning Ordinance.
 - b. Revise the notes to reflect the conditions of approval that have been revised, as a result of this DSP approval.
 - c. Revise the site plan to show all on-site utility lines and facilities, for utilities that serve the subject property and the proposed project, as being placed underground. Utility lines and facilities off-site need not be underground, but the applicant shall participate in an underground utilities fund at MD 214 (Central Avenue) and Addison Road, if one is created, to study or implement the underground placement of utilities in this vicinity. Funding contributions by the applicant shall not exceed \$10,000.
 - d. Provide the details and specifications for the various types of proposed building-mounted and site lighting, and clearly label their locations throughout the site.
 - e. Provide a minimum of two parking spaces for ride-share services.

- f. Revise the Type 2 tree conservation plan, as follows:
 - (1) Revise the Woodland Conservation Worksheet to show the correct existing woodland acreage, per the approved natural resources inventory, the corrected requirement, and to show the use of off-site woodland conservation credits for any requirement not met on-site.
 - (2) Revise the legend to identify the "starred" symbol.
 - (3) Add the standard Subtitle 25 variance note under the Specimen Tree Table or the Woodland Conservation Worksheet, identifying with specificity the variance decision consistent with the decision of the Planning Board:

"NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of the following specified specimen trees (Section 25- 122(b)(1)(G)): (Identify the specific trees to be removed)."

- (4) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- g. Revise the median and left-turn lane within the Addison Road right-of-way, in accordance with Preliminary Plan of Subdivision 4-05068, Condition 17.b., unless modified.
- h. Provide additional landscaping, knee walls, or other noise mitigation techniques to define the outdoor plaza spaces between the building and MD 214 (Central Avenue) and reduce noise impacts.
- i. Reduce the height of the decorative wood fence surrounding the westernmost plaza, north of the building, to a maximum of 5 feet high.
- j. Provide a fire department connection within 200 feet of the front and sides of the building that is visible from the street.
- k. Relocate the built-in gas grills in the passive recreation space, north of the building, to be 30 feet from the structure, in accordance with the Prince George's County Fire Code.
- l. Add the following general notes:
 - (1) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Conformance to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, is required.

- (2) During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code, is required.
- m. Provide raised crosswalks, including a material change, at all drive aisle intersections and all pedestrian crossings within the site.
- n. Provide a Tree Canopy Coverage schedule showing conformance with Section 25-128 of the Prince George's County Code, indicating that this requirement is being met on-site.
- o. Revise the site plan, in accordance with applicant's exhibit, to construct a 12-foot-wide sidewalk along the MD 214 frontage of the property.
- p. Revise the architectural elevations to remove the below-grade parking.
- q. Provide five-foot-wide sidewalks along the subject site's entire frontage of Zelma Avenue.
- r. Add a dedicated shared-ride location (serving Uber, Lyft, and other ride-sharing services) with signage.
- s. Provide the locations for 48 bicycle spaces within the garage and an additional 26 bicycle spaces at the rear of the building,
- t, Provide the location of and details for a bicycle repair station on site for the use of residents and visitors.
- Prior to approval of a final plat, pursuant to Preliminary Plan of Subdivision (PPS) 4-08019, a signature-approved copy of PPS 4-08019 shall be submitted to the Subdivision and Zoning Section of the Development Review Division, or a copy shall be submitted for signature approval.
- 3. Prior to approval of a new final plat for Parcel A, the applicant shall:
 - a. Label denial of access to and from Addison Road for any left-turn movements, unless a reconsideration of the preliminary plan of subdivision is approved, and the denial of access to Addison Road shall be labeled along the frontage of the land area included in Preliminary Plan of Subdivision 4-08019 (Parcel B).
 - b. Submit an amended private recreational facilities agreement, to be reviewed and approved by the Development Review Division and recorded among the Land Records of Prince George's County. The Liber and folio of the amended RFA shall be shown on the final plat prior to recordation.

- 4. In consideration of the proffers made as a means of reducing the parking provided onsite, at the time of building permit, the applicant shall provide details of the proposed ongoing trip reduction activities:
 - a. The proposed offer to residents signing a one-year lease within the residential complex a Washington Metropolitan Area Transit Authority SmarTrip card worth up to \$200 per year for each year (up to five years) that they remain residents.
 - b. The proposed pricing for onsite parking.
 - c. The proposed establishment of a cycling club for residents of the building and the general community.
- 5. Prior to approval of any building permits, the applicant shall:
 - a. Provide evidence of a contribution to the Prince George's County Department of Parks and Recreation in the amount of \$57,138 for development of the Rollins Avenue neighborhood park, in fulfillment of mandatory dedication of parkland requirements.
 - b. Submit an approved final plat for Lot 5 of Block B that includes the following note:

"Development on Lot 5 of Block B is limited to a cumulative 5,000 square feet of gross floor area pursuant to Section 24-111(c). At such time that development should exceed this maximum, then a preliminary plan of subdivision shall be required."

- c. Submit a certification by a professional engineer, with competency in acoustical analysis, using the certification template. The certification shall state that interior noise levels shall be reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.
- d. Submit a final plat that consolidates the entirety of the land areas that comprise Preliminary Plans of Subdivision (PPS) 4-05068 and 4-08019 for approval. The plat shall be filed in accordance with PPS 4-08019 and incorporate Parcel A from PPS 4-05068, in accordance with Section 24-108 of the Subdivision Regulations. Notes shall be added to the final plat that clearly delineate the underlying approvals and their applicability to each of the land areas.
- 6. Prior to issuance of the final certificate of occupancy for the building, the applicant shall complete all private recreational facilities and have them inspected by the Maryland-National Capital Park and Planning Commission.

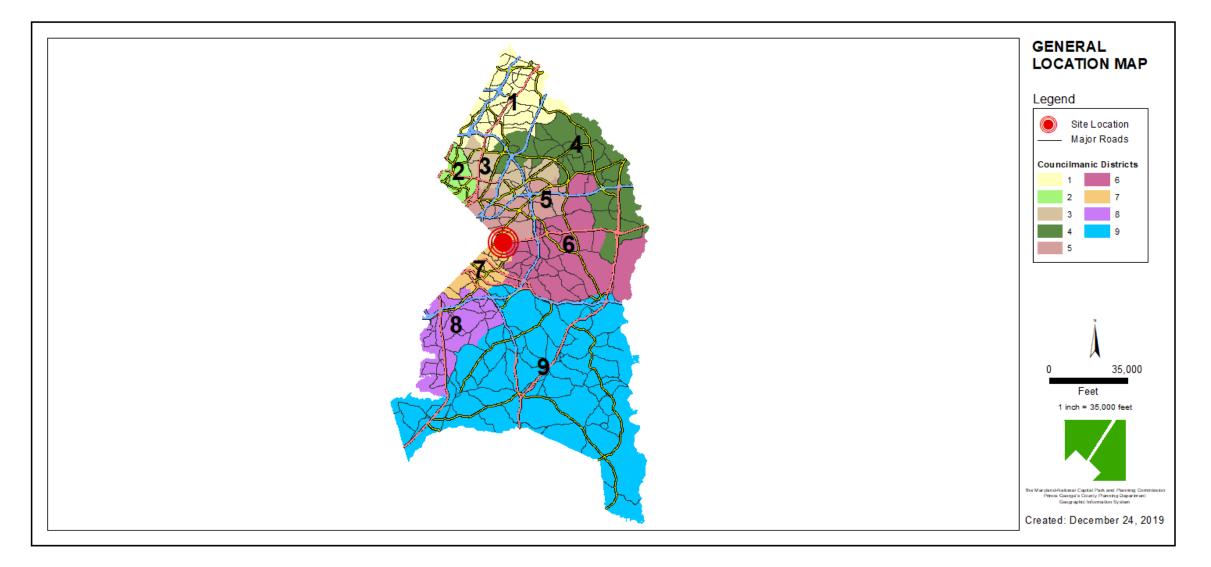


THE COMMONS AT ADDISON ROAD METRO



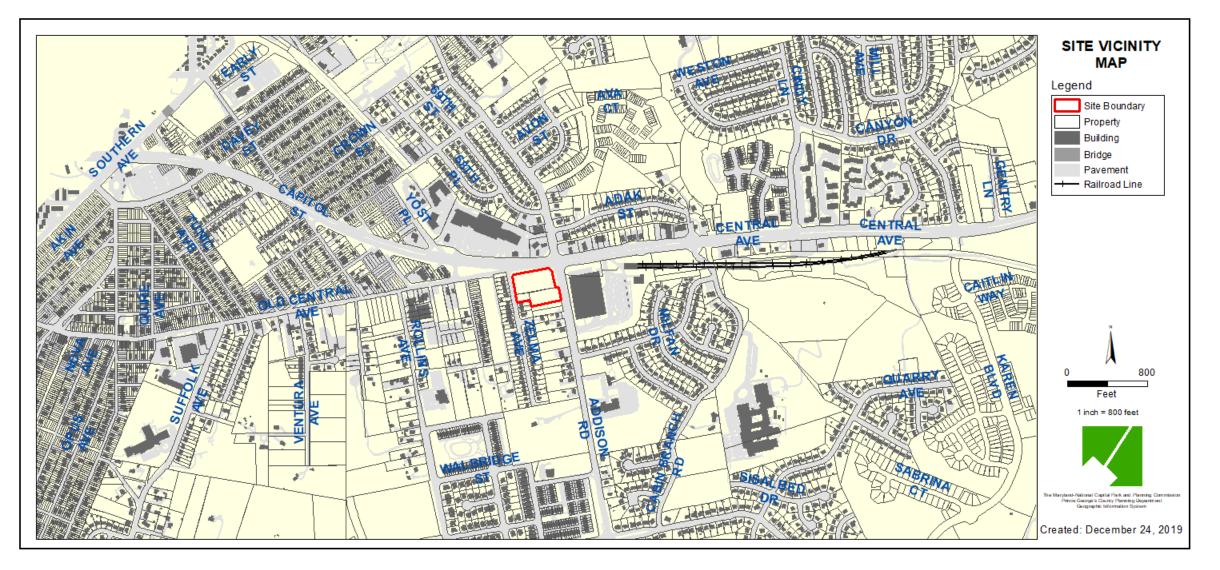
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT

GENERAL LOCATION MAP



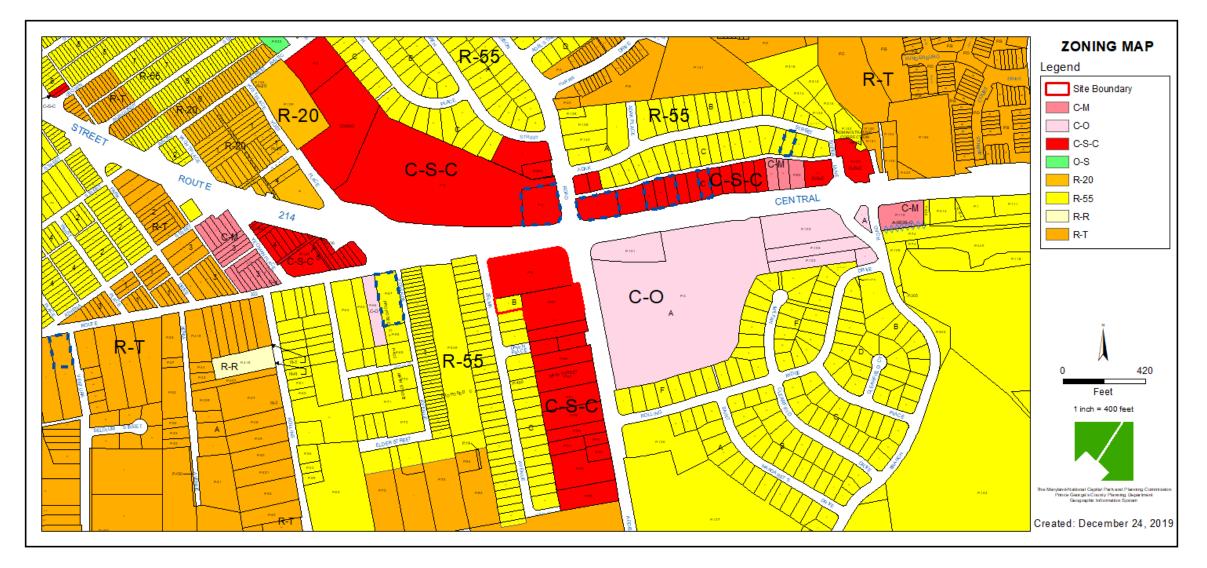


SITE VICINITY



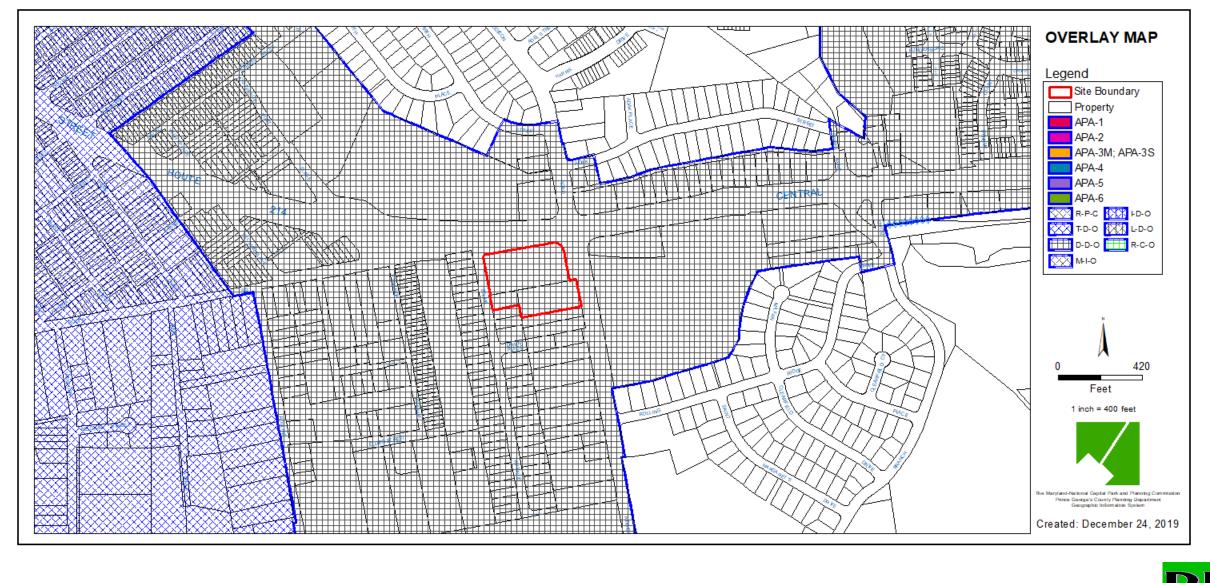


ZONING MAP





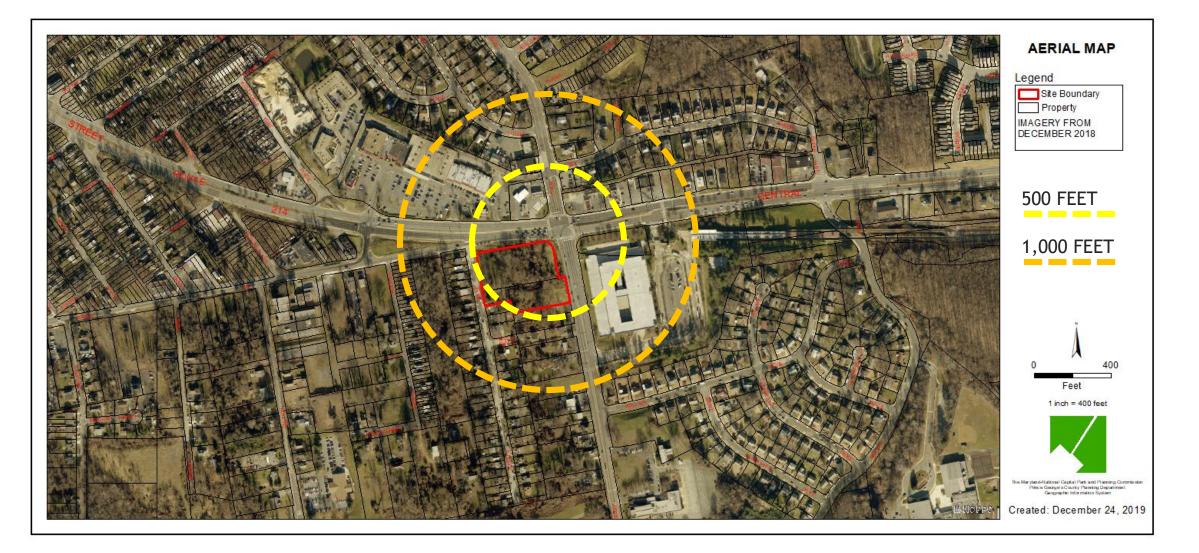
OVERLAY MAP





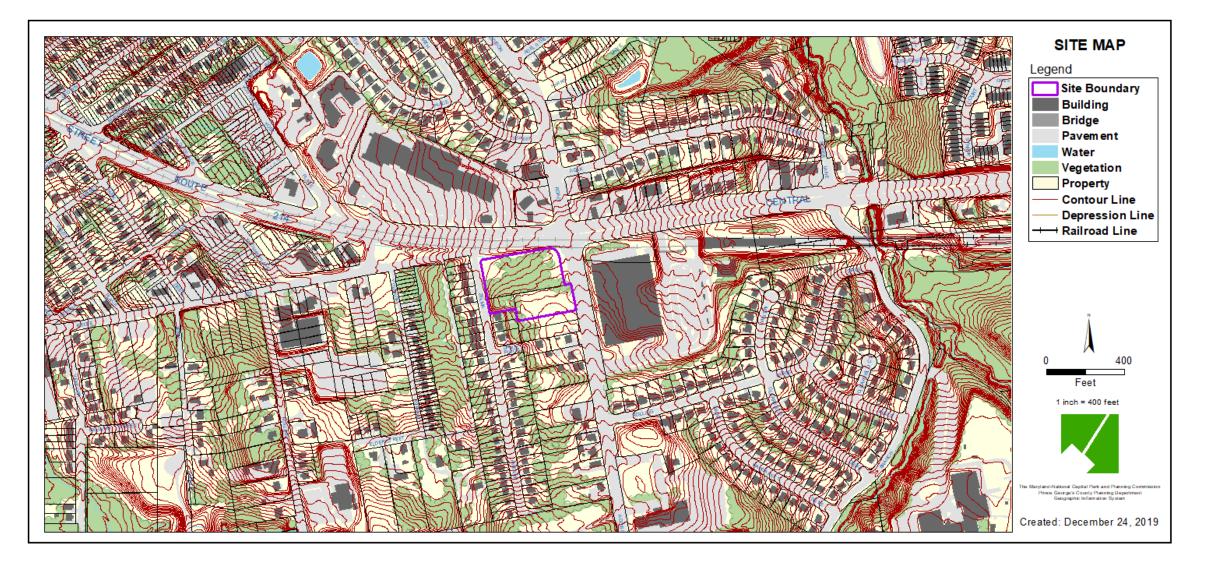
Case # DSP-06001-03

AERIAL MAP



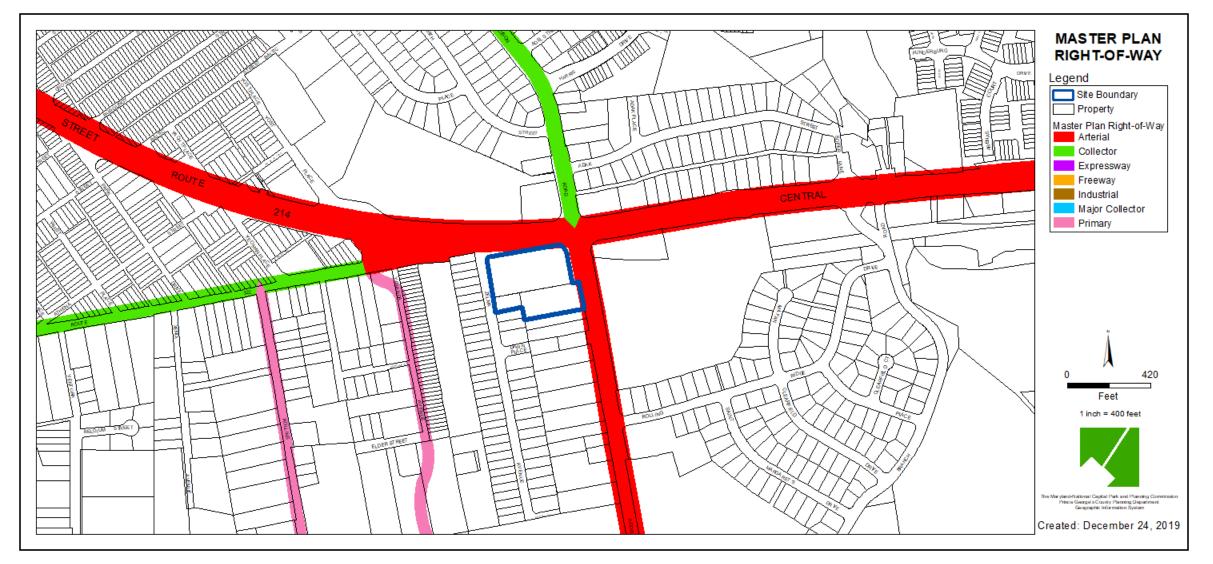


SITE MAP





MASTER PLAN RIGHT-OF-WAY MAP

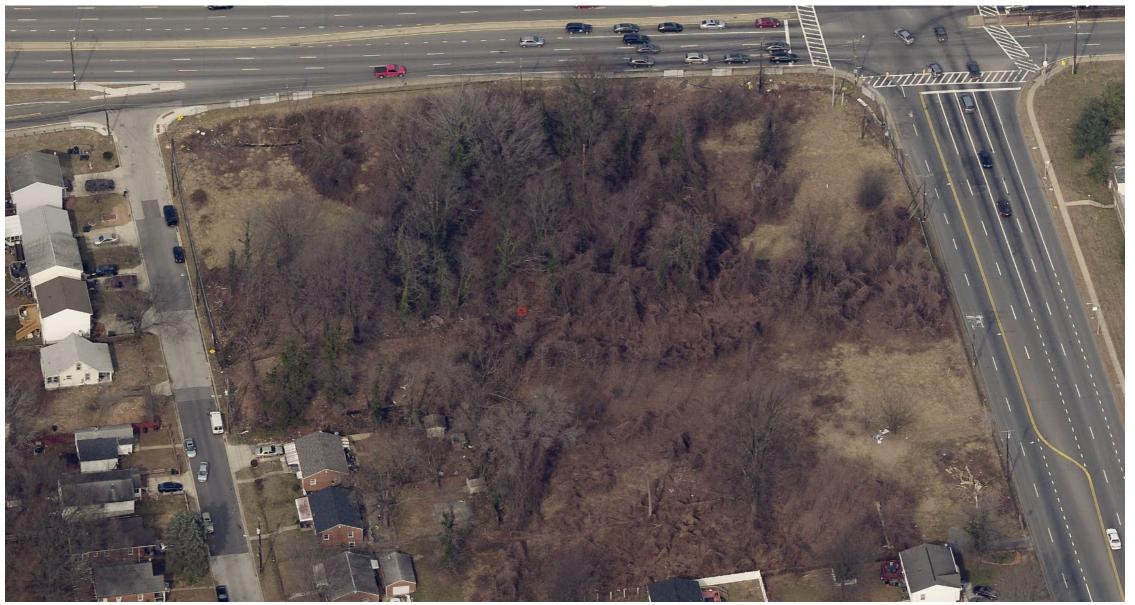




DRD

THE DEVELC REVIEW

BIRD'S-EYE VIEW



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DRD

THE DEVELOPMENT REVIEW DIVISION

SITE AND LANDSCAPE PLAN



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4/9/2020

Case # DSP-06001-03

DRD

THE

DEVELOPMENT REVIEW

ARCHITECTURAL ELEVATIONS



DRD

THE

DEVELOPMENT REVIEW DIVISION

ARCHITECTURAL ELEVATIONS





EAST ELEVATION - ADDISON ROAD

WEST ELEVATION - ZELMA AVENUE ©2018 Torti Gallas + Partners | 1300 Spring Street, 4th Floor | Silver Spring, Maryland 20910 | 301.588.4800

BANNEKER VENTURES, LLC

4/9/2020

GALLAS + PARTNERS

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(4) FIBER CEMENT PANEL, COLOR #1 (5) FIBER CEMENT PANEL, COLOR #2 SIDING FRONT, RAILINGS, AND BALCONIES THIS BLOCK IS FOR OFFICIAL USE ONLY QR label certifies that this pla M-NCPPC APPROVAL

6 FIBER CEMENT

PROJECT NAME: COMMONS AT ADDISON ROAD PROJECT NUMBER: DSP-06001-02

For Conditions of Approval see Site Plan Cover Sheet of

THE COMMONS AT ADDISON ROAD

(7) WINDOWS, DOORS, STORE-

(3) BRICK, COLOR #3

(2) BRICK, COLOR #2

1) BRICK, COLOR #1

MATERIALS

Case # DSP-06001-03

DRD

DEVELOPMEN

PERSPECTIVE ILLUSTRATION



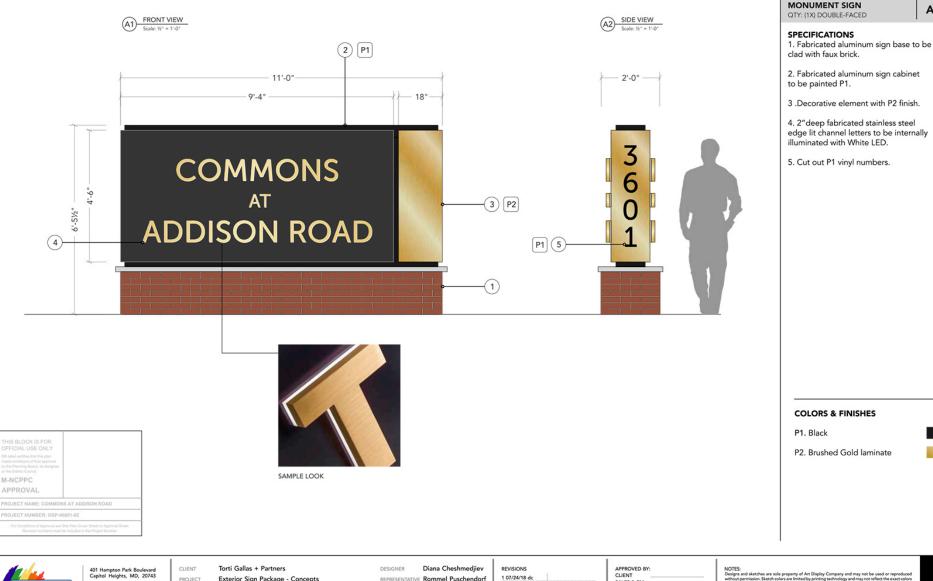
Slide 13 of 19

4/9/2020

Case # DSP-06001-03

Α

SIGNAGE





240.765.1400 ART DISPLAY CO. phone fax 240.765.1401 www.artdisplayco.com

PROJECT Exterior Sign Package - Concepts Capitol Heights, MD ADDRESS DRAWING FILE 5314-02dc_vs Commons at Addison Road (Exterior Sign Package)

REPRESENTATIVE Rommel Puschendorf

de	APPROVED BY: CLIENT
vs	SALES & PM PRODUCTION
	MEASUREMENTS PER: FIELD CHECK

2 08/10/18

NOTES: Designs and sketches are sole property of Art Display Company and may not be used or reproduced without permission. Sketch colon are limited by printing technology and may not reflect the exact colors of the finished product. Signs shown on photos may not represent actual size and proportion to building. ALL Electrical components are to be UL approved

All electrical components are intended to be installed in accordance with the requirements of article 600 of the national electrical code and/or other applicable local codes, including proper grounding and bonding of the entire sign. ALL REQUIRED ELECTRICAL SERVICE TO SIGN LOCATION BY OTHERS

4/9/2020

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3

SIGNAGE







SIDE VIEW

EXAMPLES OF FACE-LIT CHANNEL LETTERS







SPECIFICATIONS

FACE-LIT LETTERS

- 4" deep fabricated aluminum letters
- Returns painted color TBD and approved by landlord
- Translucent white acrylic faces
- Optional: applied translucent vinyl film color TBD
- White LED modules

INSTALLATION

- Letters mounted to 51/2"x4" raceway
- Raceway painted to match brick fascia
- Power to be provided (by others) to signage location

SIGN TYPE E: MAXIMUM ALLOWED SIGN AREA: 31.5 SQ FT

EACH RETAIL TENANT IS ALLOWED (1X) SET OF CHANNEL LETTERS. (1X) BLADE SIGN PER ELEVATION AND GRAPHICS ON AWNING VALANCES. TOTAL SIGNAGE AREA NOT TO EXCEED 200% OF RETAIL SPACE'S LINEAR FOOTAGE.

WINDOW SIGNAGE ALLOWED: 20% OF WINDOW AREA; NOT COUNTED TOWARD TOTAL SIGNAGE AREA.

THIS BLOCK IS FOR OFFICIAL USE ONLY QR label certifies that this plan meets conditions of final approval by the Planning Board, its designed or the District Council. M-NCPPC

APPROVAL

PROJECT NAME:

PROJECT NUMBER:

For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet Amendment numbers must be included in the Project Number

NOTES VOTES: Designs and sketches are sole property of Art Display Company and may not be used or reproduced without permission. Sketch colors are limited by printing technology and may not reflect the exact colors of the finished product. Signs shown on photos may not represent actual size and proportion to building. ALL Electrical components are to be UL approved 6

All electrical components are intended to be installed in accordance with the requirements of article 600 of the national electrical code and/or other applicable local codes, including proper grounding and bonding of the entire sign_ALL REQUIRED ELECTRICAL SERVICE TO SIGN LOCATION BY OTHERS



PROJECT phone 240.765.1400 ART DISPLAY CO. ADDRESS fax 240.765.1401 www.artdisplayco.com

401 Hampton Park Boulevard Capitol Heights, MD, 20743

Exterior Sign Package - Concepts Capitol Heights, MD DRAWING FILE 5314-02dc_vs Commons at Addison Road (Exterior Sign Package)

Torti Gallas + Partners

REPRESENTATIVE Rommel Puschendorf

DESIGNER

Diana Cheshmedjiev

1 REVISIONS 1 07/24/18 dc 2 08/10/18 vs

APPROVED BY: CLIENT	
SALES & PM	-
PRODUCTION	
MEASUREMENTS PER:	
FIELD CHECK	

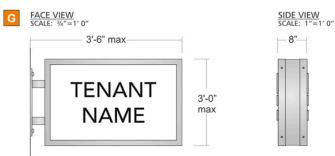
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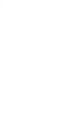
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4/9/2020

CLIENT

SIGNAGE





FABRICATION VIEW



EXAMPLES OF BLADE SIGNS





Torti Gallas + Partners Exterior Sign Package - Concepts Capitol Heights, MD

5314-02dc_vs Commons at Addison Road (Exterior Sign Package) DRAWING FILE

Diana Cheshmedjiev DESIGNER REPRESENTATIVE Rommel Puschendorf

REVISIONS	APPROVED BY:
1 07/24/18 dc	CLIENT
2 08/10/18 vs	SALES & PM
	PRODUCTION
	MEASUREMENTS PER:
	FIELD CHECK

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	ALL Electrical component
NTS PER:	All electrical components are inte

property of Art Display Company and may not be used or reproduced or are limited by printing technology and may not reflect the exact colors hown on photos may not represent actual size and proportion to building.

O ALL Electrical components are to be UL approved All-lectrical components are interded to be installed in accordance with the requirements of article 600 of the national electrical code and/or other applicable local codes, heliding proper grounding and bonding of the entire sign. ALL REQUIRED ELECTRICAL SERVICE TO SIGN LOCATION BY OTHERS

7



D/F ILLUMINATED BLADE SIGN





G



• 8" deep fabricated aluminum

cabinet painted - color TBD

SPECIFICATIONS

- 3/16" thick translucent white acrylic faces
- Translucent vinyl logo/graphics applied to faces
- Internally illuminated with white LED lights
- 11/2" angle aluminum retainer molding
- 11/2x11/2" tubing welded to mounting plate
- Installed to brick facade, min 8'-0" clearance

SIGN TYPE G: MAXIMUM ALLOWED SIGN AREA: 10.5 SQ FT

EACH RETAIL TENANT IS ALLOWED (1X) SET OF CHANNEL LETTERS, (1X) BLADE SIGN PER ELEVATION AND GRAPHICS ON AWNING VALANCES. TOTAL SIGNAGE AREA NOT TO EXCEED 200% OF RETAIL SPACE'S LINEAR FOOTAGE.

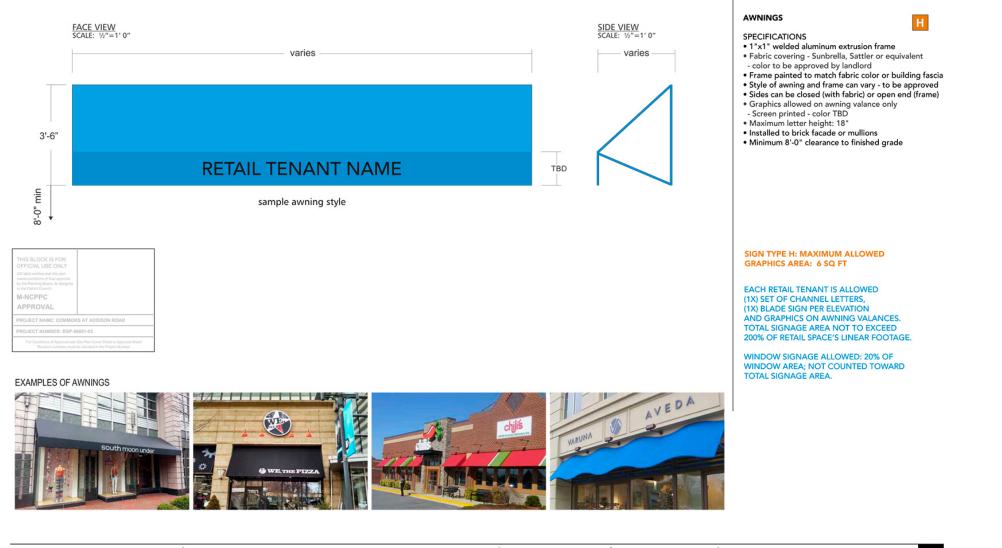
WINDOW SIGNAGE ALLOWED: 20% OF WINDOW AREA; NOT COUNTED TOWARD TOTAL SIGNAGE AREA.

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4/9/2020



SIGNAGE



REVISIONS

1 07/24/18 dc

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Torti Gallas + Partners Exterior Sign Package - Concepts Capitol Heights, MD

ADDRESS Capitol Heights, MD DRAWING FILE 5314-02dc_vs Commons at Addison Road (Exterior Sign Package)

DESIGNER	Diana Cheshmedjiev VE Rommel Puschendorf			
REPRESENTATIVE	Rommel Puschendorf			

APPROVED BY:	
CLIENT	
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 MEASUREMENTS PER:	
 FIELD CHECK	

NOTES: Designs and excluses are sole property of Art Display Company and may not be used or reproduced without permission. Stretch colors are limited by printing technology and may not reflect the exact colors of the finished product. Signs when on upbeto may not represent actual size and proportion to building. ALL Electrical components are to be UL approved

☑ ALL Electrical components are to be UL approved All electrical components are intended to be installed in accordance with the requirements of article 600 of the national electrical code and/or other applicable local codes, including proper grounding and bonding of the entire sign. ALL REQUERCE LECTRCAL SERVECT OS IGN LOCATION BY OTHERS

8



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4/9/2020

SITE DETAILS



Front Plaza: Plankstone Pavers by Hanover



Front Plaza: Multisided Prest Brick by Hanover



Rear Entrance fom Parking: Prest Brick by Hanover



Corner Plaza: Concrete bands incorporated into pavers



South Property Line: Decorative Metal Fence Slide 18 of 19 4/9/2020



Side Property Lines abuting Parking: Decorative Metal Fence on Brick Wall



Decorative wood screen



Case # DSP-06001-03

SITE DETAILS





Slide **19** of **19**



PGCPB No. 06-37

File No. 4-05068

RESOLUTION

WHEREAS, a 1.93 acre parcel of land known as Tax Map 73 in Grid C-1, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned C-S-C, D-D-O; and

WHEREAS, on September 15, 2006, Dawn Limited Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05068 for Commons at Addison Road was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on February 9, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on February 9, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-05068, Commons at Addison Road, including a Variation from Section 24-121(a)(3)] for Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:

- a. Add a general note indicating the existing parcel and lot designation that is the subject of this preliminary plan.
- Indicate that a variation was approved to Section 24-121(a)(3) for direct access to Addison Road.
- c. Add to the zoning general note that the property is within the DDOZ Overlay Zone.
- d. Revise General Note 14 to indicate that one parcel is proposed not one lot.
- e. Label a building restriction line for the right-of-way of the Metro tunnel.
- f. Label the zone and use of the abutting properties to the south.

- g. Provide a note that mandatory dedication is being fulfilled by a monetary contribution for the development of the Rollins Avenue Neighborhood Park.
- h. Add a note that development is subject to Section 27-317(a)(1), (4), (5), and (6), to be determined with the review of the detailed site plan.
- 2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved, if required.
- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #24628-2005-00, and any subsequent revisions.
- 4. Prior to signature approval of the preliminary plan, the plan shall be revised to show the unmitigated 65 dBA Ldn noise contour along Addison Road and Central Avenue (MD 214) either using the Environmental Planning Section's model or by using a noise contour generated from a noise study reviewed by the Environmental Planning Section.
- 5. A Phase II noise study shall be prepared and included in the submission package for the detailed site plan (DSP). It shall contain specific building material recommendations to ensure that the interior noise levels are 45 dBA Ldn or less. The DSP shall locate any outdoor activity areas and the noise study shall address how noise levels have been mitigated to 65 dBA Ldn or less for these areas. The DSP shall address, if it is determined appropriate, the issue of possible ground vibration from the Metro tunnel located in the northeast corner of the site.
- 6. At time of DSP review, the DSP shall show the locations and design of all bioretention and/or infiltration facilities for stormwater management and all associated landscaping shall be shown on the landscape plan.
- 7. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners/condominium association the open space land (Parcel A). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. "A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.

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- d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
- f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
- 8. Prior to the approval of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners/condominium association.
- 9. The applicant, his heirs, successors and/or assignees shall make a monetary contribution (determined at the time of detailed site plan) to the M-NCPPC Department of Parks and Recreation for the development of the Rollins Avenue Neighborhood Park, for the fulfillment of the mandatory dedication of parkland requirements. The timing for the payment of the monetary contribution shall be established at the time of review of the DSP.
- 10. In conformance with the adopted and approved Addison Road Metro Town Center and vicinity sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide a minimum eight-foot-wide sidewalk along the subject site's entire road frontage of MD 214, unless modified by SHA.
 - b. Provide a minimum eight-foot-wide sidewalk along the subject site's entire road frontage of Addison Road, unless modified by DPW&T.
 - c. Provide a standard sidewalk along the subject site's entire road frontage of Zelma Avenue, unless modified by DPW&T.

- 11. The adopted and approved Addison Road Metro Town Center and vicinity sector plan recommends that Addison Road be designated as a Class III bikeway with appropriate signage. Because Addison Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
- 12. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for construction of private recreational facilities, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county Land Records.
- 13. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities prior to the issuance of building permits.
- 14. **MD 332 and Rollins Avenue**: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Provision of separate northbound left-turn and right-turn approach lanes along Rollins Avenue and any other intersection improvements deemed needed by SHA and /or DPW&T. All these improvements to be constructed according to DPW&T and/or SHA standards.
 - b. Provision of separate westbound through and left-turn approach lanes along MD 332, to be constructed according to SHA standards.
 - c. Submission of an acceptable traffic signal warrant study to SHA and DPW&T for the intersection of MD 332 and Rollins Avenue. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by SHA, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by SHA. The requirement for this signal warrant study may be waived by SHA if that agency determines in writing that that there are sufficient recent studies available to make a determination regarding a signal.

The improvements in a. above may be waived by SHA and DPW&T in consultation with M-NCPPC transportation planning staff only if it is determined by SHA and DPW&T that adequate right-of-way to construct the needed improvements is not available.

- 15. **MD 214 at Addison Road**: Prior to the issuance of any building permits within the subject property, the provision of an eastbound right-turn lane along MD 214 shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.
- 16. Walker Mill Road at Addison Road: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

The modification of westbound Walker Mill Road to provide for two exclusive left-turn lanes and an exclusive right-turn lane.

- 17. The following access and circulation issues shall be addressed at the time of detailed site plan:
 - a. The elimination of the direct access to the parking garage from Zelma Avenue.
 - b. The provision of limited access to Addison Road, which prohibits any left turn to and from the site.
- 18. Total development within the subject property under this preliminary plan shall be limited to 162 residences (21 three bedroom units, 113 two bedroom units, and 28 one bedroom units), and 24,500 gross square feet of retail commercial uses, or other mix of commercial and residential uses that generate no more than 163 AM and 226 PM peak hour vehicle trips. Any development beyond the AM and PM peak hour trips noted herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- 2. The property is located on the south side of Central Avenue, fronting on Addison Road to the east and Zelma Avenue to the west. The Addison Metro Station is directly east across Addison Road from the site. To the south is C-S-C-zoned land within the DDOZ ARM plan, developed with

single-family dwelling units. West across Zelma Avenue is R-55-zoned land within the DDOZ ARM plan, developed with single-family dwelling units. To the north across MD 214 is developed C-S-C-zoned land.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-S-C (DDOZ)	C-S-C (DDOZ)
Use(s)	Vacant	Mixed Use
Acreage	1.93	1.93
Lots	4	0
Parcels	1	1
Dwelling Units:		-
Multifamily	0	162 dwelling units
Commercial/retail	0	24,500 square feet
Public Safety Mitigation Fee		No

4. Environmental—The Environmental Planning Section has no records of any previous applications for this property. This property is located within the approved sector plan for Addison Road Metro Town Center, Subarea 3. This preliminary plan proposes retail on the ground floor and residential condominiums above on a lot totaling 1.93 acres in the C-S-C Zone.

This 1.93-acre site is located on the south side of Central Avenue, in the southwest quadrant of the intersection of Central Avenue and Addison Road. A review of the available information indicates that streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. There is no 100-year floodplain that is associated with the site.

The predominant soil type found to occur on this site is Collington, according to the Prince George's County Soil Survey. This soil series has limitations with respect to steep slopes, but will not affect the site layout. According to available information, Marlboro clay does not occur on this property.

According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. This property is located in the Lower Anacostia River watershed of the Anacostia River basin.

....

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Addison Road Metro Town Center and Vicinity Requirements

The subject property is located within Subarea 3 of the sector plan. The environmental requirements for woodland preservation, stormwater management and noise are addressed in the Environmental Review section below. There are no specific environmental requirements or design standards that require review for conformance.

The preliminary plan application has a signed natural resources inventory (NRI/049/05) dated July 18, 2005, that was included with the application package. The TCPI and the preliminary plan show all the required information correctly.

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodlands and there is no previously approved tree conservation plan on the subject property. A Type I tree conservation plan was not submitted with the review package and is not required. The Environmental Planning Section, Countywide Planning Division, issued a standard letter of exemption from the ordinance on September 8, 2005.

The subject property abuts Central Avenue and Addison Road, both arterials and generally regulated for noise. Based on the Environmental Planning Section's noise model, an analysis of the noise generated by the two highways indicates that the 65 dBA Ldn noise contours would be located approximately 292 feet and 247 feet from the centerlines of the respective roadways. The plan shows the noise contours to be 228 feet and 196 feet from the respective roadways. A noise study was not submitted to justify the delineation. The plans must either be revised to show the contours that resulted from the Environmental Planning Section's model, or a noise study must be submitted that reflects the noise contours shown on the plans.

Using either set of contours, it is clear that noise impacts the proposed residential units. What is not clear is whether or not outdoor activity areas are proposed and where they are located. Interior noise must be reduced to 45 dBA Ldn or less through the use of specialized building materials. Noise levels in any proposed outdoor activity areas could be mitigated through the shielding provided by the building, if they are placed appropriately.

Prior to signature approval of the preliminary plan, the preliminary plan should be revised to show the unmitigated 65 dBA Ldn noise contour either using the Environmental Planning Section's model or by using a noise contour generated from a noise study reviewed by the Environmental Planning Section.

A Phase II noise study should be prepared and included in the submission package for the detailed site plan. It should contain specific building material recommendations to ensure that the interior noise levels are 45 dBA Ldn or less. The DSP should locate any outdoor activity areas and the

noise study should address how noise levels have been mitigated to 65 dBA Ldn or less for these areas. The detailed site plan should also address, if it is determined appropriate, the issue of possible ground vibration from the Metro tunnel located in the northeast corner of the site.

A Stormwater Management Concept Approval Letter (24628-2005-00) dated July 18, 2005, was submitted for the subject property. The concept approval letter states that bioretention or infiltration facilities will be provided. The detailed site plan should show the location(s) of these facilities and the associated landscaping.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

- 5. **Community Planning**—The property is located with in the limits of the 2000 approved sector plan and sectional map amendment for the Addison Road Metro Town Center and vicinity, Planning Area 75A, in the Metro West Town Commons. The property is located directly west across Addison Road from the Addison Road Metro Station.
 - The site is located in a designated corridor (Central Avenue MD 214) and community center in the Developed Tier. One of the visions for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

The vision for corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The plan recommends that development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. Community centers are concentrations of activities, services and land uses that serve the immediate community.

This site should be developed in accordance with specific land use, circulation, and urban design recommendations for Subarea 1-MD 214/Addison Road Urban Boulevard and Subarea 3-Metro West (Town Commons) sections of the sector plan. Specifically, the proposed multimodal access and circulation system for the town center should be carefully examined through the development review process.

The sector plan provides development district standards for new development that will be appropriate for the town center in terms of style, character, composition, scale and proportion, and density. Such factors as mix of uses, building size, siting and setbacks, height, façade treatment, landscaping, buffering and screening, parking areas, vehicle access, and proximity of the

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residential development on abutting properties should be evaluated. Compliance with these standards must be shown in the detailed site plan. In addition, all detailed site plan applications must include architectural elevations, which demonstrate compliance with building design standards. These elements will be reviewed at the time of detailed site plan review.

Development of this site should provide essential transit-oriented development (TOD) design characteristics that include pedestrian and trail connections oriented to transit facility linkages and pedestrian-friendly building bulk and setbacks within the town center (Town Center Commons), Addison South Subarea, and to the Addison Road Metro Station to the east.

This application is not inconsistent with the 2002 General Plan development pattern policies for the Developed Tier, and the development application conforms to the land use recommendations of the 2000 Addison Road Town Center and vicinity sector plan for Subarea 3-Metro West (Town Commons). In the review of the preliminary plan staff was concerned with the limited amount of office space proposed. The location of the property directly west of the Addison Road Metro could be a priority location for offices. A more in-depth analysis of the square footage of the mix of uses can occur with the review of the detailed site plan, which is required for development within the ARM plan.

Urban Design— The applicant proposes to create a single parcel of land in which to place a mixed-use development consisting of commercial retail and multifamily in the C-S-C and D-D-O-Z Zones. Base on the Urban Design Section's review of the abovementioned preliminary plan, we offer the following comments:

Conformance with the Addison Road Development District Overlay Zone.

The plan of development is subject to detailed site plan review in which the issue of the proposed use of the property will be examined further. The use table within the DDOZ will be required to be amended based on the applicant's proposal at the time of detailed site plan. Any variation from the underlying C-S-C Zone permitted use table will be analyzed further to determine if a deviation from that table is permissible through the DDOZ amendment process in accordance with Section 27-548.22 and 27-548.27.

The detailed site plan process will also review the project for the conformance to the development district standards.

Parks and Recreation—The staff of the Department of Parks and Recreation (DPR) has reviewed the preliminary plan application for the requirements for the fulfillment of the mandatory dedication of parkland (Section 24-134 of the Subdivision Regulations). The plan was reviewed for compliance with the requirements and recommendations of the approved Prince George's County General Plan, approved sector plan and sectional map amendment for the Addison Road Metro Town Center and vicinity, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

> The Prince George's County General Plan establishes objectives related to the public parkland. The objectives are a minimum of 15 acres of M-NCPPC local parkland should be provided per 1,000 population (or equivalent amenity in terms of parks and recreation service) and 20 acres of regional, countywide and special M-NCPPC parkland per 1,000 populations. By applying the General Plan standards for projected population in the new communities, staff has determined that regional public parkland suitable for active recreation are needed to serve the proposed community. The applicant is not proposing any parkland dedication. The applicant shows open space areas on the plan, but these areas are unsuitable for public parkland due to their size and locations. The level-of-service analyses shows that this community is in "high need" for parkland acreage and in "high need" for outdoor recreation facilities.

The Planning Board approved the Brighton Place 4-04011 preliminary plan of subdivision (PGCPB Resolution 04-185) and the Addison Road South 4-05016 preliminary plan of subdivision (PGCPB Resolution 05-189) located to the south of the subject site. Both of these subdivisions have been approved with the requirement to make a monetary contribution for the development of the Rollins Avenue Neighborhood Park, located on the west side Rollins Avenue south of the subject site. The financial contribution is determined with the review of the required detailed site plans. The park is 17.5 acres in size and is currently undeveloped. It was determined at the time of approval of Brighton Place DSP-04082 by the Planning Board that a central recreational area in Rollins Avenue Neighborhood Park would be of a greater value to the residents of the overall sector plan area than scattered recreational facilities under the control of several different homeowners associations. Consistent with this recommendation the Addison Road South preliminary plan was approved with the mandatory dedication of parkland requirement being fulfilled with the financial contribution for the development of the Rollins Avenue Neighborhood Park.

There are no funds in the Capital Improvement Program (CIP) for development of the Rollins Avenue Neighborhood Park. However, \$100,000 was required through the approval of the DSP for Brighton Place for development of the park. The Addison Road South Detailed Site Plan DSP-05072 is currently pending; with review of that DSP additional funding will be required. The contributions are to be placed in a fund specifically for the development of that park. DPR staff determined that phase one construction of the park would require at least \$400,000.

Finding 12 of PGCPB Resolution No. 05-162, File DSP-04082 for Brighton Place, states the following:

"...With the development of the subject property (Brighton Place) and the development proposed on the adjacent property, known as Addison Road South (Preliminary Plan 4-05016), staff believes that a central recreational area would be of greater value to the overall sector plan than scattered recreational facilities under the control of several

different homeowners associations. The applicant has agreed to the concept of providing a donation to the Department of Parks and Recreation for development of the Rollins Avenue Neighborhood Park...."

Condition 1 of PGCPB Resolution 05-162, DSP-04082 for Brighton Place, states the following:

"Prior to the approval of the final plat, the applicant shall provide evidence of a contribution to the M-NCPPC Department of Parks and Recreation in the amount of \$100,000 for the development of the Rollins Avenue Neighborhood Park."

The Planning Board has determined with two previous applications that the applicants should provide a contribution for the construction of the public recreational facilities in the Rollins Avenue Neighborhood Park. As with the review of the detailed site plan for the Brighton Place

and Addison Road South subdivisions, the amount of contribution for the development of the Rollins Avenue Neighborhood Park should be determined with the review of the detailed site plan for this site.

In addition to the monetary contribution, the applicant has proposed the following amenities to be provided on the subject property that are not being provided for the fulfillment of the mandatory dedication of parkland requirement:

- a. Exercise/sauna room
- b. Business center with high-speed internet connections
- c. Lounge/billiard room
- d. Outdoor rooftop pool and lounge

In all, the applicant anticipates that the areas dedicated to amenities on the site will exceed 8,000 square feet.

Trails—The subject site is immediately across Addison Road from the Addison Road Metro
 Station: The adopted and approved Addison Road Metro Town Center and vicinity sector plan recognizes the importance of sidewalks for encouraging walking to Metro and developing transit-oriented development.

The ARM plan recommends that sidewalks be provided on both sides of most streets in the town center. Sidewalks should be located away from the curb edge to provide an adequate pedestrian safety zone. Sidewalks along MD 214 should be a minimum of five feet wide.

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Currently, no sidewalks exist along the site's frontages of MD 214, Addison Road, or Zelma Avenue. Consistent with recommends for Addison Road South (4-05016), which lies south of the subject site along Addison Road, staff recommends a network of standard and wide sidewalks along the road frontages to safely accommodate pedestrians walking to Metro. Eight-foot-wide sidewalks are recommended along the site's frontages of both Addison Road and MD 214, and a standard sidewalk is recommended along the site's frontage of Zelma Avenue. The wider sidewalks are warranted to accommodate the high level of pedestrian traffic anticipated in the town center, as well as to provide an inviting pedestrian environment for people walking to Metro.

The sector plan also notes that the bicycle can become an alternative to the automobile for some trips if opportunities are created (page 63). On-road bicycle improvements to Addison Road (including restriping for bike lanes) have been discussed with the Department of Public Works and Transportation. It is hoped that bicycle-compatible road improvements can be incorporated into Addison Road at the time of road improvements or resurfacing. At this time, staff recommends the provision of one "Share the Road with a Bike" sign to alert motorists to the likelihood of bicycle traffic along Addison Road.

Transportation—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 1.94 acres of land in the C-S-C Zone. The property is located between Addison Road and Zelma Avenue, and south of MD 214. The applicant proposes to develop the property with 162 residences (21 three-bedroom units, 113 two-bedroom units, and 28 one-bedroom units) and 24,500 gross square feet of retail commercial uses. The subject property was rezoned from C-O to C-S-C through the sector plan and sectional map amendment for the Addison Road Metro (ARM) Town Center and vicinity and therefore must conformance with concepts in the sector plan.

At the Subdivision Review Committee meeting held on October 7, 2005, the transportation staff determined that a traffic study detailing weekday analyses was needed. On December 26, 2005, the applicant submitted a traffic study dated December 22, 2005. This study was found acceptable on January 3, 2006, and was referred to Maryland State Highway Administration (SHA) and county Department Public Works and Transportation (DPW&T) for comment. The submitted traffic study proposes to employ mitigation action in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. As a result, staff advised the applicant on January 3, 2006, that unless written indications are received from the two operating agencies (SHA and DPW&T) expressing acceptance of the proposed mitigation actions prior to the writing of this staff report, the transportation staff cannot recommend approval based on the proposed mitigation measures. Comments from SHA and DPW&T were received on January 27, 2006. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is located within the Developed Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds 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.

Analysis of Traffic Impacts

The traffic study for this site examined the site impact at six intersections, as noted on the attached map:

MD 214/Addison Road (signalized) MD 332(Old Central Avenue)/Rollins Avenue/Yeoman Place (unsignalized) MD 332/ Zelma Avenue (unsignalized) Walker Mill Road/Addison Road (signalized)

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The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS					
IntersectionCritical Lane VolumeLevel of ServicIntersection(AM & PM)(LOS, AM & PM)					
MD 214 and Addison Road	1,340	1,584	D	Е	
MD 332 and Rollins Avenue/Yeoman Place	29.6*	21.9*			
MD 332 and Zelma Avenue	11.7*	12.5*			
Walker Mill Road and Addison Road	1,415	1,837	D	F	

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

The area of background development includes 20, including the Addison Road South project, approved but unbuilt developments in the area. There are no programmed improvements in the county Capital Improvement Program (CIP) or the state Consolidated Transportation Program (CTP). Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS					
IntersectionCritical Lane Volume (AM & PM)Level of S (LOS, AM)					
MD 214 and Addison Road	1,584	1,763	E	F	
MD 332 and Rollins Avenue/Yeoman Place	937.8*	826.4*			
MD 332 and Zeima Avenue	16.6*	17.6*			
Walker Mill Road and Addison Road	1,630	2,134	F	F	

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

The site is proposed for development as a mix of residential and retail commercial subdivision. The traffic study is based upon 168 townhouse/condominium units and 24,500 gross square feet of retail commercial uses, which is slightly higher than the levels proposed in the current plan. This quantity of development would generate 163 (60 in, 103 out) AM peak-hour vehicle trips and 226 (126 in, 100 out) PM peak-hour vehicle trips. With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS					
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)		
MD 214 and Addison Road	1,585	1,775	Е	· F ⁴	
MD 332 and Rollins Avenue/ Yeoman Place	1128*	1067*			
MD 332 and Zelma Avenue	26.1*	33.8*			
Walker Mill Road and Addison Road	1,650	2,151	F	F	

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

The traffic study identifies an inadequacy at two existing signalized intersections and one existing unsignalized intersection. The needed findings and/or improvements under consideration are further discussed below:

MD 214/Addison Road:

The applicant proposes the addition of an eastbound right-turn lane along MD 214. This improvement is proposed as mitigation in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of criterion (1) in the Guidelines for Mitigation Action, which was approved by the District Council as CR-29-1994 (the site also meets criterion (3) and may also meet criterion (2)). The impact of the proposed mitigating improvement at this intersection is summarized as follows:

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IMPACT OF MITIGATION					
Intersection	LOS and C & P		CLV Differer & PM		
MD 214/Addison Road	······································				
Background Conditions	E/1,584	F/1,709			
Total Traffic Conditions	E/1,585	F/1,775	+1	+66	
Total Traffic Conditions w/Mitigation	E/1,585	E/1,549	N/A	-160	

As the CLV at MD 214/Addison is between 1,600 and 1,813 during the PM peak hour, the proposed action must mitigate at least 150 percent of the trips generated by the subject property, according to the guidelines. The above table indicates that the proposed action would mitigate in excess of 150 percent of site-generated trips during the PM peak hour, and it would provide LOS E (the policy LOS within the Developed Tier) during both peak hours. Therefore, the proposed mitigation at MD 214 and Addison Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

The mitigation plan was reviewed by DPW&T and SHA, and both agencies approve the proposed mitigation measure without offering any additional comments.

MD 332/Rollins Avenue/ Yeoman Place:

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The applicant proposes the possible signalization at this intersection, along with the addition of a westbound left-turn lane on the westbound approach. The analysis indicates that this intersection operates unacceptably as an unsignalized intersection. 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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. This intersection operates with a single lane on each approach, with Rollins Avenue coming into the intersection to create a "T" intersection. Much of the delay results from left-turning and right-turning traffic on Rollins Avenue queuing at the intersection.

SHA and DPW&T indicated that the applicant should explore additional geometric widening, as deemed appropriate by SHA and DPW&T, such as the provision of two approach lanes along northbound Rollins Avenue, prior to performing a signal warrant study using the recommended SHA and/or DPW&T geometric modifications. It is noted that with signalization and provision of a westbound left-turn lane along MD 332 at Rollins Avenue, the MD 332/Rollins Avenue intersection operates at LOS B with a CLV of 1,142 in the AM peak hour and at LOS D with a CLV of 1,403 in the PM peak hour. Given the relatively large turning movements from Rollins Avenue at this location, it is agreed by staff that separate northbound left-turn and right-turn approach lanes are needed along Rollins Avenue at MD 332. However, the existing right-of-way

> is very limited in size, with a privately owned undeveloped lot on the west and a public school— Lyndon Hills Elementary School—on the east. Nonetheless, a condition giving some flexibility in this regard was recommended for preliminary plans 4-04011 and 4-05016, and a similar condition will be recommended with this application.

Walker Mill Road/Addison Road:

The applicant proposes the reconfiguration of this intersection to have the westbound approach of the intersection operate as an exclusive left-turn lane and a shared right-turn/left-turn lane. This improvement is proposed as mitigation in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of criterion (1) in the Guidelines for Mitigation Action, which was approved by the District Council as CR-29-1994 (the site also meets criterion (3) and may also meet criterion (2)). The impact of the proposed mitigating improvement at this intersection is summarized as follows:

IMPACT OF MI	TIGATION			
Intersection	CLV (AM M)	M CLV Difference & PM)		
Walker Mill Road/Addison Road	<u></u>	·		·····
Background Conditions	F/1,630	F/2,134		
Total Traffic Conditions	F/1,650	F/2,151	+20	+17
Total Traffic Conditions w/Mitigation (Applicant)	E/1,503	F/1,814	-127	-320
Total Traffic Conditions w/Mitigation (DPW&T)	D/1,369	F/1,720	-261	-414

As the CLV at Walker Mill Road/Addison Road is between 1,600 and 2,134 during the PM peak hour, the proposed action must mitigate at least 150 percent of the trips generated by the subject property, according to the guidelines. The above table indicates that the applicant's proposed action would mitigate in excess of 150 percent of site-generated trips during the PM peak hour,

and it would provide LOS E (the policy LOS within the Developed Tier) during AM peak hour and LOS F during the PM peak hour. Therefore, the proposed mitigation at MD 214 and Addison Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

The mitigation plan was reviewed by DPW&T and SHA, but DPW&T did not approve the proposed mitigation measure. Based on the DPW&T recommendations, the acceptable mitigation measures for this intersection should include the provision of three lanes (double left-turn lanes

and one exclusive right-turn lane) along the westbound leg (Walker Mill Road). With this change in place, this intersection would operate at LOS D, with a CLV of 1,369 in the AM peak hour, and LOS F, with a CLV of 1,720 in the PM peak hour.

Plan Comments

Addison Road/site entrance:

The applicant proposes a vehicular access along Addison Road. Since Addison Road is a planned arterial roadway, access can be granted only if the applicant's prepared variation request from Section 24-121(a)(3) of the Subdivision Regulations is approved, as set forth in Finding 13 of this report. Because the site is bounded by Central Avenue (planned arterial) to the north, Addison Road (also planned arterial) to the east, and Zelma Avenue (planned residential street) to the west, staff agrees with the provision of a single access driveway along Addison Road, provided that the access driveway is constructed such that it physically prohibits left-turn movement to and from the site.

Zelma Avenue/Site entrance:

The plan proposes a full access point along Zelma Avenue, which serves a residential neighborhood. A second access was proposed to the underground garage that has been removed from the plan proposal.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

10. Schools—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for the impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

School table:

Residential

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	162 sfd	162 sfd	162 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	38.88	9.72	19.44
Actual Enrollment	35388	11453	16879
Completion Enrollment	218	52	105
Cumulative Enrollment	20.40	5.10	10.20
Total Enrollment	35665.28	11519.82	17013.64
State Rated Capacity	39187	11272	15314
Percent Capacity	91.01%	102.20%	111.10%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and \$12,706 to be a paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Commercial

The commercial/retail component of subdivision is exempt from the review for schools because it is a commercial use.

This project meets the policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003.

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11. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance, for the residential component of the development.

Residential

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station, Seat Pleasant, Company 8, using the 7 *Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

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The Fire Chief has reported that the current staff complement of the Fire/EMS Department is 685 (98.99 percent), which is within the staff standard of 657, or 95 percent, of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter dated August 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

Commercial/Retail

The following findings are those that apply to the commercial/retail component of the proposed development in conformance with the Adopted and Approved Public Safety Master Plan 1990 and the Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.

- a. The existing fire engine service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road, has a service travel time of 0.30 minute, which is within the 3.25-minute travel time guideline.
- b. The existing ambulance service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road, has a service travel time of 0.30 minute, which is within the 4.25-minute travel time guideline.
- c. The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 6.69 minutes, which is within the 7.25minute travel time guideline.
- d. The existing ladder truck service at Capital Heights Fire Station, Company 5, located at 6061 Central Avenue, has a service travel time of 1.82 minutes, which is within the 4.25-minute travel time guideline.

The commercial/retail component of the proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck, and paramedic services.

12. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District III. The standard for emergency call response is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on September 15, 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-08/05/05	9.00	20.00

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the Academy, for a total of 1,345 (95 percent) personnel, which is within the standard of 1,278 officers, or 90 percent, of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on August 5, 2005. Therefore, in accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police and fire facilities have been met.

- 13. **Health Department**—The Health Department has reviewed the proposed preliminary plan of subdivision and has no comment to offer.
- 14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan #24628-2005-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
- 15. Variation—Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

The subject property has frontage on and proposes direct vehicular access via Addison Road

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation to allow access to an arterial in this case and makes the following findings:

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> Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

A. That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property. One of the purposes of limiting access to an arterial is to enhance public safety, health and welfare.

Direct access to MD 214 is not recommended. Zelma Avenue is a residential collector street. The most appropriate location for access to this site is Addison Road South. Staff is recommending access restrictions such as right-in and right-out only. The site access is located as far to the south from the intersection of MD 214 and Addison Road South as feasible for both the residential and commercial uses.

B. The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.

The property is one parcel with frontage on Addison Road South, an arterial facility; Zelma Avenue, a street primarily used by the abutting residential neighborhood; and MD 214. The most appropriate access is to Addison Road South.

C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.

If the variation is approved it will not constitute a violation of any other applicable law, ordinance, or regulation.

D. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

This property is a relatively small parcel (1.94 acres) that is surrounded on three sides by public rights-of-way, a configuration and size not generally shared by the abutting properties. The State Highway Administration has indicated that they would not grant

PGCPB No. 06-37 File No. 4-05068 Page 23

access directly onto MD 214 at this location, and to require that the applicant solely utilize Zelma Avenue could be cause for conflicts with the abutting single-family residential neighborhood. Denying the applicant the right to utilize Addison Road South could result in a particular hardship because of these reasons.

16. Historic—A Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property. One exception is the presence of a residence of J.E. Berry, Jr., located approximately 1,110 feet (less than ¼ mile) to the south of the subject property, as shown on the 1861 Martenet map. The Berry family were large landholders and owned slaves. However, the small size of the subject property (1.94 acres) suggests the possibility of finding remains of historic period structures, including slave quarters, is low. No indicators for the presence of prehistoric sites, such as streams or knolls, are located on or very near the property.

Section 106 review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project. PGCPB No. 06-37 File No. 4-05068 Page 24

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

*

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, and Hewlett voting in favor of the motion, with Commissioner Vaughns absent at its regular meeting held on <u>Thursday, February 9, 2006</u>, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of March 2006.

Trudye Morgan Johnson Executive Director

Frances Guertin

By Frances J. Guertin Planning Board Administrator

TMJ:FJG:WC:bjs

APPROVED AS TO LEGAL SUFFICIENCY. Legal Department Date 06

PGCPB No. 08-124

File No. 4-08019

RESOLUTION

WHEREAS, Mirza H.A. Baig is the owner of a 1-acre parcel of land known as Parcel 87, located on Tax Map 73 in Grid C-1, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned C-S-C/DDOZ; and

WHEREAS, on Mirza H.A. Baig May 29, 2008, filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08019 for Commons at Addison Road II, Parcel B was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 4, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on September 4, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-08019, Commons at Addison Road II, for Parcel B with the following conditions:

- 1. Development of this site shall be in conformance with the Stormwater Management Concept Plan, No. 24628-2005-01 and any subsequent revisions.
- 2. Total development within the subject property shall be limited to construction of a parking garage which is projected to generate zero AM and zero PM vehicle trips. The proposed parking facility is to serve the required parking needs (Part 11) for the Commons at Addison Road Development Preliminary Plan of Subdivision (4-05068) only. Any other use of the proposed parking structure or any additional development on this site shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities. Direct access from Parcel B to Addison Road is denied without the approval of a variation to Section 24-121 of the Subdivision Regulations.
- 3. At the time of final plat the applicant shall dedicate right-of-way (ROW) of 60 feet from the center line of Addison Road.

- 4. Prior to approval of the final plat the applicant and the applicants heirs, successors and/or assignees shall obtain approval of a revision to Detailed Site Plan DSP-06001 (PGCPB Resolution No. 06-217) to incorporate Parcel A and the accessory parking garage proposed on Parcel B into one development site.
- 5. In conformance with the Approved Addison Road Metro Town Center and Vicinity Sector Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide an eight-foot wide sidewalk along the subject site's entire road frontage of Addison Road, unless modified by DPW&T.
 - b. The Approved Addison Road Metro Town Center and Vicinity Sector Plan recommend that Addison Road be designated as a Class III bikeway with appropriate signage. Because Addison Road is a County right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- 2. The property is located on the west side of Addison Road and approximately 1,000 feet south of the intersection of Addison Road with MD 214 (Central Avenue).
- 3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	Single-Family Dwelling	Private Parking Garage (Part 11)
Acreage	1 acre	1 acre
Parcels	1	1
Dwelling Units:		
Detached	1 (to be razed)	0
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the Preliminary Plan of Subdivision 4-08019, stamped as received by the Environmental Planning Section on May 23, 2008.

A review of the available information indicates that streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. There is no 100-year floodplain that is associated with the site. The subject property abuts Addison Road, an arterial that is generally regulated for noise. However, because no residential uses are proposed for this development, noise analysis and mitigation are not necessary.

The predominant soil type found to occur on this site according to the *Prince George's County Soil Survey* is Collington. This soil series has limitations with respect to steep slopes, but will not affect the site layout because steep slopes do no exist on the site. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or within the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. This property is located in the Lower Anacostia River watershed of the Anacostia River basin and in the Developed Tier as reflected in the adopted General Plan.

Addison Road Metro Town Center and Vicinity Requirements

The subject property is located within Subarea 3 of the sector plan. The environmental requirements for woodland preservation, stormwater management and noise are addressed in the Environmental Review Section below. There are no specific environmental requirements or design standards that require review for conformance that are applicable to this site.

Conformance with the Countywide Green Infrastructure Plan

The site is within a Network Gap Area of the designated network of the *Approved Countywide Green Infrastructure Plan.* The site does not contain, nor is it adjacent to, any sensitive environmental features. The area is intensely developed with residential dwellings and a nearby metro station. It would not be possible to make the intended connection in accordance with the plan because the existing and approved development on adjacent properties. No revisions are required for conformance to the Countywide Green Infrastructure Plan.

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. The preliminary plan has a signed Natural Resource Inventory (NRI/017/08), dated March 24, 2008 that was included with the application package. The TCPI and the preliminary plan show all the required information correctly. No revisions are required for conformance to the NRI.

This property is not subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site contains less than 10,000 square feet of woodlands and there is no previously approved tree conservation plan on the subject property. A Type I tree conservation plan was not submitted with the review package and is not

required. A Standard Letter of Exemption from the ordinance was issued by the Environmental Planning Section, Countywide Planning Division, on November 21, 2007, and is a part of the record.

Water and Sewer Categories

The 2001 Water and Sewer Plan designated this property in Water and Sewer Category 3 and will therefore be served by public systems.

5. **Community Planning**—The property is located within the *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* (2000), in Planning Area 75A/Subarea 3 Metro West (Town Commons). The 2000 Approved Sector Plan and Sectional Map Amendment retained the property in the C-S-C Zone and placed the property within the Development District Overlay Zone (DDOZ).

The 2002 General Plan locates this property in the Developed Tier, in a designated corridor, Central Avenue (MD 214), and community center. One of the visions for the Developed Tier is to provide a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

The vision for corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. Community centers are concentrations of activities, services and land uses that serve the immediate community.

In this case the applicant is proposing a private parking garage to serve the Commons at Addison Road (Parcel A) mixed use development. The Detailed Site Plan for Parcel A (DSP-06001) was approved for the following mix: 170 multifamily units and 22,696 square feet of commercial with an underground parking structure abutting to the north. To supplement the parking on Parcel A and accommodate the required parking (Part 11), the applicant is proposing to construct a parking garage on proposed Parcel B to serve only the development on Parcel A. Development on Parcel B is for the parking garage only and will have no direct access to Addison Road. Access to the parking garage will be via Parcel A to the north only. Detailed Site Plan, DSP-06001 should be revised to incorporate Parcel B into one site plan tying the development together. Parcel A (4-05068) has not been recorded. The preliminary plan for Parcel A is valid thru March 23, 2009.

"The approved sector plan (pages 173-231) provides Development District Standards for new development that will be appropriate for the town center in terms of style, character, composition, scale and proportion and density. Such factors as building size, siting and setbacks, height, facade treatment, landscaping, buffering and screening, parking areas, points of vehicle access, and proximity of the residential development on abutting properties should be evaluated." Compliance with these standards should be reviewed at the time of review of the required detailed site plan. In addition, all site plan applications will include architectural

elevations, which demonstrate compliance with building design standards. These elements will be reviewed at the time of detailed site plan review.

Development of this site should provide essential Transit-Oriented Development (TOD) design characteristics that include pedestrian and trail connections oriented to transit facility linkages and pedestrian-friendly building bulk and setbacks within the Town Center (Town Center Common), Addison South Subarea and to the Addison Road Metro Station.

- 6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the site is exempt from the requirements of the mandatory dedication of parkland because it is a nonresidential use
- 7. **Trails**—The subject site is immediately across Addison Road from the Addison Road Metro station. The *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* recognizes the importance of sidewalks for encouraging walking to the Metro and developing transit-oriented development.

As stated on page 66 of the sector plan, sidewalks are recommended for both sides of most streets in the town center. Sidewalks should be located away from the curb edge to provide an adequate pedestrian safety zone.

Currently, no sidewalks exist along the site's frontages of Addison Road. Consistent with conditions of approval for developments both to the north and south (Preliminary Plans of Subdivision 4-05068 and 4-05016, respectively), staff recommends an eight-foot-wide sidewalk along the subject site's entire frontage of Addison Road to safely accommodate pedestrians walking to metro. The wider sidewalk is warranted to accommodate the high level of pedestrian traffic anticipated in the town center, as well as to provide an inviting pedestrian environment for people walking to metro, and will be reviewed at the time of detailed site plan.

8. **Transportation**—The applicant proposes to limit development on this property to a parking garage that will serve the Commons at Addison Road Phase I (Parcel A) development approved pursuant to Preliminary Plan 4-05069 (PGCPB Resolution No. 06-37), which is located on the adjoining parcel to the north of this site. The subject property is located within the Addison Road Metro (ARM) Town Center and Vicinity and will conformance with concepts in the sector plan.

The proposed parking structure is to be used in accordance with Part 11 to serve the required parking for Commons at Addison Road I pursuant to Preliminary Plan 4-05068. Therefore, the proposed parking structure will not be a traffic generator and will serve the trips approved for the Commons at Addison Road development abutting to the north only. This structured parking garage should not generate any additional peak-hour trips above the AM and PM peak-hour trip caps of 163 and 226 vehicle trips, respectively, approved for the Commons at Addison Road development (PGCPB Resolution No. 06-37). Additionally, the *Guidelines* states that the Planning Board may find that the impact of any development generating five or fewer peak-hour trips is de minimus, or in-significant. For these reasons, staff has determined that a new traffic

impact study is not required.

Plan Comments

The applicant proposes no direct access to Addison Road. The access to the proposed parking garage would be provided only from the Commons at Addison Road development to the north. Addison Road is a master plan arterial facility. The submitted plan adequately shows dedication of 60 feet from centerline.

Transportation Staff Conclusions

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code of the Subdivision Ordinance if the application is approved with conditions.

- 9. **Schools**—There are no residential dwelling units proposed and therefore there are no anticipated impacts on schools.
- Fire and Rescue—The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) thru (E) of the Subdivision Regulations.

The existing engine service at Seat Pleasant Fire/EMS Station, Company No. 8, located at 6305 Addison Road, has a service travel time of .30 minutes, which is *within* the 3.25-minute travel time guideline.

The existing paramedic service at, located at Kentland Fire/EMS Station, Company No. 46, located at 10400 Campus Way South, has a service travel time of **6.69** minutes, which is *within* the 7.25-minute travel time guideline.

The existing ladder truck service at Capitol Heights Fire/EMS Station, Company No. 5, located at 6061 Central Avenue, has a service time of 1.82 minutes, which is *within* the 4.25-minute travel time.

The above findings are in conformance with the *Approved Public Safety Facilities Master Plan* (1990) and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

11. **Police Facilities**—The proposed development is within the service area for Police District III, Palmer Park. The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the 141 square feet per 1000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet is above the guideline.

- 12. **Health Department**—The Health Department notes that a raze permit will be required through the Department of Environmental Resources (DER) prior to the removal of any existing buildings. Any hazardous material located in any structure on site must be removed and properly stored or discarded prior to the structures being removed.
- 13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, No. 24628-2005-01 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
- 14. Historic—Phase I archeological survey is not recommended on the subject one acre property that is located at 109 South Addison Road in Capitol Heights, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A house was built on the eastern part of the property around 1960. The applicant should be aware that there are three known archeological sites within a one mile vicinity of the subject property, all dating to the early 20th century. In addition, there are three County Historic Sites, DC Boundary Marker East (No. 72-020), St. Margaret's Church (No. 72-007-01), and Carmody House (No. 72-006) located within a one-mile radius of the subject property.

Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. Section 106 review may require archeological survey for state or federal agencies.

15. **Public Utility Easement**—Section 24-122(a) of the Subdivision Regulations requires an easement for the purposes of providing public utilities to a development. The preliminary plan of subdivision correctly depicts the location of the required 10-foot public utility easement along the right-of-way of Addison Road.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * * * * * * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns, Clark, Cavitt, Squire and Parker voting in favor of the motion at its regular meeting held on <u>Thursday, September 4, 2008</u>, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of September 2008.

> Oscar S. Rodriguez Executive Director

> > .

By

Frances J. Guertin Planning Board Administrator

OSR:FJG:WC:bjs

Case No. SP-06001

Applicant: Dawn Limited Partnership

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

ORDER APPROVING REVISED CONDITION FOR DETAILED SITE PLAN

IT IS HEREBY ORDERED, after review of the administrative record, after review of the District Council's final site plan approval order served on the parties on May 21, 2007, and after receipt and review of the applicant's request to modify condition 4.m. attached to the final order, that the final order of the District Council in SP-06001, approving with conditions a detailed site plan for a structure of up to 10 stories, with 22,696 square feet of commercial uses on the first floor, and library and office uses on the second and third floors, and 170 multifamily condominium dwelling units above the third floor, on property referred to as the Commons at Addison Road Metro, described as approximately 1.94 acres of land in the C-S-C and D-D-O zones, in the southwest quadrant of the intersection of Central Avenue and Addison Road, Capitol Heights, is:

MODIFIED, and, as modified, REAPPROVED AND AFFIRMED, subject to the conditions stated below.

By this order, the District Council finds and concludes that the applicant may fulfill condition 4.m. by placing all on-site utilities underground and contributing to a study or a fund, if one is initiated, whereby off-site utility lines to and from the subject property, along Central Avenue and Addison Road, will be placed underground, under the administration and supervision of the Department of Public Works and Transportation. By this order, the District Council further finds and concludes that the applicant should contribute the funds earlier designated in condition 6 for Parks and Recreation facilities to a fund to be set aside for use by the Prince George's County Memorial Library System. Condition 6, as modified, will reflect that the funds are for library purposes, for an appropriate CIP item to fund the District 7 library on the subject property.

As approved in May, 2007, condition 4.m. provided as follows:

- 4. Prior to certification of the detailed site plan, the following revisions shall be made:

4.

* * * *

m. The applicant shall consult with all the affected utility companies to develop cost estimates for the undergrounding of utilities for review by the District Council for a final determination.

The District Council hereby strikes this condition and revises it, as follows:

Prior to certification of the detailed site plan, the following revisions shall be made:

m. The applicant shall place underground all on-site utility lines and facilities, for utilities that serve the subject property and the proposed project. Utility lines and facilities off site need not be underground, but the applicant shall participate in an underground utilities fund at Central Avenue and Addison Road, if one is created, to study or implement the underground placement of utilities in this vicinity. Funding contributions by the applicant shall not exceed \$10,000.

With modifications to conditions 4.m. and 6, the District Council reapproves and affirms the

detailed site plan approved by the Planning Board in 2007, with the following conditions:

1. Prior to certification of the detailed site plan, a Phase II noise study shall be submitted for the subject property. The Phase II noise study shall include a building shell analysis and shall address the building shell noise mitigation measures necessary to achieve Prince George's County residential indoor noise levels of 45 dBA Ldn. The Phase II noise study shall also address the mitigation of noise impacts for outdoor activity areas to acceptable noise levels, if indicated.

- 2. Prior to the certification of the detailed site plan, the architecture for the building shall be certified by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of building shells within the noise corridor of Central Avenue and Addison Road will reduce interior noise levels to 45 dBA Ldn or less.
- 3. Prior to the certification of the detailed site plan, the plan shall be revised to show the location of all outdoor activity areas. If noise mitigation is indicated by the Phase II noise study, the plans shall be revised to show all noise mitigation measures required to achieve acceptable noise levels of 65 dBA Ldn or less.
- 4. Prior to certification of the detailed site plan, the following revisions shall be made:

c.

g.

- a. The plans shall be revised to remove all structures proposed within the public utility easement.
- b. The plans shall be revised to show sidewalk connections from the public rightsof-way to the internal sidewalk system. Crosswalks at each of the entrances of the site and at appropriate internal pedestrian crossings shall also be shown.
 - The plans shall be revised to locate all freestanding signage ten feet from the ultimate right-of-way line unless otherwise allowed by written agreement by SHA or DPW&T. Signs shall be setback sufficient distance to maintain unobstructed lines of vision for traffic at the entrance to the development.
- d. The plans shall be revised to provide additional details and specifications for the freestanding walls located along the rights-of-way, including the material designation which shall be compatible with the building.
- e. The storm drain catch basin proposed at the dumpster located at the southwest corner of the site shall be separated from the dumpster.
- f. The freestanding sign shown on the detailed site plan near the southeast entrance shall be moved out of the right-of-way.
 - The raised median shown on the plan shall conform to DPW&T standards, and shall limit traffic movements at this access point to only right-in and right-out. The proposed exclusive right-turn lane along eastbound MD 214 shall be extended south along Addison Road to the proposed driveway.
- h. The plans shall be revised to clearly indicate the finish material of the retaining wall along the rear property line. The wall shall be brick or stone finish.
- i. The plans shall be revised to indicate the wrought iron fence proposed at the southern property line, which fence shall be compatible with the colors of the

building. The fence should be deleted in the southwest corner where slopes exceed 4:1.

The plans shall be revised in the front courtyard of the building to show the following:

- A minimum four-foot-wide sidewalk shall be provided to allow pedestrians to move from the front of the building to the east side of the building.
- (ii) Handicap spaces shall be dispersed over the site.

j.

k.

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m.

(iii) Flag poles or an art piece in the center island shall be provided.

(iv) An area of outdoor seating should be provided in conjunction with a tenant use, such as a restaurant or coffee shop.

The plans shall be revised to provide the calculations and plant materials necessary to comply with Section 4.1, Residential Planting Requirements.

The plans shall be revised to show ornamental light poles and luminaries (consistent with previous detailed site plan approvals within the Addison South subarea) in the front of the building and along the street line of Addison Road, subject to DPW&T approval.

The applicant shall place underground all on-site utility lines and facilities, for utilities that serve the subject property and the proposed project. Utility lines and facilities off site need not be underground, but the applicant shall participate in an underground utilities fund at Central Avenue and Addison Road, if one is created, to study or implement the underground placement of utilities in this vicinity. Funding contributions by the applicant shall not exceed \$10,000.

n. The plans shall be revised to add a note that a sign shall be added at the access point at Zelma Avenue, to state that all loading trucks are prohibited from entering at that location, and trucks must use the Addison Road entrance. The location of the sign shall be shown on the plan.

o. The common sign plan shall be revised to indicate that the buildingmounted signage shall not exceed more than three colors.

5. All mechanical equipment and dumpsters shall be screened from public view and rights-of-way, with an appropriate buffer consisting of plantings, walls, or fences in compliance with the screening requirements of the Landscape Manual.

- 6. Prior to the approval of any building permit, the applicant shall provide evidence of a contribution for the benefit of the Prince George's County Memorial Library System, in the amount of \$57,138, for the development of the library on the subject property.
- 7. In conformance with the Adopted and Approved Addison Road Metro Town Center and Vicinity Sector Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. Construct the eight-foot-wide sidewalk along the subject site's entire frontage of Central Avenue (MD 214). This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.
 - b. Construct the five-foot-wide sidewalk along the subject site's entire frontage of Zelma Avenue. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.
- 8. Any improvements located with WMATA's right-of-way shall be reviewed and approved by WMATA prior to certificate of approval.
- 9. Final design and material selection for the front courtyard shall be reviewed and approved by the Planning Board or its designee.
- 10. Prior to signature approval, the applicant shall make the following revisions to the plans. (This condition shall be controlling, to the extent that it may be inconsistent with any provision in conditions 1-9.)
 - a. Building height may not exceed ten stories. The top two floors shall be constructed as two-story condominiums.
 - b. A fully enclosed swimming pool shall be constructed on the roof.
 - c. The first floor shall be limited to retail uses.
 - d. The second floor shall be limited to library uses.
 - e. The third floor shall be limited to office uses.
 - f. There shall be one or more security persons on the premises, at all times.
 - g. There shall be round-the-clock CCTV camera coverage, at all building entrances and exits.
 - h. All floors above the third shall be accessed only by an electronic security card system.

i. Before 9:00 a.m. and after 8:00 p.m., the building shall be accessed only by an electronic security card system.

j. A six-foot wrought iron fence shall be constructed around the perimeter of the property.

k. There shall be at least 300 parking spaces, provided in a parking structure.

Ordered this 2nd day of June, 2008, by the following vote:

In Favor: Council Members Dean, Bland, Dernoga, Exum, Harrison, Knotts, Olson and Turner

Opposed:

Abstained:

Absent: Council Member Campos

Vote:

8-0

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

H. Dean, Chairman amue

Redis C. Floyd

Clerk of the Council

Case No. SP-06001/01

Applicant: Dawn Limited Partnership

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

ORDER AFFIRMING PLANNING BOARD DECISION, WITH AMENDED CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 10-50, to approve with conditions a detailed site plan for the construction of a mixed-use development with 171 dwelling units, 37,170 square feet of office space, a 32,820-square-foot library, 15,890 square feet of retail, a freestanding parking structure, and an indoor pool (natatorium) building, for a project referred to as Commons at Addison Road, on property described as approximately 2.9791 acres of land in the C-S-C and R-55 zones, in the southwest quadrant of the intersection of Central Avenue (MD 214) and Addison Road, with frontage on Zelma Avenue, Capitol Heights, is:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case, with the following additions:

The District Council approves the following additional amendments to the development district standards set forth in the October 2000 Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity:

- 1. B3. Materials and Architectural Details, Standard G: to allow GFRP (Glass/Fiber/Reinforced/Plaster) cornice material to be used on the buildings.
- 2. B4. Window and Door Openings, Standard A: to allow glass curtain walls associated with the retail within the main building and the natatorium building.

Affirmance of the Planning Board's decision is subject to the following amended conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:

c.

d.

- a. Provide evidence from all affected utility companies that the encroachments into the public utility easements (PUE) shown on the plans are acceptable. If such verification cannot be provided, these encroachments shall be eliminated from the plans.
- b. Provide details demonstrating that the proposed wall will completely screen the transformers from the right-of-way. If it is found that the transformers will not be adequately screened, the plans shall be revised to provide additional screening elements.
 - Revise the plans to replace the board-on-board fencing proposed along the southern property line with an enhanced fence featuring a composite material resembling natural wood with brick piers at all corners and at regular intervals not to exceed 35 feet, or every four eight-foot-sections of fence. The fence shall be equally attractive from both sides and shall be reviewed and approved by the Urban Design Section as designee of the Planning Board.
 - Revise the plans to demonstrate conformance to Section 4.1 of *Prince George's* County Landscape Manual.
- e. Revise the plans to reincorporate shade trees into the design of the plaza associated with the retail on the east side of the main building.
- f. Provide evidence from Department of Public Works and Transportation (DPW&T) that the detailed site plan is consistent with the approved stormwater management concept plan.
- g. Revise the plans to demonstrate conformance with S4. E. along the south property line adjacent to the existing single-family detached residence.
- h. Revise the plans to provide a five-foot-wide grass planting strip between the sidewalk and curb along Central Avenue right-of-way permitting and as directed by SHA.
- i. Revise the plans to provide loading spaces that are 33 feet long by 12 feet wide,
- j. Provide a loading schedule on the site plan.
- k. Provide a gate in the perimeter fence where the sidewalk or pedestrian path intersects with the sidewalk along Central Avenue (MD 214).
- 1. Provide Americans with Disabilities Act (ADA)-compliant curb cuts and ramps and a marked crosswalk where the trail intersects with the drive aisle.

- Provide ADA-compliant curb cuts and ramps and a marked crosswalk across MD 332 in the vicinity of the Zelma Avenue intersection, unless modified by SHA.
- Provide, if permitted by DPW&T, an eight-foot-wide sidewalk or path around the bioretention pond in the northeast corner of the project. This sidewalk or path shall provide pedestrian access from Central Avenue (MD 214) (near the intersection with Addison Road) to the internal drive aisle and sidewalk leading to the building entrance. The pond shall also be enhanced with amenities, subject to DPW&T approval, such as additional planting and hardscape, public art, or seating, to create a more inviting pedestrian entrance to the project.
- o. Add the following note on the site plan:

m.

n. '

p.

r.

S.

"Pursuant to Section 24-111(c)(2) the current development proposed does not exceed 5,000 square feet of gross floor area. Any additional gross floor area which would result in a total GFA for this site of more than 5,000 square feet will require a preliminary plan of subdivision."

- Revise the plans to demonstrate conformance to Section 4.2 of the *Prince George's County Landscape Manual*. If the substitution of plant material is proposed pursuant to Section 4.2(a)(4) of the Landscape Manual, justification of the need for such substitution shall be submitted to the Urban Design Section for review as designee of the Planning Board.
- q. Revise the plans to demonstrate conformance to S4.D of the Sector Plan where the parking lot is adjacent to Central Avenue.
 - Revise the east elevation (Phase 1) to replace the EIFS with a high quality, durable, and attractive finish material, such as Hardi materials, to be designed generally in accordance with applicant's Exhibit 2.
 - Revise the freestanding signs so that they are no taller than 13 feet high.
- t. Revise the Proposed Development table on the cover sheet so that it reflects the phasing demonstrated in the parking tabulation.
- u. Revise the parking tabulation to accurately account for the required parking for the multifamily units.
- v. Provide evidence that the proposed disturbances to WMATA-owned land have been approved by WMATA.
- w. Provide a sidewalk a minimum of 4-feet wide along the south side of the eastwest internal street. Special paving shall be provided where the sidewalk crosses the loading area and the vehicular entrance to the parking garage.

2. A new final plat for Parcel A (Preliminary Plan 4-05068) shall be approved in accordance with Section 24-108 of the Subdivision Regulations. This plat in conjunction with the prospective final plat for Parcel B (Preliminary Plan 4-08019), shall both carry the following note:

The combined proposed development on Parcel A (4-05068) and Parcel B (4-08019) shall be limited to uses generating no more than 163 AM and 226 PM peak hour trips. Any further development on either parcel that generates a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities, for that development generating the additional impact.

3. A final plat for Lot 5 of Block B shall be approved with the following note:

"Development on Lot 5 of Block B is limited to a cumulative 5,000 square feet of gross floor area pursuant to Section 24-111(c). At such time that development should exceed this maximum, then a preliminary plan of subdivision shall be required."

- 4. The application for the building permit for Parcel A shall contain a certification, to be submitted to The Maryland-National Capital Park and Planning Commission (M-NCPPC), prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
- 5. Prior to the issuance of any building permit, the applicant shall:
 - a. provide evidence that the proposed disturbances to WMATA-owned land have been approved by WMATA.
 - b. provide evidence of a contribution for the benefit of the Prince George's County Memorial Library System, in the amount of \$57,138, for the development of the library on the subject property.
- 6. The applicant shall place underground all on-site utility lines and facilities, for utilities that serve the subject property and the proposed project. Utility lines and facilities off site need not be underground, but the applicant shall participate in an underground utilities fund at Central Avenue (MD 214) and Addison Road, if one is created, to study or implement the underground placement of utilities in this vicinity. Funding contributions by the applicant shall not exceed \$10,000.
- 7. All residential portions of the building shall be accessed only by an electronic security card system.
- 8. The applicant shall construct the eight-foot-wide sidewalk along the subject's entire frontage of Central Avenue (MD 214), unless modified by SHA. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip, if right-of-way is available, unless modified by SHA.

- 9. The applicant shall construct the eight-foot-wide sidewalk along the subject site's entire road frontage of Addison Road, unless modified by DPW&T.
- 10. The applicant shall construct the five-foot-wide sidewalk along the subject site's entire frontage of Zelma Avenue, unless modified by DPW&T. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.
- 11. The applicant and the applicant's heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for construction of private recreational facilities, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county Land Records.
 - 12. The fitness center, aerobics room, business center, media center, and lounge/billiards room shall be completed prior to the completion of the 123rd dwelling unit. Prior to issuance of the final Use and Occupancy Permit for the 171st dwelling unit, the applicant shall have completed the indoor pool building (natatorium).
 - Conditions 4.m., 5, 6, 10.a., 10.f., 10.g., 10.i., 10.j., and 10.k. of the District Council's Order of Approval for Detailed Site Plan DSP-06001 remain valid and are applicable to the subject application.

Ordered this 4th day of October, 2010, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Exum, Harrison, Knotts, Olson and Turner

Opposed:

Abstained:

Absent:

Vote: 9-0

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

By: ______ Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd Clerk of the Council

DSP-06001-03 Backup 44 of 148

TRACI R. SCUDDER[†]

[†] ADMITTED IN MD



<u>STATEMENT OF JUSTIFICATION</u> Detailed Site Plan Application (DSP – 06001-03)

1. <u>PROJECT DESCRIPTION</u>

Banneker Ventures (hereinafter, the "Applicant") is the developer of properties which are the subject of this application to revise DSP-06001-01. These vacant, unimproved properties consist of 2.98 +/- acres of land in the C-S-C, R-55 and D-D-O (Development District Overlay) Zones. The properties are Parcel A, Parcel 87 and Lot 5, Block B (hereinafter, the "subject property"). The subject site is located in the southwest quadrant of the intersection of Central Avenue and Addison Road, directly across the street from the Addison Road Metro Station.

The site is within the boundaries of the approved October 2000 Addison Road Metro Town Center and Vicinity Sector Plan and Sectional Map Amendment (the "Sector Plan"). It is also within the Addison Road Metro D-D-O-Z and is subject to the Development District standards as well as the list of uses permitted.

The neighborhood in which the subject property is located can be defined by the following man-made boundaries: the subject property is bounded immediately to the north by Central Avenue (MD-214); to the east by Addison Road and the Addison Road Metro Station; the eastern side of the property has frontage on Addison Road; and Zelma Avenue is to the west.

137 National Plaza, Suite 300 National Harbor, MD 20745

> (240) 273-3294 (O) (240) 397-3625 (C)

Traci@Scudderlegal.com (Email)

Under this revision application, the Applicant is essentially proposing the same concept for the site – a mixed use development consisting of multifamily units and retail space as approved under the original Detailed Site Plan application (DSP-06001). The Applicant now presents under the subject revision application several modifications to the prior approved detailed site plan, which will be specifically discussed below. The development will be named "The Commons at Addison Road Metro".

The Commons at Addison Road Metro will be a mixed-use community with an urban streetscape. It will be a continuation of a concept that has already begun to take form in the area a walkable community that preserves the road and pedestrian circulation patterns promoted by the Sector Plan. The Commons at Addison Road Metro will be situated directly across the street from the Addison Road Metro Station. This new development will offer residential units that will appeal to many professionals in the region, including teachers, police, firemen, EMS personnel and government employees who desire to live in close proximity to a Metro station.

The mix of uses that will be available at The Commons at Addison Road Metro will be a big draw. This mixed-use community will consist of 193 residential units, with the following unit mix: 10 Studio Units, 123 one-bedroom units, and 60 two-bedroom units. Additionally, the development will have approximately 11,000 +/- square feet of ground floor neighborhood-serving retail space. The retail space will be supported by parking spaces located on surface lots that are part of the development. Throughout the development there will be several outdoor amenity areas/plazas that include landscaping, seating, and lighting.

Current market demand for the type of mixed-use community that The Commons at Addison Road Metro will offer, and its convenient Metro accessibility, will increase the attractiveness of living in Prince George's County. Many renters are looking for locations that provide quality mixed-use development near a Metro station. The Commons at Addison Metro presents an opportunity to capture this market.

The Commons at Addison Road Metro will be among several other notable development projects, existing and proposed, which are also located within the D-D-O-Z and will contribute toward revitalization of the area. One such neighboring community, which is approximately ¹/₂ mile south of the subject site, is a development known as The Park at Addison Metro, a residential and live-work community. This development initiated a trend for mixed-use in the immediate area in which The Commons at Addison Road Metro is located. Brighton Place is another fairly new community that is located right next to The Park at Addison Metro which consists of townhomes. Additionally, in 2017, DSP-16001 (called Metro City) was approved for a large-scale, mixed-use development that will consist of various types of residential units, as well as a significant amount of retail and commercial space.

As noted above, The Commons at Addison Road Metro will thus further a concept that has been established in the area -- a walkable community that preserves the road and pedestrian circulation patterns promoted by the Sector Plan. This corner site will provide direct pedestrian access to the Metro station, consistent with the neighboring communities, which provide critical connections to Addison Road.

2. <u>REQUEST TO REVISE DSP-06001-01</u>

The Prior Approvals – DSP-06001 and DSP-06001-01

Under this Revision of a Detailed Site Plan application (DSP – 06001-03), the Applicant is requesting to modify the previously approved development plans.

DSP-06001 (the original approval)

In SP-06001, the District Council approved with conditions a detailed site plan for a structure of up to 10 stories, with 22,696 square feet of commercial uses on the first floor, library and office uses on the second and third floors, and 170 multifamily condominium dwelling units above the third floor. The District Council also approved a change to the list of uses to allow an outdoor rooftop swimming pool in the development. The current Developer is no longer proposing a swimming pool. Additionally, SP-06001 included a condition that the "building height may not exceed ten stories. The top two floors shall be constructed as two-story condominiums." At 6 stories total, the current Applicant will comply with this condition that the building height may not exceed ten stories. However, the top two floors will be constructed as one-story units as opposed to two-story units.

Approval of the proposed development project and site plan is subject to the Conditions contained in the approval of DSP-06001. The Applicant will comply with the conditions of approval in DSP-06001, except is requesting modifications as indicated below:

1. *Condition:* Prior to certification of the detailed site plan, a Phase II noise study shall be submitted for the subject property. The Phase II noise study shall include a building shell analysis and shall address the building shell noise mitigation measures necessary to achieve Prince George's County residential indoor noise levels of 45 dBA Ldn. The Phase II noise study shall also address the mitigation of noise impacts for outdoor activity areas to acceptable noise levels, if indicated.

Response: Applicant will comply, study will be provided prior to certified site plan.

2. *Condition:* Prior to the certification of the detailed site plan, the architecture for the building shall be certified by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of building shells within the noise corridor of Central Avenue and Addison Road will reduce interior noise levels to 45 dBA Ldn or less.

Response: Applicant will comply, study will be provided prior to certified site plan.

3. *Condition:* Prior to the certification of the detailed site plan, the plan shall be revised to show the location of all outdoor activity areas. If noise mitigation is indicated by the Phase II noise study, the plans shall be revised to show all noise mitigation measures required to

achieve acceptable noise levels of 65 dBA Ldn or less.

Response: Applicant will comply, study will be provided prior to certified site plan.

- 4. *Conditions:* Prior to certification of the detailed site plan, the following revisions shall be made:
 - a. The plans shall be revised to remove all structures proposed within the public utility easement.

Response: Proposed structures are removed from public utility easement.

b. The plans shall be revised to show sidewalk connections from the public rights-ofway to the internal sidewalk system. Crosswalks at each of the entrances of the site and at appropriate internal pedestrian crossings shall also be shown.

Response: Internal sidewalk connections from the public rights-of-way and crosswalks at each of the entrances of the site are shown on plans.

c. The plans shall be revised to locate all freestanding signage ten feet from the ultimate right-of-way line unless otherwise allowed by written agreement by SHA or DPW&T. Signs shall be setback sufficient distance to maintain unobstructed lines of vision for traffic at the entrance to the development.

Response: Plans have been revised as per comment.

d. The plans shall be revised to provide additional details and specifications for the freestanding walls located along the rights-of-way, including the material designation which shall be compatible with the building.

Response: Details have been provided for the free-standing walls as per County requirements.

e. The storm drain catch basin proposed at the dumpster located at the southwest corner of the site shall be separated from the dumpster.

Response: Storm drain layout is revised.

f. The freestanding sign shown on the detailed site plan near the southeast entrance shall be moved out of the right-of-way.

Response: Freestanding sign location is revised and shown on the plans.

g. The raised median shown on the plan shall conform to DPW&T standards, and shall limit traffic movements at this access point to only right-in and right-out. The proposed exclusive right-turn lane along eastbound MD 214 shall be extended south

along Addison Road to the proposed driveway.

Response: Applicant has met with DPW&T / SHA several times to address this condition and additional information has been provided to them as requested.

Applicant proposes that the dedicated new lane on Addison Road be built in two phases. Phase 1 would include construction of approximately 90% of the lane, up to approximately 15' from the intersection of Addison Road and Central Avenue. The remaining 10%, Phase 2, would include constructing the balance of the road by tying the newly built lane on Addison Road to the newly built right turn lane on Central Avenue, once the right turn lane is constructed by others.

h. The plans shall be revised to clearly indicate the finish material of the retaining wall along the rear property line. The wall shall be brick or stone finish.

Response: There is no longer retaining wall located directly on the property line with the adjacent property owner. There are retaining walls set 10' in from the property line and screened with 6ft decorative fence and landscaping. A decorative treatment to the concrete retaining wall will be provided.

i. The plans shall be revised to indicate the wrought iron fence proposed at the southern property line, which fence shall be compatible with the colors of the building. The fence should be deleted in the southwest corner where slopes exceed 4:1.

Response: A 6ft decorative fence is provided along southern property line, color to be compatible with architectural materials.

- j. The plans shall be revised in the front courtyard of the building to show the following:
 - (i) A minimum four-foot-wide sidewalk shall be provided to allow pedestrians to move from the front of the building to the east side of the building.

Response: A minimum of five-foot sidewalk is proposed within site.

(ii) Handicap spaces shall be dispersed over the site.

Response: The accessible spaces for the required retail parking are provided in a convenient location adjacent to retail. Residential accessible parking is provided within the below grade garage as well as in a surface level parking lot that is part of the development.

(iii) Flag poles or an art piece in the center island shall be provided.

Response: Parking with center island in front of the building on Central Avenue has been removed. Public art or other feature is proposed for the corner plaza near the intersection of Central Avenue and Addison Road.

(iv) An area of outdoor seating should be provided in conjunction with a tenant use, such as a restaurant or coffee shop.

Response: Retail plaza with outdoor seating is provided.

k. The plans shall be revised to provide the calculations and plant materials necessary to comply with Section 4.1, Residential Planting Requirements.

Response: The planting plans include calculations and plant materials necessary to comply with Section 4.1, Residential Planting Requirements.

1. The plans shall be revised to show ornamental light poles and luminaries (consistent with previous detailed site plan approvals within the Addison South subarea) in the front of the building and along the street line of Addison Road, subject to DPW&T approval.

Response: On-site decorative lighting is being provided in all open space locations by means of 14ft height poles, 3ft height lit bollards and building-mounted fixtures. All light fixtures are dark sky compliant and LED. During final technical approval, ROW lighting will be coordinated with DPW&T.

m. The applicant shall consult with all the affected utility companies to develop cost estimates for the undergrounding of utilities for review by the District Council for a final determination.

Response: Applicant expects costs to exceed \$10,000 for underground of off-site utilities and will contribute to undergrounding fund as required.

n. The plans shall be revised to add a note that a sign shall be added at the access point at Zelma Avenue, to state that all loading trucks are prohibited from entering at that location, and trucks must use the Addison Road entrance. The location of the sign shall be shown on the plan.

Response: Sign is included in detailed site plan.

o. The common sign plan shall be revised to indicate that the building-mounted signage shall not exceed more than three colors.

RESPONSE: Provided signage plan complies.

5. Condition: All mechanical equipment and dumpsters shall be screened from public view

and rights-of-way, with an appropriate buffer consisting of plantings, walls, or fences in compliance with the screening requirements of the Landscape Manual.

Response: Transformers next to small surface lot along Zelma Avenue are screened from the right of way with wall and fence. No other mechanical equipment or dumpsters are located outside the building, except for any roof-top equipment.

6. *Condition:* Prior to the approval of any building permit, the applicant shall provide evidence of a contribution to the M-NCPPC Department of Parks and Recreation in the amount of \$57,138 for the development of the neighborhood park.

Response: Per condition 5(b) of DSP-06007/01, a contribution in the amount of \$57,138 was to be made to the Prince George's County Memorial Library System for the development of a library within the subject property. Prince George's County is no longer interested in developing a library within the property. As such, library space is no longer proposed within the property. A letter from the Prince George's County Office of Central Services dated April 27, 2018 confirming that the County no longer desires to include a library within the property is enclosed as part of this Detailed Site Plan. As a result, a contribution to the Prince George's County Memorial Library System for the development of the library will not be made.

- 7. *Condition:* In conformance with the Adopted and Approved Addison Road Metro Town Center and Vicinity Sector Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. Construct the eight-foot-wide sidewalk along the subject site's entire frontage of Central Avenue (MD 214). This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.

Response: Refer to response on condition 4.g.

b. Construct the five-foot-wide sidewalk along the subject site's entire frontage of Zelma Avenue. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.

Response: Detailed Site Plan has been revised as per comment.

8. *Condition:* Any improvements located with WMATA's right-of-way shall be reviewed and approved by WMATA prior to certificate of approval.

Response: Applicant will comply and has reached out to WMATA to coordinate these improvements.

9. *Condition:* Final design and material selection for the front courtyard shall be reviewed and approved by the Planning Board or its designee.

Response: Design and material selections for front courtyard areas are provided.

- 10. Prior to signature approval, the applicant shall make the following revisions to the plans. (This condition shall be controlling, to the extent that it may be inconsistent with any provision in conditions 1-9.)
 - a. *Condition:* Building height may not exceed ten stories. The top two floors shall be constructed as two-story condominiums.

Response: Applicant will comply with the condition that the building height will not exceed ten stories. However, the top two floors will be constructed as one-story units versus two-story units.

b. Condition: A fully enclosed swimming pool shall be constructed on the roof.

Response: A swimming pool will no longer be constructed as part of the property. Interior and exterior residential amenities are provided.

c. *Condition:* The first floor shall be limited to retail uses.

Response: The first floor will include retail, amenities (fitness room, etc.) uses, building management uses and residential uses.

d. *Condition:* The second floor shall be limited to library uses.

Response: No longer applicable as library uses have been removed per item #6 above.

e. *Condition:* The third floor shall be limited to office uses.

Response: No longer applicable as office uses have been removed from the project.

f. Condition: There shall be one or more security persons on the premises at all times.

Response: Applicant will comply.

g. *Condition:* There shall be round-the-clock CCTV camera coverage at all building entrances and exits.

Response: Applicant will comply.

h. *Condition:* All floors above the third shall be accessed only by an electronic security card system.

Response: All floors above the first shall be accessed only by an electronic security card system.

i. *Condition:* Before 9:00 a.m. and after 8:00 p.m., the building shall be accessed only by an electronic security card system.

Response: Applicant will comply.

j. *Condition:* A six-foot wrought iron fence shall be constructed around the perimeter of the property.

Response: Perimeter fencing is provided where appropriate around the property (at private residential areas).

k. There shall be at least 300 parking spaces, provided in a parking structure.

Response: Structured parking is provided in a partial below grade garage in addition to surface parking. Since the building height, square footage, and types of uses have been reduced, the overall number of required parking spaces has been reduced from 351 required spaces to 277 required spaces. 38 parking spaces are provided in the below grade structured parking and 122 parking spaces are provided on the grade level.

In SP-06001-01, the District Council approved with conditions a detailed site plan for the

construction of a mixed-use development with 171 dwelling units, 37,170 square feet of office

space, a 32,820-square-foot library, 15,890 square feet of retail, a freestanding parking structure,

and an indoor pool (natatorium) building. The approval of DSP-06001/01 is subject to amended

conditions. The Applicant will comply with these amended conditions, except is requesting

modifications as indicated below:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall:
 - a. *Condition:* Provide evidence from all affected utility companies that the encroachments into the public utility easements (PUE) shown on the plans are acceptable. If such verification cannot be provided, these encroachments shall be eliminated from the plans.

Response: There are no encroachments into the public utility easement (PUE).

b. *Condition:* Provide details demonstrating that the proposed wall will completely screen the transformers from the right-of-way. If it is found that the transformers will not be adequately screened, the plans shall be revised to provide additional

screening elements.

Response: Refer to response to condition 5.

c. *Condition:* Revise the plans to replace the board-on-board fencing proposed along the southern property line with an enhanced fence featuring a composite material resembling natural wood with brick piers at all corners and at regular intervals not to exceed 35 feet, or every four eight-foot-sections of fence. The fence shall be equally attractive from both sides and shall be reviewed and approved by the Urban Design Section as designee of the Planning Board.

Response: A 6 ft decorative fence is provided along southern property line, color to be compatible with architectural materials.

d. *Condition:* Revise the plans to demonstrate conformance to Section 4.1 of Prince George's County Landscape Manual.

Response: Applicant complies – see landscape plan.

e. *Condition:* Revise the plans to reincorporate shade trees into the design of the plaza associated with the retail on the east side of the main building.

Response: Applicant complies – see landscape plan.

f. *Condition:* Provide evidence from Department of Public Works and Transportation (DPW&T) that the detailed site plan is consistent with the approved stormwater management concept plan.

Response: Stormwater Management Concept Plans is submitted to PGDPIE for revision approval based on revised Detailed Site Plan. Copy of submitted Stormwater Management Plan is submitted with this submission.

g. *Condition:* Revise the plans to provide a five-foot-wide grass planting strip between the sidewalk and curb along Central Avenue right-of-way permitting and as directed by SHA.

Response: Refer to response to condition 4.g.

h. *Condition:* Revise the plans to provide loading spaces that are 33 feet long by 12 feet wide.

Response: Applicant complies - loading space with dimension is shown on the Plans.

i. *Condition:* Provide a loading schedule on the site plan.

Response: Loading schedule is provided.

j. *Condition:* Provide a gate in the perimeter fence where the sidewalk or pedestrian path intersects with the sidewalk along Central Avenue (MD 214).

Response: Gate is provided where appropriate at fencing around exterior residential amenity area.

k. *Condition:* Provide Americans with Disabilities Act (ADA)-compliant curb cuts and ramps and a marked crosswalk where the trail intersects with the drive aisle.

Response: ADA Compliant ramps and a marked crosswalk are provided on the plans.

1. *Condition:* Provide ADA-compliant curb cuts and ramps and a marked crosswalk across MD 332 in the vicinity of the Zelma Avenue intersection, unless modified by SHA.

Response: ADA compliant ramps are provided.

m. *Condition:* Provide, if permitted by DPW&T, an eight-foot-wide sidewalk or path around the bioretention pond in the northeast corner of the project. This sidewalk or path shall provide pedestrian access from Central Avenue (MD 214) (near the intersection with Addison Road) to the internal drive aisle and sidewalk leading to the building entrance. The pond shall also be enhanced with amenities, subject to DPW&T approval, such as additional planting and hardscape, public art, or seating, to create a more inviting pedestrian entrance to the project.

Response: Bioretention pond has been eliminated, see revised SWM plan. Refer also to response to condition 4.g.

n. *Condition:* Add the following note on the site plan:

"Pursuant to Section 24-111(c)(2) the current development proposed does not exceed 5,000 square feet of gross floor area. Any additional gross floor area which would result in a total GFA for this site of more than 5,000 square feet will require a preliminary plan of subdivision."

Response: Previously proposed swimming pool in the lot 5 is eliminated as a part of this Detailed Site Plan revision. Therefore, this comment is not applicable.

o. *Condition:* Revise the plans to demonstrate conformance to Section 4.2 of the Prince George's County Landscape Manual. If the substitution of plant material is proposed pursuant to Section 4.2(a)(4) of the Landscape Manual, justification of the need for such substitution shall be submitted to the Urban Design Section for review as designee of the Planning Board.

Response: Applicant complies – see landscape plan.

p. *Condition:* Revise the plans to demonstrate conformance to S4.D of the Sector Plan where the parking lot is adjacent to Central Avenue.

Response: Not applicable as a parking lot is no longer adjacent to Central Avenue. However, conformance is provided where surface lots are adjacent to public right of way.

q. *Condition:* Revise the east elevation (Phase 1) to replace the EIFS with a high quality, durable, and attractive finish material, such as Hardi materials, to be designed generally in accordance with applicant's Exhibit 2.

Response: No EIFS materials are provided, see revised elevations and material board.

r. *Condition:* Revise the freestanding signs so that they are no taller than 13 feet high.

Response: Freestanding monument sign does not exceed 13 ft.

s. *Condition:* Revise the Proposed Development table on the cover sheet so that it reflects the phasing demonstrated in the parking tabulation.

Response: This Condition is no longer applicable as the building will be built in one phase.

t. *Condition:* Revise the parking tabulation to accurately account for the required parking for the multifamily units.

RESPONSE: Parking tabulation for multi-family units is provided.

u. *Condition:* Provide evidence that the proposed disturbances to WMATA-owned land have been approved by WMATA.

Response: Applicant will comply and has reached out to WMATA.

v. *Condition:* Provide a sidewalk a minimum of 4-feet wide along the south side of the east-west internal street. Special paving shall be provided where the sidewalk crosses the loading area and the vehicular entrance to the parking garage.

Response: Sidewalk provided as required.

2. *Condition:* A new final plat for Parcel A (Preliminary Plan 4-05068) shall be approved in accordance with Section 24-108 of the Subdivision Regulations. This plat in conjunction with the prospective final plat for Parcel B (Preliminary Plan 4-08019), shall both carry the

following note:

The combined proposed development on Parcel A (4-05068) and Parcel B (4-08019) shall be limited to uses generating no more than 163 AM and 226 PM peak hour trips. Any further development on either parcel that generates a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities, for that development generating the additional impact.

Response: Note is provided on plat.

3. *Condition:* A final plat for Lot 5 of Block B shall be approved with the following note:

"Development on Lot 5 of Block B is limited to a cumulative 5,000 square feet of gross floor area pursuant to Section 24-111(c). At such time that development should exceed this maximum, then a preliminary plan of subdivision shall be required."

Response: Refer to response to condition 1.n.

4. *Condition:* The application for the building permit for Parcel A shall contain a certification, to be submitted to The Maryland-National Capital Park and Planning Commission (M-NCPPC), prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

Response: Applicant will comply.

- 5. Prior to the issuance of any building permit, the applicant shall:
 - a. *Condition:* Provide evidence that the proposed disturbances to WMATA-owned land have been approved by WMATA.

Response: Applicant will comply and has reached out to WMATA.

b. *Condition:* Provide evidence of a contribution for the benefit of the Prince George's County Memorial Library System, in the amount of \$57,138, for the development of the library on the subject property.

Response: Prince George's County is no longer interested in developing a library at the property. As such, library space is no longer proposed within the property. A letter from the Prince George's County Office of Central Services dated April 27, 2018 confirming that the County no longer desires to include a library within the property is included as part of this Detailed Site Plan. As a result, a contribution to the Prince George's County Memorial Library System for the development of the library will not be made. 6. *Condition:* The applicant shall place underground all on-site utility lines and facilities, for utilities that serve the subject property and the proposed project. Utility lines and facilities off site need not be underground, but the applicant shall participate in an underground utilities fund at Central Avenue (MD 214) and Addison Road, if one is created, to study or implement the underground placement of utilities in this vicinity. Funding contributions by the applicant shall not exceed \$10,000.

Response: Applicant will comply.

7. *Condition:* All residential portions of the building shall be accessed only by an electronic security card system.

Response: Applicant will comply.

8. *Condition:* The applicant shall construct the eight-foot-wide sidewalk along the subject's entire frontage of Central Avenue (MD 214), unless modified by SHA. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip, if right-of-way is available, unless modified by SHA.

Response: Refer to response to condition 4.g.

9. *Condition:* The applicant shall construct the eight-foot-wide sidewalk along the subject site's entire road frontage of Addison Road, unless modified by DPW&T.

Response: An Eight-foot-sidewalk is proposed along Addison Road and shown on revised Detailed Site Plan.

10. *Condition:* The applicant shall construct the five-foot-wide sidewalk along the subject site's entire frontage of Zelma Avenue, unless modified by DPW&T. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.

Response: Five-foot-sidewalk is proposed along Zelma Avenue and shown on revised Detailed Site Plan.

11. *Condition:* The applicant and the applicant's heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for construction of private recreational facilities, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county Land Records.

Response: Park and Planning will confirm if RFA has been recorded.

12. *Condition:* The fitness center, aerobics room, business center, media center, and lounge/billiards room shall be completed prior to the completion of the 123rd dwelling unit. Prior to issuance of the final Use and Occupancy Permit for the 171st dwelling unit, the applicant shall have completed the indoor pool building (natatorium).

Response: Applicant complies, except for indoor pool which has been replaced with outdoor amenity space in revised location.

13. *Condition:* Conditions 4.m., 5, 6, 10.a., 10.f., 10.g., 10.i., 10.j., and 10.k. of the District Council's Order of Approval for Detailed Site Plan DSP-06001 remain valid and are applicable to the subject application.

Response: See notes above regarding DSP-06001.

Current Request for Revision

The Applicant hereby submits the subject DSP revision application for the purpose of allowing review of the site plan for conformance with the Development District Standards and concepts in the applicable Sector Plan. The District Council previously made a finding that the proposed development project conforms to the Addison Road Metro Sector Plan purposes and recommendations. It is the Applicant's contention that this application demonstrates that the proposed revisions are a reasonable alternative for satisfying site design guidelines without unreasonable costs and detracting from the utility of the proposed development for its intended use, and further conforms to the purposes and recommendations of the Development District as stated in the applicable Sector Plan.

3. <u>CRITERIA FOR APPROVAL</u>

According to Section 27-285 (b) of the Zoning Ordinance for approval of a revision of Detailed Site Plan application, the Applicant is required to demonstrate through the review of an application that findings required for the Planning Board to approve the Detailed Site Plan have been met.

27-285(b) Required findings:

(b) Required findings.

(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.

(2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).

(3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in <u>Section 27-274</u>, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle <u>24-130</u>(b)(5).

As demonstrated by the Applicant's revised detailed site plan and as discussed herein, the proposed development is a reasonable alternative for satisfying the site design guidelines without unreasonable costs and detracting from the utility of the proposed development for its intended use. Additionally, Applicant's site plan demonstrates the preservation of the regulated environmental features in a natural state to the fullest extent possible.

As described above, the Applicant proposes to develop the subject property as a mixed-use project. Development is proposed pursuant to the R-55, C-S-C and D-D-O-Z Zone and is consistent with the purposes and intent of the R-55 Zone, C-S-C Zone, D-D-O-Z Zone and the Sector Plan. The revised DSP is designed to implement the design themes established in the Sector Plan for this metro-related development. The Sector Plan contemplates a mixture of uses such as the ones proposed for the property.

Master Plan support for the requested rezoning can be found on page 57 of the Subregion 4 Master Plan which recommends rezoning vacant or underutilized land to achieve planned densities. It should be noted that the Sector Plan, the Subregion 4 Master Plan, the former 2002 Prince George's County General Plan and the Prince George's Plan 2035 have all consistently promoted more dense residential development of areas in proximity to existing Metro stations. The Commons at Addison Road Metro is in harmony with the vision and recommendations of the former and current approved plans for the area.

4. <u>THE PROPOSED DEVELOPMENT COMPLIES WITH THE DEVELOPMENT</u> <u>DISTRICT STANDARDS FOR THE ADDISON ROAD METRO TOWN CENTER</u>

The Addison Road Sector Plan sets out four primary goals:

First, revitalizing the town center with new, upscale residential and commercial development. The entire town center area is in need of revitalization, to attract new businesses and residents.

Second, promoting transit-oriented development near the Metro Station. Transit-oriented development serves Metro users, not the automobile.

Third, promoting pedestrian-oriented development. Pedestrian-oriented development aids Metro users and will encourage pedestrians to use residential and commercial properties near the Metro station.

Fourth, promoting compact development in the form of a town center, with a town commons area at Addison Road and MD 214, next to the Metro station. Compact development, with higher development densities favoring Metro users and pedestrians, offers the benefits of the Metro station to the greatest number of residents and businesses. <u>See</u>, page 2 of the Development District Standards for the Addison Road Metro Town Center.

The attached Chart (Attachment # 1) contains the Development District Standards for the Addison Road Metro Town Center Development District Overlay Zone (hereinafter, the "DDOZ Standards"). The standards were developed specifically to address development within the Addison Road Metro Town Center. As demonstrated in Attachment # 1, the Applicant complies with most of the development district standards. The Applicant is only requesting a modification of several of the standards, as detailed below.

REQUESTED MODIFICATIONS TO THE DDOZ STANDARDS:

S2. PARKING AREAS

The amount of commercial parking spaces in Metro West and Metro North shall be calculated utilizing integrated shopping center requirements and shall be considered the maximum quantity allowed. The number of required parking spaces may be reduced below the maximum quantity established by the Zoning Ordinance (but no less than one-half).

Requested Modification and Rationale:

As background regarding past approvals for development of a mixed-use project at the subject location, in SP-06001, the District Council approved with conditions a detailed site plan for a structure of up to 10 stories, with 22,696 square feet of commercial uses and 170 multifamily condominium dwelling units, among other uses. In SP-06001-01, the District Council approved with conditions a detailed site plan for the construction of a mixed-use development with 171 dwelling units, 37,170 square feet of office space, 15.890 square feet of retail. On two prior occasions, the District Council has made a finding that mixed-use development at the subject location, and of the kind being proposed by the Applicant, conforms to the Addison Road Metro Sector Plan purposes and recommendations.

The current proposal for the Commons at Addison Road Metro is projected to have 11,000 +/- square feet of retail space. It is the Developer's plan to seek to lease the retail space to a café', eatery or coffee shop. This development is also proposed to have 193 multi-family units. Due to the high cost of using concrete to build the building, Developer is proposing to reduce the number of stories from 10 stories to 6 stories, which will allow the building to use other material above the 1st floor.

The development will provide 160 parking spaces and 11,000 square feet of commercial/retail space. The Sector Plan prescribes that the Applicant utilize integrated shopping center requirements (as the maximum amount) for commercial parking spaces. The parking requirement is 1 sp/250 sq. ft. The Applicant is providing the required 22 parking spaces for the commercial portion of the building.

Regarding the residential portion of the building, the total number of units proposed is 193. A total of 277 parking spaces are required. The Applicant proposes 138 parking spaces to support the residential. In total, the development will have 38 below grade parking spaces and 122 surface parking spaces. The specific relief being requested by the Applicant is a 50% reduction in required residential parking.

In support of this request, the Applicant would first note the proposed development's close proximity to the Addison Road Metro station, which is directly across the street from the proposed development. This proposal for Metro-related development will advance a walking neighborhood by creating functional relationships among individual uses by remaining in character with the neighborhood and developing the site in a manner that furthers the functional relationships already in place. Connecting road networks and pedestrian walkways will go a long way in creating a walkable community, thereby reducing the need for the automobile. The lay out of the site will provide direct pedestrian access to the Metro station.

According to the Addison Road Metro Town Center & Vicinity Sector Plan, over 30,000 riders pass through the turnstiles at the Addison Road Metro Station on a typical work week. See, page 19 of Sector Plan. Further, in 2000, at the time the Sector Plan was approved, it was estimated

that rush-hour weekday ridership at Addison Road would increase by 50 percent over the next ten years. This means that there are many more metro riders today, than there were 10 years ago. The Applicant expects this trend to continue.

Under the Applicant's current development proposal, measures have been incorporated to mitigate any potential parking issues on site and in the immediate surrounding area. The proposed development provides a good walking environment. Easy movement between the proposed residential building and the Metro Station will encourage Metro ridership. Also, maintaining important connections between the proposed development and the Metro Station will further Metro ridership.

One of the primary goals of the Addison Road Sector Plan is to promote transit-oriented development near the Metro Station. The Sector Plan emphasizes that "[t]ransit-oriented development serves Metro users, not the automobile." <u>See</u>, Introduction page of the DDOZ standards. When realized, the sector plan concept will minimize automobile impacts while affording pedestrians and Metro users opportunities to visit many places in single trips. <u>See</u>, page 2 of DDOZ standards. It should be noted that the sector plan proposes the town commons for the most compact mix of uses: moderate to high-density residential development. According to the Sector Plan,

The auto-oriented environment is hostile to pedestrians. Walkers are limited to narrow sidewalks and crosswalks along MD 214 and Addison Road, with no off-road trail options that can provide safer routes. In response to community concerns, pedestrian safety improvements have been installed along MSD 214 at the station. See, Page 56 of Sector Plan.

As indicated above, the Applicant has taken measures to mitigate parking issues. Sidewalks proposed to be installed along the site will facilitate continuous pedestrian movement. The Applicant is proposing to construct eight-foot-wide sidewalks along the subject site's entire frontage of Central Avenue (MD 214), unless modified by SHA. This sidewalk will be separated from the curb by a five-foot-wide grass planting strip, if right-of-way is available, and unless modified by SHA. Thus, there will be an improved edge along Central Avenue.

The Applicant is proposing to construct five-foot wide sidewalks along the subject site's entire frontage of Zelma Avenue. This sidewalk will also be separated from the curb by a five-foot-wide grass planning strip. The Applicant's proposal to install wider sidewalks that exceed the required minimum is a specific measure being taken to promote a walkable neighborhood and reduce the need for an automobile. With wider sidewalks, bicyclists and pedestrians can comfortably move safely to their destinations. The Applicant will also install six (6) bike/scooter racks in the front of the building near retail space, four (4) bike/scooter racks near the residential front entrance, and three (3) bike/scooter racks near the secondary rear residential entrance. Bike storage will also be provided in the garage for residents.

The provision of other modes of transportation besides the automobile will encourage residents to walk, bike, use electric scooters, or use mass transit to reach their destinations. The project is providing sidewalk connections where they currently do not exist.

Additionally, to promote Metro ridership, the development proposed will greatly improve the environment in and around the site. The project is providing interesting and attractive landscape elements such as alternating paving design, corner plaza treatment with potential art location, street trees, ornamental trees, and other plantings, as well as seat walls and space for outdoor café' seating adjacent to the retail space. All these design elements will encourage residents and retail patrons to walk to the site from surrounding areas and to use public transportation.

Further, on-site decorative lighting is being provided in all open space locations by means of 14-foot poles, 3-foot height lit bollards and building-mounted fixtures. Additionally, during final technical approval, ROW lighting will be coordinated with DPW&T. This will further enhance the pedestrian walking environment on and around the development. The site is adjacent to several planned bike lanes and sidepaths per the master plan of bikeway and trails: <u>http://www.mncppc.org/DocumentCenter/View/1696/Countywide-Master-Plan-of-Transportation-Bikeways-and-Trails-PDF?bidId=</u> The trail network including off-road paths, can provide alternative access to the Metro station.

The Commons at Addison Road Metro is pedestrian-oriented development providing connectivity that ultimately leads pedestrians to both the Metro Station as well as other areas outside of the property. This type of development will aid Metro users and encourage residents ride the Metro, as well as walk, run or bike along the newly constructed sidewalks that will be built as part of this new development.

The Sector Plan encourages developers to, "[I]ocate small, convenient parking lots throughout the town commons. The number of required parking spaces may be reduced from the maximum quantity allowed to achieve the pedestrian-oriented development planned for the town commons." See, pages 90-91 of the Sector Plan. The Applicant believes that enhanced pedestrian circulation will encourage and increase Metro ridership thereby eliminating the need for the automobile and the maximum number of parking spaces. An increase in pedestrian movement is expected to occur in this area given the more concentrated development that is proposed at this location. The proposed development will attract residents who do not desire an automobile and prefer to live near a Metro station and enjoy the benefits of riding the Metro.

S3. BUILDING SITING AND SETBACKS

A front build-to line between 10 and 15 feet from the right-of-way line shall be established for office, retail/commercial and institutional buildings which front onto MD 214 and Addison Road.

<u>Requested Modification and Rationale</u>: Project is mixed-use residential and retail use. Due to residential use and site constraints of Zone of Influence of adjacent underground Metro tunnel, a larger setback from MD-214 and Addison Road is provided and is appropriate for this use.

P2. SIDEWALKS, TRAILS AND CROSSWALKS

Sidewalks within the residential areas of the town center shall be constructed of concrete or brick paving, be a minimum of five feet in width, and should provide a six-foot-wide grass strip for the planting of shade trees.

<u>Requested Modification and Rationale</u>: Minimum five feet of concrete sidewalk is provided with five-foot-wide grass strip for the planting of shade trees, as approved by DPIE.

B1. HEIGHT, SCALE AND MASSING

Proposed buildings shall be between one and four stories in total height within the town center.

<u>Requested Modification and Rationale</u>: Proposed building is 6 stories tall, but is articulated to reduce appearance of height. Articulated massing is achieved through a variety of components including the introduction of a strong base, middle, and top to the building. Bays, balconies, cornices, and articulation of entrances further add to the residential character and compatibility with surrounding neighborhood.

The proposed project is significantly reduced in height from 11 stories in height approved in DSP-06001.

B2. ROOFS

Residential buildings should employ simple gable or hipped roofs.

<u>Requested Modification and Rationale</u>: The project is mixed-use residential and commercial. A flat roof with parapet is provided which keeps the overall height of the roof down. Roof line is articulated with cornice feature. See also response to standard B.2, A above.

It is the Applicant's contention that this application demonstrates that the proposed request for a reduction in the required parking is a reasonable alternative for satisfying site design guidelines without unreasonable costs and detracting from the utility of the proposed development for its intended use, and further conforms to the purposes and recommendations of the Development District as stated in the applicable Sector Plan.

5. <u>THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE</u> <u>APPROVED SUBREGION 4 MASTER PLAN AND THE PRINCE GEORGE'S</u> <u>PLAN 2035</u>

The subject property was previously within the boundaries of the Approved Addison Road

Metro Town Center and Vicinity Sector Plan. Although the Master Plan component of this plan

has been replaced by the Approved Subregion 4 Master Plan as of 2010, the DDOZ was not

replaced and remains relevant as it contains the development district standards that are still applicable to the proposed development. It should be noted that the Addison Road Metro Town Center and Vicinity Sector Plan set four primary goals as purposes, emphasizing the need for revitalization of the area and the need to accommodate users of the Metro station and pedestrians. The development district standards were written as design criteria to implement these goals. The Sector Plan summary states the following:

Sector Plan summary states the following:

The chief single purpose of the sector plan is to maximize the public benefits from the Addison Road Metro Station. Built on a widened and improved Central Avenue, the Addison Road station represents years of transportation planning and construction and millions of dollars of public investment. The station connects the ARM Town Center to the many employment, shopping, recreation, and business opportunities available to users of the Washington Metro system.

As indicated above, the Addison Road Metro Town Center and Vicinity Sector Plan had four

primary goals or purposes:

- 1. Revitalize the town center with new, upscale residential and commercial development. The entire town center area is in need of revitalization to attract new business and residents.
- 2. Promote transit-oriented development near the Metro Station. Transit-oriented development serves Metro users, not the automobile.
- 3. Promote pedestrian-oriented development. Pedestrian-oriented development aids Metro users and will encourage pedestrians to use residential and commercial properties near the Metro station; and
- 4. Compact development in the form of a town center, with a town commons area at Addison Road and MD 214, next to the Metro station. Compact development, with higher development densities favoring Metro users and pedestrians, offers the benefits of the Metro station to the greatest number of residents and businesses.

These goals and purposes have been carried forward to the Approved Subregion 4 Master Plan and

continue to formulate the current vision of this Master Plan.

Subregion 4 is envisioned to be a vibrant community where quality of life is improved,

neighborhoods are conserved, and a variety of high-quality housing types for a range of incomes

exist. Specifically, there will be increased opportunities for workforce, single-family home ownership, new opportunities for mixed-use and mixed-income housing, as well as low-rise, medium-density multi-family rental housing. *See*, Subregion 4 Plan, Page 279.

The proximity of Subregion 4 to various employment, entertainment, historic, and recreational amenities found in Washington, D.C., makes its location ideal for continued economic growth and desirable for home ownership and affordable rental housing. *See*, Subregion 4 Plan, Page 279. Under the Key Findings of the Plan, Page 280, it is recognized that Subregion 4, because of its close proximity to D.C., becomes a key location for residents looking to relocate to Prince George's County from D.C. Further, the 2002 *Prince George's County Approved General Plan* provided the basis for general housing policies presented in this Master Plan, including creating an adequate supply of mixed-use and mixed-income housing. To realize this goal, the General Plan recommended two key polices that have been adopted by the Subregion 4 Master Plan:

General Plan Policy 1

- Provide opportunities for high-density housing within centers, at selected locations along corridors, and in mixed-use areas.
- Strategies
 - Encourage more intense, high-quality housing and economic development opportunities.
 - Promote transit-supporting, mixed-use, pedestrian-oriented neighborhoods.
 - Ensure compatibility with surrounding neighborhoods.

General Plan Policy 2

Ensure high-quality housing for all price ranges while encouraging development of a variety of high-value housing.

The overall public policy theme under the Subregion 4 Master Plan is to promote more dense residential development within areas near existing Metro Stations. This overarching theme is not new. It is noteworthy that the previous 2002 General Plan designated the subject property as being in the Developed Tier. The vision for the Developed Tier was "a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium-to-high density neighborhoods." Within the Developed Tier, the 2002 General Plan designated 21 centers as focal points of concentrated mixed-use and pedestrian-oriented development, and the Addison Road Metro Station was identified as a Community Center. Though the 2002 General Plan has been replaced by the Plan Prince George's 2035, the concept of community centers survived, and the subject property is in close proximity to one such designated community center, that being the Addison Road Metro Station.

As defined in Prince George's Plan 2035, community centers are concentrations of activities, services and land uses that serve the immediate community. These typically include a variety of public facilities and services-integrated commercial, office and some residential development and can include mixed-use and higher intensity redevelopment in some communities. It has been recognized that the vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with strong emphasis on transit-oriented development. *See*, Resolution for DSP-05022 (Addison Road South Phase 1), Page 26.

While the Subregion 4 Master Plan supports medium to high-density residential housing and mixed-use near transit stations and recognizes that the entire area in proximity to the Addison Road Metro Station is in need of revitalization to attract business and residents, this goal cannot be met under the existing circumstances peculiar to the immediate and general area surrounding the Metro Station. The current zoning of the properties within the immediate area of the Metro Station do not support medium to high-density residential housing and mixed use. Oddly enough, the Metro Station is located upon C-O zoned property, which means the core is too restrictive to allow the vision of the Master Plan to be achieved. Further, the immediate area surrounding the Metro Station is an odd assortment of properties zoned in a manner that runs afoul of the recommendations of the Subregion 4 Master Plan.

When the Subregion 4 Master Plan was approved, the properties in close proximity to the Metro Station were not rezoned to create a developmental environment capable of achieving its goals and vision. It will be highly challenging, if not virtually impossible to develop high density, mixed use around the Metro Station within the existing zoning scheme, as recommended by the Master Plan without future rezonings. It should be further noted that the only mixed-use zoning in the area, is a M-X-T zoned property that is quite a distance from the Metro Station.

The application at hand represents a major step in the right direction. The proposed development not only meets the goal of revitalizing the area, but also adheres to the goal of locating transit-oriented development near Metro stations. The Commons at Addison Road Metro will feature higher development densities favoring Metro users and pedestrians, thereby offering the benefits of its proximity to the Metro station to the greatest number of residents and business.

The major goals of the Subregion 4 Master Plan are:

- To enhance the quality and character of the existing communities.
- To encourage quality economic development.
- To preserve and protect environmentally sensitive land.
- To make efficient use of existing and proposed county infrastructure and investment.

The Subregion 4 Master Plan at Page 23 recognizes that there is limited retail and service options in both the variety of offerings and the level of quality of goods within a particular category (e.g., dining venues). The Commons at Addison Road Metro has great potential to address these deficiencies by providing neighborhood-serving retail to meet the needs of its residents, as well as the residents in near-by communities.

Specific policies and strategies related to the general area of the proposed Metro Center development can be found on Page 64 of the Subregion 4 Master Plan. According to the Master Plan, the sites identified under the strategies will serve as pilot projects and catalysts for continued change in the subregion. It is important to note that the Master Plan signals that there is flexibility in its recommendations as the plan states that additional strategies and other sites may be identified for land use redevelopment and urban design improvements.

The following section of this Statement of Justification highlights a multitude of recommendations, strategies and polices of the Subregion 4 Master Plan that are noteworthy with respect to the proposed development. Under the plan, the Addison Road Metro Station has been placed in Zone 2. The plan recommends the following with regard to Zone 2:

- Focus on high-density condominium and apartment living in the following centers:
 Capitol Heights Metro and Addison Road-Seat Pleasant Metro (Zone 2)
- Direct commercial/retail development to the following centers:
 - Capitol Heights Metro and Addison Road-Seat Pleasant Metro (Zone 2)

Policies and Strategies, Page 65:

• Preserve and strengthen neighborhood-serving commercial uses in selected shopping nodes and main street areas.

- Capitol Heights and Addison Road- Seat Pleasant Metros; Walker Mill Road Shopping Center; Martin Luther King Jr. Highway/Seat Pleasant "Main Street," Old Central Avenue "Main Street" revitalizations (Zone 2)

Policies and Strategies at Page 68:

- Support the development of new high-density residential projects only at the following locations:
 - Capitol Heights Metro center, Addison Road-Seat Pleasant Metro center redevelopment initiatives (Zone 2)

CHAPTER 5: LIVING AREAS AND INDUSTRIAL CENTERS

- Living Areas B and D (Zone 2), Pg. 100
- Recommendations
- Land Use and Community Design
 - Focus on high-density condominium and apartment living to the centers
 - Preserve and strengthen commercial development in growth centers, shopping nodes, and main street areas.

CHAPTER 6: CENTERS AND CORRIDORS

Vision, Page137

• Addison Road-Seat Pleasant Metro Center

The vision for development of the Addison Road-Seat Pleasant Metro center includes **high-density**, **mixed-use** development west of the Metro station, along East Capitol Street and Central Avenue, as well as mixed-use development along Addison Road, south of Central Avenue. Development on Addison Road, north of Central Avenue, would comprise townhouses and small apartments, while Central Avenue would become more pedestrian friendly, complete with ground-floor, storefront retail (*see*, Map 6-2 on Page 138).

Key Planning Issues at Page 139

- Preserving existing single-family neighborhoods while introducing denser housing options.

• Potential Development Character at Page 140

The area around the Addison Road-Seat Pleasant growth center has, over the past three decades, been the subject of relatively significant development, mostly suburban-density residential projects.

There may be a need to emphasize a specialized market niche to enhance the Addison Road-Seat Pleasant growth center market position. Small block office space targeted to community-serving professional services, such as medical, legal, and accounting, could be incorporated into mixed-use residential development, creating a foothold for a more diverse employment base.

Potential Mix of Uses at Page 140

Residential

- -Low-to mid- rise multi-family, mixed-use element
- -Townhouses and quads
- -High-density single family

Commercial

- -Low-to mid-rise community serving office, mixed-use element
- -Retail and services
- -Neighborhood center
- -Street level mixed-use element

• Transit-Oriented Development (TOD) Implementation Actions at Page 141

- Projects in the development pipeline should be examined for their appropriateness to TOD. The prospect of higher densities and the allowance for a mix of uses should provide sufficient incentives for developers to reconfigure their plans.

□ Urban Design Concept, Pages 142-143

The Vision and urban design concept for the Addison Road-Seat Pleasant Metro Center preserves existing single-family residential development and capitalizes on the potential for dense, urban development within proximity to the Metro station. Commercial development will front on the north and south sides of Central Avenue to retain its position as a primary commercial corridor in Subregion 4. Central Avenue will also transform into tree-lined, urban boulevard that is inviting to pedestrians. The intersection of Addison Roads and Central Avenue will be enhanced with pedestrian crosswalks, enabling surrounding development to fully serve pedestrian traffic en route to and from the Metro station and surrounding areas.

CHAPTER 8: Transportation Systems

- o Approved and Ongoing Planning Efforts
- Key Transportation-Related Planning Issues and Concerns, Page 227

The following have been identified as the key issues:

- Preserving and improving the transportation choices for existing and established communities.
- Reduce dependency on the use of automobiles.

- Promote TOD, transit-supporting, transit-serviceable, and pedestrian-oriented development at the centers and neighborhoods.
- Explore ways to provide flexibility in addressing transportation needs and the need to mitigate traffic congestion, especially outside of the planned centers and along major corridors.

The new roadmap for Prince George's County is also discussed in Prince George's Plan 2035, which places a focus on public investment in targeted transit-oriented commercial and mixed-use centers. According to Plan 2035, the strategy is to attract new private investment, businesses, and residents to the County to generate the revenue the County needs to provide well-maintained, safe, and healthy communities, improved environmental resources, high-quality public schools, and other critical services.

Plan 2035 emphasizes one of the failures of the 2002 General Plan which is that development in the County has not been concentrated to effectively capitalize on existing transportation networks, particularly at the 27 centers, Addison Road Metro Station being one of those centers. Further, Plan 2035 recognizes that in the Developed Tier, there has been a failure to create a critical mass of residents, economic activity, and amenities essential to fostering vibrant and sustainable communities and regionally competitive business environments. Moreover, Plan 2035 states that, "Prince George's County is not prepared to meet the housing preferences of many of its seniors – a growing segment of its population – and young professionals – a critical component of its workforce and economic competitiveness." *See*, Plan 2035, Page 102. According to Plan 2035, the County is facing a looming deficit in multifamily housing, particularly in walkable and mixed-use, transit-accessible locations.

Plan 2035 placed the subject property in Sustainable Growth Act Tier 2. Plan 2035 designates the Addison Road Metro Station as a Local Center. Local Centers are defined as "focal points of concentrated residential development and limited commercial activity." *See*, Plan 2035,

Page 106. The Commons at Addison road will be able to take advantage of the extensive transit and transportation infrastructure that exists at the Addison Road Metro Center, in an area that has the long-term capacity to become a mixed-use, economic generator for the County.

The proposed development is appropriately located and is in keeping with Plan 2035, in delivering new types of residential options, as well as limited commercial, including office and retail uses. To be sure, Plan 2035 states the following with regard to the core and edge of a local center:

In the Regional Transit Districts, the development is more dense, often with offices, apartments, condominiums, retail, and other uses arranged vertically within buildings. Mixed –use development may be arranged vertically, but uses may also be integrated horizontally, especially in Local Centers, in a series of buildings organized and sited to support walkability....

Walkable, mixed-use areas, including transit-oriented developments, are often *roughly one-half mile* in diameter and organized around a core and edge. An entry to a Metro station or another transit stop is often located at the center of the core, with the most dense and intense development growing out from this point. Best practices dictate that employment and retail uses be concentrated in the core and that the edge include more of a residential mix with less of an emphasis on commercial uses. See, Plan 2035 at P. 109.

As discussed above, the proposed development is directly across the street from the Addison Road Metro Station. The commercial uses proposed are meant to accommodate the residents, as well as riders of the Metro who live in the surrounding neighborhoods. Thus, in keeping with the Subregion 4 Plan's vision for limited commercial uses, this development can meet a need that currently exists in the area for retail uses. At present, there are no cafés and eateries, coffee shops, or other retail options in close proximity to the Metro station to accommodate residents and visitors in the area. These are the types of limited commercial uses that will be located at The Commons at Addison Road.

Plan 2035 specifically recommends as a tier-specific policy that investments made into this tier should be coordinated and strategically targeted to expand the County's commercial tax base by attracting and retaining new employers and workers, leveraging private investment, and capitalizing on transit-oriented development opportunities. The proposed development conforms to the purposes and recommendations of Plan 2035 and the Approved Subregion 4 Master Plan. The proposed development furthers the compact form of development envisioned by the D-D-O-Z for areas in proximity to Metro Stations. The proposed layout of The Commons at Addison Road is dense and urban, fulfilling the vision of the Master Plan to create an urban environment in close proximity to the Metro station.

The proposed development will also address the need for revitalization in the area. As noted above, the project will be among several projects, following the Addison South I & II (Brighton Place) and The Park at Addison Metro developments which have furthered the goal of revitalization. The Commons at Addison Road will be an upscale, mixed-use community with an urban streetscape and will be a continuation of the concept that has already begun to materialize in the immediate area.

6. <u>THIS REQUEST IS IN HARMONY WITH THE PURPOSES OF THE COMMERCIAL</u> <u>ZONES (27-446)</u>

(1) To implement the general purposes of this Subtitle;

Response: The process the Applicant must engage to bring the proposed development to fruition, to include Detailed Site Plan approval and building permits, will ensure that the general purposes of this Subtitle are fulfilled. The proposed mixed-use development is located at a major intersection, that being the intersection of Central Avenue (MD-214) and Addison Road, and thus, will enhance the economic status of the County and provide an expanding source of desirable employment.

(2) To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;

Response: As noted above, the proposed Commons at Addison Road Metro will be a continuation of the concept that has already begun to materialize in the area, a walkable community that preserves the road and pedestrian circulation patterns promoted by the Sector Plan. This new development will be situated right across from the Addison Road Metro Station. By offering residential units and commercial space at this location, the goal to provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County is being met. The Commons at Addison Road Metro is projected to have 11,000 + - square feet of retail space. The current vision is for that space to be occupied by a cafe', eatery or coffee shop. The Commons at Addison Road Metro is also proposed to have 193 multi-family units.

(3) To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;

Response: The proposed development is located directly across the street from the Addison Road Metro Station. Given its proximity to the Metro, this development will certainly capitalize on transit usage in a very effective way. In 2017, DSP-16001 (called Metro City) was approved for a large-scale, mixed-use development that will consist of various types of residential units, as well as a significant amount of retail and commercial space. Metro City is only ½ mile from this location, and thus, the Applicant's proposal is in line with this purpose, as a concentrated group of compatible commercial uses are in the pipeline of development to come.

(4) To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;

Response: The Applicant intends to comply with all fire and noise regulations, as well as any other laws or regulations that relate to glare, noxious matter and other objectionable influences.

(5) To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;

Response: The Commons at Addison Road Metro will be supported by 38 below grade parking spaces and 122 surface lot spaces that are part of the development, which will further this purpose. Development of the subject vacant property will also advance this purpose by creating dynamic, functional relationships among individual uses by remaining in character with the neighborhood and developing the site in a manner that will further build upon the functional relationships already in place. Connecting road networks and pedestrian walkways will go a long way in creating the dynamic and functional relationships among the individual uses that will make this community a great place to live.

(6) To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;

Response: Please refer to Section 4, pages 6-16, of this Statement of Justification for discussion of the General Plan and Area Master Plans.

(7) To increase the stability of commercial areas;

Response: The Applicant's Detailed Site Plan application furthers the goal increasing the stability of commercial areas by improving and optimizing land use within proximity to a Metro Station.

(8) To protect the character of desirable development in each area;

Response: As discussed above, there is current market demand for affordable, upscale mixed-use communities with Metro accessibility. This demand is due to the resurgence of the Washington, DC real estate markets, which have resulted in prices that mid-income professionals can no longer afford. Multifamily apartments in Washington, DC that are located near Metro Stations are currently renting for in excess of \$2,500 to \$4,000 per month. Many people in the District of Columbia work force can no longer afford to reside in the District and are looking for alternative places to live that are close to where they work. Prince George's County, and particularly the Capitol Heights sub-market, looks very attractive to renters right now, especially locations that provide quality mixed-use development near a Metro Station. The Commons at Addison Road Metro presents an opportunity to capture this market.

(9) To conserve the aggregate value of land and improvements in the County.

Response: The Commons at Addison Road Metro will be designed as a high-quality community that will live up to the expectations of today's consumer and therefore conserve the aggregate value of land and improvements.

(10) To enhance the economic base of the County.

Response: The Applicant's proposal furthers this purpose by investing nearly \$40,000,000 to develop a currently vacant land at the corner of Addison Road and Central Avenue (214) in the County. A significant portion of this investment will be spent with County-based companies to construct the project, including County-based sub-contractors and sub-contractors whose staff reside in the County. In addition to the construction jobs that the project will create, the project will bring more than 30 permanent jobs to the County, including for the residential and retail portions of the project. Moreover, the County will benefit by receipt of more than \$1,000,000 in permit fees, utility fees, School Surcharge fees and Safety Surcharge fees. Additionally, the retail uses will contribute to sales taxes that the County collects. Finally, the project will increase the real property tax base of the currently vacant property by more than \$30,000 each year.

7. <u>THE PROPOSED DEVELOPMENT SATISFIES THE SPECIFIC PURPOSES OF THE</u> <u>DEVELOPMENT DISTRICT OVERLAY ZONE.</u>

Sec. 27-548.20 – Purposes.

The specific purposes of the Development District Overlay Zone are:

(1) To provide a close link between Master Plans, Master Plan Amendments, or Sector Plans and their implementation;

Response: The proposed development offers a mix of multifamily and new commercial uses in an established neighborhood, which is a key recommendation of the Subregion 4 Master Plan. Further, in keeping with the Subregion 4 Plan's vision for limited commercial uses, this development can meet a need that currently exists in the area for retail and commercial uses. At present, there are no nearby cafés and eateries, or other retail options to accommodate the future residents. The types of limited commercial uses that will be located here will be in harmony with the recommendations of the Subregion 4 Plan and be beneficial to the residents and surrounding community.

(2) To provide flexibility within a regulatory framework to encourage innovative design solutions;

Response: The subject property is zoned C-S-C. The Development District Overlay Zone in which the proposed development will be located is also meant to provide flexibility within a regulatory framework to encourage innovative design solutions. The Commons at Addison Road Metro is designed as a high-quality mixed-use community and will live up to the expectations of today's consumer. Specifically, regarding innovative design solutions, the Applicant's development plan will provide green building components that includes sustainable features such as energy efficient mechanical units, lighting, and appliances, as well as water efficient plumbing fixtures. The project will also employ sustainable site features such as native plantings, bike storage, electric vehicle parking spaces, and light-colored paving.

The project will be designed and built to LEED-NC (New Construction) standards, Certified Level through the U.S Green Building Council (USGBC). The LEED-NC rating system is an internationally recognized green building standard commonly used for new mixed-use residential and retail projects. For the Sustainable Sites section of the LEED-NC Project Checklist, it is expected that the project will receive LEED credits for site selection, development density, community connectivity, and alternative transportation (public transportation access, bicycle storage and changing rooms, low-emitting and fuel-efficient vehicles). For the water efficiency section, the project will receive credits for incorporating water efficient landscaping, innovative wastewater technologies and water use reduction in general for the project. For the materials and resources section of the LEED checklist, the project intends to divert 50% of construction waste management from disposal, reuse 5% of materials reuse, and use 10% of regional materials. For the indoor environmental quality section of the LEED checklist, the project intends to receive credits for having a construction IAQ management plan during and before construction, use lowemitting materials (adhesives and sealants, paints and coatings, carpet systems and composite wood and agrifiber products). The project also intends to receive LEED credits for including controllability of lighting systems and thermal comfort systems, and for designing the project for thermal comfort.

(3) To provide uniform development criteria utilizing design standards approved or amended by the District Council;

Response: The purpose of this revised DSP application is to demonstrate conformance with the Addison Road Metro Town Center and Vicinity Sector Plan. The Sector Plan includes design standards that the proposed development is supposed to adhere to, unless any such standards are amended by the District Council. Evaluation of the proposed development with regard to the design standards will be reviewed under the Applicant's detailed site plan application.

(4) To promote an appropriate mix of land uses;

Response: The proposed development meets this purpose by proposing an appropriate mix of land uses that include a variety of residential, retail, outdoor and green space uses. Approximately 11,000 + - square feet of retail space will be on site to support the residents and the surrounding community.

(5) To encourage compact development;

Response: This is a compact development, which favors Metro users and pedestrians, and offers the benefits of the Metro station to the greatest number of residents and businesses. It provides significant density on this site which is across the street from the Addison Road Metro Station.

(6) To encourage compatible development which complements and enhances the character of an area;

Response: About a half mile south of the proposed development are residential communities known as the Park at Addison Metro and Brighton Place. Metro City is also proposed under approved DSP-16001. The proposed development has a unique opportunity to provide a mixed-use project at a prominent intersection with a Metro Station, and it will feature retail and commercial uses to serve the residents of the development as well as the surrounding area, and continue the trend of mixed-use which has already taken root in the immediate area of the subject site. The lay out of the site will provide direct pedestrian access to the Metro station, consistent with the neighboring communities, which provide critical connections to Addison Road.

(7) To promote a sense of place by preserving character-defining features within a community;

Response: The Subregion 4 Master Plan recognizes that the subregion contains unique locations where newer and older suburban neighborhoods converge, and the vision of the plan is to balance these newer and older neighborhoods with development that is more urban in character. The Commons at Addison Road Metro offers a balanced mix of multi-family, in a range of price points in an established neighborhood, which is a key recommendation of the Subregion 4 Master Plan.

(8) To encourage pedestrian activity;

Response: The Commons at Addison Road Metro promotes pedestrian-oriented development by providing connectivity that ultimately leads pedestrians to both the Metro Station as well as to other areas outside of the property. The development plans for the subject site includes the installation of sidewalks along Central Avenue (MD-214), Zelma Avenue and Addison Road within the limits of the subject site. The plans also call for several pedestrian walking paths that lead from the project along Central Avenue (MD-214) to Central Avenue (MD-214). This type of pedestrian-oriented development aids Metro users and will encourage pedestrians who live or work at Metro to ride the Metro as well as to walk, run or bike along the newly constructed sidewalks that will be built as part of this new development. It is an easy walk across the street to the Addison Road Metro, offering the benefits of its proximity to the Metro station to the greatest number of residents and business.

(9) To promote economic vitality and investment.

Response: Subregion 4 is envisioned to be a vibrant community where quality of life is improved, neighborhoods are conserved, and a variety of high-quality housing types for a range of incomes exist. Under the subject proposal, there will be increased opportunities for a new workforce, and new opportunities for mixed-use and mixed-income housing, as well as medium-density multi-family rental housing.

Plan 2035 specifically recommends as a tier-specific policy that investments made into this tier should be coordinated and strategically targeted to expand the County's commercial tax base by attracting and retaining new employers and workers, leveraging private investment, and capitalizing on transit-oriented development opportunities.

The development will include a nearly \$40,000,000 investment in the Capitol Heights sub-market and replace a currently vacant land with a vibrant new mixed-use community.

CONCLUSION

As the proposed development is in harmony with the general purpose and intent of both the Subregion 4 Master Plan and Prince George's Plan 2035 and allows the vision of the Master Plan to come to fruition, the proposal is in conformance. The Applicant is proposing a mixed-use development consisting of residential uses, including apartments and commercial/retail uses. The proposed mixed-use development conforms with the Addison Road Metro Sector Plan purposes and recommendations and will encourage the use of Metro. For all the foregoing reasons, the Applicant requests approval of DSP-06001-03. The Applicant believes that this application conforms to the purposes and recommendations of the applicable Master Plan and Plan 2035 and respectfully requests approval of the subject application.

Respectfully submitted,

By: 1s/ Traci R. Scudder_

SCUDDER LEGAL 137 National Plaza, Suite 300 National Harbor, MD 20745

Attorney for Applicant

Acoustics

ACOUSTICAL CONSULTANTS

Stephanie Farrell Torti Gallas + Partners 1300 Spring Street, 4th Floor Silver Spring, Maryland 20910

RE: The Commons at Addison Road Traffic Noise Analysis December 2, 2019

Dear Stephanie,

Acoustics2 conducted a sound survey at The Commons at Addison Road site to determine the traffic noise impact on the planned residential use. A Rion NL42 integrating sound level meter measured the noise from 10AM November 25 Monday to 10AM November 26, Tuesday morning for a 24-hour survey to analyze the traffic noise impact from Central Avenue. The meter has a certified calibration. We set the meter near the corner of Central and Zelma Avenues, at about 65' from the curb along Central Avenue and 100' from Zelma Avenue which would be the closest the proposed residential building would be to Central Avenue. The east side of the building is for retail. The microphone was elevated to 12' above the ground. The Level day night (Ldn - 24hour average with 10dBA added to noise from 10PM to 7AM) was measured at 65dBA Ldn at 65' from the Central Avenue curb. Ldn is the standard metric for environmental noise used by the EPA and Maryland. 65dBA Ldn is the beginning of the noise impact zone for a residential use.

Old Central Avenue and Central Avenue merge on the North side of the site and a traffic light is located at Central Avenue and Addison Road to the north east corner of the site. The eastbound traffic on Central Avenue is the nearest to the site and is slowing down and merging at it approaches the light. The west bound traffic is accelerating past the light. The vehicle speed is 30mph or less. The heavy truck and bus traffic on these roads are noticeable at about 1.8% of total volume and the medium trucks at 1.5%. Dump and concrete trucks are most of the heavy trucks and they occasionally use their Jake brake which is the loudest sound we measured at the site, up to 87dBA. Busses also pass the site. The trucks run almost entirely during the day. Central Avenue is 3 lanes in both directions. The speed limit is 30mph east and 35mph west. The light at the intersection keeps the speed down. We kept a log with traffic counts and the peak hour traffic was 2800 vehicles, close the what The Traffic Group reported at about 3000 vehicles at the peak hour. Per the Traffic Group, the sites traffic consultant, the 20-year traffic forecast is for a 25% increase in traffic from the current average daily traffic of 30,000 to 37,500 in 2039. This would result in a modest 1dBA increase of sound level to 66 Ldn at 65' from Central

Acoustical Consultants/George Spano 202 244 4646 . 6208 Wiscasset Road Bethesda Maryland 20816

Page 2

Avenue. The noise impact from Addison Road is not significant since that traffic is about 250' away and the residential area is screened from Addison Road by the retail part of the building. In this case the 65Ldn noise impact zone extends along Central Avenue at about 80' from the curb. See attached site plan.

The residential structure is just inside the noise impact zone on the north side facing Central Avenue. The impact is noticeable but manageable provided that the indoor residential noise level is reduced by the windows and walls to less than 45dBA Ldn. There are no outdoor recreational areas along Central Avenue.

A detailed indoor to outdoor noise analysis will be made when the building design is established; however normally 30 Sound Transmission Class glass at 45% of the exterior wall and 40STC walls will provide acceptable indoor levels below 45 Ldn. This in based on a calculation of the corner unit which is the worst case with the most traffic noise exposure.

Data print out of the sound levels are attached with a site plan.

Sincerely George Spano Principal

Acoustical Consultants/George Spano 202 2 6208 Wiscasset Road Bethesda Maryland 20816

202 244 4646

Page 3



Central Avenue Noise Data 65' from Central Avenue and 100' from Zelma Avenue Conditions: Mild 40-50°F, light winds, sunny - 10AM November 25 Monday to 10AM November 26, 2019 Tuesday morning.

Average Noise Level with 10dBA added to night time noise (10PM-7AM) = 65dBA Ldn

Address	Start Time	Measurement Time	Leq	Lmax	Lmin	L05	L10	L50	L90	L95
1	11/25/2019 10 10AM	00d 01:00:00.0	62	87	47	65	63	59	54	53
2	11/25/2019 11	00d 01:00:00.0	60	82	47	64	62	58	52	51
3	11/25/2019 12 Noon	00d 01:00:00.0	60	78	47	64	62	57	52	50
4	11/25/2019 13	00d 01:00:00.0	61	83	47	64	62	57	52	51
5	11/25/2019 14	00d 01:00:00.0	59	77	46	64	62	57	52	51
6	11/25/2019 15	00d 01:00:00.0	60	76	47	64	63	58	52	51
7	11/25/20198 16	00d 01:00:00.0	61	76	48	65	64	58	54	52
8	11/25/2019 17	00d 01:00:00.0	61	75	52	65	64	59	55	54
9	11/25/2019 18	00d 01:00:00.0	60	72	51	64	63	59	54	53
10	11/25/2019 19	00d 01:00:00.0	64	88	51	66	64	60	55	54
11	11/25/2019 20	00d 01:00:00.0	60	76	49	64	63	59	54	53
12	11/25/2019 21	00d 01:00:00.0	60	79	48	63	62	58	53	52
13	11/25/2019 22	00d 01:00:00.0	59	75	47	62	61	57	52	51
14	11/25/2019 23	00d 01:00:00.0	58	75	46	62	61	57	52	51
15	11/25/2019 00 Midnight	00d 01:00:00.0	57	72	43	62	60	55	49	47

Acoustical Consultants/George Spano

202 244 4646

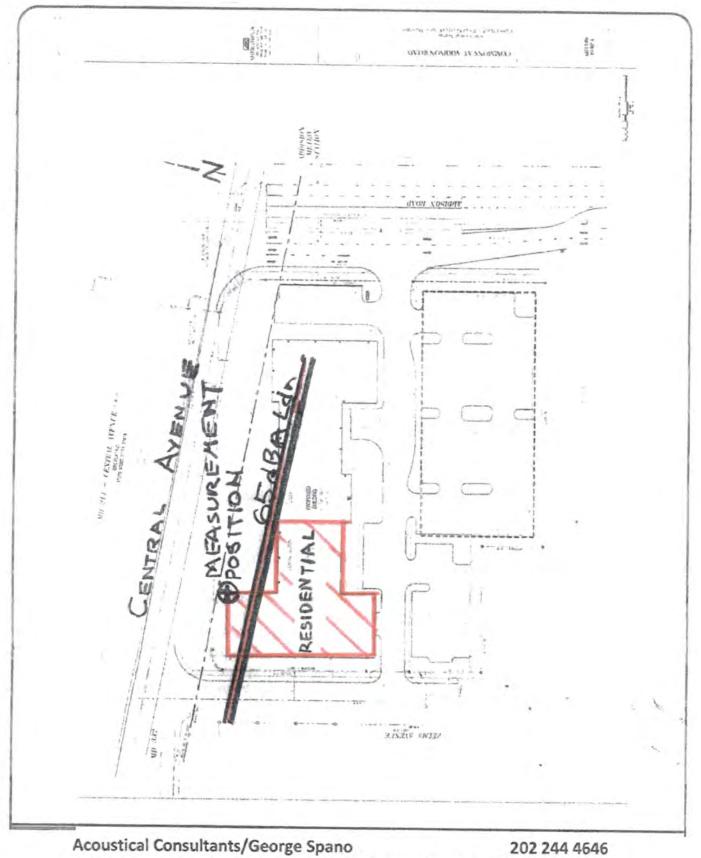
6208 Wiscasset Road Bethesda Maryland 20816

The Commons at Addison Road Traffic Noise Analysis

16	11/26/2019 01	00d 01:00:00.0	55	75	38	59	57	51	45	44
17	11/26/2019 02	00d 01:00:00.0	53	68	39	59	57	50	43	41
18	11/26/2019 03	00d 01:00:00.0	53	67	40	59	57	50	43	42
19	11/26/2019 04	00d 01:00:00.0	56	77	42	61	59	53	47	45
20	11/26/2019 05	00d 01:00:00.0	60	74	45	64	63	58	53	52
21	11/26/2019 06	00d 01:00:00.0	62	74	50	67	66	61	53	54
22	11/26/2019 07	00d 01:00:00.0	64	86	53	68	67	63	58	57
23	11/26/2019 08	00d 01:00:00.0	65	84	53	67	66	63	57	56
24	11/26/2019 09 9AM	00d 01:00:00.0	62	78	49	66	65	60	54	53

Acoustical Consultants/George Spano 202 244 4646 6208 Wiscasset Road Bethesda Maryland 20816

The Commons at Addison Road Traffic Noise Analysis



6208 Wiscasset Road Bethesda Maryland 20816

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



THE

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.mncppc.org/pgco

October 29, 2019

 TO:
 Andrew Bishop, Urban Design Section, Development Review Division

 VIA
 Howard Berger, Supervisor, Historic Preservation Section, Countywide Planning Division

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division TAS Tyler Smith, Historic Preservation Section, Countywide Planning Division TAS

SUBJECT: DSP-06001-03: Commons at Addison Road (METRO)

The subject property contains 2.98 acres located at the southwest quadrant of the intersection of Central Avenue and Addison Road. The subject application requests a revision of the detailed site plan (DSP) for the construction of a mixed-use development to include residential and retail spaces. The subject property is Zoned C-S-C, D-D-O, and R-55.

Previous versions of the detailed site plan have been reviewed by Historic Preservation Section staff. There are no historic sites or resources on or adjacent to the subject property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A Phase I archeology survey was not recommended at the time of preliminary plan. This revision will not impact any historic sites or resources or known archeological sites. Historic Preservation staff recommends approval of DSP-06001-03: Commons at Addison Road (METRO) with no conditions.



02/04/2020

MEMORANDUM

TO:	Andrew Bishop, Senior Planner, Urban Design Section, Development Review Division
VIA:	David A. Green, MBA, Master Planner, Community Planning Division
FROM:	Yabai Li, Senior Planner, Long-Range Planning Section, Community Planning Division 48L
	DSP-06001-03 The Commons at Addison Road Metro

FINDINGS

Community Planning Division supports the proposed request to amend the previously approved DSP-06001-01 from an 11 stories mixed-use building consisting of 171 dwelling units, 37,170 square feet of office space, a 32,820-square-foot library, 15,890 square feet of retail, a freestanding parking structure and an indoor pool to a 6 -story mixed use building consist of 193 residential units and approximately 11,000 square feet of ground floor neighborhood-serving retail space with 38 parking spaces under the proposed mixed-use building, 122 on-site surface parking spaces and 55 parking spaces in the Addison Road Metro Station garage which is located directly across the street from the proposed mixed-use building.

Pursuant to Section 27-548.26(b)(2)(A) and (b)(5) Amendment of Approved Development District Overlay Zone and Sec. 27 -548.25. Site Plan Approval of the Zoning Ordinance, the proposed amendment to the approved DSP-06001-01 with alternative Development District Standards to the Addison Road Metro (ARM) Town Center and Vicinity Development District Overlay Zone will benefit the proposed development and further the purposes of the DDOZ and will not substantially impair implementation of the 2010 Approved Subregion 4 Master Plan and Endorsed Sectional Map Amendment or the 2014 Plan Prince George's 2035 Approved General Plan.

BACKGROUND

Application Type: Request to Amend an Approved Detailed Site Plan in a Development District Overlay Zone.

Location: The subject site is in the southwest quadrant of the intersection of Central Avenue and Addison Road, directly across the street from the Addison Road Metro Station.

Size: 2.98+/- acres

Existing Uses: Vacant

Proposal: The mixed-use community will consist of 193 residential units, with the following unit mix: 10 studio units, 123 one-bedroom units, and 69 two-bedroom units. Additionally, the development will have approximately 11,000 +/- square feet of ground floor neighborhood-serving retail space.

GENERAL PLAN, MASTER PLAN, AND ZONING

General Plan: This application is in the Addison Road Metro Local Center. Plan 2035 describes Local Center as focal points for development and civic activity based on their access to transit or major highways. The centers are envisioned as supporting walkability, especially in cores and where transit service is available. Town Centers will often be larger in size and may rely more on vehicular transportation. (Pg. 19)

Master Plan: The 2010 Approved Subregion 4 Master Plan and Endorsed Sectional Map Amendment recommends Mixed-Use Commercial on the subject property.

Planning Area: 75A Community: District Heights & Vicinity

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: The 2010 Approved Subregion 4 Master Plan Sectional Map Amendment retained the subject property into the Development District Overlay /Commercial Shopping Center/One-Family Detached Residential (D-D-O/C-S-C/R-55) zones.

DEVELOPMENT DISTRICT MANDATORY STANDARDS

Community Planning Division staff finds that, pursuant to Section 27-548.25(b), this application is in conformance with the mandatory requirements of the Addison Road Metro (ARM) Town Center and Vicinity Development District Overlay Zone.

ADDITIONAL INFORMATION

None.

c: Long-range Agenda Notebook



ARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



Countywide Planning Division Transportation Planning Section 14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco

301-952-3680

March 23, 2020

MEMORANDUM

Andrew Bishop, Urban Design Review Section, Development Review Division

Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: DSP-06001-03: Commons at Addison Road

Proposal

TO:

FROM:

The applicant is proposing to develop a site with a mixed-use building next to the Addison Road Metrorail Station.

Background

There are no transportation-related findings related to traffic or adequacy associated with a detailed site plan (DSP). The site is on existing parcels approved pursuant to Preliminary Plan of Subdivision (PPS) 4-05068 and PPS 4-08019. The transportation conditions of approval that are applicable to this DSP are discussed in a later section of this memo.

The subject property is within the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* (sector plan). As such, the site plan is required for development and redevelopment within the sector plan area to ensure conformance to standards established within that document.

Review Comments

The applicant proposes a mixed-use building containing 193 multifamily residences and 11,000 square feet of commercial/retail space. The most recent submitted plans have been reviewed. Access and circulation are acceptable. The number and locations of points of access are consistent with those reviewed and approved during the PPS. It is noted that driveway access onto Addison Road, a master plan arterial, was allowed with the approval of PPS 4-05068 pursuant to a variation from Section 24-121(a)(3) of the Subdivision Regulations. However, that variation limited access to right-in right-out only, and the plan indicates that northbound left-turn access from Addison Road is proposed. The approval of the variation on PPS 4-05068 would have to be revisited in order to consider this proposal.

The site is adjacent to MD 214 (Central Avenue), which is a master plan arterial roadway. The site is also adjacent to Addison Road, which is also a master plan arterial roadway. Both rights-of-way are consistent with the recommendations in the 2009 *Approved Countywide Master Plan of Transportation*. The rights-of-way are also consistent with the rights-of-way shown on the PPS as approved.

DSP-06001-03: Commons at Addison Road March 23, 2020 Page 2

The table below summarizes the trip generation in each peak hour that will be used to demonstrate conformance to the PPS trip cap for the site:

Trip Generation Summary: DSP-06001-03: Commons at Addison Road									
	Use		AM Peak Hour			PM Peak Hour			
Land Use	Quantity	Metric	In	Out	Tot	In	Out	Tot	
Residential	193	Residences	27	108	135	100	54	154	
Commercial/Retail	11,000	square feet	6	4	10	20	22	42	
Less Pass-By (34 percent PM)			0	0	0	-7	-7	-14	
Net Trips for Proposed Commercial/Retail			6	4	10	13	15	28	
Total Trips for DSP-06001-03			33	112	145	113	69	182	
Trip Cap: PPS 4-05068/4-08019					163			226	

Prior Approvals

PPS 4-05068 was approved by the Planning Board on February 9, 2006 (PGCPB Resolution No. 06-21). The Planning Board approved the PPS with five traffic-related conditions which are applicable to the review of this DSP and warrant discussion, as follows:

- 14. MD 332 and Rollins Avenue: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Provision of separate northbound left-turn and right-turn approach lanes along Rollins Avenue and any other intersection improvements deemed needed by SHA and /or DPW&T. All these improvements to be constructed according to DPW&T and/or SHA standards.
 - b. Provision of separate westbound through and left-turn approach lanes along MD 332, to be constructed according to SHA standards.
 - c. Submission of an acceptable traffic signal warrant study to SHA and DPW&T for the intersection of MD 332 and Rollins Avenue. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by SHA, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by SHA. The requirement for this signal warrant study may be waived by SHA if that agency determines in writing that that there are sufficient recent studies available to make a determination regarding a signal.

The improvements in a. above may be waived by SHA and DPW&T in consultation with M-NCPPC transportation planning staff only if it is determined by SHA and DPW&T that adequate right-of-way to construct the needed improvements is not available.

This condition is enforceable at the time of building permit.

15. MD 214 at Addison Road: Prior to the issuance of any building permits within the subject property, the provision of an eastbound right-turn lane along MD 214 shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.

This condition is enforceable at the time of building permit.

16. Walker Mill Road at Addison Road: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreedupon timetable for construction with the appropriate operating agency:

The modification of westbound Walker Mill Road to provide for two exclusive left-turn lanes and an exclusive right-turn lane.

This condition is enforceable at the time of building permit.

- 17. The following access and circulation issues shall be addressed at the time of detailed site plan:
 - a. The elimination of the direct access to the parking garage from Zelma Avenue.
 - b. The provision of limited access to Addison Road, which prohibits any left turn to and from the site.

The plans for PPS 4-05068 showed the mixed-use building atop parking which had its access from Zelma Avenue. That concept has been changed, and now the sole access to the underground parking is by means of the driveway connecting Addison Road and Zelma Avenue, and it is determined that the issue in (a) has been adequately addressed. As noted earlier in this memorandum that driveway access onto Addison Road, a master plan arterial, was allowed with the approval of PPS 4-05068 pursuant to a variation from Section 24-121(a)(3) of the Subdivision Regulations. However, that variation limited access to right-in right-out only. While the current plans show that access as a driveway accommodating right turns in and out of the site, the plan also proposes northbound left-turn access from Addison Road. The approval of the variation on PPS 4-05068 would have to be revisited in order to consider this proposal.

> 18. Total development within the subject property under this preliminary plan shall be limited to 162 residences (21 three bedroom units, 113 two bedroom units, and 28 one bedroom units), and 24,500 gross square feet of retail commercial uses, or other mix of commercial and residential uses that generate no more than 163 AM and 226 PM peak hour vehicle trips. Any development beyond the AM and PM peak hour trips noted herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

> This condition establishes an overall trip cap for the subject property of 163 AM and 226 PM peak-hour trips. The proposal would generate 145 AM and 182 PM peak-hour trips as noted in the table above. This complies with the established trip cap.

PPS 4-08019 was approved by the Planning Board on September 4, 2008 (PGCPB Resolution No. 08-124). The Planning Board approved the PPS with one traffic-related condition which is applicable to the review of this DSP and warrants discussion, as follows:

2. Total development within the subject property shall be limited to construction of a parking garage which is projected to generate zero AM and zero PM vehicle trips. The proposed parking facility is to serve the required parking needs (Part 11) for the Commons at Addison Road Development Preliminary Plan of Subdivision (4-05068) only. Any other use of the proposed parking structure or any additional development on this site shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities. Direct access from Parcel B to Addison Road is denied without the approval of a variation to Section 24-121 of the Subdivision Regulations.

This condition essentially requires that any parking shown within this parcel is ancillary to the uses within PPS 4-05068. The plan shows surface parking on this site, and it is serving the uses within the overall site. No other uses are proposed within the area of PPS 4-08019. No direct access from this parcel to Addison Road is reflected on the plan; all access is via the driveway connecting Addison Road and Zelma Avenue.

The prior versions of this detailed site plan carry no traffic-related conditions which are applicable to the review of this DSP.

Parking

Regarding parking, the applicant seeks an amendment from the following standard in the sector plan:

The amount of commercial parking spaces in Metro West and Metro North shall be calculated utilizing integrated shopping center requirements and shall be considered the maximum quantity allowed. The number of required parking spaces may be reduced below the maximum quantity established by the Zoning Ordinance (but no less than one-half).

The applicant proposes 160 parking spaces within the site to serve 193 multifamily residences and 11,000 square feet of commercial/retail space. The sector plan prescribes that applicants utilize integrated shopping center requirements for commercial parking spaces. The parking requirement is 44 spaces and the plans provide the required 22 parking spaces for the commercial portion of the building in consideration of the maximum 50 percent reduction allowed by the above standard.

Regarding the residential portion of the building, a total of 277 parking spaces are required. The applicant proposes 138 parking spaces to support the residential use. In total, the development proposes 38 below-grade parking spaces and 122 surface parking spaces within the site.

While the commercial parking being provided on the site meets the development district standard, the applicant requests an approximate 50 percent reduction (a waiver of 139 parking spaces) in required residential parking. In determining whether to approve amendments to a development district standard, it shall be found that the amended standard will benefit the proposed development, will further the purposes of the development district, and will not substantially impair implementation of any applicable Master Plan or Sector Plan. To that end, the applicant has provided several points to justify the request:

- 1. The applicant notes that the site enjoys proximity to the Addison Road Metrorail Station. This station is directly across the street from the proposed development. This proposal for Metrorail-related development will help to create a walkable neighborhood.
- 2. The applicant asserts that one of the primary goals of the sector plan is to promote transitoriented development near the Addison Road Metrorail Station. In stating this, the applicant notes that the sector plan emphasizes that transit-oriented development serves the transit users, not the automobile. The applicant believes that this development, as proposed, is one step in realizing the sector plan concept of minimizing automobile impacts while affording pedestrians and Metrorail users more convenience.
- 3. The applicant states that the plan is taking measures to mitigate parking issues and incentivize the use of transit and other modes of transportation, and this includes the following:
 - A. The applicant states the intent to offer residents signing a one-year lease a Washington Metropolitan Area Transit Authority (WMATA) SmarTrip card worth up to \$200 per year for each year (up to five years) that they are residents of the residential complex.
 - B. The applicant proposes pricing for onsite parking.
 - C. Sidewalks are proposed to facilitate pedestrian movement along Central Avenue, including wide sidewalks and a planting strip, thereby creating an improved edge along Central Avenue. The 12-foot sidewalk, as proffered by the applicant, along Central Avenue will further connect this site to the rest of the community.
 - D. The plan proposes five-foot wide sidewalks along the subject site's entire frontage of Zelma Avenue.

- E. The applicant proposes a dedicated shared-ride location (serving Uber, Lyft, and other ride-sharing services) with signage along the Central Avenue frontage of the site. The provision of a shared-ride location will provide a safe and defined location for utilization of such services, encourage ride-sharing drivers to be more readily available to residents and visitors, and prevent the blockage of traffic flow along Central Avenue for all users.
- F. The applicant proposes the installation of 48 bicycle spaces within the garage along with an additional 26 bicycle spaces at the rear of the building. These spaces will be augmented with a bicycle repair station for the use of residents and visitors and the establishment of a cycling club for residents of the building and the general community.
- 4. The applicant argues that the provision of facilities serving other modes of transportation besides the automobile will encourage residents to walk, bike, use electric scooters, or use mass transit to reach their destinations.

Since the initial submittal, the applicant has supplemented the justification by providing a parking analysis of several multifamily and mixed projects within Prince George's and Montgomery Counties. The transportation staff has reviewed this information by reviewing approved site plans for the Prince George's County projects. The following table has been developed using several Prince George's County projects as well as the current proposal:

Comparison of Parking Ratios for Multifamily and Mixed-Use Projects:					
DSP-06001-03: Commons at Addison Road					
	Units: residences or	Residential Parking Spaces	Parking		
Name of Project	1,000 square feet (KSF)	Provided (per site plan)	Ratio*		
Subject Application	193 residences	138	0.71		
	11 KSF retail	150			
Tapestry at Largo Station	318 residences	469	1.47		
(Largo Park DSP)	89 KSF ret/off	409	1.47		
Allure Apollo and Aspire					
Apollo (Town Center at	797 residences	1,195	1.50		
Camp Springs DSP)					
3350 at Alterra (Belcrest	283 residences	304	1.07		
Plaza DSP)	1.47 KSF office	504	1.07		
Artisan DSP (within	84 residences	120	1.43		
Gateway Arts plan)	84 residences	120			
Brentwood DSP (within	147 residences	192	1.31		
Gateway Arts plan)	147 residences	192			
Ascend Apollo DSP (within		1 1 7 0	1.38		
Largo Town Center plan)	846 residences	1,170			
Kiplinger Phase I DSP					
(within Prince George's	352 residences	416	1.18		
Plaza plan)					
210 Maryland Park DSP					
(within Capitol Heights	178 residences	155	0.87		
plan, not yet constructed)					
* The parking ratio is the number of parking spaces provided divided by number of residential					
units.					

While it is believed that the location of the site and the amenities provided by the applicant justify a reduction from the parking requirements in Section 27-568 of the Zoning Ordinance, it is also observed that the parking ratio (number of parking spaces provided divided by number of residential units) is lower than any projects that have been recently constructed in Prince George's County. Nevertheless, given the location and the proffers for amenities and incentives provided by the applicant, the transportation staff believes that the 50 percent reduction in residential parking for this site is supportable.

With the proximity of an adjacent residential area, parking reductions should be consistent with the needs of future residents of the site under review but must also consider that parking and loading needs of adjacent residential areas will not be infringed upon. While this is a finding for granting a parking departure and is not a requirement for reducing parking within the sector plan area, it is believed that the amenities and incentives proposed by the applicant will go far toward addressing the issue of parking in nearby neighborhoods.

As a consideration in justifying the request, the applicant states that a reduction in the residential parking requirement is consistent with the newly adopted Zoning Ordinance. The information provided has been reviewed, and it is agreed that the 50 percent reduction in residential parking

appears to be consistent with the new regulations provided that the subject property is eventually rezoned to the LTO-E Zone.

Conclusion

From the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a detailed site plan as described in the Zoning Ordinance. In making this determination, it is determined that an amendment from the residential parking standard in the sector plan to allow a 50 percent reduction in residential parking for the subject site is supportable with the following conditions:

- 1. Prior to certification, the plan shall be modified to show the following:
 - A. A minimum 12-foot-wide sidewalk along Central Avenue.
 - B. Five-foot-wide sidewalks along the subject site's entire frontage of Zelma Avenue.
 - C. Provision of a dedicated shared-ride location (serving Uber, Lyft, and other ridesharing services) with signage along the Central Avenue frontage of the site. This shared-ride location shall be designed to prevent the blockage of traffic flow along Central Avenue with concept approval by the Maryland State Highway Administration.
 - D. The locations of 48 bicycle spaces within the garage along with an additional 26 bicycle spaces at the rear of the building, along with the location and details of a bicycle repair station for the use of residents and visitors.
- 2. In consideration of the proffers made as a means of reducing the parking provided onsite, at the time of building permit the applicant shall provide details of the proposed ongoing trip reduction activities:
 - A. The proposed offer to residents signing a one-year lease within the residential complex a Washington Metropolitan Area Transit Authority (WMATA) SmarTrip card worth up to \$200 per year for each year (up to five years) that they remain residents.
 - B. The proposed pricing for onsite parking.
 - C. The proposed establishment of a cycling club for residents of the building and the general community.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.pgplanning.org

December 26, 2019

MEMORANDUM

TO:	Andrew Bishop, Senior Planner, Urban Design Section
VIA:	Sherri Conner, Supervisor, Subdivision Section
FROM:	Eddie Diaz-Campbell, Senior Planner, Subdivision Section EDC
SUBJECT:	DSP-06001-03 Commons at Addison Road - REVISED

The subject property is located on Tax Map 73 in Grid C-1 and is comprised of three properties known as; Parcel A recorded in Plat Book PM 231-98; Parcel 87 recorded in Liber 32201 folio 501; and Lot 5, Block B, recorded in Plat Book WWW 16-61. The property is approximately 2.98 acres, of which about 2.75 acres (Parcel A & Parcel 87) are zoned C-S-C (Commercial Shopping Center), and the remaining 0.23 acres (Lot 5) is zoned R-55 (One-Family Detached Residential). The entire site sits within the area of the 2000 *Approved Addison Road Metro Town Center and Vicinity Sector Plan and Sectional Map Amendment*, and so is also subject to the D-D-O (Development District Overlay) Zone associated with that plan.

Parcel A is subject to Preliminary Plan of Subdivision (PPS) 4-05068, approved by the Planning Board on February 9, 2006 (PGCPB Resolution No. 06-37), for 1 parcel for residential and commercial development subject to 18 conditions. Of the 18 conditions of approval, the following are applicable to this DSP review:

2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved, if required.

A Type II Tree Conservation Plan was submitted with this application. Conformance to this plan should be reviewed and determined by the Environmental Planning Section.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #24628-2005-00, and any subsequent revisions.

An approved copy of a revision to the Stormwater Management Concept Plan (#24628-2005-03) was submitted with this application.

5. A Phase II noise study shall be prepared and included in the submission

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package for the detailed site plan (DSP). It shall contain specific building material recommendations to ensure that the interior noise levels are 45 dBA Ldn or less. The DSP shall locate any outdoor activity areas and the noise study shall address how noise levels have been mitigated to 65 dBA Ldn or less for these areas. The DSP shall address, if it is determined appropriate, the issue of possible ground vibration from the Metro tunnel located in the northeast corner of the site.

Condition 4 of DSP-06001-01 requires certification that building shells have been designed to mitigate interior noise levels to 45 dBA Ldn or less, at the time of building permit. With this DSP application, the applicant has submitted a noise analysis indicating noise will be mitigated with the use of building materials. The Urban Design Section should determine that enough information has been submitted to demonstrate that the proposed building and any outdoor activity areas are mitigated in accordance with this PPS condition. The DSP should also address possible vibration impacts.

6. At time of DSP review, the DSP shall show the locations and design of all bioretention and/or infiltration facilities for stormwater management and all associated landscaping shall be shown on the landscape plan.

Stormwater Management Concept approval #24628-2005-03 shows that stormwater management will now be provided by an underground detention system located primarily on Lot 5. Conformance to this condition should be further reviewed and determined by the Urban Design and Environmental Planning Sections.

9. The applicant, his heirs, successors and/or assignees shall make a monetary contribution (determined at the time of detailed site plan) to the M-NCPPC Department of Parks and Recreation for the development of the Rollins Avenue Neighborhood Park, for the fulfillment of the mandatory dedication of parkland requirements. The timing for the payment of the monetary contribution shall be established at the time of review of the DSP.

During the review of DSP-06001, the required monetary contribution was determined to be \$57,138 and Condition 6 of that approval required the fee to be paid prior to issuance of any building permit, which is noted on the final plat for Parcel A. Condition 6 of DSP-06001 should remain in effect.

- 10. In conformance with the adopted and approved Addison Road Metro Town Center and vicinity sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide a minimum eight-foot-wide sidewalk along the subject site's entire road frontage of MD 214, unless modified by SHA.
 - b. Provide a minimum eight-foot-wide sidewalk along the subject site's entire road frontage of Addison Road, unless modified by DPW&T.
 - c. Provide a standard sidewalk along the subject site's entire road frontage of Zelma Avenue, unless modified by DPW&T.

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The submitted plans show sidewalks of the required widths along the appropriate road frontages. Conformance to this condition should be further reviewed and determined by the Transportation Planning Section.

12. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for construction of private recreational facilities, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county Land Records.

This requirement was initially fulfilled prior to the approval of the final plat for Parcel A. However, the currently proposed private on-site recreational facilities are significantly different from those originally approved and listed in the RFA. The RFA on record at Liber 31088 Folio 315 will require revision, at the time of final plat, to reflect the recreational facilities to be approved with this DSP.

17. The following access and circulation issues shall be addressed at the time of detailed site plan:

a. The elimination of the direct access to the parking garage from Zelma Avenue.

Direct access to the underground parking garage from Zelma Avenue has been eliminated. The subject plan also no longer includes an aboveground parking garage.

b. The provision of limited access to Addison Road, which prohibits any left turn to and from the site.

A variation was approved with the PPS to allow access to Addison Road, which is an arterial roadway. The variation was approved with the condition that left turns to and from the site would be prohibited. The current DSP plan however proposes a broken median in the ROW of Addison Road, which would prohibit left turns onto the road but allow left turns onto the site from the road. In support of their design the applicant has filed a request for reconsideration of the PPS to amend the left-turn restriction. The reconsideration is pending Planning Board hearing on January 9, 2020.

The Transportation Planning Section should determine the any change to the access has no effect on the determination of adequacy made at the time of PPS. Any revisions to access width on the subject site would require a revision to the DSP. Revisions to the median or other aspects of the road design are ROW improvements which will under review of the of the road operating agency and outside the scope of this DSP.

18. Total development within the subject property under this preliminary plan shall be limited to 162 residences (21 three bedroom units, 113 two bedroom units, and 28 one bedroom units), and 24,500 gross square feet of retail commercial uses, or other mix of commercial and residential uses that generate no more than 163 AM and 226 PM peak hour vehicle trips. Any development beyond the AM and PM peak hour trips noted herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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The subject DSP proposes 193 multifamily dwelling units and 11,000 square feet of commercial development. Conformance to this condition should be reviewed and determined by the Transportation Planning Section.

Parcel 87 is subject to Preliminary Plan 4-08019, approved by the Planning Board on September 4, 2008 (PGCPB Resolution No. 08-124), for 1 parcel (Parcel B) for a parking garage associated with the development on Parcel A, subject to five conditions. Parcel 87 must be platted prior to the expiration PPS 4-08019 on December 31, 2020 and prior to the issuance of building permits. Of the five conditions of approval of PPS 4-08019, the following are applicable to this DSP review:

1. Development of this site shall be in conformance with the Stormwater Management Concept Plan, No. 24628-2005-01 and any subsequent revisions.

An approved copy of a revision to the Stormwater Management Concept Plan (#24628-2005-03) was submitted with this application.

2. Total development within the subject property shall be limited to construction of a parking garage which is projected to generate zero AM and zero PM vehicle trips. The proposed parking facility is to serve the required parking needs (Part 11) for the Commons at Addison Road Development Preliminary Plan of Subdivision (4-05068) only. Any other use of the proposed parking structure or any additional development on this site shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities. Direct access from Parcel B to Addison Road is denied without the approval of a variation to Section 24-121 of the Subdivision Regulations.

The parking garage previously proposed for Parcel 87 is no longer present; only surface parking is provided. However, the surface parking should still generate zero trips and should still be required to serve the parking needs of the Commons at Addison Road project only. Conformance to this condition should be further reviewed and determined by the Transportation Planning Section.

4. Prior to approval of the final plat the applicant and the applicants heirs, successors and/or assignees shall obtain approval of a revision to Detailed Site Plan DSP-06001 (PGCPB Resolution No. 06-217) to incorporate Parcel A and the accessory parking garage proposed on Parcel B into one development site.

The submitted DSP revision (DSP-06001-03) fulfills this requirement.

- 5. In conformance with the Approved Addison Road Metro Town Center and Vicinity Sector Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide an eight-foot wide sidewalk along the subject site's entire road frontage of Addison Road, unless modified by DPW&T.

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The submitted plans show sidewalk of the required width along the appropriate road frontage. Conformance to this condition should be further reviewed and determined by the Transportation Planning Section.

Lot 5, Block B is subject to PPS 12-1653, for which there are no available records. Given the platting of Lot 5 in 1948 via Plat Book WWW 16-61, the development of Lot 5 is subject to the requirements of Section 24-111(c) of the Subdivision Regulations which provides the following:

Sec. 24-111. - Resubdivision of land.

- (c) A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless:
 - (1) The proposed use is for a single-family detached dwelling(s) and uses accessory thereto; or
 - (2) The total development proposed for the final plat on a property that is not subject to a Regulating Plan approved in accordance with Subtitle <u>27A</u> of the County Code and does not exceed five thousand (5,000) square feet of gross floor area; or
 - (3) The development proposed is in addition to a development in existence prior to January 1, 1990, and does not exceed five thousand (5,000) square feet of gross floor area; or
 - (4) The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of a site that is not subject to a Regulating Plan approved in accordance with Subtitle <u>27A</u> of the County Code, has been constructed pursuant to a building permit issued on or before December 31, 1991.

Lot 5 is currently paved with surface parking and contains no existing gross floor area. Any development proposed in excess 5,000 square feet of gross floor area on Lot 5 will require resubdivision. The subject DSP proposes surface parking only on Lot 5 to serve the needs of the development on Parcel A.

The first iteration of this project, DSP-06001, only included Parcel A; the three distinct properties were first brought together for a development plan in the project's first revision, DSP-06001-01. A second revision was submitted, DSP-06001-02, but was withdrawn. The following conditions from DSP-06001-01 are pertinent to the review of the subject application as they relate to the Subdivision Regulations:

2. A new final plat for Parcel A (Preliminary Plan 4-05068) shall be approved in accordance with Section 24-108 of the Subdivision Regulations. This plat in conjunction with the prospective final plat for Parcel B (Preliminary Plan 4-08019), shall both carry the following note:

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The combined proposed development on Parcel A (4-05068) and Parcel B (4-08019) shall be limited to uses generating no more than 163 AM and 226 PM peak hour trips. Any further development on either parcel that generates a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities, for that development generating the additional impact.

This condition of approval should be carried forward to DSP-06001-03 with modifications. The intent of the above condition was to consolidate the parcels which are proposed to have a unified development scheme and access from Parcel A. The consolidation of Parcels A and B, however, does not alter the PPS approvals for their respective land areas. Therefore, their respective trips caps will continue to apply. This final plat shall be required prior to the issuance of any building permits and has been restated in modified form in the recommended conditions of this memo.

3. A final plat for Lot 5 of Block B shall be approved with the following note:

"Development on Lot 5 of Block B is limited to a cumulative 5,000 square feet of gross floor area pursuant to Section 24-111(c). At such time that development should exceed this maximum, then a preliminary plan of subdivision shall be required."

This condition of approval should be carried forward to DSP-06001-03 with modifications. The facts remain the same as was evaluated with DSP-06001-01 regarding the development of Lot 5, and a new final plat will establish the lot's proposed right-of-way dedication and 10-foot wide public utility easement as shown on the subject DSP. This final plat shall be required prior to the issuance of any building permits and has been restated in modified form in the recommended conditions of this memo.

Site Plan Comments:

1. A certified copy of PPS 4-08019 is not on record. The applicant should either provide a certified copy or submit a copy of the approved plan for certification.

Recommended Conditions:

- 1. Prior to certification of the detailed site plan, the plan notes shall be revised to be reflect the conditions revised as a result of this detailed site plan approval.
- 2. Prior to approval of any building permits, a final plat that consolidates the entirety of the land areas that comprise Preliminary Plans of Subdivision 4-05068 and 4-08019 shall be approved. The plat shall be filed in accordance with Preliminary Plan of Subdivision 4-08019 and incorporate Parcel A from Preliminary Plan of Subdivision 4-05068 in accordance with Section 24-108 of the Subdivision Regulations. Notes shall be added to the final plat that clearly delineates the underlying approvals and their applicability to each of the land areas.

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3. Prior to approval of any building permits, a final plat for Lot 5 of Block B shall be approved with the following note:

"Development on Lot 5 of Block B is limited to a cumulative 5,000 square feet of gross floor area pursuant to Section 24-111(c). At such time that development should exceed this maximum, then a preliminary plan of subdivision shall be required."

- 4. Prior to the approval of a final plat pursuant to Preliminary Plan of Subdivision 4-08019, a signature approved copy of Preliminary Plan of Subdivision 4-08019 shall be submitted to the Subdivision and Zoning Section of the Development Review Division, or a copy shall be submitted for signature approval.
- 5. The new final plat for Parcel A shall label denial of access to and from Addison Road for any left turn movements, unless a reconsideration of the preliminary plan of subdivision is approved, and the denial of access to Addison Road shall be labeled along the frontage of the land area included Preliminary Plan of Subdivision 4-08019 (Parcel B).
- 6. Prior to approval of a new final plat for Parcel A, the applicant shall;
 - a. Pay a fee-in-lieu of mandatory parkland dedication to the M-NCPPC in the amount of \$57,138 for the development of the Rollins Avenue neighborhood park.
 - b. Submit an amended private recreational facilities agreement to be reviewed and approved by the Development Review Division and recorded among the Land Records of Prince George's County. The Liber and folio of the amended RFA shall be shown on the final plat prior to recordation.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. With the proposed conditions, the DSP is in substantial conformance with the approved preliminary plans of subdivision. All bearings and distances must be clearly shown on the DSP and be consistent with the record plat or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.mncppc.org/pgco

December 24, 2019

MEMORANDUM

T0:

Jeremy Hurlbutt, Development Review Division

FROM: (K) Fred Shaffer, Transportation Planning Section, Countywide Planning Division

SUBJECT: Detailed Site Plan Review for Non-Motorized Transportation Master Plan Compliance

The following detailed site plan (DSP) was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Approved Subregion 4 Master Plan* and Sectional Map Amendment to provide the appropriate pedestrian and bicycle transportation recommendations.

Detailed Site Plan Number: ______DSP-06001/03

Development Case Name: Commons at Addison Road

Type of Master Plan Bikeway or Trail

Private R.O.W.* PG Co. R.O.W.*	hand the company of the same	Public Use Trail Easement Nature Trails	
SHA R.O.W.*		M-NCPPC – Parks	
HOA		Bicycle Parking	X
Sidewalks	X	Trail Access	X

Subject to 24-124.01: No

Preliminary Plan Background			
Building Square Footage (non-residential)	11,115 Square Foot – Ground Floor Retail		
Number of Units (residential)	Mixed Use (Residential – 183 units)		
Abutting Roadways	Central Avenue, Addison Road, Zelma Avenue		
Abutting or Nearby Master Plan Roadways	Rollins Avenue, Yolanda Avenue, Karen		
	Boulevard		
Abutting or Nearby Master Plan Trails	Planned Addison Road Bike Lane, Planned		
	Central Avenue Connector Trail, Planned		
	Addison Metro Connector Sidewalk, Planned		
	Cabin Branch Trail		
Proposed Use(s)	Mixed Use Residential - Retail		
Zoning	C-S-C		
Centers and/or Corridors	Addison Road Metro – Local Transit Center /		
	Central Avenue Corridor		
Prior Approvals on Subject Site	4-05068, DSP-06001, DSP-06001/01		

DSP-06001/03: Commons at Addison Road Page 2

Previous Conditions of Approval

Approved Preliminary Plan of Subdivision (PPS) 4-05068 includes the following conditions of approval related to trail construction, specific to the subject property. Conditions 10a-c and Condition 11 from 4-05068 are copied below:

- 10. In conformance with the adopted and approved Addison Road Metro Town Center and vicinity sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide a minimum eight-foot-wide sidewalk along the subject site's entire road frontage of MD 214, unless modified by SHA.
 - b. Provide a minimum eight-foot-wide sidewalk along the subject site's entire road frontage of Addison Road, unless modified by DPW&T.
 - c. Provide a standard sidewalk along the subject site's entire road frontage of Zelma Avenue, unless modified by DPW&T.

Comment: The submitted plans are in conformance with the conditions noted above.

11. The adopted and approved Addison Road Metro Town Center and vicinity sector plan recommends that Addison Road be designated as a Class III bikeway with appropriate signage. Because Addison Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.

Comment: The cost for "Share the Road" signage is now \$420 in the Department of Public Works and Transportation (DPW&T) cost index. The fee for the signage has been updated in the condition included with this memorandum.

Approved DSP-06001 includes one condition of approval related to trail construction. Condition 7 from DSP-06001 is copied below:

- 7. In conformance with the Adopted and Approved Addison Road Metro Town Center and Vicinity Sector Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. Construct the eight-foot wide sidewalk along the subject's entire frontage of Central Avenue (MD 214). This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.
 - b. Construct the eight-foot wide sidewalk along the subject site's entire frontage of Central Avenue (MD 214).
 - c. Construct the five-foot wide sidewalk along the subject site's entire frontage of Zelma Avenue. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.

DSP-06001/03: Commons at Addison Road Page 3

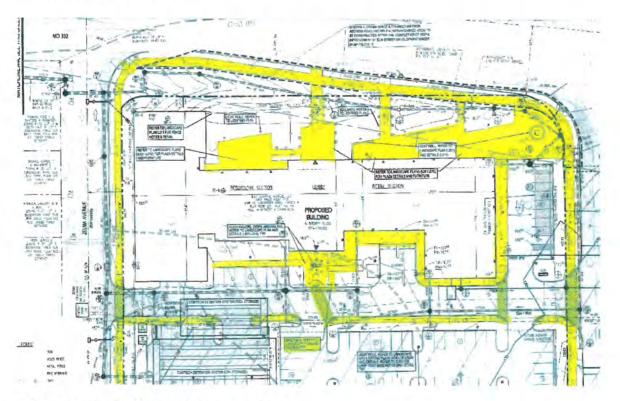
Comment: The submitted plans are in conformance with the conditions noted above.

Existing Conditions Sidewalks and Bike Infrastructure

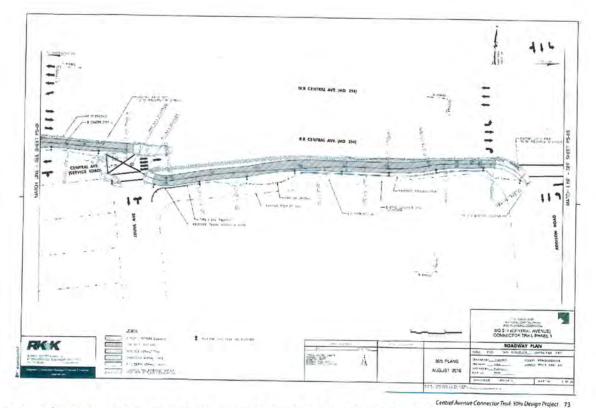
The subject property has existing sidewalks along the frontage of MD-214 but no sidewalks exist along the frontage of Addison Road. Planned bike lanes will eventually be constructed along Addison Road and Central Avenue. A network of sidewalks is included in the proposed DSP and appears to adequately serve the subject site.

Connectivity to Adjacent/Nearby Properties

The Approved Subregion 4 Master Plan and Sectional Map Amendment and Central Avenue-Metro Blue Line Corridor TOD Implementation Mobility Study recommend the Central Avenue Connector Trail (CACT) along MD-214 in the vicinity of the subject side, including the frontage of the property. Design work for the Central Avenue Connector Trail has continued since the adoption of the master plan. 30% designs have been completed for the frontage of the site which appear to be compatible with the improvements proposed on site. Staff recommends that the CACT be incorporated into the DSP. The Department of Parks and Recreation (DPR) is recommending several changes to the design of the MD-214 frontage to better incorporate the trails designs for the Connector Trail. These changes include widening the sidewalk/trail from 8-feet wide to 12-feet wide and the inclusion of a public use easement over the trail corridor of the subject property. The Transportation Planning Section supports the recommendations of the Department of Parks and Recreation regarding the design of the trail at the Commons at Addison Road.



MD-214 frontage along Addison Commons



Central Avenue Connector Trail designs along the frontage of Addison Commons

Recommended Conditions of Approval:

- 1. Prior to signature approval, the detailed site plan shall be revised to include the following:
 - a. Indicate the location and number of bicycle parking spaces provided.
 - b. Prior to the first building permit, the applicant's heirs, successors and/or assigns shall provide \$420 to the Department of Public Works and Transportation for the placement of one "Share the Road with a Bike" signage assembly along Addison Road. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.





Countywide Planning Division Environmental Planning Section 14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.mncppc.org/pgco

301-952-3650

January 24, 2020

MEMORANDUM

 TO:
 Andrew Bishop, Senior Planner, Urban Design Section, DRD

 VIA:
 Megan Beiser, Acting Superviser, Data

VIA: Megan Reiser, Acting Supervisor, Environmental Planning Section, CWPD MKK

FROM: Chuck Schneider, Planner Coordinator, Environmental Planning Section, CWPD MKR for 5

SUBJECT: The Commons at Addison Metro; DSP-06001-03 and TCP2-013-2019

The Environmental Planning Section has reviewed the Detailed Site Plan (DSP) DSP-06001-03, and the companion Type 2 Tree Conservation Plan TCP2-013-2019, stamped as received on April 10, 2019. Verbal comments were provided in a Subdivision Development Review Committee (SDRC) meeting on November 15, 2019. Revised information was received on December 19, 2019 and January 8, 2020. The Environmental Planning Section recommends approval of DSP-06001-03 and TCP2-013-2019 with conditions provided at the end of this memorandum.

Background

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-144- 2015	N/A	Staff	Approved	8/7/2015	N/A
4-05068	TCP1-007-2019	Planning Board	Approved	2/0/2006	06.05
DSP-06001	N/A	District Council		2/9/2006	06-37
DSP-06001-	N/A	District Council	Approved Approved	6/2/2008	06-217
01		- iou ice Gounen	Approved	10/4/2010	10-50
DSP-06001- 02	N/A	Planning Director	Withdrawn	7/15/2009	N/A
DSP-06001- 03	TCP2-013-2019	Planning Board	Pending	Pending	Pending

Grandfathering

Prior applications were exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site contained less than 10,000 square feet of existing woodland; however, the woodland has regenerated sufficiently over the 15 years since the original approvals that the site is no longer exempt. The site is subject to the current regulations of Subtitle 25, the WCO.

· . .

Proposed Activity

The applicant is requesting approval of a DSP and TCP2 for the construction of a six-story mixed-use building with residential units, commercial/retail space along with surface parking and a two-story garage.

Site Description

This 2.98-acre site is located on the south side of Central Avenue, in the southwest quadrant of the intersection of Central Avenue and Addison Road. A review of the available information indicates that streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. There is no 100-year floodplain that is associated with the site. Central Avenue and Addison Road are both arterial roadways that generate noise levels above the standard for residential uses. The predominant soil type found to occur on this site according to the Prince George's County Soil Survey is Collington - Wist -Urban land complex. According to available information, neither Marlboro clay nor Christiana complexes occur on this property. According to information obtained from the Maryland Department of Natural Resources, Wildlife and Heritage Program (DNR NHP), there are no Rare, Threatened, or Endangered (RTE) species found to occur in the vicinity of this property. Neither Central Avenue or Addison Road are identified as a historic or scenic roadway. This property is located in the Lower Anacostia River watershed of the Anacostia River basin. The site is located within the Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035 Approved General Plan. According to the approved Countywide Green Infrastructure Plan of the Approved Prince George's Resource Conservation Plan (May 2017) the area of the site along Central Avenue is located within the Evaluation Area of the network.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions that are applicable to the review of this application. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

Preliminary Plan 4-05068 was approved by the Planning Board on February 9. 2006. The conditions of approval can be found in PGCPB No. 06-37.

2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved, if required.

A TVP2 plan has been submitted. Technical review of the plan is provided under the Environmental Review section of this memo.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #24628-2005-00, and any subsequent revisions.

The current application is in conformance with the most recent stormwater management (SWM) concept approval (24628-2005-03).

4. Prior to signature approval of the preliminary plan, the plan shall be revised to show the unmitigated 65 dBA Ldn noise contour along Addison Road and Central Avenue (MD 214) either using the Environmental Planning Section's model or by using a noise contour generated from a noise study reviewed by the Environmental Planning Section.

This condition was met at time of signature approval of 4-05068.

5. A Phase II noise study shall be prepared and included in the submission package for the detailed site plan (DSP). It shall contain specific building material recommendations to ensure that the interior noise levels are 45 dBA Ldn or less. The DSP shall locate any outdoor activity areas and the noise study shall address how noise levels have been mitigated to 65 dBA Ldn or less for these areas. The DSP shall address, if it is determined appropriate, the issue of possible ground vibration from the Metro tunnel located in the northeast corner of the site.

This condition was met at time of signature approval of DSP-06001.

6. At time of DSP review, the DSP shall show the locations and design of all bioretention and/or infiltration facilities for stormwater management and all associated landscaping shall be shown on the landscape plan.

The submitted SWM Concept Approval letter (24628-2005-03) states that water quality and quantity control is required to be provided with retention and infiltration. The approved SWM concept plan shows this requirement will be met with an underground SWM facility that will store and filter stormwater runoff. The facility is located in the southwest corner of the site. Additionally, the project is required to provide a SWM fee of \$13,920 in lieu of providing additional on-site quality and quantity control measures.

Detailed Site Plan DSP-06001 was approved by the Planning Board on June 2, 2008. The conditions of approval can be found in PGCPB No. 06-217. These conditions were met at time of signature approval of DSP-06001.

Detailed Site Plan DSP-06001-01 was approved by the District Council on October 4, 2010. No environmental conditions of approval were listed in PGCPB No. 10-50.

ENVIRONMENTAL REVIEW

Existing Features/Natural Resources Inventory Plan

A Natural Resource Inventory, NRI-144-2015, was approved on August 7, 2015, and provided with this application. The NRI contains a larger gross tract area of 3.71 acres (DSP area is 2.98 acres)

with 1.26 acres being wooded. The DSP and TCP2 show all the required information correctly in conformance with the NRI.

No revisions are required for conformance to the NRI.

Woodland Conservation

This property is subject to the provisions of the 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 2 Tree Conservation Plan (TCP2-013-2019) was submitted with the DSP application. A Woodland Conservation Exemption Letter was previously submitted with earlier applications because the site contained less than 10,000 square feet of woodland. A review of a full NRI in 2015 confirmed that continued woodland generation on the site resulted in 1.26 acres of woodlands. As such, a full Type 2 Tree Conservation Plan is required.

Based on the TCP2 submitted with this application, the woodland conservation worksheet must be revised to show the approved on-site existing woodland. The worksheet lists the site as having 2.98 acres of woodlands; however, the approved NRI shows the site to contain 1.26 acres.

Based on staff's calculations, the total woodland conservation requirement will be approximately 1.58 acres. The TCP2 proposes to meet the requirement with the woodland conservation fee-in-lieu. Once corrected, the use of off-site mitigation must be used to meet any requirement that cannot be met on-site.

With conditions recommended below, the proposed TCP2 is in conformance with the woodland conservation requirements.

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 Environmental Technical Manual (ETM)."

The site contains seven specimen trees on-site with the ratings of good (specimen trees 1, 2, 3, and 6), and fair (specimen trees 4, 5, and 8). One specimen tree (specimen tree 7) is located off-site but within close proximity to the site's boundary. Tree 7 is in fair condition. The current design proposes to remove the seven on-site specimen trees (specimen trees 1, 2, 3, 4, 5, 6, and 8) for the development of the buildings and associated infrastructure.

Review of Subtitle 25 Variance Request

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. A Letter of Justification was submitted on January 8, 2020 seeks to address the required

findings for all seven specimen trees as a group; however, details specific to individual trees has also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST #	COMMON NAME	Diameter (in inches)	CONDITION	DISPOSITION	Reason for Removal
1	Sweet Gum	39.5	Good	To be removed	Proposed Building
2	Sweet Gum	38	Good		Proposed Building
3	American Linden	33.5	Good	To be removed	SWM Underground Storage
4	American Linden	36	Fair	To be s removed	SWM Underground Storage
5	Eastern Red Cedar	30	Fair	To be removed	SWM Underground Storage
<u>6</u>	Eastern Red Cedar	31.5	Good		SWM Underground
7*	Tulip Poplar	39	Good		Off-site
3	Red Maple	33.5	Fair		Proposed Building

* Located off-site.

Statement of Justification request:

The text in **BOLD**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

(A) Special conditions peculiar to the property have caused the unwarranted hardship:

The site is adjacent to the Addison Road Metro Local Transit Center and Plan 2035 recommends medium-medium high residential development for the subject property with limited commercial uses. This site has an existing topography with an 18-foot grade change that makes grading this site very difficult to keep existing vegetation. Also, the two site access points limit the development to certain areas of the property. To effectively develop the site with the appropriate mix of uses, the necessary right-of-way and infrastructure improvements and the grading necessary to effectively develop the site, the subject specimen trees must be removed.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

The site is recommended for a highly developed property to meet the needs of the adjacent metro station. The removal of the specimen trees and the proposed development of the site is in keeping with Plan 2035 and similar projects within the area.

(C) <u>Granting the variance will not confer on the applicant a special privilege that would be denied</u> to other applicants.

Based on the various site constraints, the granting of this variance will allow the project to be developed in a functional and efficient manner.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant:

This request is not based on conditions or circumstances which are solely the result of actions by the Applicant. The removal of the specimen trees is primarily due to the grading required to develop the site due to the existing contours of the site. The request is not the result of actions by the applicant.

(E) <u>The request does not arise from a condition relating to land or building use, either permitted</u> or nonconforming, on a neighboring property; and

This request is based on the nature of the existing site, and the distribution of the existing specimen trees. The removal of the specimen trees is primarily due to the grading required to develop the site due to the existing contours of the site. This request is not based on a condition relating to land or a building use on a neighboring property.

(F) Granting of the variance will not adversely affect water quality.

The proposed development will not adversely affect water quality because the review of the project is subject to the requirements of the Prince George's County Soil Conservation District (PGSCD), and the approval of a stormwater concept plan by the Department of Permitting, Inspections, and Enforcement (DPIE).

Regulated Environmental Features

The site contains no Regulated Environmental Features (REF).

Noise

The project proposes to construct a mixed-use development with retail/commercial and residential. These uses will generate noise from added vehicular traffic. The north is bounded by Central Avenue (Maryland Route 214) and Addison Road to the east which are identified as arterial roadways that have enough traffic to produce noise levels above 65 dBA Ldn. This area is located in a heavily used and existing residential and commercial area along Central Avenue corridor. Retail and commercial uses would not generally be regulated for noise impacts, however; noise impacts on residential uses are regulated.

According to the submitted Noise Analysis by Acoustic 2 (acoustical consultants) dated December 2, 2019, the residential portion of the structure will be exposed to transportation noise levels of at

least 65 dBA Ldn on the Central avenue portion of the building. The Addison Road noise level is over 250 feet away and will not affect the residential portion of the building. Acceptable interior noise levels of 45 dBA Ldn or less may be achieved with appropriate shell construction methods. The acceptable noise level in outdoor activity areas is 65 dBA Ldn or less; however, it does not appear that any outdoor activity areas are proposed within the noise impact area, therefore only interior noise levels will need to be mitigated.

Stormwater Management (SWM)

As previously mentioned, a Stormwater Management (SWM) Concept Approval Letter (24628-2005-03) was issued February 28, 2019 with this project from the DPIE. The plan proposes an underground storage facility to address the required water quality and quantity controls. A stormwater management fee of \$13,920.00 for on-site attenuation/quality control measures is required.

No further action regarding SWM is required with this DSP review.

Summary of Recommended Findings and Conditions

The Environmental Planning Section recommends approval of Detailed Site Plan DSP-06001-03 and TCP2-013-2019 subject to the following conditions:

Findings:

1. The required findings of Section 25-119(d) have been adequately addressed for the removal of seven specimen trees (specimen trees 1, 2, 3, 4, 5, 6, and 8).

Conditions:

- 1. Prior to signature approval of the DSP, the TCP2 shall be revised as follows:
 - a. Revise the woodland conservation worksheet to show the correct existing woodland acreage per the approved NRI, the corrected requirement, and to show the use of off-site woodland conservation credits for any requirement not met on-site.
 - b. Revise the legend to identify the "starred" symbol.
 - c. Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying with specificity the variance decision consistent with the decision of the Planning Board:

"NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of the following specified specimen trees (Section 25-122(b)(1)(G): (Identify the specific trees to be removed)."

d. Have the revised plan signed and dated by the qualified professional who prepared the plan.

2. At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.

If you have any questions concerning these comments, please contact me at 301-883-3240 or by e-mail at alwin.schneider@ppd.mncppc.org.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation 6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE:	December 23, 2019
TO:	Andrew Bishop, Senior Planner Subdivision Review Section Development Review Division Planning Department
VIA:	Alvin McNeal, Acting Deputy Director Administration and Development Department of Parks and Recreation
FROM:	Thomas Zyla, Landscape Architect Land Acquisition/Management & Development Review Section Park Planning and Development Division Department of Parks and Recreation
SUBJECT:	DSP-06001/03, Commons at Addison Road Metro

The staff of the Department of Parks and Recreation (DPR) has reviewed and evaluated the above referenced Detailed Site Plan (DSP) -03 revision for conformance with the requirements and recommendations of previous DSP-06001 revisions, Preliminary Plan of Subdivision (PPS) 4-05068, the Approved Subregion 4 Master Plan and Sectional Map Amendment, the Phase I Central Avenue Connector Trail 30% design plans, the Land Preservation, Parks and Recreation Program (LPPRP) for Prince George's County, and the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space, as they pertain to public parks and recreational facilities.

FINDINGS:

The subject property is a 2.98-acre C-S-C/D-D-O/R-55 zoned property located along Central Avenue (MD Route 214) between Zelma Avenue and Addison Road in Capital Heights, Maryland. The property is currently vacant but wooded. The Addison Road Metro Station is located directly across Addison Road to the east. The applicant proposes a 183-residential unit mixed-used building with 11,115 square feet of ground floor retail space.

Previous Planning Board resolutions for PPS 4-05068 and DSP-06001 conditioned the applicant contribute \$57,183 to DPR for the development of nearby Rollins Avenue Neighborhood Park. Subsequent District Council Orders SP-06001/01 revised that condition for the \$57,183 to go towards a proposed library within the project in a previous design. But since the DSP-06001/03's design no longer proposes a library within the project, DPR is requiring the condition revert back to the original PPS & DSP Planning Board resolutions and the \$57,183 go toward the development of nearby Rollins Avenue Neighborhood Park.

The Central Avenue Connector Trail (CACT) is a master planned trail which has been in the planning and conceptual design phases for many years. The alignment of this trail stretches from the eastern edge of the District of Columbia, loosely along Central Avenue, to the Largo Town Center Metro Station. The CACT has recently completed the 30% design phase and is proceeding into final design. A portion of this master planned trail is proposed within the Central Avenue right-of-way adjacent to and north of the subject property. Therefore, the applicant is required to construct this portion of CACT between Zelma Avenue and Addison Road with this development. The 12' wide asphalt trail shall be designed and constructed according to the CACT 30% design plans and integrate with the proposed building's front entrance and outdoor spaces facing Central Avenue. In addition, signage, ADA compliance, lighting, call boxes and trail furniture shall be incorporated into the CACT design.

RECOMMENDATION:

The staff of the Park Planning & Development (PP&D) Division of DPR recommends to the Planning Board approval of the above referenced Detailed Site Plan revision (DSP-06001-03), subject to the following conditions:

- 1. Prior to the approval of any residential building permits within this development, the applicant shall provide a contribution to the M-NCPPC Department of Parks and Recreation in the amount of \$57,183 for the development of Rollins Avenue Neighborhood Park.
- 2. The applicant, their heirs and/or assigns shall construct as part of this development the 12' wide asphalt trail along the northern property line, within the Central Avenue right-of-way where applicable and according to the

recommendations in the Central Avenue Connector Trail 30% design plans. Additional features may include signage, ADA compliance, lighting, call boxes and trail furniture. A public use and maintenance easement shall be granted by the applicant, their heirs and/or assigns to the Department of Parks and Recreation for that portion of the trail located outside of the Central Avenue right-of-way and on the subject property. Prior to certification of the Detailed Site Plan, the final CACT design plans shall be reviewed and approved by the Department of Parks and Recreation.

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THE PRINCE GEORGE'S COUNTY GOVERNMENT



Fire/EMS Department Headquarters

Office of the Fire Marshal

April 18, 2019

Andrew Bishop, Senior Planner Urban Design The Maryland-National Capital Park and Planning Commission Development Review Division 14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772

Dear Mr. Bishop:

The Office of the Fire Marshal of the Prince George's County Fire and EMS Department has reviewed the referral for DSP-06001-03, Commons at Addison Road (Metro). We have the following comments:

1) The Fire Department Connection (FDC) is not shown. A hydrant must be provided within 200' of any FDC which must be located on the front, address side of the building and be visible from the fire hydrant and the street. Hydrants should be 40' from structures served.

2) Any code required fire access road must be 22^{2} wide. It is not clear from Sheet C-01 that the drive aisle is 22' from the end of the parking space (shown as $19^{2} \times 8^{2}$). If this aisle is intended to be fire access it must be 22' in width measure from the curb to the end of the parking space.

3) "Gas Built in Grills" shown on Sheet L001 should be 30' from any part of the building.

4) Informational Note: Awnings shown in elevations must be NFPA-701 compliant when submitted for permit.

Please let me know if you have any questions regarding these comments.

Sincerely, James V. Reilly

Assistant Fire Chief

JVR/jvr

9201 Basil Court, Fourth Floor East Largo, Maryland 20774 VOICE-(301) 883-5200 FAX-(301) 883-5212 TDD-(301) 925-5167



THE PRINCE GEORGE'S COUNTY GOVERNMENT Department of Permitting, Inspections and Enforcement Site/Road Plan Review Division



MEMORANDUM

June 7, 2019

то:	Andrew Bishop, Urban Design Section Development Review Division, M-NCPPC
FROM:	Mary C. Giles, P.E., Associate Director Site Road Plan Review Division, DPIE
RE :	COMMONS AT ADDISON ROAD ICON Metroplex(Phase 1 and 2) Detailed Site Plan No. DSP-06001-03
CR:	Central Avenue (MD 214)
CR:	Addison Road
CR:	Zelma Avenue

In response to the Detailed Site Plan No. DSP-06001-03 referral, the Department of Permitting, Inspections Enforcement (DPIE) offers the following:

- The subject site, COMMONS AT ADDISON ROAD ICON Metroplex, is located at the southwest quadrant of the intersection of Central Avenue (MD 214) and Addison Road. This revision proposes a mixed-use building, including 183 residential units and approximately 11,115 square feet of ground-floor retail.
- All frontage improvements for Zelma Avenue are required to be in accordance with the Department of Public Works and Transportation's (DPW&T) Urban Primary Residential roadway standards and improvements of Addison Road in accordance with DPW&T's Urban Arterial roadway standards is required. MD 214 is a State-maintained right-of-way; therefore, approval from the Maryland State Highway Administration (SHA) is required.
- All improvements within the public right-of-way as dedicated to the County are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act (ADA).
- Conformance with street tree and street lighting standards is required.
- Existing utilities may require relocation and/or Adjustment. Coordination with the various utility companies is required.

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774 Phone: 301.636.2060 • http://dpie.mypgc.us • FAX: 301.925.8510 Andrew Bishop June 7, 2019 Page 2

- A soils investigation report that includes subsurface exploration and geotechnical engineering evaluation for public streets is required.
- All storm drainage systems and facilities are to be in accordance with DPW&T's and the Department of the Environment (DoE) requirements.
- The proposed site plan is consistent with an approved Stormwater Management Concept Plan No. 24628-2005-03, dated February 28, 2019.
 - This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phases:
 - Final site layout, exact impervious area locations are shown on plans;
 - Exact acreage of impervious areas has not been provided;
 - c) Proposed grading is shown on plans;
 - d) Delineated drainage areas at all points of discharge from the site have not been provided;
 - e) Stormwater volume computations have not been provided;
 - f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in this submittal;
 - g) A narrative in accordance with the Code has not been provided.

Please submit any additional information described above for further review at the time of fine grading permit.

If you have any questions or need additional information, please contact Mr. Steve Snyder, District Engineer for the area, at 301.883.5710.

MCG:NGA:dar cc: Steve Snyder, P.E., District Engineer, S/RPRD, DPIE Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE 6301 Central Avenue, LLC, 1738 Elton Road, Suite 215, Silver Spring, Maryland 20904 Scudder, Traci, 137 National Plaza, Suite 300, Oxon Hill, MD 20745.



Division of Environmental Health/Disease Control

Date: December 9, 2019

- To: Andrew Bishop, Urban Design, Review Section, M-NCPPC
- From: Rita Johnson, Environmental Health Specialist, Environmental Engineering Program/Policy Program
- Re: DSP-06001-03; Commons at Addison Road (Metro) Located at the SW Quadrant of the Intersection of Central Ave (MD 214) and Addison Road

The Environmental Engineering Program has reviewed the detailed site plan for the proposed Watermark at Largo and has the following comments:

- 1. During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- 2. During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
- 3. The site is within 500/1000 feet of a Major arterial road and Addison Road Metro Station. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms and fetal development. Sleep disturbances have been associated with a variety of health problems such as functional impairment, medical disability and increased use of medical services even amongst those with no previous health problems. Plans should depict the noise area boundary and include modifications/adaptations/ mitigation as appropriate to minimize the potential adverse health impacts of noise on the susceptible population.
- 4. The public health value of access to active recreational facilities has been well documented. Indicate the location of active recreational facilities within ¼ mile of the proposed residences.



Environmental Engineering/Policy Program Largo Government Center 9201 Basil Court, Suite 318, Largo, MD 20774 Office 301-883-7681. Fax 301-883-7266, 777/S7S Dial 711 www.princegeorgescountymd.gov/health 5. Health Department permit records indicate there are several existing carryout/convenience store food facilities within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.

If you have any questions or need additional information, please contact me at 301-883-76873 or <u>rijohnson@co.pg.md.us</u>.

Tori Williams

From:	Barrett, Belinda <bbarrett@wmata.com></bbarrett@wmata.com>
Sent:	Friday, January 24, 2020 10:35 AM
To:	Tori Williams; Albert, Nina M.; Talaia, Anabela
Cc:	Omar A. Karim; Sarina Accime; Bourque, Bruce M.
Subject:	RE: <external>RE: WMATA Overflow Parking Request</external>

Ms. Williams,

This is to confirm that WMATA can accommodate fifty-five (55) parking spaces for 6301 Central Avenue, LLC or Banneker Ventures at our Addison Road parking facility subject to finalizing a parking license.

If you have additional questions please feel free to contact me.

Belinda Barrett, CPP Program Manager , Parking Operations Office of Real Estate and Parking

600 5th St NW Washington, DC 20001 202-962-1589 (Work) 202-595-4667 (Cell) Bbarrett@wmata.com

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

In re:

COMMONS AT ADDISON ROAD METRO

<u>Applicant</u>: Banneker Ventures <u>Applicant's Counsel</u>: Traci R. Scudder, Esq.

Person of Record: Bradley E. Heard

CASE NUMBER

DSP-06001/03

(Staff Reviewer: Andrew Bishop)

PRELIMINARY OBJECTIONS TO DETAILED SITE PLAN

Bradley E. Heard ("Heard"), a person of record herein, submits these preliminary objections to the approval of the above-styled Detailed Site Plan ("DSP") application of Banneker Ventures ("Applicant"). Heard submits these preliminary objections for the convenience of the Planning Board and the Planning Department staff. These preliminary objections are based on Heard's preliminary review of the DSP materials supplied by Applicant and other communications with Applicant's representatives and Planning Department staff, in advance of the preparation of the Staff Report.

The Planning Board can remedy all of the preliminary objections noted herein by imposing appropriate conditions or modifications to bring Applicant's DSP application into compliance. Below, Heard makes specific requests for conditions or modifications in connection with each noted objection. While Applicant's proposal presents an exciting concept for high-density mixed-use transitoriented development of a long-vacant parcel across from the Addison Road-Seat Pleasant Metro Station, it nevertheless falls somewhat short in fulfilling the pedestrianoriented development and revitalization goals of the applicable sector, master, and general plans. By incorporating the conditions and modifications requested herein, the Planning Board can help to ensure that Applicant's proposal adheres to all applicable comprehensive plan requirements.

Heard reserves the right to modify, supplement, substitute, or withdraw these Preliminary Objections, orally or in writing, at any time prior to the close of the hearing record, after a review of the Staff Report and based upon the record produced at the hearing.

<u>Preliminary Statement Regarding the</u> <u>Legal Status of an Amended Detailed Site Plan Application</u>

The pending DSP application is the third proposed site plan for a mixed-used transit-oriented development on a parcel or parcels of property located at and near the southwest corner of Addison Road and Central Avenue in Prince George's County, across from the Addison Road-Seat Pleasant Metro Station. The Planning Board narrowly approved the original DSP application, number DSP-06001 (the "original application"), on September 21, 2006, as reflected in Planning Board Resolution No. 06-217, adopted on October 19, 2006. The District Council then substantially modified the Planning Board's final decision on May 21, 2007, and further modified it on June 2, 2008, in a purported exercise of "original jurisdiction" review.¹ Heard was not a party of record in the original proceeding.

¹ The District Council's modifications of the Planning Board's findings and conclusions in Planning Board Resolution No. 06-217 were an improper exercise of and interference with the Planning Board's original jurisdiction, not an exercise of appellate jurisdiction, and therefore are of no legal effect. *See County Council of Prince George's County v. Zimmer Dev. Co.*, 444 Md. 490, 573-75 (2015).

The property owners never proceeded to develop the subject property in accordance with the approved original application. Instead, they submitted a second DSP application (the "second application"), which they described as a "revision" of the original application. The Planning Board approved the second DSP application, number DSP-06001/01, over Heard's objections on April 8, 2010, as reflected in Planning Board Resolution No. 10-50, adopted on April 22, 2010. The District Council subsequently modified the Planning Board's final decision on October 4, 2010, again in its purported exercise of "original jurisdiction" review. The Court of Special Appeals ultimately affirmed these agency decisions in 2014. *Heard v. County Council of Prince George's County*, No. 1306 (Sep. Term 2011) (Md. Ct. Spec. App. Apr. 16, 2014) (unreported).²

Once again, the property owners chose not to develop the subject property in accordance with the approved second application, and Applicant has instead now submitted the instant third DSP application on behalf of the property owners. Applicant likewise describes this application as a "revision" to the previous two applications.

The Zoning Ordinance neither defines nor contemplates the term "revision" in connection with detailed site plans. The ordinance does, however, discuss "amendments" to detailed site plans. With respect to amendments, the Zoning Ordinance provides, "All requirements for the filing and review of an original Detailed Site Plan shall apply to an amendment. The Planning Board shall follow the same procedures and make the same findings." P.G. Co. Code § 27-289(b). Accordingly, any

² Because the District Council's approval of the second application incorporated conditions imposed by the District Council in its improper modifications of the Planning Board's final decisions with respect to original application and the second application, the second DSP approval also is legally infirm to the extent of those additional modifications. *Zimmer*, 444 Md. At 573-75.

changes proposed in an amended DSP application are subject to a full and plenary review by the Planning Board and must rise or fall on their own merit.

Here, Applicant has submitted an entirely new DSP for the subject property, which is still vacant and has not been developed in accordance with either of the two previously approved DSPs. This new site plan differs in substantial respects from the original application and the second application, even though all three applications generally propose mixed-use development of the subject site.³ Hence, this third application is more of a "substitution" of the previous two plans than a "revision" of the prior plans.

Moreover, in the intervening thirteen years since the approval of the original application and the intervening nine years since the approval of the second application, the Planning Board and District Council have adopted new comprehensive land use plans that govern the area—including the *2014 Approved Plan Prince George's 2035* general plan [hereinafter "Plan 2035"] and the *2010 Approved Subregion 4 Master Plan* [hereinafter "Subregion 4 Master Plan"]. These subsequent plans strengthen the transitand pedestrian- oriented development requirements of the *2000 Approved Addison Road Metro Town Center and Vicinity Sector Plan* [hereinafter "ARM Sector Plan"]. Accordingly, regardless of whether this DSP application is called a "revision," "substitution," or "amendment," the Planning Board's review will necessarily be akin to the review of an original DSP application.

³ For example: (1) the building designs and their relationship to the street differ in all three applications; (2) the land area proposed for development in the second and third applications differs from the land area proposed in the original application; (3) the number and ownership character of the multifamily dwelling units proposed in the instant application differs from the previous two applications; (4) the number of buildings and uses proposed in the original application; and (5) the proposed distribution of buildings and uses across the development site differs among the three applications.

Preliminary Objections

As part of its Detailed Site Plan review, the Planning Board must ensure that an applicant's development proposal comports with "the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan," P.G. Co. Code § 27-281(b)(1), as well as any applicable Development District Overlay Zone standards, *id.* § 27 548.25(b). If a DSP application does not promote and conform to those comprehensive plans and DDOZ standards, it cannot present a "reasonable alternative for satisfying the site design guidelines" within the meaning of P.G. Code § 27-285(b)(1), inasmuch as those guidelines mandate conformity with applicable planning documents and the zoning and subdivision ordinances. *See, e.g., Maryland-National Capital Park & Planning Comm'n v. Greater Baden-Aquasco Citizens Ass'n*, 412 Md. 73, 107-09 (2009) (where, as in Prince George's County, local statute or ordinance links planning and zoning, requiring zoning and other land use decisions to be consistent with comprehensive plan recommendations, the zoning authority must analyze the proposed land use and determine whether said use conformed to the county's comprehensive plans).

Each of the following preliminary objections constitutes an independent reason that the above-captioned DSP application is presently legally deficient and thus not able to be approved outright. However, the Planning Board can remedy these deficiencies by imposing appropriate conditions or modifications to bring Applicant's DSP application into compliance.

1. <u>Applicant's Proposed Surface Parking Lot on Parcel 87 is</u> <u>Incompatible With Plan 2035's Urban Design Principles and the</u> <u>ARM Sector Plan.</u>

In this third DSP application, Applicant proposes to construct a large 86-space surface parking lot on Parcel 87, southeast of the main mixed-use building on Parcel A. This is in addition to the 19 surface parking spaces provided on Parcel A itself and the 17 surface parking spaces provided on Lot 5, southwest of the main mixed-use building.⁴ Previously, in the approved second application, Applicant proposed to construct a mixed-use structured parking deck with retail storefront uses on Parcel 87, which abuts Addison Road South, directly across from the Metro station. A multistory mixed-use building with ground-floor retail uses and parking on the upper levels comports with the ARM Sector Plan, which provides that "Parking garages shall not dominate the street edge and shall incorporate architectural design or landscape features to screen parked vehicles from passing pedestrians and motorists." ARM Sector Plan, Standard S2(O). By contrast, a "single, large surface parking lot" on a one-acre parcel of land , occupying the parcel's entire street frontage on a major urban street across from a Metro station, as proposed by Applicant here, is "not permitted" by the ARM Sector Plan. *See id.*, Standard S2(F).⁵

Plan 2035's urban design principles, policies, and strategies counsel even more strongly against the type of surface lot Applicant proposes for Parcel 87. The general

⁴ The subject property is located on three separate parcels: the original 1.85 acre commercially zoned parcel of land relating to the original DSP application, now platted and known as Parcel A of the Commons at Addison Road Metro subdivision (Plat Book PM 231, p. 98); a 1-acre commercially zoned parcel of land known as Parcel 87 (Tax Map 73, Grid C-1); and a 6,750 SF/0.23 acre residentially zoned parcel of land known as Lot 5, Block B, of King's Seat Pleasant Subdivision (Plat Book WWW 16, p. 61).

⁵ This is true even if the large lot is screened from the street with landscaping, because such a lot still creates "isolated and remote areas" on an urban street. *See* ARM Sector Plan, Standard S2(K).

plan advises that parking should not "dominate the pedestrian realm" and that "[p]arking accommodations for new developments should be located in *shared or private garages* accessed via alleyways." Plan 2035 at 209 (emphasis added). In the rare circumstance when "surface parking *cannot be avoided*, it should be located behind buildings to help foster a pedestrian-friendly and human-scaled environment." *Id.* (emphasis added).

Obviously, Applicant can avoid this expansive surface lot on Parcel 87. Applicant had already applied and received approval for construction of a mixed-use building with structured parking on the upper levels and ground-floor retail uses on this very same parcel. Alternatively, Applicant could add a third level of structured parking below its proposed two levels of underground parking within the main building on Parcel A. Better yet, Applicant could apply for a departure from the minimum parking space requirements under the current zoning ordinance to eliminate the need for those 86 spaces altogether.⁶

⁶ Section 27-588 of the current zoning ordinance allows the Planning Board to grant requests for departures from the number of parking and loading spaces otherwise required, particularly in consideration of a site's proximity to transit. Under the newly-enacted zoning ordinance, which has not yet taken effect, there are no parking minimums in the core areas of Local Transit-Oriented (LTO) zones such as the Addison Road Metro center, and Regional Transit-Oriented (RTO) zones, for multifamily residential, retail services, personal services, and office uses, among others. See CB-13-2018, Table 27-6305(a). The planned 143 below-grade structured parking spaces exceeds 0.75 spaces per dwelling unit for Applicant's planned 183 apartments and would provide more than sufficient resident parking capacity for a building located next to a Metro station. The planned 36 surface parking spaces on Parcel A and Lot 5 exceed the required number of commercial spaces under the current zoning ordinance. As a party of record in this case, Heard would fully support Applicant's request to remove Parcel 87 from the subject property area for this DSP application and to reduce the required minimum number of parking spaces under the current, soon-expiring zoning ordinance. To ensure sufficient guest parking and encourage car sharing, Heard suggests that the Planning Board require at least 10 of Applicant's proposed 36 remaining surface parking spaces to be reserved for residential visitor parking and at least 5 to be reserved for carshare vehicles (e.g., ZipCar).

For the foregoing reasons, Heard urges the Planning Board to require, as a condition of any approval of this DSP, that any parking provided on Parcel 87 be in a multistory midrise mixed-used building with ground-floor retail or office uses on the street frontage of Addison Road South and structured parking on the upper floors. Applicant should be required to submit an amended detailed site plan application in connection with any such building.⁷

2. <u>Applicant's Proposed Site Plan Does Not Sufficiently Promote</u> <u>Walkability and Pedestrian Safety, Is Not Compatible With Plan</u> <u>2035's Connectivity Principles, and Is Inconsistent With the</u> <u>ARM Sector Plan.</u>

The subject property has more than 400 linear feet of frontage on Central Ave (MD-214), a busy arterial street, and approximately 300 linear feet of frontage on Zelma Ave, a narrow and crowded residential street with no sidewalks. In addition, Old Central Ave (MD-332) currently feeds into MD-214 at the northwestern corner of the subject property. Currently, the intersection of Zelma Ave, Old Central Ave, and Central Ave is extremely dangerous for pedestrians and vehicles alike, but particularly for pedestrians. There is no safe or comfortable pedestrian path (marked or otherwise) from Zelma Ave across MD-214 to Addison Plaza, the major retail shopping center in the area. There are also no marked crosswalks for pedestrians crossing Zelma Ave from MD-332 or MD-214. Finally, automobiles from Zelma Ave or MD-332 desiring to get to the left-hand turn lane on MD-214 East to head northbound on Addison Road must dart across several lanes of oncoming eastbound traffic on MD-214, which further increases the risk to pedestrian and vehicle circulation in front of the subject property.

⁷ Likewise, the Planning Board should not allow Applicant to construct any sort of "temporary" or "phased" surface parking lot on Parcel 87 in alleged anticipation of a future building, because such a use would still violate the ARM Sector Plan and Plan 2035.

Applicant's proposed site plan addresses none of these deficiencies, contrary to the requirements of Plan 2035, the Subregion 4 Master Plan, and the ARM Sector Plan. The general plan identifies several connectivity principles that new development and redevelopment projects should follow to ensure that residents are able to walk, bike, or take transit just as easily as they can drive a car in the neighborhood. Plan 2035 at 208-09. "Compact blocks…are essential to ensuring that a neighborhood is walkable and bikeable. Compact blocks typically range from 150 to 300 feet in length. Blocks exceeding 600 feet are typically not considered pedestrian friendly." *Id.* at 208.

The master plan identifies "[c]reating safe pedestrian access across Addison Road and Central Avenue" as a key planning issue for the Addison Road Center and specifically encourages the establishment of "safe and direct pedestrian crosswalks across Central Avenue, East Capitol Street, and Addison Road to encourage pedestrian traffic." Subregion 4 Master Plan at 139, 141.

The distance between the existing marked pedestrian crossings of MD-214 at Addison Road and at the MD-332A ramp at the west end of Addison Plaza is approximately 950 feet—much too long to be considered pedestrian friendly. The subject property's 400 feet of frontage on MD-214 between Addison Rd and Zelma Ave could constitute the length of a reasonably compact, pedestrian friendly urban block; however, Applicant would need to construct a marked pedestrian crossing across MD-214 on the east side of Zelma Ave. A crossing there would best serve pedestrian traffic to Addison Plaza from the proposed Commons at Addison Road development. Given the width of MD-214 and the volume of traffic on that arterial, that pedestrian crossing would need to be signalized —with either a full traffic signal or a pedestrian-activated signal such as that found at the intersection of MD-214 with Maryland Park Dr. The ARM Sector Plan also contemplates the eventual removal of MD-332 from Rollins Ave eastward, and the creation of direct connections of Zelma Ave and Yolanda Ave to MD-214, to facilitate a pedestrian-friendly, dense, mixed-use environment and a gridded, interconnected road network within the Metro West (Town Commons) subarea of the sector, where the subject property is located. ARM Sector Plan at 71-72, 90-93, 190-191 (Standard P1(B, G, H)), 193, 197. The sector plan designates MD-214 for urban boulevard treatment. *Id.* at 63. Marked crosswalks are required at all intersections. *Id.* at 195 (Standard P2(F)). Although the existing road network will not currently allow for the complete removal of MD-332 between Rollins Ave and MD-214, Applicant's development of the subject property can facilitate that transition by connecting Zelma Ave directly to MD-214 and by improving the MD-332A ramp intersection with MD-214.

Accordingly, Heard urges the Planning Board to require, as a condition of any approval of this DSP, that Applicant construct and provide a full signalized intersection, marked crosswalks, and raised curbs/medians/sidewalk extensions at Zelma Ave and MD-214, and add an exclusive right-turn lane along the northbound MD-332A ramp to MD-214, as shown on the attached diagram. With these improvements, northbound Zelma Ave traffic would be able to turn right or left onto MD-214; no access to MD-332 would be permitted. Eastbound MD-332 traffic would only be able to turn right onto Zelma Ave; no access to MD-214 would be permitted. Westbound MD-214 traffic would be able to turn left onto Zelma Ave or MD-332 West. The marked crosswalk on the east side of Zelma Ave across MD-214 would be signalized. The marked crosswalks on the south sides of MD-214 and MD-332 across Zelma Ave would not be signalized. In addition, the Planning Board should require Applicant to comply with the previous condition prohibiting left turns into and out of the site access point at Addison Road South. *See* PGCPB No. 06-37 at 5, 17.

3. <u>Applicant Has Not Satisfied Its Obligation to Provide Public</u> <u>Recreational Facilities in Lieu of Mandatory Dedication of</u> <u>Parkland Space.</u>

The Subdivision Ordinance requires all subdivisions with residential uses to dedicate land for active or passive public recreational use, or to provide fees or recreational facilities in lieu of that requirement. P.G. Co. Code §§ 24-134, 24-135. The fees in lieu must equal five percent of the land value and "shall be paid *prior to recording the subdivision* and shall be used by the Commission to purchase or improve parkland for the benefit of the future residents." *Id.* § 24-135(a) (emphasis added). The plans for any recreational facilities furnished in lieu of parkland dedication must be approved by the Planning Board after a showing that such facilities would be superior or equal to those provided by mandatory dedication. *Id.* § 24-135(b).

In its resolution approving the preliminary subdivision for Parcel A, the Planning Board determined that Applicant should pay a fee-in-lieu to the Commission, in an amount determined at the time of the DSP, to contribute toward the development of the Rollins Avenue Neighborhood Park. PGCPB No. 06-37 at 9-11. In connection with the original DSP application, the Planning Board set the fee at \$57,138. PGCPB No. 06-217 at 32. The final subdivision plat for Parcel A was recorded on October 30, 2009; however, as Applicant acknowledges, Applicant never paid the \$57,138 fee-in-lieu to the Commission.⁸

⁸ The District Council subsequently modified the Planning Board's decision and directed that Applicant pay the fee to the Prince George's County Memorial Library System; however, as previously

The Commission has still not commenced construction of the Rollins Avenue Neighborhood Park in the intervening 13 years since the Applicant's original application was approved, and Applicant is nearly 10 years late in paying the fee-in-lieu in any event. Moreover, the park site is nearly a three-quarter mile walk from the subject property. In light of the foregoing, Heard requests that the Planning Board instead require, as a condition of any approval of this DSP and in fulfillment of Applicant's requirement to provide recreational facilities in lieu of mandatory parkland dedication, that Applicant construct a minimum five-foot-wide sidewalk and a minimum three-footwide planting strip along the full eastern edge of the Zelma Avenue right-of-way, from MD-214 to Foy Place, prior to the issuance of any certificates of occupancy for any of the multifamily units.⁹

Currently, Zelma Avenue has no sidewalks on either side of the street. This makes necessary walking (e.g., to/from school, work, shopping, or transit) dangerous and uncomfortable, and it discourages "optional," or recreational, walking along the street. The danger and discomfort to pedestrians will only increase with the construction of the proposed Commons at Addison Road development, which will necessarily bring more cars and people to traverse the street. Applicant will already be required to construct sidewalks along its street frontage, but completing the sidewalk on the east side of Zelma Avenue will provide a significant pedestrian safety amenity, while also helping to

indicated, the District Council's modifications of the Planning Board's decision were *ultra vires* and therefore legally ineffective. *See supra* note 1. In any event, Applicant acknowledges that it never made a payment to the library system either.

⁹ This is equivalent to the "Type D" sidewalk specified for Zelma Avenue in the ARM Sector Plan, except that it would be on the east side of the street instead of the west side. *See* ARM Sector Plan at 198. Sufficient right-of-way for these facilities exists on both sides of Zelma Avenue.

encourage recreational walking. Indeed, sidewalks can be considered one of the most basic, fundamental, and accessible recreational facilities in a neighborhood:

Apart from the need for sidewalks for circulation and safety, sidewalks can be an important element in the recreational system of a community. They serve as walking and hiking trails for all age groups. . . . Sidewalks are a more important recreational facility than playgrounds.

David Listokin & Carole Walker, *The Subdivision and Site Plan Handbook* 320 (2013) (internal citations and quotations omitted).

Requiring Applicant to provide approximately 0.2 miles of complete sidewalk on one side of Zelma Avenue now will be a far superior (and more economical) recreational amenity to residents of the Commons at Addison Road and the surrounding area than a \$57,138 payment-in-lieu fee for development of a park not within comfortable walking distance of the subject property at some uncertain point in the future.

4. <u>Applicant's Site Plan Does Not Provide for Undergrounding of</u> <u>All Existing and Proposed Utilities, As Required by the ARM</u> <u>Sector Plan.</u>

The ARM Sector plan mandates that all new development and redevelopment projects within the town center (where the subject property is located) shall place or relocate existing and new utilities underground. ARM Sector Plan, Standard P6. As the Planning Board noted in Applicant's original application, "the intent of the development standard is to require new development to underground overhead utilities in the area of the site." PGCPB No. 06-217 at 19.

Applicant's proposed site plan shows the existing overhead and underground utilities along Zelma Ave, Central Ave, and Addison Road South; however, it does not show any new underground utilities (e.g., gas, electric, telephone, fiber optic cable, etc.) onsite or in the adjacent rights-of-way. The site plan also does not show how such underground utilities will be accessed and where the utilities connect to the building. It is clear from the site plan that Applicant's proposed development of the subject property will require the relocation of the existing overhead utilities in any event, but it is not clear whether Applicant intends simply to relocate the overhead utility poles (which would not comply with the ARM Sector Plan), or whether it intends to place the utilities underground.¹⁰

Accordingly, Heard requests that the Planning Board require, as a condition of any approval of this DSP, that Applicant provide a utilities site plan showing the proposed location of all underground utilities, utility vaults and access points onsite and in the adjacent rights-of-way, along with the location of the building utility connections.

CONCLUSION

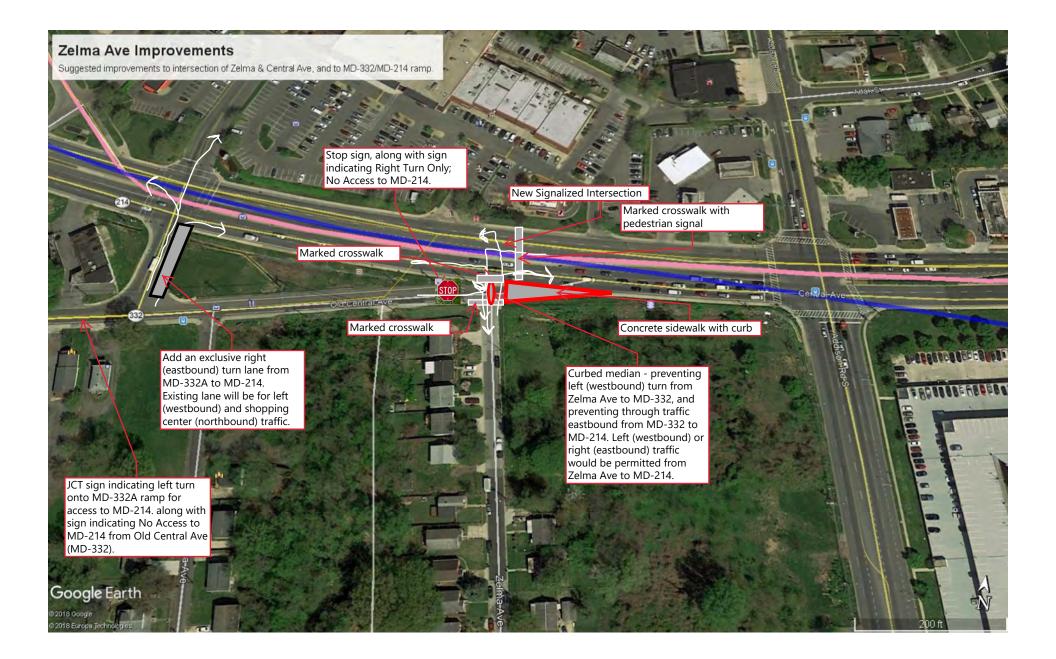
For all of the foregoing reasons, Heard respectfully requests that the Planning Board impose the above-requested conditions to any approval of the pending DSP application.

Respectfully submitted this <u>15th</u> day of April, <u>2019</u>.

<u>s/ Bradley E. Heard</u>

Bradley E. Heard 415 Zelma Avenue Capitol Heights, MD 20743 Telephone: (240) 297-4439 Email: <u>Bradley.Heard@gmail.com</u>

¹⁰ Applicant notes in its statement of justification that the District Council had previously modified the Planning Board's decision in a way that would allow Applicant to avoid having to relocate the offsite overhead utilities underground in exchange for its agreement to contribute a fee of up to \$10,000 to "an underground utilities fund at Central Avenue (MD 214) and Addison Road, if one is created, to study or implement the underground placement of utilities in this vicinity." However, as previously noted, the District Council's modifications of the Planning Board's decision were *ultra vires* and therefore legally ineffective. *See supra* note 1.



CERTIFICATE OF SERVICE

This will certify that I have this day caused to be served copies of the within and

foregoing document upon the following parties by electronic mail, as follows:

Omar A. Karim, Esq. President, Banneker Ventures	okarim@bannekerventures.com
Ms. Tori Williams Development Associate, Banneker Ventures	twilliams@bannekerventures.com
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Ms. Jill Kosack Supervisor, Urban Design Section, M-NCPPC	jill.kosack@ppd.mncppc.org

This 15th day of April, 2019.

<u>s/ Bradley E. Heard</u>

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Christopher L. Hatcher Attorney 301-657-0153 clhatcher@lerchearly.com

March 12, 2020

Via Electronic and Regular Mail

Mr. Andrew Bishop, Senior Planner Urban Design Section Development Review Division Maryland-National Capital Park and Planning Commission 1471 Governor Oden Bowie Drive Upper Marlboro, MD 20772

> RE: Park Place at Addison Road Metro (formerly The Commons at Addison Road Metro), DSP-06001-03 Supplement to Parking Reduction Request

Dear Mr. Bishop:

Please be advised that Lerch, Early & Brewer, Chtd. represents 6301 Central Avenue, LLC, the owner of real property located at the southwest quadrant of the intersection of Central Avenue and Addison Road and the Applicant of the above referenced matter. The Applicant respectfully requests that the Planning Board grant a reduction in parking equal to $\pm 50\%$ of the overall required off-street parking associated with the proposed development. This reduction of parking would make the required off-street parking equal to 160 parking spaces.

As provided below, the Applicant offers additional information in support of this parking reduction request. The information contained in this document has not been previously provided by the Applicant, therefore, could not have been the basis of the parking reduction currently supported by staff.

Use	Required Parking Spaces	Staff Supported Reduction in Parking Space (2/18/20)	Supplemental Parking Space Reduction Request
Total Parking	300	215	160
Residential	278	193 (30% Reduction)	138 (±50% Reduction)
Commercial	22	22	22

I. Current/Proposed Parking Tabulation

A. <u>Information Utilized by Staff in Support of Initial Parking Reduction (Departure)</u>

Generally, below is the information that staff relied upon in support of the recommendation to the Planning Board for a parking reduction of 85 parking spaces.¹ Since staff reviewed this information and found it sufficient to recommend the parking reduction reflected in the Staff Report, the Applicant will not restate the previous analysis in this supplement.

- 1. Extensive Sidewalk Network
- 2. Proximity to Metro
- 3. External Bike/Scooter Racks²
- 4. Car Sharing Service

Although the full analysis for each of these items is not provided above, it is important to provide these items as a point of comparison to show the full breadth and depth of the effort that the Applicant is making to ensure that this mixed-use Transit Oriented Development is sufficiently parked.

B. <u>Supplemental Information in Support of the Parking Reduction (Departure)</u>

Below please find supplemental information in support of the Applicant's request for a reduction in parking equal to an additional 55 parking spaces.

1. <u>SmarTrip® Card for Residents</u>

The Applicant is prepared to offer each new resident that signs a lease for no less than 1 year a <u>SmarTrip®</u> card with a value of up to \$200.00 for each year (up to five years) that they are a resident of Park Place. SmarTrip® cards can be used to access the Addison Road Metro Station, as well as the Metro Bus.³ Additionally, SmarTrip® cards can be used for a number of local area transit providers including The Bus, DASH, Ride On, Fairfax Connector, ART, CUE, Loudoun County Transit, Omniride, DC Circulator, Maryland Transit Administration Local Bus and Light Rail. This benefit further incentivizes residents to use the extensive public transportation system that is located proximate to the community and broadly in the region.

2. <u>Monthly Parking Fee</u>

The Applicant will charge a monthly fee for off-street parking in the underground parking and the surface parking lot. The parking rates have not been finalized, yet it is intended that the cost to park in the underground parking spaces will be more expensive than the surface parking lot. Since parking will be at cost, this will reduce interest in having a vehicle, thus resulting in utilization of

¹ Based on a review of the Staff Report and Transportation Planning Referral.

 $^{^{2}}$ It is not clear to the Applicant if the location for the 11 dock Capital Bikeshare Station was analyzed as part of the staff supported parking reduction request. If it was not, then the location for the 11 dock Capital Bikeshare Station would be yet another item that the Applicant is providing to reduce the overall parking required for the site.

³ Bus lines A12, V12, and V14 are currently located at the Addison Road Metro Station.

more cost-effective means to commute and residents taking advantage of the many available alternate forms of travel.

3. <u>Parking Utilization Analysis</u>

The Applicant asserts that based on the parking utilization rate of other Metro oriented communities in the area, the 160 off-street parking spaces is sufficient for Park Place at Addison Road Metro (Park Place).⁴ Bozzuto Management Company ("Bozzuto") is one of the leading property managers in the Washington, DC Metropolitan area and manages dozens of properties in Prince Georges County. Bozzuto provided an analysis (Exhibit A), which outlines the parking utilization of other Transit Oriented Developments in the region. Their analysis reflects properties that have reached a minimum of 92% occupancy yet have less than 86% of the provided parking spaces occupied. Based on utilization, parking structures built in accordance with jurisdictional requirements were overbuilt. Based on their analysis, it is clear that the number of off-street parking spaces provided at Park Place is sufficient.

4. <u>Enhanced 12' Trail/Sidewalk</u>

The Applicant has proffered, or will otherwise accept a condition, that will further enhance the area trail network by increasing the size of the trail/sidewalk along the Central Avenue frontage of the Property from 8' to 12'. The Central Avenue Connector Trail is recommended in *The Approved Subregion 4 Master Plan and Sectional Map Amendment* and *The Central Avenue-Metro Blue Line Corridor TOD Implementation Mobility Study*. The proffer to enhance this trail by the Applicant will not only allow more residents to utilize this amenity (through walking, running, cycling or any other mode of non-vehicular transportation) but will also further connect the residents of this building to the community as a whole. Thus, this amenity will further minimize the need for residents to have a vehicle to navigate the community.

5. <u>Ride Sharing Service⁵</u>

The Applicant proposes a dedicated Uber and Lyft pick-up location in the front of Park Place. This dedicated Uber and Lyft location will (1) provide a safe and proximate location for residents to utilize these ride-sharing services, (2) encourage ride-sharing drivers to be more readily available at this location, and (3) prevent the blockage of the flow of traffic along Central Avenue and Addison Road for residents and visitors. In order to identify the location of the dedicated pick-up and drop-off area, the Applicant will provide appropriate signage for the ride-sharing community to utilize.

⁴ Transportation Planning Staff provided a chart in the referral memorandum that analyzed the number of parking spaces approved for various Transit Oriented Developments. This chart, although helpful, does not analyze the utilization of the parking spaces provided.

⁵ The Staff Report indicates that two (2) of the 160 proposed parking spaces shall be used for ride-sharing services such as Uber and Lyft. Typically, Uber and Lyft do not need dedicated parking spaces. Dedicated parking spaces are really for Car Sharing Services such as ZipCar. Thus, Uber and Lyft are an additional alternative mode of transportation that should be considered as part of the parking reduction request.

6. <u>Internal & External Bike Racks⁶</u>

The Applicant is providing forty-eight (48) secure bicycle parking spaces within the building's garage, as well as twenty-six (26) bicycle parking spaces at the exterior of the site. Additionally, along with these bike spaces, the Applicant is providing a repair station for residents, which will allow for onsite bike maintenance. Further, Park Place will offer residents an opportunity to participate in a cycling club that will encourage members to organize group rides on a regular basis, encourage residents to socialize with one another as well as the broader community and further discourage vehicle use. These bike racks, combined with the enhanced trail, extensive sidewalk network, and the offering of a cycling club, all reduce the need for residents to have and utilize cars.

1. New Zoning Ordinance Parking Tabulation

The new Zoning Ordinance requires that mixed-use communities, in similar locations as Park Place, to provide significantly less parking than 160 off-street parking spaces. The Property will likely be rezoned to the LTO-E zone. The off-street parking tabulation for the LTO-E zone utilizing the development data associated with Park Place is below.

Parking Tabulation for LTO-E ⁷					
Uses	Required Parking	Transit Accessibility Reduction (%50) ⁸			
Residential	214	107			
Studio 10 @ 1/unit	10	5			
1BR 123 @ 1/Unit	123	61.5			
2 BR 60 @1.35/Unit	81	40.5			
11,000 sq. ft. of retail @ 2/1000	22	11			
Total	236	118			

⁶ The internal bike racks are referenced in the Applicant's response to staff referral comments. However, based on a review of the Staff Report, it appears like the internal bike racks were not analyzed for purpose of the parking reduction.

⁷ The off-street parking requirements are provided consistent with 27-6305 (a) of the new Zoning Ordinance.

⁸ The Transit Accessibility Reduction is provided consistent with 27-6308(a) of the new Zoning Ordinance.

The above analysis does not include any of the other parking reductions that Park Place would be eligible for such as shared parking for mixed-use development⁹ and Traffic Demand Management measures.¹⁰

Although the new Zoning Ordinance will not take effect until the Countywide Map Amendment is adopted (which everyone hopes will occur by the end of 2020), it is still a relevant piece of policy which may be used as guidance in some instances. Without question, reducing parking requirements in mixed-use areas proximate to mass transit stations are universal planning principles that the new Zoning Ordinance seeks to implement. Based on the above Parking Tabulation Chart for the LTO-E zone, it is clear that 160 off-street parking spaces would likely be considered too much parking for this community consistent with the new Zoning Ordinance. Thus, the Applicant respectfully requests that the Planning Board approve a further parking reduction of 55 parking spaces.

III. Conclusion

The Applicant asserts that the supplemental information contained in this analysis is sufficient for the Planning Board to support the requested reduction of an additional 55 parking spaces. The proffers of a SmarTrip® Card for residents, the enhanced trail/sidewalk, dedicated area for ride-share services and internal bike racks, and opportunity to join the Park Place's cycling club, combined with the parking utilization data and parking requirements contained in the new Zoning Ordinance, indicate that the proposed 160 off-street parking spaces will be sufficient to support the Park Place. With this requested parking reduction, the Applicant will be able to develop the proposed mixed-use community consistent with the vision as outlined by the 2000 Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity.

Thank you for your consideration of this matter. Please do not hesitate to contact me with any questions.

Respectfully submitted,

LERCH, EARLY & BREWER, CHTD.

Christopher L. Hatcher

cc: Ms. Jill Kosack

⁹ Pursuant to 27-6305 (c), the new Zoning Ordinance permits an Applicant to reduce the required amount of off-street parking by utilizing shared parking for mixed-use development.

¹⁰ Pursuant to 27-6308(b), the new Zoning Ordinance permits the Planning Director to reduce the minimum amount of parking by up to 30%.

Residential Parking Utilization Analysis Multi-Family Properties

Apartment Community	Property #1	Property #2	Property #3	Property #4	Property #5	Property #6
	DC	DC	DC	Camp Springs, MD	Bethesda, MD	Bethesda, MD
Distance to Metro	.2 miles	.7 miles	.3 miles	.13 miles	.5 miles	.4 miles
Residential Units						
Total Residential Units	150	261	520	417	359	162
Occupied residential Units	139	248	480	392	331	155
Current Unit Occupancy	93%	95%	92%	94%	92%	96%
Parking Spaces						
Total Parking Spaces	93	194	266	675	405	154
Occupied Parking Spaces	80	122	230	402	300	131
Current Stall Occupancy	86%	63%	86%	60%	74%	85%
Ratios						
Actual Built Parking Ratio	0.62	0.74	0.51	1.62	1.13	0.95
Current Parking Ratio ¹	0.53	0.47	0.44	0.96	0.84	0.81
Occupied Parking Ratio ²	0.58	0.49	0.48	1.03	0.91	0.85
Overbuild Analysis						
As Percent	4%	25%	3%	59%	22%	11%
As # of Stalls	13	72	36	273	105	

¹ Calculated based on total # of units/occupied parking spaces

² Calculated based on total number of occupied units/occupied parking spaces

Bozzuto is unable to share the specific property names due to conflict of interest with our existing clients

Source: Bozzuto Management Company (January 2020 - March 2020)

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

In re:

COMMONS AT ADDISON ROAD

CASE NUMBER

DSP-06001/03

Applicant: 6301 Central Avenue, LLC

Person of Record: Bradley E. Heard

(Staff Reviewer: Andrew Bishop)

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW (CORRECTED)

Pursuant to Md. Code Ann., State Gov't, §§ 10-218(8) and 10-221(b)(4), Bradley

E. Heard ("Heard"), a person of record herein, submits these Proposed Findings of Fact

and Conclusions of Law and urges their adoption by the Planning Board.

PROPOSED FINDINGS OF FACT

Description of Proposed Development

- The subject detailed site plan (DSP) application requests approval for a mixed-use development with a building of 201,500 gross square feet, containing 193 multifamily dwelling units (10 studio units, 123 one-bedroom units, and 60 two-bedroom units for a total of 164,000 square feet); 6,100 square feet of residential amenity space; 11,000 square feet of commercial retail space; 1,400 square feet of commercial service space; and 19,000 square feet of structured parking space (**Ex. 1**, 12/12/209 Detailed Site Plan [hereinafter "DSP"] at C-01.)¹
- 2. The proposed development site in this DSP application is located on three separate parcels totaling approximately 2.98 acres:
 - a. A 1.85-acre parcel of land in the C-S-C/D-D-O Zone now platted and known as **Parcel A** of the Commons at Addison Road Metro

¹ Unless otherwise indicated, all DSP references rete to the plan dated December 12, 2019.

subdivision (**Ex. 2**, PGAtlas Data on Parcel A), on which the six-story mixed-use building is proposed to be located (DSP at C-01, C-03);

- b. A 0.90-acre parcel of land in the C-S-C/D-D-O Zone known as Parcel 87 (Ex. 3, PGAtlas Data on Parcel 87), on which an 86-space surface parking lot is proposed to be located (DSP at C-01, C-03); and
- c. A 6,750 SF/0.23-acre parcel of land in the R-55/D-D-O Zone known as Block B, **Lot 5**, of King's Seat Pleasant Subdivision (**Ex. 4**, PGAtlas Data on Lot 5; **Ex. 5**, Plat Book WWW 16, p. 61), on which a surface parking lot and underground stormwater management facility are proposed to be located (DSP at C-01, C-03).
- 3. The overall **residential density** of the proposed mixed-use building on Parcel A is **104.32 dwelling units per acre (DU/Ac)** [193 DU ÷ 1.85 Ac = 104.32 DU/Ac] (DSP at C-01, C-03.)
- 4. The overall **floor area ratio (FAR)** of the proposed mixed-use building on Parcel A is **2.50** [201,500 GSF of space ÷ 80,586 SF (1.85 Ac) of land area = 2.50 FAR]. (DSP at C-01, C-03.)

Location, Surrounding Uses, and Development Context

- 5. The subject property is located in Planning Area 75A, Election District 18 (Seat Pleasant), Council District 7, Tax Map 73, Grid C-1. More specifically, it is located in the southwest quadrant of the intersection of Central Avenue (MD 214) and Addison Road South, directly across from and within a onequarter-mile walking distance of the Addison Road–Seat Pleasant Metro Station. The western portion of the site borders Zelma Avenue. (Exs. 2-4.)
- 6. The subject property is located in census tract 8028.03, which in 2017 had an estimated population of 5,679 in occupied housing units; an estimated 2,279 housing units; and an estimated average total household size of 2.45 persons per occupied rental unit. (Exs. 6-7 U.S. Census Bureau, 2017 ACS 5-year Estimate, Tables DP-04, B25008.) More specifically, the subject property is located in Block 1001 of census tract 8028.03. (Ex. 31, Housing & Population Data: Census Tract 8028.03, Block 1001.) In 2010, Block 1001 had a total of 89 housing units and a population of 244 in occupied housing units. (Id.) Presently, with the addition of the Addison Road South and Brighton Place single-family residential developments south of the subject property, Block 1001 has a total of approximately 411 housing units and an estimated population of 1,335 in occupied housing units. (Id.) The proposed Commons at Addison Road development in the subject DSP application would increase the total number of housing units in Block 1001 to approximately 604 (a 47% increase) and would increase the estimated total population in Block 1001 to 1,885 (a 41% increase)-making this one census block larger than the incorporated Prince George's County municipalities of Upper Marlboro, Fairmount Heights, Edmonston, Colemar Manor, and Cottage City. (Id.)

- 7. The subject property is bounded to the north by MD-214 (Central Avenue) with commercial land uses in the C-S-C/D-D-O Zone beyond; to the west by Zelma Avenue with single-family detached residential uses in the R-55/D-D-O Zone beyond; to the southwest by Block B, Lots 6-7, of King's Seat Pleasant Subdivision, with single-family detached residential uses in the R-55/D-D-O Zone; to the southeast by Lots 12C and 12B of Murdough & Whiting's Resubdivision of a Part of Lot 12 (Exs. 8-9, PGAtlas Data on Lots 12C and 12B), vacant lots in the C-S-C/D-D-O Zone; and to the east by Addison Road South with the Addison Road–Seat Pleasant Metro Station in the C-O/D-D-O Zone beyond. (DSP at C-01.)
- 8. Parcel A, on which the proposed mixed-use building would be located, has more than 400 linear feet of frontage on Central Ave (MD-214) and more than 200 linear feet of frontage on both Zelma Ave and Addison Road South. (DSP at C-01.)

Interested Parties

- 9. The record owner of Parcel A and Lot 5 is **6301 Central Avenue, LLC**, a Maryland limited liability company whose registered agent is Omar A. Karim and whose principal office is Banneker Ventures, LLC, 1738 Elton Rd Ste 215, Silver Spring, MD 20903. (**Ex. 10**, SDAT Information on 6301 Central Avenue, LLC, Business Entity ID No. W18827519.)
- The record owner of Parcel 87 is Iman, LLC, a Maryland limited liability company whose registered agent is Dr. Mirza Hussain Ali Baig ("Dr. Baig") and whose principal office is 4219 Dustin Rd, Burtonsville, MD 20866. (Ex. 11, SDAT Information on Iman LLC, Business Entity ID No. W13838206.)
- 11. There is no indication in the record that Iman, LLC has applied for or authorized the subject DSP application insofar as it relates to Parcel 87. (*Cf.* 9/4/2018 Application Form.)
- 12. The record owner of Lots 12C and 12B is **Capitol Heights, LLC**, a forfeited Maryland limited liability company whose principal office is listed as 4219 Dustin Rd, Burtonsville, MD 20866, which is the also the principal office and registered agent address of Iman, LLC, owner of Parcel 87 (**Ex. 12**, SDAT Information on Capitol Heights, LLC, Business Entity ID No. W12754784.)
- 13. Opponent **Bradley E. Heard** is a nearby property owner, residing approximately 1,000 feet away from the subject property at 415 Zelma Avenue, Capitol Heights, MD 20743. (**Ex. 13**, Declaration of Bradley E. Heard (Feb. 28, 2020) [hereinafter "Heard Decl."] ¶¶ 1-2, 7.) Heard contends that he is unable to walk safely and comfortably the short distance (less than ½-mile) between his home and the Addison Plaza Shopping Center or the Addison Road Metro Station, both of which are on MD-214, because of the lack of safe pedestrian crossings, pedestrian-scaled streetlighting, and sufficiently wide and buffered sidewalks. (*Id.* ¶¶ 8-13.) Heard also believes that bringing well-

designed, compact, walkable, and mixed-use transit-oriented development to the subject property area would enhance his property values—but that poorly designed development out of compliance with the applicable comprehensive plans would likely have the opposite effect. (*Id.* ¶¶ 14-18.)

Planning Context

- 14. The subject property is located within the Subarea 3-Metro West (Town Commons) portion of the 2000 *Approved Addison Road Metro Town Center and Vicinity (ARM) Sector Plan.* (ARM Sector Plan at 28.)
- 15. The ARM Sector Plan and its accompanying Development District Standards set out four primary goals: (1) revitalization of the town center with new, upscale residential and commercial development; (2) promoting transitoriented development that "serves Metro users, not the automobile"; (3) promoting pedestrian-oriented development that "aids Metro users and will encourage pedestrians to use residential and commercial properties near the Metro station"; and (4) promoting compact development with higher, neighborhood-scaled development intensities favoring Metro users and pedestrians in the form of a town center, with a town commons area at Addison Road and MD-214 (Central Avenue), next to the Metro station. (ARM Sector Plan at 166.)
- 16. The site is located within the Addison Road–Seat Pleasant Metro Center, as designated by the 2010 *Approved Subregion 4 Master Plan*. (Subregion 4 Plan at 137-46.) The Subregion 4 Plan updates the ARM Sector Plan and is designated by the Planning Department as the "currently active and applicable" plan governing the subject property. (*Id.* at 6; M–NCPPC, *Active Community and Development Plans*, available at http://mncppc.maps.arcgis.com/apps/webappviewer/index.html?id=a57768 c1821146a19aaba2a7704a5dd0.)
 - a. In addition to setting out general land use visions, goals, policies, and strategies for the Addison Road center, the Subregion 4 Plan provides a conceptual regulating plan that specifies building envelope standards and site requirements to which all development should conform, and also describes how each site relates to adjacent street spaces. (Subregion 4 Plan at 137.)
 - b. The Subregion 4 Plan also provides detailed design guidelines for General Plan-designated centers within the subregion. (*Id.* at 561-615 (*Appendix A: Design Guidelines for the Subregion 4 Centers*).) Although these guidelines do not negate any specific DDOZ standards that may apply to certain centers, including those set forth in the ARM Sector Plan, they nevertheless provide development and design guidelines for implementing a variety of master plan goals, including: "[promoting] compact mixed-use development at moderate to high densities"; "[ensuring] transit-supportive and transit-serviceable

development"; "[requiring] pedestrian-oriented and transit-oriented design." (*Id.* at 561-62.)

17. The 2014 *Plan Prince George's 2035 Approved General Plan* categorizes the Addison Road–Seat Pleasant Metro Center as a Local Transit Center. (General Plan at 108.) Local Transit Centers are mixed-use centers that are well connected by transit, but smaller in scale than the county's larger Regional Transit Centers (e.g., Largo Town Center, New Carrollton, Prince George's Plaza), more neighborhood focused, and with less concentrations of office uses. (*Id.*)

Development District Standards

S2: Parking Areas

- 18. Development District Standard S2(B) provides that "Shared parking lots shall be utilized, whenever possible, to reduce the amount of parking spaces needed." (ARM Sector Plan at 176.)
- 19. Development District Standard S2(F) provides that "Single, large surface parking lots are not permitted."
- 20. In keeping with these development district standards, the General Plan advises that parking should not "dominate the pedestrian realm"; that "[p]arking accommodations for new developments should be located in *shared or private garages* accessed via alleyways"; and that in the rare circumstance when "surface parking *cannot be avoided*, it should be located behind buildings to help foster a pedestrian-friendly and human-scaled environment." (General Plan at 209 (emphasis added); *see also id.* at 160 (noting General Plan's transportation and mobility standard to "support parking reduction strategies such as shared parking" in local centers).)
- 21. The Addison Road–Seat Pleasant Metro Station parking garage, located directly across Addison Road South from the subject property, contains 1,268 daily parking spaces. (Subregion 4 Plan at 139; **Ex. 14**, WMATA Parking Details: Addison Road–Seat Pleasant Station)
 - a. Between 2012 and 2019, the average number of weekday parking transactions at the Addison Road Metro Station was 615, or 48.5% of that garage's capacity. (WMATA Parking Details: Addison Road–Seat Pleasant Station.)
 - b. Based on current usage levels at the Addison Road Metro Station over the past eight years, if WMATA were to enter into a lease agreement with the owners of the proposed Commons at Addison Road development for 200 24-hour reserved parking spaces with unlimited in/out privileges, that garage's average weekday usage would increase to 815, or just 64.3% of its capacity. (*Id.*)

- 22. The single-use surface parking lot proposed on Parcel 87, which sits west of and directly across from the Metro station, which takes up the entire approximately 140 feet of street frontage on Addison Road South, and which is proposed to serve a new mixed-use development on Parcel A, orients parking, rather than building frontages, to the street and dominates the street edge, in contravention of the General Plan's urban design policy and the ARM Sector Plan's development district standards. (DSP at C-01, C-03.)
- 23. Applicant can avoid having a large surface parking lot on Parcel 87 in at least five ways: (1) placing the required residential parking below the mixed-use building on Parcel A, as the applicant had originally proposed (**Ex. 15**, Undated DSP Originally Submitted at C-03 (showing two-level underground parking garage with 143 spaces); (2) placing the required residential parking for Parcel A in a vertical mixed-use parking deck with ground-floor retail uses on Parcel 87, as contemplated by the previously approved preliminary subdivision plan 4-08019 (see infra); (3) entering into a shared use parking arrangement with WMATA by leasing unused and available spaces in the Addison Road Metro Station parking garage across the street from the subject property; (4) entering into an agreement with a car sharing company to provide car sharing vehicles and spaces in lieu of required residential parking spaces, as provided in P.G. Co. Code § 27-548.26.01; or (5) seeking a departure from parking and loading standards to reduce or eliminate the required residential parking minimums altogether (cf. CB-13-2018, Table 27-6305(a) (eliminating parking minimums for residential and commercial uses in the core areas of Local Transit-Oriented zones, such as the subject property).

S3: Building Siting and Setbacks

- 24. The objective of Development District Standard S3 is "To provide a **consistent setback** close to the right-of-way line or street edge within an attached row or block of commercial buildings. Setbacks should provide a **continuous building edge** to define the public zone of the street. This defined and close edge enlivens commercial areas by encouraging window shopping and streetside activity." (ARM Sector Plan at 180 (emphasis added).) Standard S3(C) provides specifically that "A front build-to line of between 10 and 15 feet from the right-of-way line shall be established for office, retail/commercial, and institutional buildings which front onto MD-214 and Addison Road." (*Id.*)
- 25. The proposed mixed-use building on Parcel A is located in a commercial zone (C-S-C/D-D-O) and contains retail/commercial storefront uses at street level and multifamily residential uses on the upper levels; thus, the building is a mixed-use retail/commercial building within the meaning of the Development District Standards. (*Id.*)
- 26. The proposed mixed-use building on Parcel A is not in compliance with Standard S3. (DSP at C-01.) The building façade does not provide a

continuous building edge or a consistent setback close to the right-of-way line or street edge. (*Id.*) Significant portions of the proposed building frontage on MD-214 and Addison Road South are set back more than 10-15 feet from the right-of-way line. (*Id.*) Significant portions of the building façade are obscured from the street edge by fencing, walls, landscaping, interior driveways, and surface parking lots. (*Id.* at C-01; **Ex. 16**, Landscape Plan (Aug. 28, 2018, rev. Jan. 29, 2020) at L001-L006, L011-L015.)

- 27. Applicant does not propose a specific alternate development district standard to Standard S3; however, it states that the proposed building siting and setbacks are "appropriate for this use" given that the building contains residential uses and given the site constraints imposed by the WMATA line of influence that crosses the front of Lot A. (Ex. 17, 10/24/2019 Statement of Justification [hereinafter "SOJ"] at 21.) Applicant contends that building over the WMATA line of influence would greatly increase construction costs and financial risks to the project, but provides no factual basis to support that contention. (Ex. 18, Ltr. from O. Karim to A. Bishop (Dec. 18, 2019) at 3-4.)
 - a. The ARM Development District Standards impose the same building setback requirements for residential uses within the town center as they do for office, commercial, and institutional buildings fronting onto MD-214 and Addison Road (ARM Sector Plan at 180 (Standard S3(C, D)); accordingly, an alternate development district standard would not be justified based on the proposed residential uses in the building.
 - b. Applicant proposes no justification whatsoever for failing to adhere to Standard S3 with respect to the Addison Road South building frontage and, as discussed earlier, Applicant can avoid placing surface parking between the building and the Addison Road South right-of-way in a number of ways (e.g., by eliminating it altogether and requesting a reduction in minimum parking requirements, using shared parking at the Addison Road Metro garage, or providing on-street parking along MD-214 and Addison Road South, etc.). (DSP at C-01.)
 - c. Assuming without deciding that Applicant's concerns regarding potential prohibitive costs associated with building within the WMATA line of influence are well founded, Applicant could satisfy those concerns by proposing an alternate development district standard that treats the WMATA influence line as the right-of-way line for purposes of calculating the required setback for the building frontage on MD-214. This would allow for the building to maintain a consistent setback and continuous building edge along MD-214, as contemplated in Standard S3, thereby benefitting the Development District and not substantially impairing implementation of the Sector Plan. (DSP at C-01; ARM Sector Plan at 180.)
- 28. The Conceptual Regulating Plan for the Addison Road Metro Center in the Subregion 4 Plan provides that the subject site's MD-214 frontage is

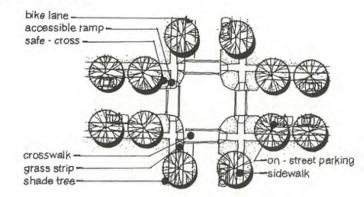
designated for Storefront frontage, and its Addison Road South frontage is designated for General frontage. (Subregion 4 Plan at 144.)

- a. General frontages are the "primary building blocks of an urban center" and call for "multistory buildings placed directly at the sidewalk, with windows across the façade, with the buildings lined up shoulder to shoulder." (*Id.* at 565.)
- b. Storefront frontages are a "a variation of the General frontage type" whose uses are "highly skewed toward retail." (*Id.* at 565-66.) "The façades of storefronts are broken into smaller pedestrian-scaled sections and can activate an entire block length through multiple smaller retail uses (and entrances)." (*Id.* at 566.)
- c. On each lot within UC-3 Community Centers such as the Addison Road Metro Center, where the subject property is located, buildings must be built to the build-to line for at least 70% of the lot length in General frontage areas and at least 80% of the lot length in Storefront frontage areas. (*Id.* at 571, 575.)
- 29. The basic intent of the form-based building envelope guidelines for urban centers in the Subregion 4 Plan is to "create a vital and coherent public realm through the creation of good street-space" and to "shape the street-space including the specific physical and functional character of the area." (*Id.* at 567.)
- 30. The siting of the proposed mixed-use building on Parcel A is not in compliance with and would impair the implementation of the Subregion 4 Conceptual Regulating Plan for the Addison Road Metro Center. (DSP at C-01; Landscape Plan at L001-L006, L011-L015; Subregion 4 Plan at 144, 565-66.)

P1: Road Network

- 31. The objective of Development District Standard P1 is "To provide a **multimodal circulation system** in the town center which will stimulate development and the use of the Metro within a network of **interconnected streets**, which are **user friendly for pedestrians**, bicyclists and also accommodate motorists." (ARM Sector Plan at 190 (emphasis added).)
- 32. Standard P1(F) provides specifically that within the Metro West–Town Commons subarea, where the subject site is located, "Intersections should employ 'safe-crosses.' This treatment enhances pedestrian safety... (see [figure] DDS-5)":

Typical Intersection



(Id. at 190, 194.)

- 33. Standard P1(G, H) calls for the eventual removal of MD-332 (Old Central Ave) from Rollins Ave eastward, and for the creation of direct connections of Zelma Ave and Yolanda Ave to MD-214 (Central Ave/East Capitol St). (*Id.* at 71-72, 90-93, 190-191, 193, 197.)
- 34. The subject detailed site plan is not in compliance with Standard P1. It does not provide for "safe-crosses" with marked crosswalks at the intersection of Zelma Ave, Central Ave, and Old Central Ave adjacent to Parcel A and does not connect Zelma Ave directly to Central Ave (MD-214) adjacent to Parcel A. (DSP at C-01.)
- 35. Applicant does not propose a specific alternate development district standard to Standard S3, nor does it offer any justification for failing to comply with the standard. Rather, Applicant claims that its development "does not affect connections to Zelma Ave" and inexplicably states that the Zelma Ave– MD-332–MD-214 intersection adjacent to Parcel A is "outside of the project limit." (**Ex. 19**, 10/24/2019 Attachment to Statement of Justification at 10-11.)
- 36. The Zelma Ave–MD-332–MD-214 intersection adjacent to Parcel A is presently unsafe and not user friendly for pedestrians, given the lack of safe pedestrian crossings, pedestrian-scaled streetlighting, and sufficiently wide sidewalks buffered from the curbs of busy arterial streets, where drivers frequently exceed the posted 30 MPH speed limit. (Heard Decl. ¶ 11.)
- 37. Based on an average housing size of 2.45 persons per occupied rental unit in census tract 8028.03, covering the subject property, the 193 multifamily rental units in Applicant's proposed development will bring an additional 473 people to the Zelma Ave-MD-332-MD-214 intersection adjacent to Parcel A. (U.S. Census Bureau, 2017 ACS 5-year Estimate, Tables DP-04, B25008.) These additional residents will greatly increase the foot traffic in and around that intersection.

- 38. The Subregion 4 Plan identifies "[c]reating safe pedestrian access across Addison Road and Central Avenue" as a key planning issue for the Addison Road Center and specifically encourages the establishment of "safe and direct pedestrian crosswalks across Central Avenue, East Capitol Street, and Addison Road to encourage pedestrian traffic." (Subregion 4 Plan at 139, 141.)
- 39. The failure of the subject detailed site plan to ensure safe pedestrian crossing with marked crosswalks at the intersection of Zelma Ave, Central Ave, and Old Central Ave adjacent to Parcel A does not comport with the Subregion 4 Plan or the ARM Development District Standards. (DSP at C-01.)
- 40. The General Plan's connectivity principles provide that "Compact blocks...are essential to ensuring that a neighborhood is walkable and bikeable. Compact blocks typically range from 150 to 300 feet in length. Blocks exceeding 600 feet are typically not considered pedestrian friendly." (General Plan at 208.)
- 41. Lot A has approximately 400 feet of frontage on MD-214 (between Addison Road South and Zelma Ave) and approximately 200 feet of frontage on Addison Road South and Zelma Avenue; as such, it constitutes a reasonably compact block within the meaning of the General Plan. (*Id.*)
- 42. The distance between the existing marked pedestrian crossings of MD-214 (Central Ave) at Addison Road and at the MD-332A ramp at the west end of Addison Plaza is approximately 900 feet:



Crosswalk Distance - MD 214, MD 332, Zelma Ave & Addison Rd

Data provided by Prince George's County Planning Department

(Ex. 20, PGAtlas Crosswalk Distance Image.)

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43. The addition of marked pedestrian crossings at the intersection of Zelma Ave, Central Ave, and Old Central Ave adjacent to Parcel A is necessary to comport with the compact block connectivity principle in the General Plan. (General Plan at 208.)

P2: Sidewalks, Trails, and Crosswalks

- 44. The objective of Development District Standard P2 is "To encourage alternative modes of transportation to the automobile by creating safe opportunities for walking and biking. To provide a continuous system of sidewalks and crosswalks with convenient trail connections. To establish a comfortable and inviting pedestrian-oriented environment within the entire town center." (ARM Sector Plan at 195.) To that end, Standard P2(C) and figure DDS-7 provide that sidewalks shall be set back from the curb with a five-foot-wide grass strip for the planting of shade trees and be a minimum of eight feet wide along the subject property's frontage on MD 214, and a minimum of five feet wide along the subject property's Addison Road South frontage. (*Id.* at 195, 198.)
- 45. Applicant has shown sidewalks and planting strips of the requisite widths on the subject detailed site plan; however, Applicant included a note on the plan indicating that it would delay construction of the buffered sidewalk along MD-214 and a portion of the Addison Road South frontage until some undetermined point in the future, when another unrelated developer had constructed improvements to MD-214: "SIDEWALK, GREEN SPACE & CONNECTION FROM ADDISON ROAD AND MD 214 (WITHIN DASHED AREA) TO BE CONSTRUCTED AFTER THE COMPLETION OF MD214 IMPROVEMENT BY ELM STREET DEVELOPMENT UNDER 09-AP-PG-015-1" (DSP at C-01.)
 - a. As discussed *infra*, it is Applicant's responsibility, under Preliminary Subdivision Plan 4-05068, to establish that certain improvements to MD-214 (*i.e.*, a new eastbound right turn lane onto Addison Road South) have full financial assurances, be fully permitted for construction through the responsible agency, and have a definite timetable for completion prior to issuance of any building permits relating to Parcel A.
 - b. In any event, the sidewalk installation should not be delayed pending the completion of those road improvements, since the sidewalk will necessarily be located behind the new curb, and behind the landscape buffer adjacent to the curb. Applicant can simply leave sufficient room for the new curb and gutter, then construct the sidewalk a minimum of 5 feet behind that new curb.

P5: Lighting

- 46. The objective of Development District Standard P5 is "To assist in creating a distinct identity in the town center by introducing the use of ornamental street lighting. Exterior lighting should **enhance the visual appearance**, as well as **contribute to user safety** and **improved nighttime visibility**." (ARM Sector Plan at 203.) To that end, this standard provides for using **ornamental pole-mounted light fixtures and luminaires**, rather than cobra head style highway fixtures, on all major roadways. (*Id.*) At the time of the first site plan for the Metro West subarea, where the subject property is located, the developer shall select a consistent type of ornamental pole and luminaire in consultation with DPW&T. (*Id.*)
- 47. The subject detailed site plan is not in compliance with Standard P5. (DSP at C-01; Landscape Plan at L001-L006, L011-L015.) Applicant does not propose a specific alternate development district standard to Standard P5, and suggests that a DPIE site plan reviewer previously advised Applicant on or about July 27, 2018, that the existing utility poles and cobra head luminaires on MD-214 and Addison Road would remain. (10/24/2019 SOJ Attach. at 21.)
 - a. DPIE's June 9, 2019, review comments submitted to the Planning Department did not repeat this advice. Instead, DPIE noted that Applicant must conform with DPW&T's roadway and lighting standards with respect to county-maintained roads; that Applicant must coordinate with SHA regarding state-maintained roads; and that Applicant would need to coordinate with the various utility companies because existing utilities may require relocation or adjustment. (Ex 21., 6/7/2019 Memo from M. Giles to A. Bishop at 1.)
 - b. DPW&T's roadway lighting standards provide that the permittee is responsible for designing a lighting plan for existing or proposed county-maintained roadways, and that "Roadway lighting improvements may include installing underground electrical wiring, *new lighting fixtures, converting or upgrading existing lights,* and/or, when necessary, *removing and relocating existing lighting fixtures.*" (Ex. 22, DPW&T, Specifications and Standards for Roadways and Bridges (3/14/2012 Rev.) at 46 (emphasis added), available at https://www.princegeorgescountymd.gov/DocumentCenter/View/478
 - c. Presently, **there are no streetlights whatsoever** at the southern edge of MD-214 along Parcel A, and the existing utility pole-mounted cobra head streetlights along the Addison Road South and Zelma Avenue frontages of the subject property do not provide sufficient illumination from a pedestrian's perspective, as compared to an automobile driver's perspective in a car with headlights. (Heard Decl. at 12.)

P6: Utilities

- 48. The objective of Development District Standard P6 is "To **reduce the visual impact of existing overhead utility lines** along major road corridors in the town center." (ARM Sector Plan at 204.) Accordingly, this standard requires that all new development and redevelopment projects within the town center, where the subject property is located, shall place or relocate existing and new utilities underground. (*Id.*) In connection with its initial review of the original DSP application covering the subject property, the Planning Department found that "the intent of the development standard is to require new development to underground overhead utilities in the area of the site." (**Ex. 32**, PGCPB No. 06-217 (Oct 19, 2006) at 19.)
- 49. The subject detailed site plan is not in compliance with Standard P6. (DSP at C-01.) While the plan shows the existing overhead and underground public utilities along Zelma Ave, Central Ave, and Addison Road South, it does not show any new underground public utilities (e.g., gas, electric, telephone, fiber optic cable, etc.) relocating the exiting overhead utilities and connecting those utilities to the proposed building.
- 50. Applicant does not propose a specific alternate development district standard to Standard P6, nor does it offer any justification for failing to comply with the standard.
- 51. When a prior developer submitted the initial DSP for the subject property in 2006 and requested relief from Standard P6, the Planning Board conditioned its certification of that site plan's approval on the applicant's "consultation with all the affected utility companies to develop cost estimates for the undergrounding of utilities for review by the Planning Board for a final determination." (PGCPB No. 06-217 at 32.)
- 52. Accordingly, if Applicant wishes to have the Planning Board consider an alternate development district standard with respect to Standard P6 in connection with the subject detailed site plan application, it should provide detailed evidence of the costs of undergrounding utilities as compared to total project costs, so that the Planning Board can have a factual basis from which to evaluate any such proposed alternate standard. (*Id.*)

B1: Height, Scale and Massing

53. The objective of Development District Standard B1 is "To ensure proposed buildings are an appropriate height, scale, and massing for their intended function(s) and location within the town center." (ARM Sector Plan at 205.) As relevant to the subject detailed site plan application, Standard B1(I) provides that "Proposed buildings shall be between one and four stories in total height within the town center." (*Id.*)

- 54. The six-story, 70-feet-high building that Applicant proposes in the subject application is not in compliance with Standard B1(I). (DSP at C-01.) Applicant does not propose a specific alternate development district standard to Standard B1, but states that building articulation helps to reduce the appearance of height. (10/24/2019 SOJ at 22.)
- 55. The Conceptual Regulating Plan and building envelope standards for the Addison Road Metro Center in the Subregion 4 Plan provide that building heights along the subject site's MD-214 "Storefront" frontage should be between 3-8 stories and up to 127 feet high. (Subregion 4 Plan at 574.) Building heights along the subject site's Addison Road South "General" frontage should be between 3-6 stories and up to 97 feet high. (*Id.* at 570.)
- 56. Because the height of the proposed building in the subject DSP application comports with the updated Subregion 4 Conceptual Regulating Plan's building envelope standards for the Addison Road Metro Center, an alternate ARM Development District standard that incorporates those standards would benefit the Development District and not substantially impair implementation of the ARM Sector Plan. (Subregion 4 Plan at 570, 574.)

Compact, High-Density, Vertical Mixed-Use Development

- 57. The Subregion 4 Plan calls for high-density, vertical mixed-use development west of the Addison Road Metro station, along East Capitol Street, Central Avenue, and Addison Road South. (Subregion 4 Plan at 137, 141.)
- 58. The six-story building proposed for Parcel A, with its residential density of 104.32 DU/Ac and its FAR of 2.50, and with multifamily uses over retail, constitutes a compact, high-density, vertical mixed-use development of Parcel A, consistent with the Subregion 4 Plan. (DSP at C-01, C-03.)
- 59. The single-use surface parking lot proposed on Parcel 87, which sits west of and directly across from the Addison Road Metro Station's large and underutilized parking garage, is neither a compact, nor high-density, nor vertical, nor mixed-use development of Parcel 87, as called for in the Subregion 4 Plan. (DSP at C-01, C-03.)
- 60. The single-use surface parking lot proposed on Parcel 87, which sits west of and directly across from the Addison Road Metro Station's large and underutilized parking garage, does not promote development that serves Metro users over automobile users, does not promote pedestrian-oriented development, and does not promote compact development with higher, neighborhood-scaled development intensities favoring Metro users and pedestrians, as called for in the ARM Sector Plan. (DSP at C-01, C-03.)

<u>Preserving Vacant Parcels for a Future High-Density, Vertical, Mixed-Use,</u> <u>Transit-Oriented Development With a Full-Service Grocery Store and</u> <u>Multifamily Housing</u>

- 61. On August 7, 2015, the Planning Department approved **Natural Resources Inventory No. NRI-144-2015** for the Commons at Addison Road, which proposed a 3.71-acre mixed use development on the following vacant parcels west of and directly across the street from the Addison Road Metro Station: Parcel A, Lot 5, Parcel 87, Lot 12C, and Lot 12B. (**Ex. 23**, NRI at 1.)
 - a. The combined land area in the approved NRI is slightly larger than but similar in character and Metro proximity to the recent 3.16-acre Hine School mid-rise, neighborhood-scale mixed-use redevelopment project located across from the Eastern Market Metro Station in the District of Columbia, which includes a total of 435,174 GSF of space, comprised of 224 multifamily units totaling 144,594 SF; 59,564 SF of retail space; and 231,016 SF of office space:

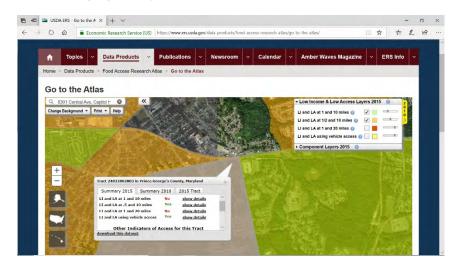


(**Ex. 24**, D.C. Dep. Mayor for Planning & Econ. Devel., *Hine Junior High School*, available at <u>https://dmped.dc.gov/page/hine-junior-high-school</u> and <u>https://octo.quickbase.com/db/bgmd3dpcb?a=</u> dr&dfid=33&rid=4.)

- b. Taken together, Parcel A and Lot 5, on which the proposed mixed-use building and a related underground stormwater management facility in the subject DSP are located, comprise a land area of approximately 90,785 square feet, or 2.08 acres, with approximately 200 feet of frontage on Addison Road South, directly across from the Metro station, and approximately 400 feet of frontage on MD-214. (*Id.*)
- c. Taken together, Parcel 87, Lot 12C, and Lot 12B comprise a land area of approximately 71,044 square feet, or 1.63 acres, with approximately

250 feet of frontage on Addison Road South, directly across from the Metro station. (*Id.*)

62. According to the U.S. Department of Agriculture, census tract 8028.03, encompassing the approved NRI development site, and several adjoining tracts are categorized as "low-income/low-access" tracts in terms of food access—meaning that a significant portion of the population (1) is "low income";² (2) is more than one-half mile from the nearest supermarket, supercenter, or large grocery store, and (3) lacks access to a vehicle:



(**Ex. 25**, USDA, *Food Access Research Atlas*, available at <u>https://www.ers.usda.gov/data-products/food-access-research-atlas/go-to-the-atlas/</u>.)

- 63. It is the county's declared policy to "[i]mprove residents' access to fresh foods, in particular for households living in low-income areas with limited transportation options, and promote sources of fresh foods countywide," and to "[i]ncentivize, through tax abatements or other mechanisms, full-service grocery stores in... food deserts." (General Plan at 226.)
- 64. According to FMI, the food industry association, the median total size of a grocery store in 2018 was 41,651 square feet. (**Ex. 26**, FMI, *Median Total Store Size Square Feet, available at* <u>https://www.fmi.org/our-research/supermarket-facts/median-total-store-size-square-feet.</u>)
- 65. There is a significant unmet need in the Washington Metropolitan Area for multifamily housing units in walkable, transit-oriented areas, particularly for younger households (under age 35) earning under \$100,000 per year and for seniors. (**Ex. 27**, Kathryn Howell, Ph.D., *Multifamily Housing in the*

² A "low income" census tract is one where the poverty rate is greater than or equal to 20 percent, or where the median family income is less than or equal to 80% of the statewide or area median income. (USDA, *Food Access Research Atlas: Documentation*, available at <u>https://www.ers.usda.gov/data-products/food-access-research-atlas/documentation/</u>.)

Washington, DC Region: Demand and Supply Trends (Feb. 2014), *available at* <u>http://cra.gmu.edu/pdfs/studies_reports_presentations/</u> Multifamily%20Housing%20in%20the%20DC%20Region_Final.pdf</u>.)

- 66. "Prince George's County is not prepared to meet the housing preferences of many of its seniors—a growing segment of its population—and young professionals—a critical component of its workforce and economic competitiveness. Simply put, we are facing a looming deficit in multifamily housing, particularly in walkable and mixed-use, transit-accessible locations. While only 32 percent of our housing stock is multifamily, demand for this housing type is projected to reach 61 percent by 2030." (General Plan at 102.)
- 67. The Addison Road–Seat Pleasant Center, in particular, "lacks a more diversified mix of single-family attached and multifamily units that, with higher densities, support transit." (Subregion 4 Plan at 139.) Consequently, the Subregion 4 Plan emphasizes the need "to ensure that remaining development adheres to TOD principles" and to "[e]ncourage development of appropriate density on remaining unimproved development sites[.]" (*Id.* at 140, 141.)
- 68. If developed at the same residential density and overall floor-area ratio as Applicant proposes for Parcel A in the subject detailed site plan (i.e., 104.32 DU/Acre and 2.5 FAR), the 1.63-acre southern portion of the approved NRI development site, encompassing Parcel 87 and Lots 12C and 12B, could potentially accommodate 177,610 SF of additional future compact, highdensity, vertical mixed-use development, including 170 multifamily dwelling units over a 41,651 SF (or larger) grocery store and other retail uses at street level. (NRI-144-2015 at 1.) This would result in a total combined development for this approved NRI site of 379,110 GSF, including 363 multifamily dwelling units. (*Id.*; DSP at C01, C02.)
- 69. Applicant's proposed use, in the subject DSP application, of Parcel 87 for a single-use surface parking lot solely to serve the residential parking needs of the proposed mixed-use development on Parcel A is contrary to the Subregion 4 Plan's declared policy of ensuring that development on the remaining unimproved sites in the Addison Road–Seat Pleasant Center is appropriately dense and adheres to TOD principles. (Subregion 4 Plan at 139-41.) It is also contrary to the General Plan's declared policy of improving residents' access to fresh food and full-service grocery stores in food deserts, such as the area encompassing the subject property. (General Plan at 226.)

Development Review History

70. On February 9, 2006, the Planning Board approved **Preliminary Subdivision Plan 4-05068 (PGCPB No. 06-37)** for **Parcel A**. As relevant to certain contested issues here, the Planning Board approved this preliminary plan subject to the following conditions:

- a. Provide a minimum 8-foot sidewalk along the subject site's entire street frontage of MD 214 and Addison Rd, and a standard sidewalk along the subject site's entire street frontage of Zelma Ave. [Condition 10]
- b. "MD 214 at Addison Road: Prior to the issuance of any building permits within the subject property, the provision of an eastbound right-turn lane along MD 214 shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency." [Condition 15]
- c. The detailed site plan will prohibit left turns to and from the subject site along Addison Rd. [Condition 17(b)]

(PGCPB No. 06-37, p. 3, 5.)

- 71. In contravention of the approved Preliminary Subdivision Plan 4-05068 and the ARM Sector Plan's development district standards, the subject detailed site plan application proposes to delay construction of the 8-foot buffered sidewalks along Central Avenue (MD-214) and a portion of Addison Road South until some indefinite point in the future, after another unrelated developer (Elm Street Development) completes planned improvements to MD-214. (DSP at C-01.)
- 72. In contravention of the approved Preliminary Subdivision Plan 4-05068, the subject detailed site plan does not show a proposed eastbound right-turn lane along MD-214 at its intersection with Addison Road South, and indeed proposes that the construction of that turn lane be deferred until some indefinite point in the future, after another unrelated developer (Elm Street Development) completes planned improvements to MD-214. (DSP at C-01.)
- 73. In contravention of the approved Preliminary Subdivision Plan 4-05068, the subject detailed site plan application proposes to allow left turns into and of the subject site along its Addison Road South frontage. (DSP at C-01.)
- 74. On September 21, 2006, the Planning Board approved **Detailed Site Plan DSP-06001 (PGCPB No. 06-217) (the "original DSP application")**, which proposed a development consisting of 170 multifamily units, 22,696 SF of commercial space, and underground parking, for a total development of 275,000 SF, all on **Parcel A**.
 - a. The District Council elected to review the case and, on May 15, 2007, it entered an order affirming the Planning Board decision.
 - b. In its purported exercise of "original jurisdiction," the District Council's orders of May 15, 2007, and June 2, 2008, imposed additional conditions and modifications to the Planning Board's final decision.

- 75. No development was ever commenced on Parcel A in accordance with the original DSP application, and the subject property remains vacant. (**Ex. 28**, Existing Conditions Plan at 01.)
- 76. On September 25, 2008, the Planning Board approved **Preliminary Subdivision Plan 4-08019 (PGCPB No. 08-124)** for **Parcel 87**. The applicant proposed a freestanding parking structure to serve the required parking needs for the proposed mixed-use development on Parcel A.
- 77. On April 8 2010, the Planning Board approved **Detailed Site Plan DSP-06001/01 (PGCPB No. 10-50) (the "second DSP application")**, which proposed a development consisting of 171 multifamily units, 15,890 SF of commercial space, 37,170 SF of office space, 32,820 SF of library space, a 4,973 SF pool building (natatorium), 137,408 SF of structured parking, and associated miscellaneous space for a total proposed development of approximately 465,000 SF. An 11-story main mixed-use building with multifamily residential, office, retail, and library uses was proposed to be located on **Parcel A**; a four-story mixed-use parking garage building with ground floor retail was proposed to be located on **Parcel 87**; and the natatorium was proposed to be located on **Lot 5**.
 - a. On October 4, 2010, the District Council entered an order affirming the Planning Board decision. In its purported exercise of "original jurisdiction," the District Council's order also modified the Planning Board's final decision.
 - b. On April 16, 2014, the Court of Special Appeals ultimately affirmed these agency decisions. *Heard v. County Council of Prince George's County*, No. 1306 (Sep. Term 2011) (Md. Ct. Spec. App. Apr. 16, 2014) (unreported).
- 78. No development was ever commenced on Parcel A, Parcel 87, and Lot 5 in accordance with the second DSP application, and the subject property remains vacant. (Existing Conditions Plan at 01.)
- 79. On or about February 4, 2011, Dr. Mirza H.A. Baig, who had an ownership interest in the subject Commons at Addison Road property (Parcel A, Lot 5, and Parcel 87), entered into a plea agreement with the U.S. Attorney's Office in the District of Maryland, wherein he agreed to plead guilty to one felony count of conspiracy, in violation of 18 U.S.C. § 371, for his participation in a "pay-to-play" corruption scheme involving former Prince George's County Executive Jack B. Johnson, former director of the Prince George's County Department of Housing and Community Development James Johnson, and others. (**Ex. 29**, Plea Agreement, *United States v. Baig*, No. 8:11-cr-86-PJM (D. Md.), at 1-10.)
 - a. As part of his plea agreement, Dr. Baig admitted that between 2006 and at least October 27, 2010, he paid money, campaign donations, and

other things of value to Jack Johnson, James Johnson, and other county officials "in exchange for their official assistance on various matters." (*Id.* at 13.) In particular, Dr. Baig admitted to paying bribes to the county executive to facilitate the county entering into a public library lease at the Commons at Addison Road, and also to facilitate the county's award of \$1.5 million in federal HOME Investment Partnership funding for the Commons at Addison Road. (*Id.* at 16-18.)

- b. Dr. Baig and federal prosecutors agreed that the conduct to which Dr. Baig was agreeing to plead guilty did not encompass all the evidence that the government would have presented had the matter proceeded to a full trial. (*Id.* at 11.)
- c. On May 3, 2012, in connection with his guilty plea, Dr. Baig was sentenced to serve 18 months in federal prison, forfeit \$250,000, representing the amounts he received in connection with his offense, and pay a fine of \$50,000. (**Ex. 30**, Criminal Judgment, *United States v. Baig*, No. 8:11-cr-86-PJM (D. Md.), ECF No. 28 at 1-10.)
- d. All of the previous subdivision and DSP approvals relating to the subject Commons at Addison Road property occurred during the period of time when Dr. Baig, by his own admission, was bribing county officials "in exchange for their official assistance on various matters," including matters specifically relating to the proposed Commons at Addison Road development. (Plea Agreement at 3.)

PROPOSED CONCLUSIONS OF LAW

- 1. The pending Detailed Site Plan application purports to amend or revise the previously approved original and second DSP applications. However, regardless of whether the pending application is styled as an "amendment," "revision," or "substitution," the Zoning Ordinance requires that the application be processed as an original application: **"All requirements for the filing and review of an original Detailed Site Plan shall apply to an amendment. The Planning Board shall follow the same procedures and make the same findings."** P.G. Co. Code § 27-289(b).
 - a. In this case, no development has commenced under any of the previously approved DSPs, and the subject property remains vacant. Under Maryland law, a property owner does not obtain any vested rights or interest in a development-related permit or approval until the owner has commenced and continued to proceed in good faith with physical development of the land, under a lawfully issued building permit, to such a degree that a reasonable member of the public inspecting the property can recognize that a building is being constructed for a use permitted under the then-current zoning. *Prince*

George's County v. Sunrise Dev. Ltd. P'shp, 330 Md. 297, 313-14 (1993). A property owner's incursion of substantial sums in connection with developing a property is insufficient to confer a vested right or interest in a development-related permit or approval. *Id.* at 300 (noting that the owner/developer in that case had incurred more than \$2.5 million in project expenses over the course of four years in pursuit of various development approvals).

- b. Accordingly, the pending DSP application is subject to a full and plenary review by the Planning Board, just like an original DSP application, and must rise or fall on its own merit. The Planning Board is free to consider its previous findings made in connection with previous DSP applications, to the extent that they are relevant, probative, and comport with the evidence presented in connection with the subject DSP application; however, the Planning Board is not bound by any such previous findings unless a property owner has obtained a vested interest in those previous findings.
- 2. The District Council's modifications of the Planning Board's final decisions in connection with the original and second DSP applications were an improper exercise of and interference with the Planning Board's original jurisdiction, not an exercise of appellate jurisdiction, and therefore were void *ab initio* and are of no legal effect. *See County Council of Prince George's County v. Zimmer Dev. Co.*, 444 Md. 490, 573-75 (2015); *County Council of Prince George's County v. FCW Justice, Inc.*, 238 Md. App. 641, 672-75 (2018).
- 3. Given the numerous procedural irregularities occasioned by the District Council's unlawful modifications of the Planning Board's prior decisions relating to DSPs involving the subject property, coupled with Dr. Baig's admitted participation in a criminal pay-to-play bribery scheme with various named and unnamed county officials between at least 2006-2010, in order to secure their official assistance with various matters, including matters specifically relating to the proposed Commons at Addison Road development, it is particularly important that the Planning Board take a fresh look at all issues relating to the subject DSP application. *See, e.g., Maryland State Police v. Zeigler*, 330 Md. 540, 559 (1993) ("Procedural due process, guaranteed to persons in this State by Article 24 of the Maryland Declaration of Rights, requires that administrative agencies performing adjudicatory or quasijudicial functions observe the basic principles of fairness as to parties appearing before them.").
- 4. One of the central purposes of DSP review is to ensure that property is being developed "in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan." P.G. Co. Code § 27-281(b)(1)(A).
 - a. Where a local government enacts a statute, ordinance, or regulation that links planning and zoning, the effect of such a law "is usually that

of requiring that zoning or other land use decisions be consistent with a plan's recommendations regarding land use." *M-NCPPC v. Greater Baden-Aquasco Citizens Ass'n*, 412 Md. 73, 100-01 (2009) (quoting *Mayor and Council of Rockville v. Rylyns Enters., Inc.*, 372 Md. 514, 530-31 (2002)). "[T]he weight to be accorded a master plan or comprehensive plan recommendation depends upon the language of the statute, ordinance, or regulation establishing the standards pursuant to which the decision is to be made." *Id.* When the statute at issue directs that the zoning or land use decision should "conform to" or be "in accordance with" a comprehensive plan recommendation, the comprehensive plan recommendation is transformed into a binding regulation. *Id.* The zoning authority is not free to disregard it.

- b. Because P.G. Co. Code § 27-281(b)(1)(A) establishes that DSP review is designed to ensure development of land "in accordance with... the General Plan, Master Plan, or other approved plan" the 2014 General Plan, 2010 Subregion 4 Master Plan, and 2000 ARM Sector Plan recommendations and standards for the Addison Road–Seat Pleasant Metro Center are binding upon developers, the Planning Board, and the District Council, in connection with the subject detailed site plan application.
- c. The Planning Board is authorized, in connection with DSP review, to require an applicant to supply "any other pertinent information" necessary to enable the Board to evaluate whether an applicant's development plans conform to the zoning ordinance, the applicable zone, and applicable comprehensive plans. P.G. Co. Code § 27-282(e)(21).
- d. "The Planning Board shall approve, approve with modification, or disapprove the Detailed Site Plan, and shall state its reasons for the action." P.G. Co. Code § 27-285(a)(5). "If a Detailed Site Plan is not approved, the Planning Board shall notify the applicant (in writing), stating what changes are required for approval." *Id.* § 27-285(d)(1).
- 5. "The Development District Overlay Zone [DDOZ] is intended to ensure that the development of land in a designated development district meets the goals established for the district in a Master Plan, Master Plan Amendment, or Sector Plan, and takes advantage of unique opportunities presented by the district.... [N]ew development is generally subject to the approval of a Detailed Site Plan by the Planning Board. Detailed Site Plans are reviewed for compliance with development standards approved by the District Council[.]" P.G. Co. Code § 27-548.19.
- 6. The Planning Board may not approve a DSP in a DDOZ without finding that it meets the requirements of the applicable development district standards. P.G. Co. Code § 27-548.25(b). This specific provision relating to site plan review in DDOZs controls over the more general provision in P.G. Co. Code §

27-285(b)(1) that a DSP may be approved if it "represents a reasonable alternative for satisfying the site design guidelines [in P.G. Co. Code § 27-274], without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use." *See id.* § 27-108.01(a)(1) ("The particular and specific control the general.").

- 7. "If the applicant so requests, the Planning Board may apply development standards which differ from the Development District Standards, most recently approved or amended by the District Council, unless the Sectional Map Amendment text specifically provides otherwise. The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan." Id. § 27-548.25(c) (emphasis added).
- 8. Because the Subregion 4 Plan's *Design Guidelines for the Subregion 4 Centers* provide development and design guidelines for implementing a variety of master plan goals, the Planning Board must evaluate any alternate ARM DDOZ standards proposed by Applicant against the Subregion 4 design guidelines to determine whether such proposals will benefit the ARM Development District and will not substantially impair implementation of the Subregion 4 Plan. *Id.*
- 9. In this contested proceeding, the burden of proof is on the Applicant to establish each necessary fact by a preponderance of the evidence. Md. Code Ann., State Gov't, § 10-217; see also Ross v. Mr. Lucky, LLC, 189 Md. App. 511, 523 n.7 (2009) (due process requires the party having the burden of proof in contested administrative proceedings to adduce substantial evidence in support of its request).
- 10. The Planning Board is authorized to require, as a condition of approving a detailed site plan application, that a property owner dedicate land and/or pay for onsite, offsite, or site-adjacent improvements, including within the public right-of-way, so long as there is a nexus and rough proportionality between the land dedication or monetary exaction and the proposed land use. *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 612-13 (2013) (citing *Dolan v. City of Tigard*, 512 U.S. 374 (1994) and *Nollan v. Cal. Coastal Comm'n*, 483 U.S. 825 (1987)); accord Dabbs v. Anne Arundel Cty., 458 Md. 331, 348-50 (2018). The land dedication or monetary exaction must advance a legitimate public interest, and the agency must make an individualized determination that the land dedication or improvements relate "both in nature and extent to the impact of the proposed development." *Dolan*, 483 U.S. at 391. "No precise mathematical calculation is required" to establish the requisite nexus and rough proportionality. *Id.*
 - a. The Planning Board's authority and discretion, in connection with its administration of the zoning regulations, to require land dedication,

monetary exactions, or other conditions of site plan or permit approval, is separate and distinct from and not constrained by its authority and discretion to require monetary exactions, property dedication, or other conditions of preliminary subdivision plan approval in connection with its administration of the subdivision regulations. *FCW Justice*, 238 Md. at 249-51 (discussing the "two broad categories of land use control: zoning and planning (which includes subdivision regulation)" and how those two concepts overlap, such that "some implementation and enforcement procedures may have both planning and zoning aims").

- b. The Planning Board derives its zoning and subdivision authority from the Regional District Act, and nothing in that act limits the exercise of the Planning Board's authority and discretion in one area versus the other. *Zimmer*, 444 Md. At 524-25; *FCW Justice*, 238 Md. App. 648.
- c. Thus, while the Planning Board's previous conditions of approval in a preliminary subdivision plan remain binding on a developer or property owner during subsequent stages of zoning and development review, such conditions merely set a "floor," not a "ceiling." The Planning Board remains free, at subsequent stages of zoning and development review, to impose whatever additional conditions of approval it deems necessary or prudent to ensure conformity with then-applicable zoning regulations and comprehensive plans, so long as such additional conditions meet the *Koontz–Dolan–Nollan* standard.
- d. Here, for example, the subject detailed site plan application comes to the Planning Board for review and adjudication 14 years after the 2006 preliminary subdivision plan approval relating to Parcel A and 12 years after the 2008 preliminary subdivision plan approval relating to Parcel 87. Within those intervening years, the Planning Board has adopted and the District Council has approved the Subregion 4 Master Plan (2010) and a new General Plan (2014) governing the subject property. These comprehensive plans clarify and strengthen the walkable urban transit-oriented and pedestrian-oriented recommendations and standards relating to the subject property, and call for increased densities at the subject property. The Planning Board is entitled to determine whether those intervening comprehensive plans or other factors—including issues not fully or adequately explored during previous stages of review—counsel in favor of additional conditions of approval in connection with the subject detailed site plan.
- 11. As reflected in the findings and development standards in the approved ARM Sector Plan, Subregion 4 Master Plan, and General Plan, it is unquestionably in the public interest to improve pedestrian safety and circulation and to enhance the visual appearance of the Addison Road Metro Center's core area by, *inter alia*, improving the street grid and pedestrian street space, providing safe pedestrian crossings, upgrading the street lighting, and burying and

relocating overhead utilities within the public rights-of-way adjacent to and nearby to the subject property.

12. The subject DSP application proposes to add 193 multifamily housing units to a single block in the core of the Addison Road Metro Station area, which will bring approximately 473 new people to this one-block area. When added to the existing population, these additional dwellings and people will impact the subject area significantly. Accordingly, given the nature and extent of the impact of the proposed development, it is both reasonable and proportionate to require Applicant to dedicate land and/or make onsite or offsite improvements adjacent and nearby to the subject property, including within the public rights-of-way.

CONCLUSION

For all of the foregoing reasons, Heard respectfully requests that the Planning

Board adopt these proposed findings of fact and conclusions of law; **disapprove** the

pending DSP application; and in accordance with P.G. Co. Code § 27-285(d), notify the

Applicant of the following changes required for approval (in lieu of any other conflicting

conditions recommended by staff):

- 1. The owner of Parcel A of the Commons at Addison Road subdivision (Plat Book PM 231, p. 98) and Lot 5, Block B of King's Seat Pleasant subdivision (Plat Book WWW 16, p. 61) shall apply for and obtain a new preliminary plan of subdivision approval, pursuant to Subtitle 24 of the Prince George's County Code and the Regional District Act, to re-subdivide and incorporate those two properties into one new subdivision. In connection with that preliminary plan application:
 - a. The owner shall dedicate a right-of-way (ROW) of 30 feet from the southern lot line of the currently platted Parcel A, and a right-of-way (ROW) of 30 feet from the northern lot line of the currently platted Lot 5.
 - b. If the owners of Parcel 87 (Tax Map 73, Grid C-1) and Lots 12C and 12B of Murdough & Whiting's Resubdivision (Plat Book SDH 4, p. 89) wish to incorporate those respective land areas into the same preliminary plan, the owner of Parcel 87 shall dedicate a right-of-way (ROW) of 30 feet from the northern property line of Parcel 87 and whatever land is necessary from the eastern property line of Parcel 87 to create 60 feet of right-of-way (ROW) from the centerline of Addison Road South.

- c. The owner(s) are free to revisit with SHA and DPW&T the necessity of (1) prohibiting left-hand turns into and out of the property along Addison Road South and (2) providing an eastbound right-hand turn lane from MD-214 onto Addison Road South.
- d. The owner(s) shall, in consultation with DPW&T, evaluate the feasibility of completing the sidewalk on the eastern side of Zelma Avenue, from the southern boundary of Lot 5 to the intersection at Foy Place, as a means of providing recreational facilities in lieu of mandatory dedication of parkland pursuant to P.G. Co. Code § 24-135(b).
- e. The owner(s) shall submit a traffic signal warrant study to the Planning Board and to SHA and DPW&T for the intersections of (1) Zelma Avenue, MD-332, and MD-214; (2) MD-332 & MD-332A (the ramp access point to MD-214); (3) MD-214 and Addison Road South, and (4) Addison Road South at the new right-of-way access point to the subject property. The study shall, at a minimum, consider warrants 1-4, 7, and 8, as well as the issue of whether a pedestrian hybrid beacon should be installed in lieu of a full traffic signal (in the event none of the warrants indicates a need for a full traffic control signal) to ensure safe pedestrian crossings at those intersections.
- f. The owner(s) shall, in consultation with SHA, DPW&T, WMATA, and the owner of the Addison Plaza Shopping Center, determine how best to implement, to the maximum extent possible, the Subregion 4 Master Plan recommendations for designing (1) a Multi-Way Boulevard (MWB-1) street on MD-214 between Addison Road and Yost Place, and (2) a Major (M-1) street on Addison Road South between MD-214 and Rolling Ridge Drive, within the available public rights-of-way. (If there is insufficient right-of-way available to design an MWB-1 street on MD-214, then the M-1 street design guidelines shall apply also to MD-214.) Prior to the issuance of any building permits within the subject property, these right-ofway improvements shall (a) have full financial assurances through either private money or full finding in the county's capital program; (b) have been permitted for construction through the operating agency's access permit process; and (c) have an agreed-upon timetable for construction with the appropriate agency. Such improvements shall be substantially completed prior to the issuance of any occupancy permits within the subject property.
- g. The owner(s) shall otherwise comply with all applicable provisions of the zoning ordinance and the subdivision regulations.
- 2. The revised DSP application shall not include a proposal for onsite surface parking. The applicant shall pursue shared parking arrangements, on-

street parking, car share spaces, and bicycle parking offsets, whenever possible, to reduce the amount of parking spaces required under the current zoning ordinance, or shall pursue an appropriate departure from parking and loading standards in light of the subject property's proximity to the Addison Road Metro Station. Any parking necessary or desired for the development shall be provided in a private parking garage below grade or above the first story of a building.

- 3. The revised DSP application shall adhere to the building siting and setback standards in the ARM Sector Plan and the Subregion 4 Master Plan by designing any buildings to provide consistent setbacks close to the right-of-way line and continuous building edges to define the public zone of the street. To the extent the applicant wishes to pursue a variation from the building siting and setback standards in light of the WMATA line of influence at the northern end of Parcel A, the proposal should treat that line of influence as the right-of-way line for purposes of the applicable building envelope standards, and shall consider any space between the building façade and the clear walkway as dooryard space.
- 4. The revised DSP application shall provide safe pedestrian crossings at all intersections, and all appropriate sidewalks and pedestrian infrastructure, as required by the applicable standards in the ARM Sector Plan and the Subregion 4 Master Plan.
- 5. The revised DSP application shall provide pedestrian-scaled ornamental pole-mounted streetlight fixtures and luminaires, in accordance with the applicable standards in the ARM Sector Plan and the Subregion 4 Master Plan.
- 6. The revised DSP application shall show the placement or relocation of all existing and new utilities underground, in accordance with the applicable standards in the ARM Sector Plan and the Subregion 4 Master Plan.
- 7. The revised DSP application shall include an alternate development standard for Standard B1(I) in the ARM Sector Plan to allow for construction of a building 3-8 stories and up to 127 feet high, as allowed under the Storefront frontage standards for UC-3 Community Centers in the Subregion 4 Plan.
- 8. For all currently undeveloped parcels fronting on MD-214 and Addison Road South and submitted in connection with the revised DSP application, the applicant shall propose a compact, high-density, vertical mixed-use development similar in scale to the Hine School redevelopment project across from the Eastern Market Metro Station in the District of Columbia, except that the proposed mix of uses should, if feasible, address the extreme dearth of modern multifamily housing units near the Addison Road Metro station affordable to residents earning the median household income in Prince George's County, and the absence of a full-service

grocery store and quality dine-in restaurants within a half-mile of the subject property.

9. The revised DSP application shall otherwise comply with all applicable ARM Development District Standards and with all applicable Subregion 4 Design Guidelines as they relate to the Addison Road Metro Center's conceptual regulating plan.

Respectfully submitted this 4th day of March, 2020.

<u>s/ Bradley E. Heard</u>

Bradley E. Heard 415 Zelma Avenue Capitol Heights, MD 20743 Telephone: (240) 297-4439 Email: <u>Bradley.Heard@gmail.com</u>

CERTIFICATE OF SERVICE

This will certify that I have this day caused to be served copies of the within and

foregoing document upon the following parties by electronic mail, as follows:

Omar A. Karim, Esq. President, Banneker Ventures	okarim@bannekerventures.com
Ms. Tori Williams Development Associate, Banneker Ventures	twilliams@bannekerventures.com
Mr. McClinton ("Clint") Jackson III Director, Neighborhood Development Company	cjackson@neighborhooddevelopment.com
Christopher L. Hatcher, Esq. <i>Counsel for Applicant</i>	<u>clhatcher@lerchearly.com</u>
Mr. Andrew Bishop Senior Planner, Urban Design Section, M-NCPPC	andrew.bishop@ppd.mncppc.org
Mr. Jeremy Hurlbutt Master Planner, Urban Design Section, M-NCPPC	jeremy.hurlbutt@ppd.mncppc.org
Ms. Jill Kosack Supervisor, Urban Design Section, M-NCPPC	jill.kosack@ppd.mncppc.org
Ms. Sherri Conner Supervisor, Subdivision and Zoning Section, M-NCPPC	sherri.conner@ppd.mncppc.org
Mr. James Hunt Chief, Development Review Division, M-NCPPC	james.hunt@ppd.mncppc.org

This 4th day of March, 2020.

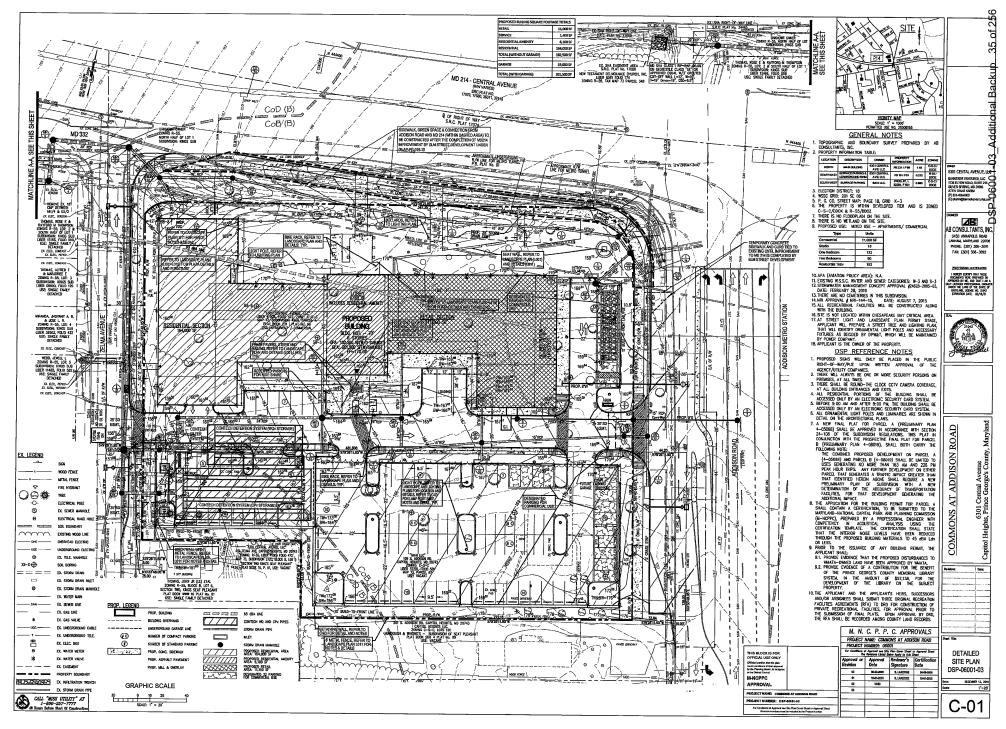
s/ Bradley E. Heard

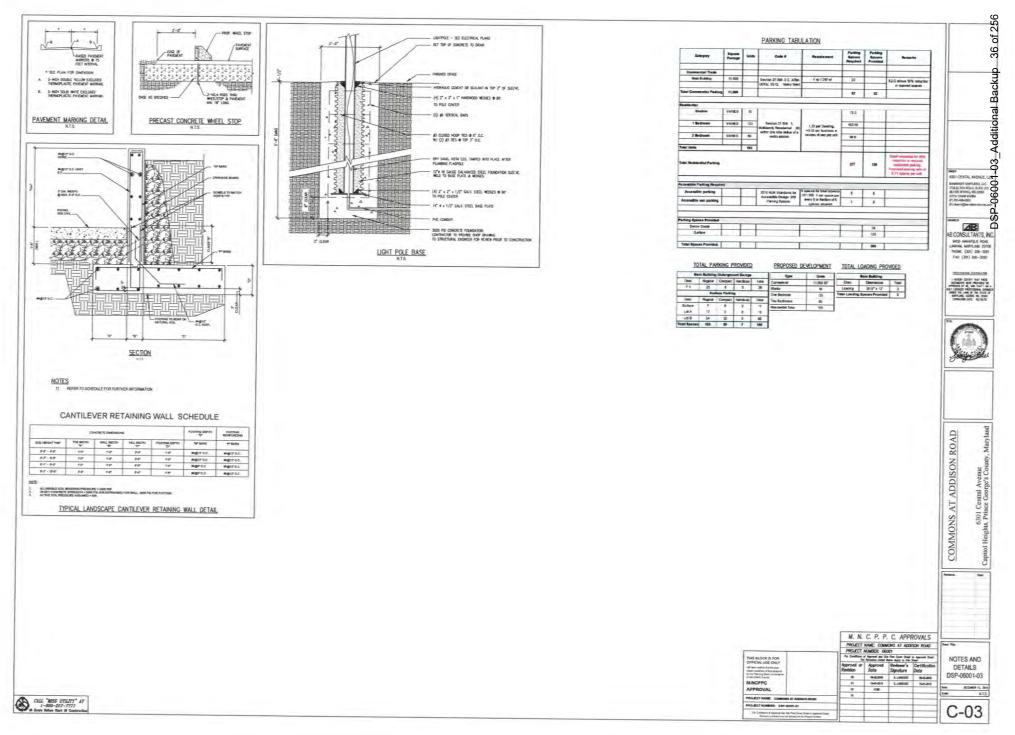
Bradley E. Heard 415 Zelma Avenue Capitol Heights, MD 20743 Telephone: (240) 297-4439 Email: <u>Bradley.Heard@gmail.com</u>

LIST OF EXHIBITS

Exhibit Number	Description
1	Detailed Site Plan (Dec. 12, 2019)
2	PGAtlas Data on Parcel A
3	PGAtlas Data on Parcel 87
4	PGAtlas Data on Lot B
5	Section 2, King's Seat Pleasant Subdivision (Plat Book WWW 16, p. 61)
6	U.S. Census Bureau, 2017 ACS 5-year Estimate, Table DP-04
7	U.S. Census Bureau, 2017 ACS 5-year Estimate, Table B25008
8	PGAtlas Data on Lot 12C
9	PGAtlas Data on Lot 12B
10	SDAT Information on 6301 Central Avenue, LLC, Business Entity ID No. W18827519
11	SDAT Information on Iman LLC, Business Entity ID No. W13838206
12	SDAT Information on Capitol Heights, LLC, Business Entity ID No. W12754784
13	Declaration of Bradley E. Heard (Feb. 28, 2020)
14	WMATA Parking Details: Addison Road–Seat Pleasant Station
15	Undated DSP Originally Submitted
16	Landscape Plan (Aug. 28, 2018, rev. Jan. 29, 2020)
17	Statement of Justification (Oct. 24, 2019)
18	Ltr. from O. Karim to A. Bishop (Dec. 18, 2019)
19	Statement of Justification – Attachment (Oct. 24, 2019)

Exhibit Number	Description
20	PGAtlas Crosswalk Distance Image
21	Memo from M. Giles to A. Bishop (Jun. 7, 2019)
22	DPW&T, Specifications and Standards for Roadways and Bridges (3/14/2012 Rev.) (excerpted)
23	Natural Resources Inventory No. NRI-144-2015 (Aug. 7, 2015).
24	Hine Junior High School Redevelopment Project Info (D.C. DMPED)
25	USDA, Food Access Research Atlas (Census Tract 8028.03)
26	FMI, Median Total Store Size – Square Feet
27	Kathryn Howell, Ph.D., <i>Multifamily Housing in the Washington, DC Region: Demand and Supply Trends</i> (Feb. 2014)
28	Existing Conditions Plan (undated; submitted with DSP)
29	Plea Agreement, <i>United States v. Baig</i> , No. 8:11-cr-86-PJM (D. Md.), ECF No. 15.
30	Criminal Judgment, <i>United States v. Baig</i> , No. 8:11-cr-86-PJM (D. Md.), ECF No. 28
31	Housing & Population Data: Census Tract 8028.03, Block 1001
32	PGCPB No. 06-217 (Oct 19, 2006)





Parcel A (6301 Central Ave)



Data provided by Prince George's County Planning Department

N

Property

Tax Account: 4048179 Owner Name: 6301 CEN ⁻ Premise Address: 6301	FRAL AVENUE LLC Central Ave, Capitol Heights, MD 20743	
Parcel Details	Ownership Information	Administrative Details
Tax Account #: 4048179 Assessment District: 18 Lot: Block: Parcel: Description: PARCEL A Plat: 18231098 Subdivision: THE COMMONS AT ADDISON ROAD METRO Acreage: 1.85	Owner Name: 6301 CENTRAL AVENUE LLC Owner Address: 4219 Dustin Rd, Burtonsville, MD 20866 Liber: 41003 Folio: 472 Transfer Date: 6/12/2018 Current Assessment: \$821,900.00 Land Valuation: \$821,900.00 Improvement Valuation: \$0.00 Sale Price: \$10.00 Structure Area (Sq Ft):	Tax Map Grid: 073C1 WSSC Grid: 201SE06 Tree Conservation Plan 1: Tree Conservation Plan 2: TCP2-013-2019 Councilmanic District: 7

Community Plan (Active)

Plan Name: 2010 Approved Subregion 4 Master Plan Date Approved: 6/1/2010 Planning Board Resolution: 09-163 County Council Resolution: CR-49-2010 Map Name: Subregion 4 (2010) Plan Type: Master Plan Status: Active SMA Name: 2010 Approved Subregion 4 Sectional Map Amendment SMA Resolution: CR-49-2010 SMA Name: 2010 Approved Subregion 4 Sectional Map Amendment Plan Title: 2010 Approved Subregion 4 Master Plan and Sectional Map Amendment

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M-NCPPC : Prince George's County Planning

Created on 2/27/2020

County Council Resolution: CR-61-2000 Map Name: Addison Road Metro Town Center 2000 Plan Type: Sector Plan Status: Approved

Councilmanic District (2014)

District: 7 Member: Rodney Colvin Streeter Political Party: Democrat Telephone: 301-952-3690 Email: councildistrict7@co.pg.md.us District: Null Member: Mel Franklin (At Large) Political Party: Democrat Telephone: 301-952-2638 Email: mfranklin1@co.pg.md.us District: Null Member: Calvin S. Hawkins, II (At Large) Political Party: Democrat Telephone: 301-952-2195 Email: at-largememberhawkins@co.pg.md.us

Development District Overlay

Overlay Zone: D-D-O Plan Name: ADDISON ROAD METRO (ARM) TOWN CENTER AND VICINITY SMA Resolution: CR-61-2000 Adoption Date: 10/24/2000 Acreage: 285.210166

Election District (2014)

Election District: 18, Seat Pleasant Election District Number: 18

Enterprise Zone (MD Dept of Commerce)

Site Name: Prince Georges County Description: This county borders Washington, D.C. to the east and boasts large technology and aerospace sectors. Businesses locating in this Enterprise Zone may be eligible for Real Property & Income Tax credits in return for job creation and investments. Organization: Prince Georges County Econ Dev Corp Address: 1100 Mercantile Lane Building: Suite 115A City: Largo County: Prince Georges State: MD Zip Code: 20774 Organization: (301) 583-4617 Toll Free Number: Website: http://www.pgcedc.com/

Enterprise Zone Focus Area (MD Dept of Commerce)

Site Name: Prince Georges County Description: Businesses looking to locate in this Focus Area may be eligible for incentives and tax credits. Real Property & Personal Property tax credits may be upto 80% on select improvements and investments. Income Tax credits may include \$1,500 per new employee. Organization: Prince Georges County Econ Dev Corp Address: 1100 Mercantile Lane Building: , Suite 115A City: Largo County: Prince Georges State: MD Zip Code: 20774 Organization: (301) 583-4617

Toll Free Number: Not Available Website: http://www.pgcedc.com/

General Plan Center (2035)

ID: 9 Name: Addison Road Metro Type Code: Local Transit Center

Legislative District

Legislative District: 24 Member 1: Joanne C. Benson Party 1: Democrat Member 2: Erek L. Barron Party 2: Democrat Member 3: Carolyn J. B. Howard Party 3: Democrat Member 4: Jazz M. Lewis Party 4: Democrat

Opportunity Zone (IRS)

Census Tract ID: 24033802803

Planning Area

Subregion Number: 4 Number: 75A Name: Suitland-District Heights & Vicinity Acreage: 10385.000762

Priority Funding Area (MDP)

CPFA: IN Municipality Name: State Eligible: YES

Created on 2/27/2020

Address Point

Delivery Address: 6301 CENTRAL AVENUE

Sustainable Community (MDP)

Program: Sustainable Communities **Name:** Central Avenue Blue Line Metro Corridor

Sustainable Growth Act

Tier: 1

Tax Grid Map Grid: 73-C1

Traffic Analysis Zone (COG)

TAZ Number: 1065 Population 2010: 259 Population 2015: 652 Population 2020: 692 Population 2025: 692 Population 2030: 720 Population 2035: 720 Population 2040: 720 Population 2045: 720 Dwelling Units 2010: 108 Dwelling Units 2015: 292 Dwelling Units 2020: 305 Dwelling Units 2025: 305 Dwelling Units 2030: 323 Dwelling Units 2035: 323 Dwelling Units 2040: 323 Dwelling Units 2045: 323 Households 2010: 100 Households 2015: 268 Households 2020: 296 Households 2025: 296 Households 2030: 317 Households 2035: 317 Households 2040: 317 Households 2045: 317 Employment 2010: 32 Employment 2015: 55 Employment 2020: 55 Employment 2025: 86 Employment 2030: 150 Employment 2035: 194 Employment 2040: 244 Employment 2045: 305

PGAtlas Traffic Analysis Zone (PG County)

Zone Number: 4917

Zoning

Zone Type: Commercial **Class:** C-S-C (Commercial Shopping Center)

Parcel 87 (109 Addison Rd S)



Data provided by Prince George's County Planning Department

N

Created on 2/27/2020

Property

	Accou		

Owner Name: IMAN LLC

Premise Address: 109 S Addison Rd, Capitol Heights, MD 20743

Parcel Details

Tax Account #: 2118693 Assessment District: 18 Lot: Block: Parcel: 087 Description: Plat: Subdivision: Acreage: 0.8950 Owner Name: IMAN LLC Owner Address: 4219 Dustin Rd, Burtonsville, MD 20866 Liber: 32201 Folio: 501 Transfer Date: 11/29/2010 Current Assessment: \$311,800.00 Land Valuation: \$311,800.00 Improvement Valuation: \$0.00 Sale Price: \$0.00 Structure Area (Sq Ft): 1564

Ownership Information

Administrative Details Tax Map Grid: 073C1 WSSC Grid: 201SE06 Tree Conservation Plan 1: Tree Conservation Plan 2: TCP2-013-2019 Councilmanic District: 7

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M-NCPPC : Prince George's County Planning

Created on 2/27/2020

Telephone: 301-952-2638 Email: mfranklin1@co.pg.md.us District: Null Member: Calvin S. Hawkins, II (At Large) Political Party: Democrat Telephone: 301-952-2195 Email: at-largememberhawkins@co.pg.md.us

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M-NCPPC : Prince George's County Planning

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ID: 9 Name: Addison Road Metro Type Code: Local Transit Center

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Census Tract ID: 24033802803

Planning Area

Subregion Number: 4 Number: 75A Name: Suitland-District Heights & Vicinity Acreage: 10385.000762

Priority Funding Area (MDP)

CPFA: IN Municipality Name: State Eligible: YES

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Rail Station Quarter Mile Buffer

M-NCPPC : Prince George's County Planning

Status: Existing Operator: WMATA Name: Addison Road-Seat Pleasant Amtrak: No Light Rail: No MARC: No Metro: Yes

Sustainable Community (MDP)

Program: Sustainable Communities **Name:** Central Avenue Blue Line Metro Corridor

Sustainable Growth Act

Tier: 1

Tax Grid

Map Grid: 73-C1

Traffic Analysis Zone (COG)

TAZ Number: 1065 Population 2010: 259 Population 2015: 652 Population 2020: 692 Population 2025: 692 Population 2030: 720 Population 2035: 720 Population 2040: 720 Population 2045: 720 Dwelling Units 2010: 108 Dwelling Units 2015: 292 Dwelling Units 2020: 305 Dwelling Units 2025: 305 Dwelling Units 2030: 323 Dwelling Units 2035: 323 Dwelling Units 2040: 323 Dwelling Units 2045: 323 Households 2010: 100 Households 2015: 268 Households 2020: 296 Households 2025: 296 Households 2030: 317 Households 2035: 317 Households 2040: 317 Households 2045: 317 **Employment 2010:** 32 **Employment 2015:** 55 Employment 2020: 55 **Employment 2025:** 86 Employment 2030: 150 Employment 2035: 194

M-NCPPC : Prince George's County Planning

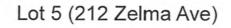
Employment 2040: 244 Employment 2045: 305

Traffic Analysis Zone (PG County)

Zone Number: 4917

Zoning

Zone Type: Commercial Class: C-S-C (Commercial Shopping Center)





Data provided by Prince George's County Planning Department

N

Property

Tax Account: 2063139 Owner Name: 6301 CE Premise Address: 21		
Parcel Details	Ownership Information	Administrative Details
Tax Account #: 2063139 Assessment District: 18 Lot: 5 Block: B Parcel: Description: PLEASANT Plat: A18-1506 Subdivision: KINGS SEAT PLEASANT Acreage: 0.2320	Owner Name: 6301 CENTRAL AVENUE LLC Owner Address: 4219 Dustin Rd, Burtonsville, MD 20866 Liber: 41003 Folio: 472 Transfer Date: 6/12/2018 Current Assessment: \$45,600.00 Land Valuation: \$45,600.00 Improvement Valuation: \$0.00 Sale Price: \$10.00 Structure Area (Sq Ft): 983	Tax Map Grid: 073C1 WSSC Grid: 201SE06 Tree Conservation Plan 1: Tree Conservation Plan 2: TCP2-013-2019 Councilmanic District: 7

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M-NCPPC : Prince George's County Planning

Created on 2/27/2020

Political Party: Democrat Telephone: 301-952-2638 Email: mfranklin1@co.pg.md.us District: Null Member: Calvin S. Hawkins, II (At Large) Political Party: Democrat Telephone: 301-952-2195 Email: at-largememberhawkins@co.pg.md.us

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Program: Sustainable Communities **Name:** Central Avenue Blue Line Metro Corridor

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Created on 2/27/2020

PGAtlas

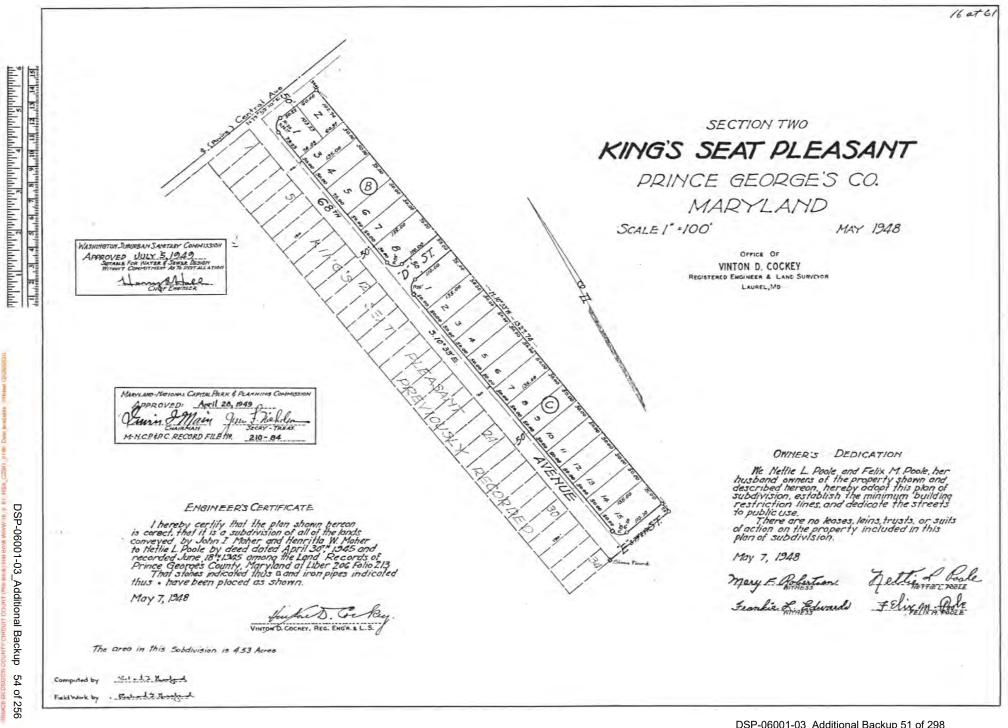
Households 2015: 268 Households 2020: 296 Households 2025: 296 Households 2030: 317 Households 2035: 317 Households 2040: 317 Households 2040: 317 Employment 2010: 32 Employment 2015: 55 Employment 2020: 55 Employment 2025: 86 Employment 2030: 150 Employment 2035: 194 Employment 2040: 244 Employment 2045: 305

Traffic Analysis Zone (PG County)

Zone Number: 4917

Zoning

Zone Type: Residential **Class:** R-55 (One-Family Detached Residential)



U.S. Census Bureau

FactFinder

DP04

SELECTED HOUSING CHARACTERISTICS

2013-2017 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

A processing error was found in the Year Structure Built estimates since data year 2008. For more information, please see the errata note #110.

Subject		Prince George's County, Maryland				District 18, Seat Pleasant; Prince George's County; Maryland			
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate	Margin of Error	Percent	Percent Margin of Error	
HOUSING OCCUPANCY									
Total housing units	330,326	+/-322	330,326	(X)	13,556	+/-319	13,556	(X)	
Occupied housing units	306,694	+/-1,215	92.8%	+/-0.3	12,407	+/-346	91.5%		
Vacant housing units	23,632	+/-1,136	7.2%	+/-0.3	1,149	+/-236	8.5%	+/-1.7	
Homeowner vacancy rate	1.6	+/-0.2	(X)	(X)	1.4	+/-0.8	(X)	(X)	
Rental vacancy rate	6.4	+/-0.5	(X)		3.3	+/-1.6	(X)		
UNITS IN STRUCTURE									
Total housing units	330,326	+/-322	330,326	(X)	13,556	+/-319	13,556	(X)	
1-unit, detached	170,096	+/-1,494	51.5%		7,377	+/-318	54.4%		
1-unit, attached	52,866	+/-1,189	16.0%	+/-0.4	3,266	+/-293	24.1%	+/-2.0	
2 units	1,460	+/-247	0.4%	+/-0.1	66	+/-47	0.5%	+/-0.3	
3 or 4 units	5,137	+/-453	1.6%	+/-0.1	153	+/-66	1.1%	+/-0.5	
5 to 9 units	23,275	+/-861	7.0%	+/-0.3	796	+/-176	5.9%	+/-1.3	
10 to 19 units	46,982	+/-1,060	14.2%	+/-0.3	1,403	+/-187	10.3%	+/-1.4	
20 or more units	28,719	+/-831	8.7%	+/-0.3	495	+/-122	3.7%	+/-0.9	
Mobile home	1,709	+/-217	0.5%	+/-0.1	0	+/-25	0.0%	+/-0.2	
Boat, RV, van, etc.	82	+/-60	0.0%	+/-0.1	0	+/-25	0.0%		

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02/24/2020

Subject	al de Regeneral Regen	Prince George's County, Maryland			District 18, Seat Pleasant; Prince George's County; Maryland			
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate	Margin of Error	Percent	Percent Margin of Error
EAR STRUCTURE BUILT							- 1. 1	
Total housing units	330,326	+/-322	330,326		13,556	+/-319	13,556	(X)
Built 2014 or later	2,316	+/-260	0.7%		84	+/-32	0.6%	+/-0.2
Built 2010 to 2013	6,494	+/-476	2.0%		346	+/-134	2.6%	+/-1.0
Built 2000 to 2009	35,390	+/-898	10.7%	+/-0.3	601	+/-158	4.4%	+/-1.1
Built 1990 to 1999	47,201	+/-1,172	14.3%	+/-0.4	1,607	+/-221	11.9%	+/-1.7
Built 1980 to 1989	46,137	+/-1,219	14.0%	+/-0.4	1,350	+/-209	10.0%	+/-1.5
Built 1970 to 1979	51,639	+/-1,435	15.6%	+/-0.4	1,781	+/-266	13.1%	+/-1.9
Built 1960 to 1969	64,121	+/-1,352	19.4%	+/-0.4	3,131	+/-305	23.1%	+/-2.1
Built 1950 to 1959	45,743	+/-924	13.8%	+/-0.3	2,207	+/-242	. 16.3%	+/-1.8
Built 1940 to 1949	16,759	+/-783	5.1%	+/-0.2	1,289	+/-206	9.5%	+/-1.5
Built 1939 or earlier	14,526	+/-693	4.4%	+/-0.2	1,160	+/-184	8.6%	+/-1.3
ROOMS								
Total housing units	330,326	+/-322	330,326	(X)	13,556	+/-319	13,556	(X)
1 room	4,059	+/-409	1.2%	+/-0.1	54	+/-34	0.4%	+/-0.3
2 rooms	5,513	+/-488	1.7%	+/-0.1	147	+/-79	1.1%	+/-0.6
3 rooms	30,003	+/-1,044	9.1%	+/-0.3	802	+/-138	5.9%	+/-1.0
4 rooms	52,513	+/-1,417	15.9%	+/-0.4	1,781	+/-275	13.1%	+/-2.0
5 rooms	44,267	+/-1,166	13.4%	+/-0.4	2,691	+/-313	19.9%	+/-2.3
6 rooms	45,754	+/-1,225	13.9%	+/-0.4	2,623	+/-302	19.3%	+/-2.2
7 rooms	43,422	+/-1,259	13.1%	+/-0.4	2,649	+/-285	19.5%	+/-2.1
8 rooms	37,157	+/-1,275	11.2%	+/-0.4	1,291	+/-188	9.5%	+/-1.4
9 rooms or more	67,638	+/-1,174	20.5%	+/-0.4	1,518	+/-210	11.2%	+/-1.5
Median rooms	6.1	+/-0.1	(X)		6.0	+/-210	(X)	(X)
	<u> </u>	.,			0.0		(//)	(/)
EDROOMS								
Total housing units	330,326	+/-322	330,326	(X)	13,556	+/-319	13.556	(X)
No bedroom	4,498	+/-437	1.4%	+/-0.1	54	+/-34	0.4%	+/-0.3
1 bedroom	39,762	+/-1,028	12.0%	+/-0.3	1,103	+/-184	8.1%	+/-1.3
2 bedrooms	72,180	+/-1,320	21.9%	+/-0.4	2,838	+/-346	20.9%	+/-1.3
3 bedrooms	104,226	+/-1,611	31.6%	+/-0.5	5,973	+/-346	44.1%	+/-2.4
4 bedrooms	80,024	+/-1,505	24.2%	+/-0.5	2,853	+/-340	21.0%	+/-2.4
5 or more bedrooms	29,636	+/-1,112	9.0%	+/-0.3	735	+/-271	5.4%	+/-2.0
OUSING TENURE								
Occupied housing units								ļ
Owner-occupied	306,694	+/-1,215	306,694	(X)	12,407	+/-346	12,407	(X)
Renter-occupied	189,513	+/-1,686	61.8%	+/-0.5	7,899	+/-356	63.7%	+/-2.7
Nenter-occupied	117,181	+/-1,544	38.2%	+/-0.5	4,508	+/-377	36.3%	+/-2.7
Average household size of owner-occupied unit	2,95	+/-0.02	(X)	(X)	2.89	+/-0.12	(X)	
Average household size of renter-occupied unit	2.95	+/-0.02	(X)	(X) (X)	2.89	+/-0.12	(X) (X)	(X) (X)
	2.00	., 0.00	(4)		2.07	1/-0.10	(^)	(^)

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02/24/2020

Subject	Prince George's County, Maryland				District 18, Se	eat Pleasant; Prince (George's County;	
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate	Margin of Error	Percent	Percent Margin of Error
YEAR HOUSEHOLDER MOVED INTO UNIT			and the second					
Occupied housing units	306,694	+/-1,215	306,694	(X)	12,407	+/-346	12,407	(X)
Moved in 2015 or later	31,658	+/-1,155	10.3%	+/-0.4	1,235	+/-251	10.0%	+/-2.0
Moved in 2010 to 2014	94,763	+/-1,580	30.9%	+/-0.5	3,604	+/-317	29.0%	+/-2.5
Moved in 2000 to 2009	90,384	+/-1,490	29.5%	+/-0.5	2,917	+/-295	23.5%	+/-2.3
Moved in 1990 to 1999	46,228	+/-1,148	15.1%	+/-0.4	1,967	+/-264	15.9%	+/-2.1
Moved in 1980 to 1989	22,003	+/-762	7.2%	+/-0.2	746	+/-169	6.0%	+/-1.3
Moved in 1979 and earlier	21,658	+/-803	7.1%	+/-0.3	1,938	+/-216	15.6%	+/-1.7
VEHICLES AVAILABLE		Angline, the set weight of a	an ang tanàn ang a					
Occupied housing units	306,694	+/-1,215	306,694	(X)	12,407	+/-346	12,407	(X)
No vehicles available	27,306	+/-979	8.9%	+/-0.3	1.790	+/-319	14.4%	+/-2.4
1 vehicle available	112,567	+/-1,804	36.7%	+/-0.6	5,001	+/-404	40.3%	+/-3.1
2 vehicles available	101,597	+/-1,817	33.1%	+/-0.6	3,838	+/-328	30.9%	+/-2.7
3 or more vehicles available	65,224	+/-1,117	21.3%	+/-0.4	1,778	+/-227	14.3%	+/-1.8
HOUSE HEATING FUEL		a state a contractor						
Occupied housing units	200 004	1/ 1 015	200 204	00	40.407		40.407	
Utility gas	306,694 173,009	+/-1,215 +/-1,909	306,694 56.4%	(X) +/-0.5	12,407 7,506	+/-346 +/-423	12,407 60.5%	(X)
Bottled, fank, or LP gas	3,400	+/-1,909	1.1%		7,506	+/-423		+/-3.0
Electricity			36.7%	+/-0.1			0.8%	+/-0.4
Fuel oil, kerosene, etc.	112,461	+/-1,557 +/-597		+/-0.5	4,340	+/-388	35.0%	+/-3.0
Coal or coke	13,867	+/-597	4.5%	+/-0.2	356	+/-128	2.9%	+/-1.0
Wood			0.0%	+/-0.1	0	+/-25	0.0%	+/-0.3
Solar energy	865	+/-180	0.3%	+/-0.1	46	+/-42	0.4%	+/-0.3
Other fuel	442	+/-133	0.1%	+/-0.1	3	+/-5	0.0%	+/-0.1
No fuel used	999	+/-164	0.3%	+/-0.1	5	+/-9	0.0%	+/-0.1
NO INGI USED	1,530	+/-200	0.5%	+/-0.1	54	+/-35	0.4%	+/-0.3
SELECTED CHARACTERISTICS								
Occupied housing units	306,694	+/-1,215	306,694	(X)	12,407	+/-346	12,407	(X)
Lacking complete plumbing facilities	1,024	+/-217	0.3%	+/-0.1	17	+/-17	0.1%	+/-0.1
Lacking complete kitchen facilities	1,466	+/-272	. 0.5%	+/-0.1	24	+/-20	0.2%	+/-0.2
No telephone service available	5,266	+/-495	1.7%	+/-0.2	337	+/-125	2.7%	+/-1.0
OCCUPANTS PER ROOM		angoli ayong ing da Pi			· · · · · · · · · · · · · · · · · · ·			
Occupied housing units	306.694	+/-1.215	306,694	(X)	12,407	+/-346	12,407	(X)
1.00 or less	294,604	+/-1,480	96,1%	+/-0.2	12,140	+/-345	97.8%	+/-0.9
1.01 to 1.50	9.045	+/-623	2.9%	+/-0.2	179	+/-84	1.4%	+/-0.7
1.51 or more	3,045	+/-316	1.0%	+/-0.1	88	+/-66	0.7%	+/-0.7
VALUE								
Owner-occupied units	100 540	1/1 000	100 510	<u></u>	7			
Less than \$50,000	189,513	+/-1,686	189,513	(X)	7,899	+/-356	7,899	(X)
\$50,000 to \$99,999	6,291	+/-448	3.3%	+/-0.2	233	+/-68	2.9%	+/-0.9
www.www.co.wood.good	5,211	+/-455	2.7%	+/-0.2	304	+/-118	3.8%	+/-1.4

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DSP-06001-03_Additional Backup

Subject	Prince George's County, Maryland				District 18, Se	eat Pleasant; Prince C	eorge's County;	
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate	Margin of Error	Percent	Percent Margin of Error
\$100,000 to \$149,999	10,618	+/-606	5.6%	+/-0.3	832	+/-142	10.5%	+/-1.8
\$150,000 to \$199,999	24,658	+/-876	13.0%	+/-0.5	2,339	+/-288	29.6%	+/-3.4
\$200,000 to \$299,999	65,464	+/-1,374	34.5%	+/-0.7	3,288	+/-312	41.6%	+/-3.5
\$300,000 to \$499,999	64.859	+/-1,301	34.2%	+/-0.6	812	+/-140	10.3%	+/-1.7
\$500,000 to \$999,999	11,209	+/-557	5.9%	+/-0.3	29	+/-21	0.4%	+/-0.3
\$1,000,000 or more	1,203	+/-211	0.6%	+/-0.1	62	+/-41	0.8%	+/-0.5
Median (dollars)	272,900	+/-1,577	(X)	(X)	205,900	+/-6,163	(X)	(X)
IORTGAGE STATUS				and a state of the	1. 1. ja 1. ja			
Owner-occupied units	189.513	+/-1,686	189,513	(X)	7.899	+/-356	7.899	(X)
Housing units with a mortgage	155,735	+/-1.563	82.2%	+/-0.5	6.306	+/-348	79.8%	+/-2.7
Housing units without a mortgage	33,778	+/-993	17.8%	+/-0.5	1,593	+/-224	20.2%	+/-2.7
SELECTED MONTHLY OWNER COSTS (SMOC)		in daarda gabbalah ja						
Housing units with a mortgage	155,735	+/-1,563	155,735	(X)	6,306	+/-348	6,306	(X)
Less than \$500	1,085	+/-182	0.7%	+/-0.1	64	+/-35	1.0%	+/-0.6
\$500 to \$999	6,720	+/-182	4.3%	+/-0.1	371	+/-33	5.9%	+/-0.0
\$1,000 to \$1,499	25,842	+/-432	16.6%	+/-0.6	1,763	+/-102	28.0%	+/-1.0
\$1,500 to \$1,999	45,142	+/-1,104	29.0%	+/-0.7	2,463	+/-219	39.1%	+/-3.3
\$2,000 to \$2,499	33,873	+/-1,104	29.0%	+/-0.7	1.088	+/-198	17.3%	+/-3.3
\$2,500 to \$2,999	20,596	+/-1,080	13.2%	+/-0.5	483	+/-198	7.7%	+/-2.9
\$3,000 or more	20,598	+/-768		+/-0.5				**
Median (dollars)	1,990	+/-12	14.4% (X)		1,682	+/-42 +/-41	1.2% (X)	+/-0.7 (X)
Housing units without a mortgage	33,778	+/-993	33,778	(X)	1,593	+/-224	1,593	(X)
Less than \$250	1,026	+/-195	3.0%	+/-0.6	32	+/-25	2.0%	
\$250 to \$399	2,481	+/-274	7.3%	+/-0.8	176	+/-67	11.0%	+/-4.0
\$400 to \$599	10.397	+/-496	30.8%	+/-1.3	850	+/-184	53.4%	
\$600 to \$799	11,727	+/-586	34.7%	+/-1.3	401	+/-100	25.2%	+/-5.5
\$800 to \$999	5,227	+/-405	15.5%	+/-1.1	66	+/-35	4.1%	
\$1,000 or more	2.920	+/-290	8.6%	+/-0.8	68	+/-39	4.3%	+/-2.5
Median (dollars)	646	+/-7	(X)	afanananan kananan kana ina mananan manani fan	550	+/-16	(X)	
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME		es perfection par la 1					-	
SMOCAPI)								
Housing units with a mortgage (excluding units where SMOCAPI cannot be computed)	155,143	+/-1,557	155,143	(X)	6,211	+/-341	6,211	(X)
Less than 20.0 percent	57,045	+/-1,296	36.8%	+/-0.7	2,065	+/-224	33.2%	+/-3.3
20.0 to 24.9 percent	25,526	+/-747	16.5%	+/-0.5	1,091	+/-174	17.6%	+/-2.6
25.0 to 29.9 percent	18,702	+/-787	12.1%	+/-0.5	545	+/-140	8.8%	+/-2.2
30.0 to 34.9 percent	14,187	+/-693	9.1%	+/-0.4	595	+/-157	9.6%	+/-2.5
35.0 percent or more	39,683	+/-1,223	25.6%	+/-0.7	1,915	+/-219	30.8%	+/-3.0
Not computed	592	+/-142	(X)	(X)	95	+/-64	(X)	(X)
	J52	1/- /42	(^)		90	T/-04	(٨)	(^)

DSP-06001-03_Additional Backup 58 of 256

Subject	Prince George's County, Maryland				District 18, Seat Pleasant; Prince George's County; Maryland			
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate	Margin of Error	Percent	Percent Margin of Error
Housing unit without a mortgage (excluding units where SMOCAPI cannot be computed)	33,492	+/-999	33,492	(X)	1,572	+/-226	1,572	(X)
Less than 10.0 percent	15,410	+/-658	46.0%	+/-1.5	587	+/-141	37.3%	+/-6.9
10.0 to 14.9 percent	6,566	+/-387	19.6%	+/-1.1	283	+/-91	18.0%	+/-5.6
15.0 to 19.9 percent	3,298	+/-314	9.8%	+/-0.9	251	+/-93	16.0%	+/-5.3
20.0 to 24.9 percent	2,119	+/-244	6.3%	+/-0.7	117	+/-52	7.4%	+/-3.1
25.0 to 29.9 percent	1,588	+/-275	4.7%	+/-0.8	78	+/-44	5.0%	+/-2.7
30.0 to 34.9 percent	946	+/-158	2.8%	+/-0.4	23	+/-22	1.5%	+/-1.4
35.0 percent or more	3,565	+/-330	10.6%	+/-0.9	233	+/-94	14.8%	+/-5.2
Not computed	286	+/-75	(X)	(X)	21	+/-19	(X)	(X)
GROSS RENT	n The second stand				.•			· · · · · · · · · · · · · · · · · · ·
Occupied units paying rent	114,248	+/-1,585	114,248	(X)	4,135	+/-366	4,135	(X)
Less than \$500	3,638	+/-401	3.2%	+/-0.3	421	+/-134	10.2%	+/-3.1
\$500 to \$999	10,859	+/-684	9.5%	+/-0.6	646	+/-165	15.6%	+/-3.8
\$1,000 to \$1,499	55,451	+/-1,191	48.5%	+/-1.0	1,808	+/-279	43.7%	+/-5.6
\$1,500 to \$1,999	29,213	+/-1,110	25.6%	+/-0.9	836	+/-218	20.2%	+/-4.8
\$2,000 to \$2,499	11,428	+/-737	10.0%	+/-0.6	292	+/-111	7.1%	+/-2.6
\$2,500 to \$2,999	2,524	+/-307	2.2%	+/-0.3	132	+/-83	3.2%	+/-2.0
\$3,000 or more	1,135	+/-199	1.0%	+/-0.2	0	+/-25	0.0%	+/-0.8
Median (dollars)	1,385	+/-8	(X)	(X)	1,248	+/-49	(X)	(X)
No rent paid	2,933	+/-307	(X)	(X)	373	+/-152	(X)	(X)
								1
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)								
Occupied units paying rent (excluding units where GRAPI cannot be computed)	112,712	+/-1,614	112,712	(X)	4,051	+/-374	4,051	(X)
Less than 15.0 percent	10,424	+/-727	9.2%	+/-0.6	270	+/-125	6.7%	+/-3.1
15.0 to 19.9 percent	14,476	+/-780	12.8%	+/-0.7	321	+/-115	7.9%	+/-2.8
20.0 to 24.9 percent	15,885	+/-851	14.1%	+/-0.8	656	+/-175	16.2%	+/-4.0
25.0 to 29.9 percent	13,887	+/-833	12.3%	+/-0.7	363	+/-115	9.0%	+/-2.7
30.0 to 34.9 percent	11,679	+/-814	10.4%	+/-0.7	393	+/-119	9.7%	+/-3.0
35.0 percent or more	46,361	+/-1,361	41.1%	+/-1.0	2,048	+/-319	50.6%	+/-5.8
Not computed	4,469	+/-393	(X)	(X)	457	+/-151	(X)	(X)

Subject	Census Tra	ct 8028.03, Prince Ge	orge's County, M	
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HOUSING OCCUPANCY				
Total housing units	2,279	+/-138	2,279	(X)
Occupied housing units	2,127	+/-164	93.3%	+/-3.8
Vacant housing units	152	+/-85	6.7%	+/-3.8
Homeowner vacancy rate	2.8	+/-3.2	(X)	(X)
Rental vacancy rate	4.9	+/-4.5	(X)	(X)
JNITS IN STRUCTURE				
Total housing units	2,279	+/-138	2,279	(X)
1-unit, detached	572	+/-87	25.1%	+/-4.0
1-unit, attached	885	+/-130	38.8%	+/-5.4
2 units	000	+/-17	0.0%	+/-1.4
3 or 4 units	8	+/-12	0.4%	+/-0.5
5 to 9 units	27	+/-21	1.2%	+/-0.9
10 to 19 units	471	+/-78	20.7%	+/-3.4
20 or more units	316	+/-110	13.9%	+/-4.4
Mobile home	0.0	+/-17	0.0%	+/-1.4
Boat, RV, van, etc.	0	+/-17	0.0%	+/-1.4
YEAR STRUCTURE BUILT	an in San an A			
Total housing units	2,279	+/-138	2.279	())
Built 2014 or later	2,279	+/-130	1.3%	(X) +/-1.3
Built 2010 to 2013	184	+/-30	8.1%	+/-1.3
Built 2000 to 2009	270	+/-80	11.8%	+/-3.5
Built 1990 to 1999	591	+/-117	25.9%	+/-5.1
Built 1980 to 1989	208	+/-74	9.1%	+/-3.2
Built 1970 to 1979	200	+/-115	8.8%	+/-4.8
Built 1960 to 1969	347	+/-100	15.2%	+/-4.4
Built 1950 to 1959	299	+/-104	13.1%	+/-4.5
Built 1940 to 1949	66	+/-39	2.9%	+/-1.7
Built 1939 or earlier	83	+/-42	3.6%	+/-1.8
ROOMS	an a			
Total housing units	2,279	+/-138	2.279	()()
1 room		+/-12	0.4%	(X) +/-0.5
2 rooms	84	+/-12	3.7%	+/-0.5
3 rooms	239	+/-73	10.5%	+/-2.3
4 rooms	349	+/-134	15.3%	+/-5.6
5 rooms	473	+/-137	20.8%	+/-5.7
6 rooms	415	+/-137	20.8%	
7 rooms	<u>415</u> 340	+/-114 +/-98	18.2%	+/-5.1
8 rooms	340 192	+/-98	14.9%	+/-4.3
9 rooms or more	192	+/-81	8.4% 7.9%	+/-3.5 +/-3.3

Subject	Census Tra	Census Tract 8028.03, Prince George's County, Maryland						
	Estimate	Margin of Error	Percent	Percent Margin of Error				
Median rooms	5.5	+/-0.3	(X)	(X)				
BEDROOMS								
Total housing units	2,279	+/-138	2,279	(X)				
No bedroom	8	+/-12	0.4%	+/-0.5				
1 bedroom	372	+/-90	16.3%	+/-3.9				
2 bedrooms	540	+/-146	23.7%	+/-5.9				
3 bedrooms	823	+/-151	36.1%	+/-6.4				
4 bedrooms	442	+/-96	19.4%	+/-4.3				
5 or more bedrooms	94	+/-63	4.1%	+/-2.8				
HOUSING TENURE	alar in san an a	The second s	an a					
Occupied housing units	2.127	+/-164	2.127	(X)				
Owner-occupied	1.163	+/-147	54.7%	+/-6.2				
Renter-occupied	964	+/-161	45.3%	+/-6.2				
Average household size of owner-occupied unit	2.85	+/-0.40	(X)	(X)				
Average household size of renter-occupied unit	2.45	+/-0.31	(X)	(X)				
YEAR HOUSEHOLDER MOVED INTO UNIT		n dua dinga dua genti di						
Occupied housing units	2,127	+/-164	2.127	(X)				
Moved in 2015 or later	192	+/-78	9.0%	+/-3.7				
Moved in 2010 to 2014	1,023	+/-165	48.1%	+/-6.2				
Moved in 2000 to 2009	398	+/-108	18.7%	+/-4.8				
Moved in 1990 to 1999	354	+/-90	16.6%	+/-4.3				
Moved in 1980 to 1989	64	+/-44	3.0%	+/-4.3				
Moved in 1979 and earlier	96	+/-45	4.5%	+/-2.1				
			4.070					
VEHICLES AVAILABLE	<u> </u>							
Occupied housing units	2,127	+/-164	2,127	(X)				
No vehicles available	359	+/-118	16.9%	+/-5.4				
1 vehicle available	856	+/-170	40.2%	+/-6.6				
2 vehicles available	747	+/-134	35.1%	+/-6.5				
3 or more vehicles available	165	+/-79	7.8%	+/-3.7				
HOUSE HEATING FUEL								
Occupied housing units	2,127	+/ 164	2,127					
Utility gas	1,170	+/-164 +/-179	2,127	(X)				
Bottled, tank, or LP gas	1,170	+/-1/9	0.6%	+/-6.6				
Electricity	859	+/-19		+/-0.9				
Fuel oil, kerosene, etc.			40.4%	+/-6.2				
Coal or coke	73	+/-46	3.4%	+/-2.2				
Wood	0	+/-17	0.0%	+/-1.5				
Solar energy	13	+/-15	0.6%	+/-0.7				
ona oneigy	0	+/-17	0.0%	+/-1.5				

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Subject	Census Tract 8028.03, Prince George's County, Maryland						
1	Estimate	Margin of Error	Percent	Percent Margin of Error			
Other fuel	0	+/-17	0.0%	+/-1.5			
No fuel used	0	+/-17	0.0%	+/-1.5			
SELECTED CHARACTERISTICS							
	0.107			00			
Occupied housing units	2,127	+/-164	2,127	(X)			
Lacking complete plumbing facilities	8	+/-12	0.4%	+/-0.6			
Lacking complete kitchen facilities	8	+/-12	0.4%	+/-0.6			
No telephone service available	48	+/-39	2.3%	+/-1.8			
OCCUPANTS PER ROOM	Satella de la compositione	n gi un arite a					
Occupied housing units	2,127	+/-164	2,127	(X)			
1.00 or less	2,071	+/-163	97.4%	+/-2.8			
1.01 to 1.50	56	+/-60	2.6%	+/-2.8			
1.51 or more	0	+/-17	0.0%	+/-1.5			
VALUE							
Owner-occupied units	1.100		1.100				
Less than \$50.000	1,163	+/-147	1,163	(X)			
	13	+/-15	1.1%	+/-1.3			
\$50,000 to \$99,999	15	+/-17	1.3%	+/-1.4			
\$100,000 to \$149,999	109	+/-53	9.4%	+/-4.4			
\$150,000 to \$199,999	355	+/-92	30.5%	+/-7.3			
\$200,000 to \$299,999	377	+/-111	32.4%	+/-8.4			
\$300,000 to \$499,999	283	+/-98	24.3%	+/-7.6			
\$500,000 to \$999,999	11_	+/-17	0.9%	+/-1.4			
\$1,000,000 or more	0	+/-17	0.0%	+/-2.8			
Median (dollars)	217,100	+/-17,237	(X)	(X)			
MORTGAGE STATUS							
Owner-occupied units	1,163	+/-147	1,163	(X)			
Housing units with a mortgage	1,081	+/-152	92.9%	+/-3.8			
Housing units without a mortgage	82	+/-43	7.1%	+/-3.8			
SELECTED MONTHLY OWNER COSTS (SMOC) Housing units with a mortgage							
Less than \$500	1,081	+/-152	1,081	(X)			
\$500 to \$999	10	+/-16	0.9%	+/-1.5			
\$1,000 to \$1,499	37	+/-34	3.4%	+/-3.2			
\$1,500 to \$1,439 \$1,500 to \$1,999	224	+/-77	20.7%	+/-6.4			
	508	+/-123	47.0%	+/-9.0			
\$2,000 to \$2,499	224	+/-89	20.7%	+/-7.6			
\$2,500 to \$2,999	60	+/-43	5.6%	+/-3.9			
\$3,000 or more	18	+/-19	1.7%	+/-1.8			
Median (dollars)	1,723	+/-82	(X)	(X)			
Housing units without a mortgage		1/ 10					
nousing units without a mongage	82	+/-43	82	(X)			

8 of 10

DSP-06001-03_Additional Backup 62 of 256

Subject	Census Tract 8028.03, Prince George's County, Mar			
같은 것은 가장을 통해 가지 않는 것은 것을 알았다. 또 가운데 그 것은 것이 같다. 생산도 지않는 것 것은 것은 것은 가장에서 것은 것 같다. 것 같은 것은 것은 것을 같다.	Estimate	Margin of Error	Percent	Percent Margin of Error
Less than \$250	0	+/-17	0.0%	+/-31.5
\$250 to \$399	33	+/-34	40.2%	+/-32.2
\$400 to \$599	20	+/-19	24.4%	+/-22.1
\$600 to \$799	21	+/-19	25.6%	+/-23.1
\$800 to \$999	8	+/-12	9.8%	+/-15.9
\$1,000 or more	0	+/-17	0.0%	+/-31.5
Median (dollars)	457	+/-240	(X)	(X)
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME SMOCAPI)				
Housing units with a mortgage (excluding units where SMOCAPI cannot be computed)	1,058	+/-154	1,058	(X)
Less than 20.0 percent	385	+/-87	36.4%	+/-8.0
20.0 to 24.9 percent	244	+/-76	23.1%	+/-6.7
25.0 to 29.9 percent	58	+/-43	5.5%	+/-4.0
30.0 to 34.9 percent	139	+/-76	13.1%	+/-6.5
35.0 percent or more	232	+/-90	21.9%	+/-7.3
Not computed	23	+/-28	(X)	(X)
Housing unit without a mortgage (excluding units where SMOCAPI cannot be computed)	82	+/-43	82	(X)
Less than 10.0 percent	28	+/-22	34.1%	+/-25.8
10.0 to 14.9 percent		+/-11	8.5%	+/-13.8
15.0 to 19.9 percent	7	+/-11	8.5%	+/-13.4
20.0 to 24.9 percent	22	+/-20	26.8%	+/-23.5
25.0 to 29.9 percent	.	+/-17	0.0%	+/-31.5
30.0 to 34.9 percent	0	+/-17	0.0%	+/-31.5
35.0 percent or more	18	+/-30	22.0%	+/-30.9
Not computed	0	+/-17	(X)	(X)
GROSS RENT				
Occupied units paying rent	956	+/-161	956	(X)
Less than \$500	0	+/-17	0.0%	+/-3.3
\$500 to \$999	146	+/-72	15.3%	+/-6.9
\$1,000 to \$1,499	591	+/-101	61.8%	+/-11.0
\$1,500 to \$1,999	118	+/-108	12.3%	+/-10.4
\$2,000 to \$2,499	101	+/-56	10.6%	+/-5.4
\$2,500 to \$2,999	0	+/-17	0.0%	+/-3.3
\$3,000 or more	0	+/-17	0.0%	+/-3.3
Median (dollars)	1,209	+/-59	(X)	(X)
No rent paid	8	+/-14	(X)	(X)

Subject	Census Tract 8028.03, Prince George's County, Maryland						
에는 모두 가지 않는 것은 것을 하는 것이 가지 않는 것이 있는 것이 있는 것이 있다. 같은 것이 같은 것은 것은 것은 것은 것은 것이 가지 않는 것이 같은 것이 같은 것이 같은 것이다.	Estimate	Margin of Error	Percent	Percent Margin of Error			
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)							
Occupied units paying rent (excluding units where GRAPI cannot be computed)	949	+/-165	949	(X)			
Less than 15.0 percent	95	+/-66	10.0%	+/-7.0			
15.0 to 19.9 percent	27	+/-32	2.8%	+/-3.4			
20.0 to 24.9 percent	81	+/-55	8.5%	+/-5.5			
25.0 to 29.9 percent	120	+/-57	12.6%	+/-6.2			
30.0 to 34.9 percent	119	+/-66	12.5%	+/-7.3			
35.0 percent or more	507	+/-163	53.4%	+/-11.8			
Not computed	15	+/-20	(X)	(X)			

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Households not paying cash rent are excluded from the calculation of median gross rent.

Telephone service data are not available for certain geographic areas due to problems with data collection of this question that occurred in 2015 and 2016. Both ACS 1-year and ACS 5-year files were affected. It may take several years in the ACS 5-year files until the estimates are available for the geographic areas affected.

While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Explanation of Symbols:

1. An "*** entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

2. An '- entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the

lowest interval or upper interval of an open-ended distribution.

- 3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
- 4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
- 5. An "*** entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
- 6. An "***** entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
- 7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

8. An '(X)' means that the estimate is not applicable or not available.

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U.S. Census Bureau

Fact Finder

B25008

TOTAL POPULATION IN OCCUPIED HOUSING UNITS BY TENURE Universe: Total population in occupied housing units 2013-2017 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

	Prince George's C	Prince George's County, Maryland		District 18, Seat Pleasant; Prince George's County; Maryland		28.03, Prince ty, Maryland
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Fotal:	886,474	+/-741	34,414	+/-1,250	5,679	+/-598
Owner occupied	558,154	+/-5,388	22,823	+/-1,260	3,317	+/-630
Renter occupied	328,320	+/-5,287	11,591	+/-999	2,362	+/-421

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

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Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Explanation of Symbols:

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1 of 2

estimates falls in the lowest interval or upper interval of an open-ended distribution.

As in '- following a median estimate means the median falls in the lowest interval of an open-ended distribution.
An '- following a median estimate means the median falls in the lowest interval of an open-ended distribution.
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An '***** entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
An '(X)' means that the estimate is not applicable or not available.

Lot 12C (201 Addison Rd S)



Data provided by Prince George's County Planning Department

N

Property

Tax Account: 2122034 Owner Name: CAPITOL Premise Address: 201	HEIGHTS LLC S Addison Rd, Capitol Heights, MD 2074	2
Parcel Details	Ownership Information	Administrative Details
Tax Account #: 2122034 Assessment District: 18 Lot: 12C Block: Parcel: Description: Plat: A18-0020 Subdivision: MURDOUGH & WHITING Acreage: 0.3510	Owner Name: CAPITOL HEIGHTS LLC Owner Address: 23765 Pebble Run Pl, Sterling, VA 20166 Liber: 30106 Folio: 329 Transfer Date: 10/29/2008 Current Assessment: \$122,400.00 Land Valuation: \$122,400.00 Improvement Valuation: \$0.00 Sale Price: \$0.00 Structure Area (Sq Ft): 990	Tax Map Grid: 073C1 WSSC Grid: 201SE06 Tree Conservation Plan 1: Tree Conservation Plan 2: TCP2-013-2019 Councilmanic District: 7

Community Plan (As Approved)

Plan Title: Approved Subregion 4 Master Plan and Sectional Map Amendment Date Approved: 6/1/2010 Planning Board Resolution: 09-163 County Council Resolution: CR-49-2010 Map Name: Subregion 4 2010 Plan Type: Master Plan Status: Approved Plan Title: Addison Road Metro Boundary Date Approved: 10/24/2000 Planning Board Resolution: 99-246 County Council Resolution: CR-61-2000 Map Name: Addison Road Metro 2000 Plan Type: Sector Plan Status: Approved Plan Title: Approved Sector Plan & Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity Date Approved: 10/24/2000 Planning Board Resolution: 99-246 County Council Resolution: CR-61-2000 Map Name: Addison Road Metro Town Center 2000 Plan Type: Sector Plan Status: Approved

Councilmanic District (2014)

District: 7 Member: Rodney Colvin Streeter Political Party: Democrat Telephone: 301-952-3690 Email: councildistrict7@co.pg.md.us District: Null Member: Mel Franklin (At Large) Political Party: Democrat

M-NCPPC : Prince George's County Planning

Created on 2/27/2020

PGAtlas

Telephone: 301-952-2638 Email: mfranklin1@co.pg.md.us District: Null Member: Calvin S. Hawkins, II (At Large) Political Party: Democrat Telephone: 301-952-2195 Email: at-largememberhawkins@co.pg.md.us

Development District Overlay

Overlay Zone: D-D-O Plan Name: ADDISON ROAD METRO (ARM) TOWN CENTER AND VICINITY SMA Resolution: CR-61-2000 Adoption Date: 10/24/2000 Acreage: 285.210166

Election District (2014)

Election District: 18, Seat Pleasant Election District Number: 18

Enterprise Zone (MD Dept of Commerce)

Site Name: Prince Georges County Description: This county borders Washington, D.C. to the east and boasts large technology and aerospace sectors. Businesses locating in this Enterprise Zone may be eligible for Real Property & Income Tax credits in return for job creation and investments. Organization: Prince Georges County Econ Dev Corp Address: 1100 Mercantile Lane Building: Suite 115A

City: Largo County: Prince Georges State: MD Zip Code: 20774 Organization: (301) 583-4617 Toll Free Number: Website: http://www.pgcedc.com/

Enterprise Zone Focus Area (MD Dept of Commerce)

Site Name: Prince Georges County

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Address: 1100 Mercantile Lane Building: , Suite 115A City: Largo County: Prince Georges State: MD Zip Code: 20774 Organization: (301) 583-4617 Toll Free Number: Not Available Website: http://www.pgcedc.com/

M-NCPPC : Prince George's County Planning

General Plan Center (2035)

ID: 9 Name: Addison Road Metro Type Code: Local Transit Center

Legislative District

Legislative District: 24 Member 1: Joanne C. Benson Party 1: Democrat Member 2: Erek L. Barron Party 2: Democrat Member 3: Carolyn J. B. Howard Party 3: Democrat Member 4: Jazz M. Lewis Party 4: Democrat

Opportunity Zone (IRS)

Census Tract ID: 24033802803

Planning Area

Subregion Number: 4 Number: 75A Name: Suitland-District Heights & Vicinity Acreage: 10385.000762

Priority Funding Area (MDP)

CPFA: IN Municipality Name: State Eligible: YES

Community Plan (Active)

Plan Name: 2010 Approved Subregion 4 Master Plan Date Approved: 6/1/2010 Planning Board Resolution: 09-163 County Council Resolution: CR-49-2010 Map Name: Subregion 4 (2010) Plan Type: Master Plan Status: Active SMA Name: 2010 Approved Subregion 4 Sectional Map Amendment SMA Resolution: CR-49-2010 SMA Name: 2010 Approved Subregion 4 Sectional Map Amendment Plan Title: 2010 Approved Subregion 4 Master Plan and Sectional Map Amendment

Sustainable Community (MDP)

Program: Sustainable Communities **Name:** Central Avenue Blue Line Metro Corridor

Created on 2/27/2020

Sustainable Growth Act

Tier: 1

Tax Grid

Map Grid: 73-C1

Traffic Analysis Zone (COG)

TAZ Number: 1065 Population 2010: 259 Population 2015: 652 Population 2020: 692 Population 2025: 692 Population 2030: 720 Population 2035: 720 Population 2040: 720 Population 2045: 720 Dwelling Units 2010: 108 **Dwelling Units 2015:** 292 Dwelling Units 2020: 305 Dwelling Units 2025: 305 **Dwelling Units 2030:** 323 Dwelling Units 2035: 323 Dwelling Units 2040: 323 Dwelling Units 2045: 323 Households 2010: 100 Households 2015: 268 Households 2020: 296 Households 2025: 296 Households 2030: 317 Households 2035: 317 Households 2040: 317 Households 2045: 317 **Employment 2010:** 32 **Employment 2015:** 55 Employment 2020: 55 Employment 2025: 86 Employment 2030: 150 Employment 2035: 194 Employment 2040: 244 Employment 2045: 305

Traffic Analysis Zone (PG County)

Zone Number: 4917

Zoning

Created on 2/27/2020

Zone Type: Commercial Class: C-S-C (Commercial Shopping Center)



Data provided by Prince George's County Planning Department

N

7

Property

Tax Account: 2104008 Owner Name: CAPITOL		
Premise Address: 205 Parcel Details	S Addison Rd, Capitol Heights, MD 20743 Ownership Information	Administrative Details
Tax Account #: 2104008 Assessment District: 18 Lot: Block: Parcel: Description: LT12B EX2104F &ADJ N 13 F LT12A EX 416SF Plat: A18-0020 Subdivision: MURDOUGH & WHITING Acreage: 0.3850	Owner Name: CAPITOL HEIGHTS LLC Owner Address: 23765 Pebble Run Pl, Sterling, VA 20166 Liber: 30446 Folio: 151 Transfer Date: 3/18/2009 Current Assessment: \$134,000.00 Land Valuation: \$134,000.00 Improvement Valuation: \$0.00 Sale Price: \$0.00 Structure Area (Sq Ft): 1108	Tax Map Grid: 073C1 WSSC Grid: 201SE06 Tree Conservation Plan 1: Tree Conservation Plan 2: Councilmanic District:

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M-NCPPC : Prince George's County Planning

Created on 2/27/2020

Telephone: 301-952-2638 Email: mfranklin1@co.pg.md.us District: Null Member: Calvin S. Hawkins, II (At Large) Political Party: Democrat Telephone: 301-952-2195 Email: at-largememberhawkins@co.pg.md.us

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Toll Free Number:

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M-NCPPC : Prince George's County Planning

General Plan Center (2035)

ID: 9 Name: Addison Road Metro Type Code: Local Transit Center

Legislative District

Legislative District: 24 Member 1: Joanne C. Benson Party 1: Democrat Member 2: Erek L. Barron Party 2: Democrat Member 3: Carolyn J. B. Howard Party 3: Democrat Member 4: Jazz M. Lewis Party 4: Democrat

Natural Resource Inventory (In DAMS)

Case Number: NRI-144-2015

Title: THE COMMONS AT ADDISON ROAD

Type: NRI

Status: APPROVED as of 8/7/2015

Description Applicant Metrics Acres: 3.71000004 Title: THE COMMONS AT Address: 4219 DUSTIN ROAD ADDISON ROAD Gross Floor Area: 0 Email: Case Number: NRI-144-2015 Preliminary Lots: 0 Fax: Case Type: NRI Preliminary Out Lots: 0 Name: CAPITOL HEIGHTS, LLC Status: APPROVED Preliminary Out Parcels: 0 Phone: **Description:** MIXED-USE **Preliminary Parcels:** 0 **Zip Code:** 20866 DEVELOPMENT Total Units: 0 Accepted Data: 7/15/2015 Units Attached: 0 Status Date: 8/7/2015 Units Detached: 0 Case Reviewer: SCHNEIDER. **Units Multifamily:** 0 CHUCK Location: 360 FEET SW OFTHE INTERSECTION OF SOUTH ADDISON ROAD AND CENTRAL AVENUE Actions Zone Agent AuthorityName: STAFF • ZoneCode: C-S-C Address: 9450 ANNAPOLIS ActionDate: 8/7/2015 Acres: 3.48000002 ROAD Final: Yes **Description:** Commercial Email: Shopping center Fax: ZoneCode: R-55 Name: AB CONSULTANTS, INC. Acres: 0.23 Phone: Description: One Family

Detached Residential

Lineage

M-NCPPC : Prince George's County Planning

3

Zip Code: 20706

• Id: NRI-144-2015

Opportunity Zone (IRS)

Census Tract ID: 24033802803

Planning Area

Subregion Number: 4 Number: 75A Name: Suitland-District Heights & Vicinity Acreage: 10385.000762

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CPFA: IN Municipality Name: State Eligible: YES

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Rail Station Quarter Mile Buffer

Status: Existing Operator: WMATA Name: Addison Road-Seat Pleasant Amtrak: No Light Rail: No MARC: No Metro: Yes

Sustainable Community (MDP)

Program: Sustainable Communities **Name:** Central Avenue Blue Line Metro Corridor

Sustainable Growth Act

Tier: 1

Created on 2/27/2020

Tax Grid Map Grid: 73-C1

Traffic Analysis Zone (COG)

TAZ Number: 1065 Population 2010: 259 Population 2015: 652 Population 2020: 692 Population 2025: 692 Population 2030: 720 Population 2035: 720 Population 2040: 720 Population 2045: 720 Dwelling Units 2010: 108 Dwelling Units 2015: 292 Dwelling Units 2020: 305 Dwelling Units 2025: 305 Dwelling Units 2030: 323 Dwelling Units 2035: 323 Dwelling Units 2040: 323 Dwelling Units 2045: 323 Households 2010: 100 Households 2015: 268 Households 2020: 296 Households 2025: 296 Households 2030: 317 Households 2035: 317 Households 2040: 317 Households 2045: 317 Employment 2010: 32 **Employment 2015:** 55 **Employment 2020:** 55 **Employment 2025:** 86 Employment 2030: 150 Employment 2035: 194 Employment 2040: 244 Employment 2045: 305

Traffic Analysis Zone (PG County)

Zone Number: 4917

Zoning

Zone Type: Commercial Class: C-S-C (Commercial Shopping Center)

6301 CENTRAL AVENUE, LLC: W18827519

A Notice

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Please be aware of an ongoing seam in which newly registered businesses are being instructed to send additional payment in order to obtain a Certificate of Status. Any 3rd party solicitation from a company attempting to represent the 'Maryland Secretary of State' via mail or email should be fully vetted before submitting additional payment information.

Trade Names Renewals are now available online up to 6 months prior to the Trade Name's expiration date. If the owner of the Trade Name is an LLC or Corporation, that LLC or Corporation must be in Good Standing with SDAT. Once logged in, click 'Start a New Filing' in your 'Online Filings' tab. Then, select 'Renew Trade Name' to see if you are eligible.

Department ID Number; W18827519

Business Name: 6301 CENTRAL AVENUE, LLC

Principal Office: 1738 ELTON ROAD SUITE 215 SILVER SPRING MD 20903

Resident Agent: OMAR A. KARIM C/O BANNEKER VENTURES, LLC 1738 ELTON ROAD, SUITE 215 SILVER SPRING MD 20903

Status: ACTIVE

Good Standing: THIS BUSINESS IS IN GOOD STANDING

Business Type: DOMESTIC LLC

Business Code: 20 ENTITIES OTHER THAN CORPORATIONS

Bate of Formation/ Registration: 05/16/2018 State of Formation: MD Stock Status: N/A Close Status: N/A

IMAN, LLC: W13838206

A Notice

Trade Names Renewals are now available online up to 6 months prior to the Trade Name's expiration date. If the owner of the Trade Name is an LLC or Corporation, that LLC or Corporation must be in Good Standing with SDAT. Once logged in, click 'Start a New Filing' in your 'Online Filings' tab. Then, select 'Renew Trade Name' to see if you are eligible.

Department ID Number:	
W13838206	

Business Name: IMAN, LLC

Principal Office: 4219 DUSTIN ROAD BURTONSVILLE MD 20866

Resident Agent: MIRZA HUSSAIN ALI BAIG 4219 DUSTIN ROAD BURTONSVILLE MD 20866

Status: REVIVED

Good Standing: THIS BUSINESS IS IN GOOD STANDING

Business Type: DOMESTIC LLC

Business Code: 20 ENTITIES OTHER THAN CORPORATIONS

Bate of Formation/ Registration: 11/16/2010

State of Formation: MD

Stock Status: N/A

Close Status: N/A ×

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ARTICLE OF REINSTATEMENT IMAN, LLC

A MARYLAND LIMITED LIABILITY COMPANY

FIRST: The name of the Limited Liability Company at the time the charter was forfeited was IMAN, LLC.

SECOND: The name which the Limited Liability Company will use after reinstatement is:

IMAN, LLC

THIRD: The address of the principal office in this state is 4219 Dustin Road, Burtonsville, MD. 20866.

FOURTH: The name and address of the resident agent is Mirza Hussain Ali Baig, 4219 Dustin Road, Burtonsville, MD. 20866.

I hereby consent to my designation in this document as resident agent for this Limited Liabilities Company.

CA'MUU Resident Agent

I swear under penalties of perjury that this is an authorized act of above named entity.

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Authorized Person or Managing Member

CUST ID:0003802436 WORK ORDER:0005019013 DATE:02-04-2020 03:35 PM AMT. PAID:\$1,050.00 W / //

CAPITOL HEIGHTS LLC: W12754784

A Notice

Trade Names Renewals are now available online up to 6 months prior to the Trade Name's expiration date. If the owner of the Trade Name is an LLC or Corporation, that LLC or Corporation must be in Good Standing with SDAT. Once logged in, click 'Start a New Filing' in your 'Online Filings' tab. Then, select 'Renew Trade Name' to see if you are eligible.

Department ID Number: W12754784

Business Name: CAPITOL HEIGHTS LLC

Principal Office: 4219 DUSTIN RD BURTONSVILLE MD 20866

Resident Agent: HOWARD J. ROSS 11739 GAINSBOROUGH ROAD POTOMAC MD 20854

Status: FORFEITED

Good Standing: THIS BUSINESS IS NOT IN GOOD STANDING

Business Type: DOMESTIC LLC

Business Code: 20 ENTITIES OTHER THAN CORPORATIONS

Bate of Formation/ Registration: 10/15/2008

State of Formation: MD

Stock Status: N/A

Close Status: N/A х

CORPORATE CHART	'ER APPROVAL SHEET
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State Transfer Tax:	Designation of Resident Agent
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ARTICLES OF ORGANIZATION

The undersigned, with the intention of creating a Maryland Limited Liability Company files the following Articles of Organization:

(1) The name of the Limited Liability Company is: Capitol Heights LLC

(2) The purpose for which the Limited Liability Company is filed is as follows: <u>To buy</u>, <u>develop</u>, <u>sell</u> or lease real estate

(3) The address of the Limited Liability Company in Maryland is 4219 Dustin Road, Burtonsville, MD 20866

(4) The resident agent of the Limited Liability Company in Maryland is Mirza Hussain Ali Baig

whose address is 4219 Dustin Road, Burtonsville, MD 20866

(5) Hung Stussen Mi Cau Mirza Hussain Ali Baig

Mirza Hussain Ali Baig Kussan Att. (6) Mine A n Resident Agent

I hereby consent to my designation in this document.

Signature(s) of Authorized Person(s)

Filing party's return address:

Title Associates, Inc. (7)

2411 Crofton Lane, #26

Crofton, MD 21114

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

In re:

COMMONS AT ADDISON ROAD

CASE NUMBER

DSP-06001/03

Applicant: 6301 Central Avenue, LLC

(Staff Reviewer: Andrew Bishop)

Person of Record: Bradley E. Heard

DECLARATION OF BRADLEY E. HEARD

I, BRADLEY E. HEARD, being of legal age and sound mind, do hereby depose

and state as follows:

- 1. My name is Bradley E. Heard. I reside at 415 Zelma Avenue, Capitol Heights, MD, 20743, where I have lived since 2008. I am the record owner of that property, which is my principal residence. I am a taxpayer in Prince George's County, Maryland.
- 2. I am a person or party of record to this case, and I am opposed to the approval of the above-captioned Detailed Site Plan (DSP) application in its current form. I make this Declaration as a part of the presentation of my case-in-chief in opposition to the proposed DSP, for purposes of providing a clear record and expediting the public hearing. I plan to be personally available at the hearing for purposes of cross-examination by the Applicant or clarification and examination by the Board or others as to all items contained within this Declaration.
- 3. I am a college and law school graduate, having earned a B.A. in political science from Morehouse College in 1992 and a J.D. from Yale Law School in 1995. I have also been practicing as an attorney at law since 1995 and am currently licensed to practice in the State of Georgia and the District of Columbia.
- 4. For more than a decade, I have been a strong advocate for urban transit- and pedestrian-oriented development and revitalization of socioeconomically distressed communities like mine, inside the Beltway and within walking distance of rapid transit.

Page 1 of 6

- 5. Over the years, I have studied extensively and written and spoken frequently on the topics of smart growth, walkable urbanism, transit, economic development, urban revitalization, land use, and good government.
- 6. Through my undergraduate and law school training, my nearly 25 years of professional practice, my personal studies, and my community work and advocacy, I have become well versed in the areas of reading and analyzing community land use plans, maps, plats, and other real estate documents, reviewing treatises, conducting legal research, and analyzing and reconciling a variety of statutes in several jurisdictions.
- 7. On information and belief, the northern boundary of my principal residence is within 1,000 feet of the southern boundary of Lot 5, Block B, of King's Seat Pleasant Subdivision (Plat Book WWW 16, p. 61), which is the southern boundary on the Zelma Avenue frontage of the subject property area in the above-captioned DSP.
- 8. I reside within a half-mile of the Addison Road Metro Station and the Addison Plaza Shopping Center, both of which are located on MD-214 (Central Avenue). Over the years, I have been a frequent user/patron of that Metro station and that shopping center.
- 9. I know, from my review of various professional planning resources and from my personal experience as a pedestrian, that a half-mile walk—which typically takes about 10 minutes at a normal pace—is what most people consider to be a comfortable distance to reach major destinations by foot. Beyond that distance, people will usually choose another method of transportation if it is available to them.
- 10. Although my house is within the typical half-mile walkshed of both the Addison Road Metro Station and the Addison Plaza Shopping Center, I do not consider my pedestrian journey to those destinations to be comfortable, safe, or desirable, given the lack of pedestrian-friendly infrastructure and design. There are currently no sidewalks on Zelma Avenue, so I and most other pedestrians typically have to compete with cars on that narrow, crowded residential street that leads to MD-214. That journey becomes more perilous at night, because the street has inadequate streetlighting (from a pedestrian perspective, as compared to an automobile driver's perspective behind the wheel of a car with headlights) from the utility pole-mounted cobra head light fixtures that are present on only one side of the street.
- 11. At the intersection of Zelma Avenue, MD-214 (Central Avenue), and MD-332 (Old Central Avenue), I encounter additional dangers as a pedestrian. First, both of those state highways are heavily traversed by cars. Second, there are no marked crosswalks at the convergence of these three streets. Third, the lack of a marked and signalized pedestrian crossing across MD-214, a sixlane-wide arterial where vehicles typically travel at high speeds, well above the posted 30 MPH speed limit, makes it difficult and risky to reach Addison

Plaza Shopping Center safely on foot. Fourth, the nearest marked and signalized crosswalk to the shopping center is more than 500 feet west of Zelma Avenue, which is the distance of a long city block and is out of the way from the destination. Thus, despite the inherent danger, I and most other people traveling on foot from Zelma Avenue to Addison Plaza typically choose to dart quickly across MD-214 whenever we can find a clear enough break in the oncoming car traffic, rather than heading 500 feet out of our way to reach the nearest marked and signalized crossing. It would improve my pedestrian experience tremendously and significantly reduce the risks to my personal safety if there were a signalized marked crosswalk at the Zelma Avenue intersection with MD-214 and MD-332.

- 12. When traveling on foot to the Addison Road Metro Station from Zelma Avenue, my walk along MD-214 is uncomfortable and unsafe. The narrow sidewalk along the southern edge of the highway is directly adjacent to the curb of the busy arterial, where drivers regularly exceed the posted speed limit of 30 MPH. When snow falls, the State Highway Administration plows the snow from the roadway onto the sidewalk, thereby making it essentially impassable and requiring pedestrians to venture into the street. Additionally, at night, the narrow sidewalk pathway is not well lit, as there are no streetlights along that portion of the highway. It would improve my pedestrian experience tremendously and significantly reduce the risks to my personal safety if there were a wider sidewalk along MD-214, separated from the curb by a wide landscape strip, and appropriately illuminated with pedestrian-scaled streetlamps.
- 13. Because I do own an automobile, I can and often do choose to avoid the dangers and discomfort of walking from my house to Addison Plaza and Addison Road Metro Station; however, for environmental and health reasons, I would prefer to be in a position where I could safely and comfortably choose to walk more frequently to these easily walkable destinations. Walking to nearby destinations reduces my carbon footprint and is a good and easily accessible form of exercise and recreation.
- 14. In addition to my general interest in smart growth, walkable urbanism, and transit-oriented development issues as a member of the Prince George's and suburban Washington communities, I also do admittedly have specific pecuniary and aesthetic interests in ensuring that the Addison Road Metro station area develops in a manner that maximizes my property values; improves the visual appearance, appeal, and walkability of my neighborhood; increases my access to neighborhood-serving retail; and increases my opportunities to relax, recreate, and socialize in my immediate neighborhood.
- 15. Presently, according to the Census 2017 5-year ACS data, the median owneroccupied home value of \$217,100 in my census tract (8028.03) lags 20% behind Prince George's County's median of \$272,900, and 45% behind the Washington Metropolitan Area's median of \$397,900. I believe that bringing more compact, dense, urban mixed-use transit- and pedestrian-oriented

Page 3 of 6

development to my neighborhood, in accordance with the applicable comprehensive plans for the area, will help to increase my property values and earn a better return on my investment in my principal residence.

- 16. In addition, since the 2016 closure of the Safeway grocery store in the Addison Plaza Shopping Center, my community has transformed into a food desert. Obtaining necessary and healthy groceries has become much more of a chore and inconvenience, since I can no longer just walk or drive to a nearby location and get groceries. I am interested in preserving the opportunity for a full-service (40,000+ SF) grocery store use to be developed close to the Addison Road Metro station as part of an overall mixed-use development with multifamily apartments. I believe the vacant parcels on the west side of Addison Road South, directly across from the Metro station parking garage, would be an ideal location for such a development. Those parcels are within easy walking distance to my house, and are accessible to transit riders using the Metro station.
- 17. I would love to see a dense, neighborhood-scaled mixed-use development like the Hine School redevelopment project across from the Eastern Market Metro Station in southeast Washington, DC, come to the southwest corner of Central Avenue and Addison Road South in Prince George's County, where the Commons at Addison Road development is currently proposed. With the right kind of building design and public infrastructure improvements, I believe such a project could attract the residents, businesses, and amenities that would raise my property values and improve my living conditions.
- 18. The corollary is also very likely true, though: a poorly designed project, such as that presented in the current DSP, that does not relate well to the street and does not incorporate adequate public infrastructure improvements at the prime corner of the Addison Road Metro Center station area will likely not attract the residents and businesses necessary to the project's success. This would, in turn, likely adversely impact my property values and also reinforce the negative stereotypes and perceptions that many developers and Washington Metropolitan Area residents already have about the viability of quality mixed-use transit-oriented developments in Prince George's County, inside the Beltway near transit, in communities such as mine.
- 19. For these reasons, I urge the Planning Board to disapprove the current DSP application and to encourage the applicant to resubmit a revised DSP application that conforms to the applicable comprehensive plans at its earliest opportunity.

I hereby declare under penalty of perjury, pursuant to the laws of the United States and the State of Maryland, that the foregoing information is true and correct to the best of my knowledge, information, and belief.

This 28th day of February, 2020.

<u>/s/ Bradley E. Heard</u> BRADLEY E. HEARD

CERTIFICATE OF SERVICE

This will certify that I have this day caused to be served copies of the within and

foregoing document upon the following parties by electronic mail, as follows:

Omar A. Karim, Esq. President, Banneker Ventures	okarim@bannekerventures.com
Ms. Tori Williams Development Associate, Banneker Ventures	twilliams@bannekerventures.com
Mr. McClinton ("Clint") Jackson III Director, Neighborhood Development Company	cjackson@neighborhooddevelopment.com
Christopher L. Hatcher, Esq. Counsel for Applicant	clhatcher@lerchearly.com
Mr. Andrew Bishop Senior Planner, Urban Design Section, M-NCPPC	andrew.bishop@ppd.mncppc.org
Mr. Jeremy Hurlbutt Master Planner, Urban Design Section, M-NCPPC	jeremy.hurlbutt@ppd.mncppc.org
Ms. Jill Kosack Supervisor, Urban Design Section, M-NCPPC	jill.kosack@ppd.mncppc.org
Ms. Sherri Conner Supervisor, Subdivision and Zoning Section, M-NCPPC	sherri.conner@ppd.mncppc.org
Mr. James Hunt Chief, Development Review Division, M-NCPPC	james.hunt@ppd.mncppc.org

This 28th day of February, 2020.

<u>s/ Bradley E. Heard</u> Bradley E. Heard

Bradley E. Heard 415 Zelma Avenue Capitol Heights, MD 20743 Telephone: (240) 297-4439 Email: <u>Bradley.Heard@gmail.com</u> Skip to main content

Washington Metropolitan Area Transit Authority

Metro Home

Parking

- For daily parking, <u>SmarTrip® cards (/fares/smartrip/)</u> are the primary form of payment accepted. Additionally, all stations accept credit cards.
- Meters at short-term parking spaces accept only quarters and \$1 coins.
- Parking is free at Metro-operated lots on weekends and <u>federal holidays</u> (/schedules/timetables/?t=timetables-rail-wrapper#holidays), except during special events. Most weekends, it's easy to find a space at Metro parking lots.
- Fares are collected upon exit during the following hours: Monday-Thursday 7:30 a.m. - 12:30 a.m.
 Friday 7:30 a.m. - 2:00 a.m.

Current Parking Availability

Parking availability status is based on the real-time entry and exit at Metro lots or garages. It does not reflect where the cars park (spaces for reserved, paid, accessible, etc.). The status feature provides customers with an estimate of available spaces, not an exact count.

Available - Ample parking spaces are available.

Limited - A limited number of parking spaces are available.

Full - The lot/garage is full. No parking spaces are available.

Parking availability does not include any reserved parking spaces

released after 10 am.

· Parking availability is included on Metro-operated parking lots and garages only.

Addison Road-Seat Pleasant

All day spaces: 1,268 Cost/day: M-F \$4.70 Payment: SmarTrip® cards and credit cards Short-term metered spaces: 50 (Parking available 8:30 am - 3:30 pm and 7 pm - 2 am) Additional spaces and costs: None

Current Parking Availability:

Available Garage

Reserved parking location: Central Ave., east of Addison Road Reserved rate: \$65.00

https://www.wmata.com/service/parking/parking-details.cfm?stationid=92

• <u>Set Up Reserved Parking Account (https://payments.lazparking.com/paris3c/parisweb.asp?</u> <u>lid=1074&rc=2)</u>

RELATED INFORMATION

Grosvenor-Strathmore Parking Garage Expansion

(/service/status/details/grosvenor-parking-expansion.cfm)

<u>Bus</u>

(/service/bus/index.cfm)

Archive 2018

(/service/daily-report/Archive-2018.cfm)

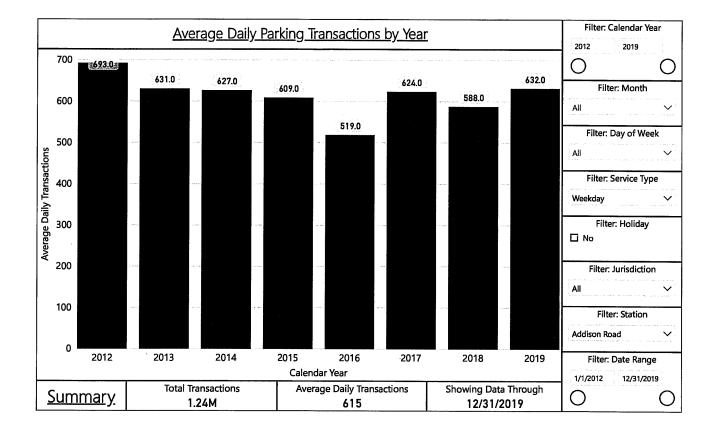
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Skip to main content

Washington Metropolitan Area Transit Authority

<u>Metro</u> Home

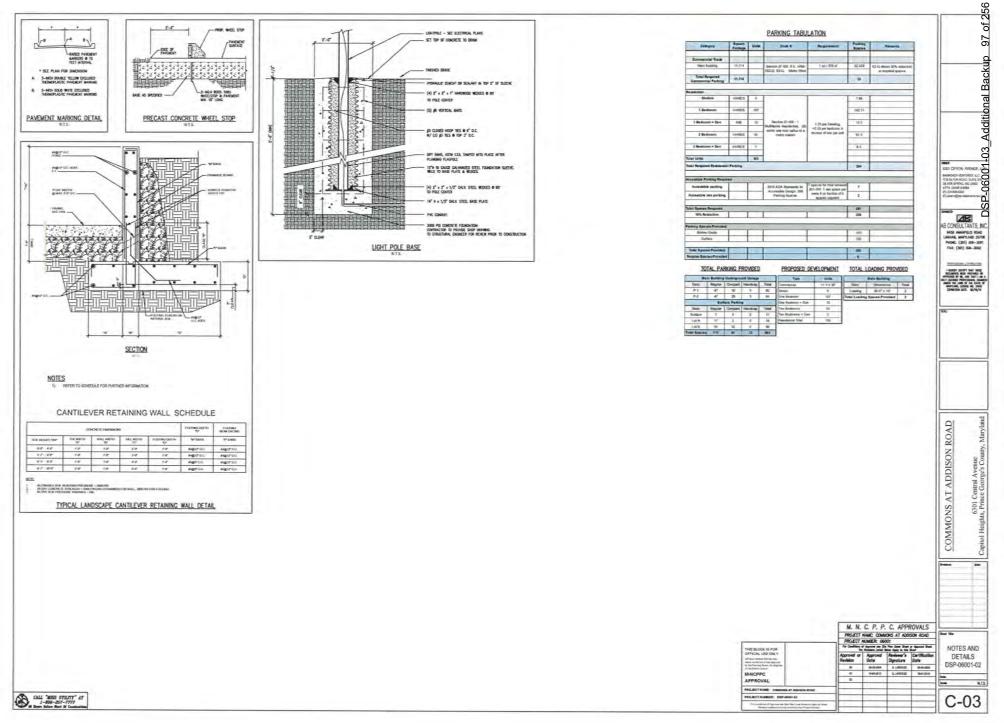
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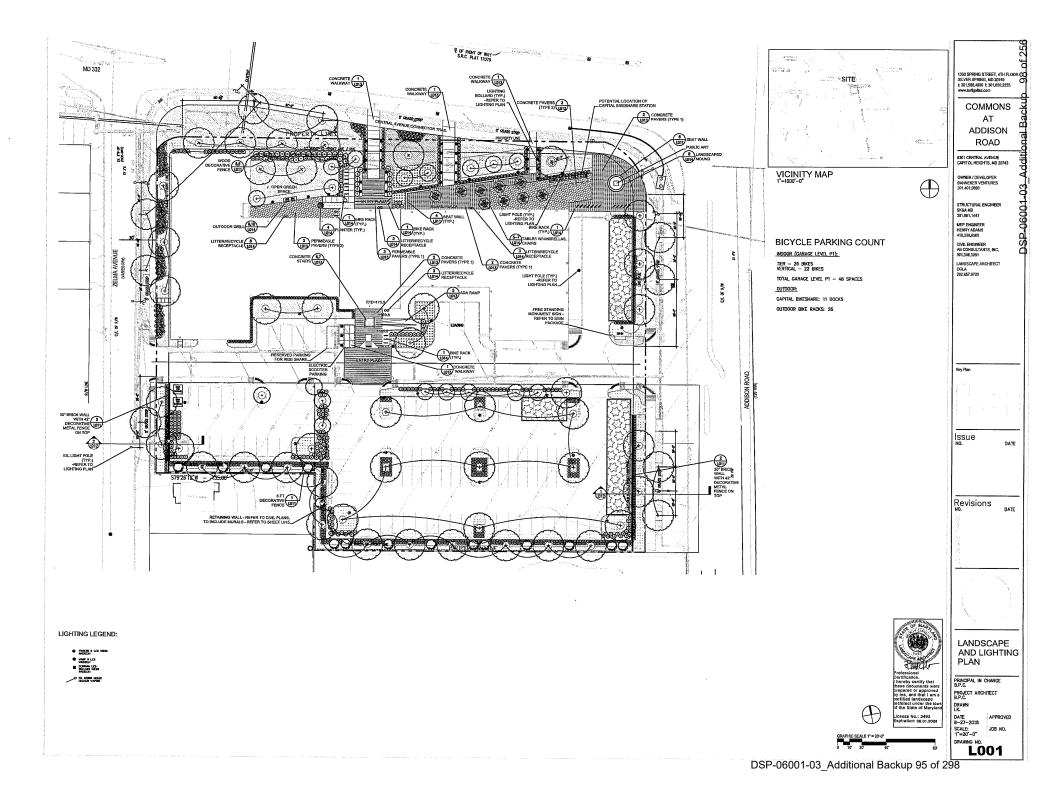


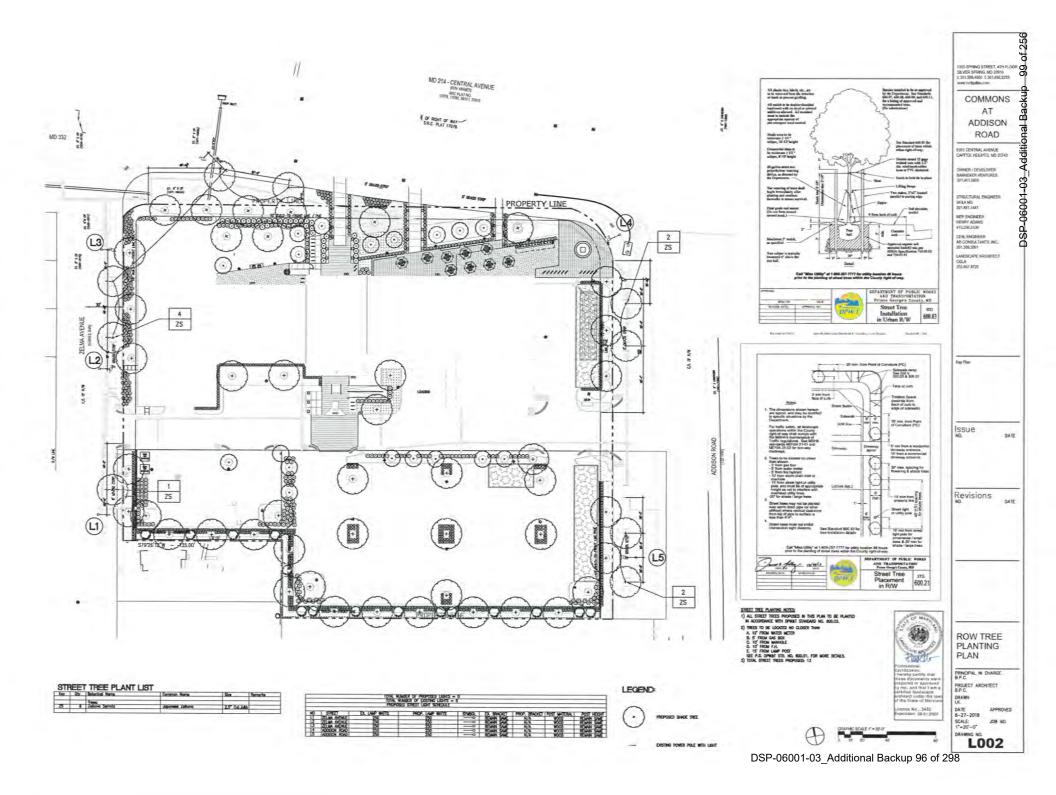
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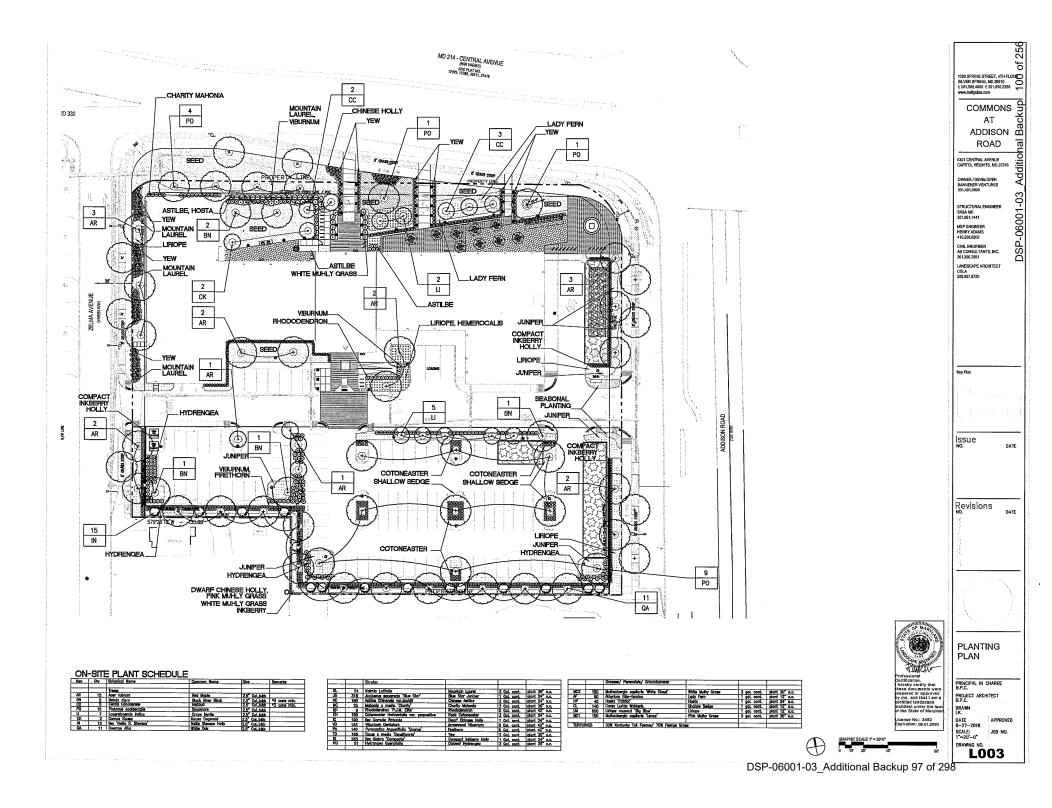
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© 2020 WMATA









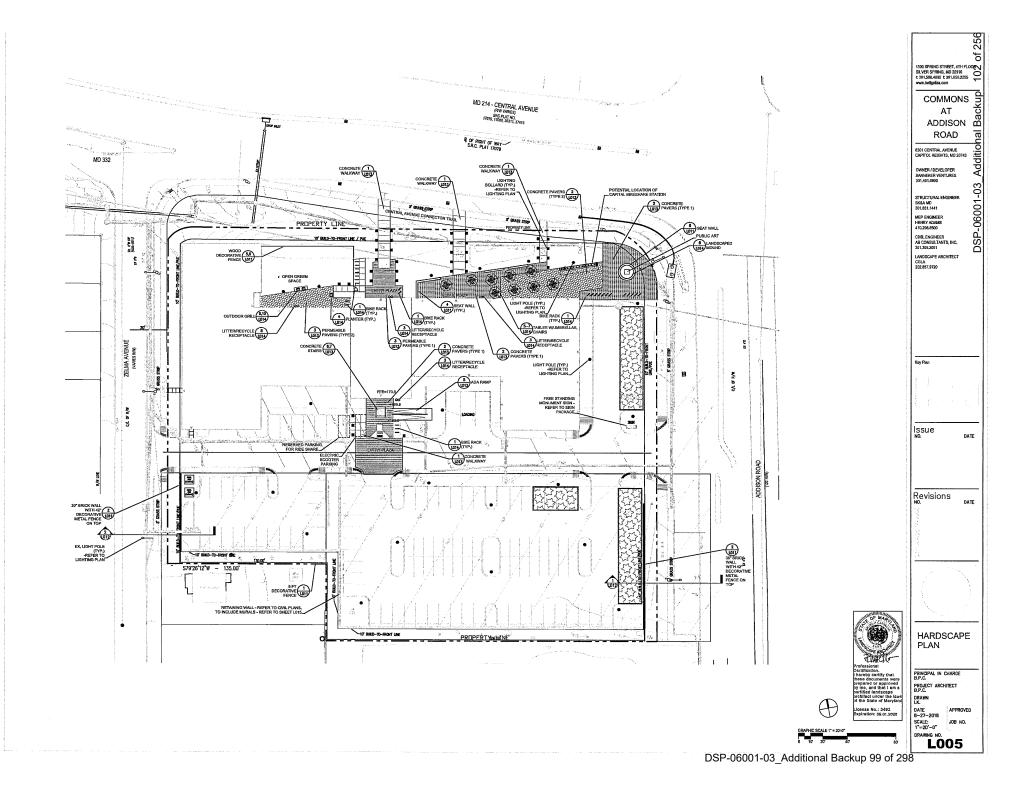
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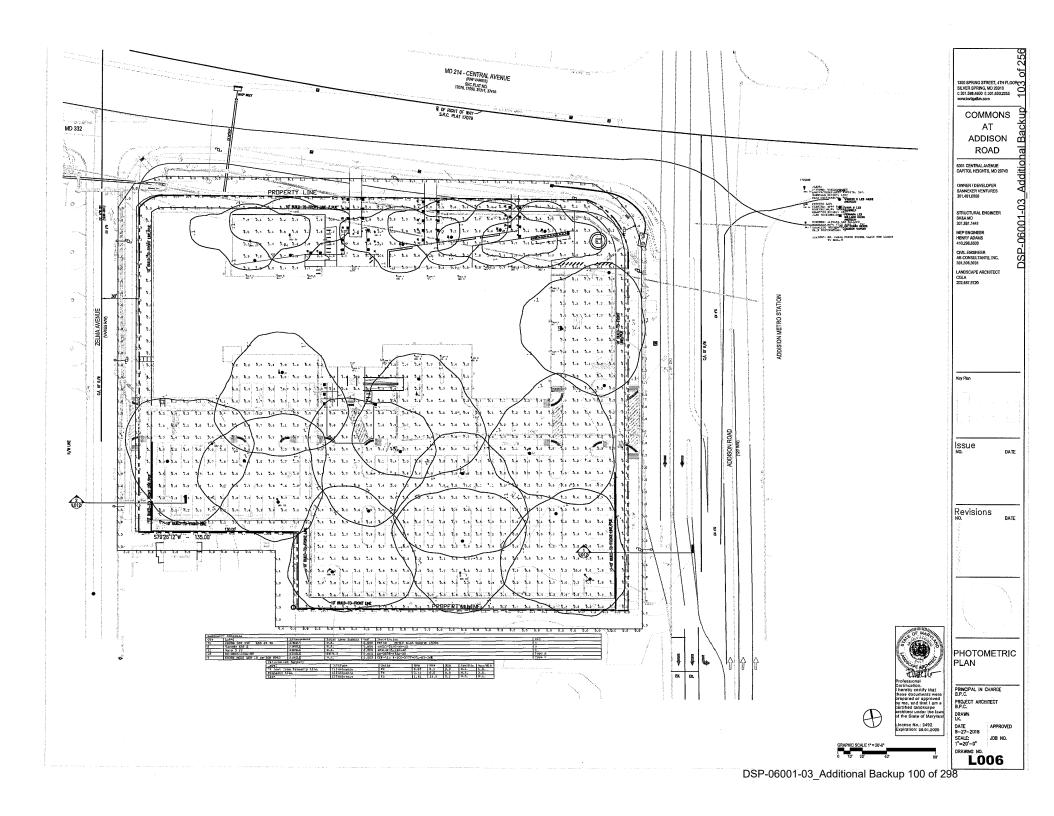
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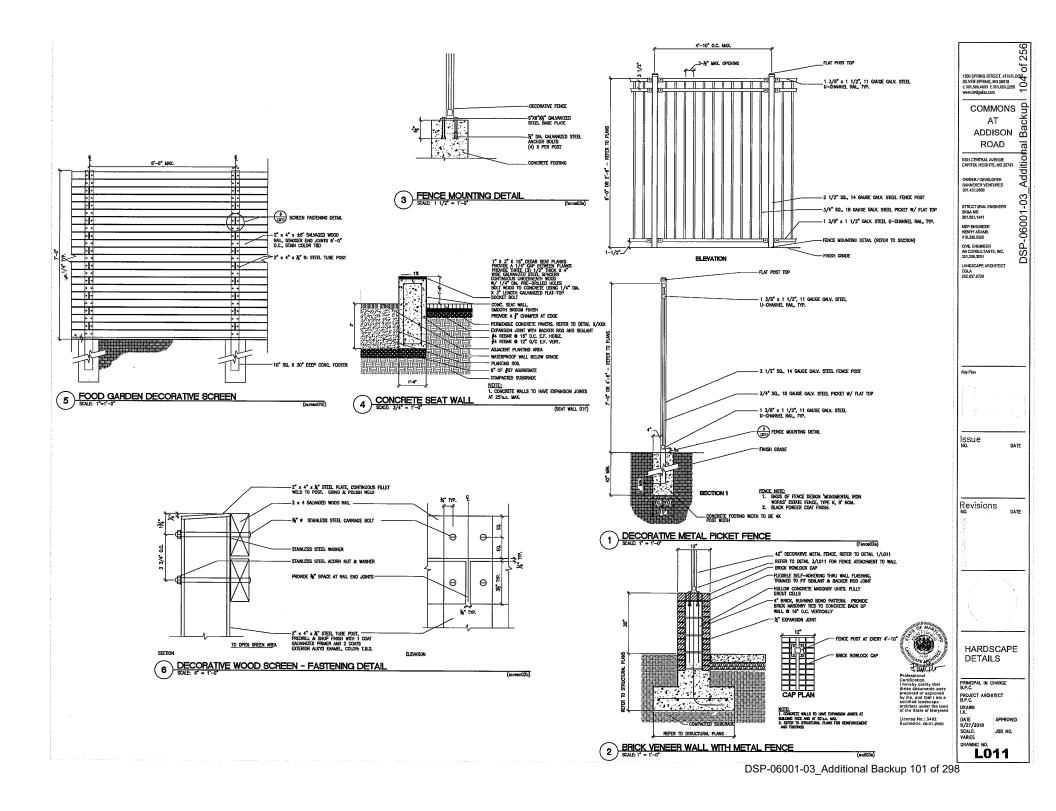
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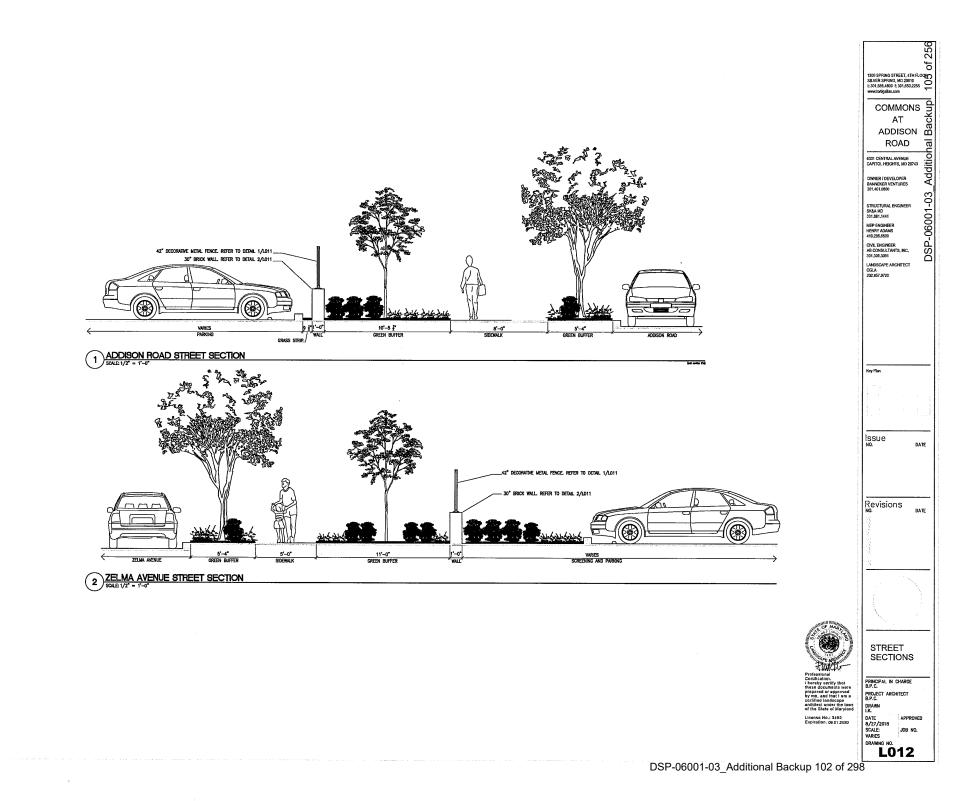
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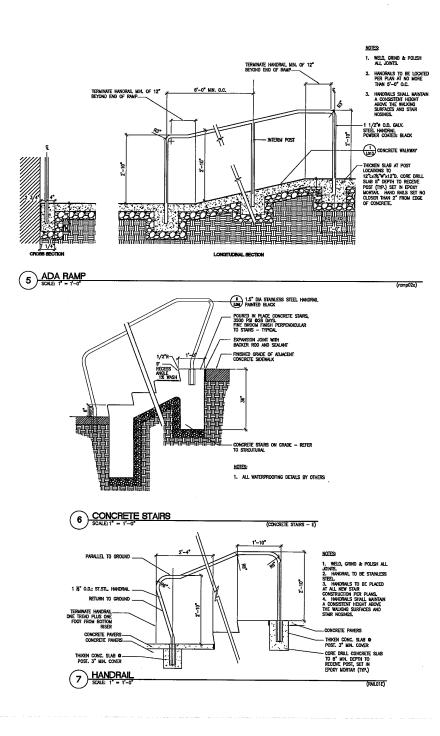
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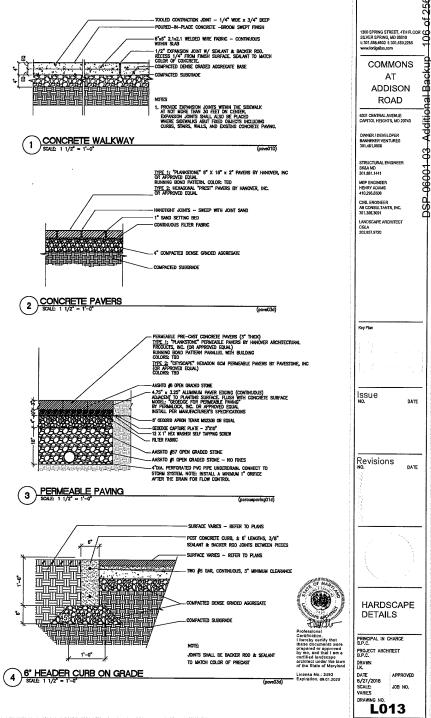






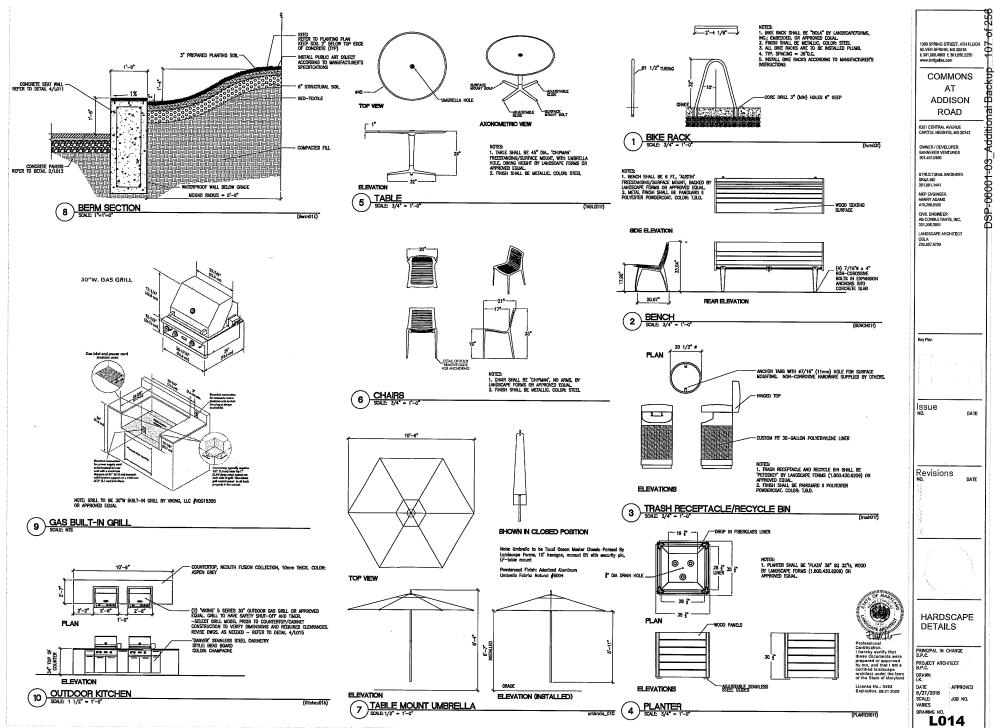






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Front Plaza: Plankstone Pavers by Hanover



Front Plaza: Multisided Prest Brick by Hanover



Rear Entrance fom Parking: Prest Brick by Hanover



Corner Plaza: Concrete bands incorporated into pavers



South Property Line: Decorative Metal Fence



Side Property Lines abuting Parking: Decorative Metal Fence on Brick Wall



Decorative wood screen



South Retaing Wall at Parking: Mural examples



Public Art Examples







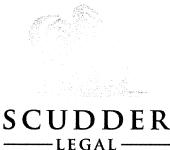


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License No.: 349 Expiration: 08.01 TRACI R. SCUDDER [†]



[†] ADMITTED IN MD

<u>STATEMENT OF JUSTIFICATION</u> Detailed Site Plan Application (DSP – 06001-03)

1. **PROJECT DESCRIPTION**

Banneker Ventures (hereinafter, the "Applicant") is the developer of properties which are the subject of this application to revise DSP-06001-01. These vacant, unimproved properties consist of 2.98 +/- acres of land in the C-S-C, R-55 and D-D-O (Development District Overlay) Zones. The properties are Parcel A, Parcel 87 and Lot 5, Block B (hereinafter, the "subject property"). The subject site is located in the southwest quadrant of the intersection of Central Avenue and Addison Road, directly across the street from the Addison Road Metro Station.

The site is within the boundaries of the approved October 2000 Addison Road Metro Town Center and Vicinity Sector Plan and Sectional Map Amendment (the "Sector Plan"). It is also within the Addison Road Metro D-D-O-Z and is subject to the Development District standards as well as the list of uses permitted.

The neighborhood in which the subject property is located can be defined by the following man-made boundaries: the subject property is bounded immediately to the north by Central Avenue (MD-214); to the east by Addison Road and the Addison Road Metro Station; the eastern side of the property has frontage on Addison Road; and Zelma Avenue is to the west.

137 National Plaza, Suite 300 National Harbor, MD 20745

> (240) 273-3294 (O) (240) 397-3625 (C)

Traci@Scudderlegal.com (Email)

Under this revision application, the Applicant is essentially proposing the same concept for the site – a mixed use development consisting of multifamily units and retail space as approved under the original Detailed Site Plan application (DSP-06001). The Applicant now presents under the subject revision application several modifications to the prior approved detailed site plan, which will be specifically discussed below. The development will be named "The Commons at Addison Road Metro".

The Commons at Addison Road Metro will be a mixed-use community with an urban streetscape. It will be a continuation of a concept that has already begun to take form in the area a walkable community that preserves the road and pedestrian circulation patterns promoted by the Sector Plan. The Commons at Addison Road Metro will be situated directly across the street from the Addison Road Metro Station. This new development will offer residential units that will appeal to many professionals in the region, including teachers, police, firemen, EMS personnel and government employees who desire to live in close proximity to a Metro station.

The mix of uses that will be available at The Commons at Addison Road Metro will be a big draw. This mixed-use community will consist of 193 residential units, with the following unit mix: 10 Studio Units, 123 one-bedroom units, and 60 two-bedroom units. Additionally, the development will have approximately 11,000 +/- square feet of ground floor neighborhood-serving retail space. The retail space will be supported by parking spaces located on surface lots that are part of the development. Throughout the development there will be several outdoor amenity areas/plazas that include landscaping, seating, and lighting.

Current market demand for the type of mixed-use community that The Commons at Addison Road Metro will offer, and its convenient Metro accessibility, will increase the attractiveness of living in Prince George's County. Many renters are looking for locations that provide quality mixed-use development near a Metro station. The Commons at Addison Metro presents an opportunity to capture this market.

The Commons at Addison Road Metro will be among several other notable development projects, existing and proposed, which are also located within the D-D-O-Z and will contribute toward revitalization of the area. One such neighboring community, which is approximately ½ mile south of the subject site, is a development known as The Park at Addison Metro, a residential and live-work community. This development initiated a trend for mixed-use in the immediate area in which The Commons at Addison Road Metro is located. Brighton Place is another fairly new community that is located right next to The Park at Addison Metro which consists of townhomes. Additionally, in 2017, DSP-16001 (called Metro City) was approved for a large-scale, mixed-use development that will consist of various types of residential units, as well as a significant amount of retail and commercial space.

As noted above, The Commons at Addison Road Metro will thus further a concept that has been established in the area -- a walkable community that preserves the road and pedestrian circulation patterns promoted by the Sector Plan. This corner site will provide direct pedestrian access to the Metro station, consistent with the neighboring communities, which provide critical connections to Addison Road.

2. <u>REQUEST TO REVISE DSP-06001-01</u>

The Prior Approvals – DSP-06001 and DSP-06001-01

Under this Revision of a Detailed Site Plan application (DSP - 06001-03), the Applicant is requesting to modify the previously approved development plans.

DSP-06001 (the original approval)

In SP-06001, the District Council approved with conditions a detailed site plan for a structure of up to 10 stories, with 22,696 square feet of commercial uses on the first floor, library and office uses on the second and third floors, and 170 multifamily condominium dwelling units above the third floor. The District Council also approved a change to the list of uses to allow an outdoor rooftop swimming pool in the development. The current Developer is no longer proposing a swimming pool. Additionally, SP-06001 included a condition that the "building height may not exceed ten stories. The top two floors shall be constructed as two-story condominiums." At 6 stories total, the current Applicant will comply with this condition that the building height may not exceed ten stories. However, the top two floors will be constructed as one-story units as opposed to two-story units.

Approval of the proposed development project and site plan is subject to the Conditions contained in the approval of DSP-06001. The Applicant will comply with the conditions of approval in DSP-06001, except is requesting modifications as indicated below:

1. *Condition:* Prior to certification of the detailed site plan, a Phase II noise study shall be submitted for the subject property. The Phase II noise study shall include a building shell analysis and shall address the building shell noise mitigation measures necessary to achieve Prince George's County residential indoor noise levels of 45 dBA Ldn. The Phase II noise study shall also address the mitigation of noise impacts for outdoor activity areas to acceptable noise levels, if indicated.

Response: Applicant will comply, study will be provided prior to certified site plan.

2. *Condition:* Prior to the certification of the detailed site plan, the architecture for the building shall be certified by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of building shells within the noise corridor of Central Avenue and Addison Road will reduce interior noise levels to 45 dBA Ldn or less.

Response: Applicant will comply, study will be provided prior to certified site plan.

3. *Condition:* Prior to the certification of the detailed site plan, the plan shall be revised to show the location of all outdoor activity areas. If noise mitigation is indicated by the Phase II noise study, the plans shall be revised to show all noise mitigation measures required to

achieve acceptable noise levels of 65 dBA Ldn or less.

Response: Applicant will comply, study will be provided prior to certified site plan.

- 4. *Conditions:* Prior to certification of the detailed site plan, the following revisions shall be made:
 - a. The plans shall be revised to remove all structures proposed within the public utility easement.

Response: Proposed structures are removed from public utility easement.

b. The plans shall be revised to show sidewalk connections from the public rights-ofway to the internal sidewalk system. Crosswalks at each of the entrances of the site and at appropriate internal pedestrian crossings shall also be shown.

Response: Internal sidewalk connections from the public rights-of-way and crosswalks at each of the entrances of the site are shown on plans.

c. The plans shall be revised to locate all freestanding signage ten feet from the ultimate right-of-way line unless otherwise allowed by written agreement by SHA or DPW&T. Signs shall be setback sufficient distance to maintain unobstructed lines of vision for traffic at the entrance to the development.

Response: Plans have been revised as per comment.

d. The plans shall be revised to provide additional details and specifications for the freestanding walls located along the rights-of-way, including the material designation which shall be compatible with the building.

Response: Details have been provided for the free-standing walls as per County requirements.

e. The storm drain catch basin proposed at the dumpster located at the southwest corner of the site shall be separated from the dumpster.

Response: Storm drain layout is revised.

f. The freestanding sign shown on the detailed site plan near the southeast entrance shall be moved out of the right-of-way.

Response: Freestanding sign location is revised and shown on the plans.

g. The raised median shown on the plan shall conform to DPW&T standards, and shall limit traffic movements at this access point to only right-in and right-out. The proposed exclusive right-turn lane along eastbound MD 214 shall be extended south

along Addison Road to the proposed driveway.

Response: Applicant has met with DPW&T / SHA several times to address this condition and additional information has been provided to them as requested.

Applicant proposes that the dedicated new lane on Addison Road be built in two phases. Phase 1 would include construction of approximately 90% of the lane, up to approximately 15' from the intersection of Addison Road and Central Avenue. The remaining 10%, Phase 2, would include constructing the balance of the road by tying the newly built lane on Addison Road to the newly built right turn lane on Central Avenue, once the right turn lane is constructed by others.

h. The plans shall be revised to clearly indicate the finish material of the retaining wall along the rear property line. The wall shall be brick or stone finish.

Response: There is no longer retaining wall located directly on the property line with the adjacent property owner. There are retaining walls set 10' in from the property line and screened with 6ft decorative fence and landscaping. A decorative treatment to the concrete retaining wall will be provided.

i. The plans shall be revised to indicate the wrought iron fence proposed at the southern property line, which fence shall be compatible with the colors of the building. The fence should be deleted in the southwest corner where slopes exceed 4:1.

Response: A 6ft decorative fence is provided along southern property line, color to be compatible with architectural materials.

- j. The plans shall be revised in the front courtyard of the building to show the following:
 - (i) A minimum four-foot-wide sidewalk shall be provided to allow pedestrians to move from the front of the building to the east side of the building.

Response: A minimum of five-foot sidewalk is proposed within site.

(ii) Handicap spaces shall be dispersed over the site.

Response: The accessible spaces for the required retail parking are provided in a convenient location adjacent to retail. Residential accessible parking is provided within the below grade garage as well as in a surface level parking lot that is part of the development.

(iii) Flag poles or an art piece in the center island shall be provided.

Response: Parking with center island in front of the building on Central Avenue has been removed. Public art or other feature is proposed for the corner plaza near the intersection of Central Avenue and Addison Road.

(iv) An area of outdoor seating should be provided in conjunction with a tenant use, such as a restaurant or coffee shop.

Response: Retail plaza with outdoor seating is provided.

k. The plans shall be revised to provide the calculations and plant materials necessary to comply with Section 4.1, Residential Planting Requirements.

Response: The planting plans include calculations and plant materials necessary to comply with Section 4.1, Residential Planting Requirements.

1. The plans shall be revised to show ornamental light poles and luminaries (consistent with previous detailed site plan approvals within the Addison South subarea) in the front of the building and along the street line of Addison Road, subject to DPW&T approval.

Response: On-site decorative lighting is being provided in all open space locations by means of 14ft height poles, 3ft height lit bollards and building-mounted fixtures. All light fixtures are dark sky compliant and LED. During final technical approval, ROW lighting will be coordinated with DPW&T.

m. The applicant shall consult with all the affected utility companies to develop cost estimates for the undergrounding of utilities for review by the District Council for a final determination.

Response: Applicant expects costs to exceed \$10,000 for underground of off-site utilities and will contribute to undergrounding fund as required.

n. The plans shall be revised to add a note that a sign shall be added at the access point at Zelma Avenue, to state that all loading trucks are prohibited from entering at that location, and trucks must use the Addison Road entrance. The location of the sign shall be shown on the plan.

Response: Sign is included in detailed site plan.

o. The common sign plan shall be revised to indicate that the building-mounted signage shall not exceed more than three colors.

RESPONSE: Provided signage plan complies.

5. *Condition:* All mechanical equipment and dumpsters shall be screened from public view

and rights-of-way, with an appropriate buffer consisting of plantings, walls, or fences in compliance with the screening requirements of the Landscape Manual.

Response: Transformers next to small surface lot along Zelma Avenue are screened from the right of way with wall and fence. No other mechanical equipment or dumpsters are located outside the building, except for any roof-top equipment.

6. *Condition:* Prior to the approval of any building permit, the applicant shall provide evidence of a contribution to the M-NCPPC Department of Parks and Recreation in the amount of \$57,138 for the development of the neighborhood park.

Response: Per condition 5(b) of DSP-06007/01, a contribution in the amount of \$57,138 was to be made to the Prince George's County Memorial Library System for the development of a library within the subject property. Prince George's County is no longer interested in developing a library within the property. As such, library space is no longer proposed within the property. A letter from the Prince George's County Office of Central Services dated April 27, 2018 confirming that the County no longer desires to include a library within the property is enclosed as part of this Detailed Site Plan. As a result, a contribution to the Prince George's County Memorial Library System for the development of the library will not be made.

- 7. *Condition:* In conformance with the Adopted and Approved Addison Road Metro Town Center and Vicinity Sector Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. Construct the eight-foot-wide sidewalk along the subject site's entire frontage of Central Avenue (MD 214). This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.

Response: Refer to response on condition 4.g.

b. Construct the five-foot-wide sidewalk along the subject site's entire frontage of Zelma Avenue. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.

Response: Detailed Site Plan has been revised as per comment.

8. *Condition:* Any improvements located with WMATA's right-of-way shall be reviewed and approved by WMATA prior to certificate of approval.

Response: Applicant will comply and has reached out to WMATA to coordinate these improvements.

9. *Condition:* Final design and material selection for the front courtyard shall be reviewed and approved by the Planning Board or its designee.

Response: Design and material selections for front courtyard areas are provided.

- 10. Prior to signature approval, the applicant shall make the following revisions to the plans. (This condition shall be controlling, to the extent that it may be inconsistent with any provision in conditions 1-9.)
 - a. *Condition:* Building height may not exceed ten stories. The top two floors shall be constructed as two-story condominiums.

Response: Applicant will comply with the condition that the building height will not exceed ten stories. However, the top two floors will be constructed as one-story units versus two-story units.

b. Condition: A fully enclosed swimming pool shall be constructed on the roof.

Response: A swimming pool will no longer be constructed as part of the property. Interior and exterior residential amenities are provided.

c. *Condition:* The first floor shall be limited to retail uses.

Response: The first floor will include retail, amenities (fitness room, etc.) uses, building management uses and residential uses.

d. *Condition:* The second floor shall be limited to library uses.

Response: No longer applicable as library uses have been removed per item #6 above.

e. *Condition:* The third floor shall be limited to office uses.

Response: No longer applicable as office uses have been removed from the project.

f. *Condition:* There shall be one or more security persons on the premises at all times.

Response: Applicant will comply.

g. *Condition:* There shall be round-the-clock CCTV camera coverage at all building entrances and exits.

Response: Applicant will comply.

h. *Condition:* All floors above the third shall be accessed only by an electronic security card system.

Response: All floors above the first shall be accessed only by an electronic security card system.

i. *Condition:* Before 9:00 a.m. and after 8:00 p.m., the building shall be accessed only by an electronic security card system.

Response: Applicant will comply.

j. *Condition:* A six-foot wrought iron fence shall be constructed around the perimeter of the property.

Response: Perimeter fencing is provided where appropriate around the property (at private residential areas).

k. There shall be at least 300 parking spaces, provided in a parking structure.

Response: Structured parking is provided in a partial below grade garage in addition to surface parking. Since the building height, square footage, and types of uses have been reduced, the overall number of required parking spaces has been reduced from 351 required spaces to 277 required spaces. 38 parking spaces are provided in the below grade structured parking and 122 parking spaces are provided on the grade level.

In SP-06001-01, the District Council approved with conditions a detailed site plan for the

construction of a mixed-use development with 171 dwelling units, 37,170 square feet of office

space, a 32,820-square-foot library, 15,890 square feet of retail, a freestanding parking structure,

and an indoor pool (natatorium) building. The approval of DSP-06001/01 is subject to amended

conditions. The Applicant will comply with these amended conditions, except is requesting

modifications as indicated below:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall:
 - a. *Condition:* Provide evidence from all affected utility companies that the encroachments into the public utility easements (PUE) shown on the plans are acceptable. If such verification cannot be provided, these encroachments shall be eliminated from the plans.

Response: There are no encroachments into the public utility easement (PUE).

b. *Condition:* Provide details demonstrating that the proposed wall will completely screen the transformers from the right-of-way. If it is found that the transformers will not be adequately screened, the plans shall be revised to provide additional

screening elements.

Response: Refer to response to condition 5.

c. *Condition:* Revise the plans to replace the board-on-board fencing proposed along the southern property line with an enhanced fence featuring a composite material resembling natural wood with brick piers at all corners and at regular intervals not to exceed 35 feet, or every four eight-foot-sections of fence. The fence shall be equally attractive from both sides and shall be reviewed and approved by the Urban Design Section as designee of the Planning Board.

Response: A 6 ft decorative fence is provided along southern property line, color to be compatible with architectural materials.

d. *Condition:* Revise the plans to demonstrate conformance to Section 4.1 of Prince George's County Landscape Manual.

Response: Applicant complies – see landscape plan.

e. *Condition:* Revise the plans to reincorporate shade trees into the design of the plaza associated with the retail on the east side of the main building.

Response: Applicant complies – see landscape plan.

f. *Condition:* Provide evidence from Department of Public Works and Transportation (DPW&T) that the detailed site plan is consistent with the approved stormwater management concept plan.

Response: Stormwater Management Concept Plans is submitted to PGDPIE for revision approval based on revised Detailed Site Plan. Copy of submitted Stormwater Management Plan is submitted with this submission.

g. *Condition:* Revise the plans to provide a five-foot-wide grass planting strip between the sidewalk and curb along Central Avenue right-of-way permitting and as directed by SHA.

Response: Refer to response to condition 4.g.

h. *Condition:* Revise the plans to provide loading spaces that are 33 feet long by 12 feet wide.

Response: Applicant complies - loading space with dimension is shown on the Plans.

i. *Condition:* Provide a loading schedule on the site plan.

Response: Loading schedule is provided.

j. *Condition:* Provide a gate in the perimeter fence where the sidewalk or pedestrian path intersects with the sidewalk along Central Avenue (MD 214).

Response: Gate is provided where appropriate at fencing around exterior residential amenity area.

k. *Condition:* Provide Americans with Disabilities Act (ADA)-compliant curb cuts and ramps and a marked crosswalk where the trail intersects with the drive aisle.

Response: ADA Compliant ramps and a marked crosswalk are provided on the plans.

1. *Condition:* Provide ADA-compliant curb cuts and ramps and a marked crosswalk across MD 332 in the vicinity of the Zelma Avenue intersection, unless modified by SHA.

Response: ADA compliant ramps are provided.

m. *Condition:* Provide, if permitted by DPW&T, an eight-foot-wide sidewalk or path around the bioretention pond in the northeast corner of the project. This sidewalk or path shall provide pedestrian access from Central Avenue (MD 214) (near the intersection with Addison Road) to the internal drive aisle and sidewalk leading to the building entrance. The pond shall also be enhanced with amenities, subject to DPW&T approval, such as additional planting and hardscape, public art, or seating, to create a more inviting pedestrian entrance to the project.

Response: Bioretention pond has been eliminated, see revised SWM plan. Refer also to response to condition 4.g.

n. *Condition:* Add the following note on the site plan:

"Pursuant to Section 24-111(c)(2) the current development proposed does not exceed 5,000 square feet of gross floor area. Any additional gross floor area which would result in a total GFA for this site of more than 5,000 square feet will require a preliminary plan of subdivision."

Response: Previously proposed swimming pool in the lot 5 is eliminated as a part of this Detailed Site Plan revision. Therefore, this comment is not applicable.

o. *Condition:* Revise the plans to demonstrate conformance to Section 4.2 of the Prince George's County Landscape Manual. If the substitution of plant material is proposed pursuant to Section 4.2(a)(4) of the Landscape Manual, justification of the need for such substitution shall be submitted to the Urban Design Section for review as designee of the Planning Board.

Response: Applicant complies – see landscape plan.

p. *Condition:* Revise the plans to demonstrate conformance to S4.D of the Sector Plan where the parking lot is adjacent to Central Avenue.

Response: Not applicable as a parking lot is no longer adjacent to Central Avenue. However, conformance is provided where surface lots are adjacent to public right of way.

q. *Condition:* Revise the east elevation (Phase 1) to replace the EIFS with a high quality, durable, and attractive finish material, such as Hardi materials, to be designed generally in accordance with applicant's Exhibit 2.

Response: No EIFS materials are provided, see revised elevations and material board.

r. *Condition:* Revise the freestanding signs so that they are no taller than 13 feet high.

Response: Freestanding monument sign does not exceed 13 ft.

s. *Condition:* Revise the Proposed Development table on the cover sheet so that it reflects the phasing demonstrated in the parking tabulation.

Response: This Condition is no longer applicable as the building will be built in one phase.

t. *Condition:* Revise the parking tabulation to accurately account for the required parking for the multifamily units.

RESPONSE: Parking tabulation for multi-family units is provided.

u. *Condition:* Provide evidence that the proposed disturbances to WMATA-owned land have been approved by WMATA.

Response: Applicant will comply and has reached out to WMATA.

v. *Condition:* Provide a sidewalk a minimum of 4-feet wide along the south side of the east-west internal street. Special paving shall be provided where the sidewalk crosses the loading area and the vehicular entrance to the parking garage.

Response: Sidewalk provided as required.

2. *Condition:* A new final plat for Parcel A (Preliminary Plan 4-05068) shall be approved in accordance with Section 24-108 of the Subdivision Regulations. This plat in conjunction with the prospective final plat for Parcel B (Preliminary Plan 4-08019), shall both carry the

following note:

The combined proposed development on Parcel A (4-05068) and Parcel B (4-08019) shall be limited to uses generating no more than 163 AM and 226 PM peak hour trips. Any further development on either parcel that generates a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities, for that development generating the additional impact.

Response: Note is provided on plat.

3. *Condition:* A final plat for Lot 5 of Block B shall be approved with the following note:

"Development on Lot 5 of Block B is limited to a cumulative 5,000 square feet of gross floor area pursuant to Section 24-111(c). At such time that development should exceed this maximum, then a preliminary plan of subdivision shall be required."

Response: Refer to response to condition 1.n.

4. *Condition:* The application for the building permit for Parcel A shall contain a certification, to be submitted to The Maryland-National Capital Park and Planning Commission (M-NCPPC), prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

Response: Applicant will comply.

- 5. Prior to the issuance of any building permit, the applicant shall:
 - a. *Condition:* Provide evidence that the proposed disturbances to WMATA-owned land have been approved by WMATA.

Response: Applicant will comply and has reached out to WMATA.

b. *Condition:* Provide evidence of a contribution for the benefit of the Prince George's County Memorial Library System, in the amount of \$57,138, for the development of the library on the subject property.

Response: Prince George's County is no longer interested in developing a library at the property. As such, library space is no longer proposed within the property. A letter from the Prince George's County Office of Central Services dated April 27, 2018 confirming that the County no longer desires to include a library within the property is included as part of this Detailed Site Plan. As a result, a contribution to the Prince George's County Memorial Library System for the development of the library will not be made. 6. *Condition:* The applicant shall place underground all on-site utility lines and facilities, for utilities that serve the subject property and the proposed project. Utility lines and facilities off site need not be underground, but the applicant shall participate in an underground utilities fund at Central Avenue (MD 214) and Addison Road, if one is created, to study or implement the underground placement of utilities in this vicinity. Funding contributions by the applicant shall not exceed \$10,000.

Response: Applicant will comply.

7. *Condition:* All residential portions of the building shall be accessed only by an electronic security card system.

Response: Applicant will comply.

8. *Condition:* The applicant shall construct the eight-foot-wide sidewalk along the subject's entire frontage of Central Avenue (MD 214), unless modified by SHA. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip, if right-of-way is available, unless modified by SHA.

Response: Refer to response to condition 4.g.

9. *Condition:* The applicant shall construct the eight-foot-wide sidewalk along the subject site's entire road frontage of Addison Road, unless modified by DPW&T.

Response: An Eight-foot-sidewalk is proposed along Addison Road and shown on revised Detailed Site Plan.

10. *Condition:* The applicant shall construct the five-foot-wide sidewalk along the subject site's entire frontage of Zelma Avenue, unless modified by DPW&T. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.

Response: Five-foot-sidewalk is proposed along Zelma Avenue and shown on revised Detailed Site Plan.

11. *Condition:* The applicant and the applicant's heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for construction of private recreational facilities, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county Land Records.

Response: Park and Planning will confirm if RFA has been recorded.

12. *Condition:* The fitness center, aerobics room, business center, media center, and lounge/billiards room shall be completed prior to the completion of the 123rd dwelling unit. Prior to issuance of the final Use and Occupancy Permit for the 171st dwelling unit, the applicant shall have completed the indoor pool building (natatorium).

Response: Applicant complies, except for indoor pool which has been replaced with outdoor amenity space in revised location.

13. *Condition:* Conditions 4.m., 5, 6, 10.a., 10.f., 10.g., 10.i., 10.j., and 10.k. of the District Council's Order of Approval for Detailed Site Plan DSP-06001 remain valid and are applicable to the subject application.

Response: See notes above regarding DSP-06001.

Current Request for Revision

The Applicant hereby submits the subject DSP revision application for the purpose of allowing review of the site plan for conformance with the Development District Standards and concepts in the applicable Sector Plan. The District Council previously made a finding that the proposed development project conforms to the Addison Road Metro Sector Plan purposes and recommendations. It is the Applicant's contention that this application demonstrates that the proposed revisions are a reasonable alternative for satisfying site design guidelines without unreasonable costs and detracting from the utility of the proposed development for its intended use, and further conforms to the purposes and recommendations of the Development District as stated in the applicable Sector Plan.

3. CRITERIA FOR APPROVAL

According to Section 27-285 (b) of the Zoning Ordinance for approval of a revision of Detailed Site Plan application, the Applicant is required to demonstrate through the review of an application that findings required for the Planning Board to approve the Detailed Site Plan have been met.

27-285(b) Required findings:

(b) Required findings.

(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.

(2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).

(3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in <u>Section 27-274</u>, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle <u>24-130(b)(5)</u>.

As demonstrated by the Applicant's revised detailed site plan and as discussed herein, the proposed development is a reasonable alternative for satisfying the site design guidelines without unreasonable costs and detracting from the utility of the proposed development for its intended use. Additionally, Applicant's site plan demonstrates the preservation of the regulated environmental features in a natural state to the fullest extent possible.

As described above, the Applicant proposes to develop the subject property as a mixed-use project. Development is proposed pursuant to the R-55, C-S-C and D-D-O-Z Zone and is consistent with the purposes and intent of the R-55 Zone, C-S-C Zone, D-D-O-Z Zone and the Sector Plan. The revised DSP is designed to implement the design themes established in the Sector Plan for this metro-related development. The Sector Plan contemplates a mixture of uses such as the ones proposed for the property.

Master Plan support for the requested rezoning can be found on page 57 of the Subregion 4 Master Plan which recommends rezoning vacant or underutilized land to achieve planned densities. It should be noted that the Sector Plan, the Subregion 4 Master Plan, the former 2002 Prince George's County General Plan and the Prince George's Plan 2035 have all consistently promoted more dense residential development of areas in proximity to existing Metro stations. The Commons at Addison Road Metro is in harmony with the vision and recommendations of the former and current approved plans for the area.

4. <u>THE PROPOSED DEVELOPMENT COMPLIES WITH THE DEVELOPMENT</u> <u>DISTRICT STANDARDS FOR THE ADDISON ROAD METRO TOWN CENTER</u>

The Addison Road Sector Plan sets out four primary goals:

First, revitalizing the town center with new, upscale residential and commercial development. The entire town center area is in need of revitalization, to attract new businesses and residents.

Second, promoting transit-oriented development near the Metro Station. Transit-oriented development serves Metro users, not the automobile.

Third, promoting pedestrian-oriented development. Pedestrian-oriented development aids Metro users and will encourage pedestrians to use residential and commercial properties near the Metro station.

Fourth, promoting compact development in the form of a town center, with a town commons area at Addison Road and MD 214, next to the Metro station. Compact development, with higher development densities favoring Metro users and pedestrians, offers the benefits of the Metro station to the greatest number of residents and businesses. See, page 2 of the Development District Standards for the Addison Road Metro Town Center.

The attached Chart (Attachment # 1) contains the Development District Standards for the Addison Road Metro Town Center Development District Overlay Zone (hereinafter, the "DDOZ Standards"). The standards were developed specifically to address development within the Addison Road Metro Town Center. As demonstrated in Attachment # 1, the Applicant complies with most of the development district standards. The Applicant is only requesting a modification of several of the standards, as detailed below.

REQUESTED MODIFICATIONS TO THE DDOZ STANDARDS:

S2. PARKING AREAS

The amount of commercial parking spaces in Metro West and Metro North shall be calculated utilizing integrated shopping center requirements and shall be considered the

maximum quantity allowed. The number of required parking spaces may be reduced below the maximum quantity established by the Zoning Ordinance (but no less than one-half).

<u>Requested Modification and Rationale:</u>

As background regarding past approvals for development of a mixed-use project at the subject location, in SP-06001, the District Council approved with conditions a detailed site plan for a structure of up to 10 stories, with 22,696 square feet of commercial uses and 170 multifamily condominium dwelling units, among other uses. In SP-06001-01, the District Council approved with conditions a detailed site plan for the construction of a mixed-use development with 171 dwelling units, 37,170 square feet of office space, 15.890 square feet of retail. On two prior occasions, the District Council has made a finding that mixed-use development at the subject location, and of the kind being proposed by the Applicant, conforms to the Addison Road Metro Sector Plan purposes and recommendations.

The current proposal for the Commons at Addison Road Metro is projected to have 11,000 +/- square feet of retail space. It is the Developer's plan to seek to lease the retail space to a café', eatery or coffee shop. This development is also proposed to have 193 multi-family units. Due to the high cost of using concrete to build the building, Developer is proposing to reduce the number of stories from 10 stories to 6 stories, which will allow the building to use other material above the 1st floor.

The development will provide 160 parking spaces and 11,000 square feet of commercial/retail space. The Sector Plan prescribes that the Applicant utilize integrated shopping center requirements (as the maximum amount) for commercial parking spaces. The parking requirement is 1 sp/250 sq. ft. The Applicant is providing the required 22 parking spaces for the commercial portion of the building.

Regarding the residential portion of the building, the total number of units proposed is 193. A total of 277 parking spaces are required. The Applicant proposes 138 parking spaces to support the residential. In total, the development will have 38 below grade parking spaces and 122 surface parking spaces. The specific relief being requested by the Applicant is a 50% reduction in required residential parking.

In support of this request, the Applicant would first note the proposed development's close proximity to the Addison Road Metro station, which is directly across the street from the proposed development. This proposal for Metro-related development will advance a walking neighborhood by creating functional relationships among individual uses by remaining in character with the neighborhood and developing the site in a manner that furthers the functional relationships already in place. Connecting road networks and pedestrian walkways will go a long way in creating a walkable community, thereby reducing the need for the automobile. The lay out of the site will provide direct pedestrian access to the Metro station.

According to the Addison Road Metro Town Center & Vicinity Sector Plan, over 30,000 riders pass through the turnstiles at the Addison Road Metro Station on a typical work week. See, page 19 of Sector Plan. Further, in 2000, at the time the Sector Plan was approved, it was estimated

that rush-hour weekday ridership at Addison Road would increase by 50 percent over the next ten years. This means that there are many more metro riders today, than there were 10 years ago. The Applicant expects this trend to continue.

Under the Applicant's current development proposal, measures have been incorporated to mitigate any potential parking issues on site and in the immediate surrounding area. The proposed development provides a good walking environment. Easy movement between the proposed residential building and the Metro Station will encourage Metro ridership. Also, maintaining important connections between the proposed development and the Metro Station will further Metro ridership.

One of the primary goals of the Addison Road Sector Plan is to promote transit-oriented development near the Metro Station. The Sector Plan emphasizes that "[t]ransit-oriented development serves Metro users, not the automobile." <u>See</u>, Introduction page of the DDOZ standards. When realized, the sector plan concept will minimize automobile impacts while affording pedestrians and Metro users opportunities to visit many places in single trips. <u>See</u>, page 2 of DDOZ standards. It should be noted that the sector plan proposes the town commons for the most compact mix of uses: moderate to high-density residential development. According to the Sector Plan,

The auto-oriented environment is hostile to pedestrians. Walkers are limited to narrow sidewalks and crosswalks along MD 214 and Addison Road, with no off-road trail options that can provide safer routes. In response to community concerns, pedestrian safety improvements have been installed along MSD 214 at the station. See, Page 56 of Sector Plan.

As indicated above, the Applicant has taken measures to mitigate parking issues. Sidewalks proposed to be installed along the site will facilitate continuous pedestrian movement. The Applicant is proposing to construct eight-foot-wide sidewalks along the subject site's entire frontage of Central Avenue (MD 214), unless modified by SHA. This sidewalk will be separated from the curb by a five-foot-wide grass planting strip, if right-of-way is available, and unless modified by SHA. Thus, there will be an improved edge along Central Avenue.

The Applicant is proposing to construct five-foot wide sidewalks along the subject site's entire frontage of Zelma Avenue. This sidewalk will also be separated from the curb by a five-foot-wide grass planning strip. The Applicant's proposal to install wider sidewalks that exceed the required minimum is a specific measure being taken to promote a walkable neighborhood and reduce the need for an automobile. With wider sidewalks, bicyclists and pedestrians can comfortably move safely to their destinations. The Applicant will also install six (6) bike/scooter racks in the front of the building near retail space, four (4) bike/scooter racks near the residential front entrance, and three (3) bike/scooter racks near the secondary rear residential entrance. Bike storage will also be provided in the garage for residents.

The provision of other modes of transportation besides the automobile will encourage residents to walk, bike, use electric scooters, or use mass transit to reach their destinations. The project is providing sidewalk connections where they currently do not exist.

Additionally, to promote Metro ridership, the development proposed will greatly improve the environment in and around the site. The project is providing interesting and attractive landscape elements such as alternating paving design, corner plaza treatment with potential art location, street trees, ornamental trees, and other plantings, as well as seat walls and space for outdoor café' seating adjacent to the retail space. All these design elements will encourage residents and retail patrons to walk to the site from surrounding areas and to use public transportation.

Further, on-site decorative lighting is being provided in all open space locations by means of 14-foot poles, 3-foot height lit bollards and building-mounted fixtures. Additionally, during final technical approval, ROW lighting will be coordinated with DPW&T. This will further enhance the pedestrian walking environment on and around the development. The site is adjacent to several planned bike lanes and sidepaths per the master plan of bikeway and trails: <u>http://www.mncppc.org/DocumentCenter/View/1696/Countywide-Master-Plan-of-Transportation-Bikeways-and-Trails-PDF?bidId=</u> The trail network including off-road paths, can provide alternative access to the Metro station.

The Commons at Addison Road Metro is pedestrian-oriented development providing connectivity that ultimately leads pedestrians to both the Metro Station as well as other areas outside of the property. This type of development will aid Metro users and encourage residents ride the Metro, as well as walk, run or bike along the newly constructed sidewalks that will be built as part of this new development.

The Sector Plan encourages developers to, "[1]ocate small, convenient parking lots throughout the town commons. The number of required parking spaces may be reduced from the maximum quantity allowed to achieve the pedestrian-oriented development planned for the town commons." See, pages 90-91 of the Sector Plan. The Applicant believes that enhanced pedestrian circulation will encourage and increase Metro ridership thereby eliminating the need for the automobile and the maximum number of parking spaces. An increase in pedestrian movement is expected to occur in this area given the more concentrated development that is proposed at this location. The proposed development will attract residents who do not desire an automobile and prefer to live near a Metro station and enjoy the benefits of riding the Metro.

S3. BUILDING SITING AND SETBACKS

A front build-to line between 10 and 15 feet from the right-of-way line shall be established for office, retail/commercial and institutional buildings which front onto MD 214 and Addison Road.

<u>Requested Modification and Rationale</u>: Project is mixed-use residential and retail use. Due to residential use and site constraints of Zone of Influence of adjacent underground Metro tunnel, a larger setback from MD-214 and Addison Road is provided and is appropriate for this use.

P2. SIDEWALKS, TRAILS AND CROSSWALKS

Sidewalks within the residential areas of the town center shall be constructed of concrete or brick paving, be a minimum of five feet in width, and should provide a six-foot-wide grass strip for the planting of shade trees.

<u>Requested Modification and Rationale</u>: Minimum five feet of concrete sidewalk is provided with five-foot-wide grass strip for the planting of shade trees, as approved by DPIE.

B1. HEIGHT, SCALE AND MASSING

Proposed buildings shall be between one and four stories in total height within the town center.

<u>Requested Modification and Rationale</u>: Proposed building is 6 stories tall, but is articulated to reduce appearance of height. Articulated massing is achieved through a variety of components including the introduction of a strong base, middle, and top to the building. Bays, balconies, cornices, and articulation of entrances further add to the residential character and compatibility with surrounding neighborhood.

The proposed project is significantly reduced in height from 11 stories in height approved in DSP-06001.

B2. ROOFS

Residential buildings should employ simple gable or hipped roofs.

<u>Requested Modification and Rationale</u>: The project is mixed-use residential and commercial. A flat roof with parapet is provided which keeps the overall height of the roof down. Roof line is articulated with cornice feature. See also response to standard B.2, A above.

It is the Applicant's contention that this application demonstrates that the proposed request for a reduction in the required parking is a reasonable alternative for satisfying site design guidelines without unreasonable costs and detracting from the utility of the proposed development for its intended use, and further conforms to the purposes and recommendations of the Development District as stated in the applicable Sector Plan.

5. <u>THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE</u> <u>APPROVED SUBREGION 4 MASTER PLAN AND THE PRINCE GEORGE'S</u> <u>PLAN 2035</u>

The subject property was previously within the boundaries of the Approved Addison Road

Metro Town Center and Vicinity Sector Plan. Although the Master Plan component of this plan

has been replaced by the Approved Subregion 4 Master Plan as of 2010, the DDOZ was not

replaced and remains relevant as it contains the development district standards that are still applicable to the proposed development. It should be noted that the Addison Road Metro Town Center and Vicinity Sector Plan set four primary goals as purposes, emphasizing the need for revitalization of the area and the need to accommodate users of the Metro station and pedestrians. The development district standards were written as design criteria to implement these goals. The Sector Plan summary states the following:

The chief single purpose of the sector plan is to maximize the public benefits from the Addison Road Metro Station. Built on a widened and improved Central Avenue, the Addison Road station represents years of transportation planning and construction and millions of dollars of public investment. The station connects the ARM Town Center to the many employment, shopping, recreation, and business opportunities available to users of the Washington Metro system.

As indicated above, the Addison Road Metro Town Center and Vicinity Sector Plan had four

primary goals or purposes:

- 1. Revitalize the town center with new, upscale residential and commercial development. The entire town center area is in need of revitalization to attract new business and residents.
- 2. Promote transit-oriented development near the Metro Station. Transit-oriented development serves Metro users, not the automobile.
- 3. Promote pedestrian-oriented development. Pedestrian-oriented development aids Metro users and will encourage pedestrians to use residential and commercial properties near the Metro station; and
- 4. Compact development in the form of a town center, with a town commons area at Addison Road and MD 214, next to the Metro station. Compact development, with higher development densities favoring Metro users and pedestrians, offers the benefits of the Metro station to the greatest number of residents and businesses.

These goals and purposes have been carried forward to the Approved Subregion 4 Master Plan and

continue to formulate the current vision of this Master Plan.

Subregion 4 is envisioned to be a vibrant community where quality of life is improved,

neighborhoods are conserved, and a variety of high-quality housing types for a range of incomes

exist. Specifically, there will be increased opportunities for workforce, single-family home ownership, new opportunities for mixed-use and mixed-income housing, as well as low-rise, medium-density multi-family rental housing. *See*, Subregion 4 Plan, Page 279.

The proximity of Subregion 4 to various employment, entertainment, historic, and recreational amenities found in Washington, D.C., makes its location ideal for continued economic growth and desirable for home ownership and affordable rental housing. *See*, Subregion 4 Plan, Page 279. Under the Key Findings of the Plan, Page 280, it is recognized that Subregion 4, because of its close proximity to D.C., becomes a key location for residents looking to relocate to Prince George's County from D.C. Further, the 2002 *Prince George's County Approved General Plan* provided the basis for general housing policies presented in this Master Plan, including creating an adequate supply of mixed-use and mixed-income housing. To realize this goal, the General Plan Plan recommended two key polices that have been adopted by the Subregion 4 Master Plan:

General Plan Policy 1

- Provide opportunities for high-density housing within centers, at selected locations along corridors, and in mixed-use areas.
- Strategies
 - Encourage more intense, high-quality housing and economic development opportunities.
 - Promote transit-supporting, mixed-use, pedestrian-oriented neighborhoods.
 - □ Ensure compatibility with surrounding neighborhoods.

General Plan Policy 2

Ensure high-quality housing for all price ranges while encouraging development of a variety of high-value housing.

The overall public policy theme under the Subregion 4 Master Plan is to promote more dense residential development within areas near existing Metro Stations. This overarching theme is not new. It is noteworthy that the previous 2002 General Plan designated the subject property as being in the Developed Tier. The vision for the Developed Tier was "a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium-to-high density neighborhoods." Within the Developed Tier, the 2002 General Plan designated 21 centers as focal points of concentrated mixed-use and pedestrian-oriented development, and the Addison Road Metro Station was identified as a Community Center. Though the 2002 General Plan has been replaced by the Plan Prince George's 2035, the concept of community centers survived, and the subject property is in close proximity to one such designated community center, that being the Addison Road Metro Station.

As defined in Prince George's Plan 2035, community centers are concentrations of activities, services and land uses that serve the immediate community. These typically include a variety of public facilities and services-integrated commercial, office and some residential development and can include mixed-use and higher intensity redevelopment in some communities. It has been recognized that the vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with strong emphasis on transit-oriented development. *See*, Resolution for DSP-05022 (Addison Road South Phase 1), Page 26.

While the Subregion 4 Master Plan supports medium to high-density residential housing and mixed-use near transit stations and recognizes that the entire area in proximity to the Addison Road Metro Station is in need of revitalization to attract business and residents, this goal cannot be met under the existing circumstances peculiar to the immediate and general area surrounding the Metro Station. The current zoning of the properties within the immediate area of the Metro Station do not support medium to high-density residential housing and mixed use. Oddly enough, the Metro Station is located upon C-O zoned property, which means the core is too restrictive to allow the vision of the Master Plan to be achieved. Further, the immediate area surrounding the Metro Station is an odd assortment of properties zoned in a manner that runs afoul of the recommendations of the Subregion 4 Master Plan.

When the Subregion 4 Master Plan was approved, the properties in close proximity to the Metro Station were not rezoned to create a developmental environment capable of achieving its goals and vision. It will be highly challenging, if not virtually impossible to develop high density, mixed use around the Metro Station within the existing zoning scheme, as recommended by the Master Plan without future rezonings. It should be further noted that the only mixed-use zoning in the area, is a M-X-T zoned property that is quite a distance from the Metro Station.

The application at hand represents a major step in the right direction. The proposed development not only meets the goal of revitalizing the area, but also adheres to the goal of locating transit-oriented development near Metro stations. The Commons at Addison Road Metro will feature higher development densities favoring Metro users and pedestrians, thereby offering the benefits of its proximity to the Metro station to the greatest number of residents and business.

The major goals of the Subregion 4 Master Plan are:

- To enhance the quality and character of the existing communities.
- To encourage quality economic development.
- To preserve and protect environmentally sensitive land.
- To make efficient use of existing and proposed county infrastructure and investment.

The Subregion 4 Master Plan at Page 23 recognizes that there is limited retail and service options in both the variety of offerings and the level of quality of goods within a particular category (e.g., dining venues). The Commons at Addison Road Metro has great potential to address these deficiencies by providing neighborhood-serving retail to meet the needs of its residents, as well as the residents in near-by communities.

Specific policies and strategies related to the general area of the proposed Metro Center development can be found on Page 64 of the Subregion 4 Master Plan. According to the Master Plan, the sites identified under the strategies will serve as pilot projects and catalysts for continued change in the subregion. It is important to note that the Master Plan signals that there is flexibility in its recommendations as the plan states that additional strategies and other sites may be identified for land use redevelopment and urban design improvements.

The following section of this Statement of Justification highlights a multitude of recommendations, strategies and polices of the Subregion 4 Master Plan that are noteworthy with respect to the proposed development. Under the plan, the Addison Road Metro Station has been placed in Zone 2. The plan recommends the following with regard to Zone 2:

- Focus on high-density condominium and apartment living in the following centers:
 Capitol Heights Metro and Addison Road-Seat Pleasant Metro (Zone 2)
- Direct commercial/retail development to the following centers:
 - Capitol Heights Metro and Addison Road-Seat Pleasant Metro (Zone 2)

Policies and Strategies, Page 65:

• Preserve and strengthen neighborhood-serving commercial uses in selected shopping nodes and main street areas.

- Capitol Heights and Addison Road- Seat Pleasant Metros; Walker Mill Road Shopping Center; Martin Luther King Jr. Highway/Seat Pleasant "Main Street," Old Central Avenue "Main Street" revitalizations (Zone 2)

Policies and Strategies at Page 68:

- Support the development of new high-density residential projects only at the following locations:
 - Capitol Heights Metro center, Addison Road-Seat Pleasant Metro center redevelopment initiatives (Zone 2)

CHAPTER 5: LIVING AREAS AND INDUSTRIAL CENTERS

- o Living Areas B and D (Zone 2), Pg. 100
- Recommendations
- Land Use and Community Design
 - Focus on high-density condominium and apartment living to the centers
 - Preserve and strengthen commercial development in growth centers, shopping nodes, and main street areas.

CHAPTER 6: CENTERS AND CORRIDORS

Vision, Page137

Addison Road-Seat Pleasant Metro Center

The vision for development of the Addison Road-Seat Pleasant Metro center includes **high-density**, **mixed-use** development west of the Metro station, along East Capitol Street and Central Avenue, as well as mixed-use development along Addison Road, south of Central Avenue. Development on Addison Road, north of Central Avenue, would comprise townhouses and small apartments, while Central Avenue would become more pedestrian friendly, complete with ground-floor, storefront retail (*see*, Map 6-2 on Page 138).

Key Planning Issues at Page 139

- Preserving existing single-family neighborhoods while introducing denser housing options.

• Potential Development Character at Page 140

The area around the Addison Road-Seat Pleasant growth center has, over the past three decades, been the subject of relatively significant development, mostly suburban-density residential projects.

There may be a need to emphasize a specialized market niche to enhance the Addison Road-Seat Pleasant growth center market position. Small block office space targeted to community-serving professional services, such as medical, legal, and accounting, could be incorporated into mixed-use residential development, creating a foothold for a more diverse employment base.

• Potential Mix of Uses at Page 140

Residential

-Low-to mid- rise multi-family, mixed-use element

- -Townhouses and quads
- -High-density single family

Commercial

- -Low-to mid-rise community serving office, mixed-use element
- -Retail and services
- -Neighborhood center
- -Street level mixed-use element

Transit-Oriented Development (TOD) Implementation Actions at Page 141

- Projects in the development pipeline should be examined for their appropriateness to TOD. The prospect of higher densities and the allowance for a mix of uses should provide sufficient incentives for developers to reconfigure their plans.

□ Urban Design Concept, Pages 142-143

The Vision and urban design concept for the Addison Road-Seat Pleasant Metro Center preserves existing single-family residential development and capitalizes on the potential for dense, urban development within proximity to the Metro station. Commercial development will front on the north and south sides of Central Avenue to retain its position as a primary commercial corridor in Subregion 4. Central Avenue will also transform into tree-lined, urban boulevard that is inviting to pedestrians. The intersection of Addison Roads and Central Avenue will be enhanced with pedestrian crosswalks, enabling surrounding development to fully serve pedestrian traffic en route to and from the Metro station and surrounding areas.

CHAPTER 8: Transportation Systems

- Approved and Ongoing Planning Efforts
- Key Transportation-Related Planning Issues and Concerns, Page 227

The following have been identified as the key issues:

- Preserving and improving the transportation choices for existing and established communities.
- Reduce dependency on the use of automobiles.

- Promote TOD, transit-supporting, transit-serviceable, and pedestrian-oriented development at the centers and neighborhoods.
- Explore ways to provide flexibility in addressing transportation needs and the need to mitigate traffic congestion, especially outside of the planned centers and along major corridors.

The new roadmap for Prince George's County is also discussed in Prince George's Plan 2035, which places a focus on public investment in targeted transit-oriented commercial and mixed-use centers. According to Plan 2035, the strategy is to attract new private investment, businesses, and residents to the County to generate the revenue the County needs to provide well-maintained, safe, and healthy communities, improved environmental resources, high-quality public schools, and other critical services.

Plan 2035 emphasizes one of the failures of the 2002 General Plan which is that development in the County has not been concentrated to effectively capitalize on existing transportation networks, particularly at the 27 centers, Addison Road Metro Station being one of those centers. Further, Plan 2035 recognizes that in the Developed Tier, there has been a failure to create a critical mass of residents, economic activity, and amenities essential to fostering vibrant and sustainable communities and regionally competitive business environments. Moreover, Plan 2035 states that, "Prince George's County is not prepared to meet the housing preferences of many of its seniors – a growing segment of its population – and young professionals – a critical component of its workforce and economic competitiveness." *See*, Plan 2035, Page 102. According to Plan 2035, the County is facing a looming deficit in multifamily housing, particularly in walkable and mixed-use, transit-accessible locations.

Plan 2035 placed the subject property in Sustainable Growth Act Tier 2. Plan 2035 designates the Addison Road Metro Station as a Local Center. Local Centers are defined as "focal points of concentrated residential development and limited commercial activity." *See*, Plan 2035,

Page 106. The Commons at Addison road will be able to take advantage of the extensive transit and transportation infrastructure that exists at the Addison Road Metro Center, in an area that has the long-term capacity to become a mixed-use, economic generator for the County.

The proposed development is appropriately located and is in keeping with Plan 2035, in delivering new types of residential options, as well as limited commercial, including office and retail uses. To be sure, Plan 2035 states the following with regard to the core and edge of a local center:

In the Regional Transit Districts, the development is more dense, often with offices, apartments, condominiums, retail, and other uses arranged vertically within buildings. Mixed –use development may be arranged vertically, but uses may also be integrated horizontally, especially in Local Centers, in a series of buildings organized and sited to support walkability....

Walkable, mixed-use areas, including transit-oriented developments, are often *roughly one-half mile* in diameter and organized around a core and edge. An entry to a Metro station or another transit stop is often located at the center of the core, with the most dense and intense development growing out from this point. Best practices dictate that employment and retail uses be concentrated in the core and that the edge include more of a residential mix with less of an emphasis on commercial uses. See, Plan 2035 at P. 109.

As discussed above, the proposed development is directly across the street from the Addison Road

Metro Station. The commercial uses proposed are meant to accommodate the residents, as well as riders of the Metro who live in the surrounding neighborhoods. Thus, in keeping with the Subregion 4 Plan's vision for limited commercial uses, this development can meet a need that currently exists in the area for retail uses. At present, there are no cafés and eateries, coffee shops, or other retail options in close proximity to the Metro station to accommodate residents and visitors in the area. These are the types of limited commercial uses that will be located at The Commons at Addison Road.

Plan 2035 specifically recommends as a tier-specific policy that investments made into this tier should be coordinated and strategically targeted to expand the County's commercial tax base by attracting and retaining new employers and workers, leveraging private investment, and capitalizing on transit-oriented development opportunities. The proposed development conforms to the purposes and recommendations of Plan 2035 and the Approved Subregion 4 Master Plan. The proposed development furthers the compact form of development envisioned by the D-D-O-Z for areas in proximity to Metro Stations. The proposed layout of The Commons at Addison Road is dense and urban, fulfilling the vision of the Master Plan to create an urban environment in close proximity to the Metro station.

The proposed development will also address the need for revitalization in the area. As noted above, the project will be among several projects, following the Addison South I & II (Brighton Place) and The Park at Addison Metro developments which have furthered the goal of revitalization. The Commons at Addison Road will be an upscale, mixed-use community with an urban streetscape and will be a continuation of the concept that has already begun to materialize in the immediate area.

6. <u>THIS REQUEST IS IN HARMONY WITH THE PURPOSES OF THE COMMERCIAL</u> <u>ZONES (27-446)</u>

(1) To implement the general purposes of this Subtitle;

Response: The process the Applicant must engage to bring the proposed development to fruition, to include Detailed Site Plan approval and building permits, will ensure that the general purposes of this Subtitle are fulfilled. The proposed mixed-use development is located at a major intersection, that being the intersection of Central Avenue (MD-214) and Addison Road, and thus, will enhance the economic status of the County and provide an expanding source of desirable employment.

(2) To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;

Response: As noted above, the proposed Commons at Addison Road Metro will be a continuation of the concept that has already begun to materialize in the area, a walkable community that preserves the road and pedestrian circulation patterns promoted by the Sector Plan. This new development will be situated right across from the Addison Road Metro Station. By offering residential units and commercial space at this location, the goal to provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County is being met. The Commons at Addison Road Metro is projected to have 11,000 +- square feet of retail space. The current vision is for that space to be occupied by a cafe', eatery or coffee shop. The Commons at Addison Road Metro is also proposed to have 193 multi-family units.

(3) To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;

Response: The proposed development is located directly across the street from the Addison Road Metro Station. Given its proximity to the Metro, this development will certainly capitalize on transit usage in a very effective way. In 2017, DSP-16001 (called Metro City) was approved for a large-scale, mixed-use development that will consist of various types of residential units, as well as a significant amount of retail and commercial space. Metro City is only ½ mile from this location, and thus, the Applicant's proposal is in line with this purpose, as a concentrated group of compatible commercial uses are in the pipeline of development to come.

(4) To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;

Response: The Applicant intends to comply with all fire and noise regulations, as well as any other laws or regulations that relate to glare, noxious matter and other objectionable influences.

(5) To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;

Response: The Commons at Addison Road Metro will be supported by 38 below grade parking spaces and 122 surface lot spaces that are part of the development, which will further this purpose. Development of the subject vacant property will also advance this purpose by creating dynamic, functional relationships among individual uses by remaining in character with the neighborhood and developing the site in a manner that will further build upon the functional relationships already in place. Connecting road networks and pedestrian walkways will go a long way in creating the dynamic and functional relationships among the individual uses that will make this community a great place to live.

(6) To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;

Response: Please refer to Section 4, pages 6-16, of this Statement of Justification for discussion of the General Plan and Area Master Plans.

(7) To increase the stability of commercial areas;

Response: The Applicant's Detailed Site Plan application furthers the goal increasing the stability of commercial areas by improving and optimizing land use within proximity to a Metro Station.

(8) To protect the character of desirable development in each area;

Response: As discussed above, there is current market demand for affordable, upscale mixed-use communities with Metro accessibility. This demand is due to the resurgence of the Washington, DC real estate markets, which have resulted in prices that mid-income professionals can no longer afford. Multifamily apartments in Washington, DC that are located near Metro Stations are currently renting for in excess of \$2,500 to \$4,000 per month. Many people in the District of Columbia work force can no longer afford to reside in the District and are looking for alternative places to live that are close to where they work. Prince George's County, and particularly the Capitol Heights sub-market, looks very attractive to renters right now, especially locations that provide quality mixed-use development near a Metro Station. The Commons at Addison Road Metro presents an opportunity to capture this market.

(9) To conserve the aggregate value of land and improvements in the County.

Response: The Commons at Addison Road Metro will be designed as a high-quality community that will live up to the expectations of today's consumer and therefore conserve the aggregate value of land and improvements.

(10) To enhance the economic base of the County.

Response: The Applicant's proposal furthers this purpose by investing nearly \$40,000,000 to develop a currently vacant land at the corner of Addison Road and Central Avenue (214) in the County. A significant portion of this investment will be spent with County-based companies to construct the project, including County-based sub-contractors and sub-contractors whose staff reside in the County. In addition to the construction jobs that the project will create, the project will bring more than 30 permanent jobs to the County, including for the residential and retail portions of the project. Moreover, the County will benefit by receipt of more than \$1,000,000 in permit fees, utility fees, School Surcharge fees and Safety Surcharge fees. Additionally, the retail uses will contribute to sales taxes that the County collects. Finally, the project will increase the real property tax base of the currently vacant property by more than \$30,000 each year.

7. <u>THE PROPOSED DEVELOPMENT SATISFIES THE SPECIFIC PURPOSES OF THE</u> <u>DEVELOPMENT DISTRICT OVERLAY ZONE.</u>

Sec. 27-548.20 – Purposes.

The specific purposes of the Development District Overlay Zone are:

(1) To provide a close link between Master Plans, Master Plan Amendments, or Sector Plans and their implementation;

Response: The proposed development offers a mix of multifamily and new commercial uses in an established neighborhood, which is a key recommendation of the Subregion 4 Master Plan. Further, in keeping with the Subregion 4 Plan's vision for limited commercial uses, this development can meet a need that currently exists in the area for retail and commercial uses. At present, there are no nearby cafés and eateries, or other retail options to accommodate the future residents. The types of limited commercial uses that will be located here will be in harmony with the recommendations of the Subregion 4 Plan and be beneficial to the residents and surrounding community.

(2) To provide flexibility within a regulatory framework to encourage innovative design solutions;

Response: The subject property is zoned C-S-C. The Development District Overlay Zone in which the proposed development will be located is also meant to provide flexibility within a regulatory framework to encourage innovative design solutions. The Commons at Addison Road Metro is designed as a high-quality mixed-use community and will live up to the expectations of today's consumer. Specifically, regarding innovative design solutions, the Applicant's development plan will provide green building components that includes sustainable features such as energy efficient mechanical units, lighting, and appliances, as well as water efficient plumbing fixtures. The project will also employ sustainable site features such as native plantings, bike storage, electric vehicle parking spaces, and light-colored paving.

The project will be designed and built to LEED-NC (New Construction) standards, Certified Level through the U.S Green Building Council (USGBC). The LEED-NC rating system is an internationally recognized green building standard commonly used for new mixed-use residential and retail projects. For the Sustainable Sites section of the LEED-NC Project Checklist, it is expected that the project will receive LEED credits for site selection, development density, community connectivity, and alternative transportation (public transportation access, bicycle storage and changing rooms, low-emitting and fuel-efficient vehicles). For the water efficiency section, the project will receive credits for incorporating water efficient landscaping, innovative wastewater technologies and water use reduction in general for the project. For the materials and resources section of the LEED checklist, the project intends to divert 50% of construction waste management from disposal, reuse 5% of materials reuse, and use 10% of regional materials. For the indoor environmental quality section of the LEED checklist, the project intends to receive credits for having a construction IAQ management plan during and before construction, use lowemitting materials (adhesives and sealants, paints and coatings, carpet systems and composite wood and agrifiber products). The project also intends to receive LEED credits for including controllability of lighting systems and thermal comfort systems, and for designing the project for thermal comfort.

(3) To provide uniform development criteria utilizing design standards approved or amended by the District Council;

Response: The purpose of this revised DSP application is to demonstrate conformance with the Addison Road Metro Town Center and Vicinity Sector Plan. The Sector Plan includes design standards that the proposed development is supposed to adhere to, unless any such standards are amended by the District Council. Evaluation of the proposed development with regard to the design standards will be reviewed under the Applicant's detailed site plan application.

(4) To promote an appropriate mix of land uses;

Response: The proposed development meets this purpose by proposing an appropriate mix of land uses that include a variety of residential, retail, outdoor and green space uses. Approximately 11,000 +/- square feet of retail space will be on site to support the residents and the surrounding community.

(5) To encourage compact development;

Response: This is a compact development, which favors Metro users and pedestrians, and offers the benefits of the Metro station to the greatest number of residents and businesses. It provides significant density on this site which is across the street from the Addison Road Metro Station.

(6) To encourage compatible development which complements and enhances the character of an area;

Response: About a half mile south of the proposed development are residential communities known as the Park at Addison Metro and Brighton Place. Metro City is also proposed under approved DSP-16001. The proposed development has a unique opportunity to provide a mixed-use project at a prominent intersection with a Metro Station, and it will feature retail and commercial uses to serve the residents of the development as well as the surrounding area, and continue the trend of mixed-use which has already taken root in the immediate area of the subject site. The lay out of the site will provide direct pedestrian access to the Metro station, consistent with the neighboring communities, which provide critical connections to Addison Road.

(7) To promote a sense of place by preserving character-defining features within a community;

Response: The Subregion 4 Master Plan recognizes that the subregion contains unique locations where newer and older suburban neighborhoods converge, and the vision of the plan is to balance these newer and older neighborhoods with development that is more urban in character. The Commons at Addison Road Metro offers a balanced mix of multi-family, in a range of price points in an established neighborhood, which is a key recommendation of the Subregion 4 Master Plan.

(8) To encourage pedestrian activity;

Response: The Commons at Addison Road Metro promotes pedestrian-oriented development by providing connectivity that ultimately leads pedestrians to both the Metro Station as well as to other areas outside of the property. The development plans for the subject site includes the installation of sidewalks along Central Avenue (MD-214), Zelma Avenue and Addison Road within the limits of the subject site. The plans also call for several pedestrian walking paths that lead from the project along Central Avenue (MD-214) to Central Avenue (MD-214). This type of pedestrian-oriented development aids Metro users and will encourage pedestrians who live or work at Metro to ride the Metro as well as to walk, run or bike along the newly constructed sidewalks that will be built as part of this new development. It is an easy walk across the street to the Addison Road Metro, offering the benefits of its proximity to the Metro station to the greatest number of residents and business.

(9) To promote economic vitality and investment.

Response: Subregion 4 is envisioned to be a vibrant community where quality of life is improved, neighborhoods are conserved, and a variety of high-quality housing types for a range of incomes exist. Under the subject proposal, there will be increased opportunities for a new workforce, and new opportunities for mixed-use and mixed-income housing, as well as medium-density multi-family rental housing.

Plan 2035 specifically recommends as a tier-specific policy that investments made into this tier should be coordinated and strategically targeted to expand the County's commercial tax base by attracting and retaining new employers and workers, leveraging private investment, and capitalizing on transit-oriented development opportunities.

The development will include a nearly \$40,000,000 investment in the Capitol Heights sub-market and replace a currently vacant land with a vibrant new mixed-use community.

CONCLUSION

As the proposed development is in harmony with the general purpose and intent of both the Subregion 4 Master Plan and Prince George's Plan 2035 and allows the vision of the Master Plan to come to fruition, the proposal is in conformance. The Applicant is proposing a mixed-use development consisting of residential uses, including apartments and commercial/retail uses. The proposed mixed-use development conforms with the Addison Road Metro Sector Plan purposes and recommendations and will encourage the use of Metro. For all the foregoing reasons, the Applicant requests approval of DSP-06001-03. The Applicant believes that this application conforms to the purposes and recommendations of the applicable Master Plan and Plan 2035 and respectfully requests approval of the subject application.

Respectfully submitted,

By: 1st Traci R. Scudder_

SCUDDER LEGAL 137 National Plaza, Suite 300 National Harbor, MD 20745

Attorney for Applicant



December 18, 2019

N. Andrew Bishop Senior Planner Development Review Division Prince George's County Planning Department 14741 Governor Oden Bowie Drive Upper Marlboro, MD 20772

Re: The Commons at Addison Road Metro Case No. DSP-06001-03

Dear Mr. Bishop:

Below and on the following pages please find our responses to comments from the Subdivision & Development Review Committee Meeting held on November 15, 2019 in connection with the above-referenced project:

Development Review Division - Urban Design Section

- Comment: Provide the unmitigated and mitigated noise lines on the DSP, and a noise study for application. Response: A noise study was conducted and is being provided as part of our response, and a 65dba line is provided on the DSP plans.
- Comment: Explore shared-parking options with the adjacent WMATA property, and surrounding properties. *Response:* We believe that adequate on-site parking for the residential and commercial space is being provided in our proposed design. We have explored shared-parking options and have included a dedicated on-site parking space for use by Zipcar, Uber, Lyft and other ride-sharing providers.
- Comment: Consider relocating the residential plaza with the grills and fire pit to the rear of the building to improve the privacy and security of the space for the building users. *Response:* Relocation is not possible or desirable because of the parking area and loading areas in the rear of the building. The use of the plaza space has been revised to a passive green space and will not be intended for active resident space.
- Comment: If relocation is not possible include a knee wall and additional landscaping/fencing to define the residential plaza space. Response: With the redesign of

1738 Elton Road, Suite 215 Silver Spring, MD 20903 301.408.0800 5335 Wisconsin Avenue, NW, Suite 440 Washington, DC 20015 202.393.5460 3901 Park Heights Avenue, Suite 201 Baltimore, MD 21215 301.408.0800

www.BannekerVentures.com

DSP-06001-03 Additional Backup 144 of 298 DSP-06001-03_Additional Backup 147 of 256 the space to passive green space instead of active gathering area, less significant enclosure is needed. Attractive fencing and significant landscaping are provided to screen the area.

- Comment: Provide an enhanced bike rack option, consider including a maintenance station, secure bicycle storage for the residents of the building, and potential for bike share facilities on or near the site. Response: An enhanced bike rack option has been provided. Forty—eight (48) secure bicycle parking spaces have been added in the garage along with a bicycle repair station. Additionally, twenty-six (26) bicycle parking spaces have been added on the exterior of the site. A location for a potential Capitol Bikeshare station with 11 docks has also been provided near the retail plaza.
- Comment: Provide additional wayfinding signage to improve pedestrian connectivity. (Neighborhood Signage) Response: Exterior signage package has been updated to include wayfinding signage. Final location of signage will be coordinated with DPIE and SHA.
- Comment: Provide details and examples of what is proposed for the public art at the corner and clearly label its location on the site plan. Response: Examples are provided on sheet L015 and location is shown on L001 at corner of Addison Road and Central Avenue. Our hope is to hire a local artist to design this public art.
- Comment: Provide hardcopies of additional plans submitted with the 10/24/2019 submission. Response: Additional hard copies have been provided.
- Comment: Clearly label the proposed spaces which are being designated for commercial use on site plan. *Response*: Commercial spaces are designated on the DSP.
- Comment: Revise Parking Table to clearly show the number of required and proposed parking spaces for each use on DSP, this has not been provided and needs to be shown for clarification. *Response:* Tabulation is provided on sheet 3 of the DSP.
- Comment: Indicate the number of commercial spaces and place it on the site plan not the architectural plans. Response: The number and location of the commercial spaces is provided on the DSP.
- Comment: PPS 4-05068 condition 17b. (PGCPB No. 06-37) Prohibits any left turn to and from the site from Addison Road. The site plan shows a dedicated left turn lane into the site from northbound Addison Road. Please address. *Response:* A request for reconsideration has been filed to remove this Condition.
- Comment: Provide additional justification for the parking reduction, specifically how the
 application meets the goals and objectives of the sector plan, and why the parking reduction
 should be approved. Response: The development's close proximity to the Addison Road
 Metro station, which is directly across the street lends to residents that do not rely on car

to serve as their primary means of transportation. Additionally, the unit mix for the development includes mostly studio and one-bedroom units which will be targeted to potential tenants who are young (or older) professionals who use public transportation as their main means of travel. The Metro (Addison Road train located directly across the street) and bus (directly outside of the development) will be major sources of transportation for residents that will not own a vehicle. Further, the project will include alternative onsite forms of transportation are proposed to include bicycle parking spaces, a bicycle share program, designated electric scooter parking, a designated space for ride sharing for Uber, Lyft or equivalent, potential car share location on site for Zipcar or equivalent. Residents will be able to better plan their travel departure time, with the help of a transportation demand system screen that will be mounted in the main lobby, denoting when various modes of transportation are scheduled to arrive. Additionally, data has been obtained for recently completed multi-family and mixed-use housing and retail projects in Montgomery and Prince George's Counties. This data reflects that the proposed parking ratio of approximately 0.72 spaces per residential unit (138 spaces for 193 units) is in line with similar multi-family projects near metro stations in the area, and is in fact a much higher ratio than most of recently completed multi-family and mixed-use projects that have been developed near Metro stations in the past few years (see enclosed Parking Analysis matrix).

- Comment: Provide a more attractive finish for the retaining wall proposed. Retaining wall
 material is not acceptable as proposed. Response: A painted mural treatment will be
 provided on the wall, see L015 for examples. Outreach will be made to local artists to be
 hired for this work.
- Comment: Indicate Green Building techniques to be used. Response: See attached list of
 proposed green building techniques.
- Comment: Indicate what amendments are being proposed on DSP. Response: Matrix of DDO standards was provided with SOJ. This matrix indicates where amendment from DDO standard is requested with justification.

Community Planning Division

Comment: A front build-to line between 10 and 15 feet from the right-of-way line shall be established for office, retail/commercial and institutional buildings which front onto MD 214 and Addison Road (pg. 180). Response: This requirement is for a retail/commercial building. Our proposed project is a mixed-use development with the primary use being residential. Residential buildings do not have the same build-to requirement; therefore, a larger setback is appropriate. While portions of the building there are portions that are set farther back. The building location is also responding to the location of the WMATA zone of influence, which we are looking to avoid. Constructing a building closer or over the WMATA zone of influence will greatly increase the construction costs of the project,

which will increase the financial risks to the project making it less likely for the developer to be able to secure the type of funding needed to construct the project.

Subdivision and Zoning Section

Preliminary Plan of Subdivision Conformance

- Comment: There are two PPS associated with this project, 4-05068 which pertains to Parcel A and 4-08019 which pertains to Parcel 87/Proposal Parcel B. Because they apply to separate parcels, the conditions for both PPS apply to the present DSP. *Response:* Acknowledged.
- Comment: Unless Parcel B is platted, PPS 4-08019 will expire on 12/31/2020. Parcel B
 must be platted prior to the issuance of building permits. Response: A separate new final
 plat for Lot 5 will be submitted for approval prior to the application of building permits.
- Comment: Please provide a certified copy of 4-08019 or provide a copy for certification. Response: A copy of the resolution is provided. A new certified copy will be requested from the County, or plan will be re-certified.
- Comment: Because the proposed on-site recreation facilities no longer include a pool as required in the prior Recreation Facilities Agreement (RFA), please provide a revised RFA for DRD review and approval prior to submission of final plats. Response: A revised RFA will be submitted and executed with the County prior to submission of the final plats.

Record Plat Conformance

- Comment: The present DSP conforms to the plat for Parcel A, located in Plat Book PM 231-98. However, per Condition 2 of DSP-06001-01, a new final plat for Parcel A shall be approved in accordance with Section 24-108 of the Subdivision Regulations. The new plat must be approved prior to the issuance of building permits. *Response:* A new final plat for Parcel A will be submitted for approval prior to the application of building permits.
- Comment: Per Condition 3 of DSP-06001-01, a final plat is required for Lot 5, unless this condition is modified with the present DSP. The property must be platted prior to the issuance of building permits. *Response:* A separate new final plat for Lot 5 will be submitted for approval prior to the application of building permits.

Traffic & Trails

Transportation Planning Section

 Comment: Incorporate the designs of the Central Avenue Connector Trail into the designs for the frontage of the subject site. Additional discussion are needed with the Department of Parks and Recreation. Response: Per communication from Transportation Planning, the site plan can remain as shown but additional coordination should occur with DPR regarding the location and design of the proposed trail. We intend on coordinating with DPR regarding the location and design of the proposed trail.

- Comment: Capital Bikeshare should be considered as an opportunity/justification to reduce the need for parking on-site. Additional discussions are needed with the Department of Public Works and Transportation. *Response:* A potential Capitol Bikeshare location is shown on the plans.
- Comment: The amount of bicycle parking spaces needs to be quantified and additional locations may be warranted on-site. *Response*: Twenty-six (26) outdoor bicycle parking spaces and forty-eight (48) interior bicycle parking spaces have been provided and are shown on L001 plan. Additionally, a location for electric scooter parking and a designated ride share (Uber/Lyft/Zipcar) space has been designated near the rear entrance.

EPS SDRC Review

- Comment: There are several total site areas on the plan 2.97 AC and 2.98 AC need one number. Response: Civil plans have added a property information chart that clarifies the area of each parcel. The total area is 2.977 so we rounded up to 2.98 acres.
- Comment: Provide a table with parcels broken down with: Area, Zoning, Total Woodlands Response: Civil plans have included a table that indicates the parcels listed by individual parcel, zoning, parcel number and wooded area.
- Comment: Add a note under specimen tree table "All proposed specimen trees to be removed are grandfathered from the variance process due to past approvals". Response: This note has been added below the specimen tree table.
- Comment: Add TCP2-013-2019 to approval block, worksheet and note 1. Response: The note has been added to the mentioned, Approval Block, Worksheet and Note.

Thank you for the opportunity to provide these responses to the SDRC meeting held on November 15, 2019. We would be happy to provide any further clarifications or answer any additional questions should you or your colleagues have them. I can be reached at either 301-523-1810 or okarim@bannekerventures.com.

Sincerely,

Omar A. Karim

Enclosures: Acoustics 2: Traffic Noise Analysis DSP – A201: Garage Level P1 & 1st Floor DSP C-01 – C-03 Exterior Signage Package Green Building Design Strategies Landscape Plans: Sheets L001 – L015 Parking Analysis matrix PGCPB No. 08-124 Type B Tree Conservation Plan

cc: Traci Scudder, Scudder Legal Tori Williams, Banneker Ventures

SITE DESIGN					
Design Standard	Compliant (Yes/No)	Response			
S1. VEHICULAR CIRCULATION/ACCESS					
A. Common, shared entrances (curb cuts) shall be utilized for access to nonresidential property, wherever feasible, instead of individual entry points to each property. The amount of curb cuts used shall be minimized.	Yes	There is only one entrance provided along Addison Rd and one along Zelma Ave.			
B. To minimize traffic conflicts, access to a property should be a sufficient distance away from major intersections.	Yes	Access has been determined to be sufficient distance from intersection by traffic consultant, and is provided as previously approved.			
C. Vehicular entrance drives shall permit safe and clear pedestrian crossings. Sidewalk material(s) should continue across driveway aprons.	Yes	The standard Prince George's County driveway entrance detail will be provided on plan.			
D. The width of entrance drives should be visually minimized, where appropriate, by the provision of a planted median of at least six feet in width separating incoming and outgoing traffic, especially if two or more lanes are provided in each direction.	N/A	The driveway has only one lane in each direction.			
E. Clear internal vehicular circulation shall be provided to link all redeveloped parcels within Metro North together. The internal circulation route shall be located adjacent to MD 214.	Yes	Internal vehicular circulation is provided within developed parking lot.			
S2. PARKING AREAS					
A. Surface parking lots should be located to the side or rear of buildings to reduce the visual impact of parked cars and large expanses of asphalt adjacent to roadways. The number of parking spaces located between buildings and the street frontage of roadways shall be minimized.	Yes	Parking lot is located rear and side to the building that fronts on Central Ave. Parking adjusted to the side street is being screened per design std. D.			
B. Shared parking lots shall be utilized, whenever possible, to reduce the amount of parking spaces needed. All shared lots shall be paved in the same material.	Yes	Proposed parking is reduced as much as possible and commercial parking reduction is being utilized.			
C. Concurrence of the Departments of Public Works and Transportation (DPW&T) shall be sought for provision of on- street parking along the street network in the town commons (Metro West and Addison South).	N/A	On street parking is not provided			

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Design Standard	Compliant (Yes/No)	Response
 D. Parking lots/spaces which are located adjacent to the right-of-way line or curb edge due to site constraints shall be screened from adjacent roadways and public areas with a continuous, low masonry wall in compliance with the Parking Lot Landscape Strip, Option 4 requirements in the <i>Landscape Manual</i>. A fourfoot-wide landscape strip shall be provided between the right-of-way line and parking lot. The wall should be between 36-42 inches in height and be face on both sides with a masonry veneer. A masonry veneer may be constructed of brick, stone, precast concrete panels, split-face concrete masonry units or an equivalent material. Unfinished concrete block or poured-in place concrete are not acceptable materials. The low masonry wall shall be compatible in materials and design with nearby buildings. One shade tree per 35 linear feet of frontage, excluding driveway openings shall also be provided. Shrubs may be planted in front of the wall and between the shade trees to form a solid hedge within two growing seasons. Shrubs shall be installed at a minimum of 18 inches in height and 30 inches on center. Parking lots utilizing berms should be avoided. 	Yes	The plan provides the required screening with a brick wall and decorative fence combination along with continuous hedge. Shade trees are provided per the required spacing
E. Pedestrian zones (internal sidewalks) shall be well-illuminated and clearly delineated within parking lots. (See Public Areas/Sidewalks, Trails and Crosswalks.)	Yes	Pedestrian sidewalks are provided at parking lots and are illuminated for access to the building.
F. Single, large surface parking lots are not permitted. Instead, parking shall be provided in smaller defined areas separated by planted medians.	Yes	Surface parking has been divided into separate lots and plante islands are provided within parking area.
G. Parking lots shall include islands with shade trees to reduce glare, provide shade and visual relief from large expanses of asphalt pavement and shall comply with the <i>Landscape Manual</i> .	Yes	The plan provides shade trees at each parking island per the Landscape Manual
H. All parking lots shall be in compliance with the Americans with Disabilities Act (ADA).	Yes	ADA space and path from parking space to sidewalk is in compliance with ADA.
I. Parking lots shall comply with the Perimeter Landscape and Interior Planting Requirements of the <i>Landscape Manual</i> .	Yes	The plan provides perimeter landscape and interior planting pothered the Landscape Manual

Design Standard	Compliant (Yes/No)	Response
J. Parking lots shall be well-illuminated to ensure safety. (See Public Areas/Lighting.)	Yes	See responses on site lighting
K. The placement of parking lots should avoid creating isolated and remote areas.	Yes	Parking lots are located next to driveway and have safe and convenient access from the building.
L. All parking spaces shall have striped markings.	Yes	All parking spaces are striped marked.
M. Concrete wheel stops shall be provided, where appropriate. Timber wheel stops are not permitted.	Yes	Concrete wheel stops are provided at few parking spots where appropriate.
N. Parking garages shall utilize an architectural design vocabulary that incorporates similar quality building materials, color and massing with adjacent buildings.	Yes	Garage is below grade and where partially above grade is trea with same architectural language.
O. Parking garages shall not dominate the street edge and shall incorporate architectural design or landscape features to screen parked vehicles from passing pedestrians and motorists.	Yes	Parking is screened from the street as required. See response S.2, D.
P. Convenient and visible pedestrian connections shall be provided between parking garages and adjacent buildings/destinations.	Yes	Convenient pedestrian connections are provided to secondary residential entrance and to adjacent retail space.
Q. The amount of commercial parking spaces in Metro West and Metro North shall be calculated utilizing integrated shopping center requirements and shall be considered the maximum quantity allowed. The number of required parking spaces may be reduced below the maximum quantity established by the Zoning Ordinance (but no less than one-half).	No	The Applicant is requesting approval of parking plan which ha been reduced by less than one-half.

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SITE DESIGN			
Design Standard	Compliant (Yes/No)	Response	
S3. BUILDING SITING AND SETBACKS			
A. Buildings shall be sited close to and face street edge throughout the town center. The primary entrance to a building shall be clearly visible from the street. Prominent entrances.	Yes	Building is located as close to street edge as possible given site constraints of Zone of Influence of adjacent underground Metro tunnel.	
B. Office, retail/commercial and institutional buildings located in the L-shaped main street and other internal streets within Metro West shall be built 12 feet from the curb edge in accordance with Type I Main Street (Figure 1). The commercial landscape strip requirements in the <i>Landscape Manual</i> shall be waved along the L-shaped main street and other commercial uses on internal streets within Metro West .	N/A	Building is not located on potential L Shaped Main Street.	
C. A front build-to line between 10 and 15 feet from the right-of- way line shall be established for office, retail/commercial and institutional buildings which front onto MD 214 and Addison Road.	No	Project is mixed-use residential and retail use. Due to residential use and site constraints of Zone of Influence of adjacent underground Metro tunnel, a larger setback from MD-214 and Addision Road is provided and is appropriate for this use.	
D. A front build-to line between 10 and 15 feet from the right-of- way line shall be established for single-family attached residential dwellings within the town center.	N/A	No single family attached residential dwelling within project limit	
E. A front build-to line between 10 and 15 feet from the right-of- way line shall be established for single-family detached residential dwellings within the town center.	N/A	No single family attached residential dwelling within project limit	
F. Residential garages shall be sited to reduce their visual impact on the street. Alternatives should be pursued which locate the garage towards the side or rear of a lot, or at minimum recess the garage at least six feet from the front building faced.	N/A	No single family attached residential dwelling within project limit	
G. Residential dwellings shall front onto public streets, whenever possible.	Yes	Building is multi-family; main entrance fronts on public street.	
H. In an attached row or group of buildings in a block, the number of vehicular connections from the front to the rear of the property should be minimized.	N/A	Project has only one building.	

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Design Standard	Compliant (Yes/No)	Response
 Isolated, freestanding commercial buildings are not permitted along the L-shaped main street in Metro West except for buildings with frontage on MD 214 or Addison Road. 	N/A	Project is not a freestanding commercial building and it is does have frontage on MD-214.
J. Drive-thru windows for any use are not permitted in the town center.	Yes	Drive-thru window is not provided.
K. Buildings in Metro North should be sited as close to MD 214 as possible, with parking provided in small, well-landscaped lots.	N/A	Project is not located in Metro North area.
L. A retaining wall shall be provided along rear property boundaries in Metro North where steep slopes are present. Materials shall be of high quality, such as split-face concrete block. Timber ties are not an acceptable retaining wall material.	N/A	Project is not located in Metro North area.
M. The rear yards of single-family detached/attached homes in Addison South shall be oriented facing toward the master planned streets.	N/A	No single family attached residential dwelling within project limit
N. The maximum lot coverage for single-family detached dwelling units shall be 60 percent.	N/A	No single family attached residential dwelling within project limit
O. The maximum building coverage for single-family attached dwelling units shall be 50 percent of the overall net tract area.	N/A	No single family attached residential dwelling within project limi

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Design Standard	Compliant (Yes/No)	Response	
S4. BUFFERS AND SCREENING	Yes	Appropriate screening has been provided according to the Landscape Manual	
A. All mechanical equipment, dumpsters, storage, service, loading and delivery areas shall be screened from public view and rights-of-way with an appropriate buffer consisting of plantings, walls or fences in compliance with the Screening Requirements of the Landscape Manual.	Yes	Appropriate decorative fencing has been provided according to the Landscape Manual	
B. Chain-link fencing (of any type), corrugated metal, corrugated fiberglass, sheet metal or wire mesh shall not be used as a screening material. The use of barbed wire is not permitted.	Yes	Appropriate screening has been provided according to the Landscape Manual	
C. Appropriate elements for a buffer include continuous solid, opaque fences and masonry walls. Evergreen plant material may also be used in combination with metal picket-type fencing. Plant material shall be of an appropriate species, size and quantity to provide an effective, immediate buffer.	Yes	Appropriate buffer has been provided according to the Landscape Manual	
D. Walls and fences shall be made of appropriate materials which are compatible with adjacent buildings.	Yes	We are utilizing a 30" height brick wall combined with a 42" decorative metal picket fence behind a row of continuous shrubs as per the <i>Landscape Manual</i> .	
E. The bufferyard requirements within the town center shall be reduced to facilitate a compact form of development compatible with the urban character of the area surrounding the Metro station. The minimum bufferyard requirements for incompatible uses in the <i>Landscape Manual</i> shall be reduced by 50 percent within the town center. Alternative Compliance shall not be required for this reduction. A six-foot-high opaque masonry wall or other opaque screening treatment shall be provided in conjunction with the reduced width of the bufferyard between residential and commercial uses. The plant units required per 100 linear feet of property line or right-of-way shall also be reduced by 50 percent.	Yes	We are in compliance with the Landscape Manual	
F. Residential uses within the town center shall comply with the Residential Planting Requirements of the Landscape Manual.	Yes	Appropriate screening has been provided according to the Landscape Manual	

ITE DESIGN			
	Design Standard	Compliant (Yes/No)	Response
G.	A bufferyard shall be provided in Metro North between the proposed retail/office and existing residential uses. The unused alley located between the residential properties on Adak Street and Metro North may be utilized for the bufferyard, if feasible. Alternative Compliance from the bufferyard requirement in the <i>Landscape Manual</i> may be needed due to shallow depth of the parcels within Metro North .	N/A	N/A
H.	Bufferyards shall be provided between existing residential homes within Metro West and the proposed retail/commercial development	Yes	Appropriate buffer yards have been provided as per the <i>Landscape Manual</i> as follows: Rear: 10ft planted buffer with a 6ft height decorative metal fence at the property line
Ι.	Bufferyards shall be provided between existing commercial uses and proposed residential development in Addison Plaza West.	N/A	N/A
FRE	ESTANDING SIGNS		
A.	The location of freestanding signs shall comply with Section 27-614(a) Freestanding Signs in Part 12 of the Zoning Ordinance.	Yes	See signage package
В.	The maximum height of freestanding signs shall be 8 feet in the town commons and 13 feet elsewhere in the town center as measured from the finished grade at the base of the sign to the top of the sign for all commercial zones, as modified from Section 27-614{b).	Yes	See signage package
C.	The area of the freestanding sign shall not exceed 1 square foot for each 2 linear feet of street frontage, to a maximum of 100 square feet for each sign for building(s) located in an integrated shopping center, other commercial center with 3 or more businesses served by common and immediate off-street parking and loading facilities, or an office building complex, as modified from Section 27-614(c). The street frontage shall be measured on the property occupied by the center or complex associated with the sign.	Yes	See signage package

	Design Standard	Compliant (Yes/No)	Response
D.	The area of the freestanding sign shall not exceed 1 square foot for each 4 linear feet of street frontage, to a maximum of 100 square feet per sign for building(s) not located in an integrated shopping center, other commercial center with 3 or more businesses served by common and immediate off-street parking and loading facilities, or an office building complex, Section 27-614(c). The street frontage shall be measured on the property occupied by the use associated with the sign.	Yes	See signage package
E.	The quantity of freestanding signs shall be equal to or less than the amount required by Section 27-614(d), Freestanding Signs, in Part 12 of the Zoning Ordinance.	Yes	See signage package
F.	Signs shall primarily serve to identify the name and type of business establishment only.	Yes	See signage package
G.	Signs should be compatible in design, color and materials with other urban design elements, as well as the overall architectural character of associated buildings on the parcel or property. Plantings may be incorporated around the base of signs to soften and integrate their appearance into the landscape.	Yes	See signage package
Н.	Signs that are externally lit are recommended and should be directed to illuminate the sign face only.	Yes	Future Retail signs are face-lit – see signage package
1.	Lighting for signs should be discretely placed so the light source and associated glare is not visible to motorists or pedestrians.	Yes	No lighting provided that would create glare for motorists of pedestrians.
J.	Ground or monument signs (signs mounted directly on a solid base) shall be used in the town center. Pole-mounted signs are not permitted in the town center. Existing pole-mounted signs may continue as permitted uses until such time as a major exterior renovation (50 percent or more front facade in linear feet) or major rehabilitation (50 percent or more increase in GFA) is requested. At such time, all signs must conform to the standards for ground-mounted monument signs.	Yes	See signage package

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	Design Standard	Compliant (Yes/No)	Response
К.	Placement of signs shall not hinder vision or obscure site lines for motorists.	Yes	See site plan and signage package
L.	Signs that are portable, movable or have flashing components are not permitted.	Yes	Those sign types are not provided
M.	All new office, retail/commercial buildings shall provide a common sign plan when there is more than one principal building or multi-tenant (three or more businesses) building on a single parcel or a combination of parcels under common ownership. Common sign plans shall specify standards for consistency among all signs within the development including lighting, colors, lettering style, size, height, quantity and location within the site and on the building. Requests for major exterior renovation (50 percent or more front facade in linear feet) or major rehabilitation (50 percent or more increase in GFA) shall also require a common sign plan.	Yes	See signage package
N.	Freestanding signs in Metro North shall be coordinated and compatible in design and materials. At the time of the first detailed site plan for Metro North , standards for freestanding signs (size, quantity, height, location, design) shall be approved by the Planning Board and shall govern provision of signs in all subsequent sections of Metro North .	Yes	See signage package

	Design Standard	Compliant (Yes/No)	Response
91. RC	DAD NETWORK	(*******	
All Su	bareas		
A.	A network of interconnected streets shall be established. The network shall consist of a hierarchy of streets including three new types of pedestrian-oriented roads (see Figure 1). A proposed road network is shown on Map 12 as a guide for future development and to demonstrate appropriate locations for the types of street sections.	Yes	Connection to Zelma Ave. and Addison Road is provided.
own (Commons (Metro West and Addison South)		
В.	An L-shaped street shall connect the entrance of the Metro station and the Addison Plaza shopping center together in Metro West as the main spine of the vehicular circulation system. A traffic circle shall be located at the intersection of these two streets. The L-shaped main street shall be considered a master plan road for development and transportation review purposes, which means that development in the area must conform to the plan alignment for the main street	N/A	L-shaped Main Street is located outside of project limit.
C.	Cul-de-sacs as the terminus to streets shall be avoided. Cul-de- sacs may be used when developable land is surrounded by environmentally sensitive features.	Yes	Cul-de-sacs are not provided.
D.	Planted medians (to separate travel direction) shall be located on the L-shaped main street.	N/A	L-shaped Main Street is located outside of project limit.
Ε.	All streets within the town center shall be constructed with curb and gutter.	Yes	Driveway connecting Zelma Avenue and Addison Road has curb and gutter. Any frontage improvements will also include curb an gutter.
F.	Intersections should employ "safe-crosses." This treatment enhances pedestrian safety by expanding the sidewalk area in the unused portion of the on-street parking lane adjacent to the intersection (see Figure 2).	Yes	Cross walk provided for safe crossing at Addison and MD-214. There is no on street parking in that location.
G.	Zelma Avenue shall remain and connect into the road network.	Yes	Project does not affect connections to Zelma Ave.

	Design Standard	Compliant (Yes/No)	Response
H.	Old Central Avenue shall be removed from Rollins Avenue eastward. Rollins Avenue shall be extended north to East Capitol Street to facilitate traffic movement to MD 214 both east and westbound. New development shall accommodate the proposed closing of Old Central Avenue and not become an obstacle to future master planned roads.	N/A	Outside of the project limit
<u>her</u>	Subareas		
I.	Vehicular linkages in Addison South shall be provided by a grid network of interconnecting streets. Linkages include connections to Rollins Avenue, Addison Road, Brooks Drive extension and Metro West to the north via Zelma and Yolanda Avenues.	N/A	Outside of the project limit
J.	Vehicular connections across MD 214 to Addison Plaza West shall be provided via two 4-way intersections. One of the intersections shall be located at the existing signalized entrance to the shopping center. The other intersection shall provide a new connection to the proposed residential area from the extension northward of Rollins Avenue. (Yost Place shall be closed at its existing intersection with East Capitol Street except as necessary to maintain access to the mini-plaza.) Signals are suggested to enhance access between the residential development, town commons and MD 214.	N/A	Outside of the project limit
К.	A vehicular connection shall be provided in Addison Plaza West to connect the proposed residential area to Baltic Street east of the railroad right-of-way. Traffic-calming techniques shall be installed to discourage cut- through traffic.	N/A	Outside of the project limit
L.	Vehicular connections to Baber Village shall be provided from Cindy Lane. A steep grade change on the property prevents direct access to MD 214.	N/A	Outside of the project limit

	Design Standard	Compliant (Yes/No)	Response
P2. SI	DEWALKS, TRAILS AND CROSSWALKS		
Α.	The pedestrian circulation system portrayed on Map 13 shall be required in the town center.	Yes	Pedestrian circulation is provided between Zelma Ave. and Addison Road.
В.	All roads within the town center shall have a continuous system of sidewalks on both sides of the street. Figure 3 shows the required location of sidewalks and the attendant landscape areas. Differing treatments are required for particular sides of MD 214 and Addison Road due to the varying existing conditions, including right-of- way width. Existing sidewalks shall be relocated away from the curb edge to provide an adequate pedestrian safety zone. Existing sidewalks which are already set back from the curb edge shall remain, and sidewalks along MD 214 shall be widened to five feet. Treatments are also shown for Rollins Avenue and Zelma Avenue.	Yes	Sidewalk is provided away from the curb line along Zelma Ave, Addison Road and Central Ave.
C.	Sidewalks shall be set back from the curb on MD 214 and Addison Road to provide pedestrians a safe and comfortable walking environment. Sidewalks should be made of concrete paving or better, be a minimum of five feet in width, and should provide a five-foot-wide grass strip for the planting of shade trees, as indicated in Figure 3.	Yes	Concrete sidewalk is provided away from the curb line along Zeln Ave, Addison Road and Central Ave.
D.	Sidewalks along the L-shaped main street within the retail/commercial areas of Metro West shall be constructed of interlocking concrete pavers or approved equal, be a minimum of 12 feet in width, and shall provide openings in the pavement for the planting of shade trees, in accordance with Figure 1, Type I. The paving material shall be consistent along the entire length of the L-shaped main street.	N/A	Outside of the project limit
E.	Sidewalks within the residential areas of the town center shall be constructed of concrete or brick paving, be a minimum of five feet in width, and should provide a six-foot-wide grass strip for the planting of shade trees.	No	Minimum five feet of concrete sidewalk is provided with five-foor wide grass strip for the planting of shade trees, as approved by DPIE.
F.	Crosswalks shall be provided at all intersections. Crosswalks at primary intersections shall be constructed of interlocking concrete pavers. Crosswalks at secondary intersections shall have	Yes	Cross walk is provided at the intersection of Addison Road and Central Ave.

	Design Standard	Compliant (Yes/No)	Response
	striped markings in the pavement. Crosswalk materials for primary intersections shall be consistent throughout the town center.		
G.	Asphalt shall not be used as a paving material for Sidewalks.	Yes	Concrete sidewalk is provided
H.	All Sidewalks shall have accessible ramps and comply with Americans with Disabilities Act (ADA) regulations.	Yes	All sidewalk is designed based on ADA.
	The selection of paving materials for pedestrian ways for the L-shaped main street shall be compatible with the paving materials used within the right-of-way of MD 214, Addison Road and the primary intersections in the town center.	N/A	L-shaped Main Street is located outside of project limit.
J.	Pedestrian circulation within Metro North shall provide convenient and well-marked access to the pedestrian crossing at MD 214 to the Metro station .	N/A	Metro north is outside of project limit
K.	Connections to the trail network shall be provided from the sidewalk system throughout the town center. A trail connection to the Cabin Branch stream valley park shall provide access to the Metro station and vicinity from the northern residential neighborhoods along the east side of Soper Lane	N/A	Outside of project limit
	Internal sidewalks shall be well-defined, separated from vehicular travelways and shall connect to the external sidewalk system.	Yes	All sidewalk is separated from vehicular traffic.
	A concrete sidewalk shall be installed in Addison Plaza West to provide pedestrian access from the shopping center to MD 214 and the town commons.	N/A	Outside of project limit
	Pedestrian circulation in Baber Village shall be provided by a sidewalk along Cindy Lane and trail connection to the Cabin Branch stream valley park on the western edge of the property.	N/A	Outside of project limit
	Connections to the Metro station shall be provided across Addison Road to Metro West via a four-way intersection with crosswalks and sidewalks.	N/A	Outside of project limit
) .	Sidewalks on Addison Road and MD 214 along the Metro station property shall be widened to accommodate bicyclists.	N/A	Outside of project limit

PUBLIC AREAS				
	Design Standard	Compliant (Yes/No)	Response	
P3. ST	REET FURNITURE			
А.	Street Furniture shall be constructed of durable materials and require minimal maintenance.	Yes	Street furniture meets these criteria	
В.	Street Furniture shall be placed at strategic locations, such as bus stops, public plazas, high pedestrian traffic areas, along trails and within retail/commercial activity zones.	Yes	Street furniture meets these criteria	
C.	At the time of the first Detailed Site Plan submission, the planning Board shall approve consistent styles and designs for the street furniture for all future development in the town center. This furniture includes, but is not limited to, benches, trash receptacles, bicycle racks, light fixtures, banners, bus shelters, kiosks, planters and bollards.	Yes	Noted	
P4. TR	EES AND PLANTINGS			
Α.	Street trees shall be used along the sides of all roadways within the town center to define the street edge, provide a shaded overhead canopy and establish a rhythmic, unifying element to the street environment.	Yes	Street trees have been planted accordingly	
В.	Medium to large deciduous shade trees shall be utilized for street trees, and shall be planted between 30 and 40 feet on center. Street trees shall be installed at a minimum height of 12 feet and 2 ½ inch caliper.	Yes	Street tree sizes and spacing adhere to these standards	
C.	One tree species shall be selected for use as the street tree on the L-shaped main street within Metro West .	Yes	Street tree variety has been limited as directed	
D.	A limited tree and plant palette shall be selected to provide consistency, uniformity and a distinct identity to the roads within the town center. One tree species shall be selected for use as the street tree for each roadway within the town center.	Yes	Street tree variety has been limited as directed	
Ε.	Coordinate street tree plantings with any screening and parking lot planting.	Yes	Street tree plantings have been coordinated accordingly	
F.	Plant selection for trees shall consider the following characteristics: shape of canopy, depth of root zone, overhead utility lines, drought tolerance, maintenance requirements and	Yes	Plant species have been selected accordingly	

	Design Standard	Compliant (Yes/No)	Response
	tolerance of adverse urban conditions. Native plant species are strongly recommended.		
95. LIG	HTING		
Α.	Pole-mounted light fixtures shall effectively illuminate all streets and sidewalks within the town center.	Yes	Light locations meet these criteria
В.	At the time of the first site plan along the MD 214 and/or Addison Road corridors, a consistent type of ornamental pole and luminaire shall be selected in consultation with DPW&T.	Yes	Light poles and luminaires are located within the site only. Existi poles along Addison Road and MD 214 are to remain. Refer to the following quote from Jahid Russell, site plan reviewer for Traffic Division of PG Department of Permitting, Inspections and Enforcement made on July 27, 2018: <i>"For the streetlight and tree plan requirement please follow our Standards and Specification manuals and checklists. The plans may end up having installation or upgrade or can be just doing nothing."</i>
C.	At the time of the first site plan in Metro West or Addison South , a consistent type of ornamental pole and luminaire shall be selected in consultation with DPW&T.	Yes	Light poles and luminaires are located within the site only. Exist poles along Addison Road and MD 214 are to remain. Refer to the following quote from Jahid Russell, site plan reviewer for Traffic Division of PG Department of Permitting, Inspections and Enforcement made on July 27, 2018: <i>"For the streetlight and tree plan requirement please follow our Standards and Specification manuals and checklists. The plans may end up having installation or upgrade or can be just doing nothing."</i>
D.	Ornamental poles and luminaires should be used instead of standards cobra head highway fixtures along all major roadways.	Yes	Light poles and luminaires are located within the site only. Exist poles along Addison Road and MD 214 are to remain. Refer to t following quote from Jahid Russell, site plan reviewer for Traffic Division of PG Department of Permitting, Inspections and Enforcement made on July 27, 2018:

PUBLI	C AREAS		
	Design Standard	Compliant (Yes/No)	Response
			"For the streetlight and tree plan requirement please follow our Standards and Specification manuals and checklists. Th plans may end up having installation or upgrade or can be just doing nothing."
E.	Poles and luminaires should be in scale/proportion with their intended location and use.	Yes	Light poles and luminaires meet these criteria
F.	Light fixtures should be relatively easy to maintain and be constructed of durable materials.	Yes	Light poles and luminaires meet these criteria
G.	Light fixtures should be placed to provide maximum effective illumination and avoid conflicts with trees or other obstructions.	Yes	Light locations meet these criteria
P6. UT	ILITIES		
A.	All future development within the town center shall place all appropriate utilities underground. New residential development in Addison Plaza West, Addison South, Metro West and Baber Village shall also place all utilities underground.	Yes	Utilities are placed underground within the limit of the development.
В.	Redevelopment of parcels within the town center should incorporate the relocation of utilities underground.	Yes	Utilities affected by the development will be relocated underground.

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	Design Standard	Compliant (Yes/No)	Response	
B1. H	EIGHT, SCALE AND MASSING			
A.	Retail/commercial buildings within an attached row or block shall be similar in height and shall not vary more that 15 percent from the average height in the row or block.	N/A	Not an attached row	
В.	Individual buildings shall utilize human-scaled architectural elements. Oversized/exaggerated elements or large monolithic box-like structures shall be avoided.	Yes	Articulated and detailed ground floor level is provided. Bays, balconies, and other articulations related to human scale.	
C.	Buildings should promote a sense of human scale by articulating a basic three-part organizational structure of ground level, middle stones and roof.	Yes	Base, middle, and top are provided by differentiating materials and cornice.	
D.	Proposed buildings shall utilize massing which is appropriate to the size and function(s) of the structure. Overly complex building massing should be avoided.	Yes	Massing is appropriate for residential building with legs or "fingers", and further articulated with bays.	
E.	Architectural components should be designed as integral elements of the building and should not appear to be attached or applied onto the building facade.	Yes	All components are part of overall composition of the design.	
F.	Proposed buildings located at prominent intersections should articulate the comer location with appropriate building forms and vertical emphasis.	Yes	A strong corner presence with active ground floor retail, and appropriately detailed architectural elements is provided.	
G.	At least 60 percent of the single-family detached residential dwellings in a development project should incorporate street-facing porches to promote social interaction among neighbors and create a more active street environment.	N/A	Not single-family residential	
Н.	Service areas shall be architecturally integrated into the overall design of buildings.	Yes	Service area is located to the rear of the building and screened b building itself.	
I.	Proposed buildings shall be between one and four stories in total height within the town center.	No	Proposed building is 6 stories tall, but is articulated reduce appearance of height. Articulated massing is achieved through a variety of components including the introduction of a strong bas middle, and top to the building. Bays, balconies, cornices, and articulation of entrances further add to the residential character and compatibility with surrounding neighborhood.	
			Project is significantly reduced in height from 11 story height approved in DSP-06001.	

	Design Standard	Compliant (Yes/No)	Response
J.	Infill buildings shall maintain and reinforce the existing pattern of development. The height, scale, massing, character and roof form shall be compatible with adjacent buildings.	Yes	See response to I above
K.	The minimum size for single-family detached dwelling units shall be 2,200 square feet, not to include garages and unfinished basements. The minimum size for attached dwelling units shall be 1,600 square feet, not to include garages and unfinished basements.	N/A	Not single-family residential
B2. RC	DOFS		
	Commercial buildings should employ flat roofs, located behind parapet walls. Simple gable or hipped roofs may also be integrated into the roof design of commercial buildings.	Yes	Project is mixed-use residential and commercial, see response to standard B.2, B below.
B.	Residential buildings should employ simple gable or hipped roofs.	No	Project is mixed-use residential and commercial. A flat roof with parapet is provided which keeps the overall height of the roof down. Roof line is articulated with cornice feature. See also response to standard B.2, A above.
	Single-family attached residential units shall vary the roof line of each unit in a row to reduce the massing and bulk of the overall building and for architectural interest.	N/A	Not single-family residential
	Overly complex roof forms, as well as gambrel and mansard roofs shall be avoided.	Yes	Simple roof form is provided
B3. M/	ATERIALS AND ARCHITECTURAL DETAILS		·
Α.	A high quality material which is durable and attractive shall be used on all proposed nonresidential buildings within the town center. Exterior building materials such as precast concrete, brick, tile and stone are recommended.	Yes	Mixed-use project is primarily treated with brick, and all brick at the ground floor. Fiber cement panel and siding is used in upper residential areas.
В.	Single-family residential building types shall have masonry front facades (brick, stone or approved equal) on at least 60 percent of the dwellings within a development project. Use of some masonry (such as brick) is encouraged on all sides of detached dwellings with brick fronts.	N/A	Not single-family residential

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	Design Standard	Compliant (Yes/No)	Response
C.	The exterior appearance of building facades within a residential development shall avoid the use of repetitive architectural elements and building forms. Residential dwellings shall employ a variety of architectural building designs incorporating features such as roofline variations, dormers, window and door treatments, porches, balconies, color and materials.	Yes	A variety of residential forms are provided in the form of bays, balconies, different window and door configurations, roof/parapet treatments, color and materials.
D.	All residential detached/attached building types where a chimney is provided shall incorporate exterior masonry on the exterior chimney. Masonry material shall be brick or stone.	N/A	Not single-family residential
E.	Nonresidential buildings should articulate the first story and primary entrances with pedestrian-scaled architectural elements.	Yes	Ground floor includes articulated brick base with banding, articulated storefronts with entrances, canopies, awnings, lighting, and signage.
F.	Building facades which are composed of reflective or tinted glass are not permitted. These materials do not convey a sense of human scale and are not compatible with a pedestrian-focused environment.	Yes	Clear glass provided
G.	Imitation or synthetic exterior building materials which simulate the appearance of stone or brick should be avoided.	Yes	These materials are not provided
Н.	Buildings which are composed of "ribbons or bands" of glass and architectural precast panels should be avoided.	Yes	These types of elements are not provided
Ι.	Exterior facade materials shall be extended down to 12 inches from the finished grade, avoiding exposed unfinished concrete or concrete masonry unit (CMU) basement walls.	Yes	Façade extends to grade
J.	Trademark buildings are not permitted unless their exterior design is modified to relate to both the specific site and local building traditions, particularly regarding the building's siting, form, scale, detailing, color and construction materials.	Yes	Not a trademark building
К.	Building materials and colors in Metro North shall be used to complement and visually tie to the existing Metro station structures.	N/A	Not located in Metro North
L.	The selection of exterior colors should allow the building to blend in harmoniously with the overall fabric of adjacent buildings.	Yes	Materials provided are primarily red brick and fiber cement par /siding which is compatible with the surrounding character of t neighborhood.

for a first star	ING DESIGN		
	Design Standard	Compliant (Yes/No)	Response
	The color palette for buildings should be kept simple and restrained. Wall color should be neutral with trim colors providing an appropriate accent.	Yes	Color palette is simple with subtle variations in brick color and fiber cement color.
N.	Brick or stone should be used in their natural or traditional colors and finish when selected as the predominant wall material of a building. Brick or stone generally should not be painted.	Yes	Natural brick colors are provided
84. WI	NDOWS AND DOOR OPENINGS		
A.	Individual "punched" or framed widows are recommended instead of horizontal "ribbon or band" type windows. Curtain walls and other continuous floor-to-ceiling windows shall be avoided.	Yes	Punched windows are provided
В.	Large display windows are recommended for retail uses at street level.	Yes	Large storefront areas with glazing are provided
C.	Patterns of window openings or articulation of bays should be used to maintain a sense of scale and add visual interest to building facades.	Yes	Different patterns and configurations of window openings, including bays, are provided.
D.	Large, blank building walls are not permitted when facing public areas such as streets, parking lots or zones of pedestrian activity.	Yes	No unarticulated or blank walls are provided.
E.	Overly small or large windows which convey a distorted sense of scale shall be avoided.	Yes	Those types of window are not provided
F.	Doors shall be compatible with the materials and detailing of windows and other related building elements.	Yes	Doors will match windows in color and detailing
	Window and door openings shall not be obscured by signs, other objects or displays.	Yes	This condition is not provided
Η.	Existing windows shall not be blocked in and replaced with a smaller or incompatible window. Replacement windows shall match the existing window in design, materials and size as closely as possible.	N/A	No existing buildings
1.	Exterior burglar bars on windows and doors are not permitted in the town center. Burglar bars convey a negative image, and other less visually obtrusive security methods should be employed instead.	Yes	Burglar bars not provided

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BUILD	ING DESIGN		
a entra a segue	Design Standard	Compliant (Yes/No)	Response
J.	Single-family attached residential dwellings shall incorporate two or more windows or other architectural features on the ends of units. Blank walls are not permitted.	N/A	Not single-family residential
B5. BU	JILDING FACADES/STOREFRONTS	t <u></u>	·
A.	The primary entrance to retail/commercial, office and Institutional buildings shall be directly from the street throughout the town center, especially within the town commons (Metro West and Addison South).	Yes	Primary entrances to commercial and residential is from the street.
В.	Storefronts shall be articulated with display windows, recessed entry door(s), lighting, signs and awnings/canopies.	Yes	Display areas, lighting, signs, and canopies are provided.
C.	Rear and side building entrances shall be provided if served by an adjacent parking area. These entrances shall be inviting, well-lit and clearly articulated.	Yes	A secondary entrance is provided from the rear parking area, and is treated with storefronts, canopy, lighting, and signage.
D.	Merchandise shall not be displayed in front of or leaning against the exterior facade(s) of a building.	Yes	Will not be provided.
B6. LI	GHTING		
Α.	Lighting shall be an integral component in the overall architectural design and character of all buildings within the town center.	Yes	Lighting is located on piers at storefront or adjacent to residential balconies, and also a canopy at main entrance.
В.	Lighting shall provide adequate safety and visibility around the building entrances and perimeter.	Yes	With both exterior ground floor lighting and site lighting, a safe and well lit environment is provided.
C.	High intensity light fixtures shall direct glare away from adjoining properties and public rights-of-way.	Yes	Provided as required, see lighting section.
D.	Building lighting shall be coordinated with site lighting, when appropriate.	Yes	Exterior and site lighting are coordinated and compatible in design.

	Design Standard	Compliant (Yes/No)	Response
7. SIC	GNS		
A	 Signs shall primarily serve to identify the name and type of business establishment only. 	Yes	See signage package
В.	 Building signs shall be constructed of permanent, quality materials. Temporary signs which are attached to the building facade are not permitted. 	Yes	See signage package
C.	Building signs shall be simply designed, contain a minimum amount of information and have a maximum of three colors. Building signs that are excessively elaborate, oversized in proportions, or use poor quality materials are not permitted.	Yes	See signage package
D.	The sign location shall be incorporated into the overall architectural design of the building. The placement, materials, colors, type, style and size of signs shall be compatible with other architectural features of a building.	Yes	See signage package
E.	Signs that are externally lit are recommended and should be directed to illuminate the sign face only. Sign faces that are internally lit are not recommended. Individual letters or characters should be lit instead of the entire sign face.	Yes	See signage package
F.	Building signs should be compatible in design, materials and color with the architectural character of the buildings.	Yes	See signage package
G.	Wall signs should be placed in the zone of the facade which is directly above the storefront. The size of the sign should be in proportion to the height and width of the building face to which it is attached.	Yes	See signage package
Н.	Hanging signs which project outward from a building wall shall not interfere with the vehicular or pedestrian traffic adjacent to the sign.	Yes	See signage package
١.	Window signs shall not obscure the interior view of a business/retail establishment.	Yes	See signage package

	Design Standard	Compliant (Yes/No)	Response
J.	Awning signs, which identify the name of a business, may be located on the front face of an awning.	Yes	See signage package
К.	Signs for multi-tenant buildings shall be consistent and coordinated in terms of design, placement, size, materials and color.	Yes	See signage package
L.	Signs located above or projecting from the roof line or parapet wall are not permitted.	Yes	These types not provided.
М.	Flags and banners attached to a building facade shall be considered part of the building sign system.	N/A	Flags and banners not provided
N.	All office, retail/commercial developments shall provide a common sign plan when there is more than one principal building or multi-tenant (three or more businesses) building on a single parcel or a combination of parcels under common ownership. Common sign plans shall specify standards for consistency among all signs within the development including lighting, colors, lettering style, size, height, quantity and location within the site and on the building. Requests for major exterior renovation (50 percent or more based on front facade/linear feet) or major rehabilitation (50 percent or more increase in GFA) of an existing building or shopping center, as calculated cumulatively after the effective date of the SMA, shall also submit a common sign plan. The location, height and area of building-mounted signs shall be equal to or less than that allowed by Part 12, Section 27-613, of the Zoning Ordinance.	Yes	Tenant signage guidelines are provided for potential multi-ten configuration of ground floor retail. See signage package.

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-	Design Standard	Compliant (Yes/No)	Response
38. AV	VNINGS		
Α.	The design of awnings, including the selection of a material and color, shall complement the architectural style and character of a building.	Yes	Awnings are provided that both compliment and enliven architectural design.
В.	Large buildings with several storefronts shall have compatible, though not necessarily identical awnings. Awnings should be the same general style, material and proportion, although awnings may employ different but harmonious colors and patterns.	Yes	Awnings may be included as desired by retail tenant, and variety is acceptable per signage guidelines
C.	Awnings should be the same width as the Window or door openings that they are covering, rather than extending across the entire face of a building.	Yes	Awning size relates to storefront opening.
D.	Awnings should be mounted to the building facade above the top of the display windows and below the sign band or panel with the valance approximately eight feet above the Sidewalk.	Yes	Awnings are located as recommended
39. BU	JILDING SERVICES		
A.	Any nonvegetative screening of exterior trash and storage areas, service yards, delivery areas, transformers, satellite dishes and mechanical equipment shall be compatible with the architectural character of the building and the overall site design. (See Site Design/Buffers and Screening.)	Yes	See responses on site design
В.	Rooftop mechanical equipment shall be located below sight lines of adjacent streets and architecturally integrated or screened with compatible building materials.	Yes	Rooftop mechanical will be located so as not to be visible from the street.
C.	Ground-level mechanical equipment including storage, service and delivery areas shall be located in a visually inconspicuous area, such as in the rear of a building or site and out of public view.	Yes	Service areas are located to the rear and screened by the buildin
D.	Exterior window air-conditioning units are not permitted on new building construction within the town center.	Yes	Not provided
E.	Access to a building in Metro West for services such as deliveries or trash removal shall be provided from the rear of a site, if feasible.	Yes	Service access is to the rear of the building

	Design Standard	Compliant (Yes/No)	Response
F.	Dumpsters shall be enclosed with a continuous solid, opaque masonry wall or other opaque screening treatment. Buildings shall consolidate their garbage storage needs in a single, central location away from public view.	Yes	No exterior dumpsters are provided. All residential and retail garbage storage is provided inside of building.
810. F	ORMER RESIDENTIAL BUILDINGS IN COMMERCIAL USE		
Α.	Residential dwellings converted to a commercial use shall preserve the residential appearance and building character.	N/A	Not a residential conversion to commercial.
В.	All door and window openings should be preserved and maintained.	N/A	Not a residential conversion to commercial.
C.	The integrity of original building materials should be preserved and maintained.	N/A	Not a residential conversion to commercial.
D.	Parking shall be located to the side or rear of the lot and is not permitted in the front yard.	N/A	Not a residential conversion to commercial.
Ε.	Front yards shall relate to the adjacent residential buildings and surrounding neighborhood context.	N/A	Not a residential conversion to commercial.
F.	Front yards should remain as open space and be planted and well-maintained.	N/A	Not a residential conversion to commercial.
G.	All mechanical equipment, storage and service areas shall be screened from public view, adjacent properties and rights-of-way with an appropriate buffer. (See Buffers and Screening and Building Services.)	N/a	Not a residential conversion to commercial.

Crosswalk Distance - MD 214, MD 332, Zelma Ave & Addison Rd



N



THE PRINCE GEORGE'S COUNTY GOVERNMENT Department of Permitting, Inspections and Enforcement Site/Road Plan Review Division



MEMORANDUM

June 7, 2019

то:	Andrew Bishop, Urban Design Section Development Review Division, M-NCPPC
FROM;	WMary C. Giles, P.E., Associate Director Site Road Plan Review Division, DPIE
RE:	COMMONS AT ADDISON ROAD ICON Metroplex(Phase 1 and 2) Detailed Site Plan No. DSP-06001-03
CR:	Central Avenue (MD 214)
CR:	Addison Road
CR:	Zelma Avenue

In response to the Detailed Site Plan No. DSP-06001-03 referral, the Department of Permitting, Inspections Enforcement (DPIE) offers the following:

- The subject site, COMMONS AT ADDISON ROAD ICON Metroplex, is located at the southwest quadrant of the intersection of Central Avenue (MD 214) and Addison Road. This revision proposes a mixed-use building, including 183 residential units and approximately 11,115 square feet of ground-floor retail.
- All frontage improvements for Zelma Avenue are required to be in accordance with the Department of Public Works and Transportation's (DPW&T) Urban Primary Residential roadway standards and improvements of Addison Road in accordance with DPW&T's Urban Arterial roadway standards is required. MD 214 is a State-maintained right-of-way; therefore, approval from the Maryland State Highway Administration (SHA) is required.
- All improvements within the public right-of-way as dedicated to the County are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act (ADA).
- Conformance with street tree and street lighting standards is required.
- Existing utilities may require relocation and/or Adjustment. Coordination with the various utility companies is required.

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774 Phone: 301.636.2060 • http://dpie.mypgc.us • FAX: 301.925.8510 Andrew Bishop June 7, 2019 Page 2

- A soils investigation report that includes subsurface exploration and geotechnical engineering evaluation for public streets is required.
- All storm drainage systems and facilities are to be in accordance with DPW&T's and the Department of the Environment (DoE) requirements.
- The proposed site plan is consistent with an approved Stormwater Management Concept Plan No. 24628-2005-03, dated February 28, 2019.

This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phases:

- a) Final site layout, exact impervious area locations are shown on plans;
- Exact acreage of impervious areas has not been provided;
- c) Proposed grading is shown on plans;
- d) Delineated drainage areas at all points of discharge from the site have not been provided;
- e) Stormwater volume computations have not been provided;
- f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in this submittal;
- g) A narrative in accordance with the Code has not been provided.

Please submit any additional information described above for further review at the time of fine grading permit.

If you have any questions or need additional information, please contact Mr. Steve Snyder, District Engineer for the area, at 301.883.5710.

MCG:NGA:dar cc: Steve Snyder, P.E., District Engineer, S/RPRD, DPIE Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE 6301 Central Avenue, LLC, 1738 Elton Road, Suite 215, Silver Spring, Maryland 20904 Scudder, Traci, 137 National Plaza, Suite 300, Oxon Hill, MD 20745. Prince George's County, Maryland Department of Public Works and Transportation Largo, Maryland

Specifications and Standards for Roadways and Bridges





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lighting fixtures under contract with the County. Therefore, all construction and materials shall be as specified by the electrical utility company providing service to the area: Baltimore Gas & Electric (BGE), Potomac Electric Power Company (PEPCO), or Southern Maryland Electric Cooperative (SMECO). The utility company will install street lighting in accordance with the County-approved plan.

The following guidelines describe the Contractor/Permittee's responsibilities for the design of street lighting improvements along existing and proposed Countymaintained roadways, and upon areas adjacent to the permit site.

a. General Provisions and Responsibilities The Permittee shall be responsible for de-

signing a plan for lighting all existing and proposed County-maintained roadways within and adjoining the permit area and, upon approval by the Department, for ensuring the installation of the required roadway lighting improvements by the local utility company at the expense of the Permittee. Roadway lighting improvements may include installing underground electrical wiring, new lighting fixtures, converting or upgrading existing lights, and/or, when necessary, removing and relocating existing lighting fixtures. The Permittee shall also be responsible for having all existing mercury vapor (MV) or high pressure sodium (HPS) lights upgraded to the proper wattage HPS lights in accordance with County Standards. Photometric requirements will be at the discretion of DPW&T.

A street lighting plan must be submitted for each permit, including permits for areas where street lights exist. If the Permittee believes that the existing or pending lighting already satisfies these specifications, the Permittee should plot and correctly identify all existing lighting fixtures on the plan. If the Department agrees that the existing lighting is adequate, the plan will be approved and no further street lighting improvements will be required. A flow chart at the end of this section illustrates the procedure. (See <u>Table I-</u> <u>11.</u>)

b. Lighting Design

The Permittee shall determine:

- The utility company serving the area;
- The classification of each street within and adjoining the permit area; and
- The locations of all existing and pending lights along all connecting and adjoining streets within 150 feet of either end of the permit area. (Pending street lights are those approved for installation, but not yet installed.)

The Permittee shall contact the utility company for information regarding existing and pending street lighting, and consider their locations when preparing the lighting plan. Generally, the lamp type and wattage are indicated on a decal located on the underside of the luminaire. Yellow decals indicate HPS; blue decals indicate MV fixtures. The number on the decal indicates the wattage: 10 is 100 watts, 15 is 150 watts, 17 is 175 watts, 25 is 250 watts, etc. Cutoff optic luminaires are required when street lighting is necessary on all County roadways using underground pendant posts or overhead utility poles with cobra head street lighting. A rectilinear pole and fixture of designated wattage is required within scenic and historic areas on major roadways.

Using the required information, the appropriate "Luminaire and Support Guide," and "Summary of Street Lighting Fixtures by Utility" tables (see <u>Tables I-12</u> through <u>I-15</u>

at the end of this section), the Permittee shall prepare a Street Lighting Plan. The Permittee may use only those lighting fixtures that the local utility company will install and maintain under the prevailing maintenance contract between the utility company and the County.

c. Location Details

Typical street light location details for various roadway cross sections are included in Section III, 500 series, of the Department's Specifications and Standards for Roadways and Bridges manual.

d. Fixtures and Configurations

Light wattages, fixture styles, arrangement configurations, etc., are indicated in the "Luminaire and Support Guides" for the various utility companies. These guides apply primarily to below-ground, served, lighting systems. Whenever an aboveground, served, lighting system is proposed, the lights typically consist of pendant lighting with cobra head luminaires and Type II lighting distribution. The arm, or bracket, should extend at least 2 feet over the roadway.

Generally, colonial style fixtures are to be used on all residential roadways less than 36 feet wide or less, arranged in a staggered configuration on alternating sides of the roadway. Colonial style lights may be permitted on 36-foot roadways with singlefamily homes where the homes face the roadway. Pendant or rectilinear style lights may be required on all other roadways. (For the types of street lighting fixtures currently available, see the "Summary of Street Lighting Fixtures by Utility," <u>Table I-12</u>.)

On all divided roadways and along all roads 58 feet wide or greater, two separate lighting arrangements shall be used—one for each side of the street, wherein each frontage owner is required to address their respective side of the street. Along all undivided roads less than 58 feet in width, the permittee is required to address lighting on both sides of the street. Street lights shall not be placed in existing or future medians without the written permission of the Department. Also, documentation of such permission shall be made part of the Street Lighting Plan.

When only one-half of a future divided roadway (one with a right-of-way 96 feet or greater) is to be built or improved, the lights are to be installed on the finished side of the street using a one-sided configuration. The fixture style shall be based on the future or ultimate width of the roadway.

e. Placement of Street Lighting

Street lighting is required along all urban and suburban roadways. These environments, with their denser populations, are more likely to have activities (i.e., pedestrian and bicycle traffic, parking) in or near the County right-ofway. Proper illumination of the roadway is required for the safe conduct of these activities, as well as for the traveling motorist to see and avoid potential obstacles. Lighting shall be installed in order to provide the most complete coverage possible, using the minimum number of light fixtures.

The Department has adopted the following guidelines for light placement. Because situations may exist where not all conditions can be satisfied, the guidelines are listed here in order of importance. Any significant deviation from these guidelines requires prior approval from the Department. (See <u>Section III</u>, Standard 500.12, Typical Street Light Spacing Detail, of the Department's Specifications and Standards for Roadways and Bridges manual.)

For large intersections, at least two

lights must illuminate an intersection and should be placed along the main thoroughfare at or near opposite corners of the intersection; lighting for the side street(s) must commence within 75 feet of the intersection. A minimum of one light is required at the intersection with smallerclassification roadways.

Lights are required within 25 feet of any roadway terminus or the end of a cul-de-sac.

The average spacing between lights shall be 150 feet. A maximum spacing of 170 feet is permitted in order to place lights at intersections and to avoid driveways and other obstructions. However, the 150-foot average must be maintained.

Lights must be placed a minimum of 5 feet from driveways and 15 feet from existing or proposed street trees. For rural residential roadways, utility or street light poles shall be placed not less than 5 feet from the edge of paved shoulder. (See <u>Section III</u>, Standard 500.10, of the Department's Specifications and Standards for Roadways and Bridges manual.)

In areas of single-family residential development, lights should be placed on or near lot lines to minimize the lights' visual impact on homes. (This is not required if lot frontages exceed 150 feet.)

Lights should be staggered (placed on alternate sides) or opposite along the roadway, in accordance with Tables <u>1-13</u>, <u>1-14</u>, and <u>1-15</u>.

f. Use of Existing Utility Poles

There may be roadways, or portions of roadways, within or adjacent to the permit area that have an overhead electrical distribution system existing prior to the issuance of the permit. Generally, the Department will not object to the Permittee using the utility company's poles for lighting, provided that the utility company approves and the utility poles are located in a manner suitable for roadway lighting purposes. However, under no circumstances shall overhead facilities be extended along any new or existing roadway without written permission from the Department. Also, where overhead facilities exist but the adjacent area will ultimately be served by below-ground distribution cables, the street lighting fixtures must also be served by a below-ground distribution system.

NOTE: When lights are mounted on utility poles, they may be placed higher than the typical underground-served street light. Consequently, the illumination is distributed over a greater area.

Therefore, on roadway lighting schemes utilizing utility poles, the distance between lights may be as great as 200 feet, but no greater, upon the written approval of the Department.

When an above-ground lighting scheme is proposed, it shall be the Permittee's responsibility to pay all costs associated with the relocation and/or installation of utility poles to provide a lighting arrangement necessary to satisfy the requirements herein.

g. Street Lighting Plan Submission

NOTE: To minimize delays, the Street Lighting Plan should be submitted to the Department for approval immediately after application for Street Construction Permit is completed.

The Permittee shall submit 4 Street Lighting Plan (one reproducible and four prints) for review and approval by the Department or a digital format at the discretion of DPW&T. (For a flow chart of the ap-

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proval process, see Section I—Roadway Development Guidelines, <u>Table I-11</u>, Street Lighting Plan Approval Process.)

All initial Street Lighting Plans must be submitted to the Department EISD, and must include the following documentation:

- An outline of the permit area;
- An E-mail Address on the plan of the professional engineer /consultant;
- A copy of the completed application for Street Construction Permit and corresponding street construction plans;
- A listing of the streets plus the lot and block numbers of the sites being developed;
- The location of all existing, pending, and proposed street lights along any connecting or adjacent street within 150 feet of the permit area, plus the information specified below for each existing, pending, and proposed street light:
 - Below-ground, served, street lights—
 - Post material;
 - o Mounting height;
 - Luminaire (housing, lamp, and source); and
 - Arm direction (where appropriate);
 - Above-ground, served, street lights—
 - Luminaire (housing, lamp, and source);
 - Arm direction;
 - Pole ownership; and
 - Pole number.
- Configuration and spacing arrangements; and
- A street light schedule for each permit, including: the subdivision name, the Department permit number, the utility company, and a summary of the required work, including the number, types, wattages, etc., of each street existing and proposed lights. The sche-

dule should also include the various symbols used on the plan to designate the lights.

NOTE: For a detailed checklist of plan requirements, see <u>Section IV, Appendix A, Form</u> <u>A-6</u>, Street Tree and Lighting Plan (STLP) Requirements Checklist.

h. Plan Review

If the Street Lighting Plan is not approved, the reproducible plan and a marked copy of the reproducible plan will be returned for revision to the Permittee by the Division of Traffic. Once the plan has been revised, the Permittee shall return the marked copy of the plan along with four sets of the revised plan (a reproducible and four prints) to the Division of Traffic for approval.

Once the plan is approved, the reproducible plan will be returned to the Permittee by the EISD; one print will be retained by EISD for use during inspection; and one print will be retained by the Division of Traffic. After acquiring an approved plan, the Permittee shall be responsible to contract with the utility company for the lighting improvements and to make prompt payment for the related work.

i. Acceptance

First, the utility company notifies the Department that the Permittee has paid for the required lighting improvements. Second, the utility provides an acceptable proposal for the energy and maintenance costs to the Department. Thereafter, the Department will authorize the release of the street lighting requirements of the road construction bond, provided that all other permit requirements have been completed to the Department's satisfaction.

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j. Securing Approvals

The requirements for the release of the street lighting requirements of the road construction bonds are summarized below:

- The Permittee must submit and acquire approval of a Street Lighting Plan from the Department;
- The Permittee must contract with the utility company for the lighting improvements;
- The utility company must provide the Department with an acceptable proposal for the energy and maintenance costs; and
- The Permittee must provide the Department with documentation showing that the Permittee has satisfied all financial responsibilities related to the lighting improvements to the utility company's satisfaction.

To minimize delays and expedite the approval process, the Permittee should use distinct symbols for each type of light to show their locations on the plan. Please see <u>Section III</u>, Standard 500.12, for the correct usage of symbols for lampposts and pole-mounted lighting. Where more than two symbols are required, hollow and shaded symbols may be used.

The Street Lighting Plan to be approved by the Department must not include lighting improvements proposed for private roads or parking lots, State highways, or roadways maintained by an incorporated area. Such lighting fixtures may be included for reference, but they must be properly identified.

Once payment is made to the utility company, the Permittee shall submit the receipt or other proof of payment to the Division of Traffic. The proof of payment should include: the subdivision name, the Department permit number, the utility company's proposal or project number, and the amount paid.

2. Traffic Control Devices

a. Capital Projects

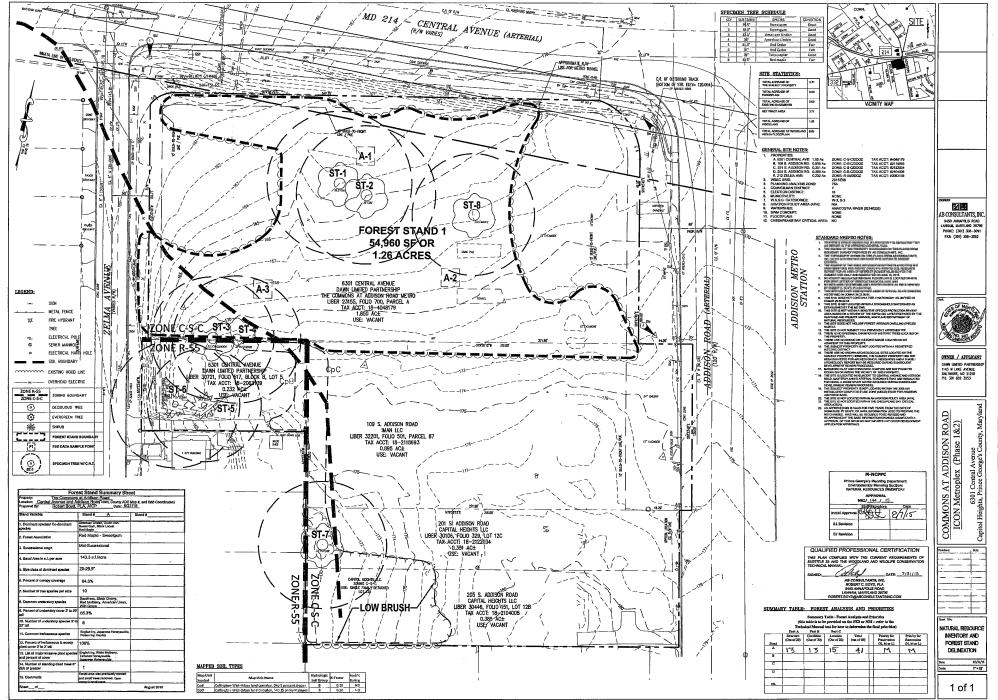
For County Capital Improvement Projects, all traffic control devices pertaining to roadway improvement projects, including plans for street name signs, traffic regulatory, warning and guide signs, pavement markings, and traffic signals shall be furnished and installed by the Contractor. Traffic control device plans indicating all signs, signals, and markings shall be included in the approved roadway design plans and approved by the Division of Traffic safety and / or the Division of Traffic Management and Operations prior to CIP project plan approval.

b. Permit Projects

On all street construction permit projects, all required pavement markings shall be installed by the Permittee. All Permittees are required to pay a fee for the installation of all required street name signs to be installed by County forces.

i. Offsite/Access Road Improvements For roadway improvements on subdivision access roadways such as arterial, collector or industrial roadways or offsite conditions for roadway improvements, the Permittee is responsible for the design and installation of all traffic control devices including traffic signs, signals, and markings. Separate signal plans shall be included in the permit plans, and be reviewed and approved by the Division of Traffic prior to permit issuance.

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Hine Junior High School

The site of the former Hine Junior High School is located in Ward 6 at 310 7th Street, S.E. in Washington, D.C. The entire property is a little over 3 acres in land area. The Hine Junior High School was built in 1966 and as a school until it was closed in 2008.

The Property is located just north of Pennsylvania Avenue, S.E., adjacent to the Eastern Market and directly across from the Eastern Market Metrorail Station, in the Capitol Hill Historic District, one of the nation's largest historic districts.



After the school closed, the District issued a Request for Offerors (RFO) on September

25, 2008 for a charter school operator in accordance with the Landrieu Act. After completion of the Landrieu process, DMPED issued a Solicitation for Offers for the redevelopment of Hine Junior High School. This solicitation drew 11 bidders from

around the country. After a series of community meetings and developer presentations, the District selected Stanton-EastBanc based on several criteria: vision, past performance, financial capacity and community feedback.

Three years after being awarded the project through a competitive solicitation process, received approval from the DC Zoning Commission to move forward with the redevelopment of the Hine School in 2012.

Stanton-Eastbanc and DMPED held a ceremonial groundbreaking on the Hine School site on July 17, 2015 to celebrate the commencement of construction of the new mixed-use development.

Current project information may be found here:

Surplus and Disposition

- Hine Junior High School Surplus Declaration Resolution of 2010 P
- Hine Junior High School Disposition Approval Resolution of 2010 47

Related Content:

Mayor Bowser, Eastbanc/Stanton Break Ground on Former Hine School Construction begins on apartments at DC's shuttered Hine Junior High P

DMPED Real Estate Project Pipeline



The <u>DMPED Real Estate Project Pipeline</u> Provides our stakeholders with real time updates on the status of real estate projects located across the District of Columbia.



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Project Pipeline Database (... - Hine Junior High School (700 Penn)

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Home

Real Estate Development Projects > Hine Junior Hig ...



✓ GENERAL PROJECT INFORMATION



Project Pipeline Database (... - Hine Junior High School (700 Penn)



C Mapbox C OpenStreetMap Improve this map

Lead Partners Stanton Development Corp, Eastbanc, Inc., Dantes Partners

Project History DMPED issued an RFP for the redevelopment of Hine Junior High School in December 2008. This school drew 11 bidders from around the country. After a series of community meetings and developer presentations, the District selected Stanton-EastBanc in June 2009 based on several criteria: vision, past performance, financial capacity and community feedback.

The development program includes office, retail, market rate and affordable housing, and a public plaza.

Three years after being awarded the project through a competitive solicitation process, Stanton-Eastbanc, LLC received final approval from the DC Zoning Commission to move forward with the redevelopment of the Hine School.

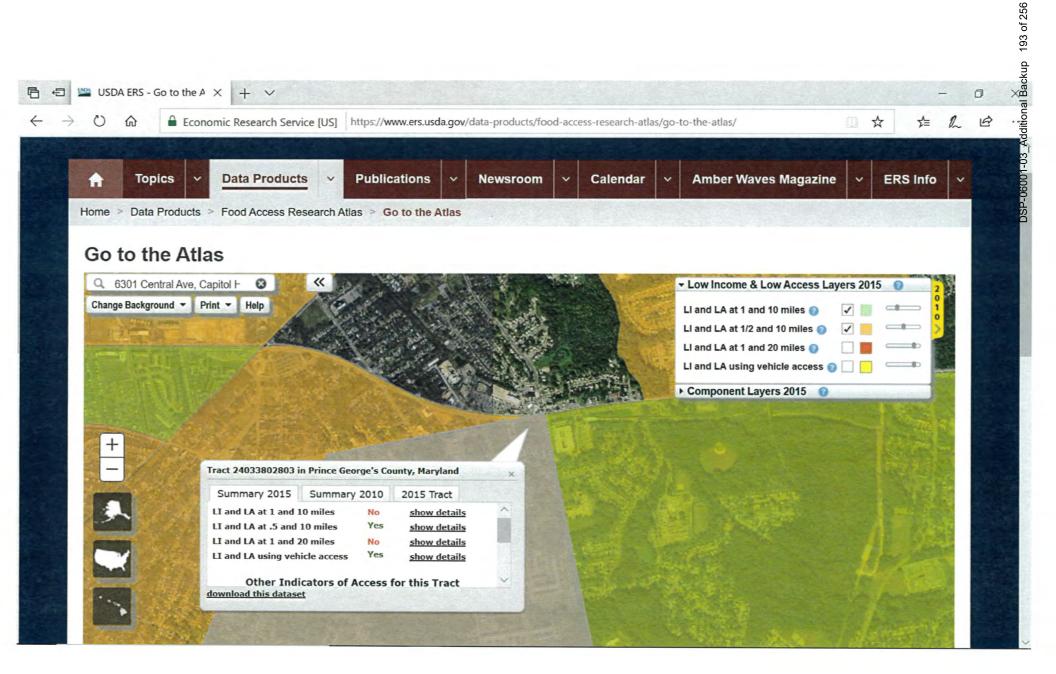
Groundbreaking was held on July 17, 2015.



ct The project celebrated its Ribbon Cutting by the Mayor on December 12th, 2017.

PROJECT DETAILS





FMI | Median Total Store Size - Square Feet





What can we help you fin

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Median Total Store Size – Square Feet



Year	Median Total Store Size in Square Feet
2018	41,651
2017	N/A
2016	41,300
2015	42,800
2014	46,000
2013	46,500

DSP-06001-03 Additional Backup 191 of 298 https://www.fmi.org/our-research/supermarket-facts/median-total-store-size-square-feet[2/28/2020 1:12:56 AM] DSP-06001-03_Additional Backup 194 of 256

FMI | Median Total Store Size - Square Feet

2010	46,000
2009	46,235
2008	46,755
2007	47,500
2006	48,750
2005	48,058
2004	45,561
2003	44,000
2002	44,000
2001	44,000
2000	44,600
1999	44,843
1998	40,483
1997	39,260
1996	38,600
1995	37,200
1994	35,100

Source: Food Marketing Industry Speaks 1995 - 2016

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Multifamily Housing in the Washington, DC Region: Demand and Supply Trends

By:

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February, 2014

Executive Summary

The housing boom of the early 2000s led to growth in new home construction, urban core development, and suburban single-family development that had not been experienced since the 1950s. Although, nationally, the demand for housing and neighborhoods is changing to a more urban model of development, more residents still continue to live in the suburbs than cities. However, cities are increasingly a staple for the recent college graduates delaying marriage and child-bearing. These households are living in increasingly dense, walkable communities for more extended periods. Meanwhile, the baby-boomer generation has started to age into retirement and is remaining in the suburban communities in which they have lived for decades. Nevertheless, there is a growing interest in walkable communities with smaller yards and improved access to shopping, work, and public spaces, while retaining the interest in homeownership that has been a hallmark of the past half century of American success.

The Washington, DC region now attracts a growing number of young, childless professionals, even as the number of retirees from government and other sectors grows. At the same time, core jurisdictions like the District of Columbia and Arlington and Montgomery Counties have promoted schools, parks and other amenities for children and families to encourage them to remain in the core rather than moving to the suburbs for family formation. Moreover, unlike the larger east coast cities that have long focused on multifamily housing as a means of providing access to jobs centers, the Washington region has had access to land to provide single-family housing that has access to highways and transit. However, rising population and housing demand, combined with zoning laws to preserve farm land and open space, have also changed the cost of land for housing. Finally, the volatility of the government sector, including changes in federal employment and federal contracting, have changed the consumption patterns of new single-family housing.

This research examines the existing stock of multifamily housing in the Washington, DC region, the projections for population, and the demand for multifamily housing units regionally as demographic, market demand and housing finance options shift. Four main questions are investigated in this research:

- 1. What are the characteristics of the existing stock of multifamily housing by jurisdiction?
- 2. Who lives in multifamily housing and what are the characteristics of the communities in which multifamily housing is concentrated?
- 3. How will the regional population change over the next five to ten years and where will they live?
- 4. What is in the pipeline for multifamily construction and how will this serve the residents who will move in, form families, and age in place in the region?

Summary of Key Findings:

Between 2013 and 2020, the Washington, DC region is expected to add more than 700,000 new residents, including almost 85,000 children and more than 400,000 residents over the age of 65. This includes both those moving to region for jobs, as well as those who remain and age in place. As the structure of jobs changes, and more residents age, the housing patterns will shift.

Key Findings

 The existing supply of multifamily housing has been largely concentrated in the urban core jurisdictions within the Beltway. However, there has been significant growth in traditional multifamily (two-or-more units in the building) along transit corridors and new city center

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development in places like Loudoun and Fairfax Counties. However, the higher-than-average growth of attached single-family housing in less-dense communities suggests a change of demand, as well as greater acceptance of different types of suburban density.

- Although new rental housing construction increased over the past three years, it has been
 increasingly high-end rental units located in particular submarkets. Further, due to fears of
 overbuilding in those sub-regions, the pipeline for multifamily housing has slowed.
- Rental housing is dominated by single-family homes in the suburban jurisdictions and small
 multifamily units in the urban core. As a result, families looking for rental housing typically have
 limited options beyond single-family homes. Owner-occupied multifamily housing grew fastest
 in emerging markets in outlying counties and Washington, DC.
- Rents and home values continue to increase, particularly in the core jurisdictions of the Washington, DC region, where new demand has made the competition for new units high. Owner-occupied multifamily, after a precipitous decline during the housing bust, is making a slow recovery in both prices and development across the region.
- The number of seniors will grow significantly across the region, while the number of children in the District will increase rapidly. Both trends may present challenges for housing as families form and seniors retire.

Introduction and Background

In spite of having missed the strongest effects of the recession, foreclosure, and subsequent home value declines, the Washington, DC region has been impacted by overall decline in government jobs, decreased federal contracting, and the unpredictability of government function. The rise of low-wage and lower-middle-class jobs and increase in the cost of commuting have changed the potential of traditional homeownership for many families. In addition, in spite of the economic slowdown, land prices continue to increase, putting new single-family homes out of reach of many new families.

Meanwhile, as Millennials (also called Generation Y) delay family formation, Generation Xers begin to have children, and Baby Boomers age into retirement, housing demand is shifting. Urban jurisdictions are changing to attract young affluent individuals and to retain young families as they have children and advance in their careers. More millennials are staying in the city, attracted by carfree lifestyles, walkable amenities, and neighborhoods that have become safer over the past decade. Generation X households, many of whom moved to Washington, DC, Arlington County, and Alexandria as they were beginning to change in the late 1990s and early 2000s have bought homes and are tending to stay in jurisdictions once deemed unacceptable to many families who had options to move. Meanwhile, Baby Boomers are retiring and remaining in their largely suburban communities.

At the same time, local jurisdictions and developers are working to attract the demand for walkable amenities, safety, sense of place, and schools. Policies such as free pre-Kindergarten, charter schools, renovated public spaces, and recreation centers have been a way that jurisdictions continue to work to attract upper-middle-class families. Developers are not only building high-end amenities within their buildings but also focusing on submarkets such as Silver Spring, Clarendon, and NoMa to attract young

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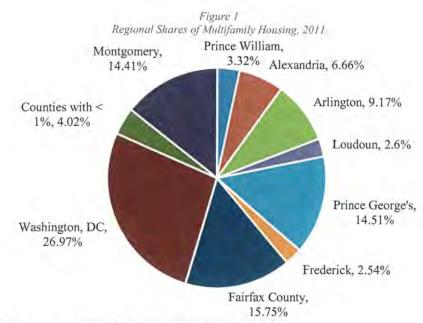
residents to new areas with a sense of place, walkable bars and restaurants, and access to jobs. Similarly, Loudoun and Fairfax Counties have been building city centers with mixed-use, residential and commercial development to support a new type of demand. Building owners are also adapting their existing buildings to provide play rooms and senior centers to support the interest of families in all stages to stay in place.

These efforts have been successful. Developers and local jurisdictions have reaped the rewards of this changing demand. However, this trend is only just beginning. Over the next decade, the market for middle-class jobs will shrink, meaning that new workers will have lower wages, and those remaining may not advance into jobs that will allow many of them to purchase homes. Further, the babyboomers will continue to retire and remain in the region after decades of suburban living, while millennials and genXers will continue family formation and child-rearing after more than a decade of core residency. The region also remains a highly desirable location for recent college graduates.

Supply of Multifamily in the Washington, DC Region

Multifamily housing in Washington, DC has largely been confined to the urban core of The District, Alexandria, Montgomery County, Prince George's County and Arlington County. However, as transportation corridors have expanded across the region, including growth along I-270, the Dulles Toll Road, Tysons Corner and I-95 South into Virginia, multifamily construction has followed. This is particularly the case for multifamily owner-occupied units. While most housing units across the region continue to be located in single-family communities and in tracts with less than 20 percent multifamily units, the number of high-density tracts has increased significantly over the past decade, thereby increasing the population living in multifamily housing across the region.

As illustrated in Figure 1, The District leads the region in multifamily housing units, supplying 27 percent of the region's multifamily housing. In fact, the core jurisdictions of The District, Alexandria, Montgomery County, Arlington County, Prince George's County, and Fairfax County account for 87.5 percent of the multifamily development, leaving just 12.5 percent of multifamily housing outside the center of the region. For this report, multifamily housing was defined as being located within buildings of two-or-more units. Townhouses or row houses are defined as single-family attached units. The maps in Appendix one illustrate the change in multifamily development by tract. Multifamily housing has been concentrated in The District, the City of Alexandria, Arlington County and Prince Georges County, as well as along the I-270, I-66, and I-95 corridors in Montgomery, Fairfax, and Loudoun counties.



Source: American Community Survey GMU Center for Regional Analysis

To better understand the character of the communities in which multifamily housing is located, the census tracts in the region were divided by the percentage of multifamily units located within the census tract, Table 1 illustrates the change in the housing type by concentration of multifamily units in the census tract. Between 2000 and 2011, the number of multifamily units increased by 2.8%, compared to an increase in single-family units of 17.1%. Within multifamily housing development, multifamily rental declined by 4.4%, compared to a 39.4% increase in multifamily homeownership in condominium and cooperative structures. This was particularly clear in the low-density tracts in which multifamily housing is often viewed as undesirable due to its reputation for poverty and unstable rental tenures. Multifamily rental housing particularly has declined or not grown at pace with the other types of housing across the region's jurisdictions.

Census Tracts % Multifamily	All Multifamily %	All Single- Family %	Multifamily owner- occupied %	Multifamily Rental %
0-20%	3.8	21.2	132.6	-26.1
20-40%	21.2	12.0	100.9	6.1
40-60%	6.4	23.4	18.1	3.9
60-80%	-9.5	-17.1	-3.9	-10.4
80-100%	1.3	-14.0	26.6	-4.1
All Tracts	2.8	17.1	39.4	-4.4

	Ta	ble 1
Change in Housing Uni	it Type by M	Aultifamily Concentration, 2000-2011
All	All	Multifamily

Source: American Community Survey, GMU Center for Regional Analysis

The decline in the amount of multifamily rental housing may reflect the increase in demand for homeownership during the middle part of the decade that depressed the rental housing market. However, this decrease resulted in an unmet demand for multifamily housing that resulted in low vacancy rates in

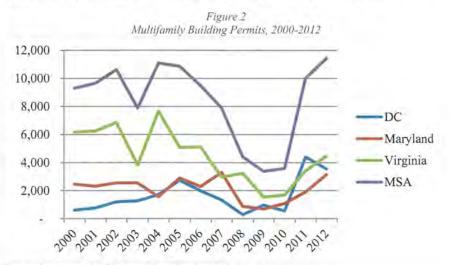
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some markets and rising rents. Multifamily building permits have rebounded over the past three years across the region.

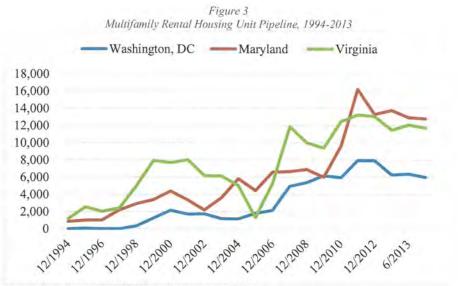
In Figure 2, the rise in the number of permits in the three-state region is shown. Over the past three years, the total number of permits annually increased from less than 4,000 in 2010 to almost 12,000 in 2012. Developers have ramped up production of Class A apartments, particularly in submarkets in The District and the core jurisdictions of the City of Alexandria, Arlington County and Montgomery County. Figures 3 and 4 illustrate the change in production of multifamily housing in the jurisdictions inside the beltway, as well as Loudoun, Prince William and Fairfax Counties.

Although rental housing production has increased in all jurisdictions since the end of the recession, condominium production has not yet rebounded from the height of production in 2006. As has been widely researched, the condominium market declined precipitously over the past six years such that new condominium development has fallen to pre-market boom levels. Like a corresponding slow-down in the new construction single-family ownership market, the shift in demand may be partially attributable to the changing access to credit, employment instability, the recent bust in the condominium market, and a change in the perception of homeownership among multifamily residents. Figure 4 shows the flat condominium production over the past three years in DC, Maryland and Virginia.

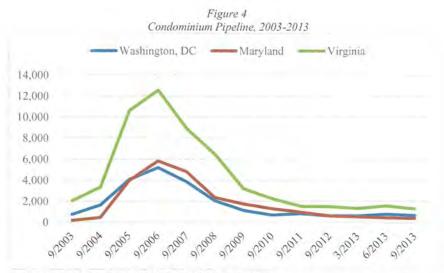


Source: US Census, GMU Center for Regional Analysis

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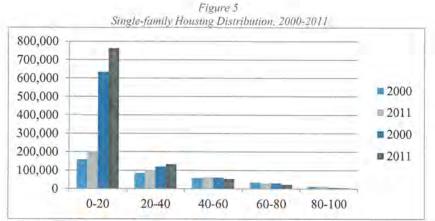


Source: Delta Associates, GMU Center for Regional Analysis



Source: Delta Associates, GMU Center for Regional Analysis

An interesting trend in the region is that jurisdictions with low shares of multifamily housing experienced growth rates in the attached single-family stock that outpaced the single-family detached stock growth. Figure 5 illustrates the distribution of single-family housing by type for the multifamily concentration of the tracts in which they are located. Although the single-family stock declined in the higher multifamily density tracts, single-family attached housing stock grew in tracts with between zero and 60% multifamily housing units.



Source: American Community Survey. GMU Center for Regional Analysis

The percentage change in the single-family housing supply is shown in Table 2 by tract density. While single-family units in the 0 to 20 percent multifamily concentration communities increased by 20.2 percent, attached units grew by 25.7 percent, compared to a 20.1 percent increase in detached units. Although attached single-family housing remains a small portion of the total stock, the growth of those units suggests a changing demand for more dense housing stock within the suburban context. However, attached single-family housing often requires rezoning or variance for development in suburban and exurban jurisdictions that may create a barrier to production.

Housing Type	0-20%	20%-40%	40%-60%	60%-80%	80%-100%	All Tracts
Attached %	25.7	14.5	9.5	-11.1	-9.4	15.3
Detached %	20.1	10.2	-13.2	-23.9	-22.9	14.4
Total Single-family %	21.2	12.0	-2.1	-17.1	-14.0	14.7

Table 2 Change in Single-family Housing Supply by Tract Density, 2000-2011

Source: American Community Survey, GMU Center for Regional Analysis

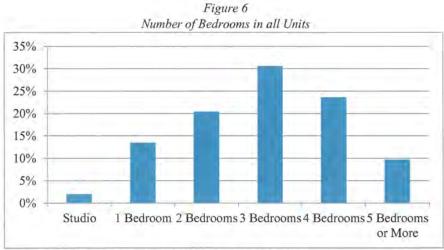
Most of the region's multifamily housing was constructed before the year 2000, with 61 percent built before 1980. Table 3 shows the age of multifamily housing by jurisdiction. The aging of the multifamily stock is most evident in the core. Prince George's and Arlington counties as well as the cities of Alexandria, Falls Church, Fairfax and The District have a particularly aging multifamily stock. This is likely due to the fact that multifamily has been a viable option for a larger number of families for decades, while suburban areas experienced minimal development of multifamily housing beyond the subsidized stock over the recent decades.

Jurisdiction	2000 or later	1980 to 1999	1960 to 1979	1940 to 1959	Before 1939
District of Columbia	9.7	8.3	27.7	30.0	24.3
Calvert	16.9	62.1	13.2	0.6	7.2
Charles	25.8	44.5	23.5	3.6	2.7
Frederick	21.7	40.1	20.7	6.1	11.6
Montgomery	16.3%	32.1	38.7	10.8	2.1
Prince George's	8,5	19.4	51.4	17.8	3.0
Arlington	17.4	24.7	28.9	25.8	3.1
Clarke	0.0	37.4	29.8	9.6	23.2
Fairfax	16.0	37.9	37.9	7.4	0.8
Fauquier	10.8	44.5	23.7	4.5	16.5
Loudoun	40.3	47.5	9.6	1.5	1.1
Prince William	24.3	44.9	25.5	4.1	1.1
Spotsylvania	19.1	56.8	20.3	3.5	0.4
Stafford	39.8	45.3	11.9	2.7	0.3
Warren	1.2	35.9	22.2	15.3	25.5
Alexandria city	11.4	22.1	45.5	17.9	3.1
Fairfax city	8.6	18.0	65.4	7.0	1.1
Falls Church city	19.7	12.0	55.7	11.9	0.76
Manassas city	11.4	51.1	26.3	6.8	4.5
Manassas Park city	78.1	7.4	7.7	4.3	2.6
Total	14.4	25.2	35.4	17.1	8.0

Table 3 Percentage of multifamily stock by year buil

Source: American Community Survey, GMU Center for Regional Analysis

Figure 6 presents the types of housing that are available in the Washington, DC Region. A total of 74.5 percent of all housing units have between 2 and 4 bedrooms per unit, suggesting units that support families. Meanwhile only 15.5 percent of all units are studios or one bedrooms. Table four shows the significant disparity in the size of housing units among the region's jurisdictions. When homeownership and rental units are reported separately, it is clear that rental units are more likely to be smaller with 37.5 studio and one bedroom units, and 60.1 percent 2 to 4 bedroom units, compared to 3.99 percent and 82.4 percent of owner-occupied units.



Source: American Community Survey, GMU Center for Regional Analysis

Further, in the core, smaller units remain dominant while suburban jurisdictions have a higher share of their units with two or more bedrooms. This is largely due to the small number of multifamily buildings, relative to the entire stock. Although the number of families that choose to remain in the core jurisdictions may have increased, the low share of family-sized units suggests that these families may be living in single-family homes, rather than multifamily rentals or ownership units.

Table 4 shows the percentage of single-family rentals by jurisdiction. The suburbs are more likely to house their renters in single-family homes than core jurisdictions, consistent with the growth of younger, more affluent single or two person households in central jurisdictions. Regionally, the rental housing stock is similarly disparate, with the core jurisdictions dominated by studio and one bedroom rentals, while the suburban rentals have more bedrooms due to the large single-family rental stock.

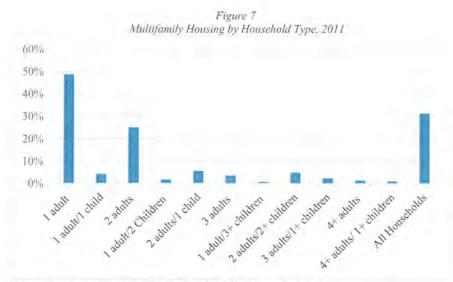
	0/1 Be	edroom	2-4 Bed	rooms	5 + Be	drooms	Percent
Jurisdiction	Rent	Own	Rent	Own	Rent	Own	Single- Family Rent
District of Columbia	56.9	16.7	41.4	76.2	1.7	7.4	15.8
Calvert	21.4	0.9	77.6	84.9	1.0	14.3	52.5
Charles	18.9	0.6	79.1	87.9	2.0	11.5	55.9
Frederick	21.3	0.9	76.5	90.4	2.2	8.8	47.0
Montgomery	35.2	3.6	62.4	80.1	2.4	16.3	24.2
Prince George's	33.3	1.9	64.3	85.1	2.4	13.1	21.9
Arlington	53.0	13.1	45.7	78.3	1.3	8.7	14,4
Clarke	10.9	1.9	88.1	92.3	1.0	5.9	72.4
Fairfax	28.2	2.9	69.0	80.5	2.8	16.7	35.1
Fauquier	11.6	0.6	87.3	88.0	1.1	11.4	74.0
Loudoun	20.3	1.3	77.1	81.2	2.6	17.6	44.4
Prince William	18.5	0.8	75.5	85.0	6.0	14.2	50.2
Spotsylvania	12.6	0.4	84.9	89.3	2.5	10.3	68.9
Stafford	12.4	0.5	82.6	84.2	5.0	15.3	61.1
Warren	20.9	3.5	79.0	91.0	0.2	5.6	59.7
Alexandria City	49.1	14.3	50.2	81.6	0.7	4.2	16.5
Fairfax City	22.3	2.7	70.9	81.7	6.8	15.6	40.7
All Jurisdictions	37.5	4.0	60.1	82.4	2.3	13.6	30.1

 Table 4

 Number of Bedrooms in all Units by Jurisdiction, 2011

Source: American Community Survey, GMU Center for Regional Analysis

Nearly three quarters (73.8%) of multifamily units in the Washington, DC region are occupied by one- or two-adult households. Figure 7 presents the household types living in multifamily housing in all jurisdictions in the region. Although suburban jurisdictions have larger units and larger households, the number of units that exist for these families is not sufficient enough to make an impact in a region where the multifamily housing is concentrated at the core of the region with one- and two-bedroom units. As suggested in the tables above, many multifamily residents living in suburban jurisdictions live in single-family units that are both more plentiful and have more bedrooms.



Source: American Community Survey, GMU Center for Regional Analysis

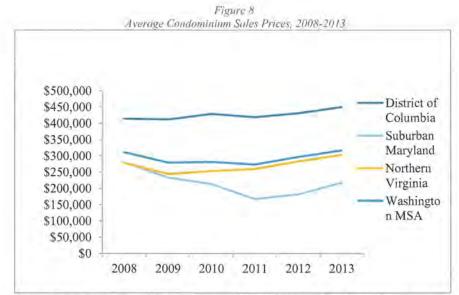
Rents and home values increased dramatically in all jurisdictions between 2000 and 2011. Table five shows the highest median rents in the region are in Fairfax City and Arlington and Loudoun Counties (\$1,653, \$1,604, and \$1,603, respectively) while home values were highest in Arlington County, Fairfax County, and Alexandria (\$575,600, \$493,100, and \$480,300, respectively). The District had the steepest increase in rents (41 percent), growing from \$807 per month in 2000 to a median rent of \$1,135 in 2011, followed by Arlington County (37 percent), Fairfax City (34 percent), and Loudoun County (29 percent). Home values increased the greatest in the District (116 percent), and Clarke County (96 percent), all jurisdictions which have experienced significant residential construction over the past decade.

Jurisdiction	Median value, 2000	Median Rent, 2000	Median Value 2011	Median Rent 2011	Change in Value %	Change in rent %
District of Columbia	\$205,345	\$807	\$442,600	\$1,135	115.5	40.6
Calvert	\$221,020	\$1,093	\$384,500	\$1,321	74.0	20.9
Charles	\$199,858	\$1,120	\$341,200	\$1,370	70.7	22.3
Frederick	\$209,263	\$939	\$335,600	\$1,184	60.4	26.1
Montgomery	\$289,729	\$1,193	\$469,900	\$1,473	62.2	23.5
Prince George's	\$190,192	\$962	\$312,800	\$1,180	64.5	22.7
Arlington	\$342,764	\$1,171	\$575,600	\$1,604	67.9	37.0
Clarke	\$182,224	\$816	\$356,700	\$1,038	95.8	27.2
Fairfax	\$304,751	\$1,303	\$493,100	\$1,572	61.8	20.6
Fauquier	\$212,529	\$920	\$376,100	\$1,148	77.0	24.8
Loudoun	\$261,906	\$1,246	\$472,000	\$1,603	80.2	28.7
Prince William	\$195,417	\$1,126	\$353,300	\$1,402	80.8	24.5
Spotsylvania	\$167,855	\$1,051	\$286,800	\$1,213	70.9	15.4
Stafford	\$204,300	\$1,099	\$334,800	\$1,329	63.9	20.9
Warren	\$142,121	\$693	\$244,000	\$884	71.7	27.6
Alexandria city	\$330,224	\$1,124	\$480,300	\$1,395	45.5	24.1
Fairfax city	\$250,933	\$1,234	\$472,600	\$1,653	88.3	34.0

Table 5 alue and Rent Costs of housing units by Jurisdiction, 2000 to 201

Source: US Census, GMU Center for Regional Analysis. All 2000 data have been adjusted to 2011 dollars

After a post-recession decline in the price of multifamily homeownership units, sales prices are on the rise in all jurisdictions, with the regional average sale price of condominiums rising to \$316,000 by the end of 2013. There was regional variation in average sales prices with suburban Maryland averaging just \$217,000 while The District condominiums averaged almost \$450,000 last year and the average Northern Virginia condominium sales price was \$303,000.



Source: Metropolitan Regional Information Systems (MRIS). GMU Center for Regional Analysis

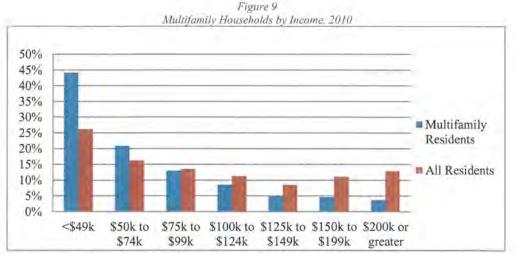
Multifamily Housing Supply: Key Findings

- The supply of multifamily housing increased by 2.8% between 2000 and 2011, led by a 36.4% growth in multifamily home ownership.
- Since 2011, the production of multifamily housing has increased, particularly in the rental housing sector. Multifamily building permits increased from a low in 2009 of 3,375 to a high of 11,424 in 2012 permits, outpacing single-family housing permits.
- Median rents and home values increased between 2000 and 2011. The District led the region in terms of both rent and home value increases during this period. The highest rents in the region were in the City of Fairfax (\$1,653) and Arlington County (\$1,604), Arlington County (\$575,600) and Alexandria (\$480,300) had the highest median home values.
- Rental housing markets in jurisdictions with low rates of single-family rental are dominated by small units (studio and one-bedroom units). These jurisdictions also lead the region in the percentage of one- and two-adult households living in multifamily housing. Meanwhile, renters in suburban communities are likely to live in single-family housing, rather than multifamily housing.
- The amount of attached single family housing grew in suburban jurisdictions, outpacing the growth in detached single family housing.

Demand for Multifamily Housing

The demand for multifamily housing in the Washington, DC region is changing. From demographic shifts by age and family formation to income and job changes, more multifamily housing will be required to meet a wider variety of needs.

Residents living in multifamily households are more likely to have incomes of less than half of the regions area median income (AMI)¹ as shown in Figured 9. Further, they are most likely to be one- or two- adult households with non-Hispanic White householders. Low- and moderate-income households currently heavily rely on multifamily units for housing. They are disproportionately represented among the multifamily housing residents, occupying almost than half of the multifamily units across the region, compared to just over twenty percent of the housing stock overall. Given the incomes of the residents, compared to the cost of housing, it is likely that many of these households receive either a place-based subsidy or a housing choice voucher. Meanwhile, those households earning greater than \$100,000 annually are underrepresented in the multifamily housing stock, suggesting that single-family housing options are greatest for those earning higher salaries.



Source: American Housing Survey, GMU Center for Regional Analysis

The character of the region's multifamily residents varies. Table 6 presents the income by county of residents living in multifamily housing in the region's jurisdictions for which these data are available. Region wide, more than three quarters of multifamily residents earn less than \$100,000 annually. Although regionally, the majority of multifamily residents earn less than \$100,000, jurisdictions in the urban core, including The District, Alexandria, Arlington County and Montgomery County had significantly more income diversity in multifamily households compared to the less developed suburban jurisdictions where there are more single-family options for high-income households. In The District, for example, 49.6 percent of multifamily residents earn less than \$49,000 per year, compared to 33.5 percent in Alexandria and 53.4 percent in Prince George's County. By contrast, 5.8 percent of multifamily residents in the District, 3.4 percent in Alexandria, and 0.6 in Prince George's earned more than \$200,000 annually. The income diversity in the core jurisdictions suggests that multifamily housing is viewed as more than just an affordable option. Instead, for many households, the decision to live in a multifamily

¹ The Area Median Income (AMI) for the Washington Metropolitan Statistical Area is \$107, 500 George Mason University Center for Regional Analysis

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unit may represent a desire to live in denser communities, have fewer maintenance responsibilities, or may offer greater flexibility.

		Income of I	Multifamily I	Residents, 201	0		
Jurisdiction	<\$49k	\$50k to \$74k	\$75k to \$99k	\$100k to \$124k	\$125k to \$149k	\$150k to \$199k	\$200k or greater
Washington, DC	49.6	16.1	10.8	8.0	4.8	4.9	5.8
Charles	61.8	13.3	12.5	5.8	0.6	1.6	4.4
Calvert	48.0	22.8	11.5	9.1	2.8	4.4	1.5
Frederick	53.0	20.8	11.0	5.2	6.1	1.9	2.1
Montgomery	43.8	22.9	12.7	7.7	4.3	5.2	3.5
Prince George's	53.4	24.7	11.3	6.1	2.3	1.6	0.6
Arlington	26.7	19.6	16.5	13.0	8.2	9.1	6.9
Fairfax	34.8	21.6	16.6	11.8	6.1	5.1	3.9
Prince William	51.9	19.8	14.8	6.2	3.5	2.6	0.8
Loudoun	43.2	24.6	11.4	5.8	7.4	5.1	2.4
Stafford	54,4	20.9	12.7	6.6	2,6	2.0	0.7
Alexandria City	33.5	25.8	14.4	10.6	6.7	5.7	3.4
All Multifamily	44.2	20.9	13.0	8.6	4.9	4.7	3.7

Table 6 Income of Multifamily Residents 2010

Source: American Housing Survey, GMU Center for Regional Analysis

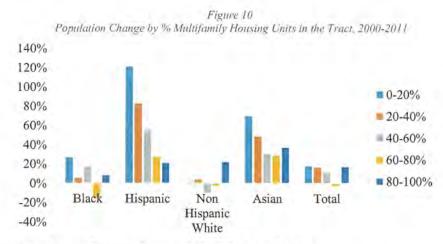
The racial and ethnic composition of multifamily residents is shown on Table 7. Residents of multifamily housing are a diverse representation of the population. Non-Hispanic Whites represent 39 percent of multifamily residents in the region, followed by African Americans (30.4 percent) and Latinos (10.6 percent). Within the jurisdictions, there is significant variation based on the concentration of minorities and the size of the existing multifamily housing stock.

Jurisdiction	White Not Hispanic	Black	Latino
District of Columbia	35.0	38.1	7.7
Calvert	72.5	17.4	2.1
Charles	30.0	50.4	3.0
Frederick	64.5	13.2	6.5
Montgomery	43.8	23.9	12.5
Prince George's	9.0	66.3	10.6
Arlington	54.5	8.9	9.9
Clarke	54.1	13.4	4.5
Fairfax	45.8	13.9	13.7
Fauquier	58.5	9.9	8.3
Loudoun	53.8	11.5	10.9
Prince William	36.6	28.9	15.4
Spotsylvania	69.8	20.4	3.5
Stafford	51.6	23.7	5.4
Warren	70.0	8.3	6.3
Alexandria	46.4	20.4	11.4
Fairfax	58.1	4.7	13.5
All Jurisdictions	38.5	30.4	10.6

Table 7

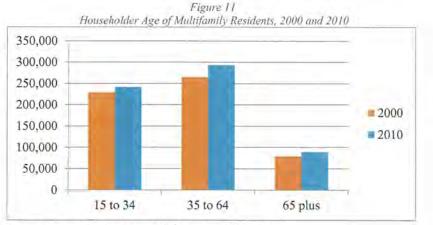
Source: American Housing Survey, GMU Center for Regional Analysis

The communities in which these residents live have changed over the past decade. As shown in Figure 10, the population of low-density neighborhoods (measured by the concentration of multifamily housing in the census tract) continues to grow as more areas that were formerly farm land or other undeveloped properties have been subdivided and developed for single-family homes. However, high-density tracts kept pace. The lowest density neighborhoods grew by just over twenty percent, while 20 to 40 percent multifamily tracts grew by approximately 18%, followed by 80 to 100 percent tracts, which grew at just under 15% between 2000 and 2011. The population growth in suburban jurisdictions was most pronounced in Latino and Asian populations that experienced the greatest overall growth in low-density communities, suggesting a growing diversity in suburban jurisdictions. Further, the White population grew dramatically in the highest density tracts.



Source: American Community Survey, GMU Center for Regional Analysis

The age distribution of multifamily residents suggests a high concentration of residents between the ages of 35 and 64, compared to the younger demographic, consistent with the neighborhoods in which multifamily housing is concentrated. Figure 11 shows the change in the householder age for those living in multifamily housing in 2000 and 2010. While all age groups living in multifamily housing experienced increases between 2000 and 2010, growth was slower in younger households. The number of multifamily householders between the ages of 15 and 34 grew by 5.6% while householders between 35 and 64 and over 65 increased by 10.5% and 12.3%, respectively. In some jurisdictions, these increases were exaggerated. In the City of Fairfax and Loudoun County, seniors living in multifamily housing increased by 85.6% and 78.0 percent, respectively, compared to overall multifamily rates of change of -4% and 65%, respectively. This is likely due to the growth in multifamily production in the newly developed town center areas and the growth in senior and assisted living facilities. Long-term residents who have owned homes and wish to remain in their communities are able to downsize to smaller units with improved access to shopping and dining.



Source: American Housing Survey, GMU Center for Regional Analysis

The neighborhoods in which multifamily housing is being built reflect these changes. In Figure 12 census tracts are broken out by the shares of multifamily housing in them and the age distribution of the residents in those tracts is presented. In the neighborhoods with the lowest density of multifamily housing, those residents under 20 years old and between 45 and 64 represented 58.0 percent of the population. Although

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the higher density communities were dominated by residents over the age of 20 as they increased in density, the share of population by the age of the adults did not vary widely across the densities.

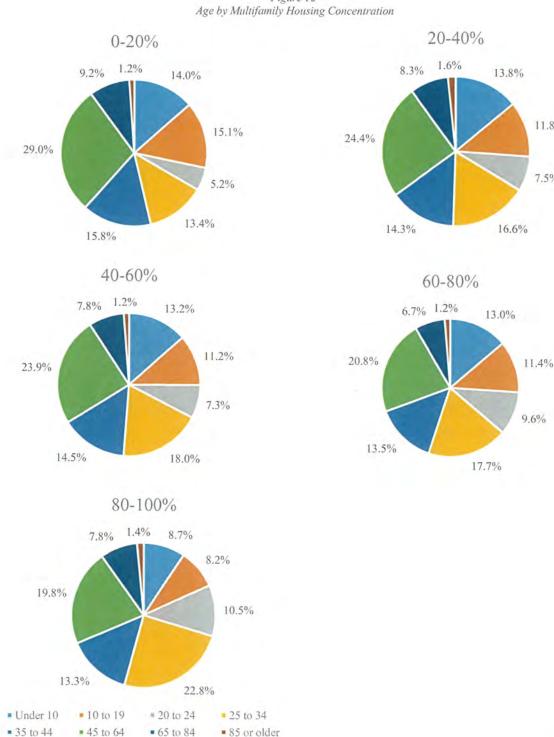


Figure 12

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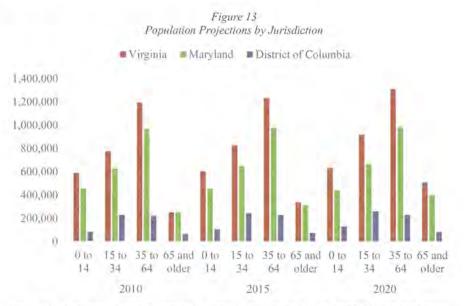
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11.8%

7.5%

Source: American Community Survey, GMU Center for Regional Analysis

While the region continues to attract new workers who typically fall into the 15 to 34 year old cohort, many families also remain in the region to raise children, move through their careers and raise children. In Figure 13, the projection of population by state in the region is presented. The population of seniors will increase by an average of 27.0 percent between 2010 and 2015 and another 36.8% on average between 2015 and 2020. While core jurisdictions will see small increases in the population of seniors, this may be offset by increases in the population of residents under 15 years old. In the District, for example the increase in the child population (27.1 percent) will far exceed the comparatively modest regional growth of 3.2 percent. This growth expectation presents problems given both the continuing rise in home values and rents, as well as the prevalence of studio and one bedroom units.



Source: US Census, Metropolitan Washington Council of Governments, GMU Center for Regional Analysis

Years	Age Range	Virginia	Maryland	District of Columbia	Core Jurisdictions	Suburban Jurisdictions	Total
2010	0 to 14	2.8	-1.6	27.1	6.0	1.0	3.2
to	15 to 34	6.9	3.6	7.0	2.6	9.1	5.5
2015	35 to 64	3.3	1.0	4.3	2.3	3.1	2.7
	65 and older	34.1	24.4	10.2	19.4	36.2	27.0
	Total	8.0	4.0	9.8	5.3	7.8	6.5
2015	0 to 14	4.7	-2.3	25.1	5.9	2.8	4.3
to	15 to 34	11.2	2.7	7.2	2.3	13.1	7.3
2020	35 to 64	6.4	0.4	1.2	0.9	6.2	3.7
	65 and older	50.9	27.9	10.2	22.3	52.0	36.8
	Total	7.1	4.1	8.3	4.9	7.2	6.0

Table 8

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Source: US Census, Metropolitan Washington Council of Governments, GMU Center for Regional Analysis

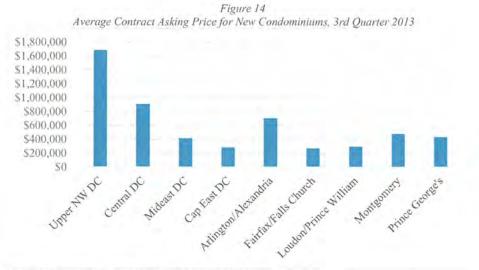
Even though the region is anticipated to have almost 19,000 multifamily rental units come on line in 2014 (shown on Table 9), there will still not be sufficient units to accommodate the approximately 66,000 households that will need multifamily units by 2015. These households will likely live in roommate situations, live in single-family rental housing, or stay with parents or other family members.

Market	Rental Units	For Sale Units
District of Columbia	6,103	757
Upper Northwest	263	52
Central	956	590
Capitol Hill/ Riverfront / Hill East	2,985	4
Northeast/MidEast	662	111
Maryland	10,067	194
Frederick County	160	0
Montgomery County	6,099	179
Prince George's County	3,808	15
Virginia	11,736	2,059
Arlington/Alexandria	3,334	638
Fairfax/Falls Church	6,778	1,014
Loudoun/Prince William	1,624	407
Total	18,906	3,010

Table 9	
Multifamily Rental	Pipeline

Source: Delta Associates, GMU Center for Regional Analysis

Moreover, the rising costs of both rents and condominium purchase prices in many markets will make these new units inaccessible to the growing low- and moderate-income members of the region's workforce. A Center for Regional Analysis report, Housing the Region's Future Workforce, suggests that almost half of new rental units will need to rent for less than \$1,250 per month, while 16 percent of new for-sale homes will need to be priced less than \$200,000. Although smaller multifamily units could address some of this demand, currently new condominiums on the market average more than \$400,000 in most markets, with some central markets, such as The District and Arlington and Alexandria averaging more than \$600,000. Figure 14 shows the asking price for new condominiums in the third quarter of 2013.



Source: Delta Associates, GMU Center for Regional Analysis

Rents for new units are similarly out of reach. Figure 15 presents the average rents for Class A and Class B apartments. On average, Class A apartments in the region rented for \$1,834 and Class B Apartments rented for \$1,535. The prices were highest in The District (\$2,556 for Class A and \$1,880 for Class B). While this represented a slight drop in rents due to the unusually high production of multifamily housing, the decline in building permits for 2013 should reduce vacancy rates by 2015, leading to an increase in rents.

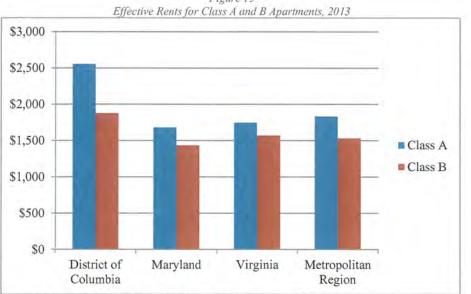


Figure 15

Source: Delta Associates, GMU Center for Regional Analysis

Multifamily Housing Demand: Key Findings

- Residents of multifamily housing are concentrated in the low- to middle- income bracketss with earning 44.2% earning less than \$50,000 per year and 78.1% earning less than \$100,000 per year.
- Multifamily residents are less likely to be Non-Hispanic White than the population generally. A
 notable exception to this is in The District where African Americans made up about half of the
 population, but only 38.1% of the multifamily householders. Multifamily householders between
 the ages of 45 and 64 made up the largest share of the multifamily population. However, the
 number of multifamily householders over 65 grew the fastest with an increase of 12.3% between
 2000 and 2010.
- The communities in which multifamily housing is located have changed since 2000. Latino
 population grew by 133.5% in communities with the smallest percentages of multifamily housing
 compared to the 23.3% growth rate for all ethnicities, 11.3 for Non-Hispanic White and 34.6%
 for African Americans.
- The demand for multifamily housing will continue to rise, with approximately 66,000 households in need of units. These households will be likely to earn less than \$100,000 annually and be younger than 35 years old.
- New multifamily permits peaked in 2012, meaning that new multifamily development will slow
 after the 19,000 units scheduled to deliver in 2014 are completed and absorbed by the market.

Conclusions and Implications

Although much of the recent multifamily housing development in the Washington region has focused on one- and two-adult households under 35 years old that have dominated the submarkets in The District, Arlington County, and Alexandria, multifamily housing will need to change in order to meet the demands of an increasingly diverse market. Multifamily housing, whether rental or owner-occupied, is no longer the housing of last resort. Increasingly, residents choose these options to be closer to jobs, shopping, restaurants, and parks; to reduce maintenance responsibilities inherent in single-family homeownership; or to allow for greater flexibility and mobility in employment. Further, for many households traditional ownership may not be accessible due to wage levels, salary instability, or lack of affordable financing.

Seniors, Families and College Graduates will demand different types of housing

Multifamily housing will need to diversify in order to meet the growing demand from seniors, families with young children, and residents outside the urban core jurisdictions. Not only will the housing need to reflect these needs in terms of size, building amenities, and costs, but the neighborhoods will necessarily be different to reflect the needs of these growing populations in the region. Attached single-family and multifamily housing units in the suburban communities, where many aging families already live, will provide attractive and pedestrian-friendly options for seniors to downsize without leaving their current communities.

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For example, at One Loudoun in Ashburn, VA, townhouse and dense single-family development is providing access to shopping and urban-style amenities for a growing number of residents. Meanwhile, developers in Crystal City have responded to a growing demand for play rooms and children's amenities in their buildings that meet the needs of a changing demographic. In the District, infill adaptive reuse developments in neighborhoods like Capitol Hill and Columbia Heights have allowed small condominium buildings to flourish. These developments provide access to quality schools and parks as well as shopping, restaurants, and downtown jobs.

New Multifamily Housing will need to meet the needs of a range of incomes

While newly developed multifamily units have mainly met the needs of individuals and households with above-average incomes, the rising rents and asking prices for these units put them out of reach of many recent college graduates and younger families. As renter incomes decline, and rents and home values increase, fewer housing options are available to middle-income and low-income households. Moreover, the growing number of college graduates moving to and working in the region will need affordable housing options such as smaller units and shared apartments. There will also be a growing need to preserve the existing stock of low- and moderate-income housing, especially Class B apartments to provide housing for the growing number of service and health industry workers in the region.

Arlington County has developed a plan to preserve affordable multifamily housing units as it redevelops the Columbia Pike Corridor to include housing, transportation and other neighborhood amenities. Meanwhile, the District and housing developers worked to preserve housing units in its 2008 redevelopment of Columbia Heights. As a result, more than 2,300 multifamily housing units were created or preserved at various affordable rents in addition to the market-rate retail and housing development.

Local jurisdictions should remove barriers to construction

and support the changing demand for housing

Multifamily housing has traditionally been considered to be incompatible with detached single-family neighborhood development due to its perceived effects on property values, demands on municipal services, and potential for attracting poor residents. However, as this research suggests, the residents of and demand for multifamily housing is diverse – from seniors hoping to remain in their communities as they age to young families, wanting to have more walkable access to parks and amenities. As the *Housing the Region's Future Workforce* report argued in 2013, "A lack of sufficient housing within the Washington DC area and located in proximity to the region's employment centers and to transit will lead to increased traffic and transit congestion, and will result in longer commutes, lower worker productivity, and declining quality of life for all residents of the region."

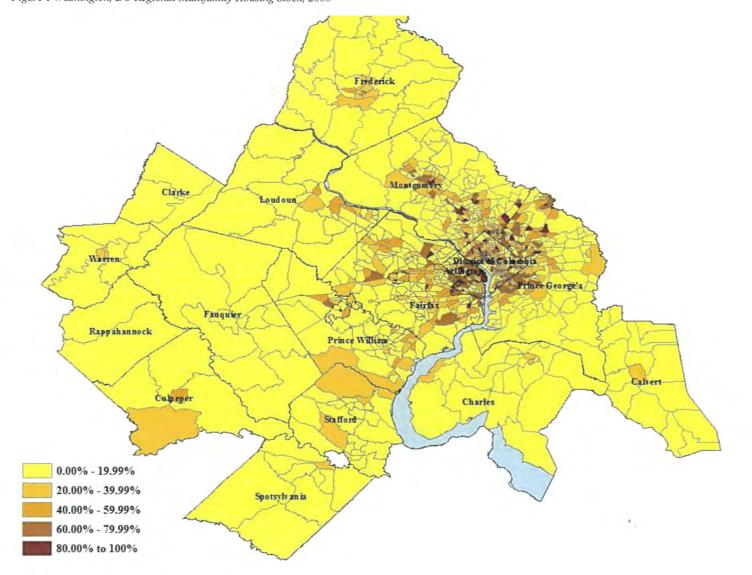
Appendix 1: Maps

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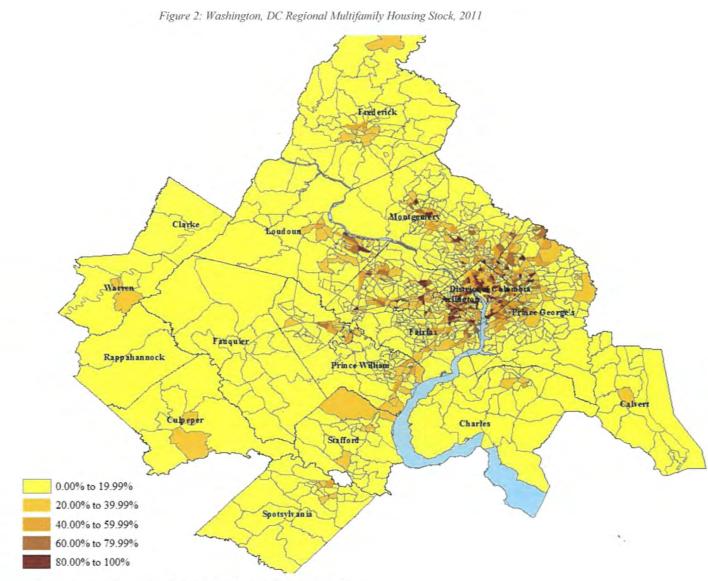
Figure 1 Washington, DC Regional Multifamily Housing Stock, 2000



Source: American Communities Survey, GMU Center for Regional Analysis







Source: American Communities Survey, GMU Center for Regional Analysis

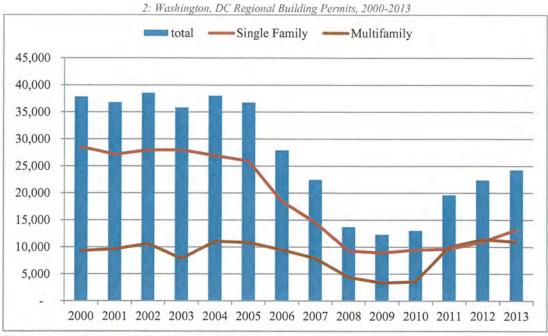
Appendix 2: Tables and Charts

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	Total Units	All Multifamily	Multifamily Ownership	Multifamily Rental
Arlington	92,436	54,538	12,287	42,251
Clark	5,564	366	9	357
Culpeper	15,750	1,753	13	1,740
Fairfax County	399,962	101,750	26,647	75,103
Fauquier	22,888	1,389	115	1,274
Loudon	99,761	15,432	3,874	11,558
Prince William	127,170	19,400	3,061	16,339
Spotsylvania	41,282	2,897	71	2,826
Stafford	188,568	18,359	2,059	16,300
Warren	14,203	1,531	61	1,470
Alexandria	64,217	38,888	9,379	29,509
Fairfax City	8,470	2,065	529	1,536
Falls Church	4,807	1,868	431	1,437
Manasses	11,872	2,900	398	2,502
Manasses Park	4,238	776	240	536
Calvert	93,907	10,139	1,062	10,139
Charles	50,305	4,430	368	4,430
Frederick	85,048	10,846	2,520	10,846
Montgomery	355,434	84,109	29,244	84,109
Prince George's	302,091	84,725	9,849	84,725
Washington, DC	260,136	157,434	32,391	125,283

Source: American Community Survey, GMU Center for Regional Analysis

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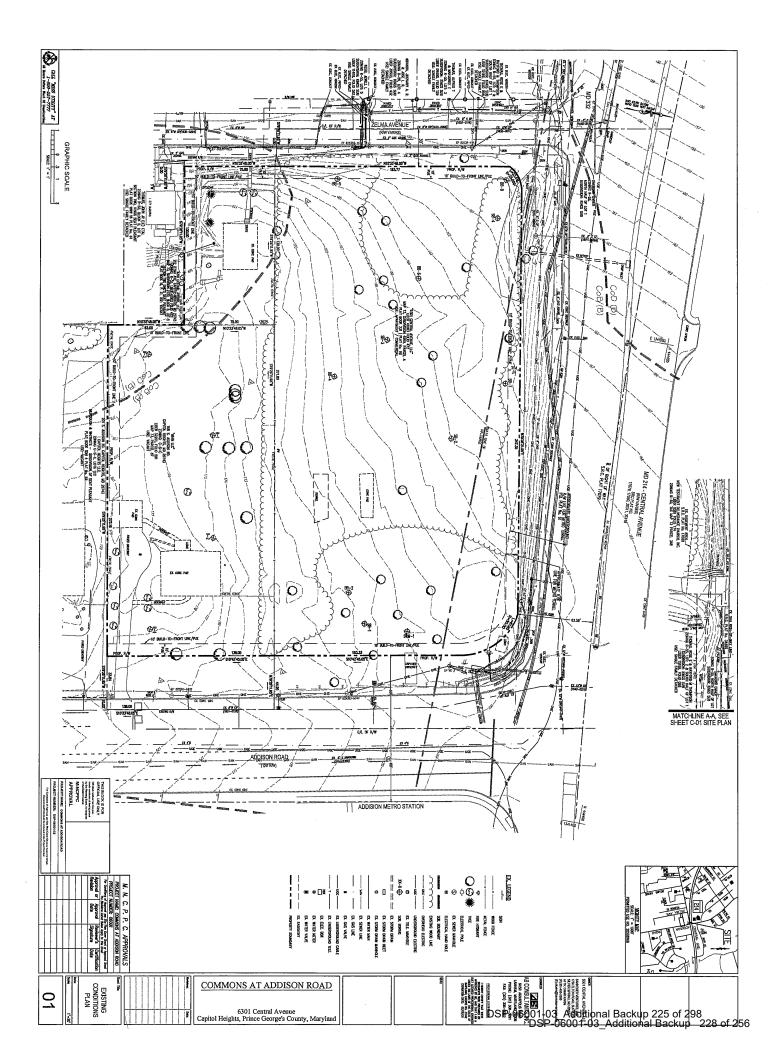


Source: American Community Survey, GMU Center for Regional Analysis

	Total		15 to 34 Years Old		35 to 64 Years Old		65 and older	
1	Single- Family	Multi- family	Single- Family	Multi- family	Single- Family	Multi- family	Single- Family	Multi- family
Arlington	15.5	-0.5	-8.4	21.1	10.2	-2.9	-2.7	-6.1
Clarke	12.4	10.8	-11.5	96.8	19.2	2.4	4.5	-11.3
Culpeper	34.3	21.1	41.8	-24.1	38.6	21.8	18.7	41.4
Fairfax	10.3	5.4	-1.6	5.6	7.2	11.7	23.3	24.3
Fauquier	16.7	0.1	-18.1	-7.1	17.5	-4.4	28.6	16.5
Loudoun	61.9	48.7	20.3	52.7	71.6	74.1	48.9	78.0
Prince William	37.7	17.7	24.3	1.2	33.4	41.3	95.3	16.3
Spotsylvania	27.3	48.1	7.4	133.0	36.7	39.7	48.1	-2.2
Stafford	29.5	48.2	20.2	40.6	33.8	71.2	51.4	57.8
Warren	18.2	14.1	9.6	-2.9	20.6	25.7	14.4	71.5
Alexandria	17.7	-6.8	-7.1	-3.7	17.0	0.0	3.7	5.3
Fairfax City	10.8	-4.3	27.6	-1.6	8.7	-21.7	5.9	84.6
Falls Church City	11.2	-3.8	-28.3	-11.0	21.5	0.2	-13.7	22.1
Manassas	-2.4	4.9	-21.9	-16.8	3.2	22.8	-2.3	33.2
Manassas Park	16.9	75.0	-5.4	199.0	17.2	848.6	13.7	120.0
Calvert	18.8	20.9	-16.7	19.7	25.7	71.1	26.3	51.8
Charles	24.2	3.8	-9.7	47.7	23.9	23.5	37.9	6.4
Frederick	20.7	14.3	-4.4	7.3	21.9	39.6	26.6	27.7
Montgomery	9.8	6.7	-15.1	11.3	8.9	12.3	13.6	23.1
Prince George's	9.5	-1.4	-0.7	-13,7	8.0	8.8	18.5	10.0
Washington, DC	10.5	-1.1	5.8	7.9	4.0	7,1	-9.1	-4.2
Total Region	16.3	4.3	0.1	5.6	15.6	10.5	18.3	12.3

3: Change in Housing Type by Age, 2000-2011

Source: American Community Survey, GMU Center for Regional Analysis



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DEPUTY

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December 15, 2010

Paul F. Kem Ethridge, Qu	p, Esq. inn, Kemp, McAuliffe,		ERED
Rowan, &	Hartinger		all'ac
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Rockville, M	laryland 20850	ALL I LUII	
		AT GREENBELT CLERK, U.S. DISTRICT COURT DISTRICT OF MARYLAND	
Re:	United States v. Mirza Hussain Baig,	BY	DEPU
	Criminal No. [to be determined]		

Dear Mr. Kemp:

This letter, together with the Sealed Supplement, confirms the plea agreement which has been offered to the Defendant by the United States Attorney's Office for the District of Maryland ("this Office"). If the Defendant accepts this offer, please have him execute it in the spaces provided below. If this offer has not been accepted by December 31, 2010, it will be deemed withdrawn. The terms of the agreement are as follows:

Offense of Conviction

1. The Defendant agrees to plead guilty to Count One of an Information to be filed against him, which will charge the Defendant with conspiracy, in violation of 18 U.S.C. § 371. The Defendant admits that he is, in fact, guilty of this offense and will so advise the Court.

Elements of the Offense

2. The elements of the offenses to which the Defendant has agreed to plead guilty, and which this Office would prove if the case went to trial, are as follows:

Count One - Conspiracy

a. The Defendant and other persons entered the unlawful agreement charged in the Information;

b. The Defendant knowingly and willfully became a member of the conspiracy; and

c. One of the members of the conspiracy knowingly committed at least one of the overt acts charged in the Information, to further some objective of the conspiracy.

Penalties

3. The maximum sentence provided by statute for the offense to which the Defendant is pleading guilty is as follows: imprisonment for 5 years, followed by a term of supervised release of 3 years, and a fine of \$250,000. In addition, the Defendant must pay \$100 as a special assessment pursuant to 18 U.S.C. § 3013, which will be due and should be paid at or before the time of sentencing. This Court may also order him to make restitution pursuant to 18 U.S.C. § 3663, 3663A, and 3664.¹ If a fine or restitution is imposed, it shall be payable immediately, unless, pursuant to 18 U.S.C. § 3572(d), the Court orders otherwise. The Defendant understands that if he serves a term of imprisonment, is released on supervised release, and then violates the conditions of his supervised release, his supervised release could be revoked - even on the last day of the term - and the Defendant could be returned to custody to serve another period of incarceration and a new term of supervised release. The Defendant understands that the Bureau of Prisons has sole discretion in designating the institution at which the Defendant will serve any term of imprisonment imposed.

¹ Pursuant to 18 U.S.C. § 3612, if the Court imposes a fine in excess of \$2,500 that remains unpaid 15 days after it is imposed, the Defendant shall be charged interest on that fine, unless the Court modifies the interest payment in accordance with 18 U.S.C. § 3612(f)(3).

Waiver of Rights

4. The Defendant understands that by entering into this agreement, he surrenders certain rights as outlined below:

a. If the Defendant had persisted in his plea of not guilty, he would have had the right to a speedy jury trial with the close assistance of competent counsel. That trial could be conducted by a judge, without a jury, if the Defendant, this Office, and the Court all agreed.

b. If the Defendant elected a jury trial, the jury would be composed of twelve individuals selected from the community. Counsel and the Defendant would have the opportunity to challenge prospective jurors who demonstrated bias or who were otherwise unqualified, and would have the opportunity to strike a certain number of jurors peremptorily. All twelve jurors would have to agree unanimously before the Defendant could be found guilty of any count. The jury would be instructed that the Defendant was presumed to be innocent, and that presumption could be overcome only by proof beyond a reasonable doubt.

c. If the Defendant went to trial, the government would have the burden of proving the Defendant guilty beyond a reasonable doubt. The Defendant would have the right to confront and cross-examine the government's witnesses. The Defendant would not have to present any defense witnesses or evidence whatsoever. If the Defendant wanted to call witnesses in his defense, however, he would have the subpoena power of the Court to compel the witnesses to attend.

d. The Defendant would have the right to testify in his own defense if he so chose, and he would have the right to refuse to testify. If he chose not to testify, the Court could instruct the jury that they could not draw any adverse inference from his decision not to testify.

e. If the Defendant were found guilty after a trial, he would have the right to appeal the verdict and the Court's pretrial and trial decisions on the admissibility of evidence to see if any errors were committed which would require a new trial or dismissal of the charges against him. By pleading guilty, the Defendant knowingly gives up the right to appeal the verdict and the Court's decisions.

f. By pleading guilty, the Defendant will be giving up all of these rights, except the right, under the limited circumstances set forth in the "Waiver of Appeal" paragraph below, to appeal the sentence. By pleading guilty, the Defendant understands that he may have to answer the Court's questions both about the rights he is giving up and about the facts of his case. Any statements the Defendant makes during such a hearing would not be admissible against him during a trial except in a criminal proceeding for perjury or false statement.

g. If the Court accepts the Defendant's plea of guilty, there will be no further trial or proceeding of any kind, and the Court will find him guilty.

h. By pleading guilty, the Defendant will also be giving up certain valuable civil rights and may be subject to deportation or other loss of immigration status. The Defendant recognizes that if he is not a citizen of the United States, pleading guilty may have consequences with respect to his immigration status. Under federal law, conviction for a broad range of crimes can lead to adverse immigration consequences, including automatic removal from the United States. Removal and other immigration consequences are the subject of a separate proceeding, however, and the Defendant understands that no one, including his/her attorney or the Court, can predict with certainty the effect of a conviction on immigration status. Defendant nevertheless affirms that he/she wants to plead guilty regardless of any potential immigration consequences.

Advisory Sentencing Guidelines Apply

5. The Defendant understands that the Court will determine a sentencing guidelines range for this case (henceforth the "advisory guidelines range") pursuant to the Sentencing Reform Act of 1984 at 18 U.S.C. §§ 3551-3742 (excepting 18 U.S.C. §§ 3553(b)(1) and 3742(e)) and 28 U.S.C. §§ 991 through 998. The Defendant further understands that the Court will impose a sentence pursuant to the Sentencing Reform Act, as excised, and must take into account the advisory guidelines range in establishing a reasonable sentence.

Factual and Advisory Guidelines Stipulation

6. This Office and the Defendant understand, agree and stipulate to the Statement of Facts set forth in Attachment A hereto which this Office would prove beyond a reasonable doubt, and to the following applicable sentencing guidelines factors:

a. The base offense level is 12 under U.S.S.G \S 2C1.1(a)(2).

b. A 14-level specific offense characteristic increase applies under U.S.S.G. §§ 2C1.1(b)(2) and 2B1.1(b)(1)(H), because the value of things provided by the Defendant to others involved in the offense exceeded \$400,000 but was not greater than \$1,000,000.

c. A 4-level specific offense characteristic increase applies under U.S.S.G. § 2C1.1(b)(3), because the offense involved a public official in a high-level decision-making and sensitive position.

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d. This Office does not oppose a 2 level reduction in the Defendant's adjusted offense level, based upon the Defendant's apparent prompt recognition and affirmative acceptance of personal responsibility for his criminal conduct. This Office agrees to make a motion pursuant to U.S.S.G. § 3E1.1(b) for an additional 1 level decrease in recognition of the Defendant's timely notification of his intention to plead guilty. This Office may oppose *any* adjustment for acceptance of responsibility if the Defendant (a) fails to admit each and every item in the factual stipulation; (b) denies involvement in the offense; (c) gives conflicting statements about his involvement in the offense; (d) is untruthful with the Court, this Office, or the United States Probation Office; (e) obstructs or attempts to obstruct justice prior to sentencing; (f) engages in any criminal conduct between the date of this agreement and the date of sentencing; or (g) attempts to withdraw his plea of guilty. The final offense level is 27.

7. The Defendant understands that there is no agreement as to his criminal history or criminal history category, and that his criminal history could alter his offense level if he is a career offender or if the instant offense was a part of a pattern of criminal conduct from which he derived a substantial portion of his income.

8. Except as provided in paragraph 9, this Office and the Defendant agree that with respect to the calculation of the advisory guidelines range, no other offense characteristics, sentencing guidelines factors, potential departures or adjustments set forth in the United States Sentencing Guidelines will be raised or are in dispute.

Guidelines Factors Not Stipulated

9. The Defendant reserves the right to argue that the following sentencing guidelines factors apply: U.S.S.G. §§ 5H1.1 (Age), 5H1.4 (Physical Condition), and 5H1.6 (Family Ties and Responsibilities). This Office reserves the right to oppose the application of these guidelines factors. The Defendant will notify the Court, the United States Probation Officer and government counsel at least ten days in advance of sentencing of the facts or issues he intends to raise.

Forfeiture

10. The Defendant understands that the Court will, upon acceptance of his guilty plea, enter an order of forfeiture as part of his sentence, and that the order of forfeiture may include assets directly traceable to his offense, substitute assets and/or a money judgment equal to the value of the property derived from, or otherwise involved in, the offense. Specifically, the court will order the forfeiture of all proceeds obtained or retained as a result of the offense, including but not limited to 250,000. The Defendant agrees to consent to the entry of orders of forfeiture for such property and waives the requirements of Federal Rules of Criminal Procedure 11(b)(1)(J), 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, advice regarding the forfeiture at the

change-of-plea hearing, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment.

Assisting the Government with Regard to the Forfeiture

11. The Defendant agrees to assist fully in the forfeiture of the foregoing assets. The Defendant agrees to disclose all of his assets and sources of income to the United States, and to take all steps necessary to pass clear title to the forfeited assets to the United States, including but not limited to executing any and all documents necessary to transfer such title, assisting in bringing any assets located outside of the United States within the jurisdiction of the United States, and taking whatever steps are necessary to ensure that assets subject to forfeiture are not sold, disbursed, wasted, hidden or otherwise made unavailable for forfeiture. The Defendant further agrees that he will not assist any third party in asserting a claim to the forfeited assets in an ancillary proceeding and that he will testify truthfully in any such proceeding.

Waiver of Further Review of Forfeiture

12. The Defendant further knowingly agrees to waive all constitutional, legal and equitable challenges (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. The Defendant also agrees not to challenge or seek review of any civil or administrative forfeiture of any property subject to forfeiture under this agreement, and will not assist any third party with regard to such challenge or review or with regard to the filing of a petition for remission of forfeiture.

13. The Defendant agrees to identify all other assets and identify the sources of income used to obtain all other assets, including identifying all assets derived from or acquired as a result of, or used to facilitate the commission of, any crime charged in the Indictment. The United States reserves the right to proceed against any remaining assets not identified in this agreement, including any property in which the Defendant has any interest or control.

Collection of Financial Obligations

14. The Defendant expressly authorizes the U.S. Attorney's Office to obtain a credit report in order to evaluate the Defendant's ability to satisfy any financial obligation imposed by the Court. In order to facilitate the collection of financial obligations to be imposed in connection with this prosecution, the Defendant agrees to disclose fully all assets in which the Defendant has any interest or over which the Defendant exercises control, directly or indirectly, including those held by a spouse, nominee or other third party. The Defendant will promptly submit a completed financial statement to the United States Attorney's Office, in a form this Office prescribes and as it directs. The Defendant promises that the financial statement and

disclosures will be complete, accurate and truthful, and understands that any willful falsehood on the financial statement will be a separate crime and may be punished under 18 U.S.C. § 1001 by an additional five years' incarceration and fine.

Obligations of the United States Attorney's Office

15. At the time of sentencing, this Office will recommend a sentence within the applicable guideline range.

16. The parties reserve the right to bring to the Court's attention at the time of sentencing, and the Court will be entitled to consider, all relevant information concerning the Defendant's background, character and conduct.

Waiver of Appeal

17. In exchange for the concessions made by this Office and the Defendant in this plea agreement, this Office and the Defendant waive their rights to appeal as follows:

a. The Defendant knowingly waives all right, pursuant to 28 U.S.C. § 1291 or otherwise, to appeal the Defendant's conviction;

b. The Defendant and this Office knowingly waive all right, pursuant to 18 U.S.C. § 3742 or otherwise, to appeal whatever sentence is imposed (including the right to appeal any issues that relate to the establishment of the advisory guidelines range, the determination of the defendant's criminal history, the weighing of the sentencing factors, and the decision whether to impose and the calculation of any term of imprisonment, fine, order of forfeiture, order of restitution, and term or condition of supervised release), <u>except</u> as follows: (i) the Defendant reserves the right to appeal any term of imprisonment to the extent that it exceeds any sentence within the advisory guidelines range resulting from an adjusted base offense level of 27; and, (ii) this Office reserves the right to appeal any term of imprisonment to the extent that it is below any sentence within the advisory guidelines range resulting from an adjusted base offense level of 27.

c. Nothing in this agreement shall be construed to prevent the Defendant or this Office from invoking the provisions of Federal Rule of Criminal Procedure 35(a), or from appealing from any decision thereunder, should a sentence be imposed that resulted from arithmetical, technical, or other clear error.

d. The Defendant waives any and all rights under the Freedom of Information Act relating to the investigation and prosecution of the above-captioned matter and agrees not to file any request for documents from this Office or any investigating agency.

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Obstruction or Other Violations of Law

18. The Defendant agrees that he will not commit any offense in violation of federal, state or local law between the date of this agreement and his sentencing in this case. In the event that the Defendant (i) engages in conduct after the date of this agreement which would justify a finding of obstruction of justice under U.S.S.G. § 3C1.1, or (ii) fails to accept personal responsibility for his conduct by failing to acknowledge his guilt to the probation officer who prepares the Presentence Report, or (iii) commits any offense in violation of federal, state or local law, then this Office will be relieved of its obligations to the Defendant as reflected in this agreement. Specifically, this Office will be free to argue sentencing guidelines factors other than those stipulated in this agreement. As with any alleged breach of this agreement, this Office will bear the burden of convincing the Court of the Defendant's obstructive or unlawful behavior and/or failure to acknowledge personal responsibility by a preponderance of the evidence. The Defendant acknowledges that he may not withdraw his guilty plea because this Office is relieved of its obligations under the agreement pursuant to this paragraph.

Court Not a Party

19. The Defendant expressly understands that the Court is not a party to this agreement. In the federal system, the sentence to be imposed is within the sole discretion of the Court. In particular, the Defendant understands that neither the United States Probation Office nor the Court is bound by the stipulation set forth above, and that the Court will, with the aid of the Presentence Report, determine the facts relevant to sentencing. The Defendant understands that the Court cannot rely exclusively upon the stipulation in ascertaining the factors relevant to the determination of sentence. Rather, in determining the factual basis for the sentence, the Court will consider the stipulation, together with the results of the presentence investigation, and any other relevant information. The Defendant understands that the Court is under no obligation to accept this Office's recommendations, and the Court has the power to impose a sentence up to and including the statutory maximum stated above. The Defendant understands that if the Court ascertains factors different from those contained in the stipulation set forth above, or if the Court should impose any sentence up to the maximum established by statute, the Defendant cannot, for that reason alone, withdraw his guilty plea, and will remain bound to fulfill all of his obligations under this agreement. The Defendant understands that neither the prosecutor, his counsel, nor the Court can make a binding prediction, promise, or representation as to what guidelines range or sentence the Defendant will receive. The Defendant agrees that no one has made such a binding prediction or promise.

Entire Agreement

20. This letter supersedes any prior understandings, promises, or conditions between this Office and the Defendant and, together with the Sealed Supplement, constitutes the

complete plea agreement in this case. The Defendant acknowledges that there are no other agreements, promises, undertakings or understandings between the Defendant and this Office other than those set forth in this letter and the Sealed Supplement and none will be entered into unless in writing and signed by all parties.

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If the Defendant fully accepts each and every term and condition of this letter, please sign and have the Defendant sign the original and return it to me promptly.

Very truly yours,

Rod J. Rosenstein United States Attorney By: James A. Crowell IV A. David Copperthite Sujit Raman Assistant United States Attorneys

I have read this agreement and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. Specifically, I have reviewed the Factual and Advisory Guidelines Stipulation with my attorney, and I do not wish to change any part of it. I am completely satisfied with the representation of my attorney.

2.4.11 Date

Mirza Hussain Baig

I am Mirza Hussain Baig's attorney. I have carefully reviewed every part of this agreement with him. He advises me that he understands and accepts its terms. To my knowledge, his decision to enter into this agreement is an informed and voluntary one.

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ATTACHMENT A STATEMENT OF FACTS - Mirza Hussain Baig

The undersigned parties hereby stipulate and agree that, if this matter had gone to trial, the government would have proven the following facts. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence which would have been presented had this matter gone to trial.

Prince George's County Government

From November 1990 to the present, Prince George's County (the "County") operated under a "home rule" Charter, which provided that the County's local government be composed of the Executive Branch and the Legislative Branch.

The Executive Branch was charged with enforcing the laws and administering the day-to-day business of the County and conducted its business through its staff and the various departments which were managed by department directors, each of whom reported to and was supervised by the County Executive, who was responsible for the administration of all areas of the Executive Branch of the County government. The County Executive was elected by the voters of the County.

The Legislative Branch consisted of a nine-member elected County Council and its staff. All legislative powers of the County were vested in the County Council. In addition, the County Council sat as the District Council on zoning and land use matters, and as the Board of Health on health policy matters.

The United States Department of Housing and Urban Development ("HUD") maintained a program entitled HOME Investment Partnerships ("HOME"), regulated by Title 24, Code of Federal Regulations, Part 92, which provided grants to states and localities to fund activities that build, buy, and/or rehabilitate affordable housing for rent or home-ownership or provide direct rental assistance to low-income individuals. HOME was the largest federal block grant to state and local governments and was allocated approximately \$2,000,000,000 nationwide in federal funds per fiscal year.

The Prince George's County Department of Housing and Community Development ("DHCD") was a subordinate agency of the Executive Branch and was responsible for overseeing housing and community development projects in the County. DHCD's responsibilities included, among others, the administration and oversight of all aspects of County housing programs, including planning, program development and management, community services and housing rehabilitation.

The Director of DHCD was appointed by the County Executive and was responsible for directing DHCD's annual \$80 million dollar budget and administering programs that were supported by federal grants, such as HOME funds. In this capacity, the Director had the authority to

recommend which developers should receive HOME funds for their development projects in the County. The County Council approved the Director's recommended distributions of the County's HOME funds at the request of the County Executive. The Director also had the authority to request exceptions for developers from HUD's regulatory requirements which were necessary to obtain HOME funds as proscribed by 24 C.F.R. Part 92.

The Prince George's County Code required certain County officials, employees, and candidates for office to file annual financial disclosure statements.

Maryland state law prohibited a person from giving a public employee, and prohibited a public employee from demanding or receiving, a bribe, fee, reward or testimonial in exchange for influencing the performance of the official duties of the public employee, or neglecting or failing to perform the official duties of the public employee, as provided by Maryland Criminal Law Article Section 9-201.

The Defendant and His Co-Conspirators

Defendant Mirza Hussain Baig ("BAIG") was a physician and the President of Laurel Lakes Primary Care, LLC located in Laurel, Maryland. Further, BAIG owned Baig Ventures, which was a commercial and residential developer in the County since at least in or about 1992.

Jack B. Johnson ("Jack Johnson") held the elected position of Prince George's County Executive from 2002 through December 2010. Prior to 2002, Jack Johnson was the County's elected State's Attorney.

Leslie Johnson ("Leslie Johnson") was Jack Johnson's wife and was elected to a seat on the Prince George's County Council, representing District 6, on November 2, 2010, and sworn into office on December 6, 2010.

James Johnson ("James Johnson") was a resident of Maryland. In or about September 2009, the County Executive appointed James Johnson to serve as the Director of DHCD.

Patrick Q. Ricker ("Ricker"), a Maryland resident, was a developer based in the County. **Ricker** was a licensed real estate broker in Maryland and is the President of Ricker Brothers, Incorporated ("Ricker Brothers"), a commercial brokerage and development consulting firm, which was formed in 1988, and had offices in Branchville and Upper Marlboro, Maryland. Beginning in 2008, **Ricker** began cooperating with law enforcement investigators.

Conspiracy to Violate the Hobbs Act

From in or about 2006 through at least October 27, 2010, in the District of Maryland and elsewhere, Defendant **MIRZA HUSSAIN BAIG**, knowingly combined, conspired, confederated and agreed with **Jack Johnson**, **James Johnson**, and other business persons and public officials in the County known and unknown to the United States, to obstruct, delay and affect interstate commerce, and the movement of an article and commodity in interstate commerce, by extortion, by public officials obtaining, under color of official right, the property of others with their consent and not due to the officials and their offices, including, among others, campaign donations, checks, and United States currency.

In exchange for such property, **Jack Johnson**, **James Johnson**, and other County officials performed and agreed to perform favorable official action for, and to use their influence on behalf of **BAIG** and other developers and their companies in the County. The official acts included, among others, obtaining a waiver of HOME Program Regulation 24 C.F.R. 92.214(a)(7), securing millions of dollars in HOME funds; assisting in the acquisition of surplus property and land from the County for development by certain developers; providing the conspirators with non-public County information; obtaining employment with the County for certain individuals; obtaining necessary state and local approvals for certain developments in County; and securing County commitments to lease property from certain developers at developments in the County.

During the conspiracy, **BAIG**, provided money, campaign donations, and other things of value to **Jack Johnson**, **James Johnson**, and other public officials in the County, in exchange for their official assistance in the County on various matters.

Intercepted Telephone Calls

During the conspiracy, **BAIG**, **James Johnson**, **Jack Johnson** utilized cellular telephones to conduct their extortion conspiracy: Pursuant to court-authorized wiretap intercepts, investigating agents intercepted calls to and from several cellular phones, including, among others, phones used by **BAIG**, **James Johnson**, **Jack Johnson**. During this time, thousands of phone calls were monitored and several individuals, including **BAIG**, **James Johnson**, **Jack Johnson**, and other business persons and public officials in the County were identified as members of the extortion conspiracy.

For example, on or about August 15, 2010, **BAIG** provided **Jack Johnson** with \$12,000 in United States currency and a \$3,000 check for a candidate for a County office in exchange for **Jack Johnson**'s assistance with several County matters, including obtaining employment with the County for one of **BAIG**'s associates. On the same day, during an intercepted call with the candidate for the County office, **Jack Johnson** told the candidate, "I just came back from Dr. Baig and he gave me something, he told me to come back Wednesday and he is going to give me some more." During

this call, Jack Johnson was referring to the \$3,000 campaign check that he had obtained from BAIG.

Prince George's County Hospital Center - County Employment

In or about February 2010, Jack Johnson agreed to get an associate of BAIG's employment as a physician with the Prince George's County Hospital Center in Cheverly, Maryland ("the Hospital"). In return, BAIG agreed to provide \$50,000 to Jack Johnson. On February 25, 2010, during an intercepted call between BAIG and Jack Johnson, Johnson told BAIG, "You know, we were able to get the young lady appointed." BAIG replied, "That's excellent." Jack Johson further advised, "That was a big one." BAIG told Jack Johnson that the appointment would change the woman's whole life. Jack Johnson then told BAIG, "I'll see you this weekend cause, uh, I gotta get you that package." During this call, Jack Johnson was confirming for BAIG that Johnson had successfully caused BAIG's associate to be appointed as a physician with the Hospital. On February 28, 2010, at approximately 1:48 p.m., Jack Johnson called BAIG and informed him that he was going to stop by **BAIG**'s residence. On the same date, at approximately 2:32 p.m., investigating agents observed Jack Johnson drive his County vehicle, a black Cadillac Escalade, to BAIG's residence in Burtonsville, Maryland. Prior to this meeting, BAIG provided Jack Johnson with a \$50,000 cashier's check in return for his assistance in obtaining County employment for BAIG's physician associate. During the meeting, Jack Johnson returned the \$50,000 the cashier's check to BAIG because he feared being caught trying to cash it. Instead, they agreed that BAIG would provide Jack Johnson with incremental cash payments totaling \$50,000.

Romwood Square - HOME funds

An additional transaction involving **BAIG** and **Jack Johnson** related to an investment property in Washington, D.C. On January 22, 2002, **Jack Johnson** and another individual purchased the property for \$295,000. On June 8, 2005, **Jack Johnson** obtained a mortgage on the property from Finance America, LLC in the amount of \$487,500. For tax year 2010, the taxable assessment for the property is \$621,290. Beginning in 2009, **Jack Johnson** and his co-owner began having financial difficulty in making the payments on the property, and, in or about January 2010, began moving to foreclose on the property.

In February 2010, **BAIG** agreed to purchase the investment property from **Jack Johnson** for \$450,000 and to allow **Jack Johnson** to retain an undisclosed fifty percent ownership interest in the property in exchange for **Jack Johnson**'s official assistance. Specifically, over the course of several months in 2010, **BAIG** and **Jack Johnson** had a series of intercepted telephonic conversations related to **BAIG** purchasing the house from **Jack Johnson** in return for **Jack Johnson** facilitating **BAIG** obtaining HOME funds from the County for Romwood Square, **BAIG**'s development project, which consisted of the acquisition and renovation of eleven single-family homes located on approximately thirteen acres of land in the County. The homes were to be rented to low and very

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low-income persons. During these conversations, Jack Johnson agreed to take and took a series of official acts in order to assist BAIG with his development projects in the County in exchange for BAIG agreeing to purchase Jack Johnson's investment property.

In February 2010, Jack Johnson requested that the Chairman of the County Council propose County Resolution (CR) 16, which concerned Housing and Community Development and was introduced for the purpose of amending the Prince George's County fiscal year 2008 and 2009 Annual Action Plans to include Romwood Square and other projects as HOME Investment Partnership projects, thereby enabling Romwood Square to receive HOME funds from the County. The resolution was introduced on March 2, 2010, and adopted on March 30, 2010. On April 5, 2010, Jack Johnson signed the resolution in his capacity as County Executive.

On May 17, 2010, at approximately 1:15 p.m., during an intercepted call, Jack Johnson placed an outgoing call to BAIG, who informed Jack Johnson that Romwood Square had not yet received an expected \$1,700,000 in HOME funds and that he wanted Jack Johnson to ensure the funds were paid. During the call, BAIG also identified which County employee he thought was holding up the HOME funds disbursement. Jack Johnson replied, "I'll give a call. Not her, but I'll call, um, the bosses." BAIG then instructed Jack Johnson that he wanted to settle the HOME funds that week. Jack Johnson responded, "I will jump on it immediately for you."

On May 29, 2010, at approximately 11:11 a.m., during an intercepted telephone call, Jack Johnson spoke with BAIG, who asked Jack Johnson if everything was proceeding on the HOME funds. Jack Johnson replied, "Everything seems to be good. I talked to, um, the folks and, um, ah, they, they tell me that everything is moving on. Um, I talked to ah, [a County official] and everybody else too." Jack Johnson advised that he did not expect any problems with BAIG obtaining the \$1,700,000 in HOME funds. BAIG explained that the sooner they settled the better. Jack Johnson then stated, "I'll try to get it done this week coming up."

On June 30, 2010, at approximately 7:49 p.m., Jack Johnson called **BAIG**, who advised the Romwood Square settlement would occur the following week and that the DHCD received notification from certain Maryland state officials that the project could move forward. **BAIG** also advised that he already spoke with **James Johnson** regarding the project. **BAIG** stated he put in a "really decent package, so everything would be completely covered." **BAIG** then asked **Jack Johnson** for his assistance in obtaining employment with the County, possibly in the Budget or Personnel departments, for someone who recently graduated with their Masters in Business Administration. **BAIG** stated the person sent in applications for a position with the County. **Jack Johnson** advised he would look into it and stated he needed to know specific information regarding the position. **Jack Johnson** then stated, ""Hey, you know, um, we never, um, me and you never quite finished, worked out those, that project with the, ah, with the hospital. Remember the one with the, ah, the lady that, um, got the job." **BAIG** advised he remembered and stated he believed she got the job. **Jack Johnson** reminded **BAIG** that they had not settled that issue. **Jack Johnson** was in

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fact reminding **BAIG** that he expected to be paid a total of \$150,000 for his official assistance. **BAIG** replied, "It will be settled sometime next week, ah, as soon as we get some, something going." **BAIG** then stated he had more campaign donations for **Leslie Johnson**, and said, "Then, as soon as I come back, hopefully we'll go for settlement and we'll get together and, and catch up on things and, ah, get you advice." **BAIG** was in fact advising **Jack Johnson** that he would pay him additional bribes once he returned from a trip.

The Commons at Addison Road - HOME Funds and County Leases

On or about October 24, 2010, Jack Johnson and James Johnson met at Jack Johnson's residence and discussed various projects in the County, including BAIG's project, The Commons at Addison Road ("The Commons"), which is located in Capitol Heights, Maryland, and consists of apartments, condominiums, office space, retail space, a public library, an indoor pool and an outdoor parking garage. During this recorded conversation, James Johnson told Jack Johnson about HOME funds that needed to be dispersed. Jack Johnson asked how much money in HOME funds. James Johnson responded, "1.5 million. . . I called Doctor Baig and talked with him." Jack Johnson replied, "Don't do that. Why don't me and you go to his house together. . . so he [BAIG] can't wiggle out of shit. . . . We'll go ah. . . one night next week. . . and ah, you and I should get five hundred together." Jack Johnson was in fact explaining to James Johnson that they should make BAIG pay them at least \$500,000 in return for facilitating various officials acts with the County necessary for the HOME funds and BAIG's project to move forward. Later during this meeting, Jack Johnson told James Johnson that he would keep \$300,000 and that James Johnson could have the remaining \$200,000 they would obtain from BAIG and stated, "No, that'll be good man. If I can get myself three hundred, um, I'll be in good shape."

Following this meeting, later on the same day, Jack Johnson called BAIG and stated, "I'm going to tile this week... uhm... Addison Road week. Cause we really... uhm... Get these leases done." Jack Johnson was in fact informing BAIG that he would finish up the approval of the County leases that BAIG needed for The Commons project. Then, Jack Johnson and BAIG discussed the funding of The Commons and how the project would cost nearly \$72,000,000 to fully develop. Further, BAIG made clear that he needed Jack Johnson to facilitate the County entering into a 24,000 square foot lease with BAIG for a public library at The Commons.

On or about November 5, 2010, during an intercepted call, Jack Johnson informed BAIG, "I am working on your um. . . stuff as we speak." BAIG responded, "Ok, I appreciate that and do you want to stop by the office this afternoon? I have some medical reports for you." During this conversation, Jack Johnson was in fact informing BAIG that he was getting BAIG's HOME funds and leases approved for BAIG's development project in the County, The Commons. BAIG, in turn, was telling Jack Johnson that he had money to provide him. Thereafter, Jack Johnson traveled to BAIG's office, and, during an audio and video recorded meeting, BAIG provided Jack Johnson with \$5,000 in United States currency in exchange for Jack Johnson's official assistance in

Case 8:11-cr-00086-PJM Document 15-1 Filed 04/11/11 Page 7 of 8

Paul F. Kemp, Esq. December 13, 2010 Page 17

obtaining \$1,500,000 in HOME funds and the County leases of property at The Commons.

During this meeting, **BAIG** reminded **Jack Johnson** about a \$100,000 check that, on September 10, 2010, **BAIG** had provided to **Jack Johnson** in return for official assistance related to several official matters involving the Hospital, and called it the "charity check." Following the meeting, during an intercepted call, **BAIG** told **Jack Johnson**, "Hello Jack, I was looking at your medical records, and you can go ahead and fill the prescription whenever you want." During this call, **BAIG** was using coded language to inform **Jack Johnson** that he could cash the \$100,000 check that **BAIG** had paid him in return for official assistance.

On November 12, 2010, during an audio and video recorded meeting, **BAIG** provided **Jack Johnson** with \$5,000 in United States currency in exchange for **Jack Johnson**'s official assistance in obtaining HOME funds and certain County leases of property at The Commons.

On or about November 12, 2010, during the same meeting, **BAIG** provided **Jack Johnson** with an additional \$10,000 in United States currency in exchange for **Jack Johnson**'s assistance in obtaining employment as a physician for one of **BAIG**'s associates at the Hospital.

Additional Payments to Public Officials

During the conspiracy, on or about the following dates, **BAIG** made further payments to public officials in return for official assistance, including, but not limited to, the following:

- November 4, 2006 \$10,000 in United States currency to Jack Johnson;
- August 8, 2010 \$8,000 in United States currency to James Johnson;
- August 15, 2010 \$12,000 in United States currency to Jack Johnson;
- August 22, 2010 \$8,000 in United States currency to James Johnson;
- August 27, 2010 \$8,000 in United States currency to James Johnson;
- September 10, 2010 \$100,000 check dated October 15, 2010 to Jack
 Johnson;

- October 23, 2010 \$2,000 in United States currency to James Johnson; and
- October 27, 2010 \$2,000 in United States currency to James Johnson.

The property obtained and the official acts taken by Jack Johnson, James Johnson, and others, and the official acts obtained by and taken for the benefit of BAIG, Ricker, and others, were in and affected interstate commerce.

Value of Payments

In connection with the conspiracy, the value of things provided to public officials attributable to **BAIG** was more than \$400,000 but less than \$1,000,000.

I have reviewed this statement of facts and agreed that it is correct.

C10 Mirza Huss

Case 8:11-cr-00086-PJM Document 28 Filed 05/08/12 Page 1 of 10 Sheet 1 - Judgment in a Criminal Case with Supervised Release (Rev. 11/2011)

Judgment Page 1 of 6

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United States District Court District of Maryland

UNITED STATES OF AMERICA

V.

MIRZA HUSSAIN BAIG

JUDGMENT IN A CRIMINAL CASE (For Offenses Committed on or After November 1, 1987)

Case Number: PJM-8-11-CR-0086-0006ED _______ RECEIVED

USM Number: N/A Defendant's Attorney: Paul Kemp

Assistant U.S. Attorney: A. David Copperfine and Spiner

THE DEFENDANT:

pleaded guilty to count(s) <u>1 of the Criminal Information</u>

pleaded nolo contendere to count(s) _____, which was accepted by the court.

was found guilty on count(s) _____ after a plea of not guilty.

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. §371	Conspiracy	From on or about	1
		2006 through at least	
		on or about October	
		27, 2010	

The defendant is adjudged guilty of the offenses listed above and sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 as modified by U.S. v. Booker, 125 S. Ct. 738 (2005).

The defendant has been found not guilty on count(s) _

Count(s) (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

May 3, 2012 Date of Imposition of Judgment

eter J. Messitte

Senior United States District Judge

Name of Court Reporter: Linda Marshall (4C) (301) 344-3229

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Sheet 2 - Judgment in a Criminal Case with Supervised Release (Rev. 11/2011) DEFENDANT: MIRZA HUSSAIN BAIG

Judgment Page 2 of 6

CASE NUMBER: PJM-8-11-CR-0086-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 18 months as to Count 1 of the Criminal Information.

The court makes the following recommendations to the Bureau of Prisons: That the defendant be designated to the <u>FPC</u> at <u>Cumberland</u> for service of his sentence.

□ The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

□ at _____ a.m./p.m. on _____.

 \square as notified by the United States Marshal.

☑ The defendant shall surrender on July 31, 2012, at his own expense, to the institution designated by the Bureau of Prisons at the date and time specified in a written notice to be sent to the defendant by the United States Marshal. If the defendant does not receive such a written notice, defendant shall surrender to the United States Marshal:

⊠ before 2 p.m. on <u>July 31, 2012</u>.

A defendant who fails to report either to the designated institution or to the United States Marshal as directed shall be subject to the penalties of Title 18 U.S.C. §3146. If convicted of an offense while on release, the defendant shall be subject to the penalties set forth in 18 U.S.C. §3147. For violation of a condition of release, the defendant shall be subject to the sanctions set forth in Title 18 U.S.C. §3148. Any bond or property posted may be forfeited and judgment entered against the defendant and the surety in the full amount of the bond.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at ____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By:_____ DEPUTY U.S. MARSHAL

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Sheet 3 - Judgment in a Criminal Case with Supervised Release (Rev. 11/2011)

DEFENDANT: MIRZA HUSSAIN BAIG

Judgment Page 3 of 6

CASE NUMBER: PJM-8-11-CR-0086-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of <u>2 years as to</u> <u>Count 1 of the Criminal Information</u>.

The defendant shall comply with all of the following conditions:

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

A. STATUTORY CONDITIONS OF SUPERVISED RELEASE

- 1) The defendant shall not commit any federal, state or local crime.
- 2) In any felony case, the defendant shall not possess a firearm or ammunition as defined in 18 U.S.C. §921.
- 3) The defendant shall not illegally use or possess a controlled substance.
- 4) The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.
- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- 5) Pursuant to Pub. Law 108-405, Revised DNA Collection Requirements Under the Justice for All Act of 2004, if applicable, the defendant shall cooperate in the collection of DNA while incarcerated in the Bureau of Prisons, or as directed by the probation officer.
- 6) If this judgment imposes any criminal monetary penalty, including special assessment, fine, or restitution, it shall be a condition of supervised release that the defendant pay any such monetary penalty that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment. The defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines, or special assessments.

B. STANDARD CONDITIONS OF SUPERVISION

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any persons convicted of a felony unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall notify the probation officer within 72 hours of being charged with any offense, including a traffic offense;
- 13) The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court;
- 14) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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Sheet 4 - Judgment in a Criminal Case with Supervised Release (Rev. 11/2011)

Judgment Page 4 of 6

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DEFENDANT: MIRZA HUSSAIN BAIG

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CASE NUMBER: PJM-8-11-CR-0086-001

C. SUPERVISED RELEASE ADDITIONAL CONDITIONS

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Sheet 5, Part A - Judgment in a Criminal Case with Supervised Release (Rev. 11/2011)

DEFENDANT: MIRZA HUSSAIN BAIG

Judgment Page 5 of 6

CASE NUMBER: PJM-8-11-CR-0086-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

 CVB Processing Fee \$25.00 The determination of restitution is deferred until C lick here to enter e date. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination. The defendant must make restitution (including community restitution) to the following payees in the amount listed below. If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(0), all nonfederal victims must be paid before the United States is paid. Name of Payee Total Loss* Restitution Ordered Priority or Percentage Restitution amount ordered pursuant to plea agreement The defendant must pay interest on restitution and a fine of more than \$22,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(g). The court determined that the defendant does not have the ability to pay interest and it is ordered that: 	то	Assessment TALS \$ 100.00	s	<u>Fine</u> 5 50,000.00	<u>Resti</u> S	tution
Image: contrast of the defendant must make restitution (including community restitution) to the following payees in the amount listed below. If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(1), all nonfederal victims must be paid before the United States is paid. Name of Payee Total Loss* Restitution Ordered Priority or Percentage VOTALS \$ \$		CVB Processing Fee \$25.00	-		~	
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If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid. Name of Pavee Total Loss* Restitution Ordered Priority or Percentage TOTALS S S		The determination of restitution i	s deferred until Click here i			
otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid. Name of Pavee Total Loss* Restitution Ordered Priority or Percentage TOTALS \$		The defendant must make res	itution (including comm	unity restitution) to	the following payees	in the amount listed below.
Name of Pavee Total Loss* Restitution Ordered Priority or Percentage TOTALS \$		otherwise in the priority order o	r percentage payment co	Ill receive an appro lumn below. Howe	ximately proportioned ever, pursuant to 18 U.	payment, unless specified S.C. § 3664(i), all nonfederal
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() the interact as a classical state of the	تسا					inat:
□ the interest requirement is waived for the □ fine □ restitution		•				
 ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows: * Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses 	* Fi					A of Title 19 for affer
committed on or after September 13, 1994, but before April 23, 1996.	com	mitted on or after September 13,	1994, but before April 2	3, 1996.	, 110, 110A, and 11.	on of the 18 for offenses

Sheet 6 - Judgment in a Criminal Case with Supervised Release (Rev. 11/2011)

Judgment Page 6 of 6

DEFENDANT: MIRZA HUSSAIN BAIG

CASE NUMBER: PJM-8-11-CR-0086-001

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

A S100.00 Special Assessment shall be paid in full immediately.

- B S immediately, balance due (in accordance with C, D, or E); or
- C 🛛 Not later than ____; or
- D 🔲 Installments to commence _____ day(s) after the date of this judgment.
- E In monthly (e.g. equal weekly, monthly, quarterly) installments of \$ 2,100.00 over a period of 24 months commencing 30 days after release from custody.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Unless the court expressly orders otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties except those payments made through the Bureau of Prisons Inmate Financial Responsibility Program, are to be made to the Clerk of the Court.

If the entire amount of criminal monetary penalties is not paid prior to the commencement of supervision, the balance shall be paid:

in equal monthly installments during the term of supervision; or

□ on a nominal payment schedule of \$_____ per month during the term of supervision.

The U.S. probation officer may recommend a modification of the payment schedule depending on the defendant's financial circumstances.

Special instructions regarding the payment of criminal monetary penalties:

□ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- \Box The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States: \$250,000 (SEE ATTACHED)

Case 8:11-cr-00086-PJM Document 28 Filed 05/08/12 Page 7 of 10

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA	*
	*
ν.	* CRIMI
	*
MIRZA HUSSAIN BAIG,	*
	*
Defendant	*
	*

CRIMINAL NO. PJAL-11-00SL

CONSENT ORDER OF FORFEITURE

WHEREAS, the defendant, Mirza Hussain Baig, pled guilty pursuant to a written plea agreement to Count One of the Information, charging him with conspiracy, in violation of 18 U.S.C. § 371.

WHEREAS, pursuant to his plea agreement, the defendant agreed to forfeit \$250,000,. representing the proceeds of his offense, to the United States in the form of a money judgment ("the Subject Property");

WHEREAS, the defendant agreed to waive the provisions of the Federal Rules of Criminal Procedure 7(c)(2), 32.2, and 43(a) with respect to notice in the indictment or information that the government will seek forfeiture as part of any sentence in this case, and agreed that entry of this order shall be made a part of the sentence in or out of the presence of the defendant and be included in the judgment in this case without further order of the Court;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

Case 8:11-cr-00086-PJM Document 28 Filed 05/08/12 Page 8 of 10

 Pursuant 18 U.S.C. § 981(a)(1)(c), 28 U.S.C. § 2461(c), 18 U.S.C. § 3554, and Rule 32.2(b)(1), Federal Rules of Criminal Procedure, the Subject Property is hereby forfeited to the United States.

2. Upon the entry of this Order, in accordance with Fed.R.Crim.P. 32.2(b)(3), the Attorney General (or a designee) is authorized to seize the Subject Property, and to conduct any discovery that may assist in identifying, locating or disposing of the Subject Property, any property traceable thereto, or any property that may be forfeited as substitute assets.

3. Upon entry of this Order, the Attorney General (or a designee) is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order. No such notice or ancillary proceeding is necessary to the extent that this Order consists solely as a judgment for a sum of money. Rule 32.2(c)(1).

4. To the extent that the Subject Property includes specific property and is not limited to a judgment for a sum of money, the United States shall publish notice of the order and its intent to dispose of the Subject Property on the Government's internet website, www.forfeiture.gov. The United States shall also provide written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding. The notice must describe the forfeiture must be filed, and state the name and contact information for the Government attorney to be served with the petition. *See* Fed. R. Criminal. P. 32.2(b)(6).

5. Any person, other than the above named defendant, asserting a legal interest in the Subject Property may, within thirty days of the receipt of notice, or within 60 days of the first

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publication of notice on the internet website, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n) and 28 U.S.C. § 2461(c).

6. Pursuant to Fed. R. Criminal. P. 32.2(b)(3), this Consent Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Criminal. P. 32.2(c)(2).

7. Any petition filed by a third party asserting an interest in the Subject Property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the Subject Property, any additional facts supporting the petitioner's claim and the relief sought.

8. If a petition is filed by a third party, and after the disposition of any motion filed under Fed. R. Criminal. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

9. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.

10. As issued this date, this Order consists solely of a judgment for a sum of money for which the Defendant shall remain jointly and severally liable with any other person convicted of the offense giving rise to the forfeiture until the judgment is satisfied. The Court shall retain

3

Case 8:11-cr-00086-PJM Document 28 Filed 05/08/12 Page 10 of 10

jurisdiction, however, to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e) if the Government locates specific assets traceable to the Subject Property or other assets subject to forfeiture as substitute assets pursuant to 21 U.S.C. § § 853(p).

The Clerk of the Court shall forward four certified copies of this order to Assistant
 U.S. Attorney Christen A. Sproule, U.S. Attorney's Office, 6500 Cherrywood Lane, Greenbelt,
 Maryland 20770.

Date:

WE ASK FOR THIS:

Christen A. Sproule

Assistant U.S. Attorney

Mirza Hussain

Defendant

Paul F. Kemp, Esq. Attorney for the Defendant

United States District Judge

Housing & Population Data Census Tract 8028.03, Block 1001 (ARM Sector—Metro West–Town Center Subarea)

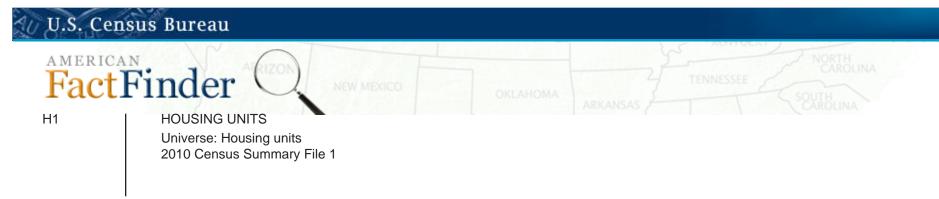
Demographic	2010 Census	Addison Road South–Phase 1 (2006) (DSP-05022)	Addison Road South–Phase 2 (2006) (DSP-05072)	Brighton Place (2007) (DSP-04082)	Commons at Addison Road (Pending) (DSP-06001/03)	TOTAL
Total Housing Units	89	106	90	126	193	604
Population in Occupied Housing Units	244	*359	*305	*427	**550	1,885

* Based on the 2010 Census average household size of 3.39 for *owner-occupied* housing units in this census block

** Based on the 2010 Census average household size of 2.85 for *renter-occupied* housing units in this census block.

Currently, *without* the inclusion of the proposed Commons at Addison Road development, this one census block has approximately 411 housing units and an estimated population of 1,335 in occupied housing units. This is larger than the Town of Upper Marlboro, Maryland, the official county seat (approximately 323 housing units and an estimated 650 people in occupied housing units). (U.S. Census Bureau, 2017 ACS 5-year estimate, Tables DP05, B25008.)

- The proposed Commons at Addison Road development represents a **47% increase** in the number of housing units and a **41% increase** in population in this one census block.
- These additional housing units and population would make this one census block larger than the nearby incorporated municipalities of Landover Hills (565 housing units, 1,890 pop.), Fairmount Heights (599 housing units, 1,565 pop.), Edmonston (423 housing units, 1,543 pop.), Colmar Manor (434 housing units, 1,635 pop.), and Cottage City (486 housing units, 1,209 pop.). (U.S. Census Bureau, 2017 ACS 5-year estimate, Tables DP05, B25008.)



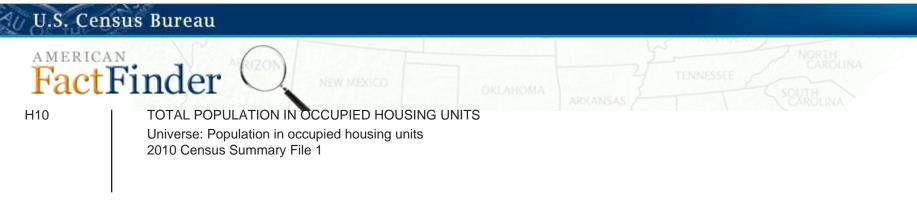
NOTE: For information on confidentiality protection, nonsampling error, and definitions, see http://www.census.gov/prod/cen2010/doc/sf1.pdf.

	Block 1001,	Block 1002,	Block 1003,	Block 1004,
	Block Group 1,	Block Group 1,	Block Group 1,	Block Group 1,
	Census Tract	Census Tract	Census Tract	Census Tract
	8028.03, Prince	8028.03, Prince	8028.03, Prince	8028.03, Prince
	George's County,	George's County,	George's County,	George's County,
	Maryland	Maryland	Maryland	Maryland
Total	89	0	0	1



NOTE: For information on confidentiality protection, nonsampling error, and definitions, see http://www.census.gov/prod/cen2010/pl94-171.pdf NOTE: Change to the California,Connecticut,Mississippi,New Hampshire,Virginia, and Washington P. L. 94-171 Summary Files as delivered.

	Block 1001, Block Group 1, Census Tract 8028.03, Prince George's County, Maryland	Block 1002, Block Group 1, Census Tract 8028.03, Prince George's County, Maryland	Block 1003, Block Group 1, Census Tract 8028.03, Prince George's County, Maryland	Block 1004, Block Group 1, Census Tract 8028.03, Prince George's County, Maryland
Total:	89	0	0	1
Occupied	74	0	0	1
Vacant	15	0	0	0



NOTE: For information on confidentiality protection, nonsampling error, and definitions, see http://www.census.gov/prod/cen2010/doc/sf1.pdf.

	Block 1001,	Block 1002,	Block 1003,	Block 1004,
	Block Group 1,	Block Group 1,	Block Group 1,	Block Group 1,
	Census Tract	Census Tract	Census Tract	Census Tract
	8028.03, Prince	8028.03, Prince	8028.03, Prince	8028.03, Prince
	George's County,	George's County,	George's County,	George's County,
	Maryland	Maryland	Maryland	Maryland
Total	244	0	0	1



NOTE: For information on confidentiality protection, nonsampling error, and definitions, see http://www.census.gov/prod/cen2010/doc/sf1.pdf.

	Block 1001, Block Group 1, Census Tract 8028.03, Prince George's County, Maryland	Block 1002, Block Group 1, Census Tract 8028.03, Prince George's County, Maryland	Block 1003, Block Group 1, Census Tract 8028.03, Prince George's County, Maryland	Block 1004, Block Group 1, Census Tract 8028.03, Prince George's County, Maryland
Average household size				
Total	3.30	0.00	0.00	1.00
Owner occupied	3.39	0.00	0.00	1.00
Renter occupied	2.85	0.00	0.00	0.00

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION





Development Activity Monitoring System

	> SEARCH DAMS CASES	> DAMS REPOR	T SYSTEM DA	MS ONLINE REPORT	
		Case Detail - Comm	non Field		
Case Number:	DSP-05022	Accep	oted Date:	11/16/2005	
Case Status:	APPROVED	Status	s Date:	04/20/2006	
Resolution Number:	06-93				
Case Title:	ADDISON ROAD SOUTH, PHASE I				
Case Type:	Detailed Site Plan				
The following data indicate the d	evelopment levels proposed by the a	pplicant and therefore ma			
Acres:	17.13		Gross Floor Area:	0	
Preliminary Lots:	0		Total Units:	106	
Preliminary OutLots:	0		Units Attached:	88	
Preliminary Parcels:	0		Units Detached:	18	
Preliminary OutParcels:	0		Units Multifamily:	0	
Validity Date:	12/31/2020	Subdivision Review Co	mmittee(SRC) Date:		
	_				
Related Documents	(Adobe Reader required. Click the 'Get Acrobat'	icon to download this program if yo	ou do not already have it. Read	u)	
Resolution:	View Resolution (06-93)				
	(The system only contains Resolution Docume	ent from Year 2004 to present.)			
NO related documents are available at this time.	e				
Case Location					
Description:	106 UNITS = 18 SINGLE FAMILY LO	OTS, 80 RESIDENTIAL TO	WNHOUSES AND 8 WORK	LIVE TOWNHOUSES	DSP-06001-03_A

http://www.mncppcapps.org/planning/DAMSWEB/Case_Detail.cfm?CaseNumber=DSP-05022[3/1/2020 1:17:37 PM]

Prince George's County Planning Department's On-line Development Activity Monitoring System

Location:

LOCATED ON THE WEST SIDE OF ADDISON ROAD, APPROX. 2500' SOUTH OF ITS INTERSECTION WITH MD 214

Applicant	I	Agent	
Applicant:	ADDISON ROAD SOUTH, LLC. 175 ADMIRAL COCHRANE DR.,#204 21401	Agent:	LOIDERMAN SOLTESZ ASSOCIATES 4266 FORBES BOULEVARD, SUITE 230 20706
Case Reviewer			
Case Reviewer Name:	LAREUSE, SUSAN		
Related Cases		CLICK here to view the WHOLE lin	neage.
	- <u>DSP-05022-02</u> - <u>DSP-05022-03</u> - <u>DSP-05022-04</u> - <u>DSP-05022-05</u> - <u>DSP-05022-05</u>	ddison Road South ddison Road South ddison Road South ddison Road South ddison Road South ddison Road South	

Case Action Information				
Authority Name	Action Date	Action	Final Action Flag	Authority Comment
DISTRICT COUNCIL	09/25/2006	NONE	No	Withdrew request to review
DISTRICT COUNCIL	05/22/2006	ELECTED TO REVIEW	No	
PLANNING BOARD	04/20/2006	APPROVED	Yes	
PLANNING BOARD	03/30/2006	CONTINUED	No	
PLANNING BOARD	03/09/2006	CONTINUED	No	
PLANNING BOARD	02/16/2006	CONTINUED	No	

Case Zoning Information			
Zone Code	Zone Description	Acreage in Zoning Area	Zone Guidence
D-D-O	Development District Overlay	0.00	Zoning Guide
M-U-I	Mixed Use Infill	17.13	Zoning Guide
	> NEW SEARCH	> BACK TO MAIN PAGE	

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION





Development Activity Monitoring System

	> SEARCH DAMS CASES	> DAMS REPORT SYSTE	EM DAMS ON	INE REPORT	1
		Case Detail - Common Fie	eld		
Case Number:	DSP-05072	Accepted Dat	te: 11/1	6/2005	
Case Status:	APPROVED	Status Date:	04/2	0/2006	
Resolution Number:	06-94				
Case Title:	ADDISON ROAD SOUTH, PHASE II				
Case Type:	Detailed Site Plan				
The following data indicate the d	evelopment levels proposed by the ap	anticent and therefore may differ	from the final decision on	the employed	
-		splicant and therefore may differ			011.
Acres:	15.91		Gross Floor Area:	0 90	
Preliminary Lots:	0		Total Units:		
Preliminary OutLots:	0		Units Attached:		
Preliminary Parcels:	0		Units Detached:		
Preliminary OutParcels:	0		Units Multifamily:	0	
Validity Date:	12/31/2020	Subdivision Review Committee	e(SRC) Date:		
	_				
Related Documents	(Adobe Reader required. Click the 'Get Acrobat' i	icon to download this program if you do not a	already have it. Reader		
Resolution:	View Resolution (06-94)	View Resolution (06-94)			
	(The system only contains Resolution Document from Year 2004 to present.)				
NO related documents are available at this time.	3				
Case Location					
Description:	81 RESIDENTIALTOWNHOUSES (6	WORK/LIVE UNIT & 9 SF DETAC	CHED LOTS-ZONING CHAN	GE FROM R-	55 TO MULP SF -00001-03_A

Prince George's County Planning Department's On-line Development Activity Monitoring System

Location:

LOCATED ON THE WEST SIDE OF ADDISON ROAD, APPROX, 3000' SOUTH OF ITS INTERSECTION WITH ROLLINS AVE

Applicant	I	Agent	
Applicant:	ADDISON ROAD SOUTH, LLC. 175 ADMIRAL COCHRANE DR.,#204 21401	Agent:	LOIDERMAN SOLTESZ ASSOCIATES 4266 FORBES BOULEVARD, SUITE 230 20706
Case Reviewer			
Case Reviewer Name:	LAREUSE, SUSAN		
Related Cases		CLICK here to view the WHOLE lin	ieage.
	Parent Case: 4-05016 □ DSP-05072 Sub Case: □	Addison Road South	

Case Action Information				
Authority Name	Action Date	Action	Final Action Flag	Authority Comment
PLANNING BOARD	02/16/2006	CONTINUED	No	
PLANNING BOARD	03/09/2006	CONTINUED	No	
PLANNING BOARD	03/30/2006	CONTINUED	No	
PLANNING BOARD	04/20/2006	APPROVED	Yes	
DISTRICT COUNCIL	05/22/2006	ELECTED TO REVIEW	No	
DISTRICT COUNCIL	09/25/2006	NONE	No	Withdrew request to review

Case Zoning Information			
Zone Code	Zone Description	Acreage in Zoning Area	Zone Guidence
D-D-O	Development District Overlay	0.00	Zoning Guide
M-U-I	Mixed Use Infill	15.91	Zoning Guide
	> NEW SEARCH	> BACK TO MAIN PAGE	

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION





Development Activity Monitoring System

	> SEARCH DAMS CASES	> DAMS REPO	DRT SYSTEM D	AMS ONLINE REPORT	
		Case Detail - Com	mon Field		
Case Number:	DSP-04082	Acc	epted Date:	02/07/2005	
Case Status:	APPROVED	Stat	us Date:	06/11/2007	
Resolution Number:	05-162				
Case Title:	BRIGHTON PLACE				
Case Type:	Detailed Site Plan				
The following data indicate the d	evelopment levels proposed by the a	pullicant and therefore r	now differ from the final dec	icion on the application	
-		pplicant and therefore i			
Acres:	29.00		Gross Floor Area:	0	
Preliminary Lots:	0		Total Units:	126	
Preliminary OutLots: Preliminary Parcels:	0		Units Attached: Units Detached:	58 68	
Preliminary OutParcels:	0		Units Multifamily:	0	
rieminary out aroois.	Ŭ.		onits mathanity.	0	
	10/01/0000				
Validity Date:	12/31/2020	Subdivision Review C	Committee(SRC) Date:		
Related Documents	(Adobe Reader required. Click the 'Get Acrobat'	icon to download this program if	you do not already have it.	bat)	
Resolution:	Tiew Resolution (05-162)				
	(The system only contains Resolution Document from Year 2004 to present.)				
NO related documents are availabl at this time.	e				
Case Location					
Description:	RESIDENTIAL SUBDIVISION FOR	58 TOWNHOUSES AND	68 SINGLE-FAMILY DETAC	HED UNITS	DSP-06001-03_A

http://www.mncppcapps.org/planning/DAMSWEB/Case_Detail.cfm?CaseNumber=DSP-04082[3/1/2020 1:29:04 PM]

Prince George's County Planning Department's On-line Development Activity Monitoring System

Location:

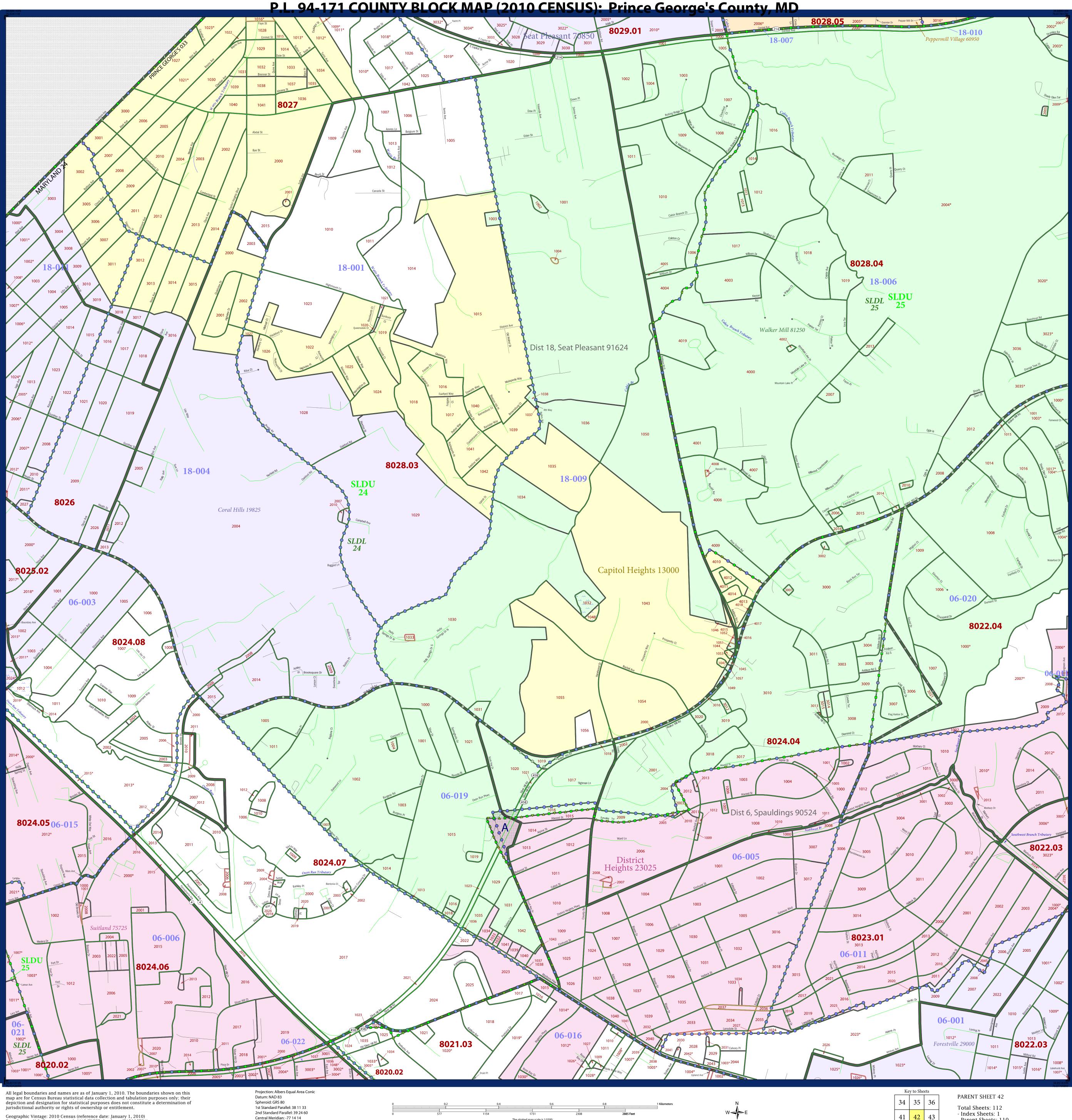
EAST SIDE OF ROLLINS AVENUE, 1500 FT SOUTH OF ITS INTERSECTION WITH OLD CENTRAL AVENUE (MD 332)

Applicant	Agent
Applicant:	BEAZER HOMES CORPORATION Agent: DEWBERRY 8965 GUILFORD ROAD, SUITE #290 203 PERRY PARKWAY, SUITE 1 21046 20877
Case Reviewer	
Case Reviewer Name:	LAREUSE, SUSAN
Related Cases	CLICK here to view the WHOLE lineage.
	Parent Case: 4-04011 Image: DSP-04082 Image: DSP-04082-01 Brighton Place Sub Case: Image: DSP-04082-02 Brighton Place Image: DSP-04082-03 Brighton Place Image: DSP-04082-03 Brighton Place Image: DSP-04082-04 Brighton Place Image: DSP-04082-04 Brighton Place Image: DSP-04082-05 Brighton Place Image: DSP-04082-05 Brighton Place

Case Action Information				
Authority Name	Action Date	Action	Final Action Flag	Authority Comment
DISTRICT COUNCIL	02/27/2006	REMANDED	No	remand back to PB
DISTRICT COUNCIL	01/29/2007	ELECTED TO REVIEW	No	
DISTRICT COUNCIL	06/11/2007	APPROVED	Yes	
PLANNING BOARD	11/30/2006	APPROVED	No	05-162(A)
PLANNING BOARD	07/14/2005	APPROVED	No	
PLANNING BOARD	06/16/2005	CONTINUED	No	
PLANNING BOARD	05/05/2005	CONTINUED	No	

Case Zonin	g Information			
Zon	e Code	Zone Description	Acreage in Zoning Area	Zone Guidence
R-55	Or	ne Family Detached Residential	0.00	Zoning Guide
R-T	To	ownhouse		Zoning Guide
	3	> NEW SEARCH	> BACK TO MAIN PAGE	

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Geographic Vintage: 2010 Census (reference date: January 1, 2010) Data Source: U.S. Census Bureau's MAF/TIGER database (TAB10ST24) Map Created by Geography Division: January 10, 2011

U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration U.S. Census Bureau

Central Meridian: -77 14 14 Latitude of Projection's Origin: 37 53 11 False Easting: 0 False Northing: 0

The plotted map scale is 1:5500

- Parent Sheets: 110

- Inset Sheets: 1

LEGEND										
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American Indian Tribal Subdivision		٢		•			٢		EAGLE NES	ST DIST 200
State American Indian Reservation									Tama Re	s 4125
State Designated Tribal Statistical Area		\$	٠	٠	\$	٠	•		Lumbee	STSA 9815
Alaska Native Regional Corporation		▼		▼ 4			▼		NANA	ANRC 52120
State (or statistically equivalent entity)					/				NEW YO	RK 36
County (or statistically equivalent entity)									ERIE 029	
Minor Civil Division (MCD) ¹		\bigcirc	\bigcirc	\bigcirc	٥	\bigcirc	\bigcirc		Bristol	town 07485
Census County Division (CCD) Census Subarea (CSA), Unorganized Territory (UT)	3	\bigcirc	\bigcirc	\bigcirc	٥	\bigcirc	\bigcirc		Jemez	CCD 91650
Consolidated City		0	0	0	0	0	0		MILF	ORD 47500
Incorporated Place ^{1,}	.2								Davis	18100
Census Designated Plac (CDP) ²	e								Incline Vi	llage 35100
Voting District (VTI	D)	•	•	•	0	•	•		10001	5
State Legislative District Upper (Senate)	: -								SLDU	
State Legislative District Lower (House)	:-	▼	▲	▼ 4	\ ▼		▼		SLDL 26	
Census Tract									33.07	
Census Block ³		_					_		3012	
DESCRIPTION	<u>SYMBOL</u>	:					DI	ESCR	<u>IPTION</u>	SYMBOL
Interstate				_				ograph Corride	ic Offset or	
U.S. Highway	<u> </u>			_			Wa	ter Bo	dy	[^] Pleasant Lake ^{^^}
State Highway				_					Iarsh, or /Quarry	*Okefenokee Swamp
Other Road	Wats								/Quarry	~~~~~~~~~
Cul-de-sac	•						Gla	cier		A Bering Gláciér A A
Circle 4WD Trail, Stairway,	o						Mil	litary		Fort Belvoir
Alley, Walkway, or Ferry Raiload	Southe	m RR							State Park, ecreation Area	Yosemite NP
Pipeline or Power Line							Air	port		Oxnard Arprt
Ridge or Fence	_ · _ · _	. —					Sele	ected N	Iountain Peaks	Mt Baker
Property Line				_			Ŧ			Δ

Perennial Stream

Intermittent Stream

Nonvisible Boundary or Feature Not Elsewhere Classified Inset Area

Outside Subject Area

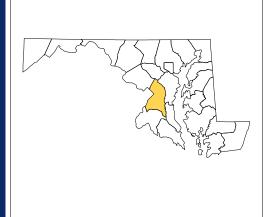
Where state, county, and/or MCD/CCD boundaries coincide, the map shows the boundary symbol for only the highest-ranking of these boundaries. Where American Indian reservation and American Indian tribal subdivision boundaries coincide, the map shows only the American Indian reservation boundaries. Where Oklahoma tribal statistical area boundaries and American Indian tribal subdivision boundaries coincide, the map shows only the Oklahoma tribal statistical area boundaries.

Tumbling Cr

Piney Cr_____

- 1 A ' ° ' following an MCD name denotes a false MCD. A ' ° ' following a place name indicates that a false MCD exists with the same name and FIPS code as the place; the false MCD label is not shown.
- 2 Place label color correlates to the place fill color. 3 A '*' following a block number indicates that the block number is repeated elsewhere in the block.

Location of County within State



NAME: Prince George's County (033) ENTITY TYPE: County or statistically equivalent entity ST: Maryland (24)





2010 PL BLOCK MAP (PARENT) 201124033042 DSP-06001-03_Additional Backup 265 of 298

PGCPB No. 06-217

$\underline{R} \underline{E} \underline{S} \underline{O} \underline{L} \underline{U} \underline{T} \underline{I} \underline{O} \underline{N}$

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

WHEREAS, in consideration of evidence presented at a public hearing on September 21, 2006, regarding Detailed Site Plan DSP-06001 for The Commons at Addison Road Metro, the Planning Board finds:

1. **Request:** The application is for the purpose of reviewing the development of 170 multifamily units and 22,696 square feet of commercial with an underground parking structure in the portion of the Addison Road Metro Town Center, known as Metro West (town commons). The detailed site plan approval is required by the sector plan and consists of a site plan, landscape and lighting plan, and architectural elevations.

2. Development Data Summary

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant	Multifamily units
Acreage	1.94	1.94
Lots	6	1
Square Footage/GFA	0	22,696 SF commercial
		252,304 SF residential
FAR proposed	0	3.25 FAR
Total Dwelling Units:	0	170
Single family detached	0	0
Single family attached	0	0
Multifamily units	0	170

PGCPB No. 06-217 File No. DSP- 06001 Page 2

Other Development Data

3. Location: The subject property is located at the southwest corner of the intersection of Central

Number of bedrooms	Square footage range	Number of units
1 bedroom	815-855	42
2 bedroom	1,175-1,343	108
2 bedroom with den	1,613	6
3 bedroom	1,548	14
Parking Required		Number of Spaces
Commercial 1/250 (50%)		45.4
Residential		
1 bedroom-42 units @ 1.33/unit		55.9
2 bedroom-108 units @ 1.66/unit		179.3
2 bedroom with den-6 units @		
1.99/unit		11.4
3 bedroom-14 units @ 1.99/unit		27.9
Total parking required		320
Total parking provided		328
Surface parking proposed		40
Structured parking proposed		288
Handicap required		8
Handicap provided		7
Avenue (MD 214) and Addison Boad. The property is directly sprace Addison Boad from the		

Avenue (MD 214) and Addison Road. The property is directly across Addison Road from the Addison Road Metro Station. The property is within the subarea of Metro West (town commons), of the Addison Road Metro Town Center.

4. **Surroundings:** To the north of the subject property, across Central Avenue, is an existing gas station. To the east, across Addison Road, is the Addison Road Metro Station. To the west across Zelma Road are residential properties in the R-55 Zone. To the south are residentially-zoned and commercially-zoned properties.

5. **Previous Approvals:** The property is the subject of Preliminary Plan 4-05068, approved by the Planning Board on February 9, 2006, pursuant to PGCPB Resolution No. 06-37. The development proposal stated in the preliminary plan resolution is for 162 multifamily dwelling units and 24,500 square feet of commercial development. The proposal shown on the detailed

PGCPB No. 06-217 File No. DSP- 06001 Page 3

site plan is revised and proposes 170 dwelling units and 22,696 square feet of commercial development.

6. **Design Features:** The proposed development is composed of a single multiuse building. The plan proposes commercial uses (retail and office) on the first floor, residential amenities and residential units on the second floor, and residential units on floors three through eight. The plan proposes two access points into the development, the primary access from Addison Road and a secondary access point from Zelma Avenue. The majority of parking is proposed in a parking structure under the building, access being from the rear of the building. Surface parking is proposed along Addison Road, along MD 214, and at the rear of the building where loading facilities are also located.

The building is eight stories high with the first floor all commercial uses. The anticipated uses include office, retail, a bank, and a number of restaurants. The first floor also includes the main lobby for the residential units above. The second floor includes the residential amenities and 20 residences. The amenities on the second floor include a lounge/billiard area, a fitness center, a separate fitness aerobic area, a sauna, a business area, a media center, and men's and women's shower/dressing rooms. Floors three through eight are completely residential units. Another recreational area is proposed on the rooftop. The outdoor recreational area includes a 60- foot by 25-foot-wide (1,500 square feet) pool, a picnic area , and two gazebo sitting areas. Landscaping and a shade structure are also proposed.

The exterior finish materials of the building include tan-colored split-face concrete masonry with textured and smooth bands from the base of the building through the second floor. Above the second floor is a reddish-colored brick through the seventh floor and a lighter tan-colored brick at the top of the building. The roof of the main building is flat. Standing seam metal roofs in a dark green color are proposed on architectural accent portions of the building and a parapet surrounds the remaining portion of the building. Canvas canopy awnings are proposed on the first floor, and a steel and tempered glass structure roof canopy is proposed at the main entrance. Recessed 4-foot-deep by 4- to 17-foot-wide balconies are proposed for some units.

Signage is proposed with freestanding and building-mounted signage. In addition, the architectural elevations propose the name of the building on the front of the building at the eighth floor.

COMPLIANCE WITH EVALUATION CRITERIA

7. A property owner can request an amendment to the Development District Overlay Zone as allowed under Section 27-548.09.01. The applicant submitted the following justification statement to support the proposed changes to the use list, which describes the amendments and provides crucial aspects of the zoning ordinance for conformance:

"The subject property is located within the town commons, subarea 3 - Metro West portion of the Addison Road Metro (ARM) Center. Specifically, the property is located

PGCPB No. 06-217 File No. DSP- 06001 Page 4

in the southwest quadrant of MD 214 and Addison Road South, east of Zelma Avenue. The property is located on Tax Map 73, Grid C-1, and is known as Parcels 86 and 377, and Lots 1-4, Block B, Kings Seat Pleasant Subdivision, recorded in land records in 1949 (WWW 16 @61). The Property is approximately 1.93± acres and zoned C-S-C and is currently vacant ("Property").

"Section 27-548.26(b) (1) (B) of the Zoning Ordinance allows property owners located within a Development District to request changes to the underlying zones or the <u>list of allowed uses</u>, as modified by the Development District Standards. (Underlining added for emphasis). According to the permitted use table in the ARM plan, dwelling units (located above the first floor) within a building containing commercial uses, which is 4 or more stories in height, are not permitted and neither is an outdoor swimming pool. As the applicant intends to provide dwelling units below the fourth floor and an outdoor rooftop swimming pool, an amendment of the use table in the ARM plan is required. The requirements for the approval of a site plan for development in a DDOZ zone can be found in Section 27-548.25

"Section 27-548.26

"Sec. 27-548.26. Amendment of Approved Development District Overlay Zone

"(B) An owner of property in the Development District may request changes to the underlying zones or the list of allowed uses, as modified by the Development District Standards;

"Comment: The purpose of this application is to change the list of allowed uses in the ARM plan to permit dwelling units (above the first floor) in a building containing commercial uses, which is 4 or more stores in height. Additionally, the applicant is requesting that the list of allowed uses be further amended to allow an outdoor rooftop swimming pool.

"(5) The District Council may approve, approve with conditions, or disapprove any amendment request 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 recommendation for the Development District, as stated in the Master Plan, Master Plan Amendment, or the Sector Plan, and meets applicable site plan requirements.

"Comment: It should be noted that the proposed development conforms to the purposes and recommendations for the Development District, as stated in the Addison Road Metro Town Center Sector Plan. The ARM plan sets out four primary goals or purposes. These four goals emphasize the need for revitalization of the area and the need to accommodate

the users of the Metro station and pedestrians. The sector plan summary states the following purposes:

"The chief single purpose of the sector plan is to maximize the public benefits from the Addison Road Metro Station. Built on a widened and improved Central Avenue, the Addison Road station represents years of transportation planning and construction and millions of dollars of public investment. The station connects the Arm Town Center to the many employment, shopping, recreation, and business opportunities available to users of the Washington Metro System.

"The sector plan sets out four primary goals:

"1. Revitalize the town center with new, upscale residential and commercial development. The entire town center area is in need of revitalization to attract new business and residents.

"Comment: As noted above, the Property is located within the town commons, subarea 3– Metro West portion of the Addison Road Metro (ARM) Center. The Sector Plan proposes the town commons for the most compact mix of uses: moderate to high-density residential development, nearby commercial businesses serving residents and Metro users, and a continuous network of narrowed streets oriented to pedestrians. It also encourages a vertical mix of uses. (See pages 90, 166-168 of the Sector Plan). Along the main street of the Town Commons, Addison Road and MD 214, office and/or residential uses are desired above ground floor retail. The applicant proposal is consistent with this recommendation as it contemplates the construction of an 8 story building with approximately 23, 000 square feet of retail/commercial uses on the ground level, with 7 stories of luxury condominiums offering 1, 2 and 3 bedroom units. Moreover, the General Plan identifies the Property as part of the Developed Tier and the Addison Road Metro Station as a Community Center. The vision of the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium-to high-density neighborhoods. In fact, one of the goals of the Developed Tier is to encourage more intense, high-quality housing and economic development in Centers and Corridors. Policy 1 for Centers and Corridors as set forth in the General Plan encourages mixed residential and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods, with a strong emphasis on transit-oriented design. As noted above, the proposed development responds favorably to the General Plan.

"In addition, quality residential development is desirable. (See page 30 of the Sector Plan). In keeping with that recommendation, the applicant's proposal will offer high end residential development, which would include approximately 8,000 square foot of amenities to support the residents of the building. Specifically, the amenities will include a media center, fitness room, rooftop swimming pool with outdoor areas, and lounge/billiard room."

Staff comment: The proposed infill project is the fourth residential use proposed as a detailed site plan, the first being the Brighton Place development, DSP-04082; the second and third being Addison Road South projects, DSP-05022 and DSP-05072. This property is removed from the properties previously submitted, as this property is in the heart or central part of the town commons and the previously approved projects are in the southern section of the town center. These plans, if approved, may be the most critical step in the revitalization of the Addison Road Metro Town Center. The modern, upscale residential condominium building will provide a visual landmark along the MD 214 corridor. The location is highly desirable due to the proximity to the Metro station.

"2. Promote transit-oriented development near the Metro station. Transitoriented development serves Metro users, not the automobile.

"Comment: As designed, the proposed building will provide transit-oriented development near the Metro station, since approximately 23,000 square feet of the first floor of the building will be devoted to commercial/retail space. The proposed commercial/retail area will include restaurants; coffee shop; cleaners, bank and office space, which are similar to the uses identified in the General Plan as being complementary land uses within a transitoriented and pedestrian-oriented design development. (See page 44-45 of the General Plan). Given that the applicant is proposing a mixed-use building, the commercial/retail uses will provide a service, which will be convenient to Metro station users, pedestrians, residents, workers and visitors to the building.

"Lastly, as designed, only limited parking is available above ground to promote pedestrian traffic, which is consistent with pedestrian-oriented design development.

"3. Promote pedestrian-oriented development. Pedestrians-oriented development aids Metro users and will encourage pedestrians to use residential and commercial properties near the Metro station; and

"Comment: The site's layout makes it convenient for pedestrians to access the various users on the ground level. Although surface parking is available on site to support the ground level commercial/retail uses, the majority of the parking is removed from the pedestrian zone and is provided underground.

Staff Comment: The subject application will promote Central Avenue as a main pedestrian route to the Metro station, which will enhance the public streetscape for use by the pedestrian. The sidewalk layout avoids conflict between the pedestrian and the automobile by placing the fronts of buildings along the sidewalk routes and placing the main access to the site at the rear of the building. Although the automobile will be provided for on the site, pedestrian and vehicular conflicts have been minimized. In order to further promote the pedestrian movement along the frontage of the site and into the

site, the staff recommends crosswalks where appropriate and pedestrian connections from the sidewalk in the rights-of-way to the in-site sidewalks.

"4. Compact development in the form of a town center, with a town commons area at Addison Road and MD 214, next to the Metro station. Compact development, with higher development densities favoring Metro users and pedestrians, offers the benefits of the Metro Station to the greatest number of residents and businesses.

"Comment: As noted above, the Property is located within the town commons, subarea 3– Metro West portion of the Addison Road Metro (ARM) Center. The Sector Plan proposes the town commons for the most compact mix of uses: moderate to high-density residential development, nearby commercial businesses serving residents and Metro users, and a continuous network of narrowed streets oriented to pedestrians. It also encourages a vertical mix of uses. (See pages 90, 166-168 of the Sector Plan). Along the main street of the Town Commons, Addison Road and MD 214, office and/or residential uses are desired above ground floor retail. The applicant proposal is consistent with this recommendation as it contemplates the construction of an 8 story building with approximately 23,000 square feet of retail/commercial uses on the ground level, with 7 stories of luxury condominiums offering 1, 2 and 3 bedroom units. Moreover, the General Plan identifies the Property as part of the Developed Tier and the Addison Road Metro Station as a Community Center. The vision of the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium-to high-density neighborhoods. In fact, one of the goals of the Developed Tier is to encourage more intense, high-quality housing and economic development in Centers and Corridors. Policy 1 for Centers and Corridors as set forth in the General Plan encourages mixed residential and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods, with a strong emphasis on transit-oriented design. As noted above, the proposed development responds favorably to the General Plan.

"In addition, quality residential development is desirable. (See page 30 of the Sector Plan). In keeping with that recommendation, the applicant's proposal will offer high end residential development, which would include approximately 8,000 square foot of amenities to support the residents of the building. Specifically, the amenities will include a media center, fitness room, rooftop swimming pool with outdoor areas, and lounge/billiard room."

Staff Comment: The proposed site plan contributes to the compact form of development envisioned by the DDOZ. The density is proposed as 88 units per net acre. The floor area ratio for the development is proposed as 3.25, which is in keeping with the vision of the general plan. The proposed layout is dense and urban, fulfilling the vision of this sector plan to create an urban environment around the Metro. This is an important contributing factor toward building the appearance of a town center. The detailed site plan layout as a whole conforms to the vision set out by the ARM Town Center Development District.

"Section 27-548.25(d), Site Plan Approval, states the following regarding uses:

"Special exception procedures shall not apply to uses within a Development District. Uses which would normally require a special exception in the underlying zone shall be permitted uses, if the Development District Standards so provided, subject to site plan review by the Planning Board. Development District Standards may restrict or prohibit any such uses. <u>The Planning Board shall find in its approval of the site</u> <u>plan that the use complies with all applicable Development District Standards,</u> <u>meets the general special exception standards in Section 27-317(a)(1),(4),(5) and (6),</u> <u>and conforms to the recommendations in the Master Plan, Master Plan</u> <u>Amendment, or Sector Plan. (underling added for emphasis)</u>

"The applicant is proposing two amendments to the table of uses. The first amendment would allow dwelling units (above the first floor) instead of above the third floor in a building containing commercial uses, which are 4 or more stories in height. The second amendment would allow an outdoor rooftop swimming pool. Currently under the Zoning Ordinance, dwelling units (above the third floor) and an outdoor swimming pool would normally require a special exception in the underlying zone. To that end, the applicant believes that its proposal meets the general special exception standards as follows:

"Sec. 27-317 (a) of the Zoning Ordinance provides that a special exception may be approved if:

"(1) The proposed use and site plan are in harmony with the purpose of this Subtitle;

"Comment: The approval of dwelling units (above the first floor) and an outdoor rooftop swimming pool will be in harmony with the purposes of the Zoning Ordinance. The purposes generally seek to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county. The Property, being in the DDOZ, should be development to pedestrian traffic instead of automobile traffic. As designed, the applicant's site plan is in harmony with the purposes of the DDOZ as noted above.

- "(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;
- "(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood;

"Comment: Special exception uses are those uses which are deemed compatible in the specific zone where they are allowed, but are not permitted by right because they may

> have some potential impact on the health, safety and welfare of the area in which they are proposed. In the subject case, if dwelling units (above the first floor) and an outdoor roof-top swimming pool is allowed, the impacts to adjacent properties and the health, safety and welfare of those residents and workers in the area will not be impacted. On the contrary, the proposed building will provide transit-oriented development near the Metro station, since approximately 23, 000 square feet of the first floor of the building will be devoted to commercial/retail space. The proposed commercial/retail area will include restaurants; coffee shop; cleaners, bank and office space, which are similar to the uses identified in the General Plan as being complementary land uses within a transitoriented and pedestrian-oriented design development. (See page 44-45 of the General Plan). Given that the applicant is proposing a mixed-use building, the commercial/retail uses will provide a service, which will be convenient to Metro station users, pedestrians, residents, workers and visitors in the building. Moreover, since only limited parking is available above ground to promote pedestrian traffic and to reduce conflicts with pedestrian routes, the applicant's proposal will not adversely affect the health, safety, or welfare of residents or workers in the area.

"(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

"Comment: The site is exempt from the Woodland Conservation Ordinance.

"For the foregoing reasons and based upon consideration of the entire proposal, the applicant respectfully requests that the Table of Uses be amended to permit dwelling units (above the first floor) and an outdoor roof-top pool in the Development District/Overlay zone for the Addison Road Sector Plan area."

Staff comment: Staff agrees with the applicant's reasons above for the granting of the change to the use list as requested for both the location of the residential dwellings within the building and the location of the swimming pool on the roof of the building.

8. The detailed site plan is in conformance with the development district standards of the development district overlay plan. Where a development district standard cannot be complied with, Section 27-548.25(c), allows the applicant to ask the Planning Board to apply different development standards unless the plan provides otherwise. The Board must find that the alternate standard will benefit the development and the development district and will not substantially impair implementation of the master plan, master plan amendment, or sector plan. The applicant provides the following discussion in a justification statement submitted on September 6, 2006:

"As part of this application, the following modifications of the Development District Standards are being requested for the applicant's mixed use development to be located on the southwest quadrant of MD 214 and Addison Road.

"S1. Vehicular Circulation/Access

"D. The width of entrance drives shall be visually minimized, where appropriate, by the provision of a planted median of at least six feet in width separating incoming and outgoing traffic, especially if two or more lanes are provided in each direction.

"The applicant requests the approval of the following revised Development District Standard in lieu of the standard set forth above:

"The width of entrance drives shall be function of the requirements of the authorizing agencies for the permitting of access into the site.

"This standard requires the provision of a planted median of at least six (6) feet to reduce the visual impact of entrance drives and to separate incoming and outgoing traffic for multiple lanes in either direction. To address this standard, the applicant is proposing a concrete divided island three (3) feet wide at the entrance with a gradual reduction to one (1) foot at the end. Given the restrict width of the concrete median, no landscaping is being provided within the median, however, the proposed island extends some eleven (11) feet in length, which provides for an orderly separation of incoming and outgoing traffic. Moreover, the applicant is not proposing two or more lanes in each direction, but one (1) inbound and outbound lane. Therefore, the applicant contends that the visual impact of the width of the entrance drive is being minimized by its proposed design. Additionally, the applicant believes that the width of the entrance drives will be further visually minimized, given the width of the sidewalks along Addison Road (8 foot) and Zelma Avenue (5 feet) and the Street tree planting and landscaping requirements for the project. Lastly, this alternate design will not substantially impair implementation of the Master Plan, Master Plan Amendment or Sector Plan, since the proposed development seeks to maximize the public benefits from the Addison Road Metro Station by providing much needed development adjacent to it."

Staff comment: Department of Public Works and Transportation has commented on the entrance of the development from Addison Road. In a letter dated August 9, 2006 (Dawitt Abraham to Lareuse), DPW&T states, "'pork chop' island in the southeast entrance would need to be removed. Traffic separation can be handled by double yellow line stripping." This requirement should supercede the design requirement of the sector plan because the DPW&T requirement is based on traffic geometrics and considers the site design and trip turning movements that the creators of the sector plan could not have known. Therefore, staff recommends approval of the applicant proposal to modify the entrance requirements stated in S.1D above.

"S.3 Building Siting and setbacks

"C. A front build-to line between 10 and 15 feet from the right-of-way shall be established for office, retail/commercial

> "The applicant requests the approval of the following revised Development District Standard in lieu of the standard set forth above:

"A front build-to line between 5 and 10 feet from the right-of-way shall be encouraged for mixed-use development projects.

"As noted above, the applicant is developing a mixed-use building, which will include dwelling units from the 2nd floor to the 8th floor. Commercial/retail/office uses will be located on the first floor. As designed, portions of the building/balconies encroach into the front build-to line required by ARM plan. However, the building does maintain a consistent front building line and the public zone of the street is properly defined, which will enliven the commercial/retail areas being provided on the first (1st floor) of the building. As noted in the Zoning Ordinance, specific purposes of the Development District Overlay Zone include, but are not limited to, (1) promoting an appropriate mix of land uses; (2) encouraging compact development. With the alternate design being proposed by the applicant, the purposes of the DDOZ are being met, which is to encourage flexibility in design development to ensure the implementation of the ARM plan recommendations."

Staff comment: The building has two wings on either end that set forward of the rest of the building along MD 214. Each of the front façades of those portions of the building sets less than 10 feet from the right-of-way line and is located within the public utility easement. The westernmost façade is 9.38 feet from the right-of-way line, and the eastern-most façade is 6.91 feet from the right-of-way line. Additionally, the plan identifies that the eastern edge of the building is within the "approximate right-of-way line for Metro tunnel." These encroachments are in direct violation of the approved preliminary plan of subdivision. Therefore, staff recommends that the eastern wing of the building be adjusted so it does not encroach into the public utility easement on the Metro tunnel right-of-way, and that it be set back a minimum of ten feet.

"S.4 Buffers and Screening

"A. All mechanical equipment, dumpsters, storage, service, loading and delivery areas shall be screened from public view and rights-of-way with an appropriate buffer consisting of plantings. Walls or fences in compliance with the Screening Requirements of the Landscape Manual.

"The applicant requests the approval of the following revised Development District Standard in lieu of the standard set forth above:

"Except where loading docks partially extend into the building area, all mechanical equipment, dumpsters, storage, service, loading and delivery areas shall be screened from public view and rights-of-way with an appropriate buffer consisting of plantings,

walls or fences in compliance with the Screening Requirements of the Landscape Manual.

"Although the applicant can provide the required screening for all mechanical equipment and the dumpster located along the southern portion of the property, closest to Zelma Avenue, screening for the loading dock nearest to Central Avenue is only partially screened by the 36" masonry wall, other landscaping being provided along Central Avenue and the building itself. Providing screens on either side of the loading docks will not be functional and it may restrict the maneuverability of the trucks. Although the applicant considered locating the loading docks within the garage, it was determined that it will eliminate most needed parking spaces to serve the residential/commercial/retail/office users of the building. It would also require additional space from the first floor, which will further reduce the square footage of space dedicated to commercial/retail/office development. To that end, the applicant believes that given the building's orientation to Addison Road and Zelma Avenue, the location of the loading docks are far enough from these roadways to accomplish the required screening from public view."

Staff comment: Staff agrees with the applicant's request to modify the development district standard because the loading facility is partially inset into the building and because of the difficulty in screening the exposed portion of the loading space. A loading dock has been provided which is interior to the building which provides protection from the elements. Since the project is proposed as condominium ownership, as opposed to rental apartments, the frequency of the use of the loading area will be substantially less often.

"S.5 Free Standing Signs

- **"B.** The maximum height of freestanding signs shall be 8 feet in the town commons and 13 feet elsewhere in the town center as measured from the finished grade at the base of the sign to the top of the sign for all commercial zones, as modified from Section 27-614(b)
- "C. The area of the freestanding sign shall not exceed 1 square foot for each 2 linear feet of street frontage, to a maximum of 100 square feet for each sign for building(s) located in an integrated shopping center, other commercial center with 3 or more businesses served by common and immediate offstreet parking and loading facilities, or an office building complex, as modified from Section 27-614(c). The street frontage shall be measured on the property occupied by the center or complex associated with the sign.
- "E. The quantity of freestanding signs shall be equal to or less than the amount required by Section 27-614(d) Freestanding Signs, in Part 12 of the Zoning Ordinance.

"H. Signs that are externally lit are recommended and should be directed to illuminate the sign face only.

"The applicant requests the approval of the following revised Development District Standard as identified in the underlined text below:

- "B. The maximum height of freestanding signs shall be 8 feet in the town commons and 13 feet elsewhere in the town center as measured from the finished grade at the base of the sign to the top of the sign for all commercial zones, as modified from Section 27-614(b), <u>unless part of a mixed-use development, in which case the maximum height shall not exceed 23 feet.</u>
- "C. The area of the freestanding sign shall not exceed 1 square foot for each 2 linear feet of street frontage, to a maximum of 100 square feet for each sign for building(s) located in an integrated shopping center, other commercial center with 3 or more businesses served by common and immediate off-street parking and loading facilities, or an office building complex, as modified from Section 27-614(c), <u>unless</u> <u>such uses are located directly adjacent to a Metro Station, in which case the area of</u> <u>the freestanding sign shall not exceed a minimum of 225 square feet for each sign</u>. The street frontage shall be measured on the property occupied by the center or complex associated with the sign.
- "E. <u>Except as part of a mixed-use development with a residential component,</u> the quantity of freestanding signs shall be equal to or less than the amount required by Section 27-614(d) Freestanding Signs, in Part 12 of the Zoning Ordinance, in which case, one (1) sign shall be permitted to identify the residential component. <u>Exact sign locations shall be determined at site plan approval</u>.
- "H. Signs that are externally lit are recommended and should be directed to illuminate the sign face only.

"With respect to the standards outlined above, the applicant is proposing three (3) free standing signs for the property. Each of the signs is attractively designed and will be constructed of quality materials complementary to the building design. Although the applicant is allowed three (3) signs on the property, they are to be located one on each street with frontage (i.e., Zelma Avenue, Central Avenue and Addison Road) in accordance with Section 27-614(d). Given the sites proximity to residential uses along Zelma Avenue, however, the applicant has opted not to locate a sign on Zelma Avenue, but to relocate it along Central Avenue, which is a more appropriate location, given the commercial uses across the street.

"Further, each of the signs being proposed is slightly larger in height and area than is allowed in the ARM Plan. Specifically, the applicant is proposing two (2) 22'-8" signs along Central Avenue and Addison Road and a 12'-8" sign at the corner of Central and

Addison Road. Currently, the ARM Plan recommends 8-foot signs within the town commons and 13 feet elsewhere in the town center. With respect to sign area, the ARM Plan requires that the area of each freestanding sign be limited to not more than 100 square feet. Since the two (2) signs located on Central Avenue and Addison Road are 220 square feet, and 120 square feet at the corner of Central Avenue and Addison Road, the applicant is requesting an amendment of this requirement. In support of its position, the applicant maintains that the slightly larger signs are necessary given the mixed-use nature of the proposed building. Further, the signs are ground/monument signs and attractively designed, which are consistent with the recommendation of the ARM Plan. Since the chief single purpose of the ARM Plan is to maximize the public benefits from the Addison Road Metro Station, a revitalize town center with new, upscale residential and commercial development must be encouraged and promoted. If the businesses proposed for the first (1st floor) of the building are not given adequate signage to enable them to succeed, then the goal of encouraging mixed-use development will not be realized in this area."

Staff comment: The following is a discussion and analysis each of the requirements above:

- **S.5B** The project is within the town common portion of the town center plan. The proposal to increase the allowable height of signage for the development from 8 feet to 22 feet and 8 inches is extraordinary and is 280 percent larger than that allowed by the sector plan. The intent of the sector plan is to limit the size of freestanding signage so that the streetscape is pedestrian friendly and scaled to not dwarf pedestrians. At the same time, the applicant wants the retail uses on the first floor of the building to have adequate signage to assure success in alerting vehicular passersby that the businesses exist. In looking at all of the proposed signage for the site, including the freestanding signage be reduced in size to be no higher than 13 feet, in keeping with the requirements of the overall town center.
- **S.5C** This standard limits the amount of area of the signs. In this case, the applicant is proposing two identical freestanding signs 19.66 feet tall (not including a 3-foot-high masonry sign base) by 10 feet wide, an area of 196.6 square feet. The third sign is 9.66 feet tall (not including a 3-foot-high masonry sign base) by 10 feet wide. The area of the shorter sign is 96.6 square feet. The sector plan language allows the following area of signage for each sign, which has been identified by its location:

Along MD 214 (frontage 346.38)—Maximum sign area allowed is 100 square feet. Applicant is asking for 96.6 additional square feet of sign area.

At the intersection of MD 214 and Addison Road (frontage 100.00)—Maximum sign area allowed is 50 square feet. Applicant is asking for 46.6 additional square feet of sign area.

Along Addison Road (frontage 153.33)—Maximum sign area allowed is 76.6 square feet. Applicant is asking for 120 additional square feet of sign area.

S.5E This standard addresses the quantity of signage allowed for a site, and it refers to Section 27-614(d), which states the following:

100 to 1,100 feet on each of two parallel	One on each street
(or approximately parallel) streets	

In this case, the site is allowed two signs, one on each of the parallel streets of the project. The applicant is asking that the location of the sign that would normally be allowed to be placed on Zelma Avenue (parallel to Addison Road) instead be placed on MD 214. Staff agrees with the applicant's proposal to relocate the sign, because a sign located on Zelma, a primarily residential street, is inappropriate and a sign on the arterial frontage of MD 214, a commercial zone, is appropriate. However, the applicant is also asking for a sign at the intersection of MD 214 and Addison Road, which seems to result in too many signs in a small area. Staff recommends that the sign located at the intersection be removed from the plans to reduce the number of signs for the project from three to two. The sign is partially located within the right-of-way line of the Metro tunnel, the sign is directly adjacent to a bioretention area which could be expanded, and the sign could obstruct the vision of vehicles making a right turn when the future widening of MD 214 occurs. Staff also recommends that the sign along MD 214 be relocated outside the right-of-way for MD 214 and outside of the right-of-way of the Metro tunnel (unless approved by WMATA).

S.5H The applicant has not provided a justification for this amendment; however, the requirement is flexible and the staff does not have an objection to the proposed back-lit letters for the freestanding signage which will require a revision to the plans. The plan currently includes a box panel illumination with cutout letters. Staff recommends back-lit letters.

In summation of the requests above, staff recommends that the plan be revised to eliminate the freestanding sign located at the intersection of MD 214 and Addison Road, allow the locations of one sign along MD 214 and one sign along Addison Road, limit the height of each freestanding sign to not more than 13 feet in height (including the 3-foot-high masonry base), and allow the area of the signs to be not more than 100 square feet each.

"B1. Height, Scale and Massing

"H. Service area shall be architecturally integrated into the overall design of buildings.

"The applicant requests the approval of the following revised Development District Standard as identified in the underlined text below:

"H. Service area shall be architecturally integrated into the overall design of

buildings, where feasible.

"A noted above, the loading dock nearest to Central Avenue is only partially screened by the 36" masonry wall, other landscaping being provided along Central Avenue and the building itself. Providing screens on either side of the loading docks will not be functional and it may restrict the maneuverability of the trucks. Although the applicant considered locating the loading docks within the garage, it was determined that it will eliminate must-needed parking spaces to serve the residential/commercial/retail/office users of the building. It would also require additional space from the first floor, which will further reduce the square footage of space dedicated to commercial/retail/office development. To that end, the applicant believes that given the building's orientation to Addison Road and Zelma Avenue, the location of the loading docks are far enough from these roadways to accomplish the required screening from public view."

Staff comment: Staff agrees with the applicant's proposal for loading on the site. There is little ability due to the size of the site and the configuration of the building to screen the loading with architectural extensions of the building.

"I. Proposed buildings shall be between one and four stories in total height within the town center.

"The applicant requests the approval of the following revised Development District Standard as identified in the underlined text below:

"I. Proposed buildings shall be between one and four stories in total height within the town center <u>unless located directly adjacent to a Metro station</u>.

"Although the applicant's building is 8 stories high, which is taller than provided for in the ARM Plan, it is not inconsistent with the desire to encourage a vertical mix of uses and to the provision of office and/or residential uses above ground floor retail of along the main street of the Town Commons, Addison Road and MD 214. (See pages 90, 166-168 of the Sector Plan). The applicant proposal is consistent with this recommendation. It will revitalize the town center with new, upscale residential and commercial development that will lead to new business and residents in the area. Furthermore, residents, workers and Metro riders will utilize the ground floor retail/commercial uses, which will implement the ARM Plan's goal of promoting both transit-oriented and pedestrian-oriented development a Metro station. Lastly, since the applicant is building vertically instead of horizontally, it is a compact development, with higher development densities that favor Metro users and pedestrians."

Staff comment: The applicant's proposal for the eight-story building is supported by staff because of the upscale nature of the proposal and the desire to increase densities near the Metro station is in accordance with the General Plan. Furthermore, the limitation to four stories is inconsistent with the use table, which says that a multifamily building is allowed in a building

containing four or more stories, provided the residential units are located above the third story. It would not be feasible to create a multifamily building with only one floor of dwelling units, as would be the result under the requirements above. The impact of the building's height on adjacent properties will be minimal due to the streets surrounding the property. The building is set back far enough from the southern property line to negate impacts on the properties to the south.

9. The alternative development district standards will benefit the proposed development and the district and will not substantially impair implementation of the DDOZ. The site plan will meet all other mandatory requirements; however the following requirements warrant discussion:

S1.C Vehicular entrance drives shall permit safe and clear pedestrian crossings. Sidewalk material should continue across driveway aprons.

Comment: Staff recommends that the plans be revised to provide crosswalks with a change of material across driveway aprons.

S4.A All mechanical equipment, dumpsters, storage, service, loading and delivery areas shall be screened from public views and rights-of-way with an appropriate buffer consisting of plantings, walls or fences in compliance with the screening requirements of the Landscape Manual.

Comment: The staff recommends that a condition be attached to the approval of the plan that states the requirements above because as a site develops, additional mechanical equipment and utility boxes can appear on the site. If this should be the case, then the applicant will be placed on notice that efforts should be made to screen these facilities from public view, if possible. Furthermore, the applicant should revise the plans to upgrade the dumpster enclosure to a masonry structure, rather than the board-on-board fencing proposed.

S4.F Residential uses within the town center shall comply with the residential Planting Requirements of the Landscape Manual.

Comment: The plans do not demonstrate conformance to Section 4.1, Residential Planting Requirements of the Landscape Manual. Therefore the plans should be revised to provide the calculations and plant material necessary to comply with that section.

S5A. The location of freestanding signs shall comply with Section 27-614(a) Freestanding Signs in Part 12 of the Zoning Ordinance.

Comment: Section 27-614(a) is provide below for reference.

(a) Location.

- (4) Notwithstanding any other provisions of this Subtitle addressing setbacks and yards, in all Commercial and Industrial Zones (except the I-3 Zone), signs need only be located ten (10) feet behind the street line. Where the street line is situated behind the actual existing street right-of-way line, freestanding on-site signs may be temporarily located within the area between the street line and the existing street right-of-way line (the area of proposed future widening of an existing street), provided that:
 - (A) The land area involved has not been, and is not in the process of being, acquired for street purposes;
 - (B) The sign is located at least ten (10) feet behind the existing street right-of-way line; and
 - (C) A written agreement between the owner and the Department of Environmental Resources assures that the sign will be removed, at the owner's expense, at the time of acquisition of that area for street purposes.

Comment: The location of the three proposed freestanding signs are shown in the right-of-way and within ten feet of the right-of-way. The applicant has not submitted information to allow the sign to be within the right-of-way or within 10 feet of the right-of-way. Therefore, staff recommends that the signs be relocated in accordance with the requirement of ten feet from the ultimate right-of-way line, such that the signs will be set back a sufficient distance to maintain unobstructed lines of vision for traffic at the entrance to the development.

S5.F Signs shall primarily serve to identify the name and the type of business establishment only.

Comment: The requirement above does not recognize that a freestanding sign on a mixed-use project such as this one could also include the permanent real estate identification sign as part of the freestanding sign. This is proposed in the application. Staff does not object to the identification of the condominium in the sign, and recommends that the Planning Board approve an amendment to allow the identification of the residential condominium on the sign.

P5.B. At the time of the first site plan along MD 214 and/or Addison Road corridors, a consistent type of ornamental pole and luminaires shall be selected in consultation with DPW&T.

P5.C At the time of the first site plan in Metro West or Addison South, a consistent type of ornamental pole and luminaires shall be selected in consultation with DPW&T.

Comment: With approval of DSP-04082 (Brighton Place) and DSP-05022 and DSP-05072

(Addison Road South) poles and luminaires have been selected. This plan should be revised to include the luminaires on site in the front of the building, in the courtyard and along the street line of Addison Road, subject to DPW&T approval.

Public Areas P6.Utilites

Objective

To reduce the visual impact of existing overhead utility lines along major road corridors in the town center by consolidating utility pole usage or placing existing utility lines underground, where possible.

Design Standards:

A All future development within the town center shall place all appropriate utilities underground. New Residential development in Addison Plaza West, Addison South, Metro West and Barber Village shall also place all utilities underground.

Comment: The objective statement above lends insight to the development standard following it, because it clarifies the goal of the sector plan to underground existing utilities. The applicant has shown the existing overhead utilities on the plan and they are located on all three sides of the property adjacent to the roadways. The applicant has not asked for an amendment to this standard. However, the staff believes that the intent of the development standard is to require new development to underground overhead utilities in the area of the site. Therefore, the staff recommends that the plans be revised to underground the utilities on each of the three sides of the development and notes should be added to the plans accordingly.

B7.A Signs shall primarily serve to identify the name and the type of business establishment only.

Comment: The requirement above does not recognize that building-mounted signs could also include the permanent real estate identification sign. This is proposed in the application. The staff does not object to the identification of the condominium in the sign, above the main entrance of the building and located at three points at the top portion of the building.

B7.C Building signs shall be simply designed, contain a minimum amount of information and have a maximum of three colors. Building signs that are excessively elaborate, oversized in proportions or use poor quality materials are not permitted.

Comment: The plans include a common sign plan that provides a clear understanding of the proposed signage for the site. However, staff recommends that a condition be added to the plans to limit the color of building-mounted signage to no more than three colors, in accordance with the

requirements above.

10. The application has been reviewed for conformance to the C-S-C zone as required by Section 27-548.21, which states the following:

The Development District Overlay Zone shall be placed over other zones on the Zoning Map, and may modify specific requirements of those underlying zones. Only those requirements of the underlying zones specifically noted in this Subdivision and elsewhere in this Subtitle are modified. All other requirements of the underlying zones are unaffected by the Development District Overlay Zone.

The plan was reviewed for conformance to the requirements of the C-S-C zone regulations and was found to be in conformance with them

11. **Conformance to Preliminary Plan of Subdivision 4-05068**: The plan layout is consistent with the layout approved at the time of the preliminary plan of subdivision, with a few minor changes. The following conditions relate to the review of the detailed site plan (DSP):

2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved, if required.

Comment: A Type II tree conservation plan is not required. A letter of exemption has been issued for this site.

5. A Phase II noise study shall be prepared and included in the submission package for the detailed site plan (DSP). It shall contain specific building material recommendations to ensure that the interior noise levels are 45 dBA Ldn or less. The DSP shall locate any outdoor activity areas and the noise study shall address how noise levels have been mitigated to 65 dBA Ldn or less for these areas. The DSP shall address, if it is determined appropriate, the issue of possible ground vibration from the Metro tunnel located in the northeast corner of the site.

Comment: A Phase II noise study was not submitted with the subject application as required.

A "Phase I: Traffic Noise and Metro Rail Vibration Analysis, The Addison Icon," prepared by Phoenix Noise & Vibration LLC, and dated May 5, 2006, was submitted at the time of preliminary plan review. Results from the study reflected noise impacts in excess of 72 dBA to the northeast corner of the building and showed delineated 70 and 65 dBA unmitigated noise contour related to Central Avenue and Addison Road on the site at ground level, mid-level, and top level. The location of these noise contours was accepted at the time of the preliminary plan based on supporting data including in the Phase I noise study, although the distances were less than those calculated by the EPS noise model.

Residential structures of standard construction will reduce noise levels as high as 65 dBA to an

interior noise level of 45 dBA without modification. For this project, noise impacts identified in the Phase 1 noise study varied from 65 to 72DBA. It was, therefore, required that a Phase II noise study be submitted to address building shell mitigation measures. Necessary mitigation measures cannot be determined without a Phase II noise study.

The only outdoor activity area identified for noise evaluation in the Phase I noise study is a pool area situated upon the roof, but the location has not been shown on the plans, or on the Phase I noise study figures. The Phase I noise study states that noise levels on the roof were evaluated in the vicinity of the proposed pool and it was determined that traffic noise levels would be below 65 dBA LDN, thereby meeting county standards for outdoor activity areas. The figure showing the top-level noise contours indicates that the unmitigated 65 dBA Ldn noise contour impacts the majority of the roof surface. Since the location of the pool has not been shown on the plans, and a full evaluation of noise impacts on the pool area has not been provided, this cannot be verified. The Phase II noise study should provide additional analysis supporting the conclusion that mitigation for the pool is not necessary to achieve noise levels of less than 65 dBA Ldn.

The Phase I noise study also addressed vibration on the site caused by Metro Rail. Measurements were taken. For vibration, the measured levels of the current conditions complied with ISO standards established for such impacts on residential or commercial uses. The Environmental Planning Section agreed that the mitigation of Metro Rail vibration was not required for this site at time of preliminary plan.

Recommended Condition: Prior to certification of the detailed site plan, a Phase II noise study shall be submitted for the subject property. The Phase II noise study shall include a building shell analysis and shall address the building shell noise mitigation measures necessary to achieve residential indoor noise levels of 45 dBA Ldn. The Phase II noise study shall also address the mitigation of noise impacts for outdoor activity areas to acceptable noise levels, if indicated.

Recommended Condition: Prior to the certification of the detailed site plan, the architecture for the building shall be certified by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of building shells within the noise corridor of Central Avenue and Addison Road will reduce interior noise levels to 45 dBA Ldn or less.

Recommended Condition: Prior to the certification of the detailed site plan, the plan shall be revised to show the location of all outdoor activity areas. If noise mitigation is indicated by the Phase II noise study, the plans shall be revised to show all noise mitigation measures required to achieve acceptable noise levels of 65 dBA Ldn or less.

6. At time of DSP review, the DSP shall show the locations and design of all bioretention and/or infiltration facilities for stormwater management and all associated landscaping shall be shown on the landscape plan.

Comment: Stormwater Management Concept Approval (24628-2005) indicates that water quality will be provided with either bioretention or infiltration for the parking lot. The plans

show the location of a bioretention pond in the northeast corner of the site. The Department of Environmental Resources will review specific landscaping for the bioretention area at time of technical approval.

9. The applicant, his heirs, successors and/or assignees shall make a monetary contribution (determined at the time of detailed site plan) to the M-NCPPC Department of Parks and Recreation for the development of the Rollins Avenue Neighborhood Park, for the fulfillment of the mandatory dedication of parkland requirements. The timing for the payment of the monetary contribution shall be established at the time of review of the DSP.

As of the writing of this report, the Department of Parks and Recreation is in the process of preparing a referral in this case addressing the issue above. Staff will be prepared to present information relating to the issue above at the Planning Board Meeting.

- 17. The following access and circulation issues shall be addressed at the time of detailed site plan:
 - a. The elimination of the direct access to the parking garage from Zelma Avenue.
 - b. The provision of limited access to Addison Road, which prohibits any left turn to and from the site.
- 18. Total development within the subject property under this preliminary plan shall be limited to 162 residences (21 three bedroom units, 113 two bedroom units, and 28 one bedroom units), and 24,500 gross square feet of retail commercial uses, or other mix of commercial and residential uses that generate no more than 163 AM and 226 PM peak hour vehicle trips. Any development beyond the AM and PM peak hour trips noted herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities."

Comment: See the Transportation Planning Section discussion of the two items above in Finding No. 12 below.

Referrals:

12. The Transportation Planning Section has reviewed the detailed site plan and provided the comments below.

The Transportation Planning Section has reviewed the detailed site plan revision application referenced above. The subject property consists of approximately 1.94 acres of land in the C-S-C Zone. The property is located on the south side of Central Avenue (MD 214) between Addison Road and Zelma Avenue. The applicant proposes to develop the property under C-S-C zoning

with up to 23,000 gross square feet of commercial space and a total of 170 residential apartment units.

The site plan is acceptable from the standpoint of access and circulation, provided the proposed access to Addison Road is constructed such that it physically prohibits any left turn to and from the site. The applicant's desire to allow for left turns into the site from Addison Road must be approved by the county's DPW&T prior to its incorporation in the submitted detailed site plan. Appropriate dedication along MD 214, Addison Road, and Zelma Avenue as determined under Preliminary Plan 4-01012, is reflected on the plan. The plan shows wide sidewalks along all three roadways, but safe pedestrian crosswalks across Central Avenue and Addison Road are not shown.

As part of this detailed site plan, the applicant has also prepared a statement of justification seeking departure from the required number of parking spaces, as required by the Zoning Ordinance, by as much as 132 spaces. This equates to a 29 percent reduction of the required number of parking spaces, which is significantly less than the 50 percent reduction allowed by the Addison Road Metro (ARM) Plan. Considering the site is located directly opposite of the Addison Road Metro, staff supports the applicant's desire to reduce the number of on-site parking, as it would promote less traffic congestion and more transit use.

At the time of Preliminary Plan 4-01012, a number of transportation-related conditions were placed on the property pursuant to a finding of adequate transportation facilities. The status of these conditions is as follow:

Conditions 10, 11, 14, 15, and 17 provide a list of off-site transportation improvements, which all are enforceable at the time of building permit.

Trip Generation of Subject Plan			
Use	Quantity	AM Trips	PM Trips
Retail (assuming 60 percent pass-by)	23,000 square feet	20	89
Residential apartments (high-rise)	170 units	51	68
Total - As proposed on DSP		71	157
Total - Trip Cap for 4-05068		163	226

Condition 18 indicates a trip cap for the subject site. Based on the number of specific uses that are proposed and shown on the detailed site plan, the following table summarizes trip generation for the proposed uses:

As noted above, the subject plan would conform to the trip cap imposed at the time of preliminary plan.

In conclusion, the transportation planning staff has no objection to the plan, provided that the plan is revised to show that the site's access to Addison Road is constructed such that it physically prohibits any left turn to and from the site.

Comment: The plan proposes two lanes into the property and a right-turning movement only from the site onto Addison Road southbound. Therefore, the plan does not propose a left-turning movement onto Addison Road northbound at this time. However, this issue should be affirmatively addressed by the Department of Public Works and Transportation at the time of the access permit review, because the referral memo dated August 9, 2006, from that office did not specifically address this issue.

13. The Community Planning Division found that this application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The subject property is located at a designated community center in the Developed Tier. The vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed- use, pedestrian-oriented, medium- to high-density neighborhoods. Community centers are concentrations of activities, services, and land uses that serve the immediate community. These typically include a variety of public facilities and services— integrated commercial, office, and some residential development—and can include mixed-use and higher intensity redevelopment in some communities.

The application conforms to the land use recommendations for transit-oriented uses and Development District Overlay Zone (DDOZ) development standards of the 2000 *Approved Sector Plan and Sectional Map Amendment for Addison Road Metro Town Center and Vicinity.* This sectional map amendment rezoned the subject property from C-O Zone to the C-S-C Zone and placed the DDOZ over the C-S-C Zone to permit mixed-use densities for the subject property.

Applicant's Proposal: The applicant requests approval for amending the DDOZ Use Table to allow dwelling units within a building containing commercial uses, which is four or more stories, provided the units are located above the first story, and also to allow an outdoor rooftop swimming pool.

Staff Comments: The sector plan recommends mixed-use, office, and retail development for the property (p.51). It envisions a pedestrian-oriented town center style of development to create a sense of place for the community (p.47). It encourages a vertical mix of uses (p.90, 5th bullet). Adding a residential component to the subject property on the above-ground floors and a rooftop swimming pool do not impair of the integrity of the plan.

While the applicant's proposals on access, parking area, building siting and setbacks, buffers and screening, freestanding signs, building-mounted signs, sidewalks, trails and crosswalks, and trees and plantings are not exactly per the DDOZ standards, they meet the intent of the sector plan.

- 14. The Department of Public Works and Transportation (DPW&T) reviewed the original site plan and provided comments in a memorandum dated August 9, 2006. The DPW&T provided revised comments in a September 20, 2006 memorandum as follows:
 - "a. The property is located on the south side of Central Avenue (MD 214), between Addison Road and Zelma Avenue. Right-of-way dedication and frontage improvements in accordance with DPW&T's urban arterial road standards are required for Addison Road; urban primary residential road standards will be required for Zelma Avenue. The Detailed Site Plan correctly shows the widening of Zelma Avenue in compliance with primary road standards with a transition back to the existing narrower pavement width at the proposed commercial entrance at the southern property line. Urban arterial pavement width along the entire Addison Road South frontage has not been provided. A transition from the required urban arterial width at the southwest curb return of Addison Road South and MD 214 to the existing narrower pavement width immediately north of the proposed entrance located at the southern property line is provided. This appears to have been done to ensure sufficient transition length for vehicles turning south onto Addison Road South from eastbound MD 214. We recommend construction of the full urban arterial width to the proposed entrance on Addison Road South. This will provide an exclusive lane for those entering the site from eastbound MD 214. The transition to southbound Addison Road South for those not entering the site can be provided with pavement marking. The complete urban arterial section will be provided with the future Addison Road Capital Improvement Program project. The developer will, therefore, make a fee-in-lieu payment for the cost of providing the remainder of the widening to full urban arterial road standards along the entire Addison Road South frontage.
 - "b. MD 214 is under the jurisdiction of the Maryland State Highway Administration (SHA). Permit procedures and frontage improvements for MD 214 will be determined by the SHA.
 - "c. The 24' wide commercial entrance at Zelma Avenue is acceptable.
 - "d. Full-width, 2" mill and overlay for Zelma Avenue is required. Overlay of the Addison Road South frontage will not be needed.
 - "e. Conformance with DPW&T street tree and street lighting standards is required.
 - "f. All storm drainage systems and facilities are to be in accordance with DPW&T's and the Department of Environmental Resources' requirements.
 - "g. A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for public streets is required.
 - "h. A storm drain catch basin is proposed at the dumpster located at the southwest corner of the site. The catch basin should be separated from the dumpster.

- "i. The sign shown on the Detailed Site Plan near the southeast site entrance is within the Addison Road South right-of-way. The property owner will need to sign a maintenance agreement for this sign requiring the relocation of the sign from the right of way at the request of DPW&T.
- "j. The design of the southeast entrance from Addison Road South needs to be revised to prohibit left turn movements, both from and into this site.
- "k. The retaining wall along the southern property line extends onto the public right-of-way of both Zelma Avenue and Addison Road South. Retaining walls are precluded from the public right of way.
- "1. We recommend that the developer obtain an agreement with the neighborhood representatives due to the anticipated increase in traffic on Zelma Avenue."
- 15. In a memorandum dated August 21, 2006 (Metzger to Lareuse), the Environmental Planning Section offered the following comments:

The Environmental Planning Section recommends approval of DSP-06001 subject to conditions listed in the recommendation section of this report.

The Environmental Planning Section previously reviewed the subject property as Preliminary Plan of Subdivision 4-05068, which was approved with conditions. This site has a stormwater management concept approval letter (CSD 24628-2005-00) dated July 18,2005.

This 1.94-acre site is located on the south side of Central Avenue, in the southwest quadrant of the intersection of Central Avenue and Addison Road. A review of the available information indicates that streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. There is no 100-year floodplain that is associated with the site. Central Avenue is an arterial roadway, which are generally regulated for noise impacts. The predominant soil type found to occur on this site, according to the Prince George's County Soil Survey, is Collington. This soil series has limitations with respect to steep slopes but will not affect the site layout. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources, Wildlife and Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. This property is located in the Lower Anacostia River watershed of the Anacostia River basin and is in the Developed Tier as reflected in the adopted General Plan. The approved Countywide Green Infrastructure Plan shows this site as an evaluation area

The subject property is located within Subarea 3 of the sector plan. The environmental requirements for woodland preservation, stormwater management and noise are addressed in the Environmental Review Section below. There are no specific environmental requirements or design standards that require review for conformance.

Environmental Conditions of Approval from the Preliminary Plan of Subdivision.

The Preliminary Plan of Subdivision, 4-05068, is subject to the additional environmental conditions of approval as stated in PGCPB Resolution No. 06-37. The condition below is applicable to detailed site plan review.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, # 24628-2005-00, and any subsequent revisions.

Comment: Conformance with the stormwater management concept approval will be met through subsequent reviews by the Department of Environmental Resources.

ENVIRONMENTAL REVIEW

- a. The subject property has a signed natural resources inventory (NRI/049/05), dated July 18, 2005, that was approved prior to the preliminary plan of subdivision. The detailed site plan shows all of the required information in conformance with the NRI. No revisions are required for conformance to the NRI.
- b. This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodlands and there is no previously approved tree conservation plan on the subject property. The Environmental Planning Section, Countywide Planning Division, issued a standard letter of exemption from the ordinance, on September 8, 2005. No further action is needed at this time as it relates to woodland requirements. The letter of exemption should accompany all future application for plans and permits.
- c. The subject property abuts Central Avenue and Addison Road, both arterials and generally regulated for noise. Based on the Environmental Planning Section's noise model, an analysis of the noise generated by the two highways indicates that the 65 dBA Ldn noise contours would be located approximately 228 feet and 192 feet from the centerlines of the respective roadways. The plan has shown the noise contours to be 220 feet and 190 feet from the respective roadways, based on a Phase I noise study at the time the preliminary plan was accepted and approved. Results from the study reflected noise impact on-site in excess of 65 dBA Ldn and recommended the need for interior noise mitigation measures. The submittal of the required Phase II noise study and required revisions to the detailed site plan prior to certification were previously addressed in response to conditions of preliminary plan approval.
- d. A stormwater management concept approval letter (24628-2005-00) dated July 18, 2005, was submitted for the subject property. The concept approval letter states that bioretention or infiltration facilities will be provided. The detailed site plan as submitted shows the location of the bioretention pond. The design and landscaping of the

bioretention pond will be addressed by the Department of Environmental Resources in subsequent technical reviews.

- 16. The following comments were generated by the Permit Review Office and have to be addressed:
 - a. 8 handicap accessible parking spaces are required based upon the total of 328 parking spaces provided.

Comment: The plan should be changed to reflect 8 rather than 7 handicap parking spaces.

b. Loading must setback a minimum of 50 feet from residentially zoned property.

Comment: Loading is shown more than fifty feet from a residentially zoned property; additionally, a note on the plan indicates that the site will be posted with signage that states "No Loading and Unloading beyond this point." This verbiage is an attempt to prevent loading near the residentially zoned property to the south. However, additional signage is needed in order to prevent trucks from using Zelma Avenue for access. The staff recommends that a second sign be added at the access point at Zelma Avenue, to state that all truck loading access must use the Addison Road entrance.

c. Parking for the recreational facilities will not be required, provided the recreational facilities only serve residents and their guests.

Comment: A note should be added to the plans that recreational facilities will only serve residents and guests.

d. The proposed signs must be setback 10 feet from the proposed ultimate right-of-way.

Comment: A condition has been attached to the plans that require the signs to be at least 10 feet from the right-of-way line.

e. Two signs are allowed pursuant to 27-614(d) for frontage on parallel streets,1 for each street.

Comment: A condition has been attached to the plans that require the deletion of one sign, for a maximum of two signs for the site.

f. Please clearly identify the right-of-way line for the WMATA Tunnel. One or more signs and a portion of the building appear to encroach the Tunnel r-o-w. This was also a condition of approval for PGCPB No. 06-37 Condition 1e.

Comment: The following language was included in the approval of the preliminary plan of subdivision for this case:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:

e. Label a building restriction line for the right-of-way of the Metro tunnel.

The detailed site plan proposes a portion of the building and a freestanding sign within the right-ofway for the Metro. Staff recommends that the plans be revised to remove both structures from the Metro right-of-way prior to signature approval of the plans.

- 17. The application was sent to the following surrounding municipalities for review: Capitol Heights, Fairmount Heights, and Seat Pleasant. As of the writing of this report, no responses have been received.
- 18. Urban Design Section review has raised a concern relating to the following issue:

The project is an eight-story building that is primarily residential. The view from the upper floors to the ground level should be carefully considered in order to provide an interesting view for the residents of the upper floors. The front courtyard of the building could be enhanced through the use of paving materials that would provide some visual interest and could also provide a plaza-like environment in front of the commercial area. The circular drop-off area could include special paving patterns that would be of interest and provide detail as one enters the building, the sidewalk areas should provide ornamental street tree plantings and shrub and ground cover plantings in lieu of exclusive use of grass. The plans should be revised prior to signature approval to include special paving material in the parking area at the front of the building, street tree plantings, special sidewalk paving, a sidewalk wide enough to allow pedestrians to move from the front of the building to the east side of the building, handicap spaces dispersed around the site, and the use of flag poles or an art piece in the center island. Awnings should be colorful and provide additional interest. An area of outdoor seating should also be considered in conjunction with a tenant use such as a restaurant coffee shop.

19. As required by Section 27-285(b) of the Zoning Ordinance, The detailed site plan represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-06001, subject to the following conditions:

• Staff recommends that the Planning Board recommend to the District Council approval of the change to the use list as described in Finding No. 7 above (to allow dwelling units above the first

floor in a building containing commercial uses which is four stories or more in height, and to allow an outdoor rooftop swimming pool).

- Staff recommends approval of the alternative development district standards for:
 - S1.D (to allow the width of the entrance drive to be a function of the requirements of the authorizing agency)
 - S4.A (to exempt loading spaces that partially extend into the building from screening requirements of the Landscape Manual)
 - S5.B (to allow the height of the freestanding sign to be increased from 8 to 13 feet in height)
 - B1.H (to allow the loading space to partially integrated into the overall design of the building)
 - B1.I (to allow the increase in the height of the building from four stories to eight stories)
 - S5.F (to allow the permanent real estate identification as part of the freestanding sign)
 - B7.A (to allow the permanent real estate identification as part of the building mounted signage)
- Staff recommends denial of the alternative development district standard for:
 - S3.C (to allow the build-to-line to be reduced from 10–15 feet to 5–10 feet from the right-of-way)
 - S5.C (to allow the area of the freestanding signs to be increased from 100 square feet to 225 square feet)
 - S5.E (to allow the quantity of freestanding signs to be increased from 2 to 3)
- Staff recommends that APPROVAL of DSP-06001 be subject to the following conditions:
- 1. Prior to certification of the detailed site plan, a Phase II noise study shall be submitted for the subject property. The Phase II noise study shall include a building shell analysis and shall address the building shell noise mitigation measures necessary to achieve Prince George's County residential indoor noise levels of 45 dBA Ldn. The Phase II noise study shall also address the mitigation of noise impacts for outdoor activity areas to acceptable noise levels, if indicated.
- 2. Prior to the certification of the detailed site plan, the architecture for the building shall be certified by a professional engineer with competency in acoustical analysis demonstrating that the design

> and construction of building shells within the noise corridor of Central Avenue and Addison Road will reduce interior noise levels to 45 dBA Ldn or less.

- 3. Prior to the certification of the detailed site plan, the plan shall be revised to show the location of all outdoor activity areas. If noise mitigation is indicated by the Phase II noise study, the plans shall be revised to show all noise mitigation measures required to achieve acceptable noise levels of 65 dBA Ldn or less.
- 4. Prior to certification of the detailed site plan, the following revisions shall be made:
 - a. The plans shall be revised to remove all structures proposed within the public utility easement.
 - b. The plans shall be revised to show sidewalk connections from the public rights-of-way to the internal sidewalk system. Crosswalks at each of the entrances of the site and at appropriate internal pedestrian crossings shall also be shown.
 - c. The plans shall be revised to locate all freestanding signage ten feet from the ultimate right-of-way line unless otherwise allowed by written agreement by SHA or DPW&T. Signs shall be setback sufficient distance to maintain unobstructed lines of vision for traffic at the entrance to the development.
 - d. The plans shall be revised to provide additional details and specifications for the freestanding walls located along the rights-of-way, including the material designation which shall be compatible with the building.
 - e. The storm drain catch basin proposed at the dumpster located at the southwest corner of the site shall be separated from the dumpster.
 - f. The freestanding sign shown on the Detailed Site Plan near the southeast entrance shall be moved out of the right-of-way, unless otherwise allowed by written agreement by DPW&T.
 - g. The raised median shown on the plan shall conform to DPW&T standards, and shall limit traffic movements at this access point to only right-in and right-out. The proposed exclusive right-turn lane along eastbound MD 214 shall be extended south along Addison Road to the proposed driveway.
 - h. The plans shall be revised to clearly indicate the finish material of the retaining wall along the rear property line and the wall shall be textured and/or stained to provide an attractive finish.
 - i. The plans shall be revised to indicate the color of the vinyl board-on-board fence proposed at the southern property line, which fence shall be compatible with the colors of

the building. The fence should be deleted in the southwest corner where slopes exceed 4:1.

- j. The plans shall be revised in the front courtyard of the building to show the following:
 - i. A minimum four-foot-wide sidewalk shall be provided to allow pedestrians to move from the front of the building to the east side of the building.
 - ii. Handicap spaces shall be dispersed over the site.
 - iii. Flag poles or an art piece in the center island shall be provided.
 - iv. An area of outdoor seating should be provided in conjunction with a tenant use, such as a restaurant or coffee shop.
- k. The plans shall be revised to provide the calculations and plant materials necessary to comply with Section 4.1, Residential Planting Requirements.
- 1. The plans shall be revised to show ornamental light poles and luminaires (consistent with previous detailed site plan approvals within the Addison south subarea) in the front of the building and along the street line of Addison Road, subject to DPW&T approval.
- m. The applicant shall consult with all the affected utility companies to develop cost estimates for the undergrounding of utilities for review by the Planning Board for a final determination.
- n. The plans shall be revised to add a note that a sign shall be added at the access point at Zelma Avenue, to state that all loading trucks are prohibited from entering at that location and trucks must use the Addison Road entrance. The location of the sign shall be shown on the plan.
- o. The common sign plan shall be revised to indicate that the building-mounted signage shall not exceed more than 3 colors.
- 5. All mechanical equipment and dumpsters shall be screened from public view and rights-of-way with an appropriate buffer consisting of plantings, walls or fences in compliance with the screening requirements of the Landscape Manual.
- 6. Prior to the approval of any building permit, the applicant shall provide evidence of a contribution to the M-NCPPC Department of Parks and Recreation in the amount of \$57,138 for the development of the Rollins Avenue neighborhood park.

- 7. In conformance with the Adopted and Approved Addison Road Metro Town Center and Vicinity Sector Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. Construct the eight-foot wide sidewalk along the subject's entire frontage of Central Avenue (MD 214). This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.
 - b. Construct the eight-foot wide sidewalk along the subject site's entire frontage of Central Avenue (MD 214).
 - c. Construct the five-foot wide sidewalk along the subject site's entire frontage of Zelma Avenue. This sidewalk shall be separated from the curb by a five-foot-wide grass planting strip.
- 8. Any improvements located within WMATA's right-of-way shall be reviewed and approved by WMATA prior to certificate of approval.
- 9. Final design and material selection for the front courtyard shall be reviewed and approved by the Planning Board or its designee.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * * * * * * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley voting in favor of the motion, with Commissioner Clark absent, with Commissioner Parker recusing, and with Commissioner Vaughns abstaining at its regular meeting held on <u>Thursday, September 21, 2006</u>, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of October 2006.

Trudye Morgan Johnson Executive Director

By Frances J. Guertin Planning Board Administrator

TMJ:FJG:SL:bjs

LAND PLANNING ANALYSIS The Commons at Addison Road Metro

Prepared in connection with Detailed Site Plan DSP-06001-03

Prepared by: Mark G. L. Ferguson, R.A.



April 9, 2020

LAND PLANNING ANALYSIS The Commons at Addison Road Metro Capitol Heights, Maryland

This report is written to consider the conformance of the subject application to the general criteria for approval of a Detailed Site Plan of Section 27-285(b) of the Zoning Ordinance, the additional criteria for approval of Detailed Site Plans in Development District Overlay Zones in Section 27-248.25(b), and the criteria for approval of modified development standards in Section 27-548.25(c) and Section 27-548.26(b)(1)(B)(ii), all as related to Detailed Site Plan DSP-06001-03.

THE PROPERTY

Location -	The subject property is located in the southwest quadrant of the intersection of Addison Road with Central Avenue (Maryland Route 214).
Address -	6301 Central Avenue
Zoning -	C-S-C (D-D-O) & R-55 (D-D-O)
Acreage -	2.98 Acres
Subdivision -	Parcel A, "The Commons at Addison Road Metro," P.B. PM 231 @ p. 98; Lot 5, Block B, "Kings Seat Pleasant," P.B. WWW 16 @ p. 61; Map 73, Grid C-1, Parcel 87 (unsubdivided acreage).
Frontage -	Central Avenue – 401.74' Addison Road – 322.30' Zelma Avenue – 268.77'
Rights-of-Way -	Central Avenue – Variable (Ult. 120' – 150') Addison Road – 120' (ult. 120') Zelma Avenue – 50'
Zoning Map -	201SE6
Tax Map -	Tax Map 73, Grid C-1
Historic Sites -	None.
Municipality -	None; the municipal limits of the City of Seat Pleasant run down the center of Central Avenue adjacent to the subject property.
Councilmanic District -	7

Master Plan & SMA - The applicable master plan for the property is the *Approved Subregion 4 Master Plan and Sectional Map Amendment*, approved on June 1, 2010.

The text of the Subregion 4 Master Plan indicates that it "updates" the October, 2000 Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity.

Map 4-3, "Proposed Land Use Plan," in the Subregion 4 Master Plan recommended Mixed-Use Commercial and Medium-High Density Residential land use for the subject property. Confusingly, the larger-scale Land Use Map included as an insert in the Subregion 4 Master Plan and Map 14-2, "Proposed Land Use" with the Sectional Map Amendment text instead illustrate, "Mixed-Use Residential" for its recommendations for the residential land use portion of the subject property. The abutting tracts to the south are also recommended for Medium-High Density Residential land use (or Mixed-Use Residential on the insert map and the SMA), as are the tracts to the southeast across Addison Road. The area to the west across Zelma Avenue is recommended for Mixed-Use Commercial land use.

The Approved Sectional Map Amendment retained the previously-existing C-S-C and R-55 Zones. It is also to be noted that while the Subregion 4 Master Plan updated the planning recommendations, the goals, policies and strategies of the Addison Road Metro Sector Plan, it did not make any revisions to that Development District Overlay Zone. The Subregion 4 Master Plan did add regulations applicable to properties zone M-U-I or I-1, but neither of those are applicable to the subject property. Thus, the development standards in the October, 2000 Addison Road Metro Sector Plan remain in force.

The Growth Policy Map in the May, 2014 General Plan placed the property in the Addison Road Local Transit Center, and the Generalized Future Land Use Map designates the subject property for "Mixed Use" land use. The October 2002 General Plan had placed the site within the Developed Tier.

The site is not within a Priority Preservation Area.

PROPERTY LOCATION AND DESCRIPTION:

As briefly described above, the subject property is located in the southwest quadrant of the intersection of Addison Road with Central Avenue (Maryland Route 214), adjacent to the municipal limits of the City of Seat Pleasant. The property is bounded by undeveloped property fronting Addison Road to the southeast (with single-family detached dwellings beyond) and by single-family detached dwellings fronting Zelma Avenue to the southwest. The Addison Road Metro Station is across Addison Road to the east, and single-family detached dwellings are across Zelma Avenue to the west. Strip commercial development is across Central Avenue to the north, including a Taco Bell restaurant and a Shell gas station immediately across from the subject property.

The property is generally wooded and gently sloping from the east down to the west and from the south down to the north. Adjacent to Central Avenue, its existing topography generally lies four to six feet below the grade of Central Avenue.

DESCRIPTION OF PROPOSED USE

The proposed use of the property is for the construction of a single six-story, mixed-use building with 11,000 square feet or retail area and 193 units of multifamily residential development.

One hundred and sixty parking spaces are proposed to serve the joint uses of the new building; thirtyeight of these spaces will be structured, in the basement of the proposed building.

REQUIRED FINDINGS OF SECTION 27-285(b):

- (b) Required findings.
- (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.
- (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).
- (3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

These findings are discussed as follows:

(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.

The site design guidelines applicable to the criterion above are found in §27-274(a). These are discussed following, *seriatim:*

- (1) General.
- (A) The Plan should promote the purposes of the Conceptual Site Plan.

No Conceptual Site Plan is associated with the subject project.

(B) The applicant shall provide justification for, and demonstrate to the satisfaction of the Planning Board or District Council, as applicable, the reasons for noncompliance with any of the design guidelines for townhouses and three-family dwellings set forth in paragraph (11), below.

No townhouses or three-family dwellings are associated with the subject project.

(2) Parking, loading, and circulation.

(A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:

(i) Parking lots should generally be provided to the rear or sides of structures;

The surface parking lot will be located to the south and to the rear of the proposed mixed-use building, with a small area to the side along Addison Road.

(ii) Parking spaces should be located as near as possible to the uses they serve;

The parking lots will be located immediately adjacent to the proposed building. Furthermore, reserved spaces for the commercial use component are to be located adjacent to that use.

(iii) Parking aisles should be oriented to minimize the number of parking lanes crossed by pedestrians;

The parking aisles are oriented parallel to the building's long axis, which places the spaces closer to the building.

(iv) Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the location of green space and plant materials within the parking lot, in accordance with the Landscape Manual, particularly in parking areas serving townhouses;

The proposed parking areas will be landscaped in accordance with the provisions of the Landscape Manual.

(v) Special areas for van pool, car pool, and visitor parking should be located with convenient pedestrian access to buildings.

Paved pedestrian connections are provided from each parking area to a building entrance. A space (with a recommendation from staff for two spaces) is reserved for ride-sharing services adjacent to the building entrance.

(B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To fulfill this goal, the following guidelines should be observed:

(i) Loading docks should be oriented toward service roads and away from major streets or public view;

The three loading spaces are located on the opposite side of the building from Central Avenue, and are nestled into a recess in the building's form to further screen them from public view.

(ii) Loading areas should be clearly marked and should be separated from parking areas to the extent possible.

The three proposed loading spaces are marked, and separated from contiguous vehicular parking areas, though they do share an access aisle.

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:
(i) The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;

Two vehicular entrances are proposed, one from Addison Road, and one from Zelma Avenue. Because the spaces are behind the proposed building, their location minimizes conflicts with traffic at the intersections of Addison Road and Zelma Avenue to the extent reasonable. A separate left-turn lane is proposed for traffic from northbound Addison Road to minimize traffic conflicts from queued vehicles.

(ii) Entrance drives should provide adequate space for queuing;

Parking spaces are sufficiently separated from each entrance such that cars will not queue out into the public way while waiting for a car to clear a parking space.

(iii) Circulation patterns should be designed so that vehicular traffic may flow freely through the parking lot without encouraging higher speeds than can be safely accommodated;

The surface parking area is divided into four subareas. The largest of these is designed without dead ends to promote free flow but is of limited length to minimize the likelihood of high speed driving in the lot. Two of the other three subareas are small, dead-end lots, together amounting to only 23% of the total number of surface spaces.

(iv) Parking areas should be designed to discourage their use as through-access drives;

The two entrances are connected by a straight access drive. Physical and design features which discourage its use as through-access include: the small volume of traffic served by Zelma Avenue, which is a relatively short dead-end-road; and, the number of entrances to the three smaller subareas of the surface lot which line the length of the access drive.

Because (1) Zelma Avenue is a dead end and serves a relatively small number of dwellings, and (2) Addison Road will have a median which will not permit vehicles leaving the subject property to travel northbound towards Central Avenue, the likelihood of a significant number of people using the access drive as a through drive is necessarily limited. The real necessity for the through drive is to allow residents exiting the subject property to travel north bound to Central Avenue. (v) Internal signs such as directional arrows, lane markings, and other roadway commands should be used to facilitate safe driving through the parking lot;

Directional arrows are shown on the Detailed Site Plan.

(vi) Drive-through establishments should be designed with adequate space for queuing lanes that do not conflict with circulation traffic patterns or pedestrian access;

There are no drive-through facilities at the subject site.

(vii) Parcel pick-up areas should be coordinated with other on-site traffic flows;

There are no parcel pick-up areas at the subject site.

(viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;

Paved pedestrian ways are provided from each subarea of the surface lot to the building entrances.

(ix) Pedestrian and vehicular circulation routes should generally be separated and clearly marked;

Pedestrian walkways are provided as separate sidewalks.

(x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques;

Striped crosswalks are indicated on the Detailed Site Plan.

(xi) Barrier-free pathways to accommodate the handicapped should be provided.

Handicapped parking spaces and barrier-free pathways to the main entrance from those spaces and from the public right-of-way are provided.

(3) Lighting.

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character. To fulfill this goal, the following guidelines should be observed:

(i) If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts;

Pole-mounted site lighting will be provided to illuminate the parking lot and the pedestrian walkways. Bollard lighting supplements the pole lighting in the plazas and by the building entrances. (ii) Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;

As noted above bollards will be provided to illuminate the entrances and the plazas, while the polemounted site lighting will illuminate the parking lot and will provide supplemental illumination around the plazas and building entrances.

(iii) The pattern of light pooling should be directed on-site;

Downcast, cut-off-type light fixtures have been specified for all of the site lighting. The photometric data provided with the Detailed Site Plan indicates that lighting levels reduce to very low illuminance levels at the site perimeter.

(iv) Light fixtures fulfilling similar functions should provide a consistent quality of light;

The photometric data provided with the Detailed Site Plan indicates generally even lighting levels to the extent practicable, and avoid bright spots and dark areas.

(v) Light fixtures should be durable and compatible with the scale, architecture, and use of the site;

The light fixtures specified are commercial grade; the pole-mounted fixtures are to be mounted on 15' poles which will keep them from damage, and provide an appropriate scale to the pedestrian activity surrounding the proposed building.

(vi) If a variety of lighting fixtures is needed to serve different purposes on a site, related fixtures should be selected. The design and layout of the fixtures should provide visual continuity throughout the site.

The light fixtures chosen are all from two manufacturers are all complementary in design to promote visual continuity.

(4) Views.

(A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

The building has been sited to maintain a street frontage along the perimeter streets, to the extent possible by the limitations of the underground Metro tunnel. The three plazas along Central Avenue will supplement the principal façade, as well as benefit from it as a backdrop for the activity in the plazas.

(5) Green area.

(A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use. To fulfill this goal, the following guidelines should be observed:

(i) Green area should be easily accessible in order to maximize its utility and to simplify its maintenance;

The principal amount of the site's green area (as defined by the Zoning Ordinance, which includes plazas and hardscaping) is located along the property's Central Avenue frontage, where it will maximize its utility. Other green areas at the perimeter of the site or in the parking lots have been landscaped for low-maintenance characteristics, while allowing them to fulfill their screening and ameliorative functions.

(ii) Green area should link major site destinations such as buildings and parking areas;

Two of the three plazas will act to link the building entrances (both residential and commercial) with activity on Central Avenue. Interstitial green areas have been located between the building and the parking areas to soften views and improve the general appearance of the site.

(iii) Green area should be well-defined and appropriately scaled to meet its intended use;

The green areas have been designed with hard edges (curbs or sidewalks). Many of the green area elements have been scaled in accordance with Landscape Manual provisions to be appropriate to its function. Other areas, including the three plazas along the building's Central Avenue frontage are appropriately scaled to their various functions.

(iv) Green area designed for the use and enjoyment of pedestrians should be visible and accessible, and the location of seating should be protected from excessive sun, shade, wind, and noise;

The green areas which are pedestrian-oriented are all highly-visible and closely integrated with the building and site layout. Seating, generally distributed throughout the commercial space access plaza includes both seat walls and tables with umbrellas. The plazas' location on the north side of the building will afford shade, with the residential outdoor recreation plaza (the "food garden") additionally shaded from afternoon sun by a projecting wing of the building. The residential outdoor recreation plaza will be further screened from wind and noise from Central Avenue by an opaque wood fence.

(v) Green area should be designed to define space, provide screening and privacy, and serve as a focal point;

The green area at the site has been designed to provide screening and privacy along the site's parking lot perimeters, and to define the parking area and access drives. The plazas along the Central Avenue frontage will serve as a focal point for outdoor activity at the property.

(vi) Green area should incorporate significant on-site natural features and woodland conservation requirements that enhance the physical and visual character of the site; and

There are no on-site woodland conservation requirements proposed for this site, nor are any regulated environmental features (or other "significant on-site natural features") present.

(vii) Green area should generally be accented by elements such as landscaping, pools, fountains, street furniture, and decorative paving.

The various green areas are all accented with landscaping. The plazas, as well as the building entrance from the parking lot are distinguished by decorative pavers (some of which also service as stormwater management). Street furniture is distributed generously throughout the property.

(B) The application 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).

No regulated environmental features are associated with this project.

(6) Site and streetscape amenities.

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:

(i) The design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture should be coordinated in order to enhance the visual unity of the site;

As discussed above, the selection of light fixtures have been coordinated to promote visual unity. The trash receptacles, seating & tables, bike racks, and freestanding planters were all selected from the product lines of one manufacturer for visual unity.

(ii) The design of amenities should take into consideration the color, pattern, texture, and scale of structures on the site, and when known, structures on adjacent sites, and pedestrian areas;

The various site amenities chosen were coordinated with the building's scale and color.

(iii) Amenities should be clearly visible and accessible, and should not obstruct pedestrian circulation;

All of the amenities selected have been located clear of pedestrian flow areas.

(iv) Amenities should be functional and should be constructed of durable, low maintenance materials;

The amenities selected have been chosen to be durable and low-maintenance.

(v) Amenities should be protected from vehicular intrusion with design elements that are integrated into the overall streetscape design, such as landscaping, curbs, and bollards;

Pole-mounted lighting fixtures have been sited behind curbs in every case. In some areas, they will be further protected with landscape planting. Other amenities are located in the distinctly-separated pedestrian areas

(vi) Amenities such as kiosks, planters, fountains, and public art should be used as focal points on a site; and

Public art will be sited on the retaining walls at the southern edge of the site perimeter to provide a visual backdrop to the overall site design.

(vii) Amenities should be included which accommodate the handicapped and should be appropriately scaled for user comfort.

The site amenities provided (site lighting, public art, seating) are either not relevant to accessibility issues or have been designed to be handicapped-accessible.

(7) Grading.

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:
(i) Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;

As an urban site, grading is designed to integrate the site with its perimeters. The proposed site grading will not disrupt adjacent sites at all, and no significant natural resources or cultural resources exist at the subject property. No consequential slopes or any berms are proposed.

(ii) Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;

No "hilltop" exists at the subject property. The proposed grading generally follows the slopes of the existing topography, though preservation of natural landforms is not reasonable on an urban site such as the subject property.

(iii) Grading and other methods should be considered to buffer incompatible land uses from each other;

The single-family dwellings at the rear of the subject property are separated from the proposed parking area parking areas by landscaping and retaining walls.

(iv) Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and

No areas of steep slopes will be created by the proposed grading. The existing areas of steep slopes along the Central Avenue frontage, are minor extent and artificial in creation, and will be removed by the proposed grading to create the appropriate connection of the proposed building to the street.

(v) Drainage devices should be located and designed so as to minimize the view from public areas.

Site drainage will be by means of an enclosed system, which will be inobtrusive in character. Stormwater management will be accomplished by means of permeable paving and an underground storage facility, and as such will be virtually invisible.

(8) Service areas.

(A) Service areas should be accessible, but unobtrusive. To fulfill this goal, the following guidelines should be observed:

(i) Service areas should be located away from primary roads, when possible;

The subject uses do not require dedicated exterior service areas other than the loading spaces discussed above. Trash collection areas will be inside.

(ii) Service areas should be located conveniently to all buildings served;

As discussed above, there is no dedicated exterior service area associated with this site. The facilities such as the trash collection area are inside the proposed building.

(iii) Service areas should be effectively screened or enclosed with materials compatible with the primary structure; and

As discussed above, there is no dedicated exterior service area associated with this site.

(iv) Multiple building developments should be designed to form service courtyards which are devoted to parking and loading uses and are not visible from public view.

The subject project is not a multiple building development.

(9) Public spaces.

(A) A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development. To fulfill this goal, the following guidelines should be observed:

(i) Buildings should be organized and designed to create public spaces such as plazas, squares, courtyards, pedestrian malls, or other defined spaces;

The proposed development includes three plazas.

(ii) The scale, size, shape, and circulation patterns of the public spaces should be designed to accommodate various activities;

The three plazas are created to serve separate functions/activities: There is proposed to be a residential recreational area (the "food garden"), a residential entrance access plaza, and a plaza providing access to and seating for the commercial spaces.

(iii) Public spaces should generally incorporate sitting areas, landscaping, access to the sun, and protection from the wind;

The plazas include sitting areas, ample landscaping, and while they are on the north side of the building, provide access to the sun in the mornings and afternoons. A building projection will provide some protection from the prevailing westerly winds.

(iv) Public spaces should be readily accessible to potential users; and

The three plazas are all immediately accessible from both the adjacent street and the appropriate building entrances.

(v) Pedestrian pathways should be provided to connect major uses and public spaces within the development and should be scaled for anticipated circulation.

All of the exterior spaces are connected by appropriately-scaled pedestrian pathways.

(10) Architecture.

(A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.

There have been no prior approvals connected with the subject site requiring any architectural considerations.

(11) Townhouses and three-family dwellings.

As the subject site does not contain townhouses or three-family dwellings, the six provisions in this subsection are not applicable to the subject project.

As the foregoing responses indicate, the Detailed Site Plan for the subject site represents a reasonable alternative for satisfying the design guidelines. The basic findings for approval of a Detailed Site Plan in §27-285(b) continue as follows:

(2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).

No Conceptual Site Plan is associated with this project.

(3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

No Detailed Site Plan for Infrastructure is associated with this project.

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

No regulated environmental features are associated with this project.

Consequently, the Planning Board can find that all four of the criteria of §27-285(b) have been met.

The next requirement for the approval of this Detailed Site Plan is the criterion of §27-548.25(b), that the Detailed Site Plan meets the applicable Development District Standards.

REQUIRED FINDING OF SECTION 27-548.25(b):

The Development District Standards applicable to development at the subject property are found in the October, 2000 Approved Sector Plan and Section Map Amendment for Addison Road Metro Town Center and Vicinity. The Standards are reproduced below and discussed, seriatim.

Site Design

S1. Vehicular Circulation/Access

Design Standards:

A. Common, shared entrances (curb cuts) shall be utilized for access to non-residential property...

The subject property is proposed for development which principally includes residential uses.

B. To minimize traffic conflicts, access to a property should be a sufficient distance away from major intersections.

The centerlines of the proposed entrance from Addison Road is at least 180' from the curb line of Central Avenue. This distance will be sufficient to eliminate interference to the intersection from southbound traffic on Addison Road. The channelized left turn lane into the subject property from Addison Road, if approved, will be sufficiently separated from the intersection to eliminate interference. The entrance from Zelma Avenue is further from (Old) Central Avenue, and the lower traffic volumes and roadway classifications of each roadway provide even more sufficiency.

C. Vehicular entrance drives shall permit safe and clear pedestrian crossings. Sidewalk material(s) should continue across driveway aprons.

Staff has treated the proposal for the crosswalks to be striped at the driveway aprons as a modification request, for which they recommend disapproval. The prefatory text to the Standard indicate that, "the word 'should' is a directive but not necessarily mandatory." The proposed striping is clear and provides for a greater visual contrast than a continuation of the concrete sidewalk. This planner therefore contends that (1) no modification is needed because the provision for continuity of material is not mandatory, and (2) that the proposed striping, if maintained, would provide a safer and clearer pedestrian crossing. The Applicant, however, does not wish to contest the Staff's opinion on this point, so no further discussion of this point will be offered.

D. The width of entrance drives should be visually minimized, where appropriate, by the provision of a planted median of at least six feet in width separating incoming and outgoing traffic, especially if two or more lanes are provided in each direction.

Only a single lane in each direction is proposed. And, given the limited amount of parking proposed, providing extra width of entrance would restrict the amount of parking which could be provided and would increase the width of paving which would have to be crossed by pedestrians. As such, this planner believes that a planted median at the subject property would not be appropriate.

E. Clear internal vehicular circulation shall be provided to link all redeveloped parcels within Metro North together...

The subject property is located in Metro West (Town Commons), and as such this standard is not applicable.

Site Design

S2. Parking Areas

Design Standards:

A. Surface parking lots should be located to the side or rear of buildings to reduce the visual impact of parked cars and large expanses of asphalt adjacent to roadways. The number of parking spaces located between buildings and the street frontage of roadways shall be minimized. The proposed parking lot is principally located to the rear of the proposed building. Ten parking spaces (7.2%) are located to the side of the building, and those spaces are located between the building and the street frontage. This small quantity, in this planner's opinion, acceptably constitutes minimization.

B. Shared parking lots shall be used, whenever possible, to reduce the amount of parking spaces needed. All shared lots shall be paved in the same material.

No abutting property has been developed, other than with older single-family detached dwellings. As such, a shared parking lot is not possible.

C. Concurrent of DPW&T shall be sought for provision of on-street parking along the street network on the town commons (Metro West and Addison South).

No on-street parking is proposed.

D. Parking lots/spaces which are located adjacent to the right-of-way line or curb edge due to site constraints shall be screened from adjacent roadways and public areas with a continuous low masonry wall in compliance with the Parking Lot Landscape Strip, Option 4 requirements in the Landscape Manual...

The parking spaces are all set back from the right-of-way in accordance with the Landscape Manual requirements. Nevertheless, a masonry wall complying with the requirements of the Landscape Manual (3'-4' in height, at least 2.5' distant from an adjacent curb or wheelstop) cited in the Standard has been provided, as well as the tree and shrub planting conforming to the portions of the standard not quoted above.

E. Pedestrian zones (internal sidewalks) shall be well-illuminated and clearly delineated within parking lots. (See Public Areas/Sidewalks, Trails and Crosswalks).

As discussed in connection with the Detailed Site Plan Standards of Section 27-285, above, the pedestrian areas of the site are both clearly delineated and well-illuminated.

F. Single, large surface parking lots are not permitted, Instead, parking shall be provided in smaller defined areas separated by planted medians.

As discussed above, the proposed surface lot has been broken up into four subareas, which are separated by planted medians.

G. Parking lots shall include islands with shade trees to reduce glare, provide shade and visual relief from large expanses of asphalt pavement and shall comply with the Landscape Manual.

The parking lots are landscaped with shade trees in accordance with the Landscape Manual and this standard.

H. All parking lots shall be in compliance with the Americans with Disabilities Act (ADA)

Seven accessible parking spaces are proposed (against an ADA requirement for 5). The grades and the curb ramp between the accessible surface spaces and the commercial building entrances comply with ADA requirements, though a striped crosswalk leading from the aisle between the two exterior accessible spaces and across the parking vehicular access aisle to the nearest curb ramp should be provided.

I. Parking lots shall comply with the Perimeter Landscape and Interior Planting Requirements of the Landscape Manual.

The schedules on Sheet L004 of the Detailed Site Plan indicate compliance with these requirements.

J. Parking lots shall be well-illuminated to ensure safety (See Public Areas/Lighting).

As discussed in connection with the Detailed Site Plan Standards of Section 27-285, above, the parking lots are well-illuminated.

K. The placement of parking lots should avoid creating isolated and remote areas.

The layout of the parking lot efficiently uses the site area, with only perimeter landscaped buffers not intended for use or occupancy being remote from the active areas of the property.

L. All parking spaces shall have striped markings.

Striping is indicated on the Detailed Site Plan.

M. Concrete wheel stops shall be provided, where appropriate. Timber wheel stops are not permitted.

The heads of all parking spaces are defined by curbing. Concrete wheel stops are indicated where parking spaces abut screening masonry walls or retaining walls.

N. Parking garages shall utilize and architectural design vocabulary that incorporates similar quality building materials, color and massing with adjacent buildings.

The parking garage proposed is integral to the proposed building, and shares its materials.

O. Parking garages shall not dominate the street edge and shall incorporate architectural design or landscape features to screen parked vehicles from passing pedestrians and motorists.

As discussed above, the proposed parking garage is integral to the main building. It is located in the basement of the western portion of the building, and is generally not visible from the adjacent streets.

P. Convenient and visible pedestrian connections shall be provided between parking garages and adjacent buildings/destinations.

As discussed above, the proposed garage is not a separate building, but is integral to the main building. The connections between the garage area and the other uses are convenient and direct.

Q. The amount of commercial parking spaces in Metro West and Metro North shall be calculated using integrated shopping center requirements and shall be considered the maximum quantity allowed. The number of required parking spaces may be reduced below the maximum quantity established by the Zoning Ordinance (but not less than one-half).

The proposed parking for the commercial spaces associated with the proposed building is limited to one-half of the requirement for an integrated shopping center.

Site Design

S3. Building Siting and Setbacks

Design Standards:

A. Building shall be sited close to and face the street edge throughout the town center. The primary entrance to a building shall be clearly visible from the street. Prominent entrances are encouraged for architectural interest and as an element of scale and orientation. Primary building entrances from interior facing parking lots should be avoided.

The proposed building is generally sited as close to the street edge as the subsurface condition of the Metro tunnel allows, and faces the street edge on the three facades which abut the street edge. The principal entrance to the residential use component faces Central Avenue (with a secondary entrance facing the parking lot).

The elevation is designed with projecting bays to highlight the entrance location and to provide architectural interest.

B. Office, retail/commercial and institutional buildings located on the L-shaped main street and other internal streets within Metro West shall be built 12 feet from the curb edge in accordance with Type I Main Street (DDS-3)....

The subject property is not located on the L-shaped main street, which lies to the south and west of the subject property, nor is the proposed building an office, retail/commercial or an institutional building (notwithstanding Staff's opinion to the contrary with respect to standard S3.C, immediately below), so this standard is not applicable.

C. A front build-to line between 10 and 15 feet from the right-of-way shall be established for office, retail/commercial and institutional buildings which front onto MD 214 and Addison Road.

This planner believes that the proposed building not an office, retail/commercial or an institutional building, so this standard is not applicable. Technical staff, however, has interpreted the standard such that the retail component of the building is a synecdoche for the entire mixed-use building, and as such,

the proposed building's setbacks along Central Avenue and Addison Road do not meet this build-to line standard. The associated modification is discussed following the discussion of the remaining standards.

D. A front build-to line between 10 and 15 feet from the right-of-way shall be established for the single-family attached residential dwellings within the town center.

The proposed building not a single-family attached dwelling, so this standard is not applicable.

E. A front build-to line between 15 and 25 feet from the right-of-way shall be established for the single-family detached residential dwellings within the town center.

The proposed building not a single-family detached dwelling, so this standard is not applicable.

F. Residential garages shall be site to reduce their visual impact on the street. Alternative should be pursued which located the garage towards the side or rear of a lot, or at a minimum recess the garage at least six feet from the front building façade.

The proposed garage is integral to the main building. Its entrance is located in the rear of the building, and is further separated by more than twenty feet from the corner facing Zelma Avenue.

G. Residential dwellings shall front onto public streets, whenever possible.

The proposed building fronts onto three public streets.

H. In an attached row or group of buildings in a block, the number of vehicular connections from the front to the rear of the property should be minimized.

The proposed development is a single building, so this standard is not applicable.

I. Isolated, freestanding commercial buildings are not permitted along the L-shaped main street in Metro West, except for building with frontage on MD 214 or Addison Road.

The subject property is not located on the L-shaped main street, so this standard is not applicable.

J. Drive-thru windows or any use are not permitted in the town center.

No drive-through windows are proposed.

K. Buildings in Metro North should be sited as close to MD 214 as possible, with parking provided in small, well-landscaped lots.

The subject property is not located in Metro North, so this standard is not applicable.

L. A retaining wall shall be provided along rear property boundaries in Metro North...

The subject property is not located in Metro North, so this standard is not applicable.

M. The rear yards of single-family detached/attached homes in Addison South shall not be oriented (facing) toward planned streets.

The subject property is not located in Addison South, so this standard is not applicable.

N. The maximum lot coverage for single-family detached dwelling units shall be 60 percent.

The proposed building is not a single-family detached dwelling, so this standard is not applicable.

O. The maximum building coverage for single-family attached dwelling units shall be 50 percent of the overall net tract area.

The proposed building is not single-family attached dwellings, so this standard is not applicable.

Site Design

S4. Buffers and Screening

Design Standards:

A. All mechanical equipment, dumpster, storage, service, loading and delivery areas shall be screened from public view and rights-of-way with an appropriate buffer consisting of plantings, walls or fences in compliance with the Screening Requirements of the Landscape Manual.

As described above, the dumpster area is interior to the proposed building, and no outdoor service or storage is proposed. Transformers are proposed to be screened by an extension of the wall and fence which screens the parking area from Zelma Avenue. The loading spaces are screened by projections in the building and by their location in the rear of the building.

B. Chain-link fencing (of any type), corrugated metal, corrugated fiberglass, sheet metal or wire mesh shall not be used as a screening material. The use of barbed wire is not permitted.

None of these materials are proposed for use in the perimeter fencing. Metal picket-type fences and masonry walls are proposed.

C. Appropriate elements for a buffer include continuous, solid, opaque fences and masonry walls. Evergreen plant material may also be used in combination with metal picket-type fencing. Plant material shall be of an appropriate species, size and quantity to provide an effective, immediate buffer.

Buffering of abutting adjacent single-family dwellings and the vacant property to the south is provided by a combination of the retaining wall, the metal picket-type fencing and planting in accordance with the Landscape Manual requirements.

D. Walls and fences shall be made of appropriate materials which are compatible with adjacent buildings.

The retaining wall will be cast concrete, but its exposed face will: (1) face the subject property; and (2) be improved with public art as conceptually illustrated on the Detailed Site Plan. Fences are proposed to be metal picket-type fences in accordance with other Standards.

E. The bufferyard requirements within the town center shall be reduced to facilitate a compact for of development compatible with the urban character of the area surrounding the Metro station. The minimum bufferyard requirements for incompatible uses in the Landscape Manual shall be reduce by 50 percent within the town center. Alternative Compliance shall not be required for this reduction. A six-foot high opaque masonry wall or other opaque screening treatment shall be provided in conjunction with the reduced with of the bufferyard between residential and commercial uses. The plant units required per 100 feet of property line or right-of-way shall also be reduced by 50 percent.

The bufferyard abutting the adjacent single-family dwellings and the vacant property to the south reflects these reductions in width and planting quantities.

F. Residential uses within the town center shall comply with the Residential Planting Requirements of the Landscape Manual.

The planting schedules indicate that the proposed Detailed Site Plan complies with this standard.

G. A bufferyard shall be provided in Metro North...

The subject property is not located in Metro North, so this standard is not applicable.

H. Bufferyards shall be provided between existing residential homes within Metro West and the proposed retail/commercial development.

While the proposed development is mixed use/residential-commercial in nature, this standard has been complied with.

I. Bufferyards shall be provided between existing commercial uses and proposed residential development in Addison Plaza West.

The subject property is not located in Addison Plaza West, so this standard is not applicable.

Site Design

S5. Freestanding Signs

Design Standards:

A. The location of freestanding signs shall comply with Section 27-614(a) Freestanding Signs in Part 12 of the Zoning Ordinance.

The proposed freestanding sign is located adjacent to the vehicular entrance from Addison Road, and while not dimensioned is clearly indicated as being wholly more than ten feet from the right-of-way line in accordance with the requirement of Section 27-614(a)(4).

B. The maximum height of freestanding signs shall be 8 feet in the town commons and 13 feet elsewhere in the town center as measured from the finished grade at the base of the sign to the top of the sign for all commercial zones, as modified from Section 27-614(b).

The subject property is located in the town commons, so the applicable standard is 8 feet; the proposed site is indicated as 6'-5 1/2'' in height.

C. The area of the freestanding sign shall not exceed 1 square foot for each 2 linear feet of street frontage to a maximum of 100 square feet for each sign for building(s) located in an integrated shopping center, other commercial center with 3 or more businesses served by common and immediate off-street parking and loading facilities, or an office building complex, as modified from section 27-614(c). The street frontage shall be measured on the property occupied by the center or complex associated with the sign.

While the proposed building's retail area is likely to be occupied by more than 2 businesses served by common and immediate off-street parking, it is not clear that this is the applicable standard, as the proposed mixed-use building is predominantly residential in character and as such is not a "commercial center."

D. The area of the freestanding sign shall not exceed 1 square foot for each 4 linear feet of street frontage to a maximum of 100 square feet for each sign for building(s) not located in an integrated shopping center, other commercial center with 3 or more businesses served by common and immediate off-street parking and loading facilities, or an office building complex, Section 27-614(c) [sic]. The street frontage shall be measured on the property occupied by the use associated with the sign.

As the subject property has approximately 993 feet of street frontage, its freestanding sign will be limited by the 100-square-fooot cap. The proposed sign's dimensions indicate 42 square feet of sign face area, not counting the plinth or the lateral decorative bar

E. The quantity of freestanding signs shall be equal to or less than the amount required by Section 27-614(d) Freestanding Signs in Part 12 of the Zoning Ordinance.

With the use of Option Two of Section 27-614(d)(2)(B), the subject property would qualify for two signs; only one is proposed.

F. Signs shall primarily serve to identify the name and type of business establishment only.

The proposed freestanding sign identifies the residential use.

G. Signs should be compatible in design, color and materials with other urban design elements, as well as the overall architectural character of associated buildings on the parcel or property.
 Planting may be incorporated around the base of signs to soften and integrate their appearance in the landscape.

Seasonal plantings are indicated at the base of the proposed freestanding sign. The freestanding sign's design vocabulary and materials are compatible with the proposed building architecture.

H. Signs that are externally lit are recommended and should be directed to illuminate the sign face only.

This standard does not use mandatory language. The proposed freestanding sign is proposed to have "edge-lit" letters.

I. Lighting for signs should be discretely [sic] placed so the light source and associated glare is not visible to motorists or pedestrians.

The edge-lit letters are perhaps the most discreet form of sign lighting and do not create meaningful glare.

J. Ground or monument signs (signs mounted directly on a solid base) shall be used in the town center. Pole mounted signs are not permitted in the town center. Existing pole-mounted signs may continue as permitted uses...

The proposed freestanding sign is a ground or monument sign.

K. Placement of signs shall not hinder vision or obscure site [sic] lines for motorists.

The proposed freestanding sign is set back far enough from Addison Road so as not to obscure sight distance.

L. Signs that are portable, movable or have flashing components are not permitted.

No portable, movable or flashing signs are proposed.

M. All new office, retail commercial buildings shall provide a common sign plan when there is more than one principal building or multitenant (three or more businesses) building on a single parcel or a combination of parcels under common ownership....

The proposed development is for a single building, so this standard is not applicable.

N. Freestanding signs in Metro North shall be...

The subject property is not located in Metro North, so this standard is not applicable.

Public Areas P1. Road Network

Design Standards: All Subareas

A. A network of interconnected streets shall be established. The network shall consist of a hierarchy of streets including three new types of pedestrian-oriented roads (see DDS-3). A proposed road network is shown on DDS-4 as a guide for future development and to demonstrate appropriate location for the types of street sections.

The subject property is a single site and not a comprehensive development. The scope of this standard is beyond application to a single, 3-acre parcel. It is noted, however, that the proposed development is complementary to the road network illustrated on DDS-4, which retains Addison Road and Zelma Avenue.

Town Commons (Metro West and Addison South)

B. An L-shaped street shall connect the entrance of the Metro station and the Addison Plaza shopping center towner in Metro West as the main spine of the vehicular circulation system...

The subject property is located well to the north and east of the proposed L-shaped street.

C. Cul-de-sacs as the terminus to streets shall be avoided...

The proposed development is a single site and does not propose the creation of new roads, relying instead on the three abutting roadways which are a part of the planned network.

D. Planted medians (to separate travel direction) shall be located on the L-shaped main street.

The subject property is located well to the north and east of the proposed L-shaped street.

E. All streets within the town center shall be constructed with curb and gutter.

All of the abutting roadways have been constructed with curb and gutter.

F. Intersections should employ "safe-crosses." This treatment enhances pedestrian safety by expanding the sidewalk area in the unused portion of the on-street parking land adjacent to the intersection (see DDS-5).

The proposed development is a single site and does not propose the creation of new roads. Furthermore, on-street parking is not proposed in association with the proposed development. Onstreet parking does currently occur along the subject property's frontage on Zelma Avenue, but the its street width is not sufficient to allow for set-aside parking lanes on both sides of the street.

G. Zelma Avenue shall remain and connect into the road network.

Zelma Avenue is proposed to remain.

 H. Old Central Avenue shall be removed from Rollins Avenue eastward. Rollins Avenue shall be extended north to East Capitol Street to facilitate traffic movement to MD 214 both east and westbound. Ne development shall accommodate the proposed closing of Old Central Avenue and not become an obstacle to future planned roads.

The closure of Old Central Avenue and the extension of Rollins Avenue to connect with East Capitol Street are under the jurisdiction of SHA and are beyond the scope and control of the proposed development.

Public Areas

P2. Sidewalks, Trails and Crosswalks

Design Standards:

A. The pedestrian circulation system portrayed on DDS-6 shall be required in the town center.

The pedestrian circulation system portrayed on DDS-6 requires sidewalks along Addison Road and Zelma Avenue. Both sidewalks are proposed by the subject development. DDS-6 also illustrates an on-street bicycle network along Central Avenue. An enhanced sidepath 12 feet in width is proposed to meet this requirement.

B. All roads within the town center shall have a continuous system of sidewalks on both sides on the street. DDS-7 shows the required location of sidewalks and the attendant landscape areas. Differing treatments are required for particular sides of MD 214 and Addison Road due to the varying existing conditions, including right-of-way width. Existing sidewalks shall be relocated away from the curb edge to provide an adequate pedestrian safety zone. Existing sidewalks which are already set back from the curb edge shall remain, and sidewalks along MD 214 shall be widened to five feet. Treatments are also shown for Rollins Avenue and Zelma Avenue.

No sidewalks currently exist along the subject property's frontage along Addison Road and Zelma Avenue. Eight-foot and five-foot sidewalks are proposed respectively. This exceeds the requirement of DDS-7 for Addison Road for a five-foot sidewalk; DDS-7 does not address the east side of Zelma Avenue. The existing sidewalk along Central Avenue, which runs along the curb edge, will be removed by the widening of Central Avenue to create a new right-turn lane onto Addison Road. A 12-foot sidewalk, set back five feet from the curb edge. This exceeds the requirement of DDS-7 for an eight-foot sidewalk set back five feet.

C. Sidewalks shall be set back for the curb on MD 214 and Addison Road to provide pedestrians a safe and comfortable walking environment. Sidewalks should be made of concrete paving or better, be a minimum of five feet in width, and should provide a five-foot-wide grass strip for the planting of shade trees, as indicated in DDS-7.

As discussed immediately above, the proposed sidewalk widths exceed the requirement of this standard, and meet the five-foot curb setback requirement.

D. Sidewalks along the L-shade main street...

The subject property is located well to the north and east of the proposed L-shaped street.

E. Sidewalks within the residential areas of the town center shall be constructed of concrete or brick paving, be a minimum of five feet in width and should provide a six-foot wide grass strip for the planting of trees.

The subject property is not located within the residential areas of the town center.

F. Crosswalks shall be provided at all intersections. Crosswalks at primary intersections shall be constructed of interlocking concrete pavers. Crosswalks at secondary intersections shall have striped marking in the pavement. Crosswalk materials for primary intersections shall be consistent throughout the town center.

The intersection of Addison Road and Central Avenue is designated as a primary intersection. The intersection of Zelma Avenue and Central/old Central Avenues is designated as a secondary intersection. Crosswalk striping or alternative materials are not indicated on the Detailed Site Plan, but are in existing public rights-of-way outside of the property's boundaries, and as such the Detailed Site Plan approval process can not impose binding requirements for crosswalk improvements.

G. Asphalt shall not be used as a paving material for sidewalks.

All proposed sidewalks are to be constructed of concrete.

H. All sidewalks shall have accessible ramps and comply with Americans with Disabilities Act (ADA) regulations.

All proposed sidewalks are indicated as being provided with accessible ramps.

I. The selection of paving materials for pedestrianways for the L-shaped main street...

The subject property is located well to the north and east of the proposed L-shaped street.

J. Pedestrian circulation within Metro North shall provide...

The subject property is not located in Metro North, so this standard is not applicable.

K. Connections to the trail network shall be provided from the sidewalk system throughout the town center. A trail connection to the Cabin Branch stream valley park shall provide access to the Metro station and vicinity form the northern residential neighborhoods along the east side of Soper Lane.

The subject property does not abut the proposed trail network illustrated on DDS-6.

L. Internal sidewalks shall be well-defined, separated from vehicular travelways and shall connect to the external sidewalk system.

The proposed interior sidewalks are well defined by their materials, are separated from vehicular travelways by curbing at a minimum, and connect repeatedly to the external sidewalk system.

M. A concrete sidewalk shall be installed in Addison Plaza West...

The subject property is not in Addison Plaza West.

N. Pedestrian circulation in Baber Village shall be provided...

The subject property is not in Baber Village.

O. Connections to the Metro station shall be provided across Addison Road to Metro West via a four-way intersection with crosswalks and sidewalks.

The subject property abuts the intersection of Addison Road at Central Avenue next to the Metro station. There are existing crosswalks and sidewalks at that location; the sidewalks will be extended along the subject property's Addison Road frontage as discusses above. The crosswalk across Addison Road will be extended by the proposed widenings of both Central Avenue and Addison Road.

P. Sidewalks on Addison Road and MD 214 along the Metro station property shell be widened...

The subject property is not the Metro station property, so this standard is not applicable.

Public Areas

P3. Street Furniture

Design Standards:

A. Street furniture shall be constructed of durable materials and require minimal maintenance.

No street furniture is proposed in the public rights-of way. The street furniture on the subject property as shown on the Detailed Site Plan meets this durability standard.

B. Street furniture shall be placed at strategic locations, such as bus stops, public plazas, high pedestrian traffic areas, along trails, and within retail/commercial activity zones.

Street furniture, consisting of shaded tables & chairs, other sitting areas such as seating walls, bike racks, and trash receptacles are distributed generously throughout the plazas where there will be high pedestrian traffic, including in front of the retail uses at the proposed building.

C. At the time of the first Detailed Site Plan submission, the Planning Board shall approve consistent styles and designs for the street furniture for all future development in the town center. This furniture includes, but is not limited to, benches, trash receptacles, bicycle racks, light fixtures, banners, bus shelters, kiosks, planters, and bollards.

This is not the first Detailed Site Plan submission within the Addison Road Metro DDOZ.

Public Areas

P4. Trees and Plantings

Design Standards:

A. Street trees shall be used along the sides of all roadways within the town center to define the street edge, provide a shaded overhead canopy and establish a rhythmic, unifying element to the street environment.

Street trees are illustrated on the Detailed Site Plan along all of the perimeter streets.

B. Medium to large deciduous shade trees shall be utilized for street trees, and shall be planted between 30- and 40 feet on center. Street trees shall be installed at a minimum height of 12 feet and 2-1/2-inch caliper.

This standard is not legally applicable to public rights-of-way; the proposed street trees are illustrated on the Landscape Plan in accordance with size, species and planting separations provided for on the DPW&T standards.

C. One tree species shall be selected for use as the street tree on the L-shaped main street...

The subject property is located well to the north and east of the proposed L-shaped street.

D. A limited tree and plant palette shall be selected to provide consistency, uniformity and a distinct identity to the roads within the town center. One tree species shall be selected for use as the street tree for each roadway within the town center.

This standard is not legally applicable to public rights-of-way; the proposed street trees are illustrated on the Landscape Plan in accordance with size, species and planting separations provided for on the DPW&T standards.

E. Coordinate street tree planting with any screening and parking lot planting.

The screening and parking lot planting species were selected to be complementary to the street trees.

F. Plant selection for trees shall consider the following characteristics: shape of canopy, depth of root zone, overhead utility lines, drought tolerance, maintenance requirements and tolerance of adverse urban conditions. Native plant species are strongly recommended.

The plant selections are in conformance with the species recommended by the Landscape Manual, which considered the characteristics listed in this standard.

Public Areas

P5. Lighting

Design Standards:

A. Pole-mounted light fixtures shall effectively illuminate all streets and sidewalks within the town center.

This standard is not legally applicable to public rights-of-way; the light fixtures must conform to DPW&T standards. Pole-mounted fixtures are used within the subject property to illuminate the access drives and sidewalks.

B. At the time of the first site plan along the MD 214 and/or Addison Road corridors, a consistent type of ornamental pole and luminaire shall be selected in consultation with DPW&T.

This is not the first site plan along the Addison Road corridor. And, this standard is not legally applicable to public rights-of-way; streetlights and poles must conform to DPW&T or SHA standards.

C. At the time of the first site plan in Metro West or Addison South, a consistent type of ornamental pole and luminaire shall be selected in consultation with DPW&T.

This is not the first site plan in Metro West. And, this standard is not legally applicable to public rightsof-way; streetlights and poles must conform to DPW&T or SHA standards.

D. Ornamental poles and luminaires should be used instead of standard cobra head highway fixtures along all major roadways.

This standard is not legally applicable to public rights-of-way; the light fixtures must conform to DPW&T standards.

E. Poles and luminaires should be in scale/proportion with their intended location and use.

Poles and luminaires use on-site, with their lower pole heights, are scaled to the pedestrian activity which will surround the proposed building.

F. Light fixtures should be relatively easy to maintain and be constructed of durable materials.

Durable and easy-to-maintain Light fixtures were selected.

G. Light fixtures should be placed to provide maximum effective illumination and avoid conflicts with trees or other obstructions.

Light fixtures were placed to provide even illumination throughout the project's public spaces. The fixtures have been coordinated with the tree planting, as is shown on the Landscaping and Lighting Plans in the Detailed Site Plan.

Public Areas

P6. Utilities

Design Standards:

A. All future development within the town center shall place all appropriate utilities underground. New residential development in Addison Plaza West, Addison South, Metro West and Baber Village shall also place all utilities underground.

Prior approvals of this Detailed Site Plan have included a condition requiring all on-site utilities to be underground. This is still proposed.

B. Redevelopment of parcels with the town center should incorporate the relocation of utilities underground.

The subject development is not a redevelopment, so this standard is not applicable.

Building Design

B1. Height, Scale and Massing

Design Standards:

A. Retail/commercial buildings within an attached row or block shall be similar in height and shall not vary more than 15 percent from the average height in the row or block.

The proposed development is for a single, freestanding building. As such, this standard is not applicable.

B. Individual building shall utilize human-scaled architectural elements. Oversize/exaggerated elements or large monolithic box-like structures shall be avoided.

The proposed architecture has a fine grain, featuring human-scaled elements such as projecting bays, balconies, awnings, punched windows, and a detailed cornice. The building's mass is further articulated with setbacks and projections to avoid a monolithic character.

C. Building should promote a sense of human scale by articulating a basic three-part organizational structure of ground level, middle stories and roof.

The building's architecture addresses the three-part organizational requirement of this standard with material changes for the ground level and topmost level, as well as the incorporation of an articulated cornice at the roofline.

D. Proposed building shall utilize massing which is appropriate to the size and functions(s) of the structure. Overly complex building massing should be avoided.

The building massing does feature projections to emphasize end bays and the building entrances, but is not overly complex in its massing. The projecting forms are scaled to the basic depth requirement of a double-loaded-corridor multifamily building.

E. Architectural components should be designed as integral elements of the building and should not appear to be attached or applied onto the building façade.

The various elements of the massing and the façade articulation are complementary and reinforce the building's principally residential character. The projecting bays complement the rhythm of the stacked and grouped punched windows with contrasting spandrel panels, and serve to accentuate the overall façade composition by emphasizing the ends and entrances of the building.

F. Proposed buildings located at prominent intersections should articulate the corner location with appropriate building forms and vertical emphasis.

The proposed building is located at a prominent intersection. Its design does articulate its corner location with the use of projecting bays to emphasize the corner, and by the vertical emphasis created by the grouping and stacking of windows with contrasting-colored spandrel panels.

G. At least 60 percent of the single-family detached residential dwellings in a development project...

The proposed development does not include single-family detached dwellings.

H. Service areas shall be architecturally integrated into the overall design of buildings.

The only exterior service areas are the three loading spaces at the rear of the building. These spaces are integrated into the building's overall design by their nestled location behind building projections.

I. Proposed buildings shall be between one and four stories in total height within the town center.

The building is proposed to be six stories in height, which exceeds this standard. While a modification of this standard has been granted on prior approvals of this Detailed Site Plan, the conformance of this specific proposal must be evaluated. The associated modification is discussed following the discussion of the remaining standards.

J. Infill buildings shall maintain and reinforce the existing pattern of development...

The proposed building is not an infill building, so this standard is not applicable.

K. The minimum size for single-family detached dwelling units...

No single-family dwellings, either detached or attached (as provided for in parts of the standard not reproduced here), are proposed, so this standard is not applicable.

Building Design B2. Roofs

Design Standards:

A. Commercial buildings should employ flat roofs, located behind parapet walls. Simple gable or hipped roofs may also be integrated into the roof design of commercial buildings.

The proposed building is a mixed-use, commercial and residential building, so the applicability of this standard is not explicitly clear. Staff has consistently opined in their review of this project, however, that the standards for commercial buildings are applicable to the proposed development, so this standard will be applied rather than standard B2.B, immediately below. The proposed building features a flat roof with perimeter parapets.

B. Residential building should employ simple gable or hipped roofs.

In accordance with the immediately-foregoing discussion, the proposed building is being treated as a commercial building rather than a residential building.

C. Single-family attached residential units...

No single-family attached dwellings are proposed, so this standard is not applicable.

D. Overly complex roof forms, as well as gambrel and mansard roofs shall be avoided.

The simple roof form of a flat roof with a parapet wall, as provided for in standard B2.A above, is not an overly-complex form.

Building Design

B3. Materials and Architectural Details

Design Standards:

A. A high quality material which is durable and attractive shall be used on all proposed nonresidential building within the town center. Exterior building materials such as precast concrete, brick, tile and stone are recommended.

The building's material palette consists of three colors each of brick and fiber cement (a form or precast concrete).

B. Single family residential building types....

No single-family dwellings are proposed, so this standard is not applicable.

C. The exterior appearance of building facades within a residential development shall avoid the use of repetitive architectural materials...

The proposed development is for a single, mixed-use building, for which Staff has consistently applied commercial building design standards, so this standard is not applicable.

D. All residential detached/attached building types where a chimney is provided...

The proposed development is for a single, mixed-use building, for which Staff has consistently applied commercial building design standards, so this standard is not applicable. Furthermore, no chimneys are proposed.

E. Nonresidential buildings should articulate the first story and primary entrances with pedestrianscaled architectural elements.

The first story of the proposed building is articulated by use of a separate color palette for the brick material, and proposes human-scale doors and windows. The building entrances (to the residential use) are articulated with a distinctive window pattern with masonry knee walls, both unique to the entire building façade composition. The entrances are further articulated with projections in the building mass and by the use of paired projecting human-scaled window bays on the upper levels over the main entrance.

F. Building facades which are composed of reflective or tinted glass are not permitted. These materials do not convey a sense of human scale and are not compatible with a pedestrian-focused environment.

Windows are not indicated as using reflective or tinted glass.

G. Imitation or synthetic exterior building materials which simulate the appearance of stone or brick should be avoided.

Imitation building material are not proposed. The fiber cement panels and siding could be construed as "synthetic" as they are manufactured materials (though so is brick...) but they are used here in a form which is reflective of the actual material rather than as an imitation of another material.

H. Buildings which are composed of "ribbons or bands" of glass and architectural precast panels should be avoided.

The proposed building does not include ribbon windows or architectural precast panels (which are considered in the industry to be massively scaled and custom-designed and fabricated for each individual project in contrast to fiber cement panels, which, though it they may have the same physical materiality, are considered to be a wholly different building material.

I. Exterior façade material shall be extended down top 12 inches from the finished grade, avoiding exposed unfinished concrete or concrete masonry unit (CMU) basement walls.

The finished façade materials extend all the way to grade, avoiding the exposure of any unfinished structural components.

J. Trademark buildings are not permitted unless their exterior design is modified...

The proposed building is not a trademark building.

K. Building materials and colors in Metro North shall be used...

The subject property is not located in Metro North, so this standard is not applicable.

L. The selection of exterior colors should allow the building to blend in harmoniously with the overall fabric of adjacent buildings.

The red/brown/tan color scheme of the proposed building is complementary to the red brick found on many of the single-family dwellings on Zelma Avenue, as well as the brick and concrete of the Metro parking garage across Addison Road from the subject property.

M. The color palette for buildings should be kept simple and restrained. Wall color should be neutral with trim colors providing an appropriate accent.

The color palette of the proposed building is simple and restrained, featuring earth tones, and the use of complementary trim colors in the window and door frames and the cornice at the roof line.

N. Brick or stone should be used in their natural or traditional colors and finish when selected as the predominant wall material of a building. Brick or stone generally should not be painted.

The brick to be used in the proposed building is not proposed to be painted.

Building Design

B4. Window and Door Openings

Design Standards:

A. Individual "punched" or framed windows are recommended instead of horizontal "ribbon or band" type windows. Curtain walls and other continuous floor-to-ceiling windows shall be avoided.

Punched windows are used for the proposed building.

B. Large display windows are recommended for retail uses at street level.

Large display windows are used for the ground-floor retail uses at the proposed building.

C. Patterns of window openings or articulation of bays should be used to maintain a sense of scale and add visual interest to building facades.

The fenestration is organized in patterns of stacked bays, completed by contrasting spandrel panels, the use of projecting bays to emphasize certain building features, and varying rhythms of grouped windows.

D. Large, blank building walls are not permitted when facing public areas such as streets, parking lots or zones of pedestrian activity.

No blank walls are proposed.

E. Overly small or large windows which convey a sense of scale shall be avoided.

The proposed windows are consistently and appropriately scaled, using variations in the number of windows grouped together to create rhythm and visual interest.

F. Doors shall be compatible with the material and detailing of windows and other related building elements.

The proposed doors are complementary in material and detail with the surrounding fenestration.

G. Window and door opening shall not be obscured by signs, other objects or displays.

The signage details provide window signage covering more than 20% of the window area is not allowed to avoid obscuring the window openings.

H. Existing windows shall not be blocked in...

The proposal is for a new building, so this standard is not applicable.

I. Exterior burglar bars on windows and doors are not permitted in the town center...

No exterior burglar bars are proposed.

J. Single-family attached residential dwellings shall incorporate...

No single-family dwellings are proposed, so this standard is not applicable.

Building Design

B5. Building Facades/Storefronts

Design Standards:

A. The primary entrance to retail/commercial, office and institutional building shall be directly from the street throughout the town center, especially within the town commons (Metro West and Addison South).

The primary building entrances to both the residential and retail components are directly from the street, or, because of the necessary setback owing to the presence of the underground Metro tunnel, from plazas which immediately abut the street and are accessed directly from it.

B. Storefronts shall be articulated with display windows, recessed entry doors, lighting, signs and awnings/canopies.

The proposed retail storefronts are articulated with display windows, building-mounted lighting, signs and awnings.

C. Rear and side building entrances shall be provided if served by an adjacent parking area. These entrances shall be inviting, well-lit and clearly articulated.

A secondary rear entrance facing the surface parking area is proposed for the residential component. The entrance is clearly articulated by the building massing and the façade design, and is well-lit by both pole-mounted lighting and bollard lighting.

D. Merchandise shall not be displayed in front of or leaning against the exterior facade(s) of a building.

This standard is noted for application to the future tenants' activities, but is not applicable to this site plan review.

Building Design B6. Lighting

Design Standards:

A. Lighting shall be an integral component in the overall architectural design and character of all buildings within the town center.

The building-mounted lighting illustrated on the elevations is complementary to the rhythms of the overall façade design.

B. Lighting shall provide adequate safety and visibility around the building entrances and perimeter.

The building-mounted lighting will supplement the site lighting which is demonstrated by the photometric plan to provide adequate lighting for safety and visibility.

C. High intensity light fixtures shall direct glare away from adjoining properties and public rights of way.

The photometric plan indicates that the design is effective in minimizing spillover onto adjoining properties and public rights-of-way.

D. Building lighting shall be coordinated with site lighting, when appropriate.

The building lighting is not specified on the site plan as the site lighting is. The design of the fixtures as rendered on the elevations, however, indicates that the styles of the fixtures are appropriately coordinated.

Building Design

B7. Signs

Design Standards:

- A. Signs shall primarily serve to identify the name and type of business establishment only
- *B.* Building signs shall be constructed of permanent quality materials. Temporary signs which are attached to the building façade are not permitted.
- C. Building signs shall be simply designed, contain a minimum amount of information and have a maximum of three colors. Building signs that are excessively elaborate, oversized in proportions, or use poor quality materials are not permitted.
- D. The sign location shall be incorporated into the overall architectural design of the building. The placement, materials, colors, type, style and size of signs shall be compatible with other architectural features of a building.
- *E.* Signs that are externally lit are recommended and should be directed to illuminate the sign face only. Sign faces that are internally lit are not recommended. Individual letters or characters should be lit instead of the entire sign face.
- *F.* Building signs should be compatible in design, materials and color with the architectural character of the buildings.
- *G.* Wall signs should be placed in the zone of the façade which is directly above the storefront. The size of the sign should be in proportion to the height and width of the building face to which it is attached.
- *H.* Hanging signs which project outward from a building wall shall not interfere with the vehicular or pedestrian traffic adjacent to the sign.

Building-mounted signage is only depicted conceptually on the Detailed Site Plan, but without enough detail to determine its conformance to the foregoing standards, with one exception: The signage details do propose the use of individual, internally-illuminated letters for use as building mounted retail signage. This proposal requires the approval of a modification to standard B7.E, which will be discussed following the discussion of the remaining standards.

I. Window signs shall not obscure the interior view of a business/retail establishment.

The signage details provide window signage covering more than 20% of the window area is not allowed to preserve the interior view of businesses.

J. Awning signs, which identify the name of a business, may be located on the front face of an awning.

The awning details propose the use of graphics on the front face of the proposed awnings.

K. Signs for multitenant building shall be consistent and coordinated in terms of design, placement, size, materials and color.

Similarly to standards B7.A through B1.H, the building-mounted signage is only depicted conceptually on the Detailed Site Plan, but without enough detail to determine its conformance to this standard.

L. Signs located above or projecting from the roof line or parapet wall are not permitted.

No sign is proposed projecting from the roof line or parapet wall.

M. Flags and banners attached to a building façade shall be considered part of the building sign system.

No flags or banners are indicated on the elevations.

N. All new office, retail commercial buildings shall provide a common sign plan when there is more than one principal building or multitenant (three or more businesses) building on a single parcel or a combination of parcels under common ownership....

The proposed development is for a single building, so this standard is not applicable.

Building Design

B8. Awnings

Design Standards:

A. The design of awnings, including the selection of a material and color shall complement the architectural style and character of a building.

The consistent design of the proposed awnings will provide another element which contributes to the rhythms established in the rest of the façade design. The proposed awning color is the one single departure from the earth tones of the rest of the façade to provide a contrasting element calling attention to the ground-floor retail uses.

B. Large buildings with several storefronts shall have compatible, though not necessarily identical awnings. Awnings should be the same general style, material and proportion, although awnings may employ different but harmonious colors and patterns.

The awnings proposed are similar in material, color and profile, but vary in width with the rhythms of the window bays they cover, contributing to the overall façade design.

C. Awnings should be the same width as the window or door openings that they are covering, rather than extending across the entire face of a building.

The awnings are the same width as the window and door openings they cover.

D. Awnings should be mounted to the building façade above the top of the display windows and below the sign band or panel with the valance approximately eight feet above the sidewalk.

The awnings are proposed to be mounted above the top of the display windows. Their valence height is not dimensioned, but scales to be approximately eight feet above the adjoining plaza.

Building Design

B9. Building Services

Design Standards:

A. Any nonvegetative screening of exterior trash and storage areas, service yards, delivery areas, transformers, satellite dishes and mechanical equipment shall be compatible with the architectural character of the building and the overall site design. (See Site Design/Buffers and Screening).

As discussed above, screening of the loading areas is accomplished by being nestled between building projections. This condition is inherently a part of the architectural character of the building. The proposed transformers are screened by the perimeter wall and fence which separates the parking areas from the adjacent street, and as such is an integral part of the overall site design.

B. Rooftop mechanical equipment shall be located below sight lines of adjacent streets and architecturally integrated or screened with compatible building materials.

The proposed rooftop mechanical equipment is screened from the adjacent streets by the building's height and the parapet walls.

C. Ground-level mechanical equipment including storage, service and delivery areas shall be located in a visually inconspicuous area, such as in the rear of a building or site and out of public view.

Strictly-speaking, no ground-level mechanical equipment is proposed. Some, however, consider the electric transformers (owned by the utility) to be mechanical equipment. To this end, the transformers are located at the rear of the building along Zelma Avenue, and are screened by the masonry wall and iron fence which screens the parking areas. As discussed above, the loading areas are also located in the rear of the building and are screened from the public rights-of-way by building projections.

D. Exterior window air-conditioning units are not permitted on new building construction within the town center.

No exterior window air-conditioning units are proposed.

E. Access to a building in Metro West for services such as deliveries or trash removal shall be provided from the rear of a site, if possible.

As discussed above, access to the building for deliveries (in the loading spaces) is located in the rear of the proposed building. The trash collection areas are located in the building interior, and pickup will also occur in the building's rear.

F. Dumpsters shall be enclosed with a continuous, solid, opaque masonry wall or other opaque screening treatment. Buildings shall consolidate their garbage storage needs in a single, central location away from public view.

As discussed above, the dumpsters will be located inside the proposed building, and are thus necessarily enclosed with an opaque screening treatment away from public view.

Building Design

B10. Former Residential Buildings in Commercial Use

Design Standards:

All of the standards in Section B10 are not applicable as the proposed building is a new building.

The Table of Uses is also a Development District Standard. The proposed use, which includes both retail uses and more than three multifamily dwellings, and includes multifamily dwellings on the second and third floors, is not listed as a Permitted Use by the Table of Uses in the C-S-C Zone in this Development District Overlay Zone. A modification was previous granted in the approval of DSP-06001. Staff has opined that while a new modification is required for the proposed building height because the proposed building is different than those covered by the prior approvals of DSP-06001, a new approval is not required because the use remains the same. This planner concurs.

The next requirement for the approval of this Detailed Site Plan are the criteria of Section 27-548.25(c) and Section 27-548.26(b)(1)(B)(ii) for approval of modifications to the Development District Standards.

REQUIRED FINDINGS OF SECTIONS 27-548.25(c) and 27-548.26(b)(1)(B)(ii):

Section 27-548.25(c) provides that, "The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan."

Section 548.26(b)(1)(B)(ii) provides that, "In determining whether to approve such amendments to the Development District Standards, the District Council shall find that the amended standards will benefit the proposed development, will further the purposes of the applicable Development District, and will not substantially impair implementation of any applicable Master Plan or Sector Plan." The application of Section 27-548.26 to the subject Detailed Site Plan is not explicitly clear. It most probably applies only to amended Development District Standards specifically addressing changes to the underlying zone or the list of allowed uses, as these are the only modifications which must necessarily be approved by the District Council; the text of Sections 27-548.26(b)(1) and 27-548.26(b)(1)(B)(i), however, suggest that the requirements of this particular subsection could be applied to all amended development requirements.

So out of an abundance of caution, the findings of Section 548.26(b)(1)(B)(ii) are discussed as well as those of Section 27-548.25(c). The requirements partly overlap: Both sections require a finding that the amended (or alternate) standards benefit the proposed development; one requires that the amended standards benefit the Development District, while the other requires that they further the purposes the of Development District; and, both require that the amended standard not substantially impair the implementation of the Master (or Sector) Plan.

Three modifications are proposed, as the Applicant has indicated to this planner that they do not wish to contest the Staff's recommendation for disapproval of a modification to standard S1.C for continuity of sidewalk material across driveways.

Modification to Standard S3.C

This standard addresses the establishment of a build-to line of 10 to 15 feet from the right of way line for retail/commercial buildings which front on the Central Avenue and Addison Road.

The existence of the Metro tunnel along the front of the subject property restricts the owner and applicant from occupying this area with a building because of adverse structural impacts on the Metro facility.

Approval of a modification of this standard will clearly benefit the proposed development because the modification will allow the development to proceed.

Approval of a modification of this standard will benefit the Development District by allowing the development of a key site, adjacent to the Metro Station, to occur in conformance with (almost) all of the other Development District Standards. The creation of the landscaped plazas in the area encumbered by the Metro facility will be a positive benefit to the Development District as well.

The Addison Road Metro Development District Standards do not contain a purpose statement for the District. They do contain a statement of four primary goals, which are:

"First, revitalizing the town center with new, upscale residential and commercial development. The entire town center area is in need of revitalization, to attract new businesses and residents.

Second, promoting transit-oriented development near the Metro Station. Transit-oriented development serves Metro users, not the automobile.

Third, promoting pedestrian-oriented development. Pedestrian-oriented development aids Metro users and will encourage pedestrians to use residential and commercial properties near the Metro station.

Fourth, promoting compact development in the form of a town center with a town commons area at Addison Road and MD 214, next to the Metro station. Compact development, with higher development densities favoring Metro users and pedestrian, offers the benefits of the Metro station to the greatest number of residents and businesses."

Allowing the proposed development to go forward will further all four of these goals. The modified build-to line will not have any impact on the fulfillment of the first and second goals; Arguably, the environment created by the proposed plazas will create a superior pedestrian-oriented development than a simple façade more proximate to the right-of-way, and a more successful town commons area at Addison Road and MD 214, better fulfilling the third and fourth goals than strict compliance with standard S3.C would.

Finally, the approval of this modification would not impair – let alone substantially impair – any of the Goals, Policies or Strategies laid out for the Addison Road-Seat Pleasant Metro Center in the Subregion 4 Master Plan (which amended the Addison Road Metro Town Center and Vicinity Sector Plan, but not the Development District Standards for the D-D-OZ).

Modification to Standard B1.I

This standard addresses the establishment of a maximum building height of four stories within the town center.

While previous approvals have included modifications to allow as many as ten stories, the proposal of a new building form requires the approval of a new modification.

As with the foregoing modification addressing the build-to line, the approval of a modification of this standard will clearly benefit the proposed development because the modification will allow the economics of the development to proceed. And as with the prior modification, approval of a modification of this standard will benefit the Development District by allowing the development of a key site, adjacent to the Metro Station, to occur in conformance with (almost) all of the other Development District Standards.

Approval of this modification will specifically further the fourth goal of the Development District, promoting compact development with higher development densities, offering the benefits of the Metro station to the greatest number of residents.

Finally, approval of this modification would not impair any of the Goals, Policies or Strategies laid out for the Addison Road-Seat Pleasant Metro Center in the Subregion 4 Master Plan, which do not speak to specifics of building height or the development density which naturally flows from increases to it. The text of the plan does, however, point out that the Addison Road-Seat Pleasant Metro center, "lacks...multifamily units that, with higher densities, support transit (page 139). And Policy 1 for the Addison Road-Seat Pleasant Metro center is to, "promote dense, vertical, mixed-use development west of the Metro, along Central Avenue and East Capitol Street." Approval of the requested modification would therefore in fact more fully implement the Master Plan's recommendations for the Addison Road-Seat Pleasant Metro center.

Modification to Standard B7.H

This standard addresses a recommendation against internally-lit signs.

This planner believes that because the standard is not mandatory, approval of a modification is not actually required. This planner does agree with Staff, however, in that if it is given that a modification is in fact necessary, it should be approved.

As with the two foregoing modifications, the approval of a modification of this signage standard will benefit the proposed development because the modification will allow for the installation of modern, attractive signs of a type that were not contemplated by the standard when it was written: Box signs with a printed graphic on an internally-lit panel are what the standard seeks to discourage. In fact, internally-lit (or internally back-lit) individual letters seem to this planner to conform to the standard which directs that "individual letters or characters should be lit rather than the entire sign face," the approval of which would benefit the development district by allowing for an attractive, modern sign type.

Approval of this modification will further the first goal of the Development District, by encouraging upscale commercial users to occupy the proposed development.

Finally, approval of this modification would not impair any of the Goals, Policies or Strategies laid out for the Addison Road-Seat Pleasant Metro Center in the Subregion 4 Master Plan, which do not speak to specifics of signage or even building design.

CONCLUSION

In summary, because the proposed Detailed Site Plan is a reasonable alternative for addressing the site design guidelines laid out in the Zoning Ordinance, meets the Development District Standards but for three exceptions, and that modifications to each of those three excepted standards would benefit the proposed development and the development district, would further the purposes of the development district and would not substantially impair the Master Plan, that Detailed Site Plan DSP-06001-03 should be approved.

Respectfully submitted,

Mark G. L. Ferguson, R.A. Senior Land Planner Site Design, Inc. Planner for 6301 Central Avenue, LLC April 7, 2020

N. Andrew Bishop Senior Planner Development Review Division Prince George's County Planning Department 14741 Governor Oden Bowie Drive Upper Marlboro, MD 20772

Re: The Commons at Addison Road Metro Case No. DSP-06001-03

Dear Mr. Bishop:

I am the authorized representative of Iman, LLC, a limited liability company registered in Maryland, which is currently in good standing.

6301 Central Avenue, LLC is authorized to submit application DSP-06001-03, to include Parcel 87.additionally for surface parking only pursuant to lease agreement and air rights are reserved by Iman for future development,.

I will be happy to provide any further clarifications or answer any additional questions should you or your colleagues have them.

Sincerely,

Dr. Mit

Mark G. L. Ferguson, R.A.

Architect & Planner Site Design, Inc./RDA 9500 Medical Center Drive, Suite 480 Largo, Maryland 20774 (301) 952-8200 mglferguson@engsite.tech

Education:

Bachelor of Architecture University of Maryland, College Park, 1985

Licensure:

Registered Architect Maryland Registration #7621, 1987

Employment:

5/05 to Present:	Senior Land Planner RDA Engineering Company, Inc./Site Design, Inc. Upper Marlboro & Largo, Maryland
5/99 to 5/05:	Principal Mark G. L. Ferguson, R.A., Architect & Planner Hyattsville, Maryland
5/89 to 5/99:	Architect/Planner Robertson-Dhalwala Associates, LLC Upper Marlboro, Maryland Prince Frederick, Maryland
9/87 to 5/89	Architect AIP Architects Adelphi, Maryland
6/85 to 9/87	Intern Architect AIP Architects Adelphi, Maryland
2/84 to 6/85	Intern AIP Architects Adelphi, Maryland

Professional Experience:

Mr. Ferguson has broad experience in the fields of architecture, land planning and civil engineering, with projects ranging in scope from small residential additions to community planning. He has provided expert planning testimony before the Circuit Court for Prince George's County, the Prince George's District Council, Planning Board, Zoning Hearing Examiner and Board of Zoning Appeals for numerous planning cases, as well as testimony before similar boards in other Southern Maryland jurisdictions.

Cases on which Mr. Ferguson has provided expert testimony or litigative assistance include:

- Callicott Property Upper Marlboro, Maryland Expert planning testimony in application A-10054, requesting rezoning from the C-S-C commercial zone to the R-80 residential zone.
- Khan Property Brandywine, Maryland Expert planning testimony in application A-10049, requesting rezoning from the R-R residential zone to the C-M commercial zone.
- Saint Barnabas Mixed-Use Park Temple Hills, Maryland Expert planning testimony in application A-10047, requesting rezoning from the C-S-C commercial and I-1 industrial zones to the M-X-T mixed use zone.
- Locust Hill Upper Marlboro, Maryland Expert planning testimony in application A-9975/01, requesting approval of a new Basic Plan and revision of prior conditions for a planned community in the R-L comprehensive design zone.
 - Willowbrook
 - Upper Marlboro, Maryland

Expert planning testimony in application A-9968/01, requesting approval of a new Basic Plan and revision of prior conditions for a planned community in the R-S comprehensive design zone.

- Renard Lakes
 - Brandywine, Maryland

Expert planning testimony in application A-10046, requesting rezoning from the R-S comprehensive design zone to the I-1 industrial zone.

- Moore's Corner
 - Brandywine, Maryland

Expert planning testimony in application A-10044, requesting rezoning from the R-R residential zone to the M-X-T mixed use zone.

 Linda Lane Commercial Park Camp Springs, Maryland Expert planning testimony in application A-10043, requesting rezoning from the R-80 residential and C-S-C commercial zones to the M-X-T mixed use zone.

- Brandywine-Waldorf Medical Clinic Brandywine, Maryland Expert planning testimony in application A-10042, requesting rezoning from the C-O commercial zone to the M-X-T mixed use zone.
- Glenn Dale Commons Glenn Dale, Maryland Expert planning testimony in application A-10038, requesting rezoning from the I-1 industrial zone to the M-X-T mixed use zone.
- American Rescue Workers Capitol Heights, Maryland Expert planning testimony in application A-10037, requesting rezoning from the R-R residential zone to the I-2 heavy industrial zone.
- Donnell Drive Forestville, Maryland Expert planning testimony in application A-10036, requesting rezoning from the R-T townhouse zone to the C-M commercial zone.
- Virginia Linen Capitol Heights, Maryland Expert planning testimony in application A-10033, requesting rezoning from the I-3 planned industrial zone to the I-1 light industrial zone.
- Amber Ridge Bowie, Maryland Expert planning testimony in application A-10031, requesting rezoning from the C-S-C commercial zone to the M-X-T mixed use zone.
- Oakcrest
 - Laurel, Maryland

Expert planning testimony in application A-10030, requesting rezoning from the R-55 residential zone to the C-S-C commercial zone.

- Fairview Commercial Property Lanham, Maryland Expert planning testimony in application A-10024, requesting rezoning from the R-80 residential zone to the C-S-C commercial zone.
- King Property
 - Largo, Maryland

Expert planning testimony in application A-10020, requesting rezoning from the I-3 planned industrial zone to the M-X-T mixed use zone.

- Cafritz Tract
 - Riverdale Park, Maryland

Expert planning testimony in application A-10018, requesting rezoning from the R-55 residential zone to the M-U-TC mixed use zone.

- Jemal's Post
 - Forestville, Maryland

Expert planning testimony in application A-10003, requesting rezoning from the I-1 industrial zone to the C-S-C commercial zone.

- Defiance Drive Fort Washington, Maryland Expert planning testimony in application A-10000, requesting rezoning from the R-E estate zone to the R-R residential zone.
- Sauerwein Property Upper Marlboro, Maryland Expert planning testimony in application A-9977, requesting approval of rezoning from the R-R residential zone to the R-T (townhouse) residential zone.
- Renard Lakes Brandywine, Maryland Expert planning testimony in application A-9970, requesting approval of a Basic Plan and rezoning from the I-1 industrial zone to the R-S comprehensive design zone.
- Bevard East
 - Piscataway, Maryland

Expert planning testimony in application A-9967, requesting approval of a Basic Plan and rezoning from the R-E residential zone to the R-L comprehensive design zone.

• Smith Home Farm

Upper Marlboro, Maryland

Expert planning testimony in application A-9965 and A-9966, requesting approval of a Basic Plan and rezoning from the R-A residential zone to the R-M and L-A-C comprehensive design zones.

- Boone Property
 - Largo, Maryland

Expert planning testimony in application A-9957, requesting rezoning from the R-E estate zone to the R-R residential zone.

- Edwards Property
 - Adelphi, Maryland

Expert planning testimony in application A-9954, requesting approval of a Basic Plan and rezoning from the R-R residential zone to the L-A-C comprehensive design zone.

- Buck Property
 - Upper Marlboro, Maryland

Expert planning testimony in application A-9952, requesting approval of a Basic Plan and rezoning from the R-A residential zone and the E-I-A comprehensive design zone to the R-S comprehensive design zone.

Nicowski Property

Upper Marlboro, Maryland

Expert planning testimony in application A-9939, requesting rezoning from the C-O commercial zone to the C-S-C commercial zone.

 Parcel B, Largo Town Center Largo, Maryland Expert planning testimony in application A-9280, requesting an amendment to the Basic Plan for a site in the M-A-C comprehensive design zone.

- State Roads Commission of the State Highway Administration v. Crescent Cities Jaycees Expert planning testimony in Case# CAL-94-20084, seeking just compensation for the State's condemnation of property for the expansion of Maryland Route 5.
- Millard Property

Camp Springs, Maryland

Expert planning testimony in State Highway Administration Project PG209A31, Item #89084, seeking just compensation for the State's condemnation of property for road improvements to Naylor Road associated with the construction of the Naylor Road Metro Station.

 Brandywine-Waldorf Medical Clinic Brandywine, Maryland Expert report in State Highway Administration Project PG175A31, Item #106368, seeking just compensation for the State's condemnation of property for road improvements to Branch Avenue associated with the construction of the interchange of Maryland Route 5 with various roads in the vicinity of T.B.

- University Place Center Langley Park, Maryland
 Expert report in State Highway Administration Project 10420130, Item #900576, seeking just compensation for the State's condemnation of property for construction of the Purple Line.
- United States v. Makowsky, Case #01-2096 D/Bre (D. Tenn) Litigative consultation to the U.S. Department of Justice on a case seeking remedies to accessibility barriers at an apartment complex in Shelby County, Tennessee.
- United States v. Rose, et al., Case #02-73518 (E.D. Mich) Expert testimony for the U.S. Department of Justice on a case seeking remedies to accessibility barriers at apartment complexes in Van Buren Township, Michigan and in Batavia Ohio.
- United States v. Rose, et al., Case #3:01cv0040AS (N.D. Ind) Expert testimony for the U.S. Department of Justice on a case seeking remedies to accessibility barriers at apartment complexes in Elkhart City, Indiana and in Fort Wayne, Indiana.
- Weatherburn Associates, LLC, et al. v. County Commissioners for Charles County, Maryland, Case #08-C-16-002422
 Expert report for the defendant in a proceeding seeking compensation for losses arising out of the alleged failure of the defendant to pursue environmental approvals of a certain formerly-planned road improvement in Charles County, Maryland.

- Varsity Investment Group, LLC, et al. v. Prince George's County, Maryland, Case #CAL-18-41277 Expert report for the plaintiff in an proceeding seeking enforcement of a County Council Resolution granting remission of impact fees for the conversion of an office building to multifamily dwellings in Oxon Hill, Maryland.
- Jackson v. Sumby, Case #CAE-18-01785 Expert testimony for the plaintiff in an proceeding alleging adverse possession of a shared driveway between two houses in Capitol Heights, Maryland.
- Scaggs v. Barrett, et al., AAA Case #04-C-10-000151CN Expert testimony for the defendant in an arbitration proceeding alleging negligence in the preparation of a feasibility study in connection with a proposed subdivision in Calvert County, Maryland.
- Washington Gas Liquefied Natural Gas Storage Facility Hyattsville, Maryland
 Pro bono expert planning testimony in application SE-245/06, opposing the approval of a Special Exception to permit a regional liquefied natural gas storage facility in the O-S Zone, adjacent to a planned high-density mixed-use development around the West Hyattsville Metro station.
- 7-Eleven Marlboro Pike Capitol Heights, Maryland Expert planning testimony in application SE-4822, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone.
- Enterprise Rent-A-Car Capitol Heights, Maryland Expert planning testimony in application SE-4819, requesting approval of a Special Exception for a vehicle rental facility in the C-S-C Zone.
- Hunt Real Estate Development Capitol Heights, Maryland Expert planning testimony in application SE-4815, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone.
- SMO Gas Station & Car Wash Clinton, Maryland Expert planning testimony in application SE-4812, requesting approval of a Special Exception for the rebuild of an existing gas station with the addition of a car wash in the C-S-C Zone.
- Uptown Suites
 - Lanham, Maryland

Expert planning testimony in application SE-4794, requesting approval of a Special Exception for a hotel in the I-2 Zone.

 Ernest Maier Concrete Batching Plant Bladensburg, Maryland Expert planning testimony in application SE-4792, requesting approval of a Special Exception for a concrete batching plant in the I-2 Zone.

- Smith Property Surface Mine Brandywine, Maryland Expert planning testimony in application SE-4517, requesting approval of a Special Exception for an extension in the validity period for an existing surface mine in the O-S Zone.
- Aggregate Industries Sand & Gravel Wet Processing Facility Brandywine, Maryland
 Expert planning testimony in application SE-4790, requesting approval of a Special Exception for an extension in the validity period for an existing wash plant in the R-A and R-E Zones.
- Traditions at Beechfield Mitchellville, Maryland Expert planning testimony in application SE-4785, requesting approval of a Special Exception for a planned retirement community in the R-E Zone.
- Chuck's Used Auto Parts Marlow Heights, Maryland Expert planning testimony in application SE-4783, requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone.
- Dollar General Upper Marlboro, Maryland Expert planning testimony in application SE-4778, requesting approval of a Special Exception for a department or variety store in the I-1 Zone.
- Sunoco Gas Station and Car Wash Camp Springs, Maryland Expert planning testimony in application SE-4778, requesting approval of a Special Exception for a car wash addition to an existing gas station in the C-S-C Zone, including approval of Alternative Compliance for landscape buffers.
- Forestville Auto Service Upper Marlboro, Maryland Expert planning testimony in application SE-4768, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Sheriff Road Seventh Day Adventist Church Fairmount Heights, Maryland Expert planning testimony in application SE-4750, requesting approval of a Special Exception for a church on a tract of land of less than one acre in the R-55 Zone.
- E&R Services, Inc.
 - Lanham, Maryland

Expert planning testimony in application ROSP-4464/02, requesting approval of an expansion to an existing Special Exception for a contractor's office with outdoor storage in the C-A Zone.

- Word Power Baptist Tabernacle Capitol Heights, Maryland Expert planning testimony in application SE-4694, requesting approval of a Special Exception for a church on a lot less than one acre in size in the R-18 Zone.
- Hotel at the Cafritz Property at Riverdale Park Riverdale Park, Maryland
 Expert planning testimony in application SE-4775, requesting approval of a Special Exception for a hotel in the M-U-TC Zone.
- SMO Gas Station & Car Wash Glenn Dale, Maryland Expert planning testimony in application SE-4757, requesting approval of a Special Exception for a gas station and a convenience store in the I-1 Zone.
- SMO Gas Station & Car Wash Beltsville, Maryland Expert planning testimony in application SE-4756, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Liberty Motors
 - Accokeek, Maryland

Expert planning testimony in application ROSP-4575/02, requesting modification of two conditions of a Special Exception for a gas station in the C-S-C Zone.

- Rock Hill Sand & Gravel/Anthony George Project Brandywine, Maryland Expert planning testimony in application SE-4646, requesting approval of a Special Exception for a surface mining operation in the C-S-C Zone.
- SMO Gas Station & Car Wash Laurel, Maryland
 Expert planning testimony in application SE-4730, requesting approval of a Special Exception for a gas station and a car wash in the C-S-C Zone.
- Model Prayer Ministries Bladensburg, Maryland Expert planning testimony in application SE-4723, requesting approval of a Special Exception for a church on a tract of less than one acre in size in the R-55 Zone, including grant of variance.
- Dash-In Food Stores
 - Clinton, Maryland

Expert planning testimony in application SE-4654, requesting approval of a Special Exception for a gas station in the C-S-C Zone, including grant of variance.

- Cabin Branch
 - Clarksville, Maryland

Expert planning testimony for the opposition in Development Plan Amendment SPA 13-02, requesting approval of an outlet mall in the MXPD Zone.

- In Loving Hands
 - Friendly, Maryland

Expert planning testimony in application SE-4704, requesting approval of a Special Exception for a congregate living facility in the R-R Zone.

- A-1 Vehicle Salvage Yard Bladensburg, Maryland Expert planning testimony in application SE-4698, requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone.
- Kreative Kids Child Care Beltsville, Maryland Expert planning testimony in application SE-4388/01, requesting revision to a prior approval of a Special Exception for a day care center in the R-R Zone to increase occupancy.
- Little Workers of the Sacred Heart Nursery Riverdale Park, Maryland
 Expert planning testimony in application SE-3473/01, requesting revision to a prior approval of a Special Exception for a day care center in the R-55 Zone to increase occupancy, including grant of variance.
- Six Flags Amusement Park
 - Mitchellville, Maryland

Expert planning testimony in application SE-2635 & SE-3400, requesting approval of modified conditions to allow for extended hours of operation on limited occasions for certain events, additional firework displays, modified noise limitations, and removing a stipulated height limit to allow for approval of new rides by Detailed Site Plan review and approval.

 American Legion Beltway Post #172 Glenn Dale, Maryland
 Expert planning testimony in application

Expert planning testimony in application SE-4725, requesting approval of a Special Exception for alterations to an existing private club in the R-80 Zone.

- CarMax
 - Brandywine, Maryland

Expert planning testimony in application SE-4697, requesting approval of a Special Exception for a used car sales lot in the C-S-C Zone, including testimony to justify construction in a planned transit right-of-way.

- McDonald's
 - Adelphi, Maryland

Expert planning testimony in application SE-4686, requesting approval of a Special Exception for alteration of a nonconforming fast food restaurant in the C-S-C Zone.

- Tires R Us
 - Riverdale Park, Maryland

Expert planning testimony in application SE-4675, requesting approval of a Special Exception for a tire store with installation facilities in the C-S-C Zone.

- The Tire Depot
 - District Heights, Maryland

Expert planning testimony in application SE-4673, requesting approval of a Special Exception for a tire store with installation facilities in the C-S-C Zone.

• 7-11 Store

Lanham, Maryland

Expert planning testimony in application SE-4670, requesting approval of a Special Exception for a food or beverage store in the C-M Zone.

- Beall Funeral Home
 - Bowie, Maryland

Expert planning testimony in application SE-4662, requesting approval of a Special Exception to add a crematorium to an existing funeral home in the R-E Zone.

- Fort Foote Barber & Beauty Shop Fort Washington, Maryland Expert planning testimony in application SE-4658, requesting approval of a Special Exception for a barber and beauty shop in the R-R Zone.
- Little People's Place Day Care Center Upper Marlboro, Maryland Expert planning testimony in application SE-4639, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Young World Family Day Care Center Cheltenham, Maryland Expert planning testimony in application SE-4635, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Star Wash Car Wash Laurel, Maryland Expert planning testimony in application SE-4630, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- Jock's Liquors Capitol Heights, Maryland Expert planning testimony in application SE-4626, requesting approval of a Special Exception for the reconstruction of an existing nonconforming liquor store in the C-O Zone.
- Little People U Day Care Center Capitol Heights, Maryland Expert planning testimony in application SE-4624, requesting approval of a Special Exception for a day care center in the R-55 Zone.
- Cherry Hill Park
 College Park, Maryland
 Evport planning testimony in a

Expert planning testimony in application SE-4619, requesting approval of a Special Exception for the expansion of an existing recreational campground in the R-R Zone.

- Safeway Fuel Station Brandywine, Maryland Expert planning testimony in application SE-4612, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Behr Apartments College Park, Maryland Expert planning testimony in application SE-4611, requesting approval of a Special Exception for an apartment building in the R-55 Zone.
- Barnabas Road Concrete Recycling Facility Temple Hills, Maryland Expert planning testimony in application SE-4605, requesting approval of a Special Exception for a concrete recycling facility in the I-1 Zone.
- Rose Child Development Center Temple Hills, Maryland Expert planning testimony in application SE-4601, requesting approval of a Special Exception for the expansion of an existing day care center in the R-80 Zone.
- Shell Oil Station
 - Laurel, Maryland

Expert planning testimony in application SE-4597, requesting approval of a Special Exception for a gas station in the C-S-C Zone, including revisions to a prior Special Exception under ROSP-1673/06.

- Catherine's Christian Learning Center Brandywine, Maryland Expert planning testimony in application SE-4592, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Panda Restaurant Capitol Heights, Maryland Expert planning testimony in application SE-4574, requesting approval of a Special Exception for a fast food restaurant in the I-1 Zone.
- Manor Care of Largo Upper Marlboro, Maryland Expert planning testimony in application SE-4573, requesting approval of a Special Exception for the expansion of an existing nursing home in the R-R Zone.
- Bowie Assisted Living Bowie, Maryland Expert planning testimony in application SE-4569, requesting approval of a Special Exception to expand an existing congregate living facility in the R-R Zone.
- 7604 South Osborne Road Upper Marlboro, Maryland Expert planning testimony in application SE-4567, requesting approval of a Special Exception for a day care center in the R-A Zone.

- Superior Car Wash
 - Bowie, Maryland

Expert planning testimony in application SE-4565, requesting approval of a Special Exception for a car wash in the C-S-C Zone.

- Kinder Explorers Day Care Center Lanham, Maryland Expert planning testimony in application SE-4566, requesting approval of a Special Exception for a day care center in the R-R Zone, and subsequently in SE-4681 requesting approval for its expansion.
- Rita's Water Ice Clinton, Maryland Expert planning testimony in application SE-4535, requesting approval of a Special Exception for a fast-food restaurant in the C-S-C Zone.
- Chen's Apartments College Park, Maryland Expert planning testimony in application SE-4533, requesting approval of a Special Exception to alter a nonconforming apartment building in the R-55 Zone.
- Future Scholars Learning & Art Center Upper Marlboro, Maryland Expert planning testimony in application SE-4516, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Renee's Day Care Center Upper Marlboro, Maryland Expert planning testimony in application SE-4507, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Generations Early Learning Center Fort Washington, Maryland Expert planning testimony in application SE-4515, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Latchkey Day Care Center
 Oxon Hill, Maryland
 Expert planning testimony in application SE-4496, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Marvil Property
 - Adelphi, Maryland

Expert planning testimony in application SE-4494, requesting approval of a Special Exception for a nursery and garden center with an accessory arborist's operation in the R-R Zone.

 Jericho Senior Living Landover, Maryland

Expert planning testimony in application SE-4483, requesting approval of a Special Exception for the adaptive use of a historic site as apartment dwellings for the elderly in the C-O Zone.

- WaWa
 - Beltsville, Maryland

Expert planning testimony in application SE-4477, requesting approval of a Special Exception for a convenience commercial store in the C-M Zone.

- Fun-Damentals Early Learning Center
 Friendly, Maryland
 Expert planning testimony in application SE-4476, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Good News Day Care Center Temple Hills, Maryland Expert planning testimony in application SE-4473, requesting approval of a Special Exception for a day care center in the R-80 Zone.
- Wishy Washy Car Wash Accokeek, Maryland Expert planning testimony in application SE-4472, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- John Vitale & Sons Lanham, Maryland Expert planning testimony in application SE-4464, requesting approval of a Special Exception for a contractor's office in the C-A Zone.
- St. Paul Senior Living Capitol Heights, Maryland Expert planning testimony in application SE-4463, requesting approval of a Special Exception for apartment dwellings for the elderly in the R-R Zone.
- Safeway Gas Station
 Fort Washington, Maryland
 Expert planning testimony in application SE-4448, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- BP Amoco Gas Station Temple Hills, Maryland Expert planning testimony in application SE-4445, requesting approval of a Special Exception for a convenience commercial store in the C-M Zone.
- WaWa
 - Camp Springs, Maryland

Expert planning testimony in application SE-4436, requesting approval of a Special Exception for a gas station in the C-S-C Zone.

 Quarles Petroleum Capitol Heights, Maryland Expert planning testimony in application SE-4410, requesting approval of a Special Exception for a gas station in the I-1 Zone. Brown Station Early Learning Center Upper Marlboro, Maryland Expert planning testimony in application SE-4393, requesting approval of a Special Exception for a day care center in the R-R Zone.

As principal of his own architecture and planning firm, Mr. Ferguson was involved with the following diverse residential, commercial and institutional architectural and planning projects:

- Franklin's General Store and Delicatessen Hyattsville, Maryland Consulting services for the preparation of construction documents and construction contract administration for a 11,000-square foot addition to a historic commercial structure on U.S. Route One. Also, land planning services involving necessary waivers of parking and loading requirements, variances from setbacks and landscaping requirements, and permission to build in planned right-of-way of U.S. Rte One.
- King Farm Village Center Rockville, Maryland Inspection services for five mixed-use buildings in the village center of the 500-acre New Urbanist development in Rockville, Maryland
- Trinity Church Upper Marlboro, Maryland
 Full architectural services for the construction of a portico to the fellowship hall on the site of a National Register-listed historic site
- Publick Playhouse Bladensburg, Maryland Land planning services for the redevelopment and expansion of an existing community theater building.
- Transnational Law and Business University Brandywine, Maryland Master planning of a university campus on a 342-acre site
- Balmoral Upper Marlboro, Maryland
 Planning of a comprehensively-designed 357 lot residential subdivision immediately to the south of and connected with the 2,400-unit Beech Tree development
- Fred Lynn Middle School
 Woodbridge, Virginia
 Consulting services for the preparation of construction documents for a 131,000-square foot renovation
- Graham Park Middle School Dumfries, Virginia Consulting services for the preparation of construction documents for a 99,000-square foot renovation and four-classroom addition.

- Elizabeth Graham Elementary School
 Woodbridge, Virginia
 Consulting services for the preparation of construction documents for a classroom addition.
- Dale City Elementary School
 Dale City, Virginia
 Consulting services for the preparation of construction documents for a classroom addition.
- Occoquan Elementary School
 Woodbridge, Virginia
 Consulting services for the preparation of construction documents for a four-classroom addition that tied together three of the four buildings at the oldest school in Prince William County.
- 4912 St. Barnabas Road Temple Hills, Maryland Consulting services on the design preparation of construction documents and permits processing for a 1,500-square foot tenant fit-out for an attorney's office.
- 6100 Executive Boulevard Bethesda, Maryland
 Full architectural services from space planning through construction documents preparation for a 1,500-square foot tenant fit-out for a technology consulting firm.
- Parking Lot Rehabilitation, Bureau of Prisons
 Washington, D.C.
 Consulting services on construction documents preparation for rehabilitation of the parking and service area in the central courtyard of the old Federal Home Loan Bank Board building at 320 First Street, N.W.
- Covenant Creek Subdivision
 Owings, Maryland
 Land planning services for the subdivision of 161 acres crossing the Calvert/Anne Arundel
 County border into 47 clustered lots, involving the use of Transferable Development Rights and development of public road access across a wetland area into a landlocked tract.
- Welch Property Accokeek, Maryland Land planning services for the development of a 326-unit planned retirement community on a 41-acre tract.
- Phase II, Boyd & Margaret Shields King Memorial Park Prince Frederick, Maryland Land planning and engineering services for the design and construction of the second phase of development of a 7.5-acre park adjacent to the Courthouse in the heart of the Prince Frederick Town Center
- White Sands Community Center
 Lusby, Maryland
 Feasibility analysis for conversion of existing stable facility into a community building.

- Good Hope Hills Condemnation Temple Hills, Maryland Land planning services during condemnation proceedings against a one-acre commercial property.
- Additions and alterations to a private residence Washington Grove, Maryland Consulting services on the structural design, preparation of construction documents and construction observation for the construction of an award-winning 750-square foot, \$150,000 addition and renovation to a historic structure in a National Register district.
- Additions and alterations to a private residence Chevy Chase, Maryland Consulting services from schematic design through the construction phases of an award-winning 1,700-square foot, \$1.4 million dollar addition and renovation, which involved the relocation of a public sewer main from beneath the existing building.
- Additions and alterations to a private residence Hyattsville, Maryland Full architectural services for the construction of a large kitchen and bathroom addition to a Prince George's County listed historic site
- Additions and alterations to a private residence
 Silver Spring, Maryland
 Consulting schematic design services for a 2,000-square foot addition and renovation.
- Private residence Avenue, Maryland Architectural and planning services for the construction of a private residence on a 24-acre site on St. Clement's Bay
- Private residence Avenue, Maryland Full architectural services for the design of a private residence on a one-acre site on St. Clement's Bay
- Additions and alterations to a private residence
 University Park, Maryland
 Full architectural services for the construction of a 350-square foot addition.

At RDA his activities are concentrated in the following fields:

 Land use studies, feasibility analyses and detailed project planning for hundreds of various residential, commercial and industrial developments in Prince George's, Calvert, Montgomery, Charles, St Mary's and Anne Arundel Counties. This work requires intimate knowledge of the relevant master and/or comprehensive plans and zoning ordinances and other land development regulations in many jurisdictions.

- Hydrologic and hydraulic analyses of urban watersheds in connection with the development of drainage and stormwater management systems for various residential subdivisions and commercial and industrial projects. Tools used in these analyses included the TR-20, HEC-1 and HEC-2 hydraulic analysis programs, USDA/SCS hydrologic analysis methods, as well as the Maryland State Highway Administration's and other rational hydrologic analysis methods.
- Hydraulic and structural design of storm drainage and stormwater management systems, including wet ponds, dry detention and retention basins, underground detention systems, vegetative and structural infiltration systems, oil/grit separators, and conventional open and enclosed drainage systems. Analysis of theoretical breach events in earthen embankment structures to determine possible effects of downstream flooding caused by dam failures.

Mr. Ferguson served from 1991 to 1996 as the Town Engineer for the Town of Edmonston, Maryland. In this capacity, Mr. Ferguson advised the Town Council on the effects of legislation, assisted in the preparation of ordinances, assisted in the planning process during the development of the Master Plans for Planning Areas 68 and 69, and advised the Town on the selection of project proposals for funding under the Community Development Block Grant program.

During his tenure at AIP Architects, Mr. Ferguson was responsible for the entire scope of the project development process for numerous architectural projects, including:

- Project feasibility and financial analysis
- Project planning and schematic design
- Management and development of construction documentation
- Specifications writing
- Construction contract documents preparation and administration of bidding
- Coordination with regulatory authorities and permit processing
- Construction contract administration and project observation

Some of the projects Mr. Ferguson had intensive involvement with at AIP Architects include:

Office/Commercial Building (54,000 sf) 1815 University Boulevard, Adelphi, Maryland

Comfort Inn (202 rooms) Ocean Highway, Ocean City, Maryland

Commercial Building (22,000 sf) 7931 Georgia Avenue, Silver Spring, Maryland

Office Commercial Building (58,000 sf) 4915 St. Elmo Avenue, Bethesda, Maryland

Office/Condominium Park (14,000 sf) Old Largo Road, Largo, Maryland

Office Building (18,000 sf) 801 Wayne Avenue, Silver Spring, Maryland

Other Professional Activities:

Chairman, Hyattsville Community Development Corporation, 2001-2007 Treasurer, Hyattsville Community Development Corporation, 2010-present

This local development corporation was created to undertake the revitalization of commercial areas in the city of Hyattsville, to encourage the arts, and act together with the Gateway CDC in the establishment of the Gateway Arts District. Among many other works, the Hyattsville CDC has sponsored the installation of multiple works of public art, administered the creation of two generations of Hyattsville's Community Sustainability Plans, secured and disseminated market studies for development in the Route One corridor, and managed the renovation of the former Arcade Theater into the City of Hyattsville's Municipal Annex.

Vice Chairman, City of Hyattsville Planning Committee, 2000-2005

This committee advises the Mayor, City Council and City Administrator on both external planning issues which impact the City, as well as redevelopment and revitalization issues within the City.

Member, City of Hyattsville Planning Committee, 1992-2005

Member, Neighborhood Design Center Project Review Committee, 1995-1998

This committee reviews and provides guidance for the work of less-experienced design professionals on their *pro bono* projects for the Neighborhood Design Center.

Member, Prince George's County Zoning Ordinance Review Task Force, 1994-1995

This task force, chaired by former Prince George's County Council chairman William B. Amonett, was formed by order of the Prince George's County Council, and met over a period of four months to review the County's entire Zoning Ordinance and the make recommendations on streamlining the 1200-page ordinance.

Member, Prince George's County Task Force to study the creation of U-L-I and M-U-TC zones, 1993-1994

This task force, chaired by Prince George's County Council member Stephen J. Del Giudice, was formed by order of the Prince George's County Council, and met over a period of three months to revise the legislation which was proposed to create the innovative U-L-I (Urban Light Industrial) and M-U-TC (Mixed-Use Town Center) zoning district regulations, which were proposed by the American Planning Association-award winning Adopted Master Plan for Planning Area 68 (Avondale, Brentwood, Colmar Manor, Cottage City, Edmonston, Hyattsville, Mount Rainier, North Brentwood, Riverdale, University Hills) as a means to encourage redevelopment and revitalization of existing urbanized areas of Prince George's County. The work of this task force led directly to the passage of the legislation.



Town of Capitol Heights

"A Unique Experience. Discover Us!"

February 20, 2020

The Honorable Elizabeth M. Hewlett Chair, Prince George's County Planning Board Maryland-National Capital Park & Planning Commission 14741 Governor Oden Bowie Drive, 4th Floor Upper Marlboro, MD 20772

RE: Revised Detailed Site Plan Approval of DSP-06001-03 The Commons at Addison Road Metro – Letter of Support

Dear Ms. Hewlett:

We are pleased to write this letter in support of the Revised Detailed Site Plan filed by 6301 Central Avenue, LLC in connection with its application for The Commons at Addison Road Metro.

The Commons at Addison Road will result in the development of nearly three acres of land along the Central Avenue corridor that has been vacant for decades. The development of this land into a mixed-use project that will be comprised of 193 residential units and ground floor retail will be extremely beneficial to the surrounding community. The resulting influx of residents will add much needed economic development to the community, as well as aid in attracting more community serving retail tenants along and near the Central Avenue corridor.

Banneker Ventures, the developer of the project has met with the Town of Capitol Heights, to discuss the project. Their presentation of development plans and clear explanation of the vision of the project was well received by the Mayor, City Council and all residents in attendance. As a result of Banneker's development experience in the local area, outreach in the community and proposed uses for the new building, the Town of Capitol Heights fully and enthusiastically support the development of The Commons at Addison Road Metro.

Thank you for the opportunity to submit this letter.

Sincerely,

Jason Small Town Administrator Town of Capitol Heights

Vivian M. Dodson Municipal Center One Capitol Heights Boulevard, Capitol Heights, Maryland 20743 (301) 336-0626 Office ~ (301) 336-8706 Facsimile



Islamic Research & Hunanitarian Services Center Of America, Inc. (IRHSCA) 1 Chamber Avenue, Capitol Heights. MD 20743 Phone: 301-324-5040 Fax: 301-324-5042 Email: irhsca@gmail.com Web: irhsca.org

February 27, 2020

The Honorable Elizabeth M. Hewlett Chair, Prince George's County Planning Board Maryland-National Capital Park & Planning Commission 14741 Governor Oden Bowie Drive, 4th Floor Upper Marlboro, MD 20772

RE: Revised Detailed Site Plan Approval of DSP-06001-03 The Commons at Addison Road Metro – Letter of Support

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The Commons at Addison Road will result in the development of nearly three acres of land along the Central Avenue corridor that has been vacant for decades. The development of this land into a mixed-use project that will be comprised of 193 residential units and ground floor retail will be extremely beneficial to the surrounding community. The resulting influx of residents will add much needed economic development to the community, as well as aid in attracting more community serving retail tenants along and near the Central Avenue corridor.

Banneker Ventures, the developer of the project has met with the Islamic Research & Humanitarian Services Center of America (IRHSCA) to discuss the project. Their presentation of development plans and clear explanation of the vision of the project was well received. As a result of Banneker's development experience in the local area, outreach in the community and proposed uses for the new building, IRHSCA fully and enthusiastically support the development of The Commons at Addison Road Metro.

Thank you for the opportunity to submit this letter.

Sincerely,

Imam Talib Abdus-Samad

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

In re:

COMMONS AT ADDISON ROAD

CASE NUMBER

DSP-06001/03

Applicant: 6301 Central Avenue, LLC

(Staff Reviewer: Andrew Bishop)

Person of Record: Bradley E. Heard

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW (CORRECTED)

Pursuant to Md. Code Ann., State Gov't, §§ 10-218(8) and 10-221(b)(4), Bradley

E. Heard ("Heard"), a person of record herein, submits these Proposed Findings of Fact

and Conclusions of Law and urges their adoption by the Planning Board.

PROPOSED FINDINGS OF FACT

Description of Proposed Development

- The subject detailed site plan (DSP) application requests approval for a mixed-use development with a building of 201,500 gross square feet, containing 193 multifamily dwelling units (10 studio units, 123 one-bedroom units, and 60 two-bedroom units for a total of 164,000 square feet); 6,100 square feet of residential amenity space; 11,000 square feet of commercial retail space; 1,400 square feet of commercial service space; and 19,000 square feet of structured parking space (**Ex. 1**, 12/12/209 Detailed Site Plan [hereinafter "DSP"] at C-01.)¹
- 2. The proposed development site in this DSP application is located on three separate parcels totaling approximately 2.98 acres:
 - a. A 1.85-acre parcel of land in the C-S-C/D-D-O Zone now platted and known as **Parcel A** of the Commons at Addison Road Metro

¹ Unless otherwise indicated, all DSP references rete to the plan dated December 12, 2019.

subdivision (**Ex. 2**, PGAtlas Data on Parcel A), on which the six-story mixed-use building is proposed to be located (DSP at C-01, C-03);

- b. A 0.90-acre parcel of land in the C-S-C/D-D-O Zone known as Parcel 87 (Ex. 3, PGAtlas Data on Parcel 87), on which an 86-space surface parking lot is proposed to be located (DSP at C-01, C-03); and
- c. A 6,750 SF/0.23-acre parcel of land in the R-55/D-D-O Zone known as Block B, **Lot 5**, of King's Seat Pleasant Subdivision (**Ex. 4**, PGAtlas Data on Lot 5; **Ex. 5**, Plat Book WWW 16, p. 61), on which a surface parking lot and underground stormwater management facility are proposed to be located (DSP at C-01, C-03).
- 3. The overall **residential density** of the proposed mixed-use building on Parcel A is **104.32 dwelling units per acre (DU/Ac)** [193 DU ÷ 1.85 Ac = 104.32 DU/Ac] (DSP at C-01, C-03.)
- 4. The overall **floor area ratio (FAR)** of the proposed mixed-use building on Parcel A is **2.50** [201,500 GSF of space ÷ 80,586 SF (1.85 Ac) of land area = 2.50 FAR]. (DSP at C-01, C-03.)

Location, Surrounding Uses, and Development Context

- 5. The subject property is located in Planning Area 75A, Election District 18 (Seat Pleasant), Council District 7, Tax Map 73, Grid C-1. More specifically, it is located in the southwest quadrant of the intersection of Central Avenue (MD 214) and Addison Road South, directly across from and within a onequarter-mile walking distance of the Addison Road–Seat Pleasant Metro Station. The western portion of the site borders Zelma Avenue. (Exs. 2-4.)
- 6. The subject property is located in census tract 8028.03, which in 2017 had an estimated population of 5,679 in occupied housing units; an estimated 2,279 housing units; and an estimated average total household size of 2.45 persons per occupied rental unit. (Exs. 6-7 U.S. Census Bureau, 2017 ACS 5-year Estimate, Tables DP-04, B25008.) More specifically, the subject property is located in Block 1001 of census tract 8028.03. (Ex. 31, Housing & Population Data: Census Tract 8028.03, Block 1001.) In 2010, Block 1001 had a total of 89 housing units; a total population of 244 in occupied housing units; and an average total household size of 2.85 persons per occupied rental unit. (Id.) Presently, with the addition of the Addison Road South and Brighton Place single-family residential developments south of the subject property, Block 1001 has a total of approximately 411 housing units and an estimated population of 1,335 in occupied housing units. (Id.) The proposed Commons at Addison Road development in the subject DSP application would increase the total number of housing units in Block 1001 to approximately 604 (a 47% increase) and would increase the estimated total population in Block 1001 to 1,885 (a 41% increase)—making this one census block larger than the

incorporated Prince George's County municipalities of Upper Marlboro, Fairmount Heights, Edmonston, Colemar Manor, and Cottage City. (*Id.*)

- 7. The subject property is bounded to the north by MD-214 (Central Avenue) with commercial land uses in the C-S-C/D-D-O Zone beyond; to the west by Zelma Avenue with single-family detached residential uses in the R-55/D-D-O Zone beyond; to the southwest by Block B, Lots 6-7, of King's Seat Pleasant Subdivision, with single-family detached residential uses in the R-55/D-D-O Zone; to the southeast by Lots 12C and 12B of Murdough & Whiting's Resubdivision of a Part of Lot 12 (**Exs. 8-9**, PGAtlas Data on Lots 12C and 12B), vacant lots in the C-S-C/D-D-O Zone; and to the east by Addison Road South with the Addison Road–Seat Pleasant Metro Station in the C-O/D-D-O Zone beyond. (DSP at C-01.)
- 8. Parcel A, on which the proposed mixed-use building would be located, has more than 400 linear feet of frontage on Central Ave (MD-214) and more than 200 linear feet of frontage on both Zelma Ave and Addison Road South. (DSP at C-01.)

Interested Parties

- 9. The record owner of Parcel A and Lot 5 is **6301 Central Avenue, LLC**, a Maryland limited liability company whose registered agent is Omar A. Karim and whose principal office is Banneker Ventures, LLC, 1738 Elton Rd Ste 215, Silver Spring, MD 20903. (**Ex. 10**, SDAT Information on 6301 Central Avenue, LLC, Business Entity ID No. W18827519.)
- The record owner of Parcel 87 is Iman, LLC, a Maryland limited liability company whose registered agent is Dr. Mirza Hussain Ali Baig ("Dr. Baig") and whose principal office is 4219 Dustin Rd, Burtonsville, MD 20866. (Ex. 11, SDAT Information on Iman LLC, Business Entity ID No. W13838206.)
- There is no indication in the record that Iman, LLC has applied for or authorized the subject DSP application insofar as it relates to Parcel 87. (Ex. 33, 9/4/2018 Application Form.)
- 12. The record owner of Lots 12C and 12B is **Capitol Heights, LLC**, a forfeited Maryland limited liability company whose principal office is listed as 4219 Dustin Rd, Burtonsville, MD 20866, which is the also the principal office and registered agent address of Iman, LLC, owner of Parcel 87 (**Ex. 12**, SDAT Information on Capitol Heights, LLC, Business Entity ID No. W12754784.)
- 13. Opponent **Bradley E. Heard** is a nearby property owner, residing approximately 1,000 feet away from the subject property at 415 Zelma Avenue, Capitol Heights, MD 20743. (**Ex. 13**, Declaration of Bradley E. Heard (Feb. 28, 2020) [hereinafter "Heard Decl."] ¶¶ 1-2, 7.) Heard contends that he is unable to walk safely and comfortably the short distance (less than ½-mile) between his home and the Addison Plaza Shopping Center or the Addison

Road Metro Station, both of which are on MD-214, because of the lack of safe pedestrian crossings, pedestrian-scaled streetlighting, and sufficiently wide and buffered sidewalks. (*Id.* ¶¶ 8-13.) Heard also believes that bringing well-designed, compact, walkable, and mixed-use transit-oriented development to the subject property area would enhance his property values—but that poorly designed development out of compliance with the applicable comprehensive plans would likely have the opposite effect. (*Id.* ¶¶ 14-18.)

Planning Context

- 14. The subject property is located within the Subarea 3-Metro West (Town Commons) portion of the 2000 *Approved Addison Road Metro Town Center and Vicinity (ARM) Sector Plan.* (**Ex. 34**, ARM Sector Plan at 28.)
- 15. The ARM Sector Plan and its accompanying Development District Standards set out four primary goals: (1) revitalization of the town center with new, upscale residential and commercial development; (2) promoting transitoriented development that "serves Metro users, not the automobile"; (3) promoting pedestrian-oriented development that "aids Metro users and will encourage pedestrians to use residential and commercial properties near the Metro station"; and (4) promoting compact development with higher, neighborhood-scaled development intensities favoring Metro users and pedestrians in the form of a town center, with a town commons area at Addison Road and MD-214 (Central Avenue), next to the Metro station. (ARM Sector Plan at 166.)
- 16. The site is located within the Addison Road–Seat Pleasant Metro Center, as designated by the 2010 Approved Subregion 4 Master Plan. (Ex. 35, Subregion 4 Plan at 137-46.) The Subregion 4 Plan updates the ARM Sector Plan and is designated by the Planning Department as the "currently active and applicable" plan governing the subject property. (*Id.* at 6; M–NCPPC, Active Community and Development Plans, available at http://mncppc.maps.arcgis.com/apps/webappviewer/index.html?id=a57768 http://mncpbc.maps.arcgis.com/apps/webappviewer/index.html?id=a57768
 - a. In addition to setting out general land use visions, goals, policies, and strategies for the Addison Road center, the Subregion 4 Plan provides a conceptual regulating plan that specifies building envelope standards and site requirements to which all development should conform, and also describes how each site relates to adjacent street spaces. (Subregion 4 Plan at 137.)
 - b. The Subregion 4 Plan also provides detailed design guidelines for General Plan-designated centers within the subregion. (*Id.* at 561-615 (*Appendix A: Design Guidelines for the Subregion 4 Centers*).)
 Although these guidelines do not negate any specific DDOZ standards that may apply to certain centers, including those set forth in the ARM Sector Plan, they nevertheless provide development and design

guidelines for implementing a variety of master plan goals, including: "[promoting] compact mixed-use development at moderate to high densities"; "[ensuring] transit-supportive and transit-serviceable development"; "[requiring] pedestrian-oriented and transit-oriented design." (*Id.* at 561-62.)

17. The 2014 *Plan Prince George's 2035 Approved General Plan* categorizes the Addison Road–Seat Pleasant Metro Center as a Local Transit Center. (**Ex. 36**, General Plan at 108.) Local Transit Centers are mixed-use centers that are well connected by transit, but smaller in scale than the county's larger Regional Transit Centers (e.g., Largo Town Center, New Carrollton, Prince George's Plaza), more neighborhood focused, and with less concentrations of office uses. (*Id.*)

Development District Standards

S2: Parking Areas

- 18. Development District Standard S2(B) provides that "Shared parking lots shall be utilized, whenever possible, to reduce the amount of parking spaces needed." (ARM Sector Plan at 176.)
- 19. Development District Standard S2(F) provides that "Single, large surface parking lots are not permitted."
- 20. In addition, the Subregion 4 Master Plan design guidance provides that all parking must be set back at least 30 feet behind the build-to line, unless it is underground or on the street. (Subregion 4 Plan at 568.)
- 21. In keeping with these development district standards, the General Plan advises that parking should not "dominate the pedestrian realm"; that "[p]arking accommodations for new developments should be located in *shared or private garages* accessed via alleyways"; and that in the rare circumstance when "surface parking *cannot be avoided*, it should be located behind buildings to help foster a pedestrian-friendly and human-scaled environment." (General Plan at 209 (emphasis added); *see also id.* at 160 (noting General Plan's transportation and mobility standard to "support parking reduction strategies such as shared parking" in local centers).)
- 22. The Addison Road–Seat Pleasant Metro Station parking garage, located directly across Addison Road South from the subject property, contains 1,268 daily parking spaces. (Subregion 4 Plan at 139; **Ex. 14**, WMATA Parking Details: Addison Road–Seat Pleasant Station)
 - a. Between 2012 and 2019, the average number of weekday parking transactions at the Addison Road Metro Station was 615, or 48.5% of that garage's capacity. (WMATA Parking Details: Addison Road–Seat Pleasant Station.)

- b. Based on current usage levels at the Addison Road Metro Station over the past eight years, if WMATA were to enter into a lease agreement with the owners of the proposed Commons at Addison Road development for 200 24-hour reserved parking spaces with unlimited in/out privileges, that garage's average weekday usage would increase to 815, or just 64.3% of its capacity. (*Id.*)
- 23. The single-use surface parking lot proposed on Parcel 87, which sits west of and directly across from the Metro station, which takes up the entire approximately 140 feet of street frontage on Addison Road South, and which is proposed to serve a new mixed-use development on Parcel A, orients parking, rather than building frontages, to the street and dominates the street edge, in contravention of the General Plan's urban design policy and the ARM Sector Plan's development district standards. (DSP at C-01, C-03.)
- 24. Applicant can avoid having a large surface parking lot on Parcel 87 in at least five ways: (1) placing the required residential parking below the mixed-use building on Parcel A, as the applicant had originally proposed (Ex. 15, Undated DSP Originally Submitted at C-03 (showing two-level underground parking garage with 143 spaces); (2) placing the required residential parking for Parcel A in a vertical mixed-use parking deck with ground-floor retail uses on Parcel 87, as contemplated by the previously approved preliminary subdivision plan 4-08019 (see infra); (3) entering into a shared use parking arrangement with WMATA by leasing unused and available spaces in the Addison Road Metro Station parking garage across the street from the subject property; (4) entering into an agreement with a car sharing company to provide car sharing vehicles and spaces in lieu of required residential parking spaces, as provided in P.G. Co. Code § 27-548.26.01; or (5) seeking a departure from parking and loading standards to reduce or eliminate the required residential parking minimums altogether (cf. CB-13-2018, Table 27-6305(a) (eliminating parking minimums for residential and commercial uses in the core areas of Local Transit-Oriented zones, such as the subject property).

S3: Building Siting and Setbacks

25. The objective of Development District Standard S3 is "To provide a **consistent setback** close to the right-of-way line or street edge within an attached row or block of commercial buildings. Setbacks should provide a **continuous building edge** to define the public zone of the street. This defined and close edge enlivens commercial areas by encouraging window shopping and streetside activity." (ARM Sector Plan at 180 (emphasis added).) Standard S3(C) provides specifically that "A front build-to line of between 10 and 15 feet from the right-of-way line shall be established for office, retail/commercial, and institutional buildings which front onto MD-214 and Addison Road." (*Id.*)

- 26. The proposed mixed-use building on Parcel A is located in a commercial zone (C-S-C/D-D-O) and contains retail/commercial storefront uses at street level and multifamily residential uses on the upper levels; thus, the building is a mixed-use retail/commercial building within the meaning of the Development District Standards. (*Id.*)
- 27. The proposed mixed-use building on Parcel A is not in compliance with Standard S3. (DSP at C-01.) The building façade does not provide a continuous building edge or a consistent setback close to the right-of-way line or street edge. (*Id.*) Significant portions of the proposed building frontage on MD-214 and Addison Road South are set back more than 10-15 feet from the right-of-way line. (*Id.*) Significant portions of the building façade are obscured from the street edge by fencing, walls, landscaping, interior driveways, and surface parking lots. (*Id.* at C-01; **Ex. 16**, Landscape Plan (Aug. 28, 2018, rev. Jan. 29, 2020) at L001-L006, L011-L015.)
- 28. Applicant does not propose a specific alternate development district standard to Standard S3; however, it states that the proposed building siting and setbacks are "appropriate for this use" given that the building contains residential uses and given the site constraints imposed by the WMATA line of influence that crosses the front of Lot A. (Ex. 17, 10/24/2019 Statement of Justification [hereinafter "SOJ"] at 21.) Applicant contends that building over the WMATA line of influence would greatly increase construction costs and financial risks to the project, but provides no factual basis to support that contention. (Ex. 18, Ltr. from O. Karim to A. Bishop (Dec. 18, 2019) at 3-4.)
 - a. The ARM Development District Standards impose the same building setback requirements for residential uses within the town center as they do for office, commercial, and institutional buildings fronting onto MD-214 and Addison Road (ARM Sector Plan at 180 (Standard S3(C, D)); accordingly, an alternate development district standard would not be justified based on the proposed residential uses in the building.
 - b. Applicant proposes no justification whatsoever for failing to adhere to Standard S3 with respect to the Addison Road South building frontage and, as discussed earlier, Applicant can avoid placing surface parking between the building and the Addison Road South right-of-way in a number of ways (e.g., by eliminating it altogether and requesting a reduction in minimum parking requirements, using shared parking at the Addison Road Metro garage, or providing on-street parking along MD-214 and Addison Road South, etc.). (DSP at C-01.)
 - c. Assuming without deciding that Applicant's concerns regarding potential prohibitive costs associated with building within the WMATA line of influence are well founded, Applicant could satisfy those concerns by proposing an alternate development district standard that treats the WMATA influence line as the right-of-way line for purposes of calculating the required setback for the building frontage on

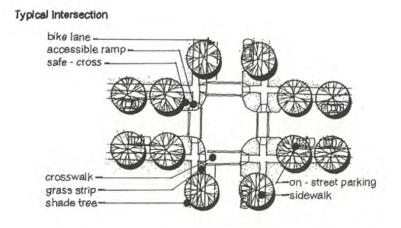
MD-214. This would allow for the building to maintain a consistent setback and continuous building edge along MD-214, as contemplated in Standard S3, thereby benefitting the Development District and not substantially impairing implementation of the Sector Plan. (DSP at C-01; ARM Sector Plan at 180.)

- 29. The Conceptual Regulating Plan for the Addison Road Metro Center in the Subregion 4 Plan provides that the subject site's MD-214 frontage is designated for Storefront frontage, and its Addison Road South frontage is designated for General frontage. (Subregion 4 Plan at 144.)
 - a. General frontages are the "primary building blocks of an urban center" and call for "multistory buildings placed directly at the sidewalk, with windows across the façade, with the buildings lined up shoulder to shoulder." (*Id.* at 565.)
 - b. Storefront frontages are a "a variation of the General frontage type" whose uses are "highly skewed toward retail." (*Id.* at 565-66.) "The façades of storefronts are broken into smaller pedestrian-scaled sections and can activate an entire block length through multiple smaller retail uses (and entrances)." (*Id.* at 566.)
 - c. On each lot within UC-3 Community Centers such as the Addison Road Metro Center, where the subject property is located, buildings must be built to the build-to line for at least 70% of the lot length in General frontage areas and at least 80% of the lot length in Storefront frontage areas. (*Id.* at 571, 575.)
- 30. The basic intent of the form-based building envelope guidelines for urban centers in the Subregion 4 Plan is to "create a vital and coherent public realm through the creation of good street-space" and to "shape the street-space including the specific physical and functional character of the area." (*Id.* at 567.)
- 31. The siting of the proposed mixed-use building on Parcel A is not in compliance with and would impair the implementation of the Subregion 4 Conceptual Regulating Plan for the Addison Road Metro Center. (DSP at C-01; Landscape Plan at L001-L006, L011-L015; Subregion 4 Plan at 144, 565-66.)

P1: Road Network

32. The objective of Development District Standard P1 is "To provide a **multimodal circulation system** in the town center which will stimulate development and the use of the Metro within a network of **interconnected streets**, which are **user friendly for pedestrians**, bicyclists and also accommodate motorists." (ARM Sector Plan at 190 (emphasis added).)

33. Standard P1(F) provides specifically that within the Metro West–Town Commons subarea, where the subject site is located, "Intersections should employ 'safe-crosses.' This treatment enhances pedestrian safety... (see [figure] DDS-5)":



(*Id.* at 190, 194.)

- 34. Standard P1(G, H) calls for the eventual removal of MD-332 (Old Central Ave) from Rollins Ave eastward, and for the creation of direct connections of Zelma Ave and Yolanda Ave to MD-214 (Central Ave/East Capitol St). (*Id.* at 71-72, 90-93, 190-191, 193, 197.)
- 35. The subject detailed site plan is not in compliance with Standard P1. It does not provide for "safe-crosses" with marked crosswalks at the intersection of Zelma Ave, Central Ave, and Old Central Ave adjacent to Parcel A and does not connect Zelma Ave directly to Central Ave (MD-214) adjacent to Parcel A. (DSP at C-01.)
- 36. Applicant does not propose a specific alternate development district standard to Standard P1, nor does it offer any justification for failing to comply with the standard. Rather, Applicant claims that its development "does not affect connections to Zelma Ave" and inexplicably states that the Zelma Ave– MD-332–MD-214 intersection adjacent to Parcel A is "outside of the project limit." (Ex. 19, 10/24/2019 Attachment to Statement of Justification at 10-11.)
- 37. The Zelma Ave–MD-332–MD-214 intersection adjacent to Parcel A is presently unsafe and not user friendly for pedestrians, given the lack of safe pedestrian crossings, pedestrian-scaled streetlighting, and sufficiently wide sidewalks buffered from the curbs of busy arterial streets, where drivers frequently exceed the posted 30 MPH speed limit. (Heard Decl. ¶ 11.)
- 38. Based on an average housing size of between 2.45-2.85 persons per occupied rental unit in census tract 8028.03, block 1001, covering the subject property,

the 193 multifamily rental units in Applicant's proposed development will bring an additional 473-550 people to the Zelma Ave–MD-332–MD-214 intersection adjacent to Parcel A. (Exs. 6-7, U.S. Census Bureau, 2017 ACS 5year Estimate, Tables DP-04, B25008; Ex. 31, Housing and Population Data.) These additional residents will greatly increase the foot traffic in and around that intersection.

- 39. The Subregion 4 Plan identifies "[c]reating safe pedestrian access across Addison Road and Central Avenue" as a key planning issue for the Addison Road Center and specifically encourages the establishment of "safe and direct pedestrian crosswalks across Central Avenue, East Capitol Street, and Addison Road to encourage pedestrian traffic." (Subregion 4 Plan at 139, 141.)
- 40. The failure of the subject detailed site plan to ensure safe pedestrian crossing with marked crosswalks at the intersection of Zelma Ave, Central Ave, and Old Central Ave adjacent to Parcel A does not comport with the Subregion 4 Plan or the ARM Development District Standards. (DSP at C-01.)
- 41. The General Plan's connectivity principles provide that "Compact blocks…are essential to ensuring that a neighborhood is walkable and bikeable. Compact blocks typically range from 150 to 300 feet in length. Blocks exceeding 600 feet are typically not considered pedestrian friendly." (General Plan at 208.)
- 42. Lot A has approximately 400 feet of frontage on MD-214 (between Addison Road South and Zelma Ave) and approximately 200 feet of frontage on Addison Road South and Zelma Avenue; as such, it constitutes a reasonably compact block within the meaning of the General Plan. (*Id.*)
- 43. The distance between the existing marked pedestrian crossings of MD-214 (Central Ave) at Addison Road and at the MD-332A ramp at the west end of Addison Plaza is approximately 900 feet:



Data provided by Prince George's County Planning Department

(Ex. 20, PGAtlas Crosswalk Distance Image.)

44. The addition of marked pedestrian crossings at the intersection of Zelma Ave, Central Ave, and Old Central Ave adjacent to Parcel A is necessary to comport with the compact block connectivity principle in the General Plan. (General Plan at 208.)

P2: Sidewalks, Trails, and Crosswalks

- 45. The objective of Development District Standard P2 is "To encourage alternative modes of transportation to the automobile by creating safe opportunities for walking and biking. To provide a continuous system of sidewalks and crosswalks with convenient trail connections. To establish a comfortable and inviting pedestrian-oriented environment within the entire town center." (ARM Sector Plan at 195.) To that end, Standard P2(C) and figure DDS-7 provide that sidewalks shall be set back from the curb with a five-foot-wide grass strip for the planting of shade trees and be a minimum of eight feet wide along the subject property's frontage on MD 214, and a minimum of five feet wide along the subject property's Addison Road South frontage. (*Id.* at 195, 198.)
- 46. Applicant has shown sidewalks and planting strips of the requisite widths on the subject detailed site plan; however, Applicant included a note on the plan indicating that it would delay construction of the buffered sidewalk along MD-214 and a portion of the Addison Road South frontage until some undetermined point in the future, when another unrelated developer had

constructed improvements to MD-214: "SIDEWALK, GREEN SPACE & CONNECTION FROM ADDISON ROAD AND MD 214 (WITHIN DASHED AREA) TO BE CONSTRUCTED AFTER THE COMPLETION OF MD214 IMPROVEMENT BY ELM STREET DEVELOPMENT UNDER 09-AP-PG-015-1" (DSP at C-01.)

- a. As discussed *infra*, it is Applicant's responsibility, under Preliminary Subdivision Plan 4-05068, to establish that certain improvements to MD-214 (*i.e.*, a new eastbound right turn lane onto Addison Road South) have full financial assurances, be fully permitted for construction through the responsible agency, and have a definite timetable for completion prior to issuance of any building permits relating to Parcel A.
- b. In any event, the sidewalk installation should not be delayed pending the completion of those road improvements, since the sidewalk will necessarily be located behind the new curb, and behind the landscape buffer adjacent to the curb. Applicant can simply leave sufficient room for the new curb and gutter, then construct the sidewalk a minimum of 5 feet behind that new curb.

P5: Lighting

- 47. The objective of Development District Standard P5 is "To assist in creating a distinct identity in the town center by introducing the use of ornamental street lighting. Exterior lighting should **enhance the visual appearance**, as well as **contribute to user safety** and **improved nighttime visibility**." (ARM Sector Plan at 203.) To that end, this standard provides for using **ornamental pole-mounted light fixtures and luminaires**, rather than cobra head style highway fixtures, on all major roadways. (*Id.*)
- 48. The subject detailed site plan is not in compliance with Standard P5. (DSP at C-01; Landscape Plan at L001-L006, L011-L015.) Applicant does not propose a specific alternate development district standard to Standard P5, and suggests that a DPIE site plan reviewer previously advised Applicant on or about July 27, 2018, that the existing utility poles and cobra head luminaires on MD-214 and Addison Road would remain. (10/24/2019 SOJ Attach. at 21.)
 - a. DPIE's June 9, 2019, review comments submitted to the Planning Department did not repeat this advice. Instead, DPIE noted that Applicant must conform with DPW&T's roadway and lighting standards with respect to county-maintained roads; that Applicant must coordinate with SHA regarding state-maintained roads; and that Applicant would need to coordinate with the various utility companies because existing utilities may require relocation or adjustment. (Ex 21., 6/7/2019 Memo from M. Giles to A. Bishop at 1.)

- b. DPW&T's roadway lighting standards provide that the permittee is responsible for designing a lighting plan for existing or proposed county-maintained roadways, and that "Roadway lighting improvements may include installing underground electrical wiring, *new lighting fixtures, converting or upgrading existing lights,* and/or, when necessary, *removing and relocating existing lighting fixtures.*" (Ex. 22, DPW&T, *Specifications and Standards for Roadways and Bridges (3/14/2012 Rev.)* at 46 (emphasis added), available at https://www.princegeorgescountymd.gov/DocumentCenter/View/478_9/DPWT-Specifications-and-Standards-for-Roadways-and-Bridges-PDF.)
- c. Presently, **there are no streetlights whatsoever** at the southern edge of MD-214 along Parcel A, and the existing utility pole-mounted cobra head streetlights along the Addison Road South and Zelma Avenue frontages of the subject property do not provide sufficient illumination from a pedestrian's perspective, as compared to an automobile driver's perspective in a car with headlights. (Heard Decl. at 12.)

P6: Utilities

- 49. The objective of Development District Standard P6 is "To **reduce the visual impact of existing overhead utility lines** along major road corridors in the town center." (ARM Sector Plan at 204.) Accordingly, this standard requires that all new development and redevelopment projects within the town center, where the subject property is located, shall place or relocate existing and new utilities underground. (*Id.*) In connection with its initial review of the original DSP application covering the subject property, the Planning Department found that "the intent of the development standard is to require new development to underground overhead utilities in the area of the site." (**Ex. 32**, PGCPB No. 06-217 (Oct 19, 2006) at 19.)
- 50. The subject detailed site plan is not in compliance with Standard P6. (DSP at C-01.) While the plan shows the existing overhead and underground public utilities along Zelma Ave, Central Ave, and Addison Road South, it does not show any new underground public utilities (e.g., gas, electric, telephone, fiber optic cable, etc.) relocating the exiting overhead utilities and connecting those utilities to the proposed building.
- 51. Applicant does not propose a specific alternate development district standard to Standard P6, nor does it offer any justification for failing to comply with the standard.
- 52. When a prior developer submitted the initial DSP for the subject property in 2006 and requested relief from Standard P6, the Planning Board conditioned its certification of that site plan's approval on the applicant's "consultation with all the affected utility companies to develop cost estimates for the

undergrounding of utilities for review by the Planning Board for a final determination." (PGCPB No. 06-217 at 32.)

53. Accordingly, if Applicant wishes to have the Planning Board consider an alternate development district standard with respect to Standard P6 in connection with the subject detailed site plan application, it should provide detailed evidence of the costs of undergrounding utilities as compared to total project costs, so that the Planning Board can have a factual basis from which to evaluate any such proposed alternate standard. (*Id.*)

B1: Height, Scale and Massing

- 54. The objective of Development District Standard B1 is "To ensure proposed buildings are an appropriate height, scale, and massing for their intended function(s) and location within the town center." (ARM Sector Plan at 205.) As relevant to the subject detailed site plan application, Standard B1(I) provides that "Proposed buildings shall be between one and four stories in total height within the town center." (*Id.*)
- 55. The six-story, 70-feet-high building that Applicant proposes in the subject application is not in compliance with Standard B1(I). (DSP at C-01.) Applicant does not propose a specific alternate development district standard to Standard B1, but states that building articulation helps to reduce the appearance of height. (10/24/2019 SOJ at 22.)
- 56. The Conceptual Regulating Plan and building envelope standards for the Addison Road Metro Center in the Subregion 4 Plan provide that building heights along the subject site's MD-214 "Storefront" frontage should be between 3-8 stories and up to 127 feet high. (Subregion 4 Plan at 574.) Building heights along the subject site's Addison Road South "General" frontage should be between 3-6 stories and up to 97 feet high. (*Id.* at 570.)
- 57. Because the height of the proposed building in the subject DSP application comports with the updated Subregion 4 Conceptual Regulating Plan's building envelope standards for the Addison Road Metro Center, an alternate ARM Development District standard that incorporates those standards would benefit the Development District and not substantially impair implementation of the ARM Sector Plan. (Subregion 4 Plan at 570, 574.)

Permitted Uses

58. In the Addison Road Metro Center, within the C-S-C/D-D-O zone, dwelling units are generally permitted in a mixed-use commercial building containing 4 or more stories, subject to the satisfaction of certain special exception standards, if the units are located above the third story. (ARM Sector Plan at 257.)

- 59. Also, along the Central Avenue frontage of Parcel A, where the proposed mixed-use building is located, only commerce uses are permitted on the first story of the building.
- 60. Applicant's proposed mixed-use building on Parcel A does not comply with the use regulations of the C-S-C/D-D-O Zone or the Subregion 4 Master Plan because it contains non-retail (residential and recreational) uses on the first story and dwelling units below the fourth story of a mixed-use commercial building. (**Ex. 37**, DSP at A-201.)

Compact, High-Density, Vertical Mixed-Use Development

- 61. The Subregion 4 Plan calls for high-density, vertical mixed-use development west of the Addison Road Metro station, along East Capitol Street, Central Avenue, and Addison Road South. (Subregion 4 Plan at 137, 141.)
- 62. The six-story building proposed for Parcel A, with its residential density of 104.32 DU/Ac and its FAR of 2.50, and with multifamily uses over retail, constitutes a compact, high-density, vertical mixed-use development of Parcel A, consistent with the Subregion 4 Plan. (DSP at C-01, C-03.)
- 63. The single-use surface parking lot proposed on Parcel 87, which sits west of and directly across from the Addison Road Metro Station's large and underutilized parking garage, is neither a compact, nor high-density, nor vertical, nor mixed-use development of Parcel 87, as called for in the Subregion 4 Plan. (DSP at C-01, C-03.)
- 64. The single-use surface parking lot proposed on Parcel 87, which sits west of and directly across from the Addison Road Metro Station's large and underutilized parking garage, does not promote development that serves Metro users over automobile users, does not promote pedestrian-oriented development, and does not promote compact development with higher, neighborhood-scaled development intensities favoring Metro users and pedestrians, as called for in the ARM Sector Plan. (DSP at C-01, C-03.)

<u>Preserving Vacant Parcels for a Future High-Density, Vertical, Mixed-Use,</u> <u>Transit-Oriented Development With a Full-Service Grocery Store and</u> <u>Multifamily Housing</u>

- 65. On August 7, 2015, the Planning Department approved **Natural Resources Inventory No. NRI-144-2015** for the Commons at Addison Road, which proposed a 3.71-acre mixed use development on the following vacant parcels west of and directly across the street from the Addison Road Metro Station: Parcel A, Lot 5, Parcel 87, Lot 12C, and Lot 12B. (**Ex. 23**, NRI at 1.)
 - a. The combined land area in the approved NRI is slightly larger than but similar in character and Metro proximity to the recent 3.16-acre Hine School mid-rise, neighborhood-scale mixed-use redevelopment project

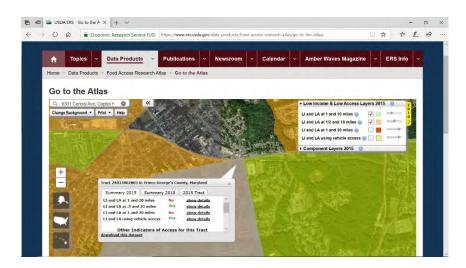
located across from the Eastern Market Metro Station in the District of Columbia, which includes a total of 435,174 GSF of space, comprised of 224 multifamily units totaling 144,594 SF; 59,564 SF of retail space; and 231,016 SF of office space:



(**Ex. 24**, D.C. Dep. Mayor for Planning & Econ. Devel., *Hine Junior High School*, available at <u>https://dmped.dc.gov/page/hine-junior-high-school</u> and <u>https://octo.quickbase.com/db/bgmd3dpcb?a=</u> <u>dr&dfid=33&rid=4</u>.)

- b. Taken together, Parcel A and Lot 5, on which the proposed mixed-use building and a related underground stormwater management facility in the subject DSP are located, comprise a land area of approximately 90,785 square feet, or 2.08 acres, with approximately 200 feet of frontage on Addison Road South, directly across from the Metro station, and approximately 400 feet of frontage on MD-214. (*Id.*)
- c. Taken together, Parcel 87, Lot 12C, and Lot 12B comprise a land area of approximately 71,044 square feet, or 1.63 acres, with approximately 250 feet of frontage on Addison Road South, directly across from the Metro station. (*Id.*)
- 66. According to the U.S. Department of Agriculture, census tract 8028.03, encompassing the approved NRI development site, and several adjoining tracts are categorized as "low-income/low-access" tracts in terms of food access—meaning that a significant portion of the population (1) is "low income";² (2) is more than one-half mile from the nearest supermarket, supercenter, or large grocery store, and (3) lacks access to a vehicle:

² A "low income" census tract is one where the poverty rate is greater than or equal to 20 percent, or where the median family income is less than or equal to 80% of the statewide or area median income.



(**Ex. 25**, USDA, *Food Access Research Atlas*, available at <u>https://www.ers.usda.gov/data-products/food-access-research-atlas/go-to-the-atlas/</u>.)

- 67. It is the county's declared policy to "[i]mprove residents' access to fresh foods, in particular for households living in low-income areas with limited transportation options, and promote sources of fresh foods countywide," and to "[i]ncentivize, through tax abatements or other mechanisms, full-service grocery stores in... food deserts." (General Plan at 226.)
- 68. According to FMI, the food industry association, the median total size of a grocery store in 2018 was 41,651 square feet. (**Ex. 26**, FMI, *Median Total Store Size Square Feet, available at* <u>https://www.fmi.org/our-research/supermarket-facts/median-total-store-size-square-feet.</u>)
- 69. There is a significant unmet need in the Washington Metropolitan Area for multifamily housing units in walkable, transit-oriented areas, particularly for younger households (under age 35) earning under \$100,000 per year and for seniors. (**Ex. 27**, Kathryn Howell, Ph.D., *Multifamily Housing in the Washington, DC Region: Demand and Supply Trends* (Feb. 2014), *available at* <u>http://cra.gmu.edu/pdfs/studies_reports_presentations/</u> Multifamily%20Housing%20in%20the%20DC%20Region_Final.pdf.)
- 70. "Prince George's County is not prepared to meet the housing preferences of many of its seniors—a growing segment of its population—and young professionals—a critical component of its workforce and economic competitiveness. Simply put, we are facing a looming deficit in multifamily housing, particularly in walkable and mixed-use, transit-accessible locations.

⁽USDA, *Food Access Research Atlas: Documentation*, available at <u>https://www.ers.usda.gov/data-products/food-access-research-atlas/documentation/</u>.)

While only 32 percent of our housing stock is multifamily, demand for this housing type is projected to reach 61 percent by 2030." (General Plan at 102.)

- 71. The Addison Road–Seat Pleasant Center, in particular, "lacks a more diversified mix of single-family attached and multifamily units that, with higher densities, support transit." (Subregion 4 Plan at 139.) Consequently, the Subregion 4 Plan emphasizes the need "to ensure that remaining development adheres to TOD principles" and to "[e]ncourage development of appropriate density on remaining unimproved development sites[.]" (*Id.* at 140, 141.)
- 72. If developed at the same residential density and overall floor-area ratio as Applicant proposes for Parcel A in the subject detailed site plan (i.e., 104.32 DU/Acre and 2.5 FAR), the 1.63-acre southern portion of the approved NRI development site, encompassing Parcel 87 and Lots 12C and 12B, could potentially accommodate 177,610 SF of additional future compact, highdensity, vertical mixed-use development, including 170 multifamily dwelling units over a 41,651 SF (or larger) grocery store and other retail uses at street level. (NRI-144-2015 at 1.) This would result in a total combined development for this approved NRI site of 379,110 GSF, including 363 multifamily dwelling units. (*Id.*; DSP at C01, C02.)
- 73. Applicant's proposed use, in the subject DSP application, of Parcel 87 for a single-use surface parking lot solely to serve the residential parking needs of the proposed mixed-use development on Parcel A is contrary to the Subregion 4 Plan's declared policy of ensuring that development on the remaining unimproved sites in the Addison Road–Seat Pleasant Center is appropriately dense and adheres to TOD principles. (Subregion 4 Plan at 139-41.) It is also contrary to the General Plan's declared policy of improving residents' access to fresh food and full-service grocery stores in food deserts, such as the area encompassing the subject property. (General Plan at 226.)

Development Review History

- 74. On February 9, 2006, the Planning Board approved **Preliminary Subdivision Plan 4-05068 (PGCPB No. 06-37)** for **Parcel A**. As relevant to certain contested issues here, the Planning Board approved this preliminary plan subject to the following conditions:
 - a. Provide a minimum 8-foot sidewalk along the subject site's entire street frontage of MD 214 and Addison Rd, and a standard sidewalk along the subject site's entire street frontage of Zelma Ave. [Condition 10]
 - b. "MD 214 at Addison Road: Prior to the issuance of any building permits within the subject property, the provision of an eastbound right-turn lane along MD 214 shall (a) have full financial assurances, (b) have been permitted for construction through the operating

agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency." [Condition 15]

c. The detailed site plan will prohibit left turns to and from the subject site along Addison Rd. [Condition 17(b)]

(PGCPB No. 06-37, p. 3, 5.)

- 75. In contravention of the approved Preliminary Subdivision Plan 4-05068 and the ARM Sector Plan's development district standards, the subject detailed site plan application proposes to delay construction of the 8-foot buffered sidewalks along Central Avenue (MD-214) and a portion of Addison Road South until some indefinite point in the future, after another unrelated developer (Elm Street Development) completes planned improvements to MD-214. (DSP at C-01.)
- 76. In contravention of the approved Preliminary Subdivision Plan 4-05068, the subject detailed site plan does not show a proposed eastbound right-turn lane along MD-214 at its intersection with Addison Road South, and indeed proposes that the construction of that turn lane be deferred until some indefinite point in the future, after another unrelated developer (Elm Street Development) completes planned improvements to MD-214. (DSP at C-01.)
- 77. In contravention of the approved Preliminary Subdivision Plan 4-05068, the subject detailed site plan application proposes to allow left turns into and of the subject site along its Addison Road South frontage. (DSP at C-01.)
- 78. On September 21, 2006, the Planning Board approved **Detailed Site Plan DSP-06001 (PGCPB No. 06-217) (the "original DSP application")**, which proposed a development consisting of 170 multifamily units, 22,696 SF of commercial space, and underground parking, for a total development of 275,000 SF, all on **Parcel A**.
 - a. The District Council elected to review the case and, on May 15, 2007, it entered an order affirming the Planning Board decision.
 - b. In its purported exercise of "original jurisdiction," the District Council's orders of May 15, 2007, and June 2, 2008, imposed additional conditions and modifications to the Planning Board's final decision.
- 79. No development was ever commenced on Parcel A in accordance with the original DSP application, and the subject property remains vacant. (**Ex. 28**, Existing Conditions Plan at 01.)
- 80.On September 25, 2008, the Planning Board approved **Preliminary Subdivision Plan 4-08019 (PGCPB No. 08-124)** for **Parcel 87**. The applicant proposed a freestanding parking structure to serve the required parking needs for the proposed mixed-use development on Parcel A.

- 81. On April 8 2010, the Planning Board approved **Detailed Site Plan DSP-06001/01 (PGCPB No. 10-50) (the "second DSP application")**, which proposed a development consisting of 171 multifamily units, 15,890 SF of commercial space, 37,170 SF of office space, 32,820 SF of library space, a 4,973 SF pool building (natatorium), 137,408 SF of structured parking, and associated miscellaneous space for a total proposed development of approximately 465,000 SF. An 11-story main mixed-use building with multifamily residential, office, retail, and library uses was proposed to be located on **Parcel A**; a four-story mixed-use parking garage building with ground floor retail was proposed to be located on **Parcel 87**; and the natatorium was proposed to be located on **Lot 5**.
 - a. On October 4, 2010, the District Council entered an order affirming the Planning Board decision. In its purported exercise of "original jurisdiction," the District Council's order also modified the Planning Board's final decision.
 - b. On April 16, 2014, the Court of Special Appeals ultimately affirmed these agency decisions. *Heard v. County Council of Prince George's County*, No. 1306 (Sep. Term 2011) (Md. Ct. Spec. App. Apr. 16, 2014) (unreported).
- 82. No development was ever commenced on Parcel A, Parcel 87, and Lot 5 in accordance with the second DSP application, and the subject property remains vacant. (Existing Conditions Plan at 01.)
- 83. On or about February 4, 2011, Dr. Mirza H.A. Baig, who had an ownership interest in the subject Commons at Addison Road property (Parcel A, Lot 5, and Parcel 87), entered into a plea agreement with the U.S. Attorney's Office in the District of Maryland, wherein he agreed to plead guilty to one felony count of conspiracy, in violation of 18 U.S.C. § 371, for his participation in a "pay-to-play" corruption scheme involving former Prince George's County Executive Jack B. Johnson, former director of the Prince George's County Department of Housing and Community Development James Johnson, and others. (**Ex. 29**, Plea Agreement, *United States v. Baig*, No. 8:11-cr-86-PJM (D. Md.), at 1-10.)
 - a. As part of his plea agreement, Dr. Baig admitted that between 2006 and at least October 27, 2010, he paid money, campaign donations, and other things of value to Jack Johnson, James Johnson, and other county officials "in exchange for their official assistance on various matters." (*Id.* at 13.) In particular, Dr. Baig admitted to paying bribes to the county executive to facilitate the county entering into a public library lease at the Commons at Addison Road, and also to facilitate the county's award of \$1.5 million in federal HOME Investment Partnership funding for the Commons at Addison Road. (*Id.* at 16-18.)

- b. Dr. Baig and federal prosecutors agreed that the conduct to which Dr. Baig was agreeing to plead guilty did not encompass all the evidence that the government would have presented had the matter proceeded to a full trial. (*Id.* at 11.)
- c. On May 3, 2012, in connection with his guilty plea, Dr. Baig was sentenced to serve 18 months in federal prison, forfeit \$250,000, representing the amounts he received in connection with his offense, and pay a fine of \$50,000. (**Ex. 30**, Criminal Judgment, *United States v. Baig*, No. 8:11-cr-86-PJM (D. Md.), ECF No. 28 at 1-10.)
- d. All of the previous subdivision and DSP approvals relating to the subject Commons at Addison Road property occurred during the period of time when Dr. Baig, by his own admission, was bribing county officials "in exchange for their official assistance on various matters," including matters specifically relating to the proposed Commons at Addison Road development. (Plea Agreement at 3.)

PROPOSED CONCLUSIONS OF LAW

- 1. The pending Detailed Site Plan application purports to amend or revise the previously approved original and second DSP applications. However, regardless of whether the pending application is styled as an "amendment," "revision," or "substitution," the Zoning Ordinance requires that the application be processed as an original application: **"All requirements for the filing and review of an original Detailed Site Plan shall apply to an amendment. The Planning Board shall follow the same procedures and make the same findings."** P.G. Co. Code § 27-289(b).
 - a. In this case, no development has commenced under any of the previously approved DSPs, and the subject property remains vacant. Under Maryland law, a property owner does not obtain any vested rights or interest in a development-related permit or approval until the owner has commenced and continued to proceed in good faith with physical development of the land, under a lawfully issued building permit, to such a degree that a reasonable member of the public inspecting the property can recognize that a building is being constructed for a use permitted under the then-current zoning. Prince George's County v. Sunrise Dev. Ltd. P'shp, 330 Md. 297, 313-14 (1993). A property owner's incursion of substantial sums in connection with developing a property is insufficient to confer a vested right or interest in a development-related permit or approval. *Id.* at 300 (noting that the owner/developer in that case had incurred more than \$2.5 million in project expenses over the course of four years in pursuit of various development approvals).

- b. Accordingly, the pending DSP application is subject to a full and plenary review by the Planning Board, just like an original DSP application, and must rise or fall on its own merit. The Planning Board is free to consider its previous findings made in connection with previous DSP applications, to the extent that they are relevant, probative, and comport with the evidence presented in connection with the subject DSP application; however, the Planning Board is not bound by any such previous findings unless a property owner has obtained a vested interest in those previous findings.
- 2. The District Council's modifications of the Planning Board's final decisions in connection with the original and second DSP applications were an improper exercise of and interference with the Planning Board's original jurisdiction, not an exercise of appellate jurisdiction, and therefore were void *ab initio* and are of no legal effect. *See County Council of Prince George's County v. Zimmer Dev. Co.*, 444 Md. 490, 573-75 (2015); *County Council of Prince George's County v. FCW Justice, Inc.*, 238 Md. App. 641, 672-75 (2018).
- 3. Given the numerous procedural irregularities occasioned by the District Council's unlawful modifications of the Planning Board's prior decisions relating to DSPs involving the subject property, coupled with Dr. Baig's admitted participation in a criminal pay-to-play bribery scheme with various named and unnamed county officials between at least 2006-2010, in order to secure their official assistance with various matters, including matters specifically relating to the proposed Commons at Addison Road development, it is particularly important that the Planning Board take a fresh look at all issues relating to the subject DSP application. *See, e.g., Maryland State Police v. Zeigler,* 330 Md. 540, 559 (1993) ("Procedural due process, guaranteed to persons in this State by Article 24 of the Maryland Declaration of Rights, requires that administrative agencies performing adjudicatory or quasijudicial functions observe the basic principles of fairness as to parties appearing before them.").
- 4. One of the central purposes of DSP review is to ensure that property is being developed "in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan." P.G. Co. Code § 27-281(b)(1)(A).
 - a. Where a local government enacts a statute, ordinance, or regulation that links planning and zoning, the effect of such a law "is usually that of requiring that zoning or other land use decisions be consistent with a plan's recommendations regarding land use." *M-NCPPC v. Greater Baden-Aquasco Citizens Ass'n*, 412 Md. 73, 100-01 (2009) (quoting *Mayor and Council of Rockville v. Rylyns Enters., Inc.*, 372 Md. 514, 530-31 (2002)). "[T]he weight to be accorded a master plan or comprehensive plan recommendation depends upon the language of the statute, ordinance, or regulation establishing the standards pursuant to which the decision is to be made." *Id.* When the statute at

issue directs that the zoning or land use decision should "conform to" or be "in accordance with" a comprehensive plan recommendation, the comprehensive plan recommendation is transformed into a binding regulation. *Id.* The zoning authority is not free to disregard it.

- b. Because P.G. Co. Code § 27-281(b)(1)(A) establishes that DSP review is designed to ensure development of land "in accordance with... the General Plan, Master Plan, or other approved plan" the 2014 General Plan, 2010 Subregion 4 Master Plan, and 2000 ARM Sector Plan recommendations and standards for the Addison Road–Seat Pleasant Metro Center are binding upon developers, the Planning Board, and the District Council, in connection with the subject detailed site plan application.
- c. The Planning Board is authorized, in connection with DSP review, to require an applicant to supply "any other pertinent information" necessary to enable the Board to evaluate whether an applicant's development plans conform to the zoning ordinance, the applicable zone, and applicable comprehensive plans. P.G. Co. Code § 27-282(e)(21).
- d. "The Planning Board shall approve, approve with modification, or disapprove the Detailed Site Plan, and shall state its reasons for the action." P.G. Co. Code § 27-285(a)(5). "If a Detailed Site Plan is not approved, the Planning Board shall notify the applicant (in writing), stating what changes are required for approval." *Id.* § 27-285(d)(1).
- 5. "The Development District Overlay Zone [DDOZ] is intended to ensure that the development of land in a designated development district meets the goals established for the district in a Master Plan, Master Plan Amendment, or Sector Plan, and takes advantage of unique opportunities presented by the district.... [N]ew development is generally subject to the approval of a Detailed Site Plan by the Planning Board. Detailed Site Plans are reviewed for compliance with development standards approved by the District Council[.]" P.G. Co. Code § 27-548.19.
- 6. The Planning Board may not approve a DSP in a DDOZ without finding that it meets the requirements of the applicable development district standards. P.G. Co. Code § 27-548.25(b). This specific provision relating to site plan review in DDOZs controls over the more general provision in P.G. Co. Code § 27-285(b)(1) that a DSP may be approved if it "represents a reasonable alternative for satisfying the site design guidelines [in P.G. Co. Code § 27-274], without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use." *See id.* § 27-108.01(a)(1) ("The particular and specific control the general.").

- 7. "If the applicant so requests, the Planning Board may apply development standards which differ from the Development District Standards, most recently approved or amended by the District Council, unless the Sectional Map Amendment text specifically provides otherwise. The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan." Id. § 27-548.25(c) (emphasis added).
- 8. Because the Subregion 4 Plan's *Design Guidelines for the Subregion 4 Centers* provide development and design guidelines for implementing a variety of master plan goals, the Planning Board must evaluate any alternate ARM DDOZ standards proposed by Applicant against the Subregion 4 design guidelines to determine whether such proposals will benefit the ARM Development District and will not substantially impair implementation of the Subregion 4 Plan. *Id.*
- 9. In this contested proceeding, the burden of proof is on the Applicant to establish each necessary fact by a preponderance of the evidence. Md. Code Ann., State Gov't, § 10-217; see also Ross v. Mr. Lucky, LLC, 189 Md. App. 511, 523 n.7 (2009) (due process requires the party having the burden of proof in contested administrative proceedings to adduce substantial evidence in support of its request).
- 10. The Planning Board is authorized to require, as a condition of approving a detailed site plan application, that a property owner dedicate land and/or pay for onsite, offsite, or site-adjacent improvements, including within the public right-of-way, so long as there is a nexus and rough proportionality between the land dedication or monetary exaction and the proposed land use. *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 612-13 (2013) (citing *Dolan v. City of Tigard*, 512 U.S. 374 (1994) and *Nollan v. Cal. Coastal Comm'n*, 483 U.S. 825 (1987)); accord Dabbs v. Anne Arundel Cty., 458 Md. 331, 348-50 (2018). The land dedication or monetary exaction must advance a legitimate public interest, and the agency must make an individualized determination that the land dedication or improvements relate "both in nature and extent to the impact of the proposed development." *Dolan*, 483 U.S. at 391. "No precise mathematical calculation is required" to establish the requisite nexus and rough proportionality. *Id.*
 - a. The Planning Board's authority and discretion, in connection with its administration of the zoning regulations, to require land dedication, monetary exactions, or other conditions of site plan or permit approval, is separate and distinct from and not constrained by its authority and discretion to require monetary exactions, property dedication, or other conditions of preliminary subdivision plan approval in connection with its administration of the subdivision regulations. *FCW Justice*, 238 Md. at 249-51 (discussing the "two broad categories of land use control: zoning and planning (which includes subdivision regulation)" and how

those two concepts overlap, such that "some implementation and enforcement procedures may have both planning and zoning aims").

- b. The Planning Board derives its zoning and subdivision authority from the Regional District Act, and nothing in that act limits the exercise of the Planning Board's authority and discretion in one area versus the other. *Zimmer*, 444 Md. At 524-25; *FCW Justice*, 238 Md. App. 648.
- c. Thus, while the Planning Board's previous conditions of approval in a preliminary subdivision plan remain binding on a developer or property owner during subsequent stages of zoning and development review, such conditions merely set a "floor," not a "ceiling." The Planning Board remains free, at subsequent stages of zoning and development review, to impose whatever additional conditions of approval it deems necessary or prudent to ensure conformity with then-applicable zoning regulations and comprehensive plans, so long as such additional conditions meet the *Koontz–Dolan–Nollan* standard.
- d. Here, for example, the subject detailed site plan application comes to the Planning Board for review and adjudication 14 years after the 2006 preliminary subdivision plan approval relating to Parcel A and 12 years after the 2008 preliminary subdivision plan approval relating to Parcel 87. Within those intervening years, the Planning Board has adopted and the District Council has approved the Subregion 4 Master Plan (2010) and a new General Plan (2014) governing the subject property. These comprehensive plans clarify and strengthen the walkable urban transit-oriented and pedestrian-oriented recommendations and standards relating to the subject property, and call for increased densities at the subject property. The Planning Board is entitled to determine whether those intervening comprehensive plans or other factors—including issues not fully or adequately explored during previous stages of review—counsel in favor of additional conditions of approval in connection with the subject detailed site plan.
- 11. As reflected in the findings and development standards in the approved ARM Sector Plan, Subregion 4 Master Plan, and General Plan, it is unquestionably in the public interest to improve pedestrian safety and circulation and to enhance the visual appearance of the Addison Road Metro Center's core area by, *inter alia*, improving the street grid and pedestrian street space, providing safe pedestrian crossings, upgrading the street lighting, and burying and relocating overhead utilities within the public rights-of-way adjacent to and nearby to the subject property.
- 12. The subject DSP application proposes to add 193 multifamily housing units to a single block in the core of the Addison Road Metro Station area, which will bring approximately 470-550 new people to this one-block area. When added to the existing population, these additional dwellings and people will impact

the subject area significantly. Accordingly, given the nature and extent of the impact of the proposed development, it is both reasonable and proportionate to require Applicant to dedicate land and/or make onsite or offsite improvements adjacent and nearby to the subject property, including within the public rights-of-way.

CONCLUSION

For all of the foregoing reasons, Heard respectfully requests that the Planning

Board adopt these proposed findings of fact and conclusions of law; **disapprove** the

pending DSP application; and in accordance with P.G. Co. Code § 27-285(d), notify the

Applicant of the following changes required for approval (in lieu of any other conflicting

conditions recommended by staff):

- 1. The owner of Parcel A of the Commons at Addison Road subdivision (Plat Book PM 231, p. 98) and Lot 5, Block B of King's Seat Pleasant subdivision (Plat Book WWW 16, p. 61) shall apply for and obtain a new preliminary plan of subdivision approval, pursuant to Subtitle 24 of the Prince George's County Code and the Regional District Act, to re-subdivide and incorporate those two properties into one new subdivision. In connection with that preliminary plan application:
 - a. The owner shall dedicate a right-of-way (ROW) of 30 feet from the southern lot line of the currently platted Parcel A, and a right-of-way (ROW) of 30 feet from the northern lot line of the currently platted Lot 5, to allow for the eventual creation of a 60-foot primary urban residential road (Type NST-3 neighborhood street) at the southern end of Parcel A, between Zelma Avenue and Addison Road South. The owner shall also dedicate 5 feet from the western property line of Lot 5, to create 30 feet of right-of-way from the centerline of Zelma Avenue.
 - b. If the owners of Parcel 87 (Tax Map 73, Grid C-1) and Lots 12C and 12B of Murdough & Whiting's Resubdivision (Plat Book SDH 4, p. 89) wish to incorporate those respective land areas into the same preliminary plan, the owner of Parcel 87 shall dedicate a right-of-way (ROW) of 30 feet from the northern property line of Parcel 87 and whatever land is necessary from the eastern property line of Parcel 87 to create 60 feet of right-of-way (ROW) from the centerline of Addison Road South.
 - c. The owner(s) are free to revisit with SHA and DPW&T the necessity of (1) prohibiting left-hand turns into and out of the property along Addison Road South and (2) providing an eastbound right-hand

turn lane from MD-214 onto Addison Road South, among other transportation adequacy conditions.

- d. The owner(s) shall, in consultation with DPW&T, evaluate the feasibility of completing the sidewalk on the eastern side of Zelma Avenue, from the southern boundary of Lot 5 to the intersection at Foy Place, as a means of providing recreational facilities in lieu of mandatory dedication of parkland pursuant to P.G. Co. Code § 24-135(b).
- e. The owner(s) shall submit a traffic signal warrant study to the Planning Board and to SHA and DPW&T for the intersections of (1) Zelma Avenue, MD-332, and MD-214; (2) MD-332 & MD-332A (the ramp access point to MD-214); (3) MD-214 and Addison Road South, and (4) Addison Road South at the new right-of-way access point to the subject property. The study shall, at a minimum, consider warrants 1-4, 7, and 8, as well as the issue of whether a pedestrian hybrid beacon should be installed in lieu of a full traffic signal (in the event none of the warrants indicates a need for a full traffic control signal) to ensure safe pedestrian crossings at those intersections.
- The owner(s) shall, in consultation with SHA, DPW&T, WMATA, f. and the owner of the Addison Plaza Shopping Center, determine how best to implement, to the maximum extent possible, the ARM Sector Plan standards and Subregion 4 Master Plan recommendations for designing: (1) a direct connection of Zelma Avenue to MD-214 (Central Ave) and a restriction of vehicle traffic on MD-332 (Old Central Ave) east of Yolanda Avenue; (2) a Multi-Way Boulevard (MWB-1) street on MD-214 between Addison Road and Yost Place; and (3) a Major (M-1) street on Addison Road South between MD-214 and Rolling Ridge Drive, within the available public rights-of-way. (If there is insufficient right-of-way available to design an MWB-1 street on MD-214, then the M-1 street design guidelines shall apply also to MD-214.) Prior to the issuance of any building permits within the subject property, these right-of-way improvements shall (a) have full financial assurances through either private money or full finding in the county's capital program; (b) have been permitted for construction through the operating agency's access permit process; and (c) have an agreed-upon timetable for construction with the appropriate agency. Such improvements shall be substantially completed prior to the issuance of any occupancy permits within the subject property.
- g. The owner(s) shall otherwise comply with all applicable provisions of the zoning ordinance and the subdivision regulations.

- 2. The revised DSP application shall not include a proposal for onsite surface parking. The applicant shall pursue shared parking arrangements, onstreet parking, car share spaces, and bicycle parking offsets, whenever possible, to reduce the amount of parking spaces required under the current zoning ordinance, or shall pursue an appropriate departure from parking and loading standards in light of the subject property's proximity to the Addison Road Metro Station. Any parking necessary or desired for the development shall be provided in a private parking garage below grade or above the first story of a building.
- 3. The revised DSP application shall adhere to the building siting and setback standards in the ARM Sector Plan and the Subregion 4 Master Plan by designing any buildings to provide consistent setbacks close to the right-of-way line and continuous building edges to define the public zone of the street. To the extent the applicant wishes to pursue a variation from the building siting and setback standards in light of the WMATA line of influence at the northern end of Parcel A, the proposal should treat that line of influence as the right-of-way line for purposes of the applicable building envelope standards, and shall consider any space between the building façade and the clear walkway as dooryard space.
- 4. The revised DSP application shall show a direct connection of Zelma Avenue to MD-214 (Central Ave) and the elimination of vehicle traffic on MD-332 (Old Central Ave) east of Yolanda Avenue.
- 5. The revised DSP application shall provide safe pedestrian crossings at all intersections, and all appropriate sidewalks and pedestrian infrastructure, as required by the applicable standards in the ARM Sector Plan and the Subregion 4 Master Plan.
- 6. The revised DSP application shall provide pedestrian-scaled ornamental pole-mounted streetlight fixtures and luminaires, in accordance with the applicable standards in the ARM Sector Plan and the Subregion 4 Master Plan.
- 7. The revised DSP application shall show the placement or relocation of all existing and new utilities underground, in accordance with the applicable standards in the ARM Sector Plan and the Subregion 4 Master Plan.
- 8. The revised DSP application shall include an alternate development standard for Standard B1(I) in the ARM Sector Plan to allow for construction of a building 3-8 stories and up to 127 feet high, as allowed under the Storefront frontage standards for UC-3 Community Centers in the Subregion 4 Plan.
- 9. The revised DSP application shall include only commerce uses on the first story of the mixed-use building. Additionally, if Parcel A remains in the C-S-C/D-D-O Zone, the revised DSP application shall not include

residential uses below the fourth story of the mixed-use building. If Applicant desires residential uses below the fourth story of a mixed-use building, it may consider applying to the District Council for a change in zoning for Parcel A to the M-X-T Zone pursuant to P.G. Co. Code § 27-548.26(b)(1)(B)(i).

- 10. For all currently undeveloped parcels fronting on MD-214 and Addison Road South and submitted in connection with the revised DSP application, the applicant shall propose a compact, high-density, vertical mixed-use development. If feasible, the proposed mix of uses should address the extreme dearth of modern multifamily housing units near the Addison Road Metro station affordable to residents earning the median household income in Prince George's County, and the absence of a full-service grocery store and quality dine-in restaurants within a half-mile of the subject property.
- 11. The revised DSP application shall otherwise comply with all applicable ARM Development District Standards and with all applicable Subregion 4 Design Guidelines as they relate to the Addison Road Metro Center's conceptual regulating plan.

Respectfully submitted this 7th day of April, 2020.

s/ Bradley E. Heard

Bradley E. Heard 415 Zelma Avenue Capitol Heights, MD 20743 Telephone: (240) 297-4439 Email: <u>Bradley.Heard@gmail.com</u>

CERTIFICATE OF SERVICE

This will certify that I have this day caused to be served copies of the within and

foregoing document upon the following parties by electronic mail, as follows:

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Mr. James Hunt Chief, Development Review Division, M-NCPPC	james.hunt@ppd.mncppc.org

This 7th day of April, 2020.

<u>s/ Bradley E. Heard</u> Bradley E. Heard

Bradley E. Heard 415 Zelma Avenue Capitol Heights, MD 20743 Telephone: (240) 297-4439 Email: <u>Bradley.Heard@gmail.com</u>

LIST OF EXHIBITS

Exhibit Number	Description
1	Detailed Site Plan (Dec. 12, 2019)
2	PGAtlas Data on Parcel A
3	PGAtlas Data on Parcel 87
4	PGAtlas Data on Lot B
5	Section 2, King's Seat Pleasant Subdivision (Plat Book WWW 16, p. 61)
6	U.S. Census Bureau, 2017 ACS 5-year Estimate, Table DP-04
7	U.S. Census Bureau, 2017 ACS 5-year Estimate, Table B25008
8	PGAtlas Data on Lot 12C
9	PGAtlas Data on Lot 12B
10	SDAT Information on 6301 Central Avenue, LLC, Business Entity ID No. W18827519
11	SDAT Information on Iman LLC, Business Entity ID No. W13838206
12	SDAT Information on Capitol Heights, LLC, Business Entity ID No. W12754784
13	Declaration of Bradley E. Heard (Feb. 28, 2020)
14	WMATA Parking Details: Addison Road–Seat Pleasant Station
15	Undated DSP Originally Submitted
16	Landscape Plan (Aug. 28, 2018, rev. Jan. 29, 2020)
17	Statement of Justification (Oct. 24, 2019)
18	Ltr. from O. Karim to A. Bishop (Dec. 18, 2019)
19	Statement of Justification – Attachment (Oct. 24, 2019)

Exhibit Number	Description
20	PGAtlas Crosswalk Distance Image
21	Memo from M. Giles to A. Bishop (Jun. 7, 2019)
22	DPW&T, Specifications and Standards for Roadways and Bridges (3/14/2012 Rev.) (excerpted)
23	Natural Resources Inventory No. NRI-144-2015 (Aug. 7, 2015).
24	Hine Junior High School Redevelopment Project Info (D.C. DMPED)
25	USDA, Food Access Research Atlas (Census Tract 8028.03)
26	FMI, Median Total Store Size – Square Feet
27	Kathryn Howell, Ph.D., <i>Multifamily Housing in the Washington, DC Region: Demand and Supply Trends</i> (Feb. 2014)
28	Existing Conditions Plan (undated; submitted with DSP)
29	Plea Agreement, <i>United States v. Baig</i> , No. 8:11-cr-86-PJM (D. Md.), ECF No. 15.
30	Criminal Judgment, <i>United States v. Baig</i> , No. 8:11-cr-86-PJM (D. Md.), ECF No. 28
31	Housing & Population Data: Census Tract 8028.03, Block 1001
32	PGCPB No. 06-217 (Oct 19, 2006)
33	DSP Application Form (Sep. 4, 2018)
34	ARM Sector Plan Excepts
35	Subregion 4 Master Plan Excerpts
36	Plan Prince George's 2035 General Plan Excerpts
37	DSP A-201, Garage Level and 1st Floor

change.org

Recipient: Maryland-National Capital Park and Planning Commission

Letter: Greetings,

Banneker Ventures and Neighorhood Development Company are the developers of Park Place at Addison Road Metro ("Park Place"), located at the corner of Central Avenue and Addison Road in Capitol Heights, MD. Park Place will sit on nearly three acres of land that has been vacant for decades, bringing a new community-serving asset to a busy major corridor. The project will create construction and permanent jobs for local residents and subcontractor opportunities for Prince George's County businesses.

The mixed-use building will be comprised of 193 residential units and 11,000 square feet of ground floor community serving retail space. The residential mix will include studios, 1-bedroom, and 2-bedroom units. The building amenities will include a fitness facility, lounge/media room, landscaped courtyard, underground parking, bicycle storage, conference room, lounge/media room, clubroom, and multipurpose room.

We support of the development of Park Place at Addison Road Metro in Capitol Heights, MD.

Signatures

Name	Location	Date
Tori Williams	Silver Spring, MD	2020-04-01
Bassel Tallal	Greenvale, Australia	2020-04-03
Cassandra Irby	Upper Marlboro, MD	2020-04-04
Essam El-Maghrabi	Washington, DC	2020-04-04
Tamatia Hayward	Hyattsville, MD	2020-04-04
Carri Cowan	Bowie, MD	2020-04-04
Gloria Cain	Silver Spring, MD	2020-04-04
Julia Stevenson	Rockville, MD	2020-04-04
mirza baig	Silver Spring, MD	2020-04-04
Kasim Baig	Bethesda, MD	2020-04-04
Baasil Shariff	Rockville, MD	2020-04-04
Safa Shariff	New York, NY	2020-04-04
Amal Baig	Alexandria, VA	2020-04-04
Irina Koretsky	Bethesda, MD	2020-04-04
Nora Naguib	Bel Air, MD	2020-04-04
Ameenah Capers	Bowie, MD	2020-04-04
IBRAHIM ELRAYAH	Silver Spring, MD	2020-04-04
Sandy Marenberg	Baltimore, MD	2020-04-04
Raheemah Abdulaleem	Kensington, MD	2020-04-04
Donna Turner	Upper Marlboro, MD	2020-04-04

Name	Location	Date
TENILLE DAVIS	Laurel, MD	2020-04-04
Commissioner Holly Muhammad	Washington, DC	2020-04-04
Stephen Thomas	Capitol Heights, MD	2020-04-04
Johari Abdulmalik Seale	Silver Spring, MD	2020-04-04
Marcus Richardson	Baltimore, MD	2020-04-04
Ralph Smith	Washington, DC	2020-04-04
Mohammad Khokhar	Washington, DC	2020-04-05
Trevor Samuels	Washington, DC	2020-04-05
Angela Yarrell	Lanham, MD	2020-04-05
Majid Hakim	New York, NY	2020-04-05
Sara Thomas	Washington, DC	2020-04-05
Debora Turner	Capitol Heights, MD	2020-04-05
Hiba Mohammad	Columbia, MD	2020-04-05
Douglas McCoy	Upper Marlboro, MD	2020-04-05
Jemel Buck	Herndon, VA	2020-04-05
Henry Arrington	A, VA	2020-04-05
Jeyone Muhammad	Lanham, MD	2020-04-05
Kori Majeed	Hyattsville, MD	2020-04-05
Hassan Karim	Lanham, MD	2020-04-05
Chioma Samuels	Washington, DC	2020-04-05
Mustafa Breaux	Washington, DC	2020-04-05

Name	Location	Date
Hamaas Abdullah	Capitol Heights, MD	2020-04-05
Sohail Akhtar	Beltsville, US	2020-04-05
Amjad Ismail	Carrollton, TX	2020-04-05
Ameen Osman	Hyattsville, MD	2020-04-05
Konstantin Shutikov	Pikesville, MD	2020-04-05
Anna Shutikova	College park, MD	2020-04-05
rashad Watt	Washington, DC	2020-04-05
Nassar Abdul Haqq	Upper Marlboro, MD	2020-04-05
Daud Abdullah	Capitol Heights, MD	2020-04-05
Atif Muhammad	Dacula, GA	2020-04-05
Sameer Ali	Lanham, MD	2020-04-05
Michael Mason	Upper Marlboro, MD	2020-04-05
Lateefah Muhammad	Washington, DC	2020-04-05
Ehab Hijazi	Bowie, MD	2020-04-05
Iman Ahmed	Columbia, MD	2020-04-05
Jamilah Muhammad	Hyattsville, MD	2020-04-05
Aaliyah Muhammad	Silver Spring, MD	2020-04-05
Aaliyah Alim	Washington, DC	2020-04-05
Tauheed Muhammad	Washington, DC	2020-04-05
Bahiyyah Parks	Lanham, MD	2020-04-05
Forrest Hardway	US	2020-04-05
Islah Abdullah	Washington, DC	2020-04-05

Name	Location	Date
Carl Payne	Washington, DC	2020-04-05
Rick Thomas	Capitol Heights, MD	2020-04-05
Jahar Asad	Fayetteville, NC	2020-04-05
Will Nelson	Alexandria, VA	2020-04-05
Rahmah Abdulaleem	Kensington, MD	2020-04-05
Fahria Hossain	alexandria, VA	2020-04-05
Dawud Sadeq	District Heights, MD	2020-04-05
Mohammed Amsa	College Park, MD	2020-04-05
Naadir Nuraldin	Washington, DC	2020-04-05
Haneefah Abdul-Lateef	Upper Marlboro, MD	2020-04-05
Corwin Melvin	Hyattsville, MD	2020-04-05
Rita Sallam	Washington, DC	2020-04-05
Aisha Gaal	District Heights, MD	2020-04-05
Jameel Aalim-Johnson	Lanham, MD	2020-04-05
Bruno Carvalho	Bethesda, MD	2020-04-05
Maria Miller	Upper Marlboro, MD	2020-04-06
Carlton Jones	Washington, DC	2020-04-06
Imanu ABDULSABUR	Washington, DC	2020-04-06
Nisa Islam	US	2020-04-06
Takiyah Oliver	Alexandria, VA	2020-04-06
Dwayne Bradford	Washington, DC	2020-04-06
Rashawn Wyche	Silver Spring, MD	2020-04-06

Name	Location	Date
Jamillah Karim	Decatur, GA	2020-04-06
Preacher Moss	Washington, DC	2020-04-06
Rosallah Karim	Bowie, MD	2020-04-06
Arpita Sharma	Hyattsville, US	2020-04-06
Ms Yasmine	New York, NY	2020-04-06
Beatrice Muhammad	Durham, NC	2020-04-06
Vanessa Jansen	Katy, TX	2020-04-06
Natavia Carpenter	Baltimore, MD	2020-04-06
Tariq Muhammad	laurel, MD	2020-04-06
Tahir Kaiyum	Washington, DC	2020-04-06
Bahiyyah Parks	Lanham, MD	2020-04-06
Maqsood Chaudhry	McLean, VA	2020-04-06
Faith Oliver	Waldorf, MD	2020-04-06
Tariq Hakim	Burke, VA	2020-04-06
Ishaq Majeed	Hyattsville, MD	2020-04-06
Tahir Shaikh	Great Falls, VA	2020-04-06
Ambrea Huggins	Bowie, US	2020-04-06
Saafir Rabb	Baltimore, MD	2020-04-06
Steven Nash	Cape Town, South Africa	2020-04-06
Fadeshere Adeoye	Hyattsville, MD	2020-04-06
Margaret Khan	Laurel, MD	2020-04-06
Muadthin Zubair Abdul-Majid	Gaithersburg, MD	2020-04-06

Name	Location	Date
Elijah Jackson	Oxon Hill, MD	2020-04-06
Glen Kolb	Silver Spring, MD	2020-04-06
Allah Wilmer	Lanham, MD	2020-04-06
Nakea Oliver	Waldorf, MD	2020-04-06
Elie NJOH	Silver Spring, MD	2020-04-06
Saud Jabali-Nash	Washington, US	2020-04-06
Tre Oliver	Waldorf, MD	2020-04-06
Stephanie Farrell	Silver Spring, MD	2020-04-06
Radoslav Brandersky	Berwyn Heights, MD	2020-04-06
Harold Heard	Suitland, MD	2020-04-06
Melih Kutluer	Washington, DC	2020-04-06
Sweta Thanki-Pandey	Silver Spring, MD	2020-04-06
Boyu Li	Silver Spring, MD	2020-04-06
Sean Gaouette	Washington, DC	2020-04-06
THUY DO	Gaithersburg, MD	2020-04-06
Gerrick Pinkney	Brandywine, MD	2020-04-06
Leslie Hamilton	Mitchellville, MD	2020-04-06
Abdul qudduws Muhammad	Lithonia, US	2020-04-06
Muhammad Jami	Pikesville, MD	2020-04-06
Muslimah Ali	Catonsville, MD	2020-04-06
Keith Johnson	Accokeek, MD	2020-04-06
Mr Wright	Upper Marlboro, MD	2020-04-06

Name	Location	Date
Luai Alamawi	College Park, MD	2020-04-06
mohamed desai	Rockville, MD	2020-04-06
Anu Kmt	Beltsville, MD	2020-04-06
Lisa Allen	Elkridge, MD	2020-04-06
Salah Kemet	US	2020-04-06
Talib Abdul-Samad	Washington, US	2020-04-06
Angelia McClam	Capitol Heights, MD	2020-04-06
Christine Quinones	Glen Burnie, MD	2020-04-06
Lesli Jackson	Capital Heights, MD	2020-04-06
Abdallah Khasawinah	Falls Church, VA	2020-04-06
Hodan Deria	Alexandria, VA	2020-04-06
Jennifer Jones	Capitol Heights, MD	2020-04-06
Aisha Ahmed	Columbia, MD	2020-04-06
Kesi Kmt	US	2020-04-06
Deborah Clarke	Washington, DC	2020-04-06
Paul Hamilton	Hyattsville, MD	2020-04-06
Tenea Dancy	Hyattsville, MD	2020-04-06
Farouk Mohammed	Bowie, MD	2020-04-06
Juliana Roberson	Cupertino, MD	2020-04-06
Mohammed Babayo	Washington, DC	2020-04-06
Lashawn Sanchez	Silver Spring, US	2020-04-06
Jannah Sanchez	Laurel, MD	2020-04-07

Name	Location	Date
julio Sanchez	Washington, US	2020-04-07
Habibah Jackson	Bowie, MD	2020-04-07
Tariq Najee-ullah	Catonsville, MD	2020-04-07
Kristie Walton	dc, DC	2020-04-07
Travis M. Sumlar	Upper Marlboro, MD	2020-04-07
tomara moses	Lanham, MD	2020-04-07
Faridah Abdul-Tawwab	Columbia, MD	2020-04-07
Phinis Joned	Washington, DC	2020-04-07
John Daniel	Laurel, MD	2020-04-07
Brent Robinson	Baltimore, MD	2020-04-07
Beverly Stewart	Huntingtown, MD	2020-04-07
Tyresha Lane	Summerville, SC	2020-04-07
Rodney Wade	Glen Burnie, MD	2020-04-07
Daryl Pinkard	Clinton, MD	2020-04-07
Troy Bronson	Elkridge, MD	2020-04-07
СН	East Orange, NJ	2020-04-07
Daniel Ortiz	Jessup, MD	2020-04-07
William Tucker	New Market, MD	2020-04-07
LaZerrick Howard	Washington, DC	2020-04-07
Olavis Faison	Elkridge, MD	2020-04-07
Carole Morris	Crownsville, MD	2020-04-07
Robert Resh	Washington, DC	2020-04-07

Name	Location	Date
SAMUEL Osborn	Glen Burnie, MD	2020-04-07
Anthony Avant	Silver Spring, MD	2020-04-07
Sorosh Sadeghi	Rockville, MD	2020-04-07
Farhad Chowdhury	Springfield, VA	2020-04-07
Biazek Hill	Washington, DC	2020-04-07
Shahram Rashidi	Manassas, VA	2020-04-07
Tiffany Moore	Bethesda, MD	2020-04-07
Ruby Pearson	District Heights, MD	2020-04-07
Wilson Sosa	Elkridge, MD	2020-04-07
Fatmata Turay	Baltimore, MD	2020-04-07
Tammy Waller	Collinsville, VA	2020-04-07
Milton Weaver	Hyattsville, MD	2020-04-07

MEMO



OFFICE OF THE GENERAL COUNSEL THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

то:	Elizabeth M. Hewlett, Chair
Cc:	Andree Green Checkley, Planning Director
FROM:	David Warner, Principal Counsel
DATE:	April 7, 2020
RE:	DSP-06001/03 and 4-05068 - The Commons at Addison Road Metro

BACKGROUND

1. On April 9, 2020, the Prince George's County Planning Board ("Board") will be considering applications for approval of a detailed site plan, DSP-06001/03 for The Commons at Addison Road Metro ("DSP") and reconsideration of Preliminary Plan of Subdivision 4-05068 (PGCPB Resolution No. 06-37) for The Commons at Addison Road Metro, Parcel A ("Reconsideration").

2. On April 1, 2020, a Person of Record to both applications, Bradley E. Heard, submitted a letter for the record addressed to you requesting the Board employ certain procedures during its consideration of the two matters ("Heard Letter").

3. On April 7, 2020, Mr. Heard submitted a memorandum entitled Proposed Findings of Fact and Conclusions of Law (Corrected) requesting the Board adopt certain proposed findings of fact and conclusions of law and disapprove the DSP ("Heard Memo").

4. The following memorandum summarizes the law applicable to the Board's review of both the DSP and Reconsideration including an analysis of the procedural and substantive matters addressed in the Heard Letter and Heard Memo.

SHORT ANSWERS

- The Board's Rules of Procedure comply with all requirements of law and are consistent with the APA. Therefore, the Board should conduct its hearings on the DSP and Reconsideration in accordance with its Rules of Procedure.
- Technical Staff Reports prepared by Planning Department staff evaluate <u>applications</u> for conformance with the law and include findings of fact relevant to the application for the consideration of the Board.

- Detailed site plans are required to comply with applicable provisions of the County Zoning Ordinance, conditions contained in applicable preliminary plans of subdivision, and other applicable ordinances.
- A detailed site plan is not required to conform to advisory, non-binding general and master plans such as the 2010 Approved Subregion 4 Master Plan and 2035 Approved General Plan and may not be disapproved on the grounds the plan lacks such conformance.

I. PROCEDURAL ISSUES

A. Planning Board Procedures

The detailed design of land development significantly affects the health, safety, and welfare of the general public, and because regulation of land development through fixed standards can result in monotonous design and lower quality development, certain types of land development are regulated by a combination of development standards and discretionary review by the Planning Board of a Detailed Site Plan. Pursuant to Section 27-285 of the Prince George's County Code, before the Board may consider approval of a Detailed Site Plan, it (i) shall review the Detailed Site Plan for compliance with the County Code's General Zoning Procedures, (ii) give due consideration to all comments received from other agencies, (iii) only consider the plan at a regularly scheduled meeting of the Board after a duly advertised public hearing, (iv) state the reasons for its final decision, and (v) embody the final decision in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record and the District Council.

In addition, the Planning Board has also adopted Rules of Procedure (PGCPB Resolution No. 08-71) for the conduct of hearings in all cases in which a final decision is made by the Board as well as all other cases heard by the Board for the purpose of making formal recommendations for consideration by the Zoning Hearing Examiner or County Council. The purpose of the Rules of Procedure is to ensure the right of all persons to be treated in a fair and unbiased manner and promote prompt, effective, and efficient government.

B. Heard Letter

The Heard Letter requests the Board adhere to the relevant contested case provisions of the Maryland Administrative Procedures Act ("APA") and the Board's Rules of Procedure to the extent such rules are not inconsistent with the APA. Specifically, the Heard Letter requests the Board undertake five procedural steps. The requested steps are listed below along with an explanation of how the Board addresses each one in its Procedures:

1. To help ensure fairness and truthfulness in these adjudicatory proceedings, I request that all witnesses, including Planning Department staff and the Applicant's representatives, be placed under oath or affirmation prior to testifying.

There is no requirement in state or local law that all witnesses, including Planning Department staff and an applicant's representatives, be placed under oath or affirmation prior to testifying in a hearing involving a DSP or Reconsideration. Neither the APA, the Land Use Article that establishes and governs the Board, nor the Board's own Rules of Procedure contain provisions requiring the administration of oaths. While testimony under oath is one measure of assessing the truthfulness of an individual's testimony, it is not the only means.

The Board assesses the truthfulness of testimony in many ways including knowledge of the professional and experiential qualifications of its staff, the representations made by professionals appearing before the board such as attorneys, engineers and architects who are governed by ethical rules of conduct, by requesting the names and addresses of speakers, and by asking questions of those providing testimony about the matters on which they claim to have knowledge and expertise. In addition, every applicant seeking approval of a development project is required to execute an attestation of truthfulness in writing along with the submission of its application. Based on these assurances and the experience of the Board in administering development applications for approximately 12 years under the current version of its Procedures, there is no requirement that the Board administer oaths in order to properly conduct hearings on the DSP and Reconsideration.

2. I request that I be offered an opportunity to cross-examine all witnesses, including Planning Department staff and the Applicant's representatives, immediately following their testimony.

Section 5 of the Board's Procedures entitled "Cross -Examination" requires the Chair permit any person of record to ask questions of a witness at the conclusion of the witness' testimony.

3. I request that there be no direct or indirect ex parte communications between the Planning Board (or any counsel advising the Board) and any M–NCPPC employee participating in these cases, relating to substantive matters at issue in these cases.

Section 9 of the Board's procedures entitled "Ex Parte Communication" prohibits ex parte communications between members of the Board with any person regarding the merit of a pending contested case. In addition, subsection (b) requires Board members disclose any such communications.

4. As a corollary to the ex parte principle outlined above, I request that no M–NCPPC employees participating directly or indirectly in these cases (with the exception of Board counsel acting solely in an advisory, not an advocacy or decision-making, capacity) be tasked with the preparation of the Board's final decisions in these contested cases.

The Board's final decision is made by motion of the Board. The Resolution is merely an embodiment of the final decision and cannot contain any findings of fact or conclusions of law that were not considered and approved by the Board in its motion.

5. I request that the Board's final decisions in these contested cases: include separate statements of the findings of fact, the conclusions of law, and the order; resolve all contested issues of fact and explain the resolution thereof (i.e., not simply adopt the proposed findings contained in the staff reports); and state a ruling on each proposed finding of fact.

As required by Section 13(b) of its Procedures, the Board's final decisions always contain the required findings of fact and conclusions of law.

II. SUBSTANTIVE ISSUES

The Heard Memo questions the proposed findings of fact contained in the Technical Staff Report and recommends disapproval of the DSP and adoption of revised conditions that, if met, will permit approval. The Memo, in part, (i) questions the Staff Report's findings regarding 8 of the 21 design development standards contained in the October 2000 Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity ("ARM Sector Plan and SMA"), (ii) requests the Board require the DSP comply with certain provisions in the 2010 Approved Subregion 4 Master Plan ("Subregion 4 Plan") and 2035 Approved General Plan ("2035 General Plan"), and (iii) believes the DSP does not carry out the requirements of the approved preliminary plans of subdivision.

Division 9 of Part 3 of the County Zoning Ordinance governs the Planning Board's review of detailed site plans. Specifically, Section 27-285(b)(1) provides that the Board may approve a detailed site plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without distracting substantially from the utility of the proposed development for its intended use. The site design guidelines consist of 11 categories of improvements including such features as parking, lighting, views, service areas, and architecture. Sec. 27-274. In addition, the ARM Sector Plan and SMA, which imposed a sectional zoning map amendment and accompanying design development standards for the Addison Road Metro Town Center area in which the DSP is located, contains 21 additional design standards governing site design, public areas, and building design. Review of these design standards for this DSP is further administered through Division 3, Part 10A of the Zoning Ordinance governing Development District Overlay Zones, specifically Section 27-548.25 governing site plan approval.

As outlined in the Technical Staff Report, the DSP has been evaluated by staff for compliance with the applicable zoning requirements of the ARM Sector Plan and SMA, the requirements of the Zoning Ordinance in the Commercial Shopping Center Zone and the One-Family Detached Residential Zone, the requirements of Preliminary Plans of Subdivision 4-05068 and 4-08019, the requirements of Detailed Site Plan DSP-06001 and its amendments, the requirements of the Development District Overlay Zone, and other applicable ordinances.

As discussed above, the Heard Memo addresses several conclusions in the Technical Staff Report concerning the development design guidelines in the ARM Sector Plan and SMA. The Staff Report also evaluates other ARM design guidelines not addressed in the Heard Memo as well as design guidelines the applicant is seeking to amend. Because compliance with the ARM Sector Plan and SMA is one of the conditions for approval of the DSP, such discussions are relevant to the Board's consideration. Similarly, compliance with the standards for the Development District Overlay Zone and the applicable conditions in the Preliminary Plans are discussed in the Staff Report and also within the scope of the Board's review.

However, the Heard Memo also addresses the failure of the DSP to comply with the Subregion 4 Plan and 2035 General Plan. Compliance with master and general plans is not a condition for approval of detailed site plans. Such plans, in and of themselves, "are developed to guide the implementation of land use controls and zoning in a rational way that is beneficial to the public." *County Council of Prince George's County v. Zimmer*, 444 Md. 490, 521 (2015) As such, they "constitute a non-binding advisory recommendation, unless a relevant ordinance or regulation, or specific zoning, subdivision, or other land use approval, make compliance with the plan recommendations mandatory. Id. at 522.

The Subregion 4 Plan and 2035 General Plan are two such examples of non-binding plans developed to guide the implementation of land use controls through the implementation of zoning. They play a role, just not in the process of approving detailed site plans. As a result, the Board has no authority to deny the DSP based on an analysis of the site plan's relationship to the goals and objectives of the Subregion 4 Plan or 2035 General Plan.

III. CONCLUSION

The Board's Rules of Procedure comply with all requirements of law and are consistent with the APA. In addition, the specific procedural steps requested in the Heard Letter are either already included in the Board's procedures or are not required. Therefore, the Board should conduct its hearings on the DSP and Reconsideration in accordance with its Rules of Procedure.

Planning Department staff is charged with reviewing detailed site plan applications. Technical Staff Reports contain findings of fact and conclusions of law relevant to the application only as well as a recommendation for the consideration by the Board. If such findings and conclusions meet the requirements of the law, the staff recommends approval or, if there are conditions that the applicant must meet in order to obtain approval, the recommendation will be for approval with modifications.

Commons at Addison Road Metro (DSP-06001/03)

Opponent's Presentation (Bradley E. Heard)

The subject property is a key development site in the Addison Road Metro Center.

- Large, undeveloped acreage directly across from Metro
- Key cite for walkable urban transit-oriented development



It was also ground zero for pay-to-play developer corruption..

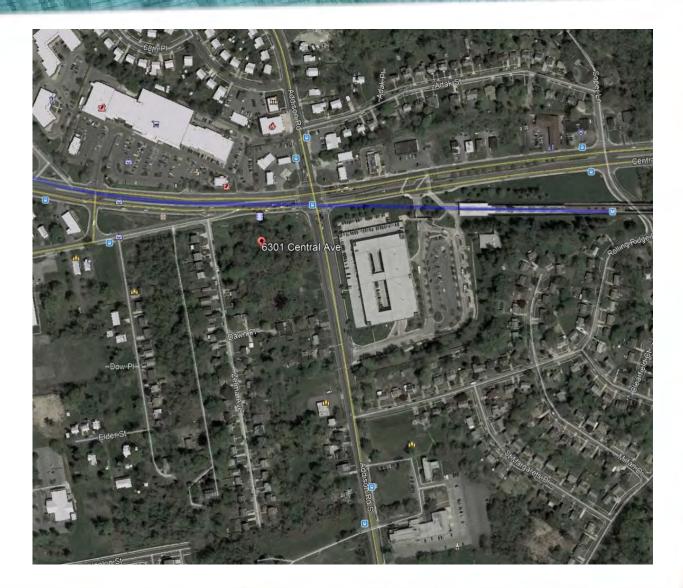
- From 2006-2010, developer Dr. Mirza Baig paid bribes to former County Executive Jack Johnson and others in exchange for favorable action on the Commons at Addison Road development.
- He was sentenced to 18 months in federal prison, forfeited \$250,000, and paid a \$50,000 fine.

			esp
United	States Dist	rict Court	
	District of Mary		
	z istrict or iting		
UNITED STATES OF AMERI		ENT IN A CRIMINAL CAS ses Committed on or After Novembe	
ν.	Case Nur	nber: PJM-8-11-CR-0086-00	GED RECEIVED
MIRZA HUSSAIN BAIG	USM Nu	mber: N/A t's Attorney: Paul Kemp	C 8 2012
	Assistant Raman	U.S. Attorney: A. David CST	SEATIME AND SHILL
THE DEFENDANT:			
Deleaded guilty to count(s) 1 of the C	riminal Information		
 pleaded nolo contendere to count(s) was found guilty on count(s)a 	, which was accept	ed by the court.	
	1 8 9		
Title & Section 18 U.S.C. §371	Nature of Offense Conspiracy	Date Offense Concluded From on or about 2006 through at least	Count <u>Number(s)</u> 1

Given Dr. Baig's criminal involvement and the District Council's *ultra vires* acts during call-up review, the previous development approvals for this project are tainted.

To restore public confidence in this project, the Planning Board must

- > Take a fresh look at this DSP and
- **FOLLOW THE RULES**



Summary of Issues

 Refer to Opponent's 4/7/2020 Proposed Findings of Fact Nos. 1-83 and Exhibit Nos. 1-37 for granular details

- 1. Surface Parking Lot on Parcel 87
- 2. Building Siting and Setback
- 3. Zoning–Use Table Violation
- 4. Roadway Network
- 5. Sidewalks
- 6. Ornamental Streetlighting
- 7. Undergrounding Utilities
- 8. Subdivision Ordinance Noncompliance

Parcel 87 (109 Addison Rd S)



provided by Prince George's County Planning Department

The property owner, **Iman LLC** (i.e., **Dr. Baig**), has not authorized this Detailed Site Plan.

PGAtlas Created on 2/27/2020 Property Tax Account: 2118693 Owner Name: IMAN LLC Premise Address: 109 S Addison Rd, Capitol Heights, MD 20743 Parcel Details **Ownership Information Administrative Details** Owner Name: IMAN LLC Tax Map Grid: 073C1 Tax Account #: 2118693 Owner Address: 4219 Dustin Rd, WSSC Grid: 201SE06 Assessment District: 18 Lot: Block: Parcel: 087 Burtonsville, MD 20866 **Tree Conservation** Description: Liber: 32201 Folio: 501 Plan 1: Plat: Transfer Date: 11/29/2010 **Tree Conservation** Subdivision: Current Assessment: \$311,800.00 Plan 2: TCP2-013-2019 Land Valuation: \$311,800.00 Acreage: 0.8950 Councilmanic District: Improvement Valuation: \$0.00 Sale Price: \$0.00 Structure Area (Sq Ft): 1564 Community Plan (As Approved) Plan Title: Approved Subregion 4 Master Plan and Sectional Map Amendment Date Approved: 6/1/2010 Planning Board Resolution: 09-163 County Council Resolution: CR-49-2010 Map Name: Subregion 4 2010 Plan Type: Master Plan Status: Approved Plan Title: Addison Road Metro Boundary Date Approved: 10/24/2000 Planning Board Resolution: 99-246 County Council Resolution: CR-61-2000 Map Name: Addison Road Metro 2000 Plan Type: Sector Plan Status: Approved Plan Title: Approved Sector Plan & Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity Date Approved: 10/24/2000 Planning Board Resolution: 99-246 County Council Resolution: CR-61-2000 Map Name: Addison Road Metro Town Center 2000 Plan Type: Sector Plan Status: Approved Councilmanic District (2014) District: 7 Member: Rodney Colvin Streeter Political Party: Democrat Telephone: 301-952-3690 Email: councildistrict7@co.pg.md.us District: Null Member: Mel Franklin (At Large)

Political Party: Democrat M-NCPPC : Prince George's County Planning

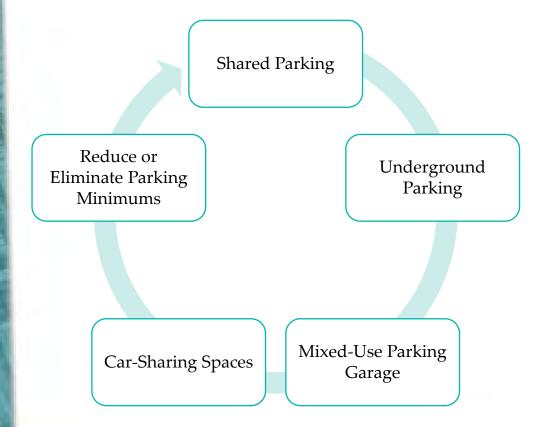
- ARM Development District Standard S2 prohibits "single, large surface parking lots"
- Subregion 4 Master Plan requires parking to be set back 30 ft from build-to line, unless it's underground or on-street
- Plan 2035 says parking for new development should be located in shared or private garages accessed via alleys.
- All plans encourage shard parking and other reduction strategies.

Parcel 87 (109 Addison Rd S)



provided by Prince George's County Planning Department

Alternatives to Surface Parking



- Addison Road Metro's parking garage (directly across the street) operates at less than 50% capacity.
- No dedicated parking is needed in a mixed-use transit-oriented development directly across from Metro.
- The new zoning ordinance eliminates parking minimums in RTO & LTO zones within ¹/₄-mile of Metro.
- If dedicated parking is required or desired, it should go under the building or in a mixed-use garage.

Large surface parking lots are antithetical to the concept of **compact, vertical, dense mixeduse development**. They take up valuable land needed for:

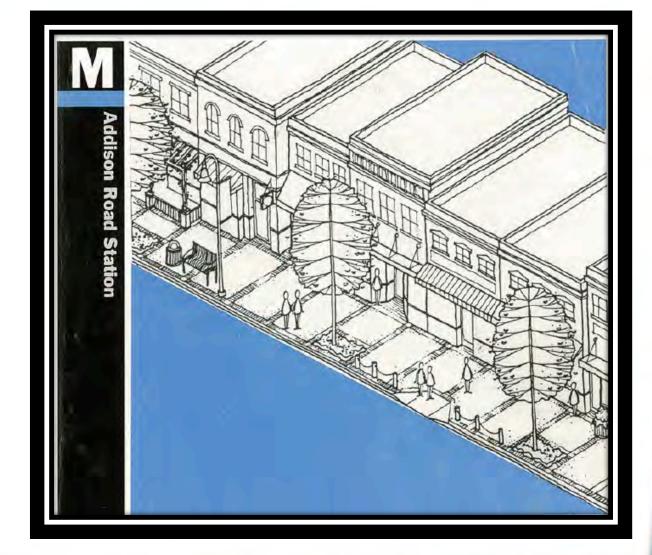
- Multifamily Housing
- Full-Service Grocery Stores

Parcel 87 (109 Addison Rd S)



provided by Prince George's County Planning Department

Building Siting and Setback

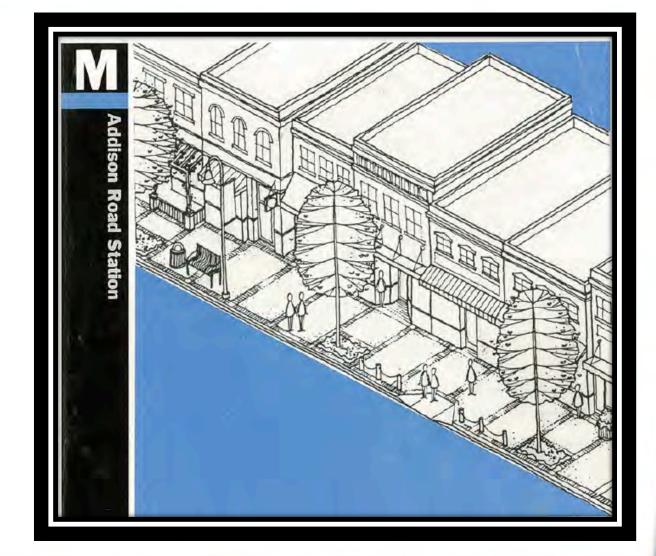


Building Siting and Setback

ARM Development District Standard S3 requires buildings to provide a:

- Consistent Setback
- Continuous Building Edge
- Front Build-to Line 10-15 feet from Right-of-Way Line

The ARM Sector Plan and Subregion 4 Master Plan generally require neotraditional or new urbanist building design.



Examples of New Urbanist Mixed-Use Development Abound...

Palette at Arts District Hyattsville

Hine Middle School Redevelopment





Torti Gallas is Experienced in Developing New Urbanist TODs...

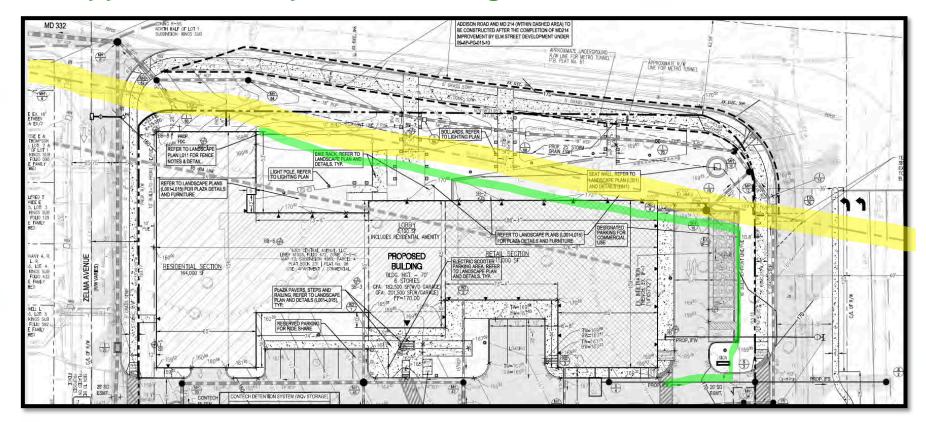
$360^\circ \ H \ Street$ (212 DUs, 43,00 SF retail, 270 below-grade parking spaces)



Park Place at Georgia Ave-Petworth (148 Aps, 7 Townhouses, 17,00 SF retail)



Yet, Applicant's Proposed Building Breaks All the Rules...



- No Consistent Setback
- No Continuous Building Edge

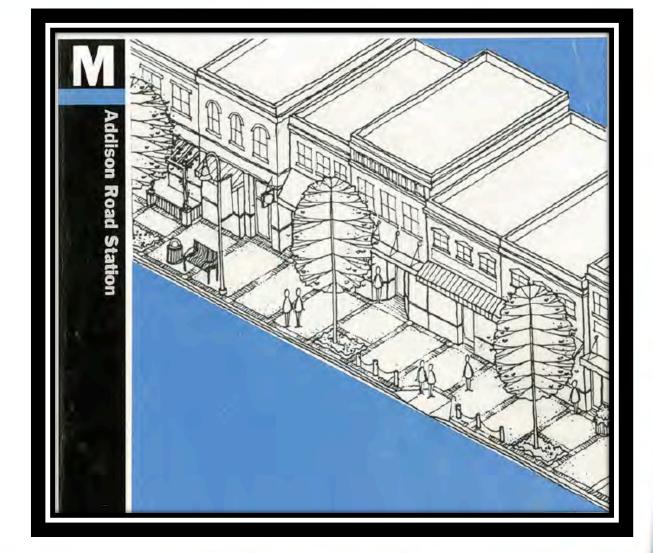
- Building Set Back > 50 feet from Right-of-Way Line
- Blocked by Walls, Fences, and Surface Parking

Building Siting and Setback

- Residents of the Addison Road Metro Center and Central Prince George's County want more than a nice multifamily mixed-use building.
- We want the same quality new urbanist mixed-use transitoriented development that exists at other DC-area Metro Stations—and the kind required by our comprehensive plans.
- We are Prince George's *Proud*, Not Prince George's *Desperate*!



Zoning–Use Table Violation



Zoning–Use Table Violation

USE	ZONE		
	C-0	C-S-C	C-M
(C) With a temporary removable cover (bubble)	P*	Р	Р
Theatre:			
(A) Indoor	P*	Р	Р
(B) Outdoor (including drive-in)	X	X	Х
Zoo, not publicly owned	X	X	Х
(6) RESIDENTIAL/LODGING:		and the second second	
Apartment housing for the elderly or physically handicapped	Х	P*	Х
Country Inn	X	P	Р
Dwelling, provided that it was legally erected prior to the date upon which the property was classified in a Commercial Zone, or was legally erected in a Commercial Zone under prior regulations	Р	Р	Р
Dwelling unit within a building containing commercial uses:			
(A) Not exceeding 3 units per building, to be located above the ground floor, except where otherwise allowed	Р	P	Р
(B) Not exceeding 3 units per building, with 1 unit at ground level for a resident manager, caretaker, or night watchman (and family)	х	X	Р
(C) In a building containing 4 or more stories, provided the units are located above the third story	P*	P*	P*
Hotel or motel:			
(A) Hotel or motel in general	Р	P	Р
(B) Including any use allowed in the C-S-C Zone (but not generally allowed in the C-M Zone, excluding those permitted by Special Exception), when located within a hotel, provided the uses shall not be located above the ground floor; not more than fifteen (15) percent of the gross floor area of the building shall be devoted to the uses; and not more than 3,000 square feet shall be allotted to any one use (CB-105-1985; CB-58-1990)	x	x	PA



Data provided by Prince George's County Planning Department

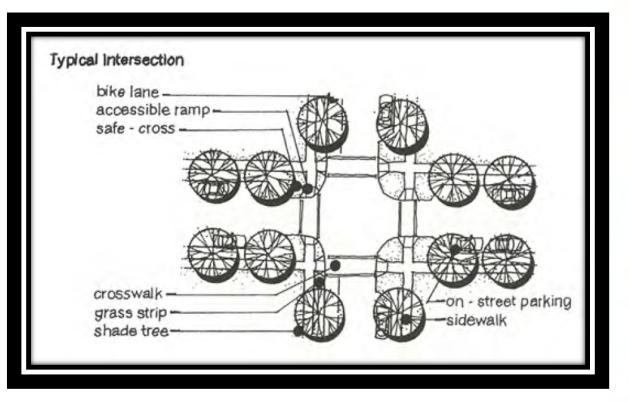
ARM Development District Standard P1 requires:

- Connecting Zelma Ave Directly to MD-214 (Central Ave)
- Providing Safe Crossings



Safe Crossings Provide:

- Marked Crosswalks at All Intersections
- Curb Bump-outs



Compact Blocks

- Generally Between 150-300 ft in length
- Should Not Exceed 600 ft in length

Parcel A's 400 ft of frontage on Central Ave, Between Addison Rd and Zelma Ave = Compact Block



Sidewalks



Sidewalks

ARM Development District Standard P2 requires:

- 8-foot-wide sidewalks along MD-214; 5-foot-wide sidewalks along Addison Road South
- 5-foot-wide grass planting strip at curb edge

Applicant Proposes to Delay Construction of the Required Sidewalks



Ornamental Streetlights



Ornamental Streetlights

- ARM Development District Standard P5 requires ornamental pole-mounted streetlights and luminaires along all streets
- Currently, there are no streetlights along the Central Ave frontage of Parcel A, and only cobra-head lighting along Addison Rd S and Zelma Ave



Utility Undergrounding



Utility Undergrounding

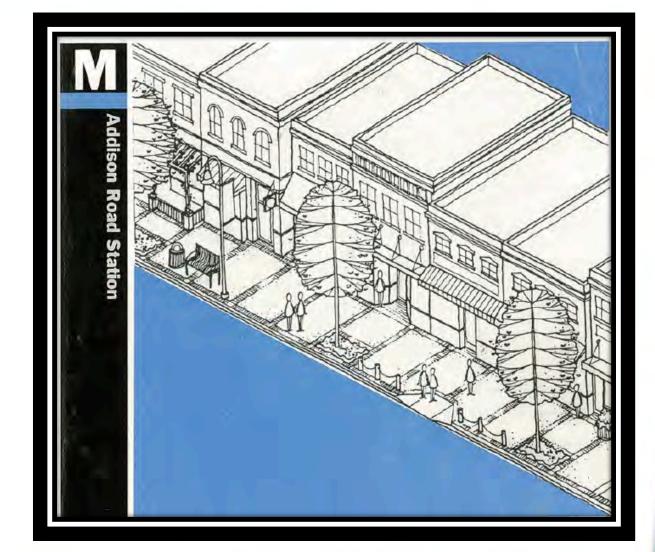
ARM Development District Standard P6 requires all existing and new utilities to be placed underground



Subdivision Ordinance Noncompliance

New preliminary subdivision plan is required to:

- Consolidate Parcel A, Lot 5, and Parcel 87
- Dedicate right-of-way for Lot 5
- Reconsider left turn access in/out of development at Addison Rd



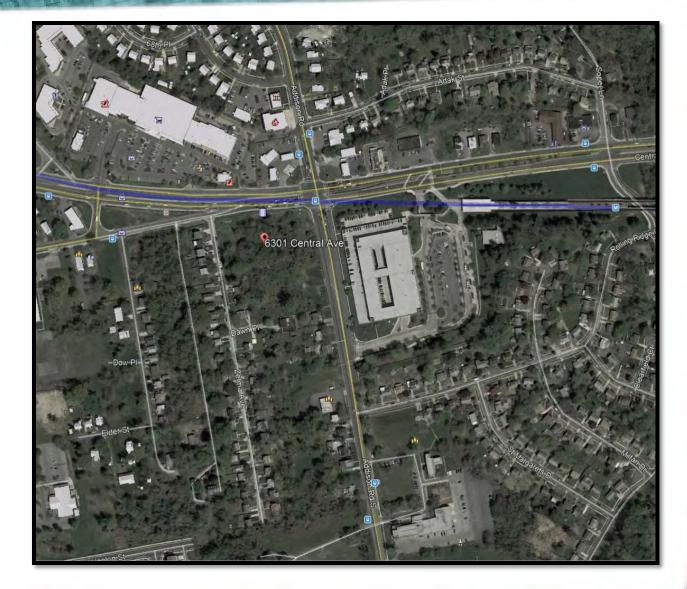
Summary of Issues

 Refer to Opponent's 4/7/2020 Proposed Findings of Fact Nos. 1-83 and Exhibit Nos. 1-37 for granular details

- 1. Surface Parking Lot on Parcel 87
- 2. Building Siting and Setback
- 3. Zoning—Use Table Violation
- 4. Roadway Network
- 5. Sidewalks
- 6. Ornamental Streetlighting
- 7. Undergrounding Utilities
- 8. Subdivision Ordinance Noncompliance

Relief Requested

- Denial of DSP
- Notice to Applicant of Required Changes (see pp. 26-29 of Opponent's 4/7/2020 Proposed Findings of Fact)



Thank You For Your Attention!

