



Loiederman
Soltész Associates, Inc.

July 26, 2012

Mr. Steve Adams
Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Cafritz Property
LSA No.: 2411-05-01
Variance from Section 25-122(b) (1) (G)



Dear Steve:

The following information is provided pursuant to the need to apply for a variance from Section 25-122(b) (1) (G) for the removal of thirty-four (34) specimen trees in the development of the above referenced project. The intent of the variance request is to provide justification for this removal in accordance with the requirements of Section 25-119(d) (1).

The Cafritz property consists of 37.35 gross acres of land located in northwestern Prince George's County, on the eastern side of Baltimore Avenue (US Route 1). The site is located in the developed tier and lies within the Town of Riverdale Park. The site is bounded to the east by the existing CSX rail line and the CSX right of way, to the south the property adjoins the existing Post Office facility, the National Guard Armory, the old industrial area along Maryland Avenue and the Maryland Avenue right of way it self. To the north the Cafritz site bounds open land owned by WMATA, and to the west is US Route one. The site is comprised of one parcel, parcel 81, on Prince George's County Tax Map 42 Grid D2. The site was previously developed in the 1940 with multifamily housing for workers at the ERCO plant east of the CSX tracks, and after World War II was used as housing for returning veterans attending the University of Maryland. Today approximately 90% of the property is wooded and it is zoned M-U-TC. Remnants of past development activity still remain on the site including old road beds, concrete slabs and abandoned underground utility lines.

This site did not have final Preliminary Plan approval prior to September 1, 2010. Therefore, the new requirements for Subtitle 25 are now applicable to the site. The existing specimen trees are scattered somewhat randomly throughout the property. However, larger groups can be found along the western and northeastern boundaries of the site. The southeastern portion is clear of specimen trees. Multifamily and townhomes are proposed for portion of the site east of the existing trolley right of way, however there will be some townhomes and multifamily units west of the existing trolley right of way. The western side of the site will be comprised of primarily retail, commercial, and office. Three specimen trees are proposed to be retained as part of the proposed development. Retaining all of the specimen trees on the site would cause unwarranted hardship on the applicant. The intent of this letter is to provide justification for these impacts in accordance with the requirements of new Section 25-119(d) (1).

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

The site shape and surrounding conditions are unique to the property, and create specific development constraints. Off-site conditions such as the existing CSX railroad to the east, the postal facility to the south and WSSC water line which bisects the site all create limitations on the site. Additionally the requirement to provide for improvement of the trolley trail through the site and the CSX crossing to M Square is special to this site. The site access is limited to the west of the site (from Baltimore Ave.) and to the south from Maryland Avenue, site access to the north is not allowed and the CSX crossing is required by the District Council order 11-2012 and will provide a connection to the M Square site east of the tracks. The specimen trees are primarily in the western and northeastern areas of the site. The current proposed layout has been carefully designed to minimize the impact to the existing environmental features and specimen trees while still serving the needs of the mixed use town center development and providing the infrastructure including SWM necessary to support development. Preservation of many of the specimen trees would severely limit the viability of the site for development as a mixed use property with retail, commercial, office, and residential.

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

Residential and retail uses exist in most of the site's surrounding area. Wooded area exists as well. The existing postal facility creates an irregular shaped narrow parcel east of the trolley right of way. The site topography varies significantly across the site, requiring an extensive earth moving operation to prepare the site for development. Additionally a WSSC 30 inch water line bisects the site along the existing trolley trail right of way. The development of this site proposes the removal of specimen trees that hinder the retail, commercial, and residential development. The development of this site does propose the retention of three specimen tree within the property boundary. The decision to either remove or retain specimen trees is in keeping with the surrounding area's development character of residential/commercial/retail or undeveloped forest. The site is located in the developed tier and is located inside the capital beltway near the College Park Metro Station, the Riverdale Park MARC station and the future River Road Purple line station. Given the existing site constraints (topography, water line, CSX railroad and Metrorail right-of-way) already dictating and limiting developable area, further limiting of developable area by protecting the root zones and specimen trees will deprive the applicant of the opportunity to create a functional, vibrant and efficient mixed-use development.

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

As explained in (A) and (B) above, not granting this variance will prevent the project from being developed in a functional and efficient manner. In fact this request is consistent with District Council order 11-2012. Granting this variance will not confer a special privilege to the applicant, but instead will allow the applicant to develop the site in the most functional and efficient development for the surrounding community and in conformance with district Council order 11-2012.

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

The request is based on the existing conditions of the site and the associated requirements for development including the approved Development Plan (A-10018). The applicant has provided a layout that meets zoning requirements; addresses comments received from the MNCPPC of the Environment, and conforms to the requests of the surrounding municipalities. That this project proposed to remove specimen trees, is not a condition or circumstance which was the result of any action by the applicant.

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

The request to remove the specimen trees does not arise from any condition on a neighboring property.

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

The site will be designed to conform to the new Stormwater Management Regulations that went into effect May 5, 2010. These regulations require that stormwater management measures are designed such that post-development conditions mimic a pre-development condition of a site as "woods in good condition". Because the site is required to meet these water quality requirements, the loss of the specimen trees will not adversely affect the water quality. Additionally, there is no SWM on the existing site so storm water runoff is unmanaged. The development of the site and contemporary SWM devices, water quality will not be adversely affected.

Mr. Steve Adams
July 26, 2012
Page 4 of 4

Based upon the above, this property meets the criteria for a variance for specimen tree removal. Failure to grant the variance would result in an unwarranted hardship to the applicant. If you have any further questions or concerns, please do not hesitate to contact our office.

Sincerely,

LOIEDERMAN SOLTESZ ASSOCIATES, INC

A handwritten signature in black ink, appearing to read 'THD', with a long horizontal line extending to the right.

Timothy H. Davis, RLA, AICP, LEED BD+C
Associate