



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

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Preliminary Plan of Subdivision Kathmandu Village

4-20013

REQUEST	STAFF RECOMMENDATION
30 lots and 4 parcels for the development of 30 single-family detached dwellings.	APPROVAL with conditions
Variance to Section 25-122(b)(1)(G)	APPROVAL

Location: On the west side of Alberta Drive, approximately 940 feet north of its intersection with Ritchie Road.

Gross Acreage:	11.47
Zone:	R-80/M-I-O
Gross Floor Area:	N/A
Dwelling Units:	30
Lots:	30
Parcels:	4
Planning Area:	75A
Council District:	06
Election District:	06
Municipality:	None

Applicant/Address:
Kathmandu Village, LLC
4531 Windsor Arms Court
Annandale, VA 22003

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Planning Board Date:	05/06/2021
Planning Board Action Limit:	05/12/2021
Mandatory Action Timeframe:	70 days
Staff Report Date:	04/21/2021
Date Accepted:	03/03/2021
Informational Mailing:	08/07/2020
Acceptance Mailing:	03/02/2021

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

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-20013
Type 1 Tree Conservation Plan TCP1-003-2021
Kathmandu Village

OVERVIEW

The site is located adjacent to the west side of Alberta Drive, west of its intersection with Eastwood Drive and approximately 940 feet north of its intersection with Ritchie Road. The site consists of two parcels known as Parcels 58 and 137, which are recorded in Liber 42183 Folio 350 of the Prince George's County Land Records. The property has an address of 1705 Ritchie Road. The 11.47-acre property is in the One-Family Detached Residential (R-80) Zone and is subject to the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan and SMA).

This application proposes to subdivide the property into 30 lots for the development of 30 single-family detached units. Four parcels are also proposed, three of which are to be conveyed to a homeowners' association (HOA), and one of which is to be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The subject site was formerly improved with a one-family detached dwelling and its accessory buildings, all of which have been abandoned. The remaining buildings are to be razed to make way for new development.

The property is not the subject of any previous record plats or preliminary plans of subdivision (PPS). Therefore, a PPS is required in order to permit the division of land and the construction of multiple dwelling units.

Access to the site is proposed via Eastwood Drive, which will extend to proposed public streets within the site. Eastwood Drive currently stubs at the site's eastern boundary. At the site entrance, a portion of the future right-of-way is currently on M-NCPPC-owned parkland. In order to provide access to the site, this 2,500-square-foot area must be dedicated to public use. Therefore, the applicant is proposing to convey a 6,485-square-foot parcel to M-NCPPC for use as parkland, in exchange for the 2,500 square feet of parkland, which will be dedicated to public right-of-way. This proposal is discussed further in the Parks and Recreation and Transportation findings of this technical staff report.

The applicant filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), to allow removal of 20 specimen trees. This request is discussed further in the Environmental finding of this technical staff report.

Staff recommends **approval** of the PPS with conditions, and approval of the variance, based on the findings contained in this technical staff report.

SETTING

The subject site is located on Tax Map 74 in Grid B-4; and is within Planning Area 75A. The site is bound on the northeast, north, and west by M-NCPPC parkland in the Reserved Open Space Zone, known as the Walker Mill Regional Park. Abutting the site to the south is a church on a parcel zoned R-80, with Ritchie Road beyond. Abutting the site to the east are seven single-family detached dwellings in the One-Family Detached Residential (R-55) Zone. These dwellings are in the Ritchie Manor subdivision and front on Alberta Drive. The property and its surroundings are in the Military Installation Overlay (M-I-O) Zone for height and noise.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zones	R-80	R-80
Use(s)	Residential	Residential
Acreage	11.47	11.47
Parcels	2	4
Lots	0	30
Dwelling Units	1	30
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Prince George's County Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on March 19, 2021.

2. **Previous Approvals**—This property is not subject to any previous approvals.
3. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the Subregion 4 Master Plan and SMA are evaluated as follows:

Plan 2035

This application is in the Established Communities. The vision for the Established Communities is that they are most appropriate for context-sensitive infill and low- to medium-density development (page 20).

Master Plan

The Subregion 4 Master Plan and SMA retained the subject property in the R-80 Zone. The master plan recommends Medium Density Residential (3.5 to 8 dwelling units per acre) land uses on the subject property. The subject project proposes a density of 3.18 dwelling units per acre, which does not exceed that recommended by the master plan. The project's density also conforms to the requirements of the R-80 Zone, which permits a maximum density of 4.58 dwelling units per acre.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the Subregion 4 Master Plan and SMA.

Military Installation Overlay Zone

This application is located within the M-I-O Zone. Pursuant to Section 27-548.54 of the Prince George's County Zoning Ordinance, the proposed development must meet the maximum height requirements for Surface Area B (App/Dep Clearance (50:1) – North End, Area Label B) and the requirements of the Noise Intensity Zone (60 db -74 db).

Residential structures within Surface Area B shall not exceed a specific height, which is determined using the methodology established in Section 27-548.54. Conformance with the height requirements of the M-I-O Zone will be evaluated at the time of permit review when buildings are proposed.

Residential structures within the Noise Intensity Zone are required to demonstrate that all interior noise levels will be mitigated to 45 dBA Ldn or less. Staff recommends that certification by a professional engineer with competency in acoustical analysis be placed on the building permits stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA Ldn/DNL or less.

4. **Stormwater Management**—A Stormwater Management (SWM) Concept Approval Letter (23030-2020-00), and associated plan were submitted with the application for this site. The approval was issued on October 15, 2020 with this project from the Prince George County Department of Permitting, Inspections and Enforcement (DPIE). The plan proposes to construct nine dry wells and a large gravel wetland facility on Parcel C. The concept plan shows the outfall from the gravel wetland facility discharging stormwater directly to the adjacent M-NCPPC property (Parcel 13) with no pathway to a water source (wetland/stream). The Prince George's County Department of Parks and Recreation (DPR) staff expressed concerns about this configuration, stating that runoff from the pond going into woodland on their property may cause erosion problems. The revised PPS and Type 1 tree conservation plan (TCP1) show this gravel wetland facility now being piped to the entrance road stream crossing and entering the stream at this location. DPIE will need to review and approve this revision to the SWM concept plan prior to signature approval of the PPS. No SWM fee for on-site attenuation/quality control measures is required. Development of the site shall conform with the SWM concept plan and any subsequent revisions to ensure no on-site or downstream flooding occurs.
5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the Subregion 4 Master Plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County* and the Prince George's

County Subdivision Regulations (Subtitle 24); as they pertain to public parks and recreation and facilities.

The proposed development is located adjacent to Walker Mill Regional Park, which comprises over 500 acres and offers a level 3 soccer/football field, lighted baseball and softball fields, basketball and tennis courts, a playground, a picnic shelter, a skate park, and trails. Other parks in the vicinity of this site include Fairfield Knolls Park, Millwood Park, and the North Forestville Community Center, which is located approximately 1.3 miles to the south.

The Subregion 4 Master Plan denotes that this subregion contains approximately 1,874 acres of local parkland at 54 developed parks and 15 undeveloped sites, which is insufficient to meet projected needs through 2030. The Subregion 4 Master Plan states that the region would need to add approximately 9,100 acres of parks to the inventory to adequately serve the residents.

Mandatory dedication of parkland pursuant to Section 24-134(a) of the Subdivision Regulations requires the dedication of land, or alternatively, the applicant may satisfy the requirement with payment of a fee-in-lieu, or on-site recreational facilities, pursuant to Section 24-135 of the Subdivision Regulations. The applicant proposes on-site recreational facilities to fulfill this requirement. The PPS shows Parcel A will be 30,963 square feet and will be conveyed to the HOA for recreational amenities and woodland conservation. A cost estimate sheet provided with the application demonstrates that the proposed recreational facilities on this parcel will meet the minimum recreational facilities value of \$31,894.20. Staff supports this proposal based on the limited size of the proposed development and its proximity to existing park facilities. The Urban Design Section of the Prince George's County Planning Department, Development Review Division, will review the facilities for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP).

The applicant states on the PPS that the wet pond SWM facility on Parcel C will contribute to satisfying the mandatory dedication of parkland requirement. Section 24-134(a)(5) of the Subdivision Regulations provides that the Planning Board may credit an on-site SWM pond toward mandatory dedication of parkland, regardless of ownership; however, the applicant must demonstrate that the area will provide active or passive recreation due to specific access provisions, recreational facilities, or visual amenity. The PPS and the accompanying statement of justification (SOJ) do not provide such demonstration and given that the proposed recreational facilities on Parcel A meet the on-site standards, staff finds that utilizing the wet pond is unnecessary for the fulfillment of the mandatory dedication of parkland requirement and should be removed from consideration on the plan.

Staff finds that future residents would be best served by the provision of on-site recreational facilities, and that the on-site recreational facilities proposed will meet the requirements of mandatory park dedication, as required by Section 24-135(b) of the Subdivision Regulations.

Land Transaction and Easement

Access to the subject site from Eastwood Drive is limited due to an insufficient right-of-way width. The applicant has requested the acquisition of a 2,500-square-foot section of Walker Mill Regional Park to meet the public road standards for access to the proposed

development. In exchange, the applicant is offering to dedicate 6,485 square feet of land area, shown as Parcel D on the PPS, to M-NCPPC. This parcel is contiguous to Walker Mill Regional Park and will serve as a southern extension of the parkland. Staff finds this transaction of land to be an equal or better exchange, which is a required finding for the exchange of land. Prior to approval of final plats for the property, the disposal of land by M-NCPPC will need to receive joint approval by the Prince George's County Planning Board and the Montgomery County Planning Board, and the land area must be dedicated to public use in order to provide the necessary right-of-way for access to the subdivision.

The entrance road to the community, shown on the plan as a 50-foot-wide right-of way, requires conveyance of a stream through a culvert. The stream will be consolidated with stormwater discharge to a single outfall on M-NCPPC parklands. Establishment and maintenance of this outfall on parkland will require an easement prior to disturbance of M-NCPPC property.

6. **Bicycle/Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the Subregion 4 Master Plan and the Prince George's County Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation recommendations.

Review of Proposed On-Site Improvements

The submitted plans include five-foot-wide sidewalks along both sides of all internal roadways. Crosswalks and Americans with Disabilities Act (ADA) curb ramps are also shown throughout the site, creating a continuous path through the proposed subdivision.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to an existing residential community (the Ritchie Manor subdivision) with no current connections. The proposed sidewalk will create new connections to the adjacent community.

Review of Master Plan of Transportation (MPOT) Compliance

This development case is subject to the MPOT. There are no master plan facilities that impact the subject site. The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

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

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

The submitted plans include sidewalks along both sides of all roadways and fulfill the intent of Policy 1. Designated space for bicycle parking is an important component of a bicycle-friendly roadway. Therefore, staff recommends a minimum of two inverted u-style bicycle racks, or a style similar that allows two points of secure contact be provided at the proposed recreation area. The recommended and proposed on-site improvements support the purpose and recommendations of the Complete Streets Policies.

Review of Area Master Plan Compliance

This development is also subject to the Subregion 4 Master Plan, which includes the following recommendations for pedestrian and bicyclist facilities (page 252):

- **Provide sidewalks and neighborhood trail connections within existing communities to improve pedestrian safety, allow for safe routes to Metro stations and schools, and provide for increased nonmotorized connectivity between neighborhoods.**

Standard sidewalks and the associated crosswalks and ADA curb ramps are proposed and will improve pedestrian safety throughout the site.

Based on the preceding findings, adequate bicycle and pedestrian facilities will exist to serve the proposed subdivision, in accordance with Subtitle 24, if the application is approved with the conditions recommended in this technical staff report.

7. **Transportation**—Transportation-related findings for adequacy are made for this application, in accordance with the Subdivision Regulations, along with any needed determinations related to dedication, access, and general subdivision layout.

Because the proposal is expected to generate fewer than 50 peak-hour trips, a full traffic impact study was not required; at the request of staff, the applicant submitted traffic counts taken December 8, 2020 (letter dated December 15, 2020). These counts are used as the basis for a determination of adequacy.

The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

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

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

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

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

Analysis of Traffic Impacts

The application is a PPS for a residential subdivision. The table below summarizes trip generation in each peak hour that was used in reviewing traffic and developing a trip cap for the site:

Trip Generation Summary: 4-20013 Kathmandu Village								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single-Family Detached	30	residences	5	18	23	18	9	27
Recommended Trip Cap					23			27

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

- Ritchie Road / Forest Park Drive (signalized)
- Ritchie Road / Laura Lane / Alberta Drive (signalized)
- Alberta Drive / Eastwood Drive (unsignalized)

The critical intersections, interchanges and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
Ritchie Road / Forest Park Drive	360	580	A	A
Alberta Drive / Ritchie Road / Laura Lane	369	792	A	A
Site Access / Alberta Drive / Eastwood Drive	9.4*	9.4*	-	-
*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.				

None of the critical intersections identified above are programmed for improvements 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." In addition, through a review of nearby properties, staff has found that no background traffic developments, as defined by approved but unbuilt developments with valid PPS, final plats, or special exceptions, would impact the critical intersections. Therefore, no additional background traffic was incorporated into the study.

The critical intersections identified above, when analyzed with total future traffic developed using the “Transportation Review Guidelines, Part 1” (Guidelines), including the site trip generation described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
Ritchie Road / Forest Park Drive	368	597	A	A
Alberta Drive / Ritchie Road / Laura Lane	380	804	A	A
Site Access / Alberta Drive / Eastwood Drive	9.7*	9.9*	-	-
*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standards. According to the Guidelines, all three tests must fail to require a signal warrant study.				

The analysis shows no inadequacies under the proposed development.

Site Access and Master Plan Roads

Existing access to the site is via two side-by-side access easements (recorded in Liber 113 Folio 395 and Liber 3254 Folio 1), which together make a 25-foot-wide private right-of-way through the church property to the south. This access was used by residents of the abandoned one-family dwelling on the site to reach Ritchie Road. The existing access is not adequate to serve the 30-lot subdivision, and the easements are proposed to be abandoned. If the easements cannot be abandoned, denial of access to the easements should be reflected on the final plat for the property. The driveway within the site (shown on the plan as an “existing macadam road”) should be shown to be removed.

The application proposes new access via Alberta Drive and Eastwood Drive in the abutting Ritchie Manor subdivision. Eastwood Drive will extend into the subdivision and connect to proposed Himalaya Court and Lumbini Court. All new roadways in the subject application propose a 50-foot public right-of-way.

The PPS labels Eastwood Drive as “Kathmandu Drive” within the site. However, extensions of existing streets should bear the same name. The PPS should be revised to label the entrance road as “Eastwood Drive” rather than “Kathmandu Drive”. The name “Kathmandu Court” may be used for one of the other two streets in the subdivision, if desired by the applicant. Final names for the streets will be subject to approval by the Property Address Section of the Information Management Division, in the Prince George’s County Planning Department, prior to approval of final plats.

In order to allow access to the proposed subdivision, land is required from M-NCPPC. The applicant has agreed to convey land to M-NCPPC (the 6,485-square-foot Parcel D) to compensate for the 2,500-square-foot public use dedication, which would be provided from M-NCPPC parkland along Kathmandu Drive. Dedication or conveyance of M-NCPPC land requires the joint approval of the Prince George’s County Planning Board and the Montgomery County Planning Board, and so is outside the scope of the approval of this PPS. The applicant must obtain a separate approval from M-NCPPC for use of their land as right-of-way before any final plats are approved for the subdivision.

Staff finds that the proposed plan and circulation layout are acceptable, pursuant to Section 24-123 of the Subdivision Regulations. There are no master-planned rights-of-way that impact the subject site.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, in accordance with Subtitle 24, if the application is approved with the conditions recommended in this technical staff report.

8. **Schools**—This PPS has been reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George’s County Council Resolution CR-23-2001. The subject property is located within Cluster 4, as identified in the *Pupil Yield Factors and Public-School Clusters 2020 Update*, and it is located inside the Capital Beltway. Staff has conducted an analysis and the results are as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Cluster		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Single-Family Detached (SF) Dwelling Units	30 DU	30 DU	30 DU
Pupil Yield Factor (PYF) – Single-Family Detached	0.158	0.098	0.127
SF x PY=Future Subdivision Enrollment	5	3	4
Adjusted Student Enrollment 9/30/19	12,927	9,220	7,782
Total Future Student Enrollment	12,932	9,223	7,786
State Rated Capacity	15,769	9,763	8,829
Percent Capacity	82 percent	94 percent	88 percent

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,770 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$9,770 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,748 per dwelling for all other buildings. This project is between Interstate 495 and the District of Columbia; thus, the surcharge fee is \$9,770. This fee is to be paid to DPIE at the time of issuance of each building permit.

9. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated March 12, 2021 (Perry to Diaz-Campbell), provided in the backup of this technical staff report, and incorporated by reference herein.

- 10. Use Conversion**—The total development included in this PPS is for 30 single-family detached dwellings in the R-80 Zone. If a substantial revision to the mix of uses on the subject property is proposed, including any non-residential development that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
- 11. Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the subdivider shall 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 does not abut any existing public rights-of-way except for the stub of Eastwood Drive, from which proposed public street extensions will be provided to serve the subdivision. The PPS demonstrates that the required PUEs will be provided along all public streets. The portion of right-of-way, which is to be dedicated from M-NCPPC parkland, is not subject to the requirement for a PUE at this time because it is located off-site on property not belonging to the applicant.

- 12. Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated that Parcels 58 and 137 were once part of Thomas Berry’s Concord plantation, and that the probability of archeological sites within the subject property was high. A Phase I archeology survey was completed, and a report prepared in September 2020. A total of 146 shovel test pits (STPs) were excavated, including 133 regular interval STPs and 13 radial STPs. Eight STPs contained cultural material and 33 artifacts were recovered. One archeological site, 18PR1187, was delineated and encompasses 0.39 acre. The 33 artifacts consisted of domestic and architectural materials, with diagnostic artifacts consisting of plain white ironstone sherds, machine-made bottle glass, and a machine-made amethyst glass bottle stopper. The archeological site represents the twentieth century occupation of the four structures on the site. Landscaping of the property is evident by the presence of fill soils in the eastern and central portions of the site, likely destroying any subsurface deposits that may have been related to the site’s nineteenth century occupation. Site 18PR1187 represents a historic artifact scatter associated with the four twentieth century abandoned structures within the study area, which include a domestic structure and three associated outbuildings. Due to extensive landscaping and disturbance on the property, the site does not retain research value that would be likely to yield information meaningful to historic settlement patterns. Therefore, no further archeological investigations are recommended. Staff concurs with the conclusions of the Phase I report that no additional archeological investigations are necessary on the Kathmandu Village property. The subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources.
- 13. Environmental**—The subject PPS 4-20013 and a Type 1 Tree Conservation Plan (TCP1-003-2021) were received on March 3, 2021. Verbal and written comments were provided in a SDRC meeting on March 19, 2021. A revised PPS, TCP1, and supporting environmental documents were received on March 31, 2021 and April 5, 2021.

The following applications and associated plans for the subject site applicable to this case were previously reviewed:

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-067-2020	N/A	Staff	Approved	10/6/2020	N/A
4-20013	TCP1-003-2021	Planning Board	Pending	Pending	Pending

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 because the application is for a new PPS.

Site Description

This 11.47-acre site is zoned R-80 and is located at the end of Eastwood Drive, on the west side of Alberta Drive, approximately 940 feet north of its intersection with Ritchie Road in District Heights. Currently, the property contains a single-family detached dwelling and several shed structures. Access to the dwelling is from a long private driveway off Ritchie Road. A review of the available information indicates that regulated environmental features are present on-site. The soil types found on-site according to the United States Department of Agriculture Natural Resources Conservation Services Web Soil Survey are Adelphia-Holmdel complex, Croom-Marr complex, Grosstown gravelly silt loam, Marr-Dodon complex, Marr-Dodon-Urban land complex, Sassafras-Urban land complex, and Udorthents soils. Marlboro and Christiana clays do not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. This site is in the Southwest Branch watershed which flows into the Patuxent River. The property is located at the end of Eastwood Drive, which does not contain a designation in the MPOT, nor is it identified as a scenic or historic roadway.

Master Plan Conformance

The Subregion 4 Master Plan, in Part III, Infrastructure Elements, Chapter 7, Environment contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

GREEN INFRASTRUCTURE

Policy 1: Protect, preserve, and enhance the Green Infrastructure Network in Subregion 4.

Strategies:

Protect green infrastructure environmental corridors by focusing development outside the network. Implement this during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements.

Assess the potential to acquire land parcels in designated network gap areas to further protect and expand the network.

Evaluate land development proposals in the vicinity of SCAs (Anacostia River, Suitland Bog) to ensure that SCAs are not impacted and that green infrastructure connections are either maintained or restored.

Limit impacts to the green infrastructure network to those necessary for the reasonable development of properties.

Provide mitigation of impacts to the regulated areas within the development site, drainage area, subwatershed, or watershed by first exhausting the mitigation areas identified in the countywide mitigation database and then seeking other opportunities within the river basin.

The property contains regulated and evaluation areas within the green infrastructure. The regulated area is associated with the on-site un-named tributary to the Southwest Branch, which runs along the eastern boundary of the site. The evaluation area covers the remaining area of the property outside stream and stream buffers. The on-site unnamed tributary connects to the Southwest Branch. The Southwest Branch is identified in the Subregion 4 Master Plan as a Primary Corridor. These corridors include the mainstems of the major waterways within the study area and are identified for conservation and preservation. Conservation and preservation of these corridors, particularly the headwater areas, will help to improve water quality downstream. The proposed development will not adversely affect water quality, because the project is subject to the requirements of the Prince George's County Soil Conservation District (PGSCD) related to sediment and erosion control, and approval of SWM by DPIE.

The single proposed primary management area (PMA) impact will disturb a regulated area for site access. The property has no other access point other than the existing stub of Eastwood Road along the eastern property line. The TCP1 shows the preservation of two existing woodland areas and three reforestation areas to expand the woodland conservation areas. The proposed impact to the PMA, and proposed preservation of woodland are discussed in the Regulated Environmental Features/Primary Management Area section of this review. The development proposed is consistent with the R-80 (one-family detached residential) zoning and preserves the high priority environmental features of the site within the network.

Policy 2: Minimize the impacts of development in the Green Infrastructure Network and SCA's.

Strategies:

Protect and enhance water quality upstream of the Suitland Bog by requiring the preservation or establishment of 75-foot-wide buffers on streams that feed the hydrology of the bog.

Require the retrofitting of existing or installation of new water quality structures to ensure that water quality is maintained or enhanced above the Suitland Bog.

The entire application area is within the Green Infrastructure Network Area with a regulated area stream along the eastern property line and the remaining area within the evaluation area. The project area is surrounded by large woodland area preserved to the north, south and west. A woodland area along the southern boundary line and a woodland area contained within the PMA to the south of the proposed on-site access point are proposed to be saved. The proposed impact will not directly impact Special Conservation Area's within Subregion 4.

WATER QUALITY AND STORMWATER MANAGEMENT

Policy 1: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.

Strategies:

Prepare a strategic watershed wide plan for addressing stormwater quantity and quality.

Maintain, enhance, and restore woody buffers around streams to preserve and protect water quality.

Undertake water quality demonstration projects on county property (for example, at schools, parks, libraries) using ESD and other innovative techniques.

Use conservation landscape techniques to be evaluated during the development review process.

Assess potential drainage problem areas and areas within the 100-year floodplain for retrofit projects.

This development proposal has an approved SWM Concept Plan and Letter (23030-2020-00), dated October 15, 2020, which demonstrates conformance with this goal. SWM is further discussed in the Environmental Review section within this finding.

Policy 2: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.

Strategies:

Continue the collection of stream mitigation data for addition to the countywide mitigation database, using stream corridor assessments.

During the review of land development proposals, consult the countywide mitigation database and require the restoration of streams as close to the development site as legally possible.

Coordinate data contributions for possible mitigation sites (e.g., county, state, and federal agencies, citizens, nonprofits).

The subject site has an approved Natural Resources Inventory (NRI-067-2020) that provides an accounting of the existing conditions of the site. A portion of the on-site stream section is being impacted to gain access to the property and the remaining stream and stream buffer area will be retained as woodland preserved. Currently, the proposed impact does not warrant stream restoration or mitigation.

Policy 3: Require on-site management of stormwater through the use of sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.

Strategies:

Require the use of shared environmentally sensitive stormwater management facilities where appropriate.

Increase stormwater storage in appropriate areas, such as open space and preserved and constructed wetlands.

This development proposal has an approved SWM Concept Plan and Letter (23030-2020-00), dated October 15, 2020, which demonstrates conformance with this goal. The approved plan shows that the proposed Environmental Site Design techniques used will be nine dry wells scattered throughout the development and a large gravel wetland pond facility.

Policy 4: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.

Strategies:

Maintain and enhance adequate woody vegetated buffers around streams to preserve and protect water quality.

Identify possible locations for additional bioretention features to serve one or more properties.

Enhance buffers through the Woodland Conservation Ordinance required during the review of land development proposals.

Require street tree plantings be incorporated as a stormwater management feature.

On-site is an un-named tributary to the Southwest Branch that is located along the eastern property line. The on-site stream has the western half of the stream buffer on-site and most of the eastern half of the stream buffer is located on the adjacent existing single-family lots. The TCP1 shows an impact to the stream and stream buffer to gain access to the subject property. This entrance location has been determined by an existing stub road of Eastwood Road. On-site to the south of the proposed access road there is a proposed woodland preservation area containing the headwaters of the stream, wetlands, and associated buffers. This woodland preservation area will be expanded with two reforestation areas.

AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Policy: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.

Strategies:

Assist in the development of a Strategic Climate Action Plan that examines Prince George's County GHG emissions and reduction strategies.

Engage in outreach to educate and raise awareness regarding how residents and businesses can address air quality and climate change at the subregion level.

Reduce air pollution and energy use by placing a high priority on TDM projects, transit, and mixed-use development.

Encourage the use of clean energy sources, such as solar and wind power.

Design development and redevelopment projects to minimize the need for motor vehicle trips.

Provide a continuous network of sidewalks, trails, and bikeways to facilitate pedestrian use and access.

Air quality is a regional issue that is addressed by the Metropolitan Washington Council of Governments.

NOISE INTRUSION

Policy: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.

Strategies:

Evaluate development and redevelopment proposals in areas subject to high levels of noise using Phase I noise studies and noise models. Phase I noise studies determine base-line noise levels acceptable for a planned area.

Provide for the use of noise reduction measures when and where noise issues are identified through the development review process.

Work with the State Highway Administration to ensure that as state roads are upgraded, appropriate noise reduction measures are incorporated into roadway design.

Achieve compatible land uses and development in areas subject to noise that exceeds acceptable standards.

Provide for adequate setbacks for development exposed to existing and proposed noise generators and roadways of arterial classification or greater.

Restrict hours of operation for uses that produce excessive noise.

The subject property is proposed for a 30-lot single-family detached dwelling unit subdivision. The site is surrounded by existing preserved woodland and parkland. The adjacent roads (Eastwood Road and Alberta Drive) are not specifically designated in the MPOT. The proposed use is not anticipated to generate noise impacts.

GREEN BUILDINGS/SUSTAINABILITY

Policy 1: Implement environmental sensitive building techniques that reduce overall energy consumption.

Strategies:

Promote environmentally sensitive building techniques as designated by the U.S. Green Building Council.

Require the use of the latest environmental technologies in building and site designs.

Encourage the reuse and redesign of existing buildings when redevelopment occurs to incorporate energy and building material efficiencies.

Reduce energy consumption through the use of more effective and energy efficient indoor and outdoor lighting and air movement systems.

Establish incentives for new and existing commercial buildings to achieve a LEED silver rating or an equivalent rating under a comparable green building performance measure.

The use of green building and energy conservation techniques are encouraged and should be implemented to the greatest extent possible. Development applications for the subject property should incorporate green and environmentally sensitive building and site design techniques to reduce overall energy consumption to the fullest extent practical.

Policy 2: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.

Strategies:

Direct development and infill to existing areas rather than “greenfields.”

This site is bounded to the north and west by wooded parkland, the south by woodland on a church owned lot, and the east by existing lots within the Ritchie Manor subdivision. The proposed subdivision is shown to be accessed from Eastwood Road off Alberta Drive. Existing sidewalks on both sides of Eastwood Road will tie into the proposed road network of the Katmandu Village subdivision and meets the intent of this policy.

Policy 3: Increase the county’s capacity to support sustainable development.

Strategies:

Design and construct all new county buildings and public schools in accordance with the LEED silver rating per the Executive Order.

Ensure that a sufficient number of development and permit review staff possess LEED accreditation, are able to sign-off on tax credits and certifications, and adequately assist commercial developers or large-scale property owners in meeting performance measures.

Implement the recommendations of the county’s Green Building Executive Steering Committee and Energy Efficiency Council.

The use of green building techniques, Sustainable Site design and energy conservation techniques will support the sustainability of the development. This is encouraged and should be implemented to the greatest extent possible.

TREE CANOPY AND GREEN SPACE

Policy 1: Preserve, restore, and enhance the existing tree canopy.

Strategies:

Require a minimum of ten percent tree canopy coverage on all new development and redevelopment projects.

Encourage the preservation of existing specimen trees (defined as trees 30 inches or greater in diameter at breast height) at the time of development review.

Increase the percentage of urban tree canopy by planting trees and other vegetation in public and private open spaces, along roadways, in median strips, and in residential communities.

Ensure that root space is sufficient for long term survival.

Require a diversity of native stock trees when planting street, landscape, and lawn trees to promote ecosystem health and resiliency against disease and insects.

Subtitle 25, Division 3 requires the site to provide 10 percent tree canopy coverage (TCC). TCC will be required to be addressed at the permit review stage.

The site is subject to the WCO. Based on the TCP1 submitted with this application, the woodland conservation requirement will be addressed with on-site preservation, reforestation, and off-site woodland credits. The plans show approximately 16 percent of the existing woodlands will remain to meet the TCC goal.

The Subregion 4 Master Plan strategy that states, “Encourage the preservation of existing specimen trees (defined as trees 30 inches or greater in diameter at breast height) at the time of development review.” The original plan showed the removal of 25 specimen trees because they were scattered all around the subject property. At the SDRC meeting, the engineer and applicant were made aware of the master plan strategy to save specimen trees. After the SDRC meeting, the engineer revised the development proposed with 4-20013 to save five additional specimen trees, add 0.18 acre of additional preservation and 0.37 acre of reforestation. The current proposal requests 20 specimen trees to be removed, 0.99 acre of woodlands to be preserved, and 0.37 acre of reforestation to be planted.

Policy 2: Improve the county’s capacity to support increases in the tree canopy.

Strategies:

Support community- and site-based strategies to increase the tree canopy.

Work with municipalities and large civic associations to develop a tree management program to prioritize, schedule, and budget urban tree planting on public land.

Provide accurate information to the public in support of community-based tree planting programs.

Establish new tree canopy guidelines to increase planting, reforestation, and afforestation.

Encourage the development of community-based tree planting programs and utilize county tree planting incentive programs, such as ReLeaf, the Annual Arbor Day grant, and the annual Gorgeous Prince George's tree giveaway for local community and municipality associations.

Increase landscape buffers in common areas and along curbs and sidewalks.

Establish a tree stewards' program to assist county agencies with planting and maintenance of trees in public areas.

TCC will be required to be addressed at the permit review stage.

Conformance with the 2017 Green Infrastructure (GI) Plan

According to the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, the entire site is within regulated area or evaluation area within the designated network of the plan and contains an intermittent stream (un-named stream to Southwest Branch), wetlands and associated buffers, and adjacent woodlands. An impact is proposed within both the regulated and evaluation areas for redevelopment of the site.

The following policies support the stated measurable objectives of the Green Infrastructure Plan:

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.

The property is subject to the WCO. Plan 2035 designates the site within Environmental Strategy Area 1 (formerly the Developed Tier). The proposal preserves woodland while implementing the desired development pattern of Plan 2035 by preserving 0.99 acre of net tract area woodland, planting 0.37 acre of reforestation, and preserving PMA in conformance with the WCO.

The property contains regulated and evaluation areas within the green infrastructure. The regulated area is associated with the on-site, un-named tributary to the Southwest Branch, which runs along the eastern boundary of the site. The evaluation area covers the remaining area of the property outside stream and stream buffers. The on-site un-named tributary is part of the Southwest Branch. The Southwest Branch is identified in the Subregion 4 Master Plan as a Primary Corridor. These corridors include the mainstems of the major waterways within the study area and are identified for conservation and preservation. Conservation and

preservation of these corridors, particularly the headwater areas, will help to improve water quality downstream. The proposed development will not adversely affect water quality because the project is subject to the requirements of PGSCD related to sediment and erosion control, and approval of SWM by DPIE.

The single proposed PMA impact will disturb a regulated area for site access. The property has no other access point other than the existing stub of Eastwood Road along the eastern property line. The TCP1 shows the preservation of two existing woodland areas and three reforestation areas to expand the preservation areas. The proposed impact to the PMA, is discussed in the Regulated Environmental Features/Primary Management Area section of this memo and the proposed preservation of woodland is discussed in the Woodland Conservation section of this memo. The proposed project, which is consistent with the R-80 zoning, preserves the high priority environmental features of the site within the network.

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 will be required on the plat for areas within the PMA that are proposed for retention. On-site woodland conservation will also be required to be placed in Woodland and Wildlife Habitat Conservation Easements prior to the approval of the Type 2 tree conservation plan (TCP2).

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 site has an approved SWM concept plan (23030-2020-00) which addresses surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code. The PMAs associated with this application are located along the eastern property line associated with the on-site stream, wetlands, and buffers. A necessary impact to the PMA for site access is focused in the area of the required roadway crossing. The remaining PMA will be preserved or reforested as on-site woodland conservation.

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.**

Based on the proposed TCP1, the design will preserve 0.99 acre of existing woodlands and reforest 0.37 acre of open area to expand the existing PMA preservation area. A reforestation area will also expand a woodland area to preserve five specimen trees. Retention and planting of native species on-site is required by both the Environmental Technical Manual, and the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

ENVIRONMENTAL REVIEW

Natural Resources Inventory Plan

NRI-067-2020 was provided with this application. The TCP1 and the PPS show the required information in conformance with the NRI. No revisions are required for conformance to the NRI.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. TCP1-003-2021 was submitted with the PPS application.

Based on the revised TCP1, the overall site contains a total of 6.11 acres of net tract woodlands and does not contain floodplain. The plan shows a proposal to clear 4.15 acres of net tract woodland and 0.21 acre of off-site woodlands. The resulting woodland conservation requirement is 3.79 acres which is proposed to be met with 0.99 acre of on-site preservation, 0.37 acre of on-site reforestation, and 2.43 acres of off-site woodland credits.

The NRI has identified 29 specimen trees on-site and the applicant has provided a specimen tree risk assessment form for every identified specimen. This application shows the proposed removal of 20 specimen trees. Because the remaining nine specimen trees are shown with health ratings of poor (4), fair (4), and good (1), a maintenance plan must be provided on the TCP2. This maintenance plan shall be completed by an arborist and shall identify the various measures such as root pruning, fertilization plugs, spraying for insects and limbing to prevent any hazards during and after construction.

Technical revisions are required to the TCP1 which are included in the conditions recommended in this technical staff report.

The subject application proposes to satisfy their woodland conservation requirement through the purchase of 2.43 acres of off-site woodland credits. On October 26, 2020, the Office of the Attorney General issued an Opinion regarding forest mitigation banking under the Maryland Forest Conservation Act ("FCA"). 105 Md. Op. Att'y Gen. 66 (Oct. 26, 2020). Under the FCA, which is codified in Sections 5-1601 to 5-1613 of the Natural Resources Article ("NR") of the Maryland Code, "forest mitigation banking" is defined as "the intentional restoration or creation of forests undertaken expressly for the purpose of providing credits for afforestation or reforestation requirements with enhanced environmental benefits from future activities." The Opinion addressed whether an off-site existing forest that was not intentionally created or restored but was, nevertheless, encumbered with a protective easement could qualify as a forest mitigation bank. The Office of the Attorney General determined that it could not. As a result of this Opinion and the lack of any valid credits, at the time of this referral, off-site woodland conservation credits are not available for purchase at any established woodland conservation bank within the county. The woodland conservation banking program is a private market in the county and M-NCPPC does not guarantee that credits will be available for purchase. Prior to the issuance of any permits for this project, the off-site woodland conservation requirements shown on the TCP shall be met in accordance with the Conservation Method Priorities established in Section 25-122(c) of the County Code.

Specimen Trees

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

The TCP1 shows 39 specimen trees with 29 specimen trees located on-site. The 29 specimen trees have ratings ranging from good (Specimen Trees 3, 15, 21, and 38), fair (Specimen Trees 1, 4, 6, 7, 8, 11, 23, 28, 31, 32, 34, and 37), and poor (Specimen Trees 2, 5, 9, 10, 12, 22, 24, 29, 30, 33, 35, 36, and 39). There are 10 off-site specimen trees located on MNCPPC parkland to the west of the site (Specimen Trees 13, 14, 16, 17, 18, 19, 20, 25, 26, and 27).

Review of Subtitle 25 Variance Request

A revised Subtitle 25 variance application, a SOJ in support of a variance, and a tree removal plan were received for review on March 31, 2021. The variance is requesting the removal of 20 on-site specimen trees (1, 2, 3, 4, 5, 6, 7, 12, 15, 21, 22, 23, 24, 28, 29, 30, 31, 32, 35, and 36). No off-site specimen trees are proposed for removal.

The applicant received comments at the SDRC meeting describing the Subregion 4 Master Plan strategy that states, "Encourage the preservation of existing specimen trees (defined as trees 30 inches or greater in diameter at breast height) at the time of development review." In response to these comments, the applicant submitted a revised TCP1 saving more specimen trees. The original plan showed the removal of 25 specimen trees because they were located in the most developable area of the subject property. After the SDRC meeting,

the applicant submitted a plan with 20 specimen trees removed and more woodlands proposed for preservation.

Section 25-119(d)(1) of the WCO contains six required findings that need to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the 20 specimen trees and details relative to specific individual trees have also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST Number	COMMON NAME	Diameter (in inches)	CONDITION	DISPOSITION
1	S. Red Oak	34	Fair	To be removed
2	S. Red Oak	31	Poor	To be removed
3	S. Red Oak	39	Good	To be removed
4	S. Red Oak	31	Fair	To be removed
5	White Oak	30	Poor	To be removed
6	White Oak	47	Fair	To be removed
7	S. Red Oak	36	Fair	To be removed
12	Tulip Poplar	32	Poor	To be removed
15	Tulip Poplar	35	Good	To be removed
21	Sweetgum	31	Good	To be removed
22	Sycamore	35	Poor	To be removed
23	Sweetgum	37	Fair	To be removed
24	S. Red Oak	46	Poor	To be removed
28	Tulip Poplar	32	Fair	To be removed
29	Sweetgum	36	Poor	To be removed
30	Tulip Poplar	35	Poor	To be removed
31	Tulip Poplar	34	Fair	To be removed
32	Red Maple	34	Fair	To be removed
35	White Oak	38	Poor	To be removed
36	Tulip Poplar	33	Poor	To be removed

Statement of Justification Request:

A variance to Section 25-122(b)(1)(G) is requested for the clearing of 20 on-site specimen trees. The site consists of 11.47 acres and is zoned R-80. The current proposal for this property is to develop the site with 30 single-family detached lots and associated infrastructure. This variance is requested to the WCO which requires, under Section 25-122 of the WCO, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle 25 Variance Application form requires a SOJ describing how the findings are being met.

Staff supports the removal of the 20 specimen trees requested by the applicant based on the findings below.

The text in **bold**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

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

The 11.47-acre site contains an existing single-family dwelling and a shed structure. Through the years the site has had various sizes of open areas and wooded areas. The site's open areas were left to grow into woodlands. Based on aerial imagery, the site's open field areas have naturally regenerated to woodlands since the early 2000's. The areas where the on-site specimen trees are located have had woodland regeneration habitat areas to grow in. These conditions produced a lot of poor to fair large trees throughout the property. In review of the comments from the specimen tree evaluation forms, the on-site specimen trees have a lot of issues with die-back, cavities, loose bark, insect infestation, dead limbs, rot, and girdled roots. The site contains a large amount of specimen trees (25) with poor to fair condition ratings. These specimen trees are located throughout the property due to the various wooded and clearing areas from the past. The 25 specimen trees with existing poor to fair ratings may have their root zones further negatively impacted by building and lot grading which could cause their health to dramatically worsen. To effectively develop the site and prevent hazards, it is necessary for the 20 specimen trees (1, 2, 3, 4, 5, 6, 7, 12, 15, 21, 22, 23, 24, 28, 29, 30, 31, 32, 35, and 36) to be removed.

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

If other properties included trees in such poor to fair condition scattered throughout the site, the same considerations would be provided during the review of the required variance application.

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

Based on the scattered location and large number of poor to fair condition of the specimen trees, the granting of this variance will allow the project to be redeveloped in a functional and efficient manner.

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

This request is not based on conditions or circumstances which are solely the result of actions by the Applicant. The applicant proposes to remove 20 specimen trees primarily due to the scattered location of the trees and required grading around the proposed lots. The request is not the result of actions by the applicant.

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

This request is not based on conditions related to land or a building use on a neighboring property.

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

The removal of 20 specimen trees will not adversely affect water quality. The proposed development will not adversely affect water quality because the project is subject to the requirements of PGSCD related to sediment and erosion control, and approval of SWM by DPIE.

The required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Trees 1, 2, 3, 4, 5, 6, 7, 12, 15, 21, 22, 23, 24, 28, 29, 30, 31, 32, 35, and 36.

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 SWM 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. SWM 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, SWM 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 and PMAs. According to the TCP1, an impact to the PMA is proposed for an entrance road into the residential subdivision. A SOJ was received with the revised application dated March 31, 2021 for proposed impacts to the PMA (stream and stream buffer). The subject application has its only site access determined by a stub of Eastwood Road that abuts the property to the east. The applicant needs to acquire more land from the adjacent owner (M-NCPPC) to fully construct the road entrance. This access point has a stream adjacent to the stub road, which needs to be crossed to gain entrance onto the property. DPIE- Site Road Division have reviewed and approved the entrance location. The revised PMA, SOJ, and impact exhibit dated March 31, 2021 needs revision. The corrected stream buffer impact total should be 11,697 square feet.

The revised TCP1 and PPS show a proposed on-site gravel wetland SWM facility that will discharge stormwater from the storm drainpipe system directly into the stream crossing pipe. Previously submitted plans and the approved stormwater concept plan showed this gravel SWM facility with a proposed outfall discharging onto the M-NCPPC property with no adjacent conveyance area. After SDRC comments from M-NCPPC's DPR denying the discharge location onto their property, the applicant revised the design to remove the outfall structure and redirect the stormwater into a storm drain system. This new stormwater design has not yet been approved by DPIE. An approved SWM concept plan showing this revision will need to be approved before signature approval of the PPS.

Statement of Justification

The SOJ includes a request for one impact in order to construct the entrance road for the development. This impact totals 12,869 square feet and impacts the PMA, including the stream, which will be routed under the road, and the stream buffer.

Analysis of Impacts

Based on the SOJ, the applicant is requesting one impact, as described below:

Entrance Road Impact: PMA impacts totaling 12,869 square feet (0.29 acre) are requested for the construction of an entrance road into the subject development. There will be 1,172 square feet and 125 linear feet of stream impact, as well as 11,697 square feet of stream buffer impact for the proposed road. The proposed road construction will start at the current end of Eastwood Road, cross the on-site stream system, and continue into the development. The overall impact area will disturb 0.29 acre of PMA, with 0.08 acre on-site and 0.21 acre off-site. However, only the 0.08-acre impact located within the boundary of the PPS is approved with this application. The 0.21 acre outside the boundary of the PPS does not require approval at this time.

The proposed PMA impact is considered necessary to the orderly development of the subject property. The impact cannot be avoided because it is required to provide site access. The plan shows the preservation, restoration, and enhancement, of the remaining areas of PMA. Based on the level of design information currently available, the limits of disturbance shown on the TCP1, and the impact exhibits provided, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. Staff finds that the impacts necessary for the road stream crossing construction is reasonable for the orderly and efficient redevelopment of the subject property.

- 14. Urban Design**—The review of the subject application is evaluated for conformance to the Zoning Ordinance as follows.

The project meets the purposes of the R-80 Zone, as stated in Section 27-429 of the Zoning Ordinance, through the creation of a variety of lot sizes and shapes to blend with the natural terrain and preservation of trees on the site. The proposed one-family detached dwellings are permitted in the R-80 Zone. Conformance with applicable regulations will be evaluated at time of permit review, including but not limited to, the following:

- Section 27-429 R-80 Zone
- Section 270-441 Uses Permitted
- Section 270-442 Regulations
- Part 11 Off-street Parking and Loading and
- Part 12 Signs.

The property is also located within the Noise Intensity Zone (60-74 dBA noise contour) and within Surface Area/Height Zone B of the M-I-O Zone. Residential structures in this zone shall not exceed a specific height, and they are required to demonstrate that all interior noise levels will be mitigated to 45 dBA Ldn or less. Staff recommends that certification by a

professional engineer with competency in acoustical analysis be placed on the building permits stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA Ldn/DNL or less. Conformance with the height requirements of the M-I-O Zone will be evaluated at the time of permit review when buildings are proposed.

The application is proposing to meet mandatory dedication of parkland requirements with on-site recreational facilities on Parcel A. The proposed facilities include a tot lot, gazebo, and picnic area. Staff finds the facilities acceptable but notes that a DSP will be required for the recreational facilities, pursuant to Section 27-445 of the Zoning Ordinance. The DSP will not be required to cover the residential lots or the other parcels in the subdivision because they are permitted by right; however, the DSP is required for the recreational facilities because they are considered to be Homes Association Recreational Uses.

The applicant also proposes to meet mandatory dedication requirements with the SWM pond on Parcel C, pursuant to Section 24-134(a)(5). However, staff finds that use of Section 24-134(a)(5) has not been appropriately justified by the applicant for this project. Staff also finds that the proposed private recreational facilities on Parcel A will be sufficient to meet mandatory dedication on their own. Therefore, the proposal to use the SWM pond for mandatory dedication should be removed from the PPS.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. Properties zoned R-80 are required to provide a minimum of 15 percent of the gross tract area covered by tree canopy. The subject site is 11.47 acres in size and the required TCC is 1.72 acres. Compliance with the TCC requirement will be evaluated at the time of permit review.

Conformance with the Requirements of the Prince George's County Landscape Manual

In accordance with Section 27-450, Landscaping, screening, and buffering, of the Zoning Ordinance, the proposed development is subject to the Landscape Manual. Specifically, Section 4.1, Residential Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements apply to this site. Conformance with the applicable landscaping requirements will be determined at the time of permit review.

Other Urban Design Issues

To the extent practical, easements for subsurface storm drains should be located on HOA parcels rather than on individual home lots. However, based on the site layout proposed, the size of the property, and the need for individual lots to meet size and frontage requirements, it is impractical for the easements to be located solely on HOA land for this project. Instead, the easements generally follow property lines so that each affected lot is encumbered with only half the easement. This minimizes the impact of the easements on the residential lots. The layout of the easements is found to be acceptable.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Revise the footprint of the stormwater management pond so that it does not encroach onto Lot 14, consistent with the Building and Grading Concept exhibit.
 - b. Correct the label of the entrance road and its' extension in the subdivision to "Eastwood Drive".
 - c. Revise General Note 23 to remove reference to Section 24-134(a)(5) of the Prince George's County Subdivision Regulations and the amount of land required, and state only that mandatory dedication will be met with the proposed on-site private recreational facilities.
 - d. Revise General Note 1 to give the same Liber/Folio for Parcels 137 and 58 (Liber 42183 Folio 350).
 - e. Add the bearing and distance at the southeast corner of the property boundary, abutting Lots 10 and 11 of the Ritchie Manor subdivision.
 - f. Add notes indicating that the existing driveway will be removed from within the ingress/egress easements shown as "to be abandoned."
2. Any nonresidential development shall require the approval of a new preliminary plan of subdivision prior to approval of any building permits.
3. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 23030-2020-00 and any subsequent revisions.
4. Prior to approval of a final plat, in accordance with the approved preliminary plan of subdivision, the final plat shall include:
 - a. The granting of public utility easements.
 - b. The dedication of the new public streets.
 - c. Reference to a recorded abandonment of the existing ingress/egress easements or reflect denial of access to those easements.
5. Prior to the issuance of a grading permit, the applicant shall submit three hard copies of the final Phase I Archaeological Report and three digital copies in pdf format on separate CDs to Historic Preservation staff.

6. Prior to approval of a building permit for each dwelling unit, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA Ldn/DNL or less.
7. At the time of final plat, the land shown as Parcel D on the preliminary plan of subdivision shall be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The land to be conveyed shall be subject to the following conditions:
 - a. An original, special warranty deed for the property to be conveyed, shall be submitted to the Subdivision Section of the Development Review Division at M-NCPPC, along with the application of first record plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to, and subsequent to application of the building permit.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures shall be removed. The Prince George's County Department of Parks and Recreation shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by the M-NCPPC, the Prince George's County Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - g. No stormwater management facilities, tree conservation, or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

8. Prior to approval of the final plat, the applicant shall complete the disposal of land process through the Maryland-National Capital Park and Planning Commission in order to dedicate the right-of-way necessary for access to the subdivision, in accordance with the approved preliminary plan of subdivision.
9. Prior to approval of a final plat, the applicant and the applicant's heir, successor and/or assignees shall obtain approval of a limited detailed site plan, to be approved by the Planning Director as designee of the Planning Board, for the private on-site recreational facilities on Parcel A.
10. The applicant and the applicant's heirs, successors, and/or assignees, shall provide adequate, private recreational facilities on site. The on-site facilities shall be reviewed by the Urban Design Section of the Prince George's County Planning Department, Development Review Division for adequacy, in accordance with the approved preliminary plan of subdivision, and proper siting, in accordance with the Parks and Recreation Facilities Guidelines. Triggers for construction shall also be established at the time of detailed site plan review.
11. Prior to submission of the final plat of subdivision, three original, executed private Recreational Facilities Agreements (RFA) shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, for review and approval. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland, and the Liber/folio shall be reflected on the final plat, prior to recordation.
12. 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 construction of recreational facilities, prior to approval of building permits.
13. The applicant and the applicant's heirs, successors and/or assignees shall provide a minimum of two inverted u-style bicycle racks, or a style similar that allows two points of secure contact, at the proposed recreation area. The detailed site plan for the recreational facilities, shall show the location and details for the bicycle racks.
14. Prior to the approval of permits proposing disturbance to Maryland-National Capital Park and Planning Commission property, the applicant and the applicant's heirs, successors, and/or assignees, shall the appropriate easements for disturbance of the land and/or location of permanent structures.
15. Total development within the subject property shall be limited to uses that would generate no more than 23 AM and 27 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
16. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Revise all the on-site area numbers on the plan to be rounded to the nearest tenth of an acre (0.00) not the hundredth (0.000).

- b. Revise all of the site statistics tables and woodland conservation worksheets that are affected by the rounding condition.
- c. Remove the label "Alberta Drive" from the stub road area and replace it with "Eastwood Drive".
- d. Ensure all woodland preservation and reforestation areas are shown on the TCP1.
- e. Add the following note:

"On October 26, 2020, the Office of the Attorney General issued an Opinion regarding forest mitigation banking under the Maryland Forest Conservation Act ("FCA"). 105 Md. Op. Att'y Gen. 66 (Oct. 26, 2020). Under the FCA, which is codified in Sections 5-1601 to 5-1613 of the Natural Resources Article ("NR") of the Maryland Code, "forest mitigation banking" is defined as "the intentional restoration or creation of forests undertaken expressly for the purpose of providing credits for afforestation or reforestation requirements with enhanced environmental benefits from future activities." The Opinion addressed whether an off-site existing forest that was not intentionally created or restored but was, nevertheless, encumbered with a protective easement could qualify as a forest mitigation bank. The Office of the Attorney General determined that it could not. As a result of this Opinion and the lack of any valid credits, at the time of this referral, off-site woodland conservation credits are not available for purchase at any established woodland conservation bank within the county. The woodland conservation banking program is a private market in the county and M-NCPPC does not guarantee that credits will be available for purchase. Prior to the issuance of any permits for this project, the off-site woodland conservation requirements shown on the TCP shall be met in accordance with the Conservation Method Priorities established in Section 25-122(c) of the County Code."
- f. Add a note under the woodland conservation worksheet:

"NOTE: This plan is in accordance with the following variance to the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of 20 specimen trees (Section 25-122(b)(1)(G), (1, 2, 3, 4, 5, 6, 7, 12, 15, 21, 22, 23, 24, 28, 29, 30, 31, 32, 35, 36))."
- g. Add a note under the woodland conservation worksheet:

"A specimen tree maintenance plan shall be provided on the TCP2. This maintenance plan shall be completed by an arborist and shall identify the various measures such as root pruning, fertilization plugs, spraying for insects and limbing to prevent any hazards during and after construction."
- h. Have the revised plan signed and dated by the qualified professional preparing the plan.

17. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-003-2021). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-003-2021), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
18. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
19. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
20. Prior to the 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.
21. Prior to signature approval of the preliminary plan of subdivision, submit a revised approved stormwater management concept plan showing the design of the outfall structure removed and the stormwater directed to a stormdrain pipe within the on-site road.
22. Prior to signature approval of the Type 1 tree conservation plan, submit a revised primary management area, statement of justification, and impact exhibit with the revised numbers of the stream buffer impact to 11,697 square feet.
23. Prior to approval of a final plat, the applicant and the applicant’s heir, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.

24. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association land, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
- a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

STAFF RECOMMENDS:

- Approval of Preliminary Plan of Subdivision 4-20013
- Approval of Type 1 Tree Conservation Plan TCP1-003-2021
- Approval of a Variance to Section 25-122(b)(1)(G)