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## Detailed Site Plan DSP-10028 (Remanded)

Application	General Data	
<p><b>Project Name:</b> Maryland Book Exchange</p> <p><b>Location:</b> The east side of Baltimore Avenue (US 1), north of College Avenue and west of Yale Avenue, within the City of College Park.</p> <p><b>Applicant/Address:</b> R &amp; J Company, LLC c/o Josef Mittleman PO Box 522 Locust Valley, NY 11560</p>	Planning Board Hearing Date:	09/13/12
	Staff Report Date:	08/31/12
	Date remanded:	07/24/12
	Planning Board Action Limit:	09/21/12
	Plan Acreage:	2.71
	Zone:	M-U-I/D-D-O
	Dwelling Units:	284-304
	Commercial Floor Area:	13,844 sq. ft.
	Planning Area:	66
	Tier:	Developed
	Council District:	03
	Election District	21
	Municipality:	College Park
200-Scale Base Map:	209NE04	

Purpose of Application	Notice Dates	
The redevelopment of the Maryland Book Exchange site with a single mixed-use building consisting of multifamily residential units and retail space on the first floor. Additional review required by the District Council's Order of Remand dated July 24, 2012.	Informational Mailing:	08/02/12
	Sign Posting Deadline:	08/14/12

<b>Staff Recommendation</b>		<b>Staff Reviewer: Lareuse/Fields</b> <b>Phone Number:</b> 301-952-4277/301-780-2458 <b>E-mail:</b> Susan.Lareuse@ppd.mncppc.org Meika.Fields@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-10028 (Remanded)  
Maryland Book Exchange

BACKGROUND

Detailed Site Plan DSP-10028 for Maryland Book Exchange was reviewed by the Planning Board on December 8, 2011 and January 19, 2012, and PGCPB Resolution No. 12-06 was adopted on February 23, 2012.

On July 24, 2012 the District Council voted to remand the case to the Planning Board for an additional evidentiary hearing to address specific issues and amendments to the detailed site plan in accordance with Sections 27-132 and 27-290 of the Zoning Ordinance.

REMAND FINDINGS

1. The District Council remanded the detailed site plan for Maryland Book Exchange to the Planning Board on July 24, 2012. The following in **bold** is the Remand Order, followed by staff comments:

**IT IS HEREBY ORDERED, after review of the administrative record, that Application No. DSP-10028, to approve with conditions a detailed site plan for the redevelopment of the Maryland Book Exchange site, with a single mixed-use building consisting of 313 multifamily residential units and 14,366 square feet of retail on property described as 2.71 acres of land in the M-U-I/D-D-O zones, located on the east side of Baltimore Avenue (US 1), north of College Avenue and west of Yale Avenue, College Park, is:**

**REMANDED, pursuant to §27-132 and §27-290, to the Planning Board to take further testimony, reconsider its decision, and to allow additional public comment. Having reviewed the record, the District Council has determined that there has been, among other issues, a lack of appropriate consideration of a number of aspects of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (hereinafter "the Plan"), which require a revision of the detailed site plan as follows:**

## Existing Residential Area and Development

1. The Plan contains the D–D–O–Z standard that a stepback transition and/or a landscape buffer *shall* be required for all new development within the corridor infill and walkable node areas, which are across the street from or share a rear property line with an *existing residential area*. The standard also indicates that development *shall* step down through the block to a maximum height of two or three stories facing *existing residential development*.<sup>1</sup> The Plan at 238 (emphasis added).
2. The Zoning Ordinance does not specifically define “residential area” or “residential development.” See Subtitle 27, Definitions, §27-107.01. In such instance, words and phrases not specifically defined or interpreted in this Subtitle or the Prince George's County Code shall be construed according to the common and generally recognized usage of the language. Subtitle 27 also states that technical words and phrases, and others that have acquired a peculiar and appropriate meaning in the law, shall be construed according to that meaning. §27–108.01(a) (7). For example, when the word “residential” is defined in Subtitle 27, it includes land devoted to both public and private facilities, and existing multifamily or attached one–family dwelling units.<sup>2</sup>
3. In Chapter 6 of the Plan, “existing residential” is designated as follows:

**Consists of the least dense residential areas, often adjacent to higher density zones that include some mixed use.**

The Plan at 228 (emphasis added).
4. The Planning Board clarified the “existing residential” properties across College and Yale Avenues as follows:

**The church and sorority house, which is a residence for sorority members, are considered contributing resources within the Old Town College Park Historic District. Based on permit research, the Episcopal Student Center, owned and operated by the St. Andrews**

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<sup>1</sup> The words “shall,” “must,” “may only” or “may not” are always mandatory and not discretionary. Zon. Ord. §27–108.01(19).

<sup>2</sup> See §27–107.01(a) (107) Gross Residential Density: The average density per acre for all residential land within a tract that comprises a single Comprehensive Design Zone development. It includes land devoted to both public and private facilities, but does not include “Street” rights-of-way which exist at the time of application and abut the perimeter of the tract, and (198.1) Residential Revitalization: The renovation or redevelopment of any form of existing multifamily or attached one-family dwelling units, or unimproved property on which multifamily dwelling units existed on January 1, 2011, but were subsequently razed as a result of condemnation proceedings initiated by the County, in a designated Revitalization Tax Credit District, where the renovation or redevelopment meets the standards and criteria in Section 27-445.10.

*Episcopal Church, is in use as a single-family detached dwelling being rented to student interns. The uses within the proposed building are compatible with the surrounding uses on adjacent properties. References to existing residential areas in the Sector Plan apply equally to both existing residential properties within the boundaries and residential areas outside the boundaries of the D-D-O-Z.*

PGCPB Resolution No. 12-06 at 9 (emphasis added).

5. The record demonstrates that the proposed new development is across the street from an *existing residential area* and faces an *existing residential development*. The existing developments, adjacent to the proposed new development, are zoned residential. Specifically, the R-18 zone is Multifamily Medium Density Residential, and the R-55 zone is One-Family Detached Residential. §27-109(a) (1), Classes of Zones, Subtitle 27, Part III, Zoning Ordinance Figures, Figure 8 (One-Family Detached). See also §27-436 for purposes of R-18 zone, and §27-430 for purposes of R-55 zone.
6. The Planning Board's reliance on the use in the proposed new development and its compatibility with surrounding uses is misplaced. Use is not the issue. The issue is building form and massing, and sensitivity to the adjacent neighborhood. Here, the adjacent neighborhoods are zoned *residential*. Pursuant to Subtitle 27, residential shall be construed according to the peculiar and appropriate meaning in the law. §27-109(a) (1), Classes of Zones, Subtitle 27, Part III, Zoning Ordinance Figures, Figure 8 (One-Family Detached). See also §27-436 for purposes of R-18 zone, and §27-430 for purposes of R-55 zone.
7. The rectory/student center directly across the street on Yale Avenue is the residence of five students. The sorority house across the street, and the sorority house that the site faces, are residential. When the Zoning Ordinance refers to *development* or activity occurring on one property and its impacts on another property—as is the case here—it is assumed that more than the land itself may be impacted. *Buildings, structures, and people may also be impacted, as the case may be.* Sec. 27-108.01(a) (5) (emphasis added). As a result, the Planning Board finding that this proposed new development is not across the street from or faces a residential area or development is in error.
8. On remand, after taking further testimony, and allowing additional public comment, the Planning Board shall evaluate and process the detailed site plan, as amended, and make findings subject to the requirement that the new development shall “step down through the block to a maximum height of two or three stories facing existing residential development”—as required in the standard of the Plan at 238.

**Comment:** The findings above indicate that the District Council disagreed with the applicant and the Planning Board in their interpretation of the development district standard contained in the Plan on page 238. Specifically, the applicant defined the existing uses located across College Avenue and Yale Avenue as institutional, and the

Planning Board agreed. The exact language of the development district standard is reiterated below:

“Where corridor infill and walkable node areas are across the street from or share a rear property line with an existing residential area, a setback transition and/or a landscape buffer shall be required for all new development within the corridor infill and walkable node areas.

“Stepback transitions are appropriate where corridor infill and walkable node areas are across the street from existing residential areas. This scenario is illustrated in the top two diagrams on this page, where a block that fronts US 1 is across the street from an existing residential block. The tallest buildings shall be located fronting US 1. The development shall step down through the block to a maximum height of two or three stories facing existing residential development. The top image illustrates the use of a mid-block parking garage that is masked by a residential liner building, while the middle image illustrates a surface parking lot that is similarly screened by townhouse liner buildings.”

In response to the eight District Council findings above, the applicant has provided a revised set of architectural elevations addressing the issue raised above, that the building should transition through a series of steps down in the height of the building and should be no more than three stories when facing “residential development.”

The standard above is written to address the number of stories, not a definitive building height. When addressing maximum building heights, the Zoning Ordinance is clear; it provides a maximum height in feet and it explains the exact way to measure the building height. The sector plan is not as precise; it simply addresses the number of stories. The Urban Design staff has reviewed the submitted architectural elevations as revised in response to the Remand Order and finds that the revised plans have reduced the height of the building to give an appearance of a maximum of three stories along the areas determined by the District Council to be existing residential areas.

### **Building Form and Massing Requirements**

**9. The Plan indicates that building form and massing requirements for new construction should be designed to ensure development is responsive to issue of scale, natural lighting, and pedestrian comfort. Plan at 237. The Plan contains Policies and Strategies as follows:**

- **Policy 4 — Ensure that development in the Central US 1 Corridor does *not* adversely impact the character of existing residential neighborhoods, at page 63.**
- **Strategy 1 of Policy 4 — Implementation of a transition in building density and intensity from more intense uses within the walkable nodes and corridor infill areas to less intense uses within and adjacent to residential neighborhoods, at page 63.**
- **Strategy 5 of Policy 4 — Ensure that redevelopment of Downtown College Park does not adversely impact the properties located within the Old Town Historic District, at page 64.**

- **Policy 4 — Ensure that existing residential communities are protected from potentially adverse impacts of new, higher-density development along US 1, at page 181.**

**10. This site is adjacent to the Old Town College Park residential neighborhood and the Old Town Historic District. The proposed development is not responsive to issues of scale, natural lighting or pedestrian comfort. As indicated in the record, the current design does not allow natural light to reach the residential units that face the courtyards. Further review is required to insure adequate pedestrian access and to address safety issues raised by pedestrian flow at Route 1 and College Avenue. The project's density, massing and scale are significantly larger than desired in this location.**

**Comment:** In the two statements above, the District Council expresses concerns relating to the building form and massing and their impact on the Old Town Historic District, specifically citing natural lighting and pedestrian comfort and safety at the intersection of Route One and College Avenue. In order to address some concerns, additional stepping down is proposed near the historic district. This revision to the architecture should help mitigate somewhat the impact of the building mass on adjacent neighborhoods, and should provide the protection from adverse impacts cited above in the Plan relating to the existing neighborhoods and the Old Town Historic District.

The issue of the courtyards not being wide enough to allow natural light into the units that face them has been addressed by Steve Gresham, AIA, and is discussed further in response to Remand Statement No. 13 on page 7.

In regard to the pedestrian circulation issue, the Transportation Planning Section analyzes this issue in response to Remand Statement No. 14 on page 9.

**11. As noted by the University of Maryland, campus views toward the project from the northwest, the South Gate of the University of Maryland, the Pocomoke Building and Fraternity row are of concern. The surface treatment of the north elevation is monolithic, and in addition to being stepped back as noted below, should be modified to integrate greater detail to establish a more varied façade on the North elevation. On the south, east, and west elevations, the site plan should create a more varied façade by adding additional rhythms in the bays and façade plane recesses and enhance the experience of the pedestrian at ground level by adding more varied storefront façade and additional pedestrian-scaled architectural detailing.**

**Comment:** In the above statements, the District Council expresses concerns regarding the surface treatment of the façade of the building on all four sides. In regard to the north elevation, justification for revisions to the façade includes creating more visual interest as viewed from adjacent properties owned by the University of Maryland. Therefore, staff recommends that the eastern portion of the north façade be treated similarly as the western portion of the façade in regard to the style and materials, as shown on the architectural elevations, prior to signature approval of the plans.

The statement above specifies that the south, east, and west elevations should create additional rhythms in the bays and façade plans and enhance pedestrian-level facades at the pedestrian level. The staff believes that the upper portions of the south and west elevations have been revised to address the issue of articulation of the building through bays and varying the façade planes. The east elevation reflects traditional residential-like façade treatment and materials. The applicant has not revised the elevations at the grade level, except to add the pedestrian access from College Avenue to the first courtyard. Staff believes that these facades will provide more visual interest through signage, lighting and window displays as the tenants of these commercial spaces are leased.

- 12. On remand, the Planning Board shall take further testimony, and allow additional public comment on a detailed site plan that provides a development with a stepback that starts with 1) a stepback transition that begins consistent with the R-18 zoning line on the south side of College Avenue, and 2) that drops to a maximum height of three stories along the entire Yale Avenue frontage for a minimum depth of 50 feet. Any roof structure shall not include habitable space or be used for hallways or other access to habitable space.**

**Comment:** The revised architectural elevations have addressed the stepback transition consistent with the R-18 zoning line on the south side of College Avenue by stepping down at the location consistent with the change in grade elevation. The stepdown reflected in the roof is consistent across the block. Further to the east a second stepdown occurs dropping the building from six to five stories, across the building spanning from the mid-block of College Avenue to the northeastern corner of the building. A third stepdown occurs from five stories to three stories approximately 25 feet from the face of the Yale Avenue. This final stepdown is concealed by the sloping hip roof depicted in the west elevation. Along Yale Avenue, the façade along the frontage is three stories of units with a steep two-story hip roof that conceals two floors of units located behind the roof (with no habitable space or corridor provided within the angled portion of the roof structure). Each of the two floors above the third floor are single-loaded outside of the roof-line and benefit from having natural light into the units as they front into the interior courtyard. The exterior of the Yale Avenue façade is attractive and has been reduced in height by one full floor from the version previously approved by the Planning Board. This reduction in height and mass makes the Yale Avenue end of the building more comparable in scale to the adjacent church building to the east.

The statement above included the following clause in point 2):

**“that drops to a maximum height of three stories along the entire Yale Avenue frontage for a minimum depth of 50 feet.”**

Although the precise intent of this statement has been subject to multiple interpretations, the consensus within the Planning Department is that it requires the three-story portion of the building along Yale Avenue to extend a minimum depth of 50 feet back from the Yale Avenue façade. The architectural elevations submitted in response to the Remand Order provide for approximately 25 feet of depth for the three-story structure. This would be more obvious if the three-story structure had a flat roof, as the slope of the hip-roof on the three-story structure conceals the five-story structure located approximately 25 feet beyond. The strictest reading of the language above would require the three story portion of the building to adhere to the 50-foot depth requirement and would result in the loss of

a minimum of 26 units, perhaps more. It should be noted that the revised plans address the College Avenue side of the building by extending the hip-roof line approximately 125 feet along the College Avenue frontage as three stories, far exceeding the minimum depth noted above, which also resulted in a loss of units.

The main issue is the intent of the setback, which is to reduce massing and scale of the building adjacent to the existing residential areas. The sloping hip roof does that, and even if the setback were 50 feet, instead of the 25 feet proposed, it would have very little effect in changing the perception of massing and scale of the building. Therefore, the staff finds that the applicant's proposal as presented fulfills the fundamental intent of the concept behind the requirement, that the massing and scale of the building should be compatible with the surrounding residential neighborhood.

In regard to the clause within the second sentence of Remand Point 11 above, stating **“and in addition to being stepped back as noted below”** referring to the north elevation, the Community Planning Division referral accurately addresses the originally revised elevations submitted:

“The order of remand finds that ‘The surface treatment of the north elevation is monolithic, and in addition to being stepped back as noted below, should be modified to integrate greater detailed to establish a more varied façade on the North elevation.’ (See paragraph 11 on page 5). The applicant has introduced brick and other materials from the US 1 (western) façade onto a portion of the north façade to provide additional architectural detail. The eastern half of the northern façade is unchanged from the original application. As outlined above in the discussion of the step-down transition, there may be additional opportunity to provide a more varied design along the northern face of the building, *incorporating aspects of the step-down transition, bay and plane recesses.*”  
(emphasis added)

Throughout the remand order, the issue of the scale and massing of the building has been emphasized, and this clause seems to address the same issue relative to the north facade. Further, the integration of the wrapping of the three-story façade and roofing element along Yale Avenue to the north side of the building has been difficult to understand, until the second revised architectural elevations and floor plans were submitted on August 28, 2012. These plans provide images of the background façades in a faded technique, where none were shown previously. However, the distance of the background façades can result in a misinterpretation of the visibility of those façades from the street or even adjacent properties, depending on the depth from the front façade. The submitted perspective drawings provide a tool with which to further analyze the impact of the stepbacks and transitions in the building mass.

The second revised architectural elevations provide a clearer image of the north elevations and the building massing. They also provide a clearer image of the integration of the northern end of the Yale Avenue façade and its integration and juxtaposition in relation to the north elevation. Staff believes that this area could be improved by reducing the building height from six to five stories at the easternmost side of the north elevation, beginning at the angled bend in the façade of the north elevation. Review of the floor plans indicates that this would result in the loss of three four-bedroom units. This recommendation will allow for better integration of the three-story building along

Yale Avenue to the resulting five-story north façade and will be responsive to the Remand Order’s apparent directive to step down the northern elevation, but at a logical and visually appropriate location along that elevation. The treatment of the exterior finishing of the building at this location should replicate that of the south east corner of the building.

13. **On remand, the Planning Board shall take further testimony, and allow additional public comment, on a detailed site plan, which include redesigned courtyards. The redesigned courtyards shall ensure infiltration of natural light during daylight hours to all units. Narrow courtyards as proposed are not acceptable. The site plan should provide at least one landscaped courtyard that is open and accessible from College Avenue. The Planning Board should also take further testimony, and allow additional public comment on the design of the courtyard that is adjacent to the parking area for safety, health, use-ability and conformance with the principles of Crime Prevention through Environmental Design (CPTED)—as stated in the Plan at 53.**

**Comment:** The revised architectural elevations do not include a revision to the footprint of the building in order to widen the courtyards. There are three courtyards shown on the plans, one of which is measured at an average of approximately 79 by 82 feet. This particular courtyard is almost square in configuration and clearly sufficient in size to address adequate natural light. This courtyard is proposed to be open and accessible from College Avenue. The landscape plan for this courtyard should be provided and reviewed by the Urban Design Section prior to signature approval. The other two courtyards measure 45 by 138 feet and 45 by 160 feet.

The applicant’s architect has submitted additional information in an e-mail dated August 24, 2012, Gresham to Lareuse:

“Following up on our telephone conversation, here are some facts related to the design of the courtyards:”.

“Building Code

“The International Building Code has requirements for the size of courts. Section 1206.3 states:

“1206.3 Courts.

“Courts shall not be less than 3 feet (914 mm) in width. Courts having windows opening on opposite sides shall not be less than 6 feet (1829 mm) in width. Courts shall not be less than 10 feet (3048 mm) in length unless bounded on one end by a public way or yard. For buildings more than two stories above grade plane , the court shall be increased 1 foot (305 mm) in width and 2 feet (610 mm) in length for each additional story . For buildings exceeding 14 stories above grade plane, the required dimensions shall be computed on the basis of 14 stories above grade plane.”

“Our eastern and center court are 5 stories above the level of the courtyard. Based on the requirements of the building code, the minimum

dimensions of the courts would be 9 feet wide x 16 feet long. (6' min. width + 3' increase for the three stories above two stories and 10' min. length + 6' increase for the three stories above two stories) The courtyards provided are 45' in width and 138' and 160' long.

“The western court is 6 stories above the level of the courtyard. The minimum dimensions of the courtyard would therefore be 10' x 18'. The courtyard provided is irregular in shape, but is an average of 79' wide and a minimum of 82' long.”

“Precedents

“There are at least two examples of similar courtyards close to the subject property with courtyards that are smaller than those planned for the Maryland Book Exchange.

“At the Mazza Grandmarc, a student housing project at 9530 Baltimore Avenue College Park, Maryland, approximately 2 miles north of the Book Exchange site, there are courtyards enclosed on 4 sides that are 45' x 55' and 45' x 100'. The buildings surrounding the courtyards are 4 stories in height.

“At Post Park, a market rate, luxury apartment project approximately 3 miles south west of the subject property at 3300 East West Highway, Hyattsville, Maryland there are three sided courts. These courts 42' x 95', 42' x 105' and 50' x 115'. Because of the building conditions, the courts are 5 stories on one side and 4 stories on the other. These courts are open to the north. While a simplistic analysis might lead one to believe that an opening to the north would improve the light in the courtyards, this is not the case. Adding a building that closes off the north side of the courtyard increases the light in the court because the building so placed will reflect more light into the court.

“Comparing these approved and built plans to the courtyards at the Maryland Book Exchange site shows that smaller and similarly scaled courtyards have been approved previously.”

**Comment:** The staff supports the applicant’s opinion that the proposed width of the courtyards will provide for adequate light and air into the lower level units that front on all of the interior courtyards. See Remand Statement 21 for discussion of CPTED principles as they apply to this application.

- 14. On remand, the Planning Board shall take further testimony, and allow additional public comment on a detailed site plan that provides for pedestrian access and flow at Route 1 and College Avenue to ensure that pedestrians can safely cross and sufficient space is provided at the corner of the building to ensure safe pedestrian movement between the front entrance of the building and handicap ramps to the building and street. A reduction of the curb radius at Route 1 and College Avenue should be considered.**

**Comment:** The plans have not been adjusted to change the configuration of either the

corner of the building or the curb radius at Route One and College Avenue. The Transportation Planning Section provided the following analysis regarding the pedestrian movement at the intersection of Route One and College Avenue in memorandum dated August 27, 2012:

In reviewing this issue anew as directed by the Remand Order, the following are noted:

- a. The Maryland State Highway Administration (SHA) has reconstructed this corner during the summer, and has reconstructed the curb along the radius shown on the plans. SHA coordinated this work with the City of College Park. The City has indicated that they wanted the curb radius reduced, and that SHA has indicated the radius is the minimum possible within that agency's standards.
- b. At this location, the curb radius is not necessarily the issue. Rather, there is a concern about the clearance between the corner of the building and the handicap ramps at the street corner.
- c. The plan allows a minimum eight-foot clearance between the corner of the proposed structure and the nearest handicap ramp at the street corner. SHA standards as well as the *2010 ADA Standards for Accessible Design* (United States Department of Justice) have been reviewed. While it is agreed that the eight-foot clearance meets and exceeds the minimum standards, a minimum standard is not an appropriate metric for a location such as this one. It is a location with moderate pedestrian activity already, and the applicant is placing the primary access to the residential building and the retail at that corner.
- d. It is noted that the plan itself makes the corner seem tighter than it will be. The plan shows wide sidewalks without obstruction on both the US 1 and College Avenue sides of the building. These clear areas make the corner seem more constricted than it actually will be. There is eight feet of clearance between the top of the handicap ramp and the structure, and a total of 14 feet clearance between the corner of the structure and the curb.
- e. The amount of clearance between the structure and the handicap ramp at the street corner is really a matter of judgment given the other pedestrian activity that is likely at that location, and not merely a matter of reading a standard from a manual. With the use of staff field observations, a number of circumstances or corners featuring handicap ramps and building corners in retail and commercial settings were observed.
- f. In most cases, the clearance between the structure is 5.5 feet or less, and as little as three feet. If we consider pedestrians coming and going, and then add a wheelchair moving through, this is not enough space. The wheelchair user will have difficulty claiming the space needed to maneuver unless pedestrians wait and allow the wheelchair user to pass.
- g. In a built environment, eight feet appears to allow sufficient space for a wheelchair maneuver and pedestrian activity.

- h. In areas of heavy pedestrian activity, corner buildings should open to mini-plazas allowing 12 feet of clearance or greater. The building on the subject plan was not designed in that manner, but considering the current activity plus the proposed uses, the amount of pedestrian activity is not heavy enough to justify a redesign.

In summary, a new review of the plans, applicable standards, and similar built environments was conducted. Based on the available information, no changes to the conditions associated with the plan approvals for this site are required. The findings of the Transportation Planning Section regarding this application are still applicable and should be carried forward.

- 15. On remand, the Planning Board shall take further testimony, and allow additional public comment on a detailed site plan that decreases modern-design elements and uses other material that relates better to the architecture in the Old Town Historic District on the north, south, east, and west elevations. Or a plan that employ materials, colors and decorative treatments that are compatible with the historic University of Maryland campus and the Old Town Historic District on all elevations.**

**Comment:** The plans have been adjusted to reduce the modern-design elements of the architectural elevations and have employed more traditional design elements in the façades of the building in regard to the south, east, and one-half of the north elevation. The adjustments incorporate traditional masonry in various arrangements and organize the building in a three part base, middle and top. The staff recommends a condition to revise the eastern portion of the north façade so that the entire façade provides the same attention to detail as the rest of the building.

- 16. On remand, the Planning Board, after taking further testimony, and allowing additional public comment shall consider the implications of the detail site plan, as amended, in the sector plan area on existing residential neighborhoods. At the time of site plan review, Planning Board, on remand, shall ensure that the proposed development is respectful of adjacent communities. The Plan at 73, Policy 1 and Strategy 1.**

**Comment:** The Planning Board’s review of whether or not the proposed development is “respectful” of the adjacent communities is necessarily concentrated on the massing of the building, and types and arrangement of materials on the architectural elevations. The changes to the plans as proposed and with the staff-recommended conditions, will, mainly as a result of the stepdown in the building at the eastern end, substantially increase the degree to which the building is respectful of existing residential neighborhoods.

#### **Referral to Historic Preservation**

- 17. The Plan at 193–201, contains a chapter, in part, on Historic Preservation. The Historic Preservation Commission (“HPC”) recommended denial of the design contained in the initial application submitted by the**

**applicant.<sup>3</sup> The HPC however, according to the record, did not review the detailed site plan, as amended, by the applicant, for compliance with §27-281.01.**

**Comment:** The subject application will be reviewed by the Historic Preservation Commission at a special meeting on Thursday, September 6, 2012. The agenda for that meeting will be limited to the subject application, as remanded to the Planning Board by the District Council. Specifically, the Historic Preservation Commission will review the subject application against paragraphs 15, 16, 17, and 18 of the District Council Order of Remand.

**18. On remand, and pursuant to §27-284, the detailed site plan, as amended, shall be referred to the HPC for compliance with §27-281.01, prior to final action by the Planning Board.<sup>4</sup> After review and receipt of referral comments from HPC, the Planning Board shall make a finding, including but not limited to, whether the detailed site plan, as amended, is compatible with the Old Town College Park Historic District.**

**Comment:** Recommendations from the Historic Preservation Commission (HPC) to the Planning Board will be forwarded to the Urban Design Section on September 7, 2012, for attachment to the staff recommendations for the application to be heard by the Planning Board on September 13, 2012.

### **Lighting Plan**

**19. On remand, the detailed site plan, as amended, shall comply with the requirements of site design and guidelines, including but not limited to building mounted and/or other on-site lighting plans pursuant to §27-546.19(c), §27-283(a), and §27-274(a) (3). The Planning Board shall not defer these requirements by condition or to a subsequent development review phase. The Planning Board, prior to final action on the detailed site plan, as amended, shall make findings, in part or whole, consistent with the requirements of §27-546.19(c), §27-283(a), and §27-274(a) (3).**

**Comment:** The following is a discussion of each of the sections cited above, in regard to the lighting :

“Section 27-546.19(c)(5)(C) and (G)(V)”

“(c) A Detailed Site Plan may not be approved unless the owner shows:

(5) Compatibility standards and practices set forth below will be followed, or the owner shows why they should not be applied:

<sup>3</sup> The Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including the approval of a preliminary plat of subdivision. Zon. Ord. §27-149(b) (1).

<sup>4</sup> All requirements of the filing and review of an original Detail Site Plan shall apply to an amendment. The Planning Board shall follow the same procedures and make the same findings. Zon. Ord. §27-289(b).

- (C) Site design should minimize glare, light, and other visual intrusions into and impacts on yards, open areas, and building façades on adjacent properties;
- (G) The owner or operator should minimize adverse impacts on adjacent properties and the surrounding neighborhood by appropriate setting of:
  - (v) Light intensity and hours of illumination; and”

**Comment:** The site plan provides details for pedestrian street lights per the sector plan requirements, and the submitted photometric plan indicates the lighting levels of the street lights and lighting within the westernmost courtyard, which is accessible to the public.

Street lights are proposed along the site’s US 1, College Avenue, and Yale Avenue frontage. The lamp post detail provided is consistent with the typical detail used within the City of College Park. No adverse impacts of the City’s standard pedestrian-scaled street lights are noted. Street lamps are typically illuminated through the evening and early morning hours and will be controlled by the City.

The proposed courtyards are internal to the building; therefore, there is no impact of the courtyard lighting on yards, open area, and/or building facades on adjacent properties. The hours of illumination of the westernmost public courtyard are not noted on the plan. The public courtyard will most likely be lit adequately during the hours that the courtyard remains open to the public.

The submitted plans do not provide a fine level of detail of all the proposed on-site lighting. In particular, detailed lighting information for the outward-facing building facades, such as building mounted lighting, has not been provided for review. One detail of a building lighting fixture has been provided, but the proposed locations of the fixture are not indicated on the elevations. Decorative lighting of the building facade is typical of projects of this type and scale, yet none is noted on the plans. Additional information regarding the building-mounted lighting should be provided prior to signature approval of the plans.

“Section 27-283. Site design guidelines”

- “(a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).”

“Section 27-274. Design guidelines.”

- “(a) The Conceptual Site Plan shall be designed in accordance with the following guidelines:
  - “(3) Lighting.

“(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character. To fulfill this goal, the following guidelines should be observed:

“(i) If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts”

**Comment:** The above design guideline has been generally satisfied with the exception that the photometric plan does not indicate lighting levels on the north side of the building. The north side of the building is an area that will be accessed by future residents, possible cut-through pedestrian traffic, and those utilizing entrances to the indoor bike storage area. To enhance user safety, the site plan and photometric plan should be revised to indicate adequate lighting levels on the north side of the building.

“(ii) Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;”

**Comment:** The submitted photometric plan indicates that primary pedestrian pathways and the west plaza, which has public access, will be illuminated. Property addresses, and key building entrances are typically illuminated with additional building-mounted lighting. The submitted plans do not provide a fine level of detail regarding building-mounted signage. This information should be provided prior to signature approval of the plans.

“(iii) The pattern of light pooling should be directed on-site;”

**Comment:** A review of submitted information indicates that the pattern of lighting is generally directed on site, with the exception of the street lights, which direct light onto the public right-of-way.

“(iv) Light fixtures fulfilling similar functions should provide a consistent quality of light;

“(v) Light fixtures should be durable and compatible with the scale, architecture, and use of the site; and

“(vi) If a variety of lighting fixtures is needed to serve different purposes on a site, related fixtures should be selected. The design and layout of the fixtures should provide visual continuity throughout the site.”

**Comment:** Prior to signature approval of the plans, additional information should be

provided that indicates the appearance of the proposed light fixtures throughout the site. If additional building-mounted light fixtures are proposed, they should be provided for review.

In summary, once the above information regarding lighting has been provided, the photometric plan should be recalculated to indicate that adequate lighting is provided for entrances on the north side of the building, and that the ultimate lighting design does not detrimentally spill over into adjacent residential areas.

- 20. On remand, after the detailed site plan, as amended, complies with the requirements of §27-546.19(c), §27-283(a), and §27-274(a) (3), and site plan submittal requirements in the Plan at 225, it shall be referred to the Prince George's County Police Department, for review and comment on issues relevant to their mission, including opportunities to implement crime-prevention measures, and to enhance the safety and security of residents, employees and other users of a project through implementation of the principles of Crime Prevention Through Environmental Design (CPTED). Zon. Ord. §27-284.**

**Comment:** The plan was sent to the Prince George's County Police Department as a referral. A telephone message was left with the referral contact on August 22, 2012; however, as of the writing of this report, the staff has not received any written comments or a verbal response.

- 21. On remand, the Planning Board shall take further testimony, allow additional public comment, and make findings consistent with the principles of Crime Prevention Through Environmental Design (CPTED)—as stated in the Plan at 53.**

**Comment:** Page 53 of the Plan identifies the four key strategies of Crime Prevention Through Environmental Design (CPTED) as natural surveillance, territorial reinforcement, natural access control and target hardening. Natural surveillance should be high for this project because the building is located along the street line with ample windows facing the street and the courtyards. Lighting along the street edge is... The north elevation may be an area at the grade level where there are blank walls, natural surveillance would be reduced. The applicant should investigate whether or not this area could be opened to the parking garage so visual surveillance would be enhanced.

In regard to the CPTED principle of territorial reinforcement, which is based on recognition that most people will be protective their own "territory" and respect that of others, the site plan and the building appear to address this issue as well. The courtyards will be privately accessed only by those who live in the building and their guests, except for the most western courtyard. The requirement for access to the public courtyard, from College Park Avenue may require an additional level of security.

CPTED also addresses the issue of natural access control, which focuses on placing entrances to buildings in plain public view and controlled entrances to public spaces and controlling entrances to public spaces and to the residential units. Again, The Remand Order requires the applicant to open up the western most courtyard to College Avenue, of which an unintended consequence might be less safety for the users of the space.

Target hardening is a CPTED concept that is generally applied to non-residential and commercial development. This project being a mixed use project may need to look closely at features that might be the target of vandals. Blank walls as are located along the lower portion of the north elevation provide a canvas for graffiti artists and perhaps should be reanalyzed for possible openings that would allow for visibility from the parking area to the area along the north of the base of the building. Controlling the access from College Avenue into the westernmost courtyard will also provide a needed level of security to reduce crime from occurring within the public space.

- 22. On remand, after further testimony and additional public comment, the Planning Board shall require resolution of the storm drain issue raised by the University of Maryland in its December 7, 2012 letter prior to issuance of any building permit.**

**Comment:** The plan was sent to the Prince George's County Department of Public Works and Transportation as a referral. A telephone message was left with the referral contact on August 22, 2012. However, as of the writing of this report, the staff has not received any written comments or a verbal response.

- 23. On remand, the Planning Board shall require resolution of the discrepancy between the site plan property lines and the University of Maryland's boundary description, raised in the December 7, 2012 letter, prior to issuing any resolution on a revised detailed site plan.**

**Comment:** The Planning Board has no administrative authority to compel the applicant and the University of Maryland to resolve what is essentially a private boundary dispute. Should the sides fail to reach an agreement, the matter could become subject to the Maryland Judicial System.

- 24. Due to the requirement for a revised detailed site plan, and prior to taking further testimony and additional public comment, informational mailing are required to comply with §24-119.01 and CB-55-2008. All interested persons who wish to do so should be allowed to register as person of record for this case. §27-107.01(a) (179).**

**Comment:** The applicant sent out an informational mailing in accordance with the above requirement.

#### **R & J Company, LLC**

- 25. Before doing business in Maryland, a foreign limited liability company—as is the case here—shall register with the State Department of Assessment and Taxation. *Md. Code Ann., Corps. & Ass'ns* §4A-1002 (2012) (emphasis added). A limited liability company which owns income producing real or tangible personal property shall be considered doing business in Maryland. §4A-1009(b).**
- 26. According to the State Department of Assessment and Taxation website, the applicant—R & J Company, LLC—was not a legally registered company in**

**Maryland before doing business with the County.**<sup>5</sup>

27. **On remand, Planning Board shall determine 1) whether PGCPB Resolution No. 12-06 is null and void because the applicant was not a legally registered company in Maryland before doing business with the County and 2) whether the applicant must re-file a new application to comply with Maryland law.**

**Comment:** In regard to the issues above, the following information was provided by the Maryland-National Capital Park and Planning Commission (M-NCPPC) Office of the General Counsel:

“The Applicant registered with the Maryland Department of Assessments and Taxation (SDAT) on July 19, 2012. It is active (legally active and present in Maryland) and in good standing.  
I have personally verified this on SDAT's website.

“The SDAT ID number for R & J Company (MD) LLC is Z14776264. The Charter Approval Documents indicate that a \$200 penalty was paid by the Applicant for a late registration (explained below), and that the R & J Company LLC was formed in New York on May 1, 1996. It is my understanding from the Applicant that SDAT required a slightly different name from that used in New York because of its similarity to an existing Maryland entity. This is standard practice in situations such as this and does not alter the fact that these LLCs are one and the same in the eyes of the law - the name (and nothing else) varies from one jurisdiction to another. These principles are established by Section 4A-1004 of the Corporations and Associations Article of the Annotated Code Maryland, as well as Title I, Subtitle V of that Article.

“Under Section 4A-1007 of the Corporations and Associations Article, the Applicant was subject to a \$200 fine for late registration, and would not have been able to maintain suit in a Maryland court until this situation was remedied. However, this statutory provision specifically states that “[t]he failure of a foreign limited liability company to register in this State does not impair the validity of a contract or act of the foreign limited liability company or prevent the foreign limited liability company from defending any action, suit, or proceeding in a court of this State.”

“Therefore, any potential problem has been remedied, and there is no need to re-file. The Application was not compromised by the Applicant's subsequently-remedied failure to register.”

28. **On remand, the Planning Board shall reconsider its decision—in light of the above stated reasons—no later than September 20, 2012.**

**Comment:** The case is scheduled to be heard on September 13, 2012, and a resolution of

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[http://sdatcert3.resiusa.org/ucc-charter/DisplayEntity\\_b.aspx?EntityID=Z14776264&EntityName=R+%26+J+COMPANY+\(MD\)+LLC+++++++&TabNum=1](http://sdatcert3.resiusa.org/ucc-charter/DisplayEntity_b.aspx?EntityID=Z14776264&EntityName=R+%26+J+COMPANY+(MD)+LLC+++++++&TabNum=1).

the Planning Board’s action is scheduled to September 20, 2012.

**29. The Planning Board shall transmit its adopted resolution—as amended or corrected—to the District Council, no later than September 21, 2012.**

**Comment:** After the Planning Board acts on the case on September 20, 2012, the resolution will be transmitted to the District Council on September 21, 2012.

REMAND REFERRAL COMMENTS

2. The Community Planning North Division provided a memorandum dated August 20, 2012, provided the following relevant analysis:

- a. This application conforms to the land use recommendations of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* for mixed-use commercial land uses in a walkable node.
- b. **2002 Prince George’s County Approved General Plan**—This application is located in the Developed Tier, and is within a Corridor Node designated by the 2010 Approved Central US 1 Corridor Sector Plan. Specifically, the subject property is within the Downtown College Park Walkable Node along the Baltimore Avenue Corridor.

“The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use pedestrian-oriented, medium- to high-density neighborhoods.” (2002 General Plan, p. 31).

The vision for Corridors is:

“Mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.” (See Policy 1, 2002 General Plan, p. 50).

This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor.

This application is consistent with the 2002 General Plan Development Pattern policies for Corridor Nodes in the Developed Tier and does not violate the General Plan’s growth goals for the year 2025, based upon review of Prince George’s County’s current General Plan Growth Policy Update. The vision of the 2002 General Plan is met by this application, which proposes a vertical mix of high density residential (between 105 and 112 dwelling units/acre) and nonresidential uses (13,844 square feet) emphasizing transit-oriented design at a designated corridor node along the US 1 Corridor.

- c. **Master Plan**—This application conforms to the land use recommendations of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* for mixed-use commercial land uses in a walkable node. The proposed development is located in the

Downtown College Park Walkable Node as shown on Map 8 on page 60 of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*. Walkable nodes are intended to be hubs of pedestrian and transit activity emphasizing higher density mixed-use development at appropriate locations along the Central US 1 Corridor, and should be:

“Directly and uniquely influenced by adjacent neighborhoods. Building height, scale, and type will be tailored to the existing businesses and residents, while accommodating desired growth and change.” (Page 42 of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*).

Walkable node development should consist of buildings between 2 and 6 stories in height (pages 65, 230, and 234 of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*), as is proposed in this application.

- d. **Land Use**—The overall vision for the Central US 1 Corridor is a vibrant hub of activity highlighted by walkable concentrations of pedestrian and transit-oriented mixed-use development, the integration of the natural and built environments, extensive use of sustainable design techniques, thriving residential communities, a complete and balanced transportation network, and a world-class educational institution.

Walkable nodes are intended for pedestrian-friendly, transit-oriented, mixed-use development at appropriate locations along the Central US 1 Corridor. Development should be medium- to high-intensity with an emphasis on vertical mixing of uses. Development within a walkable node should generally be between two and six stories in height. The proposed land use map on page 60 of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* recommends mixed use commercial land uses on the subject property.

- e. **District Council Order of Remand**

The Community Planning North Division referral has considered the applicant’s revised detailed site plan application as it relates to four of the five elements of the District Council’s order of remand pertinent to the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* and the development district standards.

### **Existing Residential Area and Development (Stepback/Step-Down Transition)**

The Order of Remand begins with a discussion of the D-D-O-Z requirements for a stepback transition and/or landscape buffer for new development within the corridor infill and walkable node areas across the street from or sharing a rear property line with an existing residential area. In the order of remand, the District Council finds that the public hearing record demonstrates the proposed development is across the street from an existing residential area and faces an existing residential development; therefore, a stepback transition is required. Specifically, paragraph 8 of the Order of Remand on page 4 seeks a “step down through the block to a maximum height of two or three stories facing existing residential development” in accordance with the development district standards on page 238 of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*.

The applicant has incorporated a gradual step-down transition from west to east (see the submitted architectural elevations, specifically A5.01 and A5.01) in an attempt to conform to the development district standards. In general, this new step-back transition demonstrates a commitment to achieve the vision and goals of the sector plan. However, the step-down transition varies across the entire form and mass of the proposed building. The northern portion of the building remains at six stories for a longer linear distance toward Yale Avenue than the southern portion. A three-dimensional exhibit depicting the roof from an aerial/oblique view further clarify the massing of the building with regard to its upper stories.

The more gradual step-down transition offers an opportunity to provide greater differentiation of the southern and northern facades in terms of architectural detailing, rhythms within the bays, and façade plane recesses (see order of remand, paragraph 11, page 5). Additional detailing on the eastern half of the building along the northern façade, and at the residential lobby and leasing office “bay” on the southern façade could distinguish the step-down transition offering an interesting architectural design to the building façades.

**Comment:** A condition of approval is recommended to change the exterior finish of the eastern half of the building along the northern elevation to create more uniformity and to step down the building at the furthest northeastern edge.

The revised Yale Avenue and College Avenue step-down to three stories meets the intent of the development district standards and the proposed roof structure does not include habitable space or hallways (see the submitted architectural sections on A5.03 and A5.05), fulfilling a requirement of paragraph 12 on page 5 of the Order of Remand.

The upper story residential end units located along the northern façade in the northeastern portion of the proposed building seem isolated from the rest of the building form.

**Comment:** A recommended condition is proposed to reduce the mass of the building at this location and to transition the building to that corner.

Perspective 1 from the corner of Yale Avenue and College Avenue indicates a portion of the upper story will be visible by the public at the street level. Additional detailing, high quality materials such as brick, or other decorative measures should be provided prior to signature approval of the plans.

The plans have been revised to address this issue. Paragraph 15 on page 6 of the Order of Remand discusses the reduction of “modern design elements” and incorporation of materials that better relate to the architecture in the Old Town College Park Historic District on the north, south, east, and west elevations, or a plan that is more compatible with the University of Maryland Campus and Old Town College Park Historic District on all elevations.

The materials proposed by the applicant are generally consistent with the requirements of the development district standards on pp. 251-252 of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*.

The Order of Remand states that “the detailed site plan, as amended, shall comply with the requirements of site design and guidelines, including but not limited to building mounted and/or other on-site lighting plans pursuant to” zoning ordinance requirements. (See paragraph 19 on page 7). The applicant’s submitted lighting plans do not include the western-most courtyard, and there is only one fixture shown in each of the other two courtyards. Further review of the lighting plan is warranted to determine conformance with crime prevention through environmental design (CPTED) principles.

**Comment:** This issue is fully discussed in association with Remand Statement No. 19.

The revisions made by the applicant to address the issues raised by the District Council’s Order of Remand necessitated a change to the development program with regard to the proposed number of multifamily units. This programmatic change also impacts the parking ratio calculations and parking requirements for the subject application. As the applicant has not provided a final number of proposed multifamily units, the following analysis looks at both the lower and upper estimates to determine the amount of parking required by the development district standards (p. 239 of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*). It should be noted that the parking requirement of the development district standards is not a range or a minimum or maximum figure; rather, it is a single number generated by a given development program.

<u>Retail Sq. Ft.</u>	<u>Retail Factor (Space/Sq. Ft.)</u>	<u>Spaces Required</u>	<u>Residential Units</u>	<u>Residential Factor (Space/Unit)</u>	<u>Spaces Required</u>
13,844	3/1,000	41.53 (42)	284	1/dwelling	284
13,844	3/1,000	41.53 (42)	304	1/dwelling	304

The applicant is eligible to use the shared parking factor in the development district standards to incorporate parking reductions possible with mixed-use development. For a mix of retail and residential uses, a shared parking factor of 1.2 is permissible along the Central US 1 Corridor. Therefore, the parking requirements for the lower and upper estimates of the applicant’s development program are as follows:

<u>Residential Units</u>	<u>Retail Spaces</u>	<u>Residential Spaces</u>	<u>Shared Parking Factor</u>	<u>Required Parking (Spaces)</u>
284	42	284	1.2	271.66 (272)
304	42	304	1.2	288.33 (289)

The revised application provides 320 spaces. Since the parking requirement is either 272 or 289 parking spaces, the applicant should revise the plan prior to signature approval to reflect the number of units and the number of parking spaces proposed.

The applicant has incorporated a pedestrian breezeway providing access to the ground-level courtyard on the western side of the proposed building in response to the District Council’s order of remand. If this breezeway is sufficiently signed, visible, and accessible, it should help promote plazas and pocket parks as gathering places, contributing to fulfillment of the sector plan’s goals, policies, and strategies. The applicant should clearly identify how the new breezeway will be lighted and signed to enhance visibility and encourage use to access the now-public amenity courtyard prior to signature approval.

Staff notes a discrepancy in the unit mix/parking table on the cover sheet of the application materials. Adding the “(Total)” residential numbers for levels 1-5 results in a sum of 272 dwelling units, while the summary of total parking required listed below the table indicates the range used for the parking calculations above (284 to 304 units). The information should be corrected prior to signature approval of the plan.

3. The Transportation Planning Section in a memorandum dated August 27, 2012, provided analysis of the Order of Remand, Remand Statement No. 14 on page 9 for that discussion.
4. The Historic Preservation Commission (HPC) will review the application on September 6, 2012, and their decision will be provided to the Planning Board, as soon as possible thereafter.
5. The Subdivision Review Section did not have any additional concerns with the proposed changes.
6. The State Highway Administration had not additional comments based on the revised plans.
7. The University of Maryland was sent a copy of the revised plans, but as of the writing of this report no comments have been provided. The plans will be reviewed on Friday, September 7, 2012, and the recommendations will be forwarded to the Planning Board hearing scheduled for September 13, 2012.

8. The City of College Park was sent a copy of the revised plans, but as of the writing of this report no comments have been provided. The City Council will meet on September 11, 2012, to review the application and provide recommendations on the case.
9. The Town of University Park, the Town of Berwyn Heights, the City of Hyattsville and the Town of Riverdale Park were sent copies of the revised plans, but as of the writing of this report no comments have been provided.
10. The detailed site plan, as revised in response to the District Council's Order of Remand, and if further revised in accordance with the proposed conditions below, will fulfill the required findings for approval of the DSP in the DDOZ. The submitted plan adequately takes into consideration the requirements of the D-D-O Zone and the sector plan; and as required by Section 27-548.25, the detailed site plan meets all applicable D-D-O standards. Furthermore, as required by Section 27-285(b) (1) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

## PROPOSED RECOMMENDATIONS

Based upon the foregoing evaluation and analysis, the Urban Design recommends that the Planning Board adopt the findings of this report and APPROVE the revised plans associated with the remanded Detailed Site Plan, DSP-10028, the Maryland Book Exchange, subject to the conditions below. The conditions include all that were previously approved by the Planning Board (PGCPB Resolution No. 12-06), and new underlined and [bracketed] conditions to be revised as recommended by staff in response to the Order of Remand.

1. Prior to signature approval, the detailed site plan (DSP) shall be revised as follows:
  - a. Change General Note 3 to list 12,525 square feet or the correct amount shown on the revised DSP, as the area of green space on-site.
  - b. Remove the Section 4.7 bufferyard schedule from the plan.
  - c. Revise the plant schedule to correctly indicate the native plants and revise the Section 4.9 schedule to show the requirements being met.
  - d. Remove the street trees from the number of shade trees provided in the Section 4.1 schedule on the landscape plan.
  - e. Revise the plan so that all of the provided handicapped parking spaces are a full 19 feet in length with a striped access aisle adjacent to each.
  - f. Provide a revised lighting plan with details of building-mounted light fixtures, lighting locations, along with hours of illumination. [, that demonstrates that the site design minimizes glare, light, and other visual intrusions into and impacts on yards, open areas, and building façades on adjacent properties.] The plan shall indicate adequate lighting levels on the north side of the building, and that the ultimate lighting design does not detrimentally spill over into adjacent residential areas.

- g. Provide a more detailed set of sign standards based on the Development District Overlay Zone (D-D-O-Z) requirements for building-mounted signage. The plan shall establish the standards for sign lighting, colors, lettering style, size, height, material, quantity, and location that will be used to regulate building-mounted signage within the proposed sign envelopes.
  - h. Provide limits to the commercial hours of operation and deliveries, commercial and otherwise, demonstrating minimal impacts on adjacent properties.
  - i. Add a note to the DSP that all loading area access doors shall remain closed, except during times of entrance and exiting of vehicles.
  - j. Clarify, with notes, which of the City of College Park parallel parking spaces along College Avenue will be eliminated to accommodate the loading access drive.
  - k. Label the height of the access to all loading spaces on the site plan.
  - l. Provide a site circulation plan, including internal parking circulation, per PGCPB Resolution No. 09-170, No. 13, page 17.
  - m. Revise the site notes, lot area, and lot coverage to indicate any areas of dedication for public roadways.
  - n. Revise the general notes on the coversheet to provide information regarding the surplus parcel on the western end of the property.
  - o. Revise the plan to [provide] reflect the number of units proposed, not to exceed 304 units. Also the plan shall provide the corresponding number of parking spaces, of which, a maximum of 98 compact parking spaces are allowed.
  - p. Indicate on the plans the dust and noise control procedures to be employed during the demolition and grading phases of site work. No dust should cross over the property lines to impact the neighboring communities.
  - q. Indicate on the plans that construction vehicles entering the construction site should be directed away from the residential areas surrounding the site. Trucks should not be allowed to line up in residential areas waiting to enter the construction site.
  - r. Revise the landscape plan to provide for additional landscaping, details, and specifications for the westernmost courtyard.
2. Prior to signature approval, the following revisions shall be made to the architectural [elevation] plans to be reviewed by the Urban Design Section as designee of the Planning Board:
- a. The easternmost bump-out on the College Avenue frontage shall have a substantial trim cap similar to that used along Yale Avenue.
  - b. The north elevation shall be revised to apply the proposed treatment of the façade on the west end of that elevation to the entirety of the elevation. Further, the first floor of the building elevation shall provide some transparency into and out of the garage for greater visual interest for pedestrians moving along that edge of the building and enhanced natural surveillance for that area.

- c. The plans shall be revised to clearly indicate how the breezeway is to be lighted and directional signage for the pedestrians.
  - d. Revise the architectural elevations and the floor plans to indicate that the transitional step-down of the building from the sixth floor to the fifth floor on the eastern portion of the building be revised so that the step down will extend from the current location as shown on the south elevation through the block to the angled bend on the north elevation of the building. The north elevation shall be revised to reflect the step down by eliminating the sixth floor from the easternmost portion of the elevation and will result in the loss of approximately three units, as shown on the floor plans.
  - e. Revise the building's northern side of the east elevation to provide a consistent exterior treatment similar to that proposed for the southeast corner of the building where the main building transitions to the hip roof. Also, the exposed fifth and sixth floors as shown on the east elevation shall specify materials and window fenestration as appropriate.
  - f. Provide construction drawings that reflect all of the above including the materials, details and specifications for all of the elevations and floor plans.
3. A disclosure clause shall be placed on final plats and deeds for all properties that notifies prospective purchasers that the property has been identified as being within approximately one mile of a general aviation airport. The disclosure clause shall include the cautionary language from the General Aviation Airport Environment Disclosure Notice.
  4. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall obtain approval of a final plat pursuant to Section 24-108 of the Subdivision Regulations, for which no preliminary plan is required, to vest the existing development and address the following:
    - a. Add a note to state that the subject property is exempt from filing a preliminary plan pursuant to Section 24-111(c)(4) of the Subdivision Regulations.
    - b. Show the dedication of right-of-way along Baltimore Avenue (US 1) and Yale Avenue as reflected on the approved detailed site plan.
    - c. Add a note to state that the public safety surcharge is applicable for the subject property pursuant to Section 10-192.11(a) of the Prince George's County Code, unless a waiver is granted pursuant to Section 10-192.11(b) (3) by the County Council or the surcharge is deemed inapplicable.
    - d. Add a note that the development of the subject property shall be in accordance with the approved detailed site plan.
  5. Total development within the subject property shall be limited to development which generates no more than 141 AM peak hour and 192 PM peak-hour vehicle trips.

6. Prior to issuance of any building permits within the subject property, the following improvements shall (1) have full financial assurance, (2) have been permitted for construction by the Maryland State Highway Administration (SHA) for part (a) and the city of College Park for part (b), and (3) have an agreed-upon timetable for construction with SHA and the City:
  - a. The provision of any traffic signal modifications, pedestrian/ bike push buttons and count-down displays at all approaches, and inclusion of highly-visible and well delineated pedestrian crosswalks and stop bars on all approaches at the intersections of Baltimore Avenue (US 1) with College Avenue/Regents Avenue, per SHA and the City of College Park Standards.
  - b. The provision of wide pedestrian crosswalks on all approaches of College Avenue with the proposed driveway on College Avenue and the intersection of College Avenue with Yale Avenue, if deemed necessary by the City of College Park.