



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 12-06(A)

File No. DSP-10028

AMENDED RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at public hearings on December 8, 2011 and January 19, 2012, regarding Detailed Site Plan DSP-10028 for Maryland Book Exchange; and [the Planning Board finds:]

*WHEREAS, DSP-10028 for Maryland Book Exchange was approved by the Planning Board on February 23, 2012; and

*WHEREAS, on March 26, 2012, the District Council elected to review this case; and

*WHEREAS, on July 25, 2012, the District Council remanded the case back to the Planning Board for further review and clarification of specific issues related to the case, to instruct the applicant to revise the architecture and site plan, to take further evidence into the record, and to allow additional public comment; and

*WHEREAS, on September 13, 2012, the Planning Board in consideration of the evidence presented, approved a revised Detailed Site Plan with additional conditions, in response to the Order of Remand; and

*WHEREAS, in consideration of evidence presented at a public hearing regarding Detailed Site Plan DSP-10028 for Maryland Book Exchange, the Planning Board made the following amended findings:

1. **Request:** The detailed site plan is for the redevelopment of the Maryland Book Exchange site, currently occupied by a two-story structure and surface parking lot, with a single ~~*[four]~~ three- to six-story mixed-use building consisting of ~~*[313]~~ 282-304 multifamily residential units and ~~*[14,366]~~ 13,844-square feet of retail space.
2. **Location:** The subject property, which consists of ten separate lots, is located on the east side of Baltimore Avenue (US 1), north of College Avenue and west of Yale Avenue within the City of College Park. The site is in Planning Area 66, Council District 3, and is in the Developed Tier. The site is zoned M-U-I and is subject to the Development District Overlay Zone (D-D-O-Z) standards found in the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (SMA).

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3. **Surrounding Uses:** To the north, the site adjoins property owned and used by the University of Maryland, specifically by the Pocomoke Building, which is used for facilities management, security and parking of trucks. To the east, the site is bordered by the right-of-way of Yale Avenue, and beyond it are a University of Maryland police substation and the St. Andrew's Episcopal Church property, both of which are within the Prince George's County Old Town College Park Historic District. To the west, the site is bordered by the right-of-way of US 1, and beyond it by the University of Maryland main campus. To the south, the site is bordered by the right-of-way of College Avenue, and beyond it by commercial properties and a sorority house, which is also within the Prince George's County Old Town College Park Historic District.

To the north, the site adjoins M-U-I-zoned property; to the east, the site is bordered by the right-of-way of Yale Avenue, and beyond it are M-U-I-zoned and R-55-zoned properties; to the west, the site is bordered by the right-of-way of US 1, and beyond it by R-R-zoned property; and to the south, the site is bordered by the right-of-way of College Avenue, and beyond it by M-U-I-zoned and R-18-zoned properties.

4. **Development Data Summary:**

Zone(s) Use(s)	EXISTING M-U-I/ D-D-O-Z Commercial/Retail	APPROVED M-U-I/D-D-O-Z Multifamily Residential/ Commercial/Retail
Acreage	2.71	2.71
Lots	10	10
Square Footage/GFA	32,480	[499,188] <u>458,413</u>
Multifamily Dwelling Units:	0	*[313] <u>282-304</u>

OTHER DEVELOPMENT DATA

Bedroom Unit Mix—Multifamily

Unit Type	Number of Units	Proposed Percentage*	Average Square Footage
Studio	[66] <u>52</u>	[21.0] <u>18</u>	364
1 Bedroom	[8] <u>7</u>	[2.6] <u>2</u>	450
2 Bedrooms	[42] <u>30</u>	[13.4] <u>11</u>	727
4 Bedrooms	[197] <u>193</u>	[63.0] <u>69</u>	1,209
Total	*[313] <u>282-304</u>	100	

***Note:** Per the Sector Plan, page 244**, "Bedroom percentages for multifamily dwellings as specified in Section 27-419 of the Zoning Ordinance shall not apply within the Central US 1 Corridor development district."

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****Note:** All page numbers referencing the Central US 1 Sector Plan have been changed, with the exception of referral comments, to reflect the January, 2012 printing of the Plan.

Parking Requirements per the Sector Plan*

Uses	Spaces
Residential Use (*[313] <u>282-304</u> units @ 1 space per dwelling unit)	*[313] <u>282-304</u>
Retail Use (*[14,366] <u>13,844</u> sq. ft. @ 3 spaces per 1,000 sq. ft.)	*[43] <u>42</u>
Sub-Total	*[356] <u>324-346</u>
Shared Parking Factor for Retail and Residential = 1.2	
Total Parking Required = *[356] <u>324-346</u> spaces / 1.2	*[297] <u>270-288</u>
Total Parking Approved	*[297** (99 compact; 4 handicapped; 4 van-accessible handicapped)] <u>270-288</u>

***Note:** Mixed-use developments may use the shared parking factor to determine a reduction in the required number of parking spaces.

****Note:** For *[297] 270-288 required spaces, a maximum of *[98] 89-95 spaces may be compact and 8 handicapped spaces are required. The provided parking does not meet these requirements as 99 compact spaces are proposed and all of the provided handicapped spaces are less than the required 19 feet in length and one does not have the required adjacent striped access aisle. These issues have been included as conditions of this approval because handicap spaces must be designed to meet the requirements of the Americans with Disabilities Act (ADA).

Bicycle Spaces per the Sector Plan

Required = 1 space per 3 parking spaces	*[99] <u>90-96</u>
Approved	315 (280 interior + 35 exterior)

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Loading Spaces

Required (per Section 27-582*)

3

Retail – *[14,366] 13,844 sq. ft. (3 stores less than 2,000 sq. ft.; 1 space
1 store 2,000 to 10,000 sq. ft.)

Multifamily – *[341] 282-304 dwelling units 2 spaces

Approved

3 (interior)

Retail

1 space

Residential

2 spaces

***Note:** The 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* (SMA) does not have specific requirements for the number of loading spaces; therefore, the applicable section of the Zoning Ordinance should serve as the requirement per the sector plan (page 223). Additionally, the provided loading spaces need to meet the size requirements of Section 27-578 of the Zoning Ordinance; however, no heights for the loading space access doors were provided. Therefore, a condition has been included in this approval to label the height of all loading space access doors as at least 15 feet.

5. **Prior approvals:** Lots 1 through 10, Block 29, Johnson and Curriden's Subdivision of College Park, were enrolled in land records in 1890 (Plat Book A@50). The property is improved with a 32,480 square-foot book store, which was built in 1958. The applicant is not required to file a preliminary plan of subdivision for this property as discussed in Finding 12 d. below. The subject property has an approved Stormwater Management Concept Plan, 28576-2010, which expires November 22, 2013.

6. **Design Features:**

*Original DSP Proposal

The original reviewed detailed site plan included a single, full six-story mixed-use building consisting of 341 multifamily residential units and 14,366 square feet of retail space. This building design was revised following the first Planning Board hearing on December 8, 2011, and was approved as revised and discussed *below[-]:

The subject property is roughly rectangular in shape and is surrounded on three sides by public rights-of-way, US 1 to the west, College Avenue to the south, and Yale Avenue to the east, and adjacent to the north is the University of Maryland campus. The DSP proposes to develop the property with one four- to six-story, approximately 60 to 86-foot-high, mixed-use, retail and residential building that includes two levels of parking, one below grade and one as part of the ground level inside of the building. The proposed building is located with a full building frontage provided within approximately 1 to 33 feet of the lot line along US 1 for approximately 154 feet, within approximately 1 to 24 feet of the lot line along College Avenue for approximately 392 feet, and within approximately 6 to 19 feet of the lot line along Yale Avenue for approximately 279 feet. The building is set back approximately 15 to 20 feet from the northern property line,

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which allows room for a landscaped strip and a walkway providing access to the interior bicycle parking area. The remainder of the site area includes approximately ten-to 20-foot-wide concrete sidewalks, with brick borders, and street trees in a green strip and with grates along all road frontages, along with other planting areas. Benches, bike racks and pedestrian-scaled lighting round out the list of provided pedestrian amenities. The site design uses an underground stormwater vault, located under the northwest corner of the building, as the treatment facility for stormwater management.

The building floor plan includes one below-grade parking level with 153 parking spaces. The ground floor level includes the entire 14,366 gross square feet of retail space, which is located along the US 1 and westernmost College Avenue frontages, with separate entrances for four different tenant spaces, which will include a relocated Maryland Book Exchange store. Behind the retail area is an at-grade interior courtyard, finished with concrete, artificial turf and plantings, which has entrances to the retail spaces and connects to an internal parking area. The parking area includes 144 car parking spaces and 280 bicycle parking spaces and fills the northeast corner of the building footprint.

Besides one interior loading space with roll up door, accessed from College Avenue, the remainder of the ground-level building frontage along College Avenue is used for the residential lobbies and associated office, mail, and amenity spaces. The access to the loading space off of College Avenue conflicts with the location of existing on-street parallel parking; a condition has been included requiring clarification of what is to happen to these spaces. The ground level building frontage along Yale Avenue consists of the enclosed parking area, a loading space and a separate, combined loading and trash area, accessed by roll up doors. The first floor of the building consists of residential units, some amenity spaces, along with two internal, outdoor, artificial turf courtyards with a small section of permeable paving for resident use. The top four floors of the building contain the remainder of the residential units. No site circulation plan, including vehicular and pedestrian movements, was provided as required by the Sector Plan; therefore, a condition has been included requiring the submission of such a plan.

The mostly flat-roofed, six-story portion of the building will be faced with a mix of red brick veneer in running bond and Flemish bond patterns; precast stone trim, including bands above the first and second stories and at the base; Hardie panel wall system in various shades of cream and gray; and gray metal paneling, along with aluminum storefront windows. Brick and masonry predominate on the lower four floors on all sides of the building, except along the northern elevation where the brick covers the first and part of the second floor. The Hardie panel system covers the majority of the fifth and sixth stories of the building. The metal paneling covers the entire upper five floors on the western corners of the building, while brick covers the entire eastern corners of the building, and metal paneling covers the articulated window bays that are evenly spaced on the southern, western, and northern sides of the building. The applicant intends to obtain at least a Leadership in Energy and Environmental Design (LEED) Silver Certification, using the LEED for Homes Checklist as submitted with the proposed building and site design.

The eastern end of the building was revised and presented at the January 19, 2012 Planning Board hearing. Specifically, the building has been reduced from six to four stories on the entire eastern

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block frontage, and westward from the southeast corner of the building for a distance of approximately 50 feet westward along College Avenue and for a distance of approximately 60 feet westward from the northeast corner of the building. The four story portion of the building is designed with a hip roof composed of architectural shingles. The ground floor level has tall paned-windows with half-rounds on top and is faced entirely with precast stone. The upper three stories are red brick, in the same mix of running bond and Flemish bond patterns, and has four-over-four-styled mullioned windows. A precast stone trim is continued at the top of the ground floor and at the bays above the second story, similar to the rest of the building.

The main retail entrance is located at the corner of the building closest to the intersection of College Avenue and US 1. Black canvas awnings along the retail building frontage add some more detail to the building. The ground-floor parking area, located inside the building, adjacent to the Yale Avenue frontage, is screened by a small planting area and windows with half-rounds at the top. This is an attractive architectural treatment that sufficiently screens the parking area.

*Revised DSP in Response to Order of Remand

*The revised detailed site plan submitted in response to the Order of Remand includes a three to six-story mixed-use building consisting of 282-304 multifamily (student housing) residential units and 13,844 square feet of retail space. The revised plan introduces a breezeway corridor for public pedestrian access from College Park Avenue to the main courtyard on the westernmost portion of the building. The eastern end of the building was further reduced from four to three stories on the entire eastern block frontage, for a depth of approximately 25 feet, where the building rises to five stories and a two story sloping hip roof conceals the rise in the building height. The same approach of stepping down the building along the street edge was applied to the northern elevation and the southern elevation along College Avenue. The building was stepped down from six to three stories for a length of approximately 50 feet along the north elevation and for a length of approximately 130 feet along College Avenue.

7. **Recreation Facilities:** The DSP proposes a recreational facility package within the new building, including a 4,126-square-foot fitness room and over 3,000 square feet of flexible room space for seminars, media uses, a business center, and study areas. Additionally, there are two artificial turf and concrete outdoor courtyards, totaling over 14,438 square feet, on the second story of the building for residents' use, and another artificial turf outdoor courtyard, approximately 6,693 square feet, on the ground level, interior to the building, and open to the public, with access from the garage and retail spaces. These facilities meet the private recreational facilities requirements for the future residents.

COMPLIANCE WITH EVALUATION CRITERIA

8. **The 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment and the standards of the Development District Overlay Zone (D-D-O-Z):** The 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* defines long-range land use

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and development policies, detailed zoning changes, design standards and a Development District Overlay Zone for the US 1 corridor area. The land use concept of the sector plan divides the corridor into four inter-related areas, Walkable Nodes, Corridor Infill, Existing Neighborhoods, and Natural Areas, for the purpose of examining issues and opportunities and formulating recommendations. Detailed recommendations are provided for six distinct areas within the sector plan, Downtown College Park, University of Maryland, Midtown, Uptown, Autoville and Cherry Hill Road, and Hollywood Commercial District. 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.

The subject property is part of a "Walkable Node" within the Downtown College Park subarea as shown on Map 8 on page 60. This issue was discussed at length in both Planning Board hearings as the applicant argued that the subject property was in the University of Maryland subarea because the original printing of the sector plan, prior to incorporation of revisions approved by the District Council, indicated, in text on page 80, that the University of Maryland subarea extended along US 1 "between Paint Branch Parkway and College Avenue", which would include the subject property. However, this did not correspond to the walkable node outlines shown on the "Proposed Land Use South" map on page 62, nor the subarea concept diagrams shown on pages 83 and 87. Therefore, with the final printing of the sector plan, in January 2012, the text was revised to read that the University of Maryland subarea extends along US 1 "between Paint Branch Parkway and the southern boundary of the University, excluding fraternity row," which would exclude the subject property and place it in the Downtown College Park subarea. This difference in subarea does not affect any of the review criteria for the DSP discussed herein. The DSP as revised fulfills all the requirements of the sector plan, regardless of whether the subject property is in the Downtown College Park or University of Maryland subarea.

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 sector plan (Map 8 on page 60) recommends a mixed-use commercial land use for the subject property. Mixed-use commercial land uses are described as "Properties that contain a mix of uses which, on the ground floor of the development, are predominantly nonresidential, including commerce, office, institutional, civic, and recreational uses. These properties may include a residential component, but are primarily commercial in nature." The ground floor of the building contains no residential uses. The ground floor contains retail uses (at *[14,366] 13,844 proposed square feet, the retail commercial component of the proposed development constitutes 3.0 percent of the overall building and 17 percent of the ground floor of the building), as well as a commercial parking garage and recreational and office uses, that support the residential use. The Planning Board found this mix of uses to be in conformance with the requirement.

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Section 27-548.25 (b) of the Zoning Ordinance requires that the Planning Board find that the site plan meets applicable development district standards in order to approve it. The development district standards are organized into multiple categories: Building Form, Existing Residential, Architectural Elements, Sustainability and the Environment, and Streets and Open Spaces. However, in accordance with the D-D-O-Z review process, modification of the development district standards is permitted.

The Planning Board's review of the DDOZ standards listed below, from which no modifications were requested by the applicant, resulted in the Board's conclusion that the DSP meets all of the applicable standards.

BUILDING FORM (page 238)

Step-Back Transitions and Landscape Buffers

Generally, compatible buildings and uses should be located adjacent to each other. However, along historically commercial strips tall buildings often share rear lot lines with residential buildings.

Where corridor infill and walkable node areas are across the street from or share a rear property line with an existing residential area, a stepback 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.

The applicant provided the following summarized explanation in its Statement of Justification filed with the original DSP:

"The zoning governing properties to the east of the property, across Yale Avenue, is R-55. The existing uses are institutional and are not utilized for residential properties. They consist of the City of College Park Police Substation, St. Andrew's Episcopal Church, and the Episcopal Student Center and associated parking. By Section 27-441(b), a church and its accessory uses are defined as 'institutional' and the student center is defined as 'educational,' not 'residential.' By Section 27-441 (b), the Police Station use is defined as 'public/quasi public,' not 'residential.'

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“The zoning governing the land to the south of the property on the corner of Yale Avenue and College Avenue is R-18. This zoning extends west from Yale Avenue 150 feet, where it changes to M-U-I. The existing grandfathered use is for the Alpha Omicron Pi Sorority, which is an activity center for sorority events and houses some of the students in the sorority. This student-focused use is inherently compatible with the student-focused mixed-use of the proposed development. The Sector Plan (page 241) provides that compatible buildings and uses should be located adjacent to each other. The proposed development faces three streets, US 1, College Avenue and Yale Avenue. It is only adjacent to another property on its northern boundary. That property is mixed-use/institutional and the use of the proposed development is compatible with that use of the University owned property on its northern boundary. The proposal respects the existing uses across the streets placing retail on the ground floor across from retail on College Avenue with housing above, and student-focused housing with no retail across from the student-focused sorority and institutional uses on Yale.

“Furthermore, the Alpha Omicron Pi Sorority is zoned for corridor infill and is designated as a walkable node. Finally, the Sector Plan Development Character Map does not refer to the area occupied by the sorority building as ‘existing residential.’

“The stepback transition referenced in the above standard, if and where applicable, must by the definitions set forth in the sector plan refer to development defined as ‘across the street from existing residential areas.’ The quoted text is a term defined in the sector plan. As the proposed development is on the border of the sector plan, the properties across from it are governed by the zoning of the existing use. Such zoning does not require a setback on the proposed development. If the sector plan governed properties outside its boundaries, by definition, the existing institutional and quasi-public uses would negate any requirements of the proposed development to ‘stepback.’ Notwithstanding the above, the proposed building has been designed to be lower, by a full floor in elevation on Yale Avenue, from its height on US 1.

“Last, were the stepback to be ‘enforceable,’ the proposed maximum height of a building would be governed by the floor to ceiling limitations set forth in the sector plan on page 237 with regard to any stepbacks. Such story limitations are 25 feet for the first floor and 14 feet from finished floor to underside of finished ceiling. Peaked roofs are not limited in height. Thus a three-story building, including two feet of structure between floors, and roof structures, which can reach upwards of 15 to 20 feet, would result in a total structure height of 71 to 76 feet and still comply with overall story restrictions where applicable. The proposed structure has a height at its roof parapet wall of approximately 74 feet.”

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~~*[The Planning Board concurs with the applicant's comments above about existing zoning and uses located on the properties across College and Yale Avenues, with the following clarifications:]~~ The church and sorority house mentioned above, 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 Episcopal Church, is in use as a single-family detached dwelling being rented to student interns. The *revised detailed site plan as designed in accordance with the Order of Remand is ~~[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.

The standard for Step-Back Transitions and Landscape Buffers requires all new development within walkable node areas that is across the street from existing residential areas and development, to provide a step-back transition such that the development steps down to a maximum height of two to three stories facing existing residential development. ~~*[The Planning Board found that the buildings and uses across Yale Avenue to the east do not constitute residential areas or development. Therefore, the stepback transition standard does not apply to this development, which is in conformance with applicable DDOZ standards.]~~ The revised detailed site plan as designed with three stories along Yale Avenue and College Avenue, for a depth of approximately 25 feet, with the hip roof and dormers as proposed fulfills the stepback transition requirement.

9. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-U-I Zone, Airport Compatibility, Part 10B, and the requirements of the Development District Overlay Zone of the Zoning Ordinance:
- a. The general purpose of the M-U-I Zone is to encourage a mix of residential and commercial uses as infill development in areas which are already substantially developed, where recommended in an applicable plan, as in the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*.

Section 27-546.19(c), Site Plans for Mixed Uses, requires that:

- (c) **A Detailed Site Plan may not be approved unless the owner shows:**
1. **The site plan meets all approval requirements in Part 3, Division 9;**
 2. **All proposed uses meet applicable development standards approved with the Master Plan, Sector Plan, Transit District Development Plan, or other applicable plan;**

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The Planning Board finds that the site plan meets all site design guidelines and Development District Standards of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* as discussed in Finding 8 above.

3. **Proposed uses on the property will be compatible with one another;**
4. **Proposed uses will be compatible with existing or approved future development on adjacent properties and an applicable Transit or Development District; and**

The application proposes a mixture of multifamily residential and commercial/retail uses in a vertical mixed-use format in a six-story building fronting on US 1, with the commercial/retail spaces at the street level along US 1 and the westernmost portion of College Avenue and a ~~*[four]~~ three story building on the eastern portion of the site with interior commercial parking facing Yale Avenue. The proposed uses on the subject property will be compatible with each other and will be compatible with existing or approved future development on adjacent properties within the "Walkable Node" area of the US 1 Corridor Sector Plan, which includes mixed-use, commercial and residential uses.

5. **Compatibility standards and practices set forth below will be followed, or the owner shows why they should not be applied:**
 - (A) **Proposed buildings should be compatible in size, height, and massing to buildings on adjacent properties;**

The subject building's height varies throughout the block. The building on US 1 is six stories in height with a "lantern" element at the corner of College Avenue and US 1 that rises above the roof line. The building transitions in mid-block to an elevation approximately ten feet lower in height, while remaining at six stories. The building then *transitions to a five story building along the south elevation, but remains six stories along the north elevation, and becomes ~~*[four]~~ three stories in height along the easternmost portion of the site, along College and Yale Avenues. The majority of existing buildings surrounding the property include two- to three-story commercial, institutional and multi-family student residential buildings with diverse façades. The Planning Board found that the proposed ~~*[four]~~ three- to six-story building *as revised in response to the Order of Remand meets the size, height, and massing requirements set forth in the sector plan and is compatible with buildings on adjacent properties.

- (B) **Primary façades and entries should face adjacent streets or public walkways and be connected by on-site walkways, so pedestrians may avoid crossing parking lots and driveways;**

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The proposed mixed-use building features *three entries along US 1 *[and College Avenue] in addition to the primary corner entrance at the intersection of US 1 and College Avenue, for the retail spaces and entrances into the residential lobbies off College Avenue. *[Due to the massing of the proposed building and the enclosed parking areas, no on-site walkways are provided, except for the] The revised detailed site plan in response to the Order of Remand proposes a breezeway connecting College Avenue to the westernmost courtyard. This on-site walkway enhances the pedestrian access points to the public courtyard and to the retail uses. [p]Public sidewalks along the rights-of-way and a sidewalk along the northern edge of the building *provid[ing]es access to the internal bike parking area from US 1 and Yale Avenue.

- (C) Site design should minimize glare, light, and other visual intrusions into and impacts on yards, open areas, and building façades on adjacent properties;**

The site plan provides details for pedestrian street lights per the sector plan requirements, but does not provide details or a plan regarding building-mounted or other lighting on-site. A condition has been included in the approval of this DSP requiring demonstration of conformance with this requirement through the submission of a full site lighting and photometric plan. *Further discussion is contained in Finding No. 15-19 in regard to the Order of Remand.

- (D) Building materials and color should be similar to materials and color on adjacent properties and in the surrounding neighborhoods, or building design should incorporate scaling, architectural detailing, or similar techniques to enhance compatibility;**

The main proposed building materials include a red-brown brick, a red brick, a gray metal panel, and a Hardie panel wall system in two shades of cream. Precast bands and a base along with storefront aluminum windows complete the major façade elements. Architectural details, including the use of both running bond and Flemish bond brick patterns, and tall, paned windows with half-rounds on top in the *[four] three-story section along Yale Avenue, enhance the appearance of the building. The Planning Board found these building materials and colors are similar to those on adjacent properties, and that attractive architectural detailing, such as that mentioned, enhances the proposed building's compatibility with adjacent properties and surrounding neighborhoods. *Further design detailing was provided on the revised architectural elevations in response

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to the Order of Remand and further discussion of this issue can be found in Findings No. 15-11.

- (E) Outdoor storage areas and mechanical equipment should be located and screened to minimize visibility from adjacent properties and public streets;**

The DSP does not propose any outdoor storage areas and all of the proposed mechanical equipment will be internal or located on the roof. Therefore, these areas will have minimum visibility from adjacent properties and public streets.

- (F) Signs should conform to applicable Development District Standards or to those in Part 12, unless the owner shows that its proposed signage program meets goals and objectives in applicable plans; and**

The submitted architecture provides some basic details regarding the proposed building-mounted signage on-site. No free-standing signage is proposed.

The building-mounted signs are proposed primarily to identify the ground-floor commercial uses in the building along US 1 and College Avenue. Additional building identification and address signs are provided on all the elevations, except the north. The proposed signage is mostly located at the top of the first floor, above the storefront windows and building entrances. The applicant has identified signage envelopes for the tenant signs, and has specified that the signs will be panelized on the façade or block letters and externally lit. A condition has been included in the approval of this DSP requiring the submission of a more detailed sign plan with limitations on lettering, size, height and quantity, a consistent use of materials and colors, and standards for illumination that are in harmony with the D-D-O-Z requirements. The proposed building includes a total of 371 square feet of building-mounted signage, which meets the requirement of the maximum gross area of signage as allowed by the sector plan.

- (G) The owner or operator should minimize adverse impacts on adjacent properties and the surrounding neighborhood by appropriate setting of:**

- (i) Hours of operation or deliveries;**

The applicant indicated that the hours of deliveries will be addressed in the leases with the future retail tenants. In order to

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address this requirement, a condition has been included in the approval of this DSP requiring the provision of the limits to the hours of operations and deliveries in order to ensure minimal impacts on adjacent properties.

(ii) Location of activities with potential adverse impacts;

No activities with potential adverse impacts are proposed on-site, except for the loading and trash facilities, which are discussed below.

(iii) Location and use of trash receptacles;

Proposed trash receptacles are located internal to the building, in the northeast corner, behind a vehicle access door. As long as this door remains closed when the trash area is not being accessed, this area should have no adverse impact on adjacent properties. To ensure this, a condition has been included in this approval that a note should be added to the DSP, that all vehicular access doors shall remain closed except during times of entrance and exiting of vehicles.

(iv) Location of loading and delivery spaces;

Three loading and delivery spaces are provided internal to the building, screened by vehicle access doors. As long as these doors remain closed when the loading spaces are not being accessed, this area should have no adverse impact on adjacent properties. To ensure this, a condition has been included in this approval that a note should be added to the DSP, that all vehicular access doors shall remain closed except during times of entrance and exiting of vehicles.

(v) Light intensity and hours of illumination; and

The *~~[site plan does not provide photometries]~~ revised detailed site plan submission in response to the Order of Remand included a photometric plan for the lighting on-site. A condition has been included in the approval of this DSP requiring demonstration of conformance with this requirement through the submission of a full site lighting and photometric plan. *See Finding No. 15-19 for further discussion of this issue.

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(vi) **Location and use of outdoor vending machines.**

The subject DSP does not propose any outdoor vending machines.

- b. The subject application is located within Aviation Policy Area (APA) 6 under the traffic pattern for the small general aviation College Park Airport. The applicable regulations regarding APA-6 are discussed as follows:

Section 27-548.42. Height requirements

- (a) **Except as necessary and incidental to airport operations, no building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulation Part 77 or the Code of Maryland, COMAR 11.03.05, Obstruction of Air Navigation.**
- (b) **In APA-4 and APA-6, no building permit may be approved for a structure higher than fifty (50) feet unless the applicant demonstrates compliance with FAR Part 77.**

The subject application proposes a maximum six-story building with a maximum height of 86 feet. The proposed building height is inconsistent with the building height restriction of APA-6. However, the DSP was referred to the Maryland Aviation Administration and in a memorandum dated September 30, 2011, that agency stated that, in accordance with COMAR 11.03.05, the proposal is considered to be no obstruction or hazard to air navigation at the College Park Airport.

Section 27-548.43. Notification of airport environment

- (b) **Every zoning, subdivision, and site plan application that requires approval by the Planning Board, Zoning Hearing Examiner, or District Council for a property located partially or completely within an Aviation Policy Area shall be subject to the following conditions:**
- (2) **Development without a homeowners' association: 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 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.**

The above conditions regarding general aviation airport environment disclosure are applicable to this DSP because the proposed mixed-use development includes a residential component. The applicant has provided a site plan note indicating

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that the subject site is within aviation policy area APA-6 of the College Park Airport.

- c. Section 27-548.25(b) of the Zoning Ordinance requires that the Planning Board find that the site plan meets applicable Development District Standards in order to approve a detailed site plan. As discussed in Finding 8 above, the Planning Board found that the DSP does comply with all of the applicable D-D-O-Z standards.
10. **Prince George's County Landscape Manual:** Per page 223 of the sector plan, if a development standard is not covered in the plan, the applicable sections of the Landscape Manual shall serve as the requirement. Additionally, per page 226 of the sector plan, the provisions of the *Prince George's County Landscape Manual* regarding Commercial and Industrial Landscaped Strip Requirements (Section 4.2), Parking Lot Requirements (Section 4.3), and Buffering Incompatible Uses (Section 4.7) do not apply within the development district. Therefore, the DSP is subject to Sections 4.1 and 4.9 of the *Prince George's County Landscape Manual*.
- a. Section 4.1 requires that a certain amount of planting is provided on the site of any proposed residential use. The correct schedule, demonstrating conformance with the Section 4.1 requirements, is provided on the landscape plan; however, a condition has been included in this approval requiring that the street trees be removed from the calculation of trees provided as they are not necessary to meet the requirement.
 - b. The site is subject to Section 4.9 of the *Prince George's County Landscape Manual* which requires that a percentage of the proposed plant materials be native plants. The plant schedule lists the native and non-native plants incorrectly; therefore, the Section 4.9 chart demonstrating conformance with the requirement is incorrect. A condition has been included in this approval requiring it to be revised to show the correct amount of native plants on-site.
11. **Woodland and Wildlife Habitat Conservation Ordinance and Tree Canopy Coverage Ordinance:** The DSP proposes to redevelop an existing commercial site with a mixed-use project consisting of residential and retail uses. The DSP is subject to the requirements of the Tree Canopy Coverage Ordinance, but not the Woodland and Wildlife Habitat Conservation Ordinance.
- a. Subtitle 25 Division 2: Woodland and Wildlife Habitat Conservation Ordinance—This site is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of woodland. An exemption letter was issued for this site on April 14, 2011. A tree conservation plan is not required at this time.
 - b. Subtitle 25 Division 3: Tree Canopy Coverage Ordinance—Section 25-128 of the Prince George's County Code requires a minimum percentage of tree canopy coverage (TCC) on properties that require a grading permit. Properties zoned M-U-I are required to provide a minimum of ten percent of the gross tract area in tree canopy. The overall

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development has a gross tract area of 2.71 acres and, as such, a TCC of 0.27 acres or 11,805 square feet is required. The submitted landscape plan provides a worksheet stating that this requirement will be addressed through the proposed planting of 22 ornamental trees, 16 evergreen trees and 33 shade trees on-site, for a total of 11,870 square feet of provided TCC.

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

- a. **Historic Preservation**—The Historic Preservation Commission (HPC) did not review the revised building architecture and, therefore, the recommendation from their October 18, 2011 meeting remains the same. At their October 18, 2011 meeting, the Historic Preservation Commission (HPC) reviewed the subject application in regard to its relationship to the adjacent Old Town College Park Historic District (66-042), per the requirements of Section 27-281.01 of the Zoning Ordinance. The HPC reviewed presentations by staff and the applicant, as well as a number of members of the public. At the conclusion of testimony and after deliberation, the HPC voted to forward the following recommendations to the Planning Board:

Historic Preservation Commission Recommendations

- (1) *The Historic Preservation Commission recommends that because the subject site is already substantially disturbed by long-term development, no archeological investigations are necessary.*
- (2) *The Historic Preservation Commission recommends to the Planning Board that the subject application be denied as incompatible with the character of the adjacent Old Town College Park Historic District and because the application fails to address the requirements of the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment (SMA) with regard to the requirements for new and infill construction adjacent to the historic district which has been identified as an existing residential area.*
- (3) *The HPC also recommends that the Planning Board establish a voluntary working group to address potential revisions to the project to enhance its compatibility with the requirements of the Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment and the adjacent Old Town College Park Historic District and that the working group should include representatives members from R & J Company (the developer), the City of College Park, the University of Maryland, the St. Andrew's Episcopal Church, the Old Town Civic Association,*

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*M-NCPPC planning staff, and the Old Town College Park
Historic District Local Advisory Committee.*

In reviewing the HPC comments, the Planning Board found that it was not necessary for the DSP to address comments numbers (1) and (3). As to HPC comment number (2), the Planning Board disagreed with the HPC for the reasons that are detailed in the sections hereinabove, which discuss the compatibility of the DSP with the surrounding area.

*Further analysis by the HPC is provided in response to the Order of Remand in Findings No. 15-17.

- b. **Community Planning**—No official Community Planning response was produced for the January 19, 2012 Planning Board hearing, where the revised architectural elevations were reviewed. Therefore, the Planning Board reviewed the following original comments:

- (1) *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.*
- (2) *This application does not conform 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 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment recommends mixed-use commercial land uses on the subject property (see Map 8 on page 62 of the sector plan). Mixed-use commercial land uses are described as "Properties that contain a mix of uses that are predominantly nonresidential, including commerce, office, institutional, civic, and recreational uses. These properties may include a residential component, but are primarily commercial in nature." At 14,366 proposed square feet, the non-residential component of the proposed development constitutes just 3.6 percent of the overall development program.*
- (3) *This application incorrectly identifies the subject site as being in the University of Maryland Walkable Node. The proposed development is located in the Downtown College Park Walkable Node as shown on Map 8 on page 62 of the sector plan. 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, with regard to building height, scale, and type*

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tailored to the existing businesses and residents, while accommodating desired growth and change (page 44). Walkable node development should consist of buildings between two and six stories in height (pages 69 and 237).

- (4) This application does not meet key Development District Standards intended to preserve and enhance the character of existing residential neighborhoods adjacent to designated Walkable Nodes.*
- (5) There are significant concerns with regard to the form and massing of the proposed development and its relationship to existing residential neighborhoods, in this case the county-designated Old Town College Park Historic District, a stable community of single-family detached dwelling units and fraternity and sorority houses. Policy 4 on page 66 applies throughout the Central US 1 Corridor, and states "ensure that development in the Central US 1 Corridor does not adversely impact the character of existing residential neighborhoods."*
- (6) Strategy 1 of Policy 4 on page 66 calls for 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." While the proposed application provides for some transition in uses from retail along US 1 to multifamily along Yale Avenue, the building density and intensity does not change through the block.*
- (7) Strategy 5 of Policy 4, on the same page, intends to "ensure that redevelopment of Downtown College Park does not adversely impact the properties located within the Old Town College Park Historic District." Because the proposed development does not provide a transition in form and density through the block from US 1 to Yale and College Avenues (the borders of the historic district), the proposed development will have an adverse impact by locating a development nearly 30 times more dense than the average density of the Old Town College Park Historic District (approximately 4.2 dwelling units per acre, generally in the R-55 Zone) in a form that visually dominates and overwhelms the historic resources of the district.*
- (8) Policy 3 on page 70, which applies to walkable nodes, states: "Create appropriate transitions between the higher-intensity walkable nodes and existing residential neighborhoods." The strategies of this policy envision both two to three-story*

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transitions via townhomes or small apartment buildings between new development in walkable nodes and existing residential neighborhoods, and a similar level of detail in these transitions, as within the walkable nodes, to enhance quality of development and preservation of existing community character. The College Avenue and Yale Avenue elevations of the proposed building, when viewed in context with the form and architectural details of the adjoining, existing historic residential neighborhood, do not create a harmonious transition.

- (9) *The sector plan vision for transitions to existing residential areas and the intent to preserve these communities are enforced via Development District Standards for step-back transitions and landscape buffers on page 241. Where a walkable node area is across the street from an existing residential area (e.g. Old Town College Park), a step-back transition and/or a landscape buffer shall be required for all new development in the walkable node area. Development shall step down through the block to a maximum height of two or three stories facing existing residential development. The proposed development does not incorporate this required step-back transition. It should be noted that this detailed site plan application does not incorporate a request to amend this standard.*

Building Transition Requirement

Additional discussion of the applicant's statement of justification with regards to the requirement for building step-backs and transitions is warranted. First, it is understood that the use and occupancy permits in place for properties to the east and south of the subject property, across Yale Avenue and College Avenue, reflect residential uses. The Episcopal Student Center on Yale Avenue houses five residents, and is residential in nature. Therefore, the applicant's position that their site is exempt from the transition and step-back requirements because the site is not adjacent to an existing residential area is inaccurate.

The applicant incorrectly notes the Alpha Omicron Pi sorority house on College Avenue is "zoned for corridor infill." This property is within the Downtown College Park Walkable Node per Map 8 on page 62, not the corridor infill area, and the zoning has no direct bearing on the character area designation. The sorority house was retained in the R-18 Zone by the 2010 Sectional Map Amendment, and is within the Development District Overlay Zone (D-D-O-Z).

The applicant seems to argue that existing residential areas are limited solely to certain properties located within the sector plan boundaries

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that are designated within the "Existing Residential" character area. This argument reflects a misunderstanding of the purpose and intent of the sector plan with regard to both "designated" existing residential areas within the sector plan boundaries and the treatment of existing residential areas immediately adjacent to, but outside, the sector plan boundaries. In short, there is no difference in intent, vision, or approach in the treatment of the sector plan with regard to existing residential areas or neighborhoods. The sector plan recognizes the proximity of stable, developed residential areas, adjacent to the sector plan boundaries, and as discussed above, includes a number of policies and strategies specifically intended to address adjacent communities. Any and all references to existing residential areas apply equally to both existing residential locations within the boundaries and residential areas outside the boundaries of the D-D-O-Z.

Subject Site Location

The applicant incorrectly identifies that the location of the subject property is within the University of Maryland Walkable Node. The subject property is located in the Downtown College Park Walkable Node per the approved Land Use South Map on page 62. It should also be noted that the current book store has a College Avenue address.

The pedestrian safety and comfort recommendations and other appropriate recommendations on pages 82–83 of the sector plan should be incorporated in the design of the proposed development, and the applicant's statement of justification should be re-written to incorporate the correct walkable node designation.

Architectural Design

The architectural design of the proposed development, as seen in the submitted elevations, does little to enhance the experience of the pedestrian at ground level or to enhance the overall architectural character of Downtown College Park. The applicant should be encouraged to revise the architectural designs in accordance with the sector plan recommendations and the Development District Standards on pages 247–248 to incorporate a stronger expression line, more varied storefront facades, additional pedestrian-scaled architectural detailing, and a more innovative approach to massing and façade articulation along the major public facades of the building, perhaps with different rhythms in the bays, additional façade plane recesses, and similar techniques.

Stormwater Management and Environmental Site Design (ESD)

The incorporation of artificial turf in the courtyard areas of the proposed development is concerning, and it is unclear how the design of these

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spaces will contribute to ESD to the maximum extent practicable or how they will facilitate the Sustainability and the Environment Development District Standards on pages 258–259. While the applicant will clearly minimize lawn or turf areas by providing artificial surfaces, the potential impacts that the artificial turf may have on the local microclimate (e.g. heat island effect of artificial grasses), drainage, and on-site treatment of stormwater should be further reviewed.

Structured Parking

The Planning Board concurs with the applicant's justification statement regarding the placement of the integrated parking structure on the subject property. The calculation of required parking using the shared parking factor is also correct if one rounds down a remainder of 0.098 of a parking space. However, the site plan seems to indicate the possibility for 12 on-street parking spaces on the north side of College Avenue—these spaces appear “grayed out” on the proposed site plan but are not explicitly removed or provided. If these spaces are provided, the proposed application will exceed the number of parking spaces permitted for the site by 12 spaces, which would necessitate an amendment to the Development District Standards.

Amenities and Public Space

While the applicant is not specifically required to provide for public amenities and open space by the requirements of the sector plan and Development District Standards, this application does not further the sector plan goals, policies, and strategies to promote plazas and pocket parks as gathering places for neighborhood events, community well-being and exercise. Several amenity areas are proposed, but none are available for public use.

LEED Scorecard

The submitted leadership in energy and environmental design (LEED) for Homes scorecard suggests the applicant is not providing a garage or has designated the integrated parking structure as “detached garage or no garage” for purposes of achieving three points for IEQ factor 10. Since the proposed development clearly incorporates an attached parking structure, the applicant should explain this point in more detail.

The applicant should be encouraged to explore measures to better implement the Energy and Atmosphere element of LEED for Homes, as this category has potential benefits such as reduced operating costs and improvements to the local environment.

*Further analysis by the Community Planning North Division is provided in response to the Order of Remand in Finding No. 16.

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Based on all the testimony and exhibits, the Planning Board found that the *original DSP as revised *conform[s]ed to the land use recommendations of the sector plan, as primarily commercial uses occupy the ground floor of the building; that all applicable standards, which are intended to preserve and enhance the character of the adjacent neighborhoods, have been fulfilled; that the form and massing of the building are in compliance with the development regulations applicable to the subject property as required by the sector plan; that no step back transition is required as there are institutional and comparable multifamily student housing development adjacent to the subject property; that the density of the DSP is in conformance with the development regulations applicable to the subject property; that the architecture, color and materials of the building as revised enhance the quality of development in the area; that the incorporation of artificial grass and plantings in the courtyards is appropriate given the high traffic nature of these areas, and is also a LEED element of the building design; that one courtyard will be open to the public, and there are ample public gathering spaces along the US 1 frontage and wide sidewalks on Yale and College Avenues to enhance pedestrian activities.

c. **Transportation Planning**—The Planning Board reviewed the following comments:

With the proposed site plan, the applicant has submitted for review a revised comprehensive traffic analysis, dated September 7, 2011. In the submitted traffic impact study, it is reported that the proposed replacement of the existing bookstore in a smaller footprint (9,991 gross square feet vs. 32,480 gross square feet), the construction of 1,010 college student beds in 341 residential student housing units, and 4,375 additional square feet of commercial retail will generate 141 (36 in, 105 out) and 192 (111 in, 81 out) vehicle trips during the AM and PM peak hours, respectively. The reported number of vehicle trips for either peak is based on utilization of trip generation rates obtained from the existing student housing building on US 1 (8204 Baltimore Avenue). The recommended rates are substantially lower than the trip generation rates recommended for residential uses by the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Guidelines). The Planning Board agreed with the calculated trip generation rates for the proposed student housing, since it was done in accordance with the procedure outlined and because the Guidelines do not recommend any specific trip generation rates for student housing. The AM and PM peak-hour trip totals include the recommended reduction for pass-by trips for the proposed commercial uses (60 percent).

In addition to the site's generated traffic, the traffic impact study includes the calculated annual growth of one percent per year for through traffic for US 1, and the projected AM and PM peak-hour traffic impact of all approved, but not yet built or occupied development applications within the study area.

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This study was referred to the State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T) for their review and comments. The DPW&T and SHA concur with the traffic impact study conclusion that the impacted transportation network and the proposed access configuration would be adequate in serving the proposed development.

The calculated average critical lane volumes (CLV)/ levels of service (LOS) under existing, background, and total traffic for the AM and PM peak periods for the US 1 corridor between Campus Way / Paint Branch Parkway and Guilford Road are reported below:

Study Period	Existing Traffic CLV / LOS	Background Traffic CLV / LOS	Total Traffic CLV / LOS
AM peak Period	631 / A	752 / A	772 / A
PM peak Period	865 / A	1016 / B	1057 / B

The minimum acceptable average CLV/ LOS for any of the three corridor segments per the approved and adopted adequacy standards of the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment is 1600 /E.

Conclusions

Based on the preceding findings, the Planning Board found that existing transportation facilities will be adequate, as required by the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*, to serve the proposed redevelopment of the site as shown on the submitted detailed site plan, if the approval is conditioned on the following:

- (1) The total development on site shall be limited such that they generate no more than 141 AM and 192 PM peak-hour trips, respectively.
- (2) Prior to the issuance of any building permits within the subject property, the following improvements shall (a) have full financial assurance, (b) have been permitted for construction by the SHA for part (a), and the city of College Park for (b), and (c) have an agreed-upon timetable for construction with the 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 cross walks and stop bars on all approaches at the intersections of US 1 with College Avenue/ Regents Avenue, per the SHA and the City of College Park Standards.

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- (b) The provision of wide pedestrian cross walks 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.

The conditions have been included in the approval of this DSP. *Further analysis by the Transportation Planning Section is provided in response to the Order of Remand in Finding No. 15-14.

- d. **Subdivision Review**—The Planning Board reviewed the following comments:

Section 24-111 of the Subdivision Regulations provides for exemptions from the requirement of filing a preliminary plan of subdivision for parcels with a record plat. Specifically, in this instance the property is subject to Section 24-111(c) (4) which provides:

- (c) **A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless:**
- (4) **The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of the site, has been constructed pursuant to a building permit issued on or before December 31, 1991.**

The property was enrolled in land records in 1890. The total property land area is 118,048 square feet and the existing development gross floor area (GFA) on the property is 32,480 square feet (27.51 percent of the total land area). Based on aerial photographs of the site, the existing structure has been in existence since prior to 1991. The site is exempt from the requirement of filing a preliminary plan of subdivision under Section 24-111(c)(4) based on the existing conditions and structures reflected on the site plan provided by the applicant and available information found on PG Atlas. There are discrepancies for the total site acreage and the square footage of the existing building between the site plan, statement of justification, and the Letter (La Rocca to Hirsch) dated August 9, 2010. The applicant needs to resolve these discrepancies. The site still meets the exemption pursuant to Section 24-111(c) (4) of the Subdivision Regulations based on all three sources of information.

The site is exempt from a preliminary plan of subdivision; however, the proposed development is a change in the use of the site from a major commercial use to a residential-retail use. Residential developments are

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subject to different adequacy findings than commercial developments. The proposed 341 multifamily dwellings are subject to a public safety surcharge (\$2,317 per unit in the Developed Tier, or \$790,097 for the site) at the time of building permits because there is no preliminary plan of subdivision approved for this site. There are no exemptions for the public safety surcharge, but Prince George's County may grant a waiver for the surcharge.

To ensure that the preliminary plan exemption will apply to the future development of the site if the applicant proposes to raze any existing structure in the future, the Planning Board found that the applicant should file a final plat for the site in accordance with Section 24-108 of the Subdivision Regulations, for which no preliminary plan is required. The final plat should include a note to vest the exemption from filing a preliminary plan pursuant to Section 24-111(c) (4) as described above.

The Planning Board found that following notes shall be added to the detailed site plan:

- (1) The site is exempt from a preliminary plan pursuant to 24-111(c) (4), plat to vest is recommended.
- (2) A Public Safety Surcharge is required per dwelling unit, unless waived by the County Council or deemed inapplicable.

The Planning Board found that the following conditions should be included in the approval for Detailed Site Plan-DSP-10028:

- (1) Prior to approval of building permits, the applicant, heirs, successors and/or assigns 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:
- (2) Add a note to state that the subject property is exempt from filing a preliminary plan pursuant to Section 24-111(c) (4).
- (3) Show the dedication of right-of-way along Baltimore Avenue and Yale Avenue as reflected on the approved DSP.
- (4) 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.

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- (5) Add a note that the development of the subject property shall be in accordance with the approved DSP.

e. **Trails**—The Planning Board reviewed the following summarized comments:

The property is located on Baltimore Avenue (US 1). Adequate sidewalk and crosswalk facilities are shown on the submitted detailed site plan. The proposed sidewalks range in width from 14 and 20 feet. Barrier-free pathways and sidewalks that will accommodate the handicapped will be constructed. The crosswalks, striping and pavement treatments appear to be adequate for the proposed use and do not conflict with the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment and the approved D-D-O-Z street sections. The D-D-O-Z street section is described as section "5A" in the sector plan. The D-D-O-Z requires a minimum sidewalk width of 12 feet and a curb radius of ten feet. The sidewalk widths appear to be adequate, but the curb radius of ten feet may not be achievable because of SHA minimum standards for curb radius at signalized highway intersections. The proposal does not conflict with the requirements of the D-D-O-Z and the recommendations of the sector plan in terms of pedestrian and bicycle amenities.

Bicycle Parking

The development district standards contain some requirements for the provision of adequate pedestrian and bicycle facilities and those facilities specifically designated for the US 1 corridor. The D-D-O-Z requires that one bicycle parking space be provided for every three vehicle parking spaces provided as part of a development application. The DSP does not conflict with the D-D-O-Z as it includes 320 vehicle-parking spaces and 315 bicycle parking spaces. Details of the bicycle parking spaces have been provided for the 35 exterior bicycle parking spaces and these details appear to be adequate for the proposed use. The bicycle parking spaces are conveniently located on the site. The bicycle parking will encourage and facilitate bicycle travel as is recommended by Policy 2 on page 143 of the sector plan.

Facilitating Cyclists

The 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment contains policies related to cycling and recommends strategies such as providing paths, on- and off-street dedicated bicycle facilities, walkable street design, and bicycle parking. The subject proposal does not conflict with these policies and it provides amenities such as bicycle parking, and wide, uninterrupted sidewalks. The proposal also includes sufficient property area for the Maryland State Highway Administration (SHA) to develop planned bicycle facilities along Baltimore Avenue (US 1).

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Findings

Previously, it was recommended that the plan be revised per issued comments. The applicant has addressed these comments, and the resolution to each issue is provided below with references to the sections of the approved Development District Standards contained in the sector plan and D-D-O-Z:

- (1) The sector plan recommends that off-road, single-direction, cycle tracks be provided at the subject property frontage along US 1 in the location between the curb and the building. SHA has planned on-road bicycle lanes that differ from the cycle track concept approved in the Sector Plan. The proposal includes building-to-curb dimensions ranging from 27 to 34 feet in width. These widths appear to be adequate for the proposed use and will allow future cycle track development as is recommended in the sector plan. The cycle tracks may be constructed by the SHA, but SHA's current plan includes on-road bicycle lanes, and the subject proposal includes sufficient road area for on-road bicycle lanes.*
- (2) It was previously noted that there is only five feet of available landing from the top of the Americans with Disabilities Act (ADA) curb ramp to another ADA ramp into the building and portico. The DSP has been revised by the applicant to include 7.7 feet from the top of the ADA curb ramp to the other ramp into the building and portico. This has increased the space for pedestrian flow.*
- (3) A reduction in the curb radii along College Avenue at US 1 was requested. The applicant states that what is provided is the minimum that SHA will allow. It was also requested that the applicant install a "curb extension" on College Avenue to shorten the distance for a pedestrian to cross College Avenue. Four new on-street metered parking spaces could then be added to College Avenue. The proposal has not been revised, but the applicant is on the record stating that the plan will "conform to SHA requirements."*
- (4) It was recommended that the applicant construct pedestrian countdown signals contained in the Maryland SHA Bicycle and Pedestrian Design Guidelines because the sector plan describes the subject property as being located in the approved "walkable node" section of the US 1 corridor. This section of the corridor is recommended for tall buildings over four stories in height,*

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located along the street to create viable pedestrian environments. The sector plan contains a "Walkable Streets" section (page 128) that describes recommendations for the walkable nodes. The District Council added a specific strategy on page 129 of the sector plan, which specifically recommends to "Provide well-designed, safe street crossings at all intersections for pedestrians to cross US 1 and other major streets. Ensure these crossings are located for maximum convenience, include pedestrian safety amenities such as countdown crossing lights, and allow for sufficient crossing time." (Amendment 26, CR-50-2010).

- (5) *Older pedestrian countdown signal crossings currently exist at the intersection of US 1 and College Avenue. The applicant has provided sufficient right-of-way for the state improvements and wide sidewalks ranging in width from 14 to 20 feet. Because SHA has started a series of improvements for the US 1 corridor, including convenient and safe pedestrian crossings, no new recommendations are provided. It was recommended that the applicant install a pushbutton-integrated system that has a speaker and vibrating surface or arrow at the pedestrian button. The SHA is currently upgrading the subject section of US 1 and new modern pedestrian crossings will be considered and ultimately, improvements to the crossings may be made by the SHA.*
- (6) *It was recommended that the applicant construct "Accessible Pedestrian Signals (APS)" on College Avenue. It has not yet been determined by SHA as to whether or not these countdown signals are necessary. The City of College Park owns and maintains this section of roadway, and the City is not requesting that countdown signals be placed at this location.*
- (7) *It was recommended that the applicant consider in-street pedestrian crossing signage (Standard MUTCD R1-6A) on US 1. This recommendation will be reviewed by SHA as part of the construction improvements along US 1 and should not directly affect this application.*
- (8) *It was recommended that the applicant install the City of College Park's way finding signage. The City has not provided comments on this request.*
- (9) *It was recommended that the applicant install bicycle parking signage (Standard MUTCD S D4-3) in the US 1 right-of-way.*

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This will require SHA approval, and the applicant has indicated that they will conform to SHA requirements. The bike parking within the building is private.

Based on the preceding analysis and evidence provided by the applicant, the Planning Board found that adequate bicycle and pedestrian transportation facilities exist to serve the proposed use.

- f. **Department of Parks and Recreation (DPR)**—DPR did not offer comments on the subject application.
- g. **Permit Review**—Permit comments were provided to the applicant regarding the DSP. These comments address site plan notes with the submitted site plans.

They indicated that the applicant needed to revise the notes on the cover sheet of the site plan to reflect the subject property in Character Area WN, Walkable Node, rather than "5a Walkable Node." The applicant's response was that they conducted a review of legislative amendments to the plan at the time of formal approval, and no change was necessary.

However, the District Council's approval of the sector plan by County Council Resolution CR-50-2011 authorized staff to "make appropriate text and map revisions to correct identified errors and inconsistencies, reflect updated information and revisions, and incorporate the zoning map changes reflect in this Resolution." Pursuant to this direction, the alpha-numerical designation of character areas will be removed in favor of referencing that is easier for readers to understand. It was proposed that the character area "5a" designation be replaced with the abbreviation "WN," for "walkable node."

The Planning Board found that it was not necessary for the DSP to be revised in this way.

- h. **Environmental Planning**—The Planning Board reviewed the following analysis of the subject application:

- (1) *The site has a signed Natural Resource Inventory (NRI-019-10). There are no regulated environmental features or woodlands on the site. The site is currently developed with an existing building, surface parking, and landscaping. The existing features are correctly shown on the plan.*
- (2) *The site has an Approved Stormwater Management Concept Plan and Letter (28576-2010-00). According to the approval letter, the site is required to address water quality through infiltration and underground storage. According to the plans and*

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letter, the site is providing infiltration through green roof systems in the proposed courtyard areas and porous concrete sidewalks.

- i. **The Department of Public Works and Transportation (DPW&T)**—DPW&T offered the following comments *relating to the revised plans associated with the Order of Remand as stated in memorandum dated September 5, 2012:

- (1) *The property is located on the northeast corner of the intersection of College Avenue and US 1. This site does not impact any county-maintained roadway. Coordination with the City of College Park is required. US 1 is a State-maintained roadway; therefore, coordination with the Maryland State Highway Administration is required.*
- (2) *The DSP is consistent with approved Stormwater Management Concept Plan 28576-2010, dated November 22, 2010.*
- *(3) *Coordination with the University of Maryland (UM) is required in order to be able to connect to the existing private SD System. The property owner needs to obtain approval from the University of Maryland prior to the connection; otherwise, the applicant must find another means to outfall the storm water system.*

*The Planning Board did not make the above Comment No. 3 a condition of the approval of the plans due to the fact that the storm drain issue involves the subject proposal, the University of Maryland, and the Maryland Department of the Environment.

- j. **State Highway Administration (SHA)**—In a letter dated August 2, 2011, the State Highway Administration offered the following comments:

- (1) *The right-of-way dedication along US 1 property frontage as shown on the development plans is acceptable; please note that truncations (right-of-way flares) and right-of-way dedications/donations need to be in accordance with the Master Plan of Highways. The SHA will require that right-of-way dedications/donations be platted to SHA standards.*
- (2) *Upon approval of the Traffic Impact Study (TIS) from The Maryland-National Capital Park and Planning Commission (M-NCPPC), the SHA will require six copies of the TIS for review and comment.*

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- (3) *Limited work within the SHA right-of-way, such as construction of sidewalks, sidewalk ramps, or any utility connections/abandonments will require a permit from the SHA, District 3.*
- k. **Maryland Aviation Administration (MAA)**—In a letter dated September 30, 2011, the Maryland Aviation Administration offered the following:
 - (1) *The Maryland Aviation Administration has received the Federal Aviation Administration Form 4760-1 in regard to the referred Maryland Book Exchange, Detailed Site Plan DSP-10028, near College Park Airport, a Maryland licensed public-use facility located in College Park, Maryland.*
 - (2) *Based on the information received, MAA determines the proposed structure lies beneath the Horizontal Surface at College Park Airport by 44 feet. In accordance with COMAR 11.03.05, Obstructions to Air Navigation, the proposal is considered to be no obstruction or hazard to air navigation at College Park Airport.*
- l. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not offer comments on the subject application.
- m. **Verizon**—Verizon did not offer comments on the subject application.
- n. **Potomac Electric Power Company (PEPCO)**—In an e-mail dated July 20, 2011, PEPCO indicated that they required a ten-foot public utility easement (PUE), free and clear of obstructions.
- o. **University of Maryland**—The University of Maryland offered the following comments on the subject application:
 - (1) *The subject application is located directly across from the campus' South Gate; therefore, the quality of this project is important to the University, and it is in that context that we offer the following comments.*
 - (a) *We are pleased that the project plans include housing for graduate and international students and visiting faculty, and recommend that the retail component address community needs for complimentary retail and neighborhood services.*

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- (b) *The University Campus is considered by the State of Maryland to be an Eligible Historic District, dictating high standards for the urban design, architecture and sustainability of neighboring properties. The architectural drawings included in the DSP package fall short of this expectation.*
 - (c) *To address urban and architectural design concerns of the University and community, we propose that a committee, consisting of City, community and University representatives provide ongoing input to the developer's team as the design is further developed. University representation would be by select members of the Architectural and Landscape Review Board; College Park representation might be Planning and Development staff; and community representation by the Advisory Planning Commission.*
- (2) *Our detailed review of the site plan raised two technical issues:*
- (a) *An existing storm drain within the site ties to the campus storm system, discharging at a University outfall which is part of the University's Discharge permit with the State. The proposal to tie the project's stormwater vault to the campus system in order to manage storm drainage for the project is unacceptable.*
 - (b) *There is a discrepancy between the site plan property lines and the University's boundary description that requires reconciliation. To address the technical issues, the University is available to work directly with the developer's design team.*

In a letter dated December 23, 2011, to the applicant, the University invited the applicant to present updated design information at the January 6, 2012 meeting of the University's Architecture and Landscape Review Board. They also restated their concerns about, and opposition to, the project's proposal to tie into the existing campus storm drain system. The applicant met with the Review Board on two occasions and incorporated some of the comments into the revised submittal, which the Planning Board reviewed on January 19, 2012.

In another letter dated January 18, 2012, to the Planning Board, the University reiterated its major concerns with the DSP and requested that the Board include three specific conditions in the final approval of the DSP. These conditions have to do with

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architectural detail on the northern elevation of the building, the storm water outfall issue, and the contested metes and bounds of the project site.

The Planning Board found that it was not necessary for the DSP to address the boundary and storm drain concerns expressed in the University's letter as they are beyond the scope of the DSP. The Planning Board disagreed with the University regarding the design of the building, specifically as to the north side of the building, based, among other considerations, upon the uses and appearance of the adjacent Pocomoke Building. *The Order of Remand specifically addressed the two issues above and further discussion can be found in Findings No. 15-22 and 15-23.

- p. **City of College Park**—The City of College Park held a work session to consider the original proposed plan on October 4, 2011. On October 11, 2011, the City Council of College Park voted 6-1-1 to recommend disapproval of the subject application based on the City Staff report dated September 30, 2011 and summarized as follows:

The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- (1) The requirements of the Zoning Ordinance for Detailed Site Plans found in Section 27-281.01 and Section 27-285(b);*
- (2) The requirements of the Zoning Ordinance for Mixed Use Zones found in Section 27-546.19; and*
- (3) The Goals, Principles and Policies and Development District Standards contained in the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment.*

The recommendation for disapproval is based on the failure of the detailed site plan to comply with the following:

- (1) Section 27-281.01 of the Zoning Ordinance, which requires that for property adjacent to a Historic District, the Detailed Site Plan shall address building siting, setbacks, height and massing, building materials, façade treatments and architectural expression, landscaping, fences and walls, accessory structures, lighting, paving materials, and signs to ensure that the development complements the character of the Historic District.*
- (2) Sections 27-546.19(b)(3), (c)(4) and (c)(5) of the Zoning Ordinance, which requires the applicant to provide a statement and demonstrate that all proposed uses will be compatible with existing or approved future development on adjacent properties and also requires that the proposed development meets the standards for compatibility with respect to the size, height and*

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massing; building materials, color and design; appropriate scaling and architectural detailing; and minimization of adverse impacts on adjacent properties and the surrounding neighborhood, including the hours of operation of deliveries and the location of loading and delivery spaces.

- (3) *Sector Plan Development District Standards for Building Form, specifically Building Height and Step-back Transitions, that requires the development to step down through the block to a maximum height of two or three stories facing existing residential areas.*

The City of College Park held a work session to consider the revised architecture on January 3, 2012. On January 10, 2012, the City Council of College Park again voted 8-0-0 to recommend disapproval of the subject application to the Planning Board. Their comments and concerns, which include the failure of the DSP to complement the character of the adjacent Historic District, to demonstrate compatibility with the development on adjacent properties, and to address the stepback transition standard within the sector plan, are contained within a letter dated January 11, 2012, addressed to the Planning Board.

The Planning Board disagreed with the City of College Park, after extensive testimony by the City of College Park, residents of the City of College Park, the applicant and its expert witnesses, and substantial discussion. The Planning Board found that the DSP as revised and presented on January 19, 2012 complies with the applicable requirements of the sector plan and is designed to be compatible with the adjacent properties and adjacent neighborhoods. *Further discussion of the City of College Park review relating to the Order of Remand, can be found in Finding No. 20.

- q. **Town of University Park**—The Town of University Park did not offer comments on the *original subject *application, however the Town did review the revised plans associated with the Order of Remand. For further discussion of the Town of University Park involvement with the subject application, see Finding No. 21.
- r. **Town of Berwyn Heights**—The Town of Berwyn Heights did not offer comments on the subject application.
- s. **City of Hyattsville**—The City of Hyattsville did not offer comments on the subject application.
- t. **Town of Riverdale Park**—The Town of Riverdale Park did not offer comments on the subject application.
- u. **Prince George's County Health Department**—The Health Department provided comments in a letter dated January 11, 2012. Their issues have been addressed through conditions of approval of this DSP.

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13. The Planning Board found that the *[subject] original application adequately *[takes] took into consideration the requirements of the D-D-O Zone and the sector plan and *[meets] met all D-D-O standards. As a result, and as required by Section 27-285(b) (1) of the Zoning Ordinance, the Planning Board found that the detailed site plan *represent[s]ed 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.
14. Per Section 27-285(b) (4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:
- (4) **The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

There are no regulated environmental features found on the subject property; therefore, no preservation or restoration is necessary.

***ORDER OF REMAND FINDINGS**

- *15. The District Council reviewed the plans on appeal of the Planning Board's action and remanded the detailed site plan for the Maryland Book Exchange to the Planning Board on July 24, 2012. The following in bold is the Order of Remand, followed by Planning Board findings in review of the plan submitted in response to the Order of Remand:

***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**

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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.¹ 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.²

*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

*1 The words “shall,” “must,” “may only” or “may not” are always mandatory and not discretionary. Zon. Ord. §27-108.01(19).

*2 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 about 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.

Town College Park Historic District. Based on permit research, the Episcopal Student Center, owned and operated by the St. Andrews 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

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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.

*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 stepback 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 Planning Board reviewed the submitted architectural elevations as revised in response to the Order of Remand and finds that the revised plans have reduced the height of the building a maximum of three stories along the areas delineated by the District Council.

***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:**

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- *• 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.
- *In order to address these concerns, additional stepping down is proposed near the historic district. This revision to the architecture helps to mitigate the impact of the building mass on adjacent neighborhoods, and provide the protection from adverse impacts cited above.
- *The issue of the courtyards and natural lighting has been addressed by Steve Gresham, AIA, and is discussed further in Finding No. 15-13.
- *In regard to the pedestrian circulation issue, the Transportation Planning Section analyzes this issue in Finding No. 15-14.
- *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 facade on the North elevation. On the south, east, and west elevations, the site plan should create a more varied facade by

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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.

*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, the Planning Board 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 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. The Planning Board believes that these facades will provide more visual interest through signage, lighting and window displays as the tenants of these commercial spaces are leased.

*The revised plans in response to the Order of Remand were sent to the University of Maryland as a referral and were reviewed by the Architectural and Landscape Review Board. Those findings are contained in Finding No. 19.

***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.**

*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

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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.”**

*The Planning Board found that this statement 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 Order of Remand 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. 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 Planning Board 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. Further, it is noted that the 50-foot depth requirement is not contained within the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment.

*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**

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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 Order of Remand, 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. The plans, dated August 28, 2012, provide images of the background facades in a faded technique, where none were shown previously. However, the distance of the background facades can result in a misinterpretation of the visibility of those facades from the street or even adjacent properties, depending on the depth from the front facade. 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 facade and its integration and juxtaposition in relation to the north elevation. The Planning Board found 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 facade of the north elevation. Review of the floor plans indicate that this would result in the loss of two four-bedroom units. This stepdown will allow for better integration of the three-story building along Yale Avenue to the resulting five-story north facade and will be responsive to the Order of Remand'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.**

*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

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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.

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**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.*

**The Planning Board found 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.***

**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 a memorandum dated August 27, 2012:*

**In reviewing this issue anew as directed by the Order of Remand, 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*

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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

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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.

*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 Planning Boards agreed with the analysis above and the findings of the Transportation Planning Section regarding this application.

***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.**

*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 Planning Board adopted 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.**

*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 along with the conditions of this approval will result in the stepdown of the building at the eastern end, and will substantially increase the degree to which the building is respectful of the 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**

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applicant.³ 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.

- *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.⁴ 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.**

*On Thursday, September 6, 2012, the Historic Preservation Commission held a special meeting for the purpose of reviewing DSP-10028, Maryland Book Exchange application which had been remanded by the District Council to the Planning Board on July 25, 2012. The following excerpts were provided for the Planning Board's review:

***Old Town College Park Historic District**

**1) The subject site is adjacent to the Old Town College Park Historic District (#66-042) which includes properties to the east and south. Properties within the adjacent historic district are generally small-scale (two to four stories), residential or institutional structures with uniform setbacks. The adjacent streetscape is characterized by front and side yards that include sidewalks, lawns, ornamental plantings, and shade trees.*

**2) The Old Town College Park Historic District is significant as a local example of the residential subdivisions that emerged with the late-nineteenth and early-twentieth-century expansion of the nation's capital. These suburbs were made possible initially by the presence of railroad lines and subsequently with the proliferation of streetcar lines and thereafter, by the ascendance of the automobile. The historic district includes 216 properties with a total of 295 primary and secondary resources that reflect two periods of significance: the emerging suburb (1889-1950) and the impact of the nearby University of Maryland on the community (1935-1965).*

**3) The proposed development of the subject property includes a mixed-use development with below- and at-grade interior parking, ground-floor retail space along Baltimore Avenue and the western end of College Avenue (approximately*

^{*3} 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).

^{*4} 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).

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13,844 square feet) and upper-level housing (a range of 284-304 units of varying configurations). Access to the building's parking facilities, loading, and service entrances will be provided by entries on the south (College Avenue), east (Yale Avenue), and north elevations. A pedestrian access point to the westernmost courtyard and the rear of the retail space fronting Baltimore Avenue has been provided west of the loading area on College Avenue. A large portion of the block-filling building, with the exception of the west (Baltimore Avenue) elevation and the western portion of the north elevation (facing the University of Maryland campus), will be visible from the historic district.

*4) Because of the compressed review schedule associated with the remand of this application, staff has not been able to review a complete and internally consistent set of plans and elevations and an associated site plan. Further, the applicant may not be in a position to make final selections of some materials and details before review of this application by the Planning Board. As a result, while a number of changes have been proposed to the building elevations that appear to be acceptable as represented in the submitted renderings, staff is uncertain as to the actual character of some proposed details, such as precise brick patterns, carpentry details, precise color and texture selections, spandrel panel details, and cornice treatments. Although the applicant's presentation to the Historic Preservation Commission may address a number of these issues, it is likely that many of these details await final selection. Therefore, these details may require resolution through a recommended condition of approval from the HPC to the Planning Board.

*5) The Old Town College Park Historic District Local Advisory Committee (LAC) met on August 28, 2012 to review the subject application. The LAC voted 5-0 to recommend disapproval of the application and provided more detailed comments at the September 6, 2012 special meeting of the HPC.

*6) At the Historic Preservation Commission's September 6, 2012 hearing, the HPC received an orientation and presentation by staff, a presentation by the applicant, received comments from the City of College Park Planning Department and legal counsel, comments from the City of College Park Councilmember in whose district the project would be located, comments from the Old Town College Park Historic District Local Advisory Committee (OTCPLAC), and comments from a number of interested citizens and residents of the Old Town College Park Historic District adjacent to the project site. After considering the presentation and testimony and at the conclusion of the discussion, the HPC voted to provide the Planning Board with the recommendations.

*At the meeting, staff summarized the details of the application and the applicant, represented by project architect Stephen Gresham of Niles, Bolton Architects and Michele LaRocca, attorney for the applicant, provided additional

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explanation of the proposed building's organization and architectural character and its design elements and materials. Ms. LaRocca indicated the applicant's support for the recommended conditions provided to the HPC by Historic Preservation Section staff.

*Testimony provided by the City of College Park Planning Director, Terry Schum, and Suellen Ferguson, the City's legal counsel, indicated that the City still felt that the project, even as recently revised, did not address the requirements of the District Councils Order of Remand or the requirements of the Approved Central US 1 Sector Plan and Sectional Map Amendment (June 2010). The City felt strongly that the required step-downs through the block are still not addressed by the current design and that the two-story roof element along Yale Avenue was not compatible with character of the adjacent Old Town College Park Historic District. These opinions criticisms of the project were echoed by City of College Park Councilmember Stephanie Stulich, Jim McFadden, a member of the OTCPHDLAC, as well as citizens Page Lacey and Kathy Bryant that testified in opposition to the project as currently designed, and Robert Schnabel, who identified himself as a former HPC Commissioner, who stated that had recused himself from reviews of the application while serving on the HPC.

***District Council Order of Remand**

*6) The District Council's Order of Remand for DSP-10028 requires a referral of the subject application to the Historic Preservation Commission, in part because the Historic Preservation Commission did not review revisions to the plans after initial HPC review in October 2011. The paragraphs within the Order of Remand most directly relevant to the Historic Preservation Commission's review are included here for reference (without footnotes):

*15. On remand, the Planning Board shall take further testimony, and allow additional public comments 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 employs materials, colors and decorative treatments that are compatible with the historic University of Maryland campus and the Old Town Historic District on all elevations.

*16. On remand, the Planning Board, after taking further testimony, and allowing additional public comment shall consider the implications of the detailed 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.

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*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. 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.

*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. 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.

*7) The subject application has been referred to the Historic Preservation Commission in compliance with §27-281.01- Detailed Site Plans of the Prince George's County Zoning Ordinance:

*(a) A Detailed Site Plan must be approved, before permits may be issued for any proposed use of:

*(1) Property in a zone that requires Detailed Site Plan approval;

*(2) Property for which the Planning Board or District Council has expressly required approval of a Detailed Site Plan, in a zoning or subdivision case, a sectional map amendment, or otherwise; or

*(3) Property adjacent to a Historic District, excluding additions, garages, and other minor home improvements of already existing buildings.

*(b) For purposes of this Section, a property lies "adjacent to" a district if any part of the property touches or adjoins the Historic District, including without limitation properties adjoining (by subdivision) across public rights-of-way, or the property lies in an enclave of the Rural Tier, completely surrounded by lands in the Developing Tier. For property adjacent to a Historic District, the Detailed Site Plan shall address the following items, to ensure that the development complements the character of the Historic District: building

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siting, setbacks, height and massing, building materials, facade treatments and architectural expression, landscaping, fences and walls, accessory structures, lighting, paving materials, and signs. (CB-36-2006)

*8) The subject property has had extensive ground disturbance by previous development, including construction of the current Maryland Book Exchange building and associated parking lot. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Phase I archeology survey is not recommended on the subject property.

*9) 'Chapter Three: Development Pattern' of the Approved Central US 1 Sector Plan and Sectional Map Amendment (June 2010) provides policies and strategies with Corridor-wide application that are relevant to the review of the subject proposal (pp. 63-64):

*Policy 4: Ensure that development in the Central US 1 Corridor does not adversely impact the character of existing residential neighborhoods.

*Strategy 1. Implement 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.

*Strategy 5. Ensure that redevelopment of Downtown College Park does not adversely impact the properties located within the Old Town College Park Historic District.

*10) Chapter Three also provides policies and strategies applicable to identified Walkable Nodes such as the one in which the subject application is located (p.68):

*Policy 3: Create appropriate transitions between the higher-intensity walkable nodes and existing residential neighborhoods.

*Strategy 1: Develop townhouses or small apartment buildings between two and three stories in height as a transition between the walkable nodes and single-family detached dwellings. This type of development helps protect neighborhood integrity and provides a smooth transition from lower to higher intensities of use.

*11) 'Chapter Six: Implementation' of the Approved Central US 1 Sector Plan and Sectional Map Amendment (June 2010) provides Development District Standards that prescribe the manner in which the form, organization, and massing of new and infill construction within the plan boundaries are to be

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addressed (p.227). With particular relevance to the subject application, these standards require step-back transitions and landscape buffers for new construction adjacent to existing residential areas such as the Old Town College Park Historic District (p.238). Specifically, the Sector Plan requires (emphasis added):

*Where corridor infill and walkable nodes are across the street from or share a rear property line with an existing residential area, a stepback 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...The tallest building shall be located fronting US1. The development shall step down through the block to a maximum height of two or three stories facing existing residential development.

***Conclusions**

***Old Town College Park Historic District**

*1) The probability of archeological sites within the subject property is low. Phase I archeology survey is not recommended on the subject property.

*2) The subject application proposes the construction of a large mixed- use building that will be six stories above grade at Baltimore Avenue, step down to five stories and four stories above grade at the approximate mid-point of the College Avenue elevation, and then steps down further to three stories above grade along the eastern one-third of the College Avenue elevation along Yale Avenue. The two primary portions of the north elevation facing the University of Maryland campus are proposed to be six-stories each but with a minor reduction in height from west to east to reflect the declining grade of the property; only 50 feet of the eastern end of the north elevation steps down to three-stories at Yale Avenue. As a result, the building will be substantially visible from all compass points, and will have a significant visual impact on the adjacent historic district which is of a low-rise and generally residential character.

***District Council Order of Remand**

*3) As currently conceived, this project includes a variety of architectural conceits and can be considered to be a combination of "contemporary" and "traditional" or "historicist" elements. The building employs both traditional masonry (various arrangements and colors of brick and cast stone) and modern, non-masonry materials (HardiPlank, EIFS, metal sheathing, and metal-clad windows).

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*A critical issue facing this project is the building's complicated massing. The visual impact of any building's mass, which is dictated by both height and surface covered, depends on the various relationships between length, width, and height, and the overall proportions of these elements and the details applied to them. Taken as a whole, the south (College Avenue) elevation is articulated with volumes of descending height from west to east. The scheme effectively addresses the direction provided by the Order of Remand and the requirements of the Approved Central US 1 Sector Plan and Sectional Map Amendment (June 2010). The proposed design does not treat the north elevation in the same manner as the west, south, and east elevations and as a result, the north elevation does not conform to the changes wrought elsewhere in the composition.

*The six-story western portion of the building along Baltimore Avenue has a three-part Beaux Arts organization that includes a "base", a "field", and a "top". Other sections of the building share a well-defined base (or first story) which is surmounted by fields of varying heights which terminate in a range of cornice treatments. Only the western volume of the building employs a substantial crowning element, and this appropriately prioritizes this portion of the building at the major public street. However, given the building's overall height of six-stories, the two-story "top" appears to be over-scaled. If the use of masonry to sheath the fifth floor is not possible because of the limits of the structural system to be employed, the applicant should be directed to enhance the decorative treatment of the upper two stories of the north, west and south elevations at Baltimore Avenue with additional and varied texture and a color scheme that helps minimizes the expanses of non-masonry materials used in this location. Since this area uses non-masonry materials, enhancements should focus on the provision of features that provide for more dimension, texture, pattern and color to extend the treatments applied to lower stories of the building in this location.

*The College Avenue elevation is the well resolved. To the east of the six-story element at Baltimore Avenue there is a slightly lower, five-story element sheathed exclusively in modern, non-masonry materials. The varied used of some of the same materials found to the west effectively differentiates one volume from the other and signals a change in scale as the elevation steps down to the east. Further to the east is a four-story element, clad entirely in brick that continues to breakdown the mass of the overall composition and transition to the three-story element on the eastern third of the elevation, which employs masonry materials (brick and masonry trim) and a regular fenestration pattern to enhance the compatibility of the eastern portion of the building with the adjacent low-scale, historic district to the south and east.

*As a whole, the building's north elevation is not well-resolved. The same level of attention, articulation, and thoughtful use of materials seen in the College Avenue elevation is not present here. This element of the design remains

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monolithic, under-articulated, and provides little visual variety across the composition. Although the treatment of the northeast corner of the building has been enhanced to more closely reflect the importance of this location, and the western portion of the six-story volume has been clad with masonry to the fourth story, the remainder of the north elevation appears to have been treated as a rear elevation and is unrelentingly repetitive. Since this building has frontage on three public streets and is substantially visible from the adjacent University of Maryland campus, effectively, there is no rear elevation.

*The current treatment will emphasize the substantial mass of the building rather than de-emphasize it. The lack of texture, light, shadow and variation across the north elevation should be addressed. Any number of devices could be used to more effectively differentiate parts of this elevation. The use of differing but compatible materials, colors, and decorative treatments for portions of the building, along with a more modulated massing and step-down would substantially lessen the massiveness of this portion of the building, which is highly visible from Baltimore Avenue and from the University of Maryland campus.

*The applicant should be directed to re-examine this elevation to provide for an additional step down across its length; the two largest sections to the west are both six stories with a minor step down as a result of a change in grade. The transition for the center six-story section to the three-story section to the east should be adjusted to provide for another transition. This could be accomplished with the removal of a small section of the sixth story adjacent to the sloped roof of the three-story volume at the northeast corner of the building. This would result in the loss of only three units.

*4) Paragraph 15—As currently proposed, the project complies with the language of paragraph 15 of the Order of Remand in a limited manner. Specifically, the number of “modern-design elements” and “uses other material that relates better to the architecture of the Old Town Historic District” on east and southeast elevations (Yale Avenue and the eastern portion of College Avenue) have been reduced. The project only partially complies with paragraph 15 on the west, north, and the western portion of the south (College Avenue) elevation. To address this deficiency, the applicant should be directed to re-examine the details, decoration, and articulation of the west elevation and the western portions of the north and south elevations as well as re-think the remainder of the north elevation. Modifications should be designed to enhance the distinctions between architectural volumes and break down the massiveness of this elevation with enhanced masonry and carpentry details including but not limited to the use of brick, cast stone, textured and decorative siding and sheathing materials, cornice treatments (which should be consistent and logically across the entire building composition) and the use of color to differentiate building elements and volumes.”

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*5) Paragraph 16— Although the sloped roof of the Yale Avenue elevation wraps the northeast corner of the building to a depth of 50 feet, the taller elements of the north elevation to the west are visible from the historic district in a somewhat unresolved manner. The conjunction between the lower-scaled “traditional” architecture of the eastern portion of the building and the slightly taller middle sections of the building is more effectively resolved on College Avenue elevation than on the north elevation where the building volumes are not the same. This is the expression of the overly complex massing of the building, which could be partially resolved with a reduction in height from six to five stories on this portion of the north elevation.”

*6) Paragraphs 17 and 18-The application reviewed by the Historic Preservation Commission on October 18, 2011, was revised after its review by the HPC and before review and approval by the Planning Board in January 2012. The current application represents a number of changes to the project as approved by the Planning Board and appealed by the City of College Park. Both Historic Preservation Section and Urban Design Section staff has worked with the applicant and with the City of College Park since the District Council’s Order of Remand was issued on July 25, 2012, anticipating a review of the application by the Historic Preservation Commission in compliance with the Order of Remand and §27-281.01 of the Zoning Ordinance, to enable the Historic Preservation Commission to provide the Planning Board with findings, conclusions, and recommendations on the compatibility of the project with the adjacent Old Town College Park Historic District.”

*At its September 6, 2012 hearing, the HPC discussed in detail the height, bulk, scale, massing, and architectural detailing of the applicant’s proposal as submitted on August 27, 2012 and the revisions presented by the applicant that evening. The HPC voiced concern about the massing and scale of the building, the level of architectural detail employed with particular attention to the two-story, roof element at Yale and College Avenues, and the negative impact of the entire project on the adjacent Old Town College Park Historic District. Because of these concerns and based on testimony received on September 6, 2012, provided by the City of College Park staff, the HPC voted to recommend a set of conditions to the Planning Board that would, if adopted by the Planning Board, render the project approvable by providing for:

*1. Provide a step down through the block by separating the 6-story building from the 3-story building and providing a 30-foot alley at approximately the R-18 zoning line. No further step downs would be required. Loading and parking access to be provided via the alley.

*2. Eliminate the 2-story, sloped hip roof. The third floor of the three story building fronting Yale Avenue could be a 1-story gable roof with dormers permitting habitation.

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**3. Revise the building at the corner of Route 1 and College Avenue to meet the street in a more traditional way and to remove the sidewalk encroachment. Route 1 storefront access should be at grade facing Route 1.*

**4. Reduce the use of hardipanel for cornice treatments and bays and improve the vertical articulation of all facades by providing local symmetry and increasing bay projections.*

**5. Revise the composition of the front façade to minimize the impact of the metal towers and be more harmonious with surrounding buildings.*

**6. Prior to signature approval, the applicant shall revise the fifth and sixth stories of the north, west and south elevations of the westernmost (Baltimore Avenue) portion of the building to provide for enhanced architectural detailing that shall include but not be limited to: enhanced masonry and/or carpentry details, such as brick, cast stone, textured and decorative siding and sheathing materials such as HardiPlank, and enhanced cornice treatments (which shall be consistent and logically applied across the entire building composition), and the use of color to differentiate building elements and volumes.*

**7. Prior to signature approval, the applicant shall revise the two center portions of the building's north elevation to provide for significantly enhanced architectural detailing that shall include but not be limited to: enhanced masonry and brick, cast stone, textured and decorative siding and sheathing materials such as HardiPlank, and enhanced cornice treatments (which should be consistent and logically applied across the entire building composition), and the use of color to differentiate building elements and volumes.*

**The Planning Board acknowledged the proposed conditions provided by the HPC and amplified by HPC legal counsel before the Planning Board. Based upon discussions with the City of College Park and the applicant, and the evidence presented at the hearing, revisions to proposed HPC conditions 6 and 7, were adopted by the Planning Board as conditions 12 and 13; proposed HPC conditions 1-5 were not adopted by the Planning Board.*

***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**

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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).

*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:

*(C) Site design should minimize glare, light, and other visual intrusions into and impacts on yards, open areas, and building facades 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”

*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

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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"

*The above design guideline has been generally satisfied, except 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;"

*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.

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

*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.”

*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.

*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.**

*The plan was sent to the Prince George’s County Police Department as a referral and a response was received on September 11, 2012 from Pfc. Christopher Wood, Prince George’s County Police Department, Community Services Division. The following is quoted from the memorandum:

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**It is my recommendation to have surveillance, (monitored cameras), throughout the building in common areas where crime has the highest probability of occurring (stairwells, parking garage, garbage area) as well as at access points and the courtyards on the upper levels. Access to the building should be controlled through keycards or pass codes to prevent access by individuals that are not residents. Blue light call boxes are recommended on each end, of each level of the parking garage and on the exterior of the building. It is recommended that there be a radio amplifier in the building to ensure that first responders inside the building can have reliable radio transmissions while inside the building.*

The Planning Board adopted a condition relating to the issues of Crime Prevention Through Environmental Design. The applicant requested minor adjustments to the conditions and those changes were accepted.

***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.**

*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 proposed. 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 Order of Remand 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

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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 and within the corridor.

- *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.**

*The plan was sent to the Prince George's County Department of Public Works and Transportation as a referral. In a memorandum dated September 5, 2012, Davit Abraham to Meika Fields, added the following comment:

**Coordination with the University of Maryland (UM) is required in order to be able to connect to the existing private SD system. The property owner needs to obtain approval from the University of Maryland prior to the connection; otherwise, the applicant must find another means to outfall the stormwater system.*

*At the Planning Board hearing, staff explained that the stormwater management issue is a complicated one, in that the Maryland Department of the Environment and the University of Maryland are both involved with the monitoring of the stormwater outfall. Further, Ed Maginnis of the University of Maryland testified that the University of Maryland owns a storm drain pipe that is located on the subject property and that the use of it by the applicant is not objectionable to the University, understanding the complications relating to the Maryland Department of the Environment requirements for quality control of stormwater management. The Planning Board found that it is not necessary, and potentially jurisdictionally problematic, to add a condition to the approval of the plans as the applicant is required to obtain final storm drain approval prior to the issuance of a building permit.

- *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.**

*The Planning Board found that it has no 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 judicial resolution. However, the applicant provided the following information on this issue in an e-mail dated September 10, 2012 from Peggy M. White to Ed Maginnis:

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**On Wednesday, August 29, 2012 the three survey companies who had surveyed the area near the Maryland Book Exchange Property (MBE) for various clients gathered with representatives from the University of Maryland to discuss their evidence and determinations for the boundary line between MBE and the University property. Axiom Engineering Design (AED) had surveyed the Maryland Book Exchange Property for R & J Company holding the evidence found within the required limits stated by COMAR (Code of Maryland). VIKa had surveyed the area for Folger Pratt in conjunction with the East Campus Development. CPJ had surveyed the area for the City of College Park and for the University of Maryland to determine the differences between AED's and VIKa's boundary's.*

**The surveyors decided it would be best to locate the wall between the two properties, CPJ's survey control so all information would be in the same datum, and All the property evidence again. AED performed the field work on August 30, 2012. Upon reviewing the information, AED determined that CPJ and VIKa were holding two pipes that VIKa had located in the past and AED was holding a third pipe which AED had found. AED's pipe was 1.1' from the other two pipes hence the whole reason the boundaries were not matching. At a conference call on Tuesday, September 4, 2012, the surveyors discussed their findings and decided to exchange information for review. At a second conference call, on September 6, 2012 the surveyors agreed to hold the third pipe and line that AED had found and which hit perfectly with the surrounding evidence found. This established the short line of the boundary between MBE and the University property. The long boundary line was determined to be part of a longer line established by VIKa with an expanded study area. This boundary is represented in the attached sketch. All three surveyors agree with this boundary, as per the attached email.*

- *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).**

**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**

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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.⁵
- *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.

*In regard to the issues above, the following information was provided by Matthew T. Mills, Associate General Counsel, 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

^{*5} [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).

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.**

*The case was heard by the Planning Board on September 13, 2012, and the resolution of the Planning Board's action is scheduled to be adopted on 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.**

*The Planning Board will adopt the resolution on September 20, 2012, and the resolution will be transmitted to the District Council on September 21, 2012.

***REMAND REFERRAL COMMENTS**

- *16. The Community Planning North Division provided a memorandum dated August 20, 2012, and provided the following relevant analysis in regard to the revised plans:**

***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.

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**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.*

**The Planning Board adopted a condition of approval 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*

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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.

*The Planning Board adopted a condition 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.

*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, both the lower and upper estimates will 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

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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>
<u>13,844</u>	<u>3/1,000</u>	<u>42</u>	<u>282</u>	<u>1/dwelling</u>	<u>282</u>
<u>13,844</u>	<u>3/1,000</u>	<u>42</u>	<u>304</u>	<u>1/dwelling</u>	<u>304</u>

*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.

<u>*Residential Units</u>	<u>*Retail Spaces</u>	<u>*Residential Spaces</u>	<u>*Shared Parking Factor</u>	<u>*Required Parking (Spaces)</u>
<u>282</u>	<u>42</u>	<u>282</u>	<u>1.2</u>	<u>270</u>
<u>304</u>	<u>42</u>	<u>304</u>	<u>1.2</u>	<u>289</u>

*The revised application provides 320 spaces. Since the parking requirement is either 270 or 289 parking spaces, the Planning Board found that 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. It was also discussed at the Planning Board hearing that the design of the breezeway could be further enhanced, but no condition was adopted.

- *17. The Subdivision Review Section did not have any additional concerns with the proposed changes.
- *18. The State Highway Administration had no additional comments based on the revised plans.
- *19. The University of Maryland was sent a copy of the revised plans, and by letter dated September 10, 2012, Carlo Colelly to Robert Specter, the following information was noted:

*The ALRB held a meeting on September 7, 2012 to review recent design revisions on the subject project. This was the third presentation to the ALRB. ALRB comments on

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previous presentations to ALRB meetings on December 2, 2011 and January, 2012 are documented in memoranda dated December 5, 2011 and January 17, 2011 respectively (enclosed for ease of reference).

*Ilya Zusin of R&J, LLC, and Brian Ward of Niles Bolton, the developer's architect, presented revised architectural plans, elevations and perspectives focusing on specific comments and concerns expressed by the University in prior review meetings.

*The ALRB acknowledges the that the design demonstrates some responsiveness to the concerns about the block massing and density, by reducing the number of floors along the eastern portion of the proposed development. There have been positive revisions to the refinement of material selections by adding brick on the north elevation, and in the streetscape design such as strengthening entrance identification and developing interactive spaces at the ground plane.

*Concerns remain about the overall project scale and density as indicated with continuous edge-to-edge site conditions at the north elevation facing the University and the south elevation facing the City of College Park. The ALRB recommends that there is an opportunity to break down the scale of the structure at the north at a transition in the site geometry. Additionally, the south elevation facades are currently articulated such that they could be developed as three connected buildings rather than solely as an external wrapping of that portion of the block development.

*The ALRB offers the following additional recommendations to the Developer in response to the revised design submission:

- *1. Additional study of the project mass and scale should occur to explore options that will improve the block development. The block could be divided and successfully articulated as individual buildings.

*The Planning Board did not agree with the ALRB that further study should be conducted to "explore options that will improve the block development." The applicant has previously provided many revisions to the plans to determine the building layout and stepping down through the block to meet the criteria of the 2010 Approved Central US 1 Corridor plan. The Planning Board found that the building massing, setbacks, and heights for the proposed design follow the sector plan.

- *2. Provide design elements that support overall development quality and to elevate the building design, particularly in the selection of materials.

*The Planning Board found that the quality of materials, their location and expression on the elevations, and the overall design intent follow the guidelines set out in the Sector plan and that the conditions of approval would further refine the exterior treatment of the building elevations such that the project would be sufficient to adhere to the comment above.

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- *3. Study reducing the long continuous surface area of the sloped roof on the three story elevation on Yale Ave. Consider dormers to introduce light into the corridors.

*The applicant provided revised architectural elevations at the Planning Board hearing (Applicant's Exhibit No. 3R) which had been revised to incorporate dormers into the sloped roof of the Yale Avenue and College Avenue elevations.

- *4. Revise the ground level material selections wrapping the northwest corner of Route I to be consistent with that at the southwest corner.

*The Planning Board adopted the condition above and even though the Applicant's Exhibit 3R demonstrated the condition being met, the applicant agreed to accept the condition.

- *5. Adjust the south service entry overhang to reduce significance. Emphasize the residential building's entry by adding a more pronounced canopy.

*The Planning Board adopted the condition above and even though the Applicant's Exhibit 3R demonstrated the condition being met, the applicant agreed to accept the condition.

- *6. Create consistent window types on second and third floor facade along the College Ave elevation.

*The Planning Board adopted the condition above and even though the Applicant's Exhibit 3R demonstrated the condition being met, the applicant agreed to accept the condition.

- *7. Align ground level retail glazing patterning and the three and five story residential window patterning above ground level on the College Ave. elevation."

*The applicant argued against this condition and the staff and Planning Board agreed with the applicant's reasoning. The applicant contends that the design of the window patterning is responsive to the internal functioning of the building. The lowest level window location is visually removed from the upper portions of the building in that the activation of the streetscape through signage, lighting, street trees, bike racks, and pedestrian activity all counteract any perceived exterior vertical alignment issues.

*The applicant provided the following response in an email dated September 11, 2012, contained in the staff memorandum dated September 12, 2012:

*The ground floor differs in use and scale from the residential floors above, and there is no immediate solution to aligning large storefront glazing for commercial/amenity spaces with the smaller residential windows above. We have designed the elevation to emulate a

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contemporary renovation of an historical mixed use building, where the base commercial level has its own organization of fenestration and scale.

- *20. The City of College Park met on September 11, 2012, to review the application and testified at the public hearing. The City provided comments and presented a PowerPoint Presentation (Opponent's Exhibit 6R) that concluded with revised conditions recommended to the Planning Board:

*The specific reasons the revised Detailed Site Plan does not comply with the remand order are as follows:

- *1. The revised plan does not adequately "step down through the block to a maximum height of two or three stories facing existing residential development" (as required in the Sector Plan at page 238 and remand order items 1 and 8). In addition, the building does not "drop to a maximum height of 3 stories along the entire Yale Avenue frontage for a minimum depth of 50 feet" or include an adequate "stepback transition that begins consistent with the R-18 zoning line on the south side of College Avenue" (item 12 of the remand order).

The plan shows a 60-foot tall, 5-story building that is 25 feet from Yale Avenue and College Avenue at the eastern end of the building and is, in fact, a 6-story building for the majority of the entire block. It uses a massive 2-story hip roof that is out of scale and character with the rest of the building and with the adjoining properties in the Old Town Historic District in order to screen the 5 stories of building. In addition, the stepback transition on the north elevation does not step down "through the block" as it merely takes advantage of a 10-foot grade change with a natural step-down midway in the block and then steps down to a 3-story building with a 2-story roof on the eastern end of the building, just 50 feet from Yale Avenue.

- *2. The revised plan does not ensure adequate pedestrian access and safety at the corner of Route 1 and College Avenue because the building column and steps at this location encroach into the sidewalk area (item 10 of the remand order). The Sector Plan at page 263 recommends a 12 - 30 foot sidewalk width that may vary depending on the space needed to accommodate pedestrian activity. The revised plan shows only an 8-foot clearance between the top of the handicap ramp and the building structure at the corner of Route 1 and College Avenue where pedestrian activity will be extremely high.

- *3. The revised plan has not sufficiently modified the north elevation to create a more varied facade through greater detail and still remains monolithic in appearance (item 11 of the remand order).

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- *4. The revised plan has not provided at least one landscaped courtyard that is open and accessible from College Avenue (item 13 of the remand order). The pedestrian arcade provided from the western courtyard does not fulfill this requirement. An open-air, landscaped lawn fronting on the street would meet the intent and be more consistent with the residential setbacks and lawns found on College Avenue.
- *5. The revised plan has not adequately decreased the use of modern design elements or used other materials that relate better to the Old Town Historic District (item 15 of the remand order). In particular, the metal corner features (towers) on the west elevation seem out of place and exaggerated without purpose because this is not a gateway building and the extensive use of Hardipanel makes it difficult to create effective cornices or wall surfaces with much texture.
- *6. The Prince George's County Historic Preservation Commission has not found the Detailed Site Plan to be compatible with the requirements of 27-281.01 of the Prince George's County Zoning Ordinance, which requires the development to complement the character of the Historic District (item 18 of the remand order), unless additional conditions are adopted which would create two separate buildings and provide enhanced architectural detailing.
- *7. The revised plan is not sufficiently respectful of adjacent communities (item 16 of the remand order) because it remains massive and out of scale with the adjacent Old Town neighborhood and historic district and the design is monolithic and insensitive to the character of the residential neighborhood. Unless revised significantly, this building will have a negative impact on the residential neighborhood.

*The specific conditions that would enable the City Council to support the revised Detailed Site Plan are as follows:

- *1. Revise the architecture to provide a stepback transition that begins approximately 150 feet west of the Yale Avenue right-of-way (the R-18 zoning line). This shall be accomplished by separating the structure into two buildings divided by a 30-foot alley for access and loading. The building west of the alley would be 6 stories in height and the building east of the alley would be 3 stories in height with the third floor constructed as a 1-story gable roof with habitable dormers. Alternatively, the stepback transition could be accomplished by eliminating the following floors from the structure: The 6th floor facing west on the center courtyard, facing east and south on the east courtyard and the 2 units on the 6th floor facing the University of Maryland on the eastern end of the north elevation; the 4th and 5th floors facing north, south and west on the east courtyard and 1 unit on the 4th and

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5th floors facing the University of Maryland on the eastern end of the north elevation. In this alternative, all roofs shall be flat.

*The Planning Board considered the presentation by the City of College Park, including the testimony of Terry Schum, Planning Director and Stephanie Stulich, City Councilmember, as well as the power point presentation prepared by the City for the record. The Planning Board did not agree with the City's recommended conditions above requiring division of the structure into two buildings divided by a 30-foot-wide alley. There was discussion about the use of the alley as a service alley with concerns raised relating to trash facilities, illegal activities and the relationship of the buildings to each other, as well as the facing of the lower stories into each other. The applicant claimed it was inconsistent for the City to recommend a thirty-foot-wide alley with three and six-story buildings on either side, when the Order of Remand required further investigations into the narrowness of the courtyards being proposed at 45-foot widths in regard to the sufficiency of air and light into the courtyards. The proposal was found to be unacceptable to the Planning Board.

*In regard to the alternative proposal by the City contained within Condition No. 1 above, the Planning Board did not agree that the removal of the building stories as proposed by the City was warranted. The Planning Board found that the Applicant's Exhibit 3R indicates that the revised plans combined with conditions of approval meet the explicit requirements of the 2010 Central US 1 Corridor Plan in regard to stepping down the development through the block.

- *2. *Revise the building at the corner of Route 1 and College Avenue to meet the street in a more traditional way, to remove the sidewalk encroachment by the column and stairs, and provide more sidewalk width. Route 1 storefront access should be at grade facing Route 1.*

*This issue was discussed further and the Planning Board recognized that the 2010 Central US 1 Corridor Plan requirement of 12-30 foot width had been met, as measured from the face of curb to the building. However, other parties argued that the width was not sufficient because the 12 feet included the four by four-foot pad to accommodate the handicap ramp. This issue was raised but the Planning Board decided that it did not warrant the movement of the building away from the ramp area to provide a full 12 feet free and clear of the ramp.

- *3. *Reduce the use of Hardipanel for cornice treatments and bay projections and improve the vertical articulation of all facades by providing local symmetry.*

*The Planning Board considered the City's recommendation and recognized that the proposed condition of the HPC similar in its requirement to pay close attention to the detailing of the building. The Planning Board recognized that the internal functioning of the building contributed to minor asymmetry of the building facades. The Planning Board discussed the possibility of combining the condition above with the HPC's recommended condition, but ultimately did not adopt the condition above.

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- *4. Revise the composition of the front facade to minimize the impact of the metal towers to be more harmonious with surrounding buildings.*

*The Planning Board disagreed with the City's proposal to reduce the prominence of the tower elements on the building, after hearing testimony from the applicant who explained that the towers were intended to provide a gateway into the College Park downtown district.

- *5. Revise floor plans, where necessary, to eliminate deficiencies such as entrance doors opening to bedrooms (efficiency units), windows facing walls (corner units) and to improve access to bathrooms from bedrooms (4 bedroom, 4 bath units).*

*The Planning Board did not agree with the City that this condition was necessary to adopt as a condition of approval of the plan, as it was recognized that the level of detail will improve after the final number of floors and building mass have been determined, through plan approval.

- *6. Resolve the storm drain issue with the University of Maryland prior to building permit.*

*This issue was discussed at length with both the City and the University of Maryland representatives and the Planning Board determined that the final decision will lie with the approving authorities at the state (MDE) and local level (DPW&T) for storm water management issues.

- *21. The Town of University Park testified at the public hearing and provided the following comments:*

**This letter is sent on behalf of the Town of University Park to present its formal position concerning the application of R&J Company, LLC, now R&J Company (MD), LLC, for DSP 10028, the Maryland Book Exchange project ("Project"). The Town is in support of responsible development at this site. However, the Common Council of University Park voted 7-0 on September 10, 2012, that the Detailed Site Plan (DSP) currently proposed by the Applicant is not acceptable as proposed.*

**After an appeal of the Planning Board's original Resolution in this case, the District Council issued a Remand Order, finding among other things that the Property is across the street from a residential area, and therefore is required to step down through the block from Route 1 east to Yale Avenue. Further, the District Council required that this step down, for at least 50 feet west of Yale Avenue, be composed of no more than 2-3 stories. The Order also requires more articulation of the architecture on the north side of the building, which faces University of Maryland property, in addition to a step down, to reduce the massive appearance on that side and various additional changes. The applicant appears to have ignored these requirements.*

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**Specifically, the Mayor and Council believe the current DSP proposal before this body fails to comply with the Remand Order as follows:*

- *1. The revised plan does not adequately "step down through the block to a maximum height of two or three stories facing existing residential development" (as required in the Sector Plan at page 238 and remand order items 1 and 8). In addition, the building does not "drop to a maximum height of 3 stories along the entire Yale Avenue frontage for a minimum depth of 50 feet" or include an adequate "stepback transition that begins consistent with the R-18 zoning line on the south side of College Avenue" (item 12 of the remand order).*

The plan shows a 60-foot tall, 5-story building that is 25 feet from Yale Avenue and College Avenue at the eastern end of the building and is, in fact, a 6-story building for the majority of the entire block. It uses a massive 2-story hip roof that is out of scale and character with the rest of the building and with the adjoining properties in the Old Town Historic District in order to screen the 5 stories of building. In addition, the stepback transition on the north elevation does not step down "through the block" as it merely takes advantage of a 10-foot grade change with a natural step-down midway in the block and then steps down to a 3-story building with a 2-story roof on the eastern end of the building, just 50 feet from Yale Avenue.

- *2. The revised plan does not ensure adequate pedestrian access and safety at the corner of Route 1 and College Avenue because the building column and steps at this location encroach into the sidewalk area (item 10 of the remand order). The Sector Plan at page 263 recommends a 12 - 30 foot sidewalk width that may vary depending on the space needed to accommodate pedestrian activity. The revised plan shows only an 8-foot clearance between the top of the handicap ramp and the building structure at the corner of Route 1 and College Avenue where pedestrian activity will be extremely high.*

- *3. The revised plan has not sufficiently modified the north elevation to create a more varied facade through greater detail and still remains monolithic in appearance (item 11 of the remand order).*

- *4. The revised plan has not provided at least one landscaped courtyard that is open and accessible from College Avenue (item 13 of the remand order). The pedestrian arcade provided from the western courtyard does not fulfill this requirement. An open-air, landscaped lawn fronting on the street would meet the intent and be more consistent with the residential setbacks and lawns found on College Avenue.*

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- *5. The revised plan has not adequately decreased the use of modern design elements or used other materials that relate better to the Old Town Historic District (item 15 of the remand order). In particular, the metal corner features (towers) on the west elevation seem out of place and exaggerated without purpose because this is not a gateway building and the extensive use of Hardipanel makes it difficult to create effective cornices or wall surfaces with much texture.
- *6. The Prince George's County Historic Preservation Commission has not found the Detailed Site Plan to be compatible with the requirements of 27-281.01 of the Prince George's County Zoning Ordinance, which requires the development to complement the character of the Historic District, unless additional conditions are adopted which would create two separate buildings and provide enhanced architectural detailing (item 18 of the remand order).
- *7. The revised plan is not sufficiently respectful of adjacent communities (item 16 of the remand order) because it remains massive and out of scale with the adjacent Old Town neighborhood and historic district and the design is monolithic and insensitive to the character of the residential neighborhood. Unless revised significantly, this building will have a negative impact on the residential neighborhood.

*The Common Council voted unanimously to support the position of the City of College Park with respect to this DSP. That position is:

- *1. Revise the architecture to provide a stepback transition that begins approximately 150 feet west of the Yale Avenue right-of-way (the R-18 zoning line). This shall be accomplished by separating the structure into two buildings divided by a 30-foot alley for access and loading. The building west of the alley would be 6 stories in height and the building east of the alley would be 3 stories in height with the third floor constructed as a 1-story gable roof with habitable dormers. Alternatively, the stepback transition could be accomplished by eliminating the following floors from the structure: The 6th floor facing west on the center courtyard, facing east and south on the east courtyard and the 2 units on the 6th floor facing the University of Maryland on the eastern end of the north elevation; the 4th and 5th floors facing north, south and west on the east courtyard and 1 unit on the 4th and 5th floors facing the University of Maryland on the eastern end of the north elevation. In this alternative, all roofs shall be flat.
- *2. Revise the building at the corner of Route 1 and College Avenue to meet the street in a more traditional way, to remove the sidewalk encroachment by the column and stairs, and provide more sidewalk width. Route 1 storefront access should be at grade facing Route 1.

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- *3. Reduce the use of Hardipanel for cornice treatments and bay projections and improve the vertical articulation of all facades by providing local symmetry.
- *4. Revise the composition of the front facade to minimize the impact of the metal towers to be more harmonious with surrounding buildings.
- *5. Revise floor plans, where necessary, to eliminate deficiencies such as entrance doors opening to bedrooms (efficiency units), windows facing walls (corner units) and to improve access to bathrooms from bedrooms (4 bedroom, 4 bath units).
- *6. Resolve the storm drain issue with the University of Maryland prior to building permit.

*In addition, the Mayor testified at the Planning Board hearing that with respect to item 14 of the Order of Remand that he did not agree with the opinion that the eight feet provided behind the handicap is sufficient to accommodate the high pedestrian activity in that area.

*The Planning Board found that the recommendations of the Town of University Park were nearly identical to the City of College Park recommendations, and for the reasons as stated above in regard to those recommendations, the Planning Board's conclusions were the same.

- *22. 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; and as required by Section 27-281.01, the detailed site plan has satisfactorily addressed and complements the character of the Historic District. 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.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-10028, Maryland Book Exchange subject to the following conditions:

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.

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- 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 and 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.

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- o. Revise the plan to ~~*[provide]~~ reflect the number of units proposed, not to exceed 304 units. The plan shall also provide the corresponding number of parking spaces [a maximum of 98 compact parking spaces] 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 ~~*[elevations,]~~ 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, per Applicant's Exhibit 3R.~~
 - ~~*b.~~ The first floor of the buildings north 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, per Applicant's Exhibit 3R.
 - ~~*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, per Applicant's Exhibit 3R, 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 two units, as shown on the floor plans.
 - ~~*e.~~ Revise the building's northern side of the east elevation, per Applicant's Exhibit 3R, 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.

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- *f. Provide final elevations and floor plans that reflect all architectural changes contained in the conditions above and below, including the materials, details and specifications.
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 states 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.

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- *7. Prior to signature approval of the plans, the following notes shall be added to the plans:
 - *a. Monitor cameras shall be placed throughout the building in common areas including stairwells, parking garage, garbage area, access points and the courtyards.
 - *b. Access to the residential portions of the building shall be controlled through front desk personnel, keycards or pass codes to prevent access by individuals are not residents or guests.
 - *c. Blue light call boxes should be located on each end of each level of the parking garage and on the exterior of the building, subject to the approval and installation by the University of Maryland.
 - *d. Radio amplifiers in the building shall be provided for reliable radio transmissions for first responders while inside the buildings.
- *8. Prior to signature approval, the plans shall be revised to incorporate dormers in the sloped roof along College and Yale Avenues, per Applicant's Exhibit 3R.
- *9. Prior to signature approval, revise the ground level material selections wrapping the northwest corner of Route I to be consistent with that at the southwest corner, per Applicant's Exhibit 3R.
- *10. Prior to signature approval, adjust the south service entry overhang to reduce significance. Emphasize the residential building's entry by adding a more pronounced canopy, per Applicant's Exhibit 3R.
- *11. Prior to signature approval, create consistent window types on second and third floor facade along the College Ave elevation, per Applicant's Exhibit 3R.
- *12. Prior to signature approval, the applicant shall revise the fifth and sixth stories of the north, west and south elevations of the westernmost (Baltimore Avenue) portion of the building to provide for enhanced architectural detailing: enhanced masonry and/or carpentry details, such as brick, cast stone, textured and decorative siding and sheathing materials such as HardiPlank, and enhanced cornice treatments (which shall be consistent and logically applied across the entire building composition), and the use of color to differentiate building elements and volumes.
- *13. Prior to signature approval, the applicant shall revise the two center portions of the building's north elevation to provide for significantly enhanced architectural detailing: enhanced masonry and brick, cast stone, textured and decorative siding and sheathing materials such as HardiPlank, and enhanced cornice treatments (which should be consistent and logically applied across the entire building composition), and the use of color to differentiate building elements and volumes.

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

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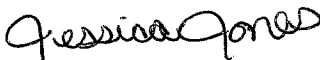
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Squire and Hewlett voting in favor of the motion, and with Commissioner Shoaff opposing the motion at its regular meeting held on Thursday, January 19, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of February 2012.

*This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo and Hewlett voting in favor of the motion, with Commissioner Shoaff opposing the motion, and Commissioner Bailey absent at its regular meeting held on Thursday, September 13, 2012, in Upper Marlboro, Maryland.

*Adopted by the Prince George's County Planning Board this 20th day of September 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SL:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 9/19/12

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