

C O R R E C T E D 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 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 18, 2007, regarding Detailed Site Plan DSP-06029/Special Permit SP-070003 for EYA/Arts District Hyattsville East Village, the Planning Board finds:

1. Request: The subject application requests approval of a mixed-use development including 163 townhome units, including 1 live/work unit, 83 multifamily units, including 12 live/work units, 35,797 square feet of commercial space and attendant recreational facilities in the M-U-I Zone. Please note that the subject case complements a companion case (Special Permits SP-060001) that requested the creation of an additional 32 townhome units immediately north of the subject project in the MUTC Zone.
2. Development Data Summary

	EXISTING	PROPOSED
Zone	M-U-I	M-U-I
Use(s)	Vacant/residential	Mixed-Use
Acreage	15.31	15.31
Parcels	14	19
Lots	25	169
Building Square Footage/GFA	0	35,797

OTHER DEVELOPMENT DATA

Total Parking	Required	Provided
For the 162 townhomes, 1 live/work townhome, 71 multifamily units, 12 live/work multifamily units and 35,797 square feet of commercial space in the MUI Zone	365	436-516
For the 35,797 square feet of commercial space	4 spaces per 1000 square feet of retail space or 144	186

3. **Location:** The site is in located in Planning Area 68 and Council District 2. More specifically, it is located on the east side of Baltimore Avenue (US 1), south of its intersection with Madison Street.
4. **Surrounding Uses:** The subject property is bounded to the north by the MUTC zoned portion of the EYA development with residential and commercial land use beyond, to the west by Baltimore Avenue with the West Village of the EYA Hyattsville development beyond, to the south by commercial land use, and to the east by the Baltimore and Ohio Railway with industrial land use beyond.
5. **Previous Approvals:** The site is subject to approved Preliminary Plan of Subdivision 4-06050, which was approved by the Planning Board on January 4, 2007. A resolution formalizing that approval was adopted by the Planning Board on February 22, 2001, and mailed out to all parties of record listed in the case on February 27, 2007. Please see Finding 10 for a more detailed discussion of the requirements of that plan. The site is also the subject of approved stormwater concept 14838-2006-00.
6. **Design Features:** The subject project is sandwiched between Baltimore Avenue to the west and the B & O Railroad to the east. The street network forms a block-like matrix, though not all streets traverse the site. More specifically, Street A, on the site's northern end, and Kennedy Street, located at the southern end of the residential portion on the eastern side of the site, emanate only in an eastern direction from 45th Avenue (which roughly bisects the site in a north-south direction). Three streets provide access into the development from Baltimore Avenue, including (from south to north) Ingraham Street, Jefferson Street and Longfellow Street. A pedestrian connection is provided to Baltimore Avenue from the parking lots behind Buildings No. 2 and 3. Ingraham Street enters the site at the southern end of Commercial Building No. 1, a one-story retail building, measuring a total of *~~20,952~~ 21,707 square feet. Jefferson Street enters the site at its northern side and at the southern side of Commercial Building No.2, measuring *~~14,845~~ 14,090 square feet. Longfellow Street provides access to the northern, more residential portion of the development.

*Denotes correction

~~Brackets~~ denotes deletion

Underlining denotes addition

The streetscape in the development is enhanced and urban in character. Specialized paving, wider sidewalks in part, street furniture and an aesthetically pleasing mix of landscaping are utilized, most notably along Baltimore Avenue, Longfellow Street and the length of the project's frontage along Jefferson Avenue. Street corner enhancements provide park-like amenities at the intersection of 45th Avenue and Longfellow Street and Jefferson Street and Baltimore Avenue. In addition, a vest pocket park located at the terminus of Jefferson Street on 45th Avenue provides additional plaza space. Lastly, outdoor seating is provided for commercial uses to include restaurants and coffee shops along Jefferson Street as it runs between the two commercial buildings creating a commercial center and leading up to the vest pocket park. A stage for outdoor music and other performances is provided in the park and its use is intended to complement shopping and dining opportunities adjacent.

The residential core of the development is on its northern side, with 45th Avenue north of Kennedy Street providing frontage for many of the townhouses with more townhouse development located on Kennedy Street, Longfellow Street, Street A, and several private alleys. A variety of unit types have been offered and the total in this portion of the site is 162, with 32 in the M-U-T-C portion of the EYA site. Condominiums are located in Building No 3, located on Baltimore Avenue

*([~~30~~] 25 units) and Building No. 5 (46 units). A single townhouse, live/work unit is proposed in the southeastern quadrant of Longfellow Road and Baltimore Avenue and eleven additional live/work units are proposed in the multifamily housing.

Active Recreational facilities for the development include the following:

- Changing house and lap pool
- Tot lot
- Multiage Playground
- Bike path

Public Art is also planned to be included in the development as follows: The Landscape Plan in the DSP submission depicts several areas that will contain a focal feature, sculpture, or specimen tree. The locations include the two corner plazas at Baltimore Avenue and Jefferson Street, the two corner plazas at Jefferson Street and 45th Avenue, the park and gathering area at the terminus of Jefferson Street, the park/pool area at the terminus of Longfellow Street, the two corner parks at Longfellow Street and 45th Avenue and behind the Sudsville property on 45th Avenue. This is a total of nine potential public art locations. The applicant will place local public art at a minimum of five of these locations and a maximum of all nine. The Hyattsville Community Development Corporation (HCDC) will conduct a jury selection art process whereby local artists will be asked to submit appropriate concepts and the jury, made up of employees of the applicant and HCDC employees, will select the public art. HCDC will monitor the implementation and installation and the applicant will be ultimately responsible for purchase and delivery of the art. HCDC is already conducting a similar process for the applicant's development project located west of Baltimore Avenue from the subject project.

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Architecture for the proposed project includes that for the commercial buildings at the southern end of the site, townhome architecture to its east and north, two primarily multifamily residential buildings along the project's Baltimore Avenue frontage and the architecture of the "pool house".

The architecture for the commercial buildings that flank Jefferson Street and then wrap its intersection with Baltimore Avenue presents a pleasing visage. The rooflines, sizes of the commercial spaces (vertically as well as horizontally), awnings, and signage are varied, helping to give identity to the individual establishments, as well as provide visual interest. Modern architectural lines are mixed with some traditional architectural detail (e.g. cornices and dentil moulding) making for a fresh look that is in keeping with vision for the Gateway Arts District. Likewise, a mix of architectural materials includes both traditional materials like brick and wood and more modern materials like storefront glass, painted hardi-board, split-face concrete masonry unit, aluminum and corrugated metal. A singular criticism of these buildings would involve the treatment of the rear elevations, except at their extreme ends where the enhanced treatment of the front and side façade wraps around the corners. The rear facades, in general, suffer from homogeneous and uninspired material choices (primarily concrete masonry unit) and unadorned and unembellished treatment of the architectural surfaces.

The multifamily buildings have a look similar to the commercial buildings, but with less variation in massing, rooflines and architectural styles. Additionally, more hardi-panel is utilized as an external sheathing material, making the mix of materials on the multifamily buildings less rich in variety and quality as that provided on the commercial buildings. Attempted compensation for the lesser variation is in use of color. Color in the external materials is employed to differentiate sections of the building and picked up to provide accents in the first floor awnings. An attempt to create a pleasing aesthetic is made through internal relationship of the colors (e.g. having green-colored awning pick up the light green chosen for the hardi-panel on the opposite end of the building or the dark blue on an awning picking up a light blue color painted on the synboard trim of the same section of the building).

Additionally, because only some units have outdoor balconies and their railings are black, as is some of the window trim, another color rhythm articulates the multifamily building's façade. Like the commercial buildings, the rear façade receives a "dressed down" treatment, with the primary material being specified in this case as hardi panel as opposed to concrete masonry unit on the rear of the commercial buildings.

The townhouse architecture includes a mix of unit types, materials, architectural detail and fenestration patterns creating variety in the architecture and visual interest, but the form is even more regular than the multifamily housing. The buildings are generally three stories tall with an optional fourth "loft" level. Only units identified as "A" and "B" have front balconies on the third level. The architecture house to house varies. One and two car garages are provided generally on the rear elevations but occasionally, as in building 6, on a front. Materials utilized on the townhome building include brick veneer, corrugated metal, wood, siding, rock face masonry units and precast "accents". The architecture treatment of the rears, like the other architecture, is

markedly less inspired than the other facades. In most cases, enhanced treatment wraps from the side to the corner unit, then ceases. The visual aspect of the rear facades is further degraded by the presence of unadorned garage doors. Additionally, required safety railing is provided across the second story that has an exit door leading to a potential deck. Evaluation of the architecture of the townhomes is complicated by the fact that it will be determined in part by the options chosen by the individual purchasers. Color elevations of the townhome buildings have not been provided to staff, except for the lofts, with details as to materials and colors for the optional 4th level.

The pool house is proposed to measure approximately 682 square feet. Its layout provides for a lifeguard's office, a janitorial closet, bathroom facilities and three changing rooms on the men's side and four changing rooms on the women's side. Although color elevation drawings have not been provided to staff, the architecture of the pool house includes corrugated metal siding panels as its primary material together with large areas of windows with some "accent panels", with colors unspecified and some glass specified as "frosted". A row of accent brick banding is provided under the window area and masonry veneer covers the remainder of the façade from the accent brick banding to the ground.

The loft levels of the townhomes will be sheathed in hardi-panel and the cornice material is proposed as the same color as the wall face, consistent with their treatment in the West Village.

COMPLIANCE WITH EVALUATION CRITERIA

7. The requirements of the approved sector plan and sectional map amendment for the 2004 Gateway Arts District:

- a. The sector plan and sectional map amendment superimpose a Development District Overlay Zone over designated subareas called "character areas" to ensure that the development of the land meets the sector plan goals. The development district standards follow and implement the recommendations in the sector plan and sectional map amendment. The proposed project falls within the "town center" character area under the sector plan. The development district standards are organized in three parts to address site design, building design and public space.

Section 27-548.25(b) requires that in approving the detailed site plan, the Planning Board shall find that the site plan meets applicable development district standards. In general, the subject detailed site plan meets the applicable development district standards as explained below in the point-by-point response to the applicable development district standards. If the applicant intends 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.

8. **Development District Standards of the Development District Overlay Zone (DDOZ):**

Overall the application meets the development standards pertinent to achieving the town center character area in Hyattsville. The following deviations from the standards do not impair the integrity of the sector plan and, nevertheless, implement the vision of the town center character area.

- **Building and Streetscape Siting** (Table 1, page 135)—The intent of the development standards for a build-to line rather than a setback is to create a consistent street wall and a pleasant, inviting streetscape along commercial and mixed-use streets and a coherent visual appearance along neighborhood residential streets.

The preliminary sector plan established a development standard of 20 feet from the face of curb as a minimum build-to line along US 1. In approving the sector plan, the District Council amended the standard to acknowledge the build-to line from the edge of the ultimate 60- to 80-foot right-of-way along US 1 could be reduced to 10–12 feet. The applicant notes that Buildings 1, 5A and 14 are located approximately 15.5 feet from the US 1 right-of-way that is in compliance with the revised standard.

(Note: Ultimate right-of-way includes provision for a landscape strip and sidewalk. The travel lanes of this segment of US 1 account for 54 feet, which includes a six-foot median. The median could also provide some turning lane space. However, this area may be substandard for SHA to provide turning lanes. (SHA has not provided comment regarding this issue at this time). If SHA requires additional rights-of-way to accommodate adequate turning lanes, the applicant's build-to line will continue to be sufficient to achieve the goals of the town center character area to achieve a consistent building street wall and adequate streetscape.

Residential dwelling units 97, 114, 124, and 138 vary from 7.5 to 9.7 feet from the face of the curb. This variation is within the 15± feet variation allowed for residential uses for all streets other than US 1 and meets the intent of the development standards to create a coherent visual appearance along neighborhood residential streets.

- **Access and Circulation** (#6, page 138) The applicant is providing alleys that are 20 feet wide as opposed to the 18-foot maximum per the standards. This variation does not impair the integrity of the development in the town center character area and is reasonable given that they serve homes on both sides of the alley.

Urban Design staff is supportive of granting these variations and has specifically included such support in the recommendation section of this report.

9. **Requirements of the Zoning Ordinance**

- a. **In the M-U-I (Mixed-Use Infill) Zone:** The M-U-I Zone was introduced in May 2001. The general purpose of the M-U-I Zone is to permit, where recommended in applicable plans (in this case the sector plan), a mix of residential and commercial uses as infill development in areas that are already substantially developed. The proposed development includes a mix of residential, commercial, and recreational use and allows staff to conclude that the proposed project meets the purpose and intent of the M-U-I Zone as defined in the Prince George's County Zoning Ordinance.

10. **Preliminary Plan of Subdivision 4-06050:** Preliminary Plan of Subdivision 4-06050 was approved by the Planning Board on January 4, 2007. A resolution formalizing that approval was adopted by the Planning Board on February 22, 2007, and mailed out to all parties of record listed in the case on February 27, 2007. The relevant requirements of the approval are listed in bold face type below, followed by staff comment.

1. **In conformance with the adopted and approved Gateway Arts District Sector Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**

- a. **The adopted and approved Gateway Arts District Sector Plan recommends that Baltimore Avenue (US 1) be designated as a Class III bikeway with appropriate signage. Because US 1 is a state right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. SHA shall have the opportunity to review the proposed locations to ensure they are acceptable. The developer shall purchase the signs from the state and install them in accordance with the state's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit.**

Staff Comment: Recommended Conditions 2a and 3 below would ensure compliance with this condition.

- b. **Provide a wide sidewalk along the entire length of the subject site's frontage of US 1. This sidewalk should be at least six feet wide in all areas, including additional width for those areas with street furniture, planters, and street trees.**

Staff Comment: A wide sidewalk along the entire length of the project's Baltimore Avenue frontage designed in accordance with the above requirements is indicated on the plans.

- c. **Provide standard sidewalks along both sides of all internal roads.**

Staff Comment: Such sidewalks have been included on the subject plans.

- d. Appropriate pedestrian safety measures will be incorporated into the development at the time of detailed site plan.**

Staff Comment: The senior trails planner's recommendations regarding the enhancement of pedestrian safety have been incorporated as recommended conditions below.

- e. The following note shall be added to the TCPI:**

“The woodland conservation requirement may be provided using fee-in-lieu to the benefit of the City of Hyattsville, to be determined at time of TCPII review.”

Staff Comment: This sub condition was complied with at the time of certification of the TCPI.

- 2. The applicant (currently owner of a portion of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property) and the applicant's heirs, successors, and/or assignees shall use its best efforts to acquire the portions of the abandoned trolley right-of-way adjacent to the subject property that it does not currently own, and upon that portion of said right-of-way owned by the applicant, along with that portion of said abandoned right-of-way adjacent to Lots 2 and 3, it shall provide the master plan trail, as indicated on the submitted preliminary plan.**

Staff Comment: Such a trail, including an alternative location should it prove impossible to acquire Parcel 108, are shown on the subject plans.

- 3. For that portion of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property that is now or will be owned by the applicant, the trolley trail shall be placed within a 20-foot wide public use easement that will be marked and labeled on the final plat and detailed site plan.**

Staff Comment: Conditions below would require that the plans be revised to indicate the trails location in a public use easement on the detailed site plan and that it be marked and labeled on the final plat.

- 4. Prior to detailed site plan approval, the applicant shall show that legal action for the purpose of obtaining ownership of those portions of the abandoned trolley right-of-way (Parcel 108) that are adjacent to the subject property (and which are not already owned by applicant), and also those portions of the right-of-way adjacent to Lots 2 and 3, has been filed in the appropriate court. Applicant shall diligently pursue said legal action, and if successful, applicant shall construct the master plan trail upon those portions of said right-of-way adjacent to the subject property.**

Staff Comment: DPR has informed staff that they have the necessary proof that the applicant has taken appropriate legal action to acquire title to the land for the trail.

5. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.

Staff Comment: TCPII/063/07 is recommended for approval subject to a condition in conjunction with the detailed site plan currently under consideration. Therefore, the requirement has been fulfilled.

6. The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines, subject to the following:

- a. Submission of three original, executed recreational facilities agreements (RFA) to DRD for its approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**
- b. Submission to DRD of a performance bond, letter of credit, other suitable financial guarantee, or other guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.**

Staff Comment: Applicant has provided adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. Compliance with subconditions 6a and 6b will be assured at a time subsequent to detailed site plan approval.

8. The placement of the recreation facilities reflected on the detailed site plan shall comply with the standards outlined in the Parks and Recreation Facilities Guidelines.

Staff Comment: The placement of the recreational facilities on the detailed site plan complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.

10. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the detailed site plan.

Staff Comment: The private recreational facilities included in the subject application have been reviewed by the Urban Design Section and determined to be adequate and properly sited.

12. If the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property is acquired by the applicant, it shall build an asphalt trail along said right-of-way

from the northern boundary to the southern boundary of the subject property. If the applicant is unable to acquire said right-of-way, applicant shall reach an alternative agreement with M-NCPPC. The exact location, timing and applicable DPR and ADA standards for the installation of the trail shall be determined at the time of detailed site plan review.

Staff Comment: Such potential alternative alignment for the trail has been agreed on between the applicant and the Parks Department.

- 14. At the time of detailed site plan and TCP II approval, the plan shall demonstrate that the minimum requirement (20%) for tree cover of 20 percent of the gross site area has been provided.**

Staff Comment: Applicant has proffered a statement of justification regarding this issue that both the Environmental Planning Section and the Urban Design Section have found acceptable.

- 15. Development of the site shall be in accordance with the approved stormwater management concept plan 14838-2006-00 or any approved revision thereto.**

Staff Comment: At the time of this writing staff had not received comment from the Department of Public Works and Transportation as to conformance of the proposed DSP/SP's with approved stormwater concept 1-4838-2006-00. However, such plan has been received from the applicant and reviewed by the Environmental Planning staff. Please see Finding 14, Environmental, for a more detailed discussion of the Environmental Planning Section's comments.

- 17. At time of detailed site plan review, the landscape plan shall provide a chart using the 10-year tree canopy coverage calculations to state the percentage of tree cover proposed. If the 20 percent tree cover standard cannot be met, a letter of justification must be provided stating why it cannot be met.**

Staff Comment: Information regarding the ten-year coverage calculations has been provided on the "Common Space Plant Lot" on Sheet L2.09 of the Landscape set. In addition, since the 20 percent tree cover standards could not be met, the required letter of justification has been submitted.

- 18. At time of detailed site plan review, an analysis shall be provided by the applicant regarding the amount of existing and proposed impervious surfaces and the percentage of green roofs proposed.**

Staff Comment: Such analysis is included on Sheet L2.01D of the Landscape Set. Please note that 10,000 square feet of green roof is included in the project.

- 19. Prior to signature approval of the preliminary plan and at least 45 days prior to any hearing on a detailed site plan, the Type I tree conservation plan shall be revised as**

follows:

- a. Add the following note: “Street trees and landscaped areas designed for use as bioretention areas may be used to meet the woodland conservation requirements.”**
- b. Revise Note 1 to refer to the preliminary plan.**
- c. Revise Note 6 to refer to the stormwater concept plan.**
- d. Have the revised plan signed and dated by the qualified professional who prepared the plan.**
- e. Add the following note on the plan: “EYA will maintain flexibility with regard to parcels behind the retail south of Jefferson to provide street connectivity to the parcels to the south of EYA that may be redeveloped in the future.”**

Staff Comment: Changes were made to the TCPI prior to September 6 though it was only submitted to staff on September 26, 2007, and certified on October 1, 2007 by the Environmental Planning Section.

- 20. Prior to signature approval of the preliminary plan and at least 45 days prior to any hearing on a detailed site plan, a copy of the stormwater management concept approval letter with associated plans shall be submitted. The concept shall show the use of low-impact development techniques such as underground facilities, bioretention, green streets, and other techniques to micromanage stormwater.**

Staff Comment: Such concept plan has been submitted to staff and demonstrates the employment of low-impact stormwater management techniques.

- 21. At time of detailed site plan review, a revised Phase II noise study shall be submitted that describes the proposed building materials to be used on specific units in the 65, 65-70 and 70-75 dBA Ldn noise contours to ensure that interior noise levels are 45 dBA Ldn or less for interior living spaces. The study should consider the shielding effect of other buildings on the site.**

Staff Comment: In their comments dated September 25, 2007, the Environmental Planning Section stated that they had received the required revised Phase II noise study, reviewed it, and recommended a condition requiring that prior to the approval of building permits for the project, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA(Ldn) or less. Such condition has been included in the recommendation section of this report.

- 22. The abandoned shallow well found within the confines of the subject property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit.**

Staff Comment: A condition below would require that this be accomplished prior to issuance of the first building permit for the project.

- 23. A raze permit is required prior to the removal of any structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well properly abandoned/sealed before the approval of any building permit.**

Staff Comment: A condition below would require that this be accomplished prior to the issuance of the first building permit for the project.

- 25. The applicant shall photographically document those buildings identified as contributing resources to the Hyattsville National Register Historic District within the subject property prior to their demolition. In addition, to assist in the recycling of usable historic building materials, staff requests that the applicant salvage any significant materials and details from the buildings to be demolished for reuse elsewhere within the developing property, or for donation to the Newel Post, the architectural salvage depot operated by the Prince George's County Historical and Cultural Trust, a countywide, nonprofit historic preservation organization.**

Staff Comment: A condition below would ensure compliance with this condition.

- 27. At the time of Detailed Site Plan the condominium building south of Sudsville and north of Jefferson will consider retail condominiums along the full length of the front of the first floor with condominiums above and behind.**

Staff Comment: The condominium building south of Sudsville is shown with retail condominiums along the full length of the front of the first floor—with condominiums above and behind.

- 29. The developer must obtain approval for street standards from the City of Hyattsville.**

Staff Comment: A representative of the City of Hyattsville verbally informed staff that the developer has obtained approval of the street standards from the City of Hyattsville.

- 30. Total development within the subject property shall be limited to no more than 321 a.m. peak-hour trips, 509 p.m. hour trips or equivalent uses, for a total development of 470 residential units, of which 246 units will be considered as multi-family condominium units and 38,005 square feet of commercial retail.**

Staff Comment: The proposed design program for the project includes 243 residential units and 35,795 square feet of commercial retail, which is well within the above limits.

- 31. Of the 246 residential condominiums units, 35 shall be attributed to the Robles Property (Lot 2 of Lancaster's Subdivision, as recorded in Plat A, Plat No.15), and shall be approved only if said property is acquired by the applicant, its successors and/or assigns prior to final plat approval of properties adjacent to said property. If only one of said properties is acquired by the applicant, its successors and/or assigns, the total number of residential condominium units approved through this subdivision application shall be reduced by 70. Alternatively, all or some portion of the 35 or 70 residential condominium units shall be developed as an equivalent amount of office and/or retail commercial space, based on an average of 1,050 square feet per residential condominium unit, up to 111,505 square feet, as long as the uses or combination of uses will not result in trip generation in excess of that approved through this application, unless another traffic study is approved by the Planning Board as part of a subsequent preliminary plan application. If the Brown and /or Robles properties are acquired prior to final plat, said properties can only be developed and constructed for the maximum of 70 residential condominium units, or the equivalent amount of office and/or retail commercial development (or some combination thereof) if said properties are the subject of an approved Preliminary Plan of Subdivision, Final Plat and Detailed Site Plan prior to the issuance of any permits.**

Staff Comment: Since the above requirement would eliminate a surface parking lot, staff has included a condition below that would assure, at a minimum, retention of the same number of parking spaces in addition to those required for the new residential units.

11. ***Landscape Manual:*** The proposed development is subject to the requirements of Sections 4.1, 4.3, 4.4, and 4.6 of the *Landscape Manual*. Staff has reviewed the submitted plans against the requirements of these sections and found them to be substantially in conformance.
12. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Type I Tree Conservation Plan TCPI/034/06 was approved by the Planning Board with Preliminary Plan 4-06050, but is yet to be certified. Signature approval of the TCPI is required prior to signature approval of the Type II tree conservation plan.

The Environmental Planning Section has reviewed the proposed TCPII and is recommending approval subject to a single condition. Therefore, it may be said that the proposed project is designed in accordance with the requirements of the Prince George's County Woodland Conservation Ordinance.

13. **Urban Design Analysis:** The purpose of the M-U-I Zone is to provide a bona fide mix of uses on the site. Though not a phased project, the developer has an approved detailed site plan that is overwhelmingly residential directly opposite the project on the western side of Baltimore Avenue. At the time of the approval of that detailed site plan, the promise was made that the portion of the project to be completed on the eastern side of Baltimore Avenue would be bona fide mixed use. However, the East Village includes only a small percent of the development as commercial with residential condominiums and/or "live/work" units specified even on the first floor of the multifamily building most proximate to the Jefferson Avenue commercial center. Therefore, the Urban Design Section recommends removal of all reference to residential use on the first floor of that building and a commitment to it remaining commercial in perpetuity. Recommended conditions below would accomplish that.

Additionally, Urban Design review found the architecture of the rear elevations of the buildings lacking and felt it should be improved to approach the quality of the front and side façades as follows:

Building 1

The rear of this L-shaped building is composed of two distinct facades. The elevations submitted by the applicant identify them as Elevation C (facing the parking lot and 45th Avenue) and Elevation D (facing the parking lot and Ingraham Street). The interior five commercial segments of Elevation C and the interior four commercial segments of Elevation D should utilize the same treatment as the fronts. This would involve a combination of the use of brick veneer, wood, corrugated metal panels, aluminum clad cornices, a mix of fabric and metal canopies and store front glass, with minimal use of painted hardi-board and no use of split-face concrete block masonry unit. Additionally, the use of architectural detail and color accents on the rear elevations should be similar to that on the front and sides. This would include a more varied roofline, with pronounced cornices and various types of moulding and paneling, with cornices and awnings offering color accents.

Building 2

Like Building 1, the rear of this L-shaped building is composed of distinct facades. Identified as Rear Elevations C (facing the parking lot and 45th Avenue) and Elevation D (facing the parking lot and the "Sudsville" property to its north). Staff would recommend the same treatment for this building as for Building 1, having the rears mimic the fronts in architectural material, design, detailing and color.

Building 3

Building 3 differs from Buildings 1 and 2 as it is intended primarily for residential use but is similar in that the architecture of the rear of the building has been almost totally ignored. Visible from the parking lot to its rear and 45th Avenue and beyond, staff would suggest, once again, that the architecture of the front of the building be wrapped to the back. Acknowledging minimal use of corrugated metal, some precast stone and some brick, staff notes the overriding use of hardi-panel as the main building material, over other higher quality choices. In addition, since it is anticipated and recommended by condition that the entire first floor of this building be commercial, front and rear, the first floor should present as retail establishments. More storefront glass should be utilized and colorful canopies, with colors coordinated to the architectural materials should be employed. In building three, changes to massing and details of the architecture are less important than ensuring the materials match the front and that the first floor have a commercial aspect.

Building 5

Building 5 is proposed to be utilized entirely for residential use. As with Buildings 1, 2 and 3, there is a lessening of the quality of the architecture of the rear façade. In this case, the difference, however, is not as great and the building backs on a parking lot and the backs of townhome units. Therefore, staff does not suggest modifications to the rear architecture as presented.

Recommended conditions below attempt to accomplish these changes.

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

Historic Preservation—In comments received June 29, 2007, the Historic Preservation and Public Facilities Planning Section, noting that the subject property lies within the Hyattsville National Register District 68-10, stated that DSP-066029 and SP-070003 would have no effect on historic resources in the vicinity of the subject site.

Archeological Review—In a memorandum dated July 17, 2007, the staff archeologist stated that a Phase I archeological survey would not be required with respect to the property covered by DSP-06029 and SP-070003 because 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 boundaries of the subject property is low as modern construction on the site has likely destroyed any archeological sites that may have been present on the property. Additionally, they stated that the applicant should be aware that the Hyattsville Armory (68-041-09), a property listed in the National Register of Historic Places, and a Baltimore & Ohio Switching Tower (68-008), a county historic site, are located adjacent to the property and there are 11 other county historic sites and one National Register property within a one-mile radius of the subject property. In closing, the staff archeologist stated that Section 106 review may require archeological survey for state or federal agencies as Section 106 of the National Historic

Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties to include archeological sites when site or federal monies, or federal permits are required for a project.

Community Planning—In a memorandum dated July 25, 2007, with respect to DSP-06029 and SP-070003, the Community Planning North Division stated that the application conforms to the 2002 General Plan development pattern policies for the Developed Tier and that it conforms to the mixed-use-infill land use recommendations of the 2004 Gateway Arts District sector plan and sectional map amendment as well as the development standards of the Gateway Arts District Development District Overlay Zone.

Please see Finding 13 for a more detailed discussion of conformance with the applicable sector plan.

Transportation—In a memorandum dated September 20, 2007, the Transportation Planning Section stated that they had reviewed all plans associated with the EYA East Village project and provided the following comment:

- DSP-06029 and SP-070003 propose 192 residential townhouse units and 34,500 square feet of commercial space, with 639-749 parking spaces (383 surface).
- The proposed retail-only component would be provided with 147 surface parking spaces which is 5 spaces more than the required 105 spaces. Per the 2004 approved sector plan and sectional map amendment for the Prince George's County Gateway Arts District, the maximum parking for any retail development should not exceed 80 percent of the number of off-street parking spaces required by Section 27-568 9(a) of the Zoning Ordinance, which was calculated to be 142 spaces or one for every 150 square feet up to the first 3,000 square feet and one space for every 200 square feet thereafter.
- The proposed development is within the requirements of the relevant preliminary plan for the site, a total of 470 residential dwelling units and 38,005 gross square feet of commercial retail space.
- The relevant approved plans do not require any adequacy determination for transportation facilities as part of any site plan review, and the transportation planning section made a determination of compliance with the approved development standards of the two approved plans as well as the adequacy of on-site circulation patterns.
- With regard to development standards, the proposed plan shows more parking than the maximum parking that is allowed. However, since all of the proposed additional parking spaces except three would be constructed as structured parking as required by both approved plans, the Transportation Planning Section was not concerned though they verbally suggested to staff that this variation from the district development plan be correctly indicated on the Development District Overlay Zone standards for the town

center in the Gateway Arts District chart included on Sheet C1.02 of the submitted detailed site plan set for the subject project.

Further research indicated that because Hyattsville does not have a parking district established, the maximum parking requirements would not apply. Therefore, the above-mentioned chart need not be revised and a variation to the parking requirement need not be granted.

Subdivision—In a memorandum dated October 3, 2007, the Subdivision Section stated the property is subject of Preliminary Plan 4-06050, approved by the Planning Board on September 13, 2007. The resolution, PGCPB Resolution 07-01(A), contains 31 conditions.

Please see Finding 10 for a discussion of compliance with the relevant requirements of that approval.

Trails—In a memorandum dated September 19, 2007, the senior trails planner stated that the relevant approved preliminary plan requires pedestrian and trails facilities, including a bikeway and wide sidewalk along US 1 and a network of internal sidewalks. These include the provision of a trail along the abandoned trolley right-of-way (Parcel 108). Specifically, Condition 4 requires that prior to the approval of the detailed site plan for the site, the applicant present proof that legal action has been filed in the appropriate court for the purposes of obtaining ownership of those portions of the abandoned trolley right-of-way (Parcel 108) that are adjacent to the subject property (and which are not already owned by the applicant), and also those portions of the right-of-way adjacent to Lots 2 and 3. The condition goes on to say that the applicant shall diligently pursue said legal action, and if successful, the applicant shall construct the master plan upon those portions of said right-of-way adjacent to the subject property.

Additionally, the senior trails planner, noting that the applicable Gateway Arts District sector plan identifies pedestrian and bicycle facilities as potential transportation modes for some trips within the study area, suggested that having bicycle-compatible roadways and pedestrian-friendly streetscapes make it possible for residents and employees to make some trips without using their automobiles. He noted that this is especially important in urban areas and areas around mass transit where higher residential, office and commercial densities make it more feasible for some trips to be made without an automobile.

Further, he noted that the sector plan also recognizes pedestrian safety as a priority at road crossings and trail intersections to be ensured at time of detailed site plan. Specifically, he noted that such safety measures could include curb extensions, in-pavement lighting in crosswalks, raised crosswalks, road striping, additional signage and lighting, and contrasting surface materials as deemed appropriate by the communities and road agencies.

He also noted that the sector plan recommends specifically that all new roads and all retrofit road projects be developed in accordance with the AASHTO Guide for the Development of Bicycle Facilities, where feasible, including identified current “best practices” for accommodating bicycles on roads including designated bike lanes, wide outside curb lanes, paved shoulders, and

shared-use roadways. Specifically with respect to US 1, he noted the sector plan recommends on-street bike lanes, continuous sidewalks, and suitable pavement markings to accommodate bicyclists.

Specifically, with respect to the Rhode Island Avenue Trolley Trail, he noted that the sector plan recommends a master plan trail/bikeway along the former Rhode Island Avenue Trolley right-of-way. Further, he noted that the illustrative plan for the preliminary plan reflected this multiuse trail parallel to the Baltimore & Ohio Railroad tracks and within the former trolley right-of-way. Noting that the right-of-way for the trail is off but abutting the subject property and that other segments of the trail have been implemented by the City of College Park, he suggested that pursuant to the master plan recommendation that the trail ultimately be extended from Beltsville south to the District, the applicant provide the portion of the trail adjacent to the site. He noted that since the trail, while a master plan facility is not a designated park trail, maintenance responsibility would have to be assumed by either the HOA or one or both of the local municipalities. In completing his discussion of the trail for the project, he noted that if it is to be located on HOA land, it should be placed within a 20-foot-wide public use easement.

In closing, with respect to sidewalk connectivity, the senior trails planner noted that an extensive network of standard and wide sidewalks is proposed including standard sidewalks along both sides of all local, internal roads and a wide 20+-foot-wide “streetscape” along US 1, Jefferson and Ingraham Streets. While stating that the wide sidewalks would accommodate the high pedestrian volumes anticipated in the vicinity and fulfill the intent of the master plan, he expressed concern about the width of the sidewalks along the other streets in the development. Particularly, he indicated that the four-foot sidewalks along Longfellow Street, 45th Avenue and Ingraham Street are insufficient. He said that a four-foot width is only acceptable in low-density, single-family areas. In areas such as this, urban areas with a mix of multifamily and single-family dwellings developed in an urban context, the proposed sidewalks are too narrow to adequately accommodate pedestrians and thereby encourage walking over vehicle trips. He noted that this notion is supported by the Federal Highway Administration’s guide “Designing Sidewalks and Trails for Access.” Therefore, the senior trails planner recommended six-foot sidewalk along 45th Avenue and Longfellow Street.

The senior trails planner’s suggestions have been incorporated as recommended conditions below.

Parks—In a memorandum dated September 25, 2007, the Department of Parks and Recreation (DPR) reviewed Preliminary Plan of Subdivision Conditions 2, 3, 4 and 12 and recommended that five conditions be attached to the approval. Please see Finding 10 for a more detailed discussion of those conditions. The conditions recommended by DPR relate to the construction a trail along the eastern edge of the property and the need for assurances that the private recreational facilities be completed as planned for the subdivision. Those suggested conditions have been included in the recommendation section of this report.

Permits—In comments dated July 5, 2005, the Permit Review Section offered several comments with respect to DSP-06029 and SP-070003. The comments have been addressed by revisions to the plans or in the recommended conditions below. Please note that sign details for the community or for the on-site commercial component were not provided for review and will require a revision to the detailed site plan at the time the applicant wishes to have such signs approved.

Environmental Planning—In a memorandum dated September 25, 2007, the Environmental Planning Section offered the following: There are specific recommendations pertaining to the environmental elements of the sector plan that relate to the subject property. This site is currently partially developed and predominantly paved. The environmental elements pertaining to the subject property are reduction of impervious surfaces, noise pollution, stormwater management and woodland conservation. The respective environmental conditions are in **bold** typeface; the associated comments are in standard typeface.

“1c. Stormwater Management: Existing regulations require adequate control of stormwater runoff (Subtitle 4, Division 2, Prince George’s County Code)”

A stormwater management concept approval letter and plan (CSD# 14838-2006-00) dated July 17, 2006 has been submitted.

“g. Protection and Restoration of Woodlands: The Woodland Conservation Ordinance requires the conservation of woodlands through preservation, reforestation and afforestation of woodland and specimen trees by meeting minimum woodland conservation thresholds (Subtitle 25, Prince George’s County Code)”

The subject property is mostly cleared and developed in places but contains some woodland areas that are regulated. The property is subject to the provisions of the Prince Georges County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodlands on-site. A Type II Tree Conservation Plan has been submitted with the application, which uses a threshold calculation of 15 percent as required by the zone. The site has a Type I Tree Conservation Plan (TCPI/034/06) approved by the Planning Board and is pending signature approval.

The site is located in the Development Tier at a location where development potential should be maximized. In addition, the woodlands that do exist on-site are of low retention priority because of the high percentage of invasive plant species and low species diversity. The emphasis on this site should be placed on the provision of extensive streetscapes and the planting of the shade trees throughout the site. The street trees and other landscaped areas may be used to meet the requirements if certain design parameters are met. Comments regarding tree canopy cover for the site are provided in the Environmental Review section below.

“2. Incorporate low-impact development design features and implement green building techniques that include the latest environmental technologies.”

The submitted approved Stormwater Management Concept plan shows the use low-impact development design features, which includes bio-retention structures and sand filters that will provide water quality for some runoff on the site. The landscape plan provides tree canopy cover to the extent possible for the proposed layout. The proposed retail building on the southern portion of the site will be designed with green roof technology.

With regard to green building techniques, this will be applied through the renovation and rehabilitation of the existing Lustine Showroom, which will be used as a community center. Rehabilitation of this building includes the abatement of toxic materials such as lead paint and asbestos. Renovation efforts will include recycled cement for the exterior, energy efficient insulated glass, and recycled rubber flooring for the fitness center. The proposed townhomes on-site will also include recycled cement for the exterior, high efficiency appliances, and insulated garage doors.

“3. Affirm county and state Smart Growth initiatives and the policies and strategies of the General Plan. New development and redevelopment should enhance existing green infrastructure elements such as wetlands, woodlands, open space, landscaped areas, street tree corridors, and sensitive species habitats. It should also establish open space linkages where they do not currently exist.”

The site does not contain any green infrastructure elements and it is not located in the green infrastructure network of the Countywide Green Infrastructure Plan.

“4. Seek opportunities to create new connected green infrastructure elements. New development or redevelopment project proposals should establish landscaped areas and open space connections, wherever possible.

The subject property is not adjacent to a designated green corridor and does not contain woodlands, wetlands or sensitive species habitat. The tree cover requirements in #5 below will serve to address the landscaping provisions above.

“5. Require the following tree cover areas based on ten-year tree canopies: 10 percent tree cover on all properties not in the CBCA I-D-O overlay and within the industrial areas, 15 percent tree cover on property containing an L-D-O (limited development overlay), 20 percent tree cover within mixed-use or commercial areas, and 26 percent tree cover within residential areas. Establish street trees along main transportation corridors. Count trees planted in the public right-of-way but within 16 feet of a property line toward a development’s tree coverage.”

The site has a condition of approval for a 20 percent tree canopy cover requirement. See Condition 14 of PGCPB No. 07-01, File No. 4-06050 below. Tree canopy cover is discussed in Condition 17 of the preliminary plan below.

“6. Decrease impervious surfaces by sharing parking to the fullest extent, constructing green roofs, and following the County’s Department of Environment Resources requirements to the fullest extent.”

Based on Landscaping map, sheet # L2.01D as submitted, the existing impervious area on the site is 13.20 acres or 79.9 percent. The proposed impervious surface is 12.21 acres or 73.9 percent. The decrease in impervious area is a result of the creation of shared parking with open spaces (grassed) in the parking lot area. The plan also provides 1.7 percent of green roofs on-site.

“7. Use micromanagement stormwater treatment methods on new development or redevelopment projects.”

According to the stormwater management concept approval letter, conditions for the use of sand filters, bio-retention, and reduction in impervious coverage will be implemented on this site

Prince George’s County Fire/EMS Department—At the time of this writing, the Fire/EMS Department has not offered comment on DSP-06029 and SP-070003. However, the Fire/EMS Department did offer comment on companion case SP-060001.

Department of Public Works and Transportation (DPW&T)—In a memorandum dated July 13, 2007, with respect to SP-060001, DPW&T noted that the subject property fronts on Baltimore Avenue. With respect to permit requirements and required frontage improvements along that project periphery, the Maryland State Highway Administration has jurisdiction. Additionally, DPW&T noted that the remainder of the streets providing frontage to the development are maintained by the City of Hyattsville; therefore, frontage improvements and right-of-way dedication requirements will be determined by the city. Lastly, they stated that the site development has an approved Stormwater Concept Plan #14838, dated July 17, 2006. DPW&T did not express an opinion, however, as to whether or not the subject plans conformed to the requirements of that approval.

Prince George’s County Health Department Division of Environment Health—In a memorandum dated July 23, 2007, the Health Department made the following comments with respect to DSP-06029 and SP-070003:

- a. The abandoned shallow well found within the confines of the above referenced property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit.
- b. A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. A note

needs to be affixed to the plan that requires that the structures are to be razed and the well properly abandoned before the release of the building permit.

Washington Suburban Sanitary Commission (WSSC)—In a revised memorandum dated September 27, 2007, with respect to DSP-06029, WSSC stated that a water and sewer extension would be required, that existing WSSC facilities are located on the site and that a submission has been made to WSSC, though an onsite view package should be submitted. Additionally, noting that Project #DA4732Z07 is an approved project within the limits of the site and that additional right-of-way would be required, WSSC suggested that the applicant adhere to all of John Madagu’s comments and conditions specified in DSG-Letter of Findings conceptual approved dated August 27, 2007.

Maryland State Highway Administration (SHA)—In a letter dated July 16, 2007, SHA stated that it had no objection to approval of DSP-06029 and the proposal to minimize tree coverage and maximize the open space for the site as outlined in the justification letter for SP-070003.

PEPCO—In two separate undated sets of comments, citing subdivision regulations CB-48-1981, Subtitle 24, Section 24-122, paragraph 3, CB-48-122 paragraph 3, and Section 24-128, Private roads and easements, paragraph 12, PEPCO stated the following with respect to DSP-06029 and SP-070003 and SP-060001:

“PEPCO requires the applicant to show a suitable 10-foot public utility easement parallel, adjacent and contiguous to all public and private roads and alley right of ways free and clear of any permanent structures, buildings, sidewalks, curbs, paving, trees, shrubs, retaining walls, landscape buffers and trails.”

Verizon—In verbal comments to staff, a representative of Verizon reiterated PEPCO’s above comments. In fact, he suggested requiring the applicant, prior to signature approval of the plans, to present a letter stating that Verizon had agreed to provide the subject development with communications services and that the applicant had granted them suitable easements.

City of Hyattsville— The City of Hyattsville, in a formal motion, supported the East Village Detailed Site Plan. They stated that they were excited and pleased with the construction of the applicant’s West Village and are looking forward to the development of this phase. They then acknowledged that the applicant had made some revisions in their plans over time in response to their comments. The City, however, still found the following outstanding with respect to the EYA East Village project:

- The entire first level of the condominium building closest to Jefferson Street should be commercial use only;
- No live/work units or residential condos should be permitted on the first level closest to Jefferson Street;

Urban Design Comment: While the developer has partially conceded on this issue, live-work units remain in the front and residential units remain on the back. Recommended conditions 1(n) and 1(p) below would ensure that the units (both on the front and rear of the building) be designated to be used in perpetuity exclusively for commercial use and so not be designated as live/work.

- Appropriate parking should be provided behind the commercial space included in the project.

Urban Design Comment: Such parking has been provided on the project's plan.

- The facades of the condominium buildings and the retail buildings should have more brick and architectural detailing on all sides;

Urban Design Comment: Though the architecture for the project has been improved through the development review process, the rear façades remain lacking. Recommended condition I (u) below would ensure that they be further improved.

- The configuration of the townhouses backing up to the parking lot and the fronts of residential units facing the backs of residential units is not desirable (Buildings 3 and 5);

Urban Design Comment: Recommended condition I (p) would remove the residential units fronting on the parking lot and facing the back of the townhouse stick located on the western side of 45th Avenue opposite its intersection with Kennedy Street.

- The removal of the units opposite the end of Kennedy Street would improve the parking circulation and the delineation of residential and commercial areas;

Urban Design Comment: The Urban Design Section views the units opposite the end of Kennedy Street as buffering the negative visual impact of the parking lot. Therefore, staff does not support the removal of these units.

- The fourth level facades and the backs of the townhouses should utilize a variety of materials and colors, including brick veneer, hardi-planks (not just the hardi-panels on the lofts);

Urban Design Comment: Staff supports the applicant's proffered treatment of the optional fourth level lofts, which is consistent with and has been utilized by EYA in its West Village project.

- Townhouse backs visible to parking lots and streets (such as those of Buildings 6, 7, 8, and 28) should be brick like the backs of the live/work units in the West Village;

Urban Design Comment: A condition below requires that architectural treatment be wrapped to the rear on units visible from streets and parking lots.

- The sidewalks along main roads should be at least five feet wide, and the sidewalk areas along 45th Avenue adjacent to the parking lots should have landscaping.

Urban Design Comment: A recommended condition below requires that sidewalks measure a minimum of five feet wide. Additionally, staff has found that parking lots have been landscaped in accordance with Section 4.3 of the Prince George's County *Landscape Manual*.

- In this motion, the City stated that the project encompassed 15 acres on the east side of Baltimore Avenue, that the development included 163 townhouses (including one live/work unit), 76 condominium units, 35,797 square feet of retail, and 6,655 square feet of retail live/work. Further, they stated that the condominium units are to be located in two three-story buildings located along Baltimore Avenue, with units ranging from 650 to 1,000 square feet. The townhouses are arranged on a grid pattern as approved by the preliminary plan. A community pool and park, along with a trail are located at the back of the site near the railroad tracks. In closing, the City stated that they understood this application to be the second of three phases of a 20-acre town center project; that in December 2005, prior to acquiring some additional parcels, the total residential unit count was approximately 450 whereas the estimated total unit count would now become 600, with a concomitant increase in commercial square footage, with the proposed residential/commercial mix for this phase 88 percent residential to 12 percent commercial and the proposed mix for the entire project 93 percent residential and 7 percent commercial.

Staff Comment: Staff would like to note that since the EYA Hyattsville project is not technically a phased project, each detailed site plan should be considered on its own merits independent of prior and future applications. With respect to the details of the City's comments, while the Urban Design Section is supportive of the majority of the comments, we feel the units opposite the end of Kennedy Street provide a visual buffer from the commercial parking lot and so should be retained where they are located.

Town of College Park—At the time of this writing, staff has not received comment from the Town of College Park.

Town of Cottage City—At the time of this writing, staff has not received comment from the Town of Cottage City.

Town of North Brentwood—At the time of this writing, staff has not received comment from the Town of North Brentwood.

Town of Bladensburg—At the time of this writing, staff has not received comment from the Town of Bladensburg.

Town of Brentwood—On September 26, 2007, a representative of the Town of Brentwood stated that they did not care to comment on the subject project.

Town of Edmonston—In a telephone conversation held with a member of the Urban Design staff, a representative of the Town of Edmonston stated that they had no comment on the proposed project.

Town of Riverdale Park—In a special legislative meeting held by the Town of Riverdale Park, the Town Council formalized their support of Special Permit Application #SP-060001 (the companion case to the subject application) in a resolution approved unanimously. Specifically, the resolution stated that the town recommended approval of the special permit including departures for residential use only on Madison Street, to allow the applicant not to install fences on the lots that exceed seven feet in depth to create visual continuity and to allow landscaping to qualify as appropriate screening to meet the M-U-T-C guidelines. Staff has been provided with copy of the above resolution in lieu of comments.

The Town of Riverdale, however, made no comment on DSP-06029 and SP-070003.

Town of University Park—At the time of this writing, comment has not been received from the Town of University Park.

15. 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 Type II Tree Conservation Plan (TCPII/063/07) and further APPROVED Detailed Site Plan DSP-06029 and SP-070003 for the above-described land, subject to the following conditions:

- A. Staff recommends APPROVAL of the following alternative development district standards for the M-U-I-zoned portion of the site that is subject to the development standards of the *2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*:
 1. P145. Table 1: Build-to Line. (to allow Buildings 1, 5A and 14 to be located approximately 15.5 feet from Baltimore Avenue's right-of-way and residential units 97, 114, 124, and 138 to vary from 7.5 to 9.7 from face of curb.)
 2. P147. Access and Circulation. Standard 6. (to allow alleys to measure 20 feet instead of the 18-foot maximum specified)

- B. Staff recommends APPROVAL of Detailed Site Plan DSP-06029 and Special Permit SP-070003 for EYA Hyattsville Redevelopment, East Village, and Type II Tree Conservation Plan TCPH/063/07, subject to the following conditions:
1. Prior to certificate approval of this detailed site plan, the applicant shall revise the plans as follows:
 - a. The applicant shall provide 5-foot standard sidewalks along the following internal streets: (1) both sides of 45th Avenue, south of Kennedy Street to its intersection with Ingraham Street; (2) on one or both sides of Ingraham Street between 45th Avenue and Route 1; (3) along the perimeter of Building No. 3 (the condominium building south of Sudsville); and (4) along the east side of 45th Place, from the crosswalk at its intersection with Street A, south to its intersection with Kennedy Street, then following along the south side of Kennedy Street to its intersection with 45th Avenue. All other internal streets shall have sidewalks on both sides of at least 4-feet in width.
 - b. The applicant shall provide striped or decorative crosswalks across US 1 at Madison Street, across US 1 at Longfellow Street, and across US 1 at Jefferson Street, unless modified by SHA. Such design modification shall be approved by the Urban Design Section as designee of the Planning Board.
 - c. The applicant shall provide striped or decorative crosswalks across 45th Avenue on the south side of Jefferson Street, across 45th Avenue at Street A, and across Ingraham Street at US 1, unless modified by either DPW&T or the City of Hyattsville. Such design modification shall be approved by the Urban Design Section as designee of the Planning Board.
 - d. The applicant shall provide the applicable Gateway Arts District Character Area within the general notes.
 - e. The applicant shall indicate ramps or depressed curbing at all parking for the physically handicapped.
 - f. Applicant shall add one loading space to the plans for the project for a total of two.
 - g. The applicant shall add the required safety fence around the pool and include a notation as to its height.
 - h. The applicant shall include information on all building heights.
 - i. The applicant shall include a note on the plans stating that all portions of the buildings represented in the subject approval as commercial shall remain commercial in perpetuity, with the exception of those potentially converted to residential pursuant to Condition 1k below.

- j. The applicant shall revise the plans to replace all fencing specified as wood with a durable non-wood material. Such material change shall be approved by the Urban Design Section as designee of the Planning Board.
- k. The space currently proposed as five (5) live/work units in the rear of the building identified on the plans as “Building 3” shall be marketed in good faith as five live/work condominiums for a period of nine (9) months from the date of the resolution approving this detailed site plan (or from the date of the District Council resolution, (if reviewed by that body). A sixth unit on the rear of the building shall remain residential to meet ADA, or other applicable accessibility requirements. At the conclusion of that nine-month marketing period, the applicant shall report back to the Planning Board (without being required to do so as a request for reconsideration) as to the efforts made and results achieved in the marketing of those units. If the marketing effort fails to result in the sale or lease of all five (5) of the live/work units, the applicant may then request that those which have not been sold or leased of all five (5) proposed live/work condominiums be allowed to be marketed solely as residential units, and the applicant may then also present a redesign of the rear of all or a portion of Building 3 in that event.
- l. Applicant shall submit detailed construction drawings for the master planned trail to the Department of Parks and Recreation for review and approval. Requirements for this trail include the following:
 - (i) The applicant shall revise the plans to show a twenty-foot-wide public-use easement along the trail alignment shown in the detailed site plan.
 - (ii) Plans shall be revised to show a two-foot shoulder on both sides of the ten-foot-wide master planned trail throughout the entire length of the trail. This shoulder may be paved or natural surface and shall be cleared of all obstructions.
 - (iii) The trails shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*. The construction drawings for the hiker/biker trails shall include typical sections and details for any structures necessary to assure dry passage such as a bridge, boardwalk or retaining wall.
 - (iv) When trails are constructed through wooded areas, all trees shall be removed that are within two feet of the edge of the trail. Within 20 feet of the trail, 1) All trees shall be cleared of branches to allow 12-foot clearance; and 2) Other vegetation obstructing the view from the trail shall be removed (e.g. shrubs, fallen trees).
 - (v) Shallow rooted species (e.g. maples) shall be located a minimum of 10 feet from the edge of the pavement.
 - (vi) The location of the trail shall be staked in the field and approved by the Department of Parks and Recreation prior to its construction.

- (vii) The trail shall be designed to meet handicapped accessibility design standards. The Department of Parks and Recreation shall review and approve the trail layout and slopes to ensure it meets recommended design standards prior to certification of the detailed site plan.
- (viii) In addition to the trail alignment shown on the current detailed site plan, the applicant shall include an additional ten-foot-wide trail alignment, as an alternative in case that Parcel 108 cannot be acquired as shown in the Department of Public Works and Recreation Exhibit "A". This trail shall include a public-use easement along the trail right-of-way in the event that it is built.
- m. The applicant shall revise the rear elevations of the townhome sticks visible from parking lots and streets (Buildings 6, 7, 8, and 28) to include carriage style garage doors, or other alternative styles, to be mutually agreed upon by the applicant and the Urban Design Section, for all garage doors for the residential units. Such design modification shall be reviewed and approved by the Urban Design section as designee of the Planning Board.
- n. Where the rears of buildings are visible from an adjacent street or parking lot, their design shall be enhanced utilizing high quality, architecturally distinct features, as follows:

The entire rear facades of Buildings 1 and 2 (both of the L-shaped commercial buildings at Route 1 and Jefferson Street) will be revised to ensure that such rear facades are architecturally distinct second entrances (the primary entrances being on Route 1 and Jefferson Street) for the retail tenants. The elevations will include varying heights, cornice details, signage, metal and fabric canopies, and corrugated metal accents. The façade materials of the same buildings will be a diverse and rich mix of brick, split-face masonry, corrugated metal, commercial grade glass storefronts (subject to landlord and tenant agreement), and windows. The variety of the materials and color palette will provide an eclectic, diverse architectural style in keeping with the Arts District. Commercial bays shall be differentiated by massing of the buildings, as well as variations in roofline, color and signage.

The rear facades of Mixed-Use Building 3, visible from the parking lot to its rear, 45th Avenue and beyond, shall be revised to reduce the preponderance of hardi-panel, and to include a combination of brick, corrugated metal, pre-cast stone, and hardi-panel. The first floor of the live/work condominiums on the rear of the building will utilize more storefront glass and colorful canopies, with colors coordinated to the chosen architectural materials as evidenced on Buildings 1 and 2. If, however, one or more of the units proposed as live/work condominiums in the rear of this building can not be sold or leased as such (after a good faith marketing effort to do so for nine months, as set forth in Condition 1k), the applicant may then request that the Planning Board approve a redesign of the rear of this building.

The rear elevations of the townhome sticks visible from adjacent parking lots and streets (Buildings 6, 7, 8 and 28) shall utilize as sheathing material a combination of brick, corrugated metal and siding, resulting in a high quality architecture that is both diverse and cohesive.

Final design of the rear elevation of the above-described buildings facing parking lots and streets shall be reviewed and approved by the Urban Design Section as designee of the Planning Board.

- o. Applicant shall revise site tabulation so that the first category reads “Proposed Townhouse Uses” and the design program for the development shall be described as including
*~~[275 278]~~ [275 278] dwelling units; *~~[243 246]~~ [243 246] on the M-U-I portion of the site and 32 on the M-U-T-C portion of the site and 35,797 square feet of commercial space on the M-U-I portion.
 - p. Applicant shall replace the note on Sheet C1.02 Development District Overlay Zone Standards for the Town Center in the Gateway Arts District which states that the development provides no loading spaces with a note that more correctly states that two loading zones are provided for the development, after revision to plans is made to indicate the second required space pursuant to condition 1(f) above.
 - q. Applicant shall revise the plans so that access to the project at the Baltimore Avenue, Ingraham Street intersection is designed as a right-in/right-out access only with the physical triangular barrier included in the design. Final design shall be approved by the Transportation Planning Section as designee of the Planning Board and conditioned on State Highway Administration’s approval.
2. Prior to approval of the final plat for the project, applicant shall:
- a. Place a note on the plat that prior to the issuance of the first building permit, appropriate bikeway signage shall be placed along Baltimore Avenue (US 1) as described in Condition 3 below.
 - b. Mark and label on the final plat a 20-foot-wide public use easement over that portion of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property that is now or will be owned by the applicant.

*Denotes correction

~~[Brackets]~~ denotes deletion

Underlining denotes addition

3. Prior to issuance of the first building permit:
 - a. Due to its designation as a Class II bikeway, the applicant, and the applicant's heirs, successors, and/or assignees shall provide for the installation of one "Share the Road with a Bike" sign in accordance with state requirements, if the location of such signage is found acceptable to SHA. The developer shall then purchase the signs from the state and install them in accordance with the state's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities.
 - b. Applicant shall cause the shallow well on the subject property to be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit.
 - c. The applicant shall procure the required raze permit prior to the removal of any structures on the site.
 - d. The applicant shall, for that portion of the abandoned trolley right-of-way (Parcel 108) adjacent to the subject property that is now or will be owned by the applicant, have placed it within a 20-foot-wide public use easement. Such easement shall be marked and labeled on the detailed site plan.
4. Applicant shall present a certification by a professional engineer with competency in acoustical analysis, which shall be placed on the building permits, stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.
5. Prior to the issuance of the first grading permit for the project, the applicant shall photographically document those buildings identified as contributing resources to the Hyattsville National Register Historic District within the subject property prior to their demolition.
6. Applicant shall make a good-faith effort to salvage any significant materials and details from the buildings to be demolished on the site for reuse elsewhere within the developing property, or for donation to the Newel Post, the architectural salvage depot operated by the Prince George's County Historical and Cultural Trust, a countywide, nonprofit historic preservation organization.
7. Prior to final plat of any property east of 45th Place as shown on DPR Exhibit "A", a final alignment of the trail shall be determined. If the alternative trail alignment is needed, the lotting pattern of DSP-06029 shall be revised to include the alternative alignment and all other needed components of the plan.
8. Three original, executed Recreational Facilities Agreements (RFA) shall be submitted to the DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

9. A performance bond, letter of credit or other suitable financial guarantee (for the proposed private recreational facilities), shall be submitted to DRD in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits.
10. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
11. Prior to final plat of subdivision of building block 24, the applicant, his heirs, successors and/or assignees shall acquire title and site control over Parcel 108. In the event that the applicant, his heirs, successors and/or assignees cannot acquire Parcel 108:
 - a. The layout of block 24 shall be revised to remove Lot 194 from the plan.
 - b. The applicant shall file a revision to DSP-06029 to incorporate the ten-foot-wide master-planned trail on-site and any changes necessary as a result of incorporating the trail on the plan.
12. The applicant shall build the preferred or alternative trail as shown on Exhibit "A" provided by the Department of Parks and Recreation and attached to and made part of the technical staff report for the subject project.
13. Recreational Amenities for the development shall be completed in accordance with a schedule setting forth the triggers for bonding and completion of the various amenities, said schedule to be reviewed and approved prior to signature approval by the Urban Design Section as designee of the Planning Board. Should the applicant and staff be unable to agree on such schedule, the matter will be returned to the Planning Board for resolution.
14. Should multifamily units be built on the Robles and/or Brown properties the proposed building shall include structured parking sufficient to serve the new residential units in addition to providing a 1:1 replacement of the surface parking displaced by the new multifamily housing structure.

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 and Parker voting in favor of the motion, and with Commissioners Vaughns and Clark absent at its regular meeting held on Thursday, October 11, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of November 2007.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:RG:bjjs