

R E S O L U T I O N

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 a public hearing on May 21, 2009, regarding Detailed Site Plan DSP-08080 for University View Village, the Planning Board finds:

1. **Request:** The detailed site plan is for University View Village, a mixed-use development of residential apartments and retail space. The project consists of 272 dwelling units and 18,960 square feet of retail. This project will form a continuation of the University View mixed-use project to the south.
2. **Location:** The subject property is located on the west side of Baltimore Avenue (US 1), at the intersection of Baltimore Avenue and Pontiac Street. The vehicular access to the site is directly opposite existing Berwyn House Road. 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 (DDOZ) standards found in the 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*.
3. **Surrounding Uses:** To the north, the site adjoins a restaurant in the M-U-I Zone. South of the subject property are the first two phases of the University View project. On the west side, the site adjoins the Paint Branch stream, which runs through land owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC). The main campus of the University of Maryland is located on the west side of the stream.
4. **Development Data Summary**

Development Phase	Dwelling Units	Retail Space
Phase I	104 units	10,530 square feet
Phase II	168 units	8,430 square feet
Total DSP-08080	272 units	18,960 square feet

Parking Requirement

16 one-bedroom apartments, 1.33 spaces each:	22 spaces
24 two-bedroom apartments, 1.66 spaces each:	40 spaces
232 four-bedroom apartments, 2.32 spaces each:	539 spaces
18,960 square feet of retail:	100 spaces
Total parking requirement under Zoning Ordinance:	701 spaces
Minimum parking required under DDOZ (10% reduction):	631 spaces
Minimum parking based on shared parking calculations:	568 spaces
Minimum parking based on requested 18% reduction:	466 spaces

Parking Provided

8 surface parking spaces
314 garage standard spaces 134 garage compact spaces
14 garage handicapped van-accessible spaces
470 total parking spaces

Under the DDOZ parking standards, the maximum number of surface parking spaces permitted is equal to the Zoning Ordinance’s minimum parking requirement (standard S2(S)). The minimum parking requirement in the DDOZ is reduced by ten percent (standard S2(T)). The applicant has also made use of the shared parking requirements of the DDOZ, since the peak parking usage of the commercial spaces (typically in the evenings and weekends) will not coincide exactly with the peak parking usage of the residential units (at night). This allows for an additional 10 percent reduction of the required parking.

The DDOZ also allows the applicant to request from the Planning Board during the site plan review process a reduction in the minimum number of off-street parking spaces, subject to incentives being provided for the use of alternative modes of transportation. The allowable reduction may range between five percent and 20 percent. The applicant has requested a parking reduction of 18 percent based upon the proposed transportation demand management strategies.

Loading Required

Multifamily building (100-300 dwelling units):	1 space
Retail sales and services (10,000-100,000 square feet):	2 spaces

Loading Provided

The applicant has proposed for loading services to be provided at internal loading docks accessed from the private driveways behind metal roll-up doors. There appears to be adequate room within these internal loading areas to provide the required three loading spaces. Prior to signature approval, the applicant should show the location and size of these spaces.

5. **Prior approvals:** There do not appear to be any prior approvals of site plans or subdivision plans on the subject property in the Planning Board's records. The applicant is not required to file a preliminary plan for this property. The adjacent University View project was approved under DSP-02027/03. The subject property has an approved Stormwater Management Concept Plan, 27385-2006-02, which expires July 24, 2011.
6. **Design Features:** The proposed project is divided into two development phases. The first phase consists of a nine-story mixed-use building in the southeastern corner of the site (containing 104 dwelling units and 10,530 square feet of retail), with a seven-level parking garage on the southwestern corner of the site. The second phase consists of an additional nine-story mixed-use building in the northern portion of the site (containing 168 dwelling units and 8,430 square feet of retail). The second mixed-use building is proposed to connect to the first by a breezeway, which is cantilevered above an open passageway at the ground level that provides pedestrian access from the US 1 frontage into the center of the site. The mixed-use buildings will largely screen the parking garage in the rear of the property from views from US 1. Loading and waste disposal services for the buildings are proposed to be located at internal docks, which are accessed via metal roll-up doors from the private access drives serving the development.

Access to the site is proposed along an existing entrance drive that is shared with the adjacent University View project. A driveway runs north from the shared access into the center of the site, to terminate in a circle in the northern portion of the site. This driveway provides access to the proposed parking garage.

The proposed nine-story buildings will be faced with a mix of red brick, beige architectural blocks, and buff-finished exterior insulation finishing systems (EIFS). Brick and masonry predominate on all sides of the mixed-use buildings, with EIFS panels being used to break up the main brick and masonry walls and around the roofline. The ground floor of the mixed-use buildings fronting onto US 1 is proposed for retail space, and will be constructed with storefront windows across the majority of the ground floor façades. The upper stories of the southern building extend over the retail space and are supported on pillars along US 1, forming an arcade arrangement along the retail space. A portion of the northern building along US 1 is set back to create a plaza on the street front.

The main structure of the parking garage is constructed with architectural concrete, but large bands of brick facing run across the façade of each level of the garage. The brick bands do not extend across the vertical structural elements of the garage (such as the elevator and stairway towers).

A paved bicycle and pedestrian path is provided along the western side of the site, continuing the trail along the existing University View stream front.

In accordance with the requirements of the sector plan, the frontage of US 1 is designed with a wide concrete pedestrian area including planters and benches. The pedestrian experience along US 1 is enhanced by the provision of the plaza and retail arcade.

7. **Recreation Facilities:** The applicant has committed to providing a recreational facility package within the new buildings, including meeting spaces, multipurpose rooms, and study areas, with a minimum floor area of 2,000 square feet. The applicant has also committed that the dollar value of such facilities will be a minimum of \$325,000, which exceeds the private recreational facilities requirement for 272 multifamily dwelling units in Planning Area 66 (\$173,091). The applicant would like to determine the exact furnishings and equipment to be provided within the recreational amenities prior to the issuance of building permits for the project, which is an acceptable arrangement in light of the applicant's proffers.

8. **The 2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment and the standards of the Development District Overlay Zone (DDOZ):** The 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* defines long-range land use 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 six areas for the purpose of examining issues and opportunities and formulating recommendations. Each area has been further divided into subareas for the purpose of defining the desired land use types, mixes, and character of development.

The subject site is in Area 3 (Main Street), subarea 3a, west side of US 1. The vision for Area 3 is to create a neighborhood main street district featuring a compact mix of retail, restaurants, and offices in low- to mid-rise buildings. The sector plan also provides specific subarea recommendations for Subarea 3a such as compact infill development, vertical mixed-use, shared and/or structured parking. The proposed development of a mixed-use building with storefronts at the street level provides a continuous street wall that resembles a traditional pedestrian-friendly main street environment and is consistent with the land use vision of Subarea 3a.

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 three categories: Public Areas, Site Design, and Building Design. However, in accordance with the DDOZ review process, modification of the development district standards is permitted. In order to allow the plan to deviate from the development district standards, the Planning Board must find that the alternative development district standards will benefit the development and the development district and will not substantially impair implementation of the sector plan.

The following standards of the DDOZ warrant discussion at this time. The applicant has requested modifications to a number of these standards, as noted in the discussion.

PUBLIC AREAS

P1(A) Road Network

Development should, where possible, provide for on-street parking. Requirements shall be coordinated with appropriate public agencies.

The applicant has requested a modification to this standard as there are no on-site public streets. The applicant states that parking on US 1 would be prohibited by the State Highway Administration (SHA).

The Planning Board concurs that there are no public streets within the site that would be eligible for on-street parking. Parking on US 1 would be subject to the approval of the State Highway Administration, and is not provided within the sector plan area. However, no modification to the standard is necessary as the standard only calls for on-street parking to be provided where possible, in coordination with appropriate public agencies.

P2(E) Crosswalks

Crosswalks shall be provided at all intersections along US 1 and Paint Branch Parkway within the development district. Crosswalks at primary intersections shall be constructed of interlocking concrete pavers. Crosswalks at secondary intersections shall have striped markings in the pavement. Crosswalk materials for primary intersections shall be consistent along Baltimore Avenue and Paint Branch Parkway. Primary intersections are all intersections with existing and proposed traffic signals on Baltimore Avenue and Paint Branch Parkway. All other intersections are secondary. All signalized intersections shall have pedestrian crossing signals.

No crosswalk has been shown crossing the private access drive at the southern end of the property, or across US 1 at Pontiac Street. The site plan should be revised to show striped crosswalks in these locations.

P2(I)

Bicycle parking facilities shall be located in highly visible and well-lit areas.

P2(J)

The location and number of bicycle racks, lockers and other features shall be determined at site plan review.

P2(K)

All new retail and office development shall provide a minimum of two bicycle parking spaces per 10,000 square feet of gross floor area. Covered (open-air) bicycle parking spaces should be provided for mixed use development where feasible.

The site and the proposed use are ideal for bicycle ridership, which can provide fast and efficient access to the University campus, the College Park Metro station, and other development along US 1. Bicycle ownership in the adjacent University View student housing development is common, and the promotion of bicycle usage by the residents of this project should help to reduce the use of individual cars. The site plan proposes storage capacity for 104 bicycles, 80 on racks located within the parking garage, 18 on a rack on the west side of the Phase I building, and six more on racks located in the front plaza on the east side of the Phase II building.

The City of College Park has recommended that additional bicycle racks should be provided to further encourage the use of bicycles. The City recommends that the project should provide 145 bicycle spaces in accordance with the Leadership in Energy and Environmental Design (LEED) standard for neighborhood development, or else establish a bike-sharing program with the University of Maryland.

P6(A) Utilities

All new development within the development district shall place utility lines underground. Utilities shall include, but are not limited to, electric, natural gas, fiber optics, cable television, telephone, water and sewer.

The applicant has requested a modification to this condition, providing the following justification:

“The applicant will be undergrounding all new utilities on site but requests a modification to the undergrounding of overhead utilities at US 1. The applicant believes that the undergrounding of utilities should be done via systemic area wide approach as was noted by staff in Detailed Site Plan DSP-02027/03. This systemic approach was further reinforced at an October 23, 2008 utility coordination meeting called by Potomac Electric Power Company (PEPCO). At this meeting, PEPCO and other utility providers that have jurisdiction over the area recommended against partial undergrounding of the existing overhead utilities and indicated that if the undergrounding was possible, it would have to be done for the whole area and not on a partial basis. The applicant will cooperate in a comprehensive program for US 1 utility undergrounding.”

The Planning Board concurs with the applicant that undergrounding of existing utilities along US 1 should be accomplished through a comprehensive program in cooperation with other property owners. The applicant’s commitment to participate in such a comprehensive program should be memorialized as a condition of approval. The applicant, or the future owners or operators of the property, should pay the appropriate pro rata share of any future comprehensive utility undergrounding program. Furthermore, in accordance with the District Council’s past actions in similar cases along US 1, the applicant has proffered a contribution of \$200,000 to be placed in an escrow account prior

to the issuance of a building permit, to be used for the undergrounding of utilities with a statute of limitations clause.

SITE DESIGN

S1(B) Vehicular Circulation/Access

Vehicular entrance drives shall permit safe and clear pedestrian crossings. Sidewalk material(s) shall continue across driveway aprons.

The site plan shows crosswalks in three locations across the internal vehicular entrance drives and loading access areas. However, the crosswalks are not shown as extensions of the concrete sidewalk, and should be shown as such.

S2(S) Parking Areas

The maximum number of off-street surface parking spaces permitted for each land use type shall be equal to the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance.

The applicant has requested a modification to this standard, which would only be necessary if the second phase of the project is not built, providing the following justification:

“The applicant is requesting a modification to the maximum number of off-street parking requirements in the above design recommendation. The applicant has provided a total of 470 parking spaces. As recommended in S2(Q) of the Site Design standards, 462 spaces are provided within a parking garage and eight are surface parking spaces [sic]. The proposed parking garage will be built during Phase I of the project along with the first phase of the proposed student housing facility. The maximum parking required under Section 27-569(a) of the Zoning Ordinance would be for a total of 281 spaces, leaving an excess of 189 parking spaces. In the event Phase II of the proposed development fails to be completed, the site on its own may not be in conformance with the site design guidelines. However, Detailed Site Plan DSP-02027/03 (University View II) was approved with a parking shortage of 109 spaces which is mitigated as the students are allowed to park in Lot 11 on the University of Maryland’s campus. The applicant requests a modification to the maximum number of off-street parking requirements for the 189 spaces overage in the event of Phase II not being built. When Phase II is built, the parking will be fully utilized and the need for on campus parking obviated and in the interim provides parking for University View II.”

The applicant is correct that, if the parking garage is completed but Phase II of the project is not completed, the site will not be in conformance with the standard as the parking will have exceeded the maximum. The 109-space parking shortage in DSP-02027/03 was

provided for by an agreement with the University of Maryland allowing those students to park on the campus, and therefore those spaces cannot be provided for in this garage without a revision to the parking agreement and to the approved DSP-02027/03. If Phase II of the subject application is not built, the applicant should explore utilizing the unused portion of the garage as public parking, if the City of College Park is interested in such an arrangement.

S2(W) Parking Credits For Use of Alternative Transportation

Applicants may request from the Planning Board during the site plan review process a reduction in the minimum off-street parking requirements if they provide incentives to encourage use of alternative modes of transportation other than single occupancy vehicles. These alternatives include contributing to the county and/or city ride sharing program, providing private incentives for car- and vanpooling, participating in usage of public transportation programs such as WMATA's Metrochek and MTA's TransitPlus 2000, or provision of private shuttle bus service. Verifiable data must be produced that supports the desired reductions in the minimum off-street parking. The reduction shall range between 5 and 20 percent.

The applicant's statement of justification states that a 20 percent reduction is requested, but the number of parking spaces required and proposed indicates that only an 18 percent reduction would be necessary in order for the site to be in compliance. The applicant believes that this reduction is warranted because of the mix of uses provided on the site, the provision of bicycle racks and access, the convenient pedestrian access to the University of Maryland campus across the nearby pedestrian bridge, and a shuttle bus service provided in conjunction with the adjacent University View project.

The Planning Board concurs with the applicant's request for parking reduction to the extent that it is necessary (an 18 percent reduction of the minimum requirement). As the proposed residential development will be solely for student housing, car ownership of residents will likely be lower than in a standard multifamily development. Pedestrian and bicycle access to the University of Maryland is convenient, and the shuttle bus service will serve to further reduce the use of single occupancy vehicles. The City of College Park has recommended that the traffic demand management strategies for the project should be re-evaluated prior to the construction of the second phase of the project.

S3(B) Building Siting and Screening

The sector plan establishes build-to-lines along US 1, with varying build-to-lines required by different subareas of the plan. The 3a subarea, in which the subject site is located, requires a build-to-line along US 1 between 12 inches and 12 feet behind the right-of-way line.

The applicant has requested a modification to this standard. The proposed buildings are built close to the right-of-way line, but do not meet the 12-foot build-to-line. The Phase I building is set back 11 feet from the right-of-way at its northern end, but is slightly angled

away from the right-of-way such that the southeastern corner of the building is set back 13.7 feet, somewhat beyond the desired build-to-line. The northeastern corner of the Phase II building is set back 12.6 feet, also slightly beyond the desired build-to-line, while the portion of the building behind the pedestrian plaza is set back approximately 45 feet from the right-of-way line. The area along the right-of-way line is entirely paved and developed as a pedestrian zone with benches, planters, the retail arcade, and the plaza.

The buildings are built close to the street, mostly within inches of the established build-to-line. A portion of the Phase I building that does not meet the required build-to-line is actually no further from the centerline of US 1 than the portion of the building that meets the build-to-line. The difference in the setback in Phase I derives from the variable width of the right-of-way along the property frontage. The only significant departure from the build-to-line in Phase II is at the pedestrian plaza, which forms an attractive amenity and provides a break in the façade which will improve the appearance of the building from the street. The proposed location of the buildings substantially meets the intent of the DDOZ standard to provide a continuous street wall adjacent to the sidewalk.

S4(E) Buffers and Screening

The bufferyard requirements within the development district may be reduced to facilitate a compact form of development compatible with the urban character of the US 1 corridor. The minimum bufferyard requirements (landscape yard) for incompatible uses in the Landscape Manual (Section 4.7) may be reduced by 50 percent. The plant units required per 100 linear feet of property line or right-of-way shall also be reduced by 50 percent. Alternative Compliance shall not be required for these reductions. A six foot high, opaque masonry wall or other opaque screening treatment shall be provided in conjunction with the reduced width of the bufferyard between office/retail/commercial uses and residential uses.

In accordance with this standard, the applicant has proposed reduced bufferyards along the western and northern boundaries of the site. The applicant has requested a modification to this standard to allow the use of an ornamental fence instead of an opaque masonry wall:

“The applicant requests a modification to the opaque wall/fence standard noted above as it conflicts with the 100-year floodplain requirements for the Paint Branch stream. An ornamental fence with plantings is used in lieu of an opaque wall/fence to comply with the 100-year floodplain requirements for this location. An opaque wall/fence is not appropriate for use in the 100-year floodplain because it creates a blockage that may cause flood waters to rise above calculated elevations, which would have a negative impact on the surrounding area. The use of an ornamental fence coupled with the required planting is proposed, which is the same configuration that was approved by M-NCPPC at University View for use in the 100-year floodplain.”

The Planning Board concurs that an opaque wall or fence would not be an appropriate treatment within the 100-year floodplain. No wall is required along the western boundary of the site (along the Paint Branch stream) as the site is not being buffered from residential or commercial uses. The wall would only be required along the northern boundary, adjacent to the neighboring commercial development, and it should be noted that the subject property is also proposed to include commercial development.

An additional modification to this standard would be appropriate in the case of this development. Along the northern property line, the site is adjacent to a parcel containing two restaurants, so a bufferyard is required (including a 15-foot building setback and a ten-foot landscaped yard).

The required bufferyard along this property line does not appear to be highly desirable from a planning perspective, as it will not serve to conceal either property's uses from the other property and the desire along the US 1 Corridor is to promote mixing of uses and an integrated environment. The setback requirement for a bufferyard in this area should be reduced by an additional three feet in this instance.

S5(J) Freestanding Signs

Freestanding signs should be externally lit and lighting should be directed to illuminate the sign face only. Light fixtures should be discretely placed so the light source and associated glare is not visible to motorists or pedestrians.

The applicant requests a modification to this standard:

“The applicant requests a modification to the above standard for flexibility to use an internally lit monument sign to reduce light pollution and minimize vandalism while safely improving visibility.”

The Planning Board does not agree with the applicant that an internally illuminated monument sign would be an acceptable method of improving visibility or reducing light pollution. The large buildings will be very visible, and in conjunction with the adjacent University View buildings will be readily identifiable as a student housing complex. The applicant has not presented a design for a freestanding sign with this site plan, and the sector plan discourages freestanding signs in this area of the sector. As no design for a freestanding sign is being presented with this application, no freestanding sign should be approved with this application. If the applicant determines that a monument sign is necessary for the site, a revision to the site plan will be required and any necessary modifications to the standards could be requested at that time.

S7(A) Stormwater Management

Low impact development techniques, as contained in the current version of the design manual “Low-Impact Development Strategies: An Integrated Design Approach,” as published by the Department of Environmental Resources, shall be

used on all sites as either the primary or secondary method of collecting and/or treating stormwater.

The applicant requests a modification to this standard, as described in the statement of justification:

“The applicant requests a modification to the above standard to utilize integrated management practices (IMP), such as bioretention facilities, dry wells, filter/buffer strips, and rain barrels. The applicant proposes the use of a cartridge filtration vaults underground to treat stormwater prior to discharge into existing stormwater management system. The proposed development will reduce the existing impervious surface by seven percent. Current stormwater runoff from existing surface parking lots is neither treated nor has any volume controls in place. Through the use of filtration devices and storage facilities, the proposed new development will correct these concerns. After evaluating the site opportunities and constraints, the use of typical IMP has been determined to not be feasible. The intensive land use design and the presence of a high water table preclude the use of bioretention facilities. During the final design of the residential/mixed-use and parking structures, additional low-impact development (LIDs), such as green roofs and rain barrels, shall be evaluated in order to minimize the volume of stormwater runoff. In addition, the applicant has been asked to contribute \$500,000 (amount subject to DPW&T’s final review of technical drawings) to the ongoing Paint Branch Stream / Fish Blockage Enhancement Project currently being constructed by the Army Corps of Engineers as a fee-in-lieu for stormwater management.”

The Planning Board supports the applicant’s proposals to reduce the existing impervious area on the site, provide water quality treatment, and contribute to stream enhancement. However, it does not appear that a modification to the standard is necessary for this.

BUILDING DESIGN

B1(C)

Buildings on parcels or properties, one or more of whose boundaries coincide with the Height Transition Line, shall step down to be compatible with buildings in adjacent existing residential neighborhoods. Any differences in topography shall be considered when determining the height of proposed buildings.

The general maximum height for this area of the sector is five stories. The sector plan states that additional stories may be approved upon demonstration by the applicant that market and design considerations justify additional height. The applicant has submitted the following justification for increasing the height to nine stories (plus a penthouse).

“Subarea 3A currently has a 16-story building, 15-story building, and a 12-story building approved by the County and the City. We are proposing a nine-story building plus a penthouse for this project. This building is designed to be compatible with these adjacent buildings and provide the height variation to enhance the streetscape.

“As has been previously noted studies that formed the basis of the sector plan recognized that land costs, infrastructure costs and parcel size dictated the size and density of the building as much as the suggested building heights shown in the sector plan document. This project is providing for its tenants on site structured parking and will have internal access and drop locations for University of Maryland buses. The combination of land acquisition costs, garage construction and land necessary for the internal bus access requires the buildings to be a minimum of nine stories.

“In addition the market supports the proposed residential use based on some of the following documentation:

- “1. The University of Maryland real estate office and the board of regents publically stated that the University anticipates needing an addition 5,000 beds, based on their goal to bring students in close proximity to the campus.
- “2. Per documentation on the University of Maryland housing web site, the University of Maryland is not planning to build additional housing on campus either via direct ownership or public-private partnerships. Their plan is to encourage private development of student housing in close proximity to the College Park campus.
- “3. The City of College Park is working extensively through code enforcement and zoning input to shift students from student group housing in single-family housing areas to apartment and student housing complexes near the University of Maryland.
- “4. The student population has increased beyond planned expectations due to increased retention of students at the University of Maryland per University of Maryland studies.”

The Planning Board concurs with the applicant’s assertion that the additional height is justified on the subject property. There is significant demand for additional student housing, which will support the proposed development and can be seen in the success of the first phase of the University View project to the south. Allowing the buildings to be up to nine stories tall will promote compatibility of heights with the adjacent buildings. The proposed increased height has been reviewed by the Maryland Aviation Administration

and the Federal Aviation Administration for compatibility with the nearby College Park Airport, and both agencies have issued their approval for the height increase.

B1(I)

All multifamily buildings should provide a balcony for each dwelling unit above the ground floor to articulate the building façade and to increase natural surveillance of the surrounding area.

The applicant has requested a modification to this standard due to the proposed use of the buildings for student housing:

“Currently the sector plan recommends balconies facing US 1 for student housing (page 40). The applicant holds that the use of balconies can create an unsightly and dangerous use of the space and would not be consistent with previously approved architecture along the corridor. The fenestration on the building façade provides the desired increase to natural surveillance while protecting the building occupants and pedestrians below from falls and dropped objects that often occur with balconies. This waiver has been previously approved in the corridor for student housing.”

The Planning Board concurs that this is an appropriate modification to the DDOZ standards. The architectural treatments of the buildings provide an attractive appearance and the extensive fenestration on all sides of the mixed-use buildings will provide for natural surveillance of the surrounding areas. The applicant has expressed a strong desire to ensure that the buildings and grounds are not abused or degraded by the student residents, and believes that balconies would create opportunities for student mischief. As the applicant states, this modification has been approved for other student housing projects.

B1(M) Height, Scale, Massing And Size

The average size of all multifamily dwelling units in a development project shall be a minimum of

- **750 square feet for a 1-bedroom/1-bath unit.**
- **1050 square feet for a 2-bedroom/2-bath unit.**
- **1275 square feet for a 3-bedroom/2-bath unit.**

The applicant has requested a modification to this standard, as some of their proposed one-bedroom studio dwelling units are only 571 square feet in size. These units constitute less than six percent of the total units in the project, and all other dwelling units meet the minimum size. This modification will not impair the implementation of the sector plan.

B1(N) Bedroom Percentages

Bedroom percentages for multifamily dwellings may be modified from Section 27-419 of the Zoning Ordinance, if new development or redevelopment for student housing is proposed and the density is not increased above that permitted in the underlying zone.

The applicant has requested that the bedroom percentages be waived for this project as student housing and mixed commercial development are proposed. The bedroom percentages in Section 27-419 of the Zoning Ordinance would limit the development to no more than 40 percent two-bedroom units and no more than 10 percent three- or more bedroom units. The applicant proposes that the great majority of the dwelling units be four-bedroom units, which would clearly not meet the bedroom percentages. As the proposed use is redevelopment for student housing and the density is not increased above that permitted in the underlying zone, the bedroom percentage requirements should be waived.

B3(C) Architectural Materials and Details

All multifamily buildings in a development should have a minimum of 75 percent of the exterior façades in brick, stone or approved equal (excluding windows, trim, and doors).

The proposed multifamily buildings utilize brick and masonry on the great majority of their exterior façades, excluding windows, trim, and doors. The applicant has confirmed that the proportion of these materials exceed the 75 percent requirement. Prior to signature approval, the exact percentage should be shown on the plans.

B3(W) Building Amenities

All multifamily buildings and mixed-use developments with residential units having four or more stories should provide amenities including, but not limited to:

- 1. A furnished lobby, security system for building access, a fitness center, and a porte-cochere at the building's primary entrance.**
- 2. A washer / dryer and a security system in each dwelling unit.**

The amenities of the proposed buildings will include secure access, a fitness center, a lobby, and washer/dryers.

B6(E) Building Services

Access to a building for services such as deliveries or trash removal should be provided from the rear of the site, whenever possible.

The applicant has requested a modification to this standard in order to allow for the building services in the Phase I building to be located on the south side of the building,

rather than in the rear. This arrangement allows these services to be located across the access drive from the building services in the second phase of University View. As the service areas will be located entirely within an enclosed area, screened from view by the metal rollup doors, this proposal is an appropriate modification to the standards.

9. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-U-I Zone and Part 10B, Airport Compatibility, of the Zoning Ordinance:
- a. The general purpose of the M-U-I Zone is to permit, where recommended, an applicable plan, as in the *2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*, a mix of residential and commercial uses as infill development in areas which are already substantially developed.

Section 27-546.19, 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;**

The site plan meets all site design guidelines and Development District Standards of the *2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* and the standards of the Development District Overlay Zone (DDOZ) except for those discussed in the above Finding 8.

- 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 in a vertical mixed-use format in nine-story buildings fronting Baltimore Avenue with commercial/retail at the street level fronting Baltimore 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 in the Main Street area of the US 1 Corridor.

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 approved University View project located south of the subject property consists of a 13-story building and a 10-story building, both constructed above structured parking. The proposed nine-story mixed-use buildings and the seven-story parking garage in the subject application will be compatible with the taller development to the south, which is constructed with a similar pattern of massing and design. The adjacent development to the north consists of single-story buildings, which are clearly much different than the denser development on the subject property. However, the nine- and seven- story proposed development represents a reasonable transition between the taller development to the south and the shorter buildings to the north.

- (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**

Both of the mixed-use buildings feature entries along US 1 for the retail development and entrances onto the internal access courtyard in the center of the development for residents. On-site walkways are comprehensive and include ground-level pedestrian connections between the Phase I building and the Phase II building, permitting pedestrian access through the center of the site from US 1 to the Paint Branch stream. Crosswalks are provided across the central access area, allowing pedestrians to walk from the parking garage or the rear trail to the mixed-use buildings. There is only one row of eight surface parking spaces, so there are no parking lots to be crossed by pedestrians.

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

The site plan minimizes glare, light and visual intrusion into the adjacent properties.

- (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 proposed mixed-use buildings are similar in materials, design, and color to the buildings in the University View project to the south. The commercial /retail component of this project is located at the street level of the vertical mixed-use building that fronts on Baltimore Avenue. To the immediate north of the proposed building are two existing one-story buildings. These buildings are one-story restaurants which predate the 2002 sector plan. The proposed building design and materials of the development will be a significant upgrade compared to existing buildings.

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

The site plan shows the locations of several transformers and generators associated with the mixed-use buildings. These structures are located in the center of the site, with minimal visibility from the public streets, and will be screened by walls and landscaping.

- (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**

Building-mounted signs are proposed primarily to identify the ground-floor commercial uses in the mixed-use buildings along US 1. The proposed signage is all located at the top of the first floor, above the storefront windows. The applicant has identified signage envelopes for the tenant signs, and has affirmed that tenant signage will be required to conform to the DDOZ's requirements for simple design, with no unnecessary information. The sign plan should be elaborated upon, with limitations on lettering, a consistent use of materials, and standards for illumination that are in harmony with the DDOZ requirements.

The proposed Phase I building includes a total of 754 square feet of building-mounted signage, while the proposed Phase II building includes a total of 735 square feet of building-mounted signage. The amount of proposed signage is greater than it might be for other similarly-sized buildings due to the proposed retail space having some exposure on the sides of the building and onto the plaza as well as the front, and due to the provision of some signage for the residential uses facing the internal access roads.

The applicant has shown sign envelopes across the entire length of retail frontage, which is broken up into numerous individual signs. Thus, facing US 1, the plan shows 17 individual signs. This large number of signs may not be necessary to identify the retail stores, as it is likely the retail space will not be divided into such a large number of individual stores. The Planning Board has adopted Condition No. 8 of this approval to limit the signage for each individual store to no more than one building-mounted sign within the envelopes identified on the plans. The proposed signage envelopes shown by the applicant would then be an absolute maximum, with the eventual amount of signage on the buildings likely to be significantly less.

- (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;**
 - (ii) Location of activities with potential adverse impacts;**
 - (iii) Location and use of trash receptacles;**
 - (iv) Location of loading and delivery spaces;**
 - (v) Light intensity and hours of illumination; and**
 - (vi) Location and use of outdoor vending machines.**

Since the vehicular access to the mixed-use section and access to the proposed loading and delivery spaces will be away from US 1, the impact to the adjacent properties will be minimized.

- b. The subject application is located within Aviation Policy Area (APA) 6, Traffic Pattern Area, of the 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 nine-story buildings with a total height of approximately 107 feet. The proposed building height is inconsistent with the building height restriction of APA-6. The applicant should demonstrate compliance with FAR Part 77 at the time of construction.

Section 27-548.43. Notification of airport environment

- (a) **In all APAs after September 1, 2002, the General Aviation Airport Environment Disclosure Notice, in a form approved by the Planning Board, shall be included as an addendum to the contract for sale of any residential property.**
- (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 disclosures 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 should be required to add a site plan note indicating that the subject site is within aviation policy area APA-6 of the College Park Airport.

10. ***Prince George's County Landscape Manual:*** The site is subject to sections 4.4 and 4.7 of the *Prince George's County Landscape Manual*.
 - a. Section 4.4 requires that mechanical or electrical equipment, trash disposal, and loading spaces be screened from the view of public roads and residential property. In accordance with this requirement, the loading and trash disposal areas have been located within the buildings screened behind sight-tight rollup doors. The mechanical and electrical equipment on the ground level is screened by sight-tight walls with access gates and evergreen landscaping, while equipment on the roofs of the buildings are screened from view with penthouse screening walls.
 - b. Section 4.7 requires buffering from incompatible uses. It should be noted that the width and planting of required bufferyards is reduced by 50 percent in the DDOZ. A type B bufferyard is required along the northern property line, consisting of a 15-foot minimum building setback and a ten-foot-wide landscaped yard. Adequate plantings have been shown in this bufferyard; however, the building is only set back 12 feet from the property line, which does not meet the required setback.

11. **Planning Board Analysis:**

Community Planning—This application is not inconsistent with the 2002 *Prince George's County Approved General Plan Development Pattern* policies for corridors in the Developed Tier. This application does not conform to the land use recommendations of the 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* for an emphasis on office uses. However, this application does conform to the land use recommendations of the *Approved Land Use Plan—South map* on page 33, which identifies a mix of office, retail/commercial, and multifamily development.

The proposed application raises concerns related to the environmental features of the subject property. This application is located under the traffic pattern for a small general aviation airport (College Park Airport) and is subject to Aviation Policy Area regulations in Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. In particular, the applicant should be made aware of height and purchaser notification requirements contained in these regulations.

The submitted detailed site plan does not conform to the sector plan's land use recommendation for Subarea 3a on page 160. The sector plan states: "The vision for this subarea is for redevelopment to emphasize office development in proximity to the university. Pedestrian bridges will provide connections to the university over Paint Branch. A rear service road will improve access and circulation throughout this subarea." Although the character of the US 1 Corridor is evolving, this vision statement is one of the key elements of the Development District Standards of

this sector plan and should serve as the prime guide for determining the sector plan conformity requirements.

The vision for Subarea 3, as stated on page 160, “is to create a neighborhood main street district featuring a compact mix of retail, restaurants, and offices in low- to mid-rise buildings to meet the demand created by the proximity to the research and engineering facilities of the university.” The land use recommendations for Subarea 3 in general and 3a in particular as stated on page 39 of the sector plan call for compact development with offices located above ground floor retail to take advantage of technology linkages to the university, vertical, mixed-use development where feasible outside of the 100-year floodplain, and establish a vision of a neighborhood main street district with a compact mix of retail shopping, restaurants, and offices.

This application proposes a vertical mix of uses, with 272 student housing units and 18,960 square feet of retail/commercial uses. Although this proposal can be viewed as inconsistent with the land use text outlined above, it is consistent with the approved land use map on page 33, which reflects a mix of retail, office, and multifamily land uses on the subject property.

It should be noted that the ongoing 2009 Preliminary Central US 1 Corridor Sector Plan may amend and supersede the recommendations of the 2002 sector plan. However, until the County Council takes formal action on that document, the vision and recommendations of the 2002 College Park/US 1 Corridor Sector Plan serve as the guide for development along the US 1 Corridor.

Building Use and Height

The height of the proposed residential/retail building is indicated as nine stories. The subject property is located in Subarea 3a, which has a maximum height limit of five stories in general. Upon demonstration by the applicant that market and design considerations justify additional height, additional stories may be approved (see p. 201 in the College Park US 1 Corridor Sector Plan and Sectional Map Amendment).

The applicant requests an additional four stories in height plus a penthouse, and cites several market justification statements to support the request. It should be noted that the University of Maryland is indeed building additional housing on-campus, with the addition of at least one building in proximity to the South Campus Commons area and the approval of Oakland Hall on North Campus, both of which are scheduled to be completed by 2011.

Architectural Materials

The proposed development uses exterior insulation and finish system (EIFS) materials. There is some concern as to the quality of EIFS as a primary building material because of documented experiences with the wear and deterioration of many types of EIFS. Care should be taken to ensure a high quality finish system is used in this development, or that alternate materials are used in lieu of EIFS.

Parking Requirements

The applicant has requested a 20 percent reduction to the minimum number of off-street parking spaces required by the Development District Standards as an additional incentive to encourage the use of alternate modes of transportation. This request is not inconsistent with the vision and intent of the sector plan, which emphasizes walkability and increased transit usage.

Rooftop Mechanical Enclosure

The optional rooftop mechanical enclosure depicted on Sheet A2.05 adds an unattractive element that would dominate the proposed façade designs. Great care in the review and approval of any such enclosure should be taken to ensure that this element of the building does not substantially impair the high-quality visual design intended for the overall building.

The optional enclosure will be utilized in the event that additional rooftop equipment is needed. The enclosure is set back from the roof parapet and will not be visible from the ground level.

Additional Amendments to the Development District Standards.

The applicant has proposed a number of additional amendments to the Development District Standards, which are discussed below:

Balconies

The applicant requests an amendment to Design Standard I, Building Design, B1 Height, Scale, Massing and Size (p. 200) to eliminate the requirement for balconies for each dwelling unit above the ground floor. This request does not substantially impair the intent of the Development District Standards or the sector plan recommendations.

Bedroom Percentages

The applicant requests an amendment to Design Standard N, Building Design, B1 Height, Scale, Massing and Size to waive the standard, and cites the proposal for a mixed-use development as justification. Since the standard is flexible with regard to student housing and this proposal is for a mixed-use project, this request does not substantially impair the intent of the Development District Standards or the sector plan recommendations.

Buffers and Screening

The applicant requests two amendments with regard to the buffering and screening requirements of the Development District Standards. Neither request should substantially impair the intent of the Development District Standards or the sector plan recommendations.

Service Access

The applicant requests an amendment to Design Standard F, Building Design, B6, and Building Services to allow for an enclosed loading dock on the southern side of the proposed development. This proposal facilitates a shared service area with the adjacent University View project, and does not substantially impair the intent of the Development District Standards or the sector plan recommendations.

Freestanding Signs

The applicant requests a modification to Design Standard J, Site Design, and S5 Freestanding Signs to provide an internally-lit monument sign to reduce light pollution and minimize vandalism while improving visibility. This standard is not a mandatory standard, but this request should be denied. Attractive design and lighting solutions can meet the intent of the standard while avoiding unsightly internally-lit signage. In addition, carefully placed external lighting can eliminate or reduce light pollution, and an internally-lit signage solution might actually encourage, rather than discourage, vandalism.

Additional Analysis

This application also raises concerns about the suitability of the subject property for intense development. Previous development applications and constructed buildings in the vicinity have encountered difficulty with the 100-year floodplain, contribute to the deterioration of water quality in the Paint Branch stream, and pose difficulties with regard to the flight path of the historic College Park Airport. It should be noted that the issues raised above will be addressed by an upcoming sector plan and sectional map amendment for the Central US 1 Corridor, which should provide an appropriate venue to address such concerns in a comprehensive manner.

The applicant has proffered to cooperate in a comprehensive program for the systematic undergrounding all utilities in the US 1 Corridor when and if a systematic undergrounding program occurs in the future. This proffer has been memorialized as a finding of this detailed site plan.

Although the applicant will eventually provide landscaping and screening treatments on the Paint Branch Stream Valley (western) façade of the proposed parking structure, such treatments are not planned until Phase II. The applicant should provide this landscaping at the time the garage is built in Phase I to better screen the garage, provide a transition from the natural to the built environment, and allow additional time for maturation of the greenery.

The proposed storefront design for ground floor retail is generic in nature, and lacks visual interest. The applicant should investigate alternative storefront treatments to enhance the visual quality of the development at the sidewalk level.

The applicant should provide more bike racks on the US 1 frontage of the site to better serve future retail uses on the ground floor.

Aviation Policy Area

This application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area regulations adopted by Council Bill CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in Aviation Policy Area (APA) 6. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to evaluation of this application. No building permit may be approved for a structure higher than 50 feet in either APA-

6 unless the applicant demonstrates compliance with FAR Part 77.

Subdivision—The site plan indicates that site is composed of Parcel 13 and Parcel B, Tax Map 33 in Grid D1, and is 2.950 acres. Parcel 13 is an acreage parcel never having been the subject of a record plat. Parcel B is recorded in Plat Book WWW 73 @ 31. The site plan does not provide enough information on the existing conditions of the site. The site plan should provide information regarding the square footage of each parcel and the gross floor area of the existing structures on them. The applicant, WG Group, LLC, is proposing a development of 272 multifamily units and 18,960 square feet of commercial space on the site based on the site plan application.

Section 24-107 of the Subdivision Regulations provides for exemptions from the requirement of filing a preliminary plan of subdivision for acreage parcels. Specifically, in this instance Parcel 13 is subject to Section 24-107(c)(7)(D) which provides:

- (c) **The following shall be exempt from the requirement of filing a subdivision plat, except for any portion of land within a Chesapeake Bay Critical Area Overlay Zone unless otherwise noted below:**
 - (7) **Any subdivision of land by deed of a lot prior to January 1, 1982, provided:**
 - (D) **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.**

Based on the 1981 Prince George's County tax map the subdivision of Parcel 13 took place prior to January 1, 1982. According to the assessments and taxation record of Parcel 13, the total property land area is 36,414 square feet and the primary structure on the parcel is 7,870 square feet (21.6 percent of the total land area) and was built in 1947.

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 Parcel B 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.**

Parcel B has a record plat approved on December 17, 1969. According to the assessments and taxation record of Parcel B, the total property land area is 95,568 square feet and the primary structure on the parcel is 42,483 square feet (44.4 percent of the total land area) and was built in 1971.

It appears that the site is exempt from the requirement of filing a preliminary plan of subdivision under Section 24-107(c)(7)(D) for Parcel 13 and under Section 24-111(c)(4) for Parcel B based on the existing conditions and structures of the site provided by the assessments and taxation records, if they are correct.

To ensure that the exemption will apply to the future development of the site, 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 under Sections 24-107(c)(7)(D) and 24-111(c)(4) of the Subdivision Regulation, as described above. The applicant has the option to apply for a separate plat for each of the parcels or one plat for the whole site with the understanding that the relationship between the two parcels cannot be altered by the plat to vest the development. In the future, the owner of the site can adjust the boundaries between the two parcels under the minor subdivisions process for which no preliminary plan shall be required.

The final plat to vest the existing development should also dedicate the right-of-way of Baltimore Avenue (US 1) from Parcel 13 as determined by the detail site plan. Overall the final plat of the site should be consistent with the approved detail site plan. The applicant should submit a final plat for the site to vest the exemption prior to the demolition of the existing structures. If the structures are razed prior to the vesting, a preliminary plan of subdivision will be required. There are no other subdivision issues at this time.

Trails—The *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* has transportation recommendations for the area containing the subject property. The site is within the “Main Street” area as described in the urban design concept in the sector plan on pages 26–27. The plan recommends that US 1 “...be reconstructed as a gateway boulevard with landscaped medians, bike lanes, sidewalks/crosswalks, and enhanced streetscape planting, furnishings and lighting. This multimodal system of local streets, bus routes, bikeways, trails and sidewalks is integrated with the plan’s land use recommendations to encourage a user-friendly system for bicyclists, pedestrians and motorists. The intent is to implement the previously stated goals of the SHA alternatives study.”

The subject proposal is located along US 1 across from Pontiac Drive and Berwyn House Road. US 1 contains an existing sidewalk. The site plans proposes to develop a new streetscape along the entire frontage of the property.

The proposal includes ten-foot-wide sidewalks (side path) along US 1 that could be utilized by both pedestrians and bicyclists. Additional paved area is provided adjacent to the building for outdoor seating or other uses. The “side path” extends along the frontage of the development and

is consistent with other adjacent proposed developments that show the same streetscape elements. Because there is no bike lane in the road now, the proposed side path will facilitate bicycle movement along the corridor.

The proposal includes adequate pedestrian and bicycle facilities. The approved sector plan recommends that US 1 become a major collector with 90-100 feet of right of way (ROW) provided for the reconstruction of the road and adjacent frontages. The plan recommends that five-foot sidewalks be provided for pedestrians and 16-foot-wide outside lanes in the roadway be provided for bicyclists.

A ten-foot-wide side path is shown on the plan along US 1, which is consistent with the December 2008 *Preliminary Countywide Master Plan of Transportation* currently being considered for approval and adoption by the Planning Board and the District Council. The proposal includes wide sidewalks adjacent to the building.

Although the proposal is not consistent with the sector plan recommendation, which recommends five-foot-wide sidewalks, the subject proposal provides superior sidewalks and bicycle facilities than those that are proposed in the approved sector plan. The applicant's proposed side path should be implemented along US 1 in this location. As with other recent development plans in the "Main Street" area of US 1, the newly-proposed side path should line up well between each new development. Wide sidewalks and a side path are needed because of the heavy pedestrian and bicycle traffic along this section of the corridor.

The applicant's proposal is consistent with the revised technical staff recommendation for US 1 contained in the Planning Board's *Preliminary Countywide Master Plan of Transportation*, which recommends that a side path be constructed along US 1 in the subject location. This is a revision to the approved sector plan recommendation for five-foot-wide sidewalks.

Archeology—Phase I archeological survey is not recommended on the 2.95-acre University View property located at 8204 Baltimore Avenue on the west side of Baltimore Avenue between Berwyn House Road and Navahoe Street in College Park, Maryland. 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. Aerial photographs and topographic data indicate that the property was already been graded and developed. However, the applicant should be aware that there are 15 historic sites, three historic resources, and one County historic district (Old Town College Park, 66-021) located within a one-mile radius of the subject property. In addition, there are nine prehistoric, six historic, and two multicomponent archeological sites located within a one-mile radius of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal (NHPA) agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

Environmental Planning—The site was previously reviewed for a Detailed Site Plan (DSP-06037) that was later withdrawn. This application seeks the approval of a detailed site plan to construct apartment units with multilevel parking on a site totaling 2.95 acres in the M-U-I Zone with a D-D-O overlay.

Site Description

The 2.95-acre property in the M-U-I Zone is located on the west side of Baltimore Avenue (US 1), northwest of its intersection with Berwyn House Road. The site is currently developed with two buildings and a parking lot, and drains directly into the Paint Branch stream in the Anacostia River watershed. The entire site is located within the 100-year floodplain associated with Paint Branch. The predominant soil types found to occur on this property, according to the *Prince George's County Soil Survey*, are Hatboro and Woodstown. These soil series generally exhibit moderate limitations to development due to seasonally-high water table, impeded drainage, poor stability, and flood hazard. No Marlboro clay has been identified on this site. There are no streams or nontidal wetlands that occur on the site; however, it is directly adjacent to the Paint Branch stream and its 50-foot-wide stream buffer. Baltimore Avenue is currently a major collector roadway generally not regulated for noise. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property. This property is located in the Developed Tier as delineated on the adopted General Plan.

Conformance with College Park US 1 Corridor Development District Standards

The subject site is located in Area 3A of the College Park US 1 Corridor sector plan and has recommendations and required D-D-O standards that must be addressed with this application.

The following are the development district design standards from the sector plan that pertain to this site.

S6. Trees, Plantings and Open Space

- B. The planting of trees on sites proposed for new development and/or redevelopment shall be counted toward meeting the Woodland Conservation Ordinance requirements. Street trees planted on abutting road rights-of-way may also be counted toward meeting the requirement.**

The property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodland and there is no previously approved tree conservation plan on the subject property. A letter of exemption dated April 11, 2008 was submitted with the review package.

No further action with regard to woodland conservation is required.

- C. Afforestation shall be accomplished through the provision of shade and ornamental trees. Tree Cover shall be provided for a minimum of 10 percent of the gross site area and shall be measured by the amount of cover provided by a tree species in 10 years. Street trees planted along abutting rights-of-way may be counted toward meeting this standard. Exceptions to this standard shall be granted on redevelopment sites where provision of 10 percent tree cover is not feasible due to existing buildings and site features.**

The gross tract area of the site is 2.95 acres, resulting in a tree canopy requirement of 0.30 acre or 13,068 square feet. The application proposes to provide a total of 13,700 square feet of tree canopy coverage.

The landscape plan shows two planting lists. The planting list shown on Sheet LS-2 is specifically for Phase I of the proposed development, located on the southern portion of the site. The plant list shown on Sheet LS-3 appears to be for Phase II; however, it is not specified on the plan. The plant quantities detailed on the proposed plant lists were compared with the quantities shown on the tree cover credit worksheet and were found to be different. For example, the total amount of shade trees proposed on the plant lists total 43; however, the total shown on the worksheet is 39. The worksheet should be corrected to show the correct amount of shade trees and recalculated to show the correct amount of tree coverage. This revision should not result in a reduction in the tree coverage. The overall landscape plan needs to be revised to clearly illustrate which plants are associated with Phase I.

These requirements have been included as Conditions 1(i) and 1(j) of this approval.

No further action with regard to tree canopy coverage is required.

S7. Stormwater Management

- A. Low impact development techniques, as contained in the current version of the design manual “Low-Impact Development Design Strategies An Integrated Design Approach,” as published by the Department of Environmental Resources, shall be used on all sites as either the primary or secondary method of collecting and/or treating stormwater.**

In order to address some of the existing impervious area on the site, the plan proposes to reduce the impervious area by seven percent and provide two underground stormwater facilities with water quality treatment. This underground

storage and treatment will be a benefit to the Paint Branch stream, adjacent to the subject site, which is severely degraded due to large volumes of uncontrolled runoff entering the stream.

No further action is required with regard to low-impact development.

- B. Existing stormwater management facilities which are to be used to meet stormwater management requirements shall be retrofitted to the maximum extent possible to incorporate low-impact development techniques.**
- C. If the construction of stormwater management facilities results in the removal of trees or existing woodland, the area should be replaced within the same site. Wherever possible, bioengineering techniques should be used to reestablish the woodland lost.**
- D. The use of underground retention facilities shall be considered through the development district, especially in the main street (3a and 3b) and town center (1a, 1b, 1c, 1d and 1e) Subareas.**
- E. Stormwater management facilities should be designed as visual amenities that are visible from a building or a street, rather than located in isolated areas. Openings in any screening treatments shall be provided to facilitate observation of the area.**

Stormwater Management Concept Plan Approval Letter, 27385-2006-02, dated July 24, 2008 was submitted with the review package. The concept approval letter states the following:

1. This is a redevelopment project. Stormwater quality requirements will be met by a combination of reduction of impervious coverage and the use of “water quality structures” equal to a 20 percent reduction in impervious area.
2. Water quality management for this project is to be achieved through the assessed fee-in-lieu which is to be paid to the Department of Environmental Resources, designated as the Paint Branch Stream/Fish blockage Enhancement Project. This project is to be constructed by others under an Army Corps of Engineers project.

A fee-in-lieu of \$500,000 has been approved by DPW&T. The fee-in-lieu will be applied to a special funding project to restore the adjacent Paint Branch Stream Valley, under the jurisdiction of the Army Corps of Engineers.

The required reduction in impervious surfaces is being addressed on the site through a seven percent reduction of the impervious area and the provision of two underground storage facilities with water quality treatment. Stormwater management requirements will be met through subsequent review by DPW&T.

In addition to the underground facilities, the site will also provide compensatory storage below the existing grade for stormwater. The approval of the proposed 100-year floodplain elevation, as a result of the proposed development, has been approved by DPW&T as stated in a letter received on April 8, 2009.

No further action with regard to stormwater management is required.

Environmental Review

According to the *Prince George's County Soil Survey*, the soils found to occur on the site are in the Hatboro and Woodstown series. These soil series generally exhibit moderate limitations to development due to seasonally-high water table, impeded drainage, poor stability, and flood hazard.

This information is provided for the applicant's benefit. No further action is needed as it relates to this detailed site plan review. A soils report may be required by the county during the permit review process. If basements are proposed then a soils report will be required by the county pursuant to CB-94-2004.

Transportation—The subject property consists of two parcels, Parcel 13 and Parcel B, which together are about three acres in the M-U-I Zone. The 2.99-acre property assemblage is currently improved with an auto care center facility for Koon's Ford located at 8320 Baltimore Avenue (7,870 square feet), and an office building located at 8400 Baltimore Avenue (42,483 square feet).

The subject property is located in the Developed Tier on the west side of Baltimore Avenue (US 1). It is across from Berwyn House Road and Pontiac Street. The property is not the subject of a preliminary plan and the Subdivision Section has determined that none is required per Section 24-107(c)(7)(d) of the Subdivision Regulations. The subject site is also designated within Subarea 3a of the *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*.

The applicant proposes to raze the existing buildings and uses and construct 272 student housing units (16 one-bedroom units, 24 two-bedroom units, and 232 four-bedroom units), 18,960 square feet of commercial retail space in two nine-story buildings, and a seven-story parking garage consisting of 462 structured parking spaces, plus an additional eight surface parking spaces along the main access roadway. Two loading spaces are proposed in the first floor of each of the two mixed-use multistory buildings.

The applicant plans to construct the proposed development in two phases. Phase I will consist of 104 student housing units, 10,530 square feet of commercial retail space, and all of the proposed

parking spaces (470 parking spaces and two loading spaces). Phase II will consist of the remaining two loading spaces, 168 student housing units, and 8,430 square feet of commercial space.

The applicant is also requesting modifications to the approved transportation-related Development District Standards relating to provision of off-street parking and access to buildings for services. With regard to parking standards, the applicant is seeking approval of a 20 percent reduction to the minimum off-street required parking as an incentive to encourage the use of alternate modes of transportation. For access to buildings for services, the applicant is requesting side rather than rear entrances, especially since all required service areas are to be located completely within the buildings.

The findings outlined below are based upon a review of relevant and submitted material and analysis, all conducted in accordance with the requirements of the approved College Park US 1 sector plan and the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

Detailed Site Plan Review and Findings

The proposed development is immediately north of and adjacent to the approved University View development, (DSP-02027/03). The University View development consists of an existing high-rise student housing development consisting of 352 units (1,056 rooms) located at 8204 Baltimore Avenue, a planned mixed-use development of 154 additional high-rise student housing units (517 rooms), and 11,600 square feet of commercial retail. As part of the approval for the University View development (DSP-02027/03), the applicant proffered and SHA agreed to the realignment and reconstruction of the northern access which will be directly opposite the relocated Berwyn House Road, as well as converting it to a full access point, which allows left and through movements to and from the site. The applicant also proposed to signalize this intersection, as well as realigning the existing Berwyn House Road such that it will be directly opposite this access roadway. In addition to the proposed reorientation of access to the north, the applicant also proposed to physically convert the existing access slightly north of Navahoe Street as right-out only and to remove the existing traffic signal.

As part of the proposed site plan, the applicant's traffic consultant prepared a comprehensive traffic analysis, dated December 13, 2008, for review. In the submitted traffic impact study it is reported that the proposed development of 272 multifamily student housing units and 18,960 square feet of commercial retail will generate 119 vehicles trips (68 in, 51 out) and 452 vehicle trips (219 in, 233 out) 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. The calculated trip generation rates for the proposed student housing, are based on the procedure outlined by staff and because the guidelines do not recommend any specific trip generation rates for student housing. By including the appropriate reduction for pass-by trips for the proposed commercial uses (50 percent) and taking into account appropriate reduction in peak-hour trips to account for razing of the existing auto care center and office building (8320 and 8400 Baltimore Avenue), the proposed uses, while generating 49 fewer trips in the morning, are

projected to generate 78 more vehicle trips during the evening peak hour than the existing uses on the site.

In addition to the trips that would be generated by proposed development, the traffic impact study includes the traffic impact of several other approved, but not yet built developments, including Phase II of University View. This study was referred to SHA and DPW&T for their review and comments. Transportation Planning, DPW&T, and SHA concur with the traffic impact study conclusion that the approved access configurations proffered as part of the approval of University View (Phase II) would continue to be adequate in serving generated traffic associated with the proposed development for the University View Village 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 MD 430 (Greenbelt Road) and Campus Way/Paint Branch Parkway are reported below:

Study Period	Existing Traffic CLV / LOS	Background Traffic CLV / LOS	Total Traffic CLV / LOS
AM peak Period	1157 / C	1238 / D	1258 / D
PM peak Period	1217 / C	1373 / D	1419 / E

The minimum acceptable average CLV/LOS for any of the three corridor segments per the approved and adopted adequacy standards of the College Park US 1 Corridor sector plan is 1600/E.

Finally, and similarly to the approved University View development plan, the proposed development will be constructed in two phases. As part of the first phase which will consist of 104 student housing units and 10,530 square feet of commercial retail space, the applicant proposes to construct all of the required parking for the entire development, or 470 parking spaces. While it would be more cost effective to construct all of the required parking at one time, until the second phase is constructed, the amount of parking provided would exceed the maximum parking requirements of the US 1 sector plan. With the construction of the second phase, the amount of parking provided would be 20 percent less than the required minimum, which is acceptable since the applicant is proposing appropriate trip reduction measures that allow for the requested 20 percent parking reduction credit. Since there is a shortage of parking in the area, the applicant should work closely with the City of College Park to develop a system where the excess parking is used to offset any existing parking deficiency in the area until the second phase is constructed.

Based on the preceding findings, the existing transportation facilities will be adequate, as required by the US 1 sector plan to serve the proposed development, subject to Conditions Nos. 3, 10, 11, 12 and 17 of this approval.

State Highway Administration (SHA)—In a letter dated April 29, 2009 (Foster to Lenhart), the State Highway Administration offered the following comments:

Access to the 992-bed student housing facility with 18,668 square feet of retail development is proposed from one full movement site access driveway on US 1 (aligning with Berwyn House Road that will be shifted slightly to the north).

Based upon previous analyses submitted for 8300 Baltimore Avenue, the applicant has proposed a new traffic signal at the US 1 site access drive/Berwyn House Road intersection. In addition, the existing traffic signal at the US 1/Navahoe Street intersection will be removed.

The report concluded that with the proposed development, the average US 1 Corridor level of service will be at a LOS E or better (CLV less than 1,600) in accordance with M-NCPPC criteria within the Developed Tier, College Park Policy Area.

SHA concurs that the proposed development will not cause the average US 1 Corridor level of service to exceed a LOS E within the Developed Tier, College Park Policy Area, as established by M-NCPPC. The SHA policy regarding intersection level of service requires that all intersections function at a LOS D or better in the design year with full build-out of the given project. Given that the Prince George's County policy differs from that of SHA regarding the need for mitigation at off-site intersections, SHA will defer to the local criteria. However, any proposed mitigating roadway improvements impacting a State-controlled roadway must be reviewed and approved by SHA.

Proximity to College Park Airport

M-NCPPC operates and maintains the College Park Airport both as an operating airport and as a historic site. The College Park Airport is listed in the National Register of Historic Places and is the world's oldest continuously operating airport, founded by the Wright Brothers in 1909. Protection of the airport's viewshed is an important goal and its location and setting are criteria for its designation as a historical property on the National Registry.

It is the airfield and its surroundings that are important to understanding why the property was created, why it existed and why it ultimately was significant. In the case of College Park Airport, it was not the buildings that were landmarks but the field and airspace that held the promise of so many firsts in flight. To destroy an airfield's view-shed directly impacts the character and integrity of it as an historic site. It is important to preserve the significance of this National Register Historic Site and to allow the operation of the airport to continue.

This site is located in proximity to the air traffic/flight pattern for the College Park Airport, approximately 4,500 feet from the end of runway. In approving the sector plan, the District Council approved an amendment to the plan's corridor-wide land use and zoning recommendations which state:

Proximity to College Park Airport—Because portions of the sector plan area are proximate to the College Park Airport, strategies to develop these areas in a manner compatible with airport operations should be part of the development planning process.

This project is located in the APA-6 area of the College Park Airport as shown in CB-51-2002 (DR-2)—General Aviation Airports and Aviation Policy Areas. The bill states in “APA-6, no building permit may be approved for a structure higher than 50 feet unless the applicant complies with FAR Part 77.” The proposed height of the tallest PLANNED building is 107 feet, more than twice the allowable height for a building in APA-6.

The applicant should make future residents of the building aware of their location near the airport. The Disclosure of airport proximity and aviation easements should be considered as part of the approvals associated with this development.

Proximity to Paint Branch Stream Valley

Paint Branch Stream Valley Park is adjacent to the western property line of the proposed subdivision and it is owned and maintained by M-NCPPC. The parkland extends to the north and south of the project area. The proposed buildings on the rear of the property are setback only ten-feet from the rear property line and approximately 60 feet from the Paint Branch Stream bed.

The entirety of the subject subdivision falls within the 100-year floodplain. The sector plan recommends “compliance with Prince George’s County Regulations in the portion of the sub area impacted by the floodplain.” Additionally, the sector plan’s environmental framework (p. 69) goals include:

- **Improving the quality and aesthetics of the natural environment along US-1 and Paint Branch to improve both air and water quality.**
- **Enhancing water quality and natural stream functions by incorporating appropriate low-impact development techniques and bioengineering practices to manage stormwater quality, and improve the quality of receiving streams.**

There are concerns about the impact of this development on the Paint Branch Creek Stream Valley. Currently, the Paint Branch streambed is in poor condition and erosion is occurring nearby. DPR staff should review and approve the stormwater management plan to insure that there are no negative impacts on adjacent parkland.

There is also concern about potential Commission liability for any damages to the proposed improvements on the subject property resulting from the movement of this unstable stream. Preventive measures should be taken, such as construction of a retaining wall or other engineered structure, to prevent further stream bank erosion if the subject property is developed as planned. Additionally, at the time of approval of similar cases of adjacent subdivisions to the north and south (Preliminary Plans of Subdivision 4-03139, North Gate and 4-08033, University View), the Planning Board required the applicant to provide an indemnification agreement to DPR, protecting the M-NCPPC from any damages or losses

caused by the erosion on the Paint Branch Stream Valley on adjacent parkland. Similar indemnification should be applicable to this development as well.

At the Planning Board hearing of May 11, 2009, the applicant stated that while they are willing to indemnify M-NCPPC for natural damages caused on their property by the stream, it would not be appropriate for them to indemnify M-NCPPC for any potential damage from the construction of the bridge at Northgate Park.

Since the subject development will bring 653 additional residents to the community and will impact public recreational facilities in the neighborhood. The applicant should provide private recreational facilities on-site to address the recreational needs of the future residents.

Maryland Aviation Administration (MAA)—In a letter dated March 16, 2009 (Solanski to Lindsay), the Maryland Aviation Administration offered the following:

In order to adequately determine the impact to air navigation, Code of Maryland Regulations (COMAR) 11.03.05, Obstructions to Air Navigation, requires the submission of a Federal Aviation Administration (FAA) form 7460-1, Notice of Construction/ Alteration. An original 7460-1 form should be forwarded to the FAA and the Maryland Aviation Administration along with any attachments.

Based on the material provided, the general location is clear. While the plan set shows height as a nine-story building, what is missing is latitude/longitude coordinates of the building corners as well as the ground elevation (above mean sea level) and maximum building height at the corners or other roof top structures (above ground level) for both buildings. A complete 7460-1 form will require these data points. The MAA respectfully requests the proponent of University View Village to submit a 7460-1 form to the MAA for review and determination based on COMAR 11.03.05.

Following MAA's request, the applicant submitted form 7460-1 to FAA and received a determination that the proposed buildings would not be a hazard to air navigation. Additional marking or lighting of the buildings is not necessary.

City of College Park—The City of College Park held a work session to consider the proposed plan on April 28, 2009. On May 12, 2009, the City Council of College Park voted 5-0-0 to recommend approval of the subject application, with recommended conditions and findings as follows:

1. APPROVAL of the alternative development district standards for:
 - a. Public Areas, P6. Utilities, A.—To allow the applicant to retain the three existing above-ground utility poles at the current location without relocating them underground; however, all new utilities serving the proposed development shall be placed underground.
 - b. Site Design, S2. Parking Areas, S and T.—To allow the applicant to provide 93 fewer parking spaces than required subject to paragraph 13 of this motion.
 - c. Site Design, S3. Building Siting and Setbacks, B.—To allow the applicant to exceed the build-to-line of 12 inches to 12 feet established for Subarea 3.
 - d. Site Design, S4. Buffers and Screening, E.—To permit the applicant to not provide a six-foot-high opaque masonry wall or other opaque screening treatment.
 - e. Building Design, B1. Height, Scale, Massing and Size, C, M, and N.—To allow the applicant to exceed the maximum height permitted, to not meet the minimum unit size, and to not meet the required bedroom percentages.
 - f. Building Design, B3. Architectural Features (Architectural Materials and Details, Window and Door Openings, Awnings, Building Amenities), I.—To allow the applicant to not provide balconies.
2. Prior to certification, the applicant shall revise the detailed site plan as follows:
 - a. Provide on-street parking along the US 1 frontage, subject to SHA approval and a review of potential impacts to the proposed future median.
 - b. Provide crosswalks at all intersections and, subject to SHA approval, provide a crosswalk of interlocking pavers at the signalized intersection of US 1 and Berwyn House Road. Alternatively, colored, stamped asphalt is acceptable.
 - c. Provide revised architectural elevations that include green metal spandrel treatments on the four corner elements facing US 1 similar to View II, and a cornice treatment similar to University View, and replace the EIFS with red brick at the second level on the south and east elevations. This condition does not require a net increase in the percentage of brick.
 - d. Provide percentage brick calculations.

- e. Provide unit mix, bedroom size, and bedroom percentage information.
 - f. In addition to the 500-square-foot fitness facility valued at \$75,000, the applicant shall provide additional recreational facilities equal to \$100,000 in value.
 - g. Provide bicycle parking calculations and locate bicycle parking for a minimum of 104 bicycles on the plan.
 - h. Provide designated, on-site parking spaces for up to five zipcars.
 - i. Eliminate the existing fence at the rear property line.
 - j. Provide stormwater management structures that result in the equivalent of a minimum 50 percent reduction in impervious area, but shall strive to achieve 75 percent. In the event the applicant cannot achieve 75 percent, other low impact development techniques such as green roofs, rain barrels, or cisterns shall be provided.
 - k. Provide a completed LEED 2.2 checklist for new construction for the subject property.
3. Prior to certification, the applicant shall revise the landscape and lighting plan as follows:
- a. Correct the location of the screening for the transformers.
 - b. Provide four additional pedestrian streetlights spaced at fifty feet on center along US 1.
 - c. Provide a detail for the tree planter boxes along the US 1 frontage.
4. Prior to certification, the applicant shall revise the sign plan as follows:
- a. Eliminate the monument sign at US 1. Prior to the issuance of a building permit, the applicant, heirs, successors, and assigns can request a modification of the DSP to allow a monument sign with mandatory referral to the City of College Park.
 - b. Provide a common sign plan that specifies standards including lighting, colors, lettering style, size, height, quantity, and location.

5. When a procedure is established whereby property owners and their heirs, successors, and assigns on US 1 in College Park are required to pay their pro rata share toward the cost of placing underground all utilities crossing their properties, payment of its share, not to exceed \$200,000, shall be made by applicants within thirty days to an escrow account to be created by the City of College Park. If such a requirement is not established by January 1, 2019, this condition expires.
6. Prior to issuance of the use and occupancy permit for Phase I, the applicant shall enter into an agreement with the University of Maryland and provide a copy to the City of College Park and Prince George's County for:
 - a. Provision of shuttle service to the subject property.
 - b. The applicant shall pursue the establishment of a bike sharing program with the University of Maryland or other entities adjacent to the site. If this program is not implemented by the time of building permit for Phase II, then the applicant shall provide 45 bike spaces in addition to the 104 spaces already on-site.
 - c. Provision of overflow parking spaces on campus.
7. Provide color and material boards.
8. Total development shall be limited to no more than 59 AM peak-hour trips and 184 PM peak-hour trips.
9. Seek to attract a convenience retail tenant that serves student residents, as well as residents within one-half to one mile of the subject property.
10. A disclosure clause should 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.
11. Applicants shall provide a perpetual, nonexclusive ingress/egress easement, appurtenant to the University View and View II properties, for vehicular and pedestrian passage across the 8350 Property by University View and 8300 Baltimore Avenue, LLC and its invitees, licensees, suppliers, tenants, customers, employees, and invitees of such tenants for purposes of accessing the signalized intersection of US 1 and Berwyn House Road. This nonexclusive easement includes vehicular and pedestrian ingress and egress to and from the View and View II properties over, upon, and across the 8350 Property, and any subdivision thereof, in perpetuity, for purposes of access to the said intersection.

12. University View and 8300 shall provide a perpetual, nonexclusive ingress/egress easement, appurtenant to the 8350 Property, for vehicular and pedestrian passage across the University View and View II properties by 8350 and its invitees, licensees, suppliers, tenants, customers, employees, and invitees of such tenants for purposes of accessing the right-in/right-out intersection of US 1 and Navahoe Street. This nonexclusive easement includes vehicular and pedestrian ingress and egress to and from the 8350 Property over, upon, and across the University View and View II, and any subdivision thereof, in perpetuity, for purposes of access to the said intersection.
13. The applicants shall, at a minimum, construct a total of 470 parking spaces (462 garage spaces, eight surface spaces). The parking spaces required by Phase I of the project total 182 spaces (including the 20 percent reduction). Due to the fact that said garage will also provide 109 spaces for use by off-site residents, prior to issuance of a building permit for Phase II, an analysis of parking for the project both on- and off-site shall be presented to the City of College Park and Prince George's County. Measures to address any parking shortage shall be required including parking on the University of Maryland campus. In the event the University of Maryland does not satisfy this parking shortage, other options shall be pursued including enlarging the garage, increasing shuttle bus service, or other measures to reduce parking demand.
14. The applicant shall provide the University of Maryland, Department of Transportation Services, with identification numbers of lessees so that permits to park on campus are not issued to residents who have secured parking at the subject property.
15. The applicant shall agree to amend the declaration of covenants and add an easement agreement with the City, in substantially the form as attached.

The Planning Board is in full support of the majority of the City's recommended comments, most of which have been included in the Recommendation section below. The recommended conditions relating to easements are not necessary or enforceable with this detailed site plan. Recommended condition 11 requires the subject property to grant an easement to the University View project, which would be necessary to allow residents of University View to access the parking garage, but not to access US 1 as stated in the recommended condition. An alternative wording of the condition has been adopted to reflect this correction. Recommended condition 12 requires University View to grant an easement to the subject property, which would be necessary to allow residents of the subject property to access US 1 at Navahoe Street. Pedestrian access along the Paint Branch trail and vehicular access to the Berwyn House Road driveway by residents and users of the subject property have already been provided for in the previous approvals of the University View DSPs. Although this DSP cannot impose conditions on an adjacent property, the applicant

controls the University View property and has agreed to this condition in order to ensure that all elements of the University View/University View Village developments will have adequate access.

12. As required by Section 27-285(b) 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-08080, subject to the following conditions:

- A. Approve the alternative development district standards for:
 1. Public Areas, P6. Utilities, A.—To allow the applicant to retain the three existing above-ground utility poles at the current location without relocating them underground subject to approval by the utilities; however, all new utilities serving the proposed development shall be placed underground.
 2. Site Design, S2. Parking Areas, S and T.—To allow the applicant to reduce the parking requirement by 18 percent based upon the justification provided.
 3. Site Design, S3. Building Siting and Setbacks, B.—To allow the applicant to exceed the build-to-line of 12 inches to 12 feet established for Subarea 3.
 4. Site Design, S4. Buffers and Screening, E.—To permit the applicant to not provide a six-foot-high opaque masonry wall or other opaque screening treatment and to reduce the requirement for a bufferyard setback by three feet along the northern property line.
 5. Building Design, B1. Height, Scale, Massing and Size, C.—To allow the applicant to exceed the maximum height permitted by four stories (to a new maximum of nine stories, or 107 feet).
 6. Building Design, B1. M.— To allow the development of one-bedroom dwelling units smaller than the DDOZ minimums.
 7. Building Design, B1. N.—To allow the applicant to exceed the bedroom percentages for four-bedroom units.
 8. Building Design, B3. Architectural Features, I.—To allow the applicant to not provide balconies.

- B. The following conditions shall be attached to the approval of this DSP:
1. Prior to signature approval, the DSP shall be revised as follows:
 - a. Add a loading schedule for each building.
 - b. Show and dimension the loading spaces within the buildings.
 - c. Revise the fence along the north property line so that its eastern end is even with the southwest corner of the adjacent restaurant.
 - d. Show the crosswalks across internal drives to be constructed with concrete as continuations of the sidewalk.
 - e. Show crosswalks across US 1 at Berwyn House Road and Pontiac Street as required by the sector plan, unless modified by SHA. The crosswalk at Berwyn House Road shall utilize concrete pavers or colored stamped asphalt, unless modified by SHA.
 - f. Mark the existing fence along the Paint Branch stream “to be removed.”
 - g. Show a detail of the proposed screening walls and doors for the ground-level electrical equipment. The wall should be constructed using the same masonry building material used around the ground level of the mixed-use buildings.
 - h. Revise the landscape plan to clearly identify the plant lists for Phases I and II. The tree cover credit worksheet shall be revised to show the correct number of proposed trees in each category, and recalculated as necessary.
 - i. Revise the interim landscape plan to clearly illustrate all plants that are associated with Phase I.
 - j. Add the parking calculations for required and provided handicapped-accessible and handicapped van-accessible parking spaces to the parking schedule.
 - k. Provide on-street parking along the US 1 frontage, subject to SHA approval and a review of potential impacts to the proposed future median.
 - l. Provide bicycle parking calculations and locate bicycle parking for a minimum of 104 bicycles on the plan.
 - m. Provide designated, on-site parking spaces for up to five zipcars.

- n. Provide four additional pedestrian streetlights (for a total of eight) spaced at fifty feet on center along US 1.
 - o. Provide a detail for the tree planter boxes along the US 1 frontage.
 - p. Eliminate the proposed monument sign.
2. Prior to signature approval, the following revisions shall be made to the architectural elevations:
- a. Provide revised architectural elevations that include green metal spandrel treatments on the four corner elements facing US 1 similar to the nearby building at University View Phase II, and a cornice treatment similar to University View, and replace the EIFS with red brick at the second level on the south and east elevations. This condition does not require a net increase in the percentage of brick.
 - b. Provide calculations to demonstrate that the percentage of masonry and brick on the façades exceeds 75 percent.
 - c. Provide unit mix, bedroom size, and bedroom percentage information on the architectural elevations.
 - d. The applicant shall work with the Urban Design Section to develop minor modifications to the ground-level façade to introduce greater interest for the retail storefronts by integrating green metal framing or mullions consistent with Condition No. 2(a) above.
3. Prior to signature approval of the detailed site plan, the plan shall be revised to show a vehicular and pedestrian cross-property easement between the subject property and properties to the south, as well as a pedestrian cross easement between the subject property and the property to the north. The existing development (and any future redevelopment) on the parcels north of the subject site shall be allowed to use the pedestrian and biking connection to gain access to US 1 and the Paint Branch trail.
4. The site shall provide stormwater management structures that result in the equivalent of a minimum 50 percent reduction in impervious area, but shall strive to achieve 75 percent. In the event the applicant cannot achieve 75 percent, other low impact development techniques such as green roofs, rain barrels, or cisterns shall be provided. Any changes to the site plan, architectural plans, and stormwater management plan that are necessary to accomplish this shall be completed prior to signature approval.

5. Prior to signature approval, the applicant shall submit to the Planning Department and to the City of College Park a color and materials board and a completed LEED 2.2 checklist for new construction for the subject property.
6.
 - a. Prior to signature approval, the applicant shall provide construction drawings to DPR for review and approval of a retaining wall and/or other engineered structure to mitigate the development impact to the environmentally sensitive areas of the Paint Branch Stream Valley Park and to protect the proposed structure from damage caused by the movement of the stream.
 - b. Prior to signature approval, the applicant shall provide an indemnification agreement acceptable to DPR and M-NCPPC legal staff, indemnifying M-NCPPC from any damages or losses to the subject property caused by stream erosion, movement, or any other activity associated with the Paint Branch stream.
 - c. Prior to issuance of a grading permit, the applicant shall obtain approval of the stormwater management (SWM) plan from DPR staff to insure that there are no negative impacts on the adjacent Paint Branch Stream Valley Park. The SWM plan shall include technical details, including, but not limited to, the pipe profile, invert elevations, rip-rap size and limits, headwall details, and discharge rate (cf/sec for ten year storm).
7. Prior to signature approval, the applicant shall submit for approval (from the City of College Park and the Urban Design Section) a more detailed set of sign standards based on the DDOZ 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.
8. Each individual retail store within the project shall have no more than one building-mounted sign, which is to be located within the envelopes identified on the architectural elevations.
9. Prior to the issuance of a building permit, the applicant shall submit to the Urban Design Section a recreational facilities package providing a dollar value of recreational facilities no less than \$325,000. The package shall include meeting spaces, multipurpose rooms, study areas of no less than 1,500 square feet, and a fitness facility of no less than 500 square feet. The Phase I building shall include recreational facilities with a dollar value of no less than \$100,000.
10. Prior to the issuance of any building permits within the subject property, the applicant shall obtain the needed rights-of-way, free and clear, and obtain approval from SHA and the City to realign Berwyn House Road.

11. Prior to the issuance of any building permits within the subject property, the following improvement shall (a) have full financial assurance, (b) have been permitted for construction by SHA's access permit process, and (c) have an agreed-upon timetable for construction with the City of College Park and SHA:

Provision of a traffic signal at realigned Berwyn House Road and the existing driveway intersection with US 1, along with any other improvements required by SHA. As part of this improvement, the applicant shall agree to remove the existing traffic signal at the intersection of US 1 and Navahoe Street, and physically limit the movements at this location to right-out only per the SHA standard, as well as demonstrating to the City and Planning Department staff that adequate and safe access connection exists between the Spellman House (an existing senior housing development) and the Berwyn House.

12. Prior to the issuance of the use and occupancy permit for Phase I, the applicant shall enter into an agreement with the University of Maryland and provide a copy to the City of College Park and Prince George's County for:

- a. Provision of shuttle service to the subject property.
- b. The applicant shall pursue the establishment of a bike sharing program with the University of Maryland or other entities adjacent to the site. If this program is not implemented by the time of building permit for Phase II, then the applicant shall provide 45 bike spaces in addition to the 104 spaces already on-site prior to the issuance of a building permit for Phase II.
- c. Provision of overflow parking spaces on campus.

13. The adjacent parkland shall not be disturbed in any way without the prior written consent of the Department of Parks and Recreation (DPR).

14. A disclosure clause should 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.

15. The applicant, the property owner, and their heirs, successors, and/or assignees will participate fully in a future cooperative utility program organized to place the existing above-ground utility lines along US 1 underground.

16. When a procedure is established whereby the property owners and the property owner's heirs, successors, and/or assignees on US 1 in College Park are required to pay their pro rata share toward the cost of placing underground all utilities crossing their properties, payment of its share, not to exceed \$200,000, shall be made by applicants within thirty

days to an escrow account to be created by the City of College Park. If such a requirement is not established by January 1, 2019, this condition expires.

17. The total development on-site shall be limited to uses that generate no more than 167 AM and 290 PM peak-hour trips.
18. The applicant shall seek to attract a convenience retail tenant that serves student residents, as well as residents within one-half to one mile of the subject property.
19. The applicant and the applicant's heirs, successors, and/or assignees shall provide a perpetual, nonexclusive ingress/egress easement, appurtenant to the University View and View II properties, for vehicular and pedestrian passage across the 8350 Property by University View and 8300 Baltimore Avenue, LLC and its invitees, licensees, suppliers, tenants, customers, employees, and invitees of such tenants for purposes of accessing the parking garage on the subject property. This nonexclusive easement includes vehicular and pedestrian ingress and egress to and from the View and View II properties over, upon, and across the 8350 Property, and any subdivision thereof, in perpetuity, for purposes of access.
20. University View and 8300 shall provide a perpetual, nonexclusive ingress/egress easement, appurtenant to the 8350 Property, for vehicular and pedestrian passage across the University View and View II properties by 8350 and its invitees, licensees, suppliers, tenants, customers, employees, and invitees of such tenants for purposes of accessing the right-in/right-out intersection of US 1 and Navahoe Street and the intersection of US 1 and Berwyn House Road. This nonexclusive easement includes vehicular and pedestrian ingress and egress to and from the 8350 Property over, upon, and across the University View and View II, and any subdivision thereof, in perpetuity, for purposes of access to the said intersection.
21. The applicants shall, at a minimum, construct a total of 470 parking spaces (462 garage spaces, eight surface spaces). The parking spaces required by Phase I of the project total 182 spaces (including the 20 percent reduction). Prior to issuance of a building permit for Phase II, an analysis of parking for the project both on- and off-site shall be presented to the City of College Park and Prince George's County. Measures to address any parking shortage shall be required including parking on the University of Maryland campus. In the event the University of Maryland does not satisfy this parking shortage, other options shall be pursued including enlarging the garage, increasing shuttle bus service, or other measures to reduce parking demand.
22. The applicant shall provide the University of Maryland, Department of Transportation Services, with the identification numbers of lessees so that permits to park on campus are not issued to residents who have secured parking at the subject property.

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.

* * * * *

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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, May 21, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of June 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:CL:bjs

