The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

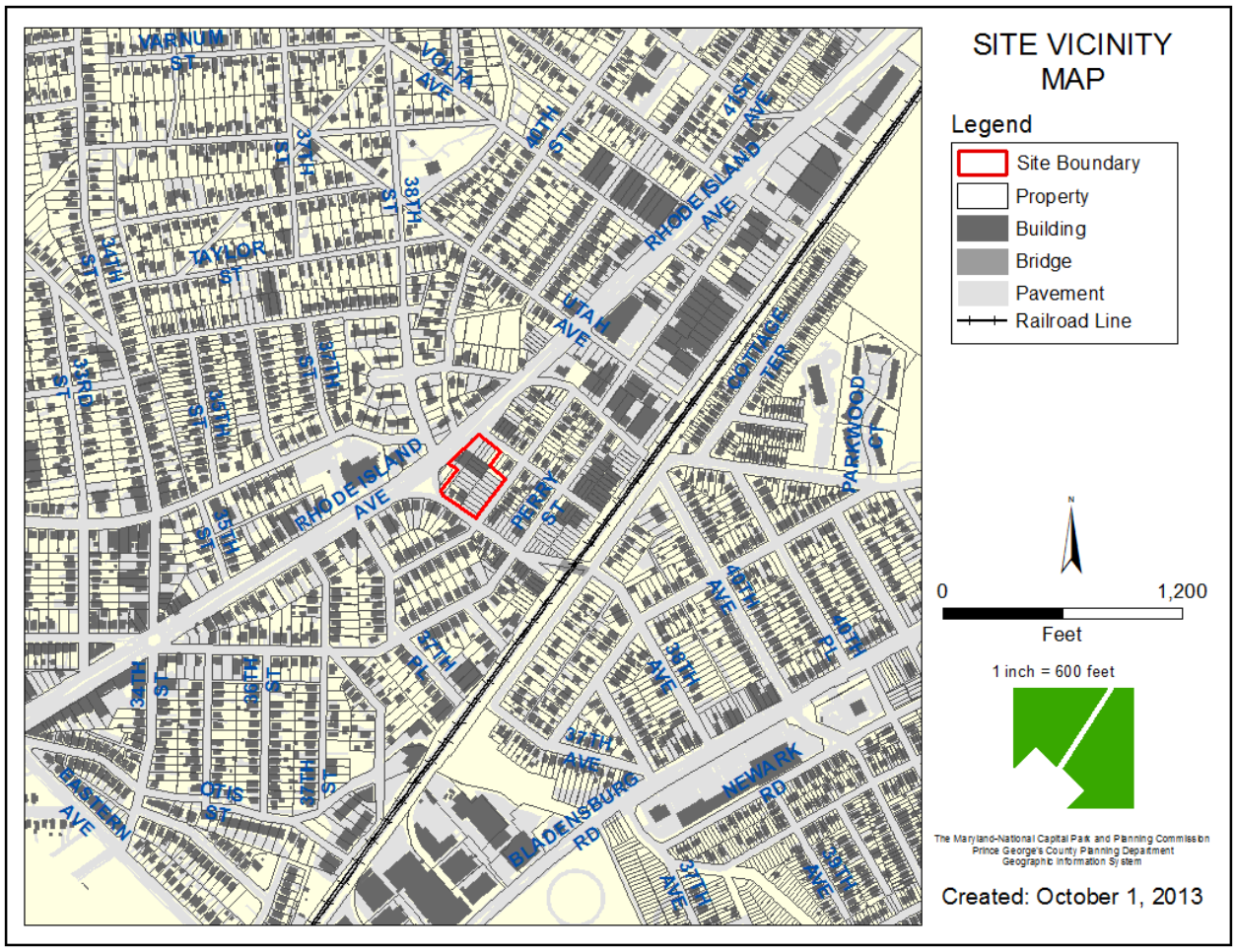
Note: *Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.*

Detailed Site Plan DSP-13040
Special Permit SP-130010

Application	**General Data**	
Project Name: Brentwood **Location:** On the east side of Rhode Island Avenue (US 1) between 38th and 39th Streets. **Applicant/Address:** Landex Companies 801 International Drive, Suite 110 Linthicum Heights, MD 21090 **Owner/Address:** Redevelopment Authority of Prince George's County 9201 Basil Court, Suite 155 Largo, MD 20774	Planning Board Hearing Date:	09/04/14
	Staff Report Date:	08/27/14
	Date Accepted:	05/12/14
	Planning Board Action Limit:	Waived
	Plan Acreage:	1.63
	Zone:	D-D-O M-U-TC
	Dwelling Units:	147
	Gross Floor Area:	167,168
	Planning Area:	68
	Council District:	02
	Election District	17
	Municipality:	Brentwood
	200-Scale Base Map:	205NE03

Purpose of Application	**Notice Dates**	
A 167,168-square-foot mixed-use building with 147 residential units, 6,350 square feet of retail space, and 2,768 square feet of artist studio space. The application also includes a departure from parking and loading spaces of 192 parking spaces, and a reduction in the standard parking space size to 9 feet by 18 feet.	Informational Mailing:	10/08/13
	Acceptance Mailing:	05/01/14
	Sign Posting Deadline:	08/05/14

Staff Recommendation			**Staff Reviewer:** Meika.Fields **Phone Number:** 301-780-2458 **E-mail:** Meika.Fields@ppd.mncppc.org
APPROVAL	**APPROVAL WITH CONDITIONS**	**DISAPPROVAL**	**DISCUSSION**
	X		


SITE VICINITY MAP
Legend
Site Boundary
Property
Building
Bridge
Pavement
Railroad Line
N
0
1,200
Feet
1 inch = 600 feet
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Geographic Information System
Created: October 1, 2013
VARNUM ST
VOLTA AVE
37TH ST
38TH ST
40TH ST
41ST AVE
RHODE ISLAND AVE
34TH ST
TAYLOR ST
UTAH AVE
COTTAGE TER
PARKWOOD CT
33RD ST
35TH ST
BALTIMORE ST
PERRY ST
42ND AVE
43RD AVE
44TH PL
34TH ST
36TH ST
46TH ST
47TH ST
OTIS ST
BALTIMORE AVE
37TH AVE
NEWARK RD
BLADENSBURG RD

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-13040
Special Permit SP-130010
Brentwood

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation Section of this report.

EVALUATION

This detailed site plan application was reviewed and evaluated for compliance with the following criteria:

a. The requirements of the Zoning Ordinance in the Development District Overlay (D-D-O), and Mixed-Use–Town Center (M-U-TC) Zones.

b. The requirements of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.

c. The requirements of the 2000 *Town of Brentwood Mixed-Use Town Center Zone Development Plans & Design Guidelines.*

d. The requirements of the 2010 *Prince George's County Landscape Manual.*

e. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.

f. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.

g. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The subject application proposes a mixed-use building with 147 residential units, 6,350 square feet of retail space, and 2,768 square feet of artist studio space. The application also includes a departure from parking and loading standards of 192 spaces and a departure from design standards for reduction in the standard parking space size to 9 feet by 18 feet.

2. **Development Data Summary:**

	EXISTING	**PROPOSED**
Zone(s)	D-D-O, M-U-TC	D-D-O, M-U-TC
Use(s)	Vacant (previously single-family detached residential, commercial, and church uses)	Multifamily Residential, Retail, and Artist Studio Space
Acreage	1.63	1.63
Lots	28	28
Dwelling Units	1	147
Gross Floor Area	17,465	167,168*
Floor-Area Ratio	0.25	3.57

* The total project square footage inclusive of the parking garage is 253,278.

Parking Data

	REQUIRED	**PROPOSED**
Residential (2 spaces per dwelling unit, + 0.5 per bedroom in excess of 1 per unit	340	148
Retail (1 space per 150 sq. ft. for the 1st 3,000 sq.ft. and 1 space per 200 sq. ft. above 3,000)	37	37
Artist Studio (2.5 spaces per 1,000 sq. ft.)	7	7
Total Parking	**384**	**192**

Handicap Spaces Required	6
Handicap Spaces Provided	10 (including 2 van-accessible)

Loading Data

	REQUIRED	**PROPOSED**
Residential (1 space for 100 to 300 dwelling units)	1	1
Retail (1 space per store with 2,000 to 10,000 sq. ft. of GFA)	1	1
Artist Studio (1 space per service with 2,000 to 10,000 sq. ft. of GFA)	0	0
Total Loading	**2**	**2**

3. **Location:** The subject property consists of twenty-eight lots located on the east side of Rhode Island Avenue (US 1) between 38th and 39th Streets. The subject site includes properties located at 3901, 3903 and 3807 Rhode Island Avenue in the town of Brentwood.

4. **Surrounding Uses:** The subject site is bounded to the west by Rhode Island Avenue (US 1), to the north by 39th Street, to the east by Quincy Street, and to the south by 38th Street. The site abuts a stormwater management feature and park located at the intersection of 38th Street and Rhode Island Avenue (US 1). It also abuts a single-family home located in the southwest quadrant of the intersection of 39th Street and Quincy Street. East of Quincy Street are existing single-family homes within the Wilen Heights Subdivision and an existing warehouse/storage building that is owned by a church. The project is directly adjacent to the Gateway Arts Center, which is located north of the subject site at the intersection of 39th Street and Rhode Island Avenue. The Gateway Arts Center includes the Brentwood Arts Exchange, artists' studios, and gallery space.

5. **Previous Approvals:** The subject property was re-zoned from the Commercial Shopping Center (C-S-C) and the Commercial-Miscellaneous (C-M) Zones to the Mixed-Use–Town Center (M-U-TC) Zone by Zoning Map Amendment pursuant to the 2000 *Town of Brentwood Mixed-Use Town Center Zone (M-U-TC) Development Plans & Guidelines*, as recommended by the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68.*

   The project has an approved Stormwater Management Concept Plan No. 36657-2013 that was approved on February 18, 2014, and is valid until February 18, 2018.

6. **Design Features:** The twenty-eight lots that make up the subject development proposal are owned by the Redevelopment Authority of Prince George's County. The property is currently developed with three buildings and surface parking. The discount warehouse building located at 3807 Rhode Island Avenue was built around 1953. The residence located at 3903 38th Street was constructed about 1926. The two-story brick retail store located at 3901 38th Street was built about 1947. All existing structures are to be razed and replaced with the proposed modern mixed-use building.

   The applicant is proposing 70 one-bedroom and 62 two-bedroom standard multifamily apartment units, and 15 three-bedroom townhouse-style units for a total of 147 units or 158,050 square feet of residential development. The townhouse-style units are proposed along 38th Street and Quincy Street. Many of the residential units are designed to front on an internal courtyard. In addition, 6,350 square feet of retail and four 692-square-foot artist studios are proposed with this project. Structured parking for 192 spaces is proposed within the building. The proposed building is 68 feet in height and includes six levels or stories, including four residential levels and two levels for parking that are wrapped with retail and artist studio space. The retail use is proposed on the lowest parking level that fronts Rhode Island Avenue, and the artist studios are located on the second level parking area, facing outward to the stormwater management area and park.

   While the artist studios may be seen above grade from Rhode Island Avenue, it appears that the primary access points to the studio space are inside the building, from the residential areas of the parking garage and along 38th Street. Staff believes that it could be desirable for many artists to have more direct access from the artist studios and promenade to the Rhode Island Avenue right-of-way and the retail area. This would allow members of the public, who may be frequenting the retail space, to walk up and approach the studio windows. A more direct access to this streetscape would offer artists greater visibility of their work. Staff recommends that the applicant consider design modifications that would allow more direct public access from the

Rhode Island Avenue frontage to the front of the studio spaces, while balancing other design challenges.

Architecture: The applicant proposes a building design that provides a contemporary front façade along Rhode Island Avenue and transitions to more traditional materials and design along 38th Street and Quincy Street. The applicant provided the following description of the architectural proposal:

> "The building design has made every attempt to accommodate pedestrians, bicyclists, and vehicles while still separating and minimizing conflicts between these means of transportation. In addition the building is designed to meet LEED silver standards.
>
> "The building façade is to be of a contemporary style. The design incorporates masonry along the base of the building, various cementitous panels, and metal panels. The townhomes will be primarily faced with brick while the masonry for the main building will be a ground-faced concrete masonry unit or 'prairie stone.'
>
> "The color palette for the variety of materials being used is designed not only to work well within the context of the site but to be pleasing to the eye and to blend with the greater community along Route 1.
>
> "The parking garage will provide 192 spaces. This is located beneath a plaza and outdoor amenity space that will be included for the residents of the multifamily building. This is internal to the building but open to the sky above.
>
> "The basic design philosophy was to create a mixed use and mixed income community that reinforces principals of new urbanism, the County's new MUI zoning requirements, and that provides an exciting, multi-use building, that is both contextual and a symbol of Brentwood's resurgence."

The building proposes a rather intense color palette with dark greys, deep yellows, reds, and greens. Nontraditional building materials are proposed, including corrugated metal siding and fiber cement panel in bold colors, including white, which will provide a contrast to some of the deeper colors across the building.

The three-story townhouse-style units along 38th Street and Quincy Street provide a transition in scale from the 6-story portions of the building to the residential neighborhood. A change in building materials from corrugated metal and panel to three different colors of brick and panel within the area of the townhouse-style units creates variation in the overall building appearance, and provides a more traditional front across from the adjacent single-family attached neighborhood.

Staff recommends a few minor revisions to the architectural proposal prior to signature approval. The final architectural plans should label specific design treatments, like window treatments, to ensure that the final building has sufficient detail. Staff would like to see more definition around the windows, particularly those in areas of white panel, and requests that the minor inconsistencies in the fenestration be addressed.

Recreational Facilities and Amenities: The building includes a central landscaped courtyard that includes passive seating areas for residents and guests. A community/ theater room and a fitness room are also proposed for residents.

Signage: A signage plan has been provided which indicates the use of commercial and project identification signage. The commercial signage is proposed along the retail frontage and includes 21-inch cast aluminum letters mounted onto red metal canopies. No lighting of the commercial signs is indicated, which should be more clearly specified on the plans prior to signature approval. Staff believes that external lighting should be sufficient for the commercial frontage, and internally lit signs are not necessary. In total, 107 square feet of commercial signage is proposed.

Two project identification signs are proposed along Rhode Island Avenue. The project name "Studio 3807" is proposed vertically down the building face in 24-inch cast aluminum letters with backlighting. The project address is proposed horizontally along the primary building entrance. In total, 132 square feet of project identification signage is proposed.

A separate sign category should be provided on the plan that indicates the use of directional signage. The parking garage entrance signs are a type of directional signage, and should be excluded from commercial signage calculations.

Sustainable Design

The subject proposal has been designed to include green building techniques. The applicant anticipates that the subject proposal will qualify for Leadership in Energy and Environmental Design (LEED) silver certification. The following list provided by the applicant includes some of the green building features included in the subject proposal:

a. The applicant proposes to include preferred parking spaces within the parking garage that will be designated for high-efficiency vehicles.

b. The site will be served by public transportation via existing bus stops.

c. High recycled content levels will be pursued when selecting final materials and finishes for the project.

d. A white, reflective, membrane roof is proposed, which will create a low heat-island effect.

e. The project includes native species for landscaping and use of drought resistant plantings.

f. Indoor water conservation approaches are being pursued.

g. The mechanical/ heating and cooling systems will be designed to be energy efficient.

h. The applicant intends to utilize locally extracted and manufactured products to the extent they are available.

i. The site is considered a redevelopment project that provides a creative community mixed use on a brownfield site that is nonfunctional and detracts from the immediate community and Route 1.

Staff applauds the applicant's commitment to sustainable design and green building techniques. The County does not currently have a Green Building Code, as do some other jurisdictions. Staff encourages the applicant to employ these and additional green building and environmental site design techniques.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the Zoning Ordinance:** The subject detailed site plan (DSP) and special permit (SP) have been reviewed for compliance with the requirements of the D-D-O and M-U-TC Zones and the site plan design guidelines of the Zoning Ordinance.

   a. The subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed uses in this application are permitted uses in the M-U-TC Zone and the Gateway Arts District.

   b. The DSP is in conformance with the applicable site design guidelines contained in Section 27-274. Vehicular and pedestrian circulation is designed to be safe, efficient, and convenient for both pedestrians and drivers. Existing curb cuts along Rhode Island Avenue are proposed to be eliminated, and the existing streetscape is proposed to be enhanced. Entrance drives into the project are proposed along 38th Street and 39th Street.

      In accordance with Section 27-274(a)(6), site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture should be coordinated in order to enhance the visual unity of the site. The proposed powder coated metal benches and trash receptacles appear coordinated. The color of the features should be indicated on the plans.

   c. The special permit is consistent with the following criteria:

      (1) The SP is consistent with the Procedures of Section 27-239.02(a)(6)(B), within the Required Findings, which states:

         (B) The Planning Board may grant a Special Permit in the M-U-TC Zone if it finds that the site plan is in conformance with the approved Town Center Development Plan and its guidelines and specific criteria for the particular use. In the event a Special Permit is approved by the Planning Board, the approval is conditional upon the issuance of a building or use and occupancy permit by the Department of Permitting, Inspections, and Enforcement, Permits and Review Division.

         Comment: As discussed in Finding 9 and in the body of this report, the subject application is in conformance with the approved Town Center Development Plan and its guidelines and specific criteria for the proposed use.

      (2) Staff also notes that the Planning Board has the authority to provide Conditional Approval of the SP in accordance with Section 27-239.02(a)(7)(A), as follows:

(A) When a Special Permit is approved, any requirements or conditions deemed necessary to protect adjacent properties and the general neighborhood may be added.

8. **2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District:** The site is within the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Approved Prince George's County Gateway Arts District SMA). However, the *Town of Brentwood Mixed-Use Town Center Zone Development Plan and Design Guidelines* (Brentwood M-U-TC Development Plan) govern development of the property and exempt the project from the design standards of the *Gateway Arts District* because of the M-U-TC zoning.

   The subject site is located within the Town Center Character Area of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District.* The Brentwood Town Center Character Area is concentrated around 38th Street and Rhode Island Avenue. The subject property is located in a gateway and view terminus site along Rhode Island Avenue that calls for strong pedestrian-orientated design at this location. Page 140 of the Approved Prince George's County Gateway Arts District SMA states that detailed site plan review shall be required for gateway and view terminus sites. Since the site is also located in the Mixed-Use-Town Center Zone, the property shall also be developed in accordance with the Brentwood M-U-TC Development Plan.

9. **The 2000 Town of Brentwood Mixed-Use Town Center Zone Development Plans & Design Guidelines:** The site plan has been reviewed for consistency with the site design guidelines of the 2000 *Town of Brentwood Mixed-Use Town Center Zone Development Plans & Design Guidelines* (Brentwood M-U-TC Development Plan). The applicant's attorney provided the following description of the project and the role of the Town of Brentwood Mixed-Use Town Center Zone Development Plans & Design Guidelines:

   Applicant's Justification:

   "The proposed building is the first development to move forward in the Brentwood M-U-TC zone. As proposed, the project includes 132 multifamily-dwelling units, 15 townhomes, and 9,118 square feet of commercial space for retail and artist studios. The proposed building is designed to appear as three stories along Quincy Street which is closest in proximity to existing residential and five-stories at its 'focal point' locations of Rhode Island/38th Street. This design also allows the property to situate the building so that the facades are viewed with equal background since the grade elevation is higher where the building is 3 stories and significantly lower where the building is five stories.

   "The Town of Brentwood Mixed-Use Town Center Zone Development Plans & Design Guidelines (the "Plan") is the premise for the proposed development. Page 3 of the Plan provides an Introduction and notes its requirements. Specifically, the Plan notes the following:

   The development plan shall include minimum and maximum development standards and guidelines as necessary to regulate parking and loading schedules and design standards, sign design standards, and landscaping and screening standards.

"This mandatory criteria is evidenced by use of the word 'shall'. Specifically, the Introduction does not include amongst mandatory development standards and guidelines as being required by the Zoning Ordinance, 'Building Height and Bulk' or 'Utilities and Mechanical Equipment'. The Plan, though earlier than other M-U-T-C Plans, does include Design Principles and Guidelines or DPGs (pages 21-37). Site Design Guidelines are expressed with narratives on 'Intent' and 'Guidelines'—some with illustrations. The actual DPGs are expressed with 'should', 'will', and 'may' and in some instances, no declaratory language. None of the DPGs are expressed as mandatory, e.g. using the terms 'shall' or 'must'. **Pringle v. Montgomery County Planning Board (212 Md. App. 478, 69 A.3d 528, 2010)** makes clear the lack of mandatory language, specifically 'shall or must' makes the pronouncements in the Plan 'clearly aspirational and not mandatory'.

"The Applicant does not propose an 'amendment' (primary or secondary) to the Plan since the DPGs are simply 'aspirational dictates' of the Plan. It is clear that amendment of a mandatory DPG could be interpreted to require utilization of the 'secondary amendment process'. Inasmuch as the Applicant simply proposes design elements consistent with the "intent" of the DPGs, the Applicant asserts it need only demonstrate its proposal is a "reasonable alternative for satisfying the site design guidelines."

Comment: Staff agrees with the above statement and determines that many of the design guidelines are aspirational in nature, as they do not contain mandatory language such as "must" or "shall". No Secondary Amendments have been requested by the applicant, and staff believes that no Secondary Amendments are necessary.

[Staff notes that while the justification statement above describes a five-story building along Rhode Island Avenue, the information originally provided by the application and the architectural elevations show a six-story building. Due to the change in grade, portions of the building have a five-story appearance along Rhode Island Avenue.]

Discussion of the relevant guidelines is provided below:

a. SETBACK

- **Infill buildings will maintain the same setback as the adjacent buildings. Exceptions may be granted if the setback is pedestrian-oriented or for any other justifiable special circumstance.**

Comment: The subject application proposes to raze the existing buildings and construct a modern mixed-use building. Only one structure, an existing single-family detached residence, is to remain on the block. The setback of the proposed building is consistent with the setback of the existing building to remain. The proposed setbacks are as follows:

Rhode Island Avenue:	8–60 feet
39th Street:	8–10 feet
Quincy Street:	10 feet
38th Street:	10–12 feet

The 60-foot-setback along Rhode Island Avenue is due to an intervening property between the subject site and Rhode Island Avenue, where a stormwater management feature exists. The building setbacks should be delineated on the plans.

- **Car garages should be sited where their visual impact is minimal, preferably to the side of rear of the property.**

Comment: No exterior car garages are proposed. All parking will be integrated within the building.

b. PARKING

Section 27-568(a) of the Zoning Ordinance requires 384 parking spaces; the applicant is proposing 192 spaces and requesting a departure from the required number of spaces. The site design guidelines in the Brentwood M-U-TC Development Plan state that the Planning Director "may grant a departure from the required parking if a sufficient number of parking spaces are provided to meet the minimum parking demand of the proposed uses and the revitalization interests of the community."

The applicant submitted the following justification for the departure request of 192 parking spaces, as follows:

> "The intention of the parking design guidelines will be met by providing at minimum 1 space per residential unit, 24 hours a day, 7 days a week. During typical business hours, the retail and artist studio will also be guaranteed the minimum required spaces of 44. During peak hours the minimum parking need will be met by applying the arrangement above. After normal business hours, the 44 spaces associated with the retail and the artist studio can be used by the residents to supplement overnight parking. In addition, there are approximately ten (10) on-street parking spaces located on Quincy Street along the site's road frontage which will be available for residents or visitors to the site. This results in an overnight residential parking ratio of 1.37 spaces per unit.
>
> "The subject property's proximity to mass transportation opportunities in the form of WMATA Metrobuses also creates justification for providing less parking on-site. A metrobus stop is located immediately in front of the site on Rhode Island Avenue. Two metrobus routes, 81 and 83, provide numerous destination options throughout the Rhode Island Avenue corridor, including Brentwood, Mt. Rainier, Hyattsville, Riverdale Park, University of Maryland, College Park, Greenbelt, and Cherry Hill. In addition, Metrobus Route 81 serves the College Park-University of Maryland Metro Station and the Rhode Island Avenue-Brentwood Metro Station. Metrobus Route 83 serves the Greenbelt Metro Station and the Rhode Island Avenue- Brentwood Metro Station. These routes provide additional convenience by running throughout the morning and afternoon, and well into the evening.
>
> "By providing less parking on-site, the subject property encourages more environmentally friendly transportation options. Firstly, fewer cars parked on-site reduce total vehicular emissions for the area. If people are using their cars less and relying on mass transportation more, this decreases the total amount of cars on the road, thus reducing total vehicle emissions and traffic congestion. The subject property also promotes environmentally friendly transportation in the form of bicycles. A bike rack is proposed on-site, and with the reduction of parking spaces, biking as a form of transportation is encouraged. Because of the

site's location in a[n] urban environment that is in close proximity to destinations including various metro stations, biking becomes a viable option for transportation. Biking is not only environmentally sensitive, but also is a healthy alternative to driving. Providing less parking on-site will encourage and promote healthier means of transportation like walking, running, and biking.

"Additionally, adding more parking to the site is not economically viable. The only way additional parking can be provided for on-site is to add more levels to the parking garage. Adding more levels to the garage will greatly increase the cost of the project because it will increase the number of building materials used to achieve the additional height. In addition, some of the materials used to construct the garage will have to be replaced by more costly ones that can support the added building height, thus making it economically unviable."

Comment: In consideration of the location of the site, the availability of public transportation, the availability of bike storage facilities on the site, and the revitalization goals of the mixed-use town center zone, staff believes that the request for a departure from parking spaces appears to be justified.

A departure from the required parking space size contained in the Zoning Ordinance is also requested. For additional discussion of that request see Finding 13.

- **Design of parking structures, as with any other structure, will be in compliance with setbacks, height, proportions, etc., established in this document. The view of parked cars will be screened with a three-foot-high wall.**

Comment: The proposed parking structure is consistent with the design guidelines, as it is integrated within the building design.

c. LOADING

The intent of the loading section is as follows:

To the greatest extent feasible, the number of loading spaces should be provided for in conformance with Part 11 of the Prince George's County Zoning Ordinance. However, when loading spaces cannot be provided in accordance with Part 11 of the Ordinance, the Director may grant a departure from the loading space requirements of Part 11 if appropriate loading space is provided that meet the following design guidelines:

- **Loading and delivery space should be in proportion to the needs generated by the proposed land use which must be clearly compatible with adjacent uses and the surrounding neighborhood.**

- **Loading spaces should be located to minimize visual or operational intrusion to adjacent parcels and should protect the surrounding neighborhood from the negative effects such as vehicular noises and traffic generated by the anticipated uses.**

- **Loading spaces should be accessible, attractive and well-maintained.**

- **Loading spaces should be adjacent or as close as possible to the main structure or business.**

- **New buildings should be designed in such a way that delivery doors of adjacent stores or shops are close to each other and can share a common loading space.**

- **Loading and delivery and related vehicle maneuvers should take place on site and not within the public right-of-way, and reduce the potential for traffic congestion and hazard.**

Comment: Two 15-foot-wide by 33-foot-long loading spaces are required pursuant to Part 11. A total of 2 loading spaces are proposed within the structure. The number of spaces provided is consistent with the loading needs of the project. Because the loading spaces are internal to the building, they will be visually unobtrusive. The loading will be accessible to multiple uses and may be shared as needed.

The detailed site plan should be revised to reflect the specific locations of the loading spaces within the parking structure, and their size, and the architecture should demonstrate that adequate vehicular clearance for loading trucks has been provided, as required by Part 11. Modification of the loading proposal may result in the need for a departure, which may be approved by the Planning Director.

d. FENCING AND SCREENING

- **Chain-link fencing and cinderblock fencing are inappropriate for screening. However, a chain-link fence in combination with evergreen/coniferous plant material may be used to buffer incompatible uses.**

Comment: The application does not include any prohibited fencing types. The applicant proposes a change in grade and a mix of deciduous and evergreen trees to buffer the proposed mixed-use development from the abutting single-family detached residence. The applicant proposes to lower the grade in the northeastern corner of the site. Between the subject proposal and the existing adjacent single-family residence, the applicant proposes a 15–20-foot-wide landscape buffer and a six-foot-tall earthen retaining wall, which will be planted with vegetation. A detail of this wall is provided on the detailed site plan. Additional information should be provided on the plan that indicates the type of vegetation proposed to be planted on the earthen wall to provide an attractive mix of plant material with year-round interest. Appropriate fencing should be indicated at the top of the retaining wall and detail of this fencing should be provided.

- **An eight-foot interlocking fence and tall evergreen hedge or a brick wall is required to screen residential from nonresidential uses except in the mixed-use areas.**

Comment: The above standard does not apply to the proposed mixed-use project which is primarily residential.

- **Loading docks should be oriented to minimize direct view as much as possible.**

- **Dumpster will be well designed and screened from public view with material compatible with the walls of adjacent buildings. Board-on-board fencing can be used, provided it does not get a direct view from the street.**

Comment: Dumpsters and loading are internal to the building and will be screened from public view.

e. PUBLIC ART

No commissioned art pieces are proposed on the subject site at this time, and the applicant indicated that any public art proposed will comply with the applicable guidelines. The applicant also indicated that they will encourage artists to use the public spaces for temporary and/or alternating art displays. While staff supports these ideas, staff also recommends that the application include a space for a permanent art installation along Rhode Island Avenue, as this is a key aspect within the plan. Prior to M-NCPPC approval of use and occupancy permits, a public art piece should be installed along the property frontage.

f. PARKS AND PLAZAS

- **Provide visual focal points to add interest especially at the intersection of 38th Street and Rhode Island Avenue. The long-range redevelopment option recommends this location for such activities as an outdoor eating area and a gathering place for special events and activities.**

Comment: The intersection of 38th Street and Rhode Island Avenue is a State of Maryland right-of-way. The applicant proposes a wide outdoor plaza/specialty paving area north of this right-of-way and stormwater management feature, and near the main building entrance. The applicant indicates that the plaza in this location will provide a welcoming entrance for the residents, a place for shoppers to pause, relax, and watch the scenery, and a place for passersby to get a glimpse into the creative process of the artists in action through the art studios' display windows.

- **Plazas will be well designed and articulated to provide safety and efficient pedestrian circulation to and from other town center areas. Provide appropriate street furniture including benches, trash receptacles, clock towers, bike racks, etc., as recommended in the street furniture guidelines.**

Comment: Street furniture is proposed with the subject application.

- **Provide pads of pedestrian plaza space in front of redeveloped storefronts where feasible to enrich the urban landscape with attractive vistas and views.**

Comment: Wide sidewalks with paving are proposed outside of new storefronts.

g. SIDEWALKS

- **Sidewalks with varying widths ranging from 4 feet to 20 feet should run along all streets, depending on location. The network system should be safe, have adequate lighting and connect to the nearby industrial and residential neighborhoods.**

Comment: Sidewalks are proposed along each street frontage consistent with the above guideline.

- **Sidewalk treatment should be consistent with colored pavers or colored imprinted concrete as a common element throughout the area. Different paving patterns should be used at different places for emphasis and to add interest to the pedestrian experience.**

Comment: The application proposes a consistent stamped-concrete herringbone-patterned walkway treatment in front of the retail space and within the plaza. These areas are further defined with running bond details. Additional pavement detailing that better defines the pedestrian space should be indicated in the area of the pedestrian plaza. The use of colored pavers is encouraged. An attractive concrete scoring pattern should be indicated along the standard sidewalks in the areas if the SHA right-of-way. These details are subject to modification by the operating agency.

- **All sidewalks will be handicap accessible and must comply with ADA requirements.**

Comment: This design guideline is also an SHA requirement, which must be addressed.

- **Utility structures (such as light poles, traffic signal units, etc.) should not obstruct pedestrian circulation.**

Comment: This proposal must conform to this requirement.

- **High-volume pedestrian areas such as storefront promenades should have a minimum of 20 feet of walkways to facilitate through-pedestrian traffic.**

Comment: The Rhode Island Avenue frontage has been designed as a high-volume pedestrian area and 20-foot-wide walkways are proposed.

- **The use of asphalt paving material for sidewalks is inappropriate in the town center area.**

Comment: No asphalt paving is proposed.

h. CROSSWALKS

- **Crosswalks should be constructed with colored pavers or colored imprinted concrete with one-foot beige or white borders.**

Comment: A detail of a colored-paver or colored imprinted concrete crosswalk with a one-foot border should be included in the DSP. The final design and installation is subject to further modification by the operating agency.

i. STREET FURNITURE

- **The style of the street furniture should be in compliance with the design guidelines of the Route 1 Coordinating Committee Partnership or the Gateway Commercial District Corporation. However, the Brentwood Town Center plaza areas located at the intersection of US 1 and 38th Street provide opportunities where the town's identity should be established.**

Comment: Prior to signature approval, the application should provide additional information that verifies that the proposed streetscape/ furniture details are consistent with the design guidelines of the Route 1 Coordinating Committee Partnership or the Gateway Commercial District Corporation. Some modification of the street furniture may be appropriate in consultation with these organizations.

j. LANDSCAPING

- **Provide street trees along all public streets. These trees should be planted as shown in the development plan. Exact location and width between trees depend on site condition.**

Comment: The landscape plan should be revised to identify existing street trees that are to remain and propose street trees within or adjacent to all public rights-of-way. The development plan shows street trees along 38th Street, 39th Street, and Quincy Street. These street trees should be provided, as feasible. Final street tree locations are subject to modification by the operating agency.

- **Introduce a variety of plant materials such as trees with ornamental characteristics, flowering trees, ground cover and evergreen shrubs to add interest and appeal in plazas and open spaces.**

Comments: In accordance with the above standard, additional variety in the plantings, specifically the shrub plantings along the property's Rhode Island Avenue frontage, should be indicated on the plan.

k. BUILDING FACADES AND ARCHITECTURAL ELEMENT GUIDELINES

- **The façade of infill development and mixed-use redevelopment in the long range plan should be articulated to promote a sense of human scale. This could be achieved through an articulated first story providing an arcade, recessed major entryways, awnings, appropriate and proportional windows, and different but compatible building materials.**

Comment: The architecture is responsive to the human scale. The first floor along Rhode Island Avenue includes storefront windows, architectural canopies and recessed entrances.

- **Introduce façade elements which add interest and style such as articulated lintels with contrasting course patterns in the forms of segmental, jack or roman arches. Ornamental embellishment which is a specific characteristic of any historical architecture that is not contextually compatible with adjacent buildings should be discouraged.**

Comment: The above guideline speaks to standards that are associated with a more traditional building style. These types of brick details are generally illustrated in the townhouse style units, and should be more clearly detailed prior to certification.

- **Building design and materials for infill commercial or mixed-use development should be energy efficient and of high quality building materials such as brick. An innovative combination of brick and concrete can be allowed provided the basic concept of compatibility is maintained.**

Comment: The project will be energy efficient. The applicant indicates the intent to pursue LEED certification. While the architecture uses contemporary building materials such as corrugated metal and dark ground-faced block, the overall appearance will be of a high-quality building. The applicant has also taken great effort to create compatibility with the adjacent residential neighborhoods by wrapping the building with a single-family attached unit style.

l. BUILDING HEIGHT AND BULK

- **The height of new buildings will be 2 stories minimum and not to exceed 4 stories (50 feet maximum).**

Comment: The building exceeds the four-story (50 feet maximum) guideline. The proposal varies in height, but in some locations the building is six stories (68 feet). The plan states that exceptions can be made to the building height and bulk standards in "special situations to create focal points". The applicant provides additional justification regarding the proposal as follows:

Applicant's Response: The active focal point of the project is along Rhode Island Avenue due to its status as a well-traveled thoroughfare, frequented by vehicular, pedestrian and public transit traffic. Thirty-Eighth Street, due to its juxtaposition with Rhode Island is a similar focal point—though to a lesser degree. The placement of the commercial activity at these locations reinforces this location as a focal point consistent with the intent of the Town of Brentwood, Primary Amendment to the Boundary of Mixed-Use Town Center Zone Development Plans and Design Guidelines Plan. The "Intent" of the Plan for building height is to first insure that new building heights do not "overwhelm the scale of neighboring buildings" and no such finding has been asserted or made with regard to this proposal. Second, if such a concern were present, "exception" can be made for the creation of "focal points". The specific location of where the heights have been increased is identified as a "Gateway and View Terminus Site" in the Gateway Arts District Plan and part of the DPGs on page 29 of the Plan.

Staff concurs with the applicant's justification that the site is within a focal point in the plan, specifically along Rhode Island Avenue, and greater heights in this location do not create inconsistency with the goals of the plan.

Staff also notes that the existing grade varies considerably across the site, which can make the building height somewhat variable. At the site's high point along Quincy Avenue the existing elevation is 78 feet. At the site's low point along Rhode Island Avenue the existing elevation is 58 feet. The top of the building will have an elevation of 130 feet. This means that depending on how the building is approached, viewers will experience maximum heights between 52 and 72 feet.

In consideration of the need for a focal point, the grades, and the building design which provides for a three-story appearance along 38th Street and Quincy Avenue, staff believes the building massing is consistent with the design guidelines.

m. ROOFS

- **Roofs of infill and mixed-use buildings should be flat or gently pitched and hidden behind parapet walls. Roof edges should be related in size and proportion to adjacent buildings.**

Comment: The mixed-use building proposes flat roofs. The heights of the roofs relate appropriately to area development.

n. BLANK WALLS

Comment: No blank walls are proposed for this building. The architecture will provide articulation for each façade.

o. LIGHTING

- **Integrate lighting into the overall design of buildings to provide safety and visibility within the building perimeter and complement promenade or site lighting.**

- **Use pedestrian-scale lighting along promenades and sidewalks for pedestrian safety and visibility. Lighting should complement the traditional street lighting.**

- **Use street lights and special effects lighting to produce a pattern of lighting that will attract attention to the plaza areas at the intersection of Rhode Island Avenue and 38th Street.**

- **Measure lighting by its quality and distribution. High-intensity security lighting should be directed away from adjoining properties and public rights-of-way.**

Applicant's Justification: Adequate and appropriate lighting will be provided to illuminate building entrances, pedestrian walkways, and the streetscape. Lighting proposed along Rhode Island Avenue will be consistent with other approved lighting within the Town Center.

Comment: Photometric plans have been provided for all of the proposed lamp posts on the property. The plans did not indicate that the artists' colonnade will be appropriately lit. Additional lighting within the SHA right-of-way, or additional lamp posts or building-mounted fixtures on the subject property should be provided to illuminate this area.

p. SIGNAGE

- **Sign illumination should be focused and sufficient to illuminate the sign only. Neon lighting is discouraged.**

Comment: The above guideline should be addressed as a plan note.

- **Any infill or redevelopment proposal should prepare a sign plan in keeping with the objectives of this section.**

Comment: The proposed sign plan conforms to the Design Guidelines contained in the M-U-TC plan. Any applicable guidelines for signs will be adhered to.

q. AWNINGS AND CANOPIES

- **The design, shape and color of awnings should complement the architectural style and character of the building.**

- **Awning should be limited to closed sides of slanting or quarter-circular types. They should be of a canvas type; metal awnings are not permitted.**

- **Awning should be mounted to the building façade above the top of the display windows and below the sign band with the valance at approximately eight feet above the sidewalk.**

- **Large buildings with several storefronts should have compatible, though not identical, awnings. Awnings should be the same style and material with varying span, depending on the width of coverage, although they may employ different but harmonious colors and patterns.**

Comment: The use of metal architectural canopies is indicated in the retail area. Metal awning/canopies are not recommended in the design guidelines. The applicant has not provided specific details of the canopy design for staff to evaluate and determine whether the proposed canopies are exceptionally designed, or are in some other way supportable. Slanted canvas awnings recommended by the design guidelines should be provided, and the signage proposed on the metal canopies should be relocated to the building façade.

r. UTILITIES AND MECHANICAL EQUIPMENT

- **Relocate utility poles and overhead cables to rear properties of the town center or place the cables underground.**

Comment: There is one utility pole that is proposed to remain along the site's frontage on Rhode Island Avenue.

Applicant's Response: No relocation of existing utility poles is proposed. Similarly, the DPGs do not "mandate" a relocation. In considering relocation, the Applicant determined the cost of such a relocation would impact rents and such a cost could not be absorbed into the rent structure—and would be particularly burdensome on the commercial rent structures for the development. Thus it was the Applicant's determination that such a relocation would not represents "a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use." Again, no "amendment" (primary or secondary) to the Plan is being proposed since the DPGs are simply "aspirational dictates" of the Plan.

Comment: Staff acknowledges the problems associated with relocating the utility pole and does not recommend any conditions to this effect.

- **Existing rooftop mechanical equipment should be relocated from public view or screened with material compatible to the building. In new buildings, mechanical equipment located on top of the roof should be screened by parapet walls whose design and material are compatible with that of the building.**

Comment: Prior to certification, the applicant should provide additional information regarding any probable rooftop equipment, and should present a proposal for screening any rooftop equipment.

10. **2010 Prince George's County Landscape Manual:** Per Section 27-546.10 of the Zoning Ordinance, landscaping and screening for projects located within the M-U-TC Zone shall be provided in accordance with the M-U-TC Development Plan. The requirements of the Approved Prince George's County Gateway Arts District SMA and the Brentwood M-U-TC Development Plan supersede all the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project area is not subject to Subtitle 25, the Woodland and Wildlife Habitat Conservation Ordinance (WCO) that became effective September 1, 2010 and February 1, 2012. The site has been issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of existing woodland and has no previous Tree Conservation Plan approvals. This exemption is valid thru October 7, 2015.

12. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned M-U-TC are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 1.63 acres in size, resulting in a tree canopy coverage requirement of 7,100 square feet. This requirement will be met through the planting of 7,235 square feet of landscape trees.

Some of the trees designated to meet this requirement are street trees and stormwater plantings proposed by the applicant that are located within the SHA right-of-way, and are subject to modification by the Maryland State Highway Administration (SHA). Conformance to the TCC requirements should be verified prior to issuance of fine grading permits, after the applicant has obtained more final approval of the planting plan by SHA.

13. **Departure from Design Standards:** The application includes a Departure from Design Standards (DDS) request to allow reduction of the standard, nonparallel parking space size from 9.5 feet by 19 feet to 9 feet by 18. A departure of six inches in width and one-foot in length has been requested. This is a universal parking space size that is typically utilized in structured parking, and all of the on-site parking is within the garage. A departure from Section 27-558(a) of the Zoning Ordinance is requested, which sets forth the following requirement:

The size of parking spaces shall be as follows:

TYPE OF SPACE	MINIMUM SIZE (IN FEET)
Standard car spaces:	
Parallel	22 by 8
Nonparallel	19 by 9½
Compact car spaces:	
Parallel	19 by 7
Nonparallel	16½ by 8

Because the site is located within a D-D-O Zone, no separate departure application has been required. As stated in Section 27-548.25(e), Site Plan Approval:

(e) If a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.

Approval of the requested departure will in no way compromise the site's conformance to the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* or the requirements of the 2000 *Town of Brentwood Mixed-Use Town Center Zone Development Plans & Design Guidelines.*

The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. Specifically, the functionality of each individual parking space will not be affected. The applicant has proposed a parking space size (18 feet in length by 9 feet in width) that is a typical size endorsed in *Dimensions of Parking* (Urban Land Institute). The size of the space, 9 feet in width by 18 feet, is larger than the minimum size allowed for compact spaces. Most automobiles average 16 to 17 feet in length, and mid-size and large SUVs average the same length. The departure is necessary for efficiency of the design of a parking structure and to ensure that the necessary parking spaces can be provided entirely within the parking structure.
The departure will allow for a more efficient yet fully functional parking design that will serve the needs of the project and protect adjacent residential land uses.

In conclusion, staff supports the departure of six inches in width and one-foot in length to allow a standard, nonparallel parking space size of 9 feet in width by 18 feet in length.

14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. **Community Planning Division—**In a memorandum dated June 11, 2014, the Community Planning Division provided the following evaluation of the subject proposal:

(1) **Plan Prince George's 2035:** Under the *Plan Prince George's 2035 Approved General Plan*, the subject properties for this application are located in the established community growth policy area of the county. This application is consistent and supports the community character principle in the general plan to prioritize infill, reinvestment and revitalization in existing neighborhoods. This application is generally consistent with the *Plan Prince George's 2035 Approved General Plan* community character to prioritize infill, reinvestment and revitalization in existing neighborhoods for established communities.

(2) As indicated in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, the land uses associated with this development project are either permitted or permitted by special use permit. According to the Approved Prince George's County Gateway Arts District SMA, the Brentwood town center character area is concentrated around 38th Street and Rhode Island Avenue. The subject property is located in a gateway and view terminus site along Rhode Island Avenue that calls for strong pedestrian-oriented design at this location.

(3) The Approved Prince George's County Gateway Arts District SMA identified a mixed-use town center in the Town of Brentwood. The 2000 *Town of Brentwood Mixed-Use Town Center Zone Development Plans & Design Guidelines* (Brentwood M-U-TC Development Plan) requires that all new development projects that occur within the Brentwood M-U-TC Zone be reviewed by a local design review committee to ensure they meet the design guidelines in the development plan. This application will therefore be required to be reviewed by the Brentwood Mayor and Council that serve as the M-U-TC Design Review Committee. The design review committee will have to review this application in advance of the case being heard before the Prince George's County Planning Board. The special use permit application is scheduled to be heard at the Brentwood M-U-TC Design Review Committee for July 1, 2014. The Maryland-National Capital Park and Planning Commission (M-NCPPC) Community Planning Division will serve as a staff liaison to the Town of Brentwood M-U-TC Design Review Committee on this case and help coordinate the Brentwood M-U-TC Design Review Committee comments on this case to the Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department Development Review Division (DRD).

Comment: At the time of this writing, comments from the Brentwood M-U-TC Design Review Committee have not been received.

b. **Transportation Planning Section (TPS)**—In a memorandum dated July 24, 2014, the Transportation Planning Section provided comments on the DSP as follows:

The site is subject to the general requirements of site plan review, which include attention to parking, loading, on-site circulation, etc. There are no specific transportation-related requirements imposed by the zone or the use, and otherwise no traffic-related findings are required.

The site is within the Approved Prince George's County Gateway Arts District SMA. However, the Brentwood M-U-TC Development Plan governs development of the property and exempts the project from the design standards of the Gateway Arts District because of the M-U-TC zoning.

It is adjacent to Rhode Island Avenue, a master plan arterial roadway, with a right-of-way width of 80 to 110 feet in the *Approved Countywide Master Plan of Transportation* (MPOT). It is listed with a variable right-of-way width of 100 to 130 feet on the site plan. 38th Street is a collector roadway with 80 feet of right-of-way as shown in the MPOT. All right-of-way widths must be clearly shown with no structures in the ultimate right-of-way. Both 39th and Quincy Streets appear to have appropriate dedication to the minimum DPW&T road standards. These are not master plan roadways. Access is shown from 38th and 39th Streets. Two-way twenty-two-foot-wide entrances are proposed on 38th and 39th Streets. There will be no access to Rhode Island Avenue (US 1).

Section 27-568(a) of the Zoning Ordinance requires 384 parking spaces; the applicant is proposing 192 spaces and requesting a departure from the required number of spaces. The applicant also seeks a departure from design standards for parking space size. The site design guidelines in the Brentwood M-U-TC Development Plan states that the Planning Director "may grant a departure from the required parking if a sufficient number of parking spaces are provided to meet the minimum parking depending on the proposed uses and the revitalization interests of the community."

The applicant states that the residents will be able to use the parking spaces for the proposed retail and art studio after typical business hours. This seems to be a reasonable justification for the departure. Also mentioned is a nearby transit bus stop on Rhode Island Avenue that serves two separate Metrobus routes, each with frequent service and weekend service. This is an additional justification to reduce the need for the required parking.

The justification statement notes that Metrorail stations are nearby as well. West Hyattsville is over one mile away from the site, outside the typical walking distance of one-half mile to a station, but within an easy bicycle trip. The site includes bicycle facilities, making biking a reasonable alternative for local travel.

In consideration of the location of the site, the availability of public transportation, the availability of bike storage facilities on the site, and the revitalization goals of the mixed-use town center zone, the request for a departure from parking spaces or from the design standards for a reduction in parking space sizes appears to be justified.

Conclusion

From the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a detailed site plan as described in Section 27-281 and for the departure in parking space size in Section 27-558 of the Zoning Ordinance. As stated in this section, the Planning Director may grant a departure from the required parking in Section 27-568 of the Zoning Ordinance.

c. **Trails**—In a memorandum dated May 20, 2014 (Janousek to Fields), the Trails Planner with the Transportation Planning Section provided the following review comments.

The application has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the appropriate sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

This area is described in the area master plan as the "Brentwood town center" (page 19). On page 79 there is a recommendation for pedestrian and bicycle improvements, such as covered bus shelters, pedestrian crossings, bike lanes on Rhode Island Avenue, and pedestrian-oriented lights.

(1) **Sidewalks:** The sidewalks that are proposed by the applicant along Rhode Island Avenue, 38th Street, 39th Street, and Quincy Street, all appear to be adequate for the proposed use. The proposed sidewalks do not conflict with the area master plan, which recommends minimum five-foot-wide sidewalks. The applicant is proposing to widen the sidewalks to the recommended widths. The existing sidewalks along the subject property frontage of Rhode Island Avenue were recently improved by SHA.

(2) **Bus Shelters:** The area master plan recommends "bus shelters" on 38th Street and Rhode Island Avenue. A covered bus shelter has already been installed on Rhode Island Avenue by others. The location of the existing bus shelter is shown on the plan.

There are no bus stops on 38th Street along the subject property frontage; therefore no bus shelter is recommended at this location.

(3) **Pedestrian Crossings:** The area master plan recommends pedestrian crosswalks on Rhode Island Avenue and 38th Street. SHA has installed these crosswalks, with pedestrian-activated crossing signals, on Rhode Island Avenue.

Sidewalks exist along 38th Street, and there is an existing sidewalk ramp on 38th Street at the southwest corner of the subject property. But the 38th Street roadbed is not painted with a crosswalk.

A crosswalk is recommended by technical staff to be constructed across 38th Street, subject to the approval by SHA. The crosswalk should be extended to the opposite side of 38th Street, and an accessible ramp should be constructed on the opposite side of 38th Street. Currently, there is no ramp at this location.

(4) **Bikeways:** Thirty-Eighth Street is recommended to contain bicycle lanes in the *Approved Countywide Master Plan of Transportation* (MPOT). The applicant's heirs, successors, and/or assignees, should construct bicycle lanes, minimum five-foot-wide, in conjunction with a "BIKE LANE" sign (MUTCD R3-17) at the beginning of the bicycle lane, along the entire subject property frontage of 38th Street, unless modified by SHA. The applicant proposes one bicycle rack on the Rhode Island Avenue frontage. Additional bicycle parking is recommended by staff along the proposed commercial frontage of Rhode Island Avenue and 38th Street, to serve the commercial uses and residential guests. There are several types of bicycle parking that could be utilized by the applicant, but generally the bicycle parking on the street should be simple u-shaped racks that are anchored in concrete.

Bicycle parking is recommended by staff to be located within the parking garage for the residents. Today, it is common to find secure bicycle parking within parking garages of residential and commercial office buildings. Modern residential structures often provide 'bicycle cages' to serve as bicycle parking for residents.

Staff Recommended Parking Schedule

Location	Bicycle Parking Spaces	Type
Parking Garage	Secure space for a minimum of 25 bicycles	Secure cage or other secure style
Rhode Island Avenue	8 spaces	4 u-shaped racks or serpentine rack
38th Street	4 spaces	2 u-shaped racks or serpentine rack

Comment: The architectural floor plans indicate the proposal of a tenant storage room with parking for 58 bicycles. The specific number of bicycle parking spaces along the property frontage should be indicated on the plans consistently with the recommendation of the trails planner.

d. **Environmental Planning Section (EPS)**—In a memorandum dated May 23, 2014, EPS staff provided comments on the above-referenced detailed site plan and special permits application stamped as received on May 12, 2014.

(1) The site has been issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of existing woodland and has no previous tree conservation plan approvals. This exemption is valid through October 7, 2015. A Natural Resources Inventory (NRI) Equivalency Letter has been issued for the site because the site qualifies for a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance and because there are no regulated environmental features on site. The NRI Equivalency Letter is valid through October 7, 2018.

(2) An approved stormwater management concept plan and approval letter have been submitted which indicates that the project was reviewed as redevelopment. The use of an off-site bioretention facility has been conceptually approved and is proposed to be located on Lot 8 on the corner of 38th Street and Rhode Island Avenue. The use of micro-bioretention has been approved on-site and ties into a stormdrain system.

(3) The site has frontage on Rhode Island Avenue and 38th Street; both are Master Planned Collectors that are not traffic noise generators. The site does not front on any scenic or historic roadways.

e. **Subdivision Review Section—**In a memorandum dated August 20, 2014, the Subdivision Review Section staff provided comments on the DSP as follows:

The subject property is composed of Lots 2–11 and 16–27, Block 7, and Lots 2–6, Block 9, Wilen Heights, Homes Investment Company Subdivision, recorded in 1893 in

Plat Book LIB A–7 in the County Land Records. The property is located on Tax Map 50 in Grid A–3, and is approximately 1.63 acres. The site is currently improved with 14,873 square feet of gross floor area (GFA), which composes 20.9 percent of the site area. The general notes of the site plan do not indicate the existing use of the property and should be revised to do so. The site plan proposes development of a 253,278-square-foot multifamily residential/retail/artist studio building which includes 147 dwelling units, 6,350 square feet of retail space, 2,768 square feet of artist studios, and a parking garage. The DSP proposes an increase of 238,405 square feet of gross floor area on-site. The site plan doesn't show the master plan right-of-way width and centerline for Rhode Island Avenue and the right-of-way and centerline should be displayed.

Pursuant to Section 24-111(c)(4) of the Subdivision Regulations, a site is exempt from the requirement of filing a preliminary plan of subdivision if the proposed development of more than 5,000 square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of a site, has been constructed pursuant to a building permit issued on or before December 31, 1991. The applicant has submitted the following information for staff review to substantiate that the proposed development meets these requirements:

(1) A letter dated August 15, 2014 (Dunn to Chellis) which outlines the proposed development's conformance to Section 24-111(c)(4) of the Subdivision Regulations.

(2) A boundary survey completed by Soltesz in May 2013, establishing the existing 14,873 square feet of GFA on-site.

(3) A copy of Permit 7099-1978-00-CI for roofing.

Permit 7099-1978-00-CI is not helpful in determining conformance because the gross floor area (GFA) is not provided. Aerial photography provided by staff from 1984, via PG Atlas, however, establishes that the development shown in the boundary survey (14,873 square feet of GFA) existed at the time of the aerial photograph. As previously stated, the existing development composes 20.9 percent of the site area. With the aforementioned information, staff concludes that the proposed development meets the exemption from the requirement to file a PPS pursuant to Section 24-111(c)(4) of the Subdivision Regulations.

f. **Historic Preservation Section—**In a memorandum dated May 22, 2014 (Stabler to Fields), the Archeology Planner Coordinator with the Historic Preservation Section provided the following comments:

The subject property comprises 1.63 acres and is located on the south side of Rhode Island Avenue between 38th and 39th Streets in Brentwood, Maryland. This application proposes the construction of 147 multifamily units, an artist studio, and 6,350 square feet of retail development. The subject property is zoned M-U-TC.

There are three structures on the subject property that are more than 50 years old. The discount warehouse building located at 3807 Rhode Island Avenue was built around 1953. The residence located at 3903 38th Street was constructed about 1926. The two-story brick retail store located at 3901 38th Street was built about 1947. These three structures should be recorded by a 36 Code of Federal Regulations (CFR) qualified architectural historian (or other planning professional, such as the applicant's engineer)

on individual Maryland Inventory of Historic Properties (MIHP) forms. The documentation should include a chain of title, floor plans, and representative interior and exterior photographs.

A Phase I archeological survey is not recommended on the above-referenced 1.63-acre property. 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.

Comment: While the applicant has indicated an objection to providing additional documentation of the existing buildings due to additional costs and time associated with completing the work, staff continues to believe that obtaining documentation of older buildings and sites prior to demolition is an appropriate way to retain a record of local history.

The Historic Preservation Section and the Historic Preservation Commission staff have routinely recommended to the Planning Board, and the Planning Board has approved condition language to be added to selected approvals to address developing properties that include buildings that are 50 years old and older, in order to document those properties before they are destroyed. This recommendation is consistent with Policy 1 (Chapter 3-Evaluation and Designation, page 33) of the 2010 *Approved Historic Sites and Districts Plan.* In this instance, the Town of Brentwood is included in the Historic Sites and Districts plan as an identified historic community (Appendix B-Documented Historic Communities, p. 214) and the recommended documentation condition is intended to mitigate the pending loss of these structures within that community.

g. **Permit Review Section—**In a memorandum dated June 10, 2014, the Permit Review Section provided an analysis of the subject proposal. The questions raised in the referral have been addressed.

h. **Prince George's County Health Department**—In a memorandum dated August 20, 2014, the Environmental Engineering Program of the Prince George's County Health Department stated that they have completed a desktop health impact assessment review of the subject detailed site plan submission and have the following comments:

(1) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. The site plan indicates that adequate and appropriate lighting will be provided to illuminate building entrances, pedestrian walkways, and the streets cape. The lighting will be consistent with other approved lighting within the Town Center.

(2) Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms, and fetal development. Sleep disturbances have been associated with a variety of health problems, such as functional impairment, medical disability, and increased use of medical services even among those with no previous health problems. The Site Plan describes noise control measures that will aid in mitigating noise during the time of construction.

The building will act as a buffer and screening device to mitigate the indoor noise. Along 185 linear feet of the northeast corner of the property, there will be a six-foot-high opaque fence along with landscape material.

(3) During the demolition/construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

Comment: A note to this effect should be placed on the plan.

(4) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Comment: A note to this effect should be placed on the plan.

i. **Prince George's County Police Department**—In a memorandum dated May 16, 2014, the Police Department raised a few questions and requested additional information regarding the types of light fixtures that are proposed for the parking garage area, and plans for access control for the garage areas (both for vehicular access to the garage area and pedestrian access to the buildings).

Comment: Photometric plans have been provided for both levels of the parking garage, and indicate that adequate lighting throughout the garage will be provided. The plans also show the location of access gates that separate the retail parking from the residential parking areas. Clearer labeling of the controlled access gates should be provided on the plans.

j. **Verizon**—In an e-mail dated May 21, 2014 (Brooks to Fields), Verizon indicated that it will require a ten-foot public utility easement (PUE), parallel, adjacent and contiguous to all Public and Private roads and alley rights-of-way free and clear of any permanent structures, buildings, sidewalks, curbs, paving, trees, shrubs, retaining walls, landscape, buffers and trails. The trench area should not be more than a 4 to 1 slope.

Comment: The subject proposal is exempt from a preliminary plan of subdivision; therefore, no PUE can be required pursuant to the Subdivision Regulations. However, prior to signature approval of the plans, the application should demonstrate that public utilities can be accommodated on the plan. This can be done by providing a ten-foot-wide PUE, or by obtaining conceptual approval of a utility plan by the effected utilities.

k. **Washington Suburban Sanitary Commission (WSSC)**—In comments dated May 20, 2014, WSSC stated the following:

(1) No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.

(2) Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.

(3) Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSCs pipeline crossing and clearance standards will be rejected at design plan review.

(4) Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.

(5) The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.

(6) Upon completion of the site construction, utilities that are found to be located within WSSCs rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicant's expense.

(7) Balconies or other building appurtenances must not encroach within WSSC easements. Water/Sewer pipeline alignment should maintain a minimum five-foot horizontal clearance from storm-drain pipeline/structures, retaining walls and other utilities.

Comment: Prior to signature approval of the plans, the applicant should obtain conceptual approval of a utility plan by the effected utilities. The applicant should consider WSSC design guidelines in adjusting any dry utility design. The applicant revised the plan to show the mechanical room location, as requested by WSSC.

l. **Department of Permitting Inspections and Enforcement (DPIE)—**In a memorandum dated July 2, 2014, DPIE provided detailed comments on the proposal, as follows:

(1) The property is located on the east side of Rhode Island Avenue, between 38th and 39th Streets and west of Quincy Street. Rhode Island Avenue and 38th Street are State of Maryland maintained roadways; therefore, coordination with the Maryland State Highway Administration (SHA) is required. Quincy Street and 39th Street are Town of Brentwood maintained roadways; therefore, coordination with the Town of Brentwood is required.

(2) A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for the proposed buildings and ESD is required.

Comment: This will be addressed between the applicant and DPIE at time of permitting.

(3) All storm drainage systems and facilities are to be in accordance with DPIE's Standards and Specifications. The proposed Detailed Site Plan is consistent with the approved Stormwater Management Concept Plan No. 36657-2013. The Stormwater Management pond east of the intersection of Rhode Island and 38th Street is a SHA facility. Modification of this Stormwater Management pond to add an ESD device must be coordinated with SHA, or modification of project to incorporate ESD on-site.

(4) This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:

(a) Final site layout, exact impervious area locations are shown on plans.

(b) Exact acreage of impervious areas has not been provided.

(c) Proposed grading is shown on plans.

(d) Delineated drainage areas at all points of discharge from the site have been provided.

(e) Stormwater volume computations have not been provided. Provide BMP summary table to define ESD target volumes and ESD provided volumes for entire LOD.

(f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.

(g) A narrative in accordance with the code has not been provided.

Comment: The above comments are related to Stormwater Management Review and will be addressed by the applicant at time of permitting.

m. **State Highway Administration (SHA)—**In a memorandum dated June 23, 2014, SHA provided detailed comments on the DSP. Summarized comments are provided below.

District 5 Comments:

(1) The sidewalk along the property frontage with US 1 must be upgraded to be ADA compliant.

Highway Hydraulics Comments:

(1) Please clearly label and show the SHA Right-of-Way limits on all applicable sheets.

(2) Although we defer to Prince George's County for Erosion and Sediment Control approval, due to the possible impacts to SHA right-of-way we have the following comments:

(a) All water should be treated prior to entering the SHA right-of-way or the project should provide same day stabilization

Office of Environmental Design (OED) Comments:

(1) Offset Distance to Overhead Utility—The applicant shall refer to the utility offset distance guidelines of Chapter 5.0 of the SHA Landscape Design Guide. The proposed Quercus trees along US 1 are too large for the proposed locations near overhead utilities.

(2) Plant Material Selection.

(a) A Small Tree per the SHA Preferred Plant List would be an acceptable alternative to Quercus.

(b) The proposed Buxus are too close to the sidewalk. This species is not included in the Preferred Plant List due to concerns about Boxwood Blight and poor survival in urban roadside areas. The applicant shall propose other species of shrubs or other plant materials and locate them to allow sidewalk clearance with minimal maintenance.

Access Management Division (AMD) Comments:

(1) Please provide this note at the proposed entrance to Brentwood from US 1 between the two ramps. (A minimum five-foot pedestrian pathway with a maximum cross-slope of two percent must be maintained across entire entrance).

(2) The existing ramps and at the intersection of Rhode Island Avenue and 39th Street are noncompliant and need to be upgraded. Please provide a standard detail for each ramp. Please note that when one leg of an intersections' ramp(s) are noncompliant, then all need to be upgraded to Americans with Disabilities Act (ADA) Compliance. Curb cuts/curb ramps will need to be installed or upgraded to meet current standards at every leg of the intersection.

(3) Please reconstruct the existing main entrance along Rhode Island Avenue closest to 38th Street intersection to meet standard MD 630.01.

(4) Please show the removal/closure of the entrance along Rhode Island Avenue closest to 39th Street.

Comment: These comments will continue to be resolved through SHA's Access Management and Permit Review processes.

n. **Brentwood—**At the time of the writing of this report, the town of Brentwood had not offered written comment on the subject application. The applicant has met with the Brentwood M-U-TC Design Review Committee, and at the time of this writing, no comments have been received.

15. Based on the foregoing and as required by Section 27-548.25 (b), Site Plan Approval, of the Zoning Ordinance, the DSP will, if approved with the proposed conditions below, meet all applicable Development District Standards.

16. As stated in Section 27-548.25 (e), Site Plan Approval, of the Zoning Ordinance, the use would normally require a departure, and separate application has not been required. Staff recommends that the Planning Board find in its approval of the subject site plan that the requested departures conform to all applicable Development District Standards to the extent possible.

17. Based on the foregoing, and as required by Section 27-285(b)(1) of the Zoning Ordinance, staff recommends that the Planning Board find that 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.

18. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a detailed site plan:

> **The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

The site is currently developed and contains no regulated environmental features; therefore this finding is not applicable.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-13040 and Special Permit SP-130010, Brentwood, and further approve a departure from parking and loading standards (DPLS) for 192 parking spaces, and a departure from design standards (DDS) for reduction of the size of standard parking spaces to 9 feet by 18 feet, subject to the following conditions:

1. Prior to certificate of approval, the following revisions shall be made, or information shall be provided:

   a. Provide a general note that indicates the existing uses on site.

   b. Provide a general note that indicates the total project square footage inclusive of the parking garage.

   c. Correct General Note 14 to more accurately reflect the public utility easement (PUE) proposal.

   d. Show the master plan right-of-way width and centerline for Rhode Island Avenue.

   e. Show the building setbacks on the plan.

   f. Revise the plan to designate the location for a permanent art installation along Rhode Island Avenue.

   g. The following note shall be placed on the plan: "Pursuant to Section 24-111(c)(4) of the Subdivision Regulations, the proposed development on the subject site is exempt from the requirement to file a preliminary plan of subdivision."

h. Details of the proposed streetscape features and amenities shall include material labels and specified colors.

i. Provide additional pavement detailing that better defines the pedestrian space. In the area of the outdoor plaza along Rhode Island Avenue, the use of colored pavers is encouraged. The final design shall be approved by the Urban Design Section, as designee of the Planning Board.

j. Provide a detail of a colored-paver or color-imprinted-concrete crosswalk with a one-foot border for use on the site. The use of this detail is subject to the discretion of SHA.

k. Provide additional information that verifies that the proposed streetscape/ furniture details are consistent with the design guidelines of the Route 1 Coordinating Committee Partnership or the Gateway Commercial District Corporation. The final streetscape amenities/ furniture details are subject to reasonable modification in consultation with these organizations and the Urban Design Section.

l. The plan shall either delineate a ten-foot-wide public utility easement (PUE) along all adjacent public streets, or provide a conceptual Dry Utility Easement Plan approved by the appropriate power utilities.

m. Provide additional lamp posts or light fixtures to provide illumination to the front of the building in the area of the artist colonnade/promenade.

n. Provide plans that show the internal layout of the parking garage that label parking and loading space sizes and locations, internal drive aisle widths, and bicycle parking.

o. Provide two 15-foot-wide by 33-foot-long loading spaces within the parking garage and demonstrate a 15-foot-tall clearance into the parking garage, unless a departure from these requirements is granted by the Planning Board or the Planning Director.

p. Revise the site plan to show the frontage improvements that will be considered for implementation through the Maryland State Highway Administration (SHA) approval process, specifically:

(1) Indicate a crosswalk across 38th Street at the intersection of Rhode Island Avenue. The crosswalk shall be extended to the opposite side of 38th Street, and an accessible ramp should be constructed on the opposite side of 38th Street.

(2) Indicate minimum five-foot-wide bike lanes along 38th Street or, if not approved, provide for a "Share the Road" sign.

(3) Provide alternate street tree and shrub planting species along Rhode Island Avenue as requested by SHA.

If at any time prior to certification, SHA indicates modification to the above-noted requirements, the applicant may revise the plans to indicate SHA's directive regarding land area within the SHA right-of-way.

q. Provide a note on the plan to indicate the intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

r. Provide a note on the plan to indicate the intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

s. Provide clearer labeling of the controlled access gates within the parking garage.

t. Delineate the individual studio spaces and retail space on the coversheet of the plan.

u. Show the location of the existing town of Brentwood sign and indicate its relocation.

2. Prior to certificate of approval, the following revisions shall be made to the landscape plan:

a. Include planting details for the "Sierra Slope" retaining wall that provide an attractive mix of plant material with year-round interest.

b. Provide fencing at the top of the "Sierra Slope" retaining wall and provide a detail of the fencing.

c. Show the location of the existing street trees that are to remain and propose street trees within or adjacent to all public rights-of-way. The final design shall create the reasonable appearance of a continuous street tree treatment.

d. Provide additional variety in the planting design, specifically the shrub plantings, along the property's Rhode Island Avenue frontage.

3. Prior to certificate of approval, the following revisions shall be made to the architectural plans, or information shall be provided:

a. Consider design modifications that would allow more direct public access from Rhode Island Avenue to the front of the studio spaces, and provide modification as determined feasible in consultation with Urban Design staff.

b. Provide and label specific design treatments, like window treatments, to ensure that the final building has sufficient detail.

c. Provide more definition around the windows, particularly those in areas of white panel.

d. Reduce minor inconsistencies in the window fenestration along Rhode Island Avenue.

e. Revise the architecture to provide slanted canvas awnings instead of metal canopies.

f. Provide additional information regarding the locations of any probable rooftop equipment, and present a proposal for screening any potentially visible rooftop equipment.

4. Prior to certificate of approval, a full-sized sign plan sheet shall be provided for certification that indicates the following modifications:

a. Specify the lighting of the commercial signage. External lighting is encouraged.

b. Revise the signage chart to indicate a sign category for directional signage. Parking garage entrance signs shall be included in this category.

c. Provide a plan note that restricts the use of standard neon.

d. Relocate the signage proposed on the metal awnings in the retail area to the building face.

5. Prior to issuance of any demolition or grading permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit Maryland Inventory of Historic Property (MIHP) forms for all standing structures on the subject property to be reviewed and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) Historic Preservation Section. The buildings shall be documented by a 36 Code of Federal Regulations (CFR) qualified architectural historian, planning professional, or engineer and shall include a chain of title, floor plans, and representative interior and exterior photos of the buildings.

6. Prior to M-NCPPC approval of fine grading permits, conformance to the Tree Canopy Coverage (TCC) requirements shall be verified. To demonstrate conformance the applicant shall provide a planting plan that has been conceptually approved by the Maryland State Highway Administration (SHA).

7. Prior to The Maryland-National Capital Park and Planning Commission (M-NCPPC) approval of use and occupancy permits, the applicant shall install a public art piece along the property's frontage on Rhode Island Avenue.