

January 25, 2012

SUPPLEMENTAL MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Zoning Section, Development Review Division

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

SUBJECT: Primary Amendment to the Town of Riverdale Park
Mixed-Use Town Center Zone and Development Plan
A-10018 — Cafritz Property, Parcel 81
Tax Map 42, Grid D-1

In the technical staff report (TSR) for Zoning Map Amendment A-10018 dated January 12, 2012, technical staff reviewed and analyzed the applicant's request for a the primary amendment to the 2004 *Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* and rezoning of the subject Cafritz Property from the R-55 Zone to the M-U-TC Zone. The following supplemental memorandum presents discussion of the additional findings and revised staff recommendation of APPROVAL WITH CONDITIONS as described below:

ADDITIONAL FINDINGS

On January 24, 2012, the applicant provided the following proposed findings for Planning Board consideration:

- FINDING 1: Request: (The following sentence to be included at the end of this finding) On January 12, 2012, the Applicant amended the zoning request to remove the sliver of land, which crosses the WMATA property to the north, and a triangular shaped areas, which lies next to the CSX tracks.
- FINDING 2: For informational purposes only, the Applicant stated that it has entered into a private covenant with the Town of Riverdale providing that the commercial anchor of the Proposed Project will be a Whole Foods specialty grocery store consisting of approximately 32,000 square feet gross floor area (or comparable specialty grocery store)

to be constructed in the location labeled on the Development Plan as “BLOCK 6d RETAIL/COMMERCIAL/OFFICE” on the Development Plan. The Applicant stated that it would diligently pursue obtaining necessary permits and approvals for the development of the grocery store and to construct the grocery store on the Development Site, with the expectation that the grocery store will be open for business on or before January 1, 2015. The Applicant and Town stated that they understand that the construction schedule and opening date for the grocery store may be affected by acts of government authorities, acts of *force majeure*, and other acts beyond the control of Applicant, but Applicant ~~shall~~ intends to use commercially reasonable efforts to achieve the opening date on the Development Site including, but not limited to approvals of a Preliminary Plat of Subdivision, Detailed Site Plan, Final Subdivision Plat and development and construction permits.

RECOMMENDATION

Based on the foregoing evaluations and analysis of the Applicant’s Revised Conditions dated January 12, 2012, staff recommends that the Planning Board adopt the additional findings and recommends APPROVAL of Zoning Map Amendment No. A-10018 and APPROVAL of the amendment to the 2004 *Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* for Cafritz Property to the District Council with the following modifications and conditions:

1. The Design Review Process set forth at pages 65-66 of the January 2004 approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan applies to the Cafritz Property with the following modifications:
 - a. Detailed Site Plan approval, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required prior to the approval of a special permit, ~~or~~ final subdivision plat, prior to the issuance of any permit, and concurrently with or after the approval of a special exception for all new development and redevelopment on the property. Each application for a special permit, final subdivision plat, or other permit ~~or special exception~~ must be consistent with an approved Detailed Site Plan for the site.

Comment: Conflicts with Section 27-271 of the Zoning Ordinance.

- b. The Detailed Site Plan and a Special Exception shall be in accordance with the Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan, as amended by the Cafritz Property at Riverdale Park Development Plan as amended where applicable and the site design guidelines of Part 3, Division 9, of the Zoning Ordinance. Development depicted on each Detailed Site Plan must be in general conformance with Map 1: Concept Plan A or Concept Plan B, dated January 7, 2012, (attached as Exhibits 1 and 2) particularly with regard to site design and circulation, with the goal of creating a mixed-use community. Flexibility should be allowed in achieving this mixed-use community goal by allowing for a redistribution of the proposed maximum gross floor area of commercial uses throughout the site in order to encourage each phase of the development to include a mix of commercial and residential uses, including consideration of residential uses west of 46th Street and limited supporting retail uses near the intersection of Van Buren Street and Rhode Island Avenue.

- e. ~~Detailed Site Plan approval shall not be required prior to the issuance of a permit when the proposed development or redevelopment does not increase the gross floor area by 15% or 7,500 square feet, whichever is less.~~

Comment: Conflicts with Section 27-289 of the Zoning Ordinance.

- c. All DSPs shall be referred to the Town of Riverdale Park for review by the M-U-TC Design Committee for all phases and types of development. The M-U-TC Committee is authorized to review DSPs as advisory to the Planning Board and the Planning Director as designee of the Planning Board for staff level revisions.
- d. ~~Except for those permits described in subparagraph c. above, The Detailed Site Plan requirement in subparagraphs a. and b. above supersedes the Building Permit Application Process and Special Permit Process set forth on pages 65-66.~~

Comment: The uses proposed on the site will be subject to the requirements of the M-U-TC Use Table and will continue to be subject to the Special Permit Process.

2. Prior to signature approval of the Development Plan the following revisions shall be made:

- a. Revise the general notes on Sheet 1 of 7 of the development plan to include the adjacent historic site and historic districts, provide the tax map, grid, and parcel number, and clearly indicate if the abandoned right-of-way is a part of the gross tract area.
- b. Revise Sheet 3 of 7 to label the right-of-way for ingress/egress for the post office from Baltimore Avenue (US 1), and that it was conveyed to the United States of America by quit claim deed recorded in the Prince George's County Land Records in Liber 3624, Folio 948.
- c. Revise the development plans to delineate the boundary of Aviation Policy Analysis Zone 6 (APA-6) and the municipal boundaries of the City of College Park and the Town of Riverdale Park.
- d. Revise the development plan design standards and guidelines to include streetscape details as indicated on the applicant's exhibits for Baltimore Avenue (US 1) that provide for a safe and attractive pedestrian zone.
- e. Provide information and verify that the right-of-way extending north and south through Parcel 81 and the WMATA property has, in fact, been abandoned and that the issue is settled and/or provide information of the disposition of that area of land, as appropriate.
- f. ~~Add a Baltimore Avenue (US 1) street and streetscape standard to the Development Plan with a new build to line established for the frontage of the development, not to exceed the setback proposed for the buildings shown on Map 1: Concept Plan, north of Van Buren Street (approximately 250 feet).~~

Comment: Staff has agreed to remove Condition f above due to lack of support from the applicant and the municipalities. To mitigate the large expanse of parking proposed in front of the building, the applicant has provided and expanded landscape treatment along Baltimore Avenue.

- f. Revise the Development Plan and guidelines to conform to the amended boundary as

reflected in the Applicant's January 12, 2012 request.

3. ~~Surface parking lots shall be mitigated with buildings, monuments, a clock tower and landscaping in order to create a true gateway into the community and to provide an inviting entrance to pedestrians and vehicles alike, including creation of a "pedestrian oasis" in the middle of the block to reduce the psychological barrier of the large amount of parking between the store and Baltimore Avenue consistent with the Riverdale Park Gateway Park concept dated January 7, 2012 (attached as Exhibit 4).~~

Comment: Move to combine with Condition 7 on page 6.

- g. Revise Maps 1, 2, and 3 so that the townhouses front on a street, have an ample front yard for tree plantings, and that the units be oriented so that the alley is parallel to the roadway serving the front of the units.
- h. Revise the sign standards to reflect the level of detail provided in the 2004 *Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* and consolidated into one area of the development plan.
- i. Revise the Development Plan to add the following:
 - (1) Development that increases existing gross floor area (GFA) by 5 percent or 2,500 square feet, whichever is smaller, shall subject the site to full review for compliance with the design standards. Lesser changes to the site, and additions to single-family residential dwellings, shall not subject the entire site to review for compliance, only the portion impacted by the improvement.
 - (2) Gas stations may add a maximum of 30 feet to the build-to line in order to place a pump between the station and the sidewalk. The additional setback may not be used for customer parking, loading, or outdoor storage.
 - (3) All new gas stations shall have a maximum of two 18-foot-wide driveways.
 - (4) Gas stations should minimize the area of impermeable surface.
 - (5) Car repair businesses may have a maximum of two curb cuts that are a maximum width of ten feet each.
 - (6) Buildings shall occupy a minimum of 50 percent of the net lot area for each lot.
 - (7) The building façade shall occupy a minimum of 66 percent of the build-to-line for each lot.
 - (8) Drive-through windows are inconsistent with the pedestrian orientation of the town center and are strongly discouraged. Drive-through windows may only be considered if accessed by alleys and located on the rear of the property.
 - (9) Pedestrian accessed ATMs may be located on the front or side of the building along a street line. Vehicular access should be located such that they are the least

visible from the right-of-way of Baltimore Avenue (US 1).

- (10) The maximum number of off-street parking spaces permitted for commercial (nonresidential) land use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance. If structured parking is provided, this maximum number may be increased.
- (11) Car repair businesses may not store vehicles in front of or alongside the building, but may store cars inside or in the rear, with appropriate screening if adjacent to a residential use.
- (12) Healthy trees shall be preserved within proposed green areas, landscape strips, streetscapes, and parking lots, where feasible. Where they cannot be preserved on-site, a professional arborist may transplant them to a new location on-site or within the Town of Riverdale Park, where feasible.

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

- a. The preliminary plan shall reflect the unmitigated 65 dBA Ldn from noise generators.
- b. The plan shall delineate the 300-foot lot depth from the right-of-way (CSX railroad tracks) for residential development in accordance with Section 24-121(a)(4) of the Subdivision Regulations. The preliminary plan may establish additional restrictions on the layout if it is determined that noise and vibration issues are associated with the railroad tracks.
- c. The applicant shall provide information and verify that the right-of-way extending north and south through Parcel 81 has, in fact, been abandoned and/or provide information of the disposition of that area of land, as appropriate.
- d. ~~Consideration should be given to requiring the combining of the trolley trail and vehicular roadway along the entire length of the subject site's portions of the former Rhode Island Avenue Trolley right-of-way and extending across the Washington Metropolitan Area Transit Authority (WMATA) property, connecting to the terminus of the existing trail at Albion Street and south to Tuckerman Avenue.~~

Comment: Moved to Consideration Section of Recommendation and modified.

- d. Documents shall be provided so that the trail will be dedicated to public use within a maintenance easement or other suitable agreement.
- e. Provide one east-west bicycle route through the site either ~~along~~ Van Buren Street or Woodbury Street, in order to accommodate east-west bicycle movement through the site, to the trolley trail, to the planned bicycle facilities along Baltimore Avenue (US 1), and across the CSX crossing (if a bridge is required).
- f. The applicant shall provide a draft report detailing the Phase II archeology investigations.
- g. The proposed cross sections, roadbeds, streetscape dimensions, and the use of medians

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

- h. ~~Consideration should be given to establishing a parking district to promote shared parking within the Town of Riverdale Park town center.~~

Comment: Moved to Consideration Section of Recommendation.

- i. ~~Consideration should be given to residential uses above commercial uses in order to create a vertical mix of uses.~~

Comment: Moved to Consideration Section of Recommendation.

4. When off-site parking is necessary to meet parking requirements, the applicant shall provide satisfactory documentation such as affidavits, leases, or other agreements to show that off-site parking is available permanently.
5. The Historic Preservation Commission (HPC) shall review the preliminary plan of subdivision and any subsequent plans of development for their impact on identified archeological features, the impact of a potential vehicular access road on the Engineering Research Corporation (ERCO) Historic Site (#68-022), and the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts.
6. Prior to approval of a building permit, the following shall be provided:
 - a. The plans shall indicate that signalized intersection(s) at Baltimore Avenue (US 1) shall include highly-visible and attractive pedestrian crosswalks, pedestrian signals, and other pedestrian or warning signage as appropriate, subject to State Highway Administration (SHA) approval.
 - b. The plans shall indicate that crosswalks providing appropriate pedestrian safety features are provided throughout the site.
 - c. The plans shall indicate that the number and location of bicycle parking is provided throughout the site in accordance with Design Standard 4 of the 2004 *Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (p.60).
7. Prior to approval of a detailed site plan, the plans shall minimize the amount and location of surface parking lots and parking structures and their impacts on the pedestrian zone and streetscape environment. The surface parking lots located between the building and Baltimore Avenue, south of Van Buren Street, shall be mitigated with buildings, monuments, a clock tower and landscaping in order to create a true gateway into the community and to provide an inviting entrance to pedestrians and vehicles alike, including creation of a “pedestrian oasis” in the middle of the block to improve pedestrian safety and mobility consistent with the Riverdale Park Gateway Park concept dated January 7, 2012.

8. Prior to any ground disturbance or the approval of any grading permits, if Phase III archeological mitigation is proposed, the applicant shall provide a final report detailing the Phase II and Phase III investigations and ensure that all artifacts are curated in a proper manner.
9. Prior to final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, and Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission (HPC) and the Maryland-National Capital Park and Planning Commission (M-NCPPC) staff archeologist.
10. The Environmental Planning Section recommends the following conditions:
 - a. All future applications shall include a valid approved natural resources inventory under the current environmental regulations that addresses the required information as outlined in the current Environmental Technical Manual.
 - b. At the time of preliminary plan, the Type 1 tree conservation plan shall demonstrate that the woodland conservation threshold has been met on-site to the fullest extent possible. At a minimum, preservation shall be focused on the highest priority areas (Forest Stands 1 and 3).
 - c. At the time of preliminary plan, a condition analysis shall be submitted for all specimen trees within Stands 1 and 3 that are outside any proposed woodland conservation area. Every effort shall be made to preserve the healthiest trees on-site.
 - d. Prior to approval of a special permit, special exception, detailed site plan, or grading permit, whichever is first, every effort shall be made to meet the ten percent tree canopy coverage requirement through the preservation of existing mature woodland, specimen trees and other large existing trees, and landscaping.
 - e. At the time of preliminary plan, a Phase I noise and vibration study shall be submitted. The study shall determine the location of the unmitigated 65 dBA Ldn noise contour for the adjacent CSX right-of-way, which includes at a minimum, the associated railroad noise and the whistle blower. The 65 dBA Ldn noise contour shall be shown on all future plans.
 - f. At the time of preliminary plan, a revised stormwater management concept plan shall be submitted. The proposed plan shall show the use of environmental site design techniques such as bioretention, infiltration, and green roofs. The concept shall be correctly reflected on the Type 1 tree conservation plan.
 - g. At the time of site plan or permit review, whichever is required first, the lighting plan for the subject property shall demonstrate the use of full cut-off optics to ensure that light intrusion into residential and woodland conservation areas is minimized. Details of all lighting fixtures, along with details and specifications that the proposed fixtures are full cut-off optics, and a photometric plan showing proposed light levels at an intensity that minimizes light pollution shall be submitted for review.

PROFERRED CONDITIONS

The Applicant has proffered the following conditions that staff has reviewed and modified as appropriate:

11. Revise the Mixed-Use Town Center Development Plan Design guidelines as follows:
 - a. To page iii, under Overall Design Principals, add the following bullet points to the list of bullet points:
 - Low impact design principals shall be incorporated into overall community design.
 - Create a community that respects and supports equally all modes of transportation. The development will encourage pedestrian, bicycles, and transit modes of transportation.
 - b. On page ii, insert at the end of the section Public Spaces the following language: “Public spaces such as parks, plazas, and squares should promote activity, enfront buildings or public right-of-ways, and be focal points within the community.”
3. ~~Page iv, after 4th paragraph (that begins with “Streetscape”) add the following paragraph:~~

~~Development that increases existing gross floor area (GFA) by 15 percent or 7,500 square feet, whichever is smaller, shall subject the site to full review for compliance with the design standards. Lesser changes to the site, and additions to single family residential dwellings, shall not subject the entire site to review for compliance, only the portion impacted by the improvement.~~

Comment: Reference Condition 2(i) on page 3.

- c. Page ii, in the first sentence of the second paragraph under Public Spaces, add “appropriate” between “all” and “intersecting”.
- d. All standards from the 2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone development Plan book relating to gas stations and auto-repair should be reinserted into the standards.
- e. On Page 5, remove Intent under Building Placement and Streetscape, and add the following language:

Enhance the Town Center’s sense of place by developing a coherent identity through buildings that relate to the street and open spaces. Create buildings that frame the street and open spaces, and encourage close proximity of retail, offices, residential units, and services.
7. ~~On Page 5, under Building Placement and Streetscape, change #2 under standards to read as follows:~~

~~The building façade shall occupy a minimum of 66 percent of the build to line.~~

Comment: Same as Condition 2(i)(7).

8. On Page 7, under Access and Circulation, replace #2 under Standard to read as follows:

~~Drive-through windows are inconsistent with the pedestrian orientation of the town center and are strongly discouraged. Drive-through windows may only be considered if accessed by alleys and located on the rear of the property.~~

Comment: Same as Condition 2(i)(8).

9. On Page 7, under Services, Utilities, and Stormwater, replace #1 Standards to read as follows:

~~All utility lines added during development shall be underground. All utility meters and access points shall be on the rear of the property. Utilities shall include, but are not limited to, electric, natural gas, fiber optic, cable television, telephone, water, and sewer service.~~

Comment: The following language was proposed as an amendment in the Development Plan by the applicant:

“All new development on sites greater than two acres in size shall place utility lines underground or relocated them to the rear of the property. Development on smaller sites should relocate utility lines to the rear of the property. Utilities shall include, but are not limited to, electric, natural gas, fiber optic, cable television, telephone, water and sewer service.”

Comment: Staff recommends that the amendment as proffered by the applicant on page 7 under “Services, Utilities and Stormwater Management” section be retained. Staff believes that the issue should be considered at later phases of the development process such as, at the time of the Preliminary Plan.

- f. On Page 7, under Services Utilities and Stormwater, add the following to the last sentence of Intent: “sidewalks, open spaces, and MARC train.”
- g. Page 7, under Services, Utilities, and Stormwater, add to the beginning of #6 under Standards: “All lot-level development shall.”
- h. Strike Standard #11 from page 10, under Parking and Loading Design.
- i. On Page 11, under Lighting, change Standard #5 to add “and design” after “intensity.”
- j. Page 11, under Landscaping, add “2004 Approved” before “Town” in the first sentence.
- k. Page 11, under Landscaping, to Standard #6 “Appendix B” add “of the 2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan.”
- l. Page 11, under Landscaping, Standard #2, after “green areas” add “and where possible in parking areas.”
- m. Page 12, Building Height, add a new Standard #4, to read as follows:

Single-story buildings shall match or exceed the height of the adjacent buildings

bases, and shall be not less than 20 feet in height. However, single-story buildings are discouraged.

- n. Page 14, Architecture, remove Standard #13.
 - o. Page 13, Architecture, amend Standard #9 to remove “Townhomes” and replace with “Residences.”
 - p. Page 13, Architecture, Standard #5 add to the end of the first sentence the following language: “with exception of cementitious siding.”
 - q. Page 13, Architecture, Standard #5, after the new amendment above, strike the remaining language in the standard and replace it with the following language: “Materials other than masonry, brick, wood, and clear glass may be approved if material samples are provided and examples of existing buildings that use such materials in the proposed way are submitted, and the M-U-TC Committee Planning Board (in the review of the DSP process) finds that it meets the Intent of this section.”
 - r. Page 13 Architecture, Standard #6, remove “all” in first sentence, strike “surrounding” in first paragraph, strike C and strike E.
 - s. Page 15, Building Openings, strike Standard #5 and replace with “Tinted and colored windows may not be used unless the M-U-TC Design Review Committee (in the review of the SP process) and the Planning Board (in the review of the DSP) finds that the windows meet the intent of this section.”
 - t. Page 16, Signage, strike Standard #8.
 - u. Page 16, Signage, Move all standards (except 8) to page 10.
 - v. Page 16, Signage, strike intent.
 - w. Page 16, Signage, included all old standards #8 and #10-19 not specific to historical core.
 - x. Page 18, Landscaping and Pedestrians Amenity Zone, Standard #5, strike “as irrigation” and replace with “or absorption.”
 - y. Page 20, Parks and Plazas, strike Standard 12 and replace with “Where possible, and continuous lines of habitat through the use and linkages of street trees, landscaping, parks, and yards.”
 - z. Page 7, Access and Circulation Standard #4, and “The number of vehicles-oriented ATMs shall be less than the number of pedestrian-oriented ATMs on a building-by-building basis, and vehicle-oriented ATMs shall not be visible from primary streets.
 - aa. Page 7, Access and Circulation, Standard #2, change windows to services. Limit number of service lanes to two. Drive-through lanes for restaurants are prohibited.
- ~~32. Page 8, Parking and Loading Provision, strike Standard #1 and replace with the following~~

language:

~~The maximum number of off-street surface parking spaces permitted for each land use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-569(a) of the Zoning Ordinance. If structured parking is provided, this maximum number may be increased.~~

Comment: Same as Condition 2(i)(10).

- bb. Include provisions for loading dock requirements such that they are screened from the street and any adjacent residential development.
- 12. Prior to issuance of the third building permit, the Rhode Island Avenue hiker/biker trail portion of the right-of-way shall be completed and open to the public.
- 13. Prior to approval of a detailed site plan, a 90- to 120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable. This depth of buffer may be reduced north of Van Buren Street with approval by the the Planning Board if it is determined to be a superior design solution, by providing berms, retaining walls, landscaping, or other screening of the parking lot from the residences to the west consistent with the Parking Sections exhibit dated January 7, 2012 (attached as Exhibit 5). In no event shall the buffer be less than 60 feet in width.
- 14. Prior to acceptance of any application for a preliminary plan of subdivision, the following information shall be provided:
 - a. ~~A Phase 1 noise and vibration study to determine the location of the unmitigated 65-dBA Ldn noise contour for the adjacent CSX right-of-way, which includes at a minimum, the associated railroad noise and the whistle blower. The 65-dBA Ldn noise contour shall be shown on all future plans;~~

Comment: Same as 10(e) of staff recommendation.

- a. A revised Stormwater Management Concept Plan that designates the property as a new site and complies with the stormwater management provisions contained in CB-15-2011 (Subtitle 32) to provide more Environmental Site Design to the Maximum Extent Practicable, with the goal of no new impact on the tributary drainage into the Northeast Branch of the Anacostia River. The proposed plan shall show the use of environmental site design technologies such as bio-retention, infiltration, and especially green roofs to the Maximum Extent Practicable.
- b. The developer shall provide evidence that copies of all stormwater submittals were provided to Town of Riverdale Park, Town of University Park, City of Hyattsville, and the City of College Park, -30 days prior to filing with DPWT and notification of an invitation to all meetings between the developer and DPWT.
- c. A Revised Traffic scoping agreement and Impact Study that:

- (1) Accurately reflects the development proposal and anticipated phasing;
 - (2) Eliminates corridor averaging for all intersections included in the Study;
 - (3) Analyzes midday and Saturday (10:00 a.m. –8:00 p.m.) traffic impacts;
 - (4) Analyzes all proposed connections, including all proposed CSX crossings and Maryland Avenue;
 - (5) Analyzes the impact of the development on the intersections as specified in the scoping agreement and those included in the July 27, 2011 study, as well as using the DPW&T's Neighborhood Traffic Management Program to evaluate Queensbury Road, existing Maryland Avenue, Rhode Island Avenue south of Town Center, Lafayette Avenue, Natoli Place, River Road, and other roads as appropriate;
 - (6) Provides for vehicle trip reduction through measures including but not limited to rideshare, Zipcar (or similar) programs, bikeshare, enhanced transit service such as a shuttle and/or circulator bus, and the CSX crossing;
 - (7) Considers all future development and its effects on the corridor and intersections as identified in (c)(5) above for any projects that have an approved Detailed Site Plan or Preliminary Plan of Subdivision within the study area; and
 - (8) Does not take a discount by redirecting existing traffic on East-West Highway that would not otherwise travel up Baltimore Avenue to the Cafritz Property.
- d. ~~A valid approved natural resources inventory under the current environmental regulations that addresses the required information as outlined in the current Environmental Technical Manual;~~

Comment: Same as 10(a) of staff recommendation.

- e. A draft report detailing the Phase II archeology investigations;

Comment:- Same as 3(g) of staff recommendation.

- d. A proposed grading plan and;
 - e. A proposed construction phasing plan and timetable, including square footage of development by use, and timing of roadway construction for all proposed development tied to-DSP submittals.
15. Upon completion of construction, on-site roads are to be turned over to the Town of Riverdale Park as public rights-of-way.
16. The Applicant shall submit evidence of an application submittal to the U.S. Green Building Council (USGBC) under Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) for a Smart Location and Linkage (SLL) prerequisite review at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan. Upon GBCI/USGBC approval of SLL prerequisites, the Applicant shall pursue

and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If, based on pre-entitlement review, full certification through LEED-ND is not practicable, then Applicant shall at Detailed Site Plan provide a LEED score card that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the developer and the municipalities (and pursued by the Applicant at its expense), at minimum the Applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board.

17. At the time of Preliminary Plan submission, the applicant shall submit a Transportation Management Plan (“TMP”) for the entire development at Preliminary Plan of Subdivision. The TMP will include provisions to provide for the full funding of the TMP by the owners of the Property. The TMP and funding obligations shall run with the land until such time as a Transportation Demand Management District (“TDMD”) is established and includes the property. The TMP will identify and establish a series of measures to achieve a maximally efficient use of the adjacent transportation facilities. As the project is developed and occupied, modifications and additions to the TDMP shall be considered. The TMP shall establish vehicle trip reduction goals with reporting and monitoring provisions subject to independent verification by DPW&T. Specifics of the TMP shall include the following elements referenced in the applicant’s letter to Susan Lareuse dated November 15, 2011, pages 9-10, and car and bike share and residential and employee subsidies. The TMP shall also provide for a private shuttle to be provided at the applicant and the applicant’s heirs, successors, and/or assignees’ expense.
9. ~~Establish a Transportation Demand Management program under the Prince George’s County Transportation Demand Management District Ordinance, the timing for which shall be determined at Preliminary Plan the shall provide for traffic reduction goals and periodic independent verification of whether the goals have been met including restricting the maximum allowable density to a level that will generate average net additional daily vehicle trips on Baltimore Avenue that are no more than 20% above current levels and net additional peak hour trips that are no more than 20% above current peak hour vehicle trips at AM (06:00-09:00), mid-day (11:00-14:00), PM (16:00-19:00), and Saturday (08:00-20:00). These counts will be performed at fixed locations located between East West Highway and the southern entrance, and between Queens Chapel Road and the northern entrance, to the project and will be based upon traffic estimates that have been reviewed and determined to be appropriate by the Transportation Planning Section of M-NCPPC. If not met, additional measures to resolve the problem will be required.~~

Comment: Concerns relating to this condition, moved to Consideration 4.

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

~~make provision that at Preliminary Plan of Subdivision that it will participate with the establishment and maintenance of a TDMD and. The applicant will provide financial support and details to be determined at Preliminary Plan. Consideration should be given to establishing the Boundaries of the TDMD will to extend from Paint Branch Parkway to Queensbury Road~~

Comment: Moved and incorporated into Consideration 4.

19. Prior to approval of the Preliminary Plan, Applicant shall provide details of its commitment to participate in a circulator bus program, whether as part of a TDMD or other ~~effort~~, and shall contribute funds for this purpose.
20. Prior to approval of any DSP for the project, the applicant shall submit a traffic signal warrant study following the accepted methodology of DPW&T or the Maryland State Highway Administration for the intersection of Baltimore Avenue and Van Buren Street with channelization as shown on Sheet 4 of the Development Plan attached hereto as Exhibit 6. This analysis will examine both existing and total projected traffic volumes. If signals are deemed warranted by the appropriate agency, the Applicant shall initiate a bond to secure the entire cost prior to the release of any building permits within the subject property and shall agree to install the signals directed by DPW&T or the State Highway Administration. Further, subject to SHA approval, Applicant shall install the traffic control devices as noted on the Development Plan (Pork Chop Islands) or as modified by SHA to direct traffic so that no traffic may directly access or egress the property across Baltimore Avenue along Van Buren Street. Both entrances and exits at Woodberry and Wells Parkway, respectively north and south of the Van Buren “gateway,” must be right turn only in and out. If for any reason, including lack of warrants or SHA or other required governmental approval, the traffic signal and other traffic control devices described in this paragraph are not installed, or cannot be installed, at Van Buren and Baltimore Avenue, no permits may be issued.
13. ~~Prior to approval of a special permit, special exception, detailed site plan, or grading permit, whichever is first, every effort shall be made to meet the ten percent tree canopy coverage requirement through the preservation of existing mature woodland, specimen trees and other large existing trees, and landscaping rather than through new plantings, fees in lieu or other mitigation measures.~~

Comment: Same as 10(b) of staff recommendation, as modified.

14. ~~The commercial anchor of the Proposed Project will be a Whole Foods specialty grocery store consisting of approximately 32,000 square feet gross floor area (the “grocery store”) or comparable specialty grocery store constructed and operating in the location labeled on the Development Plan as “BLOCK 6d RETAIL/COMMERCIAL/OFFICE” (“the Development Site”) on the Development Plan submitted with the application for the Zoning Reclassification.~~
 - a. ~~Promptly after approval of the Zoning Reclassification Developer shall file an application with the appropriate government authorities, pursue diligently, and use commercially reasonable efforts to obtain all necessary permits and approvals for the development and operation of the grocery store on the Development Site including, but not limited to approvals of a Preliminary Plat of Subdivision, Detailed Site Plan, Final Subdivision Plat and development and construction permits.~~
 - b. ~~Promptly after receipt of all necessary approvals and permits, Developer shall proceed diligently to construct the grocery store on the Development Site, with the expectation~~

~~that the grocery store will be open for business not later than January 1, 2015 (the "Opening Date"). The Developer and Town understand that Developer's construction schedule and opening date for the grocery store may be affected by acts of government authorities, acts of *force majeure*, and other acts beyond the control of Developer, but Developer shall use commercially reasonable efforts to achieve the Opening Date.~~

- e. ~~The Town recognizes that lease issues, Whole Foods or Developer business issues, or other factors may prevent Whole Foods from opening the grocery store or may result in Whole Foods closing the grocery store after it has opened. Town agrees that Developer may substitute for Whole Foods another brand name specialty grocery store of similar size and whose operation utilizes comparable product lines, product variety and quality, and service standards. As examples, and not by way of limitation, for purposes of this Paragraph comparable brand name specialty grocery stores would include Trader Joe's and Fresh Market.~~
- d. ~~For a period of five (5) years from the issuance of a use and occupancy permit for the grocery store, the Development Site may not be used for any purpose other than the grocery store.~~

Comment: Zoning of property cannot dictate tenant mix, should be considered as a possible covenant. The applicant has proposed a Finding 2 above in lieu of Condition 14.

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

Comment: Same as 10(b) of staff recommendation.

- 21. Prior to approval of a Detailed Site Plan the plans shall demonstrate:
 - a. After completion of construction of the first multi-family building in the project, the goal of ensuring that at least 80 percent of the parking for the overall development is in structured parking, as well as the nonresidential design standard that the maximum number of off-street surface parking spaces permitted for each land use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance, shall be achieved.
 - b. ~~Precludes vehicular access to the Calvert Hills residential neighborhood to the north and Tuckerman Street to the south;~~

Comment: This issue should be addressed at the time of preliminary plan.

- b. Includes Design features for sustainability that address environmental health, air and water quality, energy efficiency, and carbon neutrality; and
 - c. Terminates Van Buren Street at a building or enhanced park feature.
 - d. Prior to DSP, a soils study identifying the top soils and subsoils and their appropriateness to support the use of porous pavements.
- 22. Establish a trip cap of 548 AM new peak hour trips and 902 PM new peak hour trips for full build

out of the development that may be amended, but not increased at the time of Preliminary Plan. The trip cap will not include purely internal trips.

Comment: This condition is not based on a finding of adequate public facilities, but rather a self imposed limit on maximum development requested by the applicant.

23. Prohibit clear-cutting or re-grading any portion of the development until a Detailed Site Plan for that portion of the site has been approved.
24. Prior to the approval of the Preliminary Plan, the applicant shall make provisions at Preliminary Plan of Subdivision to construct, to at least a similar standard as the existing Maryland Avenue roadway to the immediate south of the Property, an extension of Maryland Avenue from the southern boundary of the Property to where the existing roadway ends north of Tuckerman Street,. Within the existing right-of-way, the applicant shall construct the Maryland Avenue extension and it must be completed before Prince George's County issues the first use and occupancy permit for any retail, office or hotel use on the Property. No portion of any building on the Property may be used or occupied for retail, office, or hotel use until construction of the Maryland Avenue extension has been completed and opened for travel.
25. Prior to the approval of a Preliminary Plan of Subdivision (the "Preliminary Plan"), the Applicant shall do the following, all in a manner acceptable to Prince George's County and the Town of Riverdale Park:
 - a. ~~On~~ The Preliminary Plan shall show a crossing over the adjacent CSX railroad tracks (the "CSX Crossing"). The "CSX Crossing" shall mean a bridge, raised roadway, underpass or any other type of way, including on-site and off-site approaches, for vehicles, bicycles and pedestrians to pass across the railroad right-of-way to travel between the subject property and lands to the east of the property with a connection to a public road.
 - b. Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.
 - c. Provide letters from the CSX and University of Maryland, (or the affected land owner) that recommends approval of the CSX Crossing as shown on the Preliminary Plan and identifies the land or right-of-way acquisition cost, if any, necessary for the construction of the CSX Crossing on land owned by the University.
 - d. Provide cost estimates for the design, permitting and construction of the CSX Crossing, including off-site land or right-of-way acquisition costs, if any.

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

entity, the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any Detailed Site Plan for the subject property.

26. The implementation of the CSX Crossing shall be in accordance with the following:
- a. Prior to the issuance of any permits for development on the property, the Applicant (a) shall submit a roadway plan for the location and design of the CSX Crossing to CSX, or to AECOM or other agent designated by CSX, and to the University of Maryland,(or the affected land owner) and (b) shall submit letters received from both of them that approve the construction of the CSX Crossing in accordance with the roadway plan, subject to approval and authorization of the final construction plan, and verification by the Department of Public Works and Transportation that the roadway plan meets AASHTO standards as is appropriate for construction of the CSX Crossing and has been approved by CSX and the University of Maryland, (or the affected land owner).
 - b. Prior to the issuance of building permits for more than 100,000 square feet of commercial (retail, office or hotel space) and no more than 120 residential dwelling units, the Applicant (1) has received all necessary permits and approvals for construction of the CSX Crossing, (2) has provided the Prince George's County Department of Public Works and Transportation with all approved financial assurances and performance security to ensure completion of construction of the Crossing, and (3) has commenced construction of the CSX Crossing as verified by the Prince George's County Department of Public Works and Transportation.
 - c. Prior to the issuance of use and occupancy permits for more than 100,000 square feet of commercial (retail, office or hotel space) and no more than 120 residential dwelling units until construction of the CSX Crossing is at least 50% complete as verified by the Prince George's County Department of Public Works and Transportation, and the Department of Public Works and Transportation has verified that all approved financial assurances and performance security to ensure completion of construction of the Crossing remain in full force and effect.
 - d. Prior to the issuance of building permits-for more than 382 residential dwelling units, the CSX Crossing shall be open for use by public vehicular traffic as verified by the Prince George's County Department of Public Works and Transportation.
 - e. Applicant shall timely provide the Towns of Riverdale Park and University Park, the City of College Park, and the Prince George's County Department of Public Works and Transportation with copies of all submittals, notices, approvals and determinations made pursuant to this condition.

CONSIDERATIONS:

1. Extending the Rhode Island Avenue Trolley Trail across the Washington Metropolitan Area Transit Authority (WMATA) property, connecting to the terminus of the existing trail at Albion Street and south to Tuckerman Avenue.
2. Establishing a parking district to promote shared parking within the Town of Riverdale Park town center.
3. Provide residential uses above commercial uses in order to create a vertical mix of uses.
4. The Applicant and municipalities will work together to initiate and establish the TDMD. The applicant will provide financial support and details to be determined at Preliminary Plan. Consideration should be given to establishing the boundaries of the TDMD to extend from Paint Branch Parkway to Queensbury Road. Once a TDMD is established, the TMP would become part of the District and would be monitored by the Transit Transportation Management Authority ("TMA"). The applicant shall participate in establishing a Transportation Demand Management District program under the Prince George's County Transportation Demand Management District Ordinance, the timing for which shall be determined at Preliminary Plan Subtitle 20A. The TDMD shall provide for traffic reduction goals and periodic independent verification of monitoring whether the goals have been met as provided in Subtitle 20A, including restricting the maximum allowable density to a level that will generate average net additional daily vehicle trips on Baltimore Avenue that are no more than 20% above current levels and net additional peak hour trips that are no more than 20% above current peak-hour vehicle trips at AM (06:00-09:00), mid-day (11:00-14:00), PM (16:00-19:00), and Saturday (08:00-20:00). These counts will be performed at fixed locations located specified in the TDMP between East-West Highway and the southern entrance, and between Queens Chapel Road and the northern entrance, to the project and will be based upon traffic estimates that have been reviewed and determined to be appropriate reasonably accurate by the Transportation Planning Section of M-NCPPC. If the goals of the TDMD are not met, additional vehicle trip reduction measures to resolve the problem will be required, pursuant to but not limited to the requirements of Subtitle 20A.