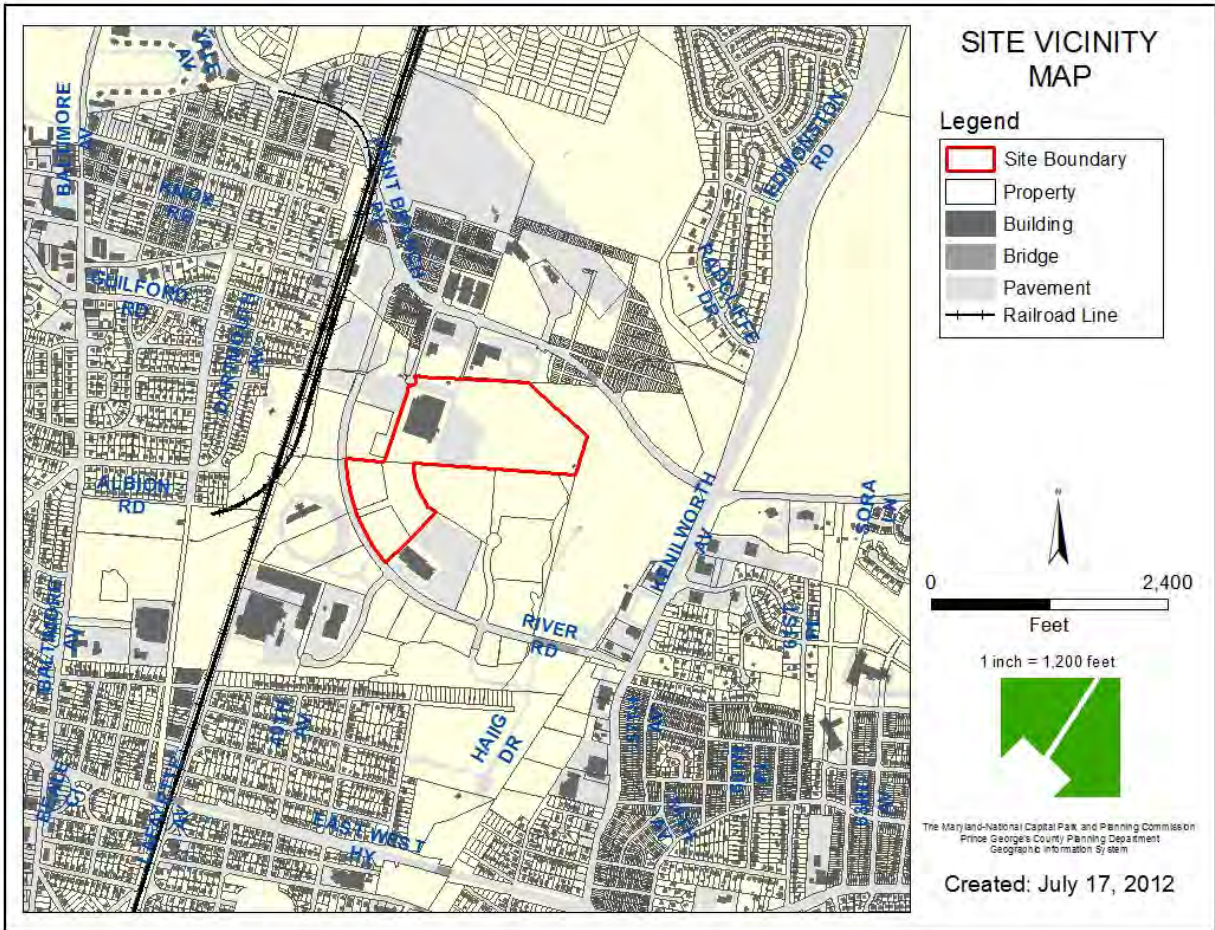




*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-12014

Application		General Data	
<p><b>Project Name:</b> Litton Technology Center</p> <p><b>Location:</b> Northeast side of River Road and south of the terminus of 51<sup>st</sup> and 52<sup>nd</sup> Avenues.</p> <p><b>Applicant/Address:</b> State of Maryland, University of Maryland c/o Ireen Redmiles 218 Main Admin. Building Room 1132 College Park, MD</p> <p><b>Property Owner:</b> State of Maryland, University of Maryland c/o Ireen Redmiles 218 Main Admin. Building Room 1132 College Park, MD</p>	Planning Board Hearing Date:	03/14/13	
	Staff Report Date:	03/08/13	
	Date Accepted:	11/01/12	
	Planning Board Action Limit:	04/04/13	
	Mandatory Action Timeframe:	140-days	
	Plan Acreage:	48.57	
	Zone:	I-3 and M-X-T	
	Gross Floor Area:	1,060,000 sq.ft.	
	Lots:	9	
	Parcels:	0	
	Planning Area:	68	
	Tier:	Developed	
	Council District:	03	
	Election District	19	
Municipality:	Riverdale Park & College Park		
200-Scale Base Map:	208NE05		
Purpose of Application		Notice Dates	
<p>The case was continued from the Planning Board agenda date of February 21, 2013 to March 14, 2013.</p> <p>To resubdivide the property into nine lots for 1,060,000 square feet of commercial development.</p>	Informational Mailing	07/19/12	
	Acceptance Mailing:	10/25/12	
	Sign Posting Deadline:	12/25/12	
Staff Recommendation		<p><b>Staff Reviewer:</b> Quynn Nguyen  <b>Phone Number:</b> 301-780-2465  <b>E-mail:</b> quynn.nguyen@ppd.mncppc.org</p>	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-12014  
Litton Technology Center  
Lots 1-9

OVERVIEW

The subject site is located on Tax Map 42 in Grid E-1 and is known Parcel A, Lots 15, 16 and 17. Parcel A was recorded in Plat Book NLP 117-13 on August 5, 1983. Lots 15-17 were recorded in Plat Book 213-69 on July 6, 2006. The site is 48.57 and is split zone with 35.14 acres (Parcel A) zoned Mixed-Use Town Center (M-X-T) and 13.43 acres (Lots 15-17) zoned Planned Industrial/Employment Park (I-3). Parcel A is currently improved with a 130,000-square-foot building and parking lot, which is proposed to remain. The applicant is proposing to resubdivide the property into nine lots for 1,060,000 square feet of commercial development, which includes the existing development to remain on the Lots 1-6, and the approved 450,000 square feet on Lots 7-9 (DSP-09028).

Parcel A (NLP 117-13) was subject of Preliminary Plan of Subdivision 4-83022 for Litton Systems which was approved by the Planning Board on March 31, 1983 (PGCPB Resolution No. 83-61). Parcel A was zoned R-R and I-1 at the time of the approved preliminary plan of subdivision. If this preliminary plan of subdivision is approved for the site, it will supersede the validity of Preliminary Plan of Subdivision 4-83022 for the area of Lots 1-6.

The applicant previously submitted a preliminary plan of subdivision for the M-X-T portion of the subject site. The Preliminary Plan of Subdivision 4-09022, was accepted on February 9, 2010, and proposed to subdivide the site into nine lots for commercial development. That preliminary plan was withdrawn prior to the Planning Board hearing because the Phase II archeological study could not be completed within the mandatory action time frame for approval. Existing Lots 15-17 (I-3) (13.43 acres) was part of Preliminary Plan of Subdivision 4-89228 for Riverside Subdivision (134.4 acres) which was approved by the Planning Board on January 9, 1992 (PGCPB Resolution No. 90-42(C)(A)). The approved preliminary plan of subdivision was for the development of two million square feet of office space on the 134.4 acres. The Planning Board approval of PGCPB Resolution No. 09-85 contains 23 conditions and created the current configuration of Lots 15-17, which have been recorded in Plat Book NLP 117-13. This preliminary plan will replace existing Lots 15-17 from the Riverside Subdivision. If this preliminary plan of subdivision is approved for the site, it will supersede the validity of Preliminary Plan of Subdivision 4-89228 for this property.

Lots 15-17 (proposed Lots 7-9) are subjected to an approved Detailed Site Plan DSP-09028 for M-Square, University of Maryland Research Park. On March 8, 2012, the Planning Board approved Detailed Site Plan DSP-09028 (PGCPB Resolution No. 12-20) for M Square, University of Maryland Research Park for an office development with 450,000 square feet of office space and a four-story,

160,500 square-foot parking garage in three phases. The resolution of this approval, PGCPB Resolution No. 12-20, was adopted on March 29, 2012. The DSP remains valid for three years and has not been certified as of the writing of this report. Prior to final plat for proposed Lots 7-9, the applicant is required to revise Detailed Site Plan DSP-09028 to reflect the changes approved by this preliminary plan, which includes a lot line adjustment and additional conditions as discussed further.

The subject site is located within the Transit District Development Plan (TDDP) for the College Park-Riverdale Transit Development Overlay Zone (T-D-O-Z). Throughout the TDDP, parcels are referenced by number and assigned to the northern or southern portion of the Transit District, resulting in different parking and density maximum requirements from the north versus the south. The TDDP referenced that existing Parcel A is in the North area and existing Lots 15-17 in the South area. The preliminary plan will remove the existing Lots 15-17 from the Riverside Subdivision in the South area of TDDP, and proposes Lots 7-9 (existing Lots 15-17) and Lots 1-6 (existing Parcel A) as part of North area of TDDP. The TDDP established mandatory development requirements with are designated as either primary or secondary requirements. The primary standards as set forth in the TDDP may only be amended by the County Council sitting as the District Council for Prince George's County. Secondary standards may be amended by the Planning Board with a DSP. The TDDP does not define the northern and southern areas referenced throughout the plan in terms of primary or secondary standards or requirements. Further, the TDDP gives the Planning Board the right to deviate from the conceptual building and parking locations if the application meets the intent and vision of the TDDP as states on page 15 of the TDDP. Throughout this staff report, the preliminary plan has been evaluated for conformance with land use and northern development standards within 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* (TDDP). The applicant has requested amendments from the following secondary standards in the TDDP:

- S-6 The streetscape design for the east-west roads A and B through Parcels 12 and 12C shall be designed as indicated in Figures 11 and 12.**
- S-135 Riparian reforestation within the transit district should be considered a priority for woodland mitigation measures.**
- S-137 Permanent structures should not be located within 25 feet of the stream buffer area.**
- S-138 The number of buffer impacts should be minimized to maintain an unbroken corridor of riparian forest. Crossings should occur at direct angles rather than oblique angles to avoid more clearing of the buffer area.**

The requested amendments from the secondary standards have been evaluated throughout this staff report but the amendment cannot be approved with this preliminary plan of subdivision. In accordance with the TDDP amendment process, secondary standards shall be determined and approved at the time of detailed site plan. Therefore, the requested amendments above should be further examined and may be approved at the time of detailed site plan. This staff report does contain some analysis of the requested amendments.

The site has frontage on River Road, 51st Avenue, and 52nd Avenue. River Road is a master plan collector facility and no road dedication is required. Fifty-First Avenue and 52nd Avenues are not master plan roadways. The preliminary plan shows the existing access to 51<sup>st</sup> Avenue cul-de-sac and is to remain as the access for Lot 1. The preliminary plan also proposes 52<sup>nd</sup> Avenues to terminate on the northern portion of Lot 2 with a cul-de-sac of approximately 120 feet in diameter and will be dedicated to public use. Lots 2-6 are propose to have access from the 52nd Avenue cul-de-sac via private rights-of-way pursuant to Section 24-128 of the Subdivision Regulations. The preliminary plan shows the private right-

of-way with a stub at the southern property line for a future road connection to Parcel 10 to the south of the subject site. The TDDP calls for a urban grid street network with a north to south, and east to west street connection for existing Parcel A, which will be examined further at the time of detailed site plan where buildings and proposed uses will help determine the appropriate street network. Lots 7-9 propose to have direct access to River Road and utilize a cross access easement to serve the three lots pursuant to Section 24-128 of the Subdivision Regulations, which is consistent with previously approved Detailed Site Plan (DSP-09028).

The property contains regulated environmental features that are required to be protected pursuant to Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features primary management area (PMA) includes wetlands, streams, and 100-year floodplain and their associated buffers. Section 24-130(b)(5) of the Subdivision Regulations requires that the PMA be preserved in a natural state to the fullest extent possible. This application proposes impacts to the PMA, and a statement of justification was received and is supported as discussed further in the primary management area (PMA) finding of this report. There are three specimen trees shown on the tree conservation plan and they are proposed to be preserved.

The subject site is within the municipal boundaries of the City of College Park and the Town of Riverdale Park. The preliminary plan was referred to the both municipalities for review and comment. At the writing of this staff report, a final memorandum from the City of College Park has not been received. The Town of Riverdale Park comments dated February 5, 2013 (Archer to Hewlett), have been submitted and have been incorporated to the extent practicable in this technical staff report, as discussed further.

## SETTING

The subject site is located on the northeast side of River Road and south of the terminus of 51<sup>st</sup> and 52<sup>nd</sup> Avenues. The neighboring properties to the south and southwest are zoned I-3 and developed with office buildings. The neighboring properties to the northwest are zoned M-X-T and developed with office buildings. The abutted property to northeast is zoned O-S and owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and consists of Herbert Wells Ice Skating Center and the Ellen Linson Aquatic Center.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	I-3 (13.43 acres) M-X-T (35.14 acres)	I-3 (13.43 acres) M-X-T (35.14 acres)
Use(s)	Offices (130,000 sq. ft.)	Offices (1,060,000 sq. ft.)
Acreage	48.57	48.57
Lots	3	9
Outlots	0	0
Parcels	1	0
Dwelling Units	0	0
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on November 26, 2012.

2. **Community Planning**—The 2002 *Prince George’s County Approved General Plan* (General Plan) designates the subject property within the Developed Tier and in a designated Center (College Park/UM Metro). The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for Centers is mixed residential and nonresidential uses at moderate- to high densities and intensities, with a strong emphasis on transit-oriented development. This preliminary plan is consistent with the 2002 General Plan Development Pattern policies for Centers in the Developed Tier by proposing a moderate -to high-density commercial development. Approval of this application does not violate the General Plan’s growth goals for the year 2025, upon review of Prince George’s County’s current General Plan Growth Policy Update.

The subject site is located within the Transit District Development Plan (TDDP) for the College Park-Riverdale Transit Development Overlay Zone (T-D-O-Z). The 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* rezoned Parcel 12 from the R-R and I-1 zones to the M-X-T Zone and Parcel 10 from the I-1 and I-2 Zones to the I-3 Zone. The transit district development plan also placed the entire property in the Transit District Overlay Zone (T-D-O-Z), which requires site plan review. This application conforms with the land use recommendations of the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone*.

**Land Use and Plan Conformance**

The northern portion of the subject property (identified as Parcel 12 by the 1997 transit district development plan) is recommended for mixed-use development consisting of a mix of office, retail, hotel, residential, and light industrial uses, while the southern three proposed lots (identified as part of Parcel 10 by the 1997 transit district development plan) are recommended for planned employment land uses consisting of a mix of office, retail, and light industrial development.

The applicant has revised the preliminary plans, which now includes a general note indicating ancillary retail such as, but not limited to, food services/cafeteria, daycare, and banking services will be part of the final development in Parcel 12. With this notation the application conforms to the land use recommendations of the 1997 *Approved Transit District Development Plan for the*

*College Park-Riverdale Transit District Overlay Zone (TDDP).*

While the applicant's intent is to provide for a mix of uses to satisfy the requirements of the M-X-T Zone and meet the TDDP land use recommendations for Parcel 12, staff notes the TDDP urban design concept outlined on pages 63-64 envisions an urban development for properties within a ten-minute walking distance from the College Park-University of Maryland Metro Station and specifically identifies Parcel 12 (the subject property for proposed Lots 1-6) as part of this concept. Page 64 states: "(i)n this area pedestrian density would be higher and urban design should focus on pedestrian activities. Physical development is based on a block pattern, with buildings close to the street and shielded parking." The physical layout of this development should continue to be revised in future stages of the development review process to provide for clear and convenient pedestrian access and a more urban form and character for the future office buildings.

Staff recognizes that proposed Lots 7, 8, and 9 conform to the land use recommendation for planned employment land uses including office, retail, and light industrial development in a suburban campus character for this portion of the proposed development.

The application is consistent with the land use recommendations of the 2002 General Plan for metropolitan centers—specifically with regard to the desired concentration of employers and workers for large government service, major employment centers, and major educational complexes as found on page 47 of the General Plan. Additional General Plan guidance which has bearing on development within the TDDP can be found in:

- The objective on page 27 to incorporate appropriate pedestrian, bicycle, and mass transit-oriented features in all new development within centers and corridors;
- The urban design strategies for centers and corridors to emphasize the need for the overall design and amenities to create a special sense of place and ensure ample amenities such as plazas, public open space, public art, and civic uses are provided.

**Site Design, Circulation, and Access**

The submitted site plans do not fully reflect the urban character envisioned by the TDDP for the northern portion of the transit district. Each of these proposed lots is of a different size and shape that seems to cater more to the expressed intent for a secure facility than to an urban, walkable environment. While staff notes the preliminary site plans contain an adjusted private street network, the applicant should continue to refine the street design and location at the time of detailed site plan review. The DSP should provide for future connections to Parcel 12 to the south (indicated by the submitted site plans) and to the CASL site to the west to allow for future connections as the CASL site redevelops over time.

Staff notes an urban block configuration is mandated by standard S-260 on page 161 for Parcel 12. Staff would notes that an amendment request from the applicant to depart from this standard (S-260) should be reviewed and determined at the time of DSP.

At the time of detailed site plan review, the applicant should also demonstrate that the relationship of proposed buildings on the subject property north of the channelized stream (the southern boundary of Parcel 12 as defined by the TDDP) is evocative of a more urban relationship between buildings. The applicant Exhibit B, submitted as part of the response letter to SDRC review comments, indicates a preferred distance and a minimum distance for the anticipated security requirements future tenants may desire. Staff would prefer to see a lot and

siting pattern that seeks to establish the minimum distance to remain more in keeping with the desired urban character for development in this area while still accommodating the applicant's desire to create a secure office environment.

The proposed buildings should have frontage on public streets if possible. In lieu of public streets, the site should be designed so that future buildings will front private streets. These streets should be designed to be consistent with Figure 12 on page 73 of the TDDP. This figure should also guide building setbacks from streets within Parcel 12. Both of these recommendations are in accordance with Parcel 12-specific standards S-6 and S-8 on page 159. The building setback should be finalized at the time of detailed site plan review.

It appears that most of the conceptual building locations on Parcel 12 will front drive aisles, areas identified as private access easements, or parking lots. Standard S-57 on page 82 states that "Parking lots should be located behind buildings" and standard S-74 on page 84 states that "Major building entrances shall be accessed from the street in the northern area." Furthermore, standard S-252 on page 159 states: "Parking lots in front of buildings shall be prohibited."

The applicant should incorporate additional non-vehicular access and circulation paths within the subject property at the time of detailed site plan review, and should confirm the presence and location of sidewalks and streetscape amenities on both sides of all streets per standard S-18 on page 76.

Additional green spaces and gathering places should be provided at the time of the detailed site plan as potential on-site amenities for future workers and visitors in accordance with standard S-260 on page 161.

The applicant should provide a bicycle sharing facility in consultation and collaboration with the City of College Park, Town of Riverdale Park, Department of Public Works and Transportation, and the Transportation Planning Section of the Planning Department. The details of the bicycle sharing facility should be determined at the time of DSP.

### **Architecture and Design**

The proposed office buildings as shown in the submitted concept drawings have a very suburban design and site layout which is at odds with the recommended character of a more urban, mixed-use environment such as that envisioned by the General Plan for metropolitan centers and by the TDDP for the northern area. At the time of detailed site plan review the applicant should demonstrate how the design of the proposed office buildings will fully meet the intent of the architectural standards contained in the TDDP.

### **Aviation Policy Area**

This application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area regulations adopted by County Council Bill CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in Aviation Policy Area (APA) 6. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to evaluation of this application. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77.

*The 1997 Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone (T-D-O-Z) gives parcel specific building heights for the areas covered in*



the subject preliminary plan as follows:

- a. Building heights for Lot 10 of the T-D-O-Z (proposed Lots 7, 8, and 9) are permitted at 84 feet.
- b. Building heights for Lot 12 of the T-D-O-Z (proposed Lots 2, 3, 4, 5, and 6) are permitted at 48 feet.
- c. Building heights for Lot 12D of the T-D-O-Z (proposed lot 1) are permitted at 78 feet.

Conformance to these requirements will be evaluated at time of DSP.

The applicant should be advised that the issues discussed herein will be brought forward and must be addressed at the time of DSP.

3. **Urban Design**—The 2010 *Prince George's County Landscape Manual* (Landscape Manual), approved master plan and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property.

**Conformance with the 2010 Prince George's County Landscape Manual**

Landscaping, screening, and buffering on the subject site should be provided pursuant to the provisions of the Landscape Manual. In addition, since the subject site is also located within the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* (T-D-O-Z), additional landscaping standards as stated in the T-D-O-Z will be applicable to the subject site. The site's conformance to the applicable landscaping requirements will be determined at time of DSP review.

**Conformance with the 1997 Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone**

Development on the subject site is governed by the 1997 Approved TDDP. The TDDP is divided into northern and southern regions. Existing Parcel A (proposed Lots 1 through 6 in the subject preliminary plan of subdivision) is located in the northern region of the TDDP. Existing Lots 15, 16, and 17 (proposed Lots 7 through 9 in the subject preliminary plan of subdivision) are located in the southern region of the TDDP. The TDDP recognizes an area of transition between the urban and suburban campus in an area that includes proposed Lots 7 through 9, where the “setback along the eastern side of River Road decreases in size closer to the Metro Station.”(p. 64 of the 1997 Approved TDDP).

With the subject preliminary plan, the applicant is requesting to designating the proposed Lots 7 through 9 as part of the TDDP's northern region. All future development for the area encompassing the subject preliminary plan of subdivision will be required to meet the district-wide development requirements for the North as well as the respective parcel specific requirements.

The urban design concept for the northern region is that of a walkable mixed-use urban town center with a connective street system. The preliminary plan of subdivision provides the framework for a connective street system, which can be further defined at time of detailed site plan (DSP) dependent on the use proposed.

The land use concept for the Urban Town Center calls for a mix of uses including office, retail, hotel, and light industrial uses. Residential uses are not permitted, nor are they proposed by the submitted preliminary plan.

The development standards relevant to the preliminary plan area are as follows:

- a. In the TDDP, the main access points to Lots 1-6 are from 51st and 52nd Avenue, which creates the framework for an urban street grid. An urban street grid should be further refined at time of DSP for proposed Lots 1-6.
- b. In the TDDP, internal streets have a 70-foot right-of-way (ROW). The proposed private access easements in the submitted preliminary plan of subdivision are 40 feet in ROW width.
- c. New parking lots along street frontage should be set back at least as far as the building or be located behind buildings, and should be screened with a combination of a low wall and landscaping.
- d. On-street parallel parking is recommended along internal streets, including the extensions of 51st and 52nd Avenue.
- e. Buildings should address internal streets and are desired to have a maximum setback of 30 feet, which includes a six-foot-wide planting strip, and a minimum eight-foot-wide sidewalk
- f. Major building entrances should be accessed directly from the street.

The submitted information indicates that the proposed development cannot fully meet the requirements of the TDDP. The applicant can request an amendment from the above standard in the TDDP, and the amendment will be determined and the time of DSP approval.

#### **Conformance with the Zoning Ordinance**

All development proposals in the T-D-O-Z are subject to DSP review, as indicated in Section 27-548.08, Site Plan, which states:

**(a) General.**

- (1) Prior to the issuance of any grading, building, or use and occupancy permit for the construction on, or use of, any land in a Transit District, a Detailed Site Plan for individual development proposals shall be approved by the Planning Board in accordance with Part 3, Division 9. A Detailed Site Plan shall be approved prior to, or concurrently with, any final plat of subdivision.**

Proposed Lots 1 through 6 are located within the M-X-T Zone. Development located within the M-X-T Zone is subject to the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed use in this application is permitted in the M-X-T Zone. Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone as follows:

**At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3)**

**categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purpose of the zone:**

- (1) Retail business;**
- (2) Office, research, or industrial uses;**
- (3) Dwellings, hotel, or motel.**

The subject preliminary plan of subdivision indicates that the requirements of the M-X-T Zone will be met through office, research and development, as well as ancillary retail uses such as a day care, banking services, or a cafeteria. The amount of square footage devoted to each use will be reviewed at time of DSP and should be in sufficient quantity to serve the purposes of the zone.

#### **Conformance with Previous Approvals**

Proposed Lots 7-9 are also included in the area of recently approved Detailed Site Plan DSP-09028 for M Square, University of Maryland Research Park. On March 8, 2012, the Planning Board approved Detailed Site Plan DSP-09028 (PGCPB Resolution 12-20) for M-Square, University of Maryland Research Park, which covers the proposed Lots 7-9, for an office development with 450,000 square feet of office space and a four-story, 160,500-square-foot parking garage in three phases. The Planning Board approval PGCPB Resolution No. 12-20, was adopted on March 29, 2012. The DSP remains valid for three years and has not yet been certified, and should prior to final plat approval.

During the evaluation of the DSP, the site was reviewed for compliance with the requirements of the southern region of the TDDP as well as the parcel specific requirements contained in the plan. If the subject preliminary plan of subdivision is approved, proposed Lots 7-9 will be categorized as being subject to the northern region standards in total. There are some additional development district standards that will apply to the site as follows:

- a. In the northern region, a low wall is required in front of parking lots adjacent to the right-of-way.
- b. Freestanding signs are not permitted in the northern region.

Detailed Site Plan DSP-09028 should be revised to address any other design issues, which have arisen due to the shift from the southern to the northern region. Minor revisions may be approved by the Planning Director; however any additional deviation from the mandatory requirements contained in the TDDP shall be approved by the Planning Board in accordance with Section 27-548.08.

The DSP-09028 was approved with 17 conditions and the following conditions are relevant to the review of the subject preliminary plan of subdivision.

- 4. Prior to signature approval of the detailed site plan (DSP), the following information shall be provided or revisions made:**
  - b. The site plan shall reflect widening of the four foot-wide segment of sidewalk north of the subject property to eight feet wide. A note shall be provided to state that widening is contingent upon not being required to extend the existing headwall or construct a new stream**

**crossing and an agreement with the adjacent property owner and DPW&T.**

- f. A general aviation disclosure notice shall be placed on a prominent location on the DSP.**
  - h. A cross parking and access easement shall be noted on the plan as a part of this DSP, and recorded in county land records.**
  - i. The applicant shall seek approval from the affected public utility companies to locate the sidewalk along River Road in the existing public utility easement. In the event such approval is not obtained, the applicant may propose an alternate sidewalk location for approval by the Planning Board or its designee. In order to allow such a revision to the sidewalk location to be approved at staff level, the Planning Board approves a waiver of Design Standard S-3 to allow the sidewalk to be relocated to avoid a conflict with the public utility easement. Any request to relocate the sidewalk outside the public utility easement shall be referred to the City of College Park and the Town of Riverdale Park for review and comment.**
  - j. The detailed site plan shall be revised to show at least a paved 24-foot-wide two-way parking driveway aisle extending from the subject property, preferably along the Lot 16 boundary line with Lots 15 and 17 to the southeastern property line with TDDP Parcel 11.**
  - l. The proposed crosswalk across River Road shall be included on the site plan.**
  - m. The Liber and Folio of the required PUEs for the trails and sidewalk on the subject property shall be placed on the site plan and documents specifying responsibility for maintenance of those facilities shall also be recorded in Land Records.**
  - n. The required private water and sewer easements, including their horizontal width, should be delineated on the DSP.**
- 8. Eight-foot-wide sidewalks shall be provided within the River Road right-of-way, or within an easement with an associated maintenance agreement or covenant. The liber/folio of any proposed easement or agreement shall be reflected on future plans.**

Since the DSP has not been certified, these conditions must be addressed prior to certificate of approval. The sidewalk along River Road is proposed within the required public utility easement (PUE) (Section 24-122(a)). The applicant has yet to obtain approval from the affected public utility companies to locate the sidewalk along River Road in the existing public utility easement. If this approval is not obtained, then the sidewalk may be located on private property. Condition 8 of Detailed Site Plan DSP-09028 regarding the eight-foot-wide sidewalk and the public access easement is carried forward as a condition of this PPS, because of the need to reflect an access easement on the record plat.

The lot layout of the recently approved Detailed Site Plan DSP-09028 is inconsistent with the lot layout shown on the subject preliminary plan of subdivision. A revision to the DSP will be necessary to be consistent with the lotting pattern on this preliminary plan, and so that the bearings and distances, and lot numbers on the DSP conform to the new preliminary plan.

4. **Environmental Planning**—A signed Natural Resources Inventory (NRI-027-09) and Type I Tree Conservation Plan (TCP1-001-10) for the subject property have been received and reviewed. With regard to the environmental regulations that became effective on September 1, 2010, the subject application is not grandfathered under Subtitles 24 and 25. Lots 15-17 (proposed Lots 7-9), which were previously approved under the prior regulations, has an approved Type II Tree conservation plan (TCPII-006-06-04); however, it is no longer grandfathered because this is a new preliminary plan. For the purposes of this application, Lots 15-17 will remain as part Type II Tree Conservation Plan TCPII-006-06 and be reviewed separately as the companion TCP to this preliminary plan because the site's woodland conservation acreages are credited for the overall M-Square site, where it should remain. Lots 15-17 are no longer grandfathered so the current environmental regulations will only apply to this portion of Type II Tree Conservation Plan TCPII-006-06. The environmental regulations for Parcel A will be reviewed with Type I Tree Conservation Plan TCP1-001-10. The area of Lots 15-17 are shown as part of the TCP1 for informational purposes to be with the TCPII. The acreages will not be reflected in the TCP1 worksheet.

The current regulations contained within Subtitle 24 now require that all sites within the Developed Tier to provide a 60-foot buffer for all streams. It also contains a provision that allows those sites to reduce the buffer to 50-feet when associated with transit oriented development:

**“Section 24-101(b)[(31)](32) Stream Buffer: .....A reduction to the minimum buffer Developed Tier to fifty (50) feet may be approved during the development approval process to support transit-oriented development or other revitalization projects on constrained sites.”**

Based on discussions with the applicant and a review of the existing environmental constraints on the site, staff recommends the reduction of the stream buffer from 60 feet to 50 feet to support transit oriented development on the M-X-T and I-3 zoned properties. The following review is based on a reduction to the buffer.

#### **Conformance with the Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone.**

The 1997 *Transit District Development Plan (TDDP) for the College Park-Riverdale Transit District Overlay Zone (T-D-O-Z)* contains District-wide and Parcel-specific requirements for the subject site. The District-wide Development Requirements and Guidelines apply to the entire site. The Parcel-specific requirements will follow. The text shown in bold are the environmental requirements that apply to the subject property. The text shown in standard font are the comments.

#### **District-wide Development Requirements and Guidelines**

The District-wide Development Requirements for the subject site provide commentary on the overall TDDP with regard to environmental infrastructure; however, it also provides comments with regard to specific features within the subject application.

Page 93 of the TDDP states the following:

**The environmental vision for the College Park-Riverdale Transit District is a healthy, balanced environment that is protected by a skillful integration of natural resources and development. Green space is expanded to improve the natural environment and development is enhanced by the existing natural features. Achieving this vision is an integral part of the development of this plan.**

The TDDP goes on to provide detailed commentary regarding the two streams specific to this subject site:

**Two streams traverse the area and flow into the Northeast Branch. (See Map 10.) One of the streams, Northeast Tributary 5, flows northwest to the southeast and the other, an unnamed tributary, flows west to east. The majority of natural areas remaining are located south of the unnamed tributary. Conservation of these areas is an essential component in improving the water quality of the Anacostia River.**

Both of the streams described above are within the subject application. Northeast Tributary 5 is located along the north and east boundaries of the subject site. The unnamed tributary is located between the southern boundary of Parcel A, and the Northern boundary of Lots 15 and 16 (proposed Lots 7--9).

The following sections in bold are the requirements and guidelines for the 100-year floodplain, nontidal wetlands, stormwater management, woodland conservation, and air quality, and noise and vibration impacts. The applicant has provided an Amendment Request that addresses each of the requirements. The request is reviewed with the DSP, however, staff has provided some analysis in this report.

- P7: Any new development or reconstruction of existing development shall be in conformance with the Prince George's County Floodplain Ordinance.**
- P8: No development within the 100-year floodplain shall be permitted without the express written consent of the Prince George's County Department of Environmental Resources.**

With regards to P7 and P8, the TCP1 and stormwater management (SWM) concept plans submitted show new development within the 100-year floodplain for trails, a road crossing, clearing for security and bioretention ponds with outfalls. According to the applicant's request, the submitted plan complies with this requirement; however, no confirmation of conformance with this requirement has been provided nor has authorization to develop within the 100-year floodplain has been provided. It should be noted that the current regulatory agency for the county's floodplain ordinance is the Department of Public Works and Transportation (DPW&T).

The SWM approval letter for proposed Lots 1-6 state that a new floodplain study is required. In a discussion with the applicant on December 12, 2012, it was determined that the floodplain may have significantly changed (reduced) since its previous floodplain study reflected on a plat approved in 1983, prior to stormwater management regulations. An updated floodplain study needs to be completed and submitted with the DSP to reflect the current limit of the 100-year floodplain and so that staff can have a final delineation of the primary management area (PMA) on the site, and the floodplain accurately reflected on the final plat prior to permits.

Any changes to the floodplain as currently reflected on the plat and NRI will require a revision to the primary management area on the DSP and conservation easement on the final plat. This may also result in a change to the area of proposed impacts for the development. Because the site will be required to submit a DSP, any additional impacts to the floodplain that have not been approved will be reviewed at that time.

**P-9: If the development is part of the subdivision process, then an approval of a letter of justification to the Subdivision Ordinance must be obtained for proposed impacts.**

A revised letter of justification has been submitted. Impacts to regulated environmental features are discussed in the Environmental Review Section of this memorandum.

**P-10: Disturbance to nontidal wetlands requires a Maryland Department of the Environment (MDE) and U.S. Army Corps of Engineers (COE) Joint Permit Application (33 Code of Federal Regulations 320 through 330) and where required, issuance of the permit.**

The northern part of the site contains two isolated wetlands near the eastern boundary. These two wetland areas and their buffers will not be impacted as part of the development.

**S-130: If it is determined that a stream crossing is necessary, the crossing width, angle, frequency and elevation shall be considered in a way that minimizes impacts.**

**S-131 Stream crossings are discouraged. Roads and bridges should be located above the 100-year floodplain.**

According to the submitted TCPI, two crossings over the unnamed tributary are proposed. One crossing is for vehicular access from proposed Lot 6 to Lot 13. The other crossing is for a hiker/biker trail from proposed Lot 1 to proposed Lot 8.

The applicant has stated that the submitted plans comply with this requirement; however, specifications for the proposed crossings have not been provided, including the grading necessary for the crossing. The exhibits provided indicate that the road crossing will be bridged. The final grades for the proposed bridge and trail shall be shown on the DSP and TCP2.

Impacts for the stream crossing and any required additional information to evaluate the impacts are discussed in the Environmental Review Section.

**S-132: Disturbance to non-tidal wetlands is strongly discouraged.**

No impacts to wetlands and wetland buffers are part of this proposed development.

**P-12: Any new development shall provide for water quality and quantity control in accordance with all Federal, State and County regulations. Bioretention or other innovative water quantity or quality methods are strongly encouraged where deemed appropriate.**

In accordance to the Statement of Justification (PMA) submitted, the site is proposing the

use of storm filters, bio-engineering, the creation of man-made wetland facilities and the installation of non-erosive storm drain discharge methods.

The concept approvals for proposed Lots 8-9 show three underground SWM facilities and states that bioretention (proposed Lot 8 only) and stormceptors are required.

The concept approval for proposed Lots 1-6 show three ponds; however, subsequent to a meeting with the applicant, the number of ponds were reduced to two, and is demonstrated on the plan labeled Exhibit B which shows the proposed impacts for the site. The concept plan also shows four underground SWM facilities and one bio retention area outside the floodplain. The ponds do appear to be designed as bioretention/constructed wetlands as the applicant has stated. The proposed bioretention and constructed wetlands are considered environmental site design (ESD) techniques.

**S-133: All new stormdrain inlets associated with the development of this Transit District shall be stenciled with the words “Do Not Dump, Chesapeake Bay Drainage.” Detailed Site Plans and sediment and erosion control plans shall have notation regarding storm drain stenciling.**

**S-134: Trash receptacles shall be placed in strategic locations to reduce litter accumulation. Detailed Site Plan shall show the number and location of the trash receptacles.**

These requirements shall be addressed at the time of detailed site plan.

**S-135: Riparian reforestation within the transit district should be considered a priority for woodland mitigation measures.**

Riparian forests are forests adjacent to streams and function to control flooding by allowing more natural infiltration, control erosion and sedimentation, and stabilize the stream banks. A portion of the riparian forest area on the subject property is proposed to be cleared for a trail crossing, road crossing and security. There are areas on the subject property where buffers have previously been removed for parking; however those areas are not proposed to be disturbed with this application. Staff supports the applicant's amendment from S-135 in order to comply with security standards for the federal facility. This amendment should be further reviewed at the time of DSP.

With regard to the trail crossing, it is in conformance with requirements of the TDDP. The proposed road crossing will be reviewed in the Environmental Review Section, at the time of DSP.

**S-136: Reforestation, intensive planting of shrubbery or creation of a meadow should be considered for areas around existing and future stormwater management ponds.**

The approved concept plan proposes three SWM ponds that will be constructed as bioretention/wetlands. Intensive plantings are appropriate for these types of facilities and will help filter the stormwater water and provide water quality.

**S-137: Permanent structures should not be located within 25 feet of the stream buffer area.**

According to the applicant, states the following:



“The Parking Garage on Proposed Lot 6 and the Building on Lot 5 are proposed to be located only 10’ from the Stream Buffer; however any further distance greatly impacts the balance of the site access.

The plan as submitted shows a garage, office building and proposed parking within 25 feet of the stream buffers for both streams. Parking areas are proposed within the stream buffer itself. In a subsequent meeting with the applicant, staff concluded that enforcement of the requirement would result in an unwanted hardship on the proposal to support the M-X-T and I-3 development with regard to these structures within 25 feet of the buffers because the site’s developable area is significantly limited by the on-site regulated environmental features and the floodplain buffer restrictions from this TDDP.

The Environmental Planning Section supports the applicant’s request to amend S-137 place the proposed parking, garage, and office building as shown on the TCP, within 25 feet of the stream buffer. The Detailed Site Plan DSP-09028 approved an amendment from S-137 for existing Lots 15–17 (proposed Lots 7–9). The amendment from S-137 for proposed Lots 1–6 will be determined further at time of DSP. The applicant has submitted a statement of justification for impact to the regulated environmental features and is discussed in the primary management area of this report.

**S-138: The number of buffer impacts should be minimized to maintain an unbroken corridor of riparian forest. Crossings should occur at direct angles rather than oblique angles to avoid more clearing of the buffer area.**

The applicant’s statement of justification states “No impacts to riparian Forest” however; the design proposes to disturb riparian forest for a trail crossing, trail connection, road crossing and security standards. The plan shows that the clearing for the secured site will remain vegetated with grass and will not be encumbered by building, parking, or stormwater management structures. Both the proposed trail and road are designed to cross the stream at direct angles. The applicant has submitted a statement of justification for impact to the regulated environmental features and is discussed in the primary management area of this report.

**S-139: If development occurs within the floodplain, afforestation and intense landscaping should be considered to reduce the existing impervious surface area.**

A small increase in the impervious area will result for the extension of the access road into the site. The ponds are proposed for the un-wooded portions of the 100-year floodplain which will have infiltration functions. At this time no afforestation is proposed; however a condition has been recommended to provide intensive plantings and around the facilities.

**S-140: Wooded 100-year floodplains shall remain as preservation areas.**

As submitted, the TCP1 proposes to preserve 81 percent of the wooded floodplain for the overall site. The plans as submitted are in conformance with this standard.

**S-141: For sites not subject to the Woodland Conservation and Tree Preservation Ordinance, a survey of specimen or historic trees is required at the time of application for a Detailed Site Plan, Preliminary Plan or Grading Plan. This survey shall include the health and vigor of the trees.**

This site is subject to the Woodland Conservation and Wildlife Habitat Conservation Ordinance (WCO).

**S-142: Preservation of existing trees is the highest priority of woodland conservation within the transit district, followed by on-site afforestation/reforestation. Afforestation or reforestation can occur off-site but it must be within the limits of the transit district area. There shall be no fee-in-lieu.**

The site is zoned M-X-T and I-3, and is associated with high-density development, which often makes it challenging to preserve the entire woodland requirement, and in most cases, the woodland threshold, due to the need for a significant amount of parking and stormwater management to support the high-density development. As submitted, the TCP1 is proposing to meet the WCO requirement with 0.72 acres preservation, 0.35 acres of reforestation, and 6.52 acres of credits towards off-site woodlands conservation. The plan also shows that an additional 3.59 acres of woodland within the 100-year floodplain will also be preserved on-site. Woodland preserved in the 100-year floodplain cannot be counted to meet the woodland conservation requirement. In total, 5.38 acres of woodland will be preserved and planted on-site.

The woodland conservation associated with Lots 15-17, has a previous approval for the use of fee-in-lieu. The site is no longer grandfathered because of this new application; however, the approved fee-in-lieu should continue to be approved because the woodland conservation for that site has been implemented and supports the overall M-Square development.

**S-143: An afforestation/reforestation management plan will be required when afforestation and/reforestation is part of woodland conservation. The Prince George's County Department of Environmental Resources is responsible for the enforcement of this plan. The term of the management plan shall be no less than five years. Bonds held for afforestation reforestation plantings shall not be released for at least five years. The requirements of the management plan are located in Appendix I.**

**S-144: The types of trees planted must be from the native plant list obtainable from the Natural Resources Division.**

**S-145: The caliper of trees to be planted as part of conservation requirements shall be a mix of one to two inches. At least 50 percent shall be 2-inch caliper. In afforestation/reforestation areas greater than 35 feet in width, the seedlings and whips may be used as part of the mix. The seedlings and whips must be located in the portion of the afforestation/reforestation furthest away from the public areas.**

For S-143 thru S-145, the planting plan and associated bonding will be addressed through the current requirements of the Woodland and Wildlife Habitat Conservation Ordinance (WCO). The current ordinance requires that only native stock can be used. The planting plan will be evaluated at the time of detailed site plan. Bonding will be determined at the time of permit review.

**S-146: Grading should be reduced to the greatest extent possible in order to preserve existing woodlands and other natural features.**

The TCP1 worksheet indicates that 3.98 acres of woodlands will be cleared on upland, and 0.10 acres within the 100-year floodplain. The grading must be shown on the plan.

**S-147: Preservation, reforestation, and afforestation along stream buffers should be considered as a first priority for conservation areas.**

**S-148: Continuous corridors of existing trees should be preserved. Unwooded areas adjacent to these corridors should be considered as areas for replanting.**

With regard to S-147 and S-148, the plans as submitted are in conformance with these standards. As previously discussed, the TCP1 proposes woodland preservation and reforestation along the unnamed tributary, with the exception for clearing for crossings and security. The area south of proposed Lots 5 and 6 will be cleared but will remain vegetated with grass. The woodlands adjacent to Northeast Tributary 5 stream, all within the 100-year floodplain, will also be preserved.

A significant acreage of the woodland on-site is within the 100-year floodplain and stream buffer adjacent to Northeast Tributary 5 and is proposed to be preserved. Some future clearing in the floodplain may occur to address stormwater management requirements, but it is expected to be minimal. Other areas of woodland will be cleared in the more central areas of the property to create a developable envelope that is consistent with the existing zoning. Opportunities to replant will be evaluated with the detailed site plan. There are un-wooded areas in the 100-year floodplain that would provide more connection within this corridor. These are proposed to be developed with bioretention ponds; however, staff has recommended that intense plantings be provided in these areas to enhance the corridor.

**S-149: All reasonable efforts should be made to preserve those specimen and historic trees.**

The site contains three specimen trees and all three trees will be preserved as part of this development.

**P-13: New structures (other than parking structures) located within 150 feet of the centerline of the CSX railroad tracks are prohibited.**

**S-151: A detailed noise study is required for review and approval by the Natural Resources Division prior to approval of any Detailed Site Plan. The noise study shall include reverberation impacts on adjacent land uses; specifically, the residential neighborhoods on the west side of the railroad tracks. The study shall demonstrate that there will not be an increase in the existing noise levels. The study shall be certified by an acoustical engineer.**

**S-152: The noise study shall include examination of appropriate mitigation techniques, such as landscaping and buffering, and the use of acoustical design techniques. Furthermore, a typical cross-section profile of noise emission from the road grade to the nearest habitable structure is required. If mitigation is necessary, an earth berm or a better method of reduction is preferred.**

**S-153: The State of Maryland's Established Noise Standards (Table 5) will be the maximum allowable noise levels (dBA) for receiving land use categories for areas that do not currently exceed the established noise standards. For any new**

**development, the applicant shall utilize construction materials and design methods that will attenuate ultimate exterior noise levels as established in Table 5. Interior levels shall not exceed 45 dBA (Ldn) for residential developments and 55 dBA (Ldn) for commercial and industrial developments.**

Proposed structures on the subject property are not located within 150 feet of the centerline of the CSX railroad tracks. Noise is not an issue on this site, because residential uses are not proposed. The subject site is not expected to be a noise generator. A noise study is not required.

#### **Parcel-Specific Development Requirements and Guidelines**

The following are Parcel-Specific Development Requirements and Guidelines for Parcel 10 within the TDDP. Lots 15, 16, 17 (proposed Lots 7-9) are within the development envelope of Parcel 10. It should be noted that these lots are on the southwest side of the unnamed tributary.

**S-232: If development occurs on this parcel, the mandatory requirements and guidelines for floodplain, nontidal wetlands, stormwater management, woodlands and noise attenuation specified in the “District-wide Development Requirement and Guidelines” shall apply.**

See District-wide Development Requirements and Guidelines section above.

**S-233: A minimum 50-foot buffer from the 100-year floodplain shall be provided. Preservation of existing trees and afforestation within this buffer are preferred rather than reforestation. The area of woodland conservation required that is not met with the 50-foot buffer will be determined at the time of the Detailed Site Plan.**

**S-234: Conservation of additional woodland can be used for other transit district woodland conservation requirements in accordance with District-Wide Mandatory Requirement S-142.**

**S-238: The stream trail shall be sited to minimize removal of trees and to take advantage of views. In locating the trail, long, straight sections shall be avoided. The trail should be paved on bituminous concrete or crushed stone.**

With regard to S-232 thru S-234 and S-238, Parcel 10 as identified in the TDDP includes Lots 15-17 (proposed Lots 7-9) and was previously reviewed as part of Detailed Site Plan DSP-09028 with Type II Tree Conservation Plan TCPII-006-06-04 for conformance with the above requirements. Staff performed a detailed review of the site and recommended revisions to bring the proposed design in conformance with the TDDP. The Planning Board approved the application with conditions to revise the design. That TCPII has not yet been certified, but the applicant did submit an illustrative plan and TCPII that demonstrates conformance with those conditions. The proposed paved trail was relocated outside of the existing wooded floodplain and stream buffer to preserve more of the existing woodland within those areas, and minimize the impacts to the buffers. The conceptual layout submitted with this application is consistent with the illustrative plan and the site’s previous approval.

The following are Parcel-Specific Development Requirements and Guidelines for Parcel 12 (proposed Lots 1-6) within the TDDP. Parcel A, north of the unnamed tributary and south of Northeast Tributary 5, is Parcel 12 in the TDDP.

**S-232: If development occurs on this parcel, the mandatory requirements and guidelines for floodplain, nontidal wetlands, stormwater management, woodlands and noise attenuation specified in the “District-wide Development Requirement and Guidelines” shall apply.**

See District-wide Development Requirements and Guidelines section above.

**S-255 There is an approximate 4.0 acres minimum woodland conservation required by the Woodland Conservation Ordinance. Woodland conservation shall occur using the following hierarchy.**

- 1. Extension of 50-foot buffer area from the 100-year floodplain between Parcel 12 and Parcel 10**
- 2. Preservation/afforestation to extend upon mandatory buffer areas**
- 3. Afforestation/reforestation off-site (but within the TDOZ)**
- 4. Woodland Conservation off-site within the College Park- Riverdale Transit District.**

**S-256 Conservation of additional woodland meeting hierarchies listed in S-255 above can be used for other transit district woodland conservation requirements in accordance with District-Wide Mandatory Requirements S-142.**

With regard to S-255 and S-256, the woodland conservation requirement (for Parcel A only) based on the current ordinance is 7.59 acres. Of the total 4.66 acres that will be preserved/planted on-site, 1.07 acres will be counted toward meeting the requirement, while 3.59 will remain preserved in the 100-year floodplain. Because of the extensive 100-year floodplain on-site, it is not feasible to extend the floodplain buffer from the required 50 feet. The buffer areas have been preserved/planted to the extent possible. The plan proposes to meet the remaining requirement with off-site woodland conservation.

**S-257: Wooded floodplain areas shall be preserved.**

As submitted, the TCP1 proposes to clear 0.34 acres of woodland within the 100-year floodplain, preserving 91 percent of the wooded floodplain on Parcel A. Additional woodland clearing at the time of DSP will be limited because the locations of the future ponds are within un-wooded areas of the floodplain. Based on the proposed design, the applicant has met this requirement to the extent possible.

#### **Conformance with the Green Infrastructure Plan**

According to the 2005 *Approved Countywide Green Infrastructure Plan*, approximately 95 percent of the site contains Regulated, Evaluation, and Network Gap Areas. The Regulated Area is comprised of the two stream valleys along the north, south and east boundaries of Parcel A and the associated 100-year floodplain. According to the forest stand delineation (FSD), the woodlands in the Regulated Areas are within Stand A, which is dominated by sweet gum and willow oak. Stand A also comprises the riparian areas for the on-site stream valleys. Because of their association with the stream valley, these woodlands are a priority for preservation. Stand B, also in the Regulated Area is a smaller area of isolated woodland in the central area of the site and

is not associated with any sensitive on-site habitat.

The strong presence of the Green Infrastructure Network within this site generally warrants that at least the woodland conservation threshold be met on-site in order to fully protect the existing regulated environmental features; however consideration must be given to the site's location in the Developed Tier and within the Transit District Overlay Zone (T-D-O-Z), which is associated with high density development. At a minimum, the wooded stream buffers should be preserved in place to the extent possible to be in conformance with the Green Infrastructure Plan.

To find conformance with the Green Infrastructure Plan, the Planning Board must find that the plan adequately addresses the following policies:

**Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**

The Regulated, Evaluation and Network Gap Areas are associated with the two stream valleys described above. The on-site 100-year floodplain area on Parcel A limits the developable envelope by almost 9.21 acres. The site is zoned M-X-T and I-3, which is associated with high density development that allows multiple uses (residential, retail, office). The conceptual design as shown on the TCP1 proposes to preserve and protect the network by preserving and planting woodland along the stream valley where no development currently exists. The proposed stormwater management is not shown on the TCP; however, an exhibit that conceptually shows the location of the ponds within the un-wooded areas of the 100-year floodplain was submitted. The wooded areas of the 100-year floodplain are also proposed to be preserved except where impacts limited to crossings, stormwater management required by other agencies, and clearing for security, also required by other agencies, are proposed.

**Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.**

According to the approved stormwater concept plans and TCP1, three bioretention ponds are proposed. The design appears to mimic natural landscapes for open water wetlands which function to retain and infiltrate water back into the ground for recharge. The details of the proposed ponds were not provided on the TCP, in accordance with staff's previous request. For this review, the ponds were evaluated using the submitted exhibit, and will be further reviewed at the time of DSP.

**Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.**

As currently designed, the proposed plan is in conformance with the Countywide Green Infrastructure Plan.

**Environmental Review**

There are streams, wetlands, and associated 100-year floodplain on the subject property. The source of information for the 100-year floodplain is from a plat dating back to 1983. The level of development subsequent to that time has significantly increased and could have affected the floodplain elevations. In a stormwater management concept approval letter for the subject

application, the Department of Public Works and Transportation (DPW&T) has stated that an updated 100-year floodplain study is required. This study must be submitted with the detailed site plan application so that the PMA can be correctly delineated on the plan and the impacts will need to be re-evaluated based on the revised floodplain limits at the time of DSP.

Current aerial photos indicate that the site is approximately 25 percent wooded. The site is relatively flat and drains into unnamed tributaries of Lower Northeast Branch of the Anacostia River basin. No species listed by the State of Maryland as rare, threatened or endangered are known to occur in the vicinity. According to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), the predominant soils found to occur on-site include the Beltsville-urban land complex, Codorus and Hatboro soils, Codorus and Hatboro-Urban land complex, Elsinboro sandy loam, Russett-Christiana-Urban land complex, and Udorthens. These soils series generally exhibit moderate limitations to development due to perched water tables, impeded drainage, flood hazard, slow permeability and steep slopes. No historic or scenic roads are nearby. River Road and Paint Branch Parkway are the nearest sources of transportation-generated noise impacts. The CSX railroads, located to the west, and the College Park Airport, located to the north, are not noise concerns because the proposed uses are not residential in nature. Furthermore, the proposed use is not expected to be a noise generator. This property is located in the Developed Tier as delineated on the 2002 *Prince George's County Approved General Plan*, and contains Regulated, Evaluation, and Network Gap Areas according to the Countywide Green Infrastructure Plan.

The site has a Natural Resources Inventory (NRI/027/09) that was submitted with the application; however, the NRI was approved before the current regulations became effective. Staff will not require a revised NRI because the forest stand delineation (FSD) is less than five years old and the information on the NRI contains the information needed to review the site with this application in conformance with the current environmental regulations. Any additional requirements will be reflected on the TCP1 and TCP2, which will supersede the NRI approval.

According to the forest stand delineation (FSD), the 48.57 acre site contains two stands of trees totaling 9.07 acres of woodland. Stand A totals 8.70 acres, is dominated by sweet gum and willow oak, and is associated with streams, wetlands, and the 100-year floodplain. The FSD states that "this stand has canopy coverage of 89 percent." Only one invasive species, Japanese honeysuckle, was identified in this stand. A priority rating of 2 was given to Stand A; however, because of its association with regulated environmental features, its contiguousness with the stream valley, and the dominant presence of the Regulated Areas of the green infrastructure network, this stand should have a priority rating of 1.

Stand B is a 0.37-acre area of isolated woodland dominated by Bradford pear. It has canopy coverage of 69 percent and is not associated with any regulated environmental features on the site. This stand has been given a priority rating of 3. Staff agrees with this rating.

This site is subject to the provisions of the Woodland Conservation and Wildlife Habitat Ordinance (WCO) because Parcel A (proposed Lots 1-6), the north parcel, is greater than 40,000 square feet and has more than 10,000 square feet of woodland. Lots 15-17 (proposed Lots 7-9), located at the southwest portion of the subject site, are also subject to the WCO because they have previously approved tree conservation plans (TCP1/09/90, TCP2/073/06, and TCP2/006/06).

As currently submitted, the TCP1 shows Parcel A on the same plan as Lots 15-17. The previously approved TCPs for Lots 15-17, TCP1/009/90 and TCP2/073/90, covered a much larger site, also known as Riverside. The subject site was subsequently separated from TCP2/073/90 and

reviewed with a new DSP and TCPII (DSP-05078, DSP-09028 and TCPII/006/06). Because of its previous approval history with other sites, and because the woodland credits on those lots are for the overall M-Square site, the woodland conservation requirements for Lots 15-17 should be reviewed for conformance with the most recently approved TCPII (TCPII/006/06-04) as part of this application. The proposed design for Lots 15-17 (proposed Lots 7-9) shown on the submitted TCPI is for illustrative purposes. The acreages and proposed clearing for Lots 15-17 are not part of the calculation for this TCPI worksheet. For this review, Lots 15-17 will be reviewed separately for conformance with approval for Type II Tree Conservation Plan TCPII-006-06-04 using the conceptual layout on the TCPI.

### **Proposed Lots 1-6**

According to the TCPI worksheet, Parcel A has a gross tract area of 35.14 acres and a net tract of 25.93 acres. Based on the proposed clearing, the total requirement for Parcel A is 7.59 acres. The TCPI proposes to meet this requirement with 0.35 acres in reforestation and 6.52 acres of off-site woodland conservation.

The site contains an area of woodland within Stand B that is dominated by Bradford Pear. Bradford pear is an undesirable species of tree because it is invasive and has a short life span that may result affect the survival rate of other trees in that woodland conservation area. The Bradford Pear must be removed before any planting in the area can be done. This area is proposed as a 0.34 acre preservation area.

Woodlands may need to be cleared off-site to access the existing trail east of the site. This woodland trail will be staked in the field to determine the best alignment that removes the least amount of trees. Approval from the adjacent landowner, The Maryland-National Capital Park and Planning Commission (M-NCPPC), will be required, at the time of DSP, and prior to final plat to ensure appropriate agreements and bonding are required.

A road crossing is proposed at the south central location of Parcel A to access former Lot 13, the secured federal facility. Also, there are security restrictions for Lot 13 required to be addressed that affect the existing wooded buffer adjacent to the unnamed tributary on proposed Lots 5 and 6. As a result, the woodlands on the north side of that stream will be cleared for security reasons. The proposed limits of disturbance for the crossing and security area reflect the clearing to implement this; however, it is unclear if authorization for the proposed crossing that accesses the secure site has been granted. Authorization for the crossing should be provided at time of the detailed site plan so that appropriate site planning can occur. The TCPI states that this road crossing will be spanning the stream with a bridge. There will be clearing and impacts to the floodplain associated with this bridge, which will be further reviewed at the time of DSP.

### **Proposed Lots 7-9**

The development for proposed Lots 7-9 is shown conceptually on TCPI and DSP-09028; however, the approved Type II Tree Conservation Plan (TCPII-006-06) is the companion TCP for this case. The most recent TCPII approved by the Planning Board, an "-04" revision, has not yet been certified; however, the plan was found to meet the WCO requirements with minor revisions. Because this is a new preliminary plan, and the site is no longer grandfathered, the TCPII must be revised as necessary to comply with all conditions of approval of this application, and then again for approval of a DSP revision to meet the requirements of this preliminary plan, if approved. In addition to the approved Detailed Site Plan DSP-09028. Therefore, the TCPII for DSP-09028 must be certified prior to the signature approval of Preliminary Plan of Subdivision 4-12014.

The site as it currently exists contains a wooded preservation along the north border that is 45-55



feet wide. This buffer was established with previous approvals to meet S-233 of the TDDP which requires a 50-foot buffer from the 100-year floodplain. According to the submitted TCP1, the 0.72 acres of woodland within the buffer on these lots is proposed to be preserved. This layout is consistent with the recommendations of the TDDP and the previously approved TCPII with the exception of the clearing needed for the outfall connected to the underground storage area.

The project area has regulated environmental features and woodland preservation/reforestation areas located on-site. The site will meet its woodland conservation requirement by acquiring 6.52 acres of off-site woodland conservation credits. These credits must be purchased before a grading permit is issued and will be so indicated at the time of DSP.

5. **Primary Management Area (PMA)**—This site contains regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features include wetlands, streams, and 100-year floodplain and associated buffers. Section 24 130(b)(5) states:

- (5) Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

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

The Environmental Planning Staff met with the applicant on December 11, 2012 and January 23, 2013 to discuss the application and proposed impacts. A Letter of Justification dated January 31, 2013, stamped as received February 5, 2013, has been submitted. The applicant also provided 8 exhibits showing the areas within the PMA that are proposed for impacts for the entire project area. Some of the exhibits show multiple impacts of different types. One exhibit shows existing and impacts that were created prior to stormwater and environmental regulations. The existing impacts were shown because there is no history of their approval status. According to the letter of justification, the applicant is proposing a total of approximately 4.32 acres of impacts for trails, parking, SWM, and security requirements. At least one of the impacts will result in the restoration of stream buffer currently impacted by parking. Most of the other impacts are

considered permanent; however, the proposed stormwater management facilities and the security area will result in pervious areas that will continue to have some natural infiltration functions.

The following chart summarizes each impact as shown on exhibits 1-8. Commentary, acreage, and staff's recommendation is also included.

Exhibit Number	Impacts	Comments	Acreage of Impact	Staff Recommendation
1	Existing impacts consisting of parking, sidewalk, vehicular entrance and proposed impact for signage	These are existing impacts that occurred prior to stormwater and environmental regulations. They are located along the north areas of proposed Lots 1 and 2 and currently exist. The site entrance area is encumbered with stream buffer and floodplain which would make it impossible to access the site without impacts. The existing driveway extending from the access road/roundabout is not accurately shown on the TCP1. The proposed signage for the site is 0.01 acres of the 0.85 acre total and is supported. The site also contains existing parking at the southern boundary of proposed Lot 1. No development is proposed within this area and the acreage of the area is unclear. Staff supports this impact and the other existing impacts until future development of the site is requested through a detailed site plan.	0.85 acres	Staff supports the existing impacts with a condition to correctly show the driveway from the roundabout and provide the acreage of the southern parking area on proposed Lot 1 that is within the PMA.
2	Access road	The impact is necessary to access proposed Lots 2-4. This impact is located near the north boundary of proposed Lot 2.	0.07 acres	Supported
2	Storm drain outfall	This impact is necessary to safely convey stormwater to the stream. This impact is located on the northeast side of the existing circular entrance road	0.02 acres	Supported
2	Trail	This impact is necessary to provide hiker/biker access along the stream valley in accordance with the TDDP trail connections and is located adjacent to the existing stream buffer along the northern boundary of the site.	0.12 acres	Supported
2	Bioretention facility	This impact is located within an extended area of the floodplain in the north area of Lot 4. No stream buffers or	0.71 acres	Supported with a condition to provide

		wetlands will be disturbed. The bioretention pond will provide similar functions as the floodplain, including storage and infiltration and will be designed to mimic a natural wetland with native plantings. No pervious area will be significantly lost due to this requested impact. The justification statement quantifies this impact for bioretention and an outfall; however the outfall is not shown on the plan.		authorization from DPW&T and to show the outfall
2	Parking Lot and storm drain	This impact is located on Lot 3. Staff generally does not support parking within the PMA; however, the site contains an extensive area of PMA which significantly limits the developable area on the site. The parking is located in an area of the 100 year floodplain that extends more into the site. Because this will result in increased impervious area, approval from DPW&T is required. The storm drain is necessary to safely convey runoff from the buildings to the underground storage facility. The underground storage facility, which is partially located in the PMA, was not included in the request. It is unclear if it was included in the calculations for the bioretention facility or the parking lot. The justification letter identifies this impact for the parking only, and the storm drain is not included. Clarification of where the acreage for this facility was included is required. The justification totals the impacts on exhibit 2 as 1.23 acres; however, the correct total is 1.22 acres	0.30 acres	Supported with a condition to provide authorization from DPW&T and to quantify the underground facility or identify which impact in which it is included.
3	Storm drain outfall	This impact is necessary for the safe conveyance of stormwater to the stream. It is located in the southeast corner of the site	0.01 acres	Supported
3	Bioretention facility	This impact is located within an extended area of the floodplain on Lots 4 and 5. No stream buffers or wetlands will be disturbed. The bioretention facility will provide similar functions as the floodplain, including storage and infiltration and will be designed to	0.92 acres	Supported with a condition to provide authorization from DPW&T.

		mimic a natural wetland with native plantings. No pervious area will be significantly lost due to this requested impact.		
3	Parking Lot	<p>This impact is for parking and storm drain conveyance. The impact is located on Lots 4 and 5 of the site where the floodplain oddly extends into the more developable area. Staff supports this impact due to the significant presence of floodplain on the site which limits developable area.</p> <p>The proposed bioretention facilities serve to compensate for the loss of floodplain and increased runoff while also providing enhancement to the natural features within the floodplain by designing it as a wetland with native plantings</p>	0.12 acres	Supported with a condition to provide authorization from DPW&T.
4	Clearing of Riparian buffer for secured federal facility	This impact is located along the southern boundary of Lot 6 5 and 6 and is required to be in compliance with design requirements to provide a cleared area in the rear of the existing secured federal facility on Lot 13. This same clearing was previously implemented on Lot 13 (adjacent to this site on south side of the stream) for security as well.	0.73 acres	Supported
5	Road crossing	This impact is necessary for vehicular access across a stream between Lot 13 and proposed Lot 6. According to the applicant, the crossing will be bridged, which may avoid direct impacts to the stream. The grading and details of the stream crossing will be evaluated at the time of detailed site plan.	0.05	Supported
6	Parking Lot Removal and Stream Buffer clearing/grading	This impact is for grading within the stream buffer where it is partially wooded, and partially paved for parking lot spaces. It is located along the southern boundary of Lot 2. The plan proposes to remove the parking, re-grade the area, and reforest it, restoring the buffer to a natural state.	0.34 acres	Supported
7	Storm drain	This impact is for an outfall that is necessary to safely convey stormwater to	0.03	Supported with a condition to

	outfall	the stream and is located on Lot 8. The justification letter quantifies this impact at 0.03 acres while the exhibit quantifies it as 0.02 acres. Clarification of the area for this impact is required	acres	clarify the impact acreage.
7	Trail connection	This impact necessary to connect the proposed trail with an existing trail on Lot 14 and is in general conformance with the requirements of the TDDP. This impact is located on Lot 8.	0.03 acres	Supported
8	Trail crossing	This impact is necessary to provide pedestrian access across the stream between proposed Lots 1 and 8 and is required by the TDDP	0.02 acres	Supported
<b>Total acreage of impacts</b>			<b>4.32 acres</b>	

In summary, the proposed impacts for the stream crossings, entrance road, security, storm drains, and storm drain outfalls are necessary for the development of the site, required by other agencies, and/or are a requirement of the TDDP. The removal and reforestation of the riparian area on proposed Lot 2 will restore the buffer to a natural state. The bioretention facilities will serve to provide additional storage within the floodplain, and also aesthetically enhance the facilities by designing them as wetlands with native plantings. The proposed parking lot impacts are in areas of the floodplain where they extend further into the central area of the site, which limits the developable area and presents a challenge to meeting conformance with the M-X-T and TDDP design standards. The existing impacts located primarily on proposed Lot 1 and partially on Lot 2, were created prior to the stormwater management and buffer regulations. The applicant is proposing to restore the impacts on proposed Lot 2. The type 1 tree conservation plan (TCP1) does not proposed any disturbance to Lot 1 at this time with the exception of a sign within an existing Washington Suburban Sanitary Commission (WSSC) right-of-way.

Authorization from the Department of Public Works and Transportation (DPW&T) will be required for the proposed development in the floodplain and to ensure that the design is in conformance with the Floodplain Ordinance. Submission of the approved final technical stormwater management plans is acceptable in lieu of written authorization.

**Primary Management Area Conclusions**

The proposed site design and the statement of justification show that the impacts proposed will provide the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review. The proposed impacts are for the validation of existing impacts, grading for stormwater management outfalls, storm drains, bioretention facilities, trails, one road crossing, signage, parking lot areas and riparian clearing for security, are recommended for approval.

- 6. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 6904-2010-00 was approved on June 18, 2010 and is

valid until June 18, 2013 for the proposed lots 1 through 6. The approved concept plan shows bioretention, retention, and hydrodynamics structures. A Stormwater Management Concept Plan, 18815-2006-01 was approved on September 2, 2010 and is valid until May 4, 2013 for the proposed lots 7 through 9. The approved concept plan shows bioretention, infiltration, and stormceptor. All approved concept plans have conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with the approved plan or any subsequent revisions as approved by DPW&T.

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

6. **Prince George's County Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(3)(a) of the Subdivision Regulations, mandatory dedication of parkland requirement is not applicable because the site consists of nonresidential development.

The subject property is adjacent to M-NCPPC owned property to the north and east. The adjacent M-NCPPC property consists of the Hebert Wells Ice Skating Center and the Ellen Linson Aquatic Center to the north and the Northeast Branch Trail within the Anacostia Stream Valley Park to the east. Directly north across Paint Branch Parkway, is M-NCPPC's Junior Champions Tennis Center.

At the northeast corner of the applicant's property is the existing Northeast Branch Trail, which includes a 1.5 mile fitness course and is part of the Anacostia Stream Valley Park. Records indicate that the Trail was built in 1978 within the existing Washington Suburban Sanitary Commission (WSSC) right-of-way (ROW). Based on the applicant's survey and GIS records, it appears that an estimated 400-linear-foot of this trail was constructed on the subject property within a WSSC easement. Approximately, 50 linear feet of the trail is located outside the WSSC right-of-way. DPR requests that the applicant grant M-NCPPC an ingress/egress and maintenance easement so that M-NCPPC can legally access and maintain the trail. The proposed easement should include the entire area of the trail as reflected on DPR Exhibit A. It should be noted that this portion of the applicant's property lies within the 100-year floodplain and will not be developable by the applicant. The applicant should enter into an ingress/egress and maintenance agreement as shown on DPR Exhibit A, prior to approval of the final plat.

The Type I tree conservation plan as originally submitted references a possible future right-of-way (ROW) dedication and a possible future roadway connection, all of which are located on M-NCPPC property. The Department of Parks and Recreation (DPR) did not receive a request to use or acquire M-NCPPC property. With all of the recreational facilities within the vicinity and their existing parking demands, the DPR would not be able to accommodate a roadway or parking modifications.

7. **Trails**—This proposed preliminary plan was reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

There are several master plan trails issues that impact the subject application. The MPOT designates River Road as a master plan sidepath (or wide sidewalk) corridor, and also recommends a trail connection from 52<sup>nd</sup> Avenue to the existing stream valley trail along Northeast Branch (MPOT, plan map). The TDDP includes these recommendations, and also requires a “stream trail” and trail connections to 51<sup>st</sup> and 52<sup>nd</sup> Avenue with the following wording (TDDP, page 119):

The trail on Lots 2, 3, and 4 was recommended in both the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* and the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). In the TDDP, it is included in Map 18 on page 120 and in the MPOT, it is shown on the plan map. The trail connecting proposed Lot 8 with 51st Avenue is recommended in the TDDP and is shown on Map 18 on page 120. This connection was not included in the MPOT, as the countywide plan did not include all of the local neighborhood connections included in the small area plans.

Both trails are shown to be located on private property therefore a public use and maintenance agreement will need to be established to ensure public access to these master plan trails. At the time of detail site plan, the disposition of the trail, the width of the easements, and the public use and maintenance agreements should be determined and the appropriate bonding and triggers for the construction of trails should be provided.

- a. **A hiker/biker “stream trail” from River Road to the Anacostia Stream Valley Park (See Figure 16, Map 29).**
- b. **Hiker/biker trails along 51<sup>st</sup> and 52<sup>nd</sup> Avenues from Paint Branch Parkway to the recommended stream trail including two stream crossings over the unnamed tributary (See Figure 16, Maps 29 and 32).**

The TDDP also includes several Mandatory Development requirements related to bicycle, pedestrian, and trail access which include the following:

- P-2: Direct, safe and barrier-free pedestrian links that conform with the Americans with Disabilities Act regulations shall be provided between all uses in the TDOZ.**
- S-18: Sidewalks and streetscape amenities shall be provided on both sides of the street, along driveways, through parking lots, and along the sides of buildings.**
- S-34: Across Paint Branch Parkway and River Road and the intersecting streets, use the concrete paver pattern (Figure 17) bordered by a 16-inch concrete (poured-in-place or paver) band of a contrasting color to demarcate crosswalks.**
- S-70: Bicycle racks or lockers shall be located near building entrances – not along the curb – in secure, well-lit, highly visible areas that do not conflict with pedestrian routes.**
- S-165: When warranted, all recommended exclusive bicycle and pedestrian connections shall have appropriate street furniture and lighting that meets the illumination standards recommended by the Illuminating Engineering Society.**
- S-174: Install bicycle parking facilities at all buildings in the district with 25 or more employees.**

**S-175: Provide showers and changing facilities in all buildings with 25 or more employees.**

At the time of detailed site plan, pedestrian access and sidewalks design to serve proposed Lots 1-6 will be evaluated consistent with Mandatory Requirement S-18. Also bicycle parking is required at all buildings within the district with 25 or more employees, per Mandatory Development Requirement S-174 and the exact number and location should be determined at the time of DSP.

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

**Policy 1:**

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

**Policy 2:**

**All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

**Policy 9:**

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

The subject application is consistent with these approved policies due to the internal sidewalk and trails connections being proposed. These sidewalks and trails facilitate access between adjacent properties, to the existing stream valley trail, and to Washington Metropolitan Area Transit Authority (WMATA). The trail connections proposed also accommodate pedestrian access between otherwise isolated cul-de-sacs. Timing for the construction of the proposed trail should be determined at the time of DSP. Previously approved Detailed Site Plan DSP-09028, (PGCPB Resolution No. 12-20) which covers the portion of the subject site (proposed Lots 7–9) abutting River Road, includes the following conditions of approval related to the streetscape. DSP-09028 covered existing Lots 15–17, which are re-designated Lots 7–9 on the subject application. All of the conditions of approval for this case are still applicable.

**4. Prior to signature approval of the detailed site plan (DSP), the following information shall be provided or revisions made:**

- a. The area between the sidewalk and building entrances that front River Road shall be attractively designed to include special paving, seating, a focal point (such as art) and landscaping. Details of these features including a low-decorative wall shall be provided.**
- b. The site plan shall reflect widening of the four foot-wide segment of sidewalk north of the subject property to eight feet wide. A note shall be provided to**



state that widening is contingent upon not being required to extend the existing headwall or construct a new stream crossing and an agreement with the adjacent property owner and DPW&T.

- i. **The applicant shall seek approval from the affected public utility companies to locate the sidewalk along River Road in the existing public utility easement. In the event such approval is not obtained, the applicant may propose an alternate sidewalk location for approval by the Planning Board or its designee. In order to allow such a revision to the sidewalk location to be approved at staff level, the Planning Board approves a waiver of Design Standard S-3 to allow the sidewalk to be relocated to avoid a conflict with the public utility easement. Any request to relocate the sidewalk outside the public utility easement shall be referred to the City of College Park and the Town of Riverdale Park for review and comment.**
8. **Eight-foot-wide sidewalks shall be provided within the River Road right-of-way, or within an easement with an associated maintenance agreement or covenant. The liber/folio of any proposed easement or agreement shall be reflected on future plans.**
9. **Prior to certification of the DSP, the Applicant will revise the site plan to show the location of a medium bikeshare station (8 bikes, 15 docks) within the portion of the subject property located within the municipal boundaries of the City of College Park. The Applicant shall notify the City when it files the first building permit application. Prior to the issuance of the first building permit, the Applicant shall pay to the City of College Park a dedicated fee in the amount of \$49,500.00 for the bikeshare program established and operated by the City of College Park, provided that the bikeshare program is funded in the City's CIP. Prior to issuance of the permit, the Applicant shall either provide proof to the Permit Review Division of payment to the City of College Park or shall provide a copy of the current City CIP demonstrating that the bikeshare program is no longer funded in the City's CIP, in which case the fee is no longer required. If paid, the fee shall be used to fund the purchase and installation by the City of a medium bikeshare station (8 bikes, 15 docks) at a mutually agreeable location within the TDOZ in the City. If located on the subject property, it will be located as shown on the DSP. In the event that within twelve (12) months of the date of the issuance of a Use and Occupancy permit for the first building, the bikeshare station to be funded by the fee is not installed at the agreed upon location, or there are not a minimum of four (4) other operating bikeshare stations in the College Park bikeshare program, the bikeshare fee paid by the Applicant shall be promptly returned by the City to the Applicant.**
11. **Prior to issuance of any building permits for any building on the site, the applicant shall, in coordination with the Department of Public Works and Transportation (DPW&T), install a crosswalk across River Road, unless modified by DPW&T.**

Previously approved conditions of approval for DSP-09028 related to streetscape improvements along River Road, local trail connections, and a bikeshare station and are still applicable, and are not duplicated in the proposed conditions below.

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

8. **Transportation**—The application is a preliminary plan of subdivision for a commercial development consisting of nine lots. Proposed Lot 1 will contain the existing 130,000-square-foot office building (Parcel A) known as Litton Technology Center. Proposed Lots 7–9 encompass existing Lots 15, 16, and 17 of Block C of Riverside; this area is covered by Detailed Site Plan DSP-09028, which allows 450,000 square feet of office space – a quantity that is currently proposed to remain unchanged under this plan. The final five lots (Lots 2–6) are proposed for the development of 480,000 square feet of additional office space. The table below summarizes trip generation in each peak hour that was used for the analysis and for formulating the trip cap for the site:

<b>Trip Generation Summary, 4-12014, Litton Technology Center</b>								
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
			<b>In</b>	<b>Out</b>	<b>Tot</b>	<b>In</b>	<b>Out</b>	<b>Tot</b>
Lot 1, general office (existing)	130,000	square feet	137	15	152	29	126	155
Lots 2-6, general office	480,000	square feet	505	56	561	109	464	573
Lots 7-9, general office (per DSP-09028)	450,000	square feet	474	53	527	102	436	538
<b>Total Trips</b>			<b>1,116</b>	<b>124</b>	<b>1,240</b>	<b>240</b>	<b>1,026</b>	<b>1,266</b>
<b>Less Existing and Approved</b>			<b>611</b>	<b>68</b>	<b>679</b>	<b>131</b>	<b>562</b>	<b>693</b>
<b>Net New Trips</b>			<b>505</b>	<b>56</b>	<b>561</b>	<b>109</b>	<b>464</b>	<b>573</b>

The trip generation is estimated using trip rates and requirements in accordance with the “Transportation Review Guidelines, Part 1(Guidelines).”

The applicable plan for this area is the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone*. By means of the approval of the District Council, this document constitutes an amendment to the Zoning Map for the area within this Transit District Overlay Zone (TDOZ). The TDOZ addresses the traffic study requirements within the TDOZ with the following text on Page 15 of the above-cited document, which is the transit district development plan (TDDP) for the area:

**“Compliance to all district-wide and parcel-specific mandatory development requirements and development guidelines shall be in substitution of and shall be considered to fulfill the requirements of the transportation adequacy requirements of Section 24-124 of the Prince George’s County Code, for Preliminary Plats of Subdivision submitted for any parcel within this transit district.”**

Given this statement, it is determined that a traffic study is not required pursuant to a finding of adequacy under Section 24-124 of the Subdivision Regulations. This simple statement, however, has been the subject of considerable discussion during the review of this application.

The issue at the heart of the discussion concerns the fact that the TDDP has clear policies regarding areas in the northern portion of the TDOZ and areas in the southern portion. In the northern portion of the TDOZ, development is capped only by the parking supply. In the southern

portion of the TDOZ, development is capped by both the parking supply and by a square footage cap on the Riverside subdivision (Preliminary Plan of Subdivision 4-89228). The overall effect of this subdivision application would effectively move the line between north and south such that proposed Lots 7-9 would be included in the north. In response to the question of how this can occur within the context of the TDDP, three observations are made:

- a. In the TDDP, the north/south divide within the TDOZ is introduced on page 63. On page 7, however, it is stated that any parcel numbers used in the TDDP are for reference purposes, and continues by stating that they “do not reflect the legal descriptions for the property.”
- b. Most standards in the TDDP are actually parcel-specific. But parking quantity standards for uses are based on the walk rings displayed on page 122 of the TDDP. Even the general statements at the top of page 64 of the TDDP give an impression that the walk rings are actually driving the north/south distinctions.
- c. On page 64 of the TDDP, it is stated that Parcels 3 and 10 along River Road represent a transition area between the north and the south.

In considering these points, it is determined that the TDDP document allows discretion in allowing the north-south line to shift. Furthermore, the effect of this subdivision, when recorded, would be to remove existing Lots 15-17 of Block C from the Riverside subdivision. The square footage cap of two million square feet for Riverside would remain in place. Lots 15-17, Block C, through this process, are being subjected to a new transportation finding that is consistent with the TDDP. The parking associated with these lots will be considered under the north parking cap.

A secondary issue regarding the need for a traffic study concerns item P-19 on page 122 of the TDDP. Item P-19 states that a traffic study is required “for any development plan in the north proposing an increase to the total parking supply above 4,845 spaces.” While conformance to the standards is discussed in greater detail, the subject application does increase the total parking supply in the north above 4,845 spaces, and this standard, on its face, would appear to require a traffic study. However, staff found that a traffic study is not warranted based on the following:

- a. A central theme in the TDDP involves the creation of a mechanism to pay for the road improvements needed in the area. The TDDP identified two funding sources to pay for needed road improvements. At the time the TDDP was adopted, property in the southern area had already been subdivided and was conditioned upon several road improvements. In addition to these road improvements, additional improvements were needed to support development in the north area. To pay for these improvements, a fee of \$580 per parking space provided was identified on page 129 of the TDDP (in 1997 dollars). It appears that the road improvements identified and funded through the TDDP were intended to support the level of development which could be generated by uses generating 16,000 parking spaces.
- b. The approval resolution of the TDDP (Zoning Ordinance 35-1997) (ZO 35-1997), includes additional information. Amendment 92 of Zoning Ordinance 35-1997 (ZO 35-1997) establishes an assessment on parking spaces constructed as the funding mechanism for the road improvements and trail improvements. Notably, the estimated costs of the infrastructure being funded were included in ZO 35-1997, but were not included in the text of the TDDP. On page 26 of ZO

35-1997, the estimated capital cost of the recommended road and intersection improvements was \$6,650,000 and the cost of the trail improvements was \$750,000. Thus, a total of \$7,400,000 was required to be raised through parking space assessments. As ZO 35-1997 notes, the south area was part of the Riverside subdivision and was already conditioned to make road improvements valued at \$2,050,000. Since the south was already paying for these road improvements, they did not need to pay any more per parking space. This reduces the remaining funding burden to \$5,350,000 (\$7.400 million less \$2.05 million). The amount to be paid per parking space in the northern area was \$580 for both surface and structured spaces.

- c. If only surface parking in the north paid the \$580 per parking space (4,845 spaces), only \$2,810,000 could be collected to pay for the road improvements. However, if both surface and structured spaces (9,045 spaces) pay this amount, \$5,246,100 would be collected. This literally completes the funding gap for virtually all of the transportation and trail needs in the TDDP not being paid for by the properties in the Riverside subdivision.

These findings demonstrate a fiscal rationale for why the standard traffic study and adequacy test are not necessary if a proposal is within the parameters of the development which was to be accommodated by the traffic improvements planned under the funding mechanism. If a new traffic study were required for any parking above 4,845 spaces per the standard, the entire funding mechanism of the TDDP would be undermined. It seems clear that the standard was intended to require the traffic study for any development plan in the north proposing an increase to the total parking supply above 9,045 spaces.

In summary, the adequacy determination is as described on page 15 of the TDDP has been made. A trip cap consistent with the trip generation for the overall site is recommended.

#### **Analysis of Conformance to TDDP Standards**

As noted above, in lieu of a traffic study, the plan was examined regarding conformance to the various requirements and guidelines set out for the TDOZ and for Parcels 10 and 12 identified in the TDOZ (the site wholly occupies Parcel 12 plus a portion of Parcel 10). The following are noted:

- a. **Uses and Streetscape:** Conformance to these design elements are discussed throughout the report. In reviewing the parcel-specific elements, item S-6 as it relates to the placement and design of internal roadways, is discussed further.
- b. **Architecture and Development Review:** Conformance to these design elements are discussed further in the Urban Design and Community Planning findings.
- c. **Environmental Features and Public Facilities:** Conformance to these elements as discussed further throughout this report.
- d. **Transportation and Parking:** Regarding conformance to the various requirements, the following comments and determinations are provided:
  - (1) Items S-163 and S-164 encourage public transit use and will be reviewed at the time of DSP.

- (2) Items S-165 through S-175 is discussed in the trails finding.
- (3) Items P-15 through P-17 apply to building siting development within the subject property, and will be checked at the time of detailed site plan review.
- (4) Item P-18 shall apply to development within the subject property. The applicant has provided a parking inventory for the north area which indicates that neither the surface parking nor the total parking caps will be violated with this proposal. The table below summarizes the parking inventory:

<b>College Park-Riverdale TDOZ North Section: Parking Inventory</b>					
TDDP Parcel	Existing Parking		Additional Planned Parking		Total Parking
	Surface	Structure	Surface	Structure	
Parcel 2**	0	0	80	312	392
Parcel 12, Prop. Lots 1-6*	336	0	677	462	1,475
Parcel 10, Prop. Lots 7-9*	0	0	655	470	1,125
Parcels 10D, 12C, 12D	890	0	0	0	890
Parcels 13, 15, 15E	510	0	0	0	510
Parcels 15D, 16	767	0	0	0	767
Parcel 1**	470	1,400	0	420	2,290
<b>TOTALS</b>	<b>2,973</b>	<b>1,400</b>	<b>1,412</b>	<b>1,664</b>	<b>7,449</b>
* These parcels are part of this application, and “additional planned parking” reflects the applicant’s intent as well as any approved site plans at this time. Parking quantities shall be checked for consistency with items P-15 through P-17 at the time of site plan review.					
** These parcels are not part of this application, and “additional planned parking” is highly speculative in that it is not reflective of an approved site plan. Future development will need to conform to the appropriate standards in the TDDP.					

- (5) Item P-19 has been thoroughly discussed earlier in this memorandum.
- (6) Items P-20 through P-26 and S-176 through S-188 involve the establishment of shared parking and a transportation demand management (TDM) district within the TDOZ. A fee is prescribed for future shared parking, as noted below. Regarding the establishment of a TDM district, there has not, to date, been sufficient justification for the establishment of a TDM district. As a result, the TDM annual fee (\$5.00 per parking space) shown on page 128 might not be required at detailed site plan review. The applicant should however be aware that when the TDM district is established, the annual fee per parking space will be applied, as prescribed by the TDDP.
- (7) Items P-27 through P-29 address the payment of fees per parking space toward the provision of TDM programs, needed roadway and trail improvements, and shared parking structures. The fees are based upon the number of parking spaces constructed, and shall be determined at the time of detailed site plan review. It shall be noted, and a condition to this end is recommended, that the entire site, including proposed Lots 7–9,

shall be considered part of the north for the determination of appropriate fees.

- (8) Regarding parcel-specific items for Parcel 10 as shown in the TDDP, proposed Lots 7–9 have been reviewed against the standards on pages 152 through 154 of the TDDP. No further review will be conducted at this time, but the standards will be re-reviewed as a part of any subsequent detailed site plan review.
- (9) Regarding parcel-specific items for Parcel 12 as shown in the TDDP, proposed Lots 1–6 have been reviewed against the standards on pages 159 through 161 of the TDDP. The applicant requests a waiver of item S-6, which defines the streetscape design for the east-west roadways through Parcel 12 and Parcel 12C. Additionally, it would appear that a modification to item S-260 would eventually be needed; this item defines the internal street pattern within Parcel 12 of the TDDP. With regard to the request, the following is noted:
  - (a) The applicant is proposing development that may involve a degree of security. As a result, the applicant believes that unrestricted access within the parcels is not feasible. Therefore, the applicant is proposing private roadway (easements) access for Lot 1 via an extension of 52nd Avenue and access to 51<sup>st</sup> Street. A secondary private roadway is shown extending to property to the south; however, this is labeled as a possible future connection.
  - (b) The applicant proposes to retain the existing building on proposed Lot 1. This greatly limits the likelihood of implementing any east-west streets as identified in the TDDP.
  - (c) The transportation planning staff determines that the functionality of the TDDP is not harmed by the use of private roadways versus public roadways. The functionality is affected by the presence of gates, fences, and a lack of appealing routes for pedestrians. Most of these details are not known until the time of site plan review. The street sections referenced by item S-6 were intended to ensure quality bicycle and pedestrian facilities within the T-D-O-Z. This standard can be waived provided that the intent of creating walkable connections to the Metrorail station and to other areas within the T-D-O-Z is maintained, and if determined appropriate at the time of DSP.
  - (d) By retaining the existing building on proposed Lot 1, there are some significant challenges in imposing an urban grid network on this site or extending 51st Avenue.

Item S-6 should be further reviewed at the time of DSP. Given that private roadways and easements are to be used for circulation within Parcel 12, it is premature to indicate an opinion regarding item S-260. At the time of DSP plan

review, if needed, a waiver or amendment of item S-260 should be requested by the applicant, and at that time it can be reviewed on its own merits.

In conclusion, it is determined that the application is consistent with the applicable transportation-related standards in the TDDP as applicable to the PPS. It is noted that many of these standards require further review as a part of the detailed site plan.

With regard to the master plan for the site, River Road is a master plan collector facility. The roadway is shown on right-of-way plats as an 82-foot right-of-way. This is adequate and consistent with the master plan requirement of 80 feet. 51<sup>st</sup> and 52<sup>nd</sup> Avenues are not master plan roadways. The preliminary plan shows the existing access to 51<sup>st</sup> Avenue cul-de-sac is to remain and is proposed as the access for Lot 1. The preliminary plan also proposes 52<sup>nd</sup> Avenues to terminate on the northern portion of Lot 2 with a cul-de-sac of approximately 120 feet in diameter and is dedicated for public use. Lots 2-6 are propose to have access from 52nd Avenue cul-de-sac via private right-of-way pursuant to Section 24-128(b)(8) of the Subdivision Regulations. The preliminary plan shows the private right-of-way with a stub at the southern property line for a future road connection to Parcel 10 to the south of the subject site. Lots 7-9 proposes to have direct access to River Road and a cross access easement across the three lots pursuant to Section 24-128(b)(8) of the Subdivision Regulations. The private right-of-way and cross access easement are deem acceptable as authorized by the Subdivision Regulations.

Based on the preceding findings it is determined that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations if the application is approved with conditions.

9. **Schools**—The proposed preliminary plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (County Council Resolutions CR-23-2001 and CR-38-2002) and concluded that the subdivision is not subject to a review for schools because it is a nonresidential use.
10. **Fire and Rescue**—The proposed preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations and found to be within the recommended response times:

<b>Fire/EMS Company #</b>	<b>Fire/EMS Station Name</b>	<b>Service</b>	<b>Address</b>	<b>Actual Travel Time (minutes)</b>	<b>Travel Time Guideline (minutes)</b>	<b>Within/ Beyond</b>
7	Riverdale	Engine	4714 Queensbury Road	1.76	3.25	Within
12	College Park	Ladder Truck	8115 Baltimore Avenue	1.79	4.25	Within
12	College Park	Ambulance	8115 Baltimore Avenue	1.79	4.25	Within
12	College Park	Paramedic	8115 Baltimore Avenue	1.79	7.25	Within

### **Capital Improvement Program (CIP)**

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the March 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

11. **Police Facilities**—The proposed development is within the service area of Police District I, Hyattsville. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department and the July 1, 2011 (U.S. Census Bureau) county population estimate is 871,233. Using the 141 square feet per 1,000 residents, it calculates to 122,843 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.
12. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed the subject property in water and sewer Category 3, Community System, and will therefore be served by public systems.

Water and sewer lines in River Road abut existing Lots 15, 16, and 17. A ten-foot-wide water line in 52nd Avenue abuts existing Parcel A and a twelve-foot-wide sewer line traverses eastwest across the property. Water and sewer line extensions and on-site systems may be required to service the proposed subdivision and must be determined that approved by the Washington Suburban Sanitary Commission (WSSC).

13. **Health Department**—The Prince George’s County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments.
14. **Public Utility Easement (PUE)**—In accordance with Sections 24-122(a) and 24-128(b)(12) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

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

The preliminary plan of subdivision correctly delineates a ten-foot public utility easement (PUE) along the public and private rights-of-way as requested by the utility companies.

15. **Archeology**—A Phase I archeological survey was conducted on the subject property in 2003 by Greenhorne & O’Mara, Inc., for the General Services Administration. The site report, *Phase I Archaeological Survey for the Proposed NOAA Center for Weather and Climate Prediction in Prince George’s County, Maryland*, indicated that one prehistoric archeological site, 18PR693, was identified on the eastern part of the subject property in an area that was once used as an antenna testing site for a nearby antenna factory. The site was defined as a Late Archaic (4,000-2,000 B.C.) to Early Woodland (2,000-500 B.C.) lithic scatter. Artifacts recovered from the Phase I study included one projectile point, quartzite flakes made of locally available cobbles,



and fire-cracked rock. Fire-cracked rock was often used to line hearths or to heat or boil water for cooking. No cultural features were identified in the Phase I survey, but the site appeared to have minimal disturbance. Phase II investigations of site 18PR693 were recommended in the Phase I report to determine if intact cultural features or deposits are present and to further define the boundaries of the site.

Phase II archeological investigations were conducted on site 18PR693 during May and June 2010. A total of 672 close-interval shovel test pits (STPs) were excavated across the site. Fifteen 1-x-1 m test units were placed in areas of high artifact concentrations. The survey property was divided into two areas: Area A and Area B. Area A comprised the eastern portion of the property and appears as a former agricultural field in aerial photographs, as well as a World War II-era radar testing range.

An analysis of the artifacts recovered indicates that the most intense prehistoric occupation of site 18PR693 is located along the northern boundary and center of Area A. Three features, intact sub-plow zone deposits, and temporally diagnostic artifacts were identified. Evidence suggests that this area was used to obtain quartz and quartzite cobbles from a nearby creek and the Northeast Branch of the Anacostia River. Activities evident at the site include retooling, woodworking, hunting, butchering, and hide preparation.

A second component dates to the late eighteenth through mid-nineteenth centuries and is represented by ceramics and architectural materials located primarily in Area B. One cluster was located along the western edge of the site while another diffuse scatter was present in the center of the site. The historic component appears to be domestic in nature and associated with the Calvert family's ownership of the property.

Site 18PR693 was evaluated for its eligibility for listing in the National Register of Historic Places (NRHP). Site 18PR693 contained a historic component and a Late Archaic to Early Woodland prehistoric component. The historic component dates from the late eighteenth to the first half of the nineteenth century. No intact features or deposits from the historic component were identified. Therefore, the historic component of 18PR693 is not considered eligible for the NRHP.

The prehistoric component of site 18PR693 spans both Areas A and B. Much of Area B evidenced low densities of artifacts and the lack of intact deposits and features. Area A, however, contained a higher density of prehistoric artifacts, the presence of cultural features, and a sub-plow zone intact cultural deposit. One area of high artifact density within Area A represents tool production activities, centered on the use of quartzite. The north and central portions of Area A retain intact deposits and artifacts that can be used to address questions of Late Archaic to Early Woodland period lithic procurement, lithic technology, site function, and intrasite patterning or site structure. Area B of site 18PR693 is not considered eligible for the NRHP. However, it is recommended that a portion of Area A is eligible for the NRHP based on the presence of diagnostic artifacts, features, and intact cultural deposits that date to the Late Archaic to Early Woodland periods. The significant portion of the site is located in a C-shaped area approximately 20 m wide and 160 m long and covering an area of approximately 3,200 m<sup>2</sup> (0.8 acres) in the north and central portions of Area A.

As a state-associated undertaking, the Maryland Historical Trust (MHT) reviewed all aspects of the archeological investigations pursuant to the Maryland Historical Trust Act of 1985 as amended, State Finance and Procurement Article §§ 5A-326 of the Annotated Code of Maryland. MHT determined that site 18PR693 meets the criteria for eligibility in the National Register of

Historic Places. Joyce Corporation submitted an *Alternate Site Design Analysis of Phase II NRHP Evaluation of Site 18PR693, Prince George's County, Maryland* (March 17, 2011) for review by MHT and M-NCPPC Historic Preservation staff. This report provides a detailed analysis of the original site plan and offers three alternatives for avoiding the significant archeological resources on the property. Based on the documentation provided in the report, it appears that the original site plan is the only viable alternative that will meet the project's goals and comply with development regulations.

Construction of the original design plan will result in the destruction of archeological site 18PR693 and will thus have an adverse effect. Therefore, the applicant has proposed to conduct Phase III data recovery investigations on site 18PR693. MHT and M-NCPPC Historic Preservation staff concurred that Phase III data recovery is warranted and will constitute an acceptable treatment to mitigate the loss of this site. The applicant, the University of Maryland, College Park, and MHT executed a Memorandum of Agreement in October 2012 that stipulates the measures that will be implemented to mitigate the project's adverse effects on archeological site 18PR693.

In accordance with the Planning Board's directives, as described in the Guidelines for Archeological Review, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property shall be the subject of a Phase III archeological investigation to determine whether archeological site 18PR693 may be significant to the understanding of the history of human settlement in Prince George's County.

#### **Historic Preservation Commission**

The Historic Preservation Commission (HPC) reviewed Preliminary Plan 4-12014 for the subject property at its December 18, 2012 meeting. HPC voted 8-0-1- in favor of forwarding the following recommended conditions of approval to the Planning Board as part of its review of Preliminary Plan 4-12014, Litton Technology Center:

- 1. Prior to the approval of any grading permits for the record lot on which 18PR693 is located, the applicant shall install a super silt fence with orange construction fencing that provides a 50-foot buffer around the boundaries of archeological site 18PR693 (where the Phase III data recovery investigations will be conducted) and provide proof of these installations to Historic Preservation staff. All grading plans shall include delineations of the areas of super silt fencing for site 18PR693.**
- 2. Prior to any grading within the area fenced for the Phase III data recovery of site 18PR693, the applicant shall submit a management summary to Historic Preservation staff and to the Maryland Historical Trust documenting the completion of the fieldwork. Upon issuance of written concurrence by Historic Preservation staff that the fieldwork has been completed, the applicant may proceed with construction activities concurrently with completion of the remaining laboratory analysis and reporting phases of the data recovery work.**
- 3. Prior to the issuance of a building permit which would result in the disturbance of 18PR693 or its buffer, the applicant shall:**
  - (a) Provide a final report detailing the Phase III investigations of site 18PR693;**

(b) **Ensure that all artifacts recovered from all archeological investigations on the subject property are curated in a proper manner and deposited with the Maryland Archaeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, Maryland. Proof of disposition of the artifacts shall be provided to Historic Preservation staff.**

4. **Prior to the issuance of the use and occupancy permit for the lot on which 18PR693 is located, the installation of the interpretive signage for archeological site 18PR693 and other public outreach measures shall be completed.**

The HPC recommended conditions are carried forward and incorporated in the Recommendation Section of this report, as appropriate.

16. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new preliminary plan is recommended. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision. A new preliminary plan is recommended if residential development is to be proposed.
17. **Municipalities**—The subject site is within the City of College Park and the Town of Riverdale Park. The preliminary plan was referred to the City of College Park but at the writing of this staff report, a final memorandum from the City of College Park has not been received.

This preliminary plan was referred to the Town of Riverdale Park for review and comment. Based on a letter dated February 5, 2013 (Archer to Hewlett), the Council of the Town of Riverdale Park recommends approval of this application with the following findings and conditions:

**Findings:**

1. **Lack of mixed-use development:** The TDDP (Map 4) proposes that Parcel 12 be developed as a mixed-use parcel containing at least two of the following: office, retail, hotel and light industrial uses. Parcel 10 is proposed in the TDDP for “Planned Employment (Office/Retail/Light Industrial).” The Town believes that the subdivision submitted that involves part of Parcel 10, proposed Lots 7-9 meets the Planned Employment intent. However, Parcel 12 is being proposed to be developed as a high security strictly office development. The Applicant is proposing minimal ancillary retail (such as an employee cafeteria) in some of the high security office buildings; this is not what the Town feels is meant by “mixed use” since this retail will not be open to the public.
2. **Lack of connectivity:** Since the Applicant is proposing 40-foot wide private streets due to security requirements for the high security office buildings, they cannot provide the 70 foot wide public streets as designed in the TDDP. The purpose of these streets was to create a useable and aesthetic streetscape that would serve pedestrians and bikers in addition to serving automobiles. The Applicant stated to representatives of the Town that they would provide sidewalks and bike lanes consistent with street sections in the Transit District Development Plan (TDDP); however, due to the secure nature of the high security office park the Applicant is

envisioning, it is doubtful that these sidewalks and bikeways would actually be accessible to the public if that vision were achieved. It is also unclear how these sections (in particular building setbacks and on-street parking envisioned in the TDDP) would work in the event that the site was partially developed for a tenant without security restrictions, or in the case of multiple high-security tenants with different, incompatible, security requirements.

3. **Conflict with intent of Plan: Finally, the Town is concerned that the desire to create a high security, private office park conflicts with the intent of the TDDP. The proposed subdivision is less than 2640 feet from the College Park Metro Station, which is less than a 10-minute walk from the Metro Station (see Attachment 3). This is the not most appropriate and reasonable use for this parcel given its proximity to the Metro station and the current plan that has been defined for this property. A plan update is scheduled to be initiated this fiscal year and such a significant departure should be considered and studied as part of the planning process.**

Throughout this staff report, the preliminary plan has been evaluated for conformance with the land use and northern development standards contained within 1997 Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone (TDDP). The staff has found that preliminary plan has met the land use recommendation and intent of the development standards of the TDDP as applicable at the time of preliminary plan of subdivision. Further analysis of the issues identified by the Town of Riverdale Park should occur at the time of DSP.

#### **Conditions:**

1. **Divide Proposed Lot 2 into three lots to provide more flexibility at time of DSP.**
  - a. **Rationale: This lot appears to be large enough to allow, in the event of a non-high-security tenant, two buildings, and adding a third lot would allow dedication of a public street, running east-west in the center of the lot, in the event the grid street pattern proposed in the TDDP is achieved prior to DSP.**

The subdividing of Lot 2 into three lots to accommodate the dedication of a public street is not necessary because the applicant is proposing private rights-of-way for the subject site pursuant to Section 24-128(b)(8). In according to Section 24-128(b)(8) of the Subdivision Regulation the Planning Board may approve a subdivision within a Transit District Overlay with private rights-of-way, easements, alleys or roads. The current proposed lot layout with private rights-of-ways is deemed adequate and meets the requirements of subdivision regulations.

2. **Designate all streets as public.**
  - a. **Explanation: The Town of Riverdale Park is prepared to develop an agreement, subject to legal review, to abandon the public ROW in the event high-security tenants with consistent security needs are identified on both sides of a given segment of street.**

The applicant is proposing private rights-of-way for the subject site pursuant to Section 24-128(b)(8). In according to Section 24-128(b)(8) of the Subdivision Regulation the Planning Board may approve a subdivision within a Transit District Overlay with private

rights-of-way, easements, alleys or roads. If the applicant would choose to dedication the rights-of-way to public use in the future that can to be coordinated with the Town of Riverdale Park and/or City of College Park at that time. The approval of this preliminary plan would not preclude that in the future.

**3. Add an additional lot in the northern segment of the border between Proposed Lot 3 and Proposed Lot 4 that would allow a road to be made connecting the northernmost east-west road on Parcel “A” to the Parks and Recreation parking lot to the north.**

In the Department of Parks and Recreation (DPR) finding of this report, DPR has evaluated the future roadway connection from the site onto M-NCPPC property, Hebert Wells Ice Skating Center and the Ellen Linson Aquatic Center, and has determined that DPR would not be able to accommodate future roadway connections as discussed in the Department of Parks and Recreation (DPR) finding of this report. DPR requested the removal of any reference to future rights-of-way connection onto M-NCPPC property as currently reflected on the preliminary plan and tree conservation plans.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Add a general aviation (APA-6) disclosure notice on the plan.
  - b. Indicate that a cross parking and access easement is provided on the proposed Lots 7, 8, and 9 to be consistent with the approved Detailed Site Plan DSP-09028 for M-Square pursuant to Section 24-128(b)(8) of the Subdivision Regulations.
  - c. Label and show the correct municipal boundaries of Town of Riverdale Park and City of College Park.
  - d. Provide a note that states “the three master plan trails shall be located within public use easements (PUEs) as determined appropriate at the time of DSP.”
  - e. Add a note consistent with TDDP (Map 7 page 66) stating that “the conceptual street extensions ‘exact alignment to be determined at DSP’ to ultimately connect to River Road.”
  - f. Have the plan signed and dated by a licensed professional property line surveyor or land surveyor.
2. Prior to final plat for proposed Lots 7, 8, and 9, the applicant and the applicant’s heirs, successors, and/or assignees shall either obtain a revision to Detailed Site Plan DSP-09028, M-Square to reflect the lotting pattern changes and include appropriate plat notes as required by the Preliminary Plan of Subdivision (PPS) 4-12014.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 6904-2010-00, 18815-2006-01 and any subsequent revisions.

4. At the time of detailed site plan, the bioretention ponds shall be designed with intensive plantings of trees and shrubs and/or the creation of a meadow. The planting shall be reflected on the Landscape Plan around the ponds and shall be subject to the approval of the Department of Public Works and Transportation (DPW&T). All on-site plantings for the stormwater management (SWM) facilities shall be native species.
5. Prior to certification of the preliminary plan, the tree conservation plans TCP1 and TCP2 shall be revised to show the remaining 6.52 acres of the woodland conservation requirement to be met with off-site woodland conservation credits. These credits must be purchase before a grading permit is issued.
6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-001-10). 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 (TCP1-001-10 or most recent revision), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

7. Prior to signature approval of the preliminary plan, the following technical corrections shall be made to the type TCP1:
  - a. The TCP1 shall correctly show the full extent of the existing driveway associated with the existing entrance road.
  - b. Provide the acreage of PMA impacted by existing parking to remain on Lot 1.
  - c. Show the storm drain outfall for the proposed bioretention facility on Lot 4 or submit a statement on how stormwater will be conveyed to the stream from the facility.
  - d. Identify in what impact acreage the underground storage facility was included.
  - e. Show the off-site clearing for the proposed trail.
  - f. Revise the worksheet as necessary.
8. At the time of final plat, the area that includes the delineated primary management area (PMA), except for approved impacts, shall be described by bearings and distances and shall be placed in conservation easements. The following note shall be placed on the plat:

“PMA 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.”

9. Prior to approval of detailed site plan, the applicant and the applicant’s heirs, successors, and/or assignees shall provide the following:
  - a. The Landscape Plan shall show the number and location of the trash receptacles. Trash receptacles shall be placed in strategic locations to reduce litter accumulation.
  - b. The DSP shall include notes and a detail regarding the stenciling of storm drain inlets with “Do Not Dump - Chesapeake Bay Drainage.”
  - c. Submit an approved floodplain study for the subject site. The limits of the approved floodplain shall be correctly reflected on all plans, including but not limited to the Type 2 tree conservation plan (TCP2) plan, detailed site plan (DSP), and final plat.
  - d. Revise the TCP2 plans to correctly show the delineated PMA based on the updated approved 100-year floodplain.
  - e. Provide documented authorization from the Prince George’s County Department of Public Works and Transportation (DPW&T) that approves the proposed development within the floodplain and affirms that the proposed development project is in conformance with the Prince George’s County Floodplain Ordinance. Submission of the approved Final Stormwater Plans is acceptable in lieu of written authorization.
  - f. The TCPII shall be revised to show the required 50-foot floodplain buffer and stream buffer.
  - g. The DSP and TCP2 shall correctly show the stormwater management (SWM) controls, including but not limited to, the limits of all proposed underground storage facilities, bioretention areas and their associated grading, inlets, outfalls and storm drains. Each SWM feature shall be labeled on the plan and identified in the legend.
10. At the time of detailed site plan, the TCP2 for proposed Lots 1-6 shall be revised as follows:
  - a. Show all proposed grading and woodland clearing for the proposed road crossing and trail crossing.
  - b. Revise the worksheet as necessary.
  - c. Have the plans signed and dated by the qualified professional who prepared the plans.
11. At the time of revised detailed site plan, the TCPII for proposed Lots 7-9 shall be revised as follows:
  - a. Show the original tree line.
  - b. Show all proposed grading.
  - c. Show the outfall and associated clearing for the underground SWM facility.
  - d. Revise the worksheet as necessary.
  - e. Have the plans signed and dated by the qualified professional who prepared the plans.
12. Prior to approval of the final plat for proposed Lot 4 and 5, the applicant and the applicant’s heirs,

successors, and/or assignees shall enter into an ingress/egress and maintenance agreement as shown on Department of Parks and Recreation (DPR) Exhibit A, for the master plan trail which crosses the subject property. The liber/folio of the public pedestrian access easement shall be reflected on the record plat. If The Maryland-National Capital Park and Planning Commission (M-NCPPC) is a party to any other public trail easements as determined at the time of DSP those shall also be required prior to final plat.

13. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement (PUE) along the public and private rights-of-way as delineated on the approved preliminary plan of subdivision, or as determined at the time of DSP.
14. Total development within proposed Lots 1–6 shall be limited to uses that would generate no more than 713 AM and 728 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.
15. Total development within proposed Lots 7–9 shall be limited to uses that would generate no more than 527 AM and 538 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. A plat note shall be included for Lots 7-9 that states that for the purposes of determining the fees to be paid consistent with the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* (TDDP) and (T-D-O-Z) toward the provision of TDM programs, needed roadway and trail improvements, and shared parking structures, for Lots 7-9 shall be considered within the north portion of the T-D-O-Z.
17. Prior to approval of the final plat, an executed private access easement agreement for Lots 1-6 shall be submitted and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC). The access easement, authorized pursuant to Section 24-128(b)(8) of the Subdivision Regulations, shall set forth the rights, responsibilities, and liabilities of the lot owners. The easement document shall include utility access and be recorded in the land records of Prince George's County, and the liber/folio reflected on the record plat. The easement shall not preclude the ability to dedicate the easements to public use if an agreement is reached between the property owner and the Town of Riverdale Park, and/or College Park as appropriate.
18. Prior to approval of the final plat, an executed private cross access easement agreement for Lots 7-9 shall be submitted and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC). The cross access easement, authorized pursuant to Section 24-128(b)(8) of the Subdivision Regulations, shall set forth the rights, responsibilities, and liabilities of the lot owners. The easement document shall include utility access and be recorded in the land records of Prince George's County, and the liber/folio reflected on the record plat.
19. Prior to the approval of any grading permits for proposed Lot 4 on which 18PR693 is located, the applicant and the applicant's heirs, successors, and/or assignees shall providing the following:
  - a. Install a super silt fence with orange construction fencing that provides a 50-foot buffer around the boundaries of archeological site 18PR693 (where the Phase III data recovery investigations will be conducted) and provide proof of these installations to Historic Preservation staff. All grading plans shall include delineations of the areas of super silt fencing for site 18PR693.



- b. Submit a management summary to Historic Preservation staff and to the Maryland Historical Trust documenting the completion of the fieldwork. Upon issuance of written concurrence by Historic Preservation staff that the fieldwork has been completed, the applicant may proceed with construction activities concurrently with completion of the remaining laboratory analysis and reporting phases of the data recovery work.
20. Prior to the issuance of a building permits which would result in the disturbance of 18PR693 or its buffer, the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Provide a final report detailing the Phase III investigations of site 18PR693;
  - b. Ensure that all artifacts recovered from all archeological investigations on the subject property are curated in a proper manner and deposited with the Maryland Archaeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, Maryland. Proof of disposition of the artifacts shall be provided to Historic Preservation staff.
21. Prior to the issuance of the use and occupancy permit for the lot on which 18PR693 is located, the installation of the interpretive signage for archeological site 18PR693 and other public outreach measures shall be completed.
22. Any Residential development on the site shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
23. In conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*, the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone*, and Detailed Site Plan DSP-09028, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
  - a. The trigger for construction of the proposed trail on Lots 2, 3, and 4 shall be determined at the time of DSP.
  - b. Bikeway signage or Shared-Lane Markings shall be considered at the time of detailed site plan, for all master plan trails.
24. At the time of detailed site plan, the trail on Lot 8, Lot 1, and the trail on Lot 2-4 shall be reviewed. If the trail or trails are for public use a draft public use and maintenance agreement shall be provided. The easement and maintenance agreement document shall set forth the rights, responsibilities, and liabilities of the lot owners and M-NCPPC if appropriate. The easement shall be recorded in the land records of Prince George's County, and the liber/folio reflected on the record plat.
25. At the time of DSP the exact alignment of street extensions set forth in the TDDP (Map 7 page 66) on Parcel 12 (Lots 1-6), to provide connection(s) to River Road, shall be evaluated. Existing development may be taken into consideration but should not be the bases for precluding the establishment of the framework for the eventual connection(s) to River Road as redevelopment occurs. The private easements proposed by the applicant may be converted to public streets upon the agreement between the property owner and the Town of Riverdale Park and/or College Park

as appropriate.

26. Eight-foot-wide sidewalks shall be provided within the River Road right-of-way, or within a public use easement with an associated maintenance agreement. The liber/folio of any proposed easement agreement shall be noted on the final plat for Lot 7-9, as determined at the time of the revised Detailed Site Plan DSP-09028.
27. Approval of this preliminary plan of subdivision shall supersede and void Preliminary Plan of Subdivision 4-83022 (PGCPB Resolution No. 83-61) for Parcel A (proposed Lots 1-6) and Preliminary Plan of Subdivision 4-89228 (PGCPB Resolution No. 90-42(C)(A)) for Lots 15-17 (proposed Lots 7-9).
28. Prior to the approval of the final plat, the following note shall be placed on the plat:  
  
“This property is located with Aviation Policy Analysis Zone 6. The height of the buildings and other structures shall be no greater than 150 feet unless the applicant demonstrates compliance with the FAR Part 77, of the Federal Aviation Regulations.”

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCP1-001-10  
AND TYPE II TREE CONSERVATION PLAN TCPII-006-06-05.