

STATEMENT OF JUSTIFICATION
LIBRARY APARTMENTS
DSP-01002-04

APPLICANT/
CONTRACT PURCHASER: The Bernstein Companies
3299 K Street, NW
Washington, DC 20007

OWNERS: New Town Parking, LLC
3299 K Street, NW
Washington, DC 20007

ATTORNEY/
CORRESPONDENT: Matthew C. Tedesco, Esq.
McNamee Hosea, P.A.
6404 Ivy Lane, Suite 820
Greenbelt, Maryland 20770
(301) 441-2420 Voice
(301) 982-9450 Fax
MTedesco@mhlawyers.com

CIVIL ENGINEER: Bohler Engineering
Nicholas Speach, P.E.
Mira Gantzert
16701 Melford Boulevard, Suite 310
Bowie, Maryland 20715
(301) 809-4500
nspeach@bohlereng.com
mgantzert@bohlereng.com

ARCHITECT VARENHORST
Stephen Varenhorst, AIA
Elin Nguyen, AIA
230 N. 21st Street
Philadelphia, PA 19103
(215) 716-7340
(215) 940-1064
stephen@varenhorst.com
elin@varenhorst.com

REQUEST: Detailed Site Plan (DSP-01002-04) for the development of approximately 209 Multi-Family Residential Units in the Mixed Use-Transportation Oriented (M-X-T) and Transit District Overlay (T-D-O) Zones under the prior Zoning Ordinance.

I. DESCRIPTION OF PROPERTY

1. Addresses – 3325 Toledo Road, Hyattsville, Maryland 20782.
2. Location – South side of Toledo Road, approximately 265 feet east of its intersection with Adelphi Road.
3. Tax Account(s) – 3503455 and 3503430.
4. Total Area – 2.87 Acres.
5. Proposed Use –Detailed Site Plan for the development of approximately 209 Multi-Family Residential Units in the M-X-T Zone.
6. Record Plat – Plat Book REP 196 at Plat No. 29 (5-03002).
7. Existing Lots/Blocks/Parcels – Parcel H.
8. Council District – 2.
9. Police – District 1.
10. Tax Map/Grid – 42-A2.
11. Zoned – M-X-T.
12. WSSC Grid – 208NE03.
13. Archived 2002 General Plan Tier – Developed.
14. Plan 2035 Growth Policy Area – Established Communities.

II. NATURE OF REQUEST

The Bernstein Companies (hereinafter the “Applicant”) is requesting the approval of a Detailed Site Plan for the development of approximately 209 Multi-Family Residential Units in the M-X-T Zone, as shown on the submitted concept. The multi-family building is proposed to be constructed on a portion of Parcel H, which is currently entirely improved with a six-level parking garage. As described in greater detail below, the applicant is proposing to raze half of the existing parking garage and construct a seven story multi-family building in its place while retaining the other half of the existing parking garage.

III. UTILIZATION OF THE PRIOR ZONING ORDINANCE

Pursuant to Section 24-1704 of the Subdivision Regulations, this application is being filed pursuant to the prior Zoning Ordinance and will be reviewed pursuant to the prior M-X-T and T-D-O Zones. CSP-00024 was approved by the Planning Board on October 19, 2000 (PGCPB No. 00-195 was adopted on November 9, 2000) and is valid until April 1, 2042. Preliminary Plan of Subdivision (PPS) 4-01092 was approved by the Planning Board on March 28, 2002 (PGCPB No. 02-62 was adopted on April 25, 2002). Notwithstanding the approval of CSP-00024, and since the 2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment* ("TDDP/TDOZ") provides that "Conceptual Site Plans approved prior to July 19, 2016 have no bearing on the approval of a DSP for development in the Transit District," on March 16, 2023, the Planning Board approved PPS 4-22004 pursuant to the prior Zoning Ordinance and Subdivision Regulations, in accordance with Section 24-1900 *et seq.* (TDDP SP3 at p. 195). Accordingly, DSP-01002-04 is being reviewed in accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations.

Specifically, Preliminary Plan of Subdivision 4-22004 (PGCPB Resolution No. 2023-33) triggers the "grandfathering" provisions pursuant to Section 24-1903(b), which provides that "[o]nce approved, development applications that utilize the prior Subdivision Regulations shall be considered 'grandfathered' and subject to the provisions set forth in Section 24-1704 of this Subtitle." Section 24-1704(b) provides, among other things, "until and unless the period of time under which the subdivision approval remains valid expires, the project may proceed to the next steps in the approval process (including any zoning steps that may be necessary) and continue to be reviewed and decided under the Subdivision Regulations *and Zoning Ordinance in effect immediately prior to the effective date of the [new] County Subdivision Regulations and [new] Zoning Ordinance.*" (Emphasis added). Although the PPS was approved after April 1, 2022, Sections 24-1903(b) and 24-1704(b), when read together, clearly result in a "grandfathered" PPS that triggers the ability to pursue the "next steps in the approval process (including any zoning steps)" (i.e., a DSP under Part 27 of the prior Code). Consequently, this detailed site plan is filed under (or pursuant to) the prior Zoning Ordinance.

The applicant has spent more than fifteen (15) months and a significant amount of money not only preparing and processing PPS 4-22004, but also in preparing and designing this detailed site plan (including all accompanying supporting plans/documents) pursuant to the regulations and requirements applicable to the prior Subdivision Regulations and prior Zoning Ordinance. Further, the applicant recognizes that the provisions of the prior Subdivision Regulations and prior Zoning Ordinance (including the TDDP) have been successfully utilized and implemented for development of mixed-uses throughout the County generally and the Prince George's Plaza TDDP/TDOZ specifically for a decade. Therefore, development pursuant to the prior Subdivision Regulations and prior Zoning Ordinance offers the most efficient, flexible, and established framework for review and approval of the applicant's desired use/development at this time.

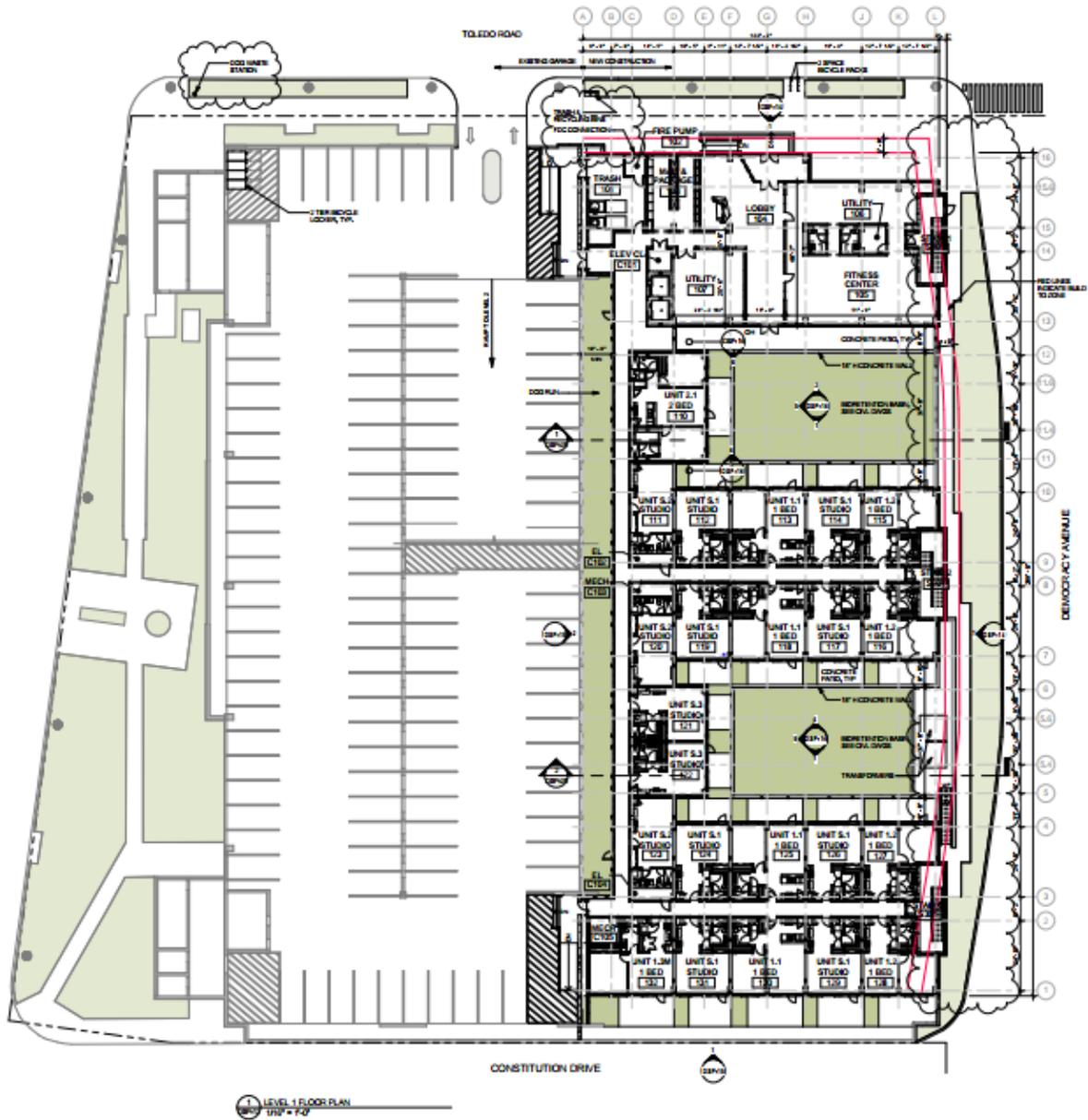
IV. APPLICANT'S PROPOSAL

DESIGN FEATURES

The applicant and owner propose to repurpose and replace a portion of an existing underutilized parking garage with residential apartments. The design aims to maximize the amount of natural light and ventilation for each residential unit and to shield the units from the portion of the parking garage that will remain. This design is accomplished by placing a circulation spine against the remaining half of the existing garage and creating two large outdoor courtyards that provide large green spaces. Each unit will have views of these courtyards, and the ground level units will have private patios. The courtyards also serve as landscaped micro-bioretenement facilities that aesthetically and naturally address the stormwater management needs of the site.







Much of the existing structure will be reused as much as possible in an effort to reduce waste. The footprint of the new building is within the existing garage footprint and maintains several foundations and retaining walls. Furthering the sustainable efforts, the building façade utilizes multiple metal panel types to create interest in the envelope. Metal panels have high recycled content, require minimal maintenance, and are recyclable at the end of their life, as needed. Large windows provide significant daylight to all the apartment units and amenity spaces. They are also operable to allow for natural ventilation.



Enhancing and activating Toledo Road (an existing A Street) is a priority for the design as well as the TDDP. Amenity spaces with large windows have been located along this street to push activity to the area. A covered canopy along the sidewalk will include benches for moments of rest or conversation for both residents and passersby. The street and frontage are design in conformance with the TDDP development standards and include, among other things, short-term bike parking, landscaping, and sidewalks. In addition, subsequent to meetings with the City of Hyattsville and with Technical Staff, the corner of the building is articulated by stepping back the ground floor walls in both plan and section. A canopy also extends out beyond the main façade to create another layer of articulation. The cornices are employed to break up the mass of the building, create depth and shadow, and another color to the palette. And a new element has been added to the roofline.



Significant landscaping to enhance the pedestrian experience will be provided along Toledo Road and Democracy Avenue (being designed (from a frontage perspective) as a “B” Street pursuant to flexibility approved by the Planning Board in approved PPS 4-22004 (PGCPB Resolution No. 2023-33 at p. 10)). A new, lighted sidewalk is being added along a significant portion of Democracy Avenue (being designed (from a frontage perspective) as a “B” Street

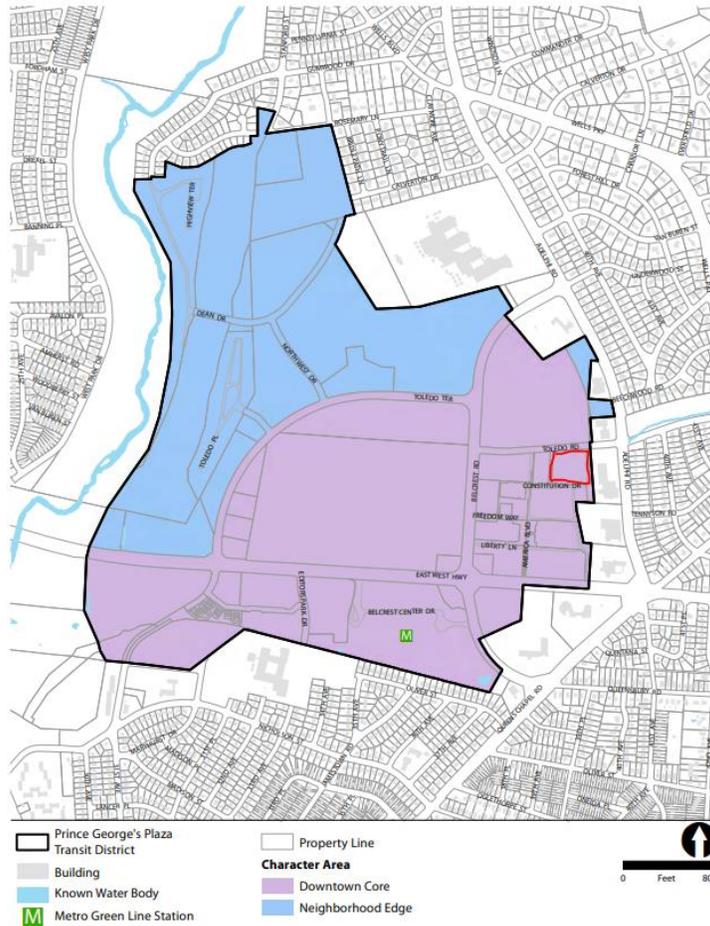
pursuant to flexibility approved by the Planning Board in approved PPS 4-22004 (PGCPB Resolution No. 2023-33 at p. 10)), which previously had no pedestrian pathway. It should be noted that Democracy Avenue is a private access driveway within the University Town Center development, and although is depicted in the TDDP as a “recommended connection” (Map 17 at p. 85), it is neither an “A” or “B” Street, nor a Pedestrian Street or Promenade. Based on feedback and meetings with the City of Hyattsville and Technical Staff, the frontage along Democracy Avenue has been revised to better accommodate the development district standards and the purpose and goals of the TDDP related to the same.

The design of the building incorporates residential scale components such as window mullions, cornice details, and human size panel proportions while also tie the overall shape of the building in with larger commercial proportions of the surrounding buildings.

V. COMMUNITY

The subject property is located in Planning Area 68, Councilmanic District 2, within the City of Hyattsville. More specifically, the site is located on the south side of Toledo Road, approximately 265 feet east of its intersection with Adelphi Road. The subject site consists of Parcel H, recorded on a plat for “Prince George Center” in Plat Book REP 196 at Plat No. 29. The property is 2.87 acres and is located in the Regional Transit-Oriented, High-Intensity–Core (RTO-H-C) Zone. However, the property is being reviewed and decided pursuant to the prior Mixed-Use Transportation Oriented (“M-X-T”) Zone and the prior Transit District Overlay (“T-D-O”) Zone with associated development standards found in the 2016 *Approved Prince George’s Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (“TDDP/TDOZMA”). The subject property is further located in the Downtown Core Character Area (*see* Maps 14 and 32. Character Area Map at pp. 71 and 202).

Map 32. Character Area Map



The subject property is surrounded by the following uses:

North: Toledo Road, and beyond, former parking lot, vacant land and the Prince George’s County Community Center in the RTO-H-C (prior M-U-I / T-D-O) and RSF-65 (prior R-55) Zones, respectively. (Approved entitlements for the Dewey Property).

South: Constitution Drive (a private access driveway – that is neither an A or B street), and beyond, commercial and mixed uses within the University Town Center and University Park Church of Christ in the RTO-H-C (prior M-U-I / T-D-O) and RSF-65 (prior R-55 / D-D-O) Zones, respectively.

East: Democracy Avenue (a private access driveway – recommended connection) (being designed (from a frontage perspective) as a “B” Street pursuant to flexibility approved by the Planning Board in approved PPS 4-22004 (PGCPB Resolution No. 2023-33 at p. 10)), and beyond, Hyattsville Branch Library, and beyond, Adelphi Road and beyond, single-family homes in the RSF-65 (prior R-55 / D-D-O) Zone.

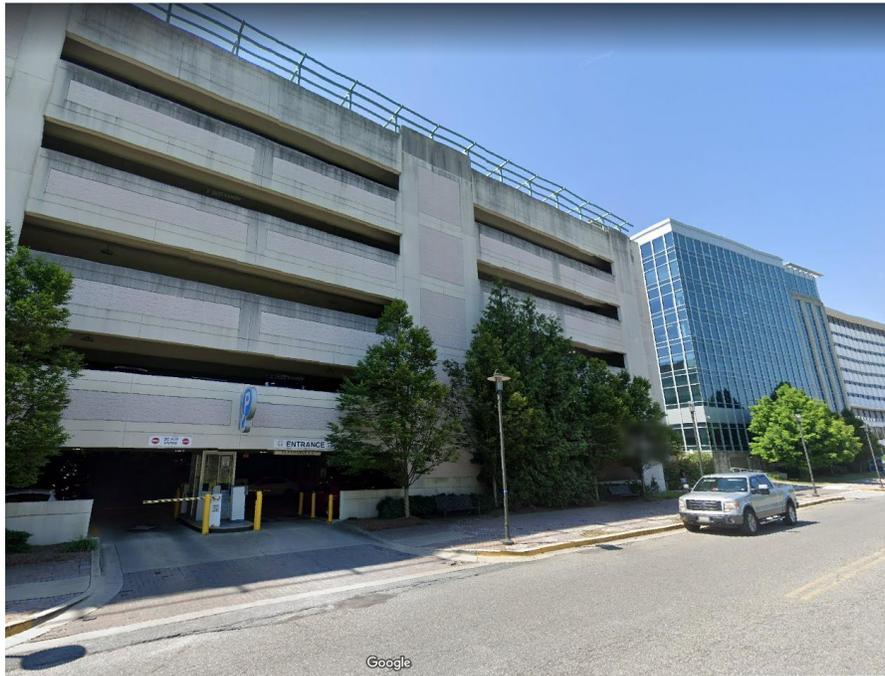
West: Commercial mixed-uses in the RTO-H (prior M-X-T / T-D-O) Zone within the University Town Center beyond.

VI. PRIOR APPROVALS

The property, and the University Town Center, has a long entitlement history. Again, the site has a previously approved Conceptual Site Plan, CSP-00024, which was approved by the Prince George's County Planning Board on October 19, 2000, and later affirmed by the Prince George's County District Council on January 8, 2021.

The property is also the subject of a prior PPS, 4-01092, approved by the Planning Board on April 25, 2002 (PGCPB Resolution No. 02-62). Both the CSP and PPS included a larger land area (47.7 acres and 25.12 acres, respectively) in which the subject property, Parcel H, was included. The subject property was developed and platted in accordance with the CSP and PPS and is currently improved with a 6-level parking garage. Approval of PPS 4-22004 superseded PPS 4-01092 for Parcel H. Again, pursuant to the general applicability and administrative section of the TDDP, conformance with the CSP and its conditions of approval is not required for the new multifamily development. (*See TDDP SP3 at p. 195*).

The property is also subject to multiple detailed site plans (DSPs) which were approved for development of the University Town Center over the years. The requested DSP seeks to amend the prior DSPs (DSP-01002) to redevelop a portion of the existing parking garage with 209 multifamily residential units, thereby, retaining the other half of the parking garage as a parking garage, with vehicular access from the existing access point on Toledo Road, as depicted below.



Over a period of several years, the property making up the University Town Center was proposed for additional development, and as mentioned, a number of DSPs were filed to obtain approval for such additional development. In conformance with Condition 15 of the CSP, which required a parking analysis be provided at the time of DSP, the DSPs provided a parking chart that documented the number of surface parking spaces removed from the property, the number of structured parking spaces proposed or constructed, and the number of parking spaces required under the regulations applicable at that time. These calculations did not assume parking reductions based on shared usage, as anticipated by Condition 15 of the CSP, but they did demonstrate that a sufficient number of parking spaces were provided to serve the existing and proposed uses.

In 2013, as part of DSP-05084/02, a more detailed parking analysis was required to be provided. This parking analysis was prepared in accordance with Section 27-583, which states that in the M-X-T zone, “the number of off-street loading spaces required in the M-X-T Zone are to be calculated by the applicant and submitted to the Planning Board for approval at the time of Detailed Site Plan approval. Prior to approval, the applicant shall submit the methodology, assumptions, and data used in performing the calculations.” In that application, the Planning Board Resolution (PGCPB No. 13-118) contained a summary of the approvals which had occurred from 2001 to 2013, as follows:

Prior to the approval of the TDDP, three office buildings consisting of 1,237,000 GSF and 3,506 surface parking spaces existed on Subareas 2 and 3. Since the approval of the TDDP, the following development plans have been approved:

The conceptual site plan (CSP-00024) has been approved which allows a mixed-use development with a “main street” theme, and will allow additional 1,931,500 GSF of office, retail and residential development and a total of 4,000 additional structure parking spaces.

On April 25, 2002, the Prince George’s County Planning Board approved the preliminary plan of subdivision (4-01092).

DSP-01002 approval is for construction of a 195,350 GSF office building and a parking garage with 1,565 structure parking spaces.

DSP-03037 approval is for construction of a five-story underground parking garage containing 1,167 structure parking spaces.

DSP-03037/01 approval is for the construction of a 16-story residential student housing building with 240 units. This building is also under construction.

DSP-03037/02 approval is for construction of additional 112 residential condominium units and 28,000 GSF of commercial retail space.

DSP-05041 approval is for construction of a 93,100 GSF movie theater complex, 34,903GSF commercial retail, and 58,886 GSF commercial office spaces.

DSP-05084 approval is for construction of 176 residential condominium units, 66,751 GSF of commercial retail and a parking garage with 660 structure parking spaces.

This summary of development approvals demonstrates that while additional development was proposed, a substantial increase in parking was also provided. Detailed Site Plan DSP-05084/02 proposed, among other things, the construction of a Safeway grocery store, which included rooftop parking. The parking analysis was prepared by Lenhart Traffic Consulting, Inc. and was conducted using parking demand models from the Institute for Traffic Engineers (ITE) Parking Generation Manual, 4th Edition (2010). Based upon that analysis, a total of 4,845 parking spaces (including the surface parking spaces on the Dewey Property) were available to serve all of the uses. Based on the analysis, a total of 4,681 parking spaces were required. This analysis was accepted and approved with the Detailed Site Plan.

In 2016, Prince George's County adopted a new TDDP for Prince George's Plaza. This new TDDP had a substantial impact on the Town Center. First, it rezoned some of the property within the Town Center to the M-U-I Zone. This is significant in that the M-U-I zone, unlike the M-X-T Zone (generally), does not require approval of a Conceptual Site Plan. As mentioned previously, regarding the validity of the previously approved CSP, the TDDP provides as follows:

Pursuant to Section 27-548.08(c)(2), a Detailed Site Plan does not have to conform to a previously approved Conceptual Site Plan. Accordingly, Conceptual Site Plans approved prior to July 19, 2016, have no bearing on the approval of a DSP for development in the Transit District. Regardless of previous Conceptual Site Plan approval, all DSP's shall strictly conform to the current Transit District Standards.

TDDP SP3 at p. 195.

The second major impact the TDDP had is that it modified the standards for parking. Relevant to this application, the following standards were adopted (P. 258):

- There is no minimum number or ratio of off-street parking spaces for any development within the Transit District.
- The maximum number of off-street parking spaces permitted for nonresidential and residential development is specified in the table of maximum parking ratios on the following page.

Character Area	Residential Development	Commercial/ Industrial Development
Downtown Core	1.25 spaces per dwelling unit	2.5 spaces per 1,000 square feet of gross leasable area
Neighborhood Edge (multifamily)	1.5 spaces per dwelling unit	N/A
Neighborhood Edge (single-family)	2.0 spaces per dwelling unit	N/A

- All applicants, other than those proposing single-family dwelling units, shall demonstrate the extent to which their proposed development reduces the total number of surface parking spaces within the Transit District.

In 2017, a Detailed Site Plan was filed for Parcel R in the University Town Center referenced as DSP-17005. The purpose of this application was to convert an existing office building with 434,000 square feet to a 311-unit multifamily residential building. The subject property and some other land comprising the University Town Center south of Toledo Road was retained in the M-X-T zone and the requirement to provide a shared parking analysis pursuant to Section 27-583 of the Zoning Ordinance was still applicable. An updated shared parking analysis was again prepared by Lenhart Traffic Consulting, Inc. using the Institute for Transportation Engineers (ITE) Parking Generation Manual, 4th Edition (2010). Based upon the updated analysis, a total of only 3,705 parking spaces were required at peak demand, while 4,845 parking spaces were available. This analysis was once again accepted and approved with the Detailed Site Plan.

More recently, Detailed Site Plans have been approved, including DSP-19050; DSP-19050-01; and DSP-21006. As it relates to this pending DSP, included herein is a shared parking analysis prepared by Lenhart Traffic Consulting, Inc dated January 6, 2023. The shared parking analysis was prepared using the Institute for Traffic Engineers (ITE) Parking Generation Manual, 5th Edition (2019), consistent with the prior analyses. This is the most recent edition of the Parking Generation Manual and supersedes the 2010 edition previously used. Based upon this analysis, if the 728 parking spaces currently located in half of the existing parking garage are removed, a total of 4,117 parking spaces will continue to exist within the University Town Center. The current mix of uses along with the proposed development of half of the existing parking garage generate a peak parking demand of 2,403 parking spaces, indicating that a surplus of 1,714 spaces will exist even without the use of half of the parking garage. Therefore, the Applicant submits that with the redevelopment of the Subject Property as proposed, and the elimination of half of the parking garage, sufficient parking will continue to exist to support the existing development within the University Town Center.

The Transportation Planning Section also requested an assessment of the parking demand in Garage A to determine actual parking demands. The parking report below is a monthly

parking report from Garage A depicting the actual daily parking demand for the entire month of February 2022.

Day	Date	Tickets Issued	Tickets Cash	Counted Tickets	Spaces	Ticket Value	per Ticket Value	per Space	Total Revenue	Revenue per	Per Trans Park
Tue	2/1/2022	283	215	64	1,455	\$226.00	\$1.05	\$0.16	\$226.00	\$0.16	
Wed	2/2/2022	284	224	60	1,455	\$169.00	\$0.75	\$0.12	\$169.00	\$0.12	
Thu	2/3/2022	295	216	79	1,455	\$189.00	\$0.88	\$0.13	\$189.00	\$0.13	
Fri	2/4/2022	293	236	57	1,455	\$305.00	\$1.29	\$0.21	\$305.00	\$0.21	
Sat	2/5/2022	94	66	28	1,455	\$181.00	\$2.74	\$0.12	\$181.00	\$0.12	
Sun	2/6/2022	84	47	37	1,455	\$91.00	\$1.94	\$0.06	\$91.00	\$0.06	
Mon	2/7/2022	259	206	53	1,455	\$145.00	\$0.70	\$0.10	\$145.00	\$0.10	
Tue	2/8/2022	292	211	75	1,455	\$264.00	\$1.25	\$0.18	\$264.00	\$0.18	
Wed	2/9/2022	259	198	61	1,455	\$128.00	\$0.65	\$0.09	\$128.00	\$0.09	
Thu	2/10/2022	273	205	68	1,455	\$201.00	\$0.98	\$0.14	\$201.00	\$0.14	
Fri	2/11/2022	270	214	56	1,455	\$204.00	\$0.95	\$0.14	\$204.00	\$0.14	
Sat	2/12/2022	90	70	20	1,455	\$166.00	\$2.37	\$0.11	\$166.00	\$0.11	
Sun	2/13/2022	62	42	20	1,455	\$143.00	\$3.40	\$0.10	\$143.00	\$0.10	
Mon	2/14/2022	274	206	56	1,455	\$178.00	\$0.86	\$0.12	\$178.00	\$0.12	
Tue	2/15/2022	260	205	55	1,455	\$211.00	\$1.03	\$0.15	\$211.00	\$0.15	
Wed	2/16/2022	273	211	62	1,455	\$162.00	\$0.77	\$0.11	\$162.00	\$0.11	
Thu	2/17/2022	302	236	66	1,455	\$269.00	\$1.14	\$0.18	\$269.00	\$0.18	
Fri	2/18/2022	275	214	61	1,455	\$191.00	\$0.89	\$0.13	\$191.00	\$0.13	
Sat	2/19/2022	76	51	25	1,455	\$108.00	\$2.12	\$0.07	\$108.00	\$0.07	
Sun	2/20/2022	81	53	28	1,455	\$106.75	\$2.01	\$0.07	\$106.75	\$0.07	
Mon	2/21/2022	139	80	59	1,455	\$115.00	\$1.44	\$0.08	\$115.00	\$0.08	
Tue	2/22/2022	308	235	73	1,455	\$293.50	\$1.25	\$0.20	\$293.50	\$0.20	
Wed	2/23/2022	258	187	71	1,455	\$169.00	\$0.90	\$0.12	\$169.00	\$0.12	
Thu	2/24/2022	271	208	63	1,455	\$223.00	\$1.07	\$0.15	\$223.00	\$0.15	
Fri	2/25/2022	287	216	71	1,455	\$186.00	\$0.86	\$0.13	\$186.00	\$0.13	
Sat	2/26/2022	95	65	30	1,455	\$189.00	\$2.91	\$0.13	\$189.00	\$0.13	
Sun	2/27/2022	75	42	33	1,455	\$63.00	\$1.50	\$0.04	\$63.00	\$0.04	
Mon	2/28/2022	292	233	59	1,455	\$384.00	\$1.65	\$0.26	\$384.00	\$0.26	
Totals		5,104	4,592	1,490		\$5,260.25			\$5,260.25		
Averages		218	164	53	1,455	\$187.87	\$1.15	\$0.13	\$187.87	\$0.13	

This report showed that the maximum number of parking tickets for any one day was 308 tickets. This does not mean that 308 vehicles were parked at the same time. It means that throughout the day, 308 parking tickets were issued and if the vehicles came and went at different times throughout the day (as expected), then the actual parking demand at any one time would be a maximum of 308. It should also be noted that Kaiser Permanente was under a temporary contract to utilize parking spaces in Garage A while their facility was under construction at the West Hyattsville Metro Station. Therefore, the 308 peak parking demand is actually an inflated number due to the temporary usage by Kaiser Permanente.

Once half of the garage spaces are eliminated for the conversion of that portion of Garage A to residential units, it will result in 728 parking spaces remaining to serve the residential units and other users/public within the Town Center. Notwithstanding the fact that the TDDP specifically provides that there is *no minimum number or ratio of off-street parking spaces for any development within the Transit District* (emphasis added), and saving no regulatory minimum parking requirement exists, (meaning the applicant is not required to propose any parking for this development), practically speaking, and based on ITE Parking Generation's peak parking demand estimates for this use, a minimum of 262 parking spaces would accommodate the proposed 209 multifamily units. Therefore, the applicant is not proposing any reserved parking for the future tenants, as no minimum off-street parking is required by code.

PPS 4-22004

On March 16, 2023, the Planning Board approved PPS 4-22004 with eleven (11) conditions. The following is an analysis of the applicable conditions related to DSP-01002-04.

- 2. In accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.**

COMMENT: Adequate on-site recreation facilities are proposed with this DSP. Specifically, the applicant is proposing an outdoor lounge area, two courtyards, and a fitness center. The outdoor lounge area includes a hardscape covered space with causal seating and small tables. The courtyards will feature extensive landscaping with integrated lighting, patios, and table and chairs. The fitness center will be a fully equipped gym with free weights, benches, weight machines, treadmills, ellipticals, spinning bikes, rowing machines, exercise balls and resistance equipment. The total amenity cost is approximately \$481,121, and the required recreation value for the development is \$193,043.

- 4. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Parks and Recreation Facilities Guidelines, with the review of the detailed site plan (DSP). Timing for construction shall also be determined at the time of DSP.**

COMMENT: Acknowledged.

- 10. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, 24001-2022-0, and any subsequent revisions.**

COMMENT: The approved stormwater concept (approved December 14, 2022) matches the preliminary plan and is still valid. The ultimate development of the site will be in conformance with the approved SDCP (24001-2022-0) or as amended.

11. The following facilities shall be shown on the detailed site plan:

- a. A 5-foot-wide marked bicycle lane along the property frontage of Toledo Road, consistent with the 2016 Approved Prince George’s Plaza Transit District Development Plan, unless modified by the operating agency with written correspondence, or provided as part of another development.**

COMMENT: A 5-foot-wide marked bicycle lane is provided along the property frontage of Toledo Road, subject to modification by the operating agency.

- b. Unless an alternative standard is requested, a minimum 6-foot sidewalk and a 6-to-8-foot landscape amenity panel along the property frontage of Toledo Road, consistent with the 2016 Approved Prince George’s Plaza Transit District Development Plan. The final width shall be determined by the operating agency with written correspondence.**

COMMENT: A 6-foot-wide pedestrian path, 6-foot-wide landscape strip and sidewalk is proposed along Toledo Road.

- c. An interconnected network of pedestrian facilities with minimum 5-foot-wide sidewalks and associated Americans with Disabilities Act curb ramps on-site.**

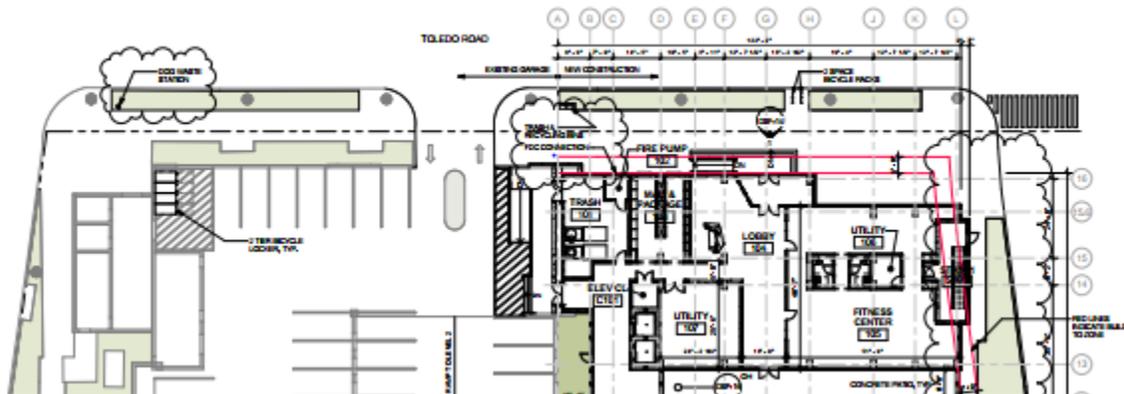
COMMENT: A 6-foot-wide pedestrian path and sidewalk is proposed along Toledo Road on with ADA connections.

- d. Long and short-term bicycle parking consistent with the 1999 American Association of State Highway and Transportation (AASHTO) Guide for the Development of Bicycle Facilities to accommodate residents and visitors.**

COMMENT: Short-term bicycle parking is proposed along the frontage of Toledo Road, and long-term bicycle parking is provided in the parking garage.

- e. Waste, recycling bins, and street furniture such as benches or tables, along the property’s frontage of Toledo Road.**

COMMENT: Benches are included along Toledo Road – two existing in front of the remaining half of the garage, and four new benches under the new entrance canopy. In addition, waste and recycling bins are included along the frontage of Toledo Road.



ADQ-2022-055

On March 7, 2023, the Planning Director approved ADQ-2022-055 with five (5) conditions. The following is an analysis of the applicable conditions related to DSP-01002-04.

1. **Total development within proposed the Preliminary Plan of Subdivision shall be limited to uses that generate no more than 87 AM peak-hour trips and 100 PM peak-hour vehicle trips.**

COMMENT: With a maximum of 209 multifamily units and the 20% transit ridership assumptions from the approved TIA (as adopted with the approval of ADQ-2022-055), the project will remain within the approved trip cap of 87 AM and 100 PM peak hour trips.

2. **Prior to the acceptance of the detailed site plan, the applicant shall provide a bicycle and pedestrian facilities plan that illustrates the location, limits, specifications, and details of the pedestrian and bicycle adequacy improvements approved with ADQ-2022-055 consistent with Section 24-4506(c)(G) of the Prince George's County Subdivision Regulations.**

COMMENT: The BPIS exhibits have been incorporated into the DSP sheets.

3. **The applicant shall provide a network of on-site pedestrian and bicycle facilities, consistent with Section 24-4506(c)(1)(A) of the Prince George's County Subdivision Regulations. The details of the on-site facilities shall be provided as part of the Detailed Site Plan submission.**

COMMENT: As required in Condition 11.a. in PGCPB Resolution No. 2023-33, a 5-foot-wide bike lane is shown on the DSP along the property frontage of Toledo Road along with a minimum 6-foot-wide sidewalk and 6-8-foot-wide landscape panel, which also satisfies Condition 11.b. Five (5) foot-wide sidewalks are proposed along the sides of the building along

with long and short term onsite bicycle parking pursuant to Conditions 11.c and 11.d. of the PPS. Street furniture will be included as required by Condition 11.e. of the PPS and TDOZ.

- 4. Prior to approval of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-4506 of the Subdivision Regulations (“Required Off-Site Facilities”), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:**
 - a. Along the south side of Toledo Road, as detailed in Exhibit B-2 of the applicant's BPIS submission:**
 - i. Upgrade to three ADA-compliant pedestrian ramps.**
 - ii. Install a bus shelter and bench along Toledo Road in the vicinity of the library.**
 - iii. Install bicycle route signage (D11-1) and wayfinding signage (D1-2b) directing eastbound cyclists to Adelphi Road and the Hyattsville Library and directing westbound cyclists to the Hyattsville Crossing Metro Station and Mall at Prince George's Shopping Center, in accordance with the City of Hyattsville sign standards.**

COMMENT: These BPIS exhibits have been incorporated into the DSP sheets. These improvements will be bonded and permitted prior to the issuance of the first building permit.

- b. Along the east side of Adelphi Road at its intersection with Beechwood Road, as detailed in Exhibit B-3 of the applicant's BPIS submission; install a thermoplastic crosswalk along the east leg.**

COMMENT: These BPIS exhibits have been incorporated into the DSP sheets. These improvements will be bonded and permitted prior to the issuance of the first building permit.

- c. Along the west side of Adelphi Road at the north point of vehicle access at University Park Church of Christ (6420 Adelphi Road), as detailed in Exhibit B-4 of the applicant's BPIS submission; upgrade to two ADA-compliant pedestrian ramps.**

COMMENT: These BPIS exhibits have been incorporated into the DSP sheets. These improvements will be bonded and permitted prior to the issuance of the first building permit.

- d. **Along the east side of Adelphi Road at its intersection with Van Buren Street, as detailed in Exhibit B-5 of the applicant's BPIS submission; install a thermoplastic crosswalk along the east leg.**

COMMENT: These BPIS exhibits have been incorporated into the DSP sheets. These improvements will be bonded and permitted prior to the issuance of the first building permit.

- e. **Along the west side of Adelphi Road at the north point of vehicle access at Northwest High School (7000 Adelphi Road), as detailed in Exhibit B-6 of the applicant's BPIS submission; install a thermoplastic crosswalk along the west leg.**

COMMENT: These BPIS exhibits have been incorporated into the DSP sheets. These improvements will be bonded and permitted prior to the issuance of the first building permit.

- 5. **Pursuant to Section 24-4510(c) of the Subdivision Regulations, the applicant and the applicant's heirs successors and/or assignees shall pay the school facilities surcharge in accordance with the requirements of Section 10-192.01 of the Prince George's County Code prior to approval of a building permit.**

COMMENT: At the time of building permit, and pursuant to Section 10-132.01 (as amended from time to time), the applicant will pay the applicable School Facility Surcharge.

VII. COMMUNITY PLANNING

With PPS 4-22004, the Planning Board previously analyzed the 2014 *Plan Prince George's 2035 Approved General Plan* ("Plan 2035") and conformance with the TDDP. The Planning Board's prior findings are summarized here as follows:

Plan 2035

This property is located in the Prince George's Plaza Metro Downtown area, as designated in Plan 2035, which is also one of the County's eight Regional Transit Districts. Regional transit districts are characterized as medium- to high-density areas that should feature high-quality urban design, incorporate a mix of complementary uses and public spaces, provide a range of transportation options—such as metro, bus, light rail, bike and car share, and promote walkability. (Internal citation omitted).

TDDP Conformance

The TDDP recommends a mix of land uses on the subject property. The property is in the Downtown Core Character Area. The TDDP provides policies and strategies to promote pedestrian and bicycle-friendly, transit supportive development, and residential density concentrated in Downtown Core area. Conformance with the TDDP transportation related standards is discussed further in the Transportation findings of this technical staff report.¹ Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, this application conforms to the land use recommendation of the TDDP.

(PGCPB No. 2023-33 at p. 5-6).

VIII. GENERAL CRITERIA FOR DSP APPROVAL

Pursuant to Section 27-548.08(c)(2) of the prior Zoning Ordinance, the findings required by Section 27-285(b) shall not apply to the T-D-O Zone. Instead, the following findings shall be made by the Planning Board when approving a Detailed Site Plan in the T-D-O Zone:

(A) The Transit District Site Plan is in strict conformance with any mandatory requirements of the Transit District Development Plan;

COMMENT: The DSP is in strict conformance with the mandatory requirements of the Prince George's Plaza TDDP, except where amendments to the TDDP standards are requested. The requested amendments and conformance to the majority of standards create a proposal that will not substantially impair implementation of the TDDP.

(B) The Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan;

COMMENT: The DSP is consistent with, and reflects, the guidelines and criteria for development contained in the TDDP. The applicant has requested amendments to the TDDP standards, which, if approved, will not substantially impair the implementation of the TDDP. The DSP, with the proposed amendments, conforms with the purposes of the TDDP, which include requirements to ensure that development within the transit district possesses a desirable urban design relationship with one another, the Metro station, and adjoining areas.

(C) The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones, unless an amendment to the applicable requirement or regulation has been approved;

COMMENT: The DSP, with the requested amendments, meets the requirements of the T-D-O Zone and the underlying M-X-T Zone, as discussed in detail herein.

¹ Incorporated by reference.

(D) The location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency, and are adequate to meet the purposes of the Transit District Overlay Zone;

COMMENT: The DSP demonstrates that the location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking maximize safety and efficiency, and are adequate to meet the purposes of the T-D-O Zone. The DSP requests amendments to only a few of the TDDP standards, relative to the location of existing streetlights; ground floor ceiling clearance; validating existing street and planting strips along the frontage of the garage that is to remain; and relief from requiring buildings wider than 50-feet to be designed as a series of building fronts given the re-purposing of half the existing garage superstructure. The proposed redevelopment of half of an underutilized parking garage, along with standards for building placement to frame and activate the street, support the vision of a walkable transit district.

(E) Each structure and use, in the manner proposed, is compatible with other structures and uses in the Transit District, and with existing and proposed adjacent development; and

COMMENT: The DSP proposes building materials that are compatible with adjacent commercial and multifamily uses. The building is located to frame the streetscape and maintains a common street wall, while activating the streetscape, as envisioned by the TDDP. The building includes open space and amenities around the exterior of the building that will provide connections to future development to the north and new development to the east. The scale of the building will help transition from the high-rise development abutting to the south and compatible multifamily to the north that transitions further to lower-scale residential farther north. The proposed structure and uses are compatible with the existing and proposed adjacent development.

(F) Requests for reductions from the total minimum required parking spaces for Transit District Overlay Zones pursuant to Section 27-548.09.02 meet the stated location criteria and are accompanied by a signed Memorandum of Understanding between a car sharing corporation or company and the applicant.

COMMENT: This requirement does not apply to the subject application because there is no total minimum required parking spaces.

Although not applicable, the applicant offers the following in response to the Section 27-285 requirements for informational purposes only.

Section 27-285. Planning Board Procedures.

(b) Required findings.

- (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use;**

COMMENT: The detailed site plan does represent a reasonable alternative for satisfying the site design guidelines. The design guidelines are found in the TDDP, the intent of which is to regulate the design and character of the Prince George's Plaza area. "This TDDP creates the regulatory and policy framework to enable the creation of a walkable, mixed-use Regional Transit District that functions as a Downtown for Prince George's County and as a popular regional destination for visitors, workers, shoppers, and residents." (TDDP at p. 187). The TDDP uses the flexibility of the Transit District Overlay and Mixed-Use Infill Zones to create a hybrid form-based code that reflects nationwide best practices in land use regulation within the context of the complex, outdated, and suburban-focused Prince George's County Zoning Ordinance, and includes Transit District Standards intended to regulate new development and redevelopment within the Transit District. The Transit District Standards establish a consistent design framework to ensure form, placemaking, and humanscale development. (*See id.*). These standards "replace many of the development regulations of the underlying zones." (*Id.*). The applicant proposes to redevelop the Subject Property substantially in conformance with the standards of the TDDP.

- (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).**

COMMENT: As mentioned previously, the TDDP provides, "[p]ursuant to Section 27-548.08(c)(2), a Detailed Site Plan does not have to conform to a previously approved Conceptual Site Plan. Accordingly, Conceptual Site Plans approved prior to July 19, 2016, have no bearing on the approval of a DSP for development in the Transit District. Regardless of previous Conceptual Site Plan approval, all DSP's shall strictly conform to the current Transit District Standards." (TDDP SP3 at p. 195). Thus, the previously approved CSP is moot and not applicable.

- (3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

COMMENT: Not applicable. DSP-01002-04 is not a detailed site plan for infrastructure.

- (4) **The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

COMMENT: The entire site is outside of the designated network of the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan (Green Infrastructure Plan)*. The site was previously cleared, graded, and developed with the existing parking garage facility. The remaining vegetation on-site is comprised of existing landscaping or open grown trees. No woodlands exist on-site, per the approved natural resources inventory (NRI-181-2022). The proposed development will not impact any County regulated environmental features except for a small area of primary management area (PMA) entirely comprised of previously impacted and developed Prince George's County regulated 100-year floodplain on-site along the northern property boundary, which was previously approved with PPS 4-22004.

According to the approved NRI-181-2022, no specimen or historic trees are associated with this site. This site is not associated with regulated environmental features, such as streams, wetlands, or associated buffers. However, the site is associated with PMA, comprised entirely with developed County regulated 100-year floodplain (0.11 acre) situated along the northern edge of the site. The DSP is consistent with the approved NRI, and the existing impact to the PMA was approved/validated with the approval of the PPS.

Finally, no soils containing Marlboro clay are mapped on or within the immediate vicinity of his site; however, Christiana complexes have been identified on and within the immediate vicinity of this property. The soils containing Christiana complexes are contained in previously disturbed urban soils on relatively flat slopes. The Planning Board has previously determined that there are no geotechnical concerns with this project.

IX. CONFORMANCE WITH SPECIFIC PURPOSES OF A DETAILED SITE PLAN

The general and specific purposes of a Detailed Site Plan are provided in Section 27-281(b) and (c) of the prior Zoning Ordinance, and are addressed below:

Sec. 27-281. - Purpose of Detailed Site Plans.

(b) General purposes.

- (1) **The general purposes of Detailed Site Plans are:**
- (A) **To provide for development in accordance with the principles for the orderly, planned, efficient, and economical development contained in the General Plan, Master Plan or other approved plans;**
 - (B) **To help fulfill the purposes of the zone in which the land is located;**

- (C) **To provide for development in accordance with the site design guidelines established in this Division; and**
- (D) **To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.**

COMMENT: The 2016 Prince George's Plaza TDDP retained the Subject Property in the M-X-T Zone but superimposed the TDOZ to encourage redevelopment. Standards for such redevelopment were established in the form of the Transit District Development Standards. The applicant proposes to redevelop the Subject Property substantially in conformance with the standards of the TDDP. The 2014 General Plan, Plan 2035, designates three Regional Transit Districts in the County. Prince George's Plaza is one of the designated Regional Transit Districts. The proposed development that seeks to re-purpose a portion of an underutilized parking garage into additional multifamily dwelling units, adds additional density within easy walking distance to the Metro Station, provides an update and more attractive urban street edge on the south side of Toledo Road and improves the pedestrian experience. Upon full development of the Dewey Property and the subject property, the TDDP's streetscape recommendations will be implemented on a substantial length of Toledo Road. Through BPIS requirements, off-site sidewalks/pedestrian amenities will be improved to meet ADA standards as well. As a result, not to mention the implementation of improved stormwater management facilities that currently do not exist on the subject property, the proposed DSP will provide for orderly development in accordance with the principles of the TDDP.

(c) **Specific purposes.**

(1) **The specific purposes of Detailed Site Plans are:**

- (A) **To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;**

COMMENT: The submitted Detailed Site Plan demonstrates the location of the residential uses proposed for the Subject Property. The proximity of the use and access points will help create functional relationships with the use on the property as well as the surrounding uses and help create appropriate pedestrian circulation along Toledo Road.

- (B) **To show specific grading, planting, sediment control, woodland conservation areas, regulated environmental features and storm water management features proposed for the site;**

COMMENT: The submitted DSP included in this DSP application shows the specific grading and landscape planting areas proposed for the site. A stormwater management concept has been approved for the site. The DSP provides an illustration of how the building features will be integrated with the portion of the parking garage that will remain.

- (C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and**

COMMENT: The submitted architectural elevations as well as the DSP included in this application demonstrates the specific recreation facilities and building form. Street furnishings are also detailed on the DSP.

- (D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

COMMENT: The submitted DSP, Landscape Plan, and Architectural Elevations demonstrate the necessary infrastructure and building form to be implemented.

X. CONFORMANCE WITH PURPOSES OF THE M-X-T ZONE

Section 27-542. - Purposes.

(a) The purposes of the M-X-T Zone are:

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**
- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**
- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**
- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**
- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through**

a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;

- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;**
- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**
- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**
- (9) To permit a flexible response to the market and promote economic vitality and investment; and**
- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

COMMENT: As mentioned previously, TDDP retained the Subject Property in the M-X-T Zone but superimposed the TDOZ to encourage redevelopment. Standards for such redevelopment were established in the form of the Transit District Development Standards. The applicant proposes to redevelop the Subject Property substantially in conformance with the standards of the TDDP. The 2014 General Plan, Plan 2035, designates three Regional Transit Districts in the County. Prince George's Plaza is one of the designated Regional Transit Districts. The proposed development that seeks to re-purpose a portion of an underutilized parking garage into additional multifamily dwelling units, adds additional density within easy walking distance to the Metro Station, provides an update and more attractive urban street edge on the south side of Toledo Road and improves the pedestrian experience. Upon full development of the Dewey Property and the subject property, the TDDP's streetscape recommendations will be implemented on a substantial length of Toledo Road. Through BPIS requirements, off-site sidewalks/pedestrian amenities will be improved to meet ADA standards as well. As a result, not to mention the implementation of improved stormwater management facilities that currently do not exist on the subject property, the proposed DSP will provide for orderly development in accordance with the principles of the TDDP.

The re-purposing of an underutilized parking garage by razing half of the super structure, but re-utilize the footings to construct a multi-family building in its place encourages an appropriate horizontal and vertical mix of land uses that blend together harmoniously; creates a dynamic, functional relationships among individual uses within a distinctive visual character and identity; and promotes optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects.

XI. CONFORMANCE WITH TRANSIT DISTRICT DEVELOPMENT ZONE STANDARDS OF THE PRINCE GEORGE'S PLAZA TDDP

The Prince George's Plaza TDDP sets forth the Transit District Standards in Chapter 6, encompassing pages 188-274. Attached hereto is a Compliance Matrix which lists all of the applicable standards and addresses conformance with the standard. As noted in the TDDP, these standards replace many of the development regulations in the underlying zones. The intent is to create a one-stop shop reference that clearly describes the process, standards and guidelines governing the approval of development applications in the Transit District.

The analysis of conformance with the Transit District Standards indicates that modifications are required to several of the TDDP design standards. Where the proposed Detailed Site Plan does not conform with a specific standard, a modification to that standard is requested. Modifications of the Transit District Standards are permitted through the process described in Section 27-548.08(c)(3) of the prior Zoning Ordinance:

The applicant may ask the Planning Board to apply development standards which differ from mandatory requirements in the Transit District Development Plan, unless the plan provides otherwise. The Board may amend any mandatory requirements except building height restrictions and parking standards, requirements which may be amended by the District Council under procedures in Part 10A, Division 1. The Board may amend parking provisions concerning the dimensions, layout, or design of parking spaces or parking lots.

In approving the Transit District Site Plan, the Planning Board shall find that the mandatory requirements, as amended, will benefit the proposed development and the Transit District and will not substantially impair implementation of the Transit District Development Plan, and the Board shall then find that the site plan meets all mandatory requirements which apply.

The submitted application and the justification materials provide the basis needed to deviate from a limited number of transit district development zone standards in order to accommodate the proposed development on the subject property. The submitted application and the justification materials provide the basis needed to deviate from a limited number of development standards in order to accommodate the proposed development on the subject property. These modifications to applicable standards are discussed as follows (all page numbers reference the TDDP) and, unless otherwise requested below, and as depicted on the DSP matrix, the applicable TDOZ development standards are met:

STREET AND FRONTAGE

~~–Frontage Zones (Page 208)~~

~~———— TDDP Standard requires that all existing and proposed A, B, and Pedestrian Streets shall have sidewalks on both sides constructed to the frontage standards prescribed in this plan. At a minimum, all sidewalks shall have a Sidewalk Clear Zone and a Tree and Furnishing Zone. Provision of Buffer Zones, Residential Frontage Zones, or Retail Zones is optional, as needed. A modification is requested to this standard as it relates to the Democracy Avenue frontage. Democracy Avenue, which is a private access driveway that is being designed (from a frontage perspective) as a “B” Street pursuant to the flexibility approved by the Planning Board when it approved PPS 4 22004 (PGCPB Resolution No. 2023 33 at p. 10)), as the Sidewalk Clear Zone is proposed next to the road with Tree and Furnishing Zone next to the building.~~

~~———— The basis for this modification is due to the unique circumstances of the proposed development, which seeks to raze a portion of the existing parking garage and retain the other portion resulting in re-purposing the existing footings and other structural components of the existing superstructure — causing the need to provide the Sidewalk Clear Zone next to the road with Tree and Furnishing Zone next to the building. Moreover, Democracy Avenue, while currently existing, is a private access driveway that is currently devoid of any pedestrian improvements or activation.~~



~~———— Although existing infrastructure is being utilized to provide for the unique repurposing of half of the garage superstructure, there exists an opportunity to improve upon the pedestrian realm and street frontage for Democracy Avenue — up to a point. This creates the need for the modification in order to ensure that said improvements can be made while also ensure continued utilization of the existing development.~~

~~— In so doing, the improvements to Democracy Avenue along with the requested modification, result in a superior improvement than what currently exists in the form of sidewalks, clear zones, and replacing of landscaping. This also is consistent with the Planning Board’s prior finding regarding Democracy Avenue and Strategy TM 3.2 of the TDDP.~~

~~— Simply, the modification not only ensures that Democracy Avenue, as a connection, achieves the TDDP’s desired grid pattern, but do so in a way that creates a workable design to achieve the purpose of the same — by meeting the design standards as modified, which the Planning Board contemplated when it acknowledged the possibility of certain road standards to be modified to accommodate and facilitate an improved road section. Consequently, the requested modification will not impair the implementation of the TDDP, and to strict conformance to the development standard would be impractical and unnecessary.~~

In response to a meeting with City Planning Staff and Technical Staff, the applicant has redesigned various components of the Democracy Avenue frontage – resulting in the ability to withdraw this previously requested modification to the development district standards, as the DSP now complies.

- Frontage Zones (Page 208)

TDDP Standard requires that on A Streets, B Streets, Pedestrian Streets, or Promenades, no new “public utilities,” including, but not limited to, transmission or distribution lines and mechanical equipment, are permitted above-ground. A modification is requested as the applicant proposes to locate above-ground transformers along Democracy Avenue, which is not a B Street, however, is being designed (from a frontage perspective) as B Street (with modifications) pursuant. Thus, and for the other reasons provided herein, this TDDP Standard does not technically apply, as Democracy is not a B Street.

Although Democracy Avenue is not a B Street, in conformance with the Planning Board’s finding that Democracy Avenue be designed (from a frontage perspective) as an A, B or pedestrian street, or a promenade (unless modified), the applicant is improving the frontage of Democracy Avenue consistent with B Street standards (with minor modifications). Since Democracy Avenue is not technically a B Street, this Design Standard does not apply, and in order to provide electrical service into the new multifamily building, transformer(s) are required. The transformer(s) are not a public utility, they are located on private property, and they are not located in a public utility easement. Rather, they are an above ground private utility required to provide electrical service to the building. For this reason as well, no amendment is required.

In the event that Staff or the Planning Board believe that an amendment is required, the applicant contends that granting an amendment is justified because the mandatory requirements, as amended, will benefit the proposed development and the Transit District and will not substantially impair implementation of the TDDP. As such, and out of an abundance of caution, the applicant is requesting an amendment notwithstanding the fact that this TDDP Standard does not apply.

The applicant does not dispute that one of the goals of the TDDP is to underground public utilities. There are several strategies that encourage this within the public realm. For example, Strategy LU1.1 on page 75 of the TDDP; this strategy is clearly focused on public facilities. Likewise, under the “Areawide public realm Policies and Strategies,” Strategy HD4.10, which provides, “[w]herever feasible, utility structures, equipment, and transmission lines should be placed underground.” Again, this is a public realm strategy, and it acknowledges that the strategy will not be feasible in all cases. Finally, under the “General Applicability and Administration/Public Improvements” section of the TDDP, the following strategy is outlined:

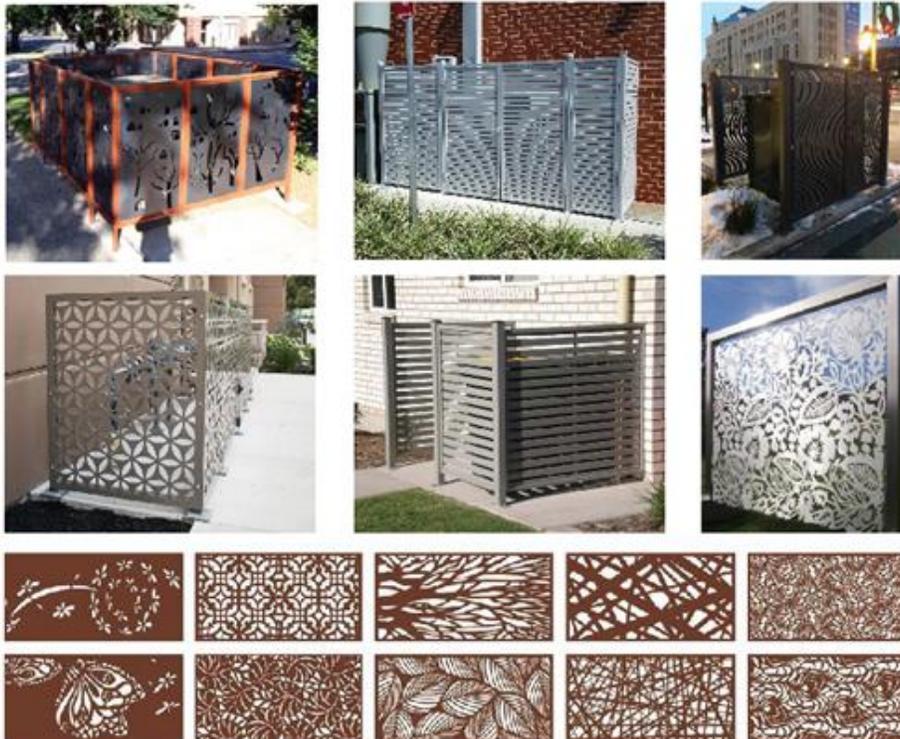
Within the Transit District, the property owner is required to construct and may be required to maintain, all the streetscape improvements on the proposed development site. These improvements may include, but are not limited to, the installation of sidewalks, curbs, and gutters; street trees, street furnishings; and the undergrounding of utilities in accordance with any comprehensive undergrounding program that may be established to implement the recommendations of the TDDP.

Again, this discussion is clearly applicable to public utilities, and references that the undergrounding of these utilities should be in accordance with a comprehensive undergrounding program. This language is in recognition of the extreme cost associated with undergrounding utilities and the institutional opposition from PEPCO to undergrounding utilities on a piecemeal basis. That said, all public utilities on the subject property are currently underground in satisfaction of the vision, goal, and policies. Thus, the strategies in the TDDP for improving the streetscape by undergrounding public utilities is satisfied.

Regarding the proposed transformer(s), the applicant contends that the TDDP anticipates such private utilities and addresses how they are to be installed. According to “Downtown Core B Street Standards, on page 266, “[d]elivery services, loading, dumpsters, parking facility (surface and structured) entrances, and *above-ground utilities servicing buildings* fronting on A Streets or Pedestrian Streets shall be located on B Streets or Alleys.” (Emphasis added). Again Democracy Avenue is not a B Street, but is being designed (from a frontage perspective) as a B Street. Further, on page 248 of the TDDP, there is a requirement to screen “all mechanical equipment and meters . . .” This is another clear indication that above ground private utilities are permitted (provided they are screened). Not all utilities are public utilities and not all utilities must be underground, if so, the language on page 266 would be rendered meaningless. The TDDP contemplated situations where a building would have transformers and provided a hierarchy of where they should be located and how they should be addressed. Assuming *arguendo* that the this TDDP Standard is even applicable (a contention the applicant does not concede), the applicant believes that the only fair reading of the Development Standards is that above ground private utility facilities are permitted. As noted above, the transformer(s) is not a public utility and Democracy Avenue is not a B Street. The transformers are private, only serve the proposed building, and is not part of a public distribution line.

With regard to screening, the applicant contends that it has more than satisfied any screening requirement in the TDDP. The subject site is unique in that it is repurposing an

existing garage structure that was development pursuant to the prior TDDP and is surrounded by private driveways on three sides and Toledo Road to the north. The transformer(s) is proposed to be located along Democracy Avenue to avoid conflicts with Toledo Road (an A Street) and to avoid an impractical distance on the west side of the existing garage structure that will remain. Given the location adjacent to the building and sidewalk, a decorative metal screen and landscaping was determined to be the most appropriate option. The metal screen provides an artistic element which is appropriate in this location. There are many options for the decorative metal screening which the applicant has proposed, and these options will actually enhance the streetscape, while at the same time screening the transformers. Examples of such screens are set forth below.



The applicant would note that none of the other multifamily buildings constructed recently in Hyattsville have been required to underground the transformers. Examples of such transformers are readily available and are reproduced below.



The transformers shown above are located on major roadways. The applicant agrees that since the proposed transformers will be located on a street with pedestrian traffic, the transformers should not only be screened, but in an attractive and substantial manner. Thus, the screening proposed by the applicant far exceeds any minimum requirement.

It is noted that the cost of undergrounding the transformers is exceptionally high, a cost which threatens the viability of the project. Since none of the other buildings have been required to underground the utilities, this expense places these projects at a substantial disadvantage.

Notwithstanding the foregoing, in response to meetings with the City of Hyattsville and Technical Staff, the applicant has relocated the proposed transformers further south and within the in the southern courtyard, subject to the approval of PEPCO. This is the preferred location, however, the applicant has not yet been able to obtain concurrence from PEPCO for this location, as it will be below grade. If PEPCO prohibits this preferred location, a second alternative location would be south of the prior location to ensure that the transformers are located away from the corner of Democracy Avenue and Toledo Road. Assuming the applicant is not able to relocate the transformer to the southern courtyard and place it below grade, as provided on the DSP, additional metal screening will be provided, as approved with other DSPs in the area (and generally depicted herein and on the DSP). An enlarged plan with labels and dimensions is provided on Sheet DSP-25.



Pursuant to Section 27-548.08(c)(2), the Planning Board can approve a Detailed Site Plan in a Transit District if it finds that the mandatory requirements, as amended, will benefit the proposed development and the Transit District and will not substantially impair implementation of the Transit District Development Plan. For all of the reasons cited above, and assuming arguendo that that this standard is even applicable, the applicant submits that allowing the transformer(s) to be screened will benefit the proposed development and not substantially impair the implementation of the TDDP. The proposed development implements several long-standing implementation goals of the Prince George’s Plaza TDDP.

- Build-to Lines and Zones (Page 211) - (Table 42)

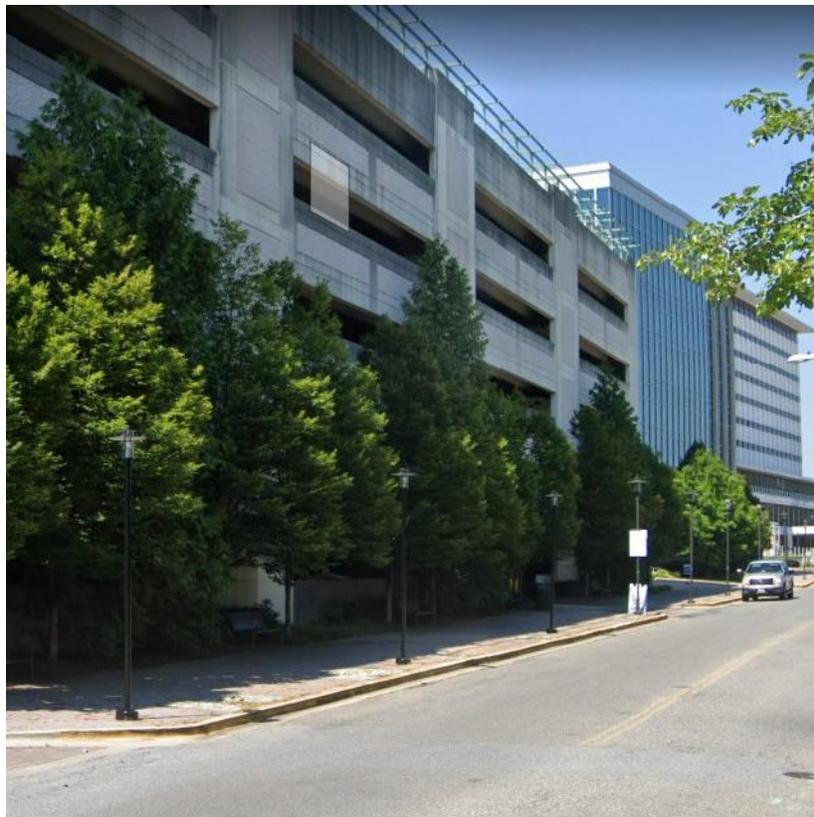
TDDP Standard requires the minimum frontage zone depth/build-to line, on all existing “B” Streets, to be 15’ and the maximum frontage zone depth/build-to line to be 20’.

A modification is requested as the applicant proposes building frontage that varies from 9’ - 23’ deep. Again, Democracy Avenue is not a B Street, however, in conformance with the Planning Board’s finding that Democracy Avenue be designed (from a frontage perspective) as an A, B or pedestrian street, or a promenade (unless modified), the applicant is improving the frontage of Democracy Avenue consistent with B Street standards (with minor modifications). The basis for this modification is due to the unique circumstances of the proposed development, which seeks to raze a portion of the existing parking garage and retain the other portion resulting

in re-purposing the existing footings and other structural components of the existing superstructure – causing the need to provide building frontage to vary from 9' - 23' deep. Moreover, Democracy Avenue, while currently existing, is a private access driveway that is currently devoid of any pedestrian improvements or activation. Finally, the variation of the building depth allows the applicant to accommodate additional pervious areas between the bays of the new building to accommodating SWM facilities (none currently exist on-site) and more landscaping and green areas. Simply, the requested modification will not impair the implementation of the TDDP, as the creation of additional pervious area, SWM facilities, and additional green area/spaces create a superior development that what exists today and is necessary to accommodate the re-purposing of a portion of the garage super-structure.

- Street Lights (Page 234)

TDDP Standard requires street light fixtures to be spaced a maximum of 40' apart in the Downtown Core area. A modification is requested as the applicant proposes to leave the exiting streetlights in place, which are currently located between 40 to 45 feet apart. Presumably the existing streetlights were constructed in accordance with prior TDDP standards. It would be impractical and unnecessary to modify the existing streetlights to strictly conform to a new development standard when the existing streetlights generally comply with the spacing requirement. Consequently, the requested modification is to validate existing conditions related to the placement of the existing streetlights along the Toledo Road frontage, as depicted below. This modification will not impair the implementation of the TDDP, as the existing lights we constructed pursuant to the prior TDDP and spacing of five additional feet is de minimis.



DOWNTOWN CORE STANDARDS

- Building Form (Page 269)

The TDDP Standard requires the ground floor ceiling to have a minimum of 14-foot clearance. A modification is requested to allow 11'6" clearance. The basis for this modification is due to the unique circumstances of the proposed development, which seeks to raze a portion of the existing parking garage and retain the other portion resulting in re-purposing the existing footings and other structural components of the existing superstructure. This creates the need for the modification in order to ensure that the first floor of the proposed multi-family building aligns with the first floor of the existing garage. So as to ensure that the first floor elevations align and enable residents to be able to walk from the existing first floor of the parking garage to the first floor of the new multifamily building, the modification is necessary. Simply, the modification ensures that the multifamily first floor elevation hits the existing garage first floor elevation. Consequently, the requested modification is to somewhat validate existing conditions related to tying into the elevations of re-purposing a portion of the parking garage. This modification will not impair the implementation of the TDDP, as connectivity between the existing garage and the new multifamily building is necessary, and to require a complete demolition of the garage to accommodate this development standard would be impractical and unnecessary.

- Building Placement – Side (Side Street) (Page 269)

The TDDP Standard requires 100% minimum A Street, Pedestrian Street, or Promenade and 60% Minimum B Street for the side street building placement.

A modification is requested to validate existing conditions related to the fact that there is an existing retaining wall along the frontage of Constitution Avenue that wraps around the corner of Democracy Avenue (both of which are private driveways), which dictates the location of proposed building. Again, this project is unique as it seeks to raze only a portion of the existing garage and re-purpose it with the proposed multifamily building. As such, there are practical and avoidable constraints that limit the ability to strictly conform to all of the TDDP Standards, as the property is not a green-field, and not a complete ground up redevelopment. Instead, the applicant is forced to address and accommodate certain existing development and construction limitations. The existing retaining wall is no different, as it cannot be touched since it holds back grade that support Constitution Avenue and points south. Thus, it is an impossibility to strictly comply with the 60% minimum side Street standard. This modification will not impair the implementation of the TDDP, as the modification will facilitate the ability to redevelop a portion of the existing parking garage with needed multifamily units at the Town Center, while also ensuring that the existing development is not impacted – due to the removal or disturbance of an existing retaining wall.

~~**-Miscellaneous (Page 269) (Figure 27)**~~

~~—The TDDP Standard (Miscellaneous No. 2) requires that no planting strips be allowed between the sidewalk and building unless specified on proposed street sections. A modification is requested to validate the existing condition related to that portion of the remaining half of the existing garage, as a planting strip along the face of the building exists. While the applicant is redesigning and accommodating a new tree and furnishing zone meeting current development standards along the redeveloped portion of the multifamily building along Toledo Road—the existing frontage of portion of the parking garage will remain as is. Notwithstanding, the applicant’s design along the frontage will create consistency along the block. The requested modification is to validate existing conditions related to the existing planting strip along the retained portion of the garage. This modification will not impair the implementation of the TDDP, as the existing planting strip was constructed pursuant to the prior TDDP and the ultimate design of the frontage of Toledo Road is generally consistent with the TDDP. To require a complete demolition of the garage to accommodate this development standard would be impractical and unnecessary.~~

In response to a meeting with City Planning Staff and Technical Staff, the applicant has redesigned various components of the frontage – resulting in the ability to withdraw this previously requested modification to the development district standards, as the DSP now complies.

- Miscellaneous (Page 269) (Figure 27)

The TDDP Standard (Miscellaneous No. 4) requires that any buildings wider than 50’ shall be designed to be seen as a series of building fronts no wider than 50’ each. A modification to this standard is requested. The basis for this modification is once again related to the unique aspects of the proposed development, which seeks to retain half of the existing parking garage while re-purposing the other half with a new multifamily building. Thus, it is impossible for the applicant to strictly comply with this standard since half of the existing parking garage will be retained. Notwithstanding, the design of the new multifamily building uses other architectural techniques to break up the façade. Specifically, the design of the multifamily building façade is purposeful to incorporate visual presence so that it is not dominated by the large existing garage façade. To require a complete demolition of the garage to accommodate this development standard would be impractical and unnecessary. This modification will not impair the implementation of the TDDP, as half of the existing parking garage is to remain and the ultimate design of the frontage of Toledo Road is generally consistent with the TDDP.

XII. PRIVATE RECREATIONAL FACILITIES

The applicant intends to provide an outdoor lounge, two courtyards and a fitness center. The outdoor lounge includes a hardscape covered space with casual seating and small tables. The courtyards will feature extensive landscaping with integrated lighting with patios and table and chairs. The fitness center will be a fully equipped gym with free weights, benches, weight machines, treadmills, ellipticals, spinning bikes, rowing machines, exercise balls and resistance equipment. Details of these amenities are provided on the DSP submitted herewith. The total

In addition, it should be noted that the subject property is cattycorner to the M-NCPPC Community Center located at 6600 Adephi Road, Hyattsville.

XIII. CONCLUSION

Based on the foregoing, as well as all of the development plans filed in conjunction with this application, the applicant respectfully requests the approval of DSP-01002-04.

Respectfully submitted,
MCNAMEE HOSEA, P.A.

By: 
Matthew C. Tedesco, Esq.
Attorney for the Applicant/Owner

Date: ~~July 17, 2023~~
~~(First Pre Review Submittal)~~
~~September 8, 2023~~
~~(Second Pre Review Submittal)~~
December 19, 2023
(Post SDRC)