

**THIS IS A DRAFT DOCUMENT AS OF 10:30 A.M. ON 1/9/12 AND IS
SUBJECT TO REVISION**

DRAFT

CAFTRITZ PROPERTY

CONSENSUS CONDITIONS

1/9/2012

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. Except as provided in subparagraph c., Detailed Site Plan approval shall be required prior to the approval of a special permit or final subdivision plat, prior to the issuance of any permit, and concurrently with or after the approval of a special exception, for all new development and redevelopment on the property. Each application for a special permit, final subdivision plat, other permit or special exception must be consistent with an approved Detailed Site Plan for the site.
 - b. The Detailed Site Plan shall be in accordance with the Cafritz Property at Riverdale Park Development Plan and the site design guidelines of Part 3, Division 9, of the Zoning Ordinance. Development depicted on each Detailed Site Plan must be in general conformance with Map 1: Concept Plan A or Concept Plan B, dated January 7, 2012, (attached as Exhibits 1 and 2) particularly with regard to site design and circulation, with the goal of creating a mixed-use community. Flexibility should be allowed in achieving this mixed-use community goal by allowing for a redistribution of the proposed maximum gross floor area of commercial uses throughout the site in order to encourage each phase of the development to include a mix of commercial and residential uses, including consideration of residential uses west of 46th Street and limited supporting retail uses near the intersection of Van Buren Street and Rhode Island Avenue.
 - c. Detailed Site Plan approval shall not be required prior to the issuance of a permit when the proposed development or redevelopment does not increase the gross floor area by 15% or 7,500 square feet, whichever is less.
 - d. Except for those permits described in subparagraph c. above, the Detailed Site Plan requirement in subparagraphs a. and b. above supersede the Building Permit Application Process and Special Permit Process set forth on pages 65-66.
2. Revise the Mixed-Use Town Center Development Plan Design guidelines as set out in the attached Exhibit 3. In addition, include provisions for loading dock requirements such that they are screened from the street. The applicant's current plan has multi-family buildings looking directly on a loading dock; it would be more appropriate if the dock was gated and shielded via a courtyard or otherwise screened from view.

**THIS IS A DRAFT DOCUMENT AS OF 10:30 A.M. ON 1/9/12 AND IS
SUBJECT TO REVISION**

3. Surface parking lots shall be mitigated with buildings, monuments, a clock tower and landscaping in order to create a true gateway into the community and to provide an inviting entrance to pedestrians and vehicles alike, including creation of a “pedestrian oasis” in the middle of the block to reduce the psychological barrier of the large amount of parking between the store and Baltimore Avenue consistent with the Riverdale Park Gateway Park concept dated January 7, 2012 (attached as Exhibit 4).
4. Construct the Rhode Island Avenue hiker/biker trail portion of the right-of-way during construction of the first three major buildings, and commit to keeping the trail open to the public during construction as much as possible.
5. A 30-40 yard deep buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable. This depth of buffer may be reduced north of Van Buren Street with approval by the Town of University Park and M-NCPPC staff by providing berms, retaining walls, landscaping, or other screening of the parking lot from the residences to the west consistent with the Parking Sections exhibit dated January 7, 2012 (attached as Exhibit 5). In no event shall the buffer be less than twenty (20) yards [sixty (60) feet] deep.
6. Prior to acceptance of any application for a preliminary plan of subdivision, the following information shall be provided:
 - a. A Phase 1 noise and vibration study to determine the location of the unmitigated 65 dBA Ldn noise contour for the adjacent CSX right-of-way, which includes at a minimum, the associated railroad noise and the whistle blower. The 65 dBA Ldn noise contour shall be shown on all future plans;
 - b. A revised Stormwater Management Concept Plan that designates the property as a new site and complies with CB-15-2011 to provide more Environmental Site Design to the Maximum Extent Practicable, with the goal of no new impact on the tributary drainage into the Northeast Branch of the Anacostia River. The proposed plan shall show the use of environmental site design technologies such as bio-retention, infiltration, and especially green roofs to the Maximum Extent Practicable. The concept shall be correctly reflected on the Type I Tree Conservation Plan. The developer will provide copies of all stormwater submittals to all municipalities 30 days prior to filing with DPWT and notification of and invitation to all meetings between the developer and DPWT.
 - c. A Revised Traffic Impact Study that:
 - i. Accurately reflects the development proposal and anticipated phasing;
 - ii. Eliminates corridor averaging for all intersections included in the Study;
 - iii. Analyzes midday and weekend traffic impacts;
 - iv. Analyzes all proposed connections, including all proposed CSX crossings and Maryland Avenue;
 - v. Analyzes the impact on the intersections included in the July 27, 2011 study, as well as Queensbury Road, existing Maryland Avenue, Rhode Island Avenue south of Town Center, Lafayette Avenue, and Natoli Place, River Road and other roads as appropriate;

**THIS IS A DRAFT DOCUMENT AS OF 10:30 A.M. ON 1/9/12 AND IS
SUBJECT TO REVISION**

- vi. Provides for mitigation of traffic impacts through measures including but not limited to rideshare, Zipcar (or similar) programs, bikeshare, enhanced transit service such as a shuttle and/or circulator bus, and the CSX crossing
 - vii. Considers all future development and its effects on the corridor for any projects that have an approved Detailed Site Plan or Preliminary Plan of Subdivision; and
 - viii. Does not take a discount by redirecting existing traffic on East-West Highway that would not otherwise travel up Baltimore Avenue to the Cafritz Property.
- d. A valid approved natural resources inventory under the current environmental regulations that addresses the required information as outlined in the current Environmental Technical Manual;
 - e. A draft report detailing the Phase II archeology investigations;
 - f. A proposed grading plan and construction phasing plan and timetable, including square footage of development by use for all proposed development tied to DSP submittals. . . ;
 - g. Upon completion of construction, roads are to be turned over to the Town of Riverdale Park as public rights-of-way; and
7. The Applicant shall submit an application 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 agrees to pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If, based on pre-entitlement review, full certification through LEED-ND is not practicable, then Applicant shall at Detailed Site Plan provide a LEED score card that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the developer and the municipalities (and pursued by the Applicant at its expense), at minimum the Applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Town of Riverdale Park and the Applicant
8. Submittal of a Transportation Management Plan (“TMP”) for the entire development at Preliminary Plan of Subdivision. The TMP will include provisions to provide for the full funding of the TMP by the owners of the Property. The TMP and funding obligations shall run with the land until such time as a Transportation Demand Management District (“TDMD”) is established and includes the property. Once a TDMD is established, the TMP would become part of the District and would be monitored by the Transit Management Authority (“TMA”). The TMP will establish a series of measures to achieve a maximally efficient use of the adjacent transportation facilities. As the project is developed and occupied, modifications and additions to the TDM shall be considered.

**THIS IS A DRAFT DOCUMENT AS OF 10:30 A.M. ON 1/9/12 AND IS
SUBJECT TO REVISION**

The TMP shall establish trip reduction goals with reporting and monitoring provisions subject to independent verification. Specifics of TMP shall include elements referenced in applicant's letter to Susan Lareuse dated November 15, 2011, pages 9-10, and car and bike share and residential and employee subsidies. TMP shall also provide for a private shuttle to be provided at applicant's expense. Establish a Transportation Demand Management program under the Prince George's County Transportation Demand Management District Ordinance, the timing for which shall be determined at Preliminary Plan. The Plan shall provide for traffic reduction goals and periodic independent verification of whether the goals have been met, including restricting the maximum allowable density to a level that will generate average net additional daily vehicle trips on Baltimore Avenue that are no more than 20% above current levels and net additional peak hour trips that are no more than 20% above current peak-hour vehicle trips at AM (06:00-09:00), mid-day (11:00-14:00), PM (16:00-19:00), and Saturday (08:00-20:00). These counts will be performed at fixed locations located between East-West Highway and the southern entrance, and between Queens Chapel Road and the northern entrance, to the project and will be based upon traffic estimates that have been reviewed and determined to be appropriate by the Transportation Planning Section of M-NCPPC. If not met, additional measures to resolve the problem will be required.

9. Applicant shall make provisions at Preliminary Plan of Subdivision that it will provide a private shuttle vehicle to and from the Prince George's Plaza Metro station and the College Park Metro station as necessary to achieve a 15-minute headway between 6:30 a.m. to 9:00 a.m. and 4:30 p.m. to 7:00 p.m., Monday through Friday. This requirement may be provided as part of the TMP and may be satisfied privately or by participating in one or a combination of existing or future adjacent public transportation services. Specifications and assurances for any shuttle service shall be provided prior to issuance of any use and occupancy permit. Service is to continue until there is a preferred alternative approved by the municipalities and the Applicant may substitute an equivalent to the private shuttle service.
10. Applicant shall make provision that at Preliminary Plan of Subdivision that it will participate with the establishment and maintenance of a TDMD and will provide financial support, details to be determined at Preliminary Plan. Boundaries of the TDMD will extend from Paint Branch Parkway to Queensbury Road.
11. Applicant shall make provision at Preliminary Plan of Subdivision that it will participate in a circulator bus program whether as part of a TDMD or other effort, and shall contribute funds for this purpose. Details to be set at Preliminary Plan of Subdivision.
12. Provision of a traffic signal at US Route 1 and Van Buren Street with channelization as shown on Sheet 4 of the Development Plan attached hereto as Exhibit 6. A condition of approval of the Preliminary Plan of Subdivision shall be that Applicant, prior to approval of any DSP for the project, shall submit a traffic signal warrant study following the accepted methodology of DPW&T or the Maryland State Highway Administration for the intersection of Baltimore Avenue and Van Buren Street. This analysis will examine both existing and total projected traffic volumes. If signals are deemed warranted by the

**THIS IS A DRAFT DOCUMENT AS OF 10:30 A.M. ON 1/9/12 AND IS
SUBJECT TO REVISION**

appropriate agency, the Applicant shall initiate a bond to secure the entire cost prior to the release of any building permits within the subject property and shall agree to install the signals directed by DPW&T or the State Highway Administration. Further, subject to SHA approval, Applicant shall install the traffic control devices as noted on the Development Plan (Pork Chops Island) to direct traffic so that no traffic may directly access or egress the property across Baltimore Avenue along Van Buren Street. Both entrances and exits at Woodberry and Wells Parkway, respectively north and south of the Van Buren “gateway,” must be right turn only in and out. If for any reason, including lack of warrants or SHA or other required governmental approval, the traffic signal and other traffic control devices described in this paragraph are not installed, or cannot be installed, at Van Buren and Baltimore Avenue, no permits may be issued.

13. Prior to approval of a special permit, special exception, detailed site plan, or grading permit, whichever is first, every effort shall be made to meet the ten percent tree canopy coverage requirement through the **preservation** of existing mature woodland, specimen trees and other large existing trees, and landscaping rather than through new plantings, fees in lieu or other mitigation measures.
14. The commercial anchor of the Proposed Project will be a Whole Foods specialty grocery store consisting of approximately 32,000 square feet gross floor area (the “grocery store”) or comparable specialty grocery store constructed and operating in the location labeled on the Development Plan as “BLOCK 6d RETAIL/COMMERCIAL/OFFICE” (“the Development Site”) on the Development Plan submitted with the application for the Zoning Reclassification.
 - a. Promptly after approval of the Zoning Reclassification Developer shall file an application with the appropriate government authorities, pursue diligently, and use commercially reasonable efforts to obtain all necessary permits and approvals for the development and operation of the grocery store on the Development Site including, but not limited to approvals of a Preliminary Plat of Subdivision, Detailed Site Plan, Final Subdivision Plat and development and construction permits.
 - b. Promptly after receipt of all necessary approvals and permits, Developer shall proceed diligently to construct the grocery store on the Development Site, with the expectation that the grocery store will be open for business not later than January 1, 2015 (the “Opening Date”). The Developer and Town understand that Developer’s construction schedule and opening date for the grocery store may be affected by acts of government authorities, acts of *force majeure*, and other acts beyond the control of Developer, but Developer shall use commercially reasonable efforts to achieve the Opening Date.
 - c. The Town recognizes that lease issues, Whole Foods or Developer business issues, or other factors may prevent Whole Foods from opening the grocery store or may result in Whole Foods closing the grocery store after it has opened. Town agrees that Developer may substitute for Whole Foods another brand name specialty grocery store of similar size and whose operation utilizes comparable product lines,

**THIS IS A DRAFT DOCUMENT AS OF 10:30 A.M. ON 1/9/12 AND IS
SUBJECT TO REVISION**

product variety and quality, and service standards. As examples, and not by way of limitation, for purposes of this Paragraph comparable brand name specialty grocery stores would include Trader Joe's and Fresh Market.

d. For a period of five (5) years from the issuance of a use and occupancy permit for the grocery store, the Development Site may not be used for any purpose other than the grocery store.

15. At the time of preliminary plan, the Type I tree conservation plan shall demonstrate that the woodland conservation threshold has been met on-site to the fullest extent practicable. At a minimum, preservation shall be focused on the highest priority areas (Forest Stands 1 and 3).
16. Submit a Detailed Site Plan for the Cafritz Property that:
 - a. Reduces the planned surface parking area and ensures that at least 80 percent of the parking for the development is in structured parking during all phases of construction after completion of construction of the first multi-family building in the project;
 - b. Precludes vehicular access to the Calvert Hills residential neighborhood to the north and Tuckerman Street to the south;
 - c. Includes Design Standards for sustainability that address environmental health, air and water quality, energy efficiency, and carbon neutrality; and
 - d. Terminates Van Buren Street at a building or enhanced park feature.
17. Establish a trip cap of 548 AM new peak hour trips and 902 PM new peak hour trips for full build out of the development that may be amended, but not increased at the time of Preliminary Plan. The trip cap will not include purely internal trips.
18. Prohibit clear-cutting or re-grading any portion of the development until a Detailed Site Plan for that portion of the site has been approved.
19. Applicant shall make provisions at Preliminary Plan of Subdivision to construct, to at least a similar standard as the existing Maryland Avenue roadway to the immediate south of the Property, an extension of Maryland Avenue from the southern boundary of the Property to where the existing roadway ends north of Tuckerman Street as shown on Schedule 1 attached hereto. Provided right-of-way exists, construction of the Maryland Avenue extension must be completed before Prince George's County issues the first use and occupancy permit for any retail, office or hotel use on the Property. No portion of any building on the Property may be used or occupied for retail, office, or hotel use until construction of the Maryland Avenue extension has been completed and opened for travel by public safety and emergency service vehicles.
21. Prior to the approval of a Preliminary Plan of Subdivision (the "Preliminary Plan"), the Applicant shall do the following, all in a manner acceptable to Prince George's County and the Town of Riverdale Park:

**THIS IS A DRAFT DOCUMENT AS OF 10:30 A.M. ON 1/9/12 AND IS
SUBJECT TO REVISION**

- i. On the Preliminary Plan show a crossing over the adjacent CSX railroad tracks (the "CSX Crossing"). The "CSX Crossing" shall mean a bridge, raised roadway, underpass or any other type of way, including on-site and off-site approaches, for vehicles, bicycles and pedestrians to pass across the railroad right-of-way to travel between the subject property and lands to the east of the property.
- ii. Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.
- iii. Provide a letter from the University of Maryland that recommends approval of the CSX Crossing as shown on the Preliminary Plan and identifies the land or right-of-way acquisition cost, if any, necessary for the construction of the CSX Crossing on land owned by the University.
- iv. Provide cost estimates for the design, permitting and construction of the CSX Crossing, including off-site land or right-of-way acquisition costs, if any.

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

The implementation of the CSX Crossing shall be in accordance with the following:

- i. No permits may be issued for development on the property until the Applicant (a) has submitted a roadway plan for the location and design of the CSX Crossing to CSX, or to AECOM or other agent designated by CSX, and to the University of Maryland, and (b) has received letters from both of them that approve the construction of the CSX Crossing in accordance with the roadway plan, subject to approval and authorization of the final construction plan, and verification by the Department of Public Works and Transportation that the roadway plan is appropriate for

**THIS IS A DRAFT DOCUMENT AS OF 10:30 A.M. ON 1/9/12 AND IS
SUBJECT TO REVISION**

construction of the CSX Crossing and has been approved by CSX and the University of Maryland. .

- ii. No building permits may be issued for more than 100,000 square feet of retail, office and hotel space nor for more than 120 residential dwelling units until the Applicant (a) has received all necessary permits and approvals for construction of the CSX Crossing, (b) has provided the Prince George's County Department of Public Works and Transportation with all approved financial assurances and performance security to ensure completion of construction of the Crossing, and (c) has commenced construction of the CSX Crossing as verified by the Prince George's County Department of Public Works and Transportation.
 - iii. No use and occupancy permits may be issued for more than 100,000 square feet of retail, office and hotel space nor for more than 120 residential dwelling units until construction of the CSX Crossing is at least 50% complete as verified by the Prince George's County Department of Public Works and Transportation, and the Department of Public Works and Transportation has verified that all approved financial assurances and performance security to ensure completion of construction of the Crossing remain in full force and effect.
 - iv. No building permits may be issued for more than 382 residential dwelling units until the CSX Crossing is open for use by public vehicular traffic as verified by the Prince George's County Department of Public Works and Transportation.
 - v. Applicant shall timely provide the Towns of Riverdale Park and University Park, the City of College Park, and the Prince George's County Department of Public Works and Transportation with copies of all submittals, notices, approvals and determinations made pursuant to this condition.
22. Delete the following Technical Staff Report conditions:
- 2g. This condition is addressed in the Applicant's revised concept plans.
 - 12. Preferred language is contained in the Town's consensus conditions 4 and 13.
 - 4. Off-site parking should not be necessary.
 - 10d. Preferred language is contained in the Town's consensus condition 13.
 - 10f. Preferred language is contained in the Town's consensus condition 5b.
23. Revise the following Technical Staff Report conditions:
- 2f. Retain the requirement for a US 1 street and streetscape standard and eliminate the requirement for a US 1 build-to-line.

**THIS IS A DRAFT DOCUMENT AS OF 10:30 A.M. ON 1/9/12 AND IS
SUBJECT TO REVISION**

- 3d. Eliminate the consideration for combining the Rhode Island Avenue trolley trail and vehicular roadway and require that the the trolley trail be shown connecting to the terminus of the existing trail at Albion Street and south to Tuckerman Avenue.
7. Reword to state that the plans shall locate surface parking lots and parking structures to minimize their impacts on the pedestrian zone and streetscape environment.