

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Special Permit SP-130003, Riverdale Park Station (Cafritz Property), requesting a special permit for dwelling units without ground-floor commercial uses and apartment housing for the elderly or physically handicapped in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on July 25, 2019, the Prince George’s County Planning Board finds:

1. **Request:** The subject special permit (SP) application requests to construct two multifamily buildings with a total of 632 units, including 195 age-restricted units, and no commercial uses on the first floor. The dwelling units requiring the SP are included within the mixed-use development for the Cafritz Property, as approved by Detailed Site Plan DSP-13009-15.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-U-TC	M-U-TC
Use	Vacant	Multifamily/Apartment Housing for the Elderly
Total Gross Acreage	37.34	37.34
Parcels	2	2
Gross Floor Area	0	588,000 sq. ft.
Residential	0	587,550 sq. ft.
Commercial	0	450 sq. ft.

Parking Requirements

	REQUIRED*	PROVIDED
Total Parking Spaces	791	791 (structured)
Building 7 (338 multifamily units @ 1.25/unit)	423	423
Building 8 (99 multifamily units and 195 senior units @ 1.25/unit)	368	368

Note: *Required parking rate per *Cafritz Property at Riverdale Park Town Center Development Plan*.

	PROVIDED
Total Bicycle Parking Spaces	696 (632 secure; 64 on-site)
Building 7	338 secure; 34 on-site
Building 8	294 secure; 30 on-site

Total Loading Spaces	2 (1 per building)
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3. **Location:** The Town of Riverdale Park Mixed-Use Town Center (M-U-TC) Zone is mostly located in the Town of Riverdale Park, Council District 3, and Planning Area 68. More specifically, the properties, Parcels K and L, that are the subject of this DSP amendment are located northeast and southeast of the intersection of Van Buren Street and 47th Street. This 5.44 acres, of the larger 37.34-acre Riverdale Park Station development, is located wholly within the Town of Riverdale Park and the M-U-TC Zone.

4. **Surrounding Uses:**

North— A tot lot and stormwater management (SWM) facility for the development, and beyond by vacant property owned by the Washington Metropolitan Area Transit Authority (WMATA) in the One-Family Detached Residential (R-55) Zone.

East— CSX railroad tracks. Beyond the railroad tracks to the east is the Engineering Research Corporation (ERCO) Historic Site (68-022), located on land owned by the University of Maryland. It is currently developed with flex industrial buildings.

South— A United States Postal Service facility in the R-55 Zone and the Riverdale Park Town Center in the M-U-TC Zone (of which this property is an extension).

West— Townhouses are immediately across 47th Street, with the rest of the Riverdale Park Station development beyond. US 1 (Baltimore Avenue) is further to the west, and beyond are single-family detached dwellings in the R-55 Zone, within the Town of University Park.

5. **Previous Approvals:** The 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Town of Riverdale Park M-U-TC Zone Development Plan) and corresponding M-U-TC Zone was approved by the Prince George's County Council on January 20, 2004, by County Council Resolution CR-05-2004. The approved plan amends the May 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*.

On February 2, 2012, the Prince George's County Planning Board recommended approval of rezoning 35.71 acres of the subject site from the R-55 Zone to the M-U-TC Zone through Primary Amendment A-10018, with 27 conditions, dated July 12, 2012, and the Cafritz Property at Riverdale Park Town Center Development Plan. On July 12, 2012, the County Council, sitting as the District Council of Prince George's County, approved the rezoning of 35.71 acres of the subject site and amended the 2004 Town of Riverdale Park M-U-TC Zone Development Plan boundary to include the site. District Council approved Primary Amendment A-10018 (Zoning Ordinance No. 11-2012) subject to the 27 conditions approved by the Planning Board.

The site is the subject of preliminary plan of subdivision (PPS) 4-13002, which was approved by the Planning Board on May 16, 2013 for the creation of 126 lots and 39 parcels for 168,200 square feet of commercial/retail, 22,000 square feet of office, a 120-room hotel, 126 single-family attached dwelling units, and 855 multifamily dwelling units, subject to 41 conditions (PGCPB Resolution No. 13-55).

On May 30, 2013, the Planning Board approved DSP-13009 and Type 2 Tree Conservation Plan, TCP-2010-13 (PGCPB Resolution No. 13-63), as well as SP-130002 (PGCPB Resolution No. 13-64) and Secondary Amendment SA-13000 (PGCPB Resolution No. 13-57). On September 30, 2013, District Council approved DSP-13009, subject to 16 conditions, and SA-130001, subject to 11 conditions. DSP-13009 has been amended 15 times since, all at Planning Director level, except for DSP-13009-03, which the Planning Board approved in 2014, as well as SA-130001-01 (PGCPB Resolution No. 14-126) for freestanding signage.

6. **Design Features:** The associated DSP proposes development of residential Buildings 7 and 8 on Parcels K and L, with associated parking garages, and locating a refurbished trolley car on the north side of Building 7 within Parcel K. In conjunction with this DSP, the applicant has also filed a request for Secondary Amendments, SA-130001-02, to increase the maximum height of Buildings 7 and 8 from six to seven stories, to reduce the percentage of windows on walls facing a public street from 40 percent to 30 percent, and to add 450 square feet of retail within the trolley car. The applicant also requests the subject SP for the following uses in accordance with Section 27-239.02 of the Zoning Ordinance: dwelling units in a building without commercial uses on the first floor and apartment housing for the elderly or physically handicapped.

Building 7 Architecture: This seven-story, 338 dwelling unit, multifamily building with a six-level parking garage will be constructed on Parcel K. The multifamily building will be composed of light buff brick, light beige cement panels, and light grey fiber cement panels. The building will have large multi-paned windows on the ground floor with vertically oriented windows above. A brick façade will be used on the base of the building and recessed cement panels will break up the mass into separate vertical elements, as well as capping the seventh story of the building. Balconies and additional articulation will provide variation to stories 3 through 6. The building will be built to the build-to line, just short of the 40 percent windows along the street requirement, which the applicant has submitted a secondary amendment to address. A large metal canopy with building signage attached on top is located over the parking garage access, which is provided on 47th Street, just north of Van Buren Street. Building entrances are located on either side of the access point to the parking garage. A smaller metal canopy will be placed over the entrance north of the parking garage access. An additional pedestrian entrance will be located on the north side of the building, facing the existing recreation area, with a metal canopy and signage covering it.

The parking garage will be located in the rear of the building adjacent to the CSX railroad tracks. The southern end of the garage fronts on the road bridge over the CSX tracks and projects beyond the southern elevation of the Building 7. The garage staircase and east and north façades have been covered with composite metal panels. A stamped brick precast concrete façade element covers the southern façade of the parking garage giving it more architectural interest. These are

important design features as it serves as the terminus of Van Buren Street and back drop of the development.

Building 8 Architecture: The seven-story building on Parcel L will be separated into two uses with 99 multifamily dwelling units and 195 age-restricted dwelling units. The building will be composed of brick and fiber cement panels in white, light and dark grey. Building entrances will be placed at the northwest corner of the building, at the intersection of 47th Street and Van Buren Street, and on Underwood Street on the south end of the building. The building entrances will have metal canopies above with signage affixed to them. A large courtyard along the 47th Street frontage will break up the massing, while the change in the primary color of the building from grey in the north to white in the south will help the single structure seem like two distinct buildings. A black metal fence with brick posts along the sidewalk will maintain the street wall along the 47th Street frontage.

The six-level parking garage will be in the rear of the building, adjacent to the CSX railroad tracks, and accessed from Underwood Street. The garage is fully behind the building but is viewable from Van Buren Street as it crosses the CSX tracks. The applicant has used composite metal panels and stamped brick precast concrete on this northern façade.

Trolley Car Architecture: The applicant proposes to incorporate a trolley car for a restaurant or retail use into a plaza feature at the north side of Building 7. The car is shown to be painted white with a red stripe running down the side and a blue painted roof. Signage and construction details are not provided.

Signage: The applicant has provided signage plans for both buildings that conform to the M-U-TC guidelines. The applicant shows signage mounted on canopies at the building and parking garage entrances, but other locations for building-mounted signage have been designated for branding and identification.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance No. 11-2012:** On July 12, 2012, District Council approved an Ordinance to amend the Zoning Map for the Maryland–Washington Regional District in Prince George’s County, by approving a Primary Amendment to the 2004 Town of Riverdale Park M-U-TC Zone Development Plan, subject to 27 conditions and 5 considerations. Of the conditions and considerations attached to the rezoning, the following are applicable to the review of this DSP/SP:
 1. **The Design Review Process set forth at pages 65-66 of the January 2004 approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan applies to the Cafritz Property with the following modifications:**

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

This application for the SP is being reviewed in accordance with Part 3, Division 5, Subdivision 5 of the Zoning Ordinance. This resolution contains the SP reviewed and evaluated with the context of the development. The companion case, DSP-13009-15, is contained in a separate resolution, PGCPB No. 19-91.

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

The SP is in general conformance with Concept Plan B, particularly in regard to the proposed circulation and the featured central recreational area located at the terminus of Van Buren Avenue. During the review of the Primary Amendment, it was recognized that the level of detail included on the concept plan was illustrative only and that, as the plans continued through the development review process, regulations that were not applicable at the time of the zoning would become enforceable.

- c. **All detailed site plans shall be referred to the Town of Riverdale Park for review by the M-U-TC Design Committee for all phases and types of development. The M-U-TC Committee is authorized to review detailed site plans as advisory to the Planning Board and the Planning Director as designee of the Planning Board for staff level revisions.**

The plans have been sent to the Town of Riverdale Park for review by the M-U-TC Design Committee. The Town of Riverdale Park submitted a letter recommending approval dated July 11, 2019.

d. In a detailed site plan or special exception application, in order to grant departures from the strict application of the Guidelines, the Planning Board shall make the following findings:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situation or condition;**
- (2) The strict application of the development plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
- (3) The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the town center development plan.**

The applicant has not submitted any request for departure from the strict application of the guidelines. However, companion to this case is SA-130001-02.

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

The ERCO Historic Site (68-022) has been demolished and the property has already been redeveloped; therefore, a review of potential visual impacts on the historic site is no longer required.

6. Prior to approval of any detailed site plan, the following shall be provided:

b. The plans shall indicate that crosswalks providing appropriate pedestrian safety features are provided throughout the site.

The submitted plans include curb extensions, pedestrian refuges, and crosswalks at many locations. The DSP should be revised to include handicap-accessible curb cuts and ramps at all locations where sidewalks intersect with roadways. Raised crosswalks were added at several locations during the approval of the

original DSP. The submitted plans are consistent with the pedestrian network and amenities previously approved.

- c. **The type, location, and number of bicycle parking and storage spaces shall be provided consistent with the LEED-ND Bicycle Network and Storage Credit (Smart Location and Linkage Credit 4). The number of the enclosed bicycle parking spaces at the multi-family units shall be a minimum of fifteen percent of the total number of bicycle spaces provided for residents at the multi-family units. Pedestrian walkways shall be free and clear of space designated for bicycle parking.**

Secure and sheltered bicycle parking is provided in the parking garages for both Building 7 and 8 consistent with the Leadership in Energy and Environmental Design for Neighborhood Development Bicycle Network and Storage Credit. The design standards for public space in the approved development plan also include the following guidance regarding bicycle racks:

4. **Businesses are encouraged to provide a minimum of one bicycle rack. Bicycle racks shall be located so that bikes do not extend from the landscaping/pedestrian amenity strip into the pedestrian right-of-way or into the street. Multiple bike racks may be provided for groups of businesses (Development Plan, page 18).**

Bicycle parking needs to be provided at the restaurant/retail use proposed in the trolley car consistent with this design standard.

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

All parking is provided in structures behind the buildings. The impact to the streetscape is minimal as each garage has a single vehicular ingress and egress. The parking structures include architectural design elements where visible from the streetscape.

10. The Environmental Planning Section recommends the following conditions:

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

The DSP application contains a valid approved Natural Resources Inventory, NRI-121-08-01, which was revalidated for one year, and will expire on September 19, 2019.

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

This condition was addressed with the PPS. Based on the proposed design, the Planning Board agreed that every effort had been made to meet the woodland conservation threshold on-site to the fullest extent practicable for development within the M-U-T-C zone. The revised TCP2 continues to reflect the proposed on-site woodland conservation.

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

This condition was addressed with the PPS. The submitted TCP2 continues to show the preservation of specimen trees, as well as other selected healthy trees in conformance with the previously approved TCP2.

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

A note was added to the plans as part of DSP-13009, but tree canopy coverage analysis was not provided with this application and should be provided before certification of the DSP.

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

The noise study was provided with PPS 4-13002 in March 2013, which can be applied to this review. The study recommended that the proposed buildings and upper levels be constructed with special building materials to ensure proper mitigation of interior noise to 45dBA Ldn or less. No noise study based on the revised layout, which shows a larger building footprint on Parcel K, has been submitted; however, the same recommended mitigation measures are applicable to the revised design. A revised noise study is not required.

A vibration analysis was previously provided during the review of PPS 4-13002 and is applicable to the review of the current plan. The study analyzed both freight and transit trains. The highest vibration level recorded was for a freight train (143.8 micrometers per second). The analysis notes that the results of measurements of vibration levels did not exceed the residential limits (200 micrometers per second) or the commercial limits (400 micrometers per second) established by the International Standards Organization. The report states that this level slightly exceeds the residential limits (143 micrometers per second) established by the Federal Transit Authority imperceptible amount for occupant comfort. The study notes that these limits apply to occupant comfort and not structural damage. The report further states that all levels measured are well below limits established for structural damage. Prior to certification, the applicant shall submit an updated vibration analysis to determine if occupants of the multifamily building will be subject to feelable vibration, as established by the Federal Transit Administration (VdB) standards. If indicated, the DSP and final plat shall include the following note: "This property is located within close proximity to a railway and may be subject to "feelable vibration" impacts.

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

This condition was addressed. A revised SWM Concept Approval Letter and Plan (11589-2010-06) was submitted with the current plan, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on January 8, 2019.

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

A photometric plan has been submitted with most proposed lights located within the parking structures and along 47th Street. The photometric measurements are permissible.

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

The applicant submitted evidence with the PPS of submittal and approval of a Smart Location and Linkage Prerequisite review dated August 10, 2012. Conditions of approval of DSP-13009 addressed this condition requiring further documentation prior to certification and issuance of the use and occupancy permit for the first multifamily building.

- 20. Prior to approval of any DSP for the project, the applicant shall submit a traffic signal warrant study following the accepted methodology of DPW&T or the Maryland State Highway Administration (SHA) for the intersection of Baltimore Avenue and Van Buren Street with channelization as shown on Sheet 4 of the Development Plan. This analysis will examine both existing and total projected traffic volumes. If signals are deemed warranted by the appropriate agency, the applicant shall initiate a bond to secure the entire cost prior to the release of any building permits within the subject property and shall agree to install the signals as directed by DPW&T or the State Highway Administration. Further, subject to SHA**

approval, applicant shall install the traffic control devices as noted on the Development Plan (Pork Chop Islands) or as modified by SHA to direct traffic so that no traffic may directly access or egress the property across Baltimore Avenue along Van Buren Street. Both entrances and exits at Woodberry and Wells Parkway, respectively north and south of the Van Buren “gateway,” must be right turn only in and out. Prior to the issuance of a grading permit, the applicant shall demonstrate that the State Highway Administration has preliminarily approved the installation of the traffic signal and other traffic control devices at Van Buren Street and Baltimore Avenue, subject to approval of the final construction plan and permit by SHA. If for any reason, including lack of warrants or SHA or other required governmental approval, the traffic signal and other traffic control devices described in this paragraph are not installed or cannot be installed at Van Buren and Baltimore Avenue, no permits may be issued.

A traffic signal has been constructed at Van Buren Street and Baltimore Avenue.

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

a. After completion of construction of the first multi-family building in the project:

- (1) At least 80 percent of the parking for the overall development ultimately will be in structured parking; and**

Given the above constraints and the current proposal, the following table was developed:

Current Parking Summary, DSP-13009-15, Cafritz Property						
Land Use	Use Quantity	Metric	Parking Provided			
			Surface	Structure	Street	Total
Commercial Buildings 1/2A/2B/3/4	182,020	square feet	280	100	47	427
Mixed-Use Building 5	230	units	0	752	28	780
	10,050	square feet				
Hotel Building 6A	Per the special exception		0	141	0	141
Residential Building 6B	76	units	0	0	9	9
Townhouses	119	units	0	146	58	204
Residential Buildings 7/8/9	632	units	0	791	27	818
Total Parking by Type			280	1930	169	2,379
Percentage Parking by Type			11.8%	81.1%	7.1%	100%

The rezoning condition requiring that 80 percent of parking will be in structured parking appears to be met. Per this analysis, 81.1 percent of parking on the site is in structures.

- (2) **The maximum number of off-street surface parking spaces permitted for each nonresidential land use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance.**

The applicant submitted an updated parking and phasing analysis that proposed 280 off-street surface parking spaces for the nonresidential land use types. This number is well under the cap of 80 percent of the minimum number required, which is 1,632 spaces.

c. Termination of Van Buren Street at a building or enhanced park feature.

A park feature has been located at the terminus of Van Buren Street. The proposed buildings will frame the northeast and southeast corners of the existing park. The parking structure for Building 7 can be seen at the terminus of Van Buren Street and should be designed with architectural elements and features that are cohesive with the adjacent multifamily building and meet the M-U-TC design standards.

The following considerations were included in the approval of Primary Amendment A-10018:

Consideration 3 Provide residential uses above commercial uses in order to create a vertical mix of uses.

The Planning Board approved SP-130003 for dwelling units without first floor retail, as there is a large amount of commercial already in the development, and the proposed buildings are separated from the commercial corridor centered around Van Buren Street.

Consideration 5 Pursue with Riverdale Park a “Quiet Zone” for the CSX line at appropriate times, so long as it can be demonstrated to be safe.

The applicant has not submitted information relating to this issue.

8. **The Cafritz Property at Riverdale Park Town Center Development Plan:** The Cafritz Property Town Center Development Plan established development standards and land use recommendations for the site. The M-U-TC Zone permits dwelling units in a building containing commercial uses on the first floor as a by-right use, whereas all other residential uses must request that a special permit be granted. The intent is to encourage a mix of uses in town centers

where a concentration of commercial and retail establishments will activate the street level and encourage pedestrian movement in the commercial corridors.

The plans were reviewed by the M-U-TC Design Committee and they have provided an analysis of the conformance of the plans to the development plan. The applicant has modified the plans based on the recommendations. The Committee recommended that the amount of windows along the street be increased from 25 percent to 30 percent, which the applicant has addressed. The Committee also recommended that the parking garage façades be enhanced with architectural elements, and that Building 7 should better address the southwest corner of the site, which the applicant did through revised plans.

9. **Zoning Ordinance:** The SP application was reviewed for compliance with the requirements of the Zoning Ordinance:
- a. Regulations and allowed uses in the M-U-TC Zone come from the approved Town Center Development Plan. The uses, as proposed, are apartment housing for the elderly or physically handicapped and dwelling units (not within a building containing commercial uses on the first floor), which both require approval of a special permit. The applicant has submitted SP-130003 and the Planning Board approved this SP.
 - b. Special Permit SP-130003: A special permit is required to allow dwelling units without commercial uses on the first floor and apartment housing for the elderly or physically handicapped uses. In order for the Planning Board to grant a special permit in the M-U-TC Zone for uses specified as such in the Use Table in Appendix A, it shall find that the site plan is in conformance with the approved town center development plan and the guidelines therein and any specific criteria set forth for the particular use (page 66).

Section 27-239.029(a)(6)(B), Special Permits, of the Zoning Ordinance prescribes the following required findings for approval of a special permit:

- (B) The Planning Board may grant a Special Permit in the M-U-TC Zone if it finds that the site plan is in conformance with the approved Town Center Development Plan and its guidelines and specific criteria for the particular use. In the event a Special Permit is approved by the Planning Board, the approval is conditional upon the issuance of a building or use and occupancy permit by the Department of Permitting, Inspections, and Enforcement, Permits and Review Division.**

Approval of a special permit in a M-U-TC Zone for multifamily without ground-floor retail for Parcels K and L is in conformance with the Town of Riverdale Park M-U-TC Zone Development Plan, and its guidelines and specific criteria for the particular use. The Planning Board found that the rise of internet commerce since 2014 reduces the need for retail space in almost any environment, and Parcels K and L are not within nor adjacent to the commercial configuration with concentrated retail and service uses at Riverdale Park Station.

In addition, providing apartment housing for the elderly or physically handicapped is consistent with the Development Concept, Land Use, which states in part, "The residential locations suggested within the concept are to increase available housing choices to attract the mix of incomes necessary to support a vibrant town center," (page ii). Therefore, the Planning Board approved SP-130003 for dwelling units without commercial uses on the first floor and apartment housing for the elderly or physically handicapped on subject Parcels K and L.

10. **Preliminary Plan of Subdivision 4-13002:** The site is the subject of PPS 4-13002, approved by the Planning Board on May 16, 2013 for the creation of 126 lots and 39 parcels for 168,200 square feet of commercial/retail, 22,000 square feet of office, a 120-room hotel, 126 single-family attached dwelling units, and 855 multifamily dwelling units subject to 41 conditions. Of the 41 conditions (PGCPB Resolution No. 13-55), the following are applicable to this application:

1. **Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:**
 - v. **Revise Cross Sections EE, GG, HH, JJ, MM, PP, and RR to include on-road bike lanes, wide sidewalks, and curb-to-curb pavement width dimensions. Add notes to indicate that the turning radii at intersections will be per Department of Public Works and Transportation (DPW&T) standards in order to accommodate transit and school buses, service, and emergency vehicles, unless modified by the approval of the Secondary Amendment SA-130001.**

Conditions 3.e. of Primary Amendment A-10018 and Condition 1.v. of PPS 4-13002 required internal bike lanes along some internal roads. The plans shall be revised to include the previously approved bike lanes along Van Buren Street and around the Village Green, as noted on Condition 1.v. above, and shown on previously approved DSP-13009.

9. **Prior to certificate approval of the detailed site plan, all plans shall identify the locations of all outdoor activity areas and show the mitigated and unmitigated 65dbA Ldn noise contours for the upper and lower levels based on the recommendations of the Phase I noise study. If any new outdoor activity areas are proposed within the lower unmitigated 65dBA Ldn contours, and are directly exposed to noise impacts, a Phase II study shall be provided. The study and plans shall address how mitigation for the outdoor activity areas will be provided to reduce outdoor noise levels to below 65dBA Ldn.**

This condition has been carried forward as the submitted DSP does not identify all noise contours and their relationship to the location of proposed outdoor activity areas.

- 10. Prior to approval of building permits certification by a professional engineer with competency in acoustical analysis shall be submitted to The Maryland-National Capital Park and Planning Commission (M-NCPPC) as part of the building permit package. The certificate shall verify that noise mitigation methods have been incorporated in the architectural plans to reduce interior noise levels to 45 dBA Ldn or less.**

This condition will be addressed at the time of building permit.

- 17. Prior to certificate approval of the detailed site plan (DSP) and in accordance with Section 24-134(a) of the Subdivision Regulations, private recreational facilities shall be provided to address the mandatory dedication requirement:**

- a. At the time of DSP review, the applicant shall submit a comprehensive private recreational facilities package for approval by the Urban Design Section (M-NCPPC). The Department of Parks and Recreation will provide assistance as needed.**
- b. The private recreational facilities shall be designed and constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.**
- c. The developer and the developer's heirs, their successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.**

The plans currently indicate that there will be on-site private recreational amenities available to the residents. However, a comprehensive list and design details were not provided. A condition has been included in this approval requiring a list, details, and valuation of the proposed recreational facilities.

- 34. The development on the subject site shall be limited to the mix of allowed uses and the intensity that will generate no more than 482 AM, 794 PM weekday, 767 midday, and 1,019 Saturday peak-hour vehicle trips during any stage of development. Any development that is deemed to generate more peak-hour vehicle trips than the levels stated above shall require an additional preliminary plan of subdivision with a new determination of adequacy for transportation facilities.**

The PPS includes a trip cap allowing a mix of uses that would not exceed 482 a.m. peak-hour weekday, 794 p.m. peak-hour weekday, 767 midday peak-hour weekday, and 1,019 Saturday peak-hour trips. The table below focuses on a.m. and p.m. peak-hour weekday trips for the site:

Trip Generation Summary (weekday peak hours): DSP-13009-15: Riverdale Park Station								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Trip Cap from PPS 4-13002			--	--	482	--	--	794
Current Proposal (current proposal is starred; all others are existing approvals)								
**Senior Housing (per Guidelines)	195	units	10	16	26	20	12	32
Less Internal Trips (per ITE Handbook)			-1	0	-1	-2	-2	-4
Less Transit Trip Reduction (30 percent)			-3	-5	-8	-5	-3	-8
Net Trips for Senior Housing			6	11	17	13	7	20
Multifamily (per Guidelines)	306	units	31	129	160	119	64	183
**Multifamily	437	units	43	183	226	170	92	262
Townhouses (per Guidelines)	119	units	17	67	84	62	33	95
Less Internal Trips (per ITE Handbook)			-5	-7	-12	-42	-27	-69
Less Transit Trip Reduction (30 percent)			-26	-112	-138	-92	-48	-140
Net Trips for Market-Rate Residential			60	260	320	215	113	331
Office (per Guidelines)	21,150	square feet	38	4	42	7	32	39
Less Internal Trips (per ITE Handbook)			-2	-1	-3	-3	-7	-10
Less Transit Trip Reduction (30 percent)			-11	-1	-12	-1	-8	-9
Net Trips for Office			25	2	27	3	17	20
*Retail (per Guidelines)	156,580	square feet	90	57	147	395	427	822
*, **Retail (per Guidelines)	300	square feet	1	0	1	0	1	0
Less Internal Trips (per ITE Handbook)			-9	-9	-18	-40	-53	-93
Less Transit Trip Reduction (15 percent)			-12	-7	-19	-53	-56	-109
Less Pass-By (40 percent)			-28	-16	-44	-121	-128	-249
Net Trips for Retail			42	25	67	181	191	372
Hotel (ITE Land Use 310)	120	rooms	33	23	56	37	35	72
Less Internal Trips (per ITE Handbook)			-2	0	-2	-4	-4	-8
Less Transit Trip Reduction (30 percent)			-9	-7	-16	-10	-9	-19
Net Trips for Hotel			22	16	38	23	22	45
Total Proposed Trips			155	314	469	434	345	779
Comparison with Trip Cap			Within Trip Cap			Within Trip Cap		
* Retail trip generation is computed using ITE Use Code 820 based on Gross Leasable Area using the Weighted Average Rate in the AM Peak Hour and the Fitted Curve in the PM Peak Hour as recommended by the Trip Generation Handbook (Institute of Transportation Engineers).								
** Current Proposal								

The following table summarizes weekday midday and Saturday trips:

Trip Generation Summary (midday and Saturday): DSP-13009-15: Riverdale Park Station								
Land Use	Use Quantity	Metric	Midday Peak Hour			Saturday Peak Hour		
			In	Out	Tot	In	Out	Tot
Trip Cap from PPS 4-13002			--	--	767	--	--	1019
Current Proposal (current proposal is double-starred; all others are existing approvals)								
**Senior Housing	195	units	17	17	34	42	25	67
Multifamily	306	units	41	41	82	64	67	131
**Multifamily	437	units	60	60	120	92	96	188
Townhouses	119	units	16	16	32	28	29	57
Less Internal Trips (per ITE Handbook)			-21	-16	-37	-25	-19	-44
Less Transit Trip Reduction (30 percent)			-34	-36	-70	-60	-60	-120
Net Trips for All Residential			79	82	161	141	138	279
Office								
Office	21,150	square feet	10	12	22	6	5	11
*Retail								
*Retail	156,580	square feet	382	337	719	457	421	878
*, **Retail								
*, **Retail	300	square feet	1	1	2	2	2	4
Hotel								
Hotel	120	rooms	23	23	46	49	38	87
Less Internal Trips (per ITE Handbook)			-29	-33	-62	-31	-36	-65
Less Transit Trip Reduction (30 percent)			-62	-56	-118	-79	-71	-150
Less Pass-By for Retail (34 percent)			-105	-89	-194	-126	-113	-239
Net Trips for Non-Residential			220	195	415	278	246	524
Total Proposed Trips			299	277	576	419	384	803
Comparison with Trip Cap			Within Trip Cap			Within Trip Cap		
General Note: All midday rates are based on diurnal rates from ITE. All Saturday rates are from ITE for the respective uses.								
* Retail trip generation is computed using ITE Use Code 820 based on Gross Leasable Area.								
** Current Proposal								

As noted in the two tables above, the development proposed by the applicant is within all trip caps established by PPS 4-13002.

- Detailed Site Plan DSP-13009 and its amendments:** On May 30, 2013, the Planning Board approved DSP-13009 and Type 2 Tree Conservation Plan, TCP-2010-13, subject to the following conditions, which are applicable to the subject applications:

3. **Prior to the issuance of the first grading permit, evidence shall be submitted that all pretreatment and protective devices for specimen trees 255, 281, 262 and 265 have been implemented.**

The required documentation was submitted, and the grading permit was issued.

4. **Prior to the issuance of building permits for Parcels K, L and M, a detailed site plan application for each such parcel shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.**

The subject DSP is submitted in fulfillment of this condition.

5. **Prior to the issuance of use and occupancy building permits for residential units protected from noise by the proposed noise wall, the wall shall be fully constructed on-site, if such a noise wall is required.**

This condition has been addressed and the wall has been constructed.

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site has previously approved and implemented tree conservation plans. A revised Type 2 Tree Conservation Plan TCP2-010-13-03 has been submitted.

The Woodland Conservation Threshold (WCT) for this site is 15.25 percent of the net tract area or 5.75 acres. The total woodland conservation requirement is 17.61 acres. The plan proposes to meet the woodland conservation requirement with 0.65 acres of woodland preservation and 16.96 acres of fee in lieu. It should be noted that the fee, which slightly exceeds coverage of 16.96 acres, was submitted at the time of the first grading permit. The proposed preservation area is located along the west boundary and contains 8 specimen trees. The plan continues to preserve all specimen trees proposed and approved for retention. The limit of disturbance is consistent with the previously approved TCP1 and TCP2.

13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Historic Preservation**—The Planning Board adopted, herein by reference, a memorandum dated June 13, 2019 (Stabler to Hurlbutt), that indicated the site has been heavily disturbed indicating the low probability of archeological sites within the subject property. The subject property is adjacent to the site of ERCO Building (68-022), a Prince George's County Historic Site. However, because the historic structure has been demolished and the property has already been redeveloped, a review of potential visual impacts on the historic site, is no longer required.

- b. **Community Planning**—The Planning Board adopted, herein by reference, a memorandum dated July 8, 2019 (Sams to Hurlbutt), that provided comments on this application that have been summarized in relative findings above, as well as a discussion of the Plan Prince George’s 2035 Approved General Plan, in relation to the subject application.
- c. **Transportation**—The Planning Board adopted, herein by reference, a memorandum dated June 24, 2019 (Masog to Hurlbutt), that provided a review of conditions attached to prior approvals, and noted the following:

Access and circulation are acceptable; the surrounding infrastructure is mostly built. All traffic-related issues were addressed during the overall review of PPS 4-13002, as analyzed in Finding 11 above.

The development of the site and the related parking is controlled by two significant requirements established by means of the zoning approval. Analysis is provided in Finding 10 above.

US 1 is a master plan collector facility. Adequate right-of-way was dedicated pursuant to the PPS, so no further dedication is required of this site.

From the standpoint of transportation, it is determined that this plan is generally acceptable and meets the finding required for a DSP as described in the Zoning Ordinance.

- d. **Subdivision**—The Planning Board adopted, herein by reference, a memorandum dated June 24, 2019 (Turnquest to Hurlbutt), that provided a review of conditions attached to prior approvals, and noted the following:

Plat Note 19 on Plat 5, Riverdale Park Station, recorded in Plat Book MMB 239-98 states:

The Detailed Site Plan approval did not include architecture for Parcels K and L resulting in the outlot designation.

Prior to the approval of building permits, a minor final plat shall be filed that removes the outlot designation of Outlot K and Outlot L and revise the designation to Parcel K and Parcel L. The appropriate plat notes shall be carried forward from the original plat and additional notes added as required by the DSP approval.

There are findings of 4-13002 that are relevant to the review of DSP-13009-15, as follows:

Environmental Review (page 61)

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

This site is bordered to the east by an existing CSX right-of-way and tracks. To the north, the site adjoins vacant land owned by WMATA. There are exposed tracks in the eastern portion of this right-of-way. In the western portion of the WMATA property, the tracks are underground. The railroad service will generate vibration impacts. A vibration study was filed with the PPS, however the subject DSP amendment proposes to increase the height of the multifamily buildings adjacent to the CSX right-of-way. A new vibration analysis should be submitted prior to certification of the DSP to determine if vibration impacts any parcels proposed with residential land uses. The study would include the criteria and thresholds of vibration measurements with regard to predicting annoyance from vibration impacts in residential areas.

Vibration impacts should be measured using the Federal Transit Administration's (FTA) May 2006 manual, *Transit Noise and Vibration Impact Assessment*. Typical vibration impacts for commuter trains are determined to have a frequency of 8 to 80 hertz, with vibration events lasting approximately ten seconds. The FTA manual applies a threshold of 72 velocity decibels (VdB) or less as "not feelable, but ground borne vibration may be audible inside quiet rooms." The threshold for human perception is 65 VdB for barely perceptible and 75 VdB for distinctly perceptible. The report should indicate if residential structures may be exposed to vibration that could result in structural damage, or vibration that may cause slight annoyance due to feelable vibrations within the buildings. As noted in previous vibration studies submitted with subdivision applications, the level of annoyance experienced will depend highly upon the tolerance of each individual. The purpose of the vibration study is to ensure that proper notice is provided for future

residents and property owners of any potential vibration impacts in accordance with FTA standards.

Subsequent to review of the vibration report at the time of DSP certification, it should be referred to DPIE as well as WMATA for additional comments and recommendations. In regard to vibration analysis, DPIE has noted that a transit system, commuter rail in this case, often causes significant noise at nearby residences. The FTA recommends noise analysis shall be performed if the structure is located within 1,600 feet from noise source. The proposed project is approximately 490 feet from the centerline of the track to the east, so noise analysis may be required with the DSP. The 65dBA Ldn unmitigated noise contour should be indicated on the DSP from the Metro track. If noise impact exceeds the acceptable level, noise mitigation shall be proposed.

DPIE has indicated that the vibration excited by train movement rarely causes any damage to structures. However, the measured ground-borne velocity, VdB, should be provided because if it exceeds the FTA impact level for residential building, the future residents may experience vibration. Ground-only vibration impacts may vary depending on the proposed structure. DPIE's experience in dealing with vibration analysis is that the heavier the structure the lower the vibration response will be. Lightweight material will most likely increase the vibration impact. If the vibration study or vibration information submitted with the DSP indicates that the residential land uses will be subject to vibration, the structural engineer should work closely with acoustical engineer, scientist, or firm to come up with the best possible solution for any vibration impacts if it exists on site.

The Planning Board approved the applicant's modified condition to update the vibration analysis and, if subject to feelable vibration, add a note on the DSP and final plat. The Board encouraged the owner to consider notifying future tenants of the possibility of feelable vibration from the proximity to the transit line in the rental agreement.

- e. **Trails**—The Planning Board adopted, herein by reference, a memorandum dated June 24, 2019 (Shaffer to Hurlbutt), that provided a review of conditions attached to prior approvals and noted that bicycle parking and bike lanes be provided, as conditioned in this approval.

The pedestrian network shown on the submitted site plan revision appears consistent with prior approvals. Numerous conditions of approval from the basic plan, PPS, and DSP addressed the streetscape along US 1 and the Trolley Trail, both of which are beyond the scope of the subject application.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board adopted, herein by reference, a memorandum dated July 3, 2019 (Sun to Hurlbutt), that provided a review of conditions attached to prior approvals, and noted the following:

As per the conditions of approval for PPS 4-10032, in November of 2013, the applicant conveyed to the Maryland-National Capital Park and Planning Commission, 1.12 acres of land (Liber 36119, Folio 526) along with a 30-foot-wide public use easement (Liber 35503, Folio 344) to allow for a continuous section of the Rhode Island Avenue Trolley Trail to be constructed and implemented. The conditions of approval also required that the applicant construct and maintain private recreation facilities to satisfy the remaining portion of the requirement for mandatory parkland dedication for the PPS. In 2013, the applicant entered into a private recreation facilities agreement, which required that the applicant construct the following amenities for the development: 536 linear feet of the hiker/biker trail; 2 multi-age play areas; 900 linear feet of nature trail; Building 5 courtyard and amenities; Building 6b amenities; and a Village Green.

The subject plans indicate that there will be additional on-site private recreational amenities provided for the residents of Buildings 7 and 8. The list of additional amenities includes: signature plaza with seating areas; private garden at Building 7; private landscaped courtyards at each building, which include seating areas and open lawn areas; and amenity areas in both buildings to include lounges, fitness room, and game/media/club room. The provision of on-site private recreational facilities is consistent with the previous plan approvals for this project.

- g. **Environmental**—The Planning Board adopted, herein by reference, a memorandum dated June 24, 2019 (Reiser to Hurlbutt), that provided a review of the DSP, TCP2, and associated information. A discussion of previous environmental conditions of approval related to the subject application have been included in Findings 7, 10, and 11 above.

Natural Resources Inventory/Existing Conditions

An approved Natural Resource Inventory, NRI-121-06-01, was submitted with the application. This plan was updated to reflect the current code requirements and was approved as the -01 revision to the plan on March 19, 2012. Subsequent to the last approval, land was added to the overall preliminary plan application increasing the land area. The total area of land within the current application is 37.73 acres and the total amount of woodland has increased from 32.73 acres to 33.12 acres. A revised NRI is not required at this time, and the previously approved NRI has been revalidated with an expiration date of September 19, 2019.

Aviation Policy Areas and Aviation Noise

The site is located within the flight path of College Park Airport and may be affected by airport and aircraft operations. The northeastern portion of the site is located in APA Zone 6. The PPS associated with this application is subject to compliance with APA regulations under CB-51-2002. The following note was placed on the final plat for this site and shall remain when the plat is updated to reflect the proposed parcels:

The limits of this plat lie within a 1-mile vicinity of the College Park Airport in APA 6. At the time of purchase contract with home buyers, the contract purchaser shall sign a General Aviation Airport Environment Disclosure notice in accordance with Sections 27-548.32 and 27-548.48.

- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopted, herein by reference, a memorandum dated June 20, 2019 (Giles to Hurlbutt), indicating that they had no objection to the proposed amendments, and the site development is consistent with the approved Concept Plan, 11589-2010-06, dated January 8, 2019.
- i. **Washington Suburban Sanitary Commission (WSSC)**—The Planning Board adopted, herein by reference, an email dated June 20, 2019, in which WSSC offered numerous comments that will be addressed in their separate permitting process.
- j. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer comments on the subject application.
- k. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application.
- l. **Prince George's County Health Department**—The Health Department did not offer comments on the subject application.
- m. **Maryland Aviation Administration (MAA)**— The MAA did not offer comments on the subject application.
- n. **City of Hyattsville**—The City of Hyattsville did not offer comments on the subject application.
- o. **City of College Park**—The City of College Park did not offer comments on the subject application.
- p. **Town of Edmonston**—The Town of Edmonston did not offer comments on the subject application.
- q. **Town of Riverdale Park**—The Town of Riverdale Park provided comments of support on the subject application in a letter date July 12, 2019.
- r. **Town of University Park**—The Town of University Park provided comments of support on the subject application in a letter dated July 17, 2019.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Special Permit SP-130003.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 25, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of September 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:JH:gh