THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2020-75 File No. 4-19031

RESOLUTION

WHEREAS, DVG Apartments, LLC is the owner of a 3.24-acre parcel of land known as Lot 1 of Parcel A and Lot 1, said property being in the 2nd Election District of Prince George's County, Maryland, and being zoned Multifamily Medium Density Residential (R-18) and One-Family Detached Residential (R-55); and

WHEREAS, on January 31, 2020, DVG Apartments, LLC c/o Delwin Realty, LLC filed an application for approval of a Preliminary Plan of Subdivision for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-19031 for East Pines was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 7, 2020, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended Approval of the application with conditions; and

WHEREAS, on May 7, 2020, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-19031, including a Variation from Section 24-122(a), for 2 lots with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:

   a. Remove the outdated approval block from the plan per Prince George's County Planning Department Bulletin 5-2019 and save a two-inch square blank space in the lower right corner of the plan.

   b. Show the existing overhead easement near the front of the property. Provide a recording reference.

   c. Correct General Note 4 to read "the purpose of subdivision is one parcel for residential and commercial development."

   d. Correct General Note 10 to indicate "public dedication" rather than "road dedication" And note that the area to be dedicated per Maryland State Highway Administration Plat

Number 59339 will be acquired by the Maryland Transit Administration for the Purple Line.

e. Modify General Note 27 to indicate the method of mandatory park dedication is on-site recreational facilities.

f. Correct General Note 30 to indicate the site is exempt from a Type 1 tree conservation plan. State the number of the exemption letter (S-138-2019).

2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 of the Prince George's County Subdivision Regulations adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to approval of any building permits.

3. Total development within the subject property shall be limited to uses that would generate no more than 200 AM and 193 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.

4. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (23685-2019-00) and any subsequent revisions.

5. Prior to approval of the first building permit for the subject property(associated with the residential and/or commercial component of this application), the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of the Prince George's County Subdivision Regulations ("Required Off-Site Facilities"), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:

a. Pedestrian connections to the Beacon Heights Purple Line Station to include concrete sidewalk, staircases, guardrails, handrails and a concrete wall, within the limits of the acquisition area only.

b. 300 linear feet of sidewalk along the north side of Patterson Street between 67th Avenue to Beacon Light Road.

Should the applicant be unable to obtain a permit for construction of one or more of the Required Off-Site Facilities, through no fault of the applicant's, the applicant shall provide alternative facilities ("Alternative Off-Site Facilities") that provide a level of adequacy equal to the Required Off-Site Facility(s) that could not be constructed, in consultation with the Transportation Planning Section. The requirements of Section 24-124.01(g) of the Prince George's County Subdivision Regulations shall also apply to the identified Alternative Off-Site Facilities, which are:

c. 300 linear feet of sidewalk along the south side of Patterson Street between 67th Place and Beacon Light Road.

db. A five-foot-wide sidewalk along 67th Avenue from the subject property to Patterson Street.

6. Prior to the acceptance of any detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, specifications, and details of the Required Off-Site Facilities necessary to meet pedestrian and bicyclist adequacy as described above, consistent with Section 24-124.01(f) of the Prince George's County Subdivision Regulations.

7. Prior to the issuance of the first building permit, the applicant, applicant's heirs, successors and/or assignees shall provide a financial contribution of $420.00 to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) for the placement of a bikeway sign along and 67th Place, unless modified by DPIE, with written correspondence. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.

8. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2017 *Approved East Riverdale-Beacon Heights Sector Plan*, the applicant and the applicant's heirs, successors, and/or assigns shall provide an exhibit that depicts the following improvements prior to acceptance of any detailed site plan:

a. A shared lane marking (e.g. "sharrow") on 67th Place along the subject site's frontage.

b. Sidewalks, a minimum of five feet in width, along the subject site's roadway frontages and pedestrian connections to the Purple Line station.

9. Prior to the acceptance of any detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, specifications, and details of the required facilities necessary to meet pedestrian and bicyclist adequacy throughout the subdivision, consistent with Section 24-124.01(f) of the Prince George's County Subdivision Regulations. These facilities shall include:

a. Streetscape improvements throughout the subdivision such as, but not limited to inverted U-style bicycle racks, lighting, benches, and trash receptacles, consistent with the proposed plans for the Purple Line station.

10. Prior to approval of a final plat:

a. The Purple Line dedication and/or conveyance pursuant to Maryland State Highway Administration Plat Number 59339 shall be complete.

b. The applicant shall demonstrate abandonment of the 20-foot ingress/egress easement recorded in Liber 2338 at Folio 35 or shall show the existing easement on the plat.

c. The applicant shall demonstrate abandonment of the overhead easement near the MD 410 frontage or shall show the existing easement on the plat.

d. The final plat shall include a note indicating the Prince George's County Planning Board approval of a variation from Section 24-122(a) of the Subdivision Regulations for omission of the required public utility easements.

11. Prior to acceptance of the detailed site plan, a geotechnical study to establish the factor of safety for the proposed buildings on Christiana clays shall be submitted. The report shall be prepared in accordance with the Prince George's County Department of Permitting, Inspections and Enforcement guidelines for over consolidated clays.

12. In accordance with Section 24-135(b) of the Prince Georges County Subdivision Regulations, the applicant, his successors, and/or assigns, shall provide adequate, private on-site recreational facilities.

13. The private on-site recreational facilities shall be reviewed by the Urban Design Section, of the Development Review Division of the Planning Department for adequacy and proper siting with the submittal of the detailed site plan.

14. Prior to approval of a detailed site plan, the applicant and the Prince George's County Department of Parks and Recreation shall coordinate to determine if public use access to a proposed dog park on the subject site is achievable. This coordination shall include appropriate terms and conditions for the public use of the dog park including registration of users and dogs, times of operation, other restrictions and liability.

15. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original, executed Recreational Facilities Agreements (RFAs) to the Development Review Division (DRD) of the Planning Department for construction of private on-site recreational facilities, for approval prior to a submission of a final record plat. Upon approval by DRD, the RFA shall be recorded among the Prince George's County land records and the liber and folio of the RFA shall be noted on the final plat prior to recordation.

16. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities, prior to the issuance of building permits.

17. Prior to acceptance of a detailed site plan, a Phase II noise analysis shall be provided and demonstrate that any outdoor activity areas are located outside of the mitigated 65 dBA Ldn and that the building structures proposed mitigate interior noise levels to 45 dBA Ldn or less.

18. Prior to approval of a building permit, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA Ldn or less in residential units exposed to noise above 65 dBA Ldn.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.

2. **Background**– The subject site is located on the south side of MD 410 (Riverdale Road), in between 67th Avenue and 67th Place. The site consists of two lots known as "Lot 1 of Parcel A" and "Lot 1," both of which are part of Block T, Section 5 of East Pines. Lot 1 of Parcel A is zoned Multifamily Medium Density Residential (R-18), is 3.11 acres, and was recorded in Plat Book WWW 35page 19, in 1959. Lot 1 is zoned One-Family Detached Residential (R-55), is 0.13 acre, and was recorded in Plat Book BB 14 page 96, in 1947. The total site area is 3.24 acres. The site is subject to the 2017 Approved East Riverdale-Beacon Heights Sector Plan (sector plan).

   Lot 1 of Parcel A is the site of a 74-unit garden apartment complex, which is to be razed. Lot 1 is the site of a single-family detached dwelling, which is also to be razed. The subject application proposes consolidation of the two lots into one parcel, known as proposed Parcel 1, for the development of 250 multifamily dwelling units and 25,000 square feet of commercial gross floor area.

   The subject site includes a portion of the right-of-way of the future Purple Line, and a proposed station platform (The Beacon Heights – East Pines Station) sits directly in front of the property. Portions of the property along the current MD 410 frontage will be dedicated to the Maryland Transit Administration (MTA), through both fee-simple dedication and dedication of an easement. The dedication areas can be seen in the applicant's "Cover – Overall Landscape Plan" exhibit dated December 6, 2019, incorporated by reference herein. The dedication areas will be the site of a public promenade, connecting development on the subject property with the station. The applicant has provided documentation regarding the pending land conveyance/dedication to MTA, which shall be complete prior to final plat of this subdivision, in order to reflect the remaining site as one parcel for development, which is approved with this PPS.

   Once construction of the Purple Line is complete, the site will no longer have direct frontage on MD 410. In addition, 67th Place will be changed to a cul-de-sac as part of the Purple Line construction, so that it no longer intersects MD 410. The proposed development includes site access points on both 67th Avenue and 67th Place; because of the change to 67th Place, the route to the 67th Place access point will be through Patterson Street only. Patterson Street is located

south of the site and is accessed via 67th Avenue. The impact of the Purple Line on the subject site is further discussed in the Transportation and Trails findings.

The applicant filed a variation request from Section 24-122(a) of the Prince George's County Subdivision Regulations, to allow omission of the required public utility easements (PUEs) along MD 410, 67th Place, and 67th Avenue. This request is discussed further in the Public Utility Easement finding.

3. **Setting**– The site is located on Tax Map 43 in Grids B-3 and C-3 and is within Planning Area 69. To the northwest of the property is MD 410. Across MD 410 are a Maryland-National Capital Park and Planning Commission (M-NCPPC) facility on Prince George's County-owned property in the R-55 Zone, and multifamily development in the Commercial Office and R-18 zones. To the northeast of the property is 67th Avenue, with single-family detached dwellings and additional Purple Line right-of-way in the R-55 Zone beyond. Abutting to the east of the property are more single-family detached dwellings in the R-55 Zone. Abutting to the south of the property is a garden apartment complex in the R-18 Zone. To the southwest of the property is 67th Avenue, with commercial properties in the Commercial Shopping Center (C-S-C) Zone beyond.

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

	EXISTING	APPROVED
Zone	R-18/R-55	R-18/R-55
Use(s)	Residential multifamily Residential single family	Residential multifamily Commercial
Acreage	3.24	3.24
Parcels	0	1
Lots	2	0
Dwelling Units	74 multifamily 1 single family	250 multifamily
Variance	No	No
Variation	No	Yes Section 24-122(a)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on February 21, 2020. The requested variation from Section 24-122(a) was accepted on January 31, 2020, and also heard at the SDRC meeting on February 21, 2020, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—There are currently two lots which comprise the subject site, each of which have been platted. The 3.11-acre lot, known as Lot 1 of Parcel A, was recorded in Plat Book WWW 35, page 19 in 1959. The 0.13-acre lot, known as Lot 1, was recorded in Plat Book BB 14, page 96 in 1947. The 1947 plat covers a large area around the subject property and includes six blocks of lots for the development of one-family detached dwellings. It also includes

three larger parcels, one of which is a 253,301-square-foot (5.81-acre) parcel known as "Parcel A" within Block T. "Lot 1 of Parcel A" is titled as such because it is part of a later resubdivision of Parcel A, Block T.

There is a previous PPS associated with Lot 1 of Parcel A, Application 12-1818. However, records of this PPS are no longer available. There is no previous PPS associated with Lot 1. The subject PPS supersedes the previously approved 12-1818. A new final plat will be required following approval of this PPS, and the final new plat will supersede the existing plats for the subject property.

6. **Community Planning**—Conformance with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and the sector plan are evaluated, as follows:

Plan 2035
This application is located within the Neighborhood Center (Local) policy area adjacent to the Beacon Heights Purple Line Station. Neighborhood Centers are primarily residential areas that are often lower in density. These areas generally have fewer transit option and offer neighborhood-serving retail and office uses.

Sector Plan
The 1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69) retained the subject property in the R-18 and R-55 Zones. The 2017 sector plan was later approved by the Prince George's County District Council, prior to the approval of the Zoning Ordinance Rewrite. As a result, the comprehensive rezoning of the properties within the boundary of the sector plan will happen through the pending Zoning Ordinance Rewrite's Countywide Map Amendment process. The Countywide Map Amendment will implement the new land use and policy guidance of the sector plan by assigning appropriate new zones within the sector plan boundary.

Following rezoning, the subject property will be in the Neighborhood Activity Center (N-A-C) Zone. The Neighborhood Activity Center Zone provides for lower-density, small scale, mixed-use centers intended to serve surrounding neighborhoods. Vertical mixed-use development, with ground-floor retail, service, or office uses and residential above, is encouraged. The minimum dwelling units per net acre (all dwellings) that will become effective with the N-A-C is 10, and the maximum will be 30.

The 2017 sector plan recommends mixed-use land uses on the subject property. The proposed uses are permitted pursuant to the current provisions of Subtitle 27 of the Prince George's County Zoning Ordinance and applicable density will be determined at the time of detailed site plan (DSP), as discussed further in the Urban Design finding. The determination of density will have no impact on the lotting pattern approved with this PPS.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the 2017 sector plan.

7. **Stormwater Management**—In accordance with Section 24-130 of the Subdivision Regulations, a Stormwater Management (SWM) Concept Approval Letter (23685-2019-00) and associated plan were submitted with this application. The approval was issued on December 11, 2019 by the Prince George County Department of Permitting, Inspections and Enforcement (DPIE). The plan proposes five micro-bioretention facilities for infiltration throughout the site. A SWM fee for on-site attenuation/quality control measures is also required according to the SWM concept approval. No further action regarding SWM is required with this PPS review.

   Development of the site shall conform with the SWM concept approval and any subsequent revisions to ensure no on-site or downstream flooding occurs.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the 2017 sector plan and Subtitle 24 of the Prince George's County Subdivision Regulations as they pertain to public parks and recreational facilities.

   Per Section 24-134(a)(1), Mandatory Dedication of Parkland applies to the residential portion of this development proposal. Based on the density of the residential portion of the proposed subdivision, the applicant is required to dedicate 15 percent of their land to M-NCPPC for public parks. In this case, the application of the Mandatory Dedication of Parkland requirement would require the dedication of 0.49 acres of land to M-NCPPC.

   The subject property is not adjacent to any existing M-NCPPC owned property or parks. The closest surrounding parks in the local area include Glenridge Park and Wildercroft Park, approximately one mile to the south and southeast of the subject site. With the information submitted by the applicant, the proposal is for the mandatory dedication requirements to be met by providing on-site recreational facilities. In accordance with Section 24-135(b) of the Subdivision Regulations, the mandatory dedication of parkland requirements may be met by the provision of on-site recreational facilities. The on-site recreational facilities may be approved by the Prince George's County Planning Board provided that the facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication. Further, the facilities shall be properly developed and maintained to the benefit of future residents through covenants, or a recreational facilities agreement (RFA), with this instrument being legally binding upon the subdivider and his heirs, successors, and assigns.

   The applicant has adequately provided detailed information on the proposed on-site facilities that will be constructed within the development and available to residents. The list of the facilities proposed includes courtyard area, a resident's swimming pool, a rooftop terrace area with tables and seating, and a dog park along 67th Street. The Planning Board finds the proposed recreational facilities are equivalent to those that would have been provided under the provisions of mandatory dedication of parkland. Although not required for adequacy, encouraging the applicant is encouraged to grant public access to the outdoor dog park area, as this is a facility in high demand within this Parks Service area. The applicant has agreed to further explore this option and provide opportunity for public use if feasible. Prior to DSP approval, the applicant and DPR shall coordinate to determine whether public access is feasible. Reasonable restrictions on public

access, such as hours of operation and registration of users and dogs, among other restrictions, may be appropriate.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2017 sector plan to provide the appropriate pedestrian and bicycle transportation recommendations. The site is subject to Section 24-124.01 (Adequacy of Bicycle and Pedestrian Facilities in Centers and Corridors) of the Subdivision Regulations, as well as the "Transportation Review Guidelines, Part 2," at the time of PPS.

Review of Proposed On-Site Improvements
The proposed development includes sidewalk along the frontages of 67th Avenue, 67th Place, and a connection along the portion of the site that fronts the future Purple Line Station along MD 410. The subject application also proposes bicycle racks and storage within the building. Sidewalk access and bicycle parking will be further evaluated at DSP review.

The submitted PPS does not include blocks over 750 feet long, and therefore, does not need to provide additional walkway facilities and mid-block crossing facilities, pursuant to Section 24-121(a)(9) of the Subdivision Regulations.

Review of Connectivity to Adjacent/Nearby Properties
The subject site is adjacent to a commercial shopping center to the west connected via sidewalk. The site is also adjacent to residential areas and is approximately 1,700 feet from Beacon Heights Elementary School. There is an incomplete sidewalk network between the elementary school and the subject site.

The northern portion of the subject site will be impacted by the construction of the future Purple Line Station. In between the subject site and the station will be a promenade running parallel to MD 410. The site will be connected to the station via walkways accessible from the promenade. The promenade will also connect to frontage sidewalk on 67th Avenue and 67th Place.

Review of Master Plan of Transportation (MPOT) Conformance
Two master plan trails impact the subject site: a planned bike lane along Riverdale Road and a shared road facility along 67th Place. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9-10):

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

Standard sidewalks will be required along all roadway frontages. Due to the Purple Line construction, the intersection of 67th Place and Riverdale Road will be reconstructed into a cul-du-sac, with no through connection for motor vehicles. A sidewalk connection between 67th Place and the future Purple Line Station on Riverdale Road shall be maintained.

This sidewalk connection, as well as sidewalks along the other roadway frontages will be reviewed further at the time of DSP. Coordination with the Purple Line construction will be required to ensure sidewalk connectivity along the future cul-de-sac, to fulfil the intent of Policy 1 and 2.

Review of Area Master Plan Conformance
The sector plan recommends two bicycle facilities abutting the subject site. These include a planned bicycle lane along Riverdale Road and a shared roadway along 67th Place.

Currently, the MTA is rebuilding Riverdale Road to accommodate the Purple Line Light Rail. Striping a bicycle lane along the frontage of the subject site may be too short of a facility for an effective bicycle lane. A bicycle lane that follows the full extent of Riverdale Road can be built as part of the ongoing Purple Line construction, or as part of a future capital improvement, or roadway maintenance project by the Maryland State Highway Administration (SHA) after Purple Line construction.

The applicant shall provide a "share the road with a bike" bikeway signage assembly along the subject site's frontage on 67th Place. In addition, the applicant shall provide a shared-road pavement marking (a "sharrow") on 67th Place along the frontage of the subject site. These requirements fulfill the intent of the area master plan and Policy 4 of the MPOT Complete Streets policies.

The sector plan includes the following recommendation regarding the accommodations of pedestrian access that impact the subject site (pages 100-103):

Policy TM 4: Pedestrians of all ages and abilities can cross busy streets safely and efficiently. A menu of potential pedestrian safety measures includes, but is not limited to:

- **Signalization, replacing pedestrian-actuated signals with automatic signals**
- **Raised or special-pavement crosswalks**
- **Bilingual signage**
- **Accommodations for the disabled, including sounds**
- **Pedestrian islands where needed**
- **Marked crosswalks on all sides of an intersection**
- **Pedestrian priority measures, including leading pedestrian intervals**

- **Lighting of crosswalks and pedestrian waiting areas**
- **Elimination of channelized right-turn lanes and restricting free right turns on red at signalized intersections.**

Policy 4.1: Prioritize pedestrian safety at Purple Line Stations by implementing all the measures identified in Policy TM 4.

Policy 4.2: Increase pedestrian safety by implementing as many measures identified in Policy TM 4 as possible at the listed intersections.

Policy 4.3: Ensure student safety while walking to schools by encouraging construction of sidewalk on both sides of the streets in the areas that are within 1.5 miles of an elementary school, and within 2 miles of a middle or high school. Prioritize pedestrian safety measures along these routes as identified in Policy TM 4.

Sidewalks will be required along all road frontages and internal roadways. The sidewalk network, crosswalk treatments, Americans with Disabilities Act (ADA) access, and associated improvements will be evaluated in more detail at the time of DSP.

Bicycle and Pedestrian Impact Statement (BPIS)
The subject site is in the Beacon Heights Center, and is therefore, subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2".

Adequacy of On-Site Improvements
The proposed development includes sidewalks along the frontage of 67th Avenue, 67th Place, and a connection along the portion of the site that fronts the future Purple Line Station at Riverdale Road. According to the applicant's responses to SDRC comments dated February 26, 2020, the subject application also proposes bicycle racks and storage within the building. The sidewalk and bicycle facilities proposed on-site will provide access to all destinations on the subject property and ensure connectivity with adjacent and nearby properties.

The proposed pedestrian and bicycle facility improvements reflect the minimum facilities necessary for adequacy, pursuant to Section 24-124.01(b), if the applicant also provides additional on-site and outdoor bicycle racks that are convenient to building entrances.

Adequacy of Off-Site Improvements
The subject application includes options for proposed off-site pedestrian and bicycle adequacy improvements, pursuant to Section 24-124.01(c). The cost cap for the site is $92,525.49. This number was developed by multiplying the nonresidential square footage by $0.35 ($8,750), adding the number of dwelling units multiplied by $300 ($75,000), and then adjusting the total amount ($83,750) for inflation based on the U.S. Bureau of Labor Statistics Cost Price Index between June 2013, the effective date of the adequacy legislation, and today.

The required off-site facilities which the applicant proposed, along with alternatives that may be considered under certain circumstances, are:

Required Off-Site Facilities:

1) Pedestrian connections from the subject site to the Beacon Heights Purple Line Station to include concrete sidewalk, staircases, guardrails, handrails, and a concrete wall, within the limits of the green area shown below only (fee-simple dedication area), estimated cost is $76,791; and

2) The construction of 300 linear feet of sidewalk along the north side of Patterson Street between 67th Avenue to Beacon Light Road, estimated cost is $34,209.

The cost estimate for both components of the applicant's proffered option is approximately $111,000.

Alternative Off-Site Facilities:

Should the applicant be unable to obtain a permit for construction of one or more of the Required Off-Site Facilities, through no fault of the applicant's, the applicant shall provide an Alternative Off-Site Facility. The requirements of Section 24-124.01(g) shall also apply to any Alternative Off-Site Facility.

The following facility shall be included as an alternative facility should the applicant be unable to obtain a permit for construction for Required Off-Site Facility 1, above:

Alternative 1: Construct 300 linear feet of sidewalk along the south side of Patterson Street between Beacon Light Road and 67th Place. The cost estimate is approximately $62,360.

The following facility shall be included as an alternative off-site facility should the applicant be unable to obtain a permit for construction for Required Off-Site Facility 2, above:

Alternative 2: Sidewalk widening along the 67th Avenue from the subject property to Patterson Street. The cost estimate is $59,700.

While the combined total for both components of this option exceed the cost cap, the applicant has proffered these improvements and is not restricted to exceed the cost cap on their own volition.

In addition, approval from the MTA is necessary for the first Required Off-Site Facilities listed above. These facilities are planned for the Beacon Heights Purple Line Station and would occur on property owned by the MTA.

In the event that approval is not granted to construct the improvements on the Beacon Heights Station property, Alternative Off-Site Facility 1 shall be constructed. These projects would create a continuous connection from the subject site to the Beacon Heights Elementary School to the

south, which is consistent with the recommendations of the area master plan. The sidewalk installation would also support a connection between the community and the future Purple Line Station. Per the direction of MTA staff (email correspondence from Jeff Ensor to Crystal Hancock, dated February 28, 2020 and incorporated by reference herein), "We concur that sidewalks are a better improvement for the community than additional landscaping at the station".

The Required Off-Site Facilities, or a combination with the Alternative Off-Site Facilities reflect the minimum facilities necessary for adequacy in the area surrounding the subject site, pursuant to Section 24-124.01(b), and are the best facilities to meet pedestrian and bicycle adequacy.

Demonstrated Nexus Finding
The off-site pedestrian improvements proffered by the applicant will improve the connection from the subject site to the Beacon Heights Elementary School, to accommodate potential future students and their families that would reside at the proposed multifamily building. Moreover, the connections will provide the community better access to the future Purple Line Station along Riverdale Road.

Pursuant to Section 24-124.01, there is a demonstrated nexus between the proffered improvements for the proposed development and nearby destinations.

Finding of Adequate Bicycle and Pedestrian Facilities
Based on the requirements and criteria contained in Section 24-124.01 and the pedestrian and bicycle improvements proposed by the applicant on- and off-site, the Planning Board finds the on and off-site pedestrian and bicycle facilities meet the intent of Section 24-124.01 and are adequate to serve the subject property.

10. **Transportation**—Transportation-related findings for adequacy are made with this application, along with any needed determinations related to dedication, access, and general subdivision layout. This application is supported by traffic counts dated May 1, 2019. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff consistent with the "Transportation Review Guidelines, Part 1" (Guidelines, Part 1).

Analysis of Traffic Impacts
The table below summarizes trip generation in each peak hour that will be used for the analysis and for formulating the eventual trip cap for the site:

Trip Generation Summary: 4-19031: East Pines Terrace								
			AM Peak Hour			PM Peak Hour		
Land Use	**Use Quantity**	**Metric**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Multifamily residential	250	Units	25	1,05	130	98	53	151
Less Internal			0	-1	-1	-22	-8	-30
Less Transit (5 percent)			-1	-5	-6	-4	-2	-6
Net Residential Trips			**24**	**99**	**123**	**72**	**43**	**115**
Retail	25,000	Square feet	102	62	164	94	101	195
Less Internal			-1	0	-1	-8	-22	-30
Less Transit (5 percent)			-5	-3	-8	-4	-4	-8
Less Pass-By (50 percent)			-48	-30	-78	-41	-38	-79
Net Retail Trips			**48**	**29**	**77**	**41**	**37**	**78**
Total Trips, 4-19031 (sum of bold numbers)			**72**	**128**	**200**	**113**	**80**	**193**
Note: Internal trips represent trips that are produced by and attracted to the various uses within the site and are computed for each use using methods shown in the Trip Generation Handbook (Institute of Transportation Engineers). Summing reductions for all uses in each peak hour, the ins and the outs must be equal, meaning that each internal trip produced has an equal internal attraction.								

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

- MD 410 (Veterans Highway)/Riverdale Road
- MD 410 (Riverdale Road)/ 67th Place
- MD 410 (Riverdale Road)/ 67th Court/67th Avenue
- MD 410 (Riverdale Road)/66th Avenue
- MD 410 (Riverdale Road)/Baltimore-Washington Parkway NB Ramp
- Patterson Street/67th Avenue
- 67th Avenue/site access
- 67th Place/site access

Note that MD 410 is a designation given to both Veterans Highway and Riverdale Road. However, unless specifically noted, "MD 410" when used in this staff report refers to Riverdale Road.

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

Links and Signalized Intersections: Level of Service (LOS) E, with signalized intersections operating at a critical lane volume of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any TSA subject to meeting the geographical criteria in the Guidelines, Part 1.

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

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

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

A July 2019 traffic impact analysis was submitted and accepted as part of this PPS. The following tables represent results of the analyses of critical intersections under existing, background and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
MD 410 (Veterans Highway)/Riverdale Road	927	1,041	A	B
MD 410 (Riverdale Road)/67th Place	18.6*	51.0*	-	-
MD 410 (Riverdale Road)/ 67th Court/67th Avenue	1,178	966	C	A
MD 410 (Riverdale Road)/66th Avenue	60.3*	747.4*	-	-
MD 410 (Riverdale Road)/Baltimore-Washington Parkway NB Ramp	1,032	1,002	B	B
Patterson Street/67th Avenue	15.4*	14.4*	-	-
67th Avenue/East Pines Driveway	11.2*	10.1*	-	-
67th Place/East Pines Driveway	8.9*	9.1*	-	-
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines, Part 1", delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Background traffic has been developed for the study area using a listing of two approved developments in the area. A 0.5 percent annual growth rate for a period of six years has been assumed. The staff's analysis includes two developments, Christ Apostolic Church (PPS 4-09037) for construction of a church and fellowship hall and Sunrise Property (PPS 4-07081) for proposed construction of five residential homes.

The MTA Purple Line is a 16-mile light rail line that will extend from Bethesda in Montgomery County, to New Carrollton in Prince George's County. It will provide a direct connection to the Metrorail Red, Green and Orange Lines at Bethesda, Silver Spring, College Park, and New Carrollton. The Beacon Heights-East Pines station on the Purple Line will be in front of this proposed development and will feature a center platform adjacent to Riverdale Road near 67th Avenue.

The Purple Line project is funded and currently in the construction phase. In consideration of the above information, a second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
MD 410 (Veterans Highway)/Riverdale Road	984	1,041	A	B
MD 410 (Riverdale Road)/ 67th Place	-	-	-	-
MD 410 (Riverdale Road)/ 67th Court/67th Avenue	1,204	1,012	C	B
MD 410 (Riverdale Road)/66th Avenue	66.9*	878.6*	-	-
MD 410 (Riverdale Road)/Baltimore-Washington Parkway NB Ramp	1,063	1,033	B	B
Patterson Street/67th Avenue	16.0*	15.2*	-	-
67th Avenue/East Pines Driveway	11.9*	10.6*	-	-
67th Place/East Pines Driveway	8.4*	8.3*	-	-
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines, Part 1", delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Note that while the intersection of MD 410 and 67th Place was evaluated as a critical intersection, this intersection will no longer exist following construction of the Purple Line, as 67th Place will become a cul-de-sac terminating near the subject property. For this reason, the intersection shows no critical lane volume under background and total traffic conditions.

The critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, Part 1 and the site trip generation described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	**Critical Lane Volume (AM & PM)**		**Level of Service (LOS, AM & PM)**	
MD 410 (Veterans Highway)/Riverdale Road	1,002	1,061	B	B
MD 410 (Riverdale Road)/ 67th Place	-	-	-	-
MD 410 (Riverdale Road)/ 67th Court/67th Avenue	1,261	1,113	C	C
MD 410 (Riverdale Road)/66th Avenue (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	71.5*	+999*	Fail	Fail
Minor Street Volume Test (100 or fewer)	13	38	Pass	Pass
MD 410 (Riverdale Road)/Baltimore-Washington Parkway NB Ramp	1,076	1,052	B	B
Patterson Street/67th Avenue	16.6*	15.6*	-	-
67th Avenue/East Pines Driveway	13.4*	11.2*	-	-
67th Place/East Pines Driveway	8.5*	8.4*	-	-
*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standards. According to the "Guidelines, Part 1", all three tests must fail in order to require a signal warrant study.				

The table above shows no inadequacies within the study area. One of the unsignalized intersections, MD 410 (Riverdale Road)/66th Avenue, has high delays during both peak hours, but it passes the multi-step review processes that are defined in the Guidelines, Part 1.

Given that the analysis has been based on both residential and commercial development, a traffic trip cap consisting of both have been developed. This cap includes 123 AM and 115 PM peak-hour residential trips. It also includes the 77 AM and 78 PM peak-hour commercial trips (as measured by traffic counts in the field less a 50 percent pass-by rate). The resulting trip cap for both uses on the site is 200 AM and 193 PM peak-hour trips.

Site Access Evaluation
Site access is from two access points, one along 67th Avenue and one along 67th Place. Access and circulation are acceptable.

Master Plan Roads
The site is adjacent to MD 410, a master plan arterial, and the MTA's Purple Line. Sufficient right-of-way for both facilities has been dedicated, is pending dedication, or is otherwise provided, and no further dedication beyond that identified on the PPS is required of this property.

Based on the findings presented in this section, adequate transportation facilities will exist to serve this subdivision as required under Section 24-124.

11. **Schools**—This PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George's County Council Resolution CR-23-200. The subject property is located within Cluster 2, as identified in the Pupil Yield Factors & Public-School Clusters 2020 Update. The results of the analysis are as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Cluster		
	Elementary School Cluster 2	**Middle School Cluster 2**	**High School Cluster 2**
Multi-Family (MF) Dwelling Units	250 DU	250 DU	250 DU
Pupil Yield Factor (PYF) – Multi-Family	0.162	0.089	0.101
MF x PY=Future Subdivision Enrollment	41	22	25
Adjusted Student Enrollment 9/30/19	22,492	9,262	9,372
Total Future Student Enrollment	22,533	9,284	9,397
State Rated Capacity	19,425	7,121	8,494
Percent Capacity	116%	130%	111%

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is $9,741 per dwelling if a building is located between Interstate 495 and the District of Columbia; $9,741 per dwelling if the building is included within a Basic Plan or Conceptual Site Plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or $16,698 per dwelling for all other buildings. This project is outside of the I-495 Capital Beltway; thus, the surcharge fee is $16,698. This fee is to be paid to DPIE at the time of issuance of each building permit.

12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated March 3, 2020 (Thompson to Diaz-Campbell), incorporated by reference herein.

13. **Use Conversion**—The total development included in this PPS is for 250 multifamily units and 25,000 square feet of commercial development in the R-18 and R-55 Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.

14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The property currently abuts MD 410 to the northwest, 67th Place to the northeast, and 67th Avenue to the southwest. The applicant has filed a variation request from Section 24-122(a) to allow omission of the PUE along all three of these streets. According to the applicant, the standard PUE is not necessary for the proposed site as there is not a need to extend electric, telecommunications and gas facilities around or through the property.

Following construction of the Purple Line, the property will no longer have direct frontage on MD 410. However, because there may be some time between when this project is approved and the Purple Line is constructed, during which time the site will still have frontage on MD 410, a PUE is still required along MD 410. The variation request for the PUE along this frontage is therefore, still considered.

Variation
Section 24-113 requires that the following criteria are met. The criteria are in bold text below, while staff findings for each criterion are in plain text.

(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

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

The granting of this variation will not be detrimental to the public safety, health, or welfare, or injurious to other properties. As described above, the standard PUE is not necessary for the proposed site as there is not a need to extend electric, telecommunications and gas facilities around or through the property. Pepco and Verizon can provide service to the proposed site from the existing overhead pole lines along 67th Place and 67th Avenue. Washington Gas can provide service

from the existing gas main located in 67th Avenue. These alternate methods of providing service are not injurious to the public safety, health, or welfare. Because service does not need to go around or through the property, there is no injury to other properties.

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

The property is located immediately adjacent to the Beacon Heights – East Pines Purple Line station, and a portion of the property will be dedicated to the Purple Line right-of-way. The property also has an unusual shape and steep topography that make placing new utilities underground difficult. These factors together provide an appropriate basis for seeking the variation, and they create conditions which are not generally applicable to other properties.

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

This PPS and this variation request for the location of PUEs was referred to the Washington Suburban Sanitary Commission (WSSC), Verizon, the Potomac Electric Power Company, the Southern Maryland Electric Cooperative (SMECO), Baltimore Gas and Electric Company, Washington Gas, Comcast, and AT&T. WSSC provided detailed comments and specified that all WSSC facilities would need their own easements which other utilities could not share; because of this they do not need the PUEs for siting their facilities. AT&T provided a response indicating they have no local facilities in the area. SMECO provided a response indicating that the project is outside their service area. Responses regarding the variation request were not received from the other agencies. The proposed utilities will be designed in direct coordination with the individual utility companies, in order to meet all requisite requirements and design standards. The variation from Section 24-122(a) is unique to, and under the sole authority of, the Planning Board. Approval of this variation request will not constitute a violation of any other applicable law, ordinance, or regulation.

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

The Property's physical surroundings, unusual shape, and topographic features give rise to a particular hardship that can be distinguished from a mere inconvenience. As discussed above, the Property is located immediately adjacent to the Beacon Heights - East Pines Purple Line station. The unusually shaped property is constrained by steep topography, the location of the Purple Line

station, and the location of the abutting single family detached dwelling units. In addition, the property has needed to provide the necessary right-of-way for the Purple Line station along MD 410. Because this project involves redevelopment immediately adjacent to the Purple Line station, as well as steep slopes, a particular hardship would be created for the owner if the strict letter of the regulations was carried out. It is noted that the existing garden apartment complex on the site is provided with utilities without use of a PUE.

(5) **In the R-30, R-30C, R-18, R-18C, R-lOA, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

As of this date, the Prince George's County building code does not require any fully ANSI units, only that all units must comply with fair housing and public spaces shall comply with ADA. The Applicant will increase the number of physically handicapped and aged units above that which is required by Subtitle 4.

The Planning Board finds that the site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to Plan 2035 and the area master plan.

Therefore, the variation from Section 24-122(a), to allow omission of the PUE along the abutting three public roads, is approved.

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any designated Prince George's County Historic Sites or resources but may be visible from the Baltimore-Washington Parkway (69-026), which is a Prince George's County historic site listed on the National Register of Historic Places. The existing East Pines development (69-044) was recorded on a Determination of Eligibility form in 2011 and determined not eligible for listing in the National Register of Historic Places. A Phase I archaeology survey is not required.

16. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site applicable to this case:

Development Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-0038-2019	N/A	Staff	Approved	8/12/2019	N/A
4-19031	S-138-2019	Planning Board	Approved	5/2/2020	2020-75

Grandfathering
The project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

Site Description
A review of the available information indicates that the site contains no regulated environmental features such as a stream, wetlands, associated buffers and 100-year floodplain. The soil types found on-site according to the United States Department of Agriculture Natural Resources Conservation Services (USDA NRCS) Web Soil Survey (WSS) are Christiana-Downer-Urban land complex, and Urban land soils. Marlboro clay is not present, but Christiana clays are identified on-site. According to the Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered species found to occur on or near this property. There is a high location in the southern portion of the property and the on-site stormwater drains to the north, towards Riverdale Road to the roadway storm drain system. This site is in the Brier Ditch watershed which flows into the Anacostia and then the Potomac River. The site is located within the Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Sector Plan Conformance
The site is located within the 2017 Approved East Riverdale-Beacon Heights Sector Plan. In the approved plan, the Environmental Infrastructure section contains goals, policies, recommendations, and strategies. The following guidelines have been determined to be applicable to the current project. The text in BOLD is the text from the master plan and the plain text provides comments on plan conformance.

Approved East Riverdale-Beacon Heights Sector Plan (2017)

Policy NE1: Pursuant to Strategy 2.3(a) of the 2017 County Wide Green Infrastructure Plan, strictly limit development impact to regulated environmental features to those absolutely necessary and unavoidable for construction of road crossings, the installation of necessary public utilities, or the placement of stormwater outfalls when no alternatives are feasible. Discourage new development or redevelopment within the Primary Management Area. Sufficient developable and redevelopable property exists within the sector plan area to support anticipated levels of development without needing to build in regulated or protected areas.

The subject property does not contain any Countywide Green Infrastructure network areas or regulated environmental features.

Policy NE2: Manage stormwater through a combination of regional or shared and on-site facilities, using a variety of best practices.

This proposal is for the existing apartment complex to be demolished and to construct a new residential and commercial development. The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues in accordance with Subtitle 32 Water Quality Resources and Grading Code. This requires that the environmental site design be implemented to the maximum extent practicable. The site has an approved SWM Concept Plan. A SWM Concept Approval Letter (23685-2019-00) and associated plan were submitted with this application for this site. The concept plan shows the entire development and proposes to construct five micro-bioretention facilities on-site. No stormwater outfalls are proposed and there are no regulated environmental feature impacts.

Policy NE3: Implement stormwater retrofit and stream stabilization projects within or near the sector plan area.

Policy NE4: Evaluate the potential to restore the channelized Captain John's Branch and Brier's Mill-Run tributaries to their natural, pre-development state.

The subject property does not contain any regulated environmental features, and is not located adjacent to Captain John's Branch or Brier's Mill Run or one of their tributaries.

Policy NE5: The County, state and federal governments should collaborate on proactive flood protection measures within the sector plan area.

The subject property does not contain any regulated environmental features, which include floodplains.

Policy NE6: Encourage the use of environmental site design practices and green building techniques that reduce overall resource use and energy consumption.

The development applications for the subject property that will require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged to be implemented to the greatest extent possible.

Policy NE7: Encourage residents and workers throughout the sector plan areas to walk, bike and take transit.

Improvements to pedestrian and bicycle infrastructure which can encourage residents and workers to walk or bike are discussed in the Trails finding. This project's location next to the Purple Line will encourage residents and visitors of the development to take transit.

Policy NE8: Revise and expand the Countywide Green Infrastructure Network as needed to preserve and protect critical environmental features.

The subject property does not contain any Countywide Green Infrastructure Network areas.

Conformance with the Countywide Green Infrastructure Plan
According to the Countywide Green Infrastructure Plan, the subject property does not contain any Countywide Green Infrastructure Network areas.

Environmental Review

Natural Resources Inventory/Existing Conditions
An approved Natural Resource Inventory plan (NRI-038-2019) was submitted with the review package, which was approved on August 12, 2019. The NRI verifies that the site contains no woodlands, regulated environmental features, or specimen trees. No revisions are required for conformance to the NRI.

Woodland Conservation
This site is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it contains less than 10,000 square feet of existing woodland and has no previously approved tree conservation plans. A Standard Letter of Exemption, S-138-2019, was issued on October 2, 2019.

Soils/Unsafe Land
The soils found to occur according to the USDA NRCS WSS are Christiana-Downer-Urban land complex, and Urban land soils Russet-Christiana-Urban land complex. According to available information, Marlboro clay is not present, but Christiana clay does occur on, or in the vicinity of this site. The site is fully developed with five building structures and associated parking. There are steep slopes throughout the property, but the strong concentration of them are located along the northern and western property lines. Since the site contains Christiana clays and these areas will be disturbed and have building loads, DPIE will require soil testing for un-safe soils to determine safety factor limits. The applicant will be required by DPIE to follow the guideline for over consolidated clays.

17. **Urban Design**—The development of 250 multifamily residential dwellings and 25,000 square feet of retail will be subject to DSP approval.

Conformance with the Requirements of the Prince George's County Zoning Ordinance
Multifamily dwellings with ground floor commercial uses are permitted in both the R-18 and R-55 Zones pursuant to Footnote 131 (approved by Council Bill CB-57-2018) as follows:

(A) The proposed development is located on a lot(s) or parcel(s) of less than five (5) acres in size;

(B) The applicable area Master Plan or Sector Plan recommends mixed use as a future land use on the lot(s) or parcel(s);

(C) All commercial uses permitted in the C-S-C zone shall be permitted on the ground floor of a multi-family building;

(D) The property is located adjacent to an existing or proposed light rail transit station;

(E) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;

(F) Regulations concerning lot size, net lot area, lot coverage and green area, lot width, yards, building height, density, FAR, accessory buildings, bedroom percentages, and other regulations applicable to development in the R-18 and R-55 Zones shall not apply. Instead, the approved Detailed Site Plan shall set forth all development regulations to be followed, and shall include review and approval of architectural elevations;

(G) The Detailed Site Plan shall be subject to the Prince George's County Landscape Manual; and

(H) The Detailed Site Plan shall include a traffic impact analysis which evaluates traffic capacity at critical intersections. (Council Bill CB-57-2018)

The site's conformance with the requirements of Footnote 131 will be reviewed at time of DSP.

In addition, the proposed development will need to show conformance with other appliable requirements in the Zoning Ordinance, including but not limited to the following:

- Parts 11 and 12 of the Zoning Ordinance regarding parking and signage, respectively.

Conformance with the 2010 Prince George's County Landscape Manual
The proposed development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements are applicable to this development. Conformance with the requirements of the Landscape Manual will be evaluated at time of DSP.

Conformance with the Tree Canopy Coverage Ordinance
Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance , requires a minimum percentage of the site to be covered by tree canopy for any development projects that proposes more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties zoned R-18 and R-55 are required to provide a minimum of 15 percent of the gross tract area to

be covered by tree canopy. Compliance with Tree Canopy Coverage Ordinance requirements will be further evaluated at time of DSP.

15. **Noise**—A Phase I noise analysis, dated July 19, 2019, was prepared by Phoenix Noise and Vibration and was submitted by the applicant with this PPS. The analysis accounted for noise impact from surrounding roadways, including both the Riverdale Road and Veterans Parkway portions of MD 410 as well as the Baltimore-Washington Parkway. The analysis also accounted for noise from the future Purple Line tracks.

The analysis addressed outdoor noise based on conceptual building design and location, and the noise measurement results indicate that the site will be subject to noise levels above 65 dBA Ldn. The analysis stated that the rooftop amenity will be impacted by transportation noise levels slightly above 65 dBA Ldn, with a maximum impact of 68 dBA Ldn at the northwest corner of the rooftop. If a parapet will be used around the rooftop of the building, it may provide the necessary noise reduction for the rooftop amenity, depending on the height of the parapet wall. No other outdoor activity areas currently proposed will be impacted by noise levels above 65 dBA Ldn.

Dwelling units on the north and west elevations will also be impacted by noise levels above 65 dBA Ldn, with a maximum impact of 74 dBA Ldn expected on the north elevation directly facing Riverdale Road and the future Purple Line. The residential units exposed to noise levels above 65 dBA Ldn require further analysis to determine whether the proposed building architecture will be capable of maintaining interior noise levels at the required limit of 45 dBA Ldn. This analysis can only be conducted once architectural plans are further developed. A Phase II noise study shall be provided prior to acceptance of the DSP, which evaluates how noise impacts will be mitigated for the proposed building and the rooftop outdoor activity area. To ensure that the necessary interior noise levels are maintained, at the time of building permit the building shall have acoustical certification that the building shell has been designed to reduce interior noise levels in the affected units to 45 dBA Ldn or less.

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

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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, Doerner and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, May 7, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of May 2020.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY

David S. Warner /s/
M-NCPPC Legal Department

Date: May 12, 2020