

RESOLUTION

WHEREAS, Gilbane Development Company is the owner of a 5.58-acre parcel of land known as Tax Parcels 193 and 159 and all of Tax Parcel 190, said property being in the 21st Election District of Prince George's County, Maryland, and being zoned Mixed Use-Infill within a Transit District Overlay Zone; and

WHEREAS, on July 12, 2017, Gilbane Development Company filed an application for approval of a Preliminary Subdivision Plan for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-17009 for College Park Metro Apartments 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 October 19, 2017, 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 October 19, 2017, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-17009, including Variations from Sections Section 24-122(a) and 24-121(a)(4), for one parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant shall revise the PPS to:
 - a. Reflect the subject property as part of Parcels 159 and 193, and Parcel 190, in General Note 1 and remove the provided plat number.
 - b. Show the proposed property as Parcel 1.
 - c. Increase the font size of the parcel labeling on the existing boundary survey inset.
 - d. Indicate that no previous approvals are applicable to the subject property.

2. Total development on the subject site shall be limited to the mix of uses that will generate no more than 251 AM peak hour trips and 341 PM peak hour trips. Any development that is determined to generate more peak-hour vehicle trips than identified herein shall require a new preliminary plan of subdivision with a new determination of adequacy for transportation facilities.
3. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
4. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 17197-2017-00 and any subsequent revisions.
5. At the time of detailed site plan (DSP):
 - a. A Phase II noise report shall be submitted to demonstrate that the interior of all multifamily residential units will be mitigated to 45 dB DNL or less based on the architecture proposed for the site. In addition, an assessment from an acoustic consultant shall be provided to determine if there will be a perceptible impact to residents living on the west side of the railroad and Metro tracks due to reflective noise from the proposed project.
 - b. The applicant shall provide a color-coded utility plan. The location of the public utility easements shall be shown on the DSP. The utility plan shall be approved by the affected utility companies prior to certification of the DSP.
6. The subject site is abutting the CSX railroad and Metro rail lines. The following note shall be placed on the final plat of subdivision with respect to noise and vibration:

“This development is abutting the CSX railroad and Metro rail lines, and may be subject to noise and feelable vibration associated with the trains.”
7. Prior to issuance of building permits within the subject property, the following road improvement shall (a) have full financial assurances, (b) have been designed per the appropriate operating agencies, and (c) have been permitted for construction through the operating agency's access permit process:
 - a. At River Road and Rivertech Court, restripe the northbound Rivertech Court approach to provide an exclusive right-turn lane and a shared through/left-turn lane.

Given that the design plans for the Purple Line at this location show 44 feet of pavement curb-to-curb with one northbound lane and one southbound lane, the applicant shall be required to either (a) provide the restriping in accordance with the requirements in the above paragraph, or (b) demonstrate with written confirmation from the responsible transportation agency that the

restriping will be done by others at the time that Purple Line construction occurs, with such confirmation to be provided at the time of detailed site plan.

8. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
9. At the time of detailed site plan (DSP) review, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private, on-site recreational facilities pursuant to Section 24-135(b) of the Subdivision Regulations, subject to the following:
 - a. The private on-site recreational facilities shall be designed in accordance with the standards as outlined in the *Park and Recreation Facilities Guidelines*.
 - b. The details of the private on-site recreational facilities, including adequacy, siting, and the establishment of triggers for construction, shall be reviewed and approved with the DSP.
10. Prior to issuance of building permits, 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 recreational facilities. The recreational facilities to be required shall be determined with the full review of the detailed site plan.
11. Prior to submission of final plats, the applicant and the applicant's heirs, successors, and/or assigns shall submit three original recreational facilities agreements (RFA) for the construction of recreational facilities to the Development Review Division (DRD). Upon approval by DRD, the RFA shall be recorded among the Land Records of Prince George's County, and the liber and folio shall be reflected on the final plat prior to recordation.
12. Prior to approval of any building permits for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities, as designated below or as modified by the Prince George's County Department of Public Works and Transportation/Department of Permitting, Inspections and Enforcement/Department of Parks and Recreation (DPW&T/DPIE/DPR), in accordance with Section 24-124.01 of the Subdivision Regulations, shall have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
 - a. Construct the eight-foot-wide sidewalks between the subject site, the Metro station, and River Road as shown on Exhibit B of the bicycle and pedestrian impact statement.

- b. Provide the site furnishings and landscaping on the Brooks Parcel as shown on Exhibit B of the bicycle and pedestrian impact statement. The costs of the sod and irrigation shall not be counted towards the cost cap, as this is not an eligible expense under Section 24-124.01(d).
- c. Provide the following improvements to the pedestrian tunnel as recommended by the City of College Park:
 - (1) Enhancement of the exterior entrances on both sides of the tunnel for better visibility.
 - (2) Replacement of existing light fixtures with light-emitting diode (LED) lighting in heavy-duty vandal-proof cages.
 - (3) Repaint the tunnel interior with graffiti-resistant white paint.
 - (4) Replacement of old and damaged signage on both sides of the tunnel, subject to approval by the Washington Metropolitan Area Transit Authority.
 - (5) Relocation of the existing ATHA wayfinding sign, if needed, and provide additional wayfinding signage to the tunnel and Metro station.
 - (6) Replacement of existing convex safety mirror with a new mirror to address the blind turn in the tunnel.
 - (7) Construction of a missing five-foot-wide sidewalk on the west side of Bowdin Avenue, between Harvard Road and Calvert Road, subject to approval by the City of College Park engineer.
- d. Provide space for a bikeshare docking station (the vendor of the bike share must be approved by the Prince George's County Department of Public Works and Transportation (DPW&T)) on the Brooks Parcel to enable this form of transportation to be used by residents, employees, and visitors at the subject site. The conceptual location of the station should be placed further north on the Brooks Parcel and the final location of this docking station will be selected by the County and the applicant, based upon the requirements of the bike sharing system, and in a highly-visible, convenient, and well-lit location on the Brooks Parcel. The location requires at least four hours of solar exposure per day year-round. In the event an appropriate location cannot be located on-site that meets bike share siting criteria, DPW&T will select another off-site location for the station based upon the requirements of the bike sharing system in the County, as close as possible to the subject site. The applicant shall allow DPW&T or its contractors/vendors access to the site to install, service, and maintain the bike share stations.

13. At the time of detailed site plan (DSP), provide an exhibit that illustrates the location and limits of all off-site improvements for the review of the operating agencies. This exhibit shall show the location, limits, and details of all off-site improvements, including the transit plaza, bike share station, and improvements to the tunnel, consistent with Section 24-124.01(f) of the Subdivision Regulations. The bike share station shall be placed further north on the Brooks Parcel and facilities shall be coordinated with future Purple Line and mBike improvements. If it is determined at the time of DSP that alternative off-site improvements are appropriate, the applicant shall demonstrate that the substitute improvements shall comply with the facility types contained in Section(d), be within one-half mile walking or bike distance of the subject site, within the public right-of-way, and within the limits of the cost cap contained in Section(c). The Planning Board shall find that the substitute off-site improvements are consistent with the bicycle and pedestrian impact statement adequacy finding made at the time of preliminary plan of subdivision.
14. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2015 *Approved College Park-Riverdale Park Transit District Development Plan*, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. Both short and long-term bicycle parking shall be provided in conformance with Pedestrian and Bicyclist Strategy 5.2. The location, type, and number of bicycle parking spaces will be determined at the time of detailed site plan.
 - b. Crosswalks shall be provided at the site's ingress/egress points off River Road.
15. Prior to approval of the final plat, the applicant shall:
 - a. Demonstrate conformance to the disclosure requirements of Section 27-548.43 of the Zoning Ordinance regarding the proximity of this subdivision to a general aviation airport.
 - b. Complete the lot line adjustment of the underlying deed parcels, by recordation of a deed among the Land Records of Prince George's County, to form the property that is the subject of this preliminary plan of subdivision.
 - c. Reflect the location of the public utility easements, as approved by the utility companies and as shown on the preliminary plan of subdivision or detailed site plan.

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 with conditions, 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. **Background:** The subject site is located on Tax Map 33 in Grid E-4 and on Tax Map 42 in Grid E-1, and is currently comprised of part of Tax Parcels 193 and 159 and all of Tax Parcel 190. The applicant is the process of drafting a lot-line adjustment deed between the existing tax parcels, in their entirety, to form the single 5.58-acre parcel that is the subject of this application. The site is zoned Mixed Use-Infill (M-U-I) within a Transit District Overlay Zone (TDOZ), subject to the 2015 *Approved College Park-Riverdale Park Transit District Development Plan* (College Park-Riverdale Park TDDP). The site is currently improved with a parking lot, which serves the College Park Metro Station. The applicant proposes to develop the site with mixed-use buildings containing 440 multifamily dwelling units and 13,000 square feet of retail uses. A detailed site plan (DSP) will be required for the development of this site, in accordance with the requirements of the underlying zoning and proposed uses as contained in Section 27-546.19 of the Prince George's County Zoning Ordinance.

The development to be constructed on the parcel included in this application is subject to a build-to line along the frontage of River Road. Section 24-122(a) of the Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along the public road right-of-way. Approval of a variation for the location of the PUE is necessary, as discussed further.

The subject site abuts a transit right-of-way, including CSX railroad and metro rail lines to the west, to which the proposed Purple Line will be added. Residential lots are required to be platted with a 300-foot lot depth when adjacent to an existing or planned transit right-of-way, in accordance with Section 24-121(a)(4) of the Subdivision Regulations. Approval of a variation for the parcel included in this application which does not meet the required 300-foot lot depth is necessary, as discussed further.

3. **Setting:** The subject site is located on the west side of River Road, immediately south of the College Park Metro Station. The neighboring properties to the north and west are zoned M-U-I and are developed with the Metro access, parking, and rail lines. The neighboring property to the south is vacant and zoned M-U-I.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

Zone Use(s)	EXISTING	APPROVED
	M-U-I/T-D-O Parking Lot	M-U-I/T-D-O Multifamily Residential (440 units) Commercial (13,000 square feet)
Acreage	5.58	5.58
Lots	0	0
Outlots	0	0
Parcels	1	1
Dwelling Units:	0	440
Public Safety Mitigation Fee	No	No
Variance(s)	No	No
Variation(s)	Yes	Yes
		Section 24-122(a) Section 24-121(a)(4)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on July 28, 2017. The variations from Section 24-122(a) and Section 24-121(a)(4) of the Subdivision Regulations were accepted on July 12, 2017 and heard at the SDRC meeting on July 28, 2017, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The site is not the subject of any previously approved PPS or final plat applications.
6. **Community Planning**—Conformance with the General Plan and master plan is evaluated as follows:

Plan Prince George's 2035 (General Plan)

This application is located in the College Park/UM Metro/M Square Purple Line Regional Transit District. The vision for the regional transit district is to create a high-density, vibrant, and transit-rich mixed-use area to capture future residential and employment growth. The subject application includes mixed-use development consistent with the General Plan vision.

Master Plan/2015 Approved College Park-Riverdale Park Transit District Development Plan (TDDP)

The TDDP recommends a mix of land uses on the subject property. In addition, the TDDP makes a recommendation, affecting the subject property, to create a vibrant and pedestrian-friendly, transit-oriented, mixed-use gateway into the transit district. The pedestrian-friendly,

transit-oriented amenities and connections included with this application are discussed further in the Trails finding. The subject application includes mixed-use development consistent with the TDDP recommendation.

Aviation Policy Area 6 (APA 6)

This application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area (APA) regulations, Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in APA 6. The APA regulations contain height restrictions in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to the evaluation of this application. 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. Although this PPS is not approving building location or architecture, including the height of buildings, the applicant has provided a letter, issued on September 11, 2017, from the Federal Aviation Administration, that the proposed development does not pose any hazard to air navigation. The final plat shall note the site's proximity to a general aviation airport, in accordance with the notification requirements of Section 27-548.43.

7. **Stormwater Management**—An approved Stormwater Management Concept Plan (17197-2017-00) and approval letter were submitted with the subject application. The concept approval expires on September 1, 2020. The approved concept plan is consistent with the PPS, with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) requiring a fee payment of \$96,444.00, in lieu of providing on-site attenuation/quality control measures. DPIE is also requiring a floodplain waiver approval, as well as green roof and grass swale water quality controls. The plan includes five micro-bioretenment areas, one grass swale, and two green roofs. No further information pertaining to stormwater management is required. Development shall be in conformance with the approved stormwater management concept to ensure that on-site and downstream flooding do not occur.
8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements of the Subdivision Regulations, the TDDP, the Land Preservation and Recreation Program for Prince George's County, and the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, as they pertain to public parks and recreational facilities.

The boundaries of the parcel that is the subject of this application is a result of the pending lot line adjustment between three M-U-I-zoned parcels within a TDOZ owned by the Washington Metropolitan Area Transit Authority (WMATA). The lot line adjustment will result in three reconfigured parcels. The parcels are located along the west side of River Road next to the Metro station in College Park, Maryland, and their location is more particularly described as follows:

- a. The parcel which is the subject of this application is 5.58 acres, immediately west of River Road and is to be developed with 440 multifamily dwelling units and 13,000 square feet of retail located within two 5- to 6-story buildings.

- b. The parcel north of the mixed-use parcel included in this application, as described in (1) above, is proposed to be a privately-maintained urban plaza/park, consistent with the College Park-Riverdale Park TDDP and provides a connection to the College Park Metro Station. This parcel is known as the Brooks Parcel.
- c. The parcel located to the west of the mixed-use parcel included in this application, as described in (1) above, will contain the existing (Green Line) and future (Purple Line) rail lines.

The applicant has provided conceptual information for private recreational facilities that will be located within the buildings on the subject site, including elevated interior active and passive recreation courtyards, a fitness room, a yoga studio, and a social lounge. In addition, the applicant has proposed to construct and maintain an urban plaza/park with benches, landscaping, lawn areas, sitting areas, walkways, and lighting to the north of the subject site as part of its off-site improvements. These amenities will be constructed with the residential and commercial development, and will be used by the public and available to the residents. The proposed urban plaza/park will be constructed by, and is proposed to be maintained by, the owner of the two mixed-use buildings.

In addition, there are a number of public recreational opportunities in close proximity to the subject properties. The Ellen E. Linson Splash Park, the Herbert Wells Ice Rink, and the Junior Tennis Champions Center are all located within one-half mile of the subject property off of Campus Drive.

The Planning Board finds the proposal to provide private on-site recreational facilities within the residential development acceptable. The urban plaza/park, to which public access is assured by WMATA, in conjunction with those existing public recreational facilities in relatively close proximity to this development, will enhance the recreational amenities available to the future residents. Therefore, the provision of private on-site recreational facilities in order to meet the provisions of Section 24-134 of the Subdivision Regulations is approved.

9. **Trails**—This PPS application was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2015 College Park-Riverdale Park TDDP in order to implement planned trails, bikeways, and pedestrian improvements.

The site is located in the designated College Park Metro Center, and it is subject to the requirements of Section 24-124.01 of the Subdivision Regulations and the “Transportation Review Guidelines, Part 2” at the time of PPS. In order to meet these requirements, a bicycle and pedestrian impact statement (BPIS) was submitted.

The TDDP included a number of recommendations for sidewalks, trails, and bicycle facilities in the vicinity of the subject site. Text regarding the applicable recommendations are copied below:

River Road/River Road Extended: Continuous sidewalk on both sides and cycle tracks or buffered bicycle lanes (TDDP, page 71)

Strategy 4.2: Install dedicated bicycle facilities (e.g., buffered bicycle lanes or one-way cycle tracks) on River Road over the short- to medium-term. The TDDP's proposed road narrowing will provide space for these facilities from Paint Branch Parkway to the Northeast Branch.

Road restriping to accommodate bike lanes on River Road as part of the site's off-site improvements was considered; however, after discussion with the Prince George's County Department of Public Works and Transportation (DPW&T), it was determined that the provision of bike lanes along River Road should occur after construction of the Purple Line. The provision of bicycle facilities along River Road will be contingent upon reallocating the space within the curbs. This may be accomplished by narrowing the travel lanes and restricting the turning lane to certain locations (rather than having a continuous center turn lane). This work can be considered by DPW&T as part of the infrastructure necessary to support the Purple Line.

Strategy 5.1: Expand College Park's bike share system into and throughout the transit district. A bikeshare facility is already planned for installation at the College Park/U of MD Metro Station in M Square and as part of the Cafritz Property development. Additional locations should be evaluated, including the Purple Line's M Square station, the Wells/Linson complex, and College Park Airport and Aviation Museum. The Town of Riverdale Park should be encouraged to fully participate in the bike-share system as a partner.

The City of College Park and the University of Maryland have an existing bike share system called mBike. DPW&T is looking to establish the regional Capital Bikeshare system in Prince George's County and has funding in FY 18 for Phases 1 and 1a. It should be noted that the technologies for the two systems are currently not compatible. It is anticipated that, in the future, College Park may decide to transition to the Capital Bikeshare system or that a "blended" network of both systems will be in place. Details regarding how, or if, this would take place are between the City of College Park and DPW&T. However, the expansion of the Capital Bikeshare system into Prince George's County is funded in FY 18. DPW&T is currently working with a consultant to determine appropriate station locations, and hope to purchase the equipment in the fall of 2017, with implementation of Phase 1 in the spring of 2018. It is anticipated that the bike share station shown on the urban plaza north of the subject site (Brooks Parcel), in conjunction with the mBike station on the adjacent WMATA property, will function as a "transfer point" between the two systems.

Strategy 5.2: Provide adequate bicycle parking and storage lockers throughout the transit district. Additional bicycle parking should be provided at the M Square Purple Line station, and with all new buildings, ideally placed as close as possible to building entrances. Consider additional amenities, such as shower and changing facilities and secured bicycle rooms, in new development to encourage bicycling as a commuter mode of travel for employees.

Related to this, the Parking and TDM section of the TDDP includes the following guidance regarding the number of bicycle parking spaces.

Strategy 3.3: Require, on average, one bicycle parking space for every 10,000 square feet of building area for office, retail, hospitality, and other commercial and institutional uses. Require multifamily residential developments to provide at least one bicycle parking space for every 20 units. Require industrial uses to provide bicycle parking at a ratio of at least one space for every 50,000 square feet of development. Increase these ratios as the Purple Line begins operation.

Based on the 440 dwelling units and 13,000 square feet of commercial space proposed, a minimum of 23 bicycle parking spaces will be required. A mix of short- and long-term bicycle parking will be required at the time of DSP.

The Complete Streets element of the MPOT reinforces the need for these recommendations and 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 transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Proposed On-Site Bicycle and Pedestrian Improvements

There is an existing eight-foot-wide sidewalk along the subject site's entire frontage of River Road. The concept development for the subject site connects to this existing sidewalk and includes sidewalks around the perimeter of both the south and north buildings, and a network of pedestrian connections to the adjacent Metro station. In the future, designated bike lanes or a cycle track will be provided along River Road. However, due to the upcoming construction for the Purple Line, DPW&T has recommended that no improvements be made at this time, as they would have to be torn up or replaced when the Purple Line is constructed.

Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements

Due to the location of the subject site within a designated corridor, the application is subject to Prince George's County Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the cost cap is determined pursuant to Section 24-124.01(c):

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

Based on subsection (c) and the 440 dwelling units and 13,000 square feet of retail proposed, the cost cap for the site is \$136,550.

Section 24-124.01 also provides specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
- 1. installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
 - 2. installing or improving streetlights;**
 - 3. building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**

4. providing sidewalks or designated walkways through large expanses of surface parking;
5. installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and
6. installing street trees.

A scoping meeting was held with the applicant on March 30, 2017. The requirements and provisions of Section 24-124.01 and the "Transportation Review Guidelines, Part 2" were discussed, and several possible alternatives for off-site improvements were identified. Possible improvements identified included pedestrian improvements from the site to the Metro station, crosswalk improvements along Campus Drive, intersection improvements at Campus Drive and River Road, and bike share improvements.

The required BPIS was submitted on September 13, 2017. A variety of improvements were proffered off-site, including a pedestrian plaza with multiple sidewalks, pedestrian amenities, and a bike share station on the adjacent Brooks Parcel. This pedestrian plaza will improve the pedestrian environment between the site and the nearby Metro station and provide an attractive and inviting pedestrian connection to the station, the nearby pedestrian tunnel, and to River Road. This plaza is consistent with Land Use and Urban Design Strategy 3.1, which is copied below:

Strategy 3.1: Create a signature transit plaza (see page 49) as the primary gateway to and heart of the Metro Core. This transit plaza should be comprised of an extension of the existing greenway, a lawn area for events and passive recreation, and hardscape areas and should be surrounded by an active mix of uses.

The Planning Board approves the provision of these sidewalks, pedestrian amenities and bike share station within an urban plaza. WMATA has provided a response which assures that the urban plaza/Brooks Parcel will be open and accessible to the public. This improvement is consistent with the TDDP. However, several elements noted in the BPIS are not eligible improvements under Section 24-124.01(d). This includes the cost of sod and irrigation on the Brooks Parcel. In addition to what is proffered in the BPIS, improvements to the pedestrian tunnel, per the recommendation of the City of College Park are also approved. These improvements include lighting, signage, graffiti resistant paint, and a mirror for visibility at a sharp turn.

Demonstrated nexus between the subject application and the off-site improvements

Section 24-124.01(c) requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized below.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

Demonstrated Nexus Finding: The pedestrian connections and bike share station proffered by the applicant will directly benefit the future residents and guests of the subject site by providing an attractive and direct connection from the subject site to the adjacent Metro station, from the pedestrian tunnel to College Park, and to the wide sidewalk along River Road. The improvements to the pedestrian tunnel recommended by the City of College Park will benefit the site by providing a better lit, more visible, and vandal-resistant connection to College Park from the subject site and transit plaza.

Finding of Adequate Bicycle and Pedestrian Facilities

Council Bill CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. Council Bill CB-2-2012 is applicable to a PPS within designated centers and corridors. The subject application is located within the designated College Park/UM Metro, Metropolitan Center, as depicted on the General Plan Centers and Corridors Map. Council Bill CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

As amended by CB-2-2012, Section 24-124.01(b)(1) and (2) includes the following criteria for determining adequacy:

- (b) **Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
1. **The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
 - a. **the degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**

- b. **the presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

An existing wide sidewalk extends along the site's entire frontage of River Road. Sidewalks are shown around the perimeter of the future buildings. An extensive pedestrian plaza is shown on the Brooks Parcel which will provide an attractive pedestrian connection between the site and the Metro station, as well as River Road. Finally, consistent with the recommendations of the City of College Park, safety improvements are approved along the existing tunnel. With the facilities proposed by the applicant and recommended by the City of College Park, the Planning Board finds that the pedestrian facilities are adequate for the subject application.

- 2. **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
 - a. **the degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**
 - b. **the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
 - c. **the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**
 - d. **the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

Due to impending construction of the Purple Line, striping for designated bike lanes or the provision of a cycle track along River Road is not recommended at this time, per discussions with DPW&T. However, designated bike lanes are anticipated along Campus Drive as part of a complete and green street project by DPW&T. Designs for this complete and green street are underway. Striping for designated bike lanes may also be considered by DPW&T along River Road, upon completion of the Purple Line. An extensive network of trails exists near the site, including the existing wide sidewalk (or sidepath) along one side of River Road, the Paint Branch Trail, the Northeast Branch Trail, and the Trolley Trail. The applicant is proffering a bike share station on the adjacent Brooks Parcel. This facility will expand the County system, Phase 1 of which is being implemented in the spring of 2018. This station will provide bike access for the future residents of the site for some transportation trips. Short- and long-term bicycle parking shall be evaluated at the time of DSP. Bicycle facilities are adequate with the provision of the on- and off-site improvements.

Coordination Meeting with DPW&T and the City of College Park

On October 5, 2017, a conference call was held in which Planning Department, DPW&T, and City of College Park staff participated. Issues discussed included the design of the park on the Brooks Parcel, the coordination of the two bike share programs, and the off-site improvements being required per Section 24-124.01. Decisions regarding a number of issues were reached during the meeting, several of which can be addressed via the BPIS exhibit required at the time of DSP. These issues are summarized below:

- The bike share station shown on the Brooks Parcel should be relocated further to the north to better facilitate transfers between the Capital Bikeshare and mBike systems.
- The designs of the paths should be coordinated with the latest Purple Line plans and the mBike station planned for the College Park Metro property.
- The design of the walkways on the Brooks Parcel may be amended at the time of DSP (via the BPIS exhibit) to avoid duplication of routes and to better accommodate mBike and the Purple Line.
- The City of College Park is in negotiations with the applicant regarding an additional off-site sidewalk connection on the west side of the pedestrian tunnel. This sidewalk may be beyond the cost cap specified in Section 24-124.01; however, if an agreement is reached between the city and the applicant regarding this connection, it can be incorporated into the BPIS exhibit at the time of DSP.

10. **Transportation**—The property is located on the east side of River Road, approximately 530 feet south of its intersection with Campus Drive. The application includes 440 multifamily residences and a small retail component.

This application is supported by a traffic impact study dated June 2017 using counts dated March 2017. The table below summarizes trip generation, based on the development proposal for this site, in each peak hour that will be used for the analysis and for formulating the trip cap for the site:

Trip Generation Summary, 4-17009, College Park Metro Apartments								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Retail	13,277	square feet	28	17	45	74	81	155
Less Pass-By (50 percent AM and PM)			-14	-9	-23	-37	-41	-78
Net Grocery Store Trips			14	8	22	37	40	77
Residential Multifamily	440	residences	46	183	229	172	92	264
Total Trips Utilized in Analysis			60	191	251	209	132	341

The rates used are consistent with the “Transportation Review Guidelines, Part 2” (Guidelines). This trip generation will be used for the analysis and for formulating the trip cap for the site.

The traffic generated by the subject PPS would impact the following intersections, interchanges, and links in the transportation system:

- Campus Drive and River Road (signalized)
- River Road and Metrobus Loop (unsignalized)
- River Road and site access north (unsignalized)
- River Road and site access middle (unsignalized)
- River Road and FDA Parking/site access south (unsignalized)
- River Road and Rivertech Court (unsignalized)
- River Road and Haig Drive/University Research Court (roundabout)
- Campus Drive and MFRI entrance (signalized)
- Campus Drive and 51st Avenue (signalized)

This is consistent with the scoping recommended in the College Park-Riverdale Park TDDP. The plan limits the selection of critical intersections for property within the overlay to intersections along River Road and Paint Branch Parkway (now Campus Drive), and specifically excludes intersections along US 1 (Baltimore Avenue) and MD 201 (Kenilworth Avenue).

The application is supported by a traffic impact study dated June 2017 using counts dated March 2017. The study provided by the applicant was referred to the Maryland State Highway Administration (SHA), DPW&T, and DPIE. A response from the County, dated

September 18, 2017 (Abrahamian to Masog), was received, offering no comments. Comments from SHA were not received at the time of the Planning Board hearing. The findings outlined below are based upon a review of these materials and analyses conducted, consistent with the Guidelines.

Existing Traffic

The subject property is located within Transportation Service Area (TSA) 1, as defined in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). 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 procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Roundabouts: Where the analysis using *The Highway Capacity Manual* (Transportation Research Board) indicates a volume-to-capacity (v/c) ratio greater than 0.850 for the intersection, geometric improvements or trip reduction measures should be considered that will reduce the v/c ratio to an acceptable level. The operating agency can deem a v/c between 0.850 and 0.900 to be acceptable, and that agency must do this in writing in order for the Planning Board to make a similar finding.

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in March 2017 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Campus Drive and River Road	585	646	A	A
River Road and Metrobus Loop	16.2*	14.8*	--	--
River Road and site access north	Future	Future	--	--
River Road and site access middle	Future	Future	--	--
River Road and FDA Parking/site access south	13.8*	12.5*	--	--
River Road and Rivertech Court	11.4*	11.4*	--	--
River Road and Haig Dr./University Research Ct.	0.46**	0.54**	--	--
Campus Drive and MFRI entrance	467	611	A	A
Campus Drive and 51 st Avenue	670	679	A	A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. **In analyzing roundabouts, a volume to capacity (v/c) ratio is computed. A v/c greater than 0.85 is generally the upper limit of acceptable operations.				

Background Traffic

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. Background traffic has been developed for the study area using 23 approved, but unbuilt, developments within the study area. A 0.5 percent annual growth rate for a period of six years has been assumed.

The background has been checked, and four background developments in the area have been identified and factored into the analysis. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Campus Drive and River Road	1,268	1,070	C	B
River Road and Metrobus Loop	276.2*	46.6*	--	--
River Road and site access north	Future	Future	--	--
River Road and site access middle	Future	Future	--	--
River Road and FDA Parking/site access south	194.5*	78.2*	--	--
River Road and Rivertech Court	+999*	+999*	--	--
River Road and Haig Dr./University Research Ct.	0.80**	0.80**	--	--
Campus Drive and MFRI entrance	650	690	A	A
Campus Drive and 51 st Avenue	1,024	1,224	B	C
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. **In analyzing roundabouts, a volume to capacity (v/c) ratio is computed. A v/c greater than 0.85 is generally the upper limit of acceptable operations.				

Total Traffic

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Campus Drive and River Road	1,297	1,120	C	B
River Road and Metrobus Loop				
Maximum Vehicle Delay (seconds)	315.2*	60.4*	No pass	No pass
Minor Street Approach Volume	46	52	Pass	Pass
River Road and site access north	0.0*	0.0*	--	--
River Road and site access middle	19.5*	12.2*	--	--
River Road and FDA Parking/site access south				
Maximum Vehicle Delay (seconds)	+999*	990.4*	No pass	No pass
Minor Street Approach Volume	161	174	No pass	No pass
Critical Lane Volume	952	809	Pass	Pass
River Road and Rivertech Court				
Maximum Vehicle Delay (seconds)	+999*	+999*	No pass	No pass
Minor Street Approach Volume	551	930	No pass	No pass
Critical Lane Volume	1,624	1,704	No Pass	No pass
River Road and Haig Dr./University Research Ct.	0.81**	0.85**	--	--
Campus Drive and MFRI entrance	660	724	A	A
Campus Drive and 51 st Avenue	1,034	1,246	B	C
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. **In analyzing roundabouts, a volume to capacity (v/c) ratio is computed. A v/c greater than 0.85 is generally the upper limit of acceptable operations.				

All intersections within the study area, including the roundabout at River Road and Haig Drive/University Research Court, operate acceptably under total traffic in both peak hours. However, the intersection of River Road and Rivertech Court requires further discussion, as the analysis shows that it does not operate acceptably.

River Road and Rivertech Court

As noted earlier, a three-part process is employed for two-way stop-controlled intersections. As indicated in the table above, the River Road/Rivertech Court intersection does not pass the test under total traffic. This result comes as no surprise; the College Park River Park TDDP includes the following language in its standards for parking requirements and transportation adequacy:

Until such time as a traffic signal at the intersection of River Road and Rivertech Court is installed or fully funded and permits have been issued by the County, each proposed development project with access on to River Road or Rivertech Court, and subject to Detailed Site Plan approval, shall submit a detailed analysis and a signal

warrant study (using total projected traffic) at the time of their initial application for review by appropriate agencies to determine if a traffic signal, pedestrian crossing light, or other appropriate traffic safety measure is necessary to ensure pedestrians can safely and efficiently cross all legs of the intersection.

In the traffic study, the applicant makes the argument that a traffic signal at this location would require specialized signal equipment to accommodate the transit vehicles at the intersection, and that any signal equipment already installed would need to be partially or fully reconstructed at the time of the Purple Line construction. This rationale is cited as reason to not require this applicant to provide the signal. This issue has been reviewed further, and it has been determined that signalization at this location will be installed in conjunction with the Purple Line. It is estimated, given the current construction schedules, that the installation will occur in the middle of 2019. As such, it is agreed that signalization at River Road and Rivertech Court is designed, funded, and scheduled for construction, and meets the criteria for consideration in background traffic. Furthermore, the determination is made that such signal is fully funded, and the language in the TDDP regarding further warrant studies at this location shall be considered to have been met by the full funding.

As noted above, however, the intersection needs more than signalization under total traffic to operate acceptably. This intersection would need to be restriped to add a second lane on the northbound approach, as well as signalized, to operate acceptably. With the added restriping, the CLV at this intersection would be 1,471 (LOS E) in the AM peak hour and 1,423 (LOS D) in the PM peak hour. This meets the LOS standard for this area and, for that reason, the restriping improvements is a condition of approval. Given that the design plans at this location show 44 feet of pavement curb-to-curb, with one northbound lane and one southbound lane, the applicant shall be required to either (a) provide the restriping for two northbound approach lanes, or (b) demonstrate that the restriping will be done at the time that the Purple Line construction occurs.

It is noted that current schedules indicate that the Van Buren Street overpass over the CSX tracks will be completed in the first quarter of 2018.

A trip cap consistent with the trip generation assumed for the site, 251 AM and 341 PM peak-hour vehicle trips, is recommended.

Access and Circulation

Access and circulation are acceptable given that the site is largely developed.

Master Plan Rights-of-Way and Future Transit Facility

The subject site fronts on River Road, a master plan collector facility with a proposed right-of-way of 82 feet. Adequate dedication consistent with master plan needs has already occurred, and no further right-of-way is required.

The MPOT shows a proposed transit line parallel to River Road in this area. This line represents the Maryland Transit Administration (MTA) Purple Line. The Purple Line is in the latter stages of design, and initial construction activities have commenced (although not immediate to this site). Along this site, the Purple Line is proposed to pass between the site and the existing Metrorail alignment. This is acceptable and does not appear to affect access to the site or potential buildings on the site.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required in accordance with Section 24-124 of the Subdivision Regulations.

11. **Schools**—This PPS has been reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and Council Resolution CR-23-2003, and concluded the following:

Residential

Impact on Affected Public School Clusters
Multifamily Units

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	440 DU	440 DU	440 DU
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	52	24	33
Actual Enrollment in 2016	18,486	5,232	9,077
Total Enrollment	18,538	5,256	9,110
State Rated Capacity	16,815	4,342	8,494
Percent Capacity	110%	121%	107%

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 WMATA; or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$9,017 and \$15,458 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a quarter mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the Approved Bowie State Marc Station Sector Plan and Sectional Map Amendment. The bill also established an exemption for studio or efficiency apartments that are located within the county urban centers and

corridors as defined in Section 27A-106 of the Prince George's County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within a quarter mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

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 subdivision 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 the nonresidential portion of the development will have no impact on the County school system.

12. **Fire and Rescue**—This PPS had been reviewed for adequacy of fire and rescue services, in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven minutes travel time from the first due station.

The project is served by College Park Fire/EMS, Company 812, which is located at 8115 Baltimore Avenue.

The Deputy Fire Chief, Dennis C. Wood, Emergency Services Command of the Prince George's County Fire/EMS Department, stated in writing that, as of July 18, 2017, the project is within a seven-minute travel time from the first due station.

The Fire Chief, as of May 15, 2016, has outlined the adequacy of personnel and equipment as required by Section 24-122.01(e).

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed near the subject site.

13. **Police Facilities**—This PPS has been reviewed for adequacy of police services, in accordance with Section 24-122.01(c) of the Subdivision Regulations.

Residential

The subject property is located in Police District I, Hyattsville. The response time standard established by Section 24-122.01(e) is 10 minutes for emergency calls and 25 minutes for nonemergency calls in the vicinity of the subdivision. The PPS was accepted for processing by the Planning Department on July 12, 2017. Based on the most recent available information provided by the Prince George's County Police Department, as of December 2015, the police response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls were met.

Nonresidential

The subject property is located in Police District I, Hyattsville. There is 267,660 square feet of space in all the facilities used by the Police Department, and the July 1, 2016 (U.S. Census Bureau) County population estimate is 908,049. Using the national standard of 141 square feet per 1,000 residents, it calculates to 128,034 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

14. **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 water and sewer Category 3, Community System. The property is within Tier 1 under the Sustainable Growth Act and will, therefore, be served by public systems.

15. **Use Conversion**—The total development included in this PPS is 440 multifamily residential units and 13,000 square feet of commercial retail development in the M-U-I Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings as set forth in the resolution of approval, that revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.
16. **Public Utility Easement**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public 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 standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on River Road, a public right-of-way. The applicant has requested approval of a variation to Section 24-122(a) to provide an alternate location for PUEs, as discussed further.

Variation—Section 24-122(a) requires the following:

Section 24-122. - Public facilities requirements.

- (a) **When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.**

The subject site's frontage is along River Road. A 10-foot-wide PUE located along the public street is the standard requirement of the public utility companies. However, the proposed design for the site is to provide a building along the River Road frontage, in accordance with the TDDP, which will not allow for PUEs along River Road. A variation to allow the PUE in a location other than along the public street is therefore requested to allow for greater flexibility in the location of utilities which will best serve the property. In addition, the applicant has provided that utilities are currently existing within the River Road right-of-way along the frontage of the subject site.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request:

Section 24-113. - Variations.

- (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 Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

Because the buildings for the subject site are to be constructed along the River Road frontage with minimal setback, the PUEs could not be provided in that area. The alternate PUE location will need to be reviewed for adequate location and approved by the various utility companies. With that approval, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to any other property.

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

The subject property is impacted by two rights-of-way. The Purple line transit right-of-way abuts the property to the west and River Road abuts the property to the east. The TDDP recommends buildings with build-to lines rather than setbacks from River Road, and recognizes that PUEs

may need to be accommodated in areas other than along the roadways. With the building placement close to River Road, the most appropriate location for the connection of utilities is along the internal vehicular access which circumnavigates the buildings and runs along the transit right-of-way to the west, rather than along River Road. The property's location between River Road and the transit line are unique to this property and not generally applicable to other properties.

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

The variation to Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. This PPS and variation request for the location of PUEs was referred to the Potomac Power and Electric Company (PEPCO), the Washington Suburban Sanitary Commission (WSSC), Washington Gas, and Comcast. WSSC will be provided with separate easements for wet utilities per their standard requirement. A response from PEPCO, Washington Gas, and Comcast was not received. However, the applicant is seeking concurrence of the various utility companies to ensure that all of their requirements are met. The final plat will reflect the approved location of the PUEs.

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

The physical conditions of the site are such that the property depth is fixed by the location of River Road to the east and the Purple Line to the west. Other properties between these two rights-of-way are wider, as River Road curves away from the transit line immediately south of this property. Requiring the strict location of a 10-foot-wide PUE along the public street would restrict the developable area, lessen the achievable density, and deny optimal development next to the Metro station; therefore, resulting in a particular hardship to the owner, as opposed to a mere inconvenience.

(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily 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 subject property is zoned M-U-I; therefore, this provision does not apply.

The Planning Board finds that the site is unique to the surrounding properties and that the variation request is supported by the required findings. Approval of the applicant's request will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which in part is to encourage creative residential subdivision design that accomplishes the purpose of the Subdivision Regulations in a more efficient manner.

Therefore, a variation to Section 24-122(a) of the Subdivision Regulations for the location of PUEs is approved, subject to approval of the affected utility companies.

17. **Historic**—The subject property is adjacent to the College Park Historic District (66-042). Developed gradually, Old Town College Park retains much of its original grid plan as platted by Johnson and Curriden in 1889. Today, Old Town consists of 215 properties, made up of 295 primary and secondary resources. A total of 211 of the resources contribute to the historic context of the district, while 84 are non-contributing. Residential buildings make up most of the neighborhood. Primary resources include single-family dwellings, multifamily dwellings, educational housing (fraternities and sororities), and religious, governmental, and social buildings. The resources date from the 1890s to the last decade of the twentieth century, with a single resource erected prior to the 1889 platting of the neighborhood (66-042-09, College Park Women's Club). The buildings of College Park are generally set back from the tree-lined streets on lots of varying widths. Many of the residential properties have driveways to the side of the primary resources, several with freestanding garages at the rear.

The subject application includes one parcel for a five-story apartment building with retail on the ground floor. The subject PPS application is consistent with the type of development envisioned in the TDDP and the General Plan. The height of the building is lower than the maximum allowed eight-story building for the area west of River Road. The DSP shall be reviewed by the Historic Preservation Commission for impacts to the historic district. The Historic Preservation Commission will review the scale, massing, architecture, and lighting, among other things, for impacts to the historic district during the DSP process.

18. **Environmental**—The subject application is for a new subdivision for 440 multifamily dwelling units and 13,000 square feet of retail.

A Type 2 Tree Conservation Plan (TCP2-076-92) was previously issued for this site, but has since expired. Subsequently, permits were issued for a parking lot under the State of Maryland's permitting process in accordance with the state's Forest Conservation Act. It was determined that the project was not subject to the County's Woodland Conservation Ordinance.

The Environmental Planning Section reviewed the site for a Natural Resources Inventory Equivalency Letter (NRI-109-2017), which was issued on May 24, 2017. A Standard Letter of Exemption (S-136-17) was issued on August 4, 2017.

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24 (Subdivision Regulations), 25 (Woodland and Wildlife Habitat Conservation Ordinance), and 27 (Zoning Ordinance) of the County Code that came into effect on September 1, 2010 because the application is for a new PPS.

Site Description

The site shares frontage with River Road to the east, and with the CSX railroad and WMATA rail lines to the west. The site is located approximately 530 feet to the south of the intersection of Campus Drive with River Road and is zoned M-U-I. According to the approved floodplain study from DPIE, an area of 100-year floodplain exists on-site. Other regulated environmental features such as streams, areas of steep slopes, and associated buffers are also found on the property. No areas of wetlands or wetland buffers are known to occur on-site. This site is outside of the Chesapeake Bay Critical Area. The site drains into the Lower Northeast branch of the Anacostia River watershed which drains into the Potomac River basin. The site is located in a stronghold watershed. The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include Aquasco-Urban land complex (0–5 percent slopes), Elsinboro sandy loam (0–2 percent slopes), Elsinboro-Urban land complex (0–5 percent slopes), Urban land-Elsinboro complex (0–5 percent slopes), and Zekiah-Urban land complex frequently flooded. According to available information, no soils containing Marlboro clay or Christiana complexes are found on this property. This site is not located within a Sensitive Species Protection Review Area (SSPRA), based on a review of the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources. According to the 2017 *Countywide Green Infrastructure Plan (Green Infrastructure Plan)*, the site contains two regulated areas. This site is within APA 6 of the College Park Airport.

Plan Prince George's 2035 Approved General Plan

Prior to submittal of the current application, a new General Plan was adopted by the District Council. The site is now located within Environmental Strategy Area 1 (Developed) of the Regulated Environmental Protection Areas Map, as designated by Plan Prince George's 2035. This site is also part of the College Park/UM Metro/M Square Purple Line Regional Transit Center. According to Plan Prince George's 2035, such centers are areas targeted for development and redevelopment on existing infrastructure. These are areas of the County where the economic benefits of developing help the entire County prosper. These areas represent a unique opportunity for attracting economic development, capitalizing on investments in mass transit facilities, and providing opportunities for mixed-use and transit-oriented development. The current application is in general conformance with the zoning requirements and the intent of the growth pattern established in Plan Prince George's 2035.

Countywide Green Infrastructure Plan

The Green Infrastructure Plan was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the approved Green Infrastructure Plan, the site contains two regulated areas within the designated network of the plan, along the northern and southern boundaries of the site.

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

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

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
 - a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
 - c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
 - d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.**
 - e. **Coordinating implementation between County agencies, with adjoining jurisdictions and municipalities, and other regional green infrastructure efforts.**
 - f. **Targeting land acquisition and ecological restoration activities within state-designated priority waterways such as stronghold watersheds and Tier II waters.**
- 1.2 **Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored and protected.**

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

The site contains two regulated areas that are located within the Anacostia River stronghold watershed. One area is located along the northeastern section of the property, while the other is along the southwestern corner of the site.

Along the northeast, a small portion of the regulated area is shown to be impacted for the demolition of an existing parking lot and for the construction of an entrance for vehicular access, a bioretention area for stormwater management, and part of a new parking lot; primary management area (PMA) impacts are shown on this portion of the site. The bioretention area is within the floodplain and, during a storm event, run-off from the parking lot could overflow directly into the stream. Redesign of this area should be considered at the time of DSP to preserve and enhance this area.

A statement of justification has been received for the proposed impacts to the stream buffer within the PMA. These impacts are discussed in detail in a later section.

No SSPRA or special conservation areas are located on or within the vicinity of the subject site.

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

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

No network gaps have been identified on the subject site. Impacts are discussed in the Environmental Review section. At this time, mitigation is not required.

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

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
 - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced or new roads are constructed.**
 - b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer they must be designed to minimize clearing and grading and to use low impact surfaces.**

No transportation-related impacts are proposed within the regulated areas of the subject application.

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

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

Conservation easements are normally required to protect areas identified within the PMA. However, the PMAs on the subject site are currently developed and will be impacted with redevelopment of this site. No on-site woodland preservation or afforestation/reforestation are being proposed; therefore, no woodland and wildlife habitat conservation easements are required on-site.

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

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The current project has a valid Stormwater Management Concept Plan (17197-2017-00), approved under the current stormwater regulations by DPIE. The area within the boundaries of the regulated features on-site should be replanted with appropriate native vegetation that will improve water quality, which will be evaluated further at the time of DSP.

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

General Strategies for Increasing Forest and Tree Canopy Coverage

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

Planting of native species is encouraged within the regulated areas on-site.

Forest Canopy Strategies

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

No clearing of woodland is included with the subject application. Green space is encouraged within the development, particularly within and around existing regulated areas on-site for preservation and expansion of these regulated areas.

POLICY 12: Provide adequate protection and screening from noise and vibration.

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

Mitigation through building construction is discussed further in the Noise and Vibration finding.

Area Master Plan Conformance

The area master plan for this area is the College Park-Riverdale Park TDDP. The site falls within the Metro Core Transit District Neighborhood. Within the approved TDDP, there are goals, policies, and strategies. The following policies and strategies have been determined to be applicable to the current project. The text in **bold** is the text from the TDDP and the plain text provides comments on plan conformance.

Transit District Neighborhood Recommendations --Metro Core

Policy 3: Create a greenway corridor as a centerpiece of high density, mixed-use development that will also enhance the area's environmental and recreational resources and connect the Anacostia River Stream Valley Park to the Metro Core.

Strategy 3.1: Incorporate office, institutional, residential, civic, and recreational uses along the enhanced greenway.

Strategy 3.2: Build on the existing United States Food and Drug Administration (FDA) wetland facility just east of River Road as the precedent for the character of the central greenway within the neighborhood. Restore the tributary in a naturalistic wetland, and concentrate the recommended land uses along the northern and southern flanks of the greenway.

This project will contribute to the strategy of incorporating residential uses along the enhanced greenway of the Metro Core.

North of the site is the master-planned event/lawn enhanced greenway that is an extension of the existing United States Food and Drug Administration (FDA) wetland facility on the western side of River Road. Per the TDDP, it is recommended that this area is enhanced as a naturalistic wetland and becomes a central feature within the Metro Core Area for wildlife and recreational use. It is also recommended that a future trail connection be considered between the site and the existing trail located off-site on the western side of River Road, to serve as a connection between the Metro Core and the Anacostia River Stream Valley Park. These elements will be evaluated further at the time of DSP.

Environmental Infrastructure Section –Area-wide Recommendations

Policy 1: Restore and enhance water quality and ecological functions in the Lower Northeast Branch stream system as part of the development of the district and to support Anacostia River Watershed Restoration Plan efforts to improve water quality in the Anacostia River.

A stormwater management concept letter and plan, that is in conformance with the current code, was submitted with this application. The Site/Road Plan Review Division of DPIE will review the project for conformance with the current provisions of the County Code which addresses the state regulations.

Policy 2: Improve air and water quality and stream habitat conditions in the Lower Northeast Branch Stream System.

Promotion of green-friendly transportation and water quality practices that could improve air and water quality and off-site stream habitat conditions is encouraged.

Policy 3: Support community health and wellness recommendations and regional efforts to improve air quality by helping to reduce contributing sources of pollutants that cause ground level ozone or create local air pollution.

Policy 4: Minimize the impacts of noise on FIDS in the vicinity and on residential uses within the transit district.

No forest interior dwelling species (FIDS) habitat is associated within or immediately surrounding the site. However, it is encouraged that construction be limited to daytime hours, Monday–Friday, only to prevent impacts on surrounding residential uses in the area.

Policy 5: Reduce overall sky glow, glaze from light fixtures, and spillover of light to adjacent properties including the FIDS habitat within the Anacostia River Stream Valley east of the Research Core.

The use of alternative lighting technologies is encouraged so that light intrusion onto adjacent properties is minimized. Full cut-off optic light fixtures shall be considered at the time of DSP.

Urban Conservation Park and TDDP Floodplain Mitigation

Policy 1: Minimize adverse impacts to the 100-year floodplain due to disturbance, further fragmentation, or lost floodplain storage capacity.

Metro Core and College Park Aviation Village

Policy 1: Implement specific improvements to preserve, protect, and enhance surface and groundwater features and restore lost ecological functions to the extent possible.

A stormwater management concept letter and plan, that is in conformance with the current code, was submitted with this application. The Site/Road Plan Review Division of DPIE will review the project for conformance with the current provisions of the County Code which addresses the state regulations.

Metro Core and Research Core

Policy 1: Preserve existing woodland resources, and replant woodland to improve air quality and enhance water quality along tributaries to the Anacostia River.

No existing woodlands exist on-site. Planting of trees on-site to improve air quality and to enhance water quality is encouraged.

Metro Core and Riverdale Park Urban Village

Policy 1: Explore incentives to minimize the impact of noise generated by the CSX/MARC and Metro rail lines on future residential uses.

Noise impacts are evaluated further in the Noise and Vibration finding below.

Environmental Review

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

Natural Resources Inventory

An approved Natural Resources Inventory Equivalency Letter (NRI-109-2017) was submitted with the review package, which expires on May 24, 2022. This equivalency letter was issued as the site improvements shown at the time did not indicate any impacts to regulated environmental features, such as stream buffers or 100-year floodplain, and the site contained no existing woodlands. However, the site improvements set forth in this application include impacts to regulated features. Pursuant to an NRI exhibit submitted, a small area in the northeastern corner of the site contains regulated environmental features such as 100-year floodplain, a stream buffer, and PMA.

Woodland Conservation

The site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square feet of woodland on-site, and has no previous tree conservation plan (TCP) approvals. A standard letter of exemption from the WCO was issued for this site (S-136-17), which expires on August 14, 2017.

This site is located within the flight path of the College Park Airport, within APA 6, which has no restrictions on woodland conservation. This site may be affected by airport and aircraft operations. The PPS will be subject to compliance with the APA regulations under CB-51-2002 within APA 6 of the College Park Airport.

No additional information is required regarding woodland conservation.

Preservation of Regulated Environmental Features/Primary Management Area

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 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.

The site contains regulated environmental features. According to the PPS and the approved stormwater management concept plan, impacts to the stream buffer and 100-year floodplain for the grading and construction of a bioretention facility is required for detention and treatment of stormwater leaving the site. A statement of justification has been received for the impacts which are within the PMA.

Statement of Justification

The statement of justification included an exhibit requesting impacts to the PMA totaling approximately 1,525 square feet on-site or 0.035 acre. The impacts are for the removal of existing pavement and for the grading and installation of a micro-bioretention facility.

Analysis of Impacts

The area of PMA consists of stream buffer and 100-year floodplain associated with a stream that flows off-site to the north of the property. Impacts associated with the removal of impervious existing pavement within the PMA and replacement with a micro-bioretention facility that will detain and treat stormwater before it leaves the site is acceptable. Although grading and construction of micro-bioretention facilities within the PMA is not generally supported, given that the site is already graded in accordance with previous approvals, the impacts to the PMA with this PPS application are approved. Mitigation for this impact is not necessary due to the minimal area affected.

Based on the level of design information currently available, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibit and the approved stormwater concept plan submitted.

19. **Noise and Vibration**—There are noise and vibration impacts associated with the property from the CSX and Metro rail lines, which are located west of the site. A Phase I noise and vibration analysis dated June 15, 2017 was prepared by Hush Acoustics, LLC.

The analysis measured railway noise based on site noise sampling in three locations near the adjacent noise-generating railways. The noise analysis addressed outdoor noise and considered mitigation provided through conceptual building materials. The noise measurement results indicate that the site will be subject to noise levels above 65 dB DNL (Day-Night Average Sound Levels) which can be mitigated to 45 dB DNL or less for interior noise through the use building materials. The 2017 report is based on the current concept layout of the multifamily buildings. However, building architecture for this project was not submitted as part of the analysis. A Phase II noise analysis should be provided with the DSP, which evaluates the proposed building materials for this site to ensure that appropriate building materials are used to mitigate interior noise levels to 45 dB DNL or less.

Vibration levels were also measured when trains passed the site at a location that is approximately 21 feet closer to the rail lines than the concept buildings. It was found that, in all instances, vibration levels do not exceed the Federal Transit Administration (FTA) criterion. It is anticipated that vibration levels indoors will be lower due to coupling loss at the building foundation, and further reduced for upper floors of the building.

A note shall be added to the final plat that the site may be subject to noise impacts and feelable vibration from the adjacent rail lines. All multifamily buildings shall have acoustical certification, at the time of building permit, that building shells have been designed to reduce interior noise levels to 45 dB DNL or less.

20. **Variation 24-121(a)(4)**—Section 24-121(a)(4) of the Subdivision Regulations provides the following criteria for lots abutting specific rights-of-way:

- (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 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.**

The subject site has frontage on River Road to the east, a master-planned collector roadway; and the CSX railroad and Metro rail lines (Green and Purple lines) to the west. Residential lots are required to be platted with a 300-foot lot depth when adjacent to an existing or planned transit right-of-way, in accordance with Section 24-121(a)(4). The subject property is approximately 294 feet deep from east to west and does not comply with the 300-foot lot depth requirement. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests, as follows:

- (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 not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property for its intended purpose.

- (1) **The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

The 300-foot lot depth requirement is aimed at providing a deep enough lot depth to avoid impact from the transit right-of-way on the development. There is no evidence that a variation to this requirement would be injurious to other property. The site's lot depth falls approximately 6 feet short of the 300-foot requirement. However, the applicant is performing noise and vibration studies to determine appropriate mitigation for the proposed residential development. Therefore, the granting of the variation will have no negative impacts on public health, safety, or welfare.

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

The property depth is set by River Road to the east and the transit rail lines to the west. These are fixed rights-of-way which cannot be moved. The relationship of the two rights-of-way, and the depth they create for the subject site, are unique to this property and not generally applicable to other properties. Other properties

between these two rights-of-way are wider, as River Road curves away from the transit lines immediately south of this property.

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

Conditions of approval require that certification by a professional engineer with competency in acoustical analysis be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less, prior to issuance of building permits; and notes to be placed on the final plat indicating that the property may be subject to noise and vibration impacts from the transit lines. Therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation.

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

As previously indicated, the property has unique physical surroundings, whereas it is sandwiched between two rights-of-way that cannot be moved. Adherence to the requirements of Section 24-121(a)(4), in this case, would result in denying the applicant the ability to develop the property with a reasonable use in the zone, a mixed-use infill development of residential and retail uses. This would result in a particular hardship to the applicant, as they would be incapable of developing the property to fulfill its intended purpose, consistent with the TDDP, if the strict regulations were carried out.

- (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. Therefore, this finding does not apply.

Based on the preceding findings, the variation to Section 24-121(a)(4) for the parcel included in this application is approved.

21. **Urban Design**—The PPS is for mixed-use development with multifamily residential units and commercial retail. The site is located within the M-U-I and T-D-O Zones, and is within APA 6 of the College Park Airport. Multifamily residential buildings and retail uses are permitted in the M-U-I Zone. Conformance with Section 27-546.19, Site Plans for Mixed Uses, and Section 27-546.18, Regulations for development in the M-U-I Zone, along with other applicable zoning regulations will be evaluated at the time of DSP review. The following comments provide information regarding analysis at the time of DSP review:

Conformance with the Requirements of the Zoning Ordinance

Conformance with the following Zoning Ordinance regulations is required for the proposed development at the time of the required DSP review, including, but not limited to the following:

- Section 27-546.17, uses allowed in the Mixed Use-Infill (M-U-I) Zone
- Section 27-546.18, regulations in the M-U-I Zone
- Section 27-548.42, height requirement regulations

Conformance with Conditions of Prior Approvals

The site does not appear to have any previously approved site plan applications associated with the 5.58 acres. However, existing conditions indicate that improvements, as part of the Metro station, have occurred on the property. Property north of the subject application was the subject of Conceptual Site Plan CSP-03003, approved by the Planning Board on September 4, 2003 as adopted in PGCPB Resolution No. 03-184, subject to eight conditions. On June 21, 2004, the District Council reviewed the application and affirmed the Planning Board's decision. Those conditions of approval do not apply to the subject application.

Conformance to the 2015 College Park-Riverdale Park Transit District Development Plan

The development is in the College Park-Riverdale Park TDDP and within the Metro Core neighborhood. The site transit district standards are contained within the TDDP beginning on page 193. A DSP application is required to show compliance with the transit district standards. The DSP will be subject to all the TDOZ standards, and conformance to the applicable standards will be evaluated at that time.

Conformance with the 2010 Prince George's County Landscape Manual

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual*. Specifically, to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.5, Stormwater Management Facilities; Section 4.6, Buffering Development from Streets; and Section 4.9, Sustainable Landscaping Requirements. Conformance to the requirements of those sections will be evaluated at the time of DSP review.

Tree Canopy Coverage Ordinance

Subtitle 25-125 of the Prince George's County Code requires projects which involve more than 5,000 square feet of land disturbance to provide a certain percentage of the area of the site in tree canopy coverage. More particularly, projects located in the M-U-I Zone are required to provide 15 percent in tree canopy coverage. As applied to the subject site, the calculations are as follows:

Zone	Acreage	Percent	Acreage Required	Sq. Ft. Required
M-U-I	5.58	15	0.837	36,459.70

This requirement can be met either through woodland conservation, on-site landscaping and street trees, or a combination of the three. Conformance with the Tree Canopy Coverage Ordinance will be evaluated at the time of DSP approval.

22. **City of College Park**—The subject site is in the municipal boundaries of the City of College Park. This application was heard at the City Council meeting on October 10, 2017 and the Council moved to approve the application, subject to the following conditions:

1. **At the time of Detailed Site Plan submission, the Applicant shall provide an updated analysis of interior sound levels based on the architectural drawings for the subject application. The Day-Night Average Sound Level (DNL) inside the residences shall not exceed 45 dB. In addition, an assessment from an acoustic consultant shall be provided to determine if there will be a perceptible impact to residents living on the west side of the railroad and Metro tracks due to reflective noise from the proposed project.**
2. **At the time of Detailed Site Plan, the Applicant shall submit a revised exhibit showing improvements to be made to satisfy the Bicycle and Pedestrian Impact Statement (BPIS) adequacy requirements that include the following facilities:**
 - a. **A revised plan for the Brooks Parcel that provides direct connections to the proposed Purple Line station, pedestrian tunnel and Metro Station and that minimizes the amount of impervious trail surface and impact to existing trees.**
 - b. **Improvements to the pedestrian tunnel and vicinity that include:**
 1. **Enhancement of the exterior entrances on both sides of the tunnel for better visibility.**
 2. **Replacement of existing light fixtures with LED lighting in heavy-duty vandal proof cages.**
 3. **Repainting the tunnel interior with graffiti resistant white paint.**

4. **Replacement of old and damaged signage on both sides of the tunnel, subject to approval by WMATA.**
 5. **Relocation of existing ATHA wayfinding sign, if needed, and provide additional wayfinding signage to the tunnel and Metro Station.**
 6. **Replacement of existing convex safety mirror with a new mirror to address the blind turn in the tunnel.**
- c. **Construction of missing 5-foot wide sidewalk on the west side of Bowdoin Avenue between Harvard Road and Calvert Road, subject to approval by the City of College Park Engineer.**
3. **The Applicant and/or owner of the Brooks Parcel, abutting the northern boundary of the subject site shall enter into a Public Use Easement Agreement with the City of College Park or M-NCPPC for the public use of the privately maintained urban plaza/park.**

The conditions recommended by the City of College Park have been incorporated into the approval of this PPS. However, it is noted that the improvements listed in Condition 2 above, which are incorporated as conditions of this approval, may collectively exceed the BPIS cost cap. At the time of DSP, the BPIS improvements will be further evaluated and may be modified or substituted, if appropriate and in accordance with Section 24-124.01 of the Subdivision Regulations. Improvements beyond the cost cap are not required, but may be proffered by the applicant.

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 19, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of November 2017.

Elizabeth M. Hewlett
Chairman



By Jessica Jones
Planning Board Administrator

EMH:JJ:RG:rpg


APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date

10/31/17