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RESOLUTION

WHEREAS, Calvert Tract, LLC is the owner of a 37.73-acre parcel of land known as Tax Map 42 in Grid D-1, and is also known as Parcel 81, said property being in the 19th Election District of Prince George's County, Maryland, and being zoned Mixed Use Town Center (M-U-TC) and One-Family Detached Residential (R-55); and

WHEREAS, on March 12, 2013, Calvert Tract, LLC filed an application for approval of a Preliminary Plan of Subdivision for 126 lots and 39 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13002 for Cafritz Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 16, 2013, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on May 16, 2013, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1-005-12), and further APPROVED Preliminary Plan of Subdivision 4-13002, Cafritz Property, including a Variations from Section 24-121(a)(4) and Section 24-128(b)(12), and a Variance from Section 25-122(b)(1)(G) for 126 lots and 39 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
 - a. Revise General Note 7 with the correct gross acreage in the R-55 and M-U-TC Zones.
 - b. Revise the PPS and tree conservation plan street cross sections to conform to the Cafritz Property Development Plan, or as modified by an approved Secondary Amendment (SA-13001).
 - c. Revise the PPS to 109 townhouse lots to conform to the Cafritz Property Development Plan, or as modified by an approved Secondary Amendment (SA-13001).

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- d. Delineate the zoning boundary line between the R-55 and M-U-TC Zones to the south of the site.
- e. Clearly show the 30-foot-wide master plan public use easement for the trolley trail over Parcel Q and directly connecting to Parcel H.
- f. Show the noise wall located on an homeowners association parcel with ten-foot clearance on all sides for maintenance.
- g. Submit a copy of the vibration analysis which was previously provided during the review of Preliminary Plan of Subdivision 4-12002 and which was utilized in the review of this application to complete the record.
- h. Revise the PPS and tree conservation plan to reflect the Baltimore Avenue (US 1) buffer (gateway feature) to be shifted in its entirety to the east, outside of the US 1 dedicated right-of-way.
- i. Revise the PPS and tree conservation plan to show designated bikes lanes (the east-west bicycle route) on Van Buren Street, Parcel CC.
- j. Add a general note regarding Aviation Policy Area 6 (APA-6) disclosure notice on the plan that states the following:

“This area is subject to Aviation Policy Area regulations in Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77.”
- k. Delineate the limit of the ice house easement to be approved by the Historic Preservation Section (M-NCPPC). Provide an inset with the dimensions of the archeological easement around the ice house, including a dimension to the closest property line.
- l. Revise General Note 22 regarding mandatory parkland dedication to state the following:

“Mandatory dedication is being fulfilled by the dedication of land for the Master Plan Trolley Trail and private on-site recreational facilities. The distribution of these facilities on-site and the triggers for construction are as established with the DSP.”
- m. Revise the PPS and tree conservation plan to show 46th Street as a dedicated public right-of-way to stub at the northern property line abutting the Washington Metropolitan Area Transit Authority (WMATA) property. Construction of vehicular connectivity to the WMATA property may occur if and when construction of vehicular connectivity from the WMATA property occurs to the subject site.

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- n. Add a general note that states the following:

“Condition 24B of A-10018—Construction of the Maryland Avenue Extension must be completed before Prince George’s County issues the first use and occupancy permit for any retail, office, or hotel use on the Property. No portion of any building on the Property may be used or occupied until construction of the Maryland Avenue Extension has been completed and opened for travel by public safety vehicles.”

- o. Revise the PPS and tree conservation plan to show all private streets as public streets, except Parcel DD on Parcel C. The design, maintenance, use and temporary closure of the dedicated streets to the Town of Riverdale Park shall be subject to an agreement or set of covenants between the Applicant and the Town of Riverdale Park.
- p. Revise the PPS and tree conservation plan to show a raised speed table in the alley, Parcel EE, crossing the trolley trail between Lot 31 and Lot 32 of the trolley trail, in order to reduce the conflict of trail users and motorists crossing for the development. Stop signs shall be provided on each side of the trolley trail and signage providing the right of way to trail users.
- q. Submit a copy of the approved conceptual stormwater management plan.
- r. Revise the CSX bridge crossing alignment in accordance with the conditional approval of the University of Maryland exhibit dated May 7, 2013 for the J Crossing (Version J.3.300).
- s. At all three proposed US 1 access points, note the limitation of access. Right-in and right-out-only at the northernmost access, full access-no thru traffic at Van Buren Street, and right-in-only at the southernmost access.
- t. Change the proposed site density note to: 981 residential units (636 multifamily units, 219 senior housing units, and 126 townhouse units); 22,000 gross square feet office space; a 120-room hotel; and 168,000 gross square feet of commercial retail.
- u. Along the property frontage with US 1, show a dedication area of at least 59 feet from the existing centerline from the southern limit of the property to the northern limits of the property. Prior to approval of any detailed site plan for the property, the amount of right-of-way dedication for road widening of U.S. Route 1 shown on the Preliminary Plan may be reduced in accordance with SHA recommendations, but not less than 52 feet from existing center line to accommodate the lane configurations and on road bike lane and sidewalk, as recommended by the Riverdale M-U-TC Plan.

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- v. Revise Cross Sections EE, GG, HH, JJ, MM, PP, and RR to include on-road bike lanes, wide sidewalks, and curb-to-curb pavement width dimensions. Add notes to indicate that the turning radii at intersections will be per Department of Public Works and Transportation (DPW&T) standards in order to accommodate transit and school buses, service, and emergency vehicles, unless modified by the approval of the Secondary Amendment SA-130001.
 - w. Show the locations for the planned car sharing location, taxi-cab loading and waiting zone, and a main bus stop with a shelter and bench along proposed Van Buren Street Extended.
- 2. Prior to approval of any final plat, the applicant and the applicant's heirs, successors, and or assignees shall submit an approved utility plan which includes all affected utility companies, WSSC, and Washington Gas, for the utility easement configuration as reflected on the approved preliminary plan of subdivision and detailed site plan (DSP), or the applicant shall provide a ten-foot-wide public utility easement abutting all public and private streets, and within the alleys. If the utility easements are modified from that approved on the DSP, a revision to the DSP, approved by the Planning Board or its designee, may be required prior to final plat approval.
 - 3. The final plat shall include a note that "the development of the Mixed Use Town Center (M-U-TC) zoned portion of the property is subject to Primary Amendment A-10018 and the permit triggers of that approval."
 - 4. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall obtain approval of a detailed site plan(s), including the portion of the site (2.02 acres) located within the One-Family Detached Residential (R-55) Zone.
 - 5. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 11589-2010-01, or as amended.
 - 6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-005-12). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-005-12), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

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7. Prior to certification of the detailed site plan, the following shall be addressed on the Type 2 tree conservation plan (TCP2):
 - a. All specimen trees shall be survey located and accurately reflected on all plans.
 - b. Specimen Trees 255, 281, 262, and 265 shall be evaluated by a certified arborist for construction tolerance based on the final site conditions, and include recommendations for treatment prior to, during, and after construction. Treatments may include options such as the placement of protection devices and signs, root pruning, crown pruning, fertilization, and watering. Details of all required treatments and protective devices shall be provided on the TCP2.
8. Prior to approval of the first grading permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit evidence that all pretreatment and protective devices for Specimen Trees 255, 281, 262, and 265 have been implemented.
9. Prior to certificate approval of the detailed site plan, all plans shall identify the locations of all outdoor activity areas and show the mitigated and unmitigated 65dbA Ldn noise contours for the upper and lower levels based on the recommendations of the Phase I noise study. If any new outdoor activity areas are proposed within the lower unmitigated 65dBA Ldn contours, and are directly exposed to noise impacts, a Phase II study shall be provided. The study and plans shall address how mitigation for the outdoor activity areas will be provided to reduce outdoor noise levels to below 65dBA Ldn.
10. Prior to approval of building permits certification by a professional engineer with competency in acoustical analysis shall be submitted to The Maryland-National Capital Park and Planning Commission (M-NCPPC) as part of the building permit package. The certificate shall verify that noise mitigation methods have been incorporated in the architectural plans to reduce interior noise levels to 45 dBA Ldn or less.
11. Prior to certificate approval of the detailed site plan (DSP), the DSP and Type 2 tree conservation plan shall show a noise wall on a homeowners association parcel for proposed Lots 104-114 and 120-126 as reflected on the preliminary plan, or provide a revised noise study demonstrating no need for a noise wall at this location. If the noise wall is deemed necessary at this location, the plans shall show the noise wall with top and bottom elevations and a detail provided on the DSP.
12. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall convey to The Maryland-National Capital Park and Planning Commission (M-NCPPC) 1.12± acres of land, Parcels H and W, as shown on the preliminary plan. Land to be conveyed shall be subject to the following:
 - a. An original special warranty deed for the property to be conveyed (signed by the Washington Suburban Sanitary Commission (WSSC) assessment supervisor) shall be

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submitted to the Subdivision Review Section of the Development Review Division (M-NCPPC), along with the final plat.

- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed including, but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR prior to approval of grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that the land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities, tree conservation, or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR beyond those reflected on the approved preliminary plan and tree conservation plan. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to issuance of grading permits.
13. Prior to approval of the final plat, the applicant shall submit an executed 30-foot-wide public use easement to the benefit of The Maryland-National Capital Park and Planning Commission (M-NCPPC) for that portion of the master plan trolley trail located on private property that

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connects the trail between Parcels H and W, and as delineated on the approved preliminary plan. The easement shall be approved by M-NCPPC, Department of Parks and Recreation, and the liber and folio reflected on the final plat prior to recordation.

14. The applicant and the applicant's heirs, successors, and/or assignees shall design and construct the master-planned trolley trail within the land to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) and the public use easement which is to the benefit of M-NCPPC.
 - a. Prior to certificate approval of the detailed site plan, the applicant shall work with the Department of Parks and Recreation (DPR) concerning the exact alignment of the master-planned trolley trail. The alignment shall be approved by DPR.
 - b. Prior to the start of any trail construction, the applicant shall have the location of the trail staked in the field and approved by DPR.
 - c. As per Primary Amendment A-10018, the ten-foot-wide master-planned trail shall be completed and ready for use prior to issuance of the third building permit.
15. Prior to approval of the final plat, the applicant shall submit three original, executed public recreational facilities agreements (RFA). Upon approval by the Department of Parks and Recreation, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland and noted for reference on the record plats.
16. Prior to recommendation of approval of a 2nd building permit by The Maryland-National Capital Park and Planning Commission (M-NCPPC), the applicant shall submit to the Department of Parks and Recreation (DPR) trail construction plans along with a performance bond, letter of credit, or other suitable financial guarantee for the master-planned trail construction, in an amount to be agreed upon with DPR.
17. Prior to certificate approval of the detailed site plan (DSP) and in accordance with Section 24-134(b) of the Subdivision Regulations, private recreational facilities shall be provided to address the mandatory dedication requirement:
 - a. At the time of DSP review, the applicant shall submit a comprehensive private recreational facilities package for approval by the Urban Design Section (M-NCPPC). The Department of Parks and Recreation will provide assistance as needed.
 - b. The private recreational facilities shall be designed and constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
 - c. The developer and the developer's heirs, their successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

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18. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (M-NCPPC) for construction of recreational facilities (private) on the subject property for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records.
19. Prior to issuance of building permits for the subject site, which include a residential use, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities on the subject property for the private recreational facilities agreement.
20. All future plans of development for the subject property shall include the identification and boundaries of the Engineering Research Corporation (ERCO) Historic Site (68-022) and the Riverdale Park (68-022), University Park (66-029), and Calvert Hills (66-037) National Register historic districts.
21. The applicant and the applicant's heirs, successors, and/or assigns shall preserve-in-place the portion of Archeological Site 18PR259 that includes the ice house and shall establish a perpetual archeological easement. The extent of the easement shall conform to the approved preliminary plan and tree conservation plan.
22. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall draft a perpetual archeological easement to the benefit of The Maryland-National Capital Park and Planning Commission (M-NCPPC) for the portion of Archeological Site 18PR259 that includes the ice house. The easement shall set forth the rights, responsibilities, and liabilities, and shall include accommodation for reasonable access to M-NCPPC. The easement document shall be approved by M-NCPPC and fully executed prior to approval of the final plat, and recorded in the land records by the applicant. The liber and folio and limits of the easement shall be indicated on the plat prior to recordation.
23. Prior to any ground disturbance within 50 feet of the archeological easement of Site 18PR259, herein the limits of disturbance" ("LOD"), the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II and Phase III archeological investigations for Archeological Site 18PR259. The grading permit for the site shall provide for the installation of a super-silt fence around the LOD, which shall be considered part of the Applicant's sediment control measures for its grading permit and the Applicant shall provide proof of this installation to Historic Preservation staff. The super-silt fence shall remain in place until the final Phase III report is accepted and approved by Historic Preservation staff.
24. Prior to issuance of the building permit for the lot on which the ice house archeological feature is located, the applicant and the applicant's heirs, successors, and/or assignees shall ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.

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25. Prior to final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, and Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist.
26. A substantial revision to the mix of uses on the subject property that significantly affects Subtitle 24 adequacy findings may require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
27. Prior to approval of the first final plat that includes a buildable parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit a covenant or a transportation management agreement for approval by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Department of Public Works and Transportation (DPW&T) that will run with the land that shall require conformance to the transportation management plan (TMP). The covenant or transportation management agreement shall include TMP provisions, full funding by the applicant, and be fully executed prior to approval of the final plat. The applicant shall record the covenant or transportation management agreement in the land records of Prince George's County and the liber and folio of that document will be reflected on the final plat prior to recordation.
28. Prior to approval of the first final plat that includes a buildable parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit a covenant or a transportation management agreement for approval by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Department of Public Works and Transportation (DPW&T) that will run with the land that shall provide the details and funding for the private shuttle and be fully executed prior to approval of the final plat. The applicant shall record the covenant or transportation management agreement in land records of Prince George's County and the liber and folio of that document will be reflected on the final plat prior to recordation.
29. Prior to approval of the first final plat that includes a buildable parcel, the applicant and the applicant's heirs, successors, and or assignees shall submit a covenant or a transportation management agreement for approval by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Department of Public Works and Transportation (DPW&T) for approval that will run with the land that shall provide the details and contribution funding by the applicant for the circulator bus program and be fully executed prior to approval of the final plat. The applicant shall record the covenant or transportation management agreement in land records of Prince George's County and the liber and folio of that document will be reflected on the final plat prior to recordation.
30. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) and business owners

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association has been established and that common areas have been conveyed to the HOA and business owners association (a portion of Parcel AA east of 46th Street, Parcels BB, EE, HH, a portion of Parcel GG north of Van Buren Street, Parcels JJ, KK, LL, MM, NN, OO, G, I, J, M, N, R, U, and V, and/or as reflected on the approved preliminary plan of subdivision and detailed site plan). Land to be conveyed shall be subject to the following:

- a. A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (M-NCPPC) along with the final plat.
 - b. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to a HOA/business association shall be in accordance with an approved detailed site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee may be required to warrant restoration, repair, or improvements required by the approval process.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division (M-NCPPC) prior to issuance of grading or building permits in accordance with the approved detailed site plan.
 - f. Temporary or permanent use of land to be conveyed to a HOA for stormwater management shall be approved by the Development Review Division (M-NCPPC) in accordance with the approved detailed site plan.
 - g. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
31. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate the rights-of-way to public use, as shown on the approved preliminary plan.
 32. In accordance with Section 27-548.43 of the Zoning Ordinance and prior to final plat approval, the Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport (College Park) within approximately one

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mile northeast of the community. The Declaration of Covenants shall include the General Aviation Airport Environmental Disclosure Notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the Declaration. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the general aviation airport.

33. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park MUTCD Plan), and Primary Amendment A-00018, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Right-of-way dedication along Baltimore Avenue (US 1) shall accommodate the designated bike lanes required in the MPOT and the Riverdale Park MUTCD Plan consistent with Maryland State Highway Administration specifications for the design speed of the road.
 - b. Provide a seven-foot-wide sidewalk along the subject site's entire frontage of Baltimore Avenue (US 1) at the time of the frontage improvements, per the Riverdale Park MUTCD Plan.
34. The development on the subject site shall be limited to the mix of allowed uses and the intensity that will generate no more than 482 AM, 794 PM weekday, 767 midday, and 1,019 Saturday peak-hour vehicle trips during any stage of development. Any development that is deemed to generate more peak-hour vehicle trips than the levels stated above shall require an additional preliminary plan of subdivision with a new determination of adequacy for transportation facilities.
35. Prior to signature approval of the detailed site plan, the plans shall be revised to:
 - a. Limit the proposed southern access from Baltimore Avenue (US 1) northbound to right-in-only movement by appropriate traffic controls and design features per Maryland State Highway Administration (SHA) standards, and placement of "Do Not Enter" signs along the westbound direction of Underwood Street per Department of Public Works and Transportation (DPW&T) standards and requirements.
 - b. Prohibit through traffic movement between existing Van Buren Street west of Baltimore Avenue (US 1) and the proposed Van Buren Street east of US 1 at the US 1 intersection by incorporating appropriate traffic channelization islands and appropriate traffic controls subject to approval by the Town of University Park and per Maryland State Highway Administration (SHA) standards.
 - c. Limit the proposed northern access to and from Baltimore Avenue (US 1) to right-in and right-out-only movement by appropriate traffic controls and design features per Maryland State Highway Administration (SHA) standards.

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36. Prior to approval of any detailed site plan for the property:
- a. The applicant must demonstrate that all specific standards identified in the applicant's completed Guidelines TOD checklist (which is included in the submitted traffic impact study dated March 5, 2013) have been incorporated in the plan as justification for meeting the 2012 *Transportation Review Guidelines, Part 1* designation as "excellent" transit oriented development.
 - b. The applicant shall demonstrate that the approved funding mechanism committed by the applicant as part of Condition 25 (A-10018), stated above, has been fully established and has been authorized by the county and/or other governmental bodies.
37. Prior to the approval of a building permit within the subject property the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following improvements (a) have been constructed, (b) fully bonded and permitted for construction with an agreed-upon time table for construction by the applicant and the applicant's heirs, successors, assignees, and/or others, (c) otherwise incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1) of the Zoning Ordinance and in accordance with Section 24-124(a)(6) of the Subdivision Regulations, and per applicable Maryland State Highway Administration (SHA), Department of Public Works and Transportation (DPW&T), Washington Metropolitan Area Transit Authority (WMATA), CSX Transportation Inc., and/or applicable municipalities' standards and requirements with jurisdiction over the said improvement(s) or (d) there is a proposal for such roads on an adopted and approved master plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the adopted County Capital Improvement Program, or within the current State Consolidated Transportation Program:
- a. Provision of a right-in-only driveway from Baltimore Avenue (US 1) northbound at the southern end of the property.
 - b. Provision of a divided main access driveway opposite existing Van Buren Street along with associated improvements that prohibit through movements across Baltimore Avenue (US 1) to and from existing Van Buren Street in either direction.
 - c. Provision of a right-in and right-out-only driveway to Baltimore Avenue (US 1) northbound at the northern end of property.
 - d. Reconstruction of Baltimore Avenue (US 1) along the property frontage, and within the dedicated right-of-way to include, at a minimum, reconstruction of Baltimore Avenue (US 1) along the property frontage, and within the dedicated right-of-way to include, a minimum of 2 standard travel lanes in each direction (north/south), one standard center left-turn lane, on road bike land accommodation and a continuous side walk along the property frontage, per SHA standards and specifications.

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- e. The construction of the proposed CSX crossing with at least 36 feet of road pavement to accommodate on-road bike lanes, six-foot-wide sidewalks, and two-foot barriers, as well as the bridge extension to Rivertech Court and associated improvements at the Rivertech Court intersection, and as required by DPW&T and per DPW&T and CSX standards and specifications.
 - f. Signalization of the intersection of Baltimore Avenue (US 1) with Van Buren Street, as well as any associated improvements and coordination of signals along US 1 between East-West Highway (MD 410) and Amherst Road, per SHA specifications and standards.
38. The applicant shall use its best efforts to obtain permission from the WMATA to construct a five-foot wide sidewalk along the WMATA property frontage, north of the subject property to the Albion Street intersection with US 1, as long as said permission can be obtained at no cost to the applicant, that construction of the sidewalk will not require any utility relocation, extraordinary grading, or any other financial obligations other than costs directly related to the sidewalk construction along said frontage. If said permission cannot be obtained by the approval of the third building permit of the subject property, the applicant shall no longer have any obligation for construction of said sidewalk at this location.
39. Prior to signature approval of the PPS, the Preliminary plan and Tree Conservation Plan shall be revised (i) to depict Van Buren Street as extending through Parcel G as a divided street running east and west along the northern and southern boundaries of Parcel G, and (ii) assigning separate parcel designations for the northern and southern segments of the street.
40. Prior to signature approval of the PPS, the Preliminary Plan and Tree conservation Plan shall be revised to show an extension of street right-of-way at Parcel II, (east/west oriented street) going west to the eastern property line of the Post Office Property Parcel A.
41. Prior to signature approval of the PPS, the Preliminary Plan and Tree Conservation Plan shall be revised to show an extension of street right-of-way at Parcel II (Rhode Island Avenue) south to the southern property boundary.

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

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
- 2. **Setting**—The subject property is located on the east side of Baltimore Avenue (US 1), approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410). The site is bordered on the east by an existing CSX right-of-way and tracks. To the north the site adjoins vacant land owned by the Washington Metropolitan Transit Authority (WMATA). There are exposed tracks in the eastern portion of this right-of-way. In the western portion of the WMATA property, the tracks are underground. To the west is the US 1 right-of-

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way, and to the south and west the site adjoins the existing post office facility and existing commercial uses along Maryland Avenue, and some single-family dwelling units to the southwest.

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

	EXISTING	APPROVED
Zone	M-U-TC (35.71 ac) R-55 (2.02 ac)	M-U-TC (35.71 ac) R-55 (2.02 ac)
Use(s)	Undeveloped	Commercial/Retail (168,200 sq. ft.) Office (22,000 sq. ft.) Hotel (120 rooms) Multifamily (855 units) Townhouse (126 units)
Acreage	37.73	37.73
Lots	0	126
Outlots	0	0
Parcels	1	39
Dwelling Units	0	981 (126 TH; 855 Multifamily)
Public Safety Mitigation Fee	No	No
Variance	No	Yes
Variation	No	Section 25-122(b)(1)(G) Yes Section 24-121(a)(4) Section 24-128(b)(12)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on March 29, 2013. The requested variation to Section 24-121(a)(4) of the Subdivision Regulations for the required lot depth was accepted on March 12, 2013, as discussed further in the Variation to Section 24-121(a)(4) finding, and was heard on March 29, 2013 at SDRC as required by Section 24-113(b) of the Subdivision Regulations. The requested variation to Section 24-128(b)(7)(A) of the Subdivision Regulations, which requires that townhouse lots which are served by alleys shall front on a public street, was accepted on March 29, 2013, as discussed further in the Variation to Section 24-128(b)(7)(A) finding, and was heard on April 12, 2013 at SDRC as required by Section 24-113(b), but was withdrawn by the applicant at the public hearing on May 16, 2013 because it is no longer necessary because the streets will be dedicated to public use with the exception of the alley's and Parcel DD on Parcel C. The requested variation to Section 24-128(b)(12) for the required ten-foot public utility easement along all private streets was accepted on March 29, 2013, as discussed further in the Public Utilities Easement finding, and was heard on April 12, 2013 at SDRC as required by Section 24-113(b).

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4. **Previous Approvals**—On February 2, 2012, the Prince George's County Planning Board approved the rezoning of 35.71 acres of the subject site from the One-Family Detached Residential (R-55) Zone to the Mixed Use Town Center (M-U-TC) Zone through Primary Amendment A-10018 with 27 conditions. On July 12, 2012, the County Council, sitting as the District Council of Prince George's County, approved the rezoning of "about" 35.71 acres of the subject site and amended the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park MUTCD Plan) boundary to include the site. That amendment includes the *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan) which was certified on October 2, 2012. The District Council A-10018 (Zoning Ordinance No. 11-2012) and carried forward the 27 conditions approved by the Planning Board. At the Planning Board hearing, the applicant proffered Conditions 11 through 27, and the District Council Order does not contain any findings of fact for these conditions. The following conditions in **bold** are applicable to this PPS:

1. **The Design Review Process set forth at pages 65-66 of the January 2004 approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan applies to the Cafritz Property with the following modifications:**
 - a. **Detailed site plan (DSP) approval, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required prior to the approval of a special permit, final subdivision plat, the issuance of any permit, and concurrently with or after the approval of a special exception, for all new development and redevelopment on the property. Each application for a special permit, final subdivision plat, or other permit must be consistent with an approved detailed site plan for the site.**
 - b. **The detailed site plan and a special exception shall be in accordance with the Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan (2004), as amended by the subject application (as amended) where applicable and the site design guidelines of Part 3, Division 9, of the Zoning Ordinance. Development depicted on each detailed site plan must be in general conformance with Map 1: Concept Plan A or Concept Plan B, dated January 7, 2012, particularly with regard to site design and circulation, with the goal of creating a mixed-use community. Flexibility should be allowed in achieving this mixed-use community goal by allowing for a redistribution of the proposed maximum gross floor area of commercial uses throughout the site in order to encourage each phase of the development to include a mix of commercial and residential uses, including consideration of residential uses west of 46th Street and limited supporting retail uses near the intersection of Van Buren Street and Rhode Island Avenue.**

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- c. **All detailed site plans shall be referred to the Town of Riverdale Park for review by the M-U-TC Design Committee for all phases and types of development. The M-U-TC Committee is authorized to review detailed site plans as advisory to the Planning Board and the Planning Director as designee of the Planning Board for staff level revisions.**
- d. **In a detailed site plan or special exception application, in order to grant departures from the strict application of the Guidelines, the Planning Board shall make the following findings:**
 - (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situation or condition;**
 - (2) **The strict application of the development plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
 - (3) **The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the town center development plan.**

The District Council approval of A-10018 on July 12, 2012 rezoned the majority of the site (35.71 acres) to the M-U-TC Zone and approved the Cafritz Property at Riverdale Park Town Center Development Plan. The District Council retained 2.02 acres within the R-55 Zone which is located primarily within the City of College Park. The R-55 zoned portion of the site is included in this PPS because it is part of the parcel being subdivided (part of Parcel 81). Staff recommended and the Planning Board required that the R-55 zoned portion of the site also be subject to a detailed site plan (DSP), which is required in this case for the M-U-TC zoned portion of the property. The DSP currently locates tree preservation and stormwater management on the R-55 zoned portion of the site which serves the development. The applicant has submitted a Detailed Site Plan (DSP-13009) and Special Permit (SP-13002) which are scheduled for Planning Board hearing on May 23, 2013 and include the R-55 portion of the site.

Conformance to this condition is based on the order of approval to ensure that the PPS and DSP are in conformance. The PPS is scheduled before the Planning Board on May 16, 2013 and the DSP is scheduled on May 23, 2013. Because of this timing, the PPS and DSP technical staff reports are due to be complete on the same day. This timing results in some issues when evaluating a DSP for conformance to a plan that does not have a final staff report and is not yet approved. Coordination is ongoing and with conditions, the PPS and DSP will conform to the Development Plan, each other, and the conditions of A-10018).

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2. Prior to signature approval of the Development Plan the following revisions shall be made:
 - a. Revise the general notes on Sheet 1 of 7 of the Plan Sheets to include the adjacent historic site and historic districts, provide the tax map, grid, and parcel number, and clearly indicate if the abandoned right-of-way is a part of the gross tract area.
 - b. Revise Sheet 3 of 7 of the Plan Sheets to label the right-of-way for ingress/egress for the post office from Baltimore Avenue (US 1), and that it was conveyed to the United States of America by quitclaim deed recorded in the Prince George's County Land Records in Liber 3624, Folio 948.
 - c. Revise the Plan Sheets to delineate the boundary of Aviation Policy Analysis Zone 6 and the municipal boundaries of the City of College Park and the Town of Riverdale Park.
 - d. Revise the Development Plan to include streetscape details as indicated on Gateway Park and Street Sections for Baltimore Avenue (US 1) that provide for a safe and attractive pedestrian zone.
 - e. Provide information and verify that the right-of-way extending north and south through Parcel 81 and the Washington Metropolitan Area Transit Authority (WMATA) property has, in fact, been abandoned and that the issue is settled and/or provide information of the disposition of that area of land, as appropriate.
 - f. Revise the Development Plan to conform to the amended boundary as reflected in the applicant's January 12, 2012 request.
 - g. Revise Map 1: Concept Plan A and Concept Plan B and Maps 2 and 3 so that the townhouses front on streets, have ample front yards for tree plantings, and that the units are oriented so that the alleys are parallel to the roadways serving the fronts of the units.
 - h. Revise the sign standards to reflect the level of detail provided in the 2004 *Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* and consolidated into one area of the Guidelines.
 - i. Revise the Guidelines to add the following:
 - (1) Development that increases existing gross floor area (GFA) by 5 percent or 2,500 square feet, whichever is smaller, shall subject the site to full review for compliance with the design standards. Lesser

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changes to the site, and additions to single-family residential dwellings, shall not subject the entire site to review for compliance, only the portion impacted by the improvement.

- (2) Gas stations may add a maximum of 30 feet to the build-to line in order to place a pump between the station and the sidewalk. The additional setback may not be used for customer parking, loading, or outdoor storage.
- (3) All new gas stations shall have a maximum of two 18-foot-wide driveways.
- (4) Gas stations should minimize the area of impermeable surface.
- (5) Car repair businesses may have a maximum of two curb cuts that are a maximum width of ten feet each.
- (6) Buildings shall occupy a minimum of 50 percent of the net lot area for each lot.
- (7) The building façade shall occupy a minimum of 66 percent of the build-to-line for each lot.
- (8) Drive-through windows are inconsistent with the pedestrian orientation of the town center and are strongly discouraged. Drive-through windows may only be considered if accessed by alleys and located on the rear of the property.
- (9) Pedestrian-accessed ATMs may be located on the front or side of the building along a street line. Vehicular oriented ATMs shall not be visible from Woodberry Street, 45th Street north of Van Buren, or Van Buren Street.
- (10) The maximum number of off-street parking spaces permitted for commercial (nonresidential) land-use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance. If structured parking is provided, this maximum number may be increased.
- (11) Car repair businesses may not store vehicles in front of or alongside the building, but may store cars inside or in the rear, with appropriate screening if adjacent to a residential use.

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- (12) **Healthy trees shall be preserved within proposed green areas, landscape strips, streetscapes, and parking lots, where feasible. Where they cannot be preserved on-site, a professional arborist may transplant them to a new location on-site or within the Town of Riverdale Park, where feasible.**

- j. **Revise the Development Plan to combine blocks 6d and 6e into one block 6d.**

The approved Development Plan (A-10018) was certified on October 2, 2012 and found to conform to this condition of approval. The PPS is in conformance with the Development Plan with conditions.

3. **Prior to acceptance of any application for a Preliminary Plan of Subdivision, the following information shall be provided:**

- a. **The Preliminary Plan shall reflect the unmitigated 65 dBA Ldn from noise generators.**

The unmitigated 65 dBA Ldn from the CSX railroad tracks and Baltimore Avenue (US 1) are shown on the PPS. The PPS reflects that both single-family attached and multifamily dwelling units are located within the high-noise area of the CSX railroad tracks. The multifamily units should be designed and oriented to protect outdoor activity areas from noise in excess of 65dBA Ldn through the arrangement of courtyards within the confines of the buildings on the individual parcels. However, the single-family attached dwelling units within the 65 dBA Ldn noise contour should be relocated outside of the 65dBA Ldn to protect the outdoor activity areas that will be impacted by noise generated from the trains, unless pursuant to the May 1, 2013 PPS which was approved by the Planning Board, the multifamily dwelling locations would mitigate the noise impacts on the townhouse dwelling units.

The applicant has submitted a noise study with this application. As part of the review of the noise impacts on this property associated the CSX railroad, the applicant has submitted a variation for lot depth for the townhouse units located within the 65 dBA Ldn. Section 24-121(a)(4) of the Subdivision Regulations requires a 300-foot lot depth for lots along a transit line, to provide an opportunity to locate dwellings away from the noise generator. The PPS proposes a noise wall along the railroad tracks in the southeast portion of the site. This feature is intended to mitigation the 65dBA Ldn to ensure that the rear yard activity areas for the single-family attached dwelling units are located outside of the 65dBA Ldn. The revised PPS approved by the Planning Board relocates a multifamily dwelling to a location that should mitigate noise on the outdoor activity areas for these dwelling units. A revised noise study should be submitted prior to certificate approval of the DSP to ensure that the noise is mitigated and if so a noise wall

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would not be necessary or required. The noise study and impacts are discussed further in the Environmental finding.

- b. **The plan shall delineate the 300-foot lot depth from the right-of-way (CSX railroad tracks) for residential development in accordance with Section 24-121(a)(4) of the Subdivision Regulations. The preliminary plan may establish additional restrictions on the layout if it is determined that noise and vibration issues are associated with the railroad tracks.**

A 300-foot lot depth from the right-of-way (CSX railroad tracks) for residential development is required in accordance with Section 24-121(a)(4) and is delineated on the PPS. The applicant has submitted a variation request to Section 24-121(a)(4) for the 300-foot lot depth for all of the lots that do not meet this standard, as discussed further in the Variation to Section 24-121(a)(4) finding of this report. The original PPS reflected that 19 townhouse lots did not meet the lot depth, however, the revised PPS approved by the Planning Board reduced that to 15 lots.

While lot depth (Section 24-121(a)(4)) would not affect the development of condominium units, the issue here is the impact of noise on the health, welfare, and enjoyment of the residents. The purpose of the lot depth requirement is to ensure the ability to locate dwelling units away from sources of noise and vibration. The Planning Board approved a variation to the 300-foot lot depth requirement for 15 townhouse lots conditioned on the installation of a noise barrier and structural mitigation of the buildings based on the recommendation of the noise study, unless the revised noise study to be submitted prior to certificate approval of the DSP demonstrates that a noise wall is not necessary. The noise wall or the placement of a multifamily dwelling between the railroad and the dwellings will reduce the 65dBA Ldn so that it does not impact these lots, which addresses the reason for the lot depth design standard.

- c. **The applicant shall provide information and verify that the right-of-way extending north and south through parcel 81 has, in fact, been abandoned and/or provide information of the disposition of that area of land, as appropriate.**

The applicant has submitted a letter dated March 8, 2013 (Taub to Chellis), and included the Memorandum and Order from the United States District Court from the District of Maryland in Civil Case No. K-88-1927 (1989). The Court Order ruled that the trolley trail right-of-way extending 1,630 feet north and south through Parcel 81 was not a fee-simple conveyance, but was an easement. The 50-foot-wide easement was granted in 1895 from Parcel 81, which is the subject of this application. The Court found that the easement had been abandoned.

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Subsequent to the grant of the trolley trail easement in 1895 and prior to its abandonment, the property owner subdivided Parcel A (post office facility) from Parcel 81 in 1968 and dedicated a 15-foot-wide strip of land to public use abutting 660 linear feet along the west side of the 50-foot-wide trolley trail easement. The trolley trail easement was not granted through the subdivision of Parcel A. In fact, Parcel A does not front on what was the trolley trail easement since a right-of-way was dedicated to public use on the west side of the trolley trail easement from the land area deeded for Parcel A.

The PPS correctly shows the entirety of Parcel 81 including the land which was encumbered by the 50-foot trolley trail. The trolley trail right-of-way (50 feet wide) was never a fee-simple conveyance of the land from Parcel A or Parcel 81, nor did the abandonment of the easement by Court Order result in a division of land or any other grant of property. Therefore, the 50-foot trolley trail is part of the entirety of Parcel 81 and is correctly included in the PPS.

d. Documents shall be provided so that the trail will be dedicated to public use within a maintenance easement or other suitable agreement.

The applicant submitted an easement agreement template provided by the Department of Public Works and Transportation (DPW&T). However, the public use easement will be to the benefit of The Maryland-National Capital Park and Planning Commission (M-NCPPC) and not DPW&T. As recommended by staff, the PPS shows Parcels H and W (1.12 acres of the trolley trail alignment) to be dedicated in fee simple to M-NCPPC as part of the mandatory dedication requirement (Section 24-134 of the Subdivision Regulations) and a portion (450 linear feet) of the historic alignment, which extends through the center of the development, to be placed in a 30-foot-wide public use easement. Prior to final plat approval, the applicant should submit an executed public use easement with M-NCPPC for the master plan trolley trail and, prior to recordation, the liber and folio of the agreement to be reflected on the final plat. A portion of the trolley trail right-of-way (Parcel H) may be dedicated to the City of College, as discussed further in the Parks and Recreation finding.

e. Provide one east-west bicycle route through the site either along Van Buren Street or Woodbury Street, in order to accommodate east-west bicycle movement through the site, to the trolley trail, to the planned bicycle facilities along Baltimore Avenue (US 1), and across the CSX crossing.

The PPS does show an east-west bicycle route through the site along Woodberry Street. The Planning Board requires the relocation of the bike lanes from Woodberry Street to Van Buren Street in order to provide direct bicycle access to the commercial and community destinations on the site, proposed bridge crossing,

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and to the proposed bikeshare location. Bicycle routes and facilities within the site are discussed further in the Trail and Transportation findings.

- f. The applicant shall provide a draft report detailing the Phase II archeology investigations.**

The applicant has submitted a draft report of the Phase II archeology investigations. This PPS and Phase II report have been reviewed by the Historic Preservation Commission (HPC) and are discussed further in the Historic Preservation finding.

- g. The proposed cross sections, roadbeds, streetscape dimensions, and the use of medians shall be fully incorporated into the application of the preliminary plan so that the width and configuration of the streets can be reduced, yet adequate in design to address the traffic patterns within the development and vehicular and emergency access. The use of public streets in accordance with the standards of the Department of Public Works and Transportation (DPW&T) shall also be considered to serve certain uses and to determine future maintenance of the transportation facilities, including a bridge over the CSX railroad.**

The PPS does include proposed street cross sections for both public and private streets within the development. The applicant and the Town of Riverdale Park are working with DPW&T to review the proposed nonstandard street sections which are proposed to accommodate a denser urban environment.

The Development Plan was approved with specific road sections. The PPS and DSP do not conform to those standards as approved. The applicant has filed a secondary amendment to modify those Development Plan standards to be consistent with the PPS and DSP. Prior to certificate approval of the PPS, the plan must be revised to conform to the Development Plan or a secondary amendment must be approved for the modification of the road sections. The Secondary Amendment (SA-130001) for the street section is being reviewed by the Urban Design Section and will accompany the DSP to the Planning Board on May 23, 2013.

The proposed street standards and transportation facilities for the site are discussed further in the Transportation finding.

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

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This condition will be evaluated at the time of DSP when a determination of the exact number of required parking spaces will be determined.

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

This PPS has been reviewed by HPC and is discussed further in the Historic Preservation section of this report.

6. **Prior to approval of any detailed site plan, the following shall be provided:**
 - a. **Plans indicating that the signalized intersection at Van Buren Street and Baltimore Avenue (US 1) shall include highly-visible and attractive pedestrian crosswalks, pedestrian signals, and other pedestrian or warning signage as appropriate, subject to State Highway Administration (SHA) approval.**
 - b. **The plans shall indicate that crosswalks providing appropriate pedestrian safety features are provided throughout the site.**
 - c. **The type, location, and number of bicycle parking and storage spaces shall be provided consistent with the LEED-ND Bicycle Network and Storage Credit (Smart Location and Linkage Credit 4). The number of the enclosed bicycle parking spaces at the multi-family units shall be a minimum of fifteen percent of the total number of bicycle spaces provided for residents at the multi-family units. Pedestrian walkways shall be free and clear of space designated for bicycle parking.**

This condition is applicable to the DSP.

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

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Conformance to Conditions 6 and 7 have been considered with this PPS as discussed and will be further evaluated at the time of DSP.

8. **Prior to any ground disturbance or the approval of any grading permits, if Phase III archeological mitigation is proposed, the applicant shall provide a final report detailing the Phase II and Phase III investigations and ensure that all artifacts are curated in a proper manner.**

This condition is applicable to permits, but is further discussed in the Historic Preservation finding.

9. **Prior to final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, and Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist.**

This PPS has been reviewed by HPC, and is discussed further in the Historic Preservation finding.

10. **The Environmental Planning Section recommends the following conditions:**

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

The PPS application contains a valid approved natural resources inventory (NRI). No additional information is needed for conformance with this condition.

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

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

- c. **At the time of preliminary plan, condition analysis shall be submitted for all specimen trees within Stands 1 and 3 that are outside any proposed**

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woodland conservation area. Every effort shall be made to preserve the healthiest trees on-site.

The plan demonstrates that efforts have been made to preserve specimen trees on-site to the extent possible. The variance request for the removal of specimen trees is discussed in the Variance finding.

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

Conformance to Condition 10d regarding tree canopy coverage will be evaluated at the time of DSP.

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

A Phase I noise study prepared by Phoenix Noise & Vibration LLC, dated March 7, 2013, was submitted with the application. The report identifies the limits of the unmitigated upper and lower level 65dBA Ldn noise level for the CSX right-of-way and Baltimore Avenue (US 1) and provides recommended mitigation. A previous study submitted for the site also addresses vibration. The noise contours are correctly shown on the plans. Noise impacts are discussed further in the Environmental finding.

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

A revised Stormwater Management Concept Plan (11589-2010-00) has been submitted which shows the use of bioretention, extended detention, filtration, and 100-year attenuation. The stormwater concept letter was approved by DPW&T on May 3, 2010 and expired May 3, 2013. The applicant has submitted a new valid Stormwater Management Concept Approval Letter, 11589-2010-01. The approved stormwater concept plan should be submitted prior to signature approval of the PPS.

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The Type 1 tree conservation plan (TCP1) shows the general location of the proposed stormwater management features, which includes a pond, bioretention areas, porous pavement, and green roofs; however, the associated stormdrain features also need to be shown.

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

Conformance to Condition 10g regarding the lighting plan will be evaluated at the time of DSP.

The applicant proffered the following conditions at the Planning Board hearing for Primary Amendment A-10018 which were retained in the District Council Order:

11. Revise the Guidelines as follows:

- a. **To page iii under Overall Design Principles, add the following bullet points to the list of bullet points:**
- (1) Low impact design principles shall be incorporated into the overall community design.**
 - (2) Create a community that respects and supports equally all modes of transportation. The development will encourage pedestrian, bicycle, and public transit modes of transportation.**
 - (3) Demonstrate design features for sustainability that address environmental health, air and water quality, energy efficiency, and carbon neutrality.**
- b. **On page ii, insert at the end of the section Public Spaces the following language:**
- “Public spaces such as parks, plazas, and squares should promote activity, in front of buildings or public right-of-ways, and be focal points within the community.”**
- c. **Page ii, in the first sentence of the second paragraph under Public Spaces, add “appropriate” between “all” and “intersecting”.**

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- d. **All standards from the 2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan relating to gas stations and auto-repair should be reinserted into the standards.**
- e. **On Page 5, remove Intent under building placement and streetscape, and add the following language:**

Enhance the Town Center's sense of place by developing a coherent identity through buildings that relate to the street and open spaces. Create buildings that frame the street and open spaces, and encourage close proximity of retail, offices, residential units, and services.
- f. **On Page 7, under Services, Utilities, and Stormwater, replace #1 Standard to read as follows:**

All utility lines added during development shall be underground. All utility meters and access points shall be on the rear of the property. Utilities shall include, but are not limited to, electric, natural gas, fiber optic, cable television, telephone, water and sewer service.
- g. **On Page 7, under Services, Utilities, and Stormwater, add the following to the last sentence of Intent: "sidewalks, open spaces, and MARC train."**
- h. **Page 7, under Services, Utilities, and Stormwater, add to the beginning of #6 under Standards: "All lot-level development shall".**
- i. **Strike Standard #11 from page 10, under Parking and Loading Design.**
- j. **On Page 11, under Lighting, change Standard #5 to add "and design" after "intensity."**
- k. **Page 11, under Landscaping, add "2004 Approved" before "Town" in the first sentence.**
- l. **Page 11, under Landscaping, to Standard #6 "Appendix B" add "of the 2004 Approved Town of Riverdale Park Mixed-Use Town Center Development Plan."**
- m. **Page 11, under landscaping, Standard #2, after "green areas" add "and where possible in parking areas."**
- n. **Page 12, Building Height, add a new Standard #4, to read as follows:**

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Single-story buildings shall match or exceed the height of the adjacent buildings bases, and shall be not less than 20 feet in height. However, single-story buildings are discouraged.

- o. Page 14, Architecture, remove Standard #13.**
- p. Page 13, Architecture, amend Standard #9 to remove "Townhomes" and replace with "Residences."**
- q. Page 13, Architecture, Standard #5 add to the end of the first sentence the following language: "with exception of cementitious siding."**
- r. Page 13, Architecture, Standard #5, after the new amendment above, strike the remaining language in the standard and replace it with the following language:**

"Materials other than masonry, brick, wood, and clear glass may be approved if material samples are provided and examples of existing buildings that use such materials in the proposed way are submitted, and the M-U-TC Design Review Committee (in the review of the SP process) and the Planning Board (in the review of the DSP process) finds that it meets the Intent of this section."
- s. Page 13 Architecture, Standard #6, remove "all" in first sentence, strike "surrounding" in first paragraph, strike C and strike E.**
- t. Page 15, Building Openings, strike Standard #5 and replace with:**

"Tinted and colored windows may not be used unless the M-U-TC Design Review Committee (in the review of the SP process) and the Planning Board (in the review of the DSP) finds that the windows meet the intent of this section."
- u. Page 16, Signage, strike Standard #8.**
- v. Page 16, Signage, move all standards (except 8) to page 10.**
- w. Page 16, Signage, strike the Intent section.**
- x. Page 16, Signage, include all old standards #8 and #10-19 not specific to historical core.**

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- y. **Page 18, Landscaping and Pedestrian Amenity Zone, Standard #5, strike “as irrigation” and replace with “or absorption.”**
- z. **Page 20, Parks and Plazas, strike Standard 12 and replace with:**
 - “Where possible, add continuous lines of habitat through the use and linkages of street trees, landscaping, parks, and yards.”**
- aa. **Page 7, Access and Circulation Standard #4, substitute with the following:**
 - “The number of vehicle-oriented ATMs shall be less than the number of pedestrian-oriented ATMs on a building-by-building basis, and vehicle-oriented ATMs shall not be visible from primary streets.**
- bb. **Page 7, Access and Circulation, Standard #2, change “windows” to “services”. Limit number of service lanes to two. Drive-through lanes for restaurants are prohibited.**
- cc. **Include provisions for loading dock requirements such that they are screened from the street and any adjacent residential development.**
- dd. **Page 7, Services, Utilities, and Stormwater Management, Standard #5 strike “should” in the first sentence and substitute the word “shall”.**
- ee. **Pages 7 and 8, Services, Utilities, and Stormwater Management, Standard #6(1) substitute with the following:**
 - “Lot-level Best Management Practices (BMP’s) that include green roofs, dispersion trenches, rain gardens, cisterns, rain barrels, pervious pavements, and/or other BMPs;”**
- ff. **Page 10, Parking and Loading Design, add a new Standard #18 stating the following:**
 - Parking pads on surface lots shall include permeable paving subject to a soil study identifying the top soils and subsoils and their appropriateness to support the use of porous pavement.**
- gg. **Page 12, Building Height, substitute entirety of Standard #2 with the following:**
 - “An additional two stories may be considered, not to exceed six stories.”**

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The approved Development Plan for the Cafritz Property (A-10018) was certified on October 2, 2012. Condition 11 is provided in its entirety and discussed further in the Urban Design finding.

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

The PPS locates the hiker/biker trolley trail within its historic alignment on land dedicated to M-NCPPC and on private property in a public use easement (450 linear feet) where it runs through the center of the development. Condition 12 is carried forward as a condition of this PPS. The trolley trail is discussed further in the Trails and Park and Recreation findings.

Staff would note that a portion of the alignment to be dedicated to M-NCPPC extends over an easement held by WMATA. Coordination between M-NCPPC and WMATA will be necessary regarding construction of the master plan trolley trail within the easement held by WMATA.

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

The PPS reflects the buffer along Baltimore Avenue (US 1) extending east from the right-of-way. The PPS proposes two streets (Woodberry and Van Buren) extending east into the site from US 1. The buffer is shown as a part of development Parcels A, B, and C. As discussed further in the Transportation finding, right-of-way dedication is recommended as requested by the Maryland State Highway Administration (SHA) and the master plan. In conformance with this condition, the Planning Board found that the buffer should be shifted in its entirety to the east, outside of the right-of-way dedication, with no reduction in its size and configuration (size and width), prior to signature approval of the PPS.

As discussed in the Transportation and Trails findings, the Planning Board requires the provision of a sidewalk along US 1, to serve the public within the public right-of-way, as recommended in the master plan, unless modified by the State Highway Administration as the operating agency. The applicant has indicated that the buffer would serve the entire

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community and be open to the public as a type of linear park. The Planning Board would recommend that the municipalities may desire to enter into a public use easement with the applicant if the parties agree. This public use easement is not a condition of this approval, and therefore, M-NCPPC would not be a party to this agreement for the buffer along US 1.

14. Prior to acceptance of an application for a preliminary plan of subdivision, the following information shall be provided:

- a. A revised Stormwater Management Concept Plan that designates the property as a new site and complies with the stormwater management provisions contained in CB-15-2011 (Subtitle 32) to provide more environmental site design to the maximum extent practicable, with the goal of no new impact on the tributary drainage into the northeast Branch of the Anacostia River. The proposed plan shall show the use of environmental site design technologies such as bio-retention, infiltration, and especially green roofs to the maximum extent practicable.**

A revised stormwater management concept plan has been submitted. The approved revised stormwater management concept plan should be submitted prior to signature approval.

- b. The applicant shall provide evidence that copies of all stormwater submittals were provided to the Town of Riverdale Park, the Town of University Park, the City of Hyattsville and the City of College Park, 30 days prior to filing with DPW&T and notification of an invitation to all meetings between the applicant and DPW&T.**

The applicant submitted an affidavit that certified that the applicant's attorney, Mr. Lawrence Taub, personally delivered copies of the revised stormwater management concept plan, prepared in conjunction with the revision to Preliminary Plan of Subdivision 4-13002, to the following municipalities on the days as noted: Towns of Riverdale Park and University Park—March 29, 2013; City of College Park—April 2, 2013; and the City of Hyattsville—April 4, 2013. There have not been any meetings between the applicant and DPW&T that staff is aware of.

- c. A Revised Traffic scoping agreement and Impact Study that:**
- (1) Accurately reflects the development proposal and anticipated phasing;**
 - (2) Eliminates corridor averaging for all intersections included in the Study;**

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- (3) Analyzes midday and Saturday (10:00 a.m. – 6:00 p.m.) traffic impacts;
- (4) Analyzes all proposed connections, including the proposed CSX Crossing and Maryland Avenue;
- (5) Analyzes the impact of the development on the intersections as specified in the scoping agreement and those in the July 27, 2011 study, as well as the evaluation of the existing prevailing conditions and traffic impact of the development on Queensbury Road, existing Maryland Avenue, Rhode Island Avenue south of Town Center, Lafayette Avenue, Natoli Place, River Road, and other roads as appropriate;
- (6) Provides for vehicle trip reduction through measures including but not limited to rideshare, Zipcar (or similar) programs, bikeshare, enhanced transit service such as a shuttle and/or circulator bus, and the CSX crossing;
- (7) Considers all future development and its effects on the corridor and intersections as identified in (c)(5) above for any projects that have an approved detailed site plan or preliminary plan of subdivision within the study area to include at a minimum the eastern portion of the 2004 approved M-U-TC Zone area; and
- (8) Does not take a discount by redirecting existing traffic on East-West Highway that would not otherwise travel up Baltimore Avenue to the Cafritz Property.

The applicant submitted a revised traffic study based on the scoping agreement which was deemed acceptable by the Transportation Planning Section (M-NCPPC). The analysis of the traffic study and the above condition is discussed further in the Transportation finding.

15. After completion of construction and final inspection of on-site public roads, and upon request of the Town of Riverdale Park, such roads shall be dedicated and turned over to the Town, in such manner and subject to such reasonable terms and conditions as the Town may require, for public use. The determination as to which on-site roads will be public roads subject to dedication and turnover to the Town shall be determined at the time of Preliminary Plan of Subdivision.

The PPS now proposes to have all streets for the development as public, except for Parcel DD on Parcel C and the alleys, which are to be private owned by a business association

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and homeowners association, respectively. The analysis of the streets and circulation is discussed further in the Transportation finding.

At the Planning Board hearing on May 16, 2013 staff provided clarification that the record plats will dedicate the street rights-of-way to public use, except for the alley's and Parcel DD on Parcel C. Staff explained that the record plats do not indicate to which governmental or public agency the streets are dedicated. Because the property is within the municipal boundaries of the Town of Riverdale Park, the Town has jurisdiction over said streets. The street construction permits are under the authority of the Town and thru that process the Town may set standards or conditions on which they would accept those dedicated public streets. The Town has indicated their intent to accept the dedicated public streets. Dedication of the public rights-of-way will occur at the time of final plat, but the public streets will not be accepted by the Town of Riverdale Park until they are satisfied as set forth in this condition.

In review of the May 1, 2013 PPS the Planning Board determined to require the extensions of certain public street rights-of-way; 46th Street, extending north to the northern property line with WMATA, for Parcel JJ, extending west to the eastern property line of the adjacent post office property (Parcel A), and for Parcel II (Rhode Island Avenue), extending south to the southern property boundary, to provide interparcel connectivity for future off-site development. Construction of vehicular connectivity from 46th Street to the WMATA property should not occur until vehicular connectivity is constructed from the WMATA property to the subject site.

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

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The applicant has submitted the U.S. Green Building Council (USGBC) LEED Certification Project Review Report for the Smart Location and Linkage (SLL) application under the provisions and requirements of the LEED-ND (Leadership in Energy and Environmental Design (LEED)® for Neighborhood Development) rating system as required by this condition for the PPS. The LEED Certification Project Review Report states that under the SLL prerequisite standards, the Cafritz Property was approved for Development Program and Site Type (Plf1); Project Timeline (Plf2); and Project Location and Base Mapping (Plf3); and the Cafritz Property was awarded for Smart Location (SLLp1); Imperiled Species and Ecological Communities Conservation (SLLp2); Wetland and Water Body Conservation (SLLp3); Agricultural Land Conservation (SLLp4); and Floodplain Avoidance (SLLp5).

17. **At the time of Preliminary Plan of Subdivision submission, the applicant shall submit a Transportation Management Plan ("TMP") for the entire development. The TMP shall include provisions to provide for the full funding of the TMP by the owners of the property. The TMP and funding obligations shall run with the land until such time as a Transportation Demand Management District ("TDMD") is established and includes the property. The TMP shall identify and establish a series of measures to achieve a maximally-efficient use of the adjacent transportation facilities. As the project is developed and occupied, modifications and additions to the TMP shall establish vehicle trip reduction goals with reporting and monitoring provisions subject to independent verification by DPW&T. Specifics of the TMP shall include the following elements referenced in the applicant's letter to Susan Lareuse dated November 15, 2011, pages 9-10, and car and bike share and residential and employee subsidies. The TMP shall also provide for a private shuttle to be provided as the applicant and the applicant's heirs, successors, and/or assignees' expense.**

The applicant has submitted a transportation management plan (TMP) for the entire development. However the TMP does not provide adequate specificity as required by this condition. The analysis of the TMP is discussed further in the Transportation finding and requires certain revisions to the TMP prior to signature approval of the PPS.

Prior to final plat, the applicant shall obtain approval and execute a covenant or a transportation management agreement for approval by M-NCPPC and DPW&T to run with the land, to be recorded in land records, which shall ensure conformance to this condition by providing details and funding for the TMP. The liber and folio of that document will be indicated on the record plat. This condition of approval was a proffer by the applicant at the time of approval of A-10018, and there is no associated finding which would give the specific framework for performance. The covenant or transportation management agreement is intended to clarify those rights, responsibilities, and liabilities as appropriate.

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The condition is intended to allow the applicant to obtain approval of a final plat for infrastructure. However, any plat which would allow the applicant to then obtain a building permit should include the liber and folio of the covenants or transportation management agreement on the record plat. The record plat is a sign post to owners and the community of the obligations for performance by the applicant and all parties to the covenants.

- 18. Prior to approval of a Preliminary Plan of Subdivision, the applicant shall provide a commitment to organize and achieve a private shuttle vehicle to and from the Prince George's Plaza Metro station and the College Park Metro station as necessary to achieve a 15-minute headway between 6:30 a.m. to 9:00 a.m. and 4:30 p.m. to 7:00 p.m., Monday through Friday. This requirement may be provided as part of the TMP and may be satisfied privately or by participating in one or a combination of existing or future adjacent public transportation services. Specifications and assurances for any shuttle service shall be provided prior to issuance of any use and occupancy permit. Service is to continue until there is a preferred alternative approved by the municipalities and the applicant may substitute an equivalent to the private shuttle service.**

The applicant submitted a letter dated May 6, 2013 (Taub to Hewlett) stating that the applicant will commit to organize and achieve a private shuttle vehicle to and from the Prince George's Plaza Metro Station and the College Park Metro Station as necessary to achieve a 15-minute headway between 6:30 a.m. to 9:00 a.m. and 4:30 p.m. to 7:00 p.m. Monday through Friday. The analysis of Condition 18 is discussed further in the Transportation finding.

Prior to approval of the final plat, the applicant shall execute a covenant or a transportation management agreement for approval by M-NCPPC and DPW&T that will run with the land, to be recorded in land records, which shall ensure conformance to this condition by providing details and funding for the private shuttle. The liber and folio of that document will be indicated on the final plats. This condition of approval was a proffer by the applicant at the time of approval of A-10018, and there is no associated finding which would give the specific framework for performance. The covenant or a transportation management agreement is intended to clarify those rights, responsibilities, and liabilities as appropriate.

The condition required by the Planning Board with this PPS is more restrictive than the timing established by Condition 18 because the private shuttle is a part of the adequate public facilities (APF) analysis in the applicant's traffic study for this PPS, and required for adequacy prior to building permit. The record plat will provide notice as a sign post to owners and the community of the obligations for performance by the applicant and all parties to the covenants or transportation management agreement.

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The condition is intended to allow the applicant to obtain approval of a final plat for infrastructure. However, any plat which would allow the applicant to then obtain a building permit should include the liber and folio of the covenants or transportation management agreement. The record plat is a sign post to owners and the community of the obligations for performance.

- 19. Prior to approval of the Preliminary Plan, the applicant shall provide details of its commitment to participate in a circulator bus program, whether as part of a TDMD or other effort, and shall contribute funds for this purpose.**

The applicant submitted a letter dated May 6, 2013 (Taub to Hewlett) stating that the applicant will commit to providing assistance to a circulator bus program as part of the Riverdale Park contribution. The analysis of Condition 19 is discussed further in the Transportation finding.

Prior to approval of the final plat, that the applicant shall obtain approval and execute a covenant or a transportation management agreement for approval by M-NCPPC and DPW&T, to be recorded in land records, which will run with the land which shall ensure conformance to this condition by providing details and funding for the circulator bus program. The liber and folio of that document will be indicated on the record plat.

The condition is intended to allow the applicant to obtain approval of a final plat for infrastructure. However, any plat which would allow the applicant to then obtain a building permit should include the liber and folio of the covenants or a transportation management agreement. The record plat is a sign post to owners and the community of the obligations for performance by the applicant. This condition of approval was a proffer by the applicant at the time of approval of A-10018, and there is no associated finding which would give the specific framework for performance. The covenant or transportation management agreement is intended to clarify those rights, responsibilities, and liabilities as appropriate for the applicant and all parties to the covenants or agreements.

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

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respectively north and south of the Van Buren "gateway," must be right turn only in and out. Prior to the issuance of a grading permit, the applicant shall demonstrate that the State Highway Administration has preliminarily approved the installation of the traffic signal and other traffic control devices at Van Buren Street and Baltimore Avenue, subject to approval of the final construction plan and permit by SHA. If for any reason, including lack of warrants or SHA or other required governmental approval, the traffic signal and other traffic control devices described in this paragraph are not installed or cannot be installed at Van Buren and Baltimore Avenue, no permits may be issued.

Conformance to Condition 20 will be evaluated at the time of DSP.

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

- a. After completion of construction of the first multi-family building in the project:
 - (1) At least 80 percent of the parking for the overall development ultimately will be in structured parking; and
 - (2) The maximum number of off-street surface parking spaces permitted for each nonresidential land use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance.
- b. Design features for sustainability that address environmental health, air and water quality, energy efficiency, and carbon neutrality.
- c. Termination of Van Buren Street at a building or enhanced park feature.
- d. A soils study identifying the top soils and subsoils and their appropriateness to support the use of porous pavements.

Conformance to Condition 21 will be evaluated further at the time of DSP.

22. Establish a trip cap of 548 AM new peak hour trips and 902 PM new peak hour trips for full build-out of the development that may be amended, but not increased at the time of Preliminary Plan. The trip cap will not include purely internal trips.

The proposed development is projected to generate 482 AM and 794 PM weekday, 767 midday, and 1,019 Saturday peak-hour vehicle trips, respectively, based on the information provided by the applicant in the required traffic study. While the generated AM and PM peak-hour vehicle trips are less than the 548 AM and 902 PM new peak-hour

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vehicle trip caps stated by Condition 22 of Zoning Ordinance No. 11-2012, the development is limited to the trip cap approved as a part of this PPS.

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

Conformance to Condition 23 will be evaluated at the time of DSP.

- 24. Prior to the approval of the Preliminary Plan of Subdivision, the applicant shall do the following, subject to the opportunity for review and comment by the Town of Riverdale Park and the Town of University Park:**

- a. The Preliminary Plan shall show a roadway connection from the first phase of the development on the property to existing Maryland Avenue at the southern boundary of the property (the "Van Buren Extension").**

The PPS shows Maryland Avenue Extension (Parcel JJ) connecting existing Maryland Avenue to the Van Buren Extension (Parcel CC) to Parcel GG and/or Parcel HH to Parcel JJ within the site. The Maryland Avenue extension and all streets with the exception of the Alle's and Parcel DD on Parcel C are to be publicly dedicated rights-of-way.

- b. Applicant shall make provisions at Preliminary Plan of Subdivision to construct, to at least a similar standard as the existing Maryland Avenue roadway to the immediate south of the property, an extension of Maryland Avenue from the southern boundary of the property to where the existing roadway ends north of Tuckerman Street (the "Maryland Avenue Extension"). Provided that right-of-way exists, construction of the Maryland Avenue Extension must be completed before Prince George's County issues the first use and occupancy permit for any retail, office or hotel use on the Property. No portion of any building on the Property may be used or occupied until construction of the Maryland Avenue Extension has been completed and opened for travel by public safety vehicles.**

Appropriately, the PPS does not show the off-site extension because the Planning Board's action is for Parcel 81 only (the subject site). However, the off-site extension of Maryland Avenue to the south from the southern boundary of the property to where the existing roadway ends north of Tuckerman Street should be noted in a general note consistent with this condition.

- c. Prior to the issuance of use and occupancy permits for more than 100,000 square feet of commercial (retail, office or hotel) space and more than 100 residential dwelling units, the construction of the Van Buren Extension shall be complete as verified by the Town of Riverdale Park.**

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Condition 24c will be addressed at the time of permits.

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

- a. **The Preliminary Plan shall show a crossing over the adjacent CSX railroad tracks (the "CSX Crossing"). The "CSX Crossing" shall mean a bridge, raised roadway, underpass or any other type of way, including on-site and off-site approaches, for vehicles, bicycles and pedestrians to pass across the railroad right-of-way to travel between the subject property and lands to the east of the property with a connection to a public road.**

The PPS shows a crossing over the adjacent CSX railroad tracks west of Van Buren Street to the West of Parcel G (J Crossing (Version J.3.300)). The applicant also submitted a conceptual cross section of the bridge across the CSX railroad tracks, a profile which will be further reviewed at the time of DSP. The analysis of the CSX crossing is discussed further in the Transportation finding.

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

The applicant has provided evidence of the establishment of a funding mechanism required prior to the approval of the PPS. The approval of such funding is required to be obtained prior to the first DSP, which is currently scheduled before the Planning Board on May 23, 2013. The analysis of Condition 25b is discussed further in the Transportation finding.

- c. **Provide letters from the CSX and University of Maryland (or the affected land owner), that recommend approval of the CSX Crossing as shown on the Preliminary Plan and identify the land or right-of-way acquisition cost, if any, necessary for the construction of the CSX Crossing on land owned by the University (or the affected land owner).**

The applicant has provided letters from CSX and the affected landowner, University of Maryland, for the CSX crossing in accordance with J Crossing (Version J.3.300) and has identified acquisition cost for the construction of the CSX crossing, as discussed further in the Transportation finding..

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- d. **Provide cost estimates for the design, permitting and construction of the CSX Crossing, including off-site land or right-of-way acquisition costs, if any.**

The applicant has provided cost estimates for the design, permitting, and construction of the CSX crossing. The analysis of Condition 25d is discussed further in the Transportation finding.

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

The applicant has provided cost estimates and a funding mechanism for the design, permitting, and construction of the CSX crossing as discussed further in the Transportation finding.

26. **The implementation of the CSX Crossing shall be in accordance with the following:**
- a. **Prior to the issuance of any permits for development on the property, the applicant (1) shall submit a roadway plan for the location and design of the CSX Crossing to CSX, or to AECOM or other agent designated by CSX, and to the University of Maryland (or the affected land owner), and (2) shall submit letters received from both of them that approve the construction of the CSX Crossing in accordance with the roadway plan, subject to approval and authorization of the final construction plan, and verification by the Department of Public Works and Transportation that the roadway plan meets the American Association of State Highway and Transportation Officials' (AASHTO) standards and is appropriate for construction of the CSX Crossing, and has been approved by CSX and the University of Maryland (or the affected land owner).**
- b. **Prior to the issuance of building permits for more than 100,000 square feet of commercial (retail, office or hotel) space and more than 120 residential**

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dwelling units, the applicant (1) shall have received all necessary permits and approvals for construction of the CSX Crossing, (2) shall have provided the Prince George's County Department of Public Works and Transportation with all approved financial assurances and performance security to ensure completion of construction of the CSX Crossing, and (3) shall have commenced construction of the CSX Crossing as verified by the Prince George's County Department of Public Works and Transportation.

The APF analysis as required for transportation adequacy pursuant to Subtitle 24 of the Prince George's County Code which requires that 26a and b above are provided for in accordance with Section 24-124(a) prior to approval of the first building permit. A condition is included in this decision.

- c. Prior to the issuance of use and occupancy permits for more than 100,000 square feet of commercial (retail, office or hotel) space and more than 120 residential dwelling units, the construction of the CSX Crossing shall be at least fifty percent complete as verified by the Prince George's County Department of Public Works and Transportation, and the Department of Public Works and Transportation shall have verified that all approved financial assurances and performance security to ensure completion of construction of the crossing remain in full force and effect.**
- d. Prior to the issuance of building permits for more than 382 residential dwelling units, the CSX Crossing shall be open for use by public vehicular traffic as verified by the Prince George's County Department of Public Works and Transportation.**

Conditions 26c and d above are more restrictive than conditions of this PPS for transportation adequacy, but are applicable to the development of this property as conditions of the zoning approval. Conformance will be ensured through the permit approval process by M-NCPPC.

- e. Applicant shall timely provide the Towns of Riverdale Park and University Park, the City of College Park, and the Prince George's County Department of Public Works and Transportation with copies of all submittals, notices, approvals and determinations made pursuant to this condition.**

Condition 26e is the responsibility of the applicant.

- 27. The applicant, the Town of Riverdale Park, and the Town of University Park will work together to petition the District Council to initiate and establish a Transportation Demand Management District ("TDMD") program under the Prince George's County Transportation Demand Management District Ordinance Subtitle 20A. Consideration should be given to establishing the boundaries of the TDMD to**

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extend from Paint Branch Parkway to Queensbury Road. Once a TDMD is established, the applicant will provide financial support and the TMP will become part of the District and will be monitored by the Transportation Management Authority ("TMA"). The TDMD should provide for traffic reduction goals and periodic independent verification of monitoring whether the goals have been met, including restricting the maximum allowable density to a level that will generate average net additional daily vehicle trips on Baltimore Avenue that are not more than 20% above current levels, and net additional peak hour trips that are no more than 20% above current peak-hour vehicle trips at AM (06:00-09:00), mid-day (11:00-14:00), PM (16:00-19:00), and Saturday (10:00-18:00). These counts will be performed at a fixed location specified in the TDMD between East-West Highway and the southern entrance, and between Queens Chapel Road and the northern entrance, to the project and will be based upon traffic estimates that have been reviewed and determined to be reasonably accurate by the Transportation Planning Section of M-NCPPC. If the goals of the TDMD are not met, additional vehicle trip reduction measures to resolve the problem will be required pursuant to the requirements of Subtitle 20A.

The applicant has submitted a TMP for the entire development. The analysis of the TMP is discussed further in the Transportation finding. At this time, a transportation demand management district (TDMD) has not been established by the District Council that includes the subject property, and is not required by this condition.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* (General Plan) designates the subject property within the Developed Tier. The vision for the Developed Tier is a network of sustainable transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The General Plan designated the Riverdale MARC station in the southern portion of the Riverdale Park MUTCD Plan area as a possible future community center. The vision for centers is mixed-residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The subject property is also located along the Baltimore Avenue (US 1) corridor as designated by the General Plan. The vision for corridors is "mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development." (See Policy 1, 2002 General Plan, page 50) This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor. The PPS is consistent with the General Plan Development Pattern policies for the Developed Tier and the Baltimore Avenue corridor by proposing a medium- to high-density, mixed-residential, and commercial development. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of Prince George's County's current General Plan Growth Policy Update.

In the Community Planning Division referral for the withdrawn Preliminary Plan of Subdivision application 4-12004 Cafritz Property (Williams to Nguyen, December 27, 2012), staff found that the application did not conform to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*. This referral was included in the

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Planning Board backup materials package posted prior to the Planning Board hearing scheduled for January 17, 2013. The applicant withdrew the application on January 15, 2013.

Subsequent to the posting of the backup package, M-NCPPC General Counsel issued an opinion (Borden to Piret/Lewis/Hirsch/Williams, March 13, 2013) that the District Council's amendment of the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park MUTCD Plan) to incorporate the Cafritz Property, under Section 27-546.13 of the Zoning Ordinance, constitutes an amendment to both the 1994 Planning Area 68 Master Plan and the associated Sectional Map Amendment. It is the determination of Counsel "that the purpose and intent of the procedures concerning master plan adoption were in fact served through the Town of Riverdale Park M-U-TC Development Plan and ZMA [Zoning Map Amendment] process."

In accordance with this legal determination and based on the particulars of the application, the application 4-13002 Cafritz Property **conforms to the prevailing master plan** for the subject property, which is now the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (as amended by the District Council in 2012 during the approval of Primary Amendment A-10018, Cafritz Property). The subject application proposes a mix of commercial, retail/office, single-family attached and multifamily residential, future hotel, and open space land uses that fulfill the mix of uses desired for the subject property by the amended 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan).

Community Planning Review

The 2012 Cafritz Property Design Standards and Guidelines, *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan), amends the approved 2004 Riverdale Park MUTCD Plan. It should be noted that the certified Cafritz Property Design Standards and Guidelines only apply to the 35.71-acre Cafritz development and not to the remainder of the Town of Riverdale Park M-U-TC Zone properties. Many of the specific standards and guidelines of the Development Plan will be reviewed at the time of DSP. The certified site plans and streetscape sections approved with A-10018 and Concept Plan B (Map 1), and appropriate (at the subdivision level of review) site standards identified in the Cafritz Property Design Standards and Guidelines document form the basis of review for the following.

Proposed Street and Lot Layout

The proposed subdivision would establish a large right-of-way for the extension of Van Buren Street (intended to be the primary street within the site). The Development Plan identifies two plazas or open space features in the western half of the site within the center of Van Buren Street. Consideration should be given to individually platting and dedicating these proposed plazas to ensure permanent public preservation of these key amenities. In lieu of such dedication, the proposed amenity spaces within Van Buren Street should be conveyed, along with the entirety of the proposed Van Buren Street right-of-way, to public use (Town of Riverdale Park). Both approaches will ensure public ownership and maintenance of these plazas/open space features.

Van Buren Street will be designed to incorporate bicycle lanes in both directions as the major east-west street through the subject site. Additionally, the median of Van Buren Street, east of 46th

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Street, should be planted with street trees and should not remain a grassy lawn. The addition of street trees in this location will contribute to the site's tree canopy coverage and provide an avenue/park-like character for much of Van Buren Street, contributing to the monumental and celebratory gateway approach feel of this important street.

The applicant proposes a one-way pair of Rhode Island Avenue and 47th Street to facilitate traffic flow through the site from the CSX bridge crossing to Van Buren Street (Option J), the overall site circulation and traffic patterns have been streamlined and simplified for vehicles, pedestrians, and bicyclists alike, and the proposed one-way pair will serve overall goals of connectivity and circulation.

Staff has evaluated the submitted circulation diagrams and recommends the applicant work to revise transit, truck, and bicycle circulation through the proposed development to better facilitate these modes of travel through an urban mixed-use development, and minimize adverse impacts on future residents to the fullest extent possible. Many of these revisions will likely result in increased bus and truck traffic along Woodberry Street, west of 46th Street. Staff is concerned that this traffic increase may have a detrimental impact on future residents in the northwestern-most stick of seven townhouses on the north side of Woodberry Street (proposed Lots 1-7).

The applicant shall provide for future public street connectivity to the US Post Office site (Parcel A) to the southwest with the extension of Parcel JJ and the National Guard Armory (WMATA property) to the north with the extension of the right-of-way of 46th Avenue, and the extension of Rhode Island Avenue to the south, as conditioned by the Planning Board in the approval of this case.

Street Design, Ownership, and Maintenance

The majority of the proposed streetscape designs tend to reduce the amount of roadway driving lane paving in favor of slightly wider parallel parking, landscape/tree planting, and sidewalk areas. These proposed changes generally correspond to the concepts and requirements of the Development Plan, which call for "a pedestrian-oriented town center with an infrastructure of wide, continuous sidewalks, alley shortcuts, safe street crossings, and rear access parking. A landscaping/pedestrian amenity strip would buffer pedestrians on the sidewalk from traffic" (See page ii of the Cafritz Property Design Standards Guidelines document).

The ownership and maintenance of the proposed streets was an issue which was resolved by the applicant who proffered that all of the streets in the development will be dedicated to public use with the exception of the alley's and Parcel DD on Parcel C, ensuring public ownership of key streets and open spaces in accordance with the desires of the Town of Riverdale Park. There exist numerous potential issues pertaining to ongoing maintenance and public access that will be resolved with cooperation between the Town of Riverdale Park, the applicant, and Prince George's County.

The PPS establishes a foundation to ensure safe and convenient pedestrian and bicycle access to the historic core of Riverdale Park along the Rhode Island Avenue Trolley Trail and Maryland

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Avenue. Bicycle lanes and sidewalks should be provided along Maryland Avenue to ultimately link with similar future improvements south of the Cafritz property.

Open Space

The applicant should clearly identify the proposed public plazas, squares, civic greens, and open spaces within the subject property along with all public open space and recreational amenities that are proposed to meet the needs of future residents, shoppers, and visitors at the time of DSP.

Tree Conservation Plan

The applicant has made an effort to preserve more specimen trees than originally proposed, along with what has been presented as "small groves" of trees at several locations within the subject property. In response to continued concerns expressed by the Riverdale Park M-U-TC Design Review Committee, the applicant continues to explore the feasibility of protecting additional specimen trees, and has worked with staff to increase the amount of tree and woodland preservation from the initial submittal.

LEED Certification

Condition 16 of A-10018 requires and the applicant has provided evidence of an application submitted to the U.S. Green Building Council (USGBC) for a Smart Location and Linkage prerequisite review under the provisions and requirements of the LEED-ND (LEED® for Neighborhood Development) rating system. The applicant should provide additional specificity toward certification under the silver or higher level under the LEED-NC (New Construction) and LEED Homes building rating systems at the time of DSP.

Aviation Policy Area

The northeastern portion of this application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area, Aviation Policy Area 6 (APA-6) is subject to regulations adopted by County Council Bill CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. These regulations contain additional height requirements in Section 27-548.42 and purchaser affidavits. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77. The DSP, where architecture and height will be reviewed, and referred to the Maryland Aviation Administration for evaluation and comment. The final plat should provide reference that this site is within the APA and subject to airport noise.

6. **Urban Design**—On July 12, 2012 the District Council approved a Primary Amendment (A-10018) to the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*, that amended 35.71 acres of the zoning map for the Maryland-Washington Regional District in Prince George's County, Maryland, by designating a Mixed Use Town Center (M-U-TC) Zone on the subject property subject to certain conditions. The conditions of approval required the applicant to revise the associated development plan and guidelines that establish the foundation for development review purposes. That revised information was submitted to the Development Review Division for review on August 14, 2012. A number of revisions to the plans were required to ensure that the plans submitted for certification reflected the record of the A-

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10018 case and only the conditions of the approval that adjusted either the development plan or the guidelines. The plans were finalized in accordance with the plans reviewed by the District Council and the certification of the plans and the text, collectively referred to as the *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan), was completed on October 2, 2012.

The following conditions from Zoning Ordinance No. 11-2012 are relevant to the review of this Preliminary Plan of Subdivision, 4-13002:

1. The Design Review Process set forth at pages 65-66 of the January 2004 approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan applies to the Cafritz Property with the following modifications:

- a. **Detailed site plan (DSP) approval, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required prior to the approval of a special permit, final subdivision plat, the issuance of any permit, and concurrently with or after the approval of a special exception, for all new development and redevelopment on the property. Each application for a special permit, final subdivision plat, or other permit must be consistent with an approved detailed site plan for the site.**

This condition requires detailed site plan (DSP) review and approval prior to the approval of any final plat for the property. Prior to approval of any final plat, it must be found to be consistent with the approved DSP. The applicant has included, that portion of the property that is zoned R-55, which is a part of the site for development purposes. A condition of the preliminary plan of subdivision (PPS) approval requires that the R-55 zoned portion be included in the DSP.

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

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The condition above is applicable to the PPS in recognizing that the subsequent DSP, special permit (SP), or special exception (SE) should be in general conformance with either Concept Plan A or B, dated January 7, 2012, particularly in regard to site design and circulation. The level of detail included in the concept plans was illustrative only. Changes to the development concepts as previously shown on the concept plans may be necessary in order to conform to Subtitle 24. The PPS is in substantial conformance with Condition 1b.

A number of revisions to the PPS have occurred primarily driven by the shifting of the CSX railroad bridge and the relocation of the trolley trail to its historic alignment. The result of these modifications has an impact on circulation and the lotting plan that is supported and approved.

The PPS proposes seven townhouse lots on the north side of Woodberry Street, west of the extension of 46th Street. The Planning Board requires an extension of 46th Street to the northern property line. Lots 1-7 would be located on the west side of this extension.

3. Prior to acceptance of any application for a Preliminary Plan of Subdivision, the following information shall be provided:

a. The Preliminary Plan shall reflect the unmitigated 65 dBA Ldn from noise generators.

The PPS indicates the unmitigated 65 dBA Ldn noise contour. The PPS indicates both single-family attached and multifamily units are located within the unmitigated 65dBA Ldn noise contour. The multifamily units should protect outdoor activity areas through the arrangement of courtyards within the confines of the buildings on the site. However, outdoor activity areas for each single-family attached dwelling should be mitigated or relocated outside of the 65dBA Ldn from the CSX railroad right-of-way. The application indicates that a sound wall is proposed along the railroad tracks in the southeastern portion of the site. This feature, as indicated in the noise study submitted by the applicant, will mitigate the 65dBA Ldn. The noise wall should be located on a separate parcel to be conveyed to the homeowners association, with sufficient access to all sides of the noise wall for maintenance. At the time of DSP, the final building layout and design may eliminate the need for a noise wall at this location, which the applicant must demonstrate with a revised noise study; however, if a wall is still deemed necessary, the DSP should provide elevations and details for it.

The CSX whistle blower noise was included in the noise study. The whistle is an episodic noise source and is included in the analysis of the day and night average (Ldn), which is the standard used by the Planning Board and the state to determine the impacts of noise.

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- b. **The plan shall delineate the 300-foot lot depth from the right-of-way (CSX railroad tracks) for residential development in accordance with Section 24-121(a)(4) of the Subdivision Regulations. The preliminary plan may establish additional restrictions on the layout if it is determined that noise and vibration issues are associated with the railroad tracks.**

The PPS shows the 300-foot lot depth demarcation from the CSX railroad and from the metro (WMATA) property to the north. In this case, approximately 15 townhomes are within the 300-foot lot depth. The applicant has filed a variation for the residential lot depth requirement of 300 feet, which is supported by staff and discussed further.

- g. **The proposed cross sections, roadbeds, streetscape dimensions, and the use of medians shall be fully incorporated into the application of the preliminary plan so that the width and configuration of the streets can be reduced, yet adequate in design to address the traffic patterns within the development and vehicular and emergency access. The use of public streets in accordance with the standards of the Department of Public Works and Transportation (DPW&T) shall also be considered to serve certain uses and to determine future maintenance of the transportation facilities, including a bridge over the CSX railroad.**

The PPS was originally submitted showing all of the streets as private. However, at the Planning Board hearing, the applicant proffered that all streets would be public, except for Parcel DD on Parcel C, and the alley's. Convenient and direct bicycle and vehicular circulation from the Van Buren Street entrance from US 1 to the CSX bridge crossing, and to Maryland Avenue, should be provided and is recommended in order to provide connectivity across the railroad tracks and to the historic Riverdale Park town center area. Truck traffic should be minimized.

DPW&T and the Town of Riverdale Park are coordinating in regards to the design of the streets. The Planning Board found to support the use of narrow streets that accommodate bicycles and allow for bus turning movements, but the movement of trucks through the residential portion of the development should be minimized.

9. **Prior to final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, and Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist.**

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This condition will be implemented prior to final plat.

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

The current proposed layout indicates that the gateway feature will be part of three separate lots. In order to ensure maintenance of the park-like setting and the health of the vegetation in the bioretention areas, it may benefit the community that this area be maintained in conjunction with the Town of Riverdale Park, and perhaps University Park, along with the business community located within the overall site. The front of the property along US 1 was of major concern in the review of the Primary Amendment. This area was shown as one of the green spaces, and basically was proposed as part of the mitigation used for justification of setting the buildings back from the right-of-way (see Applicant's Exhibit 1, Cafritz Property at Riverdale Park, Green Spaces, pages 10-12). This green space is contained within proposed Parcels A, B and C. The applicant developed a set of plans and perspectives to depict the future design of the area as a gateway park to the development. The park-like area exhibits include seating areas, trails, exercise stations, sculpture, historic interpretation, a children's play area, a bus shelter, Wi-Fi access, bike stations, a transportation kiosk, specimen tree preservation, and bioretention areas.

The additional dedication along the frontage of the property, in order to provide adequate right-of-way along US 1 to serve the development, should be reflected on the DSP prior to certificate approval. The existing overhead utilities along US 1 should be placed underground along the frontage of the property, as recommended with the DSP.

16. **The applicant shall submit evidence of an application submittal to the U.S. Green Building Council (USGBC) under Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) for a Smart Location and Linkage (SLL) prerequisite review at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan. Upon GBCI/USGBC approval of SLL prerequisites, the applicant shall pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant**

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shall at detailed site plan provide a LEED score card that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the applicant and the Town of Riverdale Park and the Town of University Park (and pursued by the applicant at its expense), at minimum the applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board.

The applicant has submitted the required information for the PPS. As required, further review of this condition is provided with the DSP.

Recreational Facilities

The subject application has provided the trolley trail within the historic right-of-way alignment as a linear greenway park. The county has placed considerable effort in bringing the trolley trail to fruition, along the historic alignment, and staff supports the separation of this land area as a linear park and its partial dedication to the Department of Parks and Recreation as part of the mandatory park dedication requirements. In addition, private on-site recreational facilities are considered toward the mandatory park dedication requirements as discussed further in the Parks and Recreation finding. Within the land area associated with the residential development, the applicant should provide an active outdoor facility, such as a combined tot-lot and pre-teen playground. Within the multifamily buildings, indoor and outdoor recreational facilities should be included. Outdoor facilities should be provided in open courtyards that are buffered from the noise generated by the railroad tracks. The details and timing for construction of the private recreational facilities are included with the DSP-13009 review.

Plan Layout

The plan has been compared to the concept plans that were contained in the record of the hearing for the Primary Amendment. Applicant's Exhibit No. 1 of A-10018 contains two conceptual layouts that are labeled as Concept Plans A and B. These plans represent the concept plans referred to in Condition 1b of A-10018. The subject application has generally followed the conceptual plan layout in regard to the subdivision of land.

7. **Environmental**—A Type 1 Tree Conservation Plan, TCP1-005-12, was required and has been reviewed. A Natural Resources Inventory, NRI-121-06, for this property was signed on September 28, 2006 and was previously reviewed. An updated NRI reflecting the current code requirements was approved as the '-01' revision to the plan on March 19, 2012. With regard to the environmental regulations that became effective on September 1, 2010, the subject application is not grandfathered under Subtitle 25 and Subtitle 24 of the County Code with respect to the delineation of regulated environmental features, woodland conservation, and applicable submittal requirements because the proposed project does not have a previously approved PPS.

General Plan Conformance

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The 2002 *Prince George's County Approved General Plan* (General Plan) contains tier-specific and countywide-specific goals, objectives, and policies with regard to the protection of natural features, noise pollution, stormwater management, light pollution, and woodland conservation. Many of these policies have been implemented through updates to the Woodland and Wildlife Habitat Conservation Ordinance, zoning requirements, and applicable master plans that are discussed further.

Master Plan Conformance

The subject site was previously subject to the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*. Through the approval of an amendment (A-10018) to the approved 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park MUTCD Plan), the subject site was rezoned (A-10018) to Mixed Use Town Center (M-U-TC) and incorporated into that planning area. Section 27-546.14(a) of the Zoning Ordinance allows for the expansion of the boundary of an approved M-U-TC as a primary amendment provided that:

- (1) **All primary amendments of approved Development Plans shall be made in accordance with the provisions for the initial approval of the Plan.**
- (2) **Primary amendments are any changes to the boundary of the approved Plan.**

The approved Development Plan contains environmental standards for noise and tree preservation which are applicable to the current PPS application as follows:

Lighting

3. **Fixtures shall be located so that light does not spill from a parking lot of service area onto an adjacent residential property.**
4. **All lighting shall be shielded and of an intensity that minimizes light pollution**

The site is not directly adjacent to any residential uses; however, the residential development is located on the west side of Baltimore Avenue (US 1) across from the development, and the residential lots that are proposed on the subject site may be subject to light pollution from the proposed development. The lighting should use full cut-off optics to ensure that off-site light intrusion into residential and woodland conservation areas is minimized, so that sky glow does not increase as a result of this development. Primary Amendment A-10018, Condition 10g, requires the use of full cut-off optic lighting and will be addressed at the time of detailed site plan (DSP).

Landscaping

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1. **The required tree coverage for each property shall be ten percent of the gross site area, measured by the projected ten year coverage provided by a tree. The tree coverage should be accomplished through the provision of shade rather than ornamental trees. In lieu of meeting this standard, the applicant may plant street trees in conformance with the streetscape standards (see Public Space Section) either on the property or within the abutting right-of-way.**

The site is 91 percent wooded and is in the vicinity of residential areas that exhibit a mature tree canopy cover based on a review of 2009 aerial photos. In order to achieve the mature canopy consistent with the character of the surrounding communities, the requirement should be met through preservation of mature woodlands, specimen trees, and other larger trees on the site. Primary Amendment A-10018, Condition 10d, addresses the requirement for tree canopy coverage with regard to the above standard and will be reviewed at the time of DSP.

2. **Healthy trees shall be preserved. Where they cannot be preserved on site, a professional arborist may transplant them to a new location within Riverdale Park.**

The site contains several large trees, including specimen trees, which should be considered for preservation. A review of the most recent NRI shows that the site contains 35 specimen trees, of which a majority are located within Forest Stand 1 (Trees 247–257, 277–280, and 282) located along the western portion of the site; and Forest Stand 3 (Trees 261–270, 272–276, and 284) located along the northeastern portion of the site. These stands have also been determined to have the highest priority for preservation on the site. The site contains other trees that do not qualify as specimen trees, but are mature and significant in size, and should be considered for on-site preservation; smaller trees located on-site are of an appropriate size (6 to 12 inches diameter at breast height) to be considered for on-site or off-site transplanting, should designated receiving areas be identified, but is not required.

Primary Amendment A-10018, Condition 10a, addresses the requirement to preserve healthy trees on-site. An analysis of the on-site trees has been performed as discussed further.

Noise Mitigation

2. **The sound from the exterior to within the interior of all residences shall not exceed 45 dBA (Ldn) and should not exceed 35 dBA (Ldn). This is to be achieved through material and design changes, including, but not limited to:**
 - a. **Double-glazed windows/double-pane windows.**
 - b. **Above-normal insulation in the roof and walls.**
 - c. **Above-normal insulation in doors and other construction elements.**

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d. The use of high mass construction materials such as concrete, masonry, and stone.

The subject site is located between Baltimore Avenue (US 1) and the CSX right-of-way. Baltimore Avenue is a major collector and is not generally regulated for noise. The upper-level and ground-level unmitigated 65 dBA Ldn noise contours have been shown on the plans from the CSX and metro (WMATA).

Primary Amendment A-10018, Condition 10e, addresses noise impacts and a review of the submitted noise study with recommended mitigation is provided in the Environmental Review section below.

Conformance with the Countywide Green Infrastructure Plan

The 2005 *Approved Countywide Green Infrastructure Plan* indicates that the property contains network gap and evaluation areas within the designated network.

The site is significantly wooded with no existing development and contains a small isolated wetland and a small area of 100-year floodplain. The site is bordered on the east by CSX railroad tracks, to the west by US 1, to the north by Washington Metro Area Transit Authority (WMATA), and to the south by a site developed with a post office. The WMATA site to the north is partially wooded and partially developed with an existing building and WMATA metro tracks that continue below the ground surface. The potential to establish a contiguous habitat corridor connection is somewhat limited due to the existing conditions of the adjacent properties; however, the site contains areas of woodland that could contribute to the urban tree canopy character of the area and provide benefits that include urban wildlife habitat, water quality improvement, and the reduction of heat island effects. Woodland conservation and tree preservation are discussed below.

Summary of Previous Conditions of Approval, Primary Amendment A-10018

The following text addresses previously approved environmental conditions from Primary Amendment A-10018 related to the subject application. The respective conditions are in **boldface** type, the associated comments, additional information, plan revisions, and recommended conditions are in standard type face:

10. The Environmental Planning Section recommends the following conditions:

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

The PPS application contains a valid approved NRL. No additional information is needed for conformance with this condition.

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

Forest Stands 1 and 3 were determined to have the highest priority for preservation on-site compared to Stands 2, 4, and 5. The woodland conservation threshold for this site is 5.75 acres based on the M-U-TC and R-55 zoning. The site contains 33.12 acres of woodland. The current TCP1 proposes a total of 0.65 acre of woodland conservation as preservation within Stand 3. This proposed area of woodland conservation is below the threshold. A portion of the two reforestation areas, located near the northeast boundary adjacent to the CSX right-of-way, falls just below the minimum 50-foot width requirement by one foot. These areas will be further evaluated with the final design at the time of DSP for conformance with the minimum requirements of woodland conservation areas.

In a revised letter dated March 27, 2013, the applicant submitted a description and justification for the limited on-site woodland conservation with the proposed development. The letter states that the site is proposed to be developed with 1.20–1.95 million square feet of mixed-use development, including a total of 981 residential units and an elevated crossing of the CSX right-of-way. In addition to the high density proposed, a vegetated buffer at least 90 feet wide will be provided along the frontage of US 1 and an above-ground stormwater management facility is also proposed primarily on the R-55 zoned portion of the property in the northeast corner. The on-site regulated environmental features are minimal, which include a small isolated wetland and a small area of floodplain along the southernmost boundary of the site. The site was previously developed in the 1940s with work-force housing, but has since been unoccupied for more than 50 years, while the surrounding sites have since been fully developed with residential lots and public facilities, with the exception of the WMATA property abutting to the northwest. Based on the site history, existing conditions, and surrounding development, the property meets the description of an infill site.

The justification letter for primary management area (PMA) impacts notes the goals of the General Plan for the Developed Tier which, in addition to preserving and enhancing natural features, also seek to strengthen existing neighborhoods, promote infill development, promote more intense development, and make efficient use of existing and proposed county infrastructure. The applicant's justification letter states that:

“Preserving existing trees on this site will jeopardize the ability of the applicant to develop the site to its fullest potential as described in the General Plan, Master Plan and MUTC plan. It would be contrary to established smart growth principles to miss the opportunity to maximize

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the benefits of focusing developed to the Cafritz site as has been proposed by previous approved county plans and the 2012 zoning further attempts to increase tree save areas will put the implementation of these town center design concepts at risk or becoming the type of suburban development more typically of standard R-55 zoning.”

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

In addition to the design requirements, the site area will be limited by the required buffer along the frontage of the site (US 1) and an elevated crossing to the west side of the CSX right-of-way. The US 1 buffer area may be devoid of woodland, but will be designed as a vegetated area with bioretention facilities. Two specimen trees are proposed to be preserved in this area. Landscaping and tree planting in this area will be evaluated with the DSP. The eastern perimeter of the site will also retain more specimen trees and two small areas of woodland totaling approximately 0.65 acre. Contiguous woodland conservation along the frontage of the site or within the interior areas of the site may conflict with the M-U-TC design goals to create an urbanized town center.

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

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

A condition analysis was performed for all specimen trees on-site. The condition ratings for the trees ranged from 53–89 percent. A variance request was received for the removal of 25 of the 35 existing specimen trees and the retention of ten specimen trees. Eight of the trees are located within Stand 3 in the western area of the site and two trees are located within Stand 1 along US 1. Attempts were made and previous plans showed the preservation of four additional specimen trees; however, it was determined that those trees could not be shown as saved because they would be located within the required right-of-way dedication. Staff has determined that with or without right-of-way dedication, preservation of

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the specimen trees along US 1 will be difficult. Although those four trees are shown as to be removed, the applicant stated that every effort in the field will be made to preserve those four trees during the implementation of the required right-of-way improvements.

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

The current plan demonstrates that efforts have been made to preserve specimen trees on-site to the extent possible. Based on the proposed design, it may be unlikely that Specimen Trees 255 and 281 will survive the construction process due to limited preservation of each of the trees' critical root zone. The variance request for the removal of specimen trees is discussed in the Environmental Review section.

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

Conformance with this condition will be addressed at the time of DSP by the Urban Design Section.

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

A Phase I noise study prepared by Phoenix Noise & Vibration LLC, dated March 7, 2013, was submitted with the application. The report identifies the limits of the unmitigated upper- and lower-level 65dBA Ldn noise level for the CSX right-of-way and US 1 (including the whistle blower), and provides recommended mitigation. The PPS now reflects a parcel for a multifamily dwelling to be located between the townhouse units and the CSX railroad right-of-way which should provide the needed mitigation from adverse noise impacts. Prior to signature approval of the DSP a revised noise study should be submitted that may demonstrate that noise mitigation measure (noise wall) for outdoor activity areas is no longer required. A previous study submitted for the site also addresses vibration. The noise contours are correctly shown the plans. Noise is discussed further in the Environmental Review section.

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

A revised Stormwater Management Concept Plan (11589-2010-00) has been submitted which shows the use of bioretention, extended detention, filtration, and 100 year attenuation. The concept letter was approved by DPW&T on May 3, 2010 and expires May 3, 2013; however, the plan provided has not been certified by DPW&T and appears to have been revised subsequent to the concept letter approval. An approved concept plan and associated letter must be submitted with the DSP.

The TCP1 shows the general location of the proposed stormwater management features, which includes a pond, bioretention areas, porous pavement, and green roofs; however, the associated stormdrain features also need to be shown.

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

This condition shall be addressed at the time of DSP.

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

This condition has been addressed on the TCP1. The plan shows a buffer ranging from 90–110 feet outside of the 45-foot-wide right-of-way dedication shown on the PPS. However, additional dedication is recommended and the TCP1 should be revised accordingly prior to signature approval.

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While the timing mechanism for this condition is not specific to the PPS, the variance request for the removal of specimen trees and the plans propose to preserve Specimen Trees 255 and 281 within this area. An additional four other trees were also proposed; however, those trees are located within the right-of-way dedication and could not be shown as saved. Staff does not believe that if no dedication was required, the survivability of those specimen trees is unlikely due to the grading, stormwater management, and infrastructure improvements necessary to develop the property.

14. Prior to acceptance of an application for a preliminary plan of subdivision, the following information shall be provided:

- a. A revised Stormwater Management Concept Plan that designates the property as a new site and complies with the stormwater management provisions contained in CB-15-2011 (Subtitle 32) to provide more environmental site design to the maximum extent practicable, with the goal of no new impact on the tributary drainage into the northeast Branch of the Anacostia River. The proposed plan shall show the use of environmental site design technologies such as bio-retention, infiltration, and especially green roofs to the maximum extent practicable.**

A revised stormwater management concept approval letter has been submitted. The TCP1 shows the general location of the proposed stormwater management features, which includes a pond, bioretention areas, porous pavement, and green roofs; however, the associated stormdrain features also need to be shown. An approved concept plan must be submitted prior to signature approval of the PPS, which should generally conform to the PPS.

Environmental Review

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

A review of the available information indicates that streams and steep slopes 15 percent or greater are not found to occur within the limits of this application; however, a small isolated wetland and a small area of 100-year floodplain exist on-site. The CSX right-of-way is adjacent to the eastern boundary of the site and has been identified as a transportation-related noise generator with potential vibration impacts. The soils found to occur according to the U. S. Department of Agriculture (USDS), National Resource Conservation Service (NRCS), Web Soil Survey (WSS), are in the Croom, Leonardtown, Sunnyside, and Urban Land series. According to available information, Marlboro clay is not found to occur on this property. According to information

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obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Northeast Branch watershed of the Anacostia River basin. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains evaluation areas and network gaps. The property is further located in the Developed Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

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

This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is greater than 40,000 square feet and contains more than 10,000 square feet of woodlands. A Type 1 Tree Conservation Plan (TCP1-005-12) was submitted with the PPS application.

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

Per Section 25-122(d)(8) of the County Code, the Planning Board may approve the use of fee-in-lieu to meet woodland conservation requirements that total one acre or larger if the project generating the requirement is located in the Developed Tier, or if the approval of the use of fee-in-lieu addresses an identified countywide conservation priority. The subject application is located in the Developed Tier. However, because this site is split-zoned and those zones are located within different municipalities, the woodland conservation requirement should be calculated to be based on the area and amount of clearing proposed within each jurisdiction. The Planning Board has approved of the use of fee-in-lieu with the current application. The use of fee-in-lieu will be discussed at the time of approval of a Type 2 tree conservation plan (DSP).

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The site has frontage on Baltimore Avenue (US 1) and the CSX railroad right-of-way. Baltimore Avenue is classified as a major collector and not generally regulated for noise. No residential uses are proposed adjacent to US 1; however, residential uses are proposed adjacent to the CSX right-of-way. A Phase I noise study was submitted for the eastern portion of the site adjacent to the CSX right-of-way. The study included noise impacts associated with the passing of trains and their whistle blowers. The study measured the upper- and lower-level 65dBA Ldn noise contours at 350 and 390 feet from the CSX centerline, respectively.

The noise study was based on a layout submitted on March 13, 2013 that showed 47 townhouse lots (Lots 64, 80–89, 101–104, 105–109, and 111–137) and three multifamily buildings impacted by upper and lower noise levels above 65 dbA Ldn. The three buildings and 11 of the 47 lots (Lots 127–137) were exposed directly to the CSX right-of-way. The noise impacts to the remaining 35 lots were mitigated by the three buildings. The study recommended that the proposed buildings and upper levels be constructed with special building materials to ensure proper mitigation of interior noise to 45dBA Ldn or less. For the 11 proposed lots, special building materials were also recommended for interior noise levels; additionally, a noise wall was recommended to mitigate rear and side yard noise impacts to 65dBA Ldn or less.

A revised layout was submitted on May 1, 2013. The plan was revised to relocate a proposed crossing over the CSX right-of-way University of Maryland exhibit dated May 7, 2013 for the J Crossing (Version J.3.300). The plan now shows that a number of townhouse lots may have noise impacts, however, the relocation of multifamily dwellings may mitigate noise impacts. With the revised plan only 15 townhouse lots do not meet the 300-foot lot depth requirement per Section 24-121(a)(4), instead of the original 19, which is an improvement in the overall layout. The plan shows lots at the northern section and lots at the southern section that may be exposed to upper noise levels above 65 dbA Ldn. However, a condition of this approval requires that all dwellings be constructed to mitigate interior noise levels to 45dBA Ldn or less. A revised Phase I noise study should be provided at the time of signature approval to ensure that the location of multifamily dwellings will mitigate exterior noise levels to 65dBA Ldn or less. If this is not demonstrated a noise wall is required, to be located on a separate HOA parcel which will provide a 10-foot clear zone around the base of the wall for maintenance. If a separate parcel is required, this PPS approval recognizes that it may be added with the DSP.

For interior noise impacts to the two multifamily building units and the upper levels of units, further analysis of the building materials, which were not available at the time of the study, will be necessary to determine if the interior of the upper levels will be properly mitigated. Prior to issuance of building permits for the affected lots/parcels, certification that noise mitigation methods have been incorporated in the architectural plans to reduce interior noise levels to 45 dBA Ldn or less shall be submitted.

The report is based on interior areas and outdoor activity areas in the rears of residential lots, and not community outdoor activity areas. Because the report addresses the mitigation and the associated mitigated noise contour, a Phase II noise study for the lots and buildings as proposed on

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the current plan is not required at this time for PPS review. No outdoor activity areas directly exposed to the CSX right-of-way can be identified on the current plans; however, if any outdoor activity areas are proposed within the 65 dBA Ldn noise contour and are directly exposed to high noise levels, a Phase II noise report will be required to address outdoor mitigation for those areas prior to signature approval of a DSP for those buildings.

A vibration analysis was previously provided during the review of Preliminary Plan 4-12002 and is applicable to the review of the current plan. However, to complete the record, a copy of this plan should be submitted by the applicant as part of this application. The analysis notes that the results of measurements of current vibration levels do not exceed the residential limits (200 micrometers/second) or the commercial limits (400 micrometers/second) established by the International Standards Organization (ISO), or the residential limits (143 micrometers/second) established by the Federal Transit Authority. The study notes that these limits apply to occupant comfort and not structural damage. The report further states that all levels measured are well below limits established for structural damage. The study analyzed both freight and transit trains. The highest vibration level recorded was for a freight train (143.8 micrometers/second). This level passes the ISO residential standard and only slightly exceeds the FTA residential standard by an imperceptible amount for occupant comfort. The recorded vibration level was for only one occurrence of the 11 freight and 25 total trains observed during the 16-hour survey. Because the vibration levels are below the industry accepted standards for residential uses, no changes to the design, or additional information regarding vibration is required.

8. **Primary Management Area (PMA)**—This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The on-site regulated environmental features include a small isolated wetland and a small area of 100-year floodplain, which are proposed to be removed. Section 24-130(b)(5) states:

(b) **The Planning Board shall require that proposed subdivisions conform to the following:**

- (5) **Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. Any lot or parcel proposed for development shall provide a minimum of one acre of contiguous land area exclusive of any land within regulated environmental features in a configuration that will support the reasonable development of the property. This limitation does not apply to open space and recreational parcels. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are

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directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing, or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

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

A statement of justification for the proposed impacts and associated exhibits was submitted and stamped as received March 28, 2013. The PPS proposes the removal of the isolated wetland and wetland buffer for the installation of streets and residences and the removal of the floodplain on this site for residential development and roadway extension.

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

Impact 2 proposes 2,488 square feet of impact to the floodplain for residential development and a required connection to Maryland Avenue. Because the floodplain is located along the length of the southern property boundary where the existing Maryland Avenue right-of-way is located, road connections necessitates the impact of the floodplain. Attenuation of the 100-year floodplain has been addressed in Stormwater Management Concept Plan 11589-2010-00. A revised Stormwater Management Concept Approval Letter (11589-2010-01) has been submitted, but the plan has not yet been provided.

The Planning Board approves the applicant's request for removal of the isolated wetland, wetland buffer, and floodplain for the reasons stated above.

Primary Management Area Conclusions

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The proposed site design and the statement of justification show that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The two proposed impacts for the installation of street and residences totaling 3,425 square feet are approved.

9. **Variance to Section 25-122(b)(1)(G)**—Type 1 tree conservation (TCP1) applications are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees, Section 25-122(b)(1)(G). If the specimen trees on-site have a condition rating of 70 or above, every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the Woodland and Wildlife Habitat Conservation Ordinance or WCO) provided all of the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by a statement of justification stating the reasons for the request and how the request meets each of the required findings.

During the review and discussions with the applicant, staff recommended that preservation of specimen trees should be focused on Stands 1 and 3 near the eastern and western boundaries of the site. It was noted that a green buffer would be required along the western boundary which may present the opportunity to preserve trees. Specimen trees and woodlands preserved along the eastern boundary would also contribute to screening of residential units from the CSX right-of-way.

A variance request from Section 25-122(b)(1)(G) was stamped as received on March 27, 2013 for the removal of 25 of the 35 specimen trees for grading, road entrance, interior road circulation, utility infrastructure, buildings, pedestrian access, and parking. The following analysis remains consistent with the University of Maryland exhibit dated May 7, 2013 for the J Crossing (Version J.3.300). **The trees listed to be removed are Specimen Trees 247–250, 252–254, 256, 257, 259–261, 263, 272–280, and 282–284. The 10 trees listed to be saved are Specimen Trees 255, 262, 264–270, and 281, in accordance with the approval of Primary Amendment A-10018, Condition 10c.**

The specimen tree condition rating score and condition description assist in the evaluation of the potential for long-term survivability along with other proposed site features including the proximity of the limit of disturbance (LOD) to the tree, the percent of critical root zone that is proposed to remain undisturbed, and the grading differential surrounding the trees to remain. Of the trees proposed to be saved, three (255, 281, and 262) are in poor condition. The LOD shows a very limited root zone around Trees 255 and 281 in the west side of the site, and Trees 262 and 264 on the east side of the site. The trees are Southern Red Oaks and White Oaks which are

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proposed to be saved. Red Oaks and White Oaks are considered to have moderate to good construction tolerance; however, impacts to the root zone as shown may limit the health and possibly the survivability of both trees. During construction, every effort should be made to preserve as much of the associated root zone as possible.

The area along the frontage of the site adjacent to Baltimore Avenue (US 1) ranges in elevation from 66–120 feet. A portion of the frontage of the site has a horizontally-narrow area of steep grade ranging from six–ten feet. The grades increase up to 120 feet, approximately 50–100 feet into the site. Grading of the site is needed to balance the site as well as to provide a relatively flat area for development purposes. Fifteen of the 35 specimen trees are located in this area. The plan proposes to grade the site to a level ranging from 67 feet at the southern end to 105 feet at the northern end. The cut needed at the central and northern sections of this area necessitate the removal of Specimen Trees 247–250, 252, 257, 277, and 278, so that the site can be brought to a developable level and also allow a safe entrance road onto the site.

Specimen Trees 253, 254, 279, and 280 are all located within the southern section and within the right-of-way dedication for US 1. A stormdrain and ten-foot-wide public utility easement is also located through this area that would necessitate the removal of the trees. Right-of-way dedication is proposed and recommended; however, if the dedication is not required, it appears those trees would still need to be removed because of the extent of grading, utility easement, the proposed southern road entrance, and the stormdrain connections. This is evident in the limited preservation area remaining for Trees 281 and 255, which the applicant has made efforts to preserve.

Specimen Trees 259, 260, 272, 273, 274, and 284 are centrally located in the more developable areas of the site. Tree 256 is located within a proposed right-of-way associated with the entrance of the site. Specimen Tree 261 is a White Ash and should be removed because it is a vector for the Emerald Ash Borer. Specimen Trees 275 and 276 could be preserved because no extensive grading or infrastructure is proposed that would require the removal of the trees. However, the preservation would result in the removal of ten residential lots which are proposed in this area and not recommended to be removed.

The variance included a listing of each tree, the proposed disposition, and comments explaining why each tree is requested to be removed. The list is followed by the applicant's response to the required findings for the variance.

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

The statement of justification describes existing constraints on the site such as the existing CSX railroad to the east and the metro rail located partially to the north. Other existing features that are unique to this site include the postal facility to the south, a Washington Suburban Sanitary Commission (WSSC) waterline that bisects the site, as well as a requirement to provide trolley trail improvements. The statement of justification indicates that the site design has been somewhat limited to reduce noise exposure to future residences and that this area has instead been designated for stormwater management

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purposes. The statement of justification indicates that the need for adequate stormwater management and environmental site design practices are conditions that are peculiar to the property; however, all development applications are subject to the same stormwater management and environmental site design requirements.

The statement of justification describes a proposed crossing over the CSX railway which is required for transportation and other health, safety, and welfare purposes. The crossing is a design constraint unique to the project and is shown on the plan; however, the crossing has been relocated to an area of the site that will not result in the removal of specimen trees. The right-of-way dedication along US 1 is a special condition required by other agencies. As a result of the dedication, several trees previously proposed to be saved are now shown to be removed due to future road improvements that may impact the trees.

The statement of justification indicates that any additional loss in developable area for specimen tree retention would cause unwarranted hardship.

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

The statement of justification indicates that the application proposes the removal of certain specimen trees that hinder the design of residential and commercial development, and that the decision to remove specimen trees is in keeping with the surrounding area's development character. The statement also indicates that existing site constraints exist and that further limiting the developable area to accommodate the protection of specimen trees and their root zones would deprive the applicant of the opportunity to create a functional and efficient mixed-use development. The statement also states that the surrounding area has been developed and that the site itself was previously developed as housing in the 1940s and 1950s.

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

Under this finding, the statement of justification indicates that not granting the request to remove specimen trees would prevent the project from being developed in a functional and efficient manner.

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

The applicant has taken no action to date on the subject property.

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

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The request to remove the trees does not arise from any condition on a neighboring property.

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

The stormwater management design for the site is required to meet the current regulations which require the post-development conditions to mimic a pre-development condition of a site as "woods in good condition." The stormwater concept shows the use of environmental site design features, such as bioretention in addition to extended detention.

Because the site must meet strict water quality and quantity requirements, the loss of specimen trees should not have a significant adverse impact on water quality. Specific requirements regarding stormwater management for the site will be further reviewed and approved by DPW&T.

Variance Conclusions

Based on the preceding analysis, the required findings of Section 25-119(d) have been addressed. **The Planning Board approved the removal of 25 specimen trees: Specimen Trees 247-250, 252-254, 256, 257, 259-261, 263, 272-280, and 282-284.**

10. **Variation to Section 24-121(a)(4)**—The subject property is adjacent to CSX railroad tracks to the east and metro rail to the north. The PPS shows the 300-foot required lot depth demarcation from the CSX railroad right-of-way and from the metro (WMATA) noise generator. In this case, approximately 15 townhouse lots (Lots 46, 48, 102, 113, 114, 115, 116, 117, 118, 119, 120, 123, 124, 125 and 126) are proposed that do not meet the 300-foot lot depth. Lot 46 does not meet the required lot depth from the WMATA right-of-way, and Lots 48, 102, 113-120, and Lots 123-126 do not meet the lot depth from the CSX railroad right-of-way. The applicant also requested a variation for the multifamily parcels, however, those parcels do meet the lot depth requirement and a variation is not necessary. The applicant has proposed mitigation measures to reduce adverse impacts to an acceptable level.

Pursuant to Section 24-121(a)(4) of the Subdivision Regulations, residential lots adjacent to an existing or planned transit right-of-way shall be platted with a depth of 300 feet to provide adequate protection from adverse impacts from noise and vibration nuisances. This requires an applicant to develop residential lots which meet the 300-foot lot depth. The lot depth requirement is intended to provide an opportunity to locate dwelling units away from noise and vibration sources. Section 24-121(a)(4) states:

- (a) The Planning Board shall require that proposed subdivisions conform to the following:**
- (4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of**

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freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. The applicant has filed a variation from the residential lot depth requirement of 300 feet and submitted a statement of justification on March 12, 2013.

Section 24-113(a) sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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

Approval of the applicant's request does have the effect of nullifying the intent and purpose of the Subdivision Regulations if approved as requested.

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The statement of justification accompanying the variation request indicates that the variation would not be detrimental to public safety, health, welfare, or injurious to other properties because the proposed lot depth of less than 300 feet will not prevent the applicant's ability to mitigate the effects from the adjacent transit right-of-way. It is stated that required noise mitigation, per the appropriate COMAR (Code of Maryland Regulations) section, for interior and exterior uses of the property will be provided and is recommended. The proposed multifamily building located adjacent to the CSX right-of-way will act as a buffer for most if not all of the townhouses and the buildings themselves will be "treated architecturally" to mitigate interior levels.

The townhouses at the southeast boundary will be mitigated by either a noise wall or by a multifamily dwelling located between the lots and the CSX railroad right-of-way to reduce noise on outdoor activity areas. Additionally, stormwater management and tree save areas will provide safety and screening from the right-

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of-way. It further states that, taken together, these measures will provide necessary protection against nuisance noise impacts from the adjacent tracks. Staff is in agreement with the submitted noise report which recommends the provision of a noise barrier for the exposed lots and structural mitigation of the buildings, which will also serve to mitigate for other townhouse lots. If a multifamily building is located between the townhouse lots and the CSX railroad along the southern portion of the site, the noise wall would not be required. The applicant should submit a revised noise study prior to certification of the DSP to demonstrate that noise is mitigated and that a noise wall would not be necessary.

- (2) The conditions on which the variations is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The statement of justification for the variation request states that the site is located within the Capital Beltway (I-95/495) and that the surrounding areas have been developed in some manner over the years. It further states that the area of the site nearest the CSX line is long and narrow with a configuration that is unique to the surrounding properties and that, without the variation, the site layout would be hindered by poorly placed roads and connectivity, and that it would not be possible to develop the site as described in Primary Amendment A-10018, District Council Order No. 11-2012.

In addition to the applicant's justification, strict adherence to the lot depth requirement would further limit the developable area of the site, which has been reduced by a required buffer along the frontage of Baltimore Avenue (US 1), road dedication, and stormwater management requirements.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The applicant will have to obtain permits from other local, state, and federal agencies as required by their regulations; therefore, approval of this variation request would not constitute a violation of other applicable laws.

- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

The site is located in the Developed Tier and is located near existing transit. The site concept proposes a walkable mixed-use development as approved by A-10018, District Council Order No. 11-2012. Without approval of this variation, the owner would undergo hardship as opposed to mere inconvenience because

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requiring the 300-foot lot depth along the CSX right-of-way would encumber more than an acre of this site, thus negatively impacting both residential and commercial development potential, and the development standards of M-U-TC Zone for an urban and walkable neighborhood could not be met. The statement of justification indicates that the shape of the property, which is narrow along the railroad, results in conditions of this particular property which dictates that much of the residential portion of the site be pushed towards the rear of the property in order to allow the commercial retail access and proximity to US 1. Site topography requires extensive earthwork operation to put the development on grade for construction while maintaining the existing WSSC water line and trolley trail through the site.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the prince George's County Code.**

The site is not located in any of the listed zones and therefore this finding does not apply.

In conclusion, the variation to the 300-foot lot depth for 15 townhouse lots (Lots 46, 48, 102, 113-120, 123-126 based on the preceding analysis is approved. The details of the location and details of the noise wall, with regard to height and materials, will be provided and reviewed at the time of DSP if required. The noise wall should be located on a separate parcel to be conveyed to a homeowners association to ensure permanent maintenance and ownership. Access for maintenance is necessary and a minimum of a ten-foot clear zone access area should be provided around the entire base of the noise wall. The additional parcel, if necessary, should be considered consistent with this PPS.

Based on the preceding findings, the Planning Board approved a variation to Section 24-121(a)(4) of the Subdivision Regulations for the required 300-foot lot depth for 15 townhouse lots.

11. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 11589-2010-00, was approved on May 3, 2010 and is valid until May 3, 2013. The stormwater management concept plan shows the use of bioretention, extended detention, filtration, and 100 year attenuation. The street design and lot layout on the concept plan is different from the PPS and it appears the concept plan has not been certified by DPW&T. A valid Stormwater Management Concept Letter (11589-2010-01) dated May 7, 2013 has been submitted. Prior to signature approval of the PPS, the associated plan should be submitted and should be in substantial conformance with the approved PPS.

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The approved stormwater management concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management Plan, Section 172 Watershed Management Planning, of the Prince George's County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, has been addressed with the approval of the stormwater management concept plan by DPW&T.

At the public hearing on May 16, 2013 the Planning Board recommends that prior to obtaining a building permit, a copy of the maintenance agreement for the Stormwater Management pond shown on Parcel I of the Preliminary Plan shall be submitted to the City of College Park by the applicant.

12. **Parks and Recreation**—This PPS has been reviewed by the Department of Parks and Recreation (DPR) for conformance to the Subdivision Regulations, the requirements of Primary Amendment A-10018 for Cafritz Property, the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*, R-55 zoning regulations, the Land Preservation and Recreation Program for Prince George's County, and the existing conditions within the vicinity of the proposed development as they pertain to public parks and recreation facilities.

Background

The subject property consists of 37.73 acres of land and is located on the east side of Baltimore Avenue (US 1), approximately 1,400 feet north of the intersection of US 1 and East-West Highway (MD 410). Running north to south and bisecting the property is the historic Rhode Island Avenue Trolley right-of-way. The 2010 *Historic Sites and District Plan* identified "Streetcar Suburbs" as a heritage theme. The Maryland & Washington Railway was the first streetcar line established in Prince George's County in 1897. It extended from Washington, DC to Hyattsville, Riverdale, and by 1902 out to Laurel. The Maryland and Washington Railway operated streetcars and trolley through Riverdale Park (68-004), Calvert Hills in College Park (66-037) and University Park (66-029), all of which are listed as "streetcar suburbs" on the National Register Historic Districts (NRHD). These neighborhoods are located to the south, west, and north of the subject property, respectively. Although the subject property is not within the above mentioned historic districts, the trolley right-of-way is a key component that links and unifies the above mentioned historic districts.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Riverdale Park MUTCD Plan have identified the abandoned Rhode Island Avenue right-of-way as a master-planned trail corridor. One of the conditions of approval of A-10018 is that the applicant must construct the portion of the Rhode Island Avenue Trolley Trail through the subject property. This condition states that the trail must be complete and open to the public prior to issuance of the third building permit on the subject property.

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The Rhode Island Avenue Trolley Trail is a vital link in the M-NCPPC's park system. The trail corridor is approximately 3.9 miles in length and runs from Greenbelt Road (MD 193) in College Park to Armentrout Drive in Hyattsville. It is being developed as a major collaborative effort with the local municipalities of the City of College Park, the Town of Riverdale Park, and the City of Hyattsville. The Rhode Island Avenue Trolley Trail is envisioned as a major trail corridor that follows the existing trolley right-of-way not only for recreational purposes, but also as an important north-south commuter corridor parallel to US 1 (Baltimore Avenue) for pedestrians and bicyclists. As a result of collaborative efforts with the local municipalities, several sections of the trail have already been constructed north of the subject property. Funds have been allocated for M-NCPPC to start construction of several other phases in 2013. The Cafritz Property segment of the Rhode Island Avenue Trolley Trail corridor is approximately one-third of a mile in length and will connect Tuckerman Street to Albion Street. When complete (along with the M-NCPPC construction), the master-planned trail corridor will be continuous for almost two miles and connect College Park to Hyattsville.

Discussion

The applicant has submitted a PPS which proposes subdivision of the property into lots and parcels which provides for mixed-use development, which will include office, retail/flex, hotel, and residential. The residential development will consist of 126 single-family attached units along with 855 multifamily units. The total projected population of the development is estimated at 2,045 new residents. Based on Section 24-134 of the Subdivision Regulations, the dedication of 15 percent of the land area can be required by the Planning Board for mandatory dedication of parkland for that portion of the property used for residential purposes, or 20 acres. Based on the applicant's proposal, this requirement would yield three acres of parkland which could be required for mandatory dedication.

The PPS proposes to dedicate Parcels H and W (at the northern and southern ends of the property) to M-NCPPC for the implementation of the master-planned Rhode Island Avenue Trolley Trail, which is consistent with the master plan. The total proposed dedication from both Parcels is 1.12 acres of land. Parcels H and W would be connected by a 30-foot-wide public use easement to allow for a continuous section of the Rhode Island Avenue Trolley Trail to be constructed and implemented. The 30-foot-wide easement should connect directly to Parcel H to the north, as it appears to stop at homeowners association Parcel Q. The 30-foot-wide public use easement shall connect directly to Parcel H.

The alley which crosses Parcel Q should be designed and appropriate signage provided at the intersection of the alley and the trail to provide a clear visual signal to trail users and motorists of the crossing. The alley crossing is less obvious and could create the potential for unintended conflicts if not appropriately designed.

The Planning Board is requiring a street connection from the extension of Parcel JJ to the adjacent off-site parcel to the west, Parcel A, currently the post office. The public street connection to Parcel A will require a crossing of the trolley trail and a dedication of a portion of Parcel W for the public right-of-way.

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The applicant has proposed private recreational facilities to satisfy the remaining portion of the requirements for mandatory parkland dedication. The PPS contains a proposed list of amenities and private recreation facilities that will be provided, broken out between the multifamily and townhome units. A sampling listing of the proposed outdoor amenities for the multifamily units include swimming pools, courtyards, barbeque areas, and shared gardens. The proposed indoor amenities for the multifamily units include fitness centers, recreation and club rooms, and media centers. The plans indicate that the townhome units will meet the private recreational facilities requirement with land dedication and construction of the master-planned Rhode Island Avenue Trolley Trail.

The applicant's proposal to meet the requirements of the Subdivision Regulations by providing private recreational facilities (as allowed by Section 24-134(b)), and the dedication of land for the trolley trail is approved. The proposed facilities must be superior or equivalent to those that would have been provided under the provision of mandatory dedication. The applicant originally proposed mandatory dedication separately for the multifamily and townhouse units. However, the development project is reviewed in its entirety as one uniform development for the provision for adequate park and recreational facilities pursuant to Section 24-134.

Additionally, construction of the master-planned Rhode Island Avenue Trolley Trail was a condition of approval for A-10018. The District Council's zoning approval (Subtitle 27) provided no guidance that the zoning approval was intended to meet an adequacy requirement of the PPS pursuant to Subtitle 24. The Planning Board has the sole authority in the approval of a PPS and the determination of adequate recreational facilities.

The mandatory dedication requirement is calculated on the total development and not on each dwelling unit type. Based on the projected population of 2,045, the private on-site recreational facilities should equal \$929,305.00. The applicant is providing 37 percent of the total mandatory dedication in land or 1.12 acres for the master plan trolley trail. The land dedication requirement is based on 20 acres for residential, yielding a possible three acres of land available for dedication pursuant to Section 24-134 of the Subdivision Regulations. Therefore, the private recreational facilities have a bonding requirement of \$585,462.00. The PPS provides a list of private on-site recreational facilities on Sheet 1 of 5 which exceeds \$1.6 million. With the addition of the land proposed for dedication and to be placed in a public use easement for the trolley trail to M-NCPPC, the recreational facilities package will exceed the minimum required.

The DSP will ensure that an appropriate distribution of amenities throughout the subject site will occur. While not counted toward mandatory dedication, the additional open space elements, including the Village Square (Parcel G) and the "linear park" green space within proposed Lots 1, 2, and 3, will also provide for seasonal outdoor activity areas. The applicant developed a set of plans and perspectives to depict the future design of the US 1 buffer area as a gateway park to the development. The park-like area exhibits include seating areas, trails, exercise stations, sculpture, historic interpretation, a children's play area, Wi-Fi access, bike stations, and a transportation kiosk. Overall, the recreational facilities proposed are acceptable in meeting the required

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mandatory parkland dedication without including the construction of the master plan trail required by A-10018, provided more specific details and triggers for construction are provided at the time of DSP review.

The applicant's proposal of the combination of dedication of land for the master-planned Rhode Island Avenue Trolley Trail, along with a private recreational facilities package, will fulfill the requirements of mandatory parkland dedication under Section 24-134 of the Subdivision Regulations.

At the Planning Board hearing on May 16, 2013 the City of College Park requested that the Planning Board require the conveyance of Parcel H, the northern section of the Trolley Trail, be dedicated to the City of College Park instead of M-NCPPC. At the hearing staff advised the Planning Board that the Department of Parks and Recreation is in support of the conveyance of Parcel H once the construction of the trolley trail is completed and accepted for public use. The conveyance of Parcel H shall be subject to approval by the City Council of College Park with final approval of the Full Commission, and is not a condition of this approval.

13. **Trails**—This PPS has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, previous approvals, the *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan, in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is located on the east side of Baltimore Avenue (US 1) between Albion Road and Tuckerman Street. The site is covered by the MPOT, the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (area master plan), and Primary Amendment A-10018 (Basic Plan).

Conformance to Prior Approvals

Approved Basic Plan A-10018 included numerous conditions of approval related to bicycle and pedestrian facilities. Conditions related to bicycle and pedestrian facilities and the master plan trail along the Rhode Island Avenue Trolley corridor are discussed in the previous approvals finding.

Conformance to Master Plans

The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

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

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of

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transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

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

The Rhode Island Avenue Trolley Trail

A preliminary review of the information provided by the applicant confirms that the former trolley right-of-way has reverted to the Cafritz Property (Parcel 81). Based on the ruling of the District Court referenced in a letter dated March 8, 2013 (Taub to Chellis), Cafritz owns the property in fee-simple. Therefore, the 50-foot trolley is part of the entirety of Parcel 81 and is correctly included in the PPS.

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

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

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

Baltimore Avenue (US 1) Streetscape Improvements

The development and design concepts included in the Riverdale Park MUTCD Plan recommend an enhanced streetscape along Baltimore Avenue (US 1). The town center streetscape width varies from a minimum of 90 feet to a maximum of 110 feet. Within this area the following is required:

Sidewalk: An unobstructed seven-foot-wide walkway that is located adjacent to the street wall that is formed by the buildings.

Landscaping/Pedestrian Amenity Strip: Includes street trees and landscaping, and space for the placement of amenities such as benches, post office boxes, and pedestrian-oriented lights.

The Riverdale Park MUTCD Plan recommends five-foot-wide bike lanes along most of US 1 in the town center to facilitate bicycle commuting to the University of Maryland and other

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communities along US 1 (MUTCD Plan, page 25). The approved development plan for the Cafritz property reiterates this recommendation. The sidewalk and streetscape along US 1 shall comply with the design standards on pages 58-61 of the MUTCD Plan and the Design Standards for Public Space in the Cafritz Property Development Plan (page 17). Dedication required along US 1 will be sufficient to include all of the required streetscape elements.

The landscape buffer required along US 1 may include a pedestrian trail which is envisioned to meander through this "linear park." The Planning Board determined that the sidewalk within the right-of-way of US 1 in accordance with SHA standards, does not duplicate the private path provided within the linear buffer along US 1. The sidewalk linking directly to the north and south within the right-of-way will allow hikers and bikers a direct line for commuting without having to enter the linear park on the applicant's private property. The design and placement of the pedestrian trail within the buffer may not be desirable for pedestrian and biker commuters especially at night with the vegetation and meandering nature of the trail proposed through the property.

Dedication of 59 feet from the centerline along the properties frontage of US 1 is sufficient to include all of the required streetscape elements, including the seven-foot-wide sidewalk and designated bike lanes, to be in keeping with the Complete Streets element of the MPOT and the Riverdale Park MUTCD Plan. A condition of approval would provide for a reduction of the right-of-way dedication, if agreed to by the State Highway Administration, to not less than 52 feet from the center line of US 1 along the properties frontage to ensure that the required streetscape elements, including the seven-foot-wide sidewalk and designated bike lanes are provided.

Internal Sidewalk Connections

The internal road network includes seven-foot-wide sidewalks on commercial roads; five-foot-wide sidewalks on residential roads; eight-foot-wide sidewalks on the Van Buren Entry configuration; and seven-foot-wide sidewalks on the Woodberry Entry configuration. This appears to be adequate to accommodate pedestrian movement through the site and to both US 1 and the Rhode Island Avenue Trolley Trail.

Condition 3e of A-10018 requires that an east-west trail/bicycle connection be provided through the site between US 1 and the trolley trail. This connection is being provided along Van Buren Street with the provision of standard or wide sidewalks and designated bike lanes along both sides. The bikeshare station is proposed along Van Buren Street, and the majority of the commercial destinations are along Van Buren Street.

The transportation demand management plan (TDMP) has been amended to include a discussion of bicycle parking and a potential bikeshare station. The submitted plans have also been modified to include a location for the future bikeshare station and staff supports this location. However, more details are needed regarding the location, number, and type of bicycle parking provided, particularly with regards to how it meets current LEED-ND standards. Bike rack locations should be determined at the time of DSP, and should be consistent with Condition 6c of A-10018 and the approved Design Standards for Public Space in the Cafritz Property Development Plan.

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The intersection of the trolley trail and Van Buren Street will be evaluated at the time of DSP and appropriate pedestrian safety modifications will be recommended at that time. Of primary importance will be getting trail users safely across this east-west road. The plan shows that the trolley trail will intersect and cross a private alley, Parcel EE, at the north portion of the site. That intersection should be carefully designed to ensure that the alley traffic crossing the trail will not create unintended conflicts for trail users and motorists.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

14. **Transportation**—The subject property consists of approximately 37.73 acres of land, of which about 35.83 acres are in the M-U-TC (Mixed Use Town Center) Zone and the remaining 1.90 acres are in the R-55 (One-Family Detached Residential) Zone. The M-U-TC Zone for the subject property was approved by the District Council through approval of Primary Amendment A-10018 on July 12, 2012. The property is located along the east side of Baltimore Avenue (US 1), approximately 1,400 feet north of the intersection of US 1 and East-West Highway (MD 410), south of US 1 and Albion Road, and west of the CSX railroad tracks.

The applicant proposes to re-subdivide Parcel 81, also known as Calvert Tract LLC, into 126 townhouse lots and 39 parcels. Parcels A, B, and C are proposed commercial lots that are fronting US 1, which do not propose direct access onto US 1. The existing site does not contain any development.

Growth Policy—Service Level Standards

The subject property is located within the Developed Tier and the US 1 corridor, as defined and designated in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

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

Unsignalized intersections: *The Highway Capacity Manual* (Transportation Research Board) procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delays in all movements not exceeding 50.0 seconds are deemed to yield an acceptable operating condition at unsignalized intersections.

Transit-Oriented Development (TOD): TOD is defined in the 2012 *Transportation Review Guidelines, Part 1* (Guidelines) as development that is pedestrian-oriented, and includes compact neighborhoods with moderate-to high-density land uses. Any TOD development within centers

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and corridors, as designated in the General Plan (or any successor document) and amended by other master or sector plans, would be eligible for a trip reduction allowance from six percent for "Acceptable/Marginal TOD" to as much as 30 percent for "Excellent TOD" of the total calculated number of site-generated trips.

Proposed Development

The application is a preliminary plan of subdivision (PPS) for a phased mixed-use development, with an anticipated total build-out period of four years. The proposed development, as evaluated by the submitted traffic impact study, consists of approximately 981 residential units (636 multifamily units, 219 senior housing units, and 126 townhouse units); 22,000 gross square feet of office space; a 120-room hotel; and 168,000 gross square feet of commercial retail. The development levels stated in the submitted PPS consist of the same 981 residential units and between 248,880 to 373,320 square feet of development for the mix of commercial, hotel, and office uses.

The required adequacy findings for transportation facilities for this PPS are based on the projected number of AM and PM weekday, midday, or weekend (Saturday) peak-hour vehicle trips. The projected peak hour trips for the subject site are calculated using the procedures outlined in the 2012 *Transportation Review Guidelines, Part 1* (Guidelines) and the revised scoping agreement prepared per the requirements of the Condition 14c of Zoning Ordinance No. 11-2012 (Primary Amendment A-10018).

Transportation Adequacy Requirements

The maximum allowable site generated new trips must not exceed the maximum levels stated in Condition 22 of Zoning Ordinance No. 11-2012, and do not.

Under Section 24-124 of the Subdivision Regulations, prior to approval of a PPS, the Planning Board shall find that all impacted transportation facilities including existing, those listed with 100 percent of construction funds within either the adopted Prince George's County Capital Improvement Program (CIP) or the current Maryland Department of Transportation Consolidated Transportation Program (CTP), incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1), or otherwise fully bonded and permitted for construction by the applicant, are adequate to accommodate the total projected traffic. The total projected traffic includes the sum of the existing traffic, traffic that will be generated by approved and not yet built development plans, and the projected traffic that will be generated by the four-year build-out of the proposed development.

The Site's Projected AM/PM/Midday/Saturday Peak-Hour Traffic

Using the applicable trip generation rates contained in the Guidelines and the recommended midday and Saturday rates contained in the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, the net build-out peak-hour vehicle trip generation for each required analysis period is presented in the table below:

Proposed Use	Peak Hour
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	Weekday		Midday	Saturday
	AM	PM		
Residential				
219 units senior housing	28	35	38	66
Less internal capture (ITE)	-2	-7	-7	-8
Less -30% TOD (Guidelines)	-8	-8	-10	-17
New trips	18	20	21	41
Other housing types				
636 units multifamily housing	337	387	208	366
126 units of Townhouses	89	101	50	79
Less internal capture (ITE)	-16	-89	-44	-53
Less- 30% (Guidelines)	-123	-120	-64	-117
New trips	287	279	150	275
<i>Residential New Trips</i>	305	299	171	316
Office				
22,000 sq. ft. general office	44	41	29	9
Less internal capture(ITE)	-4	-11	-8	-3
Less -15% TOD (Guidelines)	-6	-5	-3	-1
<i>Office New Trips</i>	34	25	18	5
Hotel				
120-Room facility	78	96	60	86
Less internal capture(ITE)	-4	-18	-11	-10
Less -15% TOD (Guidelines)	-11	-12	-7	-11
<i>Hotel New Trips</i>	63	66	42	65
Retail				
168,200 sq. ft. retail (shopping center)	214	1,076	1,024	1,202
Less internal capture(ITE)	-25	-123	-69	-74
Less – 15% TOD (Guidelines)	-29	-143	-143	-169
Less pass-by trips-40% (Guidelines)	-18	-20	-21	-41
<i>Retail New Trips</i>	80	404	536	633
Total Net New Trips	482	794	767	1,019
Notes: The above figures include a total peak hour reduction of 30% for the residential, and 15% for office, retail and hotel uses, for what the Guidelines define as “Excellent” Transit Oriented Development (TOD). TOD is defined by the Guidelines as a development that creates options to single occupant vehicle use and support alternative modes of travel. The approved Transportation Review Guidelines-Part 1- 2012, allows for a 30% reduction for all uses contained in a development application if the proposed development is deemed “Excellent” TOD by having a combined TOD ranking score of 92 or more.				

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The build-out of the proposed development is projected to generate 482 AM and 794 PM new weekday peak-hour vehicle trips, less than the 548 AM and 902-PM new peak-hour vehicle trip caps stated in Condition 22 of Zoning Ordinance No. 11-201.

Traffic Study Review and Findings

Background

With the proposed PPS, the applicant submitted for review a traffic impact study dated March 5, 2012 prepared by Wells and Associates, analyzing the total build-out of the site in four years, or by 2017. Unlike the 2012 traffic study that was submitted in support of an earlier submission that was eventually withdrawn by the applicant, this traffic study does not propose any interim phases for the build out of the development.

The submitted traffic impact study report included an updated analysis of all required intersections with traffic counts conducted in 2013 at the intersections of US 1 with Paint Branch Parkway, US 1 with MD 410 (East-West Highway), and River Road with MD 201 (Kenilworth Avenue). During the review of the previous submission, it was found that these three intersections were operating with traffic volumes that resulted in levels-of-service (LOS) conditions close to the upper limits of acceptable ranges. For all remaining intersections, the early 2012 or 2011 traffic counts were factored using an appropriate annual growth rate (0.5 percent), which was calculated using available Maryland State Highway Administration (SHA) traffic trends.

The Guidelines require using traffic counts that are less than one year old for all intersections that are included in any submitted traffic study for review. On March 15, 2013, a revised traffic study addendum was submitted that included new AM and PM weekday, midday, and Saturday peak period traffic counts collected in the early months of 2013 and revised critical lane volume (CLV) analysis for all intersections. Per staff direction, and to fully document the potential impact of the proposed development, the March 15, 2013 traffic addendum also included a detailed analysis of the reported CLVs comparing the older counts with the counts collected in 2013 to fully document any changes in LOS for all 18 studied intersections.

Following the preliminary review for sufficiency and compliance check with regard to the requirements of Condition 14c (1-8) of Zoning Ordinance No. 11-2012, both reports and all supporting addendums were referred electronically to SHA, the Department of Public Works and Transportation (DPW&T), the City of College Park, the Town of Riverdale Park, and the Town of University Park for review and comment.

The findings outlined below are based upon a review of submitted reports and written comments provided by the reviewing agencies and municipalities, and additional analyses conducted by staff, consistent with the Guidelines and the approved plans.

Existing Conditions

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Pursuant to the scoping agreement, the traffic impact study identified the following intersections as the critical intersections, with existing traffic conditions for each analysis period summarized within the table below:

WEEKDAY EXISTING TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	AM	PM
US 1 & Paint Branch Parkway/Campus Drive	B/1081	B/1095
US 1 & Rossborough Lane	A/648	A/797
US 1 & College Avenue/Regents Drive	A/666	A/886
US 1 & Knox Road	A/646	A/894
US 1 & Calvert Road	A/484	A/685
US 1 & Guilford Road	A/656	A/736
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/576	A/542
US 1 & future Northern Access Road	N/A	N/A
US 1 & Van Buren Street*/Future Main Access Road	(10.2) Seconds	(12.7) Seconds
US 1 & Future Southern Access Road	N/A	N/A
US 1 & MD 410	D/1442	E/1593
US 1 & Queensbury Road	A/883	A/937
Paint Branch Parkway & River Road	A/564	A/634
MD 201 & River Road	B/1044	B/1025
Rivertech Court and River Road*	(18.1) Seconds	(28.7) Seconds
Rhode Island Avenue & Queensbury Road *	(10.3) Seconds	(10.9) Seconds
Lafayette Avenue & Queensbury Road *	(8.7) Seconds	(14.8) Seconds
Natoli Place & Queensbury Road *	(9.1) Seconds	(10.2) Seconds
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a simple two-phase signal operation results in 1,150 or better.		

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MIDDAY & SATURDAY EXISTING TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	Midday	SAT
US 1 & Paint Branch Parkway/Campus Drive	N/S**	B/1050
US 1 & Rossborough Lane	N/S	A/712
US 1 & College Avenue/Regents Drive	A/905	A/702
US 1 & Knox Road	N/S**	A/948
US 1 & Calvert Road	N/S**	A/627
US 1 & Guilford Road	N/S**	A/640
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/451	A/534
US 1 & future Northern Access Road	N/A	N/A
US 1 & Van Buren Street*/Future Main Access Road	(12.5) Seconds	(12.4) Seconds
US 1 & Future Southern Access Road	N/A	N/A
US 1 & MD 410	D/1382	E/1507
US 1 & Queensbury Road	A/629	A/860
Paint Branch Parkway & River Road	N/S**	A/230
MD 201 & River Road	N/S**	A/540
Rivertech Court and River Road*	N/S**	(9.3) Seconds
Rhode Island Avenue & Queensbury Road *	(8.1) Seconds	(8.7) Seconds
Lafayette Avenue & Queensbury Road *	(8.3) Seconds	(9.0) Seconds
Natoli Place & Queensbury Road *	(9.4) Seconds	(10.0) Seconds
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a simple two-phase signal operation results in 1,150 or better.		
** N/S: Not required by the traffic study scope.		

Background Conditions

As required, the background condition evaluates the anticipated background traffic with existing and programmed transportation infrastructure and improvements that are 100 percent funded, or bonded and permitted for construction.

The background traffic combines growth in existing traffic volumes attributable to development outside the study area with traffic that would be generated by approved, but not yet built developments within the study area. A review of the historical SHA traffic volume maps indicates that US 1 in the immediate vicinity of the site has experienced less than 0.1 percent growth per year over the last seven years. Therefore, staff concurs that the use of the 0.5 percent per year growth rate for US 1 through 2017, the proposed build-out year, used in the analysis is appropriate. In addition, there are nine approved, but not yet built development plans, including M

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Square/ Riverside and Maryland Book Exchange, in the study area which would collectively contribute a total of new 2,939 AM weekday peak hour trips; 3,110 PM weekday peak hour trips; 2,168 mid-weekday peak hour trips; and 1,795 Saturday peak hour trips to the area road network.

For the background condition, the traffic study includes the provision of a double left-turn lane along northbound US 1 at its intersection with MD 410, which is fully funded in the current CTP with construction scheduled for the later part of 2013, and the following two improvements for the signalized intersection of River Road with MD 201:

- a. Additional right-turn lane on the eastbound approach of MD 201 at River Road
- b. Additional left-turn lane on the northbound approach of MD 201 at River Road

These two improvements are fully bonded by the University of Maryland, the owner and developer of the M-Square development to the west.

It is, however, important to note that as part of the most recent analysis done by SHA for the proposed Purple Line between New Carrollton and Bethesda, the construction of these improvements may no longer be feasible. SHA is considering an alternative set of improvements that would accommodate the proposed Purple Line alignment and the projected traffic that is anticipated by the build-out year for the Purple Line.

The results of background analyses are shown within the following table:

WEEKDAY BACKGROUND TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	AM	PM
US 1 & Paint Branch Parkway/Campus Drive	C/1250	D/1395
US 1 & Rossborough Lane	A/752	A/859
US 1 & College Avenue/Regents Drive	A/839	B/1065
US 1 & Knox Road	A/841	B/1090
US 1 & Calvert Road	A/637	A/849
US 1 & Guilford Road	A/781	A/871
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/717	A/688
US 1 & future Northern Access Road	N/A	N/s
US 1 & Van Buren Street*/Future Main Access Road	(13.5) Seconds	(14.8) Seconds
US 1 & Future Southern Access Road	N/A	N/A
US 1 & MD 410 W/ SHA funded improvement	E/1400	E/1586
US 1 & Queensbury Road	A/993	B/1023
Paint Branch Parkway & River Road	A/690	A/819
MD 201 & River Road w/ planned improvements	D/1358	C/1164

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WEEKDAY BACKGROUND TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	AM	PM
Rivertech Court and River Road * Two-phase CLV Calculation	(250) Seconds 643	(264) Seconds 811
Rhode Island Avenue & Queensbury Road *	(10.7) Seconds	(11.2) Seconds
Lafayette Avenue & Queensbury Road *	(8.6) Seconds	(12.9) Seconds
Natoli Place & Queensbury Road *	(8.8) Seconds	(9.5) Seconds
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a simple two-phase signal operation results in 1,150 or better.		

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MIDDAY & SATURDAY BACKGROUND TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	Midday	SAT
US 1 & Paint Branch Parkway/Campus Drive	N/S**	C/1299
US 1 & Rossborough Lane	N/S	A/987
US 1 & College Avenue/Regents Drive	A/857	A/977
US 1 & Knox Road	N/S**	B/1020
US 1 & Calvert Road	N/S**	A/708
US 1 & Guilford Road	N/S**	A/819
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/505	A/667
US 1 & future Northern Access Road	N/A	N/A
US 1 & Van Buren Street*/Future Main Access Road	(12.6) Seconds	(16.9) Seconds
US 1 & Future Southern Access Road	N/A	N/A
US 1 & MD 410 w/ SHA funded improvement	C/1126	D/1433
US 1 & Queensbury Road	A/783	B/1055
Paint Branch Parkway & River Road	N/S**	A/340
MD 201 & River Road w/ planned improvements	N/S**	A/647
Rivertech Court and River Road	N/S**	(10.9) Seconds
Rhode Island Avenue & Queensbury Road *	(8.4) Seconds	(9.1) Seconds
Lafayette Avenue & Queensbury Road *	(9.0) Seconds	(9.3) Seconds
Natoli Place & Queensbury Road *	(9.3) Seconds	(9.2) Seconds
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a simple two-phase signal operation results in 1,150 or better.		
** N/S: Not required by the traffic study scope.		

Future (Total) Conditions

An analysis of the traffic data under "Total" conditions for the build-out of the proposed development represents a combination of background traffic and site-generated traffic, as presented above. The total traffic analysis conditions reported in the following tables are based upon the following additional concepts, assumptions, and proposed roadway improvements:

- a. The vehicular access to the site will be via three access points on US 1, the connection to River Road and MD 201 via a proposed new two-way and grade-separated CSX crossing, and a connection to Maryland Avenue. The Planning Board is also requiring public street connections to Parcel A (Post Office site) to the west, WMATA to the north and Rhode Island to the south, however these connections were not a part of the transportation analysis.

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- b. The proposed northern access to US 1 was analyzed as right-out only, while the proposed southernmost access to US 1 was assumed as right-in only. The proposed main access driveway to US 1, opposite existing Van Buren Street, will accommodate all movements except for east-west traffic crossing US 1. At the Planning Board hearing the Transportation Planning Section clarified that pedestrian and bike movements between existing Van Buren Street west of Baltimore Avenue (US1) and proposed Van Buren Street would be accommodated by required high visibility crosswalk and pedestrian traffic controls, design features, and traffic channelization that must be installed per SHA standards at the intersection of Van Buren Street and US1.
- c. The total traffic conditions represent the full build-out of the project in four years, without additional analysis or findings for any phasing of the proposed development.
- d. The submitted traffic report results are based on the full 30 percent reduction of the projected vehicle traffic that would be generated by the proposed residential uses and 15 percent by the proposed retail, office, and hotel uses, as noted by the Guidelines for any development that is deemed as "excellent" TOD. The Guidelines further define TOD as a development that offers residents, employees, and visitors a convenient non-automobile-based commute to a quality mix of jobs, shopping, and entertainment by incorporating measures within the proposed development that are designed to optimize the use of alternatives to the private automobile. In a completed checklist for determining the appropriate trip reduction credits for TOD, the applicant's traffic consultant indicated that the proposed development would have its on-site pedestrian pathways direct, convenient, and continuous with existing and proposed off-site pedestrian facilities as well as providing attractive and protected on-site transit stops and other strategies that places much greater emphasis on promoting alternate modes of transportation to and from the site.
- e. In addition to the TOD trip reductions noted above, the submitted traffic report applied additional reductions to the projected site traffic based on the recommended ITE procedures, to account for the number of potential pass-by trips for the proposed retail uses and internal trips.
- f. Per the requirements of the Guidelines, the proposed directional distribution of some background traffic and site traffic assumes that both the proposed new CSX grade crossing with connections to River Road and MD 201, and the proposed vehicular connection to the existing Maryland Avenue, are either complete and open to traffic, or are fully funded or bonded, and permitted for construction by the appropriate authorities prior to issuance of any building permit.
- g. Conversion of the outside through lane along northbound US 1 to a through/right-turn lane at the proposed southern and main access roadways to the site.

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- h. Provision of a traffic signal and associated geometric improvements at the US 1/Van Buren/Future Main Access Roadway intersection and as specified by Zoning Ordinance No. 11-2012, which includes traffic islands and barriers, per SHA standards and specifications, that would eliminate the potential for any traffic from either direction of Van Buren Street to cross US 1 completely and gain access to the other side.

WEEKDAY TOTAL TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	AM	PM
US 1 & Paint Branch Parkway/Campus Drive	C/1231	D/1379
US 1 & Rossborough Lane	A/764	A/878
US 1 & College Avenue/Regents Drive	A/855	B/1095
US 1 & Knox Road	A/855	B/1099
US 1 & Calvert Road	A/647	A/880
US 1 & Guilford Road	A/831	A/946
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/762	A/760
US 1 & Site's north Access*	(10.5) Seconds	(13.6) Seconds
US 1 & Van Buren Street/ Site's Main Access W/ Signal	A/716	B/1044
US 1 & Site's South Access*	(10.4) Seconds	(12.5) Seconds
US 1 & MD 410 W/ SHA funded improvement	D/1389	E/1590
US 1 & Queensbury Road	A/958	B/1019
Paint Branch Parkway & River Road	A/682	A/750
MD 201 & River Road w/ planned improvements	D/1441	C/1203
Rivertech Court and River Road *	(933) Seconds	(645) Seconds
Rhode Island Avenue & Queensbury Road *	(10.7) Seconds	(11.4) Seconds
Lafayette Avenue & Queensbury Road *	(8.6) Seconds	(13.1) Seconds
Natoli Place & Queensbury Road *	(8.8) Seconds	(9.5) Seconds
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a simple two-phase signal operation results-in 1,150 or better.		

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MIDDAY & SATURDAY TOTAL TRAFFIC CONDITIONS		
Intersection	LOS/CLV (delay)*	
	Midday	SAT
US 1 & Paint Branch Parkway/Campus Drive	N/S**	D/1318
US 1 & Rossborough Lane	N/S	B/1007
US 1 & College Avenue/Regents Drive	A/818	B/1017
US 1 & Knox Road	N/S**	B/1074
US 1 & Calvert Road	N/S**	A/763
US 1 & Guilford Road	N/S**	A/908
US 1 & Amherst Road/Pine Way/Queen's Chapel Road	A/562	A/760
US 1 & future Northern Access Road	(11.2) Seconds	(12.2) Seconds
US 1 & Van Buren Street/ Main Access w/ planned signal	A/784	A/963
US 1 & Future Southern Access Road	(10.8) Seconds	(11.4) Seconds
US 1 & MD 410 w/ SHA funded improvement	B/1121	D/1442
US 1 & Queensbury Road	A/785	B/1055
Paint Branch Parkway & River Road	N/S**	A/332
MD 201 & River Road w/ planned improvements	N/S**	A/691
Rivertech Court and River Road *	N/S**	(8.7) Seconds
Rhode Island Avenue & Queensbury Road *	(8.6) Seconds	(9.3) Seconds
Lafayette Avenue & Queensbury Road *	(9.1) Seconds	(9.4) Seconds
Natoli Place & Queensbury Road *	(9.3) Seconds	(9.3) Seconds
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, if the reported delay does not exceed 50 seconds, the intersection is deemed to operate acceptably. For any reported delay exceeding 50.0 seconds and minor street traffic volume exceeding 100 vehicles during a peak hour, the intersection (as unsignalized) is deemed adequate if the CLV calculation for a the simple two-phase signal operation results-in 1,150 or better.		
** N/S: Not required by the traffic study scope.		

The results shown in the tables above indicate that all studied intersections would operate acceptably under total traffic, provided that the noted improvements are either constructed or fully bonded and permitted for construction, including the proposed traffic signal and channelization at the US 1/Van Buren Street/ Future Center Access roadway, the proposed multimodal roadway including the CSX crossing that extends from US 1 to River Road in a dedicated and direct alignment, and the proposed vehicular connection to Maryland Avenue.

In addition to the above intersection level-of-service analysis, and at staff's request, a queuing analysis was done for the US 1 southbound left turns at the proposed signalized intersection of Van Buren Street and the Future Center Main Access roadway using the total projected traffic. This queuing analysis indicates that a maximum queue length of 400 feet plus the required taper, per SHA standards, would be needed. Since this required length is significantly less than the

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existing 1,200 feet from this location to the next signalized intersection to the north along US 1, staff concurs with the report findings that a single left-turn lane at this location would be sufficient to accommodate the total build-out left-turn traffic from US 1 southbound.

Finally, SHA has been provided with a signal warrant analysis for the US 1/Van Buren Street/Future Center Access roadway intersection prepared by the applicant's traffic consultant, and has concurred with the analysis results that the projected traffic volumes are sufficient to meet several signal warrants (Warrant 1A, Minimum Vehicular Volume; Warrant 1B, Interruption of Continuous Traffic; and Warrant 2, Four Hour Volumes). A technical memorandum that included the results of the requested SYNCHRO analysis for a segment of US 1 that include both upstream and downstream signals and the proposed new signal at Van Buren Street were also submitted by the applicant's traffic consultant to M-NCPPC, SHA, DPW&T, and the three municipalities for their review and comment.

Conformance to the Approved Plans

The subject property is covered by the recommendations of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the July 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan, Zoning Ordinance No. 11-2012), which amended the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park MUTCD Plan). The PPS conforms to these plans with conditions.

The existing right-of-way for US 1 in the vicinity of the subject site is approximately 60 feet wide. The existing roadway consists of two substandard and narrow (ten feet wide) travel lanes on each side and a ten-foot-wide center left turning lane. While there are no sidewalks along the property frontage or along the WMATA property, sidewalks exist along US 1 and north of the WMATA property within the limits of the City of College Park and south of the subject site within the limits of the Town of Riverdale Park.

Both approved plans envision and recommend US 1 as a four-lane collector roadway with turning lanes at selected intersections. "Turning lane" refers to the provision of left-turn and exclusive right-turn lanes, the latter also referred to as "deceleration lane." On page 25 of the 2004 Riverdale Park MUTCD Plan it is stated that: "The plan also includes slightly wider travel lanes, 11 feet, to comply with ASSHTO standards for safety. This plan shall be used to calculate build-to lines and design the streetscape for all new development until the SHA has adopted a new Plan." The recommended future right-of-way width for US 1 adjacent to the subject property is 90 to 110 feet.

The submitted plan shows the dedication of public right-of-way of 45 feet from the existing centerline along the entire US 1 property frontage, or dedication of an additional 13 to 15 feet from the property line. This amount of dedication will result in partial reconstruction of US 1, on a relatively short segment (between the proposed Southern Access roadway and the Future Center Main Access roadway).

During a recent multi-agency transportation-focused meeting with the applicant's representatives, SHA representatives expressed the need for the submitted plan to show dedication of 59 feet

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measured from the existing US 1 centerline or dedication of an additional 14 feet along the properties frontage of US 1. This amount of dedication would provide for the complete reconstruction of US 1 along the limits of the subject property as a five-lane roadway with adequate accommodation for on-road bike lanes and sidewalks in a dedicated right-of-way, to complete the multimodal roadway as envisioned by the approved plans. This is due to the fact that there is no practical opportunity to expand the existing right-of-way limits along the western edge of US 1, due to the presence of several existing homes. By keeping the west side curb lane as it currently exists, this would provide for the reconstruction of US 1 per current SHA and ASSHTO (American Association of State Highway and Transportation Officials) standards and specifications as a complete and multimodal street. It would greatly enhance the safety for all users, especially at the proposed US 1/Van Buren/Future Center Main Access roadway intersection, since the site would be separated from through northbound traffic on US 1.

The required dedication for US 1 is substantially less than the maximum right-of-way dedication width (equivalent to the width of a primary residential street or 60 feet in width) that the Planning Board may require as part of any PPS approval. Furthermore, it is also important to note that SHA, as part of the approval of any access permit, has the authority to require full dedication for the construction of improvements deemed needed to bring the state frontage road to current standards, providing for all modes of transportation, and safely and efficiently accommodating the anticipated traffic.

On-Site Circulation and Access Review

The subject property is adjacent to US 1. As noted earlier, the subject site will be served by three access driveways from US 1, two of which are proposed to be stop-controlled, a CSX railroad crossing that will extend east to River Road, and a southern access driveway connection to Maryland Avenue. The main access driveway along US 1 will be opposite existing Van Buren Street and is proposed as a multi-lane divided gateway with an extra-wide median to be used for public gathering places and plazas. Since this roadway provides a connection to major focal points of the proposed development, it is essential that this roadway be constructed in a dedicated right-of-way with wide sidewalks, wide crosswalks, on-road bike lanes, and bus stops with shelters and other passenger amenities, as proposed by the applicant. The planned bikeshare and car-share stations, as well as an on-site taxi loading/waiting zone need to be along this main gateway. The extension of this roadway is also proposed as a connection to the planned CSX crossing, the Riverdale Park town center, and the Riverdale MARC Station. The plan also shows the extension of existing Maryland Avenue into the subject property connecting to the proposed internal street network. The plan will also provide a public vehicular stub-connection from the proposed internal streets to the WMATA property, the U.S. Postal Service (USPS) property, and Rhode Island Avenue to the south. These connections will establish and begin to form a desirable future street grid system, if and when these properties are redeveloped.

At all three proposed US 1 access points, the submitted plan should incorporate the configuration, required right-of-way, frontage improvements, channelization, and crosswalks per the requirements suggested by the Town of University Park and SHA recommendations and standards.

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The submitted PPS shows the proposed CSX crossing at a location east of Van Buren Street extended. This location is consistent with the recommendations of the University of Maryland exhibit dated May 7, 2013 for the J Crossing (Version J.3.300). CSX Transportation Inc. provided an approval letter for a general crossing location in a letter addressed to the Chairman of the Prince George's County Planning Board dated March 30, 2012. The CSX approval requires the provision of horizontal and vertical clearances as specified by CSX for this or any proposed crossing location. The applicant has submitted an approval letter from the University of Maryland (Spector to Hewlett) dated May 7, 2013, as indicated, that is subject to conditions which includes that the location of the bridge be consistent with the J-Crossing (Version J.3.300), consistent with the revised plans submitted by the applicant on May 1, 2013. The applicant will be required to obtain an approval letter for the crossing location from the Maryland Department of Transportation (MDOT) prior to permits for the bridge construction.

Staff would note, that the applicant should explore the provision of granting an access easement to the southern proposed access roadway for use by future redevelopment of the existing USPS property (Parcel A). SHA may also require this as part of their approval of the applicant's planned access permit application to US 1. Provision of an access easement at this location would enable staff and SHA to require the provision of additional right-of-way as part of any future plans to redevelop the current USPS site. With this added right-of-way dedication, it would be possible to provide the needed right-turn lane (deceleration lane) from US 1 northbound for the proposed southern access roadway, as well as the inclusion of on-road bike lanes that would greatly improve the overall safety of all users including the anticipated truck traffic for the proposed retail uses on the subject site.

Review of Transportation Related Conditions and Considerations

District Council Zoning Conditions

On July 2012, the District Council approved the rezoning of the subject property (Cafritz at Riverdale Park) from the R-55 Zone to the M-U-TC Zone in Primary Amendment A-10018. Zoning Ordinance No. 11-2012 (A-10018) contains several transportation-related conditions relevant to the review of this PPS. Several of these transportation conditions and considerations require review at, or prior to, approval of the PPS. The status of these transportation-related conditions and considerations as contained in Zoning Ordinance No. 11-2012 are summarized below:

3. **Prior to acceptance of any application for a Preliminary Plan of Subdivision, the following information shall be provided:**
 - e. **one east-west bicycle route through the site either along Van Buren Street or Woodbury Street, in order to accommodate east-west bicycle movement through the site, to the trolley trail, to the planned bicycle facilities along Baltimore Avenue (US 1), and across the CSX crossing.**

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The plan shows a five-foot-wide bike lane along both sides of the proposed CSX crossing and is conditioned to provide it along Van Buren Street Extended and along US 1. Provision of five-foot-wide on-road bike lanes on both sides of cross sections (EE, GG, HH, II, NN, PP, and QQ) would create a much better biking network between the proposed uses and the surrounding communities and nearby transit stations.

- g. The proposed cross sections, roadbeds, streetscape dimensions, and the use of medians shall be fully incorporated into the application of the preliminary plan so that the width and configuration of the streets can be reduced, yet adequate in design to address the traffic patterns within the development and vehicular and emergency access. The use of public streets in accordance with the standards of the Department of Public Works and Transportation (DPW&T) shall also be considered to serve certain uses and to determine future maintenance of the transportation facilities, including a bridge over the CSX railroad.**

Originally the submitted plan proposed all internal streets in the proposed subdivision, except for the CSX crossing, as private streets and not as public roadways. At the Planning Board hearing the applicant proffered to dedicate all of the internal streets to public use with the exception of the alley's and Parcel DD in Parcel C, which resulted in a revision of a number of previous recommendations. The approval of this PPS requires this dedication. The importance of Van Buren Street Extended and its connection to the proposed CSX crossing to all users wishing to travel between US 1 and MD 201, as well as the College Park Metro Station and Town of Riverdale Park MARC Station, is addressed with the applicant agreeing to dedicate the streets with lane widths and geometric configurations as deemed appropriate by DPW&T and the Town of Riverdale Park for access by all users, including transit and school buses, as well as large emergency vehicles.

14c. A Revised Traffic scoping agreement and Impact Study that:

- (1) Accurately reflects the development proposal and anticipated phasing;**
- (2) Eliminates corridor averaging for all intersections included in the Study;**
- (3) Analyzes midday and Saturday (10:00 a.m. – 6:00 p.m.) traffic impacts;**
- (4) Analyzes all proposed connections, including the proposed CSX Crossing and Maryland Avenue;**
- (5) Analyzes the impact of the development on the intersections as specified in the scoping agreement and those in the July 27, 2011 study, as well as the evaluation of the existing prevailing conditions and traffic impact of the development on Queensbury Road, existing Maryland Avenue, Rhode Island**

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Avenue south of Town Center, Lafayette Avenue, Natoli Place, River Road, and other roads as appropriate;

- (6) Provides for vehicle trip reduction through measures including but not limited to rideshare, Zipcar (or similar) programs, bike share, enhanced transit service such as a shuttle and/or circulator bus, and the CSX crossing;**
- (7) Considers all future development and its effects on the corridor and intersections as identified in (c)(5) above for any projects that have an approved detailed site plan or preliminary plan of subdivision within the study area to include at a minimum the eastern portion of the 2004 approved M-U-TC Zone area; and**
- (8) Does not take a discount by redirecting existing traffic on East-West Highway that would not otherwise travel up Baltimore Avenue to the Cafritz Property.**

This condition has been met. This condition requires specific analysis procedures and a traffic impact study scope that has been fully incorporated in the submitted traffic studies, the prepared subsequent technical addendums, and within this decision.

- 15. After completion of construction and final inspection of on-site public roads, and upon request of the Town of Riverdale Park, such roads shall be dedicated and turned over to the Town, in such manner and subject to such reasonable terms and conditions as the Town may require, for public use. The determination as to which on-site roads will be public roads subject to dedication and turnover to the Town shall be determined at the time of Preliminary Plan of Subdivision.**

As stated earlier, all internal streets with the exception of the alley's and Parcel DD in Parcel C will be dedicated to public use. The streets with lane widths and geometric configurations should be constructed and deemed appropriate by DPW&T and the Town of Riverdale Park, including adequate width and curb return radii, and per the agreed-upon standards to ensure safe accommodation of all modes, especially transit buses and commercial and emergency vehicles, and is a condition of approval.

- 17. At the time of Preliminary Plan of Subdivision submission, the applicant shall submit a Transportation Management Plan ("TMP") for the entire development. The TMP shall include provisions to provide for the full funding of the TMP by the owners of the property. The TMP and funding obligations shall run with the land until such time as a Transportation Demand Management District ("TDMD") is established and includes the property. The TMP shall identify and establish a series of measures to achieve a maximally-efficient use of the adjacent transportation facilities. As the project is developed and occupied, modifications and additions to the TMP shall establish vehicle trip reduction goals with reporting and monitoring**

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provisions subject to independent verification by DPW&T. Specifics of the TMP shall include the following elements referenced in the applicant's letter to Susan Lareuse dated November 15, 2011, pages 9-10, and car and bike share and residential and employee subsidies. The TMP shall also provide for a private shuttle to be provided as the applicant and the applicant's heirs, successors, and/or assignees' expense.

The applicant has submitted a commitment letter dated May 6, 2013 (Taub to Hewlett) and a transportation management plan (TMP) for the entire development, identifying strategies and containing most of the elements referenced in the "applicant's letter to Susan Lareuse dated November 15, 2011, pages 9-10." While the submitted TMP includes discussion of residential subsidies and provision of a private shuttle, it does not include any provision for car share, bikeshare, on-site taxi loading/waiting area, transit resources kiosks in residential lobbies, or employee subsidies.

The submitted TMP also lacks the required funding obligations that will ensure the required funding for the implementation of the required strategies and guarantees that their implementation will continue and "shall run with the land until such time as a Transportation Demand Management District is established" by the District Council. To this end, staff recommends that the applicant enter into a recorded agreement with DPW&T after review and approval by the three municipalities of College Park, Riverdale Park, and University Park which includes specific vehicle trip reduction goals and objectives for each identified strategy, with full financial commitment by the applicant to implement each of them, along with a commitment to work with WMATA to enhance and increase service hours and headways of the existing TheBus Route 17, known as the Route 1. This commitment agreement should also include the provision of a bus stop within the subject property that would be served at least by the Route 1 service, as well as the submission of annual monitoring and evaluation reports to M-NCPPC, DPW&T, and the municipalities for review and future modifications to the TMP, if deemed warranted. The revised TMP should also include the provision of car sharing (at minimum to include three designated spaces with two cars), bike sharing (at minimum to include 11 docks and six bikes), taxi service, bus stops with shelters and benches, transit resource kiosks in residential lobbies, and employee subsidies as referenced in the "applicant's letter to Susan Lareuse dated November 15, 2011, pages 9-10." These revisions are required to the TMP prior to signature approval of the PPS.

To ensure future conformance to this condition, approval of a covenant or a transportation management agreement is required to be recorded in land records prior to approval of the final plat.

18. **Prior to approval of a Preliminary Plan of Subdivision, the applicant shall provide a commitment to organize and achieve a private shuttle vehicle to and from the Prince George's Plaza Metro station and the College Park Metro station as necessary to achieve a 15-minute headway between 6:30 a.m. to 9:00 a.m. and 4:30 p.m. to 7:00 p.m., Monday through Friday. This requirement may be provided as part of the TMP and may be satisfied privately or by participating in one or a combination**

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of existing or future adjacent public transportation services. Specifications and assurances for any shuttle service shall be provided prior to issuance of any use and occupancy permit. Service is to continue until there is a preferred alternative approved by the municipalities and the applicant may substitute an equivalent to the private shuttle service.

The applicant has submitted a letter of commitment dated May 6, 2013 (Taub to Hewlett) to organize and achieve a private shuttle vehicle. However, the applicant has not submitted any document showing the proposed shuttle route and/or proposed service hours, which must include 15-minute headways between 6:30 a.m. to 9:00 a.m. and 4:30 p.m. to 7:00 p.m., as well as the required funding. The applicant also has not provided any evidence of coordination with any of the existing transit operating agencies to evaluate if the proposed shuttle service can be implemented by expanding or changing existing transit service for approval and funding of the proposed service.

To ensure future conformance to this condition, approval of a covenant or transportation management agreement is required to be recorded in land records prior to the approval of the final plat.

- 19. Prior to approval of the Preliminary Plan, the applicant shall provide details of its commitment to participate in a circulator bus program, whether as part of a TDMD or other effort, and shall contribute funds for this purpose.**

The applicant has submitted a letter of commitment dated May 6, 2013 (Taub to Hewlett) to participate in a circulator bus program and to contribute funds for this purpose. The applicant should work with WMATA and/or DPW&T to possibly enhance the existing TheBus Route 17 (Route 1 Shuttle) by ensuring that service hours are extended, weekend service is provided, existing headways are decreased especially during the AM and PM peak commuting periods, as well as ensuring that a convenient and attractive bus stop for this service is established within the subject site. This commitment should provide for either (1) a new circular bus and/or (2) the enhancement to the existing TheBus Route 17 (Route 1), that at minimum will consist of extending its service hours to 9:00 p.m. during week nights, provision of week-end service, improving the frequency of its service (to 30 minute headways or less), and inclusion of a service stop within the core of the proposed development.

To ensure future conformance to this condition, approval of a covenant or transportation management agreement is required to be recorded in land records prior to approval of the final plat.

- 22. Establish a trip cap of 548 AM new peak hour trips and 902 PM new peak hour trips for full build-out of the development that may be amended, but not increased at the time of Preliminary Plan. The trip cap will not include purely internal trips.**

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This condition is fully met. The traffic study (dated March 5, 2013) and technical addendum (dated March 15, 2013) submitted in support of the proposed development and reviewed for making the required adequacy findings concludes that the proposed development, at build-out and with implementation of all appropriate trip reduction measures used in the study, will generate no more than 482 new AM peak-hour vehicle trips, 794 new PM peak-hour vehicle trips, 767 new midday peak-hour vehicle trips, and 1,019 Saturday peak-hour vehicle trips. Since the required adequacy determination for existing and planned transportation facilities are based on these lower caps, this approval includes a lower AM and PM vehicle trip caps than those required by Condition 22 of the zoning approval.

- 24. Prior to the approval of the Preliminary Plan of Subdivision, the applicant shall do the following, subject to the opportunity for review and comment by the Town of Riverdale Park and the Town of University Park:**
- a. The Preliminary Plan shall show a roadway connection from the first phase of the development on the property to existing Maryland Avenue at the southern boundary of the property (the "Van Buren Extension").**
 - b. Applicant shall make provisions at Preliminary Plan of Subdivision to construct, to at least a similar standard as the existing Maryland Avenue roadway to the immediate south of the property, an extension of Maryland Avenue from the southern boundary of the property to where the existing roadway ends north of Tuckerman Street (the "Maryland Avenue Extension"). Provided that right-of-way exists, construction of the Maryland Avenue Extension must be completed before Prince George's County issues the first use and occupancy permit for any retail, office or hotel use on the Property. No portion of any building on the Property may be used or occupied until construction of the Maryland Avenue Extension has been completed and opened for travel by public safety vehicles.**

The extension of Maryland Avenue is shown and has been incorporated in the submitted PPS.

- 25. Prior to the approval of a Preliminary Plan of Subdivision (the "Preliminary Plan"), the applicant shall do the following, subject to the opportunity for review and comment by Prince George's County, the Town of Riverdale Park, and the Town of University Park:**
- a. The Preliminary Plan shall show a crossing over the adjacent CSX railroad tracks (the "CSX Crossing"). The "CSX Crossing" shall mean a bridge, raised roadway, underpass or any other type of way, including on-site and off-site approaches, for vehicles, bicycles and pedestrians to pass across the railroad right-of-way to travel between the subject property and lands to the east of the property with a connection to a public road.**

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The submitted PPS shows the proposed CSX crossing east of proposed Van Buren Street Extended. This location is slightly different, but in substantial conformance with the two potential CSX crossing locations identified by the Development Plan, specifically Option B. The submitted plan shows the details of the bridge cross sections and the bridge elevation profile.

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

By letter dated May 6, 2013 (Gingles to Himmler), the applicant provided staff with notice of a funding mechanism using a combination of public and private funds that include:

Private Funds—50 percent of the total cost, not to exceed the amount of \$5 million by the Developer.

Public Funds—Tax increment revenues resulting from the creation of a development district created by the Town of Riverdale Park to finance an amount not to exceed one-third of the total cost, excluding the developer's contribution. The Town of Riverdale Park adopted Resolution No. 2-13-R-11 on April 1, 2013, said resolution authorizing the creation of a Tax Increment Financing District ("Calvert Tract Development District") within the Town.

Public Funds—Up to two-thirds of the total cost, excluding the developer's contribution, by other federal, state or local funding and/or special tax revenues to finance improvements resulting from a Prince George's County special taxing district petitioned for by the developer. A petition has been submitted by the applicant requesting authorization of the special tax district, which request is embodied in Council Resolution CR-28-2013, scheduled for public hearing on May 14, 2013.

For PPS purposes, this condition is satisfied.

- c. Provide letters from the CSX and University of Maryland (or the affected land owner), that recommend approval of the CSX Crossing as shown on the Preliminary Plan and identify the land or right-of-way acquisition cost, if any, necessary for the construction of the CSX Crossing on land owned by the University (or the affected land owner).**

The applicant has acquired an approval letter from CSX Transportation Inc. for a proposed crossing, provided such crossing meets CSX required horizontal and vertical clearances. The applicant has also provided staff with an approval letter from the University of

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Maryland dated May 7, 2013 (Spector to Hewlett), the affected property owner, for the proposed crossing location referred to as J Crossing (Version J.3.300). The revised plans submitted on May 1, 2013 reflected the bridge location 13 feet south from that reflected on the University of Maryland exhibit attached to their May 7, 2013 letter. The PPS, Type 1 tree conservation plan, DSP, and Type 2 tree conservation plan are in accordance with the J Crossing (Version J.3.300).

- d. **Provide cost estimates for the design, permitting and construction of the CSX Crossing, including off-site land or right-of-way acquisition costs, if any.**

The applicant has provided staff with a detailed cost estimate for the design, permitting, and construction of the proposed CSX crossing, including off-site land or right-of-way acquisition cost.

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

This condition has been addressed.

27. **The applicant, the Town of Riverdale Park, and the Town of University Park will work together to petition the County Council to initiate and establish a Transportation Demand Management District ("TDMD") program under the Prince George's County Transportation Demand Management District Ordinance Subtitle 20A. Consideration should be given to establishing the boundaries of the TDMD to extend from Paint Branch Parkway to Queensbury Road. Once a TDMD is established, the applicant will provide financial support and the "TMP" will become part of the District and will be monitored by the Transportation Management Authority ("TMA"). The TDMD should provide for traffic reduction goals and periodic independent verification of monitoring whether the goals have been met, including restricting the maximum allowable density to a level that will generate average net additional daily vehicle trips on Baltimore Avenue that are not more than 20% above current levels, and net additional peak hour trips that are no more**

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than 20% above current peak-hour vehicle trips at AM (06:00-09:00), mid-day (11:00-14:00), PM (16:00-19:00), and Saturday (10:00-18:00). These counts will be performed at a fixed location specified in the TDMD between East-West Highway and the southern entrance, and between Queens Chapel Road and the northern entrance, to the project and will be based upon traffic estimates that have been reviewed and determined to be reasonably accurate by the Transportation Planning Section of M-NCPPC. If the goals of the TDMD are not met, additional vehicle trip reduction measures to resolve the problem will be required pursuant to the requirements of Subtitle 20A.

This condition does not require, as a condition of approval, the establishment of a transportation demand management district (TDMD). However, staff is not aware that any such petition to initiate and establish a TDMD has been prepared or submitted for approval by the County Council.

District Council Zoning Considerations

- 1. Extending the Rhode Island Avenue Trolley Trail across the Washington Metropolitan Area Transit Authority (WMATA) property, connecting to the terminus of the existing trail at Albion Street and south to Tuckerman Avenue.**
- 2. Establishing a parking district to promote shared parking within the Town of Riverdale Park town center and with the adjacent Armory with the cooperation of the United States.**

The submitted plan shows the Rhode Island Avenue Trolley Trail located across the WMATA property, connecting to the terminus of the existing trail at Albion Street and south to Tuckerman Avenue.

Staff is not aware that any petition to initiate and establish a parking district under the County Code to promote shared parking within the Town of Riverdale park town center and with the adjacent armory with the cooperation of the United States has been prepared or submitted for approval by the County Council.

Transportation Conclusions

In accordance with the above findings, adequate transportation facilities would exist as required pursuant to Section 24-124 of the Subdivision Regulations.

At the Planning Board hearing on May 16, 2013, in accordance with the recommendations of the City of College Park, the applicant will request that the Prince George's County Department of Public Works and Transportation (DPW&T) and the appropriate operating agencies, and WMATA provide a Route#17 (Route 1 Ride) bus stop on Route 1 at or near the Van Buren Street entrance to the property, and if approved, to provide said bus stop at the approved location.

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15. **Variation to Section 24-128 (b)(7)(A)**—The preliminary plan originally proposed all streets and alleys as being private with the exception of the CSX crossing. The plan showed townhouse lots having frontage on private streets and access onto private alleys and multifamily parcels having frontage and direct access onto private streets. The applicant filed a variation request from Section 24-128(b)(7)(A) of the Subdivision Regulations to allow all rights-of-way and alleys to be private for the entire development. However, the applicant at the Planning Board hearing proposed conditions (Applicant Exhibit 1) to convert all of the private streets to public streets to be dedicated to public use with the exception of the alley's and Parcel DD on Parcel C. Therefore, this variation was withdrawn by the applicant at the hearing.
16. **Schools**—The residential portion of this PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003, and concluded the following:

Residential

Impact on Affected Public School Clusters
Attached Single-Family Units

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	126	126	126
Pupil Yield Factor	0.140	0.113	0.108
Subdivision Enrollment	18	14	14
Actual Enrollment	32,692	9,421	14,494
Total Enrollment	32,710	9,435	14,508
State Rated Capacity	36,567	11,807	16,740
Percent Capacity	89%	80%	87%

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Multi-Family Units

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units*	606	606	606
Pupil Yield Factor	0.042	0.039	0.033
Subdivision Enrollment	25	24	20
Actual Enrollment	32,692	9,421	14,494
Total Enrollment	32,717	9,445	14,514
State Rated Capacity	36,567	11,807	16,740
Percent Capacity	89%	80%	87%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

*Not including age-restricted

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$8,762 and \$ 15,020 to be paid at the time of issuance of each building permit.

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

Nonresidential

The commercial portion of this PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded that this portion of the subdivision is exempt from a review for schools because it is a nonresidential use.

17. **Fire and Rescue**—The residential portion of this PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations, and is within the recommended response times.

Residential

The proposed development is within the seven-minute required response time for the first due fire station using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

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First Due Fire/EMS Company #	Fire/EMS Station	Address
7	Riverdale	4714 Queensbury Road

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

Nonresidential

The commercial portion of this PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
7	Riverdale	Engine	4714 Queensbury Road	1.19	3.25	Within
1	Hyattsville	Ladder Truck	6200 Belcrest Road	1.43	4.25	Within
12	College Park	Paramedic	8115 Baltimore Avenue	2.19	4.25	Within
7	Riverdale	Ambulance	4714 Queensbury Road	1.19	7.25	Within

Capital Improvement Program

The Prince George's County Capital Improvement Program (CIP) for Fiscal Years 2012–2017 proposes replacing the existing Hyattsville Fire/EMS station with a new four-bay fire/EMS station.

The above findings are in conformance with the 2008 *Adopted and Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

18. **Police Facilities**—The subject property is located in Police District I, Hyattsville. The response time standard for residential is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The PPS was accepted for processing by the Planning Department on March 12, 2013.

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Residential

Reporting Cycle	Previous 12 Month	Emergency Calls	Nonemergency Calls
Acceptance Date 3/12/2013	3/2012-2/2013	6 minutes	13 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and the 25 minutes for nonemergency calls were met on March 25, 2013.

The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

Nonresidential

The proposed development is within the service area of Police District I, Hyattsville. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the July 1, 2012 (U.S. Census Bureau) county population estimate is 881,138. Using 141 square feet per 1,000 residents, it calculates to 124,240 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

19. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in dormant water and sewer Category 3. An active Category 3 must be obtained for the subject property for water and sewer through the administrative amendment procedure administered by the Department of Environmental Resources, prior to approval of a final plat.

Water and sewer lines in Baltimore Avenue (US 1) abut the property. Water and sewer line extensions and/or an on-site system may be required to service the proposed subdivision and must be approved by WSSC. The WSSC easements must be approved prior to final plat as a part of an approved utility plan, as discussed further in this report.

20. **Health Department**—The Prince George's County Health Department has evaluated the proposed PPS and has no comments.

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21. **Public Utilities Easement**—In accordance with Sections 24-122(a) and 24-128(b)(12) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The preliminary plan (PPS) shows a ten-foot-wide public utility easement (PUE) along Baltimore Avenue (US 1), the only street currently proposed as a public right-of-way. Staff is recommending a combination of public and private streets. The preliminary plan shows seven-foot-wide PUEs within all private rights-of-way for the site. The applicant has a variation request from Section 24-128(b)(12) to reduce the ten-foot-wide PUE along private right-of-way to be a seven-foot-wide PUE within the private right-of-way. Staff has analyzed this requested variation in light of the staff recommendation to convert several streets within the community to public rights-of-way. A ten-foot-wide PUE is also required along public rights-of-way.

Section 24-128(b)(12) of the Subdivision Regulations states:

- (a) **The Planning Board shall may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:**
- (12) **Private roads provided for by this Subsection shall have a public utility easement contiguous to the right-of-way. Said easement shall be at least ten (10) feet in width, and shall be adjacent to either right-of-way line.**

The applicant is asking for relief from this requirement to allow nine private rights-of-way, Woodberry Street (Parcel AA), 45th Street (Parcel BB), Van Buren Street (Parcel CC), 46th Street (Parcel FF), Underwood Street (Parcel DD), Parcel GG, Parcel HH, Parcel JJ, and Parcel II, on the site to have a reduction in the width of PUE to seven feet in width and to be located within the private right-of-way. The PPS shows a ten-foot-wide PUE along US 1, a public right-of-way, and along Maryland Avenue and Parcel KK, private rights-of-way.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. The applicant has filed a variation from Section 24-128(b)(12) which was submitted on March 29, 2013 and was heard on April 12, 2013 at the Subdivision Development Review Committee (SDRC) meeting as required by Section 24-113(b).

Section 24-113(a) reads:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this**

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

It could not be determined if the granting of the variation for a reduction and relocation of PUEs will serve the utility companies to a greater extent than the standard ten-foot-wide PUE required for both public and private streets by Subtitle 24. The applicant was advised at the SDRC meeting on March 29, 2013 that staff would support a reduction and relocation of the utility easements if the alternative was approved by all of the affected utility companies. Staff advised the applicant that they could demonstrate this agreement by submitting an approved utility plan signed by all of the affected utilities. At the time of the approval of this PPS, staff has not received that approved alternative utility plan from the applicant.

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

Applicant Response: The private rights-of-way as proposed upon the subject property are designed to provide safe and efficient use and transport by vehicles, pedestrians, and bicyclists. The rights-of-way have been designed to accommodate emergency vehicles and will be properly maintained by the homeowners association and/or business association, to be created for the residences and businesses upon the subject property. With regard to the PUEs, whatever width and/or location is approved must be accepted to be safe and appropriate by the affected utility.

Since the SDRC meeting, staff has informed the applicant that an alternative PUE must be acceptable to all affected utilities, including WSSC and Washington Gas. A color-coded utility plan must be approved by the affected utilities and submitted to staff for the review. A color-coded utility plan has been submitted, but the plan has not been approved by the affected utilities and, therefore, it cannot be determine if the grant of the variation would be detrimental to public safety, health, or welfare.

- (2) The conditions on which the variations is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

Applicant Response: The subject property is being developed as an integrated mixed-use town center development, to include commercial uses (retail, service, and office uses), a proposed hotel, residential townhomes, and residential

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multifamily buildings, along with a hiker-biker trail and other open space to serve the various uses within this development. Adjacent development evidences a "suburban design and character" as contrasted with the pedestrian-, bicycle-, street-friendly design of the proposed project. Similar design aspects are incorporated into the few other truly urban places successfully implemented in the county, e.g., National Harbor and the Arts District Hyattsville. Private streets are an integral part of both of those successful communities. The requested variations are for this proposed development only, and are unique to this particular property in a manner that is not generally applicable to other properties.

While the applicant does not clearly establish the uniqueness of this property to other properties, the density and intensity of development on this site are unique to the surrounding properties.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

Applicant Response: We find no evidence or statutory issue indicating that the variations do or would constitute a violation of any other applicable law, ordinance, or regulation.

The applicant will have to obtain permits from other local, state, and utility companies as required by their regulations; therefore, approval of this variation request would not constitute a violation of other applicable laws.

- (4) **Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

Applicant Response: The proposed development upon the subject property will be an urban, pedestrian-oriented development, which will be attractive and amendable to pedestrians and bicyclists, while still providing safe and efficient rights-of-way for vehicular traffic as well. The development will include larger sidewalks than ordinarily included in most developments and the placement and width of utility easements may vary, depending upon the particular use to be served within this development. There is inherent flexibility in private rights-of-way which may be necessary to address these needs within the development as proposed. The lack of flexibility which may result if the rights-of-way are public could well result in a hardship to the owner in attempting to provide the easements that may be required. For this same reason, and especially given the urban nature of the proposed development, it is important to maintain flexibility in the width, and possibly the location, of the PUEs upon the subject property.

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Additionally, the proposed development will utilize some nontraditional paving materials, which will provide a unique design and character within the proposed development. Such treatments are generally disfavored by public jurisdictions for public streets as a result of the additional costs required for snow removal and other general maintenance upon streets composed of these materials. These issues are handled by the homeowners association and/or the business association if the streets are private. Losing the design character that is necessary to create and attract the style of living and amenities anticipated by the zoning for this property would negatively impact the success commercial and residential uses sought, and thereby create a particular hardship to the owner, distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

The property is 37.67 acres in size and does have an irregular shape not shared by other properties being exceptionally narrow along the eastern property boundary.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the prince George's County Code.**

Applicant Response: The site is not located in any of the listed zones; therefore, this condition does not apply.

The subject site is not located in any of the listed zones; therefore, this requirement is not applicable to the site.

In conclusion, the PPS must provide a ten-foot-wide PUE along the public and private rights-of-way. However, the Riverdale Park MUTCD Plan contains design standards and guidelines for streetscape that may impact the applicant's ability to provide standard PUEs in a dense urban environment. The applicant can provide an alternative PUE that is acceptable to all affected utilities, including WSSC and Washington Gas. A color-coded utility plan must be approved by all of the affected utilities and be submitted. A color-coded utility plan has been submitted, but the plan has not been approved by the affected utilities.

The implications of providing a ten-foot-wide PUE along all of the public and private streets on the layout of the PPS and DSP are significant and, while the Planning Board supports an alternative, the applicant must gain the approval of the utility companies. Prior to the approval of any final plat, the applicant must submit evidence of the utility plan approval or a ten-foot-wide PUE is required abutting all public and private streets. This could require a revision to the DSP if the approved utility plan does not match the alternative currently reflected on the DSP and PPS.

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22. **Historic**—The Historic Preservation Commission (HPC) reviewed the subject application at its April 16, 2013 meeting and voted 6-0-1 (the Chairman voted “present”) to forward the following findings, conclusions, and recommendations to the Planning Board for its review of Preliminary Plan of Subdivision, 4-13002, Cafritz Property.

HPC recommends to the Planning Board approval of Preliminary Plan 4-12004 with the following conditions:

- a. All future plans of development for the subject property shall include the identification and boundaries of the Engineering Research Corporation (ERCO) Historic Site (68-022); and the Riverdale Park (68-022), University Park (66-029), and Calvert Hills (66-037) National Register historic districts.
- b. The applicant and the applicant’s heirs, successors, and/or assignees shall preserve-in-place the portion of Archeological Site 18PR259 that includes the ice house and shall establish a perpetual archeological easement. The extent of the easement shall conform to the Historic Preservation Section recommendation prior to signature approval of the detailed site plan (DSP), and shall also be reflected on the preliminary plan (PPS) and tree conservation plan (TCP) prior to signature approval. The DSP and PPS must be consistent.
- c. Prior to approval of the final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall draft for approval a perpetual archeological easement to the benefit of M-NCPPC for the portion of Archeological Site 18PR259 that includes the ice house. The easement shall set forth the rights, responsibilities, and liabilities, and shall include accommodation for reasonable access to M-NCPPC. The easement document shall be approved by M-NCPPC and fully executed prior to approval of the final plat, and recorded in the land records by the applicant. The liber and folio and limits of the easement shall be indicated on the plat prior to recordation.
- d. Prior to any ground disturbance or the approval of any grading permits, the applicant and the applicant’s heirs, successors, and/or assignees shall provide a final report detailing the Phase II and Phase III archeological investigations.
- e. Prior to issuance of a building permit for the lot on which the ice house archeological feature is located, the applicant and the applicant’s heirs, successors, and/or assignees shall ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland.

Background

The subject property comprises approximately 37.73 acres, is bordered on the west by Baltimore Avenue (US 1) and on the east by CSX railroad tracks, and is located north of Tuckerman Street and south of Albion Road in Riverdale Park, Maryland. The subject application proposes a

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residential, commercial, hotel, and office development. Portions of Archeological Site 18PR259 (ice house) is located on proposed Parcel C and borders the south side of the right-of-way of Van Buren Street.

The ERCO building (68-022), a Prince George's County historic site, is adjacent to the southeastern portion of the subject property. Built in 1939, the ERCO building is a two-story industrial structure with a large administrative block finished in the Moderne style and a larger rear factory that is without ornamentation. This industrial building mimicked the design of contemporary transportation machinery such as ships, airplanes, and automobiles, and industrial and consumer products, such as bicycles, toasters, radios, and vacuum cleaners. Built by Henry Berliner, the ERCO plant is representative of the significant developments in aviation that took place in the county; the factory produced the Ercoupe (the first tricycle aircraft that was touted as characteristically incapable of spinning) and was later adapted to meet defense needs during World War II.

Also adjacent to the subject property are the Riverdale Park (68-004), University Park (66-029), and Calvert Hills (66-037) National Register historic districts to the south, west, and north, respectively.

The Riverdale Park Historic District (listed December 2002) is significant as a late nineteenth and early twentieth century railroad and streetcar suburb that surrounds the Calvert family's Riversdale plantation house (a national historic landmark completed in 1807). The suburb of Riverdale Park began in earnest around 1890 and includes a range of houses that reflect late nineteenth and early twentieth century residential architectural preferences. The University Park Historic District (listed in October 1996; boundary expansion pending) is an early twentieth century automobile suburb begun in 1920 that reflects middle-class residential architectural styles through World War II, and in the post-war period until 1960). The Calvert Hills Historic District (listed in December 2002), formerly a part of the Calvert family's Riversdale Plantation is significant as a late nineteenth and early twentieth century streetcar and automobile suburb. The earliest houses in Calvert Hills are from the 1890s, although the majority date from the 1920s and 1930s, and reflect the architectural taste of the pre-World War II period. The National Register historic districts are not regulated by Subtitle 29, the Prince George's County Historic Preservation Ordinance.

The developing property was once part of Charles Benedict Calvert's Riversdale plantation. Charles Calvert donated land for and was the founder of the Maryland Agricultural College, now the University of Maryland. In addition, he served one term in the United States Congress from 1861 to 1863, representing the Sixth District of Maryland. After the death of Charles Calvert in 1864, his estate was divided amongst his wife and children. His son, Charles Baltimore Calvert, was allotted a tract comprising 203.5 acres that was approximately 600 yards wide and stretched from Baltimore Avenue on the west, across the Baltimore and Ohio (B&O) railroad tracks to Paint Branch and Edmonston Road on the east. Calvert built a residence known as MacAlpine and developed a farm on his property around 1868. Calvert designed and supervised the construction of the house and the various outbuildings that included a brick cow barn, a brick icehouse, a brick carriage barn, a meat house, a smokehouse, and a wooden corn shed/wagon shed. MacAlpine was

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built on the site of an earlier structure occupied by a foreman of the Riversdale estate that was destroyed by fire. An old well from the earlier structure served MacAlpine until it ran dry. A new well, pump house, and water tower were placed directly behind the house and served as the water supply until public water utilities were installed in the twentieth century.

Historic photographs of MacAlpine show that the structure was a Georgian-style brick residence with a full-length porch on the front with a central stairway and a low balustrade. The farm produced about 200 barrels of corn per year, as well as a substantial quantity of dairy products. Charles Baltimore Calvert died in 1906 and his family continued to reside at the MacAlpine estate until 1910. Between 1910 and 1917, MacAlpine was used as the Calvert family's summer residence. Charlotte Calvert Spence (a daughter of Charles Baltimore and Eleanor Calvert) and her husband, Thomas H. Spence, a Dean of the University of Maryland, moved into MacAlpine in 1917. Eleanor Calvert died in 1932 and Charlotte and Thomas Spence moved from MacAlpine in 1934. The Calvert family eventually rented the MacAlpine estate to the Longfellow School for Boys in 1934 and subsequent years.

The subject property was acquired by the federal government in 1942 and a residential development, known as Calvert Homes, was built for the defense workers at the nearby ERCO plant. All of the houses were built on concrete pads, some units containing two bedrooms and others just one. The Calvert Homes development was closed in 1954 and was subsequently demolished.

In 1948, the Prince George's County Board of Education purchased a 1.4-acre tract adjacent to the MacAlpine house for use as a school for the residents of Calvert Homes. After the demolition of the Calvert Homes development, the school continued to be used to educate physically handicapped children. Morris Cafritz acquired the subject property in 1960 and the property remains in the possession of the Cafritz family. The MacAlpine house was subsequently demolished and there are no remaining buildings on the subject property.

The Washington Branch of the B&O Railroad (now the CSX line) was completed along the eastern edge of the subject property in 1835. Established by a group of Baltimore businessmen to compete with the canal systems, the B&O provided rail access to Chicago, St. Louis, Baltimore, Washington, Philadelphia, and New York City by the end of the nineteenth century. The railroad ran through the center of Charles Calvert's Riversdale plantation with a stop located near its intersection with the Baltimore Washington Turnpike (now US 1), just north of Bladensburg. The railroad is now owned by CSX Transportation and borders the eastern edge of the subject property.

With the growth of suburbs surrounding Washington, DC in the late nineteenth century, streetcar lines were established to shuttle residents to and from their jobs in the nation's capital. Charles Baltimore and Eleanor Calvert conveyed a right-of-way through their property to the Columbia and Maryland Railway Company in 1895. The Columbia and Maryland Railway Company established a streetcar line that ran parallel to the B&O tracks and reached Hyattsville and Riverdale in 1899. The trolley line reached Berwyn by 1900. The railway company changed names over the years and was eventually acquired by the City and Suburban Railway of Washington. This

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trolley line contributed to the growth of the Riverdale Park and Calvert Hills communities. The last trolley ran on the Maryland Line in 1958.

Findings

A condition of the zoning case requires the review of the PPS by HPC for its impact on identified archeological features, the impact of a potential vehicular access road on the ERCO historic site (68-022), and the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts.

A Phase I archeological survey was completed on the subject property in March 2008. Two historic archeological sites were previously recorded on the property in 1984: 18PR259, the MacAlpine Mansion, and 18PR260, the Calvert Homes residential development. The Phase I investigations in 2008 combined the two sites into one site, 18PR259, that included the MacAlpine Mansion and the Calvert Homes development. Pedestrian survey identified numerous concrete pads associated with the Calvert Homes development. Several features related to the MacAlpine Mansion were also noted, including a concrete-lined cellar, a pile of bricks where a barn is thought to have been located, and an ice house. The ice house at MacAlpine is one of only three surviving examples of the form in the county. The Riversdale Plantation was known to include several ice houses, all of which are no longer extant. Phase II investigations were recommended on the four features associated with the MacAlpine estate: the MacAlpine foundation, the ice house, the meat house, and the brick barn foundation. Very little cultural material was found in association with the Calvert Homes development. Therefore, no further work is required in the areas associated with the 1940s housing development.

Phase II archeological investigations were conducted on the Cafritz property in March 2012. Portions of the MacAlpine House foundation were exposed and several 3-x-3 foot (1-x-1 meter) test units were excavated on the interior and exterior to determine whether earlier intact archeological deposits remained and to identify the construction techniques used for the house. The concrete cellar identified in the Phase I survey was found to be a 1940s addition to the building when it was used as an administrative office for the Calvert Homes development under the ownership of the federal government. A chimney was added to the rear of the house in the 1940s to provide additional heating and remains of the chimney flue were identified in the Phase II investigations. The areas inside and outside the foundation walls of MacAlpine were heavily disturbed by the mid-twentieth century additions and uses. In addition, one of the granite monuments marking the outlines of various tracts comprising the Riversdale Plantation was found to the south of the house foundation.

Excavations around the ice house consisted of three exploratory trenches inside the structure to determine its size and its state of preservation. The upper portions of the brick-lined ice house were robbed and the opening was used as a trash dump through the 1940s and 1950s. The nature of the rubble deposit inside the ice house prevented further excavation and the base was not reached.

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The area of what was identified as the bank barn in the Phase I survey was investigated with close-interval shovel testing and two test units. The west wall of a building was identified and two test units were excavated, one on the interior and one on the exterior of the building. Test Unit 1, located on the exterior of the building, revealed a thick layer of demolition debris overlying the original ground surface with a 21–22 percent slope. Test Unit 2 on the interior of the structure revealed a two-foot-thick layer of demolition debris overlying a 0.30-foot-thick ash layer. The building had a beaten earth floor. The east wall of the building was found in one of the shovel test pits. The east-west dimensions of the building were estimated to be 25 feet in width. Therefore, the building was interpreted as the carriage barn and not the bank barn.

The University of Maryland is the owner of the ERCO Historic Site (68-022), which is adjacent to the subject property to the east, across the CSX right-of-way. The University signed a Memorandum of Agreement with the Maryland Historical Trust in November 2012 to provide for the demolition of the ERCO building due to its deteriorated condition and to provide mitigation measures for the loss of the site. The PPS proposes that the bridge that will cross the CSX tracks on the eastern edge of the property will extend onto the University of Maryland property that contains the ERCO site. Although the ERCO building may be demolished in the future, it remains a Prince George's County historic site with an environmental setting that encompasses all of Lot 5 of the ERCO Subdivision (Plat Book REP196:53). Archeological Site 18PR258 was recorded on the ERCO property in 1984 and consisted of the standing structures and runways (now demolished) associated with the ERCO plant. The site measures 823 by 400 m (2,700 by 1,312 feet).

Tree conservation and other illustrative plans for the application indicate several potential impacts of the historical features on the property: (1) substantial grading that would remove all of the trees and seemingly the archeological features associated with the MacAlpine residence and the carriage barn currently identified on proposed Lots 2 and 3; (2) a vehicular connection between the subject property and the University of Maryland property containing the ERCO Historic Site to the east by means of a flyover across the CSX railroad right-of-way; (3) the illustrative plans for the proposed development indicate the possibility of multi-story buildings on the property that may have a visual impact on the adjacent National Register historic districts.

At its December 18, 2012 meeting, HPC reviewed a previous PPS application (4-12004) for the subject property. That plan did not provide for preservation-in-place of the ice house feature. HPC agreed that the ice house was a significant feature and noted that it was located on the edge of a proposed parking lot. HPC felt that the applicant had not explored all of their options to try to preserve this significant feature in place. Historic Preservation staff noted that there was insufficient information at that time to determine the exact location of the ice house feature within the developing property, the depth of the feature, or its physical character. In addition, there is insufficient information on the extent and integrity of the brick carriage barn. The applicant also had not presented alternative designs to try to avoid the ice house. HPC asked the applicant to further explore the possibility of preserving in place the ice house feature on the subject property.

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At its April 16, 2013 meeting, the HPC reviewed the preliminary plan of subdivision for its impact on identified archeological features, the impact of a potential vehicular access road on the Engineering Research Corporation (ERCO) Historic Site (#68-022), and the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts. The subject preliminary plan application provides for the preservation-in-place of the ice house feature and for Phase III data recovery archeological investigations of the brick carriage barn. The HPC noted that the applicant had addressed the previous concern regarding the ice house feature by providing for its preservation in place and agreed that Phase III data recovery archeological investigations were appropriate for the carriage barn. The HPC reviewed and approved the applicant's Phase III work plan.

Conclusions

Phase II archeological investigations on the subject property revealed extensive disturbance to the MacAlpine House foundations, the ice house, and the outbuilding to the south. The floor plans of the MacAlpine House have been sufficiently documented through historic sources and the archeological investigations. Additional excavation within and around the foundation will not provide further significant information on the operations of the farm or its period of significance. No further work is recommended on the MacAlpine House foundations.

The ice house is a rare surviving structure type in Prince George's County. The ice house feature meets the following criteria for Phase III treatment in the *Guidelines for Archeological Review*: A—rarity, there are only two other examples of extant ice houses in the county; B—public value, the feature was built for Charles Baltimore Calvert whose family was instrumental in the establishment of the University of Maryland and the Baltimore & Ohio Railroad; C—research value, the ice house could provide information on food preservation practices in the late 1800s and early 1900s; D—site integrity, the lower portions of the structure appear to remain intact; and E—interpretive value in place, the ice house could be used to demonstrate food preservation practices in the late 1800s and early 1900s. The applicant has submitted a preliminary Phase III work plan with the DSP application that provides for preservation-in-place of the ice house feature and public interpretive measures.

The brick outbuilding meets criteria A—rarity, there are few all brick barns in Prince George's County; and C—research value, the ash layer within the outbuilding could provide information on farming activities on the MacAlpine farm in the 1930s. A plan for Phase III data recovery archeological investigations on the carriage barn was submitted with the applicant's DSP proposal.

The PPS application provides for preservation-in-place of the ice house feature within proposed Parcel C. A Phase III work plan for preservation of the ice house feature and data recovery archeological investigations of the brick carriage barn within Archeological Site 18PR259 was approved by HPC. A detailed plan for preservation of the ice house feature within a public plaza was submitted with the applicant's DSP proposal.

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An initial plan for interpretive signage and other public outreach measures focused on the history and significance of the MacAlpine property, the Calvert Homes development, the ERCO factory, and the trolley right-of-way was submitted with the applicant's DSP proposal.

The ERCO Historic Site (68-022), its 13.71-acre environmental setting, and Archeological Site 18PR258 will be impacted by a proposed bridge that will cross from the subject property over the CSX tracks and onto the University of Maryland property to the east. The proposed bridge and its landing on the University of Maryland property will be reviewed by the Maryland Historical Trust in consultation with Historic Preservation staff if this proposal is approved. However, because the historic site is the subject of a Memorandum of Agreement between the University of Maryland and the Maryland Historical Trust providing ultimately for demolition, the impact of the railroad crossing should be considered *de minimis*. At its April 16, 2013 meeting, the HPC approved the bridge crossing as shown on the applicant's April 12, 2013 preliminary plan of subdivision submission, based on the ultimate demolition of the ERCO building.

The preliminary plan of subdivision does not show the location, dimension or character of proposed buildings. Therefore, the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts is more appropriately addressed with the detailed site plan. The HPC forwarded recommendations to the Planning Board regarding the impact of the proposed buildings with the detailed site plan application.

23. **Use Conversion**—The subject application is proposing 981 residential units, 168,200 square feet of commercial/retail space, 22,000 square feet of office space, and a 120-room hotel in the M-U-TC Zone. Primary Amendment A-10018 approved a mixed-use development for the site. If a substantial revision to the mix of uses on the subject property is proposed, that significantly affects Subtitle 24 adequacy findings, that revision may require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
24. **Background**—The subject site is located on Tax Map 42 in Grid D-1, and is known as Parcel 81. The majority of the site, 35.71 acres, is in the Mixed Use Town Center (M-U-TC) Zone and within the Town of Riverdale Park. A small portion of the site, 2.02 acres, is in the One-Family Detached Residential (R-55) Zone with 1.63 acres in the City of College Park and 0.39 acre in Riverdale Park. The current configuration of Parcel 81 is the result of the creation of Parcel 32 to the north and Parcel A to the west. In 1988, pursuant to a deed recorded in Prince George's County Land Records in Liber 7227 Folio 243, Parcel 32 to the north was subdivided from Parcel 81 by a Declaration of Taking by the Washington Metropolitan Area Transit Authority (WMATA), a state agency, for a "public use for construction, maintenance and operation of a rapid transit system and related facilities necessary." Parcel A was recorded in Plat Book WWW 69-62 on September 4, 1968 and conveyed to the United States Postal Service, and a 15-foot-wide strip of right-of-way was dedicated to public use at that time abutting the west side of the 50-foot-wide trolley trail easement. Parcel 81 is a legal acreage parcel never having been the subject of a preliminary plan of subdivision (PPS).

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Shoaff and Hewlett voting in favor of the initial and amended motion to include findings from the City of College Park, Variations from Section 24-121(a)(4) and Section 24-128(b)(12), and Type 1 Tree Conservation Plan TCP1-005-12, with Commissioner Washington absent, and on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey and Hewlett voting in favor of the motion to approve a Variance from Section 25-122(b)(1)(G), with Commissioner Shoaff opposing the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, May 16, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of May 2013.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:QN/WC:arj

APPROVED AS TO LEGAL SUFFICIENCY


PGCPB Legal Department

Date 6/3/13