

# City of Hyattsville

Hyattsville Municipal Building  
4310 Gallatin Street, 3rd Floor  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)



## Agenda Regular Meeting

Register in advance for this webinar:

[https://us06web.zoom.us/webinar/register/WN\\_li8C0RW0RPG462vWAD4Quw](https://us06web.zoom.us/webinar/register/WN_li8C0RW0RPG462vWAD4Quw)

**Monday, September 20, 2021**

**6:00 PM**

**Council Chambers**

### **City Council**

**Kevin Ward, Mayor**

**Sam Denes, Ward 1**

**Robert S. Croslin, Ward 2**

**Danny Schaible, Ward 2**

**Ben Simasek, Ward 3**

**Jimmy McClellan, Ward 3**

**Edouard Haba, Ward 4**

**Daniel Peabody, Ward 4**

**Joseph Solomon, Ward 5**

**Rommel Sandino, Ward 5**

### **ADMINISTRATION**

**Tracey E. Douglas, City Administrator**

**Laura Reams, City Clerk, 301-985-5009, [cityclerk@hyattsville.org](mailto:cityclerk@hyattsville.org)**

**WELCOME TO THE CITY OF HYATTSVILLE CITY COUNCIL MEETING!**  
**Your participation at this public meeting is valued and appreciated.**

**AGENDA/PACKET:** The Agenda/Packet is available for review at the Hyattsville Municipal Building and online at [www.hyattsville.org](http://www.hyattsville.org) prior to the scheduled meeting (generally available no later than the Friday prior to the scheduled Monday meeting). Please note, times given for agenda items are estimates only. Matters other than those indicated on the agenda may also be considered at Council discretion.

**AMERICANS WITH DISABILITY ACT:** In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk's Office at (301) 985-5009. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**AUDIBLE DEVICES:** Please ensure all audible devices are turned off or otherwise not audible when the City Council is in session. Thank you.

**PUBLIC INPUT:** If you wish to address the Council during the Public Comment period, please submit an Audience Participation Form to the City Clerk prior to the beginning of the meeting. Matters identified during Public Comment that are not on that meeting's agenda will be referred to staff for follow-up or considered on a future agenda. Issues that require a response will be addressed publicly at the next regular Council meeting. Speakers are requested to keep their comments to no more than two (2) minutes per speaker. Written comments or supporting documents may be turned in to the City Clerk for distribution to the Mayor and Council.

**WAYS TO WATCH THE MEETING LIVE:** City Council meetings are broadcast live on cable television channel 71 (Comcast) and channel 12 (Verizon). You may also view meetings live online at [hyattsville-md.granicus.com/MediaPlayer.php?camera\\_id=2](http://hyattsville-md.granicus.com/MediaPlayer.php?camera_id=2)

**REPLAY SCHEDULE:** The meetings will be re-broadcast on cable television, channel 71 (Comcast) and channel 12 (Verizon) daily at 7:00 a.m., 1 p.m., and 8 p.m. Meetings are also able for replay online at [www.hyattsville.org/meetings](http://www.hyattsville.org/meetings).

**CITY INFORMATION:** Sign up to receive text and email notifications about Hyattsville events, government, police and programs at [www.hyattsville.org/list.aspx](http://www.hyattsville.org/list.aspx)

**INCLEMENT WEATHER:** In the event of inclement weather, please call 301-985-5000 to confirm the status of the Council meeting.



**Meeting Notice:**

As we continue to take precautions due to the COVID-19 (Coronavirus) pandemic, the Hyattsville City Council will hold its meeting on Monday, September 20, 2021 remotely via video conference. The Council meeting will be conducted entirely remotely; there will be no in-person meeting attendance.

The meeting will be broadcast live on cable television channel 71 (Comcast), channel 12 (Verizon), and available via live stream at [www.hyattsville.org/meetings](http://www.hyattsville.org/meetings).

**PUBLIC PARTICIPATION:**

Public comment may be made using the e-comment feature at [www.hyattsville.org/meetings](http://www.hyattsville.org/meetings) or by emailing [cityclerk@hyattsville.org](mailto:cityclerk@hyattsville.org). All electronic comments must be submitted by 4 PM on September 21, 2021. Comments received will be read by City staff during the public comment portion of the meeting.

Members of the public who wish to attend the virtual Council meeting must register in advance using the link below.

[https://us06web.zoom.us/webinar/register/WN\\_li8C0RW0RPG462vWAD4Quw](https://us06web.zoom.us/webinar/register/WN_li8C0RW0RPG462vWAD4Quw)

**1. Call to Order and Council Roll Call****2. Pledge of Allegiance to the Flag****3. Approval of Agenda****4. Approval of the Minutes****4.a) Approval of the Minutes**[\*\*HCC-73-FY22\*\*](#)

I move that the Mayor and Council approve the minutes of the Council meetings of May 17, 2021, June 7, 2021 at 12:00 p.m., and June 7, 2021 at 7:00 p.m.

**Sponsors:** City Administrator

**Department:** City Clerk

**Attachments:** [Minutes May 17 2021 CM FINAL](#)  
[Minutes June 7, 2021 Meeting 1 of 2 2021 CM FINAL](#)  
[Minutes June 7, 2021 Meeting 2 of 2 2021 CM FINAL](#)

**5. Public Comment (6:10 p.m. - 6:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker****6. Motion to Close (6:20 p.m. - 7:20 p.m.)**

**6.a) Motion to Close**[HCC-76-FY22](#)

I move the Mayor and Council close the Council Meeting of September 20, 2021, to consult with the City Attorney and staff about litigation and to discuss contract negotiations related to the acquisition of property. The reasons for closing the meeting under these exceptions are to maintain legally required confidentiality regarding litigation and contract negotiations.

This session will be closed under the authority of the Annotated Code of Maryland State Government General Provisions Article Section 3-305 (b) (3) to consider the acquisition of real property for a public purpose and matters directly related thereto"; and (b)(8) consult with staff, consultants, or other individuals about pending or potential litigation.

**Sponsors:** City Administrator

**7. City Administrator Update (7:20 p.m. - 7:30 p.m.)****8. Presentations (7:30 p.m. - 7:50 p.m.)****8.a) Queens Chapel Town Center - Amendment to Conditions of Approval**[HCC-71-FY22](#)

Presentation Only

**Sponsors:** City Administrator

**Department:** Community & Economic Development

**Attachments:** [Memo - DSP-10011-02 - QC Town Center 9.2.2021](#)  
[Council Materials 09.20.21 QCTC](#)  
[Maisel QCTC Presentation](#)

**8.b) Ward 1 Special Election 2021 - Presentation of Results**[HCC-79-FY22](#)

Presentation Only

**Sponsors:** City Administrator

**Department:** City Clerk

**9. Consent Items (7:50 p.m. - 8:00 p.m.)**

**9.a) Memorandum of Agreement Between Prince George's County Board of Education and the City of Hyattsville Police Department** [HCC-55-FY22](#)

I move that the Mayor and Council approve a Memorandum of Agreement with Prince George's County for the assignment of a School Resource Officer to Northwestern High School for a term ending on June 30, 2024, pending legal approval from the City attorney.

**Sponsors:** City Administrator

**Department:** Police Department

**Attachments:** [MOU](#)

**9.b) FY22 Grant Appropriation: Police Recruitment and Retention** [HCC-56-FY22](#)

I move that the Mayor and Council accept and appropriate, in the FY22 budget, a grant award from the Governor's Office of Crime Control and Prevention in the amount of \$127,145.00 for recruitment and retention of Police Officers.

**Sponsors:** City Administrator

**Department:** Police Department

**Attachments:** [PRAR Grant](#)

**9.c) FY22 Grant Acceptance: Chesapeake Bay Trust Green Streets, Green Jobs, Green Cities** [HCC-57-FY22](#)

I move that the Mayor and Council authorize the City Administrator to accept the Chesapeake Bay Trust Green Streets, Green Jobs, Green Cities Grant, in an amount of \$15,000 for the concept development of an "environmental depot". In addition, the Treasurer is authorized to appropriate the funds accordingly to meet the requirements of the grant.

**Sponsors:** City Administrator

**Department:** Public Works

**Attachments:** [19550](#)

**9.d) Installation of Speed Humps on Oliver Street** [HCC-59-FY22](#)

I move that the Mayor and Council authorize an expenditure not to exceed \$20,000 to NZI Construction for the installation of speed humps on Oliver Street under their existing contract.

**Sponsors:** City Administrator

**Department:** Public Works

**Attachments:** [proposal\\_Oliver Street Speed Humps \(1\)](#)

**9.e) Police Promotion Process**[\*\*HCC-60-FY22\*\*](#)

I move that the Mayor and Council authorize the City Administrator to execute a contract for services with Emergency Services Consulting International/Fields Human Capital Division for the development, validation, administration, scoring, and other consulting services relating to the Police Department promotional testing process for the ranks of Corporal, Sergeant, and Lieutenant in the Hyattsville City Police Department for no more than \$37,500.00.

**Sponsors:** City Administrator

**Department:** Police Department

**Attachments:** [Police Promotion\\_09022021111338](#)

**9.f) IT Infrastructure - Virtual Server Implementation**[\*\*HCC-63-FY22\*\*](#)

I move that the City Council authorize the City Administrator to accept the proposal submitted by Dataprise Inc., for the acquisition and services required to virtualize, configure, and decommission information technology servers to support City operations, at a cost not to exceed \$65,000.

**Sponsors:** City Administrator

**Department:** Information Technology

**Attachments:** [IT Infrastructure - Virtual Server Implementation](#)

**9.g) University of Maryland College Park Affiliation Agreement**[\*\*HCC-65-FY22\*\*](#)

I move that the Mayor and Council authorize the City Administrator to enter into an Affiliation Agreement between the City of Hyattsville and University of Maryland School of Public Health to provide unpaid internship opportunities to UMD students to support current and future City programs and projects.

**Sponsors:** City Administrator

**Department:** Police Department

**Attachments:** [UMD MOU](#)

**9.h) Purchase of Replacement Pedestrian Street Lights**[HCC-66-FY22](#)

I move that the Mayor and Council authorize an expenditure not to exceed \$40,000 for the purchase of replacement pedestrian street lights from Signify through their local distributor Deporter, Dominick & Associates.

**Sponsors:** City Administrator

**Department:** Public Works

**Attachments:** [21-00030 CITY OF HYATTSVILLE-DDA](#)

**9.i) Award Contract for Oversight and Compliance of American Rescue Plan Act Funds**[HCC-67-FY22](#)

I move that the Mayor and Council authorize the City Administrator to enter into an agreement with Thomas|Michael LLC for consulting services to provide oversight and compliance of the City's American Rescue Plan Act (ARPA) funds and authorize an expenditure not to exceed \$172,800 over four (4) years, pending the review of the City Attorney. The cost of these services meets the eligibility requirements for reimbursement from the ARPA funds.

**Sponsors:** City Administrator

**Department:** Finance

**9.j) Riverfront at West Hyattsville Multifamily Buildings - Preliminary Plan of Subdivision 4-20040**[HCC-68-FY22](#)

I move the City Council authorize the Mayor to provide correspondence to the Maryland-National Capital Park & Planning Commission in support of Preliminary Plan of Subdivision 4-20040 and the applicant's variation request so long as conditions that address the impact of noise and vibration on the dwellings are included in the approval language.

**Sponsors:** City Administrator

**Department:** Community & Economic Development

**Attachments:** [Memo - West HVL MF - PPS 4-20040](#)  
[Council Materials 09.20 West HVL PPS-4-20040](#)

**9.k) Hyattsville Small Cell Program**[HCC-69-FY22](#)

I move the Mayor and Council authorize the City Administrator to approve an expenditure not to exceed \$30,000.00 on the existing Johnson, Mirmiran, and Thompson contract for the establishment of the Hyattsville Small Cell Program.

**Sponsors:** City Administrator

**Department:** Public Works

**Attachments:** [TO 64 5G Wireless Proposal 8.16.2021 \(1\)](#)

**9.l) FY22 Hyattsville Life and Times Contract**[HCC-70-FY22](#)

I move that the Mayor and Council approve the FY22 contract for advertising in the Hyattsville Life and Times at a cost not to exceed \$30,000, upon the review and approval of the City Attorney for legal sufficiency.

**Sponsors:** City Administrator

**Department:** Communications

**Attachments:** [Draft Contract City of Hyattsville - HLT FY2022](#)

**9.m) Approval of Funding for FY22 Lease Extension of 4629 Arundel Place**[HCC-75-FY22](#)

I move that the Mayor and Council authorize an expenditure of \$36,000 to Phu Than Neuyen for the lease of 4629 Arundel Place from July 1, 2021 - June 30, 2022

**Sponsors:** City Administrator

**Department:** Public Works

**Attachments:** [210405 - HCC-286-FY21 - Extension of Lease of 4629 Baltimore Ave](#)

**9.n) Acceptance of the Certified Results for the 2021 Ward 1 Special Election**[HCC-78-FY22](#)

I move the Mayor and Council accept the certified election results from the Board of Supervisors of Elections for the Special Ward 1 City Election held on Tuesday, September 14, 2021. This certification is provided for under Section C4-11 of the Hyattsville City Charter.

**Sponsors:** City Administrator

**Department:** City Clerk

**10. Action Items (8:00 p.m. - 9:00 p.m.)**

**10.a) 6400 America Boulevard - Detailed Site Plan (DSP-21006)**[HCC-61-FY22](#)

I move the City Council authorize the Mayor to provide correspondence to the Maryland-National Capital Park & Planning Commission in support of Detailed Site Plan 21006, Parcel N at 6400 America Boulevard, based upon the revised application submitted to, and accepted by, the Commission.

**Sponsors:** City Administrator

**Department:** Community & Economic Development

**Attachments:** [Action Memo - Parcel N - DSP 21006 \(1\)](#)  
[Council Materials 09.20.21 Parcel N](#)

**10.b) Mall at Prince George's Self-Storage Project (DSP-99044-20)**[HCC-62-FY22](#)

I move the City Council approve a letter in support of Mall at Prince George's Self-Storage Project, DSP-99044-20, an amendment to the Table of Uses to allow the adaptive reuse of unleaseable retail space in the basement of the MPG.

**Sponsors:** City Administrator

**Department:** Community & Economic Development

**Attachments:** [DSP-99044-20 MPG Self-Storage - Discussion & Action Memo \(1\)](#)  
[City Council Materials 09.20.21 MPG Storage](#)

**10.c) FY22 Budget Amendment: Special Revenues Budget and Appropriation of American Rescue Plan Act Funds**[HCC-64-FY22](#)

I move that the Mayor and Council amend the FY22 Special Revenues Fund Budget and approve the establishment of the American Rescue Plan Act (ARPA) fund and to appropriate \$2.5 million of the \$8.9 million in ARPA funds received to cover anticipated expenditures in various categories to include, but not limit to, salaries, benefits, supplies, contract services, professional services, capital equipment, miscellaneous reimbursements, and grant awards through June 30, 2022. The remaining \$6.4 million of the current allocation plus the second allocation of \$8.9 million will be submitted to Council to appropriate in concurrence with a spending plan which will be developed over the next 12 months. This will account for the total of \$17.9 million in ARPA funds the City will receive. All ARPA funds must be obligated between March 3, 2021, and December 31, 2024, and all obligated funds must be spent by December 31, 2026.

**Sponsors:** City Administrator

**Department:** Finance

**Attachments:** [Email Confirmation for Receipt of ARPA Funds](#)  
Proposed FY22 American Rescue Plan Funds Budget 9-1-2021

**10.d) WSSC Utility Easement Request - Suffrage Pointe Development Plan**[HCC-72-FY22](#)

I move the City Council authorize the City Administrator to negotiate and execute a public use easement with the Washington Suburban Sanitary Commission (WSSC) for the purpose of granting certain rights regarding the replacement and maintenance of storm drains located on City land and within public rights of way.

**Sponsors:** City Administrator

**Department:** Community & Economic Development

**Attachments:** [Memo - WSSC Public Use Easement](#)  
[WSSC Utility Easement Documents](#)  
[A001 - Extension Plan](#)

**11. Council Dialogue (9:00 p.m. - 9:10 p.m.)****12. Community Notices and Meetings****12.a) Main City Calendar: September 21 - October 4, 2021**[HCC-74-FY22](#)

N/A

**Sponsors:** City Administrator

**Department:** City Clerk

**Attachments:** [Main City Calendar September 21 - October 4, 2021 FINAL](#)

**13. Motion to Adjourn**





# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-73-FY22

9/20/2021

4.a)

---

Submitted by: Sean Corcoran  
Submitting Department: City Clerk  
Agenda Section: Approval of the Minutes

**Item Title:**  
**Approval of the Minutes**

**Suggested Action:**

I move that the Mayor and Council approve the minutes of the Council meetings of May 17, 2021, June 7, 2021 at 12:00 p.m., and June 7, 2021 at 7:00 p.m.

**Summary Background:**

Action summaries for Council Meetings are posted to the City website within 48 hours of the meeting. Please see attached minutes.

**Next Steps:**

Upon approval, approved minutes will be posted on the City's website.

**Fiscal Impact:**

N/A

**City Administrator Comments:**

Recommend approval.

**Community Engagement:**

BN/A

**Strategic Goals:**

Goal 1 - Ensure Transparent and Accessible Governance

**Legal Review Required?**

N/A



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, MAY 17, 2021 7:00 PM

---

Kevin Ward, W1, Interim Mayor  
Carrianna Suiter, W3, Council Vice President  
Bart Lawrence, W1  
Robert Croslin, W2  
Danny Schaible, W2  
Ben Simasek, W3  
Edouard Haba, W4  
Daniel Peabody, W4  
Joseph A. Solomon, W5  
Erica Spell Wolf, W5

Absent: None

Also present were the following City staff members:  
Tracey Douglas, City Administrator  
Ron Brooks, City Treasurer  
Lesley Riddle, Director of the Department of Public Works  
Hal Metzler, Deputy Director of the Department of Public Works  
Jim Chandler, Assistant City Administrator  
Vivian Snellman, Director of Human Resources  
Laura Reams, City Clerk  
Adrienne Augustus, Media Relations and Mental Health Programs Manager  
Cheri Everhart, Acting Community Services Director  
Acting Chief Scott Dunklee, Hyattsville City Police Department  
Zach Peters, Board of Supervisors of Elections

### Meeting Notice:

As we continue to take precautions due to the COVID-19 (Coronavirus) pandemic, the Hyattsville City Council will hold its meeting on Monday, May 17, 2021, remotely via video conference. The Council meeting will be conducted entirely remotely; there will be no in-person meeting attendance.

The meeting will be broadcast live on cable television channel 71 (Comcast), channel 12 (Verizon), and available via live stream at [www.hyattsville.org/meetings](http://www.hyattsville.org/meetings).

### PUBLIC PARTICIPATION:

Public comment may be made using the e-comment feature at [www.hyattsville.org/meetings](http://www.hyattsville.org/meetings) or by emailing [cityclerk@hyattsville.org](mailto:cityclerk@hyattsville.org). All electronic comments must be submitted by 5 PM on May 17, 2021. Comments received will be read by City staff during the public comment portion of the meeting.

Members of the public who wish to attend the virtual Council meeting must register in advance using the link below.

[https://zoom.us/webinar/register/WN\\_kt7v397fSGeOtgdkgbKhQ](https://zoom.us/webinar/register/WN_kt7v397fSGeOtgdkgbKhQ)



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

### MONDAY, MAY 17, 2021 7:00 PM

---

#### 1. Call to Order and Council Roll Call

Interim Mayor Kevin Ward called the meeting to order at 7:02 p.m.

#### 2. Pledge of Allegiance to the Flag

#### 3. Approval of Agenda

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Croslin
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf

#### 4. Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker

Jim Menasian addressed the Interim Mayor and Council in opposition to the Clay Property challenging the notion that widening a non-motorized connection to 50 feet would inevitably compel motorized traffic to use the pathway. He provided illustrative documents that showed an aerial view of the property accompanied by citations that identified where the connection would be and where he preferred it to be and encouraged the Council to do what is best for the community.

Scott Wilson addressed the Interim Mayor and Council expressing concerns regarding a proposed 70-foot-high section of the development and how it would be maintained, the rationale for building in green space, and the proximity to the local middle school with regard to the Clay Property.

Ward 3 resident Thomas Wright addressed the Interim Mayor and Council in opposition to the rezoning of the Clay Property implying that the applicant was essentially extending the property and that the rezoning would remove the housing option that was only allowed in the Clay Property and did not enhance any aspect and would compel negative impacts.

Ward 3 resident Peter Buckholder expressing his distrust of the Blumbergs citing the Landy Project as a failed development. He referenced several questionable areas of the plan including stormwater management that intends to move water upward, inadequate housing for aging in place and multiple families, and a lack of playground and park access, little to no green space preservation, and unwalkable distances to public transit.

City Clerk Laura Reams read an electronically submitted public comment on behalf of SoHy Collective, LLC requesting support from the City for an inclusive, open, communal space for gatherings which SoHy was prepared to clean and make operational.



## **REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**

### **MONDAY, MAY 17, 2021 7:00 PM**

---

Ward 3 resident Allison Reed addressed the Interim Mayor and Council with a prepared public comment expressing opposition to the rezoning of the Clay Property. She raised concerns regarding the availability of affordable housing units, compliance with the Transit District Development Plan (TDDP), and the applicant's intentions for the land.

Ward 3 resident Matthew Hollis addressed the Interim Mayor and Council with a prepared public comment recognizing the negative effect the project would have on the historic Ash Hill property. He stated that the applicant did not conduct the required archeological survey to determine if there were any existing burial sites and make an accurate assessment of a prudent location and function of a stormwater mitigation system.

Ward 2 resident David Marshall addressed the Interim Mayor and Council with a comment submitted through the chat function of the virtual meeting interface expressing opposition to budget allocations and support of the Clay Property rezoning item.

#### **5. City Administrator Update (7:20 p.m. - 7:30 p.m.)**

City Administrator Tracey Douglas addressed the Interim Mayor and Council with updates regarding City activity and programming thanking staff for their effort and achievement of a successful vote by mail election and the candidates who ran for elected office. She recognized the Department of Public Works (DPW), City Clerk Laura Reams, the Communications Department, and acknowledged everyone that helped to conduct the historic event.

Ms. Douglas provided information associated with the ongoing COVID-19 health crisis reporting that the City's vaccination site was operational and accepting walk-in patients and was offering the vaccine to anyone 12 years of age or older starting the following day. She noted that the Emergency Operations Manager, Reggie Bagley, was coordinating with area schools to provide of charge to vaccination sites for those in need, and a workplace reintegration plan was being developed for City staff.

The City Administrator explained the ways in which residents could contact staff and reported that the renovation of the first floor of the City Building continued and would eventually offer a reception area upon arrival to the building. She reported that beginning on May 17, 2021, at 5:00 p.m. indoor and outdoor venues within the County would be allowed to resume normal operations and a more relaxed mask requirement would be implemented.

Administrator Douglas relayed that the Community Services department were providing tutoring and mentoring weekday evenings and there would be an end of the school year celebration scheduled for June 4<sup>th</sup> including food, drink, and activities. She stated that the Teen Summer Staycation program registration would soon open with all in-person programming including educational trips to several historic and artistic entities in the City and provided details for residents to participate. Ms. Douglas cited the Conceptual Site Plan (CSP) for the new Teen and Multigenerational building explaining that much of the funding was received from grants, minimizing the obligation directly from the City noting that further grant opportunities would be explored.



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, MAY 17, 2021 7:00 PM

---

Ms. Douglas provided information regarding the American Rescue Plan explaining that funds for the State of Maryland had been released and the City was awaiting their allocation as a Non-Entitlement Unit (NEU) having a population of under 50K. She described the regulations and protocols for the distribution of funds as well as the restrictions, thresholds, deadlines, and procedures for use of the federal funding supplementing that the City would contract with a specialist to ensure oversight of the appropriations and the legal feasibility of its application.

City Administrator Douglas provided information about the Age-Friendly Program describing that the Montgomery County Housing Initiative Partnership (HIP) intended to present its Home Sharing Program during a meeting of the Age-Friendly Work Group and that all residents were welcome to attend. She provided information regarding home sharing and its benefits stating that, with community interest, the Council could consider implementation in Hyattsville in fiscal year 2022.

Ms. Douglas informed the Body of some of the initiatives of the Age-Friendly Work Group citing the success of a recent Regional Ecosystem Summit with the George Washington University School of Nursing, the development of the City's emergency assistance voluntary registry, partnerships with Habitat for Humanity and other entities, continuation of the CAPABLE home modification program, and the continued work of Hyattsville Aging in Place.

Administrator Douglas acknowledged the ongoing DPW facility project stating that the move-in date was delayed, however, staff would receive training on the new building systems and fleet maintenance equipment with the expectation of inhabiting the new building by June 7, 2021. A video was shown highlighting the DPW team and Ms. Douglas recognized National Police Week commending the work of the Hyattsville City Police Department (HCPD).

Ms. Douglas reviewed open staff positions in the City including three (3) DPW openings, Director of Community Services, two (2) additional Community Services positions, and two (2) job vacancies in HCPD.

### **6. Presentations (7:30 p.m. - 8:10 p.m.)**

#### **6.a) Election 2021 - Presentation of Results**

[HCC-339-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

Presentation Only

Lead of the presentation was transferred to City Clerk Laura Reams who introduced a member of the Board of Supervisors of Elections (BOSE) Zach Peters who would present the certified election results of the 2021 Hyattsville Mayoral and Councilmember Election.

Zach Peters addressed the Interim Mayor and Council with data and various information stating that the Mayoral election was won by Kevin Ward with 1861 total votes, Ward 1 was won by Sam Denes with 388 votes, Ward 2 was won by Robert Croslin with 659 votes, Ward 3 was won by



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, MAY 17, 2021 7:00 PM

---

Jimmy McClellan with 289 votes, Ward 4 was won by Edouard Haba with 331 votes, and Ward 5 was won by Rommel Sandino with 147 votes.

Mr. Peters noted the extraordinary turnout in the vote by mail election stating that the percentage of participation nearly doubled from 15% to 28%. He described the methods used by voters for submitting ballots and relayed data that showed which Wards were the most active and engaged and activity associated with Election Day and same day registration.

City Clerk Reams described the schedule and hours allotted for ballot intake and the process therein, as well as expressing the challenges of holding a primarily vote by mail election for the first time. Ms. Reams explained that there was no model to emulate or work from and many of the processes had to be meticulously thought out and many times had to reprioritize and learn through trial and error.

Ms. Reams stated that there were approximately 750 ballots received on election day and that 26% of those were same day registrations. She reported that voter turnout had nearly doubled the previous election and rejected ballots remained under 1% and explained the subsequent steps were to request and assess voter feedback, hold an oath of office ceremony for the new Council, name a new President and Vice President of the Body, and a special election would be held to fill the vacancy left for the remaining two (2) years of the Ward 1 Council seat responsive to the Mayoral election of Kevin Ward.

City Clerk Reams recognized the contributions and vital assistance given by staff members, volunteers, the Ethics Commission and the Board of Supervisors of Elections relaying a sense of the amount of work and planning involved to conduct a successful election.

**Ward 5 Councilmember Joseph Solomon** inquired as to the method with which the oath of office ceremony would be held to which Ms. Reams responded that it would be held in person, administered by the Prince George's County Clerk, and more details would become available in the following days.

**Ward 4 Councilmember Edouard Haba** thanked the Board of Supervisors of Elections for their work in the election and noted that he was interested to see any further related data that would become available.

**Ward 2 Councilmember Danny Schaible** commended the hard work of everyone involved in the election and asked if there was a curing process for ballots that would be rejected to which City Clerk Laura Reams responded that nothing existed within the City Code with relation to curing ballots and that discussions had been held about the subject with the City attorney approximately six (6) weeks prior. She explained that it was something that could be explored going forward and Board of Supervisors of Elections member Zach Peters added that the Board had agreed that in some cases it was protocol to entirely reject the ballot.

**Ward 5 Councilmember Erica Spell Wolf** explained that she understood the rationale behind the Board's decision asking whether some sort of notification could be supplied to the voter in these instances to which Ms. Reams replied that any voter could track their ballot using the Ballot Scout



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, MAY 17, 2021 7:00 PM

---

tool available on the City's website and downloadable application and that, in doing so, they would have the ability to regularly check the ballot's status.

### **6.b) MDOT SHA Presentation on the Status of MD 500/Queen's Chapel Road Project, Phase 2** [HCC-337-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

Presentation only.

Director of the Department of Public Works (DPW) Lesley Riddle addressed the Interim Mayor and Council with information regarding the Maryland Route 500 Queen's Chapel Road Project and introduced representatives from the Maryland State Highway Administration (SHA).

Project Manager Lindsay Bobian addressed the Body introducing Assistant District Engineers John Dover and Peter Campanides. Ms. Bobian provided a brief background and summary of the project identifying the project parameters and stating that they would be including bicycle compatible lanes and general improvements overall.

Peter Campanides assumed lead of the presentation and explained the goals of the project describing that upon completion the highway would provide increased safety for pedestrians, bicyclists, and motorists. He described methods with which the roadway would be augmented to compel safer driving and how the changes would be integrated with Routes 208 and 410 and stated that he expected completion by the winter of 2021 or 2022.

**Councilmember Solomon** thanked the representatives for their presentation and clarified that the right turn lane onto Hamilton Street heading away from Washington, DC would remain and confirmed the other intended turning lanes for the four (4) way intersection. John Dover confirmed that the exit to Ager Road was expected to be complete by November 2021. Mr. Campanides added that one of the turning lanes in question allowed for movement only after stopping momentarily at the associated traffic signal, thus encouraging slower, safer traffic in that segment.

**Councilmember Haba** requested a status update regarding the turn lane to Eastern Avenue to which Mr. Campanides responded with an illustrative document which showed the traffic flow of that turn lane and the plans that would soon be implemented.

### **6.c) Mall at Prince George's Self-Storage Project (DSP-99044-20)** [HCC-330-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[DSP-99044-20 MPG Self-Storage - Presentation Memo](#)

[MPG Self Storage - DSP SOJ](#)

[DSP-99044-20 Mall at Prince George's Layout and Signage](#)

Presentation Only



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, MAY 17, 2021 7:00 PM

---

Attorney for the building firm Larry Taub congratulated the recently elected Mayor and Councilmembers and relayed information regarding the area around the Prince George's Plaza Metro Station recognizing the growth of homes and population in the area and relaying the need for consolidated storage. Mr. Taub introduced colleague Nate Forman and other members of the project.

Nate Forman presented an illustrative document reflective of the development area stating that it was a very Detailed Site Plan (DSP) that would not affect the exterior of the Mall at Prince George's and described that there was an unused portion of the building that would be converted into 799 storage units ranging in size from 25 to 300 square feet. Mr. Forman showcased the ways in which the areas could be accessed as well as parking, loading and unloading areas, and pedestrian access.

Mr. Forman stated that there would be approximately two (2) full-time employees on the site from 10:00 a.m. to 6:00 p.m. and described some of the related signage that would be integrated into the project. He explained that the reason for the DSP was due to the prohibition from the County of the specific use and its non-compliance with the Transit District Development Plan (TDDP).

**Ward 3 Councilmember Ben Simasek** sought clarity regarding pedestrian access and whether pedestrians would have to enter the mall itself to gain access to the storage areas to which Mr. Forman responded that the storage unit areas would be completely compartmentalized and would be separate from the mall. He stated that the front of the building would allow for pedestrian access and the rear of the building would serve vehicles.

**Councilmember Solomon** inquired as to the previous use of the area and sought clarity regarding the specific location of the storage unit areas to which Mr. Forman replied that the basement levels of the proposed area would be used in conjunction with former retail space.

**Councilmember Haba** asked whether any other uses for the space had been entertained to which Mr. Forman explained that the only use that would be considered was related to the additional new multifamily units being built in that portion of the City allowing storage for new owners without the need to construct a new facility. Mr. Taub added that, while he did not know of any other intended uses, he and his colleagues believed the proposal to be beneficial to the City and good use of an existing structure. It was indicated that the basements that would be used received no natural light, thereby limiting the possibilities for other specific uses.

**Councilmember Schaible** agreed that the project was unique and beneficial and inquired as to any similar projects being assessed by the developer to which Mr. Forman answered that it was the first project of the like and it was a particular opportunity he believed to be advantageous to several parties involved and affected.

**Councilmember Solomon** opined that the location may not be the best choice for the project and it may have been an indicator of larger problems continuing that allowing the use of storage outside of the TDDP regulations could allow retail spaces to be converted to storage spaces as





**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, MAY 17, 2021 7:00 PM**

---

businesses leave and could result in a majority of retail space being used for storage and decreased revenue and commerce.

**7. Proclamations (8:10 p.m. - 8:15 p.m.)**

**7.a) Proclamation Declaring June 4, 2021 as National Gun Violence Awareness Day**

**[HCC-338-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

**[CM 0517 National Gun Violence Awareness Day 2021](#)**

I move that the Mayor and Council declare June 4, 2021 as National Gun Violence Awareness Day in the City of Hyattsville.

**7.b) LGBTQ+ Pride Month Proclamation**

**[HCC-340-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

**[CM 0517 LGBTQ+ Pride Month 2021](#)**

I move that the Mayor and Council declare June 2021 as LGBTQ+ Pride Month in the City of Hyattsville.

**7.c) Caribbean-American Heritage Month Proclamation**

**[HCC-342-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

**[CM 0517 Caribbean American Heritage Month 2021](#)**

I move that the Mayor and Council declare June 2021, as Caribbean-American Heritage Month in Hyattsville.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Peabody
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf

**8. Consent Items (8:15 p.m. - 8:20 p.m.)**

**8.a) Authorization for SoHy Use Agreement**

**[HCC-331-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

**[SoHy Hamilton - Request to the City](#)**



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, MAY 17, 2021 7:00 PM

---

I move the City Council authorize the City Administrator to execute a short-term Events Use Agreement with the SoHy Co-Op to use the City's parcels at 4503-4508 Hamilton Street to be used as a temporary monthly event space from May 2021 - October 2021, subject to review for legal sufficiency by the City Attorney.

### **8.b) Acceptance and Appropriation of Maryland DHCD Community Legacy Grant Funds** **HCC-333-FY21**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Memo - Maryland DHCD Grant Awards - FY2021](#)

[DHCD Grant Award - FY2021 - Hyattsville](#)

[Resolution 2020-08 Community Legacy Application SIGNED](#)

I move the City Council accept and appropriate in the FY2022 budget, \$160,000 in grant funding awarded to the City of Hyattsville by the Maryland Department of Housing & Community Development (DHCD) to support renovation of the Hyattsville Teen Center and the City's Commercial Façade Improvement Programs.

### **8.c) Hyattsville Resolution 2021-03: A Resolution to recertify the Gateway Arts and Entertainment District as a designated State Arts and Entertainment District**

**HCC-336-FY21**

**Sponsor:** Ward

**Co-Sponsor(s):** Lawrence

[Resolution A&E District for PH Att 1](#)

[Sample A&E Certification Letter Att 2](#)

[HVL2010-09 GAD Tax Res Att 3](#)

[Gateway A&E Enrichment District HVL Boundary Att 4](#)

[GAD A&E District - Whole Att 5](#)

I move that the City Council adopt Hyattsville Resolution 2021-03, a resolution affirming the City of Hyattsville's approval and support of a request to the Maryland Department of Commerce for recertification of the Gateway Arts and Entertainment (A&E) District be designated by the Secretary for an additional 10-year period and authorize the City Administrator and City Attorney to provide the Secretary with a letter certifying Resolution 2021-03.

### **8.d) Acceptance of the Certified Results for the 2021 Biennial Election**

**HCC-341-FY21**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Certified Return Sheet 2021 FINAL](#)

I move the Mayor and Council accept the certified election results from the Board of Supervisors of Elections for the City Election held on Tuesday, May 11, 2021. This certification is provided for under Section C4-11 of the Hyattsville City Charter.



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, MAY 17, 2021 7:00 PM**

---

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Lawrence
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf

**9. Action Items (8:20 p.m. - 9:00 p.m.)**

**9.a) Hyattsville Ordinance 2021-02: Fiscal Year 2022 Budget (ADOPTION)**

**HCC-332-FY21**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[446eff37-cedc-4f8b-a061-00e4bcf71867](#)

[Final Excel FTE FY 2022 5-10-2021](#)

[Five Year Forecast FY2021 - FY2026 5-12-2021](#)

[FY22 Budget Presentation \(b\)](#)

[FY22 Final Budget Production Document #1](#)

[University Town Center Special Tax Report \(2021\) \(1\) 5-10-2021](#)

I move that the Mayor and Council adopt Hyattsville Ordinance 2021-02, adopting an annual budget for fiscal Year 2022 (FY22) beginning July 1, 2021 through June 30, 2022, for the General Purpose; fixing the tax rates for the Fiscal Year beginning July1, 2021; authorizing collection of taxes herein levied; and appropriating funds for the Fiscal Year (SECOND READING & ADOPTION).

**Councilmember Solomon** recalled the City Administrator's update item concerning federal grant funding and its allocation to which City Administrator Tracey Douglas responded that the funds would be released and received in two (2) increments; the first 50% in the following 30 days of the meeting and the second 50% a year later.

City Treasurer Ron Brooks confirmed the statement of the City Administrator and Ms. Douglas continued that the funding would have to be appropriated before December 2024 and audited reports would be required in December 2026. She explained that the funding received would not require a budget modification, but intentions for the funding would have to be identified and applied accordingly. Additionally, Ms. Douglas stated that the City planned to contract with an outside agency to assign the oversight and reporting of the grant payments.

Mr. Brooks noted that some of the funding could return to the City on a reimbursement basis for lost revenue and may require legislative action from the Council. **Councilmember Solomon** expressed the importance of conducting a process for the funding similar to the budget process and maintaining strong checks and balances and reallocating excess funds.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Croslin
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

MONDAY, MAY 17, 2021 7:00 PM

### 9.b) Business Retention & Expansion Strategy - Acceptance and Authorization for Contract Award

[HCC-326-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Memo - BRE Bid Recommendation - JC KP](#)

I move that the Interim Mayor and Council accept the proposal submitted by And Access, Inc., 16th Street, 2480 16th Street, NW, Washington DC 20009, for the purpose of assisting the City in the development of a Business Retention and Expansion Strategy and authorize the City Administrator to execute a contract for services, not to exceed \$30,000.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Simasek
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf

### 9.c) Hyattsville Ordinance 2021-03, Revisions to Chapter 114 - Article VIII

[HCC-328-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Parking Fine Amendment Ordinance - May 2021](#)

[Memo - FY2021 Legislative Item – Parking Schedule Maximum Fine Modification \(1\) Modification \(1\)](#)

I move the City Council adopt Ordinance 2021-03, an ordinance whereby the City Council amends the City of Hyattsville Code to decrease the maximum penalty for nonpayment of parking fines to no more than one- and one-half (1.5) times the value of the original fine after thirty days of nonpayment.

**Councilmember Simasek** requested further clarity regarding the fiscal impact of the legislation to which Assistant City Administrator Jim Chandler responded that the prediction was predicated on FY19 revenues with the total values of those citations would be taken into account and adjusted to what the resulting schedule would be under the legislation being discussed. Mr. Chandler added that, once implemented, the program would be reviewed monthly and regular updates and suggestions would be provided to the Council.

Mr. Chandler explained that consistency with the old schedule would be apparent through the first three (3) months of the new fiscal year and rollovers would be adjusted accordingly for FY22 and FY23.

**Councilmember Haba** expressed his content with the intent of the legislation and appreciated the steps taken to relieve the burden on residents suggesting alternate increments of fines and amounts to which Mr. Chandler clarified that the specific amounts cited by the Councilmember were discussed but not approved by Council and the tier of fines remained at one and a half (1.5)



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

### MONDAY, MAY 17, 2021 7:00 PM

---

times the amount of the original citation. **Councilmember Haba** proposed an alternative schedule in which the time period for initial payment would be shortened and lessening the percentage of payment lessening the intensity of financial impact for those cited.

Mr. Chandler recalled that it was decided to issue a notice on the 15<sup>th</sup> day after the citation that payment would be required before the 30<sup>th</sup> day and that non-compliance would result in a penalty increasing the amount to one and a half (1.5) times the original amount and that, in that time, there would be ample opportunity to rectify any outstanding fines in a timely manner with sufficient notice.

**Councilmember Haba** proposed an amendment to the item in which a violation would receive an initial fine and, if unpaid, would follow with two (2) escalated fines of various percentages to which Assistant City Administrator Chandler described the current notification process and stated that an amendment to the ordinance could be bypassed with guidance from the City attorney and an amendment to the original language that was approved the December prior after tabling the item that was being discussed.

**Ward 4 Councilmember Daniel Peabody** recollected the conversation among Council and staff from the previous December describing conversation about providing adequate time for payment in accordance with an average employment pay schedule which could potentially compel residents to pay in a more convenient and timely manner. He expressed support for capping the total payments at one and a half (1.5) times the original amount and stated his preference that there be only one escalation of 50%.

**Ward 1 Councilmember Bart Lawrence** stated that the variations being discussed had already been discussed at length among the Council and decision had been agreed upon expressing opposition for tabling the item and passing it as it was.

**Councilmember Haba** reiterated that his amendment would place the first increase could be invoked after 20 days and as long as 45 to 60 days and would not require a greater timeframe.

**Ward 2 Councilmember Robert Croslin** agreed with the comments of **Councilmember Lawrence** restating that the discussion had taken place and he did not believe that the measure should be edited in any way from its current language.

The proposed amendment offered by **Councilmember Haba** and seconded by **Councilmember Solomon** to include the amended language be submitted to the City attorney to incorporate into the original language before its approval was voted upon and was not approved by Council.

<b>RESULT:</b>	<b>APPROVED [7-3]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Croslin
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Peabody
<b>NAYS:</b>	Haba, Solomon, Spell Wolf



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

MONDAY, MAY 17, 2021 7:00 PM

---

### 9.d) City of Hyattsville: Housing Action Plan

[HCC-329-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[City of Hyattsville Housing Action Plan - May 2021](#)

[City of Hyattsville - Housing Action Plan Presentation](#)

I move the City Council adopt the City of Hyattsville Housing Action Plan as the strategic plan for housing in the City for a period of 10-years and serving as a policy document for housing needs, affordability tools and the performance evaluation framework.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Croslin
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf

### 10. Discussion Items (9:00 p.m. - 9:20 p.m.)

#### 10.a) CSP-20007: Clay Property Conceptual Site Plan Application

[HCC-327-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Clay Property CSP 20007 - Discussion Memo - 5.10.2021](#)

[Clay Property Packet Materials](#)

[CSP City Presentation\(4086360.1\)](#)

Discussion only.

Assistant City Administrator Jim Chandler addressed the Interim Mayor and Council stating that the item was scheduled to be considered by the Planning Board on June 24<sup>th</sup> and would be considered by the City Council again on June 7<sup>th</sup>. He explained that it would be of benefit to develop an agreeable position on the motion as the Body may not be allowed sufficient time to discuss the measure at the following meeting.

City Planner Kate Powers provided information and a brief background regarding the item relaying that the proposal was for the applicant to rezone the subject property from single-family detached homes to single-family attached homes to permit a broader range of housing types and include 125 additional dwelling units on the site.

Ms. Powers described the elements of the property and detailed the locations of several nearby landmarks, grading on the site, and it's proximity to the Transit Overlay Zone (TOZ) and stated that the TDDP categorized the area as that which strengthened the intensity of the vibrancy of the downtown core into a mix of different housing types to broaden the appeal for future residents.



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, MAY 17, 2021 7:00 PM

---

Ms. Powers stated that it was the opinion of staff that the property could be zoned R80 or R20 and would support a continuation of the single-family detached neighborhood to the east and should the property be rezoned to R20 the subject property would likely mirror the residential development and redevelopment to the south including the land use property area.

City Planner Powers explained that regulations specifically require a non-motorized connection between Dean Drive and Calverton with the width for purpose of dedication to the right-of-way with the land to be maintained by the applicant. She stated that any traffic issues would be brought to the subdivision proposal from the applicant after the Conceptual Site Plan (CSP) which would be reviewed by Maryland National Capital Park and Planning Commission (MNCPPC) to determine the adequacy of the facilities.

Ms. Powers showcased an illustrative document highlighting the pedestrian and vehicular routes of the property as well as citing the absence of a motorized connection to Calverton Drive and identifying stormwater mitigation and flow areas. She stated that staff was recommending that the southernmost internal roadway align with Calverton Drive to increase visibility and continuity of the roadway network. Ms. Powers continued that staff recommend that the Body support the applicant's 150-foot buffer to the north and a 50-foot buffer to the east of the property that could potentially be incorporated with the rear of the subdivision to maintain privacy and ensure regular maintenance.

Ms. Powers highlighted areas of the property that would serve as woodland preservation, proposed tree removals, proposed trees to be preserved and the grading of the land. She explained that some sloped areas on the edge of the property would be helpful for any stormwater issues and that the applicant was proposing 13 micro bioretention areas.

Ms. Powers summarized the staff recommendations stating that should the Clay Property be rezoned to R20 the development shall abide by all R20 standards including a maximum density of six (6) townhomes per net acre, the southernmost internal roadway shall align with Calverton Drive, a 150-foot buffer to the north and a land swap with MNCPPC was supported as well as a 50-foot buffer to the east, specimen trees adjacent to the 15-20% slope should be preserved, and the applicant would dedicate to the City the non-motorized connection area as improved land area of 50 feet in width for the purpose of a dedicated right of way.

**Councilmember Simasek** stated that he appreciated Mr. Hatcher's assistance with the Blumberg family and trusted that they brought forth the proposal in good faith, but recognized the concerns of several residents that have asked that the proposal be rejected. He read a statement that was submitted for the record providing a background of the development over multiple years in which resident input was received and options were continually discussed. The written statement included various concerns including R20 density, the proximity to metro transit, traffic and congestion, negative environmental effects, danger to pedestrians, and many other aspects that were not aligned with the TDDP.



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, MAY 17, 2021 7:00 PM

---

**Councilmember Schaible** relayed that many meetings and events had been held regarding the development and in his conversations with residents throughout the City he hadn't met a constituent that was supportive of the proposal referencing a common concern about the loss of trees in the area due to construction and a significant negative impact to the City's tree canopy.

**Councilmember Schaible** expressed concerns regarding the connection to Dean Street and Calverton Drive asking if there was any way to communicate that its intention, at that time or in the future, would not be for vehicular traffic.

**Councilmember Haba** proposed referring the item to the Planning Committee which was scheduled to meet the following evening and bring it back before the Council on June 7<sup>th</sup> with their advisement.

**Councilmember Solomon** inquired about the implementation of security devices along the non-motorized connection of the property to which Kate Powers responded that discussion had been held to consider pedestrian lighting along the walkway and Jim Chandler supplemented that any infrastructure and safety measures were likely to be considered at subdivision but no meetings had taken place with safety measures as the exclusive focus. **Councilmember Solomon** expressed his support for safety measures to be discussed before the property was dedicated to the City.

**Councilmember Solomon** sought detail regarding home density issues to which Chris Hatcher replied that the application was primarily for zoning to permit up to 16 dwellings per acre and many aspects at the time, including stormwater management and land swap, were still in the conceptual stage and an accurate sum could not yet be determined.

Mr. Hatcher added that there was no buffering required by the County or and landscape manual stating that he believed the applicant would be open to a discussion regarding flexibility of buffer areas and other items to gain support from the City Council and reiterated their demonstrated flexibility to that point.

**Councilmember Solomon** asked whether there would be any consideration for single-family detached homes included in the development to which Mr. Hatcher responded that they would be willing to discuss such matters but acknowledged that single-family detached homes were originally proposed and it was decided that they wouldn't be included.

**Councilmember Simasek** recalled that the year prior the proposal was to have buffers in the backyards of detached homes along the border of the property but was not an "either/or" situation.

In response to the question posed by **Councilmember Schaible**, Assistant City Administrator Jim Chandler explained that there was no way to accurately speculate as to the purpose of the right-of-way 15 to 20 years from the time of the meeting explaining that he did understand the concern. Mr. Chandler stated that it would be the responsibility of staff to ensure that a future need is addressed and would involve several discussions and meetings with DPW, Council, and various other pertinent entities and that the current status of the right-of-way would allow for what is





## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, MAY 17, 2021 7:00 PM

---

needed in the present day and also does not prevent any potentially needed adjustments going forward such as sidewalks or additional bicycle lanes.

Mr. Chandler added that if Council were able to provide a motion with sponsorship it would be helpful in facilitating and provide the groundwork for a motion that could be approved at the following Council meeting without delay.

### **10.b) DSP-19020-01 (Landy Property Phase 2)**

**[HCC-335-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Landy Phase 2 - Discussion Memo Final](#)

[ARCP DSP-19020-01](#)

[A-SOJ DSP-19020-01](#)

[CIVP DSP-19020-01](#)

[HighlyVisibleEndUnits DSP-19020-01](#)

[LSLP DSP-19020-01](#)

[SWML DSP-19020-01](#)

[TCP2 DSP-19020-01](#)

[DSP-19020-01 ParkingExhibit \(1\)](#)

[Landy Proposed Products - Renderings](#)

I move the Council authorize the Mayor to send correspondence to the Planning Board regarding DSP-19020-01 Landy Property Phase II, supporting the applicant's requests for modification to the Prince George's Transit District Development Plan (TDDP) standards to (1) permit a 13' extension to accommodate additional greenspace and (2) setback modification to allow for the front façade of attached townhouses adjacent to Dean Drive, to be flush along the frontage, subject to the following conditions:

The site plan shall be revised to remove pavement markings designating parking spaces shall be removed and replaced with affixed signage designating permissible parking areas, consistent with applicable City of Hyattsville requirements and in concurrence with State of Maryland Transportation Code Title 21-1003, requiring a 20' setback from any crosswalk at an intersection and 30' setback from any stop sign or traffic control signal;

All mechanical equipment, including but not limited to ground transformers and gas meters, shall be screened with either landscaping or other aesthetically pleasing manner.

Mr. Chandler provided a brief synopsis of the item and its status stating that, if it pleased the Body, a motion could be read and voted upon that evening and approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Simasek
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, MAY 17, 2021 7:00 PM

---

### 11. Council Dialogue (9:20 p.m. - 9:30 p.m.)

**Councilmember Lawrence** thanked Clerk Reams and her team for a successful election.

**Councilmember Schaible** thanked outgoing **Council Vice President Carrianna Suiter** and **Ward 5 Councilmember Erica Spell Wolf** for their camaraderie and teamwork wishing them both well in the future.

**Councilmember Simasek** expressed appreciation for all who helped ensure a successful election and commended the drastic increase in turnout.

**Councilmember Haba** thanked the candidates who ran in the election, gave well wishes to the departing Councilmembers, and detailed the history and successes of their work together.

**Councilmember Solomon** thanked outgoing Councilmembers and expressed appreciation for their initiatives and collaborative work.

**Councilmember Peabody** thanked the City Administrator and all who made the 2021 election a success and expressed his appreciation for the candidates. He wished his departing colleagues well and relayed contact information for the residents.

**Council Vice President Suiter** thanked her colleagues and recalled various work that had been accomplished by the Body while sharing her personal experience as a member of the Hyattsville City Council.

**Councilmember Spell Wolf** expressed her sincerest appreciation for her colleagues, the opportunity to serve the City of Hyattsville, and sent well wishes to all.

**Interim Mayor Ward** echoed the sentiments of his colleagues recalling multiple instances in which the outgoing members provided great service to the City resulting in the betterment of life for the residents and stated that he would miss having them as fellow Councilmembers and friends.

### 12. Community Notices and Meetings

#### 12.a) Main City Calendar May 18, - June 7, 2021

[HCC-343-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Main City Calendar May 18 - June 7, 2021 FINAL](#)



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, MAY 17, 2021 7:00 PM**

---

**13. Motion to Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Croslin
<b>SECONDER:</b>	Suiter
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Solomon, Spell Wolf
<b>ABSENT:</b>	Peabody

The meeting adjourned at 10:43 p.m.

**ATTEST:**  
**September 20, 2021**

---

**Laura Reams, City Clerk**

---

**Sean Corcoran, Deputy City Clerk**



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, JUNE 7, 2021 12:00 PM

---

Kevin Ward, W1, Interim Mayor  
Carrianna Suiter, W3, Council Vice President  
Bart Lawrence, W1  
Robert Croslin, W2  
Danny Schaible, W2  
Ben Simasek, W3  
Edouard Haba, W4  
Daniel Peabody, W4  
Joseph A. Solomon, W5  
Erica Spell Wolf, W5 (*departed at 12:23 p.m.*)

Absent: None

Also present were the following City staff members:  
Tracey Douglas, City Administrator  
Ron Brooks, City Treasurer  
Lesley Riddle, Director of the Department of Public Works  
Jim Chandler, Assistant City Administrator  
Vivian Snellman, Director of Human Resources  
Sean Corcoran, Deputy City Clerk

### Meeting Notice:

As we continue to take precautions due to the COVID-19 (Coronavirus) pandemic, the Hyattsville City Council will hold its meeting on Monday, June 7, 2021, remotely via video conference. The Council meeting will be conducted entirely remotely; there will be no in-person meeting attendance.

The meeting will be broadcast live on cable television channel 71 (Comcast), channel 12 (Verizon), and available via live stream at [www.hyattsville.org/meetings](http://www.hyattsville.org/meetings).

### PUBLIC PARTICIPATION:

Public comment may be made using the e-comment feature at [www.hyattsville.org/meetings](http://www.hyattsville.org/meetings) or by emailing [cityclerk@hyattsville.org](mailto:cityclerk@hyattsville.org). All electronic comments must be submitted by 10 AM on June 7, 2021. Comments received will be read by City staff during the public comment portion of the meeting.

Members of the public who wish to attend the virtual Council meeting must register in advance using the link below.

[https://zoom.us/webinar/register/WN\\_DL74li15Tp2y6YgolFdN7w](https://zoom.us/webinar/register/WN_DL74li15Tp2y6YgolFdN7w)

### 1. Call to Order and Council Roll Call

Interim Mayor Kevin Ward called the meeting to order at 12:02 p.m.

### 2. Pledge of Allegiance to the Flag

### 3. Approval of Agenda



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, JUNE 7, 2021 12:00 PM**

---

**AMENDMENTS:**

**ADD** HCC-373-FY21, Item 7.o), to Consent Agenda: Ward 2 Discretionary Funds  
**STRIKE** language in HCC-362-FY21, Item 8.a): “all 12.87 acres of”.

<b>RESULT:</b>	<b>APPROVED, AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Lawrence
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf

**4. Approval of the Minutes**

**4.a) Approval of the Minutes**

**[HCC-370-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Minutes Mar 24 2021 CM FINAL](#)

[Minutes Apr 5 2021 CM FINAL](#)

[Minutes Apr 5 2021 PH FINAL](#)

I move that the Mayor and Council approve the minutes for the Council meetings of March 24, 2021, April 5, 2021, and the Public Hearing of April 5, 2021.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Simasek
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf

**5. Public Comment (12:10 p.m. – 12:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker**

Ward 3 resident Chuck Perry addressed the Interim Mayor and Council in opposition to the purchase of two (2) vehicles for the Hyattsville City Police Department (HCPD) stating that the funds could be better used for education and opining about racial injustice among law enforcement.

Ward 3 resident Chuck Perry addressed the Interim Mayor and Council in support of ending single-family detached zoning describing benefits including the availability of accessory dwelling units that would create living units at a reduced cost.

Ward 3 resident Matthew Paulus addressed the Interim Mayor and Council in support of the item included in the agenda regarding the rezoning of the Clay Property stating that it would benefit the residents and surrounding area.



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

### MONDAY, JUNE 7, 2021 12:00 PM

---

Ward 3 resident Joyce McDonald addressed the Interim Mayor and Council in support of the Clay Property remaining under R80 zoning requesting that the Council send a letter to Prince George's County stating their position of opposition to changing the zoning to R20.

Ward 3 resident Rose Fletcher addressed the Interim Mayor and Council in support of the item regarding the Clay property expressing that she believed it was the correct approach to the issue and would be equitable to the community and property owners.

Ward 3 resident Alyson Reed addressed the Interim Mayor and Council in support of the Clay Property motion, HCC-362-FY21.

Ward 3 resident Tom Wright addressed the Interim Mayor and Council congratulating the departing members of the Council and relaying best wishes for the future. Mr. Wright expressed support for the motion associated with the Clay Property stating that the particular land parcel was specifically referenced in the Transit District Development Plan (TDDP) and was supported as designated R80.

Ward 2 resident David Marshall addressed the Interim Mayor and Council in opposition to the distribution of Ward 2 and Ward 3 discretionary funds stating that the funds should be used by Hyattsville citizens exclusively. He continued that he was opposed to the Council placing restrictions on the Clay Property.

Ward 2 resident David Marshall addressed the Interim Mayor and Council by thanking the departing members of the Body for their service.

#### 6. **Appointments (12:20 p.m. - 12:25 p.m.)**

##### **6.a) Appointment to the Shade Tree Board**

**[HCC-352-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Gloria Felix-Thompson redac](#)

I move that the Mayor and Council approve the appointment of Gloria Felix-Thompson to the Shade Tree Board for a term of three (3) years to expire on June 7, 2024.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Croslin
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, JUNE 7, 2021 12:00 PM**

---

**7. Consent Items (12:25 p.m. - 12:35 p.m.)**

**7.a) Purchase of Vehicles for Police Department**

**[HCC-344-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[City of Hyattsville FY21 Police Car Purchase and Equipment Quote](#)

[Designated UnMarked Car 5-18-2021](#)

[City of Hyattsville FY21 Police Car Purchase and Equipment Quote](#)

[Designated Marked Car 5-18-2021](#)

I move that the Mayor and Council authorize the Police Department to purchase two (2) vehicles from Hertricht Fleet Services and upfitting equipment from Global Public Safety together in an amount not to exceed of \$107,000.

**7.b) Lease Finance Funding of Vehicles and Related Equipment for Police Department**

**[HCC-346-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[City of Hyattsville, MD Quote 052421 \(2 police vehicles & equip\) \(1\)](#)

I move that the Mayor and Council authorize the City Administrator to execute a lease finance agreement with Tax-Exempt Leasing Corp. in an amount not to exceed \$107,000.

**7.c) FY21 General Fund Budget Adjustments and Transfer of Appropriations**

**[HCC-347-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Final FY21 Budget Ordinance 3-16-2021](#)

I move that the Mayor and Council authorize the Treasurer to amend the FY21 General Fund Budget by adjusting and transferring available budget appropriations in various line-items and between departments and within previously approved FY21 General Fund Expenditures of \$20.7 million to address year-end operational expenditures before June 30, 2021.

**7.d) Purchase of Two Commercial Buses for Senior Services Program**

**[HCC-348-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[COG & City of Hyattsville Final Agreement 21-043 HVL-COG Vehicle FE \(1\)](#)

[Signed 5.21.21 COH VOrder #1](#)

[Signed 5.21.21 COH VOrder #2](#)

[Signed 5.21.21 COHBusFloorPlan \(1\)](#)



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

### MONDAY, JUNE 7, 2021 12:00 PM

---

I move that the Mayor and Council authorize the City Administrator, as part of its executed agreement with the Metropolitan Washington Council of Governments (COG), to purchase two (2) wheelchair accessible buses from Sonny Merryman in an amount not to exceed \$48,000.00.

#### **7.e) Acceptance of the Chesapeake Bay Trust Stormwater Stewardship Grant**

[HCC-349-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[18996](#)

I move that the Mayor and Council authorize the City Administrator to accept and appropriate the Stormwater Stewardship Grant from the Chesapeake Bay Trust in the amount of \$36,702 for a green alleyway design using permeable pavers to serve as a pilot project that can be replicated.

#### **7.f) Acceptance of the Chesapeake & Atlantic Coastal Bays Trust Fund Grant**

[HCC-351-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[14-21-2922 TRF RE 05-13-2021-1](#)

I move that the Mayor and Council authorize the City Administrator to accept the Chesapeake & Atlantic Coastal Bays Trust Fund Grant, administered by the Maryland Department of Natural Resources, in an amount of \$170,000 for the construction of a submerged gravel wetland at the intersection of 42nd Ave and Charles Armentrout Drive. In addition, the treasurer is authorized to appropriate the funds accordingly to meet the requirements of the grant.

#### **7.g) Portland Loo Installation Design Support**

[HCC-353-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[scan\\_ryan 2021-05-26-07-51-40](#)

I move that the Mayor and Council authorize an expenditure not to exceed \$25,000 to Johnson, Mirmiran, & Thompson (JMT) to provide design support for the installation of two (2) Portland Loo restrooms under their existing contract.

#### **7.h) Resolution 2021-04: Maryland DHCD Community Legacy FY2022 Application**

[HCC-355-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Resolution 2021-04 Community Legacy Application](#)





## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

### MONDAY, JUNE 7, 2021 12:00 PM

---

I move that the Mayor and Council adopt Hyattsville Resolution 2021-04, a Resolution of the City of Hyattsville, Maryland in support of the City's application to the State of Maryland Department of Housing and Community Development (DHCD) for grant funding to support the City's Commercial Façade Improvement Program to be further described in the Community Legacy application.

#### **7.i) Rhode Island Avenue Trolley Trail MOU: Pedestrian Lighting and Fence Maintenance**

**[HCC-356-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Memo - RIATT MOU - June 2021](#)

I move the City Council authorize the City Administrator to execute a Memorandum of Understanding (MOU) with the Maryland State Highway Administration (SHA) for the costs of pedestrian trail lighting, up to, but not exceeding, \$165,000 and the maintenance of fencing for the Rhode Island Avenue Trolley Trail (RIATT) Project, subject to review for legal sufficiency by the City Attorney.

#### **7.j) Maryland DHCD - SGIF Grant Extension Request**

**[HCC-357-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Memo - Maryland DHCD SGIF Grant Extension](#)

[Canvas - DHCD Grant Extension Request](#)

[SGIF NCSEDF Resolution](#)

[Hyattsville Resolution 2018-03 SGIF](#)

I move the City Council authorize the Mayor and City Administrator to execute amendments to the City's Strategic Demolition and Smart Growth Impact Fund (SGIF) agreements with the Maryland Department of Housing and Community Development (DHCD) for the purpose of funding demolition and site development activities to support the redevelopment of 5324-5334 Baltimore Avenue, Hyattsville.

#### **7.k) Federalist Pig Restaurant - Detailed Site Plan (DSP-19072)**

**[HCC-363-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Action Memo - Federalist Pig - 06.07.21](#)

[Fed Pig Action - Supplemental Materials](#)

I move the City Council authorize the Mayor to provide correspondence to the Maryland-National Capital Park and Planning Commission (MNCPPC) in support of Detailed Site Plan (DSP) 19072 and the applicant's proposed departures from design standards. Additionally, the City requests the applicant consider Black artists for the creation of the finalized mural on the north wall of the building and prioritize local individuals in the hiring process as a further investment in the City of Hyattsville and its residents.



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, JUNE 7, 2021 12:00 PM**

---

**7.l) Hyattsville Ordinance 2021-03, Revisions to Chapter 114 - Article VIII**

**[HCC-364-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

**[HO 2021-03 Parking Fines](#)**

I move the Mayor and Council adopt Ordinance 2021-03, an ordinance whereby the City Council amends the City of Hyattsville Code to decrease the maximum penalty for nonpayment of parking fines to no more than one- and one-half (1.5) times the value of the original fine after thirty days of nonpayment (SECOND READING & ADOPTION).

**7.m) FY21 Council Discretionary Fund Expenditure: Ward 3**

**[HCC-367-FY21](#)**

**Sponsor:** Suiter

**Co-Sponsor(s):** Simasek

I move that the Mayor and Council approve the donation of Ward 3 discretionary funds in the amount of \$1,700 to support Hyattsville residents who are the first in their family to attend college. The funds shall be donated to First Generation College Bound (FGCB) with the stipulation that the full amount be allocated directly to program enrollees who are residents of the City of Hyattsville.

**7.n) FY21 Council Discretionary Fund Expenditures: Ward 1**

**[HCC-368-FY21](#)**

**Sponsor:** Ward

**Co-Sponsor(s):** Lawrence

I move that the Mayor and Council authorize the City's Treasurer to disburse Ward 1 discretionary funds to the following organizations in the associated amounts:

Hyattsville Elementary School PTA (Zombie Run): \$600

Hyattsville Middle School PTSO: \$600

SoHy Coop (event/music funding): \$500

**7.o) Ward 2 Discretionary Funds**

**[HCC-373-FY21](#)**

**Sponsor:** Croslin

**Co-Sponsor:** Schaible

I move that the Council approve the use of the balance of Ward 2 discretionary funds to aid people who need first aid mental health training.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Spell Wolf
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, JUNE 7, 2021 12:00 PM

---

### 8. Action Items (12:35 p.m. - 1:05 p.m.)

#### 8.a) Clay Property Request for Rezoning (CSP-20007)

[HCC-362-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[CSP-20007 - Clay Property - Action Memo - 6.3.2021](#)

[CSP CSP-20007 - Revised Concept - June 2021](#)

[City Council June 7 - Clay Property Documents](#)

I move that the Mayor and Council send the following correspondence to the Prince George's County District Council regarding CSP-20007 for the Clay Property:

The City of Hyattsville does not support the applicant's request for rezoning ~~all 12.87 acres of~~ the Clay Property from R-80 to R-20 through CSP-20007.

Given the environmental and historical significance of this parcel, upzoning without mandating adequate onsite forest conservation as well as measures to ensure appropriate transitions in density and height and to mitigate adverse impacts on surrounding residential communities and historic resources would conflict with several key policies of the Prince George's Plaza Transit District Development Plan (TDDP) and Countywide Green Infrastructure Plan.

Expanding access to wooded parkland and preserving historic specimen trees on the Clay Property would not only mitigate the impacts of deforestation on habitat loss, water quality degradation, and flooding exacerbated by climate change; it would substantially improve the quality of life for current and future Hyattsville residents.

Should the County approve the rezoning request for the Clay Property, the City of Hyattsville believes the following measures would better align the Conceptual Site Plan (CSP) with City and County goals as expressed through the TDDP and Green Infrastructure Plan:

1. The County shall require that at least four (4) total acres of conserved forest on the site, including the buffer for the Ash Hill Historic site, be dedicated as **public** park land.
2. The County shall require the applicant to configure the site boundaries and egress so as to save the 13 Specimen trees evaluated in fair or good condition on the eastern, southeastern, and southwestern edges of the property (numbered 5, 6, 7, 8, 1, 22, 23, 24, 25, 26, 27, 28, 29).
3. The District Council shall accept the applicant's proffer for 10% of units to be "moderately priced" in the range of 60% to 80% of AMI and this condition shall be applied for a minimum of 30 years. **It is the City's preference that the maximum allotment possible be as close to the 60% AMI range.**
4. The property shall consist of a mix of single-family attached and detached homes.
5. Prior to a subdivision application, the property owner shall explore with Prince George's County Public Schools (PGCPS) the feasibility of connecting the Clay Property to Adelphi Road for vehicular access by extending the Northwestern High School bus entrance to Dean Drive.

**Ward 2 Councilmember Danny Schaible** posed questions regarding the creation of park land, its jurisdiction, and the associated buffer areas to which **Ward 3 Councilmember Ben Simasek** responded that there were existing citations in the TDDP for parks in the area; the first was cited as the historic buffer along the northernmost perimeter of the property which was also the



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, JUNE 7, 2021 12:00 PM

---

Hitching Post. He acknowledged the several pathways and connections to trails on the property citing the western edge as having a steep slope unbefitting for pedestrian or bike travel that was likely to be involved in a potential land swap.

Assistant City Administrator Jim Chandler explained that there was a portion of land outside of the incorporated City limits that, if dedicated as park land, would be under the jurisdiction of the MNCPPC and the 50-foot buffer on the eastern edge of the property that could be dedicated as a public right-of-way or maintained by the related Homeowners' Association (HOA).

**Ward 4 Councilmember Edouard Haba** supplemented his colleague's inquiry asking whether the four (4) acres in question was contiguous and sought details regarding the surface area of the Hitching Post buffer to which **Councilmember Simasek** replied that the motion did not specify either of the items leaving opportunity for flexibility. Mr. Chandler explained that the motion was less specific about the land area to be maintained while the north and eastern buffers of the property would include some extent of contiguous preserved area.

**Councilmember Haba** referenced item 3 in the motion regarding 60 to 80 Area Median Income (AMI) questioning the realistic affordability of 80 AMI to which **Councilmember Simasek** and Mr. Chandler stated that 60 AMI was recommended and was also endorsed by the applicant.

**Ward 5 Councilmember Joseph Solomon** requested that a representative for the applicant provide further detail regarding the AMI designation to which Chris Hatcher answered that 60 to 80 AMI were universally recognized numbers and to deviate from that range could result in difficulties with financing and administrative complications.

**Councilmember Solomon** sought clarity regarding the AMI intentions for the project to which Mr. Hatcher relayed that he and his client had not yet reached that point in the planning process stating that they offered the non-required proffer with the intention of adding no cost to any governmental entity. He forecasted that a partnership with a highly reputable organization would be explored to assign the administration of the units to keep the AMI levels controlled.

**Councilmember Haba** requested further detail regarding the percentage of homes that would be listed at various levels of AMI and promoted a decrease of the AMI applied differently to different homes in the range of 60 to 75 AMI to which Mr. Hatcher reiterated that he had exhausted the available information and that the unrequired proffer would likely result in most of the units in the project closer to 80 AMI.

**Interim Mayor Ward** requested confirmation that as the process continued the allocation of affordable housing options and financing would be realized to which Mr. Hatcher agreed that more collaboration with the applicant would commence and such matters could be discussed.

**Councilmember Haba** identified that they were currently in the process of assessing the possibility of a rezoning for the property stating that by the time said conversations could be had with the applicant the opportunity for any changes to be implemented would have already passed and, therefore, language to ensure the consideration of AMI options would need to be established that evening.



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

### MONDAY, JUNE 7, 2021 12:00 PM

---

**Ward 4 Councilmember Daniel Peabody** sought clarity regarding affordability noting that it was the Council's position to encourage as much affordability as possible and requested details as to how a partnership with an organization similar to Habitat for Humanity would be assistive in accomplishing affordability for residents to which Mr. Chandler stated that it would ultimately be a private negotiation between the applicant and a third-party determined by what funding could be secured through underwriting processes. He added that the proffer could be conditioned in the Conceptual Site Plan (CSP) but, in the end, would be subject to the terms established by the third party.

**Councilmember Peabody** reiterated his question requesting further explanation about the relationship with the highest and lowest points of the determined AMI to which **Interim Mayor Ward** explained that once a third-party partner was selected it would then seek funding and underwriting and the AMI allocations would be determined, in part, by the type of unit, floor plan, and other aspects and it would be difficult to specify a time in the process in which that discussion could be held. Jim Chandler noted that the current task was to respond to the land uses omitting the housing aspect as the rezoning would impact the land and its affordability.

**Councilmember Haba** explained the importance of having definitive language established at the meeting that would guarantee conditions with which the Council would be allowed influence on the affordability of the housing within the project and recommended lowering the maximum of 80 AMI to 70.

**Councilmember Schaible** expressed agreement with his colleague and supported establishing distinct language that would ensure items in the best interest of the City and augment the authority of the HOA to which Mr. Chandler clarified that an HOA would maintain the eastern 50-foot buffer that would serve as an easement and that, in terms of park land, a land swap would fall under the purview of an HOA or MNCPPC. He continued that the north side buffer could be a historic easement that could reduce any concern about that area being used as anything different in the future and noted that there were processes that could be used to ensure that certain land uses remained unchanged.

**Councilmember Schaible** expressed that the language of the motion should be very clear in its intention and offered an amendment with which 10% of the housing would be equal amounts of 60 and 80 AMI and would include varying floor plans and models.

**Councilmember Simasek** responded that the Body could express their position about preference and cautioned that an even split among portions of the property could be problematic and amended language would be more beneficial stating that the City requests that as much of the 10% be closer to 60 AMI as possible.

**Councilmember Solomon** supported the intentions of his colleagues relaying that the motion acknowledged the proffer offered by the applicant but any edit to the language could compel a complete restructuring of item 3 in the motion and asked if the project would adopt its own process when the developer is chosen and would be at the discretion of the District Council to which Mr. Chandler corrected that it would be approved under the site plan. He supplemented that if the City preferred to be party to the agreement between the other parties, the other parties



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

### MONDAY, JUNE 7, 2021 12:00 PM

---

would have to be agreeable, and it would be likely that the City would have to be a financial partner as well.

**Councilmember Solomon** proposed a scenario in which the City would require a minimum of 50% of the property be set at 60% AMI and stated that, upon approval, the City would not relinquish their interest and could be a partner with the developer to lower the AMI closer to 60 to which Mr. Chandler responded that the District Council would consider the case but would not likely use the CSP as a means to negotiate terms of affordability.

**Councilmember Solomon** clarified that if the City wanted to retain a say in the project it would have to be in the form of offering a funding mechanism whereby the City would attain some ability to augment affordability to which Mr. Chandler replied that attaining affordability would rely on multiple factors such as the selected third-party and many of those factors were not yet at a point of discussion.

Attorney for the applicant Chris Hatcher explained that if the CSP were to continue and was approved in some form, a preliminary planned subdivision and Detailed Site Plan (DSP) would be the next steps and at that point the applicant should have named a third-party partner. He added that there were a number of items that contribute to affordability and it was at the behest of the City to determine their level of involvement.

**Councilmember Solomon** stated that he appreciated the opportunity to hold a discussion on the rezoning although it was outside the scope of the Planning Board and District Attorney relaying that the City would be afforded to provide comment and recommendations throughout the process. He suggested dialogue with the developer to gain a sense of their intentions for the property and make them aware of the funding mechanisms available through the City as opposed to making any modifications at the current time which would ultimately be unenforceable.

**Councilmember Simasek** offered an amendment to the motion to include the word “public” before park land in the first condition so it would read that the County shall require at least four (4) total acres of the forest on-site including the buffer for the Ashville site dedicated as public park land and to amend condition 3 to stat that the City’s preference is that the maximum allotment possible be closer to the 60% range as feasible.

The amendment was seconded by **Ward 2 Councilmember Robert Croslin** and approved unanimously.

**Councilmember Schaible** expressed hesitation with the motion as written and requested that language be included to ensure that 50% of the property be set at 60% AMI with a goal of including as much of the property as possible at that rate. He offered an amendment to the motion to add language after the approved amended language to state that a minimum of 50% of the affordable units be set at 60% AMI.

The amendment was seconded by **Councilmember Haba** and did not garner the support needed for approval.



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, JUNE 7, 2021 12:00 PM**

---

<b>RESULT:</b>	<b>APPROVED, AS AMENDED [7 - 2]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Croslin
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Simasek, Haba, Peabody,
<b>NAYS:</b>	Schaible, Solomon
<b>ABSENT</b>	Spell Wolf

**8.b) Hyattsville Resolution 2021-05: A Resolution establishing David C. Driskell Community Park**  
**[HCC-365-FY21](#)**

**Sponsor:** Ward

**Co-Sponsor(s):** Spell Wolf, Simasek, Schaible, Solomon, Croslin, Peabody, Suiter  
**[Hyattsville Resolution 2021-05: David C. Driskell Community Park](#)**

I move the Mayor and Council adopt Hyattsville Resolution 2021-05, a Resolution establishing David C. Driskell Community Park.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Croslin
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
<b>ABSENT</b>	Spell Wolf

**8.c) Hyattsville Ordinance 2021-04: Amending the City Code for the naming of David C. Driskell Community Park**

**[HCC-366-FY21](#)**

**Sponsor:** Ward

**Co-Sponsor(s):** Spell Wolf, Simasek, Schaible, Solomon, Croslin, Peabody, Suiter  
**[HO 2021-04 David C. Driskell Community Park](#)**

I move the Mayor and Council introduce Hyattsville Ordinance 2021-04, an Ordinance whereby the City Council amends the City of Hyattsville Code to strike any reference to “Magruder Park” and replace it with “David C. Driskell Community Park.” (FIRST READING).

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Suiter
<b>SECONDER:</b>	Peabody
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
<b>ABSENT</b>	Spell Wolf

**9. Council Dialogue (1:05 p.m. - 1:20 p.m.)**

**Councilmember Peabody** expressed gratitude for the departing members of Council and stated that it was a great pleasure to work with each of them.

**Ward 1 Councilmember Bart Lawrence** thanked all who worked with and beside him over his eight (8) year tenure including City staff and wished the best for his colleagues.





**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, JUNE 7, 2021 12:00 PM**

---

**Council Vice President Carrianna Suiter** thanked the residents, staff, colleagues, and friends expressing appreciation for the work of the City and the opportunity to serve as a member of the City Council.

**Councilmember Schaible** relayed that he looked forward to seeing everyone at the swearing-in ceremony later that day bidding farewell to departing members and reminding attendees of an upcoming Ward 2 check-in.

**Councilmember Solomon** thanked everyone and anticipated the swearing-in ceremony to be held that day.

**Councilmember Haba** thanked the departing Councilmembers.

**Councilmember Simasek** congratulated the departing members on their successful terms of service and expressed appreciation for having had the opportunity to work alongside them.

**Councilmember Croslin** thanked the outgoing members noting their talents and contributions and congratulated all of the graduating students of the 2021 school year.

City Administrator Tracey Douglas thanked the Councilmembers for their acknowledgements of staff and expressed appreciation for the opportunity to work and serve with the members.

**Interim Mayor Ward** echoed the sentiments of his colleagues and stated that he would miss his departing colleagues wishing them well in their new endeavors.

**10. Motion to Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Croslin
<b>SECONDER:</b>	Suiter
<b>AYES:</b>	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
<b>ABSENT:</b>	Spell Wolf

The meeting adjourned at 1:32 p.m.

**ATTEST:**  
**September 20, 2021**

---

**Laura Reams, City Clerk**

---

**Sean Corcoran, Deputy City Clerk**





## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, JUNE 7, 2021 7:00 PM

---

Kevin Ward, Mayor  
Sam Denes, W1  
Robert Croslin, W2  
Danny Schaible, W2  
Ben Simasek, W3  
Jimmy McClellan, W3  
Edouard Haba, W4  
Daniel Peabody, W4  
Joseph A. Solomon, W5  
Rommel Sandino, W5

Absent: None

Also present were the following City staff members:  
Tracey Douglas, City Administrator  
Ron Brooks, City Treasurer  
Lesley Riddle, Director of the Department of Public Works  
Jim Chandler, Assistant City Administrator  
Vivian Snellman, Director of Human Resources  
Sean Corcoran, Deputy City Clerk

### Meeting Notice:

As we continue to take precautions due to the COVID-19 (Coronavirus) pandemic, the Hyattsville City Council will hold its meeting on Monday, June 7, 2021 remotely via video conference. The Council meeting will be conducted entirely remotely; there will be no in-person meeting attendance.

The meeting will be broadcast live on cable television channel 71 (Comcast), channel 12 (Verizon), and available via live stream at [www.hyattsville.org/meetings](http://www.hyattsville.org/meetings).

### PUBLIC PARTICIPATION:

Public comment may be made using the e-comment feature at [www.hyattsville.org/meetings](http://www.hyattsville.org/meetings) or by emailing [cityclerk@hyattsville.org](mailto:cityclerk@hyattsville.org). All electronic comments must be submitted by 5 PM on June 7, 2021. Comments received will be read by City staff during the public comment portion of the meeting.

Members of the public who wish to attend the virtual Council meeting must register in advance using the link below.

[https://zoom.us/webinar/register/WN\\_5CFyvqMcQ6K8EC3teksv2Q](https://zoom.us/webinar/register/WN_5CFyvqMcQ6K8EC3teksv2Q)

### 1. Call to Order and Council Roll Call

**Mayor Kevin Ward** called the meeting to order at 7:06 p.m.

### 2. Pledge of Allegiance to the Flag



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

### MONDAY, JUNE 7, 2021 7:00 PM

---

### 3. Approval of Agenda

#### AMENDMENTS

**ADD HCC-374-FY21 to Consent agenda:** Hyattsville Crossing BID: Memorandum of Understanding between the City of Hyattsville and the Maryland-National Capital Park & Planning Commission (M-NCPPC)

**ADD HCC-375-FY21 to Consent agenda:** Ward 4 Discretionary Expenditures

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Peabody
<b>SECONDER:</b>	Solomon
<b>AYES:</b>	Ward, Denes, Croslin, Schaible, Simasek, McClellan, Haba, Peabody, Solomon, Sandino
<b>ABSENT:</b>	None

### 4. Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker

There were no public comments.

### 6. City Treasurer Update (7:30 p.m. - 7:35 p.m.)

City Treasurer Ron Brooks addressed the Mayor and Council with an update of the City's financial position explaining the purpose and content of regular Treasurer updates and providing information regarding the beginning and end of the Fiscal Year, the budget process, and the incoming and outgoing of City funds.

Treasurer Brooks displayed and illustrative document consisting of funds, balances, and expenses describing the document as a snapshot of the City's financial status and explained that the first displayed account was a previously used account that was repurposed for the current fiscal year, the second account included post-employment benefits to set aside money for employee retirement. Mr. Brooks reviewed a third account which served as the City's main account with which all liabilities were paid, and cash reserves were held.

Mr. Brooks relayed the City's balances in various accounts recalling the borrowing of funding to renovate the Department of Public Works (DPW) building and the new Police station. He explained the schedule of receiving revenues from multiple sources and the frequency of payments to obligations. The City Treasurer encouraged the Body to reach out with any questions or concerns regarding anything under his purview.

### 5. City Administrator Update (7:20 p.m. - 7:30 p.m.)

City Administrator Tracey Douglas addressed the Mayor and Council with an update regarding events, news, and programming in the City and began her presentation by showing a video that captured the processes and highlights of the May 2021 City Election.



## **REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**

### **MONDAY, JUNE 7, 2021 7:00 PM**

---

Ms. Douglas acknowledged the swearing-in ceremony for the new Council that was held prior to the meeting citing the outgoing and incoming members and providing details about the event and thanking all who helped including the Prince George's County Clerk.

Administrator Douglas reported that the name change to David C. Driskell Community Park was proceeding as planned with only the filing of the deed and approval from the County needed to complete the transition. Ms. Douglas explained that the City code, ordinances, and anything else bearing the former name of the park would be edited out of any such documentation and expressed gratitude for the hard work of all involved in passing the measure. She continued by stating that discussions regarding façade, artwork, and aesthetics in the park were being scheduled.

Ms. Douglas informed the Body of the process for naming the Council President and Vice-President and liaisons to City Committees noting that changes were made to the scheduling for the event to coincide with the scheduling of the 2021 Election and new Council transition.

Ms. Douglas provided information regarding the City's COVID-19 vaccination site stating that the infection rates were decreasing, the site remained open three (3) days a week, the implementation of a pop-up vaccination site was nearing, and outreach was being performed to spread information about how and where residents could be vaccinated and in an effort to reach elderly residents or residents with mobility deficiencies.

The City Administrator reported on the operations of the Community Services Department communicating that City staff would be distributing 675 boxes of non-perishable food from the Capital Area Food Bank every Tuesday through the end of June. She stated that 36K diapers had been distributed to 239 families the previous Saturday and was made possible through the partnership with the Greater DC Diaper Bank.

Ms. Douglas detailed camp programming stating that in-person summer camp was to begin in late June serving 16 campers and the Teen Summer Staycation would begin later in the month which would include small group trips for bowling, laser tag, wildlife nature center tours, and several other outings. It was reported that sports permits issued for athletic activities on the City's sports field would be issued in early July and the park pavilions had reopened for reservations through October.

City Administrator Douglas relayed that the Maryland Municipal League (MML) had named Hyattsville a 2021 Banner City in which the community was honored for transparency, partnership, goodwill, education, and participation in the operations that better municipal staff and officials. Ms. Douglas closed her comments mentioning the state of the County address on June 9<sup>th</sup> in which residents would be updated regarding changes to the recommended safety guidelines amid the COVID-19 health crisis.



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, JUNE 7, 2021 7:00 PM**

---

**8. Proclamations (7:55 p.m. - 8:00 p.m.)**

**8.a) Proclamation Honoring Councilmember and Council Vice President Bart Lawrence**

[HCC-358-FY21](#)

**Sponsor:** Ward

**Co-Sponsor(s):** Croslin, Haba, Peabody, Schaible, Simasek, and Solomon

[CM 0607 \(1\) Honoring Councilmember Bart Lawrence](#)

I move that the Mayor and Council adopt a proclamation honoring Bart Lawrence for his years of service and dedication to the City of Hyattsville as Ward 1 Councilmember and Council Vice President.

**8.b) Proclamation Honoring Councilmember and Council Vice President Carrianna Suiter**

[HCC-359-FY21](#)

**Sponsor:** Ward

**Co-Sponsor(s):** Croslin, Haba, Peabody, Schaible, Simasek, and Solomon

[CM 0607 \(1\) Honoring Councilmember Carrianna Suiter](#)

I move that the Mayor and Council adopt a proclamation honoring Carrianna Suiter for her years of service and dedication to the City of Hyattsville as Ward 3 Councilmember and Council Vice President.

**8.c) Proclamation Honoring Councilmember Erica Spell Wolf**

[HCC-360-FY21](#)

**Sponsor:** Ward

**Co-Sponsor(s):** Croslin, Haba, Peabody, Schaible, Simasek, and Solomon

[CM 0607 \(1\) Honoring Councilmember Erica Spell Wolf](#)

I move that the Mayor and Council adopt a proclamation honoring Erica Spell Wolf for her years of service and dedication to the City of Hyattsville as Ward 5 Councilmember.

**8.d) Proclamation Designating June 20th as National ASK Day**

[HCC-371-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[CM 0607 \(2\) National Ask Day 2021](#)

I move that the Mayor and Council adopt a proclamation designating June 20, 2021 as National ASK Day in Hyattsville.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Schaible
<b>SECONDER:</b>	Solomon
<b>AYES:</b>	Ward, Denes, Croslin, Schaible, Simasek, McClellan, Haba, Peabody, Solomon, Sandino
<b>ABSENT:</b>	None



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, JUNE 7, 2021 7:00 PM**

---

**7. Presentations (7:35 p.m. - 7:55 p.m.)**

**7.a) Presentation on Renovation of the Teen Center**

**[HCC-354-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

**Presentation**

Deputy Director of DPW Hal Metzler addressed the Mayor and Council regarding the site and building chosen to serve as the new Hyattsville Teen and Mentoring Center recalling that the City began searching for a site for the new Teen Center in 2018 and purchased a facility located at 5812 40<sup>th</sup> avenue in the Spring of 2019. Mr. Metzler described that City staff began developing interior and exterior concepts for renovation in collaboration with staff to determine the types of programming and activities that would need to be considered.

Deputy Director Metzler described the design as being created with multiuse space and a central room that could be configured several different ways for multiple events or activities and would also provide for classroom settings and computers. Mr. Metzler stated that the facility would also include enough space for a calming environment or a big event that could cater to large crowds.

Mr. Metzler further detailed the interior and exterior renovations and explained that at the following Council meeting DPW staff would bring forward a proposal for the design portion of the project for Council approval which would be followed by estimates for construction. Mr. Metzler noted that the City was exploring outside funding in the way of grants and other resources.

**Consent Items (Added by Amendments to the Agenda)**

**Hyattsville Crossing BID: Memorandum of Understanding between the City of Hyattsville and the Maryland-National Capital Park & Planning Commission (M-NCPPC)**

**[HCC-374-FY21](#)**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

**I move the Council authorize the City Administrator to execute a Memorandum of Understanding with the Maryland-National Capital Park & Planning Commission (M-NCPPC) for the purposes of the Commission to contribute \$125,000 in funding for the development of Hyattsville Crossing Business Improvement District**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Simasek
<b>SECONDER:</b>	Solomon
<b>AYES:</b>	Ward, Denes, Croslin, Schaible, Simasek, McClellan, Haba, Peabody, Solomon, Sandino
<b>ABSENT:</b>	None



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, JUNE 7, 2021 7:00 PM**

---

**Ward 4 Discretionary Fund Expenditures**

**HCC-375-FY21**

**Sponsor:** Haba

**Co-Sponsor(s):** Peabody

I move that the Mayor and Council approve the disbursement of Ward 4 discretionary funds, in the amount of \$1,700, Edward Felegy Elementary School to support the purchase and distribution of back-to-school materials.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Simasek
<b>SECONDER:</b>	Schaible
<b>AYES:</b>	Ward, Denes, Croslin, Schaible, Simasek, McClellan, Haba, Peabody, Solomon, Sandino
<b>ABSENT:</b>	None

**9. Action Items (8:00 p.m. - 8:15 p.m.)**

**9.a) Hyattsville Resolution 2021-05: Designating Ward 1 Special Election as a Vote-by-Mail Election**

**HCC-369-FY21**

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

**[Resolution 2021-05 - Special Election - Vote by Mail 06.07.21](#)**

I move that the Mayor and Council adopt Hyattsville Resolution 2021-05, a Resolution whereby the City Council declares a vacancy on the Council in Ward 1, notifies the Board of Supervisors of Elections (Board) to fill the vacancy, and declares the City's 2021 special election for Ward 1 to be a Vote-by-Mail election.

City Clerk Laura Reams displayed a presentation that provided details regarding the Ward 1 Special Election to be held to fill the vacancy created by the election of Kevin Ward as Mayor of the City of Hyattsville.

Clerk Reams explained that the elected official would serve the remaining two (2) years of the former Councilmember's term ending in June 2023 and detailed the guidelines that govern the processes with which the Special Election would be conducted including a deadline related to the conclusion of the May election and a resolution requiring the approval and adoption of Council.

Ms. Reams reported that candidate registration would open on July 6<sup>th</sup> and conclude on July 23<sup>rd</sup> explaining that any individual seeking the Ward 1 Council seat must be at least 18 years old, a citizen of the United States, a registered voter in the City of Hyattsville, and must reside in Ward 1. She gave details for aspiring candidates and stated that certified candidates would be presented to Council on August 2<sup>nd</sup>.



## REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

MONDAY, JUNE 7, 2021 7:00 PM

---

Ms. Reams informed the Mayor and Council that the initial voter registration deadline was July 30<sup>th</sup> giving details about the process with which voters could register, the distribution of ballots, the methods with which a ballot could be submitted, and declared Election Day to be September 14, 2021.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Solomon
<b>SECONDER:</b>	Croslin
<b>AYES:</b>	Ward, Denes, Croslin, Schaible, Simasek, McClellan, Haba, Peabody, Solomon, Sandino
<b>ABSENT:</b>	None

### 10. Council Dialogue (8:15 p.m. - 8:25 p.m.)

**Ward 4 Councilmember Edouard Haba** welcomed the newly elected Councilmembers and expressed the importance of not only serving one's Ward but serving the City as a whole and stated that he looked forward to working with everyone.

**Ward 5 Councilmember Joseph Solomon** welcomed the new members bringing awareness to a multi-week recess in between Council meetings and expressing anticipation for the next legislative cycle.

**Ward 2 Councilmember Robert Croslin** echoed the sentiments of his colleagues and expressed eagerness to start new work.

**Ward 3 Councilmember Ben Simasek** welcomed the three (3) new Councilmembers and expressed appreciation for their committed service.

**Ward 4 Councilmember Daniel Peabody** congratulated the new members and the newly elected Mayor welcoming all to a dialogue and collaboration and offering his assistance in any way. He provided some insight as to the experience of being a Councilmember and promoted participation in the Maryland Municipal League (MML).

**Ward 2 Councilmember Danny Schaible** welcomed the new members expressing gratitude for the opportunity to work with them and promoted participation in MML.

**Ward 5 Councilmember Rommel Sandino** thanked his new colleagues expressing appreciation for the opportunity to serve as Councilmember and reflected on his history as an undocumented citizen to his achievement of being elected a City official.

**Ward 3 Councilmember Jimmy McClellan** thanked his new colleagues for their perspectives and welcoming demeanor and wished all a happy Pride Month inviting the community to celebrate with an event that would be held at nearby Streetcar 82.

**Ward 1 Councilmember Sam Denes** thanked his supporters, candidates, new colleagues and expressed anticipation in improving the way of life for all Hyattsville residents.



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD**  
**MONDAY, JUNE 7, 2021 7:00 PM**

---

**Mayor Kevin Ward** thanked everyone for their contributions and provided some speculation about the coming months for the Body. He expressed appreciation for City staff noting their exceptional talent and encouraged the new members to use them as a resource and guide.

**11. Community Notices and Meetings**

**11.a) Main City Calendar June 8 - July 19, 2021**

[HCC-372-FY21](#)

**Sponsor:** At the Request of the City Administrator

**Co-Sponsor(s):** N/A

[Main City Calendar June 8 - July 19, 2021 FINAL](#)

**12. Motion to Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Croslin
<b>SECONDER:</b>	Schaible
<b>AYES:</b>	Ward, Denes, Croslin, Schaible, Simasek, McClellan, Haba, Peabody, Solomon, Sandino
<b>ABSENT:</b>	None

The meeting adjourned at 8:15 p.m.

**ATTEST:**

**September 20, 2021**

---

**Laura Reams, City Clerk**

---

**Sean Corcoran, Deputy City Clerk**





# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-76-FY22

9/20/2021

6.a)

---

Submitted by: Laura Reams  
Submitting Department: City Clerk  
Agenda Section: Motion to Close

**Item Title:**  
**Motion to Close**

**Suggested Action:**

I move the Mayor and Council close the Council Meeting of September 20, 2021, to consult with the City Attorney and staff about litigation and to discuss contract negotiations related to the acquisition of property. The reasons for closing the meeting under these exceptions are to maintain legally required confidentiality regarding litigation and contract negotiations.

This session will be closed under the authority of the Annotated Code of Maryland State Government General Provisions Article Section 3-305 (b) (3) to consider the acquisition of real property for a public purpose and matters directly related thereto"; and (b)(8) consult with staff, consultants, or other individuals about pending or potential litigation.

**Summary Background:**

N/A

**Next Steps:**

N/A

**Fiscal Impact:**

N/A

**City Administrator Comments:**

Recommend support.

**Community Engagement:**

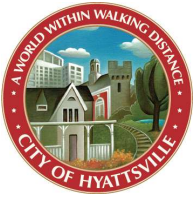
N/A

**Strategic Goals:**

Goal 2 - Ensure the Long-Term Economic Viability of the City

**Legal Review Required?**

Complete



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-71-FY22

9/20/2021

8.a)

---

Submitted by: At the Request of the City Administrator  
Submitting Department: Community & Economic Development  
Agenda Section: Presentation

**Item Title:**

**Queens Chapel Town Center - Amendment to Conditions of Approval**

**Suggested Action:**

Presentation Only

**Summary Background:**

The applicant is requesting an amendment to the conditions of approval related to Conceptual Site Plan (CSP)-10002 and Detailed Site Plan (DSP)-10011 which would allow for the continued use of an existing eating and drinking establishment with drive-through service within Queens Chapel Town Center.

The property is located within the West Hyattsville Transit District Overlay Zone (TDOZ). This application is requesting validation of the existing Kentucky Fried Chicken drive-through restaurant at 5401 Ager Road.

On January 27, 2011, the Prince George's Planning Board approved CSP-10002 and DSP-10011 which allowed for an amendment to the Table of Uses to permit eating and drinking establishment with drive-through service within Queens Chapel Town Center.

The adopted resolution included one modification and three conditions. Condition 3c states:

*Within Queens Chapel Town Center, any eating or drinking establishment, with drive-through service, operating pursuant to an approved detailed site plan as of the effective date of County Council Resolution CR-24-2006, shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such eating or drinking establishments, with drive-through service, and their underlying detailed site plans may be modified pursuant to the existing provisions relating to revisions or amendments to detailed site plans generally as they exist in the Zoning Ordinance. If the use is discontinued for a period of 180 or more consecutive calendar days, unless the conditions of non-operation were beyond the control of the owner or holder of the use and occupancy permit, then the use shall no longer be considered a legal use.*

The applicant is requesting Condition 3c be deleted.

**Next Steps:**

This item will return for action at the Council's October 4<sup>th</sup> meeting.  
This case is scheduled to go before the Zoning Hearing Examiner on October 20<sup>th</sup>.

**Fiscal Impact:**

N/A

**City Administrator Comments:**

For Presentation

**Community Engagement:**

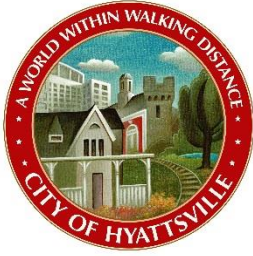
The applicant is scheduled to present to the Hyattsville Planning Committee on September 21, 2021.

**Strategic Goals:**

Goal 2 - Ensure the Long-Term Economic Viability of the City

**Legal Review Required?**

N/A



# Memo

To: Mayor and City Council

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development  
Kate Powers, City Planner

Date: September 1, 2021

Re: Queens Chapel Town Center – Amendment to Conditions of Approval

Attachments: Applicant's Request Letter  
Council Correspondence (DSP-10011 & CSP-10002)  
Planning Board Resolution No. 11-08

---

The purpose of this memorandum is to provide the City Council with a summary of the applicant's requested amendment to the conditions of approval related to CSP-10002 and DSP-10011. The Subject Property is Queens Chapel Town Center, specifically the Kentucky Fried Chicken Restaurant at 5401 Ager Road.

## **Project Summary**

- The applicant is requesting an amendment to the conditions of approval related to CSP-10002 and DSP-10011 which would allow for the continued use of an existing eating and drinking establishment with drive-through service within Queens Chapel Town Center.
- The property is located within the West Hyattsville Transit District Overlay Zone.
- This application is requesting validation of the existing Kentucky Fried Chicken Drive-through Restaurant at 5401 Ager Road.

## **Project Location Details**

The Subject Property is within the Queens Chapel Town Shopping Center, located in the northwest quadrant of Queens Chapel Road and Hamilton Street with a total area of 6.05 acres. The property is zoned M-X-T/TDO/R-55 and is located within the boundaries of the 2006 Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone.

The property is currently developed with an existing commercial shopping center and located near the West Hyattsville Metro Station.

### **Applicant's Request**

On January 27, 2011, the Prince George's Planning Board approved Conceptual Site Plan CSP-10002 and Detailed Site Plan DSP-10011 which allowed for an amendment to the Table of Uses to permit eating and drinking establishment with drive-thru service within Queens Chapel Town Center.

The adopted resolution included one modification and three conditions. Condition 3c states:

*Within Queens Chapel Town Center, any eating or drinking establishment, with drive-through service, operating pursuant to an approved detailed site plan as of the effective date of County Council Resolution CR-24-2006, shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such eating or drinking establishments, with drive-thru service, and their underlying detailed site plans may be modified pursuant to the existing provisions relating to revisions or amendments to detailed site plans generally as they exist in the Zoning Ordinance. If the use is discontinued for a period of 180 or more consecutive calendar days, unless the conditions of non-operation were beyond the control of the owner or holder of the use and occupancy permit, then the use shall no longer be considered a legal use.*

The applicant is requesting Condition 3c be deleted. Approval of this request would validate the existing establishment operating from the Subject Property (Kentucky Fried Chicken Drive-thru Restaurant at 5401 Ager Road) which has been non-operational for a period of at least 180 days.

For reference, on Monday, May 16, 2011, the Hyattsville City Council voted to oppose DSP-10011 and CSP-10002, a request for amendment to the Table of Uses in the West Hyattsville Transit District Development Plan (TDDP).

The City stated that the proposed uses contradicted the intent of the main street commercial districts which should provide for a more pedestrian and non-motorized vehicle oriented environment. The City also requested the District Council consider specifically prohibiting the pre-existing non-compliant use of drive-thru establishments when a property becomes vacant and/or transfers ownership.

### **Timeline**

The applicant's presentation to the City Council is scheduled for September 20, 2021.

This item will return for action at the Council's October 4<sup>th</sup> meeting.

This case is scheduled to go before the Zoning Hearing Examiner on October 20<sup>th</sup>.

July 29, 2021

**VIA ELECTRONIC MAIL**

Donna J. Brown  
Clerk  
Prince George's County Council  
County Administration Building  
Upper Marlboro, MD 20772

*Re. CSP-10002 and DSP-10011;  
Amendment to Conditions of Approval*

Dear Madame Clerk:

On behalf of the applicant, Queens Chapel Town Center LLC and pursuant to Section 27-135(c) for the Zoning Ordinance, I am requesting that Conditions 3c of CSP-10003 and Condition 3c of DSP-10011 be deleted in their entirety. In support of this request, that applicant states:

**PROJECT SUMMARY**

The subject property is currently developed with an existing shopping center. It is in close proximity to the West Hyattsville Metro Station. The shopping center is surrounded by other commercial uses in the area. Specifically, the subject property is surrounded by the following uses:

North: Single-family homes located in the R-55 Zone.

South: Hamilton Street, across Hamilton Street is commercially developed property in the M-X-T Zone

East: Queens Chapel Road, across Queens Chapel Road is commercially developed property in the M-X-T Zone

West: WMATA parking in the M-X-T Zone

As noted above, the Preferred Land Use Plan found on page 36 of the TDDP, places the shopping center in the Retail/Commercial category of the Table of Uses. This Table of Uses controls the uses permitted in the West Hyattsville TDOZ and supersedes the underlying Table of Uses listed in the Zoning Ordinance.

### **PREVIOUS APPROVALS**

The existing buildings on-site were mostly built prior to 1965 and have been the subject of various permits over the years. Detailed Site Plan DSP-00040 for Residue Parcel A-13 was approved by the Planning Board on December 21, 2000 (PGCPB Resolution No. 00-230) under the previous 1998 West Hyattsville Approved Transit District Development Plan for the Transit District Overlay Zone, with six conditions. These conditions are no longer outstanding as they were complied with and completed through the certification, permit, and construction processes. That approval was for a eating and drinking establishment with drive-through service. Conceptual Site Plan CSP-10002 and Detailed Site Plan DSP-10011, to allow an amendment to the Table of Uses of the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* for the subject property, were approved by the Planning Board on January 27, 2011 subject to three conditions. Subsequently, the Prince George's County District Council reviewed both of these cases on June 13, 2011 and adopted the Planning Board's resolutions, with one modification and three conditions. Condition 3c of those approvals provides:

Within Queens Chapel Town Center, any eating or drinking establishment, with drive-through service, operating pursuant to an approved detailed site plan as of the effective date of County Council Resolution CR-24-2006, shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such eating or drinking establishments, with drive-through service, and their underlying detailed site plans may be modified pursuant to the existing provisions relating to revisions or amendments to detailed site plans generally as they exist in the Zoning Ordinance. If the use is discontinued for a period of 180 or more consecutive calendar days, unless the conditions of non-operation were beyond the control of the owner or holder of the use and occupancy permit, then the use shall no longer be considered a legal use.

Finally, DSP-10011/01 was approved by the Planning Board on February 21, 2013 (PGCPB Resolution No. 13-11) for the purpose of amending the mandatory development requirements building mounted signs to be internally illuminated.

The purpose of this request is to delete 3c of CSP-10002 and DSP-10011 cited above. In so doing, the existing permitted use will be subject to the same restrictions and conditions as the other permitted uses in Queens Chapel Town Center.



## **CRITERIA FOR APPROVAL**

The District Council is permitted to amend conditions to a site plan approved in accordance with Section 27-135(c) which provides, in part:

- (c) The District Council may (for good cause) amend any condition imposed or site plan approved (excluding Comprehensive Design Zone Basic Plans or R-P-C Zone Official Plans) upon the request of the applicant without requiring a new application to be filed, if the amendment does not constitute an enlargement or extension.

The Court of Appeals of Maryland, in *Kay Construction Company v. County Council*, 227 Md. 479, 177 A.2d 694 (1962) considered the definition of “good cause” upon appeal of a Council resolution overturning a previous decision upon a reconsideration of that previous decision for “good cause shown.” In *Kay*, the Court held that a change of mind on the basis of the evidence of record is not “good cause.” In arriving at this conclusion the Court referred to a previous decision, *Zoning Appeals Board v. McKinney*, 174 Md. 551, 564, 199 A. 540, 171 A.L.R. 207, 564 (1938), which states that in the absence of a statutory requirement, “It may be conceded without discussion that the Board has the right to correct errors in its decisions caused by fraud, surprise, mistake or inadvertence, which any agency exercising judicial functions must have, to adequately perform its duties.

## **BASIS FOR REQUEST**

Condition 3c of both CSP-10002 and DSP-10011 provide, in part, if the use is discontinued for a period of 180 or more consecutive calendar days, unless the conditions of non-operation were beyond the control of the owner or holder of the use and occupancy permit, then the use shall no longer be considered a legal use. Under the Zoning Ordinance, this limitation is normally associated with nonconforming uses, whereas this use, and eating and drinking establishment with drive-through service, is a permitted use pursuant to the approval of DSP-00040 and pursuant to the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* which provide on page 38:

**Legally existing development.** Until a site plan is submitted, all buildings, structures, and uses that were lawful or could be certified as a legal nonconforming use on the date of sectional map amendment (SMA) approval are exempt from the TDDP standards and from site plan review and are not nonconforming. However, if a permit application is submitted and it is determined that the legally existing building, structure, or use has been discontinued for more than 180 days in accordance with Section 27-241(c), it shall comply with all applicable TDDP standards and site plan review.

DSP-10011 was approved by the District Council in 2011 and that DSP reflected the eating and drinking establishment as shown on DSP-00040. Therefore, the use is legal and not nonconforming and it should not be subject to the 180 limit associated with nonconforming uses

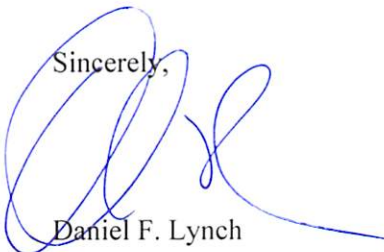


in the West Hyattsville TDOZ.

Furthermore, this condition inhibits the applicant's ability to market the property to potential tenants. This condition places a cloud on their ability to operate an eating and drinking establishment with a drive through from the subject property and to maintain a viable and competitive use into the future. Potential tenants need and assurance that the use will continue into the future and also need the ability to renovate and modernize that use to stay competitive in the market. Any a major modification to the structure associated with the use would most likely require a closure of the business for a period that could exceed the 180 days. If such occurs, a tenant could potentially spend hundreds of thousands of dollars on a renovation or rebuilding only to lose their ability to operate the use.

Finally, this use was developed in conformance with the *1998 West Hyattsville Approved Transit District Development Plan for the Transit District Overlay Zone*. At that time, the use was permitted subject to the approval of a Detailed Site Plan and conformance with the Transit District Development Standards. The improvements on the property are not only designed to accommodate an eating and drinking establishment with drive-through service, but also designed to the meet urban and pedestrian oriented standards contained on the *1998 West Hyattsville Approved Transit District Development Plan for the Transit District Overlay Zone*. When the Planning Board approved DSP-00040 in 2001, it not only found that the proposed development of the property with an eating and drinking establishment with drive-through service was compatible with and complementary to existing and proposed development in the vicinity of the property, but the arrangement and design of buildings when coupled with their proximity to the West Hyattsville subway station, reflects a cohesive development capable of sustaining an independent environment of continuing quality and stability that will encourage an active commercial entity. This finding demonstrates that this use, although no longer a permitted use in the West Hyattsville TDOZ, is compatible with the surrounding area unlike nonconforming uses and therefore the need to phase this use out, through the 180 day limit set forth in condition 3c, is a mistake.

For these reasons, Queens Chapel Town Center LLC respectfully requests that condition 3c to CSP-10002 and DSP-10011 be deleted in their entirety. Thank you in advance for your time and consideration to this matter.

Sincerely,  
  
Daniel F. Lynch

Marc Tartaro  
Mayor



Gregory E. Rose  
City Administrator

May 17, 2011

CITY COUNCIL

WARD 1  
Candace B. Hollingsworth

WARD 2  
David Hiles  
Shani N. Warner

WARD 3  
Matthew D. McKnight  
Timothy P. Hunt

WARD 4  
Paula J. Perry  
Carlos Lizanne

WARD 5  
Ruth Ann Frazier  
Nicole Hinds Mofo

POLICE DEPARTMENT  
Non-Emergency  
301/985-5060  
Emergency  
301/985-5050

PUBLIC WORKS  
301/985-5032

CODE ENFORCEMENT  
301/985-5014

RECREATION & THE ARTS  
301/985-5020

Honorable Ingrid M. Turner, Chair  
Prince George's County District Council  
14741 Governor Oden Bowie Drive, 2nd Floor  
Upper Marlboro, MD 20772

**RE: DSP-10011 and CSP-10002 – Request to Amend West Hyattsville TDDP Table of Uses**

Dear Chair Turner and Members of the District Council,

I am writing to inform you that on Monday, May 16, 2011 the Hyattsville City Council voted to oppose DSP-10011 and CSP-10002, a request for amendment to the Table of Uses in the West Hyattsville Transit District Development Plan (TDDP).

The City opposes several of the applicant's requested uses, specifically eating or drinking establishments with drive-thru, building supply store, pizza delivery service, carpet or floor covering store, as these uses are auto-oriented. The City believes these uses contradict the intent of the main street commercial districts which should provide for a more pedestrian and non-motorized vehicle oriented environment. The City also requests the District Council to consider specifically prohibiting the pre-existing non-compliant use of drive-thru establishments when a property becomes vacant and/or transfer ownership.

The City is supportive of continued investment and economic development within the West Hyattsville TDDP, however the City cannot support uses which contradict the intent or compromise the integrity of future development.

Thank you in advance for your consideration.

Sincerely,

Marc Tartaro  
Mayor

cc: Hyattsville City Council  
Hon. Will Campos, County Councilmember, District 2  
Jim Chandler, Community Development Manager  
Dan Lynch, Attorney  
Gregory Rose, City Administrator

**CITY OF HYATTSVILLE**

4310 Gallatin Street, Hyattsville, MD 20781 | Tel 301/985-5000 | Fax 301/985-5007 | [www.hyattsville.org](http://www.hyattsville.org)

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on January 27, 2011, regarding Detailed Site Plan DSP-10011 for Queens Chapel Town Center, the Planning Board finds:

1. **Request:** The subject application requests an amendment for the Table of Uses for the West Hyattsville Transit District Development Plan (TDDP), specifically for the shopping center known as Queens Chapel Town Center.
2. **Development Data Summary**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	M-X-T/R-55/T-D-O	M-X-T/R-55/T-D-O
Use(s)	Shopping Center	Shopping Center
Acreage	6.05	6.05
Parcels	15	15
Building Square Footage/GFA	64,740	64,740

**On-Site Parking Data**

	<b>Existing</b>
Standard Spaces	229
Parallel Spaces	3
Handicapped Spaces	11 (6 Van Accessible)
<b>Total</b>	<b>243 (11 Handicapped)</b>

3. **Location:** The site is in Planning Area 68 and Council District 2. More specifically, it is located in the northwest corner of the intersection of Hamilton Street and Queens Chapel Road.
4. **Surrounding Uses:** The subject property is bounded to the south by Hamilton Street, and, across the street, by commercially developed property in the M-X-T Zone; to the east by Queens Chapel Road, and, across the road, by commercially developed property in the M-X-T Zone; to the west by Ager Road, and, across the road, by a metro parking lot in the M-X-T Zone; to the northeast by Hamilton Manor Apartments in the R-18 Zone; and to the north, by single-family homes in the R-55 Zone.

5. **Design Features:** The subject parcels are already developed with various commercial buildings that present themselves as a shopping center. This DSP proposes no new physical development on-site, so the following is a description of the existing layout of the property.

The shopping center is comprised of multiple connected and disparate buildings measuring a total of 64,740 square feet divided over 15 parcels, all of which are under the same ownership. The buildings are generally located no more than 14 feet behind the right-of-way line along Hamilton Street and Queens Chapel Road, although one building is set back further, at approximately 48 feet. The on-site parking is generally located behind the buildings, accessed from a public alley that runs along the rear of the property, although there are a few locations in which small parking lots are adjacent to the rights-of-way. Additionally, for most of the site's frontage along Hamilton Street and 31<sup>st</sup> Avenue, either angled or parallel parking spaces are located within the rights-of-way. The site is accessed from multiple driveways off of Ager Road, Queens Chapel Road, Hamilton Street, and 31<sup>st</sup> Avenue.

Starting at the southwest corner of the site is Residue Parcel A-13, which is the subject of a prior approval of Detailed Site Plan DSP-00040, and is developed with a 2,839-square-foot, brick and stucco, fast-food, Kentucky Fried Chicken restaurant. This building sits within 2.5 feet of the right-of-way at the corner of Hamilton Street and Ager Road and the existing drive-through lane runs along the north side of the building, with parking beyond it. Within the eastern portion of this parcel is a one-story, cinder block, 4,523-square-foot building with three tenants, specifically a bakery, furniture store and liquor store. There is parking located between this building and Hamilton Street and within a parking lot that takes up the remainder of the eastern portion of the parcel.

The portion of the site from the eastern property line of Residue Parcel A-13 to 31<sup>st</sup> Avenue is divided into ten parcels of varying size. One large, 22,790-square-foot, brick, stone and cinder-block building sits across all of these parcels, set back approximately ten feet from the Hamilton Street right-of-way, with multiple tenants including a barber, restaurant, dry cleaners and nail salon, among others. Additional parking and loading spaces are then provided behind the buildings along the northern property line, with access via the adjacent alley.

On the eastern side of 31<sup>st</sup> Avenue, is Parcel B-3 which includes a single, 5,971-square-foot, brick and concrete building, located within nine feet of the Hamilton Street right-of-way, with four tenants, specifically a restaurant, dollar store, hair salon and barber. Parking and loading are located at the rear of the building with access from the alley that runs along the northern property line. To the east is Parcel B-2, which has a parking lot along the western edge and a portion of a brick and glass building, with a convenience store tenant, in the southeastern corner, which sits within 12 feet of the Hamilton Street right-of-way. This building extends to the east into the adjacent Residue Parcel B-1 for a total area of 8,584 square feet and includes two more tenants, a pet groomer and a post office. After a small gap, another 13,360-square-foot, brick and glass building runs parallel to and stays within nine feet of the right-of-way line at the corner of Hamilton Street and Queens Chapel Road. This building houses seven tenants including a bank,

bridal store, and restaurants, among others.

Across a 20-foot public alley is Residue Parcel F, which sits along the northern and eastern boundaries of the entire subject property. It has one small, 6,673-square-foot, brick and concrete, three-tenant building in the eastern corner fronting on Queens Chapel Road, sitting within nine feet of the right-of-way. The rest of this parcel is asphalt parking and gravel areas that wrap around the north side of the public alley between the shopping center and the adjacent residential areas.

6. **Previous Approvals:** The existing buildings on-site were mostly built prior to 1965 and have been the subject of various permits over the years. Detailed Site Plan DSP-00040, for Residue Parcel A-13, was approved by the Planning Board on December 21, 2000 (PGCPB Resolution No. 00-230), under the previous June 1998 *West Hyattsville Approved Transit District Development Plan for the Transit District Overlay Zone*, with six conditions. These conditions are no longer outstanding as they were complied with and completed through the certification, permit and construction processes.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application is for a change in the Table of Uses for the July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone* (TDDP). This document supersedes the Table of Uses for permitted uses in the Zoning Ordinance for the M-X-T Zone. Additionally, since the shopping center exists and no new construction is proposed, the site plan design guidelines of the Zoning Ordinance are not applicable.

The applicant has submitted the required application for a detailed site plan pursuant to Section 27-548.09.01(b)(6), Amendment of Approved Transit District Overlay Zone, of the Zoning Ordinance. The Planning Board evaluated the proposed uses and finds that most but not all of them meet the requirements of Section 27-548.09.01, which specifies the required findings for an amendment to the Table of Uses. The Planning Board reviewed the detailed site plan against the criteria for approval in the M-X-T Zone as set forth in Section 27-546(d) of the Zoning Ordinance and offers the following comments:

**(1) The proposed development is in conformance with the purposes and other provisions of this Division;**

There is no development proposed with this plan, as the proposed changes to the Table of Uses will only allow for a change in the mix of tenants leasing space in the existing buildings on the site. All proposed uses for which approval is recommended would be consistent with the purposes and other provisions of Division 2, Part 10 (Mixed Use Zones) of the Zoning Ordinance.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

This does not apply as the site was zoned M-X-T before October 1, 2006.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The existing shopping center was renovated in 2001, 2006 and 2007 to create a unique, urban appearance, which does serve to create a strong street presence that is integrated with the surrounding commercial uses. However, the proposed changes to the Table of Uses will result only in a change in the mix of tenants leasing space in the existing buildings on the site, with no new construction proposed. Therefore, the proposed detailed site plan will have no impact on the existing development's outward orientation, or its physical or visual integration with existing adjacent development.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

Proposed changes to the Table of Uses, as limited by the conditions of approval, will not reduce or compromise the compatibility of the existing shopping center with the other existing or proposed developments in the transit district.

- (5) **The mix of uses, and arrangement and design of buildings, and other improvements reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The mix of uses will be enhanced by the expansion of permitted uses in the Table of Uses, as limited by the conditions of approval, and better enable the shopping center to sustain an independent environment of continuing quality and stability.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

No additional development is proposed at this time; therefore, there is no proposed staging.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity with the development;**

The shopping center is located entirely within one-half mile of the West Hyattsville Metro Station. It is surrounded by sidewalks on the southern, eastern and western edges of the property, along Hamilton Street, Queens Chapel Road, and Ager Road, which provide connections to the pedestrian system within the transit district area. Proposed changes to the Table of Uses, as limited by the conditions of approval, will not reduce or compromise the convenience or design of facilities provided for pedestrians in the development.

- (8) **On the Detailed Site Plan, in areas of development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial).**

The existing shopping center already provides a moderate level of quality urban design with human-scale buildings located close to a comfortable streetscape space that includes lighting, landscaping and specialty paving. The proposed changes to the Table of Uses, as limited by the conditions of approval, will not reduce or compromise the existing quality of urban design in the shopping center.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

This requirement does not apply as no new development is proposed that would require additional public facilities.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

This requirement does not apply as the property contains less than 250 acres.

8. **The July 2006 Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone (TDDP):** The transit district development plan (TDDP) places the Queens Chapel Town Center shopping center

in the Retail/Commercial Preferred Land Use category.

The applicability section of the TDDP states that all new development must show compliance with the TDDP standards in the site plan review process. Since the subject DSP shows no new development, it is not required to meet the standards at this time. However, this should not be taken to validate the existing physical development in any way or to exempt any future development or redevelopment of this property from the TDDP standards.

The applicant contends that the table of uses for this particular subarea is too restrictive and does not allow many uses common to similar shopping centers. The property was retained in the M-X-T Zone at the time of the approval of the July 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*. The existing shopping center development does not necessarily comply with all of the recommendations for the Developed Tier per the General Plan nor the *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*. However, it will remain as an existing use until such time as a redevelopment application is presented and, until then, it would be best if it remains a viable shopping center with legitimate retail uses.

The applicant has requested the following uses be permitted that currently are not permitted by the use table for the sub-district in which the project is located:

- Fast-food restaurant
- Eating or drinking establishment, with or without drive through
- Eating or drinking establishment, attached to or within a group of buildings
- Pizza delivery service
- Carpet or floor covering
- Clothing, dry goods
- Confectioner
- Florist
- Food or beverage goods preparation on the premises of a food and beverage store
- Sporting goods shop
- Stationary or office supply store
- Video game or tape store
- Medical practitioner's Office

Although some of the above uses already operate in the center, they became nonconforming with the adoption of the TDDP. As to conformance with the goals of the West Hyattsville TDDP, the Planning Board found the following (TDDP, page 1):

**The goal of the West Hyattsville TDDP is to provide a clear and predictable path for transit-oriented development (TOD) within the West Hyattsville TDOZ...The 2002 Prince George's County Approved General Plan (page 44) defines TOD as development that actively seeks to increase the transit use and decrease automobile**



**dependency by:**

- **Locating homes, jobs, and shopping closer to transit services;**

The shopping center is located across Ager Road from the West Hyattsville Metro Station. Amending the Table of Uses under the TDDP will offer the residents of the West Hyattsville community more food-related establishments and retail choices. A thriving shopping center will create more job opportunities and will encourage additional commercial and residential development within close proximity to the metro.

- **Locating the mix of critical land uses (living/working/shopping) in closer proximity to one another; and**

This detailed site plan is not proposing any changes to the shopping center; their sole purpose is to amend the Table of Uses contained in the TDDP. As mentioned above, approval of this amendment will allow the shopping center to attract a wider variety of commercial establishments, creating a better mix of shopping choices adjacent to the metro station and residential communities.

- **Establishing land use/transit linkages that make it easier to use transit (rail and bus).**

As mentioned above, the existing shopping center is in close proximity to the West Hyattsville Metro Station, which makes it easily accessible from the trains and buses en route to and from the metro station.

As stated on page 4 of the TDDP:

**The main purpose of this plan is to maximize the public benefits from the West Hyattsville Metro Station. The plan sets out primary goals emphasizing the neighborhood, environment, transportation, and low-impact development (LID):**

- **Promote TOD near the Metro Station and create a sense of place consistent with the neighborhood character areas.**

The existing shopping center includes a post office, a bank, and restaurants. Adding more retail choices and food establishments to the existing shopping center will create a stronger sense of place consistent with the neighborhood character area. Warehouses or manufacturing facilities are generally not transit-oriented development due to their large sizes; therefore, conditions have been included in this approval setting limitations on the carpet or floor covering store, confectioner and food or beverage goods preparation on the premises of a food and beverage store in order to ensure these types of uses are developed as retail-oriented businesses, and not as large-scale manufacturers.

- **Ensure that all new development or redevelopment in the transit district is pedestrian-oriented.**

The applicant is not proposing any new development or redevelopment to the existing shopping center. However, the current development is pedestrian-oriented as, generally, the buildings front on the street with parking in the rear. Additionally, in order to ensure all future tenants within this subject property are pedestrian-oriented, the applicant's request for approval of a fast-food restaurant with a drive through as a permitted use is denied. However, a condition has been included in this approval that allows the existing fast-food restaurant with drive through within the subject property to remain as a valid, legal use. The pizza delivery service was deemed to be acceptable as a permitted use, despite it being generally vehicle-oriented, but a condition setting limitations on the delivery vehicles has been included in this approval, in order to limit impacts on pedestrians.

- **Restore, protect, and enhance the environment by protecting environmentally sensitive areas, minimizing impacts of development, and expanding recreational opportunities and trail and bikeway connections.**

The subject property has no environmentally sensitive areas and proposes no new development. Therefore, this goal does not apply to the subject application.

- **Maximize residential development opportunities within walking distance of the Metro Station.**

The subject properties lie within the retail/commercial land use category of the TDDP; therefore, residential development on this site would not be in conformance with the plan, despite the fact that it is within walking distance of the Metro Station. However, expanding the allowed commercial uses on the property will enhance the viability and attractiveness of the shopping center, which could in turn attract developers to pursue more residential opportunities on adjacent sites. However, in order to ensure the shopping center remains conducive to future adjacent residential development, conditions setting limitations on the type of products sold at any sporting goods shop or video game or tape store have been included in this approval.

In addition to the purposes of the West Hyattsville TDDP mentioned above, the general purposes of the TDOZ are contained in Section 27-548.03 of the Zoning Ordinance. The applicant believes that amending the Table of Uses under the TDDP complies with the purposes as follows:

- (1) **To enhance the development opportunities in the vicinity of transit stations;**

The existing shopping center is located within 1,000 feet of the West Hyattsville Metro Station and the applicant is only amending the Table of Uses at this time, to add more retail choices and food establishments to the existing shopping center. This will create

more opportunities for the center, make it more competitive, and in turn spur redevelopment at some future date.

**(2) To promote the use of transit facilities;**

The shopping center is located within 1,000 feet of the West Hyattsville Metro Station. Furthermore, the site is located between major Maryland and Washington, D.C. employment centers which are accessible via the Metro transit system. The applicant believes that broadening the scope of uses allowed in the shopping center at this site, within such a short distance of this Metro station, will promote use of the transit system by its current and future customers.

**(3) To increase the return on investment in a transit system and improve local tax revenues;**

Amending the Table of Uses will increase the choices available for food establishments and retail stores and will draw in new tenants to the shopping center. A successful commercial center will generate greater tax revenues for the County.

**(4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;**

The site is developed with an existing shopping center. The applicant is not proposing any additional development at this time.

**(5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;**

The TDOZ allows flexibility in the development process through the use of amendments to the TDDP. In this case, amending the Table of Uses under the TDDP as part of the detailed site plan process will allow development of this retail-commercial area in a manner that is more conducive to a changing market and to the proposed development of other subareas in the transit district.

**(6) To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;**

More variety of retail stores and food establishments within close proximity to the West Hyattsville Metro Station will give customers more choices in one location and lessen the commute to other stores located further from the metro station, as the shopping center will be able to meet more of the needs of the customers in one area. It will encourage metro ridership and in turn decrease the use of the surrounding road network.

**(7) To provide mechanisms to assist in financing public and private costs associated with development;**

Public financing is not proposed as part of this application.

**(8) To provide for convenient and efficient pedestrian and vehicular access to Metro stations;**

The shopping center is located within 1,000 feet of the West Hyattsville Metro Station. It is surrounded by sidewalks on the western, southern, and eastern edges of the property alongside Ager Road, Hamilton Street, and Queens Chapel Road, that provide connections to the pedestrian system within the TDOZ and, therefore, convenient access to the metro station.

**(9) To attract an appropriate mix of land uses;**

The applicant is proposing to amend the Table of Uses under the TDDP to grant more opportunities to the customer base of the community. The underlying purpose of this amendment is to broaden the Table of Uses so as to provide a greater mix of uses at the center.

**(10) To encourage uses which complement and enhance the character of the area;**

The vision statement of the TDDP, page 7, encourages high-quality, compact development that will create the economic base of new shops and stores that will enhance the quality of life for everyone in Hyattsville and its immediate neighbors. The existing Table of Uses places the subject property at a competitive disadvantage. It restricts many common yet essential choices for the community, such as eating or drinking establishments, clothing stores, and shoe stores. A broader Table of Uses will attract a more diverse group of retail tenants and enhance the character of the area.

**(11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and**

The applicant is not proposing any new development at this time. Amending the Table of Uses contained in the TDDP will allow a greater mix of uses at the shopping center. Adding more choices to the retail/commercial category under the TDDP will allow the neighboring residential communities to choose from a wider variety of retail establishments from the same shopping center and lessen the commute to other stores outside the neighborhood area. A successful shopping center with a greater mix of uses will also attract customers from adjoining communities.

**(12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.**

This requirement does not apply as no new development is proposed with the subject application.

9. ***Prince George's County Landscape Manual:*** The DSP application is not subject to the *Prince George's County Landscape Manual* as there is no proposed increase in gross floor area or impervious surface and there is no change of use from a lower to higher intensity use category. Any future revisions to this plan should be reviewed for conformance to the Landscape Manual if it proposes any new physical improvements.
10. **Woodland and Wildlife Habitat Conservation Ordinance (WCO):** This property is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of existing woodland. Per Sections 27-273(e) and 27-282(e) of the Zoning Ordinance, an approved natural resources inventory (NRI) and tree conservation plan or letter of exemption are now submittal requirements for a DSP. However, neither an approved NRI nor a standard letter of exemption was included in the submission package and, therefore, both must be submitted prior to certificate approval of the DSP. A tree conservation plan is not required at this time.
11. **Tree Canopy Coverage Ordinance (TCC):** This property is subject to the Prince George's County Tree Canopy Coverage Ordinance because it is a development application that requires a Standard Letter of Exemption. Properties zoned M-X-T are required to provide a minimum ten percent of the gross tract area in tree canopy.

The subject site is 6.05 acres in size and has a minimum tree canopy requirement of 0.605 acres or 26,352 square feet. The site plan is proposing to meet the requirement with a combination of existing and planted trees that would result in a total of 20,650 square feet of tree canopy coverage, which is short of the requirement by 5,702 square feet. The applicant submitted a request for a variance (VTCC) of 5,702 square feet from the requirements of Section 25-128 of the Prince George's County Code. The applicant provided the following summarized justification for the variance request:

"The sole purpose of these applications is to amend the Table of Uses for the West Hyattsville TDDP. No new development is being proposed at this time. Furthermore, the subject property was initially developed in the 1950s. Most of the buildings were built up to the sidewalks located along the south and east sides of the property. Although tree pits were added approximately ten years ago to the sidewalk area, there is no room along the sites frontages to plant additional trees. In addition, the on-site parking associated with the center is located behind the building. This parking lot was developed prior to the enactment of the Landscape Manual and does not contain any interior plantings as would otherwise be required under Section 4.3.c.(2) of the Landscape Manual. In light of this,

the existing parking lot does not contain any opportunities to provide additional tree canopy coverage. For these reasons, the applicant requests a 2.2% (5,072 square feet) variance to Section 25-128 of the Prince George's County Code."

In order to approve a variance to the tree canopy coverage requirements, Section 25-119(d)(1) dictates the following required findings:

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

The subject property does have special conditions as it was mostly built out in the 1950's, prior to any landscaping or woodland conservation requirements. It would be an unwarranted hardship to have to remove existing buildings or parking in order to create planting areas to meet the full tree canopy coverage requirement on-site, especially when the subject applications do not involve any new development.

However, during a site visit on November 3, 2010, staff noted multiple additional locations on-site where trees could be planted without requiring removal of any existing paving or buildings. These include empty tree wells along Hamilton Street and 31<sup>st</sup> Avenue, open areas along the northern and northeastern property lines, where there are already existing trees, and between the building and the property line along the far eastern part of the property within Parcel F. The Planning Board found that a total of approximately 8 shade trees, and five evergreen trees can be added, within these areas, for an additional 2,250 square feet of tree canopy coverage, on top of what is already shown on the submitted site plans. Additionally, there is an existing elm tree on Parcel B-2 and an existing black cherry and mulberry tree along the northeastern property line of Residue Parcel F that are being credited towards the tree canopy coverage requirement. These three trees are either dead, diseased or dying based on a visual evaluation during the site visit. The canopy area for these trees, a total of 1,150 square feet, should be removed from the total tree canopy coverage provided on-site as they do not provide adequate coverage in their current conditions.

With the subtraction of these three trees and the addition of the 13 others in the suggested areas, the new total tree canopy coverage provided for the subject properties would be 21,750 square feet or 8.25 percent. Therefore, the variance amount required would be reduced to 1.75 percent, or 4,602 square feet, which represents a sufficient allowance given the specific conditions on the property as it is currently developed. Conditions have been included in this approval that require the site plan be revised to show the additional proposed trees and the revised tree canopy coverage worksheet to reflect the additional trees. Given the unusual nature of the subject application which will not lead to subsequent building or grading permits, a condition requiring the planting of all proposed trees prior to the issuance of any use and occupancy permits has also been included.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;**

If the tree canopy coverage requirement was fully enforced, the applicant would have to demolish parking areas or buildings, despite the fact that these applications do not involve any new development, thereby, in all likelihood, denying them the right to continue operation of one or more of the businesses in the existing viable shopping center development.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;**

A variance from the tree canopy coverage requirement on this site is appropriate given its specific condition as an older, existing development adjacent to a metro station, and the fact that the subject applications are simply for an amendment to the allowed Table of Uses and propose no new development. If, at some point in the future, an application is filed for the subject properties that involves any development or redevelopment, the tree canopy coverage requirements should be reevaluated at that time for that specific case. Therefore, granting this variance would not confer a special privilege on this applicant that would be denied to other similar applications.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;**

The request is not based on conditions which are the result of actions by the applicant as the existing development was built in the 1950's, prior to there being any landscaping or woodland preservation requirements.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

The request for the tree canopy coverage variance does not have anything to do with conditions on neighboring properties.

**(F) Granting of the variance will not adversely affect water quality.**

Granting of the variance to the tree canopy coverage requirements will not adversely affect water quality in the area as the variance is necessary to validate existing conditions.

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

- a. **Community Planning North**—This application is not consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and this application does not conform with the commercial/retail land use recommendations of the 2006 *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*.

More particularly, the purpose of the application is to amend the table of uses within the 2006 *West Hyattsville Approved Transit District Development Plan*. The West Hyattsville TDDP promotes moderate- to higher-density, pedestrian friendly development within a half mile vicinity of the metro station. The subject property is located in the Main Street Commercial/Retail District. It is part of the Hamilton Square neighborhood, which is envisioned to be the most active of the three neighborhoods due to its central location and diverse development mix.

The applicant's requested amendments to the use table and findings are as follows:

(1) Fast-food restaurant

Fast-food restaurants may be permitted without a drive through. This use would be considered an "Eating or drinking establishment, excluding drive-through service."

(2) Eating or drinking establishment with and without drive through (existing)

Eating or drinking establishment without drive through may be permitted.

(3) Eating or drinking establishment, attached to or within a group of buildings

Eating or drinking establishment, without drive through, attached to or within a group of buildings may be permitted.

(4) Pizza delivery service

On page 44 of TDDP, under section (3) Miscellaneous, "Other uses of appropriate size, which can be justified as similar to one of the uses listed in this section." Pizza delivery service is similar to an eating and drinking establishment; however, no delivery service is permitted (or recommended) per the TDDP. A delivery service is auto oriented and the intent of the main street retail/commercial district is to provide for a more pedestrian friendly environment.

(5) Building Supply store

A building supply store is not permitted or recommended. A hardware store is permitted per the TDDP page 43.

The applicant has since removed this requested use.

(6) Carpet and Floor Covering

A carpet and floor covering store is not permitted or recommended.

(7) Clothing, dry goods



Variety or dry goods store is permitted per TDDP, page 43. Clothing is not permitted nor recommended.

(8) Confectioner

A confectioner is not permitted or intended for retail/commercial use.

(9) Florist

The use is permitted per page 42 “Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed.”

(10) Food or beverage goods preparation on the premises of a food and beverage store

On page 44 of TDDP, under section (3) Miscellaneous, “Other uses of appropriate size, which can be justified as similar to one of the uses listed in this section.” An eating or drinking establishment without a drive through and food and beverage stores are permitted per the TDDP.

(11) Sporting good shop

This use is permitted per page 42 “Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed.”

(12) Stationary or office supply store

This use is permitted per page 42 “Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed.”

(13) Video game or tape store

This use is permitted per page 42 “Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed.”

(14) Private School

School, private or public, all types are permitted through Special Permit in the retail/commercial land use per the TDDP, page 44.

The applicant has since removed this requested use.

(15) Medical practitioner’s office

A medical practitioner's office is not consistent with a retail/commercial atmosphere and is not recommended. This type of use was intended for the mixed-use office/residential land use categories.

The Planning Board found that an office use was not intended for the retail/commercial land use area within the TDDP and, the medical practitioner's office use was eliminated from the final recommended list of permitted uses.

- b. **Transportation Planning**—From a transportation standpoint, the uses being requested are similar to uses that already exist on the site. No new construction is proposed at this time. Ager Road and Queens Chapel Road are master plan arterials and Hamilton Street is a master plan collector. It is noted that the master plan would have an impact of 40 feet along the Queens Chapel frontage, and that the existing buildings are within the planned right-of-way. Given that no construction is proposed, this issue is not enforceable at this time.
- c. **Permit Review**—Permit Review comments are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through conditions of approval of this detailed site plan.
- d. **Environmental Planning**—A review of the available information indicates that streams, wetlands, 100-year floodplain and severe slopes are not found to occur on the subject property. Transportation-related noise impacts from Ager Road, a designated arterial roadway, are not an issue because no residential or residential-type uses are proposed with this application. The soil found to occur according to the *Prince George's County Soil Survey* is in the Elsinboro-Urban Land complex series. Elsinboro soils have no limitation with respect to development. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property. This property is located in the Northwest Branch watershed of the Anacostia River basin, in the Developed Tier as reflected in the adopted General Plan. The West Hyattsville TDDP does not contain any environmental design standards specific to the subject site.
- e. **Potomac Electric Power Company (PEPCO)**—PEPCO did not offer comments on the subject application.

- f. **City of Hyattsville**—In a letter dated October 12, 2010, the City of Hyattsville stated the the City is not supportive of many of the applicant's requested uses, as they are inconsistent with the intent of transit-oriented design. Due to the number of requested amendments to the Table of Uses, it is the City's position that the applicant's request for changes should be made through an application to revise the zoning of the TDDP, so that the requested amendments can be reviewed in a comprehensive manner.

The Planning Board found that the applicant is able to request a change to the list of allowed uses in a T-D-O Zone per Section 27-548.09.01 of the Zoning Ordinance, which puts no limitation on how extensive the requested change can be. This DSP has been filed in accordance with this section.

- g. **Town of Brentwood**—The Town of Brentwood did not offer comments on the subject application.
- h. **Town of North Brentwood**—The Town of North Brentwood did not offer comments on the subject application.
- i. **City of Mount Rainier**—The City of Mount Rainier did not offer comments on the subject application.

13. **Required Finding for Detailed Site Plan**

As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan will, if approved in accordance with proposed conditions and limitations on proposed uses, represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

Additionally, per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

**The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-10011 and further approved Variance Application No. VTC-10011 subject to the following conditions:

1. Prior to certification of the plan, the applicant shall:
  - a. The existing conditions plan shall be relabeled as the natural resources inventory (NRI) for the property and be submitted for approval.
  - b. Submit a copy of a standard letter of exemption for the property.
  - c. Revise the landscape plan and tree canopy coverage worksheet to show, at minimum, an additional 8 proposed shade trees, and five proposed evergreen trees in open tree wells and planting areas throughout the site.
  - d. Revise the plan to list the additional permitted uses, use limitations, and note the provisions regarding the existing eating or drinking establishment, with drive-through service, per Condition 3.
2. Prior to issuance of any use and occupancy permits within the entire property, the proposed trees, as shown on the certified DSP, shall be planted.
3. The following modifications shall be made to the applicant's request and to the Table of Uses for the commercial/retail section of the July 2006 Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone. The modifications to the Table of Uses are **only applicable to the subject site, as follows:**
  - a. The following uses shall be added as permitted uses (P):
    - (1) Eating or drinking establishment, without drive-through service
    - (2) Pizza delivery service
    - (3) Carpet or floor covering
    - (4) Clothing, dry goods
    - (5) Confectioner
    - (6) Florist

- (7) Food or beverage goods preparation on the premises of a food and beverage store
  - (8) Sporting goods shop
  - (9) Stationary or office supply store
  - (10) Video game or tape store
- b. The use table changes hereby approved for Queens Chapel Town Center are subject to the following limitations:
- (1) Pizza delivery service is permitted provided an additional parking space, over and above the required number of parking spaces, is provided at the rear of the building for each vehicle to be used for delivery. No more than six vehicles shall be permitted for the delivery service.
  - (2) Carpet or floor covering store shall be showroom and retail only and only in those locations where there is an existing rear loading area or loading dock. No outside storage or display of products shall be permitted.
  - (3) A confectioner shall be for retail use only and not to exceed 3,000 square feet.
  - (4) Food or beverage goods preparation on the premises of a food and beverage store is permitted provided the goods are only sold on the premises and at retail.
  - (5) A sporting goods shop shall be permitted provided that there is no outside storage or display of products and the sale of firearms and ammunition is prohibited.
  - (6) Video game or tape store uses shall not include adult, X-rated, nude or semi-nude venues of any type, including, but not limited to, film, digital, hologram and similar technology, and live performance.
- c. Within Queens Chapel Town Center, any eating or drinking establishment, with drive-through service, operating pursuant to an approved detailed site plan as of the effective date of County Council Resolution CR-24-2006, shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such eating or drinking establishments, with drive-through service, and their underlying detailed site plans may be modified pursuant to the existing provisions relating to revisions or

amendments to detailed site plans generally as they exist in the Zoning Ordinance. If the use is discontinued for a period of 180 or more consecutive calendar days, unless the conditions of non-operation were beyond the control of the owner or holder of the use and occupancy permit, then the use shall no longer be considered a legal use.

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 Cavitt, seconded by Commissioner Vaughns, with Commissioners Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioners Clark and Squire absent at its regular meeting held on Thursday, January 27, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24<sup>th</sup> day of February 2011.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Acting Planning Board Administrator

PCB:JJ:JK:arj



1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26



KFC Queens Chapel Town Center









# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-79-FY22

9/20/2021

8.b)

---

Submitted by: Laura Reams  
Submitting Department: City Clerk  
Agenda Section: Presentation

**Item Title:**

**Ward 1 Special Election 2021 - Presentation of Results**

**Suggested Action:**

Presentation Only

**Summary Background:**

The Board of Supervisors of Elections and City Clerk will present the certified election results and share data points from the 2021 Ward 1 Special Election.

**Next Steps:**

N/A

**Fiscal Impact:**

N/A

**City Administrator Comments:**

For presentation.

**Community Engagement:**

A copy of the certified election results is posted on the City's website.

**Strategic Goals:**

Goal 1 - Ensure Transparent and Accessible Governance

**Legal Review Required?**

N/A



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-55-FY22

9/20/2021

9.a)

---

Submitted by: Michelle Dunklee  
Submitting Department: Police Department  
Agenda Section: Consent

**Item Title:**

**Memorandum of Agreement Between Prince George's County Board of Education and the City of Hyattsville Police Department**

**Suggested Action:**

I move that the Mayor and Council approve a Memorandum of Agreement with Prince George's County for the assignment of a School Resource Officer to Northwestern High School for a term ending on June 30, 2024, pending legal approval from the City attorney.

**Summary Background:**

For many years, Prince George's County Board of Education has reimbursed the City of Hyattsville for assigning one (1) officer to serve as a full-time School Resource Officer (SRO) at Northwestern High School. The reimbursement amount is \$80,000.00 per fiscal year. This contract is for a three (3) year term.

**Next Steps:**

Sign agreement and submit the signed document to Prince George's County.

**Fiscal Impact:**

Revenue of \$80,000.00

**City Administrator Comments:**

Recommend Approval

**Community Engagement:**

None

**Strategic Goals:**

Goal 3 - Promote a Safe and Vibrant Community

**Legal Review Required?**

Pending

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**PRINCE GEORGE'S COUNTY, MARYLAND**  
**BOARD OF EDUCATION OF PRINCE GEORGE'S COUNTY**  
**AND**  
**THE CITY OF BOWIE POLICE DEPARTMENT**  
**AND**  
**THE CITY OF GREENBELT POLICE DEPARTMENT**  
**AND**  
**THE CITY OF HYATTSVILLE POLICE DEPARTMENT**

**THIS MEMORANDUM OF UNDERSTANDING ("MOU")** is made this 1st day of July 2021, by and among Prince George's County, Maryland, a body corporate and politic (hereinafter referred to as "the County"), the Board of Education of Prince George's County ("Board") on behalf of the Prince George's County Public School System ("PGCPS"); the City of Bowie on behalf of the Bowie Police Department; the City of Greenbelt on behalf of the Greenbelt Police Department, and the City of Hyattsville, Maryland on behalf of the Hyattsville Police Department; (all collectively referred to hereinafter as "the Departments" or "POLICING AGENCIES"). The County, the Board and the Cities of Bowie, Greenbelt and Hyattsville shall be referred to individually as the, "Party" and collectively the "Parties."

**WHEREAS**, the Parties wish to enter into a memorandum of agreement to advance the public interest of providing a safe learning environment for students, parents, school administrators, faculty and staff; and

**WHEREAS**, the Cities provide for the establishment of the POLICING AGENCIES to be responsible for the preservation of the public peace, prevention of crime, protection of the rights of persons and property and enforcement of laws and the rules and regulations made in the furtherance thereof; and

**WHEREAS**, the POLICING AGENCIES and Board have a common interest in the following:

- Promoting partnership and rapport with students and staff as law enforcement officials with an emphasis and a focused effort to reduce juvenile crime in the county;
- Promoting partnership and rapport with students and staff in an effort to reduce incidents of student arrests on school campus;
- Developing positive law enforcement relationships with students and their families; and

**WHEREAS**, the POLICING AGENCIES' officers are trained in current law enforcement techniques, have completed a course of training prescribed by the Maryland Police and Corrections Training Commission (MPCTC), are certified law enforcement officers under Maryland Law, and have officers specifically trained as School Resource Officers (SRO);

**NOW THEREFORE**, in consideration of the mutual promises and covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**A. DEFINITION.**

1. A "Body Worn Camera" is a camera worn on an officer's person that records the interaction, audio and video, between an officer and civilians and/or students.
2. A "PGCPS site" shall mean any school or office location in which school or school system business is conducted.
3. A "SRO" shall be a sworn police officer who is trained and assigned to a PGCPS public school to implement the Roles and Responsibilities of the POLICING AGENCIES as set forth in this MOU in an effort to foster transparency and accountability.

**B. MISSION.**

The Parties enter into this MOU for the purpose of establishing and improving the School Resource Officer Program, defining specific duties and responsibilities, and establishing a working protocol for exchanging information and addressing matters of concern cooperatively with the goal of maintaining and enhancing a safe and secure learning environment for students, staff, and the PGCPS school community within Prince George's County, Maryland. The parties agree that:

1. The vast majority of student misconduct is best addressed through classroom and in-school strategies that maintain a positive learning environment and afford students opportunities to learn from their mistakes, correct any harm that results from their behavior, and restore relationships that are disrupted by their conduct; and
2. The parties will work together to promote safe, inclusive, and positive learning environments and exercise discretion and judgment in responding to PGCPS school-based incidents.

**C. OBLIGATIONS OF THE PARTIES.**

During the term of this MOU the Parties shall perform such obligations which are set forth in Attachment A entitled "Roles and Responsibilities" which is incorporated herein by reference.

**D. TERM.**

The term of this MOU shall begin on July 1, 2021 and end on June 30, 2024, unless sooner terminated in accordance with this MOU. The continuation of this MOU beyond the end of the

fiscal year in which it is executed, and any subsequent fiscal years during which this MOU is in effect, shall be contingent upon the availability of funding for the applicable fiscal year.

#### **E. TRAINING.**

- a) SROs shall complete all required training as established by the Maryland Center for School Safety.
- b) SROs shall participate with Board security staff in annual trainings provided by the Board.
- c) SROs shall collaborate with administrators at their assigned school sites to identify and implement training programs for PGCPs staff and the POLICING AGENCIES.
- d) Each SRO shall be provided a copy of the assigned school site's Emergency Plan, which shall include the school's formalized plan for active assailant response techniques. The Parties shall review the Emergency Plan at least annually, and collaborate to conduct annual training for the implementation of the Emergency Plan.

#### **F. BODY WORN CAMERAS.**

##### **1. Use of Body Worn Cameras**

- a. Pursuant to paragraph b below, SROs shall wear and use Body Worn Cameras consistent with the respective POLICING AGENCIES' standard operating procedures and general orders in the following instances:
  - i. While on duty and on the property of a PGCPs site either as an SRO or in the event a police officer not assigned to a school as an SRO is called to a PGCPs site for an emergency;
  - ii. During overtime at a PGCPs site;
  - iii. During secondary employment activities at a PGCPs site or sites rented by PGCPs such as graduations, off-site school activities and athletic events.
- b. Body Worn Cameras shall be turned on at a PGCPs site upon taking any police action. For the purposes of this MOU "Police Action" includes:
  - i. initiating arrests,
  - ii. conducting searches for weapons and drugs,
  - iii. investigative encounters with witnesses on the scene of a crime,
  - iv. assaults,
  - v. conducting an investigation to record witness and victim statements on the scene of a crime,

- vi. responding to traffic stops while directing traffic at PGCPs sites or events,
- vii. conducting body or vehicle searches, and
- viii. vehicle or foot pursuits.

## **2. Procedures for the Use of Body Worn Cameras**

Upon taking Police Action, a SRO will inform civilians when they are being recorded

- a. When taking any police action on properties belonging to, rented or leased by PGCPs.
- b. Except where doing so would be unsafe or impracticable, SROs shall notify the subject(s) of the Police Action that they are being recorded.

## **3. Prohibited Uses of Body Worn Cameras**

*Unless taking Police Action*, SROs shall not activate Body Worn Cameras in the following circumstances:

- a. Conducting regular patrolling inside PGCPs sites and on school grounds;
- b. During interactions with PGCPs staff and students in which Police Action is not being taken;
- c. During observations of administrative disciplinary action for which the SRO is not being requested to take Police Action;
- d. Providing PGCPs school staff assistance with traffic safety and enforcement activities before and after school;
- e. When taking the statement of a PGCPs staff member, student or family member who is a victim or witness who refuses to cooperate unless recording ceases and in the officer's discretion, the need for cooperation from the person outweighs the need to record the information. SROs shall document the cessation of recording pursuant to POLICING AGENCIES' requirements;
- f. Inside student or staff locker room or bathroom facilities; and
- g. Inside classrooms unless police action is being taken.

## **4. PGCPs Responsibilities**

PGCPs shall be responsible for informing students, staff and stakeholders regarding the use of Body Worn Cameras by SROs by:

- a. Posting signage in visible locations throughout PGCPs sites notifying the public that they may be video and audio recorded on the premises; and
- b. Updating the Student Rights and Responsibilities Handbook to notify students that SROs shall have the authority to use Body Worn Cameras at PGCPs sites and consistent with the terms of this MOU.

## **5. Record Retentions and Public Information Requests**

- a. Any Body Worn Camera footage recorded at a PGCPs site shall be the sole property of the POLICING AGENCIES and shall not under any circumstances be maintained by PGCPs or be considered part of any student's educational records.
- b. Any requests to view, obtain or copy Body Worn Camera footage shall be submitted by the requesting party as a Maryland Public Information Act ("MPIA") request to the POLICING AGENCIES' respective office and shall not be directed to PGCPs.
- c. The POLICING AGENCIES and PGCPs shall collaborate

## **G. TERMINATION FOR CONVENIENCE.**

Any party may terminate this Agreement by giving to the other party written notification thereof at least thirty (30) days prior to termination.

## **H. COMPENSATION.**

The POLICING AGENCIES and County shall be responsible for compensating SROs assigned to school sites. The County shall pay to the POLICING AGENICES the amount of Eighty Thousand Dollars (\$80,000.00) per fiscal year for the term of this Agreement in consideration of the POLICING AGENCIES assignment of one (1) officer to serve the following schools on a full-time basis.

<b>PGCPS Site</b>	<b>Assigning Police Department</b>	<b>Governmental Agency</b>
Eleanor Roosevelt High School	Greenbelt Police Department	City of Greenbelt
Northwestern High School	Hyattsville Police Department	City of Hyattsville
Bowie High School and Bowie High School Annex**	Bowie Police Department	City of Bowie



**\*\*Bowie Police Department shall assign two (2) officers to Bowie High School and the Bowie High School Annex. The County shall only be responsible for compensating for one officer at this site pursuant to terms above.**

The County shall pay the respective Cities for services rendered not less than thirty (30) days after receipt of a proper invoice containing the signature of an authorized representative of the Board confirming receipt of the services invoiced. The maximum payable to each City under this Agreement shall not exceed Eighty Thousand Dollars (\$80,000.00) per fiscal year per officer, subject to the availability of funding.

## **I. DOCUMENTATION AND RECORD KEEPING.**

To the extent permitted by law, the Parties shall share information necessary to facilitate investigations, gather required data for reporting to local, state and federal government agencies and improve the effectiveness of school safety measures.

The Parties shall maintain documentation as necessary to prove that they are meeting their obligations under this Agreement and such other standards as apply. Documentation shall be maintained for a period of three (3) years after the termination of this Agreement. At any time during normal business hours, and as deemed necessary by the Board, the Parties shall make available to upon request any such documentation.

## **J. CRIMINAL BACKGROUND CHECK.**

1. The POLICING AGENCIES shall ensure that SROs performing duties under this MOU have had fingerprint background checks, CPS clearance checks and training for reporting of suspected abuse and neglect as a condition of being hired as an SRO. This requirement may be satisfactorily met through the POLICING AGENCIES'S pre-employment qualification process. Violation of this provision may result in Termination for Cause.

### **2. Restrictions on Employee Assignments**

POLICING AGENCIES is prohibited from assigning the following persons from working at a PGCPs location:

- a. Registered sex offenders (Maryland Code, Criminal Procedure Article Section 11-722)
- b. Individuals convicted of a crime involving third or fourth degree sexual offense under sections 3-307 or 3-308 of the Criminal Law Article; child sexual abuse under Section 3-602 of the Criminal Law Article; a crime of violence as defined in Section 14-101 of the Criminal law Article; or comparable offenses in another state. (Annotated Code of Maryland, Education Article Section 6-113)
- c. Individuals identified as an alleged abuser or neglecter following completion of a Child Protective Services investigation with a finding of "indicated" child abuse or neglect.

## K. STUDENT'S EDUCATION/MEDICAL/PSYCHOLOGICAL RECORDS/CONSENTS.

The Parties acknowledge their respective responsibilities to ensure compliance with the confidentiality provisions of the Family Educational Records Privacy Act (FERPA) (34 CFR §99), The Health Insurance Portability and Accountability Act of 1996 (HIPAA) 45 CFR Part 160 and Part 164, Subparts A and E, and Code of Maryland Regulations §13A.08, with respect to school records provided by the Board, if applicable.

1. Under FERPA an **“education record”** is defined as records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. Education records containing Personally Identifiable Information of students.
2. **Personally Identifiable Information (PII)** includes any information that can be associated with or traced to any individual, including an individual's name, address, telephone number, e-mail address, credit card information, social security number, or other similar specific factual information, regardless of the media on which such information is stored (e.g., on paper or electronically) and includes such information that is generated, collected, stored or obtained as part of this Agreement, including transactional and other data pertaining to users.
3. **Disclosure of Education Records:** Educational records shall not be disclosed without required consent of PGCPs parents/guardians unless an exception to the consent requirement under FERPA applies.
4. **Law Enforcement Unit Records:** Law Enforcement Unit records are records created by a law enforcement unit, for a law enforcement purpose, and maintained by the law enforcement unit. Such records are not considered “education records”, are not subject to the requirements of FERPA, and may be released subject to school and/or POLICING AGENCIES policy or state/federal law. 34 CFR §99.8.
5. **Health and Safety Exception:** Pursuant to FERPA's “health and safety exception”, PGCPs shall disclose PII and/or education record information to POLICING AGENCIES where such disclosure is necessary to protect the health or safety of the PGCPs student or other individuals where there is an actual, impending or imminent emergency or threat. Disclosure without consent under this exception shall be limited only to the period of the emergency and to such education records and/or PII necessary to address the emergency situation.
6. **School Officials:** Pursuant to FERPA a “school official” is an individual who is permitted to obtain education records where the school official has a legitimate educational interest in obtaining the education records. The Parties agree that for purposes of this MOU the POLICING AGENCIES employees are not considered “school officials.”

## L. CONFIDENTIALITY.

The parties will comply with all applicable privacy and other laws and regulations relating to protection, collection, use, and distribution of Personally Identifiable Information. In no event

may PII be sold or transferred to third parties, or otherwise provide third parties with access thereto. If there is a suspected or actual breach of security involving Personally Identifiable Information, the parties will notify each other within twenty-four (24) hours of a management-level employee becoming aware of such occurrence.

Any confidential information provided by PGCPs to POLICING AGENCIES, including all copies thereof must be used by POLICING AGENCIES only as provided for by this Agreement and only for the purposes herein described. POLICING AGENCIES agrees to return to PGCPs all such information within fifteen (15) days of the expiration of termination of this Agreement.

#### **M. PROTECTION OF STUDENT RECORDS.**

POLICING AGENCIES and its affiliates or subcontractors, at their expense, have a duty to and shall protect from disclosure any and all student records which they come to possess or control pursuant to this Agreement, wherever and however stored or maintained, in a commercially reasonable manner in conformance with current industry standards.

POLICING AGENCIES or its affiliates or subcontractors shall implement and maintain a comprehensive data – security program for the protection of student records whether the records are stored electronically and/or in hard copy form. The safeguards contained in such program shall be consistent with and comply with the safeguards for protection of student records, and information of a similar character, as set forth in all applicable federal and state law and written policy of PGCPs or the Maryland State Board of Education (“MSBE”) concerning the confidentiality of student records. Such data-security program shall include, but not be limited to, the following:

1. A security policy for employees related to the storage, access, and transportation of data containing student records;
2. Reasonable restrictions on access to records containing student record information, including access to any locked storage where such records are kept;
3. A process for reviewing policies and security measures at least annually;
4. Creating secure access controls to student records, including but not limited to passwords; and
5. Encryption of student records that are stored on laptops, portable devices, or being transmitted electronically

The POLICING AGENCIES shall incorporate the requirements of this Section in all subcontracts requiring each of its affiliates to safeguard student records in the same manner as provided for in this Section. Nothing in this Section shall supersede in any manner POLICING AGENCIES’S or its affiliate’s obligations pursuant to HIPAA, FERPA, or the provisions of this Agreement concerning the obligations of the POLICING AGENCIES as a service provider to PGCPs.

#### **N. DATA DISSEMINATION.**

For purposes of publicity, advertising, or news release in any form of medium, the parties shall confer with one another regarding the time, manner and content of appropriate data dissemination, results of studies or reports, or other materials, and consent to such dissemination, provided that such consent shall not be unreasonably withheld by either party.

#### **O. MUTUAL INDEMNIFICATION AND WAIVERS.**

Neither party shall assume any obligation to indemnify, hold harmless, pay attorneys' fees or damages that may arise from or in any way be associated with the performance or operation of this agreement. Furthermore, liability of the Board and PGCPs or the POLICING AGENCIES shall be governed by the terms and provisions of Md. Courts and Judicial Proceedings Cod Ann. § 5-518 and the applicable Tort Claims Act, respectively. This provision shall not be construed as a waiver of either party's rights under the doctrine of sovereign immunity.

Without affecting any other rights or remedies, the Parties each hereby release and relieve the other, and waive their entire right to recover damages against the other, for loss of or damage arising out of or incident to the perils required to be insured against herein. The effect of such releases and waivers is not limited by the amount of insurance carried or required, or by any deductibles applicable hereto. The Parties agree to have their respective insurance carriers waive any right to subrogation that such companies may have against either Party, as the case may be, so long as the insurance is not invalidated thereby.

This term shall survive the termination of the MOU.

#### **P. APPLICABLE LAW.**

This MOU shall be construed according to Maryland law and subject to the jurisdiction of its courts. Furthermore, the parties agree that any suits or actions brought by either party against the other shall be filed in a court of competent jurisdiction in Prince George's County, MD.

#### **Q. PROFESSIONALS.**

All SROs shall be certified as police officers in Maryland. Any permanently assigned SRO shall have received certification from the basic SRO course or be scheduled to receive said training by the start of the school year following his/her placement at a school.

#### **R. NON-DISCRIMINATION**

The parties agree that no person shall be subjected to discrimination on the basis of actual or perceived personal characteristics, including race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations in the performance of the parties' respective duties, responsibilities, and obligations under this agreement.

#### **S. ENTIRE AGREEMENT.**

This MOU constitutes the entire and full understanding between the parties hereto and neither party shall be bound by any representations, statements, promises or agreements not expressly set forth herein.

#### **T. INTERPRETATION.**

The Agreement shall not be construed or interpreted for or against any party hereto because the party drafted or caused that party's legal representative to draft any of its provisions. Any heading of the paragraphs in this MOU is inserted for convenience and reference only and shall be disregarded in construing or interpreting this MOU.

#### **U. SEVERABILITY.**

Each provision of this MOU shall be deemed a separate, severable, and independently enforceable provision. The invalidity or breach of any provision shall not cause the invalidity or breach of the remaining provisions or of the MOU, which shall remain in full force and effect.

#### **V. MODIFICATIONS AND AMENDMENTS.**

Any and all modifications to the terms of this Agreement must be by a written amendment, signed and approved by all parties. This Agreement may be amended at any time by mutual consent; however, this Agreement shall be reviewed on a biannual basis to determine if its terms require an update due to changes in law or circumstances. If it is determined that changes in law or circumstances require an amendment to this Agreement, the parties will engage in good faith negotiation of an amendment.

#### **W. ASSIGNMENT.**

This Agreement shall be binding upon the parties hereto and their successors and assigns, except that neither shall assign their rights, duties or responsibilities set forth in this MOU without the express written consent of the other party.

#### **X. NOTICE PROVISIONS.**

Notices shall be deemed sufficient when given by certified mail, return receipt requested to the following addresses, which may be revised by the parties by written notice:

For the Department:

Chief of Police  
7600 Barlowe Road  
Palmer Park, MD 20785

With copies to:

County Attorney  
Office of Law, Room 5121  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

For the City of Bowie:

For the City of Greenbelt:

For the City of Hyattsville:

For the Board of Education:

Chief Executive Officer  
Prince George's County Public Schools  
14201 School Lane  
Upper Marlboro, MD 20772

With copies to:

Office of General Counsel  
Prince George's County Public Schools  
14201 School Lane  
Upper Marlboro, MD 20772

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

**IN WITNESS WHEREOF**, the undersigned agree to be bound by the terms and conditions of this Contract.

**PRINCE GEORGE'S COUNTY, MARYLAND**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Tara Jackson  
Chief Administrative Officer

**CITY OF BOWIE**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
NAME  
TITLE

**CITY OF HYATTSVILLE**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
NAME  
TITLE

**CITY OF GREENBELT**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
NAME  
TITLE

**PRINCE GEORGE'S COUNTY, MARYLAND  
PUBLIC SCHOOLS**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Monica E. Goldson, Ed.D.  
Chief Executive Officer

**PRINCE GEORGE'S COUNTY**

**POLICE DEPARTMENT**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Malik Aziz  
Chief of Police

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**NAME**  
Director of Public Safety

Signed for Legal Sufficiency:

\_\_\_\_\_  
Prince George's County  
Office of Law

\_\_\_\_\_  
Prince George's County Public Schools  
Office of General Counsel



## **ATTACHMENT A: ROLES AND RESPONSIBILITIES**

### **DELINEATION OF DUTIES**

#### **I. Roles and Responsibilities of the Board via Principals, Administrators and Teachers.**

The principal is responsible for administering and supervising the total school program, including the safety and security of student and staff and providing educational leadership for the students and staff consistent with the educational goals of the community. In the event that a student misbehaves, the principal or his/her designee will be the primary source of administrative disciplinary consequences and intervention pursuant to the PGCPs Student Rights and Responsibilities.

Whenever possible, the SRO and PGCPs security personnel will work with the principal when responding to school-based incidents involving students, and will work together to de-escalate those incidents. Principals or their designees will make every effort to notify an SRO responding to a school-based incident if any student involved is a student with disabilities, limited English proficiency or other special needs, and therefore, may require special treatment and accommodation in addressing the incident at issue.

1. Principal and staff shall be responsible for classroom and student discipline;
2. Principal and staff shall be responsible for enforcement of PGCPs rules policies and procedures;
3. Principals also should meet on a quarterly basis with their Police Commanders or their designees to provide feedback on their SROs.
4. Both parties must agree to meet at a mutually agreeable time upon request to address issues that may have arisen out of the performance of this Agreement.
5. Principal will follow PGCPs Students' Rights and Responsibilities Handbook, policies, administrative procedures and state law in application of student discipline, and
6. Principal will communicate with the SRO should any situation evolve or reveal itself to be a life threatening or law enforcement matter.

#### **II. PGCPs Security Personnel.**

##### **A. Personnel**

1. The PGCPs Security Staff are PGCPs employees and is comprised of the Investigator Counselor Lead (ICL), the Investigator Counselor (IC) and the Security Assistant (SA) are assigned to PGCPs schools to assist school administrations in maintaining a safe and secure learning atmosphere for staff and students.

- a. **Investigator Counselor Lead** – is a sworn officer with arrest authority; applies specialized knowledge and abilities in the investigation and detection of criminal and quasi-criminal activity on school property; and assists school administrations in maintaining a safe and secure learning atmosphere for staff and students. A major job responsibility includes supervision and leadership of the security team. In cooperation with the principal or designee, the the ICL or designee, assists in controlling access to buildings and grounds by unauthorized persons and in assuring that students report to their assigned instructional areas.
- b. **Investigator Counselor** - is a sworn officer with arrest authority; applies specialized knowledge and abilities in the investigation and detection of criminal and quasi-criminal activity on school property; and assists school administrations in maintaining a safe and secure learning atmosphere for staff and students. Assists in controlling access to buildings and grounds by unauthorized persons and in assuring that students report to their assigned instructional areas.
- c. **Security Assistant** - is responsible for maintaining a safe, professional and customer service orientated environment in greeting and receiving visitors at their designated location. Detects weaknesses in building security such as faulty locks, broken windows and inadequate lighting. Maintains a high visibility posture within the school and/or school property to discourage illegal or disruptive acts from occurring.

B. Duties of the security staff:

- 1. The ICL and/or IC will investigate incidents on school property and prepare written reports for administrative purposes.
- 2. The ICL and/or IC will advise the principal on all school security-related matters.
- 3. All security staff must maintains a high profile to discourage disruptive acts.
- 4. All security staff will provides surveillance of suspected problem areas.
- 5. The ICL and/or IC will provide day-to-day supervision and leadership of the security assistant(s) and provide guidance and assistance to them in the more difficult situations.
- 6. IC Lead and/or IC will assist the administration with staff and student safety awareness programs.
- 7. IC Lead and/or IC will act as a liaison between the school administration and emergency service agencies.
- 8. IC Lead will supervise security staff assigned feeder schools with security problems.
- 9. If an SRO has probable cause to make an arrest, the SRO has the final authority to proceed with the arrest and formal charging of the offender. If an SRO makes a formal

arrest, they shall notify their immediate supervisory and the school's principle, or their designee, of the circumstances of the arrest.

### III. Roles and Responsibilities of the POLICING AGENCIES.

A. School Resource Officer (SRO) is a sworn uniformed law enforcement officer trained in emergency preparedness, crisis management, community policing concepts, and problem solving who is assigned to work as a liaison to PGCPs for law enforcement purposes. SROs will participate in PGCPs Security Services annual in-service training provided by PGCPs.

#### B. Duties of SRO:

1. The SROs will assist school staff in enhancing safety inside their assigned schools and serve as a liaison between his/her agency and PGCPs officials for school and police-related concerns and incidents.
2. The SRO will present visible presence and serve as a positive role model for students.
3. The SRO will assist in fostering amiable working relationships between law enforcement, staff and students.
4. The SRO will build positive relationships with students in accordance with AP 4218 and AP 4219.
5. The SROs will assist in calls for service at their assigned schools and be cognizant of incidents occurring around their schools.
6. The SRO will conduct appropriate initial investigations and complete appropriate documentation of such investigations including arrest reports, citations, and court reports.
7. The SRO will make themselves available to assist the ICL in submission of evidentiary property, such as drug evidence submissions and weapons.
8. Unless there are extenuating circumstances, such as rumors of a fight or some other serious event, the SRO will patrol the school and the school grounds on a random schedule. (Personnel other than SROs should staff assignments to stationary or fixed posts on school grounds.)
9. The SROs will act as a resource and assist with emergency preparedness, to include participating in lock-down, shelter in place, and evacuation drills, as well as safety awareness education to the high school population age groups.

10. The SROs will serve, as a point of contact to deliver law enforcement programs such as crime prevention, conflict resolution and mediation, drug and alcohol awareness, anti-bullying, violence prevention, gang awareness, and community relations and outreach.
11. The SROs will maintain contact with beat officers who patrol the area around their schools for the purpose of sharing information and generating discussions pertaining to community concerns.
12. SROs will assist with traffic safety and enforcement activities in and around their assigned school areas.
13. When needed and available, the SROs will coordinate assistance at major school events such as athletic events, large dances, or other activities.
14. SROs will coordinate familiarization training ("walkthroughs"), to include review of the schools' emergency response plan/procedures, for responding officers within their district. These walkthrough trainings will be coordinated with school administration.
15. SROs will not be used to enforce PGCPs policies, rules, regulations, and/or procedures.
16. SROs will ensure that visitors respect student privacy and minimize disruption to the school day and classroom instruction.
17. Under circumstances where there is safety concerns for students, staff, or the arrestee, the SRO, or other sworn members of the police department will provide transport from the schoolhouse to the appropriate processing location.
18. SROs will acknowledge the authority of the principal, as the administrator of the school, at all times as to matters within the scope of his/her authority.
19. The use of force by a SRO will be done in a reasonable manner in accordance with the Department's Use of Force General Order. Any use of force by the SRO will be investigated by the Department according to regulations. The SRO should be familiar with PGCPs's Student Safety Administrative Procedures,<sup>1</sup> which are attached to this MOU for reference.

---

<sup>1</sup> Relevant PGCPs Administrative Procedures (AP) included in this MOU are

- AP 0500 – School Visitors;
- AP 4170 – Discrimination and Harassment;
- AP 4215 – Criminal History Checks;
- AP 4216.6 – Volunteers;
- AP 4221 – Employee and Adult Use of Student Restrooms, Locker Rooms and Designated Changing Areas;
- AP 5142 - Gangs, Gang Activity and Similar Destructive or Illegal Behavior;
- AP 5143 – Bullying, Harassment and Intimidation;
- AP 5144 – Cooperation with Law Enforcement;
- AP 5145 – Reporting Suspected Child Abuse and Neglect;
- AP 10101 – Students' Rights and Responsibilities

C. SRO Duty Hours, Leave, School Closings:

1. The SRO should be on-duty in their assigned school one half (1/2) hour before the student day begins and remain on duty in their assigned school until one half (1/2) hour after the student day ends to be available for the arrival and dismissal times of students. The SRO must get the permission of his immediate supervisor if the SRO is not going to be at the school during arrival and dismissal times, and notify the principal. The immediate supervisor or commander will make every reasonable effort to assign another available officer under their command to handle the vacated assignment.
2. The SRO will notify the principal or appropriate school administrator and their supervisor anytime that they are away from the school (court, in-service, etc.)
3. In the event the SRO has pre-approved leave, the SRO will promptly notify the principal or designated point of contact from the assigned school of their pending absence.
4. On administrative and staff days when students do not report to school, SROs shall attend and be present for all faculty meetings and activities if so requested.

D. SRO Supervisors:

1. At no time shall the Principal supervise an SRO as the POLICING AGENCIES retains control and supervision over the SROs.
  2. Each involved law enforcement agency will appoint a designated supervisor for its respective SROs. An SRO roster, including supervisor(s), shall be provided to PGCPS on an annual basis, preferably before the start of each school calendar year, or as needed if personnel should change. This list should include current contact information; i.e., work cell/office telephone numbers and an e-mail address for each SRO and supervisor.
  3. Shall provide each principal with the name and contact information of the Police Commander; Supervising Officer and all SROs assigned his/her School.
- E. The POLICING AGENCIES will coordinate training within the SRO Program, attend meetings with PGCPS principals and/or administrators, and act as the point of contact for the Prince George's County Police Department and PGCPS to assist with resolving any conflicts or matters of concern.



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-56-FY22

9/20/2021

9.b)

---

Submitted by: Michelle Dunklee  
Submitting Department: Police  
Agenda Section: Consent

**Item Title:**

**FY22 Grant Appropriation: Police Recruitment and Retention**

**Suggested Action:**

I move that the Mayor and Council accept and appropriate, in the FY22 budget, a grant award from the Governor's Office of Crime Control and Prevention in the amount of \$127,145.00 for recruitment and retention of Police Officers.

**Summary Background:**

The City of Hyattsville Police Department's Recruitment and Retention (PRAR) initiative assists in attracting and maintaining qualified sworn law enforcement officers. The City of Hyattsville is a recognized law enforcement agency that conducts investigations, recruits, and retains its officers. The grant funds offered in the PRAR funding opportunity will help our agency provide incentives and innovative ways to hire and keep sworn personnel.

**Next Steps:**

Council approval and appropriation into the budget

**Fiscal Impact:**

\$127,145.00

**City Administrator Comments:**

Recommend approval

**Community Engagement:**

None

**Strategic Goals:**

Goal 3 - Promote a Safe and Vibrant Community

**Legal Review Required?**

Complete

# Police Recruitment and Retention - FY 2022 (PRAR)

## Applicant: City of Hyattsville

### Grant Application Form



## Governor's Office of Crime Control and Prevention


Submitted: 6/3/2021

Governor's Office of Crime Control and Prevention  
100 Community Place, 1st Floor Crownsville, MD  
21032-2042 (410) 697-9338  
Email: [dlinfo\\_goccp@maryland.gov](mailto:dlinfo_goccp@maryland.gov)

[www.goccp.maryland.gov](http://www.goccp.maryland.gov)  
Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

### Application Contents

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Cover Sheet         | <input checked="" type="checkbox"/> Civil Rights  |
| <input checked="" type="checkbox"/> Face Sheet          | <input checked="" type="checkbox"/> Service Sites |
| <input checked="" type="checkbox"/> Summary / Narrative | <input checked="" type="checkbox"/> Assurances    |
| <input checked="" type="checkbox"/> Budget Summary      | <input checked="" type="checkbox"/> Anti-Lobbying |
| <input type="checkbox"/> Personnel                      | <input checked="" type="checkbox"/> Services      |
| <input type="checkbox"/> Operating                      | <input type="checkbox"/> Equipment                |
| <input type="checkbox"/> Travel                         | <input checked="" type="checkbox"/> Other         |

Date Stamp:	OFFICE USE ONLY	
	Control Number: 	Application Number: <b>2021-PR-0027</b>
	Received By:	Date:



Governor's Office of Crime Control &amp; Prevention - Grant Application Form

## Police Recruitment and Retention - FY 2022 (PRAR)

Applicant: City of Hyattsville

Project Title: Police Recruitment and Retention Grant 2022

Prince George's

Local Government

Start Date: 07/01/2021

Submitted: 6/3/2021 3:38:05 PM

DUNS Number: 094888781

End Date: 06/30/2022

Funding Year:

SAM Expiration: 6/17/2022

Applicant:

City of Hyattsville  
4310 Gallatin Street  
Hyattsville, MD 20781  
(301) 985-5000

FAX: (301) 985-5007

Implementing Agency:

Hyattsville City Police Department  
4310 Gallatin Street  
Hyattsville, MD 20781 2050  
(301) 985-5060 FAX: (301) 985-5074

Authorized Official:

Ward, Kevin  
kward@hyattsville.org  
City of Hyattsville  
4310 Gallatin Street  
Hyattsville, MD 20781  
(301) 985-5000

Interim Mayor

FAX: (301) 985-5007

Project Director:

Dunklee, Scott  
sdunklee@hyattsville.org  
Hyattsville City Police Department  
4310 Gallatin Street  
Hyattsville, MD 20781-2050  
(301) 985-5083

Interim Chief of Police

FAX: (301) 985-5074

Fiscal Officer:

Brooks, Ron  
rbrooks@hyattsville.org  
City of Hyattsville  
4310 Gallatin Street  
Hyattsville, MD 20781  
(301) 985-5042

Treasurer

FAX: (301) 985-5007

Funding Summary

100.0 %

Grant Funds

\$127,145.00

0.0 %

Cash Match

\$0.00

0.0 %

In-Kind Match

\$0.00

Total Project Funds

\$127,145.00



**Project Summary**

The Hyattsville Police Department's Recruitment and Retention initiative assists in attracting and maintaining qualified sworn law enforcement officers. The City of Hyattsville is a recognized law enforcement agency that conducts investigations and recruits and retains its officers. The grant funds offered in the PRAR funding opportunity will help our agency provide incentives and innovative ways to hire and keep sworn personnel.

**Problem Statement/Needs Justification**

The City of Hyattsville, incorporated in 1886, is a municipality located within the northwestern region of Prince George's County, Maryland. The City is a vibrant and diverse city that borders the flagship campus of the University of Maryland and is minutes from Washington D.C. The City's two Metro Stations provide easy access to the region's many distinctive neighborhoods and attractions. The City's three square miles combine older residential communities and recently developed urban town centers along with significant commercial and retail centers. The City has three main thoroughfares (U.S. Route 1/Baltimore Avenue, U.S. Route 410/East-West Highway, and MD Route 500/Queens Chapel Road.)

Additionally, Hyattsville is the only City in Prince George's County served by two Metro Transit stations. While the ease of transportation is a boon for the City's economic vibrancy, these transportation corridors also offer easy access and egress to those who have committed or desire to commit violent crimes. These defined routes also include the walking paths between central transportation access Metro Centers and shopping hubs such as The Mall at Prince George's and the U.S. Route 1 Arts District.

The City of Hyattsville comprises a group of communities with a proud heritage of welcoming new citizens. People from all over the world have made the greater Hyattsville area their home for over 100 years. In 2019, according to City-Data, the City was comprised of 39.1% Hispanic, 29% black, and 24.2% white. Our recruitment plan is to target qualified members of our communities for careers in law enforcement.

Several of the City of Hyattsville's borders are also contiguous to other municipalities. Municipalities include the Town of University Park, the Town of Edmonston, the Town of Riverdale Park, the Town of Bladensburg, the Town of North Brentwood, and the Town of Brentwood. Additionally, several other municipalities are also very nearby such as the Cities of Mount Rainier and College Park, including the University of Maryland College Park Campus. Each of these municipalities, except Brentwood, North Brentwood, and College Park, provides full-time law enforcement services and competes for hiring quality police officers for their agency.

The City of Hyattsville's population, according to the National Census estimate in 2019, is 18,230, representing a 0.07 percent decrease from 2018. The estimated household income in 2019: \$83,055 compared to the State Median income of \$86,738 (city-data.com). The unemployment percentage is 7.8% census that of the State as 6.2% (dlr.state.md.us). Percentage of residents living in poverty 11%. The average house or condo value in 2019: \$371,174. The median gross rent in 2019 is \$1,427.

Another analysis reveals, according to "Bestplaces.net": The City of Hyattsville's violent crime, on a scale from 1 (low crime) to 100 (high crime), ranks 24.5. Violent crime comprises four offenses: murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault. The U.S. average is 22.7.

The City of Hyattsville's property crime, on a scale from 1 (low crime) to 100 (high crime), ranks 80. Property crime includes the offenses of burglary, larceny-theft, motor vehicle theft, and arson. The object of the theft-type offenses is the taking of money or property, but there is no force or threat of force against the victims. The U.S. average is 35.4.

Comparing 2019-2020 Uniform Crime Report (UCR) statistics for crime in the City of Hyattsville has fallen to an overall 31.238% decrease. Comparing the 1st quarter of 2020 against the 1st quarter of 2021, crimes against persons have declined by 13.33%. In that same period, property crime has lessened by 45.5% during the same period. It is believed a significant reason for reducing reported crime is related to businesses being closed and members of the community being told to stay home due to the COVID pandemic.

With the products of the COVID pandemic aside, we need to fully staff our agency to better combat crime within our jurisdiction.

The Hyattsville City Police Department has an authorized strength of 48 officers. Our current staffing is 43 officers. The Hyattsville City Police Department has two problems: Recruiting qualified applicants and retaining officers we hire.

Younger officers we've recruited have changed careers in search of work they like better. Larger local agencies lure away our officers with promises of assignments to specialty units and more frequent promotional opportunities. As we've experienced, it is more costly and time-consuming to recruit an officer than to retain one. Reducing retention problems can alleviate much of the need for recruiting. Also, with social justice protests, and calls to redistribute portions of police budgets, there has been a shortage of qualified people interested in seeking a law enforcement career. Our recent surveys show younger workers who consider law enforcement have also held jobs in office and administrative support and worked as supervisors. The recruit officers who leave the agency are more likely to change careers away from public safety.

Furthermore, increasing illicit drug use, obesity, and debt have decreased the qualified applicant pool. Expanded skill requirements for police work further constrict the pool of qualified applicants. While many applicants (i.e., the college-educated) can meet these requirements, there is fierce competition from other police agencies and private industry.

Police work has become more challenging. As a result of globalization, technological advancement, and greater awareness, the law-enforcement community's scope of crime must now address continues to grow.

With increased emphasis on community involvement, the responsibilities of policing in Hyattsville City have also widened. There are numerous requests for police supervisors to attend all community meetings for information sharing and police officers to all publicized events for benign order maintenance.

Retention under these circumstances is difficult. We plan to use the Governor's Office of Crime Control and Prevention's Police Recruitment and Retention Grant to enhance benefits to our qualified officers that will help reduce the burden of extra duties.

## **Program Goals and Objectives**

The goals of the Hyattsville City Police Department are to hire and retain enough qualified officers to achieve our authorized strength of forty-eight sworn employees. Using a dual strategy of hiring qualified applicants and then keeping them for long-term employment, using the above-listed incentives will help us accomplish our program goals.

Currently, HCPD is short five officers (10%). With three recruit officers in the police academy, an additional ten officers on administrative duty or authorized FMLA, unable to work in a contact position, this represents a critical staffing level to provide essential police services to our community. We've had to disband our special assignment team because of officer shortages. We cannot staff our traffic safety enforcement position from the lack of personnel. We are short of two canine teams because we cannot afford to commit an officer to complete the training program. Our Community Action Team is understaffed. We also have many officers in acting supervisory roles.

Our objective is to bring our Department up to full staffing of qualified sworn police officers using these strategies so the vacant supervisory positions and detail assignment positions can be filled.

Once the Department is fully staffed, we want to maintain a ready list of qualified applicants to recruit through our hiring process.

## Program Strategy/Program Logic

Funding under this grant will allow us to increase our presence at more job fairs. With our specially wrapped vehicle, presentation of a professionally produced recruiting video targeting several markets of prospective applicants, we believe this will help attract more qualified persons to inquire about policing opportunities in the City of Hyattsville. Purchasing software to track the applicant from initial application to onboarding will help in streamlining our applicant process.

The HCPD recruiting strategy will create three custom, short, powerful recruiting videos that will be made available on the City's social media resources and shown at various community meetings and outreach gatherings. These professionally developed videos will help make people aware we're actively recruiting qualified candidates to become police officers, engage in an exciting, enjoyable career, all the while serving the public's needs.

To help reach this goal, we will coordinate with Kramer Communications (KCOMM) film and video to create, develop, and produce three videos to use for recruiting. Of these three video productions, one will focus on women and minorities, another on candidates with higher education, concentrating on investigations and technology, and the third video aiming towards recruiting Hispanics (lead ethnicity in Hyattsville) for careers in law enforcement. These videos, entirely produced by Kramer Communications, will be used by police personnel to better connect with the audiences through our social media outlets, public events, presentations, and community meetings. The video will be used to show the HCPD is serious about recruiting police officer candidates who are interested in serving their community (hire locally).

In following up on this, we will purchase rights to use the Miller Mendel eSOPH application program to help streamline the application process. It will allow prospective police officers to be better tracked as they advance through our hiring process. The Miller Mendel eSOPH will shorten the background process for our agency, thus allowing HCPD to make job offers faster than competing agencies that may also have the candidate as an applicant.

Strategies for recruiting new hires:

- Advertising Vehicle Wrap
- Bilingual Proficiency Bonus/Pay
- Continuing Education Training Seminar
- Education Incentive Program
- Fitness Incentive
- Recruitment Processing Software
- Uniform maintenance (cleaning and maintenance)
- Veteran Signing Bonus
- Work Shoe/Boot Safety

Once the City of Hyattsville employs an officer, we must protect our investment by retaining that officer. We propose retention bonuses after three years of service to combat other recruiting incentives offered by surrounding agencies. Also, to make the HCPD attractive to our currently employed officers, we are proposing the following benefits that will set our agency apart:

- Bilingual Proficiency Bonus/Pay
- Continuing Education Training Seminar
- Education Incentive - A.A. or 60 credits, B.S. and Masters Degree
- Fitness Incentive
- Retention Bonus for three years of service
- Referral Bonus
- Uniform maintenance (cleaning and maintenance)
- Work Shoe/Boot Safety

## Spending Plan

### Recruiting Incentive:

Advertising Support (media campaign): Recruiting video production with Kramer Communications, 12504 Quarterhorse Drive, Bowie, Maryland, 20720, for \$8,250.00. This includes three recruiting videos targeting recruiting women and minorities, candidates with higher education, and Hispanics for a career in law enforcement. These videos will be made available on our social media page and used extensively at community meetings and outreach events. Development of the video is anticipated to take up to seven days and then ready for presentation to the community.

Advertising Support: Truck Wrap: \$5,000 - using professional digitally-printed vinyl to advertise our agency with an attractive message, campaigning our recruiting website and contact phone number for everyone to see.

As the City of Hyattsville can attest, the hiring process can be a rigorous challenge for police applicants and departments alike. A computer application called "eSOPH" owned by Miller Mendel, can help us. In purchasing rights to use the Miller Mendel eSOPH application program, it will aid our agency in streamlining the application background process. eSOPH will allow prospective police officer candidates to be better tracked as they progress through our hiring process. The Miller Mendel eSOPH solution will enable our agency to eliminate having to maintain and store hard files for background investigations. Most of the necessary forms will be completed electronically through the software system. The applicant will upload all required documents, such as educational transcripts and all other supporting documents. This application reduces the number of trips a candidate would need to come to the station. The candidate will also populate information for references then the system automatically emails questionnaires to the references with the push of a button. At the end of the background investigation (and throughout), command staff and human resources personnel will be able to review the information for approval electronically. This will significantly enhance the command review process. For \$5,395.00, the eSOPH application will shorten the background process for our applicants, thus allowing HCPD to make job offers faster than competing agencies that may also have the candidate as an applicant. The eSOPH application is specific, proprietary software and is not provided by anyone other than Miller Mendel.

Recruitment Efforts for Sworn Officers (applicable to new hires as of July 1, 2021)

#### Bilingual Proficiency Bonus/Pay

- 8 Officers @ \$1,000 each, total \$8,000.00

#### Armed Services Experience, bonus for Veterans

- 8 Officers @ \$1,000 each, total \$8,000.00

#### College Tuition Reimbursement Program:

##### Education Incentive:

Pay up to \$1,000 for new officers joining an agency with a college degree from an accredited college or university

- 8 Officers @ \$1,000 each, total \$8,000.00

Referral bonus of \$500 for sworn officers who recruit new police officers (bonus to be paid after the candidate has been assigned to an academy class)

- 5 Officers @ \$500, total \$2,500

##### Retention Incentive:

##### Longevity Bonus for Three Years of Service

- 8 Officers @ \$1,000, total \$8,000

##### Education Incentive – Officers who earned a degree from an accredited college or university

\$1,000 for Associates Degree or 60 credits = \$5,000

- 5 Officers @ \$1,000 each, total \$5,000

\$2,500 for Bachelors Degree = \$12,500

- 5 Officers @ \$1,500 each, total \$12,500

\$5,000 for a Masters Degree= \$5,000

- 5 Officers @ \$5,000 each, total \$25,000

Fitness Incentive: \$25 per month per officer with a confirmed gym membership

- 35 officers x \$25 each month x 12 months, total \$10,500

Leadership Development (Training): College level continuing education type courses being offered in topics such as journalism, creative writing, and forensic investigations

- 20 officers x \$225 each (\$4,500 per course), x 2 courses, total \$9,000.00

Retention Bonus: \$1,000 x 30 officers with 3 continuous years or more with HCPD, cost \$30,000

- 30 longevity bonus @ \$1,000 each, total \$30,000

Uniform allowance (dry cleaning, repairs, alterations)

- 48 Officers Uniform maintenance (cleaning & maintenance of uniform items) total \$15,000

Police Officers in the City of Hyattsville purchase their work shoes and boots. It would be beneficial if the HCPD could support them in buying quality shoes and boots for their work detail.

- Work Shoe/Boot Safety: 40 sworn officer x \$225each, total \$9,000

## Management Capabilities

Interim Chief Scott Dunklee, Program Director - Interim Chief Dunklee started as the HSSI coordinator in February 2017; Scott Dunklee oversaw the grant and managed the coordinator and the crime analyst. With over 35 years of public safety experience, Lt. Col. Dunklee served in operational, investigations, and administration roles as the police commander. He served in operational, investigations, and administration roles and has provided oversight for many grant projects. Lt. Col. Dunklee has experience in both major and street-level drug enforcement, serving as an investigator, supervisor, and Commander. The hierarchy of staffing starts with the project director. This director works with the Mayor, City Administrator, and the heads of the other agencies. They all have direct access to the project director and project coordinator at any time to request grant resources.

Upon former Police Chief Amal Awad accepting the police chief's position in Anne Arundel County, Interim Chief Scott Dunklee was appointed to lead the agency.

Ronald Brooks- City Treasurer

- City of Hyattsville, Treasurer, 2013 to present
- The City of East Cleveland, Director of Finance, 2006 to 2012
- District of Columbia, Branch Chief-Strategic CIP, 2004 to 2006
- The City of Cleveland, Director of Finance, 2002 to 2004

Mr. Daniel Sheffield will be primarily responsible as the project coordinator for this grant. Since July 2019, Mr. Daniel Sheffield has been an Administrative Services Specialist with the Hyattsville City Police Department. Before this, he served as the Commander of the Homeland Security Division, Vice Intelligence Unit, with the Prince George's County Police Department until his retirement this past January. As the Commander, he was primarily responsible for implementing a successful U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Victims of Crime (OVC), and Bureau of Justice Assistance (BJA) FY2017 Enhanced Collaborative Model To Combat Human Trafficking grant, valued at \$1,500,000. Mr. Sheffield has effectively participated in grant management training programs. Before he was appointed Commander of the Homeland Security Division, Mr. Sheffield served three years as the Commander overseeing the County's Automated Enforcement Division. Mr. Sheffield is a 33-year veteran of the Prince George's County Police Department.

## Sustainability

Hyattsville City realizes that public safety is an essential mission of city government. Having a fully staffed police department is a necessity. The only way to accomplish this is through recruitment and retention of qualified sworn police officers and ensuring full staffing. Based on city revenue, we would try and continue these recruitment and retention efforts.

## **Applicant Disclosure of Pending Applications Statement**

The City of Hyattsville does not have pending applications submitted within the last 12 months for federally funded assistance that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.

## **Person Completing the Project Narrative**

Mr. Daniel Sheffield

Hyattsville City Police Department

4310 Gallatin Street

Hyattsville, Maryland 20781

301-985-0538

DSheffield@Hyattsville.Org



Control Number:

2021-PR-0027

## Project Budget

### A. Budget Summary

	Grant Funds	Cash Match	In-Kind Match	Total Award
Personnel	\$0.00	\$0.00	\$0.00	\$0.00
Operating Expenses	\$0.00	\$0.00	\$0.00	\$0.00
Travel	\$0.00	\$0.00	\$0.00	\$0.00
Contractual Services	\$42,645.00	\$0.00	\$0.00	\$42,645.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$84,500.00	\$0.00	\$0.00	\$84,500.00
Grand Total	\$127,145.00	\$0.00	\$0.00	\$127,145.00



## Category D - Contractual Services



Control Number:

2021-PR-0027

	Contractual Services	Priority	Funding Type	Quantity	Cost / Unit	Total
1	eSPOH Recruit Tracking/Processing Application	1	Grant Funds	1	\$5,395.00	\$5,395.00
2	Recruiting video production with Kramer Communications	2	Grant Funds	1	\$8,250.00	\$8,250.00
4	Uniform Maintenance	3	Grant Funds	1	\$15,000.00	\$15,000.00
5	Leadership Development Education Training Program	4	Grant Funds	2	\$4,500.00	\$9,000.00
3	Truck Wrap	13	Grant Funds	1	\$5,000.00	\$5,000.00
						\$42,645.00

1. As the City of Hyattsville can attest, the hiring process can be a rigorous challenge for police applicants and departments alike. A computer application called "eSOPH" owned by Miller Mendel, can help us. In purchasing rights to use the Miller Mendel eSOPH application program, it will aid our agency in streamlining the application background process. eSOPH will allow prospective police officer candidates to be better tracked as they progress through our hiring process. The Miller Mendel eSOPH solution will enable our agency to eliminate having to maintain and store hard files for background investigations. Most of the necessary forms will be completed electronically through the software system. The applicant will upload all required documents, such as educational transcripts and all other supporting documents. This application reduces the number of trips a candidate would need to come to the station. The candidate will also populate information for references then the system automatically emails questionnaires to the references with the push of a button. At the end of the background investigation (and throughout), command staff and human resources personnel will be able to review the information for approval electronically. This will significantly enhance the command review process. For \$5,395.00, the eSPOH application will shorten the background process for our applicants, thus allowing HCPD to make job offers faster than competing agencies that may also have the candidate as an applicant. The eSPOH application is specific, proprietary software and is not provided by anyone other than Miller Mendel.
2. Advertising Support (media campaign): Recruiting video production with Kramer Communications, 12504 Quarterhorse Drive, Bowie, Maryland, 20720, for \$8,250.00. This includes three recruiting videos targeting recruiting women and minorities, candidates with higher education, and Hispanics for a career in law enforcement. These videos will be made available on our social media page and used extensively at community meetings and outreach events. Development of the video is anticipated to take up to seven days and then ready for presentation to the community.
3. Advertising Support: Truck Wrap: \$5,000 - using professional digitally-printed vinyl to advertise our agency with an attractive message, campaigning our recruiting website and contact phone number for everyone to see.
4. To maintain a professional, uniformed appearance, each police officer is issued standard uniform items to wear for their duty assignment. Our officers need to comply with our dress code policy, appear neat and clean, and employ a cleaned daily uniform and remain wrinkle-free. Several neighboring police agencies offer professional laundry and uniform maintenance services for their employees. With the support of this grant, we will continue to work with a laundry facility that can pick up the officers' uniforms from the station, professionally clean and press the items and then deliver them back to the station. This will save the officers time and money, thus enhancing their working experience in Hyattsville, and ensures the uniform the officers wear has been professionally cleaned and sanitized, thus helping to protect the officer and members of the community from the spread of any virus or disease. Overall, a professionally cleaned uniform reduces contamination risk and helps them stay safe, clean, and healthy at work. The City of Hyattsville budget does not cover this expense.
5. Continuing education and sharing essential resources for reliable information are most important for our police officers. Having a skilled, professional speaker present worthy information to a working group of our police officers would be most beneficial. We ask for consideration from this grant to fund two leadership development training classes for our police officers to attend. This will be attractive to both newly appointed police recruits, mid-career, and senior police officers.

Category F - Other



Control Number:

2021-PR-0027

	Other	Priority	Funding Type	Quantity	Cost / Unit	Total
1	Bilingual Proficiency Bonus	5	Grant Funds	16	\$1,000.00	\$16,000.00
3	Education Incentive Program for Retention	6	Grant Funds	8	\$2,812.50	\$22,500.00
2	Education Incentive Program for Recruits	7	Grant Funds	8	\$1,000.00	\$8,000.00
4	Fitness Incentive	8	Grant Funds	420	\$25.00	\$10,500.00
8	Work Shoes and Boots	9	Grant Funds	40	\$225.00	\$9,000.00
5	Longevity Retention Bonus (3-year employee)	10	Grant Funds	8	\$1,000.00	\$8,000.00
6	Referral Bonus	11	Grant Funds	5	\$500.00	\$2,500.00
7	Armed Service Experience Bonus for Veterans	12	Grant Funds	8	\$1,000.00	\$8,000.00
						\$84,500.00

1. As the City of Hyattsville Police Department continues its efforts to attract diverse applicants to fill its roles of qualified police officers, we want to authorize a one-thousand dollar bonus for those who are proficient in a foreign language.  
\$8,000 will focus on recruiting  
\$8,000 will focus on retention
2. Research shows that, overall, college-educated police officers generate fewer citizen complaints. They are also terminated less frequently for misconduct and less likely to use force. We want to authorize a one-thousand dollar bonus for those police officer candidates who are hired with an existing college degree from an accredited college or university.
3. As for those experienced police officers who have already shown confidence in our agency and have an existing college degree from an accredited college or university, we want to recognize them and the exceptional talent and skills they bring to our agency with an incentive.  
Education Incentive – Officers who earned a degree from an accredited college or university  
\$1,000 for Associates Degree or 60 credits = \$5,000  
•5 Officers @ \$1,000 each, total \$5,000  
\$2,500 for Bachelors Degree = \$12,500  
•5 Officers @ \$1,500 each, total \$12,500  
\$5,000 for a Masters Degree= \$5,000  
•5 Officers @ \$5,000 each, total \$25,000
4. Being physically fit is an essential measurement of a police officer's overall level of health and wellness. An officer who is physically fit will be healthier, have a strong body, and be at a lower risk of disease and injury. For the safety and wellbeing of our police officer employees and the citizens of our community, the HCPD wants to offer its active police officers an incentive for maintaining a confirmed gym membership.
5. As many of our mid-career officers consider leaving law enforcement altogether, we would like to authorize a one-time, lump-sum payment of one-thousand dollars to City of Hyattsville Police Officers with three or more years of continuous service as a sign of goodwill and good faith that we value the men and women of our police department. This will only be distributed to those tenured police officer employees who have not already received this bonus.
6. To boost our recruiting plan, the HCPD is requesting a referral bonus to our police officers who help recruit police officers to the agency. It is understood the referral bonus will only be paid after the recruit officer has been assigned to an academy class.
7. Prior experience has proven that veterans from the armed services bring proven leadership, integrity, and readiness to the police department. We want to authorize a one-thousand dollar bonus for those who have successfully served and earned an honorable discharge (issued a DD214) and chose to join our ranks.
8. Shoes and boots for our police officers are critical elements in their daily gear. A quality pair of shoes or boots are very costly. The City of Hyattsville does not provide footwear for our employees. We ask for consideration to provide a financial incentive for our police officer employees to purchase a quality pair of uniform work shoes or boots to wear through the recruitment and retention grant. At the same time, on-duty will protect them from the threats and risks they're exposed to during their workday. The City of Hyattsville budget does not cover this expense.



Control Number:

2021-PR-0027

**V. Civil Rights Requirements**

1. Civil rights contact person: Snellman, Vivian - Human Resources Director
2. Organization: City of Hyattsville
3. Address: 4310 Gallatin Street  
Hyattsville, MD 20781
4. Telephone Number: (301) 985-5043
5. Number of persons employed by the organization unit responsible for implementation of this grant: 11

---

**Project Service Sites****Site 1**

<b>Service Site</b>	City of Hyattsville
<b>Apt. Suite, No. Street</b>	4310 Gallatin Street
<b>City</b>	Hyattsville
<b>State &amp; Zip</b>	MD 20781

---



Control Number:

2021-PR-0027

## Certified Assurances

### THE APPLICANT HEREBY ASSURES AND CERTIFIES THE FOLLOWING:

1. That Federal funds made available under this formula grant will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal Funds, be made available for program activities.
2. That matching funds required to pay the non-Federal portion of the cost of each project, for which grant funds are made available, shall be in addition to funds that would otherwise be made available for program activities by the recipient of the grant funds and shall be provided as required in the Grant Award document.
3. That following the first year covered by a Grant Award and each year thereafter, a performance evaluation and assessment report will be submitted to the Governor's Office of Crime Control & Prevention.
4. That fund accounting, auditing, monitoring, evaluation procedures and such records as the Governor's Office of Crime Control & Prevention shall prescribe to and shall be provided to assure fiscal control, proper management and efficient disbursement of funds received.
5. That the Grantee shall maintain such data and information and submit such reports in such form, at such times, and containing such information as the Governor's Office of Crime Control & Prevention may reasonably require to administer the program.
6. Sub-recipients will comply (and will require any sub-grantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604 (e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000(d)); the Rehabilitation Act of 1973 (29 U.S.C. § 704); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. § 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. § 6101-07); and the Department of Justice (DOJ's) Equal Treatment Regulations (28 C.F.R. pt. 38).
7. That in the event a Federal or state court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against the Grantee, a copy of the finding will be forwarded to the Governor's Office of Crime Control & Prevention.
8. Sub-recipients that are governmental or for-profit entities, that have fifty or more employees and that receive a single award of \$500,000 or more under the Safe Streets Act or other Department of Justice (DOJ) program statutes are required to submit their Equal Employment Opportunity Plan (EEOP) to the federal Office of Civil Rights (OCR). The sub-recipients are not required to submit a copy to the Governor's Office of Crime Control & Prevention (GOCCP), but must have a copy available on site for monitoring purposes. Those sub-recipients that are subject to the OCR's EEOP Certification Form may access this form at: <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>.
9. That the Grantee will comply with all provisions set forth in the Governor's Office of Crime Control & Prevention's General <http://www.goccp.maryland.gov/grants/general-conditions.php> and Special Conditions.
10. That the Grantee will comply with the provisions of 28 CFR applicable to grants and cooperative agreement.
11. Sub-recipients are obligated to provide services to Limited English Proficient (LEP) individuals. Refer to the DOJ's Guidance Document. To access this document see U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (67 Federal Regulation 41455 (2002)). This regulation may be accessed at: <http://www.archives.gov/eo/laws/title-vi.html>

**CERTIFICATION:** I certify that this program will comply with the provisions set forth by the State of Maryland and the Governor's Office of Crime Control and Prevention.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ward, Kevin - Interim Mayor

\_\_\_\_\_  
Name and Title

# Certification Regarding Lobbying



Control Number:

2021-PR-0027



## U.S. DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS OFFICE OF THE COMPTROLLER

### CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

#### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

#### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510 --

##### A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with

obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted or otherwise criminally or civilly charged by a Government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph, (1) (b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminate for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

#### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67, Sections 67.615 and 67.620 --

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about --

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;



Control Number:

2021-PR-0027

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after having received notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 312A, GSA Regional Office Building No. 3), Washington DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted –

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant.

Place of Performance (street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

#### DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67, Sections 67.615 and 67.620 --

As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Applicant: City of Hyattsville  
Address: 4310 Gallatin Street  
Hyattsville, MD 20781

Project Title: Police Recruitment and Retention Grant 2022  
Federal ID Number: 52-6000797

Authorized Representative: Ward, Kevin - Interim Mayor

Signature:

Signature of Authorized Official

Date



[HCC69FY21](#) Version: 1

Type: Consent Item

Title: FY21 Grant Appropriation: Police Recruitment and Retention Program

Mover: [Kevin Ward](#)

Seconded: [Edouard Haba](#)

Result: Pass

Agenda note:

Minutes note:

Action: Approved

Action text: I move that the Mayor and Council accept and appropriate in the FY21 budget a grant award from the Governor's Office Crime Control and Prevention in the amount of \$26,350.00 for recruitment and retention of Police Officers, upon the review and approval of the City Attorney for legal sufficiency. A motion was made, seconded by Council Member Haba, that this agenda item be Approved. The motion carried by the following vote:

- Votes (10:0)

10.e) FY21 Grant Appropriation: Police Recruitment and Retention Program HCC-69-FY21 Sponsor: At the Request of the City Administrator Co-Sponsor(s): N/A Grant Award I move that the Mayor and Council accept and appropriate in the FY21 budget a grant award from the Governor's Office Crime Control and Prevention in the amount of \$26,350.00 for recruitment and retention of Police Officers, upon the review and approval of the City Attorney for legal sufficiency.



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-57-FY22

9/20/2021

9.c)

---

Submitted by: Hal Metzler  
Submitting Department: Public Works  
Agenda Section: Consent

**Item Title:**

**FY22 Grant Acceptance: Chesapeake Bay Trust Green Streets, Green Jobs, Green Cities**

**Suggested Action:**

I move that the Mayor and Council authorize the City Administrator to accept the Chesapeake Bay Trust Green Streets, Green Jobs, Green Cities Grant, in an amount of \$15,000 for the concept development of an “environmental depot”. In addition, the Treasurer is authorized to appropriate the funds accordingly to meet the requirements of the grant.

**Summary Background:**

In the Fall of 2020, due to the need to site and reconstruct an appropriate oil and coolant collection facility at the Department of Public Works (DPW) yard, City staff began looking at options for the design and funding of an “environmental depot” to serve as a one-stop shop for the collection and recycling of oil and coolant, electronics, food scraps, and other environmental projects and services; and to serve as a model for other locations and municipalities. Working with the Low Impact Design Center a preliminary concept was discussed, and several grant applications were submitted, resulting in this award.

**Next Steps:**

Awarding grant funding to complete the design.

**Fiscal Impact:**

\$15,000

**City Administrator Comments:**

Recommend acceptance.

**Community Engagement:**

Will be conducted as a part of the design process.

**Strategic Goals:**

Goal 3 - Promote a Safe and Vibrant Community

**Legal Review Required?**

Complete



June 15, 2021

Mrs. Tracey Douglas  
City Administrator  
City of Hyattsville  
4310 Gallatin Street  
Hyattsville, MD 20781

Dear Mrs. Douglas:

The Chesapeake Bay Trust (the Trust) thanks the City of Hyattsville for your proposal to the Green Streets, Green Jobs, Green Towns Award Program. The Trust received a high level of requests, over \$2.6M in requests for the \$1.3M available in this round of the program. I am pleased to report approval of \$15,000 for a green streets concept plan in Hyattsville, Maryland.

Your award will be distributed as detailed in the award agreement attached. The payment(s) are contingent on key elements that are required prior to the release of each payment as described in your award agreement. **Please carefully read your award agreement** and contact the Trust if you have questions.

The signed award agreement, and any other contingencies, and status and final reports must be submitted by logging into the Chesapeake Bay Trust Online System accessed through the link [https://www.grantrequest.com/SID\\_1520](https://www.grantrequest.com/SID_1520) with the same username and password used when you applied. The Trust reserves the right to cancel the award and apply funds to other projects if the requirements of the award agreement are not met by the due dates.

The Trust and funding partner, United States Environmental Protection Agency, are pleased to invite you to an event on June 24, 2021, to announce the awards. This event will be held at the Dunbar Building located at 499 West 6th Street, Laurel, DE, starting at 10:30 am. **We respectfully request that you await conclusion of this event prior to media announcements of your specific project.** Our communications team would be happy to help with any media outreach after the event.

If you should have any questions regarding our decision, please feel free to contact the Program Officer Whitney Vong at (410) 974-2941 ext. 122. The Chesapeake Bay Trust greatly appreciates the time you invested in the proposal development and looks forward to working with you in the future.

Sincerely,

Jana Davis, Ph.D.  
Executive Director

Award #: 19550  
Project Leader: Mr. Hal Metzler





## Award Agreement between the Chesapeake Bay Trust And the City of Hyattsville

June 15, 2021

This agreement is between the Chesapeake Bay Trust (the Trust) and the City of Hyattsville (the “awardee”) (DUNS#: 094888781). The total amount of the award for award number 19550 is \$15,000. Delivery of this award is made through the Green Streets, Green Jobs, Green Towns Award Program and is subject to receipt by the Trust of a signed copy of this agreement which confirms that:

1. **Award Amount and Description:** The award is in the amount of \$15,000 for a green streets concept plan in Hyattsville, Maryland. By accepting this award, awardee agrees that said monies will be used to accomplish deliverables with budgeted items as proposed in your application received on 3/4/2021, modified through any contingencies below, and approved in this agreement.
2. **Period of Performance:** The period of performance for this award is from 5/19/2021 to 5/1/2022.
3. **Changes in Scope and Budget:** Up to 10% of total project funds may be shifted from one of the seven high level budget categories (e.g., supplies, travel, etc.) to another, as long as the shift does not substantively modify the project’s goals, objectives, milestones, or deliverables. Significant changes to project budget and/or scope must be approved by the Trust in advance of the change. Requests for approval of changes must be made by completing the Award Revision Request Requirement available in your online award portal. The following types of changes should trigger an Award Revision Request:
  - a. **Scope Changes:**
    - i. An alteration of the intent, goals, objectives, milestones, and/or deliverables of the project
    - ii. A change in the physical location of a project
    - iii. Changes in key personnel or key project partners
    - iv. Changes in project deliverables are proposed in your original application and modified through any contingencies in this award agreement
    - v. Changes in timeline in your original application or as any subsequently amended, including requests for no-cost extensions
  - b. **Budgetary Changes:**
    - i. Changes in budget that result in a greater than 10% shift in funds across high level budget categories (personnel, supplies, contractual, travel, field trip fees, other, and indirect costs)
    - ii. Addition of a line item to the budget that falls under one of the seven high level budget categories that had not yet appeared in your budget (e.g., adding personnel when none had been approved previously or adding contractual services to the budget)
    - iii. Budget changes that reflect an alteration of the intent of the project
    - iv. Budget changes that reflect a change in the environmental benefit or impact of a project
4. **Start of Implementation:** Concept designs must be initiated by 10/15/2021; otherwise the award may be terminated by the Trust.
5. **Distribution of Funding:** Funding will be distributed in phased payments as described below:
  - a. Phase 1 payment of \$13,500 is contingent upon:
    - i. Submission by 8/15/2021 to the Trust of the signed award agreement;
    - ii. Submission by 8/15/2021 to the Trust of the Audit Verification Requirement required for all awards involving federal funds (accessible via your online portal; see the “Submitting Documents” section below); and
    - iii. Submission by 8/15/2021 to and approval by the Trust of:

---

Executive Officer Initials

---

Project Leader Initials

1. a written description (< 1 page) that identifies project partners and provides details on their specific roles;
2. a detailed community outreach plan (< 1 page) that defines the target audience, describes how green infrastructure topics will be prioritized, and how improved knowledge of stormwater will be evaluated; and
3. a written statement (< 1 page) committing to providing a plan for implementation of the concept plan as a final product that includes the cost estimate for implementation considering this program's target of \$100,000 per impervious cover acre treated.

Contact the Trust for assistance with these contingencies. Funds will not be released until these contingencies are met.

- b. Final Payment of \$1,500 will be distributed upon submission to and review by the Trust of your **final report due on or before 5/1/2022**. The final report shall include:
  - i. **Audit Verification Requirement** required for all awards involving federal funds (accessible via your online portal; see the "Submitting Documents" section below);
  - ii. **Programmatic Report:** A narrative report using the Trust's final report form accessed through [http://www.GrantRequest.com/SID\\_1520](http://www.GrantRequest.com/SID_1520). Included in the final report will be a deliverables section that should match the deliverables you proposed in your approved application, as modified by any contingencies or budget adjustments. In the final report form, report on Minority-owned Business Enterprise (MBE) and Women-owned Business Enterprise (WBE) procurements made during the reporting period.
  - iii. **Financial Report – FMS "Expenses" worksheet:** Information must be entered in the appropriate columns (see the "Expenses Instructions" worksheet) describing how the previous phase funds were spent plus the final 10% such that the full award amount, less any award monies not to be used, is reported. If unauthorized changes were made to the budget or deliverables without Trust approval you will be required to refund the award.
  - iv. **Financial Documentation – Submission of invoices/receipts and an accounting of personnel costs:** Invoices/receipts and documentation of personnel expenses must be included in ONE PDF or other file. Each row entered into the FMS's "Expenses" worksheet must include a corresponding invoice/receipt/piece of documentation. Each individual invoice/receipt/piece of documentation must be numbered with the corresponding backup document numbers (Column A) in the FMS's "Expenses" worksheet and submitted in numerical order. Copies of timesheets associated with any personnel time supported by the award must be included. Institutions of Higher Education may provide, in lieu of timesheets, time and effort reporting documentation that complies with 2 CFR 200.430. Any invoices/receipts/pieces of documentation already submitted in reporting on a previous phase, if applicable, need not be resubmitted.
  - v. **Final Products:** Final products that include a **final concept plan, written statement** (<1 page) detailing a plan for next steps to implementation (engineered designs and/or implementation), and **estimated implementation cost** per impervious cover acre treated (considering this program's target of \$100,000 per impervious cover acre), and additional other deliverables as outlined in your award application as modified through any contingencies.
  - vi. **Photos of the Project:** For all projects that involve a construction element, submit before, during, and after construction photos. For all projects that involve an outreach or community engagement element, submit photos of engagement events.
6. **Progress Report(s):** Progress report(s) on this project including the outreach and/or restoration progress, to date, is due to the Trust on or before 2/1/2022.
7. **Submitting Documents/Requirements:** The signed award agreement; other contingencies; record of attendances; and status, progress, and final reports are required to be submitted by logging into the Chesapeake

Bay Trust Online System account accessed through the link [http://GrantRequest.com/SID\\_1520](http://GrantRequest.com/SID_1520) with the same username and password used when you applied. Status, progress, and final report extension requests must be made using the Award Revision Request Requirement prior to the report due date. Depending on the circumstances, the Trust may or may not grant an extension. In cases where the awardee fails to submit a status report or final report by the due date, the Trust reserves the right to terminate the award agreement and require a refund of funds already transferred to the awardee. By signing this award agreement, the awardee agrees to comply with all conditions of this agreement, status and progress report date(s), if applicable, and the final report date listed above and agrees to return funds if a complete report is not submitted by the deadline. Failure to submit report(s)/requirement(s) by the deadline will affect eligibility of future awards.

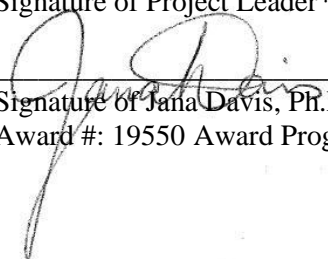
8. **Acknowledgement of Funding Partners:** All public communications and promotion, including press releases, print publications, signage, online messaging, etc. must:
  - a. Acknowledge program partners, United States Environmental Protection Agency Region 3, Maryland Department of Natural Resources, and the Chesapeake Bay Trust (using both names and logos) whose logos appear at the top of the cover letter to this Agreement.
  - b. Include the Trust's license plate logo (available at [www.cbtrust.org/logos](http://www.cbtrust.org/logos)).
  - c. Issue the following statement on all work products disseminated: "This project had been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement CB96358501 to Maryland Department of Natural Resources. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does the EPA endorse trade names or recommend the use of commercial products mentioned in this document."
9. **Ownership of Equipment:** All "non-expendable equipment" (defined as equipment with a probable useful life greater than one year beyond the date of acquisition and that costs at least \$500 either as an individual piece or a group of pieces intended to be used together) and "major equipment" (defined as any item or equipment costing \$2,000 or more) procured with award funds will be property of the Maryland Department of Natural Resources (DNR) and must be used primarily for work under this Agreement. Prior written approval is required for use of the equipment for other work. Upon completion of the award, the Trust, as instructed by DNR, will determine what disposition shall be made of the equipment and will notify the awardee within 30 days.
10. **Federal Funding Requirements:** This program is a partnership of the Trust and the United States Environmental Protection Agency (EPA), with EPA funding coming through CFDA# 66.466 Chesapeake Bay Program through Federal Award Identification Number (FAIN) CB96358501 dated 7/16/2020. For purposes of accounting, you may consider your award (\$15,000) composed of 0% federal funding as a sub-award. Neither the non-federal nor the federal component of the award, if any, may be used to match funds from other federal programs. If you are receiving federal funds (i.e., the percentage of your award from federal source is >0%), as a sub-recipient:
  - a. You must comply with federal requirements governing the use of those funds, specifically Title 2 CFR 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).
  - b. If your total Federal annual expenditures exceeded \$750,000 you are required to obtain a Single Audit and to furnish the Trust and our auditors with the Single Audit financial statement for each year covered by the award and allow access to your records.
  - c. Consistent with federal procurement guidelines, you must obtain or have obtained at least three estimates for any work to be performed by subcontractors greater than \$3,000 and less than \$150,000, must keep documentation on the estimates, and must use good faith efforts to engage disadvantaged/minority/women business enterprises (DBE) by reaching out to DBE/MBE/WBE firms to submit estimates/bids (the following website may be helpful in identifying firms: <https://mbe.mdod.maryland.gov/>). You must verify by checking at <http://www.sam.gov/SAM/> that any subcontractor or supplier has not been suspended, debarred, excluded, or disqualified by the federal government, and pass this requirement on to your subcontractors who in turn use subcontractors or suppliers.



11. The recipient agrees to comply with the terms and conditions included in the proposal submission and all applicable local, state, and federal laws.

The undersigned who is (are) fully authorized in the premises of the City of Hyattsville accepts, subject to the terms and conditions in the above award agreement.

**Return signed copied of the full award agreement, with each page initialed and full signatures on the last page\*, by uploading a scanned copy to your Chesapeake Bay Trust Online System account accessed through the link [https://www.GrantRequest.com/SID\\_1520](https://www.GrantRequest.com/SID_1520) with the same username and password used when you applied. Please keep a copy for your records.**

_____ Signature of Executive Officer*	_____ Title	_____ Date
_____ Signature of Project Leader*	_____ Title	_____ Date
 _____ Signature of Jana Davis, Ph.D., Executive Director; Chesapeake Bay Trust	_____ Executive Director	_____ 6/15/2021
Award #: 19550 Award Program: Green Streets, Green Jobs, Green Towns		_____ Date





# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-59-FY22

9/20/2021

9.d)

---

Submitted by: Hal Metzler  
Submitting Department: Public Works  
Agenda Section: Consent

**Item Title:**  
**Installation of Speed Humps on Oliver Street**

**Suggested Action:**

I move that the Mayor and Council authorize an expenditure not to exceed \$20,000 to NZI Construction for the installation of speed humps on Oliver Street under their existing contract.

**Summary Background:**

In November 2020 the City received a petition from the residents of the 3900 block of Oliver St. A public hearing was held March 1, 2021 where the Hyattsville Police and Public Works departments presented their findings, and residents were able to provide comments. Upon further review of the options it was determined that installation of speed humps would be an effective alternative to reduce speed and calm traffic.

**Next Steps:**

Issue purchase order and install speed humps.

**Fiscal Impact:**

Not to exceed \$20,000

**City Administrator Comments:**

Recommend Support

**Community Engagement:**

Public hearing was held in March 2021

**Strategic Goals:**

Goal 1 - Ensure Transparent and Accessible Governance

**Legal Review Required?**

N/A

**NZI CONSTRUCTION CORP.**

11601 Spruce Avenue  
 Beltsville, MD 20705  
 (301) 937-8990  
 (301) 937-2514 Fax

**Proposal**

DATE 7/29/2021	OUR JOB No. 20-05
SHIP TO: Oliver Street Queens Chapel to 42nd Ave	

**To:** City of Hyattsville  
 4310 Gallatin Street  
 Hyattsville MD 20781

We hereby propose to furnish, in accordance with specifications below or on,  
 attached pages, all labor and material necessary to complete the following:

Qty	Description	Unit	Total
4.00 ea	Speed Humps	\$3,750.00	\$15,000.00
156.00 sf	Thermoplastic Pavement Marking Arrows	\$20.00	\$3,120.00
<b>Total Proposal Amount</b>			<b>\$18,120.00</b>

**Payment to be made as follows:**

All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the above or attached specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Signature: \_\_\_\_\_

*Jack Nazario*

Jack Nazario  
 NZI Construction Corp.

**Acceptance of Proposal**

The above or attached prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.  
 Payment will be made as outlined.

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-60-FY22

9/20/2021

9.e)

---

Submitted by: Michelle Dunklee  
Submitting Department: Police Department  
Agenda Section: Consent

**Item Title:**  
**Police Promotion Process**

**Suggested Action:**

I move that the Mayor and Council authorize the City Administrator to execute a contract for services with Emergency Services Consulting International/Fields Human Capital Division for the development, validation, administration, scoring, and other consulting services relating to the Police Department promotional testing process for the ranks of Corporal, Sergeant, and Lieutenant in the Hyattsville City Police Department for no more than \$37,500.00.

**Summary Background:**

All Police officer promotions above the rank of Private First Class are competitive and involve a written test and/or oral assessment exercise. The last promotional process for the Police department was conducted in 2016.

**Next Steps:**

Upon approval, contract will be executed.

**Fiscal Impact:**

\$37,500.00

**City Administrator Comments:**

Recommend approval. This is a critical component of the advancement process and required to ensure officers are able to advance in their careers.

**Community Engagement:**

None

**Strategic Goals:**

Goal 3 - Promote a Safe and Vibrant Community

**Legal Review Required?**

Pending

**AGREEMENT BETWEEN CITY OF HYATTSVILLE, MARYLAND  
AND EMERGENCY SERVICES CONSULTING INTERNATIONAL, INC.**

This Agreement (the "Agreement") is entered into and made effective this day, \_\_\_\_\_, (the "Effective Date") by and between the City of Hyattsville, Maryland (Hyattsville) and Fields Consulting Group/Emergency Services Consulting International (the "Company"), an Oregon corporation, to conduct promotional exam processes for various positions in the City of Hyattsville Police Department.

**RECITALS**

**WHEREAS**, the parties desire to enter into an Agreement for the Company to provide these services for Hyattsville; and

**WHEREAS**, the parties desire to reduce the terms and conditions for the provisions of these services to this written form.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in further consideration of the covenants and representations contained herein, the parties agree as follows:

**AGREEMENT**

**1. Scope of Services**

The Company shall develop, validate, administer, and score a promotional process to assess candidates for eventual promotion into the positions of Corporal, Sergeant and Lieutenant in the Hyattsville Police Department, and agree to perform the tasks listed in the scope of work provided in the Company's similar contractual agreement with the City of Bowie, Maryland, attached herein.

**2. Term and Termination**

- 2.1 Term. This Agreement shall commence on the effective Date and shall continue in effect for three (3) years and be renewable for additional term of three (3) years by mutual written agreement of the parties.
- 2.2 Termination. Either party may, by written notice of default to the defaulting party, terminate this Agreement in whole or in part if the defaulting party fails to perform any of the provisions of this Agreement and does not either cure such default within a period of thirty (30) days after receipt of written notice from the non-defaulting party or, in the event that such default is not capable of being cured within such thirty (30) day period, commence action within such thirty (30) day period directed toward curing such default.

- 2.3 Termination for Convenience. Hyattsville, in its sole discretion, may terminate the Agreement in whole or in part if Hyattsville determines that said termination is in its best interest. Any such termination shall be affected by the delivery to Company of a written notice of termination thirty (30) days before the effective date of the termination. In the event of termination by Hyattsville under this Section, all obligations of either party which remain executor are discharged except to the extent that any right based upon prior breach or performance shall survive such termination. Company shall promptly delivery to Hyattsville all goods, items and documents for which Hyattsville has paid under this Agreement which have not been delivered at termination as if this Agreement had not been terminated. Hyattsville shall pay in full for all goods, services completed, and expenses incurred by Company up to and until the time of termination.

### **3. Consideration**

- 3.1 Fee. In consideration of Company's performance of its services, Hyattsville shall pay the Company a fixed fee of \$37,500.00 for each promotional process (to consist of testing for Corporal, Sergeant and Lieutenant), as set forth in the Company's quote dated August 10, 2021, attached herein. Additional professional fees will be negotiated for any work requested that goes above and beyond the scope contained within the Company's agreement with Bowie.

- 3.2 Conditions of Payment. Net 30 days / 5% per annum late fee.

### **4. Resources**

- 4.1 Personnel. Hyattsville shall ensure that personnel are available during normal working hours to provide information and other requested support to the Company while providing services under this Agreement. Hyattsville's management and staff will be made available, on an as-needed and reasonable basis, to meet with Company.
- 4.2 Hyattsville Documents. To assist the Company in its provided services, Hyattsville will provide Company with relevant documentation requested by Company, and agreed to by Hyattsville. For example, such documentation will include current position descriptions and other operational and administrative documents. The Company shall have no right to use or copy the material provided by Hyattsville except as required to perform the services of this Agreement.

### **5. Nature of Agreement**

This Agreement concerns the personal services of Company and therefore cannot be assigned or delegated. This Agreement does not create an employment relationship between Hyattsville and the Company or its employees, as the Company is solely an independent contractor providing the services to Hyattsville as set forth in the Company's response to Hyattsville's request.

- 5.1 No Thirty Party Right Created. This Agreement is intended for the benefit of Hyattsville, not any other company or person.
- 5.2 Without Hyattsville's written consent, the Company shall not assign (which includes to delegate) any of its rights (including the right to payment) or duties that arise out of this Agreement. Unless Hyattsville otherwise agrees in writing, the Company and all assigns shall be subject to all of Hyattsville's defenses and shall be liable for all of the Company's duties that arise out of this contract and all of Hyattsville's claims that arise out of this contract. Without granting the Company the right to assign, it is agreed that the duties of the Company that arise out of this contract shall be binding upon it and its heirs, personal representatives, successors, and assigns.
- 5.3 Independent Contractor Relationship. It is expressly understood that the Company is an "independent contractor" and not an employee of Hyattsville. The Company shall have control over the manner in which the Services are performed under this Agreement. The Company shall supply, at its own expense, all materials, supplies, equipment and tools required to accomplish the Services contemplated by this Agreement. The Company shall not be entitled to any benefits from Hyattsville, including, without limitation, insurance benefits, sick and vacation leave, workers' compensation benefits, unemployment compensation, disability, severance pay, or retirement benefits. Nothing in this Agreement shall be deemed to constitute a partnership, joint venture or agency relationship between the Parties.

## **6. Warranties**

- 6.1 Company Warrants. Company represents and warrants that the services shall be performed by competent, qualified personnel and shall meet professional standards. The Company further warrants that any and all information (in any medium) provided to Hyattsville is not currently the subject of any claim for infringement of any patents, copyrights, trademarks or other intellectual property rights (including trade secrets), privacy or other similar rights of any person or entity, nor has any claim (whether or not embodied in an action, past or present) of such infringement been threatened or asserted, nor is such a claim pending against Company. The Company further represents and warrants that (i) the services, including any Work Product, shall be free and clear of all liens and encumbrances of any third party to which the Company is currently aware, and (iii) any services or work product shall not knowingly and intentionally infringe or misappropriate any patent, copyright or other similar proprietary right of a third party or otherwise intentionally and knowingly violate the rights of a third party.
- 6.2 Mutual Assent. Each party to the Agreement warrants to the other party the following: (i) that this Agreement constitutes a valid, binding and enforceable Agreement of the party; (ii) that it has full power and authority to enter into and perform its obligations have been approved by all necessary actions on behalf of the party; (iii) that this Agreement does not constitute a breach by the party of any agreement with any third party; and will not cause a breach by the party of any duty

arising in law or equity; and, (iv) the party possesses the financial capacity to perform all of its obligations under this Agreement.

**7. Title**

General Ownership. Ownership of the work products developed by Company and delivered to Hyattsville under this Agreement and all rights and interests embodied therein shall vest in the Company. Hyattsville acknowledges that the work product contains and is derived from the proprietary and confidential information and intellectual property of the Company.

**8. Data Practices and Confidential Information**

Government Data/Privacy. The Company agrees to abide by the applicable provisions of HIPAA requirements and all other applicable state or federal rules, regulations or orders pertaining to privacy or confidentiality. The Company understands that all of the data created, collected, received, stored, used, maintained or disseminated by the Company in performing those functions that Hyattsville would perform may be subject to these requirements, and the Company must comply with these requirements as if it were a government entity. This does not create a duty on the part of the Company to provide the public with access to public data if the public data is available from Hyattsville, except as required by the terms of this Agreement.

**9. Indemnification**

To the fullest extent permitted under law, the Company shall defend, indemnify, and save harmless Hyattsville, any Hyattsville Subscribers, their agents, officers, and employees, from and against all charges that arise in any manner from, in connection with, or out of this Agreement as a result of the acts or omissions of the Company or its subcontractors or anyone directly or indirectly employed by any of them or anyone for whose acts arising out of or related to this Agreement any of them may be liable, save and except for damage or injury caused solely by the negligence of Hyattsville its agents, officers or employees. In performing its duties under this section, the Company shall at its sole expense defend Hyattsville, its agents, officers, and employees with legal counsel reasonably acceptable to Hyattsville. As used in this subsection – “Charges” means claims, judgements, costs, damages, losses, demands, liabilities, duties, obligations, fines, penalties, royalties, settlements, expenses, interest, reasonable attorneys’ fees, and penalties for alleged violations of state and federal laws, regulations, ordinances, rules or orders. Nothing in this section shall affect any warranties in favor of Hyattsville that are otherwise provided in or arise out of this Agreement. This section shall remain in force despite termination of this Agreement (whether by expiration of its term or otherwise) and termination of the services of the Contract under this Agreement. Indemnity for charges shall include of the following:

- 9.1     Infringement.
- 9.1.1   Any infringement of any copyright, trademark, patent, or other proprietary rights, or any misappropriation of any trade secrets, in connection with any software, documentation, services or other products supplied directly or indirectly by the Company in connection with the Agreement, or any allegation of any of the foregoing (collectively referred to as “Infringement Claims”);
- 9.1.2   If an Infringement Claim occurs, the Company shall either: (i) procure for Hyattsville the right to continue using the affected product or service; or (ii) repair or replace the infringing product or service so that it becomes non-infringing, provided that the performance of the System or any component thereof shall not be adversely affected by such replacement or modification. If the Company is unable to do (i) or (ii) within thirty (30) days after receiving notice of the Infringement Claim Hyattsville shall have the right to terminate all Agreement Documents and receive as a pro rata refund of all amounts paid under the Agreement Documents.
- 9.2     Any act(s) of negligence or willful misconduct by the Company or any of its agents, (or any allegations of any of the foregoing), including but not limited to any liability caused by an accident or other occurrence resulting in bodily injury, death, sickness or disease to any person(s) or damage or destruction to any real property, real or personal.
- 9.3     Any acts or omissions of the Company with respect to the services provided by the Company under this Agreement (or any allegations of any of the foregoing).
- 9.4     Hyattsville’s refusal to produce any item of “Confidential Information” (as defined in the Confidentiality and Non-Disclosure Agreement) of the Company after receiving a request for such item and after being instructed by the Company not to produce it.
- 9.5     Any claims by any persons or entities supplying labor or material to the Company in connection with the performance of the Company’s obligations under this Agreement.
- 9.6     Any failure by the Company to make any payment or withholding involving an employee or subcontractor, including but not limited to salary, benefits, bonus, withholding tax, Social Security, Medicare, unemployment compensation and workers’ compensation.
- 9.7     Any actions, proceedings or claims based on allegations that the Company or its employee is an employee of Hyattsville.



## 10. Notices and Principal Contacts

Any notice, consent or other communication required or contemplated by this Agreement shall be in writing, and shall be delivered in person, by U.S. mail, by overnight courier, by electronic mail or by fax to the intended recipient at the address set forth below:

<u>For the Company:</u>	<u>For the Hyattsville:</u>
Dr. Cassi L. Fields	Lt. Colonel Scott Dunklee
Vice President, Human Capital Division Emergency Services Consulting International	Chief of Police Hyattsville Police Department
4795 Meadow Wood Lane, Suite 110	4310 Gallatin Street
Chantilly, VA 20151	Hyattsville, MD 20781
Phone: 703-506-9400	Phone: (301) 985-5071
Email: cassi.fields@esci.us	Email: sdunklee@hyattsville.org

Notices shall be effective upon the date of receipt by the intended recipient provided that any notice, which is sent by electronic mail, shall also be simultaneously sent by mail deposited with the U.S. Postal Service or by overnight courier. Each party may change its address for notification purposes by giving the other party written notice of the new address and the date upon which it shall become effective.

## 11. Dispute Resolution and Governing Law

This Agreement shall be governed by and interpreted in accordance with the laws of the State of Maryland. All proceedings related to this Agreement shall be venued in Prince George's County, Maryland. The Parties shall cooperate and use their best efforts to ensure that the various provisions of the Agreement are fulfilled. The Parties agree to act in good faith to undertake resolution of disputes, in an equitable and timely manner and in accordance with the provisions of this Agreement. If disputes cannot be resolved informally by the Parties, the following procedures shall be used:

- A. Whenever there is a failure between the Parties to resolve a dispute on their own, the Parties shall first attempt to mediate the dispute. The parties shall agree upon a mediator, or if they cannot agree, shall obtain a list of court-approved mediators from the Medina County District Court Administrator and select a mediator by alternately striking names until one remains. Hyattsville shall strike the first name followed by the Company, and shall continue in that order until one name remains.
- B. If the dispute is not resolved within thirty (30) days after the end of mediation proceedings, the Parties may pursue any legal remedy.

## 12. Insurance

The Company, at its expense, shall procure and maintain in force for the duration of this Agreement the following minimum insurance coverages:

- A. General Liability. The Company agrees to maintain Commercial General Liability insurance in a minimum amount of \$1,000,000 per occurrence; \$2,000,000 annual aggregate. The policy shall cover liability arising from premises, operations, products-completed operations, personal injury, advertising injury, and contractually assumed liability. Hyattsville shall be endorsed as additional insured.
- B. Automobile Liability. If the Company operates a motor vehicle in performing the Services under this Agreement, the Company shall maintain commercial automobile liability insurance, including owned, hired, and non-owned automobiles, with a minimum liability limit of \$1,000,000, combined single limit.
- C. Workers' Compensation. The Company agrees to provide Workers' Compensation insurance for all its employees in accordance with the statutory requirements of the State of Maryland. The Company shall also carry Employers' Liability Coverage with minimum limits are as follows:
- \$500,000 – Bodily Injury by Disease per employee
  - \$500,000 – Bodily Injury by Disease aggregate
  - \$500,000 – Bodily Injury by Accident

The Company shall, prior to commencing the Services, deliver to Hyattsville a Certificate of Insurance as evidence that the above coverages are in full force and effect.

The insurance requirements may be met through any combination of primary and umbrella/excess insurance.

The Company's policies shall be primary insurance to any other valid and collectible insurance available to Hyattsville with respect to any claim arising out of Company's performance under this Agreement.

The Company's policies and Certificate of Insurance shall contain a provision that coverage afforded under the policies shall not be cancelled without at least thirty (30) days' advanced written notice to Hyattsville.

### **13. Non-Discrimination and Equal Opportunity**

During the performance of this Agreement, the Company agrees that neither the Company nor its employees, agents, subcontractors or others engaged by Company shall discriminate against any person, whether employed by the Company or otherwise, for any basis stated herein. The Company further agrees to make affirmative action to insure that it's employees, agents, subcontractors and others engaged by the Company, or applicants thereto shall be treated equally without regard to race, color, religion, gender, age, national origin, handicap, or political affiliation or belief. In all solicitations or advertisements for employees, agents, subcontractors or others to be engaged by the Company or placed by or on behalf of the Company, the Company shall state all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, age, national origin, handicap, or political affiliation or belief.

## **14. Miscellaneous**

14.1 **Waivers and Remedies.** Any waiver of the provisions of this Agreement or of a party's rights or remedies under this Agreement must be in writing to be effective. Any waiver in a particular instance shall not constitute a waiver of the same or different rights or breaches in any other instance. Failure, neglect or delay by a party to enforce the provisions of this Agreement or its rights or remedies at any time will not be construed and will not be deemed to be a waiver of such party's rights under this Agreement and will not prejudice such party's right to take subsequent action. Except as otherwise provided herein relating to exclusive remedies in certain situations, no exercise or enforcement by either party of any right or remedy under this Agreement will preclude the enforcement by such party of any other right or remedy under this Agreement or that such party is entitled by law to enforce.

14.2 **Severability.** If any term, condition or provision in this Agreement is found by a court of competent jurisdiction to be invalid, unlawful or unenforceable to any extent, then it is the intent of the parties that such court apply a rule of reasonableness and modify the provision in question. In the event a court finds such procedure to be inappropriate, then such invalid term, condition or provision will be severed from the remaining terms, conditions and provisions, which will continue to be valid and enforceable to the fullest extent permitted by law.

14.3 **Section Headings.** Sections headings have been included in this Agreement merely for convenience or reference. They are not to be considered part of, or to be used in interpreting, this Agreement.

14.4 **Entire Agreement.** This Agreement (to include the Company's proposal in response to the request for proposal for these services) sets forth the entire Agreement of the parties with respect to the subject matter of this Agreement and supersedes all previous communications, representations, understandings and agreements, either oral or written, between the parties with respect to said subject matter, except that any previously executed or acknowledged confidentiality or non-disclosure provisions shall remain in effect. No terms, provisions or conditions of any purchase order, acknowledgement or other business form that either party may use in connection with this Agreement will have any effect on the rights, duties, or obligations of the parties under, or otherwise modify, this Agreement, and each party hereby continuously objects to any such terms, provisions or conditions. This Agreement may only be amended by a writing signed by authorized representatives of both parties.

14.5 **Force Majeure.** If performance of this Agreement, or of any obligation hereunder, is prevented, restricted or interfered with by any act or condition beyond the reasonable control of the party affected thereby, including without limitation, fire or other casualty or accident; strikes or labor disputes; war, terrorist attacks or other violence; any law, order, proclamation, regulation, ordinance, demand or requirement of any governmental or intergovernmental agency or body, the party so affected shall be excused from such performance to the extent of such prevention, restriction or interference. If such force

majeure prevents or delays the performance of the Company hereunder, the parties shall extend the Agreement for a period of time, up to six (6) months, equal to the period of force majeure suffered by the Company.

14.6 No Publicity or Statements to the Press. No advertising, sales promotion or other material of the Company or its agents or representatives may identify or reference this Agreement or Hyattsville in any manner absent Hyattsville's prior written consent. Failure to comply with this Section by the Company shall constitute a material breach and, without limiting other remedies Hyattsville may have, shall entitle Hyattsville to terminate this Agreement for default.

14.7 Benefit. Nothing in this Agreement, expressed or implied, is intended to confer on any person other than the parties to this Agreement or their respective successors or assigns, any rights remedies, obligations or liabilities under or by reason of this Agreement.

14.8 Audit. The Company agrees that Hyattsville, or any duly authorized representative, shall, until the expiration of three (3) years after final payment hereunder, have access to and the right to examine and copy any directly pertinent books, documents, papers and records of the Company for the sole purpose of auditing costs related to this Agreement, at the sole cost and expense of Hyattsville.

14.9 Modification. Further modification of this Agreement is not valid unless signed by both parties and otherwise in accordance with requirements of law.

14.10 Survival of Provisions. The following sections of this Agreement shall survive the termination hereof:

Section 6	"Warranties"
Section 7	"Title"
Section 8	"Data Practices and Confidential Information"
Section 9	"Indemnification"
Section 10	"Notice & Principal Contacts"
Section 12	"Insurance"
Section 14	"Miscellaneous"

## **15. Governmental Immunity**

The Parties expressly agree that nothing in this Contract is intended to constitute, nor shall it be construed as constituting, a waiver by Hyattsville or its employees and volunteers of the monetary limits of, or any rights, immunities, and/or protections provided by any Federal or State Law.

**IN WITNESS WHEREOF**, and in acknowledgment that the parties hereto have read and understood each and every provision hereof, the parties have caused this Agreement to be executed on the date first written above.

EMERGENCY SERVICES CONSULTING  
INTERNATIONAL (ESCI)

By: 

Title: Vice President, ESCI

CITY OF HYATTSVILLE, MD:

By: \_\_\_\_\_

Title: \_\_\_\_\_



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-63-FY22

9/20/2021

9.f)

---

Submitted by: At the Request of the City Administrator  
Submitting Department: Information Technology  
Agenda Section: Consent

**Item Title:**

**IT Infrastructure - Virtual Server Implementation**

**Suggested Action:**

I move that the City Council authorize the City Administrator to accept the proposal submitted by Dataprise Inc., for the acquisition and services required to virtualize, configure, and decommission information technology servers to support City operations, at a cost not to exceed \$65,000.

**Summary Background:**

The City is preparing to decommission, consolidate, and virtualize several outdated Information Technology (IT) servers to support City operations, including the City's Police Department. In advance of the Police Department's future relocation to 3505 Hamilton Street, the City is moving data to a dedicated on-site and virtualized server environment to support Police Department operations.

The fixed price project scope of work will include:

- VRTX Implementation labor;
- Network configuration;
- Configure One (1) Dell PowerEdge VRTX Chassis;
- Stage and Configure Three (3) Dell M640P Server Blades as Virtual Hosts;
- Migrate Three (3) Servers from Physical to Virtual and Six (6) Servers from Virtual to Virtual;
- Decommission Three (3) Servers.

**Next Steps:**

No additional action is required.

**Fiscal Impact:**

The total project costs will not exceed \$65,000.00 and is eligible for reimbursement funding through the American Recovery Act of 2021.

**City Administrator Comments:**

Recommend approval.

**Community Engagement:**

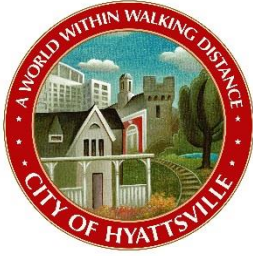
N/A

**Strategic Goals:**

Goal 4 - Foster Excellence in all City Operations

**Legal Review Required?**

Pending



# Memo

To: Mayor and City Council  
CC: Tracey Nicholson, City Administrator  
From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development  
Date: August 30, 2021  
Re: IT Infrastructure - Virtual Server Implementation

---

The purpose of this memorandum is to provide the City Council with Staff recommendations regarding the upgrade of the City's server infrastructure and authorization to proceed with acquisition of hardware.

## **Project Summary**

The City is preparing to decommission, consolidate and virtualize several outdated IT servers to support City operations, including the City's Police Department. In advance of the Police Department's future relocation to 3505 Hamilton Street, the City is moving data to a dedicated on-site and virtualized server environment to support Police Department operations.

The fixed price project scope of work will include:

- VRTX Implementation labor;
- Network configuration;
- Configure One (1) Dell PowerEdge VRTX Chassis;
- Stage and Configure Three (3) Dell M640P Server Blades as Virtual Hosts;
- Migrate Three (3) Servers from Physical to Virtual and Six (6) Servers from Virtual to Virtual;
- Decommission Three (3) Servers.

The total project costs will not exceed \$65,000.00 and is eligible for reimbursement funding through the American Recovery Act of 2021.





# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-65-FY22

9/20/2021

9.g)

---

Submitted by: Michelle Dunklee  
Submitting Department: Police Department  
Agenda Section: Consent

**Item Title:**

**University of Maryland College Park Affiliation Agreement**

**Suggested Action:**

I move that the Mayor and Council authorize the City Administrator to enter into an Affiliation Agreement between the City of Hyattsville and University of Maryland School of Public Health to provide unpaid internship opportunities to UMD students to support current and future City programs and projects.

**Summary Background:**

This Memorandum of Understanding (MOU) is being executed to support the Hyattsville City Police Department's Mental Wellness Check-in Initiative. This will employ up to two (2) unpaid interns per semester, beginning this month to help create and manage data collection and analysis throughout the pilot program. Adrienne Augustus, Media Relations/Mental Health Programs Manager, HCPD, will coordinate with Dr. Melvin Seale, Assistant Clinical Professor and Director of Graduate Studies at the School's Department of Health Policy and Management to manage the interns. The staff is also coordinating with Dr. Seale to determine how interns may be used to support the City of Hyattsville's Vulnerable Population Registry, COVID testing and vaccine initiatives, and expanding volunteer outreach efforts.

**Next Steps:**

Sign MOU.

**Fiscal Impact:**

None

**City Administrator Comments:**

This is a new and important partnership. Recommend Support

**Community Engagement:**

None

**Strategic Goals:**

Goal 3 - Promote a Safe and Vibrant Community

**Legal Review Required?**

Complete

UNIVERSITY OF MARYLAND COLLEGE PARK  
AFFILIATION AGREEMENT

This Agreement, effective as of the last date of signature below ("Effective Date"), is entered into by and between the University of Maryland College Park, a public agency and instrumentality of the State of Maryland, located at College Park, Maryland 20742 (hereinafter "University") and the City of Hyattsville, Maryland, an incorporated municipality of the State of Maryland, having an address of 4310 Gallatin St. Hyattsville, MD 20781 (hereinafter "Affiliate").

The purpose of this Agreement is to set forth the terms and conditions under which University and Affiliate will collaborate to provide internships for qualified students enrolled in a program of study in the School of Public Health at the University. The Affiliate acknowledges that it will benefit by its association with the faculty and students of the University and the University acknowledges it will benefit by being able to provide its students with first hand experience. Based on the receipt of such consideration, the Parties hereby agree as follows:

- I. University Responsibilities: The University shall, in consultation with representatives of Affiliate, plan and administer the educational program for students placed with Affiliate and assume the following responsibilities:
  - A. Appoint a person to direct the educational program at the University and to act as liaison for the University, Affiliate, and student. Until the University notifies Affiliate of a new liaison, its designee is the person identified in Section V.(E.);
  - B. Work with Affiliate to develop the overall plan for the placement and provide the plan to the Affiliate and students prior to its commencement;
  - C. In consultation with the Affiliate, establish criteria students must meet, including pre-placement instruction, to qualify to participate in the placement;
  - D. Provide Affiliate with the names of the students who are selected to participate in the placement at least one month prior to the start of the placement;
  - E. Develop and provide a placement manual specific to the students. The manual shall, among other things, instruct students to abide by the rules, regulations, policies, and procedures as stipulated by University and Affiliate, including, where appropriate, the policy of holding patient information in the strictest confidence;
  - F. Where required by the Affiliate, notify students to provide Affiliate proof of immunization for measles, mumps, and rubella certification of varicella immunity; evidence of immunization against tetanus/diphtheria; and the results of tuberculosis screening or other medical physical documentation performed within 12 months of the date of the student's enrollment. University and Affiliate will evaluate the documentation prior to the placement; and
  - G. Where appropriate or where required by the Affiliate, train students in OSHA Universal

Precautions and federal law governing privacy of health information, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended.

- II. **Affiliate Responsibilities:** Affiliate shall plan and administer all aspects of patient care for clinical placements and shall assume the following responsibilities, as appropriate for specific internship activities:
- A. Appoint a person to coordinate all activities under this Agreement with the University and to act as liaison for the Affiliate between the University and students. Until such time that Affiliate gives written notice of a new coordinator, its designee is the person identified in Section V. E.
  - B. Cooperate with the University in planning the students' internship experience to provide a structured and supervised experience compatible with the University's educational objectives ;
  - C. Promptly review nominated students and their credentials and notify the University and student whether the student is approved for the internship. The parties agree that Affiliate may refuse to accept any student who has been discharged for cause as an employee by Affiliate;
  - D. Work with student and University to establish dates and times of the placement;
  - E. Orient students to rules, regulations, policies, and procedures of Affiliate, including application of HIPAA if appropriate;
  - F. Use information received about students only to verify their status and to fulfill the training requirements of the placement as described in this Agreement and keep all students' records, including medical records confidential, in accordance with the provisions of the Family Education Rights and Privacy Act;
  - G. As appropriate to the placement, inform students in writing of the risk of Hepatitis B and proof of vaccination or signed declination;
  - H. For clinical internships, assume responsibility for students' clinical assignments. Such assignments will be made to best meet the needs of students and Affiliate in consideration of the mission of the clinical service, readiness of the students, students' proficiency, and the best interests of Affiliate's patients. Nothing in this Agreement or Affiliate's policies shall require a patient to receive care from a student. Patients and Affiliate staff shall have the right not to be or not to be designated to be a teaching patient;
  - I. Notify University personnel as soon as possible of problems with students' conduct. Affiliate may request the withdrawal of any student for a reasonable cause related to maintaining Affiliate's standards, practices, or policies; and
  - J. Provide the University with a written evaluation of students upon their completion of the placement in accordance with criteria specified by the University.

III. **Representations**

- A. The University represents that its educational program is accredited by appropriate accreditation agencies and students who successfully complete the internship will receive appropriate credits toward the completion of their educational programs.
- B. Affiliate represents that it has the personnel to supervise the internship and has acquired any permissions or licenses that applicable law may require to sponsor a placement.
- C. Each party represents that it has the authority to enter into this Agreement.

#### IV. Term and Termination

- A. This Agreement shall commence on the Effective Date and shall expire five (5) years thereafter.
- B. Either Party may terminate this Agreement before it expires by providing at least thirty (30) days advance written notice of termination to the other Party. Any student engaged in a placement at the time of notice of termination shall be entitled to complete that placement unless otherwise agreed by the parties.
- C. The parties may renew this Agreement by written modification.

#### V. General Provisions

- A. Neither the University nor Affiliate shall unlawfully discriminate against any person on the basis of the person's race, color, religion, age, sex, sexual orientation, ancestry or national origin, physical or mental disability, marital status genetic information, political affiliation, and gender identity or expression.
- B. Except as otherwise specified herein, nothing in this Agreement shall be construed to create any relationship between the parties other than that of independent entities cooperating solely for the purpose of providing internship training to students.
- C. Students shall not be deemed to be employees of the Affiliate for the purposes of any compensation, benefits, worker's compensation, or unemployment.
- D. This Agreement may only be modified by written agreement by authorized representatives of each party.
- E. Notices required to be given under this Agreement shall be given in writing and shall be effective upon receipt if delivered (1) in person, (2) by first-class mail, postage prepaid, or (3) by facsimile with documentation of delivery, or via email of an electronic document (a PDF is sufficient) with documentation of receipt, and addressed to each Party as follows:

If to University

Stephen Roth, PhD  
Associate Dean for Academic Affairs  
School of Public Health  
University of Maryland  
College Park MD 20742  
Telephone: 301-405-2504  
Facsimile:  
E-mail: sroth1@umd.edu

If to Affiliate

[Name]  
[Title]  
[Address]  
Telephone:  
Facsimile:  
Email:

- F. This Agreement shall be only for the benefit of the undersigned parties and their permitted successors and assigns, and no student or other person shall be deemed to be a third party beneficiary of this Agreement.
- G. Under no circumstances may either party transfer or assign its rights or obligations under this Agreement.
- H. No waiver shall be effective unless in writing and executed by the party to be charged with such waiver. No waiver shall be deemed a continuing waiver in respect of any subsequent breach or default, whether similar or dissimilar nature, unless expressly so stated in writing.
- I. This Agreement is entered into in the State of Maryland and shall be governed by and construed in accordance with the laws of the State of Maryland, without regard to its principles of conflicts of laws.
- J. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision were omitted.
- K. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original but together shall constitute one and the same instrument. The parties agree to accept electronic delivery of the executed agreement.
- L. This Agreement, together with any exhibit referenced herein, if applicable, constitutes the entire agreement between the parties respecting the subject matter hereof and supersedes any and all prior agreements, understandings or commitments, written or oral, between the parties hereto.

ACCEPTED AND AGREED TO:

UNIVERSITY OF MARYLAND  
COLLEGE PARK

By \_\_\_\_\_

Jennifer King Rice

Provost & Senior Vice President

\_\_\_\_\_  
Date

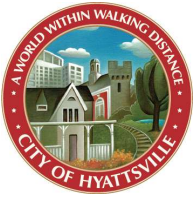
AFFILIATE

By \_\_\_\_\_

Tracy Douglas  
City Administrator

8.31.2021

\_\_\_\_\_  
Date



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-66-FY22

9/20/2021

9.h)

---

Submitted by: Hal Metzler  
Submitting Department: Public Works  
Agenda Section: Consent

**Item Title:**

**Purchase of Replacement Pedestrian Street Lights**

**Suggested Action:**

I move that the Mayor and Council authorize an expenditure not to exceed \$40,000 for the purchase of replacement pedestrian street lights from Signify through their local distributor Deporter, Dominick & Associates.

**Summary Background:**

Over the past 12-18 months several pedestrian lights on Rhode Island Avenue and Hamilton Street have been damaged or destroyed. The required lights were unavailable until recently due to supply challenges in response to the COVID-19 pandemic.

**Next Steps:**

Issue purchase order and install lights.

**Fiscal Impact:**

Not to exceed \$40,000

**City Administrator Comments:**

Recommend Approval

**Community Engagement:**

None at this time

**Strategic Goals:**

Goal 3 - Promote a Safe and Vibrant Community

**Legal Review Required?**

N/A



## DEPORTER, DOMINICK & ASSOCIATES

<b>To: MIKE SCHMIDL</b> City of Hyattsville MD 10036027			<b>Job Name: CITY OF HYATTSVILLE AUGUST 2021</b> <b>Project Name: CITY OF HYATTSVILLE</b>  <b>Bid Date: 7/14/2021</b> <b>Entry Date: 7/14/2021</b>		
--	--	--	--	--	--

Qty	Type	Mfg	Description	Unit Price	Extd.Price
6	FIXT	SIG	S6203M-A3SRN74064A2NNNNA #823500414878	\$1,433.25	\$8,599.50
6	POLE	SIG	P3165-12A #912400125130	\$1,320.00	\$7,920.00
	NOTE				
	NOTE		BOLTS NOT INCLUDED / EXISTING		
8	GLOBES	SIG	2100-GLB-ASSY #912401489823	\$232.50	\$1,860.00
12	20YR PC	GAT	GW-1127 20-YEAR LONG LIFE PHOTOCELL 120-277V	\$12.50	\$150.00
	NOTE		PLUS UPS ON PHOTOCELLS		
1	BPC	GAT	BROKEN CART CHARGE FOR LESS THAN 50 PHOTOCELLS	\$25.00	\$25.00
			<b>TOTAL:</b>		<b>\$18,554.50</b>

MFG Code	F.O.B	TERMS	Lead Time
SIG	/ FREIGHT ALLOWED ON ORDERS OF \$1,000 OR MORE	SHIP ORDER COMPLETE	

<b>Prices firm for entry by:</b>	<b>Shipment by:</b>
----------------------------------	---------------------

PRICING VALID FOR 30-DAYS, UNLESS OTHERWISE NOTED

PHOTOCELLS OR SHORTING CAPS NOT FURNISHED, UNLESS OTHERWISE NOTED

LEAD TIMES ARE ESTIMATES AND ARE NOT GUARANTEED

FREIGHT NOT INCLUDED, UNLESS OTHERWISE NOTED

APPROVED OR SIGNED COPIES OF SUBMITTALS REQUIRED TO RELEASE ORDER

DDA IS NOT RESPONSIBLE FOR MEETING SPECIFICATIONS OR SPECIAL CONDITIONS NOT FURNISHED BY DISTRIBUTOR AT TIME OF QUOTE REQUEST

CHANGES IN QUANTITIES MAY REQUIRE A RE-QUOTE

ADDITIONAL COSTS FOR ENGINEERING OR CALCULATIONS NOT INCLUDED UNLESS OTHERWISE NOTED

SALES TAX IS NOT INCLUDED IN QUOTE TOTAL

Printed: 07/14/21 11:12:42 Per: Henry Wilson Email: henry@ddallc.com





# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

**File #:** HCC-67-FY22

9/20/2021

9.i)

Submitted by: Ron Brooks  
Submitting Department: Finance  
Agenda Section: Consent

**Item Title:**

**Award Contract for Oversight and Compliance of American Rescue Plan Act Funds**

**Suggested Action:**

I move that the Mayor and Council authorize the City Administrator to enter into an agreement with Thomas|Michael LLC for consulting services to provide oversight and compliance of the City's American Rescue Plan Act (ARPA) funds and authorize an expenditure not to exceed \$172,800 over four (4) years, pending the review of the City Attorney. The cost of these services meets the eligibility requirements for reimbursement from the ARPA funds.

**Summary Background:**

In preparation of receiving ARPA funds, the City posted a Request for Qualifications (RFQ) solicitation for Consulting Services to provide expert advice, assistance, and support and ensure oversight and compliance with federal spending guidelines. On July 28<sup>th</sup>, 2021, the City received five (5) responses. The responses had an average per hour rate of \$300 and the overall project costs ranged from a low of \$172,800 with two (2) mid-range cost proposals from \$250,000 to \$726,912 and one (1) cost proposal of \$1,544,670 which was equivalent to 8.6% of the total amount of ARPA funds received.

After a detailed review of the proposals the staff determined there were three (3) qualifying proposals and from that group we selected the firm of "Thomas|Michael LLC" as the preferred consulting firm. This firm brings extensive hands-on advisory and consulting experience with the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Consolidated Appropriations Act of 2021, and American Rescue Plan Act. Currently they are working with the State of Maryland Office of Budget Management and serve as advisors to Prince George's County. Their services in support of Hyattsville will include but are not limited to the areas noted below.

- Compliance and reporting that includes frequent status reports and financial performance and projection modeling if needed.
- Oversight and guidance for 2 CFR, Part 200, and the Single Audit Act.
- Intergovernmental outreach with state and federal representatives.
- Monitoring and interpretation of Federal rules and guidelines of eligible uses.
- Budget development and implementation.
- Establish appeals procedures for disputes regarding amounts awarded.
- Establish review process for any new or future reporting requirements.
- Resolve any request for information, justification, audit findings, and eligibility appeals.

- Review contracts and purchasing documentation to ensure federal compliance and cost recovery of expenditures using ARPA federal funds.

The staff requests Council approval to enter into an agreement with Thomas|Michael LLC for consulting services to provide oversight and compliance of the City's American Rescue Plan Act funds and authorize an expenditure not to exceed \$172,800 over four (4) years, pending review by the City Attorney. The cost of these services meets the eligibility requirements for reimbursement from the ARPA funds guidelines.

**Next Steps:**

To enter into an agreement with the firm of Thomas|Michael LLC not to exceed \$172,800 over four (4) years.

**Fiscal Impact:**

The contract costs are eligible for reimbursement from the ARPA Funds.

**City Administrator Comments:**

Recommend Support.

**Community Engagement:**

TBD.

**Strategic Goals:**

Goal 1 - Ensure Transparent and Accessible Governance

**Legal Review Required?**

Pending



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
www.hyattsville.org

## Agenda Item Report

**File #:** HCC-68-FY22

9/20/2021

9.j)

Submitted by: At the Request of the City Administrator  
Submitting Department: Community & Economic Development  
Agenda Section: Consent

**Item Title:**

**Riverfront at West Hyattsville Multifamily Buildings - Preliminary Plan of Subdivision 4-20040**

**Suggested Action:**

I move the City Council authorize the Mayor to provide correspondence to the Maryland-National Capital Park & Planning Commission in support of Preliminary Plan of Subdivision 4-20040 and the applicant's variation request so long as conditions that address the impact of noise and vibration on the dwellings are included in the approval language.

**Summary Background:**

The Subject Property is located to the east of Little Branch Run, adjacent to the West Hyattsville Metro Station. The property is a total of 8.1 acres and zoned M-X-T (Mixed Use-Transportation Oriented). It is located within the boundaries of the 2006 Approved Transit District Development Plan (TDDP) for the West Hyattsville Transit District Overlay Zone (TDOZ).

The site was previously owned by Washington Metropolitan Area Transit Authority (WMATA) but was sold for mixed-use development. A storm drain easement bisects the property, running southwest to northeast.

The applicant is proposing the subdivision of the subject property into two (2) parcels, with their application indicating each parcel will contain 375 multifamily units and 7,500 square feet of retail, for a total of 750 multifamily units and approximately 15,000 square feet of retail. The applicant has specified that the Detailed Site Plan (DSP) related to this property may call for fewer units and less retail space. Both buildings are proposed to contain a structured parking garage and first floor retail.

**Next Steps:**

No additional action is required.

**Fiscal Impact:**

N/A

**City Administrator Comments:**

The applicant is requesting a modification from Section 24-121(a)(4), which states:

*Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet.*

*Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.*

Staff is supportive of the applicant's variation request so long as conditions that address the impact of noise and

vibration on the dwellings are included in the approval language.

**Community Engagement:**

The applicant presented this project to the Planning Committee at their July 20 meeting. There were few comments from the Committee at this point in the development process. The Planning Committee anticipates various comments related to the proposed building architecture, scale, and aesthetics at the time of detailed site plan.

The Planning Committee recommends the City Council vote in support of the preliminary plan of subdivision 4-20040 and encourages the developer to continue to work with City and other parties to support the City's Affordable Housing Strategy.

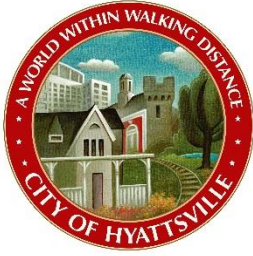
The Prince George's County Planning Board hearing for this case has been scheduled for October 7, 2021.

**Strategic Goals:**

Goal 2 - Ensure the Long-Term Economic Viability of the City

**Legal Review Required?**

N/A



# Memo

To: Mayor and City Council

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development  
Kate Powers, City Planner

Date: August 26, 2021

Re: Riverfront at West Hyattsville Multifamily Buildings – Preliminary Plan of Subdivision 4-20040

Attachments:	PPS-4-20040	PBS-4-20040
	100-Year Floodplain	SDRC Response
	A-VAR-4-20040	Noise Vibration Report

---

The purpose of this memorandum is to provide the City Council with Staff recommendations regarding the preliminary plan of subdivision (PPS) application for the multifamily buildings associated with the Riverfront at West Hyattsville Development.

## **Project Summary**

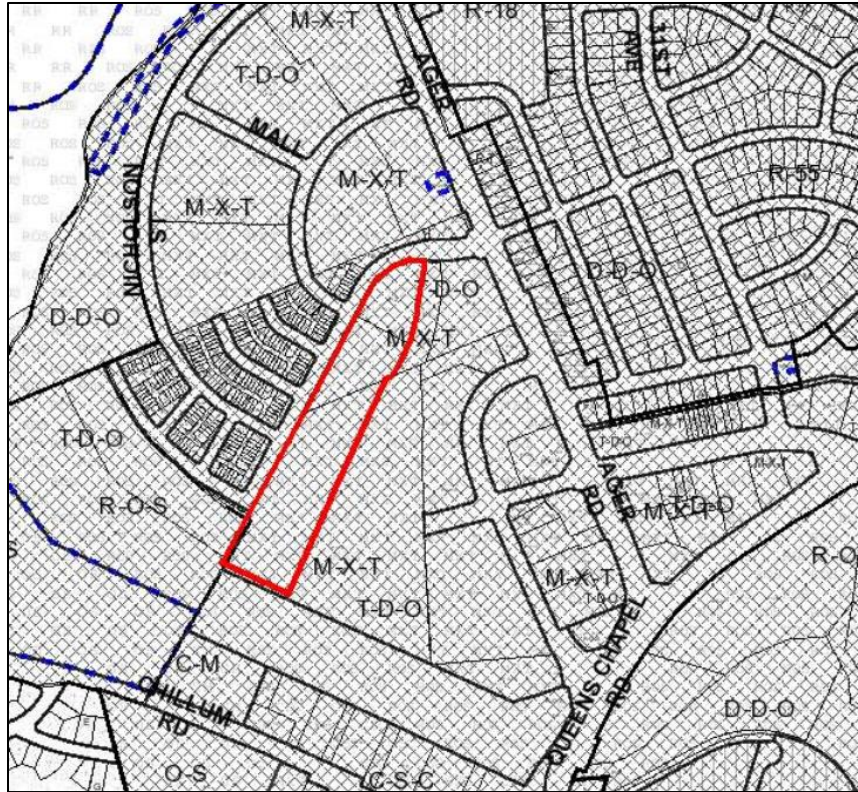
- The applicant, Gilbane Development Company, is proposing a mixed-use development of multifamily dwellings and commercial space. If approved, this development will be part of the greater Riverfront at West Hyattsville community.
- The subject property is 8.1 acres located immediately adjacent to the West Hyattsville Metro Station. The applicant is proposing the subdivision of the property into two parcels.

## **Project Location Details**

The Subject Property is located to the east of Little Branch Run, adjacent to the West Hyattsville Metro Station. The property is a total of 8.1 acres and zoned M-X-T (Mixed Use-Transportation Oriented). It is located within the boundaries of the 2006 Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone.

The site was previously owned by WMATA but was sold for mixed-use development. A storm drain easement bisects the property, running southwest to northeast. Currently, the Riverfront at West Hyattsville townhouse community is being built to the west of the subject property.

The Subject Property is outlined in red in the image on the following page.



### **Summary of Development Proposal**

The applicant is proposing the subdivision of the subject property into two parcels, with their application indicating each parcel will contain 375 multifamily units and 7,500 square feet of retail, for a total of 750 multifamily units and approximately 15,000 square feet of retail. The applicant has specified that the DSP related to this property may call for fewer units and less retail space. Both buildings are proposed to contain a structured parking garage and first floor retail.

### **Variance Request**

The applicant is requesting a modification from Section 24-121(a)(4), which states:

*Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.*

The 300-foot lot depth requirement is designed to provide a deep enough lot so that dwellings are not subject to the impact of undue noise and vibrations.

Neither of the proposed parcels meet the 300-foot depth requirement and a variation is being requested. The widest part of the property is 292.88 feet at the southernmost boundary of proposed Parcel 2. Due to these site specifications, it is not feasible to include a 300-foot buffer between the project and the transit right-of-way.

Since the TDDP promotes medium to high density near the Metro Station, Staff is supportive of the applicant's variation request so long as conditions that address the impact of noise and vibration on the dwellings are included in the approval language.

### **Planning Committee Review**

The applicant presented this project to the Planning Committee at their July 20 meeting.

There were few comments from the Committee at this point in the development process. The Planning Committee anticipates various comments related to the proposed building architecture, scale, and aesthetics at the time of detailed site plan.

The Planning Committee recommends the City Council vote in support of the preliminary plan of subdivision 4-20040 and encourages the developer to continue to work with City and other parties to support the City's Affordable Housing Strategy.

The Planning Committee also encourages the developer to pay attention to the massing of the buildings and include architectural detail and public spaces in the design during the detailed site plan process.

### **Timeline**

The Prince George's County Planning Board hearing for this case has been scheduled for October 7, 2021.

Staff is recommending the following motion:

"I move the City Council authorize the Mayor to provide correspondence to the Maryland-National Capital Park & Planning Commission in support of Preliminary Plan of Subdivision 4-20040 and the applicant's variation request so long as conditions that address the impact of noise and vibration on the dwellings are included in the approval language."









NOTE: PG ATLAS NOT UPDATED WITH LOT LINE ADJUSTMENT

### MNCPPC BOUNDARY SURVEY EXHIBIT CERTIFICATION

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, THAT THE ZONING INFORMATION, PROPERTY DESIGNATION, AND RECORDING INFORMATION WERE TAKEN FROM AVAILABLE PUBLIC RECORDS AND THAT THE BOUNDARY INFORMATION IS A RESULT OF FIELD RUN SURVEY.

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND.



CHRISTOPHER VALLTOS  
PROFESSIONAL LAND SURVEYOR  
MARYLAND LICENSE NUMBER 21986  
LICENSE EXPIRES 8-26-2022

8/24/21

DATE \_\_\_\_\_



**SOLTESZ, LLC**

4300 Forbes Boulevard, Suite 230  
Lanham, MD 20706  
P. 301.794.7555 F. 301.794.7656  
[www.solteszco.com](http://www.solteszco.com)

Engineering  
Surveying  
Planning  
Environmental Science

[illegible]

## MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

## OWNER / DEVELOPER / APPLICANT

c/o GILBANE DEVELOPMENT COMPANY  
WHPC BLOCK 3, LLC & WHPC BLOCK 4, LLC,  
1100 NORTH GLEBE ROAD, SUITE 1000  
ARLINGTON VA, 22201  
CONTACT NAME: MR. MATT MICHETTI

PROFESSIONAL CERTIFICATION  
I CERTIFY THAT THESE DOCUMENTS WERE



PREPARED OR APPROVED BY ME, AND THAT I AM A DULY  
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS  
OF THE STATE OF MARYLAND,  
LICENSE NO. \_\_\_\_\_, EXPIRATION DATE: \_\_\_\_\_

## BOUNDARY EXHIBIT

# WEST HYATTSVILLE

2700 HAMILTON STREET, HYATTSVILLE, MD 20782

CHILLUM (17th) ELECTION DISTRICT, PRINCE GEORGE'S COUNTY, MARYLAND

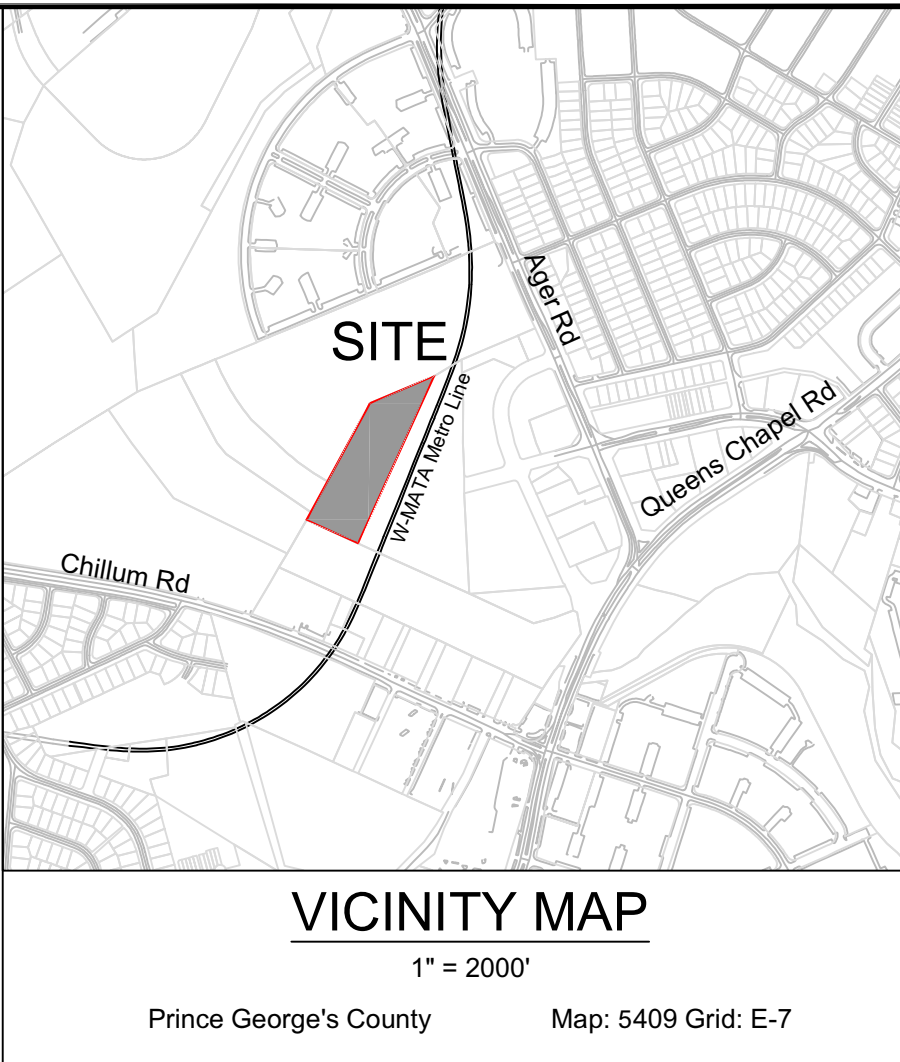
TAX MAP 41, E4	ZONING CATEGORY: M-X7
WSSG JOB SHEET 208NE02 207NE02	
SITE DATUM HORIZONTAL: <u>NAD83</u> VERTICAL: <u>NGVD1929</u>	
 1" = 60'	DATE: JAN. 2021 DESIGNED: YOR TECHNICIAN: DUB CHECKED: DUB CAD ST/D: V8 / NCS VERSION:
SHEET <u>1</u> OF <u>1</u>	
PROJECT NO. 0706-06-00	



# PROPOSED 100-YEAR FLOODPLAIN DELINEATION PLAN

## RIVERFRONT - PARCEL 114

NGVD: 29  
NAD: 83  
Scale: 1" = 100'



SHEET INDEX	
01	COVER SHEET
02	PROPOSED CONDITIONS
03	CUT - FILL ANALYSIS

- GENERAL NOTES**
- THE SUBJECT PROPERTY BOUNDARIES SHOWN ON THIS PLAN IS FROM THE PROPOSED LOT LINE ADJUSTMENT BY BOHLER ENGINEERING.
  - TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN IS FROM AERIAL TOPOGRAPHY COMPLETED BY MCKENZIE SNYDER, INC, MAY 2015, AND SUPPLEMENTED WITH FIELD SURVEY BY DEWBERRY AUGUST 2015 AND PG CO. 2' GIS TOPO. PROPOSED FINAL GRADES OF THE ADJACENT PROPERTY "RIVER FRONT AT WEST HYATTSVILLE METRO" (PLAT BOOK ME 252, PLAT NO. 14-20) ARE SHOWN AS THE PROPERTY IS CURRENTLY UNDER CONSTRUCTION (2439-2018 AND 4690-2018)
  - HORIZONTAL DATUM: NAD83/2007 VERTICAL DATUM: NGVD29
  - CONTOUR INTERVAL: 2'

### LEGEND:

- PR. BOUNDARY LINE
- EX. LOT LINE
- EX. BLDG
- EX. SIDEWALK
- EX. PARKING STRIPING
- EX. MAJOR CONTOUR
- EX. MINOR CONTOUR
- EX. TREES
- EX. GAS LINE
- EX. WATER LINE
- EX. FENCE
- EX. WATERWAY CENTERLINE
- EX. WATERWAY BANK
- EX. SANITARY SEWER
- EX. STREAM BUFFER
- EX. STREAM
- EX. 100-YR FLOODPLAIN
- PROP. 100-YR BASE FLOOD ELEV.
- PROP. 100-YR FLOODPLAIN
- PR. MAJOR CONTOUR
- PR. MINOR CONTOUR
- CROSS-SECTION LOCATION
- SOIL LINES

**Prince George's County Maryland**  
**Department of Permitting, Inspections & Enforcement**  
**APPROVED PLAN SET**

The Department of Permitting, Inspections and Enforcement has completed a review of this document for code compliance. As required by State Code, the design professional(s) responsible for the preparation and content of this document must provide a record copy of these documents with their original seal, signature and date.

Case Name: 2700 Hamilton St-Proposed conditions  
Case Number (Plan Approval #): 17692-2020-0  
Case Type: FLOOD  
Issuance Date: 10/30/2020  
Address: 2700 HAMILTON ST HYATTSVILLE, Maryland  
Lot(s) and Block(s): Lot and Block not found

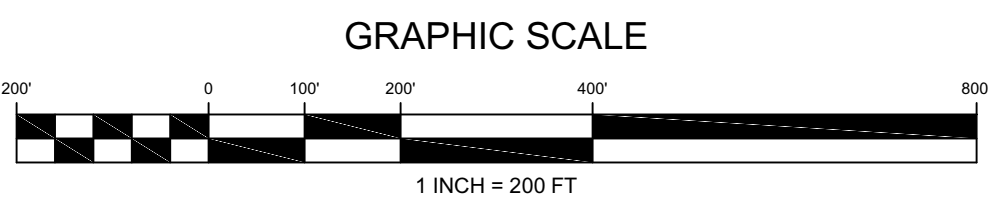
FPS 2202024

**SALMAN BABAR**

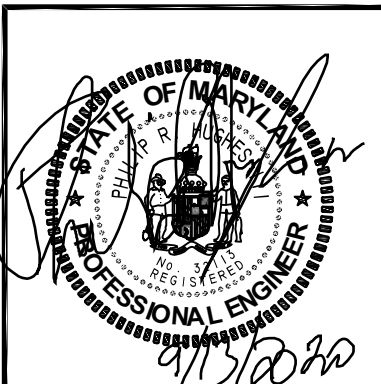
**DPIE**  
DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT

WATER SURFACE ELEVATION TABLE				
XSEC	FEMA EFFECTIVE MODEL (FT) (NGVD 29)	EXISTING/DUPLICATE BFE (FT) (NGVD29)	PROPOSED BFE (FT) (NGVD29)	PROPOSED 100-YR FP (FT) (NGVD29)
516.8	37.9	37.9	37.9	38.9
516.7	37.8	37.8	37.8	38.8

**NOTE:**  
1. Cross sections 516.8 and 516.7 apply to this project/approval only.



**PROFESSIONAL CERTIFICATION**  
"I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 32113, Expiration Date: 09/15/2021."



REVISION	DATE	REVISION	DATE

**Owner/Developer:**  
**WEST HYATTSVILLE PROPERTY COMPANY, LLC**  
  
1100 NORTH GLEBE ROAD, SUITE 1000  
ARLINGTON, VA 22201  
PHONE: 703-312-7275  
EMAIL: RVGILBANE@GILBANE.CO.COM  
CONTACT: C/O ROBERT GILBANE

**Riverfront - Parcel 114**  
  
17th Election District  
Prince George's County, Maryland  
Tax Map 41-E4

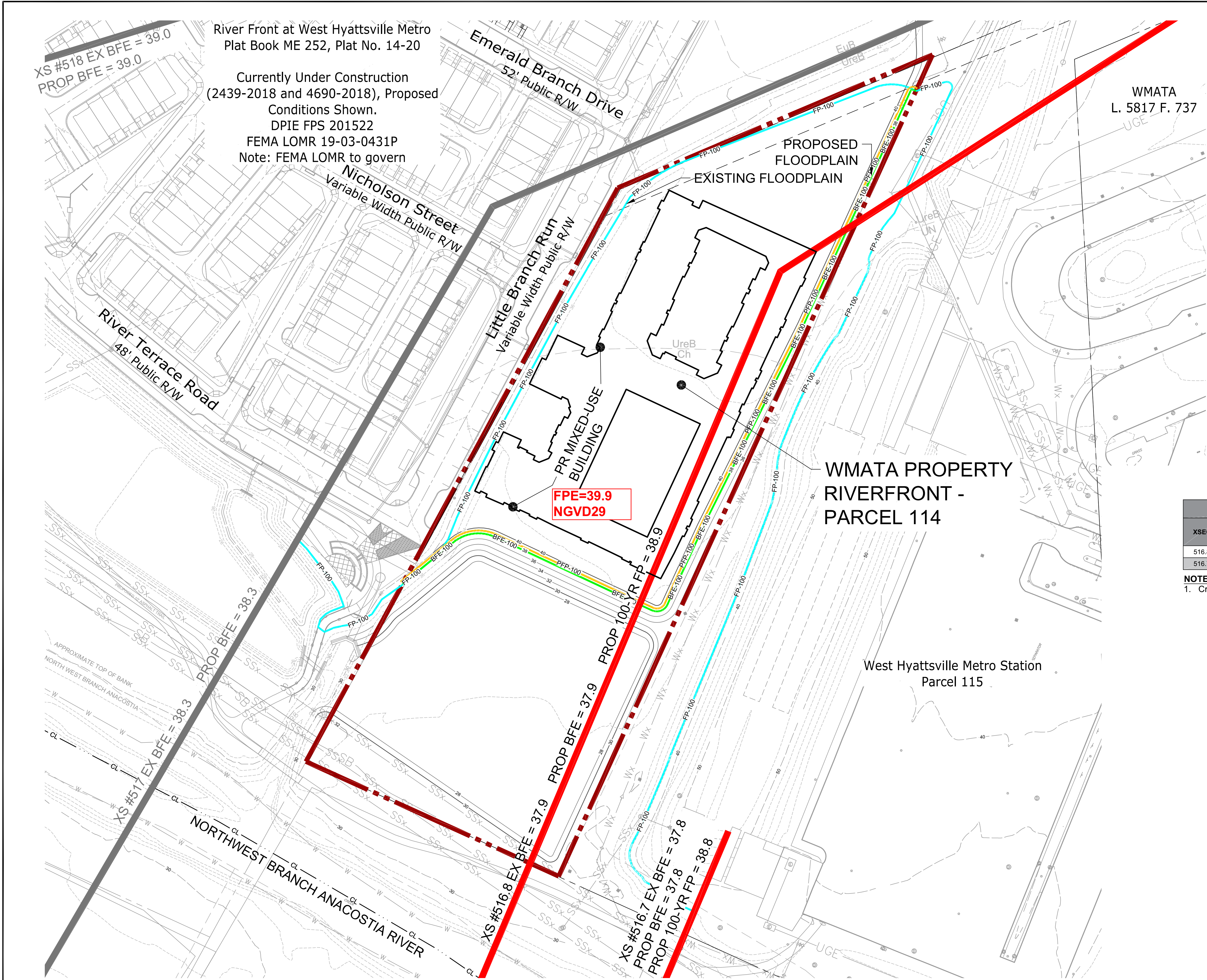
**RODGERS CONSULTING**  
  
19847 Century Boulevard, Suite 200, Germantown, Maryland 20874  
Ph: 301.948.4700 Fx: 301.948.6256 www.rodgers.com

BASE DATA	BY	DATE
DESIGNED	DKM	11/2016
DRAWN	DKM	05/2020
REVIEWED	IKN	05/2020
RODGERS CONTACT:		
RELEASE FOR		
BY	DATE	

**PROPOSED 100-YEAR FLOODPLAIN DELINEATION PLAN**  
**COVER SHEET**

SCALE: 1" = 200'
JOB No. 1208A10
DATE: MAY 2020
FP - 01
SHEET No. 01 OF 03





River Front at West Hyattsville Metro  
Plat Book ME 252, Plat No. 14-20

Currently Under Construction  
(2439-2018 and 4690-2018), Proposed  
Conditions Shown.  
DPIE FPS 201522  
FEMA LOMR 19-03-0431P  
Note: FEMA LOMR to govern

**LEGEND:**

- PR. BOUNDARY LINE
- EX. LOT LINE
- EX. BLDG
- EX. SIDEWALK
- EX. PARKING STRIPING
- EX. MAJOR CONTOUR
- EX. MINOR CONTOUR
- EX. TREES
- EX. GAS LINE
- EX. WATER LINE
- EX. FENCE
- EX. WATERWAY CENTERLINE
- EX. WATERWAY BANK
- EX. SANITARY SEWER
- EX. STREAM BUFFER
- EX. STREAM
- EX. 100-YR FLOODPLAIN
- PROP. 100-YR BASE FLOOD ELEVATION
- PROP. 100-YR FLOODPLAIN
- PR. MAJOR CONTOUR
- PR. MINOR CONTOUR
- CROSS-SECTION LOCATION
- SOIL LINES

WATER SURFACE ELEVATION TABLE				
XSEC	FEMA EFFECTIVE MODEL (FT) (NGVD 29)	EXISTING/DUPLICATE BFE (FT) (NGVD29)	PROPOSED BFE (FT) (NGVD29)	PROPOSED 100-YR FP (FT) (NGVD29)
516.8	37.9	37.9	37.9	38.9
516.7	37.8	37.8	37.8	38.8

**NOTE:**  
1. Cross sections 516.8 and 516.7 apply to this project/approval only.

**Prince George's County Maryland**  
**Department of Permitting, Inspections & Enforcement**  
**APPROVED PLAN SET**

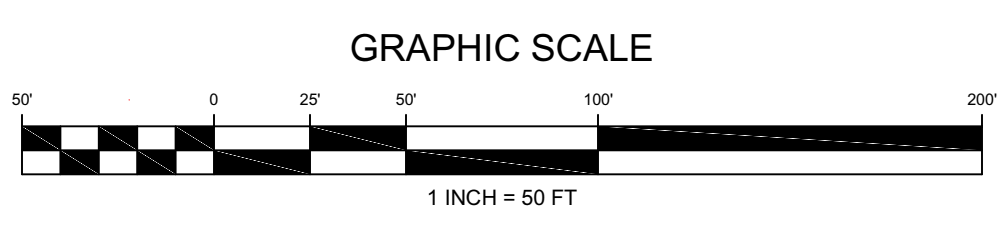
The Department of Permitting, Inspections and Enforcement has completed a review of this document for code compliance. As required by State Code, the design professional(s) responsible for the preparation and content of this document must provide a record copy of these documents with their original seal, signature and date.

Case Name: 2700 Hamilton St-Proposed conditions  
Case Number (Plan Approval #): 17692-2020-0  
Case Type: FLOOD  
Issuance Date: 10/30/2020  
Address: 2700 HAMILTON ST HYATTSVILLE, Maryland  
Lot(s) and Block(s): Lot and Block not found

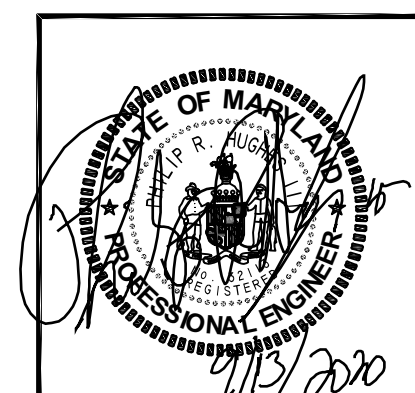
**FPS 2202024**

**SALMAN BABAR**

NGVD: 29  
NAD: 83



**PROFESSIONAL CERTIFICATION**  
"I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 32113, Expiration Date: 09/15/2021."



REVISION	DATE	REVISION	DATE

**Owner/Developer:**  
**WEST HYATTSVILLE PROPERTY COMPANY, LLC**  
1100 NORTH GLEBE ROAD, SUITE 1000  
ARLINGTON, VA 22201  
PHONE: 703-312-7275  
EMAIL: RVGILBANE@GILBANE.CO.COM  
CONTACT: C/O ROBERT GILBANE

**Riverfront - Parcel 114**  
17th Election District  
Prince George's County, Maryland  
Tax Map 41-E4

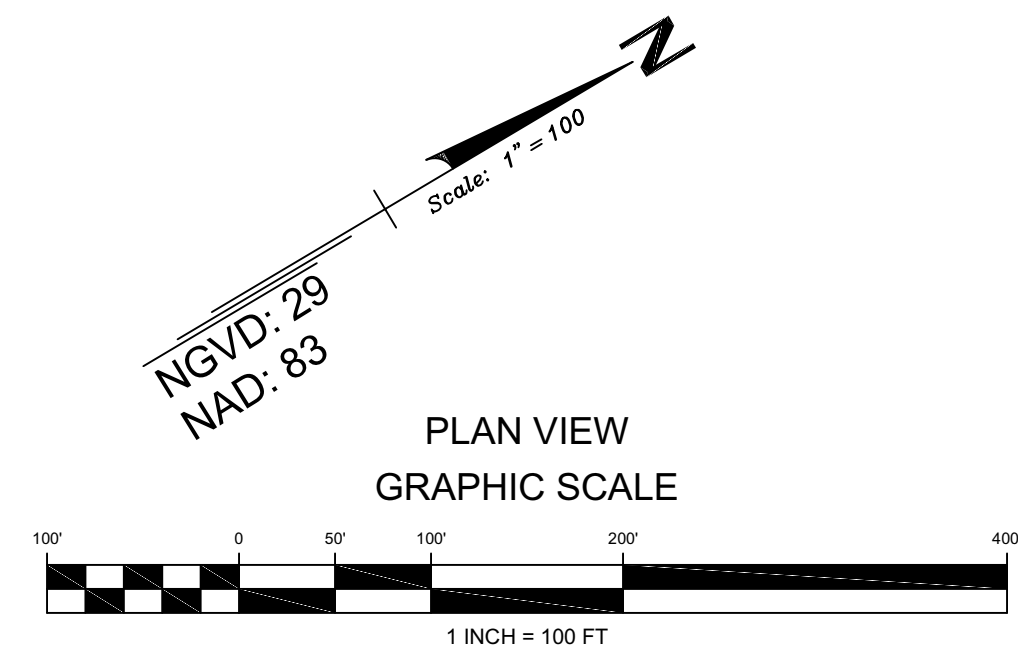
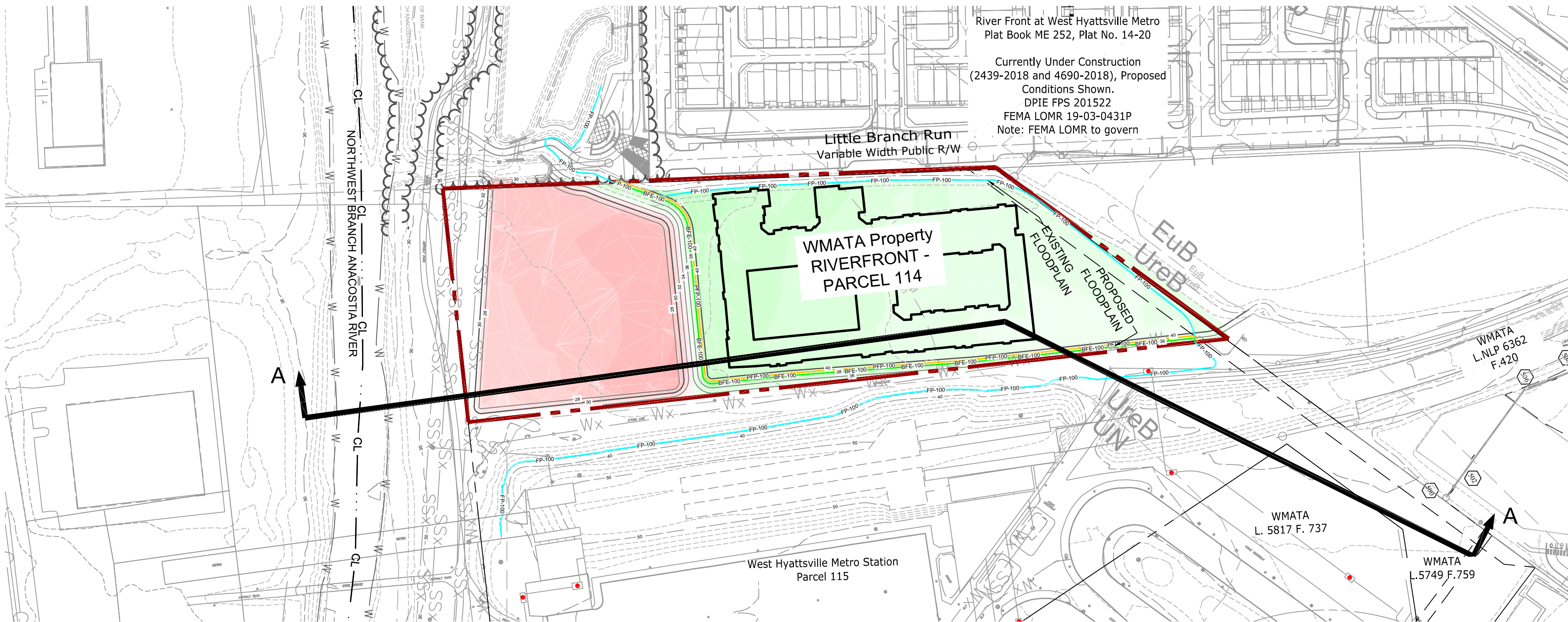
**RODGERS CONSULTING**  
19847 Century Boulevard, Suite 200, Germantown, Maryland 20874  
Ph: 301.948.4700 Fx: 301.948.6256 www.rodgers.com

BASE DATA	BY	DATE
DESIGNED	DKM	05/2020
DRAWN	DKM	05/2020
REVIEWED	IKN	05/2020
RODGERS CONTACT:		
RELEASE FOR		
BY	DATE	

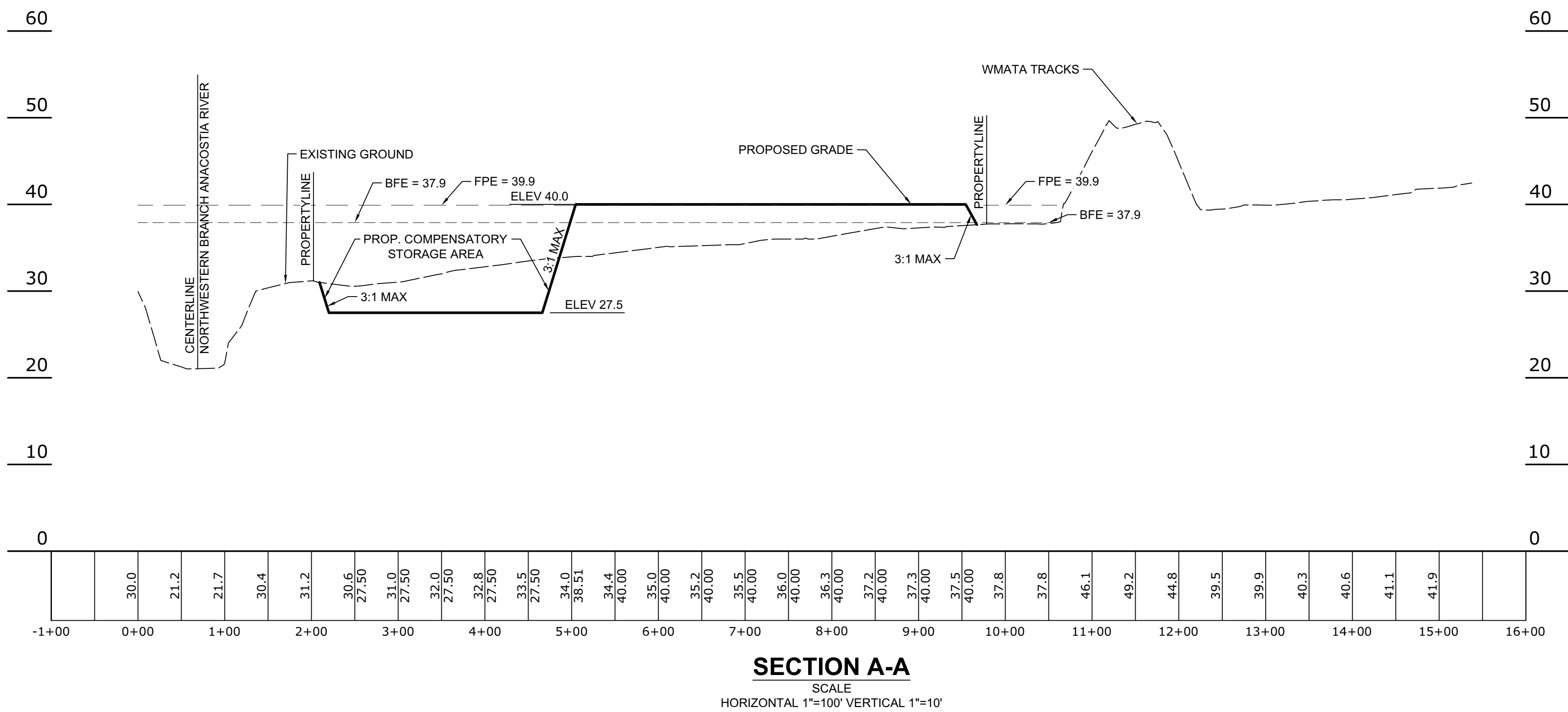
**PROPOSED 100-YEAR FLOODPLAIN  
DELINEATION PLAN  
PROPOSED CONDITIONS**

SCALE: 1" = 50'  
JOB No. 1208A10  
DATE: MAY 2020  
FP - 02  
SHEET No. 02 OF 03





Elevations Table			
Number	Minimum Elevation	Maximum Elevation	Color
1	-7.000	-6.000	Red
2	-6.000	-5.000	Red
3	-5.000	-4.000	Red
4	-4.000	-3.000	Red
5	-3.000	-2.000	Red
6	-2.000	-1.000	Red
7	-1.000	0.000	Red
8	0.000	1.000	Green
9	1.000	2.000	Green
10	2.000	3.000	Green
11	3.000	4.000	Green
12	4.000	5.000	Green



## Cut/Fill Report

**Generated:** 2020-05-19 14:20:14  
**By user:** 635  
**Drawing:** N:\MD-Prince Georges\West Hyattsville Property\autocad\Exhibits\WMATA Comp Storage Cut-Fill\_2020-0507\N:\MD-Prince Georges\West Hyattsville Property\autocad\Exhibits\WMATA Comp Storage Cut-Fill\_2020-0507\Comp Storage.dwg

Volume Summary						
Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)
Cut-Fill	full	1.000	1.000	203826.09	10956.29	10878.88
				Net (Cu. Yd.)		
				77.41<Cut>		

Totals			
	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)
Total	203826.09	10956.29	10878.88
Net (Cu. Yd.)			
77.41<Cut>			

\* Value adjusted by cut or fill factor other than 1.0

## Prince George's County Maryland Department of Permitting, Inspections & Enforcement APPROVED PLAN SET

The Department of Permitting, Inspections and Enforcement has completed a review of this document for code compliance. As required by State Code, the design professional(s) responsible for the preparation and content of this document must provide a record copy of these documents with their original seal, signature and date.

Case Name: 2700 Hamilton St-Proposed conditions  
Case Number (Plan Approval #): 17692-2020-0  
Case Type: FLOOD  
Issuance Date: 10/30/2020  
Address: 2700 HAMILTON ST HYATTSVILLE, Maryland  
Lot(s) and Block(s): Lot and Block not found

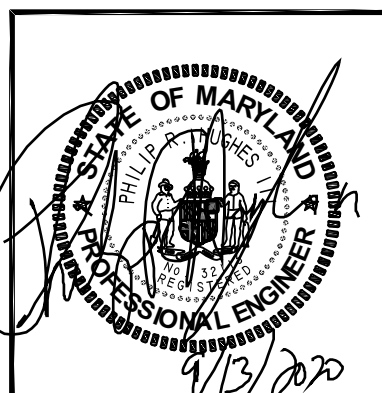
FPS 2202024

SALMAN BABAR



### PROFESSIONAL CERTIFICATION

"I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 32113, Expiration Date: 09/15/2021."



REVISION	DATE	REVISION	DATE

**Owner/Developer:**  
**WEST HYATTSVILLE PROPERTY COMPANY, LLC**  
1100 NORTH GLEBE ROAD, SUITE 1000  
ARLINGTON, VA 22201  
PHONE: 703-312-7275  
EMAIL: RVGILBANE@GILBANE.CO.COM  
CONTACT: C/O ROBERT GILBANE

**Riverfront - Parcel 114**  
17th Election District  
Prince George's County, Maryland  
Tax Map 41-E4

**RODGERS CONSULTING**  
19847 Century Boulevard, Suite 200, Germantown, Maryland 20874  
Ph: 301.948.4700 Fx: 301.948.6256 www.rodgers.com

BY	DATE
BASE DATA	CADD 11/2016
DESIGNED	DKM 05/2020
DRAWN	DKM 05/2020
REVIEWED	JKN 05/2020
RODGERS CONTACT:	
RELEASE FOR	
BY	DATE

## PROPOSED 100-YEAR FLOODPLAIN DELINEATION PLAN CUT - FILL ANALYSIS

SCALE:	AS SHOWN
JOB No.	1208A10
DATE:	MAY 2020
FP - 03	
SHEET No.	03 OF 03



August 23, 2021

Ms. Mridula Gupta  
Maryland-National Capital Park and Planning Commission  
Subdivision Section  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: West Hyattsville  
PPS-20040  
Soltesz, No.: 07060600

Dear Ms. Gupta,

In response to the comments generated at the SDRC meeting July 23, 2021, we offer the following responses:

### **Community Planning**

Comment 1: The proposed use is not consistent with the TDDP Preferred Land Use Plan. Conformance of the subdivision with the West Hyattsville TDDP standards is contingent on District Council approval of an amendment to the TDDP Preferred Land Use Plan to permit the proposed uses on Parcel 114 of the subject property (multifamily is proposed on Parcel 114, designated as the following future land uses by the TDDP: "Greenway: Parks & Open Space", "Structured Parking", "Townhouses: 2-4 Stories", and "Condominiums: 4-6 Stories").

**Response:** A meeting was held between the Applicant and Staff to discuss this issue. It was found that the proposed use is consistent with the TDDP Preferred Land Use Plan. Staff asked for a memo stating all the relevant points. A memo was submitted on July 29<sup>th</sup>.

### **Transportation Planning Trails:**

Comment 1: An exhibit or list indicating all pedestrian and bicycle adequacy facilities within the subdivision (on-site facilities). These facilities will be required as part of this application and an exhibit of these facilities will be required prior to the acceptance of any detailed site plan and should include:

- ☐ Extension of five-foot-wide sidewalk along the subject property's frontage of Little Branch Run until the point of vehicle entry for Proposed Parcel 2 and to the Northwest Branch Trail.
- ☐ Bicycle parking in parking garages for residential uses and on-site or in The ROW for non-residential uses that is consistent with TDDP standards.
- ☐ Bicycle fix-it station at each garage bicycle parking area.
- ☐ Crosswalks crossing the drive aisle at both points of vehicle entry in the proposed garages.
- ☐ A pedestrian and bicycle shared use path through the property from the western side of the subject site near Emerald Branch Drive to the pedestrian tunnel for the Metrorail station.

**Response:** The requested pedestrian and bicycle facilities will be provided at the time of the Detailed Site Plan.

**Comment 2:** A list of alternative required off-site improvements, made up of the identified deficiencies from the submitted in the BPIS, and in and order of preference for construction. The cost cap for this project is \$177,183.13. Please note that the proposed required off-site facilities are to be within this cost cap and any alternative facilities, individually or combined, shall not exceed this cap.

**Response:** **The primary BPIS proposal is the improvement of the sidewalk connection to the WMATA property which is shown in the BPIS report and is estimated to cost \$169,650 with no contingency, and \$229,027 with a 35% contingency. Please see section 1.5 and 1.3 of the BPIS report for alternatives.**

#### **Transportation Planning Traffic:**

**Comment 1:** Considering adding the proposed lane configuration changes along MD 500 intersections being described in the main section of the report. Based on "Transportation Review Guidelines", the PHF needs to be calculated instead of using the default value. The fitted curve equation needs to be used when calculating the number of generated PM peak hour trips.

**Response:** **(1) The lane configurations are shown graphically on Exhibit 2.**  
**(2) The default peak hour volumes from the Highway Capacity Manual were utilized in the analysis. The default peak hour factor is 0.92 which is typically conservative in urban/suburban settings. We have looked at the PHF's for the unsignalized intersections along Ager Road from Nicholson Street to Lancer Drive, site access, WMATA Bus loop, and Jamestown Road (Intersections 1-3). The observed PHF's at these locations ranged from 0.87 to 0.91 in the morning peak hour and ranged from 0.95 to 0.96 in the evening peak hour. The usage of these PHF's in lieu of the default 0.92 would not result in a substantial change in the results of the delays, and furthermore, all of these intersections pass the third step of the unsignalized intersection analyses, and would therefore be deemed to be adequate based on the CLV test.**

**(3) We believe that the usage of shopping center rates will provide an adequate and conservative assessment of the trip generation for the following reasons. A shopping center (LU Code 820) is defined by ITE as an integrated group of commercial establishments that is planned, developed, and owned/managed as a unit. This proposed use is actually more appropriately evaluated using Land Use Code 231 or 232 (Mid-Rise / High Rise Residential with 1st Floor Commercial), which would indicate a much lower trip generation, but because of the small sample size for those uses, we continue to use the MNCPPC rates for multifamily units with the shopping center rates to provide a conservative assessment. This is similar to what we have done for other projects in the county with 1st floor commercial in residential buildings.**

**Comment 2:** Justifying the entrance locations or moving the entrances to be lined up with the cross streets..

**Response:** **A meeting was held between the Applicant and Staff to discuss this issue. An exhibit has been created and submitted showing the relationships between the existing roads and the proposed entrances. For proposed Parcel 1, the garage driveway is a private driveway, and even though it is offset from the street grid, it is offset in the right direction such that it will not cause left turning movements to block adjacent intersections. The garage entrance would be predominantly lefts in and rights out, and the left turn into the garage entrance does not block or conflict with any other movements such that it would cause issues. There was also concerns regarding headlights shining into the existing townhomes. Lot 8 is the only townhome opposite the entrance. The headlight level is below the proposed windows of the first floor. The bedrooms are on the 3rd floor. In addition, the**

location of the garage and its entrance is limited based upon the irregular shape of the parcel. The parcel is constricted on the south by an existing WSSC storm drain and easement and by the Metro tracks on the east. The curvilinear road also presents limitations for the rectangular garage and thus causing the garage entrance to be located as shown. On Parcel 2, the access cannot line up with the existing street because of the stormwater management/ compensatory storage area. There is a distance of 80 feet between the centerline of both entrances. Also, the traffic volumes in this area are low.

#### **Environmental Planning Section:**

Comment 1: Two separate NRIs were submitted that cover two different sections of this PPS application. The site must have only one NRI that covers the entire application. As discussed on July 19, 2021 revise NRI-002-2016-01 by adding the area included in NRI-090-2020 to it.

**Response: The NRI has been updated and submitted and approved.**

Comment 2: Revise TCP1-012-2016 to include the area of proposed Parcel 2. The TCP1 submitted is not currently adequate for submittal and must include the same area as TCP1-012-2016 associated with 4-15020 as well as the area of Proposed Parcel 2 shown as reflected on the current PPS application (4-20040). When revising the TCP1 make sure to:

a) Remove the note that states "Under approved TCP2-001-2017-01 (Not Part of Net Tract)" and update the worksheet to not exclude the 3.05 acres of proposed Parcel 1 as previously dedicated land.

b) Update the TCP1 approval block to include the TCP1 number TCP1-012-2016, the previous approval information (typed in) and the relevant revision information for the current PPS application.

**Response: We combined the additional acreage with the approved acreage of the TCP1 into one plan.**

#### **Urban Design Section:**

Comment 1: A Detailed Site Plan is required. The Urban Design Staff has reviewed the pre-acceptance.

**Response: The comments have been noted**

Comment 2: The previous Conceptual Site Plan is still valid which will set up the development cap.

**Response: This application is being submitted as an ETOD and based upon the TDDP, the CSP is no longer applicable. This can be seen from the previous approval of DSP-16029 which covered this site originally. Finding #5 in the Resolution states that "the conditions of CSP-05006 do not apply to this application."**

Comment 3: The site subject to the Transit District Overlay Zone standards which can be addressed at the time of Detailed Site Plan.

**Response: The comments have been noted**

Comment 4: The recreation facilities calculations needs to be updated for the current project

**Response: An updated Recreation Facilities list has been provided.**

Comment 5: There is concern about the access shown on the TCP1 plan and the close distance to the proposed garage entrance which might be problematic

**Response: Please see the response to Comment 2 from Transportation Planning.**

#### **Subdivision Section:**

Comment 1: Proposed Parcel 2 is completely within the existing 100-year floodplain. Need to see proposed conditions floodplain delineation as approved by DPIE, to ensure that the parcel is buildable for the use intended.

**Response:** **The approved floodplain and waiver have been included.**

Comment 2: Lots are required to be platted with 300-foot lot depth when adjacent to a transit right-of-way. This applies to proposed Parcels 1 and 2, which are situated next to the West Hyattsville WMATA station. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate. A variation to Section 24-121(a)(4) is required for both parcels.

**Response:** **A Variation request has been submitted and the SDRC meeting was held on August 6, 2021.**

Comment 3: Recreational Facilities Worksheet is titled "Enclave at Westphalia" and the facilities listed do not appear to be related to this proposed development. Please rectify. A proposal is needed for on-site recreational facilities..

**Response:** **The correct Recreational Facilities worksheet has been included.**

Comment 4: SWM Concept Plan will need to be approved prior to certification of PPS.

**Response:** **The comments are noted.**

Comment 5: Variation request for elimination of PUEs on east side of Little Branch Run Road- provide a utility plan showing location of all utilities to serve the proposed development. Also provide documentation from utility companies that no utilities are planned along the east side of the public road. The variation request needs to justify that the existing PUE, which varies from 0' to 10' along the west side space is adequate for serving the existing townhouse development as well as the new multi-family development to the east. It is noted that the property does not have frontage onto any other public right-of-way, along which utilities could be laid in the future, if required.

**Response:** **The documentation has been provided.**

Comment 6: Entrance location to Parcel 1 is located midway Crimson Fox Drive & Kirkwood Place, with on-street parking and townhomes fronting this section of the street. Relocate the entrance to align with Kirkwood Place. Similarly, entrance to Parcel 2 is 40' off-center to River Terrace Road and should be re-aligned with existing street intersections for better circulation.

**Response:** **Please see the response to Comment 2 from Transportation Planning.**

Comment 7: Provide a revised property survey with the missing information per checklist-

- ☐ Bearings and Distances in Feet
- ☐ Zoning of Subject Property- existing Parcels 2 and 3
- ☐ Abutting Streets - Name, Location, Center Line and Right-of-Way Width (public or private)

**Response:** **The plans have been updated accordingly.**

#### **Subdivision Section Technical Issues**

Comment 1: Label the noise line as unmitigated 65 dBA Ldn noise contour

**Response:** **The noise line has been labeled.**

Comment 2: Revise General Note 1 to list 'Existing Part of Parcel 114' instead of 'Existing Parcel 114'.

**Response:** **The note has been revised.**

Comment 3: Correct spelling of 'subdivision' in General Note 4.

**Response:** **The spelling has been corrected.**

Comment 4: Correct reference to PPS 4-05145 in General Note 5.

**Response:** **The reference has been corrected.**

Comment 5: Revise General Note 6 to correct the net acreage after accounting for area within the 100-year floodplain.

**Response:** **The note has been revised.**

Comment 6: Add T-D-O zoning to General Note 11. Provide existing use for Parcel 1 (existing Parcels 2 and 3).





**SOLTESZ** LLC

**Response:**     **The note has been revised.**  
Comment 7:     Revise General Note 21 to provide approval date for SWM Concept Plan.  
**Response:**     **The SWM Concept Plan is still under review.**  
Comment 8:     Complete General Note 27 with the TCP1 number.  
**Response:**     **The note has been revised.**  
Comment 9:     Revise the Vicinity Map to increase legibility of police, fire & EMS locations.  
**Response:**     **The vicinity map has been revised.**  
Comment 10:    Add PPS 4-20040 to the title block in big and bold text.  
**Response:**     **The label has been added.**  
Comment 11:    Provide copies of all easements and rights-of-way on or abutting the property, in accordance with the checklist.  
**Response:**     **The easement documents have been provided.**  
Comment 12:    Show location of existing and proposed storm drains and stormwater facilities.  
**Response:**     **The storm drains have been shown.**

If you have any further questions or concerns, please do not hesitate to contact our office.

Sincerely,

Soltesz, LLC

Young O. Roh  
Senior CAD designer

**RIVERFRONT AT WEST HYATTSVILLE  
PRELIMINARY PLAN 4-20040  
VARIATION REQUEST**

Section 24-121(a)(4)  
300-Foot Lot Depth Adjacent to Transit Right-of-Way  
July 27, 2021

**INTRODUCTION and REQUEST**

West Hyattsville Property Company, LLC, (the “Applicant”) presents a Preliminary Plan of Subdivision (4-20053) for a mix of uses with 750 multifamily units and 15,000 square feet of commercial uses on three existing parcels located on Little Branch Run in Hyattsville, Maryland (the “Property”). The Property is located on the southeast side of Little Branch Run, approximately 250 feet west of Ager Road and abutting the West Hyattsville Metro Station. Found on Tax Map 41, Grid E-4, it is more particularly described as Parcels 2 and 3, “Riverfront at West Hyattsville”, Plat ME 252@14, and part of Tax Map Parcel 114. The Property contains a total of 8.1 acres.

For the most part, the Property is relatively flat, sloping slightly from Ager Road down toward the stream valley. All of the parcels comprising the Property were impacted by the 100-year floodplain. Parcels 2 and 3 were the subject of prior development approvals and a floodplain waiver to fill the floodplain was approved. Parcels 2 and 3 have now been graded and are no longer impacted by the floodplain. Parcel 114 is still impacted by the floodplain and a waiver has been approved by DPIE. A portion of Parcel 114 will be removed from the 100-year floodplain and the remainder, abutting the stream valley, will be utilized for compensatory storage. Parcels 2 and 3 were originally part of a larger property on which a large abandoned warehouse was located. The part of Parcel 114 that is included in the Property was part of a larger property once used as a drive-in theater. It was later acquired by WMATA and the West Hyattsville Metro Station was constructed. The portion of Parcel 114 included in this application is the residue which lies north and west of the station. The only access to the property is from Little Branch Run, constructed by the Applicant as part of the larger Riverfront at West Hyattsville development. Consistent with the recommendations of the West Hyattsville Transit District Development Plan, the property is to be constructed with medium to high density multifamily residential development with ground floor retail.

The Property abuts the West Hyattsville Metro Station to the south. The tracks run along the entire eastern boundary of the Property. Section 24-121(a)(4) requires:

**Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate. (Emphasis added.)**

Proposed Parcels 1 and 2 do not meet the 300-foot depth requirement. A variation for these parcels is requested. The Property boundaries were set by prior approvals. The eastern boundary is formed by the WMATA rail line. The northern and western boundary are formed by Little Branch Run. The southern boundary is land owned by M-NCPPC as part of the Northwest Branch Stream Valley Park. At no point abutting the transit right-of-way is the Property 300 feet deep. The widest part of the property is 292.88 feet at the southernmost boundary of proposed Parcel 2. Parcel 1 is approximately 250 feet deep at the middle of the property (measured from north to south), but the northernmost portion of the property curves with Little Branch Run and comes to a point where Little Branch Run crosses the WMATA rail line (which is also where the rail line goes underground).

### **REQUIRED FINDINGS**

Section 24-113 sets forth the following required findings for variations:

- (a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

**RESPONSE:** Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121(a)(4) could result in practical difficulties to the applicant, resulting in the applicant not being able to develop this property for its intended purpose.

**(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

**RESPONSE:** The 300-foot lot depth requirement is aimed at providing a deep enough lot so that dwellings can be located to ameliorate the impact of undue noise and vibration. In this case, Proposed Parcels 1 and 2 are proposed for multifamily development with ground floor retail. They are located on the western side of the transit right of way. These parcels were created through the approval of Preliminary Plan 4-15020. At the time the preliminary plan was approved, the roadway network was established and created a long, narrow land area between Little Branch Run and the Metro Station. This long narrow land area consisted of Parcels 2 and 3 and Parcel 114, which was owned by WMATA at the time. The TDDP encourages medium to high density in close proximity to the Metro Station, and these parcels are so designated in the Preferred Land Use Map now approved. At the time Preliminary Plan 4-15020 was approved, the Planning Board approved a variation to allow for Parcels 2 and 3 to be platted with less than the 300 foot lot depth required by Section 24-121(a)(4), and imposed conditions to further address the impact of noise and vibration. Based upon this information, no negative impacts to public health safety and welfare, or injury to other properties, are evident with this variation request.

**(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

**RESPONSE:** The Property is located immediately adjacent to the West Hyattsville Metro Station. The TDDP is designed in order to encourage development at transit centers. This impact is unique to the Property and, given the prior approvals, has an unusually detrimental impact on the ability to

develop the Property in conformance with the lot depth requirement. The circumstances which are unique to the Property are directly related to the variation requested.

Further, the TDDP seeks moderate to high density development on the Property and Plan 2035 places the Property in the West Hyattsville Local Center. Local Centers are envisioned as

**“medium- to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available”** (p. 19).

To achieve this vision, the subdivision is designed with as much density as possible adjacent to the station. Limiting the area available for development works against the vision to provide a high density, walkable development immediately adjacent to the Metro Station.

No other property in the area envisioned for high density development and is similarly impacted by the tracks; therefore, the condition is unique to the Property and is not applicable to other properties.

**(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

**RESPONSE:** No other applicable law, ordinance or regulation is violated by approval of this variation. In fact, as noted, the variation approval enables the type of development envisioned by the TDDP.

**(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

**RESPONSE:** This request is not made as a mere convenience. Based upon the prior approvals, a land bay has been created for the development of medium to high density residential with ground floor commercial as envisioned by the TDDP. However, none of this land bay is 300 feet in depth when measured from the right-of-way line. The location of the rail line in the eastern part of the

site and entry street providing access to the subject site from Ager Road create an unavoidable conflict with the lot depth requirement. As such, strict application of the regulation would prevent any development of the Property, which contradicts the vision of the TDDP to place density in close proximity to the Metro Station. Approval of the variation relieves that hardship. Moreover, the Applicant is attempting to develop the Property in accordance with the West Hyattsville Transit District Development Plan, which envisions dense, walkable, bicycle-friendly development adjacent to the Metro Station. The concept plan set forth in the TDDP is not achievable without the approval of a variation from the 300-foot lot depth requirement. The variation enables the density of development envisioned by the TDDP. Denial of the variation would inhibit the ability to provide TDDP-envisioned development on the Property.

**(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

**RESPONSE:** The Property is not in these Zones; it is zoned M-X-T / T-D-O.

### **CONCLUSION**

The Applicant presents a development aimed at implementing the vision of the West Hyattsville TDDP. The proposed development implements and builds on prior approvals aimed at increasing density near the Metro station. Those prior approvals resulted in the creation of a land bay less than 300 feet deep from the WMATA right-of-way. The Planning Board found that a variation was appropriate at the time this land bay was created and approved the variation. This request is consistent with the prior approval.

Section 24-113(a) allows variations to be granted when the “purposes of [the Subdivision Regulations]” will be better served by the grant of the variation so that “substantial justice may be done and the public interest secured.” The Purposes of the Subdivision Regulations are aimed at protecting health, safety and welfare, guiding development according to the General Plan, area master plans, and their amendments, and encouraging creative residential subdivision design that



RIVERFRONT AT WEST HYATTSVILLE  
PRELIMINARY PLAN 4-20040  
VARIATION REQUEST  
Section 24-121(a)(4)  
300-Foot Lot Depth Adjacent to Transit Right-of-Way  
July 27, 2021

accomplishes these purposes in a more efficient, attractive, and environmentally sensitive manner. The proposed design is in harmony with all of these purposes, presenting the dense, efficient development envisioned in the TDDP without negatively affecting public health, safety and welfare. Strict compliance with the 300-foot lot depth would prevent development of the Property. Substantial justice is therefore accomplished by the variation allowing lot depths to be less than 300 feet. Therefore, the Applicant respectfully requests that the variation request be approved.

Respectfully submitted

Attorney for Applicant



Thomas H. Haller  
GIBBS and HALLER  
1300 Caraway Court, Suite 102  
Largo, Maryland 20774

May 4, 2021

WHPC Block 3 LLC and WHPC Block 4 LLC  
c/o Matthew Michetti  
Development Manager  
Gilbane Development Company  
1100 North Glebe Road #1000  
Arlington, VA 22201

Re: West Hyattsville  
Metrorail Noise and Vibration Analysis

Mr. Michetti:

This report summarizes the Metrorail noise and vibration analysis for the West Hyattsville project in Prince George's County, MD.

## 1. Introduction

This analysis was based on the West Hyattsville Floor Plan prepared by DCS Design printed on April 13, 2021 provided via email. These drawings show proposed apartment buildings along the west side of the Metrorail tracks. The location of the Metrorail tracks is not shown on the floor plans and was determined from a prior site plan drawing. A vicinity map is included as Figure 1.



Figure 1. Vicinity Map

We understand proffers have not yet been developed for this project. The Prince George's County design goals for noise are to ensure that the projected Day-Night Average Sound Level (DNL) not exceed 65 dB in outdoor recreation areas or 45 dB inside the residences.

The site is located immediately along the Metrorail tracks and far from roads. The nearest road is Ager Road which is 300 feet away at the closest point. We previously evaluate both roadway and Metrorail noise for this site and determined that roadway noise from Ager Road is negligible compared to Metrorail noise. For instance, per our November 17, 2015 report, the DNL was predicted to be 61.3 dB due to roadway noise at the location closest to Ager Road but was predicted to be 70.8 dB at that location due to noise from Metrorail. For this reason, we are including only Metrorail noise in this current analysis.

## 2. Site noise survey

Currently, there is a Covid-19 pandemic which has suppressed economic activity and caused WMATA to reduce Metrorail operations. To be conservative, we are relying on the sound levels measured at this site in 2015.

### 2.1 Sound level measurement procedure

Larson Davis model 831 sound level meters were installed in the locations indicated M1 and M2 in Figure 2 from approximately 12:30 pm on Thursday October 22, 2015, through 11 am on Thursday October 29, 2015.

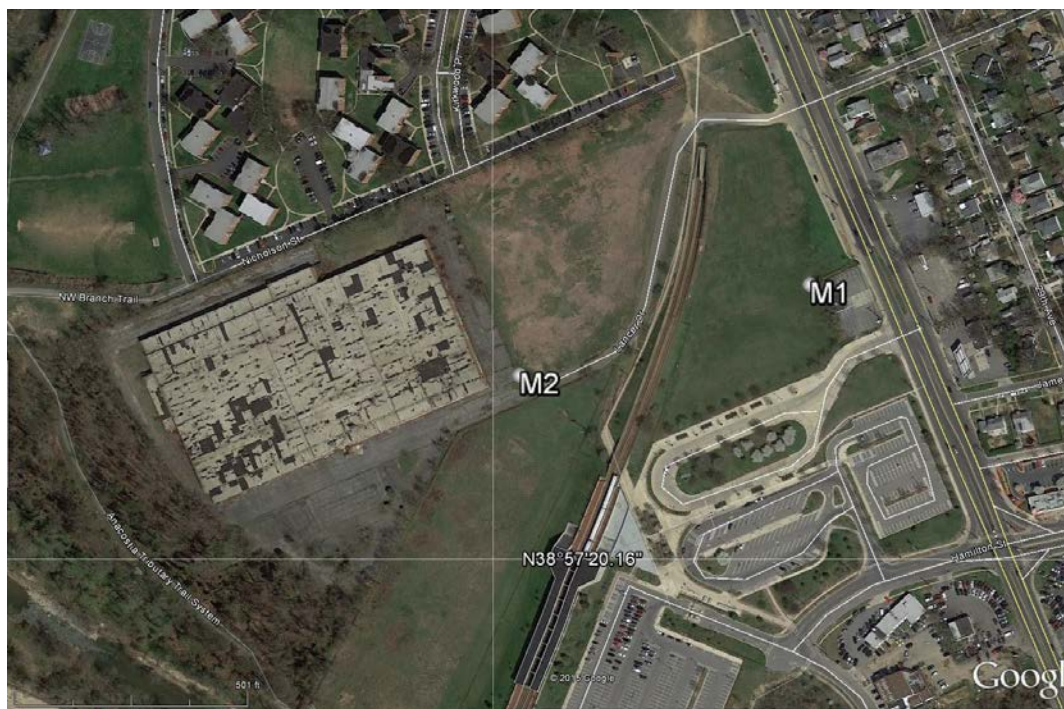


Figure 2. Sound Level Meter Locations

Location M1 was at the corner of a perimeter chain link fence between the existing grass field (to become the project site) and a vacant one-story building. Location M2 was along the perimeter chain link fence between the parking lot of a vacant warehouse and a grass field. Locations M1 and M2 were approximately the same distance from the centerline of the Metrorail tracks. The sound level meters were programmed to report average, maximum, and minimum A-weighted sound levels during each one-minute interval. In addition, the meters were programmed to record audio files each time a loud noise event occurred. The meters were chained to fences and the microphones were attached to poles 18 feet above the ground.

## 2.2 Site observations

During the noise tests, the site had a large vacant warehouse and surrounding parking lot, and fields. The Metrorail tracks are elevated to the south of the site and underground to the north of the site. The Metrorail tunnel entrance is immediately to the south of Lancer Drive. The site is generally level with the Metrorail tracks to the east of the tracks, and well below the elevation of the Metrorail tracks to the west of the tracks. The main noise source on the site was Metrorail trains. There was also some aircraft noise, sound from insects and birds, and noise from traffic on Ager Road.

## 2.3 Measured sound levels

Average sound levels during five-minute intervals were calculated based on the measured one-minute average sound levels. Figure 3 presents the resulting five-minute average sound levels. Sound levels were significantly elevated during many one-minute intervals. By listening to the audio files created at those times it was determined that they were due to the following:

- At M2 there were six events due to loud Metrorail train horns, and two events due to unidentified sounds that could be aircraft.
- At M1 there were 26 events due to sirens, 19 due to Metrorail train horns, 12 due to motorcycles or other road vehicles with loud mufflers, 2 due to unidentified sounds that could be aircraft, 1 due to unidentified sound that could be Metrorail train wheels, and 1 due to a car horn.

Hourly average sound levels were calculated based on the five-minute average sound levels. Figure 4 presents the hourly average sound levels. DNL were calculated for each full calendar day. Table 1 presents the DNL for each calendar day.

**Table 1. Measured DNL, dB**

Day, Date	DNL	
	M1	M2
Friday, October 23, 2015	66.5	63.0
Saturday, October 24, 2015	65.3	61.0
Sunday, October 25, 2015	65.4	61.7
Monday, October 26, 2015	66.3	62.9
Tuesday, October 27, 2015	66.2	63.0
Wed., October 28, 2015	66.2	62.8



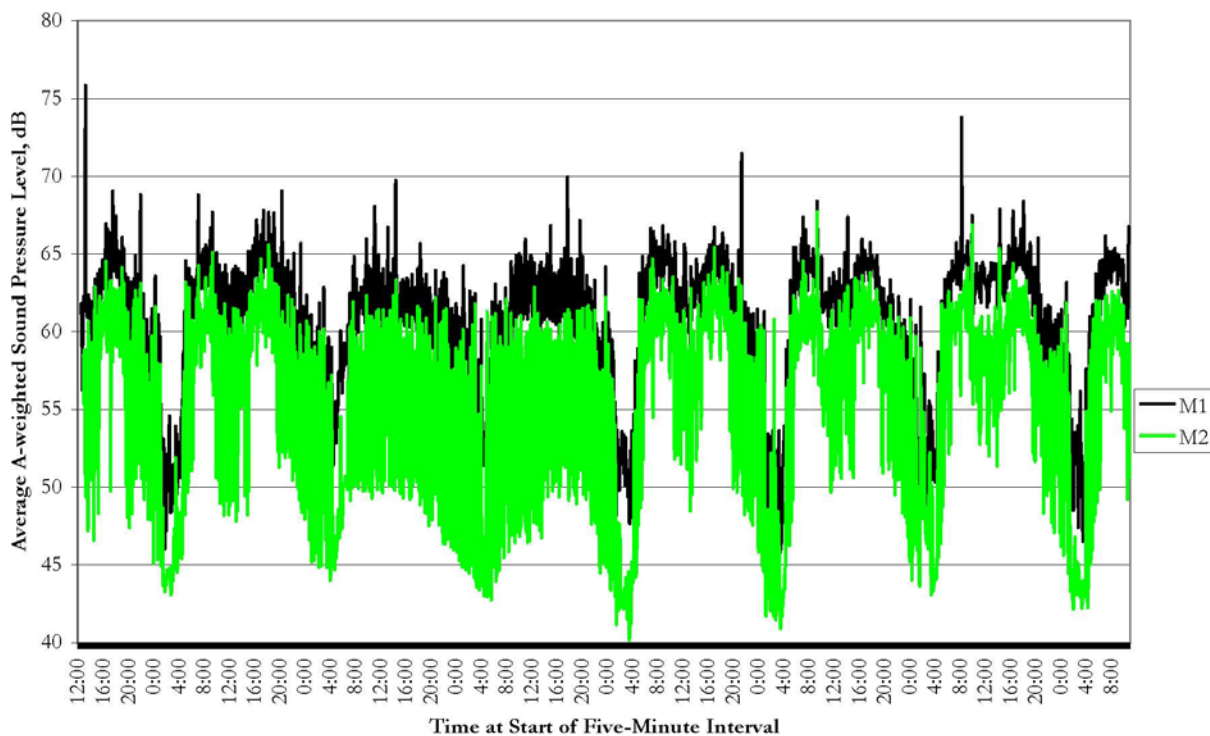


Figure 3. Five-Minute Average Sound Levels

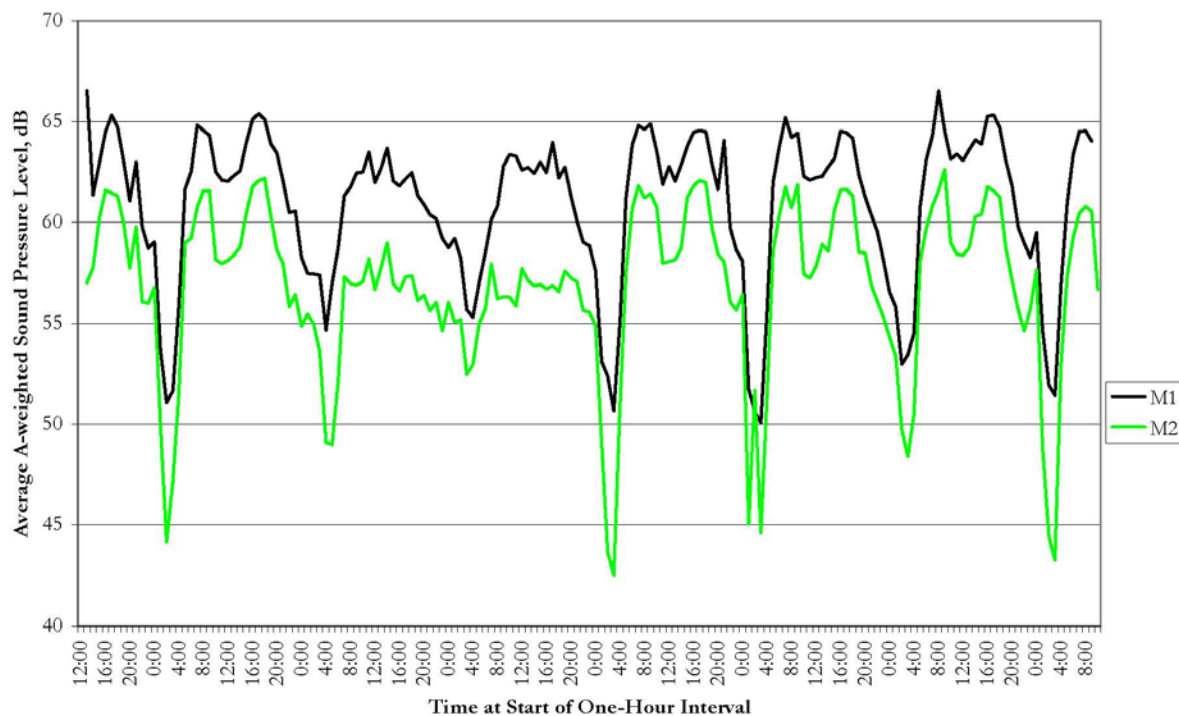


Figure 4. Hourly Average Sound Levels

## 2.4 Weather

Weather can affect both the propagation of sound, as well as produce sound by rustling leaves or causing wind or rain noise at the microphone. For these reasons, weather conditions were documented during the survey. Hourly weather information was obtained from the website WeatherUnderground.com for KCGS (the nearest airport to the site). No precipitation was noted. The following wind faster than 10 mph was noted:

- 8.1-12.7 mph (gusting to as high as 20.7 mph) from the NNW to WNW at 2:30 to 5:10 pm on Sunday October 25, 2015
- 6.9-10.4 mph (gusting to as high as 17.3 mph) from the SE to ESE at 10:40 am to 12:20 pm, and 8.1-11.5 mph (gusting to as high as 21.9 mph) at 7:20 to 10:20 pm on Wednesday October 28, 2015
- 8.1-11.5 mph from the WNW to NNW at 1:25 to 2:05 pm on Thursday October 29, 2015

## 3. Outdoor railroad noise modeling

Locations M1 and M2 were virtually the same distance from the centerline of the Metro tracks (i.e., 265 feet to the centerline between the tracks for location M1 and 268 feet for location M2), although M1 is closer to the tunnel entrance where trains sometimes sound their horns. The estimated weekday DNL due to trains were 61.4 to 63.0 dB at location M1 and the total measured weekday DNL were 62.8 to 63.0 dB at location M2. These sound levels are quite similar. To be conservative, and for simplicity, sound levels were extrapolated for distance from the Metrorail tracks based on the value of 63 dB at the distance of location M1 (i.e., 265 feet from the centerline between the tracks). Sound levels were assumed to drop off at a rate of 4.5 dB per doubling of distance with respect to 265 feet. This is a common assumption for railroads with soft ground nearby. The resulting estimated DNL due to Metrorail are shown in Figure 5.

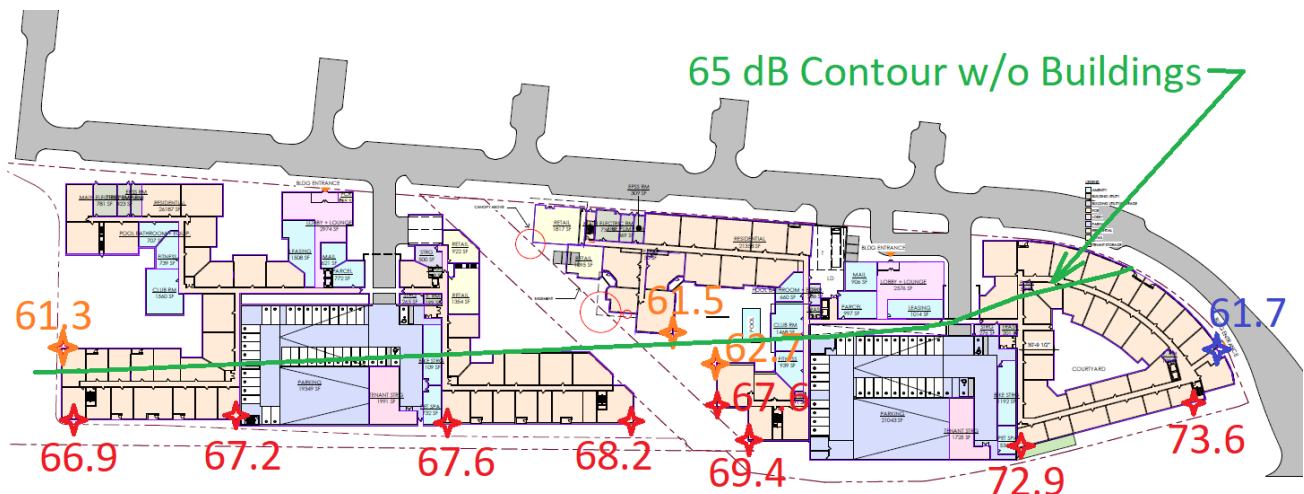


Figure 5. DNL, dB



In addition to reductions for distance, we also considered shielding by the proposed buildings. Reductions due to shielding were incorporated as follows:

- 3 dB for facades exactly perpendicular to the tracks (orange locations in Figure 5)
- 8 dB for the northern apartment past the tunnel entrance (blue location in Figure 5)

The DNL will not exceed 65 dB for any outdoor activity area (e.g., the pool or courtyard). Therefore, no noise barriers are required.

For reference, the location of the 65 dB DNL contour would be 195 feet from the centerline between the Metrorail tracks (if there was not shield from proposed buildings). This is the unmitigated DNL contour and it is shown with a green line in Figure 5.

#### 4. Indoor railroad noise levels

It can be seen from Figure 5 that the DNL will be as high as 73.6 dB. Once the development of architectural drawings is farther along, we can predict indoor noise levels and determine what architectural upgrades are necessary to reduce the DNL to 45 dB indoors. This would certainly include upgraded window (and balcony door, if present) sound ratings, and could possibly include upgrades to exterior wall types.

#### 5. Railroad vibration

Vibration levels were measured on site for 30 minutes in each of locations labeled 1 through 4 in Figures 6 and 7 on July 12, 2016, and the results were previously presented in a report dated July 18, 2016.

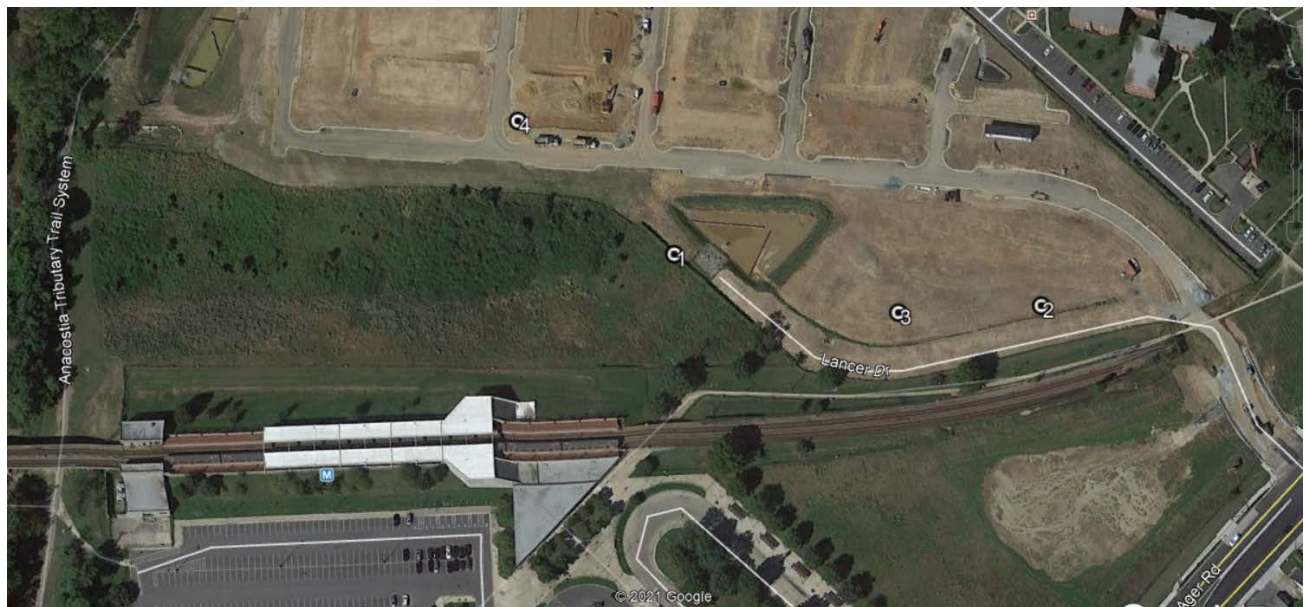
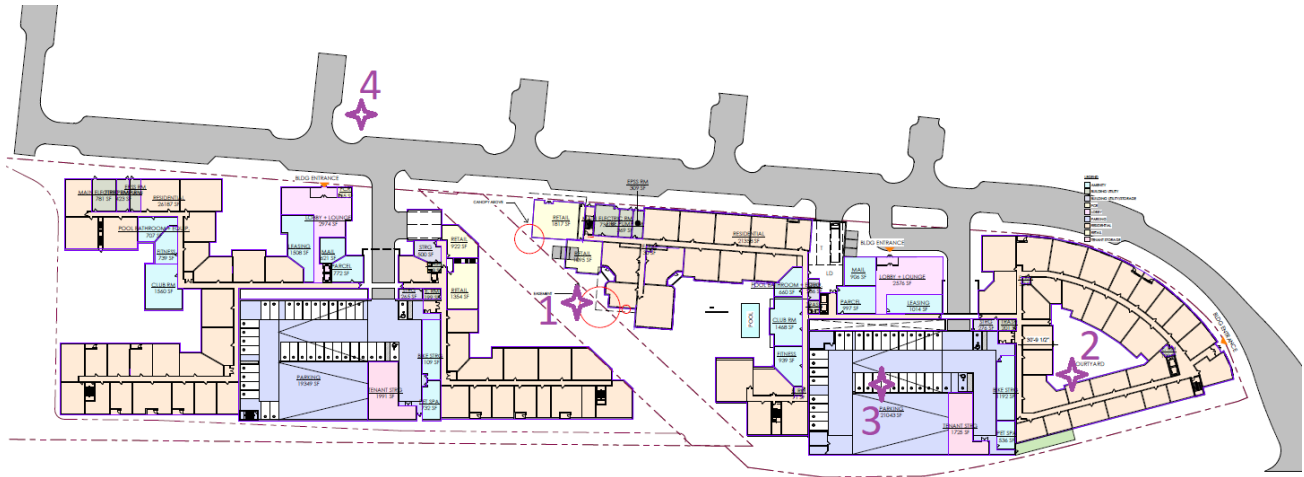


Figure 6. Vibration Measurement Locations on Aerial Photo

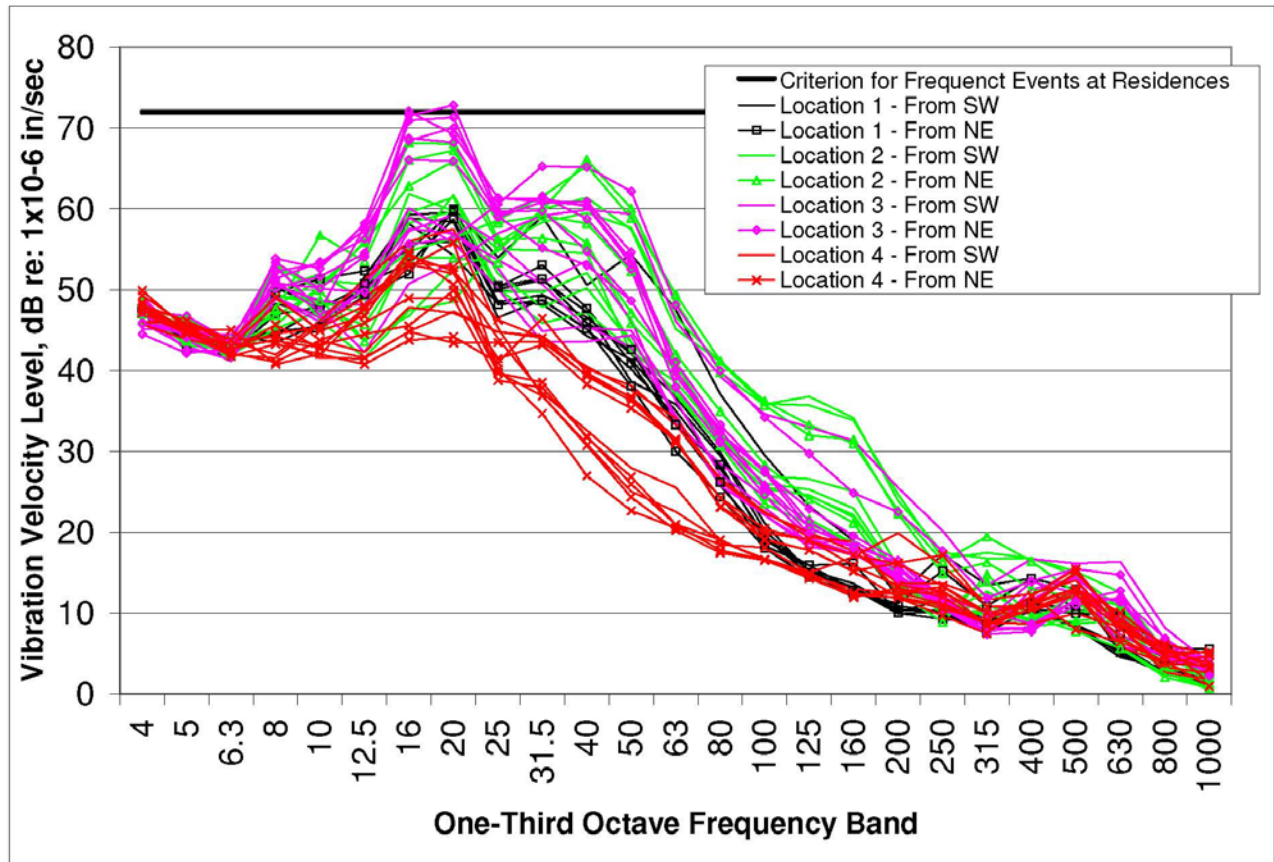


**Figure 7. Vibration Measurement Locations on Site Layout**

Vibration levels were collected for 8 trains at location 1 (5 westbound and 3 eastbound), 11 trains at location 2 (6 westbound and 5 eastbound), 12 trains at location 3 (5 westbound and 7 eastbound), and 12 trains at location 4 (4 westbound and 8 eastbound). The one-third octave band vibration acceleration level data were downloaded to a computer and converted to vibration velocity levels. Figure 8 presents a summary of the measured vibration velocity levels for one-third octave frequency bands of 4 to 1,000 Hz.

Although there are no requirements for vibration levels the Federal Transit Administration (FTA) provides recommendations regarding appropriate vibration levels. Also shown in Figure 8 is the proposed criterion from the FTA document entitled “Transit Noise and Vibration Impact Assessment Manual” dated September 2018. The specific criterion is from Table 6-3. “Indoor Ground-Borne Vibration and Ground-Borne Noise Impact Criteria for General Vibration Assessment.” The criterion is 72 VdB for residences and buildings where people normally sleep for “frequent” events which includes more than 70 trains per day. [Note that the criterion would be 75 VdB for “occasional” events which includes 30 to 70 events per day.] Also, note that this criterion is for annoyance of building occupants and does not indicate any concerns regarding structural integrity of buildings; the threshold for the risk of minor cosmetic damage for fragile buildings cited in the FTA manual is 100 VdB.

Figure 8 shows that vibration levels at locations 1 and 4 for trains heading each direction are far below the threshold of 72 dB in all frequency bands. At location 2 vibration levels for trains from the southwest are 10 dB or more below the threshold in all frequency bands while vibration levels for trains from the northeast are 4 dB or more below the threshold in all frequency bands. At location 3 vibration levels for trains from the southwest are 12 dB or more below the threshold in all frequency bands while vibration levels for trains from the northeast are typically below the threshold in all frequency bands other than for a single train in a single frequency band (i.e., 20 Hz) in which the level is 0.8 dB over the threshold. This analysis shows that vibration levels comply with the FTA criteria in all frequency bands virtually all of the time at locations 1 through 4. Trains on the track closer to the site (i.e., trains from the northeast) produced much more vibration than those on the farther track.



**Figure 8. Vibration Levels Graph**

However, those locations were selected in 2016 based on a prior site layout. The latest site layout has apartments approximately 45 feet closer to the tracks than location M3. Location M3 was approximately 136 feet from the centerline of the nearest Metrorail track. Based on the FTA manual, we would expect sound levels to increase 3.7 dB going from 136 feet to 91 feet. At location 3 we measured vibration levels of 66 to 73 VdB for trains on the nearest track and 53 to 60 VdB for trains on the farther track. If these vibration levels are increased by 3.7 VdB to the new building location closest to the tracks, the vibration level would be 70 to 77 VdB for trains on the nearest track and 57 to 64 VdB for trains on the farther track.

If you have any questions, please contact me at 703/534-2790 or via e-mail at [Gary@HushAcoustics.com](mailto:Gary@HushAcoustics.com).

Sincerely,

*Gary Ehrlich*

Gary Ehrlich, P.E.  
Principal



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-69-FY22

9/20/2021

9.k)

---

Submitted by: Lesley Riddle  
Submitting Department: Public Works  
Agenda Section: Consent

**Item Title:**  
**Hyattsville Small Cell Program**

**Suggested Action:**

I move the Mayor and Council authorize the City Administrator to approve an expenditure not to exceed \$30,000.00 on the existing Johnson, Mirmiran, and Thompson contract for the establishment of the Hyattsville Small Cell Program.

**Summary Background:**

Regionally and nationally municipal and county governments are facing multiple requests for installation of small cell 5G wireless facilities. Wireless companies are requesting access to build these facilities on City owned right of way. Prince George's County Telecommunications Transmission and Facility Coordination Committee (TTFCC) has the first review of permit requests for small cell installation regionally. The City of Hyattsville requires applicants requesting installation on City right of way to submit an application through our permit process prior to installation. The current ordinance, policy and permit application requires updating and review.

In 2018 the City passed emergency legislation requiring any installation be reviewed and approved under specific standards and regulations. After careful review of the existing small cell regulation and suggested fee structure, the City staff agreed that further review and updating of the City policy would be required. Staff requested a proposal from Johnson, Mirmiran, and Thompson, Inc, (JMT) to assist with creating and running a permitting program for small cell installation within the City right of way. The JMT proposal includes establishing a coherent permitting program addressing and establishing permit review, fees, policies and approvals. JMT will be available as the City's on-call resource and subject matter experts for technical issues or concerns.

**Next Steps:**

With Council approval, staff will work with JMT to further establish this program and implement a process for application review and approval

**Fiscal Impact:**

\$30,000 from the Department of Public Works (DPW) Administration Operating Budget

**City Administrator Comments:**

Recommend Approval

**Community Engagement:**

Community outreach, meetings, and notifications will be ongoing during the program development and implementation.

**Strategic Goals:**

Goal 1 - Ensure Transparent and Accessible Governance

**Legal Review Required?**

Pending





August 16, 2021

Mr. Hal Metzler, Jr.  
City of Hyattsville  
4310 Gallatin Street  
Hyattsville, MD 20781

Re: Hyattsville Small Cell Program  
DPW07132015 / JMT #16-1916-064

Dear Mr. Metzler,

JOHNSON, MIRMIRAN & THOMPSON is pleased to provide the attached price proposal for Small Cell Wireless Permitting Program deliverables and services. JMT will establish coherent Permitting Program Deliverables, Policies, and Workflows that can be completed concurrently with Ordinance and Manual Adoption by the City of Hyattsville.

The scope of work and deliverables will include:

## **1.0 PERMITTING PROGRAM DELIVERABLES (PUBLISHED FOR APPLICANT USE)**

### **1.1 Identify Process Deliverables**

JMT will refine the draft processes and deliverables that must be published to support the creation and administration of Permit Applications, Fiber Placement Requests, Wireline Installations, and Collocation Agreements for small wireless facilities in the public rights-of-way within Hyattsville's municipal boundary.

### **1.2 Complete Checklist Deliverables for Gatekeeping and Technical Reviews**

JMT will collaborate with Hyattsville's Director of Public Works (or designee) serving as "Hyattsville's Small Cell Director" to outline the technical content of Small Cell Checklists that must be completed to allow external users to file appropriately detailed Permit Applications, and Collocation Agreement requests electronically online. These Checklist Deliverables can generally be described as falling into three review stages: gatekeeping/completeness determination, initial technical review, and revised application technical review. JMT will perform one (1) update of the individual deliverables: in order to add or amend City permitting requirements or links to peer Agency permitting contacts. These updates are explicitly limited to the period of time between City's Draft Ordinance introduction/reading and ending prior to any formal Permit Application Submittals for review. Additional revisions would require a separate agreement or amended task, scope, and budget.

### **1.3 Coordinate with Hyattsville Divisions and Subject Matter Experts**

JMT will be available as an "On-Call" resource to coordinate with the City of Hyattsville's internal Sections or subject matter experts if unusual technical issues or concerns are encountered which may require a policy determination by Hyattsville that would reasonably establish precedent for similar future situations. This effort will include three (3) video-conference/meetings with qualified Hyattsville Personnel or affected Sections.

### **1.4 Finalize and Publish Applicant Guidance and Deliverables**

JMT will finalize FAQ's, Application Cover Letters (intelligent pre-screening Checklist), Forms, and Guidance: in support of the City of Hyattsville's request to provide a transparent and consistent basis for permit applications and fiber placement requests to be assessed for completeness and general conformity with established criteria.



## 1.5 Project Manager Coordination

For the duration of this task, JMT's task manager will provide monthly invoices to Hyattsville and will meet/communicate (via video or audio platforms) on a recurring basis, generally every two weeks, with Hyattsville's Small Cell Director to review Draft technical content of Deliverables, task budget, status of process and policy documentation, and discuss other miscellaneous task related matters. This effort will include up to three (3) video-conference/meetings with Hyattsville to review technical content or progress under this task.

## 1.6 Limit of Scope

JMT's scope of responsibilities related to Permit Application Deliverables is aimed at establishing working materials that will specify Hyattsville's Requirements, Expectations, and Collaborative Intent. JMT will not modify the technical content of Deliverables (other than typos or mutually agreed upon clarifications of intent) once Published without a separate additional Task Proposal.

\* **Note:** Any costs associated with "**Deliverables**" or Workflow/Process related services outlined in Section 1 of this agreement would be considered actual expenses incurred by the City of Hyattsville.

Person-hours associated with "**Deliverables**" as described in Sections 1.1 through 1.5 of this Task 001 should generally be considered reimbursable to the City of Hyattsville from the collective pool of Applicants. Any recovered costs would be collected by Hyattsville as "Recoupment fees" in the future once permit applications begin to be processed and the City elects to forward itemized invoices/charges to the Permittee(s) as actual costs incurred by Hyattsville. The supplemental funds that may be owed to Hyattsville, based on potentially recoverable fees and invoiced costs, have not been accounted for in this proposal (as potentially required offset income or payments) and the actual recovery of costs by the city are contingent on the commencement of submittals during Fiscal Year 2022.

## 2.0 GENERAL ASSISTANCE WITH PERMITTING PROGRAM AND POLICY SET-UP

### 2.1 PROJECT COORDINATION & PERMITTING PERSPECTIVE (PRE-IMPLEMENTATION REFINEMENTS)

JMT's Small Cell Permitting Team will provide assistance to Hyattsville's Small Cell Working Group related to finalizing Public Policy and Permitting requirements. This effort will include up to three (3) video-conference/meetings with Hyattsville to review Draft technical content or progress under this task. JMT will provide insight from a Permitting Program Management, Implementation and Administration perspective, including 2 sets of comments on working Drafts of the Proposed Ordinance/Manual that will establish the City's ability to regulate Small Cell Facility Permitting in the Public Rights-of-Way.

## 3.0 PERMITTING REVIEWS AND COORDINATION

### 3.1 PRE-SUBMITTAL MEETINGS AND INQUIRIES

JMT's Small Cell Permitting Team will provide assistance to Hyattsville's Small Cell Working Group related to pre-submittal coordination with potential Applicants to clarify Public Policy and Permitting requirements. This effort will include 1 (one) video-conference/meeting with Hyattsville and each prospective Applicant/Provider (up to three (3) individual Applicants in total) to review the Permitting Program established under this task. JMT will provide insight from a Permitting Program Management, Implementation and Administration perspective, including 1 sets of comments on working Drafts of the Proposed Applicant's sample permitting plans.

### 3.2 GATEKEEPING REVIEWS

JMT's Small Cell Permitting Team will perform Gatekeeping/Completeness Reviews for up to ten (10) separate Small Cell Nodes/Sites (inclusive of individual Nodes that are batched or bundled

under group Permits). JMT will provide checklist responses and comments detailing missing items identified in the Applicant's permitting package and plans. (Duration of these reviews will be determined in conjunction with Hyattsville's adopted standards but is typically 10 business days)

### 3.3 INITIAL TECHNICAL REVIEWS

JMT's Small Cell Permitting Team will perform Initial Technical Reviews for up to ten (10) separate Small Cell Nodes/Sites (inclusive of individual Nodes that are batched or bundled under group Permits). JMT will provide checklist responses and comments detailing technical issues or missing items identified in the Applicant's permitting package and plans. (Duration of these reviews will be determined in conjunction with Hyattsville's adopted standards but is typically 20 business days following the Gatekeeping Period).

### 3.4 RESUBMITTAL TECHNICAL REVIEWS (IF NECESSARY)

JMT's Small Cell Permitting Team will perform Resubmittal Technical Reviews for up to ten (10) separate Small Cell Nodes/Sites (inclusive of individual Nodes that are batched or bundled under group Permits). JMT will provide recommendations for granting permitting approvals or updated checklist responses and comments detailing technical issues or missing items related to the Applicant's updated permitting package and plans. (Duration of these reviews will be determined in conjunction with Hyattsville's small cell coordination team and adopted standards but is typically 10 to 15 business days following the upload of revised technical responses).

### 3.5 FINAL TECHNICAL REVIEWS (IF NECESSARY)

JMT's Small Cell Permitting Team will perform Final Technical Reviews for up to five (5) separate Small Cell Nodes/Sites (inclusive of individual Nodes that are batched or bundled under group Permits). JMT will provide recommendations for granting permitting approvals as well as red-lines or mark-ups of minor notes or clarifications on the Applicant's updated permitting package and plans. (Duration of these reviews will be determined in conjunction with Hyattsville's small cell coordination team and adopted standards but is typically 5 to 10 business days following the upload of revised technical responses).

### 3.5 POST APPROVAL COORDINATION

JMT's Small Cell Permitting Team will coordinate with Hyattsville's small cell coordination team regarding the post approval construction issues for up to ten (10) separate Small Cell Nodes/Sites (inclusive of individual Nodes that are batched or bundled under group Permits). JMT will be available upon request to provide responses to construction related inquiries, and/or to provide up to four (4) field visits to evaluate conditions in the field during construction.

**Total Amount Not to Exceed**

**\$29,410.00**

#### **Assumptions:**

- a. JMT will not provide comments beyond the 2nd revision to the Draft City Ordinance / Manual under this scope and fee estimate.
- b. JMT asserts that the time and cost estimates of this Proposal are only valid if the Permitting Program deliverables and workflows are completed in advance of Permit Application Submittals. Costs and effort required to implement these services and deliverables will increase considerably if applicants submit prior to JMT completing this Scope of Work and the City publishing these deliverables and policies on-line.
- c. JMT will be reliant on the City of Hyattsville to ensure coordination and collaboration between the City's internal sections and permitting teams. JMT is prepared to act on the City's behalf as a designee

(pending written authorization) in making technical comments and issuing recommendations for Permitting Approvals. The FCC has stipulated that all permitting requirements of a municipality, which are related to any aspect of the approval and construction of Small Cell facilities, are subject to a shot-clock of 60-days total for collocations onto existing infrastructure/poles or 90-days total for new pole placements. If JMT cannot be provided with definite timeframes for responses from the City's subject matter experts and permitting teams, the timelines and deliverables of this scope will become unmanageable and shot-clock violations may occur.

- d. JMT will collaborate with Hyattsville's small cell coordination team on establishing hand-off procedures for aspects of the reviews, permitting, and construction inspections that Hyattsville may elect to take responsibility for during the contract period. Any offset
- e. JMT will perform up to 10 (ten) site specific Permit Application Reviews, including up to 3 (three) Pre-submittal Meetings, or Applicant/Provider related meetings/correspondence under this Scope of Work. In the event that additional gatekeeping reviews or technical reviews are required due to Applicant errors or retractions of nodes/sites, a revised task or supplemental agreement and budget may be required.
- f. A secondary task proposal with specific scope and terms demonstrating written mutual concurrence for any work in excess of these initial permitting and coordination estimates will be required in advance of beginning any such additional work.
- g. JMT will be available to meet with sister municipalities regarding their separate small wireless program inquiries. However, JMT will require a stand-alone agreement with any other municipal entity that desires to engage JMT to provide similar services.
- h. Addressing damage to the existing structure and/or recommendations for repair to damaged structural members is not included.
- i. Any systems needed to observe the structure such as ladders and/or removal of existing architectural finish systems will be provided by the client.

Very truly yours,

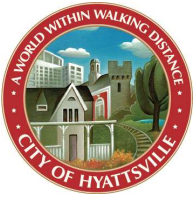
JOHNSON, MIRMIRAN & THOMPSON



Jonathan J. Ryan, PE, CCM, PMP  
Senior Vice President

cc: Soli Guille, JMT

COST SUMMARY FORMAT					
PART I - GENERAL					
CLIENT: <b>City of Hyattsville - Professional Consulting &amp; Design Services</b>	<b>Hyattsville Small Cell Program</b>	<b>DPW07132015</b>	Task Order 64		
CONSULTANT: <b>Johnson, Mirmiran &amp; Thompson</b>	<b>JMT -16-1916-64 Small Cell Program</b>	PROPOSAL DATE <b>16-Aug-21</b>			
ADDRESS: <b>601 New Jersey Ave, Suite 210 Washington, DC 20001</b>					
COST SUMMARY					
1. DIRECT LABOR (Specify labor categories)	HOURS	HOURLY RATE	ESTIMATED COST	TOTALS	
Project Manager	50	\$125.00	\$ 6,250.00		
Program Manager	15	\$157.00	\$ 2,355.00		
Senior Engineer	35	\$195.00	\$ 6,825.00		
Senior Structure Engineer	6	\$195.00	\$ 1,170.00		
Traffic Engineer	14	\$145.00	\$ 2,030.00		
Electrical Engineer	6	\$125.00	\$ 750.00		
Design Engineer	70	\$125.00	\$ 8,750.00		
Engineering Tech	6	\$76.00	\$ 456.00		
Technician	8	\$82.00	\$ 656.00		
<b>Total Hours</b>	210				
<b>DIRECT LABOR SUBTOTAL:</b>			\$ 29,242.00		
2. INDIRECT COSTS (Specify)	RATE	X DIRECT LABOR TOTAL =	ESTIMATED		
OVERHEAD AND PAYROLL BURDEN	0%		\$ -		
<b>INDIRECT COSTS SUBTOTAL</b>			\$ -		
3. TOTAL OF DIRECT LABOR & INDIRECT COSTS (Combined Sum of Items 1 & 2)				\$ 29,242.00	
4. PROFIT - (Fixed Hourly Rate)				\$ -	
5. TOTAL PROFESSIONAL FEE (Combined Sum of Items 3 & 4)				\$ 29,242.00	
6. OTHER DIRECT COSTS (refer to attached itemization)					
7. EXPENSES	QTY.	COST	ESTIMATED COST		
a. Transportation (personal car)	300	\$ 0.56	\$ 168.00		
c. Photocopies (internal)	NA	included in contract	\$ -		
d. Photocopies (Outside Copying)	0	sheets X \$0.10/sheet	\$ -		
e. Drawing Prints	0	sheets X \$1/sheet	\$ -		
f. Mylar Prints		sheets X \$25/sheet	\$ -		
			\$ -		
<b>EXPENSES SUBTOTAL</b>			\$ 168.00		
8. EQUIPMENT, MATERIALS, SUPPLIES (See attached itemization)	QTY.	COST	ESTIMATED COST		
			\$ -		
			\$ -		
<b>EQUIPMENT SUBTOTAL:</b>			\$ -		
9. SUBCONSULTANT(S)			ESTIMATED COST		
0	0	\$ -	\$ -		
	0	\$ -	\$ -		
	0	\$ -	\$ -		
<b>SUBCONSULTANT(S) - SUBTOTAL:</b>			\$ -		
10. SUBCONSULTANT MARKUP			ESTIMATED COST		
a. Lewicki Estimating Services	0	0.10	\$ -		
b.	0		\$ -		
c.			\$ -		
<b>SUBCONSULTANT(S) - SUBTOTAL:</b>			\$ -		
<b>OTHER SUBTOTAL</b>			\$ -		
OTHER DIRECT COSTS TOTAL: (Combined Sum of Items 7, 8, 9, 10)				\$ 168.00	
TOTAL PRICE (Combined Sum of Items 5 & 10)				\$ 29,410.00	



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-70-FY22

9/20/2021

9.I)

---

Submitted by: Laura Reams  
Submitting Department: Communications  
Agenda Section: Consent

**Item Title:**

**FY22 Hyattsville Life and Times Contract**

**Suggested Action:**

I move that the Mayor and Council approve the FY22 contract for advertising in the Hyattsville Life and Times at a cost not to exceed \$30,000, upon the review and approval of the City Attorney for legal sufficiency.

**Summary Background:**

The City purchases space in the Hyattsville Life and Times to promote City news and activities. The ad purchase includes two (2) center pages, an additional page of advertisement which is split into two ½ pages, and a front-page ad mentioning that the Hyattsville Reporter is inside. Design services for the page layout are included. In FY21, the Council approved a 6% cost increase for this contract, at an annual contract value of \$30,400, because there had not been a contact increase in four (4) years from FY17-FY20.

The Life and Times requested an increase of 3% for FY22 citing increased costs for paper, printing, postage, and inflation. Staff is agreeable with a 3% increase to the base of services and is proposing the inclusion of new services to the contract, at an additional cost of \$1,000 annually. New services include the publication of up to three inserts in the newspaper and one cover sticker. The City has recently used inserts in the Hyattsville Life and Times to distribute the quarterly Economic Development Report and the FY22 Budget Guide. The City has also used cover stickers on the newspaper to promote the 2020 Census, Election, and Budget Guide. These have been effective tools for communication to residents. The City is currently paying for these services a-la cart, at a cost of \$300 per item. The FY22 contract with the Life and Times includes three inserts and one cover sticker at an annual cost of \$1,000, a \$300 annual savings.

The proposed FY22 contract also includes a monthly credit for services in the amount of \$260 per month. During negotiations for the FY22 contract, staff identified an unfilled contractual obligation for the contractor to print one of the City's ½ page ad buys with preferred placement on pages 2 or 3 of the newspaper. This contract term was introduced and approved in the FY17 contract and was not met by the contractor. The contractor has offered a monthly credit in the amount of \$260 for the FY22 contract. The proposed FY22 contract includes a provision for preferred placement of one of the City's ½ page ad buys on pages, 2-4. This term meets the City's desire for preferred placement in the first half of the newspaper while also providing more flexibility for the contractor.

A representative of the Hyattsville Life and Times will be available to answer questions from the Council.

**Next Steps:**

Upon approval, proceed with execution of contract with Hyattsville Life & Times for an amount NTE \$30,000.

**Fiscal Impact:**

NTE \$30,000 annually.

**City Administrator Comments:**

Recommend Support

**Community Engagement:**

Purchasing space in the Life and Times is a tool for community engagement.

**Strategic Goals:**

Goal 1 - Ensure Transparent and Accessible Governance

**Legal Review Required?**

Pending



## **CONTRACT HYATTSVILLE COMMUNITY NEWSPAPER**

**THIS CONTRACT** (hereinafter "Contract") made this \_\_\_\_ day of September, 2021, between Streetcar Suburbs Publishing Inc., a Maryland corporation, (the "Contractor") and the City of Hyattsville with the principal office at 4310 Gallatin Street, Hyattsville, Maryland, 20781 (the "City").

### **TERMS**

1. The Contractor agrees to print and distribute by U.S. mail once each month a tabloid sized newspaper with its focus primarily on the residents of Hyattsville and its contiguous neighborhoods. The Contractor's newspaper shall be published at the same time each month to be delivered on or before the second (2nd) Wednesday of each month without charge to its recipients, to each address in the City of Hyattsville. Outdoor bulk distribution shall only be at newspaper distribution devices designed for such.
2. The City agrees to purchase three full-color pages of advertising each month in the newspaper, as well as a 2.5-inch promotional advertisement on the front page. Page and advertisement design services will be provided by the Contractor.
3. The Contractor agrees that it will print two of those pages of advertisements as a continuous block in Contractor's newspaper as a two-page center section, "The Hyattsville Reporter," which will be written and edited by the City staff. The Contractor may not change the design template or content of the Hyattsville Reporter without the approval of the Director of Communications and Legislative Services.
4. Additionally, the third purchased page of City advertising will be printed in the Contractor's newspaper, and at least half of it will appear on pages 2, 3, or 4 of the newspaper. The other half can be placed where the Contractor chooses.
5. The contractor agrees to insert up to three four-page reports and one front-page sticker over the course of the contract into the Contractor's newspaper, which shall be printed by the City's vendor in sufficient quantities to insert in each copy of that month's issue and shipped to the Contractor's printer in advance of that issue's production. The contract value for these services is \$1,000, or two-hundred-fifty dollars (\$250.00) per item.
6. The City will provide to Contractor all newsletter and advertising materials in electronic format at least five (5) days in advance of the target delivery date of Contractor's newspaper.
7. The Contractor agrees that The Hyattsville Reporter shall be produced in full color and have its own masthead and be a removable section with a different print font from the rest of the Contractor's newspaper, so that it can be distinguished from the news reporting and more general

advertising portion of the Contractor's newspaper.

8. The City agrees that it will have no influence over the content of the Contractor's newspaper or the advertisements in general. However, the City does have total control of The Hyattsville Reporter. Contractor may make no changes to The Hyattsville Reporter without the approval of the Director of Community Services and will place or insert no advertising or other content in The Hyattsville Reporter removable section.

9. Contract Price. The City shall pay the Contractor two-thousand six-hundred nine dollars (\$2,609.00) minus a credit for past unfulfilled services of two-hundred sixty dollars (\$260.00) for each month that, to the City's satisfaction, the Contractor publishes the advertisements listed above as part of Contractor's newspaper and delivers the entire publication once per month to all residential and commercial addresses in the City, pursuant to this Contract. Additionally, the City shall pay the contractor one-thousand dollars (\$1,000) for the three inserts and one cover sticker. The fee for the sticker and inserts shall be payable in the month upon which services are rendered and at a rate of \$250 per item. The total value of the Contract for the full Fiscal Year 2022 is twenty-nine thousand one-hundred eighty-eight dollars (\$29,188.00).

10. This price includes the following:

- The Hyattsville Reporter - two full-pages, in color, with preferred placement.
- An additional page of advertising, full color, only half of which has preferred placement, on pages 2-4.
- A 2.5-column-inch advertisement in full color, with preferred placement.
- Three four-page centerfold inserts and one front-page sticker, printed and shipped by the City to the Contractor's printer.
- A minimum of 100 copies of the Contractor's newspaper delivered to the City's offices each month.

11. Payment Terms. The City shall pay Contractor only upon satisfactory publication and distribution of The Hyattsville Reporter each month.

12. Submission of Invoice to the City. The City retains the sole right to determine whether the work performed by the Contractor was satisfactory. The invoice by the Contractor shall clearly indicate the edition published. The Contractor shall bill the City once a month. The City shall, upon approval, pay the invoice within thirty (30) days of receipt.

13. Contractor Covenants and Warranties. The Contractor does hereby covenant and agree to furnish all materials, equipment and labor necessary to carry out the work specified in this contract. It shall be at the sole discretion of the City and the City's agents to determine whether the work was performed satisfactorily and in a good and workmanlike manner.

14. The City or Contractor may terminate this contract with or without cause upon written notice to the Contractor with thirty (30) days written notice. The City will owe the Contractor

only for units of work already completed and will not owe the Contractor for overhead or work that has not been done or lost profit. Such written notice shall be sent by regular mail.

15. The Contractor specifically agrees to conform to all provisions of the labor law of the State of Maryland applicable to the employment of labor at the site of the project.

16. The Contractor must carry insurance satisfactory to the City to cover all liabilities and defenses and provide proof of such upon request. Further, the Contractor will defend, indemnify and hold the City harmless from any and all liability, causes of action, costs, expenses, or attorney's fees related to Contractor's work unless such liability, or cause of action, is caused solely by the acts of the City.

17. This is a non-exclusive contract for services and goods. The City reserves the right to use other publications in its sole discretion for its advertising and publication needs. The Contract terms shall terminate on June 30, 2022.

18. This agreement constitutes the entire agreement of the parties hereto. Any modification must be in writing.

IN WITNESS WHEREOF, the parties hereto have executed this Contract and affixed their respective seals the day and year written above.

City of Hyattsville, Maryland

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Date

Streetcar Suburbs Publishing Inc.

\_\_\_\_\_  
Representative

\_\_\_\_\_  
Date



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-75-FY22

9/20/2021

9.m)

---

Submitted by: Hal Metzler  
Submitting Department: Public Works  
Agenda Section: Consent

**Item Title:**

**Approval of Funding for FY22 Lease Extension of 4629 Arundel Place**

**Suggested Action:**

I move that the Mayor and Council authorize an expenditure of \$36,000 to Phu Than Neuyen for the lease of 4629 Arundel Place from July 1, 2021 - June 30, 2022

**Summary Background:**

In April of 2021, the Mayor and Council authorized (HCC-286-FY21) an extension of the current lease of 4629 Arundel Place from March 31, 2021 to now expire on June 30, 2022. This motion is to authorize the funding for the Fiscal Year 2022 (FY22) portion of the lease.

**Next Steps:**

Issue a Purchase Order

**Fiscal Impact:**

\$36,000

**City Administrator Comments:**

Recommend approval. The space which is adjacent to the Department of Public Works (DPW) yard provides storage for equipment and supplies. It also allows for staff and city vehicle parking, a bus charging station and will support the environmental depot.

**Community Engagement:**

N/A

**Strategic Goals:**

Goal 4 - Foster Excellence in all City Operations

**Legal Review Required?**

N/A



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-286-FY21

4/5/2021

11.f)

---

Submitted by: Sean Corcoran  
Submitting Department: City Clerk  
Agenda Section: Consent

**Item Title:**

**Extension of Lease of 4629 Baltimore Avenue**

**Suggested Action:**

I move that the Mayor and Council authorize the City Administrator to extend the lease of 4629 Baltimore Avenue until June 2022 and authorize an expenditure not to exceed \$42,000, pending review and approval of the City Attorney.

**Summary Background:**

In the Fall of 2019, the Council authorize the leasing of 4629 Baltimore Avenue to provide additional parking and storage required during the construction of the new Department of Public Works (DPW) facility. As that building begins to go into operation and construction prepares to begin at 3505 Hamilton Street later in 2021, City staff will continue to need the additional storage and parking available at the 4629 Baltimore Avenue property.

**Next Steps:**

Execute lease extension.

**Fiscal Impact:**

NTE \$42K

**City Administrator Comments:**

Recommend approval.

**Community Engagement:**

N/A

**Strategic Goals:**

Goal 2 - Ensure the Long-Term Economic Viability of the City

**Legal Review Required?**

Pending



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-78-FY22

9/20/2021

9.n)

---

Submitted by: Laura Reams  
Submitting Department: City Clerk  
Agenda Section: Consent

**Item Title:**

**Acceptance of the Certified Results for the 2021 Ward 1 Special Election**

**Suggested Action:**

I move the Mayor and Council accept the certified election results from the Board of Supervisors of Elections for the Special Ward 1 City Election held on Tuesday, September 14, 2021. This certification is provided for under Section C4-11 of the Hyattsville City Charter.

**Summary Background:**

On September 16, 2021, the Board of Supervisors of Elections will certify the results of the September 14, 2021, election to the City Clerk per section C4-11 of the City Charter. A copy of the certified return sheet will be posted to the City's website on September 16, 2021.

**Next Steps:**

The Oath of Office will be administered to the newly elected officials on October 4, 2021. Details on the ceremony will be forthcoming and shared on the City's communications channels and website.

**Fiscal Impact:**

N/A

**City Administrator Comments:**

Congratulations to the newly elected Ward 1 Council member

**Community Engagement:**

A copy of the certified election results is posted on the City's website.

**Strategic Goals:**

Goal 1 - Ensure Transparent and Accessible Governance

**Legal Review Required?**

N/A





# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

**File #:** HCC-61-FY22

9/20/2021

10.a)

Submitted by: At the Request of the City Administrator  
Submitting Department: Community & Economic Development  
Agenda Section: Action

**Item Title:**

**6400 America Boulevard - Detailed Site Plan (DSP-21006)**

**Suggested Action:**

I move the City Council authorize the Mayor to provide correspondence to the Maryland-National Capital Park & Planning Commission in support of Detailed Site Plan 21006, Parcel N at 6400 America Boulevard, based upon the revised application submitted to, and accepted by, the Commission.

**Summary Background:**

The Subject Property is an existing surface parking lot in the northwest quadrant of the intersection of America Boulevard and East-West Highway. The property is a total of 2.42 acres and zoned M-U-I (Mixed Use - Infill) / T-D-O (Transit District Overlay). Located within the boundaries of the Prince George's Plaza Transit District Development Plan (TDDP), the site is part of the Downtown Core Character Area.

The Property is positioned at the southern entrance of University Town Center. It abuts an existing commercial office building to the southwest (Parcel H). Retail, food store, and healthcare uses are located directly to the east across America Boulevard. Metro I and Metro II are located to the north and east of the site. Existing retail at The Mall at Prince George's is located across Belcrest Road and the furthest most western border of the property.

**Next Steps:**

A Planning Board hearing date is pending.

**Fiscal Impact:**

N/A

**City Administrator Comments:**

On August 2, 2021, Staff presented their recommendations and the City Council further discussed project elements and impacts. In response to Council comments, the applicant has made modifications to their design. Staff recommendations and the applicant's corresponding response and revisions are summarized below and are further detailed in the attached memorandum and exhibits.

1. Additional demarcation of the pedestrian entrance at America Boulevard and East-West Highway;
2. Improve the exterior façade design along East-West Highway;
3. Screening of the structured parking garage which is visible to pedestrians;
4. Inclusion of Electric Vehicle (EV) charging stations within the parking structure;
5. Automated doors at the entrance to bicycle storage facility;
6. Interior courtyard space included dedicated area for dogs.

The applicant has submitted a revised detailed site plan in response to each of the conditions detailed in the above.

Based on the responsiveness of these revisions, Staff is recommending the support for this detailed site plan application. The applicant's revised application was recently accepted by M-NCPPC and the Prince George's County Planning Board hearing date has not yet been scheduled but is forthcoming.

**Community Engagement:**

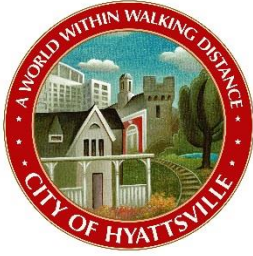
The applicant presented to the Planning Committee in July 2021 and the City Council on August 2, 2021.

**Strategic Goals:**

Goal 2 - Ensure the Long-Term Economic Viability of the City

**Legal Review Required?**

N/A



# Memo

To: Mayor and City Council

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development  
Kate Powers, City Planner

Date: August 27, 2021

Re: 6400 America Boulevard – Detailed Site Plan (DSP-21006) Action

Attachments: Parcel N – Elevations for City of Hyattsville  
UTC-Parcel N – DSP Submission

---

The purpose of this memorandum is to provide the City Council with revisions to the project application and review recommendations related to the detailed site plan (DSP) application for 6400 America Boulevard.

## **Project Summary**

- The applicant, TDC Parcel N Investor, LLC, is proposing a mixed-use, multifamily development at the intersection of America Boulevard and East-West Highway.
- The subject property is a 2.42-acre lot located at 6400 America Boulevard, within the Prince George's Plaza Transit District Overlay Zone and Downtown Core area.

## **Project Location Details**

The Subject Property is an existing surface parking lot in the northwest quadrant of the intersection of America Boulevard and East-West Highway. The property is a total of 2.42 acres and zoned M-U-I (Mixed Use – Infill) / T-D-O (Transit District Overlay). Located within the boundaries of the Prince George's Plaza Transit District Development Plan (TDDP), the site is part of the Downtown Core Character Area.

The Property is positioned at the southern entrance of University Town Center. It abuts an existing commercial office building to the southwest (Parcel H). Retail, food store, and healthcare uses are located directly to the east across America Boulevard. Metro I and Metro II are located to the north and east of the site. Existing retail at The Mall at Prince George's is located across Belcrest Road and the furthest most western border of the property.

### **Summary of Development Proposal**

The applicant is proposing the development of an eight-story, ±412,321 square foot mixed-use building with the following breakdown:

- ±308,690 square feet of residential uses
- ±12,812 square feet of interior amenity space
- ±2,052 square feet of ground-floor commercial uses

The applicant is proposing ±316 units of multifamily housing in addition to limited ground floor commercial space at the corner of America Boulevard and Liberty Lane. A proposed unit breakdown is as follows:

- 75 studios (23.7% of the total units)
- 173 one-bedroom units (54.8% of the total units)
- 68 two-bedroom units (21.5% of the total units)

A multi-story parking structure is proposed as part of the development. This parking structure will include a total of 272 parking spaces and be built within the interior of the Property and wrapped by the mixed-use building. The entrance of the parking structure will be along Liberty Lane.

Below is an overhead view of the proposed project. Each use is designated with a different color.



### **Staff Recommendations and Applicant Revisions**

On August 2, 2021, Staff presented their recommendations and the City Council further discussed project elements and impacts. In response to Council comments, the applicant has made modifications to their design. Staff recommendations and the applicant's corresponding response and revisions are outlined below.

1. Staff recommends the applicant include at least one more architectural element to further demarcate the building entrance which may include molding, cornices, material change, or color change.
  - In response to comments from the Planning Committee, City Council, and Staff, the applicant redesigned the building entrance on the corner of East-West Highway and America Boulevard. To further demarcate and emphasis the entrance, the applicant has included both signage in the form of individual lettering on top of the canopy as well as a blade signage projected along East-West Highway. The applicant modified the colors and materials used to highlight the building corner. The concentrated use of black vertically at the corner, as well as horizontally near ground level around the building corner, is visually appealing and draws one's attention. Additionally, the ground floor mural and canopy are extended further along East-West Highway. Images comparing the original design and the revised design can be seen below.

Original Design



Revised Design



2. Staff recommends further attention be paid to the architectural design along East-West Highway.
  - In response to comments from the Planning Committee, City Council, and Staff, the applicant redesigned the building façade along East-West Highway. Along with the improvements to the building corner, the applicant created further articulation by including additional bays breaking up the massing of the building. The applicant also included brick along much of the façade. Images comparing the original design and the revised design can be seen on the following page.



Original Design



Revised Design



3. To ensure the building is pedestrian friendly and visually interesting, staff recommends any part of the structured parking garage visible to pedestrians include screening either through the use of architectural treatments, public art, or landscaping.
  - The applicant has informed staff that the garage will not be visible from the three sides that are adjacent to East-West Highway, America Boulevard, and Liberty Lane. They will paint the side of the garage closest to the dental office and its parking lot (towards Belcrest Road). The dental office building blocks the western side of the garage from prominent view.
4. Within the structured parking garage, Staff recommends the inclusion of EV charging stations.
  - The applicant has informed staff that the structured parking garage will include six (6) parking spaces accompanied by EV charging stations. These charging stations will be spaced out among multiple stories. During construction, conduit will be laid to allow for additional EV charging stations if desired in the future.
5. Staff recommends the doors leading to the bike room be automatic to allow ease of access to individuals bringing their bikes indoors. The bike storage area should also include a wall mount bike pump and bike repair stand.
  - To maximize building security, the applicant will not be including automatic doors into the interior bike storage room. They believe this minor inconvenience is worth the increased access control. The bike storage room will be accompanied by a workshop for individuals to service their bicycles.
6. Staff recommends the interior courtyard include dedicated space for dogs. Ideally, this space would be fenced with a double gated entry and pet waste station.
  - The applicant informed staff that dogs will be allowed in the interior courtyard, but a dedicated dog run will not be included in the design in order to make the space as versatile as possible.



### **Timeline**

The applicant's revised application was recently accepted by M-NCPPC and the Prince George's County Planning Board hearing date has not yet been scheduled but is forthcoming.

Considering the applicant's revisions, Staff is recommending the following motion:

"I move the City Council authorize the Mayor to provide correspondence to the Maryland-National Capital Park & Planning Commission in support of Detailed Site Plan 21006, Parcel N at 6400 America Boulevard."





SCENE 1 - ORIGINAL DESIGN





SCENE 1 - ALTERNATE 2





SCENE 2 - ORIGINAL DESIGN





SCENE 2 - ALTERNATE 2





SCENE 4 - ORIGINAL DESIGN





SCENE 4 - ALTERNATE 2



UNIVERSITY  
TOWN CENTER  
PARCEL N

6400 America Blvd., Hyattsville  
Prince Georges County, Maryland

LANDSCAPE ARCHITECT  
**ParkerRodriguez**

101 North Union Street, Suite 320  
Alexandria VA 22314  
703.548.5010

OWNER  
TDC Parcel N Investor, LLC

ARCHITECT  
BCT Design Group  
100 North Charles Street  
Baltimore, MD 21201  
410.837.2727

CIVIL ENGINEER  
Bokler Engineering  
16701 Mellard Boulevard, Suite 310  
Bowie MD 20715  
301.809.4500



REVISIONS

DSP-21006 07.23.2021

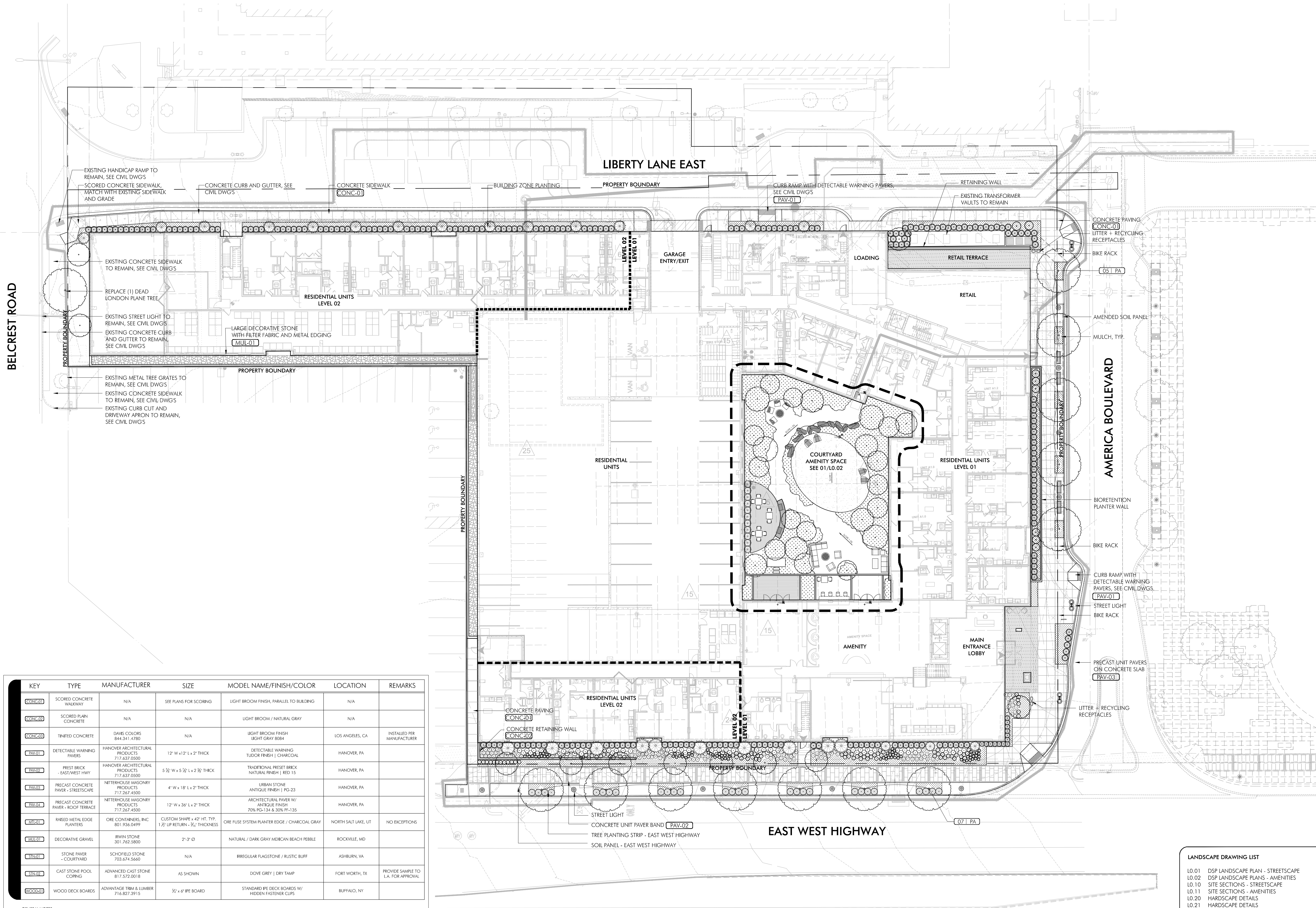
DESIGNED BY  
CM/TR

DRAWN BY  
SS/IB

CHECKED BY  
TR

LANDSCAPE  
PLAN -  
STREETSCAPE

L0.01



KEY	TYPE	MANUFACTURER	SIZE	MODEL NAME/FINISH/COLOR	LOCATION	REMARKS
CONC-01	SCORED CONCRETE WALKWAY	N/A	SEE PLANS FOR SCORING	LIGHT BROOM FINISH, PARALLEL TO BUILDING	N/A	
CONC-02	SCORED PLAIN CONCRETE	N/A	N/A	LIGHT BROOM / NATURAL GRAY	N/A	
CONC-03	TINTED CONCRETE	DAVIS COLORS 844.341.4780	N/A	LIGHT BROOM FINISH LIGHT GRAY 8084	LOS ANGELES, CA	INSTALLED PER MANUFACTURER
PAV-01	DETECTABLE WARNING PAVERS	HANOVER ARCHITECTURAL PRODUCTS 717.637.0500	12" W x 12" L x 2" THICK	DETECTABLE WARNING TUDOR FINISH   CHARCOAL	HANOVER, PA	
PAV-02	PREST BRICK - EAST/WEST HWY	HANOVER ARCHITECTURAL PRODUCTS 717.637.0500	6 7/8" W x 5 7/8" L x 2 3/8" THICK	TRADITIONAL PRESET BRICK NATURAL FINISH   RED 15	HANOVER, PA	
PAV-03	PRECAST CONCRETE PAVER - STREETSCAPE	NITTERHOUSE MASONRY PRODUCTS 717.267.4500	4" W x 18" L x 2" THICK	URBAN STONE ANTIQUE FINISH   PG-23	HANOVER, PA	
PAV-04	PRECAST CONCRETE PAVER - ROOF TERRACE	NITTERHOUSE MASONRY PRODUCTS 717.267.4500	12" W x 36" L x 2" THICK	ARCHITECTURAL PAVER W/ ANTIQUE FINISH 70% PG-134 & 30% PP-135	HANOVER, PA	
PLN-01	RAISED METAL EDGE PLANTERS	ORE CONTAINERS, INC. 801.936.0499	CUSTOM SHAPE x 42" HT. TYP. 1 1/2" UP RETURN - 3/4" THICKNESS	ORE FUSE SYSTEM PLANTER EDGE / CHARCOAL GRAY	NORTH SALT LAKE, UT	NO EXCEPTIONS
MUL-01	DECORATIVE GRAVEL	IRWIN STONE 301.762.5800	2"-3" O	NATURAL / DARK GRAY MEXICAN BEACH PEBBLE	ROCKVILLE, MD	
RTN-01	STONE PAVER - COURTYARD	SCHOFIELD STONE 703.674.5660	N/A	IRREGULAR FLAGSTONE / RUSTIC BLUFF	ASHBURN, VA	
RTN-02	CAST STONE POOL COPING	ADVANCED CAST STONE 817.572.0018	AS SHOWN	DOVE GREY   DRY TAMP	FORT WORTH, TX	PROVIDE SAMPLE TO L.A. FOR APPROVAL
WOOD-01	WOOD DECK BOARDS	ADVANTAGE TRIM & LUMBER 716.827.3915	3/4" x 6" IPE BOARD	STANDARD IPE DECK BOARDS W/ HIDDEN FASTENER CLIPS	BUFFALO, NY	

GENERAL NOTES:

- CONTRACTOR TO CONFIRM WITH OWNER/LANDSCAPE ARCHITECT WHICH MATERIALS ARE TO BE INCLUDED WITHIN THE LANDSCAPE MATERIAL MOCKUP TO BE CONSTRUCTED ONSITE FOR REVIEW BY DESIGN TEAM / OWNER.
- CONTRACTOR TO PROVIDE FULL SIZE MOCKUP OF LIGHTWEIGHT FILL MATERIAL ON STRUCTURE SHOWING FILL MATERIAL, LIGHTWEIGHT SOIL, FILTER FABRIC, PAVING, ETC. FOR REVIEW BY LANDSCAPE ARCHITECT.

LANDSCAPE DRAWING LIST

- L0.01 DSP LANDSCAPE PLAN - STREETSCAPE
- L0.02 DSP LANDSCAPE PLANS - AMENITIES
- L0.10 SITE SECTIONS - STREETSCAPE
- L0.11 SITE SECTIONS - AMENITIES
- L0.20 HARDSCAPE DETAILS
- L0.21 HARDSCAPE DETAILS
- L0.22 HARDSCAPE DETAILS
- L0.23 HARDSCAPE DETAILS
- L0.30 PLANTING DETAILS
- L0.31 PLANTING NOTES + SCHEDULES

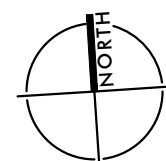
01

OVERALL LANDSCAPE PLAN

1"=20'-0"

NOTE: INTERIOR ARCHITECTURE IS SHOWN FOR GENERAL REFERENCE ONLY AS IT MAY CHANGE.

10' 20' 40' FEET





6400 America Blvd., Hyattsville  
Prince Georges County, Maryland

LANDSCAPE ARCHITECT  
**ParkerRodriguez**

101 North Union Street, Suite 320  
Alexandria VA 22314  
703.548.5010

OWNER  
TDC Parcel N Investor, LLC

ARCHITECT  
BCT Design Group  
100 North Charles Street  
Baltimore MD 21201  
410.837.2727

CIVIL ENGINEER  
Bokler Engineering  
16701 Mellford Boulevard, Suite 310  
Bowie MD 20715  
301.809.4500



REVISIONS

DSP-21006 07/23/2021

DESIGNED BY  
CM/TR

DRAWN BY  
SS/JS

CHECKED BY  
TR

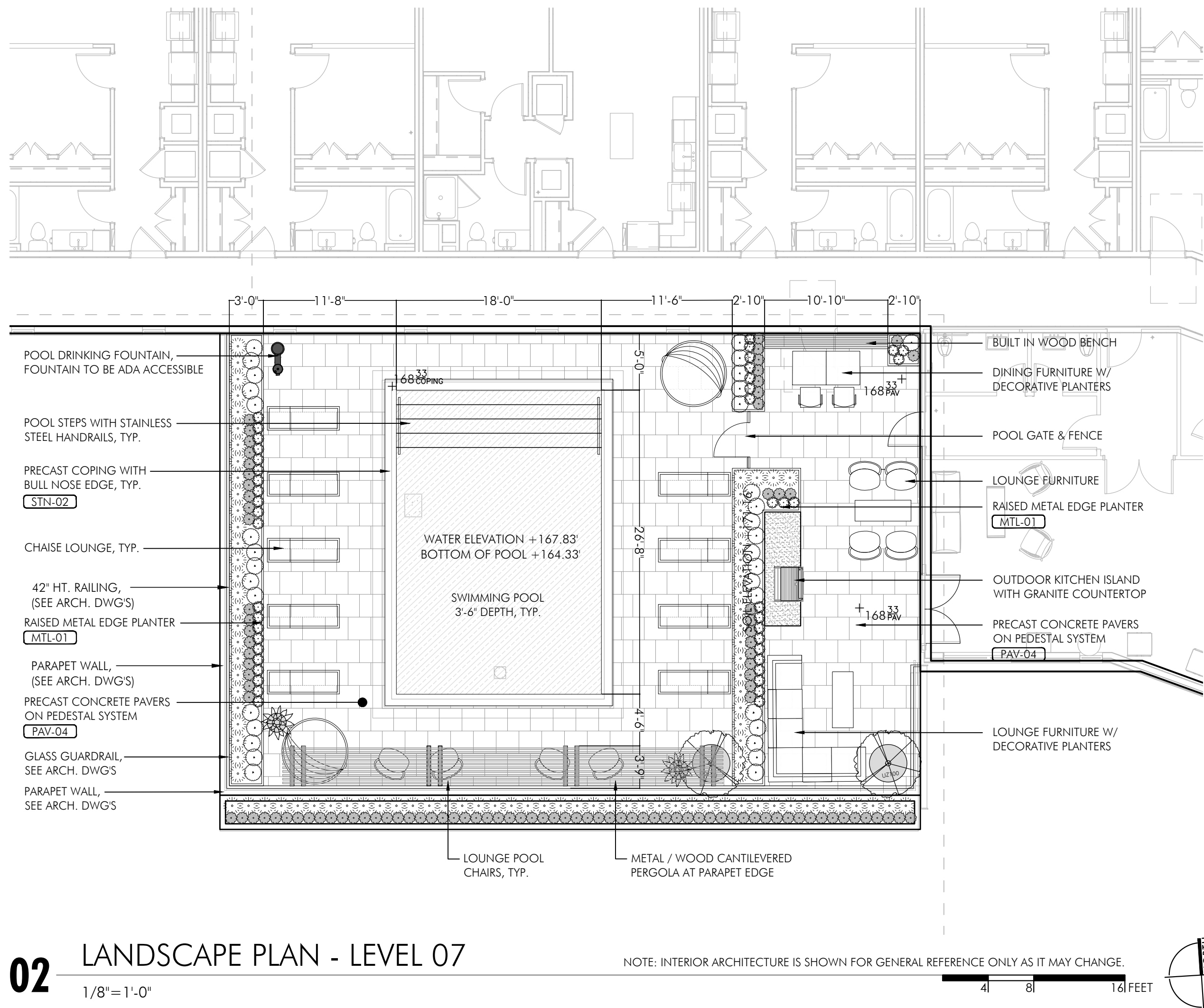
LANDSCAPE  
PLANS -  
AMENITY  
SPACES

L0.02

KEY	TYPE	MANUFACTURER	SIZE	MODEL NAME/FINISH/COLOR	LOCATION	REMARKS
CONC-01	SCORED CONCRETE WALKWAY	N/A	SEE PLANS FOR SCORING	LIGHT BROOM FINISH, PARALLEL TO BUILDING	N/A	
CONC-02	SCORED PLAIN CONCRETE	N/A	N/A	LIGHT BROOM / NATURAL GRAY	N/A	
CONC-03	TINTED CONCRETE	DAVIS COLORS 844.341.4780	N/A	LIGHT BROOM FINISH LIGHT GRAY 8084	LOS ANGELES, CA	INSTALLED PER MANUFACTURER
PAV-01	DETECTABLE WARNING PAVERS	HANOVER ARCHITECTURAL PRODUCTS 717.637.0500	12" W x 12" L x 2" THICK	DETECTABLE WARNING TUDOR FINISH   CHARCOAL	HANOVER, PA	
PAV-02	PREST BRICK - EAST/WEST HWY	HANOVER ARCHITECTURAL PRODUCTS 717.637.0500	5 7/8" W x 5 1/2" L x 2 3/8" THICK	TRADITIONAL PRESET BRICK NATURAL FINISH   RED 15	HANOVER, PA	
PAV-03	PRECAST CONCRETE PAVER - STREETSCAPE	NITTERHOUSE MASONRY PRODUCTS 717.267.4500	4" W x 18" L x 2" THICK	URBAN STONE ANTIQUE FINISH   PG-23	HANOVER, PA	
PAV-04	PRECAST CONCRETE PAVER - ROOF TERRACE	NITTERHOUSE MASONRY PRODUCTS 717.267.4500	12" W x 36" L x 2" THICK	ARCHITECTURAL PAVER W/ ANTIQUE FINISH 70% PG-134 & 30% PF-135	HANOVER, PA	
MTL-01	RAISED METAL EDGE PLANTERS	ORE CONTAINERS, INC 801.936.0499	CUSTOM SHAPE x 42" HT. TYP. 1 1/2" LIP RETURN - 3/8" THICKNESS	ORE FUSE SYSTEM PLANTER EDGE / CHARCOAL GRAY	NORTH SALT LAKE, UT	NO EXCEPTIONS
MUL-01	DECORATIVE GRAVEL	IRWIN STONE 301.762.5800	2'-3' Ø	NATURAL / DARK GRAY MEXICAN BEACH PEBBLE	ROCKVILLE, MD	
STN-01	STONE PAVER - COURTYARD	SCHOFIELD STONE 703.674.5660	N/A	IRREGULAR FLAGSTONE / RUSTIC BUFF	ASHBURN, VA	
STN-02	CAST STONE POOL COPING	ADVANCED CAST STONE 817.572.0018	AS SHOWN	DOVE GREY   DRY TAMP	FORT WORTH, TX	PROVIDE SAMPLE TO L.A. FOR APPROVAL
WOOD-01	WOOD DECK BOARDS	ADVANTAGE TRIM & LUMBER 716.827.3915	5/4" x 6" IPE BOARD	STANDARD IPE DECK BOARDS W/ HIDDEN FASTENER CLIPS	BUFFALO, NY	

GENERAL NOTES:

- CONTRACTOR TO CONFIRM WITH OWNER/LANDSCAPE ARCHITECT WHICH MATERIALS ARE TO BE INCLUDED WITHIN THE LANDSCAPE MATERIAL MOCKUP TO BE CONSTRUCTED ON SITE FOR REVIEW BY DESIGN TEAM / OWNER.
- CONTRACTOR TO PROVIDE FULL SIZE MOCKUP OF LIGHTWEIGHT FILL MATERIAL ON STRUCTURE SHOWING FILL MATERIAL, LIGHTWEIGHT SOIL, FILTER FABRIC, PAVING, ETC. FOR REVIEW BY LANDSCAPE ARCHITECT.

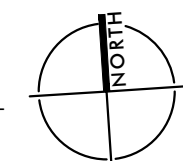


02 LANDSCAPE PLAN - LEVEL 07

1/8"=1'-0"

NOTE: INTERIOR ARCHITECTURE IS SHOWN FOR GENERAL REFERENCE ONLY AS IT MAY CHANGE.

1/8"=1'-0"



01 LANDSCAPE PLAN - COURTYARD

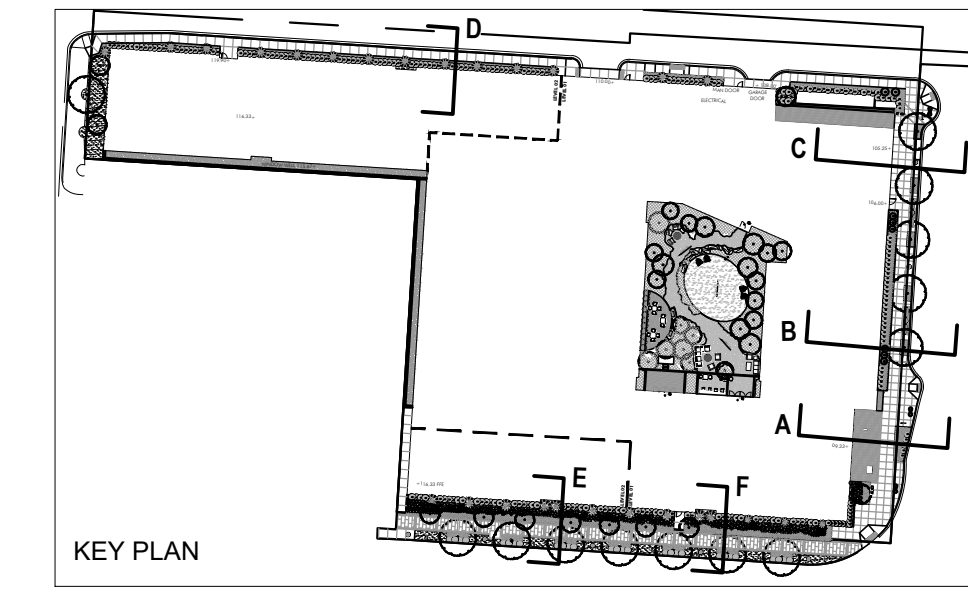
1/8"=1'-0"

NOTE: INTERIOR ARCHITECTURE IS SHOWN FOR GENERAL REFERENCE ONLY AS IT MAY CHANGE.

1/8"=1'-0"







SECTIONS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

# UNIVERSITY TOWN CENTER PARCEL N

6400 America Blvd, Hyattsville  
Prince Georges County, Maryland

LANDSCAPE ARCHITECT  
**ParkerRodriguez**  
101 North Union Street, Suite 320  
Alexandria VA 22314  
703.548.5010

OWNER  
TDC Parcel N Investor, LLC

ARCHITECT  
BCT Design Group  
100 North Charles Street  
Baltimore MD 21201  
410.837.2727

CIVIL ENGINEER  
Bachler Engineering  
16701 Melford Boulevard, Suite 310  
Bowie MD 20715  
301.809.4500

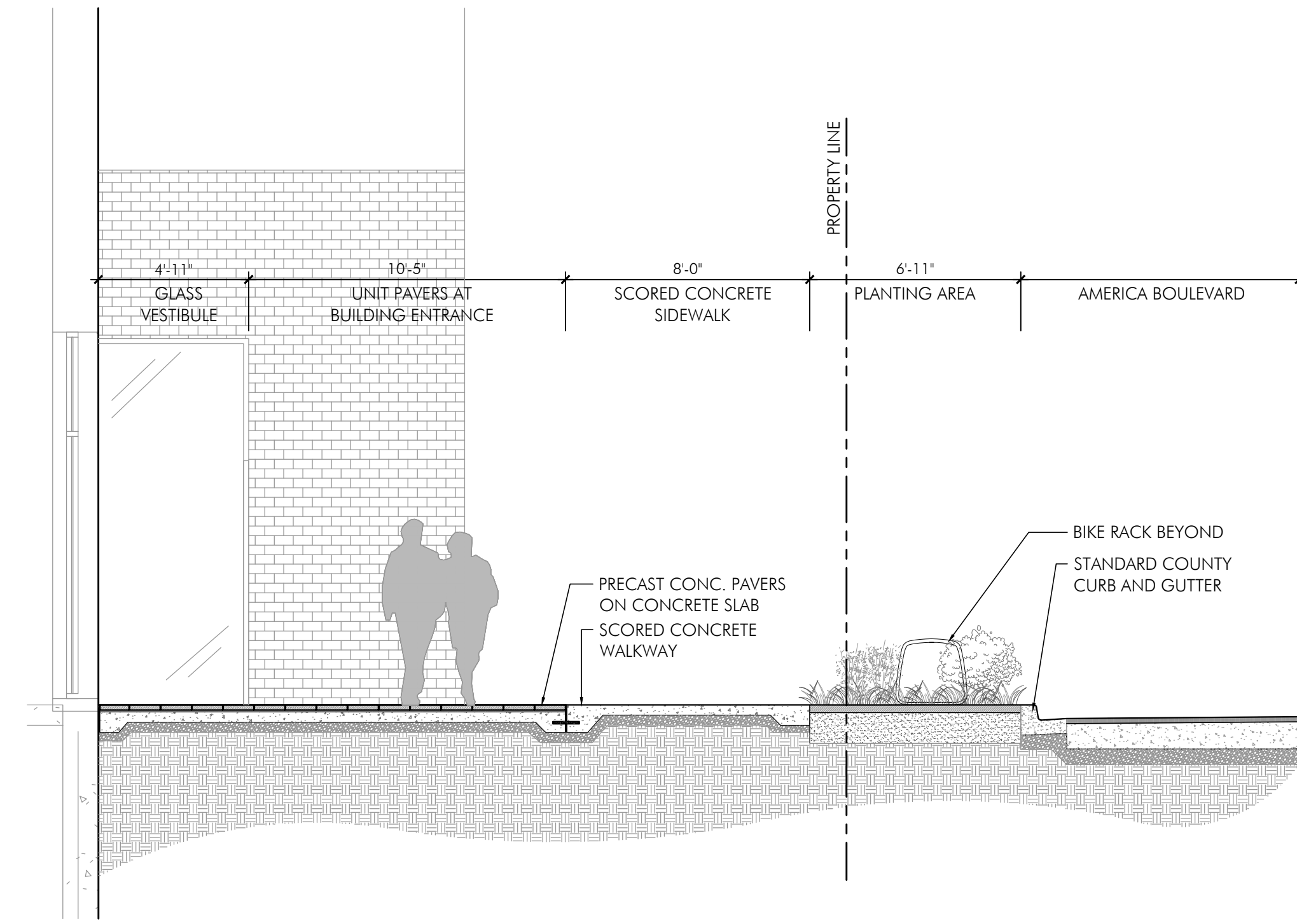


REVISIONS	
DSP-21006	07.23.2021

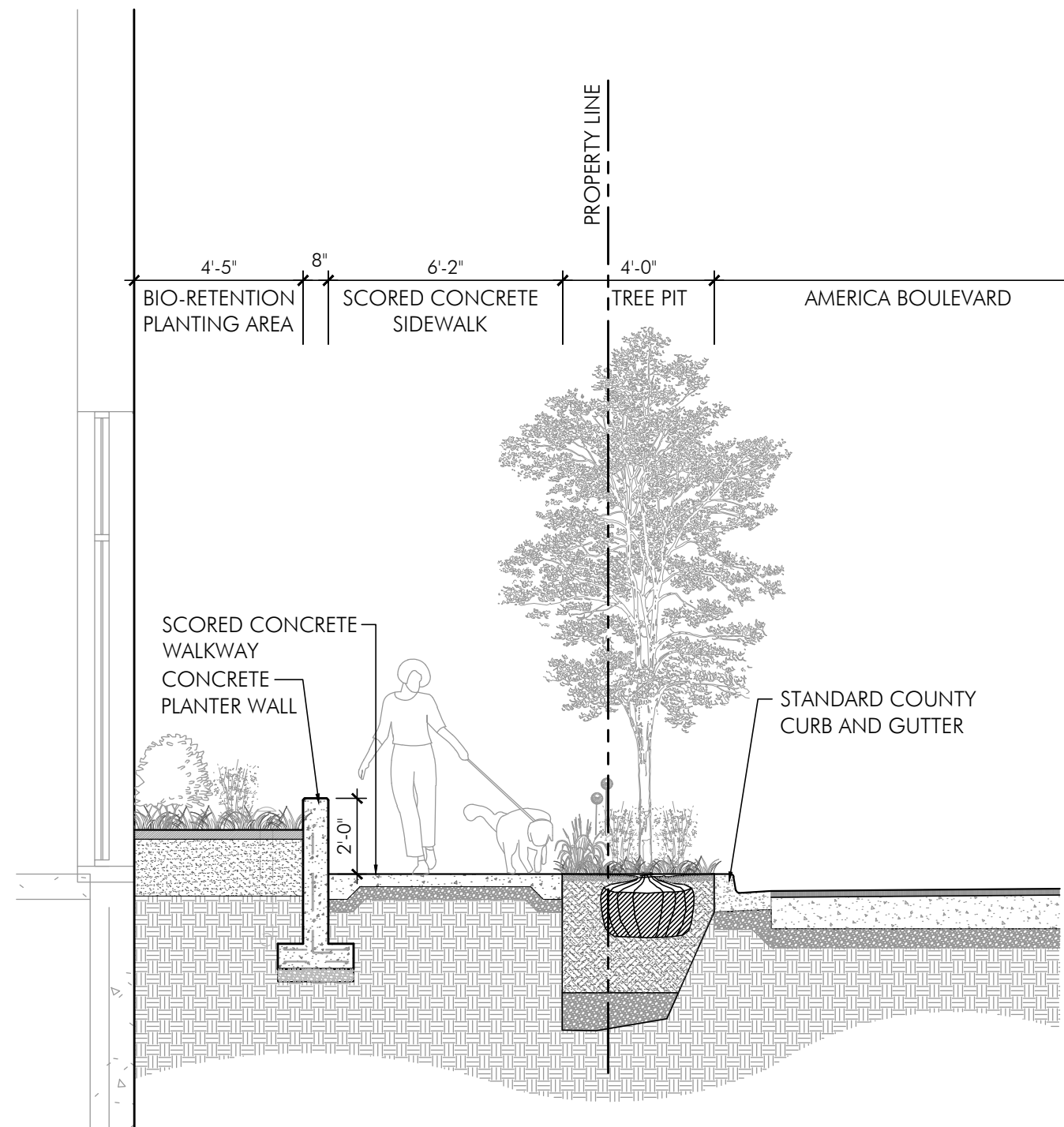
DESIGNED BY  
CM/TR  
DRAWN BY  
SS/JB  
CHECKED BY  
TR

## SITE SECTIONS

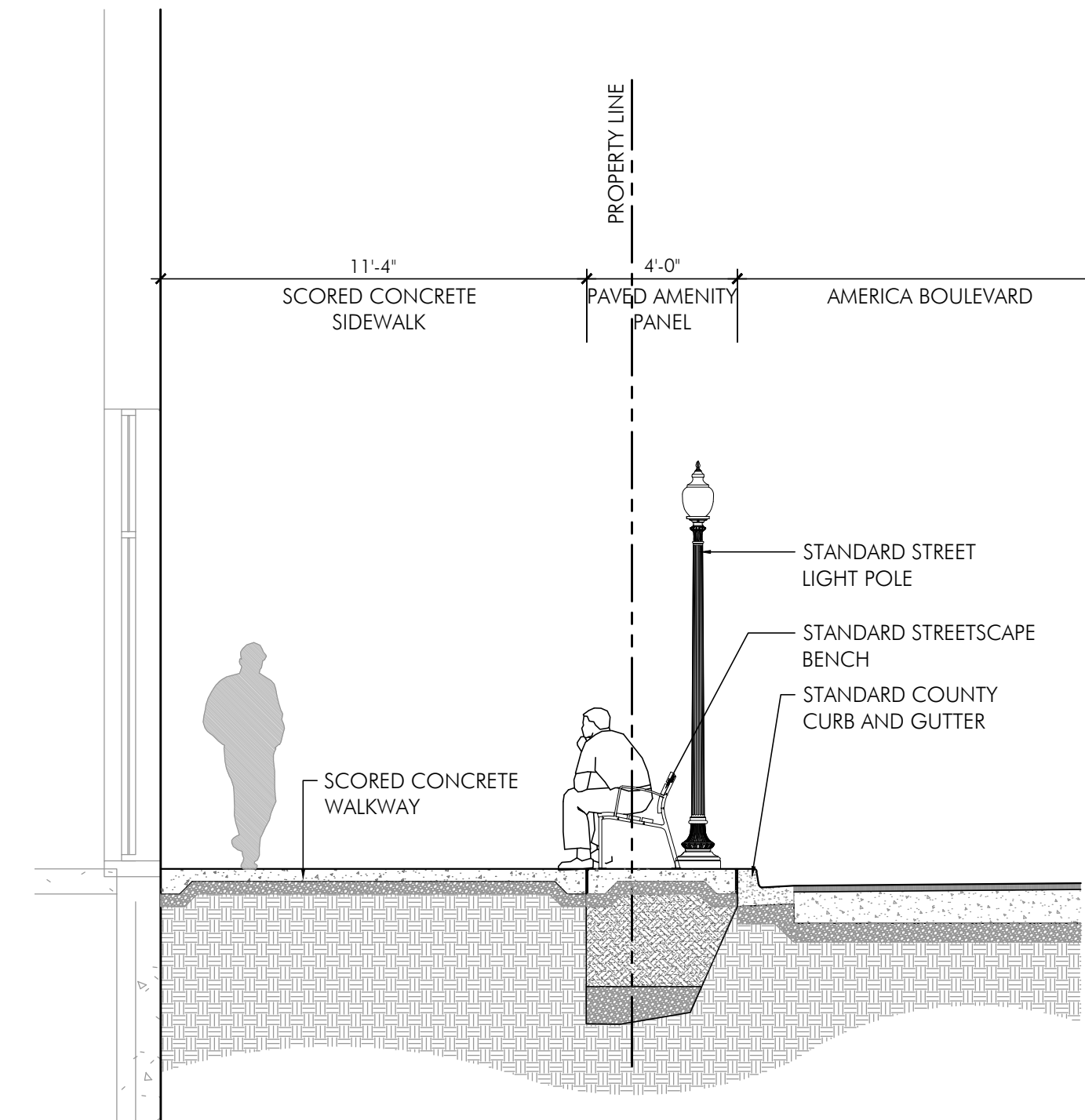
# L0.10



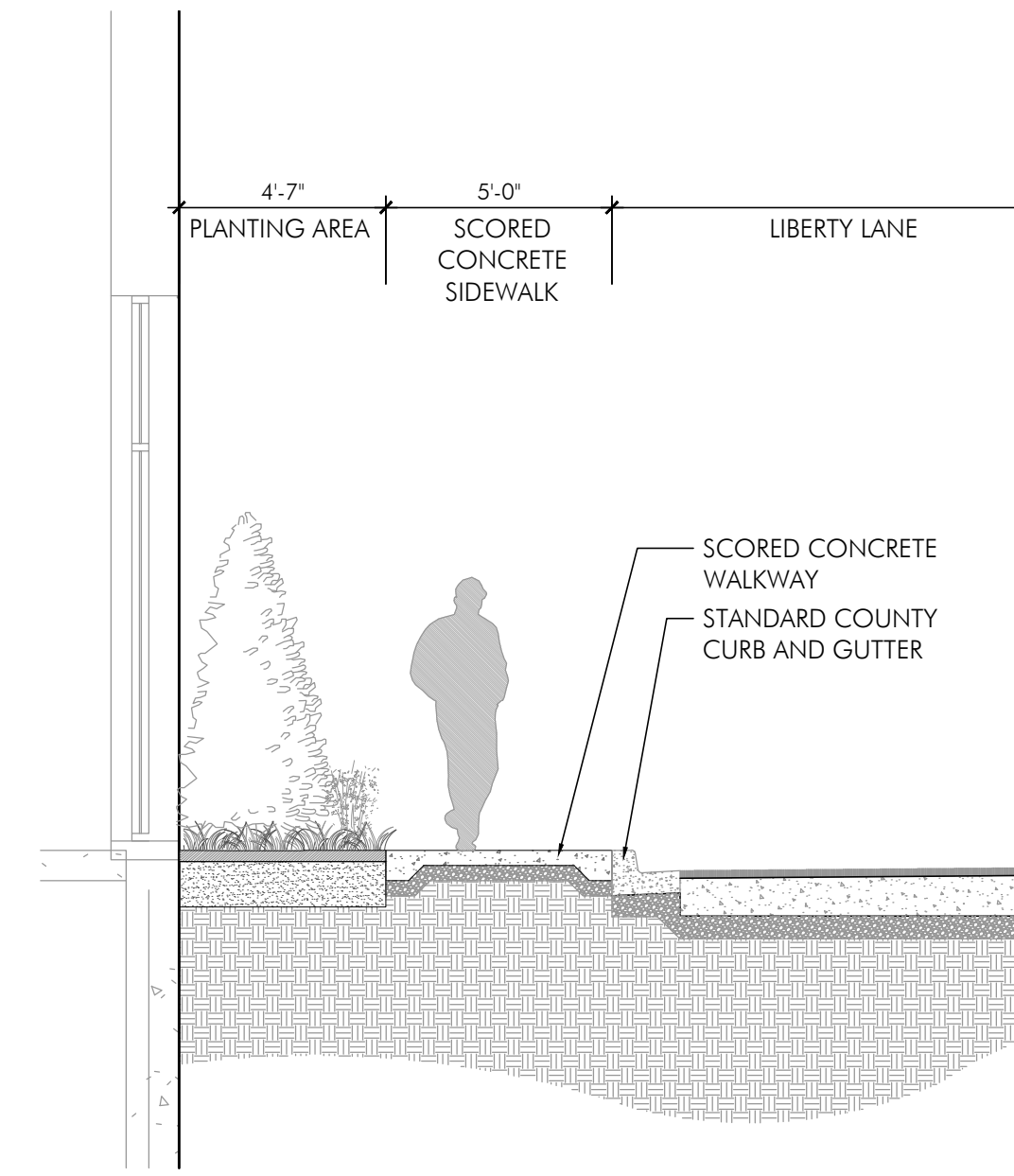
**01** STREETScape SECTION 'A' THROUGH AMERICA BLVD  
SCALE: 1/4" = 1'-0"



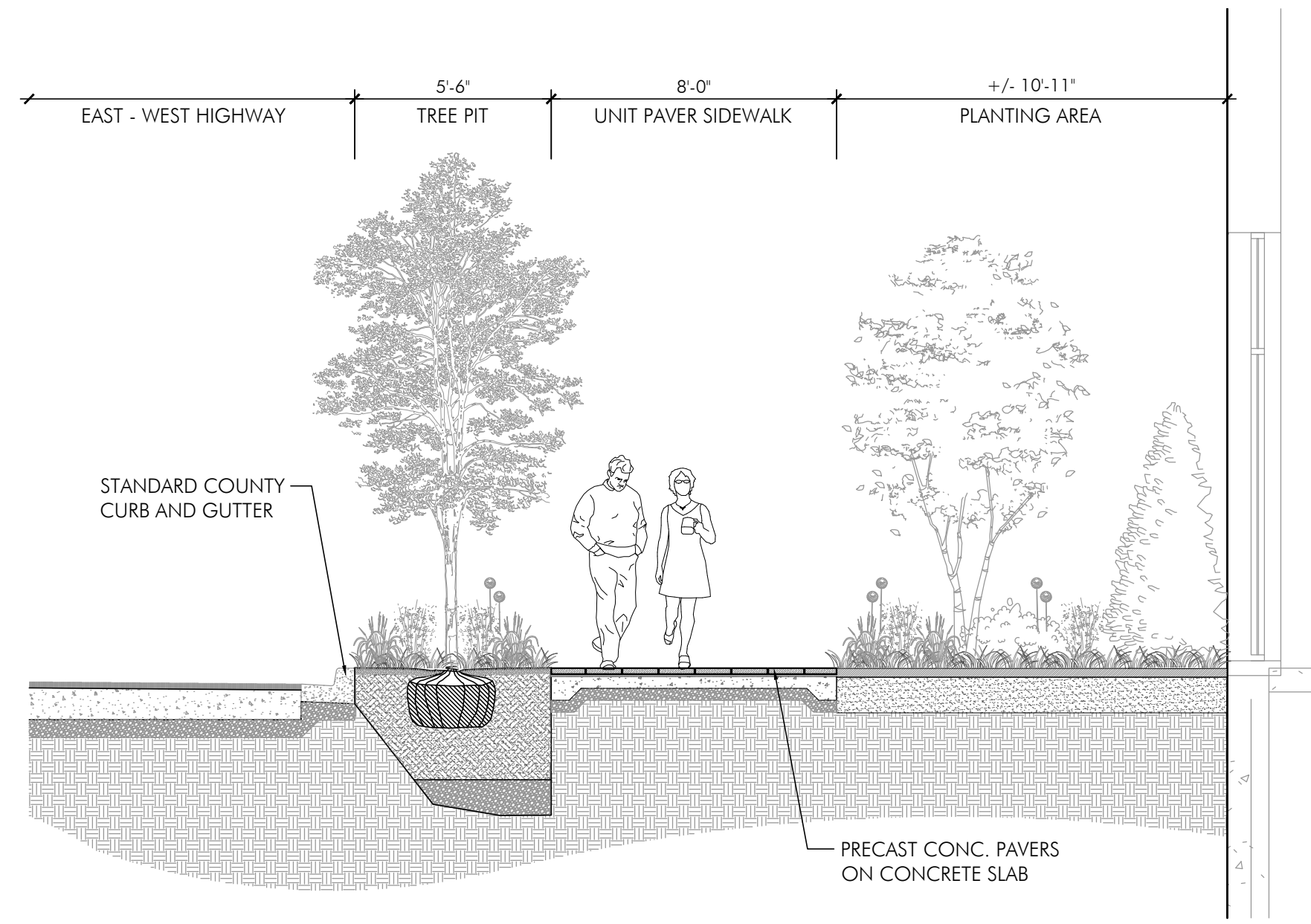
**02** STREETScape SECTION 'B'  
SCALE: 1/4" = 1'-0"



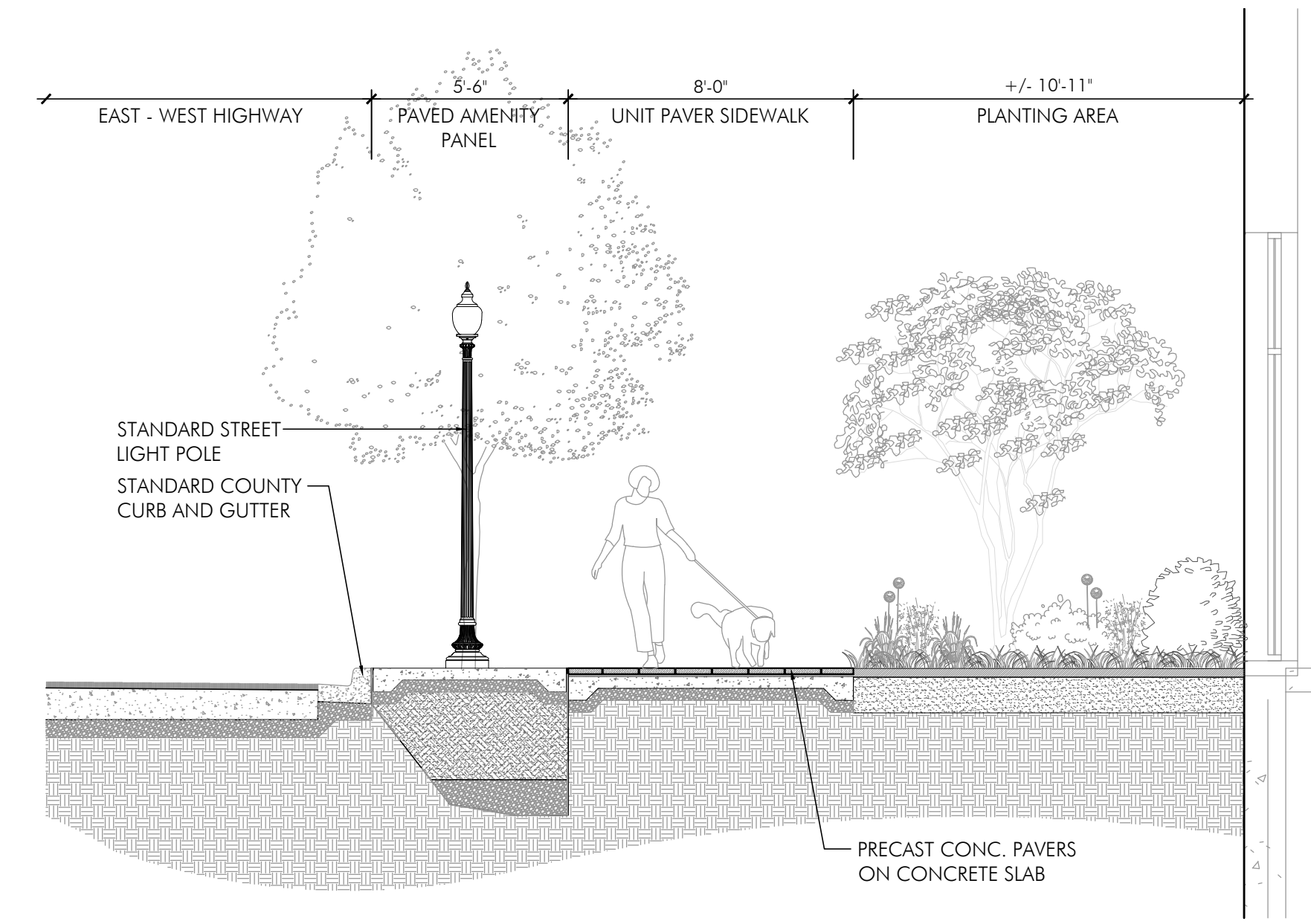
**03** STREETScape SECTION 'C'  
SCALE: 1/4" = 1'-0"



**04** STREETScape SECTION 'D'  
SCALE: 1/4" = 1'-0"

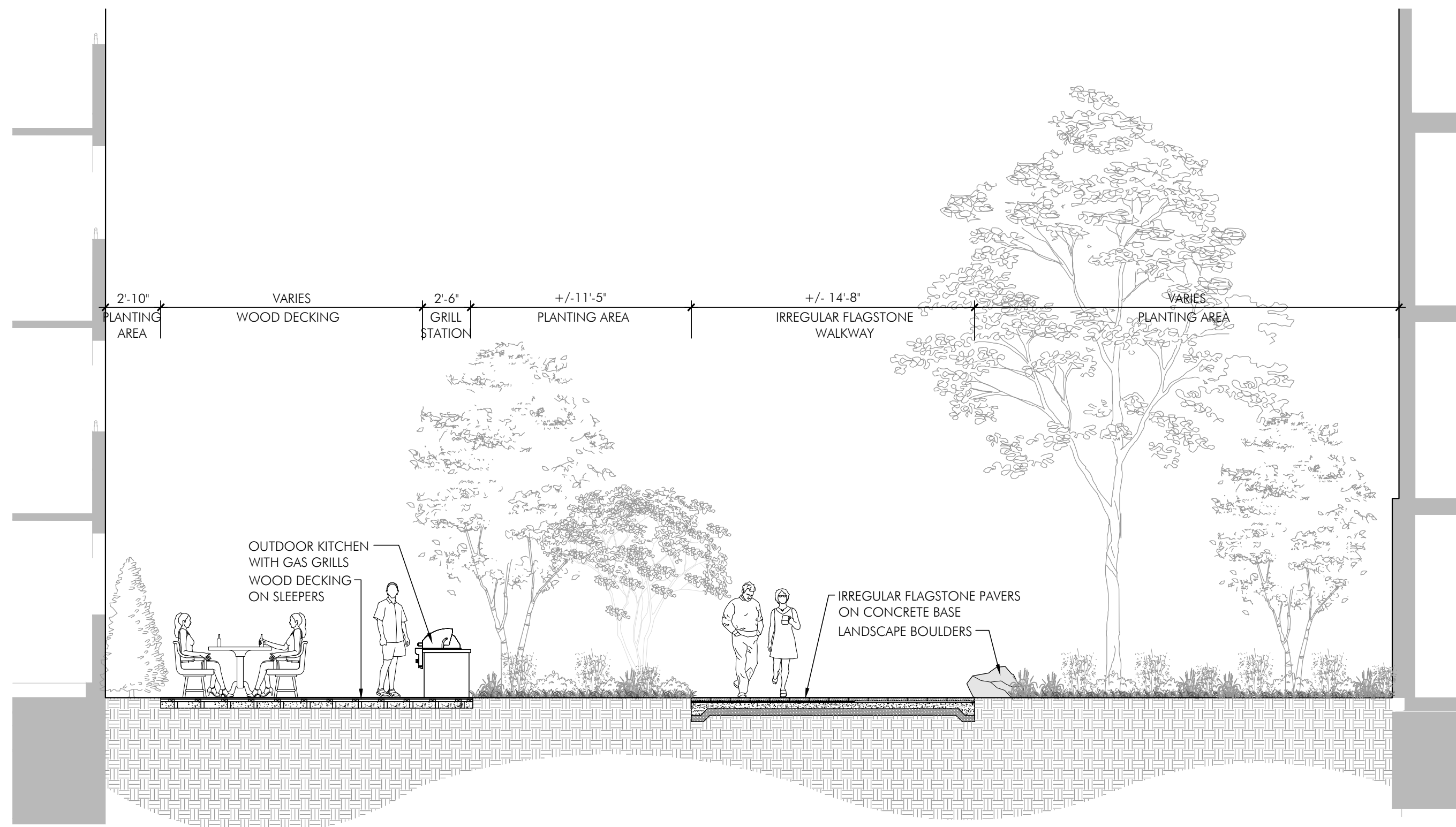


**05** STREETScape SECTION 'E'  
SCALE: 1/4" = 1'-0"

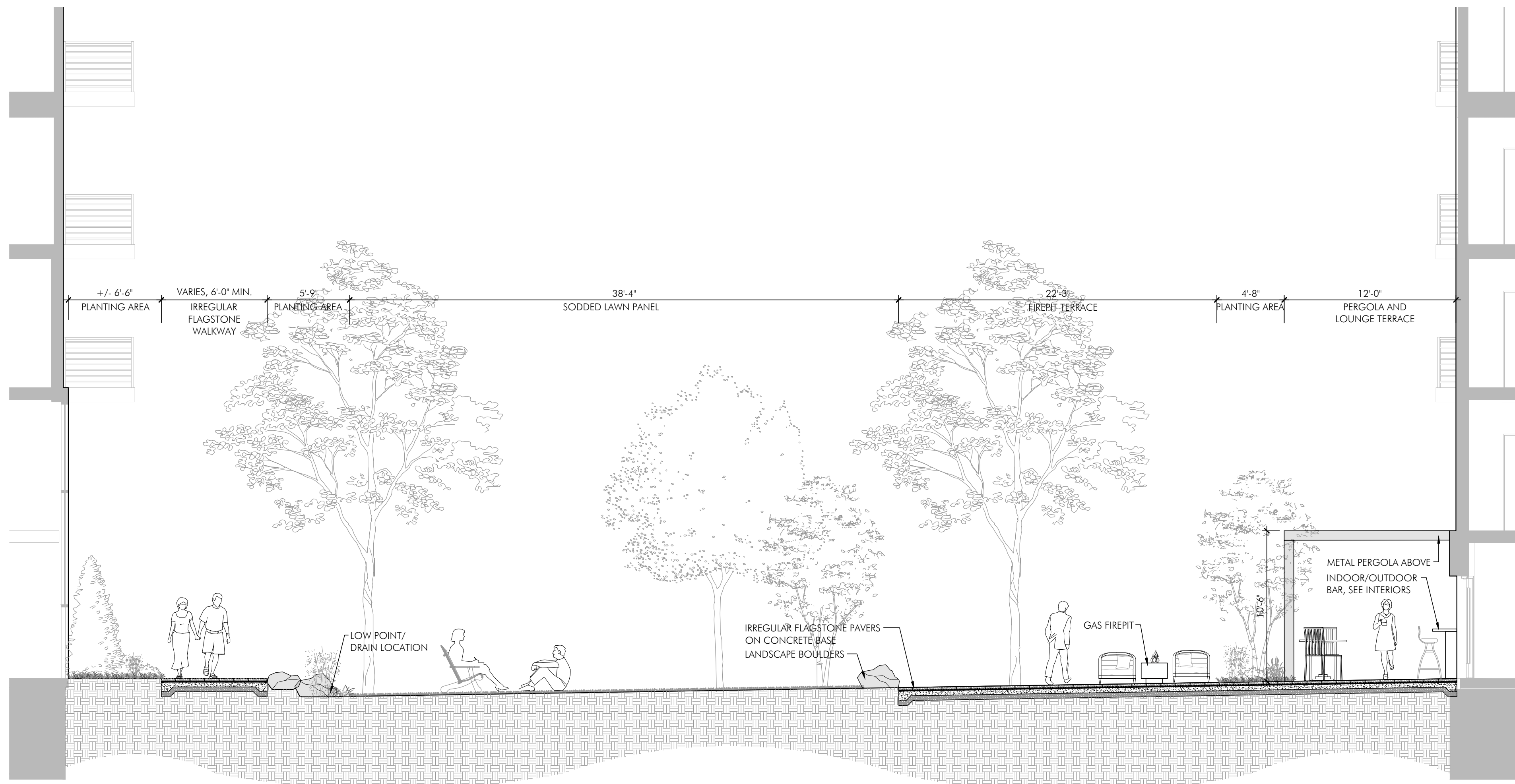


**06** STREETScape SECTION 'F'  
SCALE: 1/4" = 1'-0"

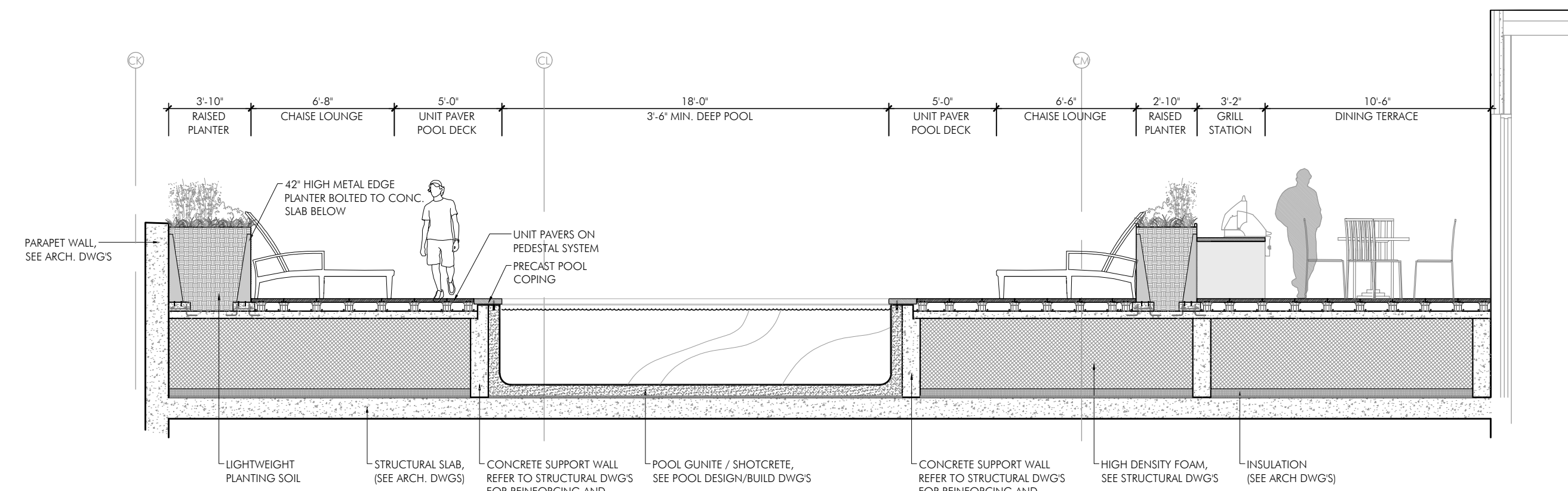




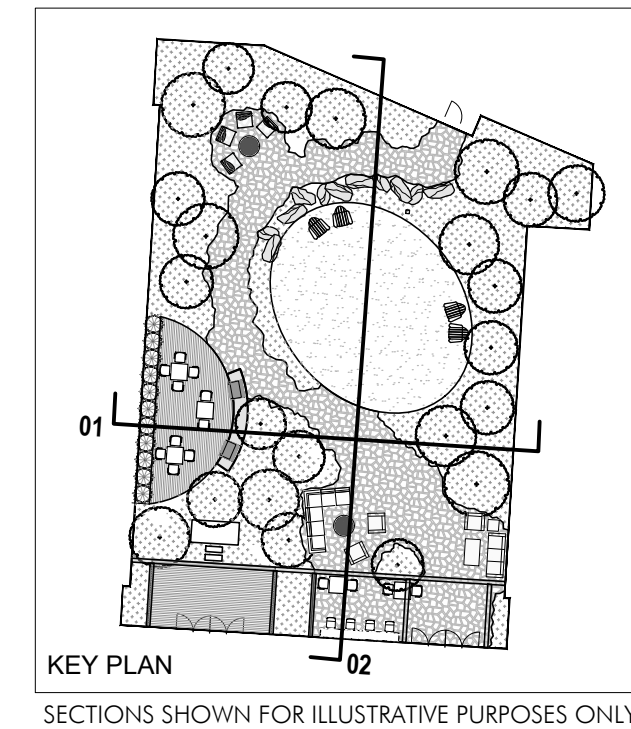
**01** COURTYARD SECTION 'A'  
SCALE: 3/16" = 1'-0"



**02** COURTYARD SECTION 'B'  
SCALE: 3/16" = 1'-0"



**03** ROOF TERRACE SECTION  
SCALE: 3/16" = 1'-0"



# UNIVERSITY TOWN CENTER PARCEL N

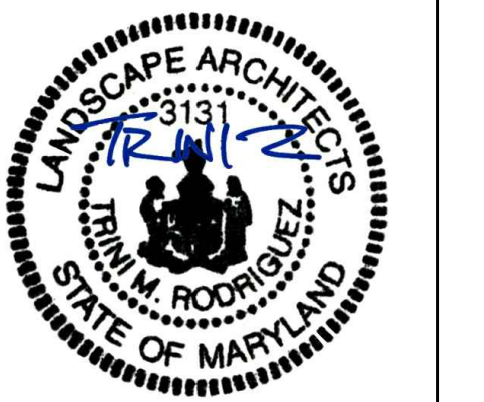
6400 America Blvd, Hyattsville  
Prince Georges County, Maryland

LANDSCAPE ARCHITECT  
**ParkerRodriguez**  
101 North Union Street, Suite 320  
Alexandria VA 22314  
703.548.5010

OWNER  
TDC Parcel N Investor, LLC

ARCHITECT  
BCI Design Group  
100 North Charles Street  
Baltimore MD 21201  
410.837.2727

CIVIL ENGINEER  
Bahler Engineering  
16701 Melford Boulevard, Suite 310  
Bowie MD 20715  
301.809.4500



## REVISIONS

DSP-21006	07.23.2021

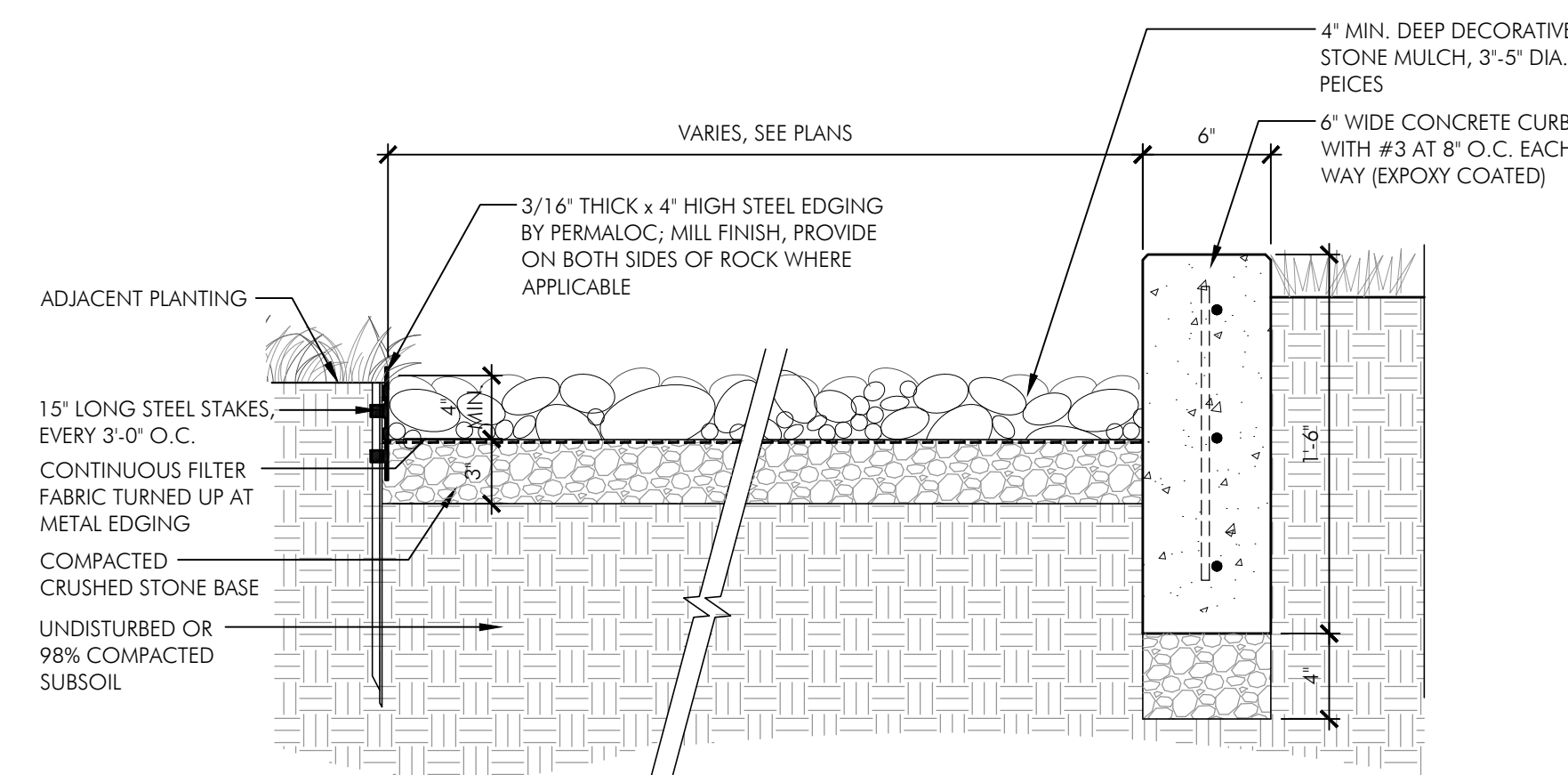
DESIGNED BY  
CM/TR  
DRAWN BY  
SS/JB  
CHECKED BY  
TR

## SITE SECTIONS

**L0.11**

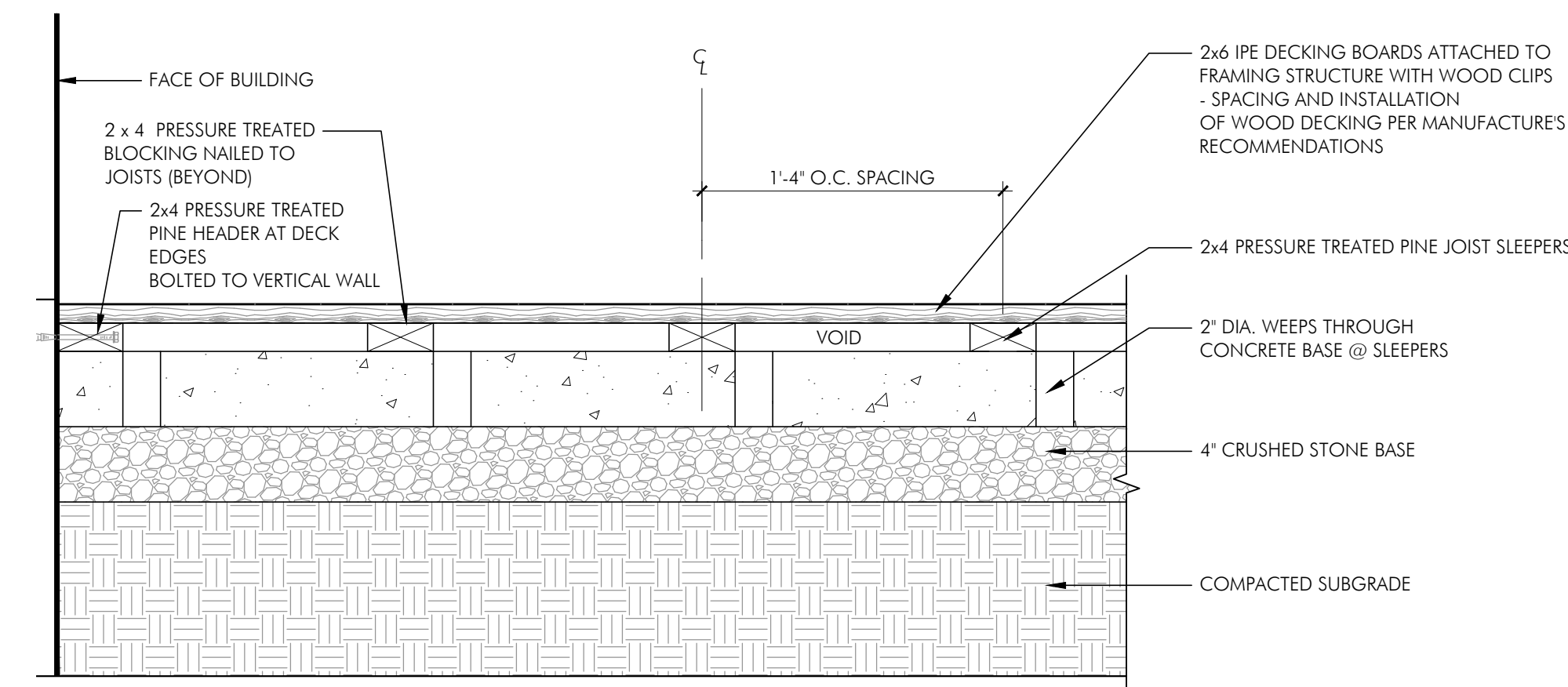


## L0.20

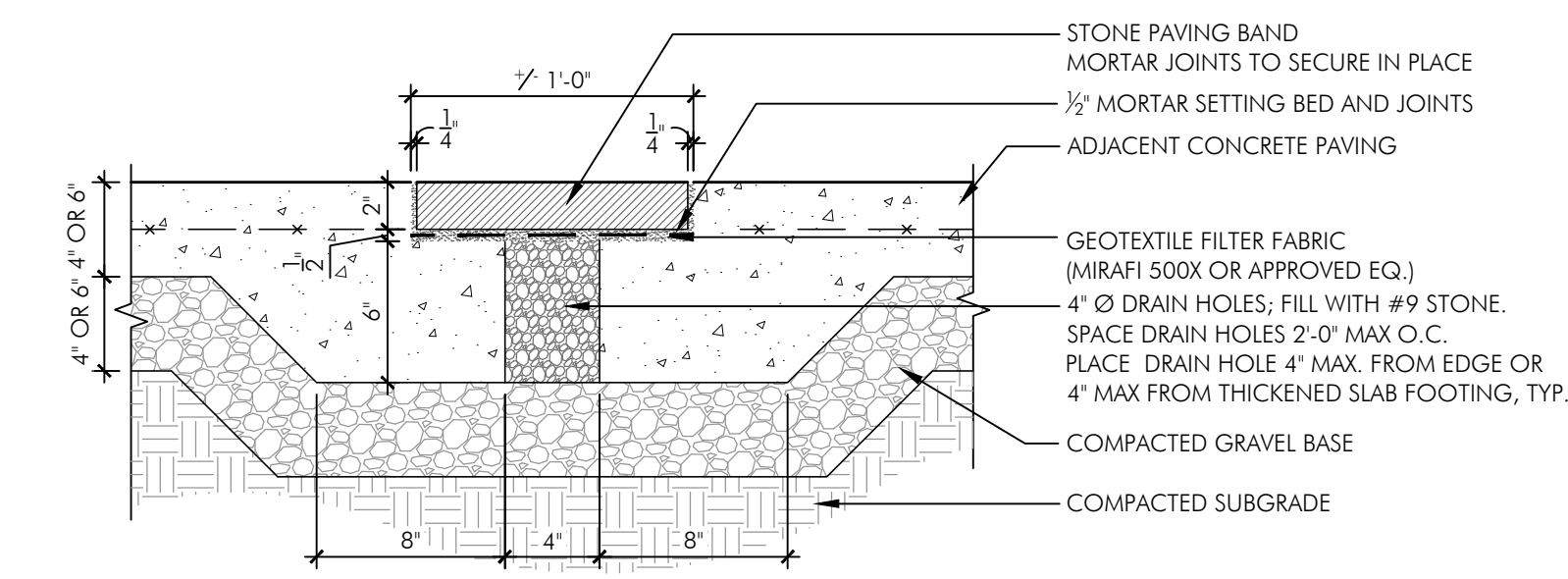


## 09 DECORATIVE GRAVEL MULCH ON GRADE

SCALE: 1 1/2" = 1'-0"



## 10 WOOD DECKING ON CONCRETE SLAB ON GRADE

[illegible]

## 08 UNIT PAVER BAND AT EDGE OF CONCRETE





REVISIONS

DSP-21006	07.23.2021

DESIGNED BY

CM/TR

DRAWN BY

SS/JB

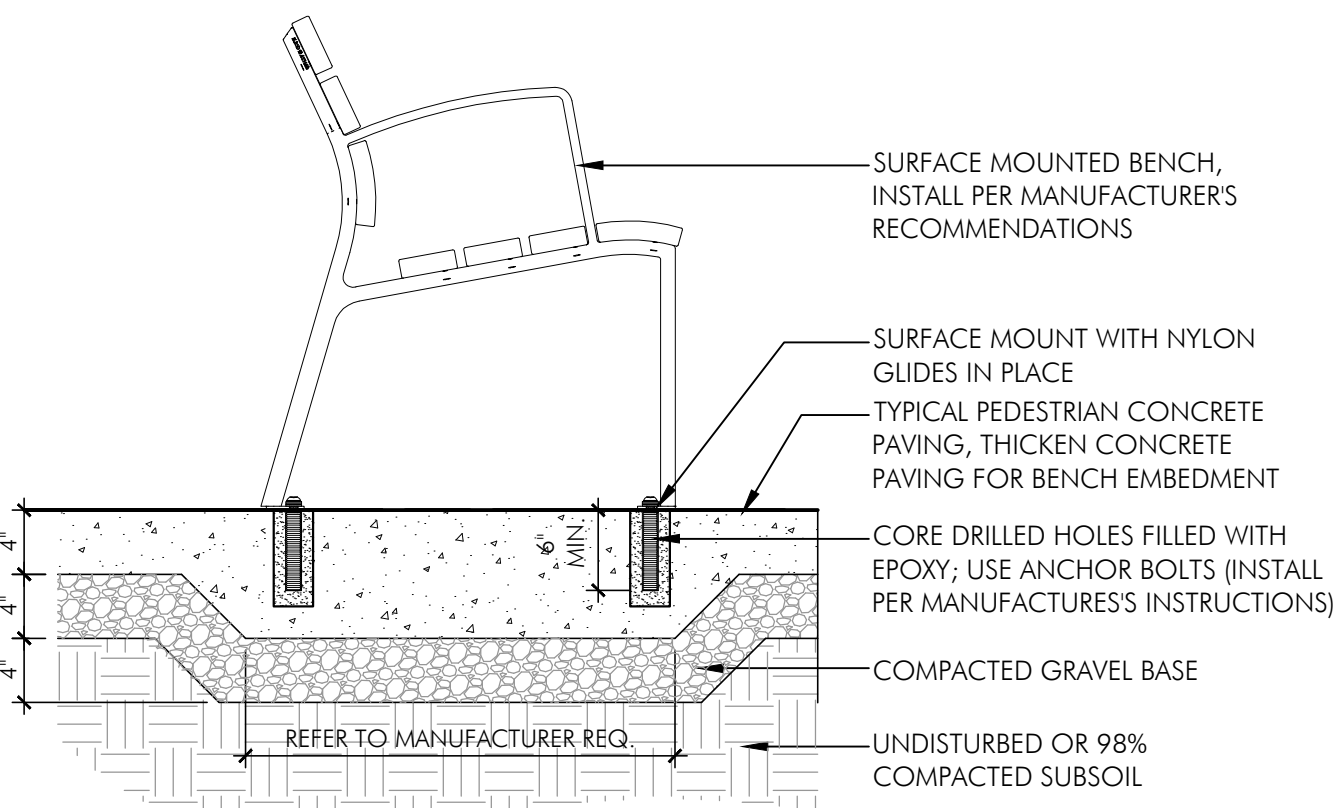
CHECKED BY

TR

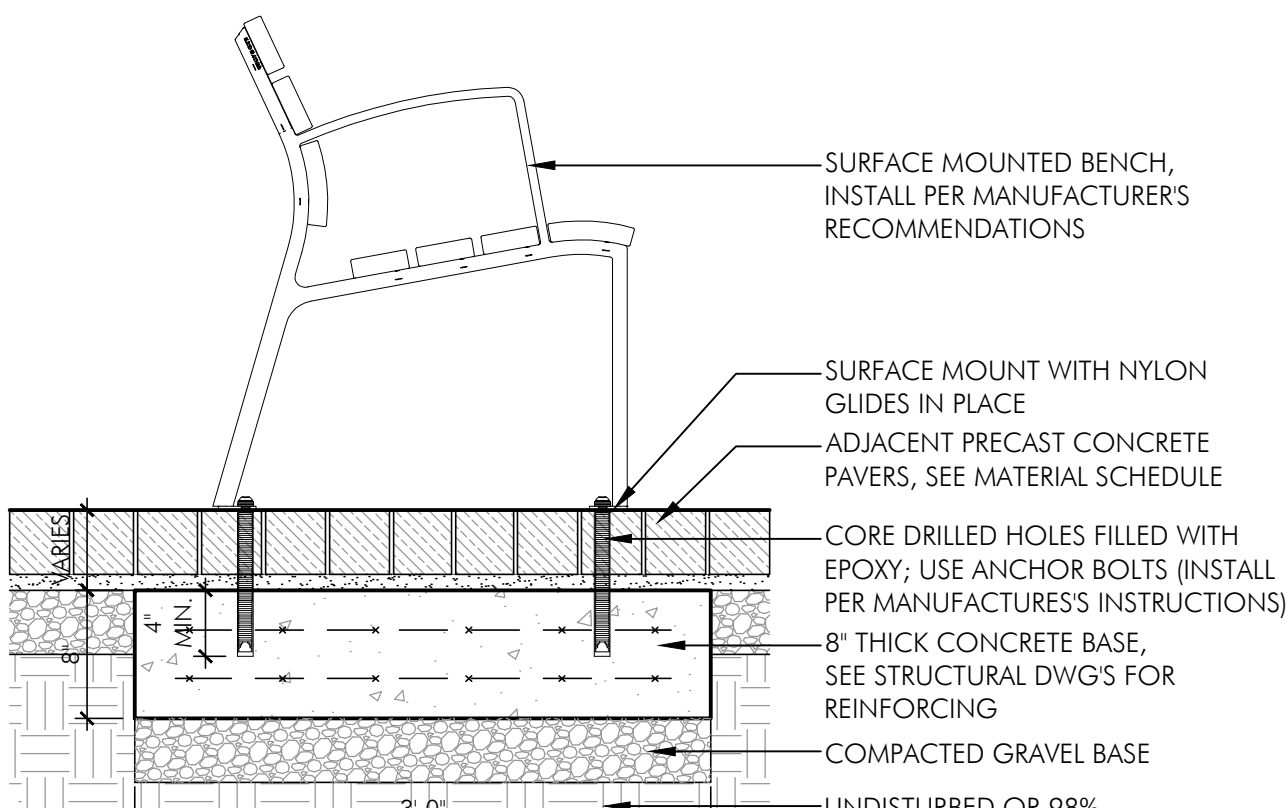
NOTE: PROVIDE 30X48 CLEAR ZONE NEAR AT LEAST  
ONE BENCH IN EACH GROUP. CROSS SLOPE OF  
AREA <2%



Model: Neocombo Bench (59" Backed)  
Manufacturer: Landscape Forms  
7800 E. Michigan Ave.  
Kalamazoo, MI 49048  
800.430.6209  
www.landscapelforms.com  
Type / Finish: Aluminum  
Mounting: Surface Mount  
Size: 59" Backed (27" x 59" x 31")



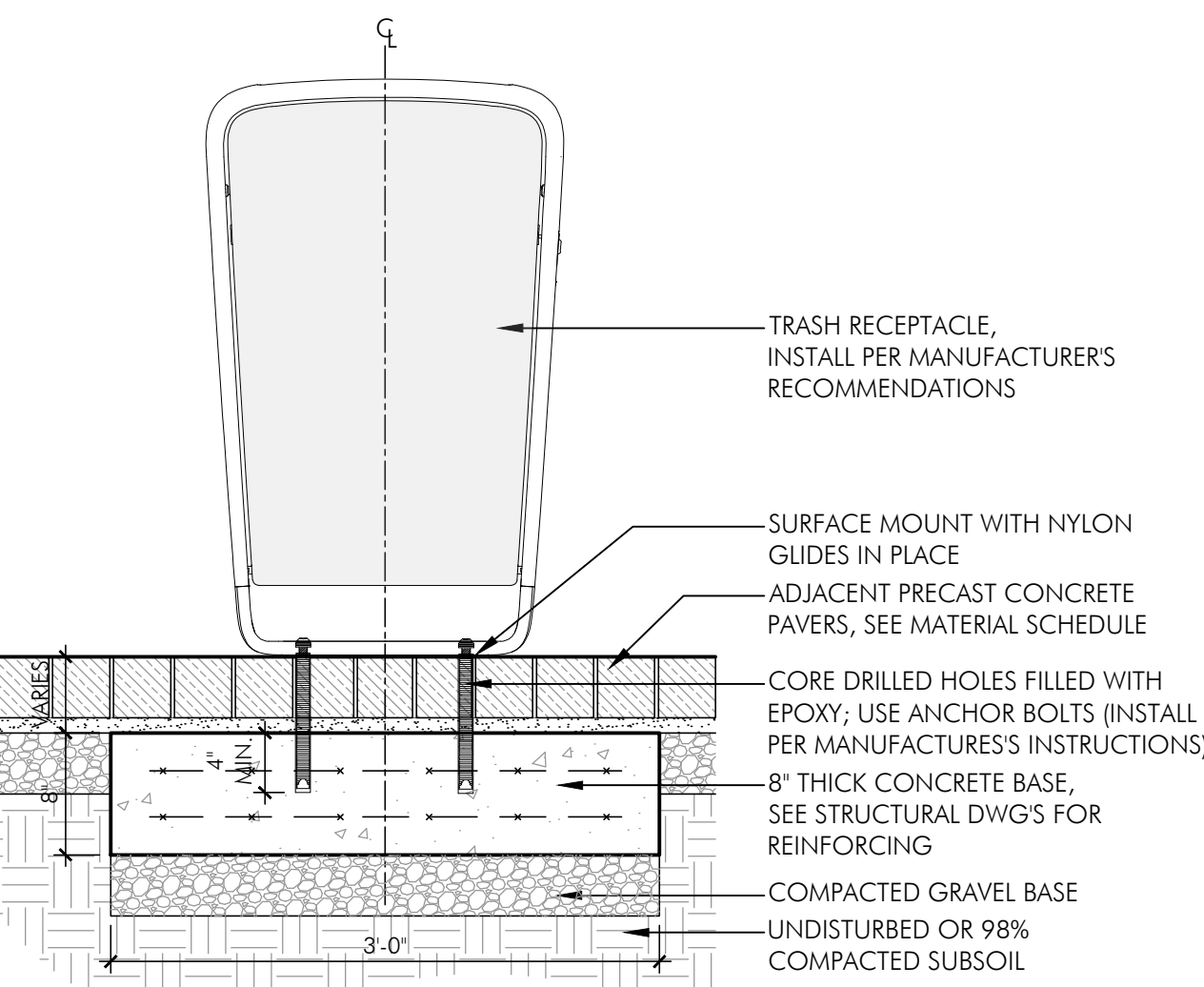
SURFACE MOUNTED BENCH AT CONCRETE PAVING



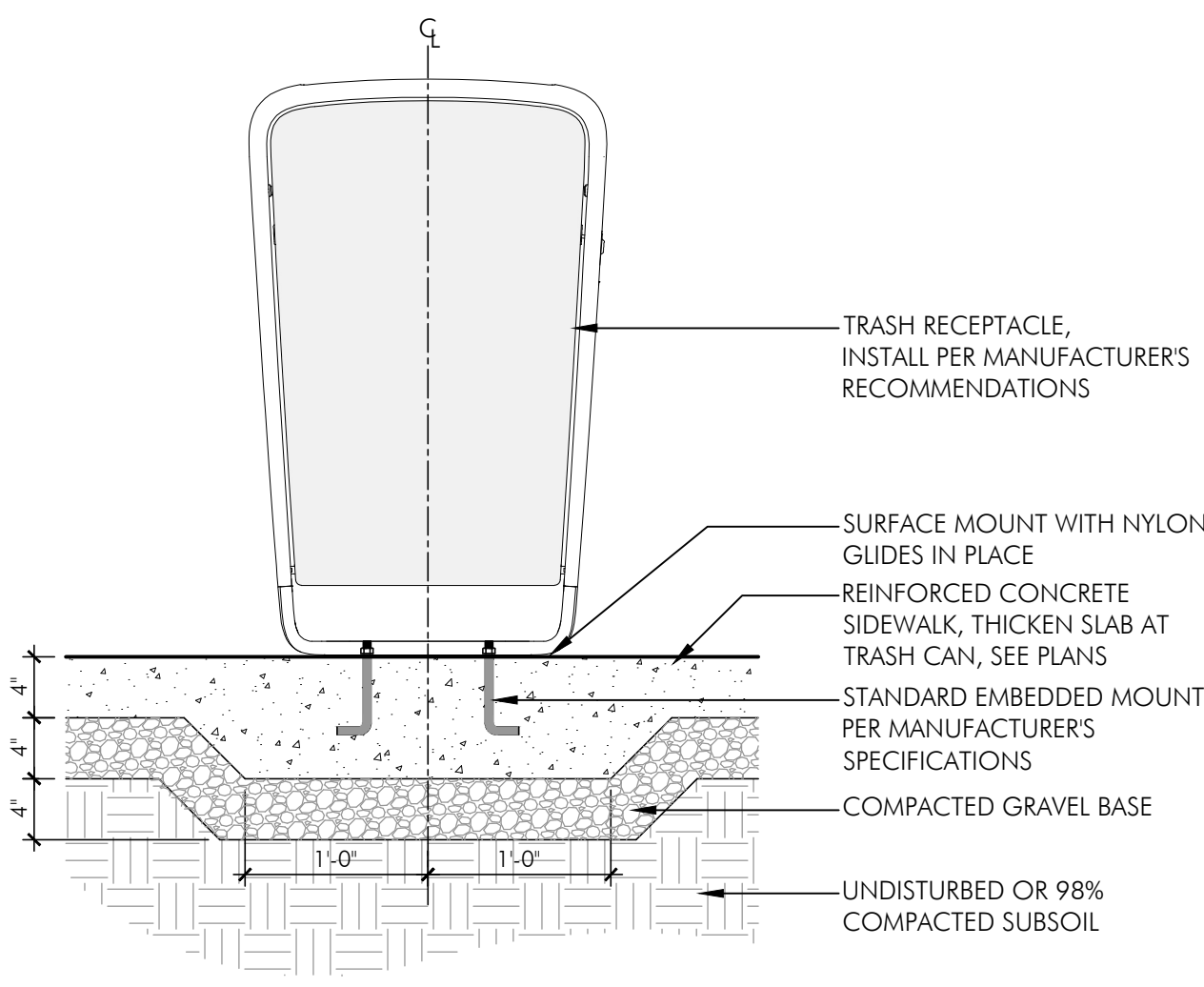
SURFACE MOUNTED BENCH AT UNIT PAVING

01 STREETSCAPE BENCH MOUNTING, TYPICAL

SCALE: 1" = 1'-0"



TRASH RECEPTACLE AT UNIT PAVERS



TRASH RECEPTACLE AT CONCRETE PAVING



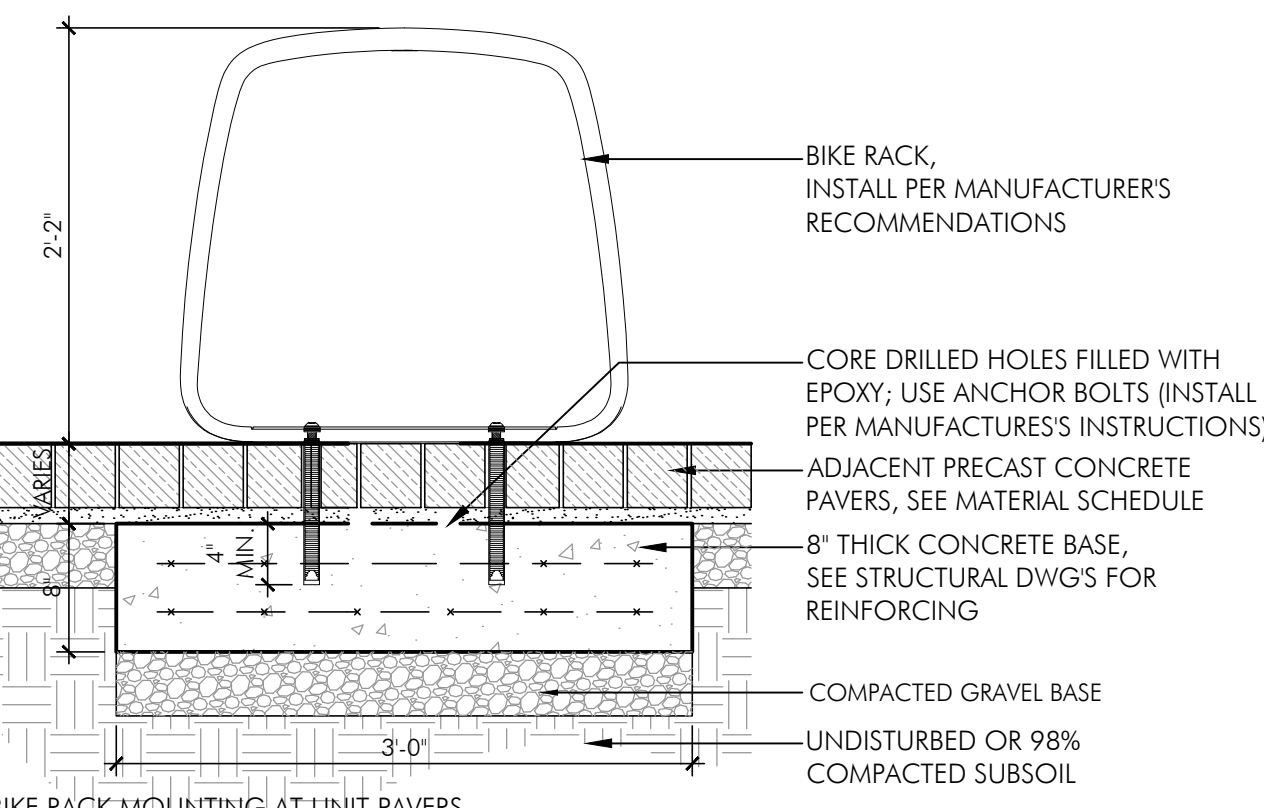
Model: Collect Litter  
Manufacturer: Landscape Forms  
7800 E. Michigan Ave.  
Kalamazoo, MI 49048  
800.430.6209  
www.landscapelforms.com  
Type / Finish: Silver Metallic Powdercoat Frame  
Black Color Polyethelene Bin  
Mounting: Surface Mount  
Options: With Keyed lock on side  
Size: 30 Gallon Top Open (16"x24"x38")



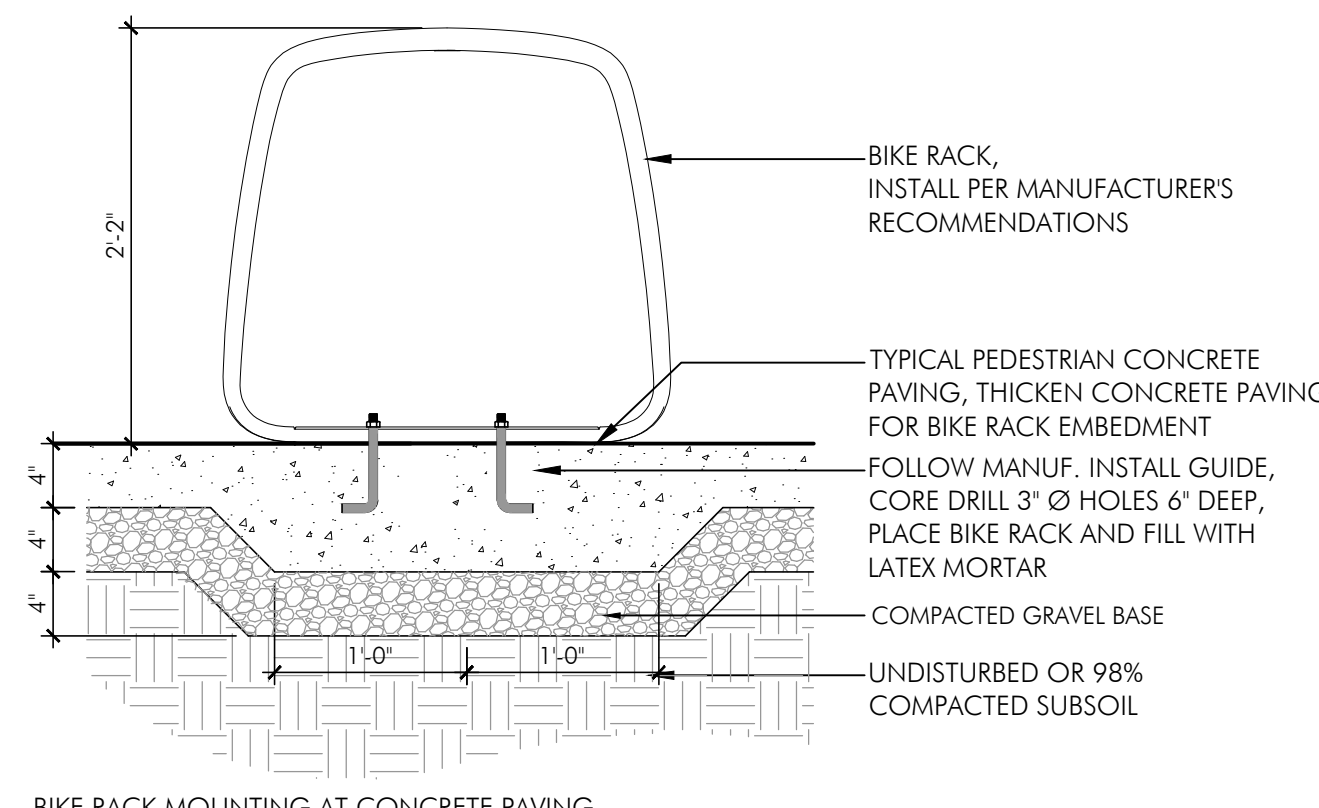
Model: Collect Recycling  
Manufacturer: Landscape Forms  
7800 E. Michigan Ave.  
Kalamazoo, MI 49048  
800.430.6209  
www.landscapelforms.com  
Type / Finish: Blue Bell Powdercoat Frame  
Black Color Polyethelene Bin  
Mounting: Surface Mount  
Options: With Keyed lock on side  
Size: 30 Gallon Multi Slot Top (16"x24"x38")

02 TRASH RECEPTACLE MOUNTING, TYPICAL

SCALE: 1" = 1'-0"



BIKE RACK MOUNTING AT UNIT PAVERS



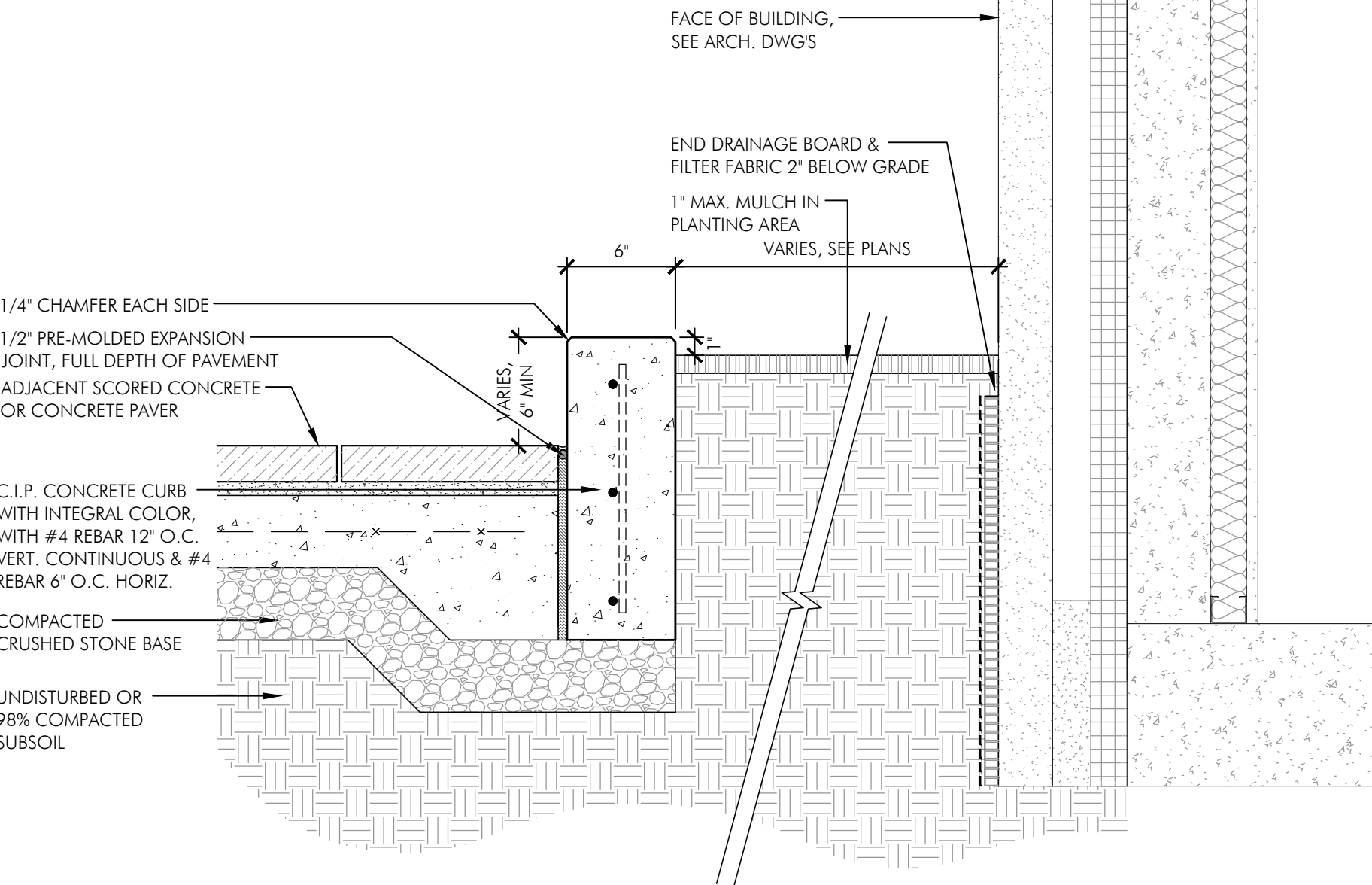
BIKE RACK MOUNTING AT CONCRETE PAVING



Model: Ride Bike Rack  
Manufacturer: Landscape Forms  
7800 E. Michigan Ave.  
Kalamazoo, MI 49048  
800.430.6209  
www.landscapelforms.com  
Type / Finish: Silver Metallic Powdercoat Rack  
Mounting: Surface Mounted  
Size: 4' x 28" x 26"

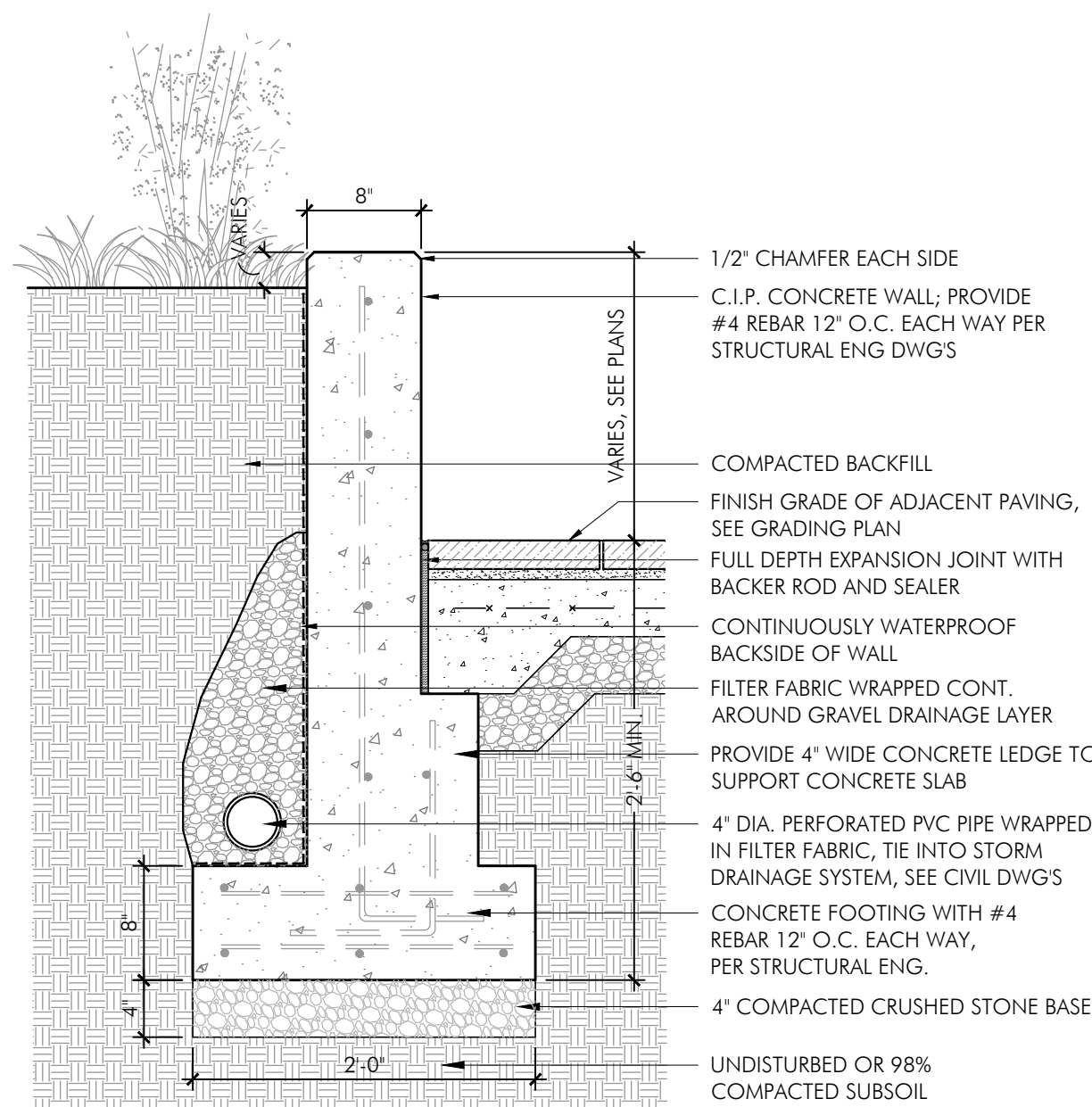
03 BIKE RACK MOUNTING, TYPICAL

SCALE: 1" = 1'-0"



04 CONCRETE LOW CURB ON GRADE

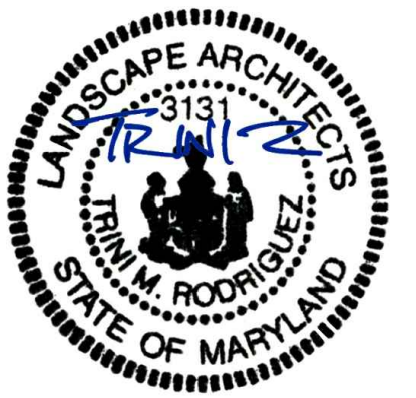
SCALE: 1" = 1'-0"



05 CONCRETE RETAINING WALL ON GRADE

SCALE: 1" = 1'-0"





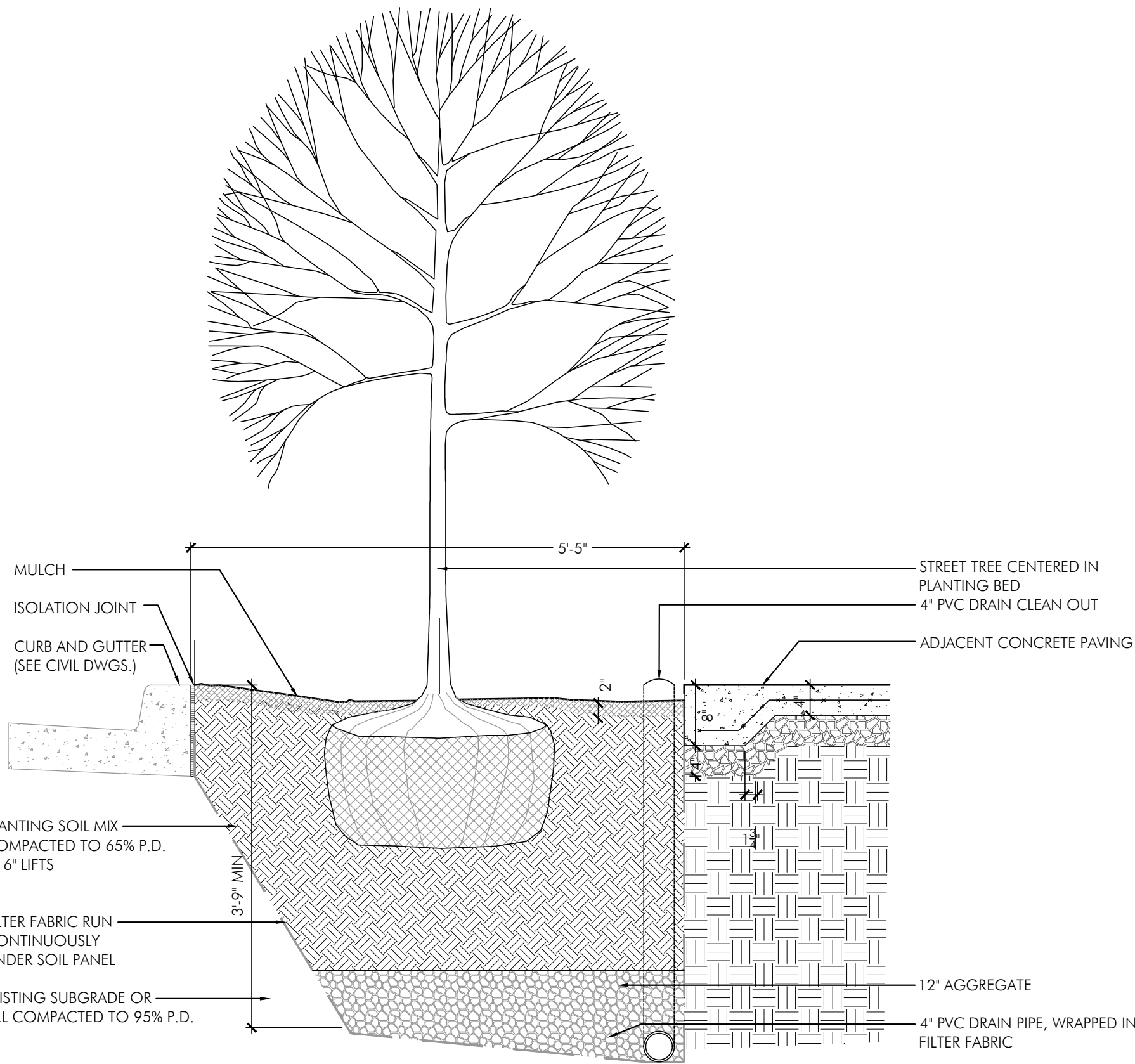
REVISIONS

DSP-21006	07.23.2021

DESIGNED BY  
CM/TR  
DRAWN BY  
SS/JB  
CHECKED BY  
TR

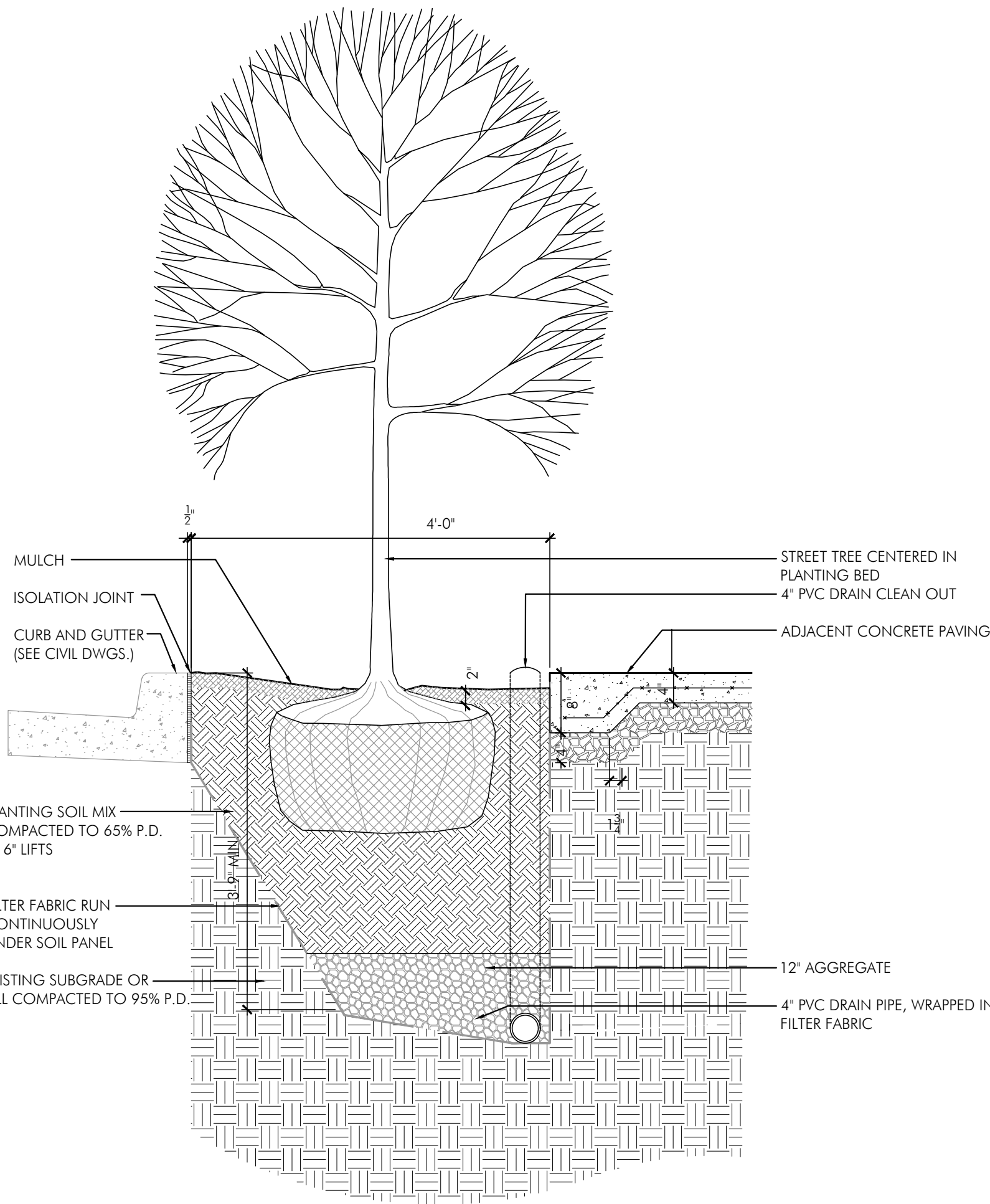
HARDSCAPE  
DETAILS

L0.22



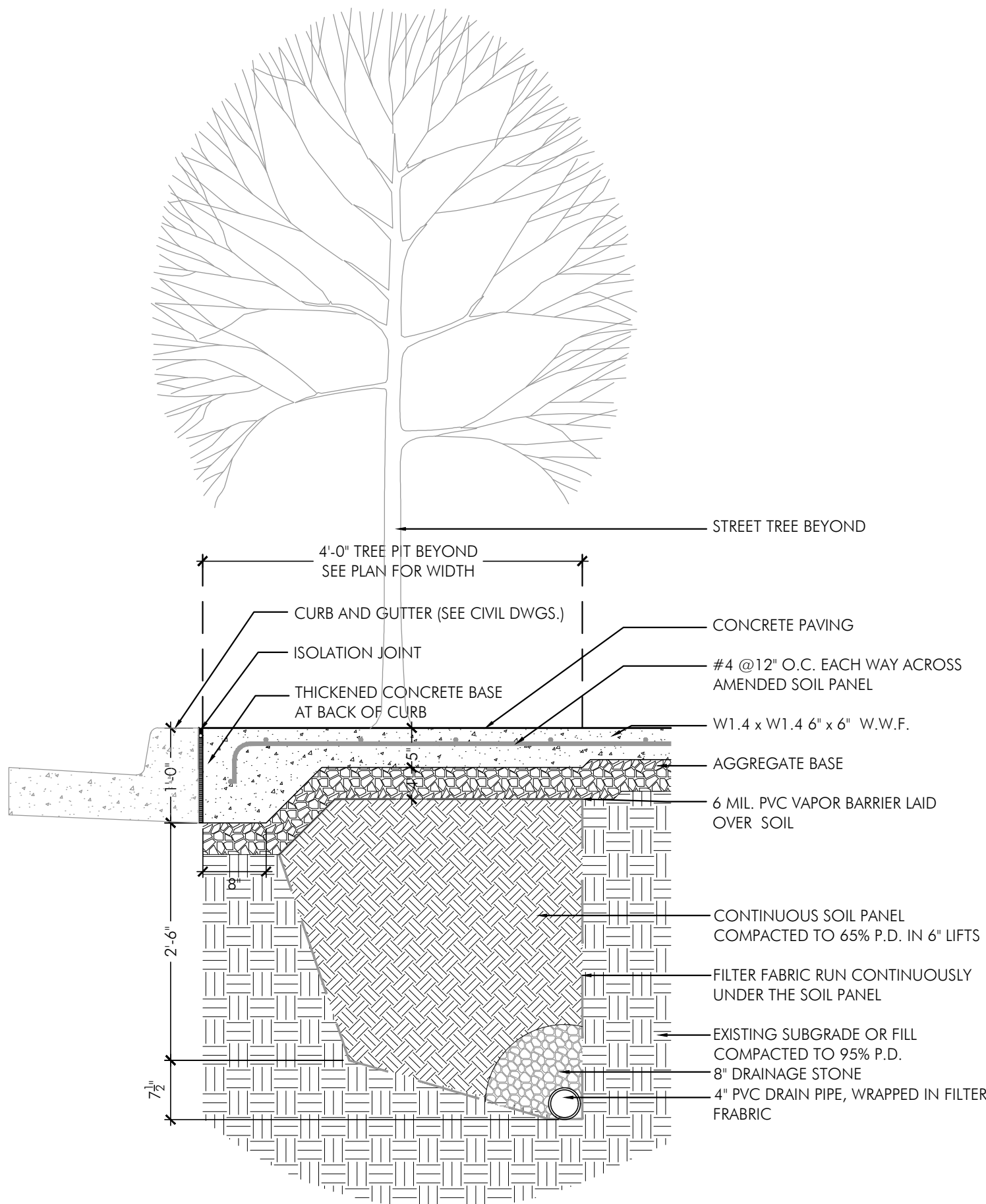
01 EAST-WEST HIGHWAY TREE PIT SECTION

SCALE: 3/4" = 1'-0"



02 AMERICA BLVD TREE PIT SECTION

SCALE: 3/4" = 1'-0"

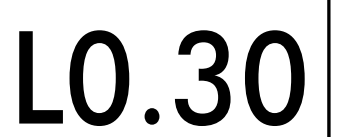


03 AMERICA BLVD SECTION AT SOIL PANEL

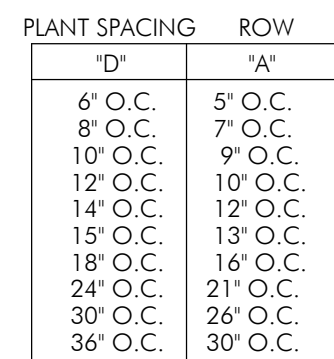
SCALE: 3/4" = 1'-0"



**CIVIL ENGINEER**  
Bohler Engineering  
16701 Melford Boulevard, Suite 310  
Bowie MD 20715  
301.809.4500



SCALE: 1/2" = 1'-0"





1. The Landscape Contractor is to submit proof of qualifications for review by the Owner's Representative with the bid. The Landscape Contractor's qualifications must include a reference list of at least 5 landscape installations using plant material of a similar size, quantity, and magnitude of work to the current project. Project references are to be provided with the dollar amount of the project date of completion, and phone numbers of contacts at each location.

3. Plant material shall be nursery stock grown in Maryland, Delaware, New Jersey, Ohio, Pennsylvania, Virginia or West Virginia for at least two years prior to digging.

5. Inspection of Planting Beds - the Landscape Contractor shall inspect planting areas before topsoiling or planting are begun to ensure that adequate drainage exists. If areas to be landscaped show evidence of poor drainage, the Landscape Contractor shall notify the Owner's Representative immediately for corrective action. Plant material that dies due to poor or inadequate drainage shall be the responsibility of the Landscape Contractor. The Owner's Representative reserves the right to make changes or substitutions in plant type or quantities for the purposes of insuring proper plant growth. Landscape Contractor may not make any substitutions without approval from the Owner's Representative.

8. All planting shall be performed by personnel familiar with planting procedure and under the supervision of a qualified planting foreman.

10. Proposed and relocated plant material shall be guaranteed for one (1) calendar year from date of acceptance by Owner's Representative.

12. All topsoil shall be tested by a recognized laboratory for pH and soluble salts. A pH of 4.5 to 7.5 is required. Soluble salts shall not be higher than 500 parts per million.

14. Water all plants immediately after planting sufficient to thoroughly moisten all of the backfilled earth. Plants shall be kept in a moistened but not saturated condition for the duration of the guarantee period by the Landscape Contractor. Where water is not available on site, the Landscape Contractor shall furnish sufficient quantities to complete the work at no cost to the Owner's Representative.

16. The Landscape Contractor shall maintain plantings prior to the beginning of the guarantee period by watering, fertilizing, disease control, pruning, weeding, and replacement of dead, stolen, or unacceptable materials, etc., so as to keep the completed work and/or incomplete work in clean and neat condition at all times.

18. After review, the Landscape Contractor will be notified of the date that the work has been approved for beginning the guarantee period or, if there are any deficiencies, a list of work items to be corrected prior to the beginning of the guarantee period.

20. Within the guarantee period, the Landscape Contractor will notify the Owner's Representative of any maintenance practices being followed or omitted which would be detrimental to the health of the plants.

**Schedule 4.7-1**  
**Buffering Incompatible Uses Requirements**

1) General Plan designation:	X Developed Tier, Corridor Node or Center _____Developing or Rural Tier	
2) Use of proposed development	_____ MEDIUM	
3) Impact of proposed development:	_____ MEDIUM	
4) Use of adjoining development:	_____ MEDIUM	
5) Impact of adjoining development	_____ MEDIUM	
6) Minimum required bufferyard (A, B, C, D or E):	_____ BUFFER NOT REQUIRED	
7) Minimum required building setback:	_____ feet	
8) Building setback provided:	_____ feet	
9) Minimum required width of landscape yard:	_____ feet	
10) Width of landscape yard provided:	_____ feet	
(The required setback and landscape yard may be reduced by fifty percent (50%) in the Developed Tier, Corridor Node or Center when a six (5) foot high fence or wall is provided.)		
11) Linear feet of buffer strip required along property line and right-of-way:	_____ linear	
12) Percentage or required bufferyard occupied by existing trees:	_____ %	
13) Is a six (6) foot high fence or wall included in bufferyard?	_____ yes _____ no	
(The required plant material may be reduced by fifty percent (50%) when a six (6) foot high fence or wall is provided.)		
14) Total number of plant units required in buffer strip:	_____ p.u.	
15) Total number of plant units provided:	shade trees _____ x 10 p.u. = _____ p.u. evergreen trees _____ x 5 p.u. = _____ p.u. ornamental trees _____ x 5 p.u. = _____ p.u. shrubs _____ x 1 p.u. = _____ p.u.	

**Schedule 4.9-1**  
**Sustainable Landscaping Requirements**

1) Percentage of native plant material required in each category:

Shade Trees:  $\frac{\text{total } 32 \times 50\% = 16}{\text{total number provided } 20} = 63\%$  native

Ornamental Trees:  $\frac{\text{total } 14 \times 50\% = 7}{\text{total number required } 10} = 71\%$  native

Evergreen Trees:  $\frac{\text{total } 10 \times 30\% = 3}{\text{total number provided } 6} = 60\%$  native

Shrubs:  $\frac{\text{total } 450 \times 30\% = 135}{\text{total number provided } 200} = 44\%$  native

2) Are invasive species proposed? \_\_\_\_\_ yes X no

Are existing invasive species on-site in areas that are to remain undisturbed? \_\_\_\_\_ yes X no

4) If "yes" is checked in numbers 2 or 3, is a note included on the plan requiring removal of invasive species prior to certification in accordance with Section 1.5, Certification of Installation of Plant Materials? \_\_\_\_\_ yes \_\_\_\_\_ no

5) Are trees proposed to be planted on slopes greater than 3:1? \_\_\_\_\_ yes X no

## University Town Center Parcel N - Ground Level

[illegible]





# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-62-FY22

9/20/2021

10.b)

---

Submitted by: At the Request of the City Administrator  
Submitting Department: Community & Economic Development  
Agenda Section: Action

**Item Title:**

**Mall at Prince George's Self-Storage Project (DSP-99044-20)**

**Suggested Action:**

I move the City Council approve a letter in support of Mall at Prince George's Self-Storage Project, DSP-99044-20, an amendment to the Table of Uses to allow the adaptive reuse of unleaseable retail space in the basement of the MPG.

**Summary Background:**

The subject property consists of 51.03 acres and is improved with 1,129,017 square feet of commercial retail space known as the Mall at Prince George's (MPG), a regional shopping center.

The site, located at 3500 East West Highway, is zoned Mixed Use-Infill (M-U-I)/Transit District Overlay (T-D-O) allowing for residential, commercial, or mixed development. The subject property is located within the "Downtown Core" character area of the Prince George's Plaza TDDP, the Transit District's central activity.

The applicant, PSG East West Storage, LLC, is proposing an amendment to the 2016 Prince George's Plaza Transit District Development Plan (TDDP) Table of Uses to allow consolidated storage units within the basement of the Mall at Prince George's (MPG).

**Next Steps:**

No additional action is required.

**Fiscal Impact:**

N/A

**City Administrator Comments:**

Recommend Approval. Though a more pedestrian-focused use for the proposed space would be ideal, it is subgrade lacking visibility for activation. As a result, the site has few compatible uses which makes it difficult to secure a substantial tenant.

Storage operations are not permitted in TDO/MUI zones as it is typically an auto-centric use. This is true in the case of the TDO/MUI zones within the Prince George's Plaza Transit District Development Plan (TDDP). For storage operations, the Table of Uses references CB-002-2016. The bill is attached for reference.

Though the specifics of the site make it undesirable to tenants, a storage facility minimizes the potential negative impacts on the area. The facility will not take up valuable frontage for more pedestrian-friendly uses. In addition, it will have very little visual impact on the area and does not require any additional exterior surface parking spaces.

This project is retrofitting an already existing, vacant space which has less of an impact on the surrounding area than pursuing new construction. This adaptive reuse aligns with the TDDP's Policy EP3 which calls for supporting adaptive conversion of existing retail establishments to alternative uses.

**Community Engagement:**

On May 18, 2021, the applicant presented this project to the Planning Committee for their review. Meeting minutes are attached for reference.

Generally, the Committee agreed that the self-storage facility is not the highest best use for the space but is not wholly inconsistent with the character area and an appropriate use for currently vacant subgrade space.

The Committee recognized that the Mall reorganizes and will continue to change over time. Though they stated that self-service storage may be an appropriate use for the space, there are still concerns regarding security and unwanted traffic flow.

As the space is currently empty and unused, the Committee agreed that adaptive reuse is better than no use, as long as it is not completely incongruous to the area. Especially with the current state of retail and its effects on malls, the proposed use could be a unique opportunity to make vacant space useful.

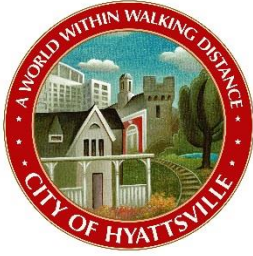
The Planning Committee recommends the City Council approve the amendment to the Table of Use to allow the adaptive reuse of unleaseable retail space in the basement of the MPG. This recommendation was passed unanimously.

**Strategic Goals:**

Goal 2 - Ensure the Long-Term Economic Viability of the City

**Legal Review Required?**

N/A



# Memo

To: Mayor and City Council

CC: Tracey Nicholson, City Administrator

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development  
Kate Powers, City Planner

Date: August 26, 2021

Re: Mall at Prince George's Self-Storage Project (DSP-99044-20), Discussion & Action Memo

Attachments: CIV-DSP	Planning Committee Meeting Minutes – May 17
Statement of Justification	TDDP Excerpts

---

The purpose of this memorandum is to provide the City Council with Staff recommendations regarding the Mall at Prince George's Self-Storage Facility Detailed Site Plan.

## Project Summary

- The applicant, PSG East West Storage, LLC, is proposing an amendment to the 2016 Prince George's Plaza Transit District Development Plan (TDDP) Table of Uses to allow consolidated storage units within the basement of the Mall at Prince George's (MPG).
- The property is located at 3500 East West Highway and zoned M-U-I/T-D-O Zone within the "Downtown Core" character area of the Prince George's Plaza Transit District Development Plan (TDDP).

## Site Description

The subject property consists of 51.03 acres and is improved with 1,129,017 square feet of commercial retail space known as the Mall at Prince George's (MPG), a regional shopping center.

The site, located at 3500 East West Highway, is zoned Mixed Use-Infill (M-U-I)/Transit District Overlay (T-D-O) allowing for residential, commercial, or mixed development. Additionally, the subject property resides within the "Downtown Core" character area of the Prince George's Plaza TDDP, the Transit District's central activity.

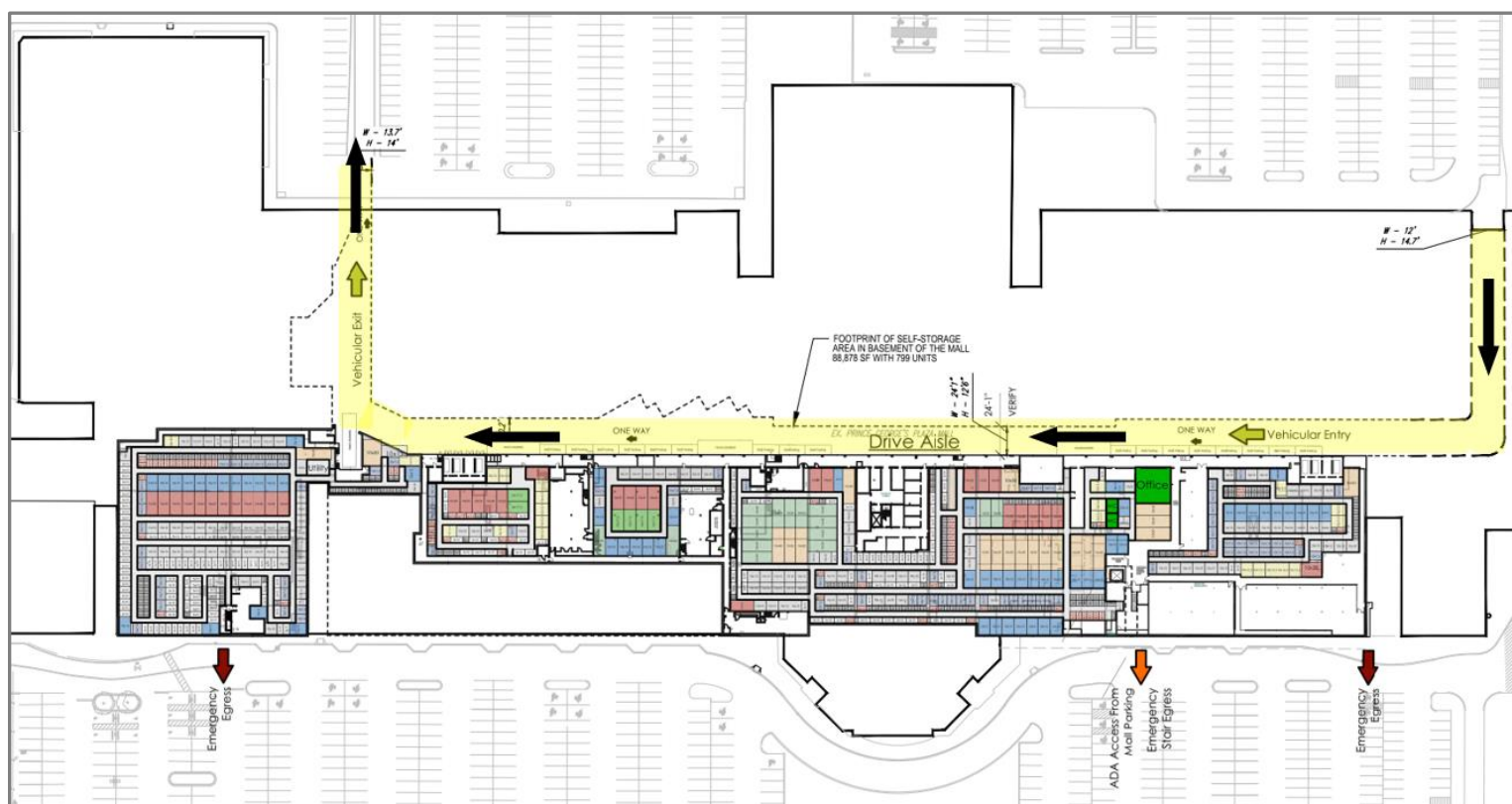
MPG is bound by roadways to the south and east – East West Highway and Belcrest Road. Multifamily dwellings reside to the north of the site and commercial office space to the west.

### Project Summary

The 2016 Prince George's Plaza TDDP does not permit consolidated storage within the M-U-I/T-D-O zone. The Prince George's County Zoning Ordinance allows otherwise prohibited uses through an approved amendment to the TDDP's Table of Uses. The purpose of the applicant's detailed site plan (DSP-99044-20) is to permit consolidated storage units within the basement of the Mall at Prince George's (MPG), and at no other location within the Transit District.

Approval of DSP-99044-20 would permit the conversion of existing subterranean storage space (existing basement area) of the Mall at Prince George's into approximately 807 consolidated storage units of varying dimensions over 88,878 square feet. The entirety of the development would be located within the basement of MPG, including seventeen (17) parking spaces and four (4) loading spaces.

An image of the proposed facility can be seen below. The one-way vehicle aisle is highlighted in yellow with egress direction denoted with arrows.



Vehicular access to the site will be available via existing loading ramps along the north side of the mall. Circulation through the facility will be one-way only with vehicles entering via an existing ramp located on the eastern side of the mall (near Target) and exiting via an existing ramp along the western side of the mall (near JCPenney). Gates will control vehicular access to the storage facility and commercial delivery



areas. Gates will be open from 7:00 am to 8:00 pm in the summer, and 7:00 am to 6:00 pm during the winter. Pedestrian access to the units will be available via a stairwell behind an existing storefront. Access to the storage area will be controlled via keypad.

Signage will be included at two locations:

1. Above the access ramp along the northern façade of the building denoting vehicular access
2. Above the storefront entrance denoting pedestrian access

Images of this proposed signage can be seen below.



### **Projected Traffic Generation**

For comparison, the consolidated storage facility constructed about three years ago by the applicant at 7618 Marlboro Pike in District Heights has approximately 110,050 square feet of gross floor area and consisted of approximately 900 units. A facility this size generates 11 AM peak hour trips and 19 PM peak hour trips.

The Mall at Prince George's (MPG) consolidated storage facility is approximately 20% smaller in size with 88,878 square feet of gross floor area and with about 10% fewer units for a total of 807 storage units.

Based on these numbers, one would expect similar, if not less, traffic generation at the MPG facility. The applicant is anticipating the average number of vehicles visiting the site daily to be between 20 and 30.

### **Planning Committee Review**

On May 18, 2021, the applicant presented this project to the Planning Committee for their review. Meeting minutes are attached for reference.

Generally, the Committee agreed that the self-storage facility is not the highest best use for the space but is not wholly inconsistent with the character area and an appropriate use for currently vacant subgrade space.

The Committee recognized that the Mall reorganizes and will continue to change over time. Though they stated that self-service storage may be an appropriate use for the space, there are still concerns regarding security and unwanted traffic flow.

As the space is currently empty and unused, the Committee agreed that adaptive reuse is better than no use, as long as it is not completely incongruous to the area. Especially with the current state of retail and its effects on malls, the proposed use could be a unique opportunity to make vacant space useful.

The Planning Committee recommends the City Council approve the amendment to the Table of Use to allow the adaptive reuse of unleaseable retail space in the basement of the MPG. This recommendation was passed unanimously.

### **Staff Comments**

Storage operations are not permitted in TDO/MUI zones as it is typically an auto-centric use. This is true in the case of the TDO/MUI zones within the Prince George's Plaza Transit District Development Plan (TDDP). A relevant excerpt from the TDDP's Table of Uses can be seen on the following page (TDDP, p. 290).

**Table 47. Table of Permitted Uses: Transit District Overlay/Mixed-Use Infill (T-D-O/M-U-I) Zone**

USE	ZONE	
	M-U-I	T-D-O/M-U-I
<b>(8) Transportation/Parking/Communications/Utilities:</b>		
Airport, airpark, airfield, airstrip, heliport, helistop	SE	P <sup>9</sup>
Antennas and related equipment buildings and enclosures, other than satellite dish antennas, in accordance with Section 27-464.03 (CB-65-2000)	P	P
Broadcasting studio (without tower)	P	P
Bus station or terminal	SE	P
Monopoles and related equipment buildings and enclosures, in accordance with Section 27-464.03 (CB-65-2000)	P	P
Moving and Storage Operation (CB-2-2016)	X	X
Parking garage, commercial	P	P

For storage operations, the Table of Uses references CB-002-2016. This bill is attached for reference.

Though a more pedestrian-focused use for the proposed space would be ideal, this specific site has few compatible uses and therefore difficulties securing a substantial tenant. As a subgrade space, it lacks visibility and activation.

Though the specifics of the site make it undesirable to tenants, it also minimizes potential negative impacts on the area. The facility will not take up valuable frontage for more pedestrian-friendly uses. The facility will have very little visual impacts on the area and does not require any additional exterior surface parking spaces.

This project is retrofitting an already existing, vacant space which has less of an impact on the surrounding area than pursuing new construction. This adaptive reuse aligns with the TDDP's Policy EP3 which calls for supporting adaptive conversion of existing retail establishments to alternative uses (TDDP, p. 78). See excerpt below.

**POLICY EP3** Promote and strengthen existing and start-up service business and retail establishments while supporting, where desired, their adaptive conversion to alternative uses in response to changing market opportunities.

Though storage use is not permitted in this zone, the unique circumstance of the site minimizes potential negative impacts to the area. With the self-service storage area being subgrade, the desired character and function of the area can be maintained while providing a needed service to residents and businesses.

Approval of this DSP will permit a viable use in a currently vacant space which will support the continued health of the Transit District's main retail draw (TDDP, p. 35).

### Next Steps

On September 20, the City Council will discuss and take action on this project. The Prince George's Planning Board hearing for this application has been scheduled for October 14.





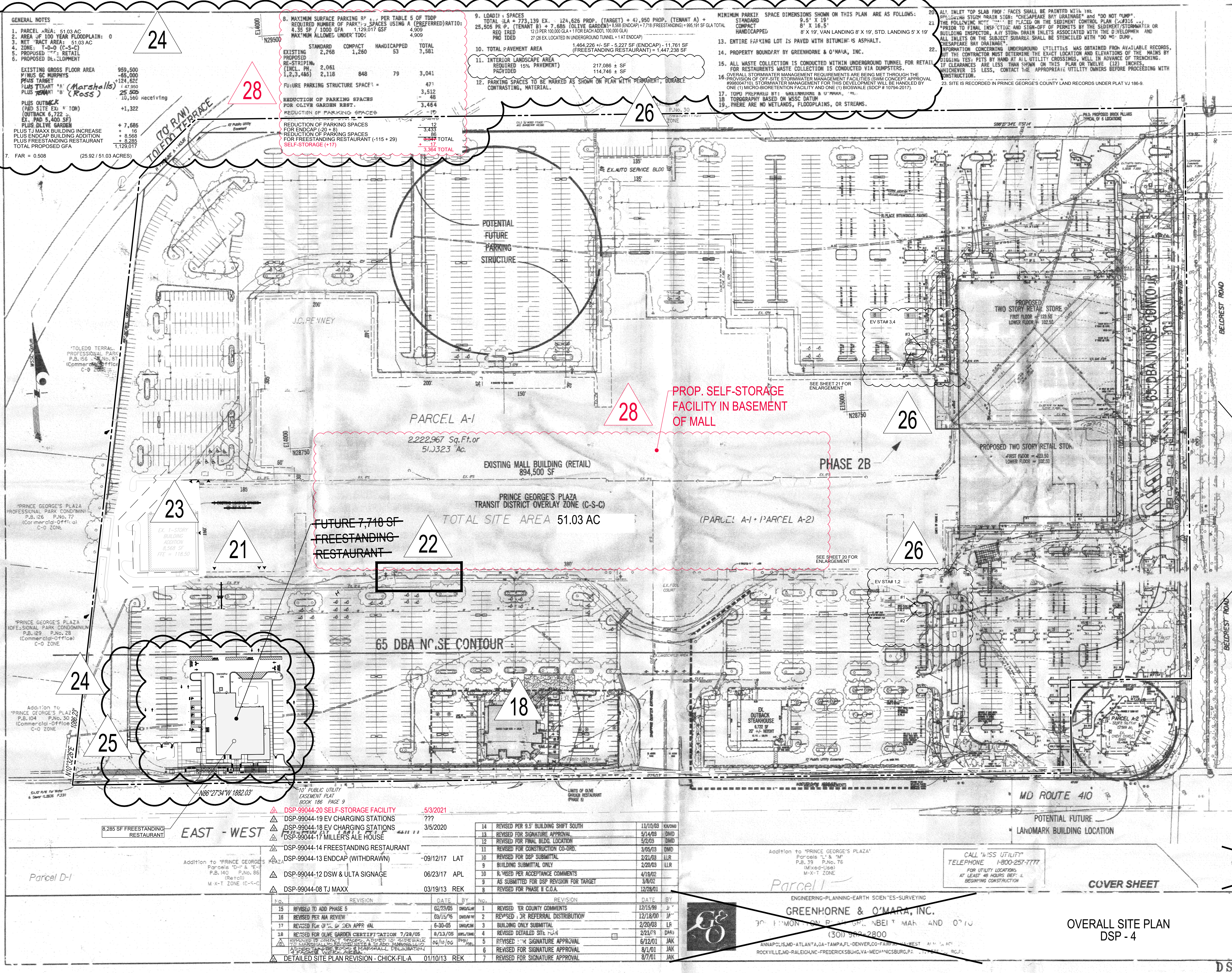












N. B. SPEACH

PROFESSIONAL ENGINEER  
MARYLAND LICENSE No. 40263  
PROFESSIONAL CERTIFICATION  
I, JAS. B. SPEACH, HEREBY CERTIFY THAT THESE  
PLANS WERE PREPARED OR APPROVED BY ME, AND  
I AM A FULLY LICENSED PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE STATE OF MARYLAND,  
LICENSE NO. 40263, EXPIRATION DATE: 6/14/23

BOHLER//

**6701 MELFORD BLVD , SUITE 310  
BOWIE, MARYLAND 20715**  
Phone: (301) 809-4500  
Fax: (301) 809-4501  
***MD@BohlerEng.com***

24  
ONLY

M. K. JONES

**PROFESSIONAL ENGINEER**  
MARYLAND LICENSE NO. 39999  
**PROFESSIONAL CERTIFICATION**  
I, MATTHEW K. JONES, HEREBY CERTIFY THAT  
THESE DOCUMENTS WERE PREPARED OR  
APPROVED BY ME, AND THAT I AM A DULY  
LICENSED PROFESSIONAL ENGINEER UNDER THE  
LAWS OF THE STATE OF MARYLAND.  
LICENSE NO. 39999, EXPIRATION DATE: 3/15/2019


**BOHLER**  
ENGINEERING

**16701 MELFORD BLVD , SUITE 310**  
**BOWIE, MARYLAND 20715**  
 Phone: (301) 809-4500  
 Fax: (301) 809-4501  
**[www.BohlerEngineering.com](http://www.BohlerEngineering.com)**

NICHOLAS B. SPEACH

**PROFESSIONAL ENGINEER**  
MARYLAND LICENSE NO. 40263  
**PROFESSIONAL CERTIFICATION**  
I, NICHOLAS B. SPEACH, HEREBY CERTIFY THAT THESE  
DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND  
THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE STATE OF MARYLAND,  
LICENSE NO. 40263, EXPIRATION DATE: 6/14/2023

OVERALL SITE PLAN  
DSP - 4

DS P - 99 044 / 5





REV	DATE	COMMENT	DRAWN BY
			CHECKED BY
1	04/03/19	PER MNCPPC COMMENTS	AJH NBS



ALWAYS CALL 911

ALWAYS CALL 911

ALWAYS CALL 911

... ..

It's fast. It's free. It's the

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY  
REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION  
DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	MB2120
DRAWN BY:	A
CHECKED BY:	N
DATE:	02/18/
CAD I.D.:	S

PROJECT:

- FOR

PROPOSED  
DEVELOPMENT

3500 EAST WEST HIGHWAY RTE 410  
PRINCE GEORGE'S COUNTY,  
HYATTSVILLE, MD 20782  
17TH ELECTION DISTRICT,  
TAX MAP 41, GRID F2, PARCEL A-1



**NICHOLAS B. SPEACH**  
6/23/21  
PROFESSIONAL ENGINEER  
MARYLAND LICENSE NO. 40283  
PROFESSIONAL ENGINEER  
I, NICHOLAS B. SPEACH HEREBY CERTIFY THAT THESE  
DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND  
THAT I AM A QUALY LICENSED PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE STATE OF MARYLAND,  
LICENSE NO. 40283, EXPIRATION DATE: 6/14/2023

SHEET TITLE

## SHEET NUMBER

# DSP-5

REVISION 1 - 04/03/19

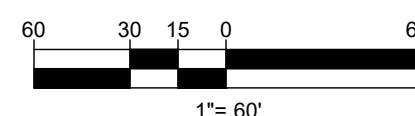


EX. PRINCE GEORGE'S PLAZA MALL

EX OLIVE GARDEN

EX.  
CHEVY CHASE  
BANK

EAST-WEST HIGHWAY MD RTE. 410  
(SRC PLAT NOS. 13528 & 13529)  
120' RIGHT OF WAY  
ASPHALT PAVED PUBLIC ROADWAY  
POSTED SPEED LIMIT 40 MPH



GENERAL NOTE:

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN ACCORDANCE WITH THE SPECIFICATIONS AND APPLICABLE CODES.



REVISIONS

REV	DATE	COMMENT	DRAWN BY
1	04/03/19	PER MNCPPC COMMENTS	AJH NBS



Know what's below.  
Call before you dig.

ALWAYS CALL 811

It's fast. It's free. It's the law.

NOT APPROVED FOR CONSTRUCTION

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: MB212044  
DRAWN BY: AJH  
DATE: 02/18/19  
CAD ID: SSO

PROJECT:

DETAILED SITE PLAN

FOR

POVERNI SHEIKH GROUP, LLC

PROPOSED DEVELOPMENT

3500 EAST WEST HIGHWAY RTE 410,  
PRINCE GEORGE'S COUNTY,  
HYATTSVILLE, MD 20782  
17TH ELECTION DISTRICT,  
TAX MAP 41, GRID F2, PARCEL A-1

**BOHLER**

16701 MELFORD BLVD., SUITE 310  
BOWIE, MARYLAND 20715  
Phone: (301) 809-4500  
Fax: (301) 809-4501  
MD@BohlerEng.com

NICHOLAS B. SPEACH  
PROFESSIONAL ENGINEER  
JANUARY 1, 2017  
PROFESSIONAL CERTIFICATION  
NICHOLAS B. SPEACH HEREBY CERTIFIES THAT THESE  
DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND  
THAT I AM A LICENSED PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE STATE OF MARYLAND.  
LICENSE NO. 40588, EXPIRATION DATE: 6/14/2023

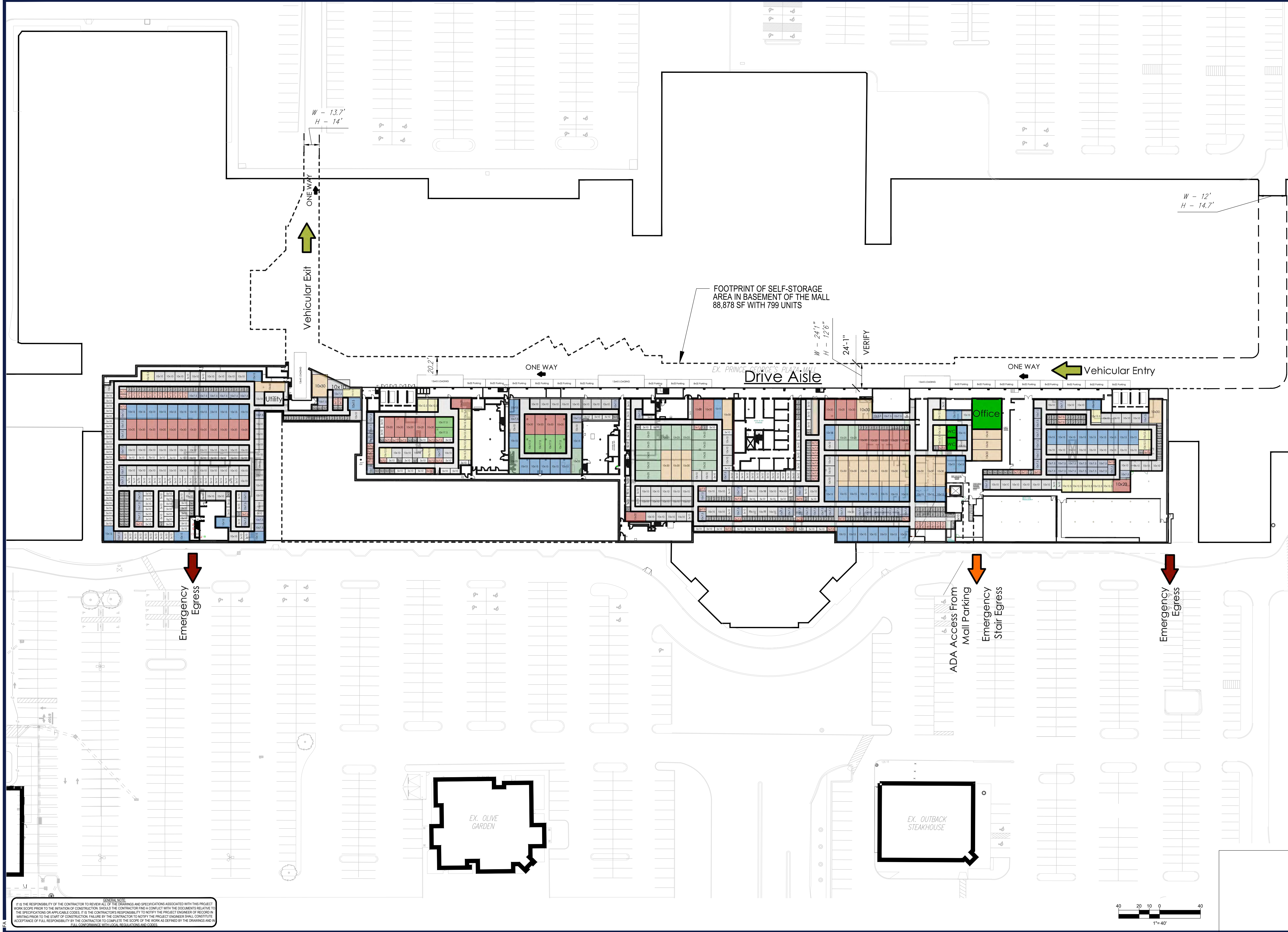
SHEET TITLE:

SITE PLAN

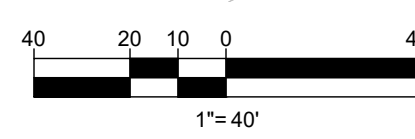
SHEET NUMBER:

DSP-6

REVISION 1 - 04/03/19



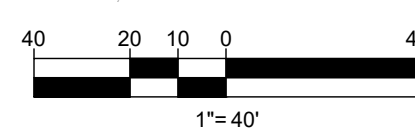
GENERAL NOTE  
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT.  
WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE  
TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN  
WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE  
ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND ALL  
FULL COMPLIANCE WITH LOCAL REGULATIONS AND CODES.











**GENERAL NOTE**  
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND FULL CONFORMANCE WITH ALL REGULATIONS AND CODES.



IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND ALL BUILDING CODES, REGULATIONS, ORDINANCES AND LAWS.

# The Mall at Prince George's Self Storage

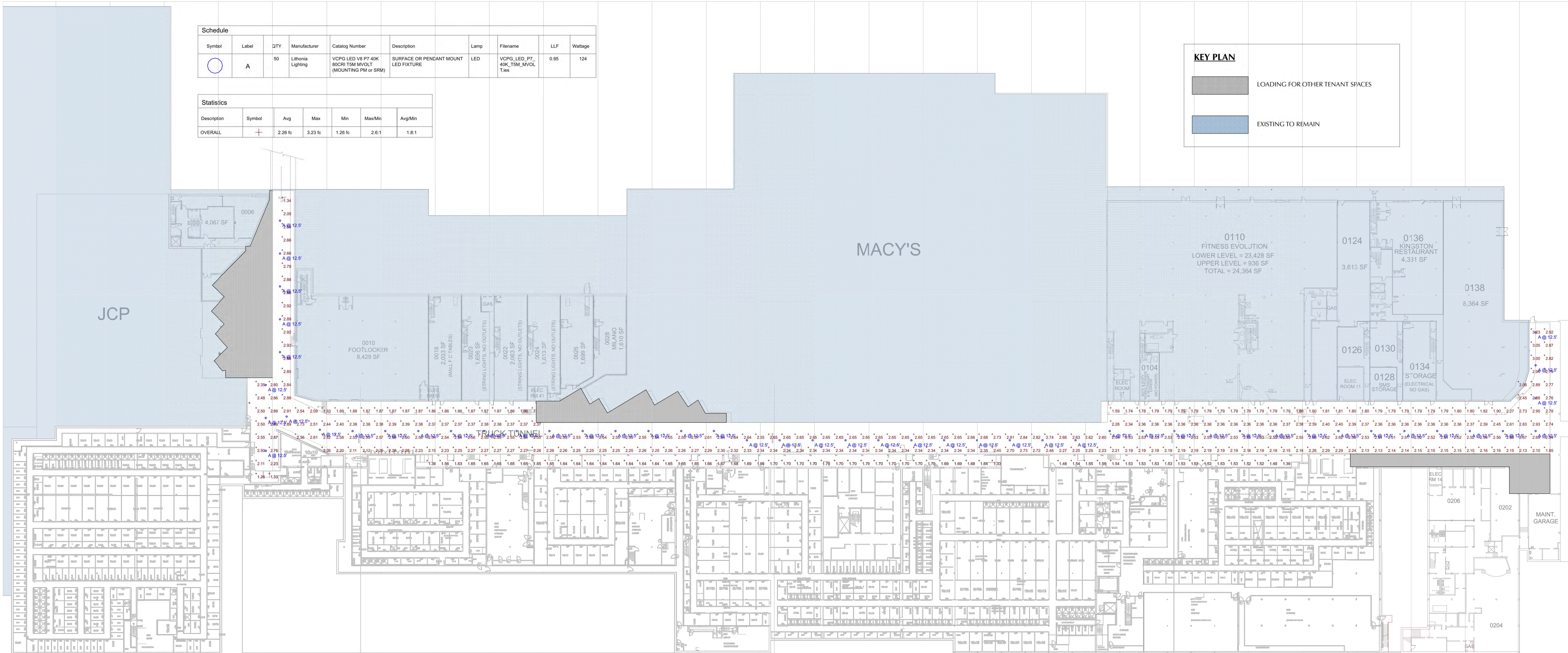
bwd architects inc.

06/09/21

PHOTOMETRIC LAYOUT

Project #: 20-063

NTS



Schedule						
Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Wattage
	A	50	Lithonia	VCPG LED V8 P7 4K/6K/8K/10K TSM MVOLT SIM DNAXD	VCPG LED V8 P7 4K/6K/8K/10K TSM MVOLT SIM DNAXD	124

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
OVERALL		2.28 ft	3.23 ft	1.28 ft	2.6:1	1.8:1



## REVISIONS

REV	DATE	COMMENT	CHECKED BY	DRAWN BY
1	04/03/19	PER MCHPCP COMMENTS	AJH	NBS



ALWAYS CALL 811  
It's fast. It's free. It's the law.

## NOT APPROVED FOR CONSTRUCTION

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: MB212044  
DRAWN BY: AJH  
CHECKED BY: NBS  
DATE: 02/18/19  
CAD I.D.: SD0

## DETAILED SITE PLAN

FOR

POVERNI SHEIKH GROUP, LLC

PROPOSED DEVELOPMENT

3500 EAST WEST HIGHWAY RTE 410,  
PRINCE GEORGE'S COUNTY,  
HYATTSVILLE, MD 20782  
17TH ELECTION DISTRICT,  
TAX MAP 41, GRID F2, PARCEL A-1



16701 MELFORD BLVD., SUITE 310  
BOWIE, MARYLAND 20715  
Phone: (301) 809-4500  
Fax: (301) 809-4501  
MD@BohlerEng.com



SHEET TITLE:

## LIGHTING PLAN AND DETAILS

SHEET NUMBER:

DSP-9

REVISION 1 - 04/03/19



**IN RE:** DETAILED SITE PLAN (DSP-99044-20)

**APPLICANT:** PSG East West Storage, LLC

**OWNER:** PR Prince George’s Plaza, LLC

**AGENT/CORRESPONDENT:** Lawrence N. Taub, Esquire  
Nathaniel Forman, Esquire  
O’Malley, Miles, Nylen & Gilmore, P.A.  
7850 Walker Drive, Suite 310  
Greenbelt, MD 20770

### **STATEMENT OF JUSTIFICATION**

<b>I.</b>	<b>REQUEST .....</b>	<b>1</b>
<b>II.</b>	<b>THE PROPERTY .....</b>	<b>2</b>
<b>III.</b>	<b>AMENDMENT TO THE TABLE OF USES .....</b>	<b>3</b>
<b>IV.</b>	<b>CONFORMANCE TO SUBMITTAL REQUIREMENTS .....</b>	<b>3</b>
<b>V.</b>	<b>CONFORMANCE TO THE ZONING ORDINANCE .....</b>	<b>5</b>
	A. Conformance to Section 27-548.09.01: .....	5
	B. Conformance to Section 27-281(b):.....	7
	C. Conformance to Section 27-546.15: .....	7
	D. Conformance to Section 27-548.08(c):.....	9
<b>VI.</b>	<b>CONFORMANCE TO DEVELOPMENT DISTRICT STANDARDS .....</b>	<b>11</b>
	A. Signage-General (p. 249) .....	11
	B. Signage-Attached Signs .....	12
	C. Signage-Window Signs (p. 251) .....	12
	D. Signage-Digital Screens (p. 251) .....	12
	E. Signage-Projecting Signs (p. 252).....	12
	F. Signage-Awning Signs (p. 254) .....	12
	G. Signage-High Rise Building Identification Signs (p. 254) .....	12
	H. Signage-Monument Signs (p. 254) .....	13
	I. Signage-Single-family Detached Home and Townhome Development Identification (p. 255) .....	13
	J. Signage-Other (p. 255).....	13
	K. Signage-Other Freestanding Signs (p. 255) .....	13
	L. Parking and Loading-Intent (p. 258).....	14
	M. Parking and Loading-Surface Parking (p. 260).....	17
	N. Parking and Loading-Structured Parking (p. 261) .....	17
	O. Parking and Loading-Underground Parking (p. 263).....	17
	P. Parking and Loading-Loading (p. 263) .....	17
<b>VII.</b>	<b>CONCLUSION .....</b>	<b>18</b>

#### **I. REQUEST**

The Applicant hereby requests approval of a Detailed Site Plan (“DSP”) to amend the 2016 Prince

George's Plaza Transit District Development Plan ("TDDP") Table of Uses for the Mixed Use - Infill ("M-U-I")/Transit District Overlay ("T-D-O") Zone to allow consolidated storage units within the basement of the Mall at Prince George's, which is located at 3500 East West Highway in Hyattsville, and shown as Parcel A-1 in Plat book 186 at Plat 9 recorded among the land records of Prince George's County ("Subject Property" or "Property"). The Subject Property consists of 51.03 acres within the M-U-I/T-D-O Zone and is improved with 1,129,017 square feet of commercial retail space known as the Mall at Prince George's, which is a regional shopping center. The Subject Property is bounded by existing rights-of-way to the south and east—East West Highway (MD 410) and Belcrest Road, respectively—to the north by multifamily dwellings zoned M-U-I/T-D-O and to the west by commercial office space in the M-U-I/T-D-O Zone.

The Subject Property was retained in the M-U-I/T-D-O Zone through the 2016 Prince George's County Plaza TDDP, and within the M-U-I/T-D-O consolidated storage is not permitted. An amendment to the M-U-I/T-D-O Table of Uses to allow otherwise prohibited uses is permitted pursuant to § 27-548.09.01 of the Prince George's County Zoning Ordinance ("Zoning Ordinance"). This DSP request is solely to permit consolidated storage units within the basement of the Mall at Prince George's, and at no other location within the Transit District ("Subject DSP").

## **II. THE PROPERTY**

The Subject Property is the subject of numerous development approvals associated with an integrated shopping center known as the Mall at Prince George's, which consists of 1,129,017 square feet of various retail commercial spaces. Approval of the Subject DSP would permit the conversion of existing subterranean storage space, i.e., basement area, of the Mall at Prince George's into approximately 807 consolidated storage units of varying dimensions. With the exception of signage, the entirety of this development would be located within the existing subterranean area of the Property, including seventeen (17) parking spaces and four (4) loading spaces. It is anticipated that only users of the consolidated storage facility will use these parking and loading spaces since members of the public cannot enter the interior of the mall from this area.

Existing loading ramps along the north side of the mall will provide vehicular access to the subterranean area. Circulation entering through, and exiting the site, will be one-way only. Vehicles enter via an existing ramp located on the eastern side of the mall (near Target) and exit via an existing ramp along the western side of the mall (near JCPenney). Existing gates over the entrance and exit tunnels (See Attachments A and B) control access to the proposed consolidated storage facility, and commercial delivery areas. These gates are open from 7:00 am to 8:00 pm in the summer, and 7:00 am to 6:00 pm during the winter. Private storage users may access their units between 6:00 am and 10:00 pm, though accessing the storage units when the gates are closed will require assistance from mall security, which is available twenty-four (24) hours a day. To speak with an employee or lease a unit, users must visit when the office is open, which will be Monday through Saturday from 10:00 am to 6:00 pm.

Although private storage users will share the subterranean space with commercial delivery trucks, it is unlikely that any conflicts will occur between them due to a number of key factors. First, it is anticipated that relatively few commercial delivery trucks and private storage users will be using the drive aisle at the same time. Most commercial deliveries are made early in the morning, and

while the storage units can be accessed as early as 6:00 am, the Applicant does not believe many users will be arriving that early. Second, based on the Applicant's experience with a consolidated storage facility of this size, the facility will generate, on average, only twenty (20) to thirty (30) vehicles a day—diminishing the likelihood of any overlap between private vehicles and delivery trucks. Finally, commercial delivery trucks will continue to have designated loading spaces (Attachments C, D and E), while private passenger vehicles will have their own loading spaces as shown on the attached plan. It is unlikely that commercial delivery trucks will use private user loading spaces as the private loading spaces are inconvenient for commercial deliveries, and the commercial loading spaces are inconvenient for private storage users.

Pedestrian access to the units, and the accessory office space, will be provided via a stairwell behind a storefront that will appear similar to other retail establishments at the mall. The storefront will be located along the southern façade of the Mall, and situated among other retail commercial spaces. Unlike the other stores along this façade, access will be controlled via a key pad. Entering the store will require inputting the correct code on the key pad or requesting entry from an employee in the office who will buzz the guest in. Two building mounted signs will denote the consolidated storage units. Signage will be placed at two locations: (1) above the access ramp along the northern façade of the building, to denote vehicular access to the units; and (2) above the storefront entrance denoting pedestrian access to the consolidated storage units.

### III. AMENDMENT TO THE TABLE OF USES

The Applicant hereby requests an amendment to the 2016 Prince George's Plaza Transit District Development Plan ("TDDP") Table of Uses for the Mixed Use -Infill ("M-U-I")/Transit District Overlay ("T-D-O") Zone Table of Uses to add the following use:

"Consolidated storage within existing subterranean space of an integrated shopping center with gross floor area in excess of 1,000,000 sq. ft."

### IV. CONFORMANCE TO SUBMITTAL REQUIREMENTS

Page 195 of the Prince George's Plaza TDDP lists documents that each applicant is required to submit for detailed site plan review. Because the scope of this application is limited and only concerns the conversion of existing space (and signage), a notation has been placed next to each submittal requirement that does not apply to this request. These requirements are, as follows:

1. All information required by § 27-282, DSP Submittal Requirements.
2. The location of build-to-lines and frontage zones—**Not included**.
3. Description of the physical appearance of proposed buildings, frontage zones, plazas, and other publicly accessible open space, through the use of full-color architectural elevations of facades (seen from public areas), or through other illustrative drawings, photographs, or renderings, including details about anticipated or proposed programming or events to be hosted at public open spaces—**Not included**.

4. A photometric plan, showing exterior lighting of all buildings, parking areas, driveway, and pedestrian ways, including the heights, number, size and types of fixtures. The plan shall also show the amount of illumination (measured in foot-candles) —**Included**.
5. A graphic depiction of the location of all circulation elements, including bicycle, pedestrian, and vehicular rights-of-way, trails, sidewalks, alleys, and other paths of travel and connections within and between abutting properties, including the locations of master-planned rights-of-way and proposed improvements to existing County or state roadways, trails, or rights-of-way proposed to be constructed and/or maintained by applicant, including improvements required by an approved preliminary plan of subdivision or written agreement with County or state agencies—**Not included**.
6. The location, design, size, lighting, and all other features of signs (except signs within, and not generally visible from outside of, buildings).
7. A signed and dated justification statement listing each standard (but not guideline) in this TDDP, and how the proposed development complies with each standard. In addition, this statement shall include an explanation of instances when the proposed development cannot comply with particular standards or guidelines, and justification of any alternate standards or proposed amendments to the standards to meet the intent of the TDDP. This statement should include planning objectives to be achieved by the proposed development, a description of the character of the development and the rationale behind the assumptions and choices made by the applicant—**Included, but limited for the reasons discussed below**.
8. Any pertinent Memorandum of Understanding (MOU) between a car-sharing corporation or company and the applicant pursuant to Section 27-548.09.02—**Not included**.
9. Any pertinent MOU between a state or public agency and the applicant affecting development within the Transit District. These would include, but not be limited to, agreements with public agencies pursuant, or in addition, to this TDDP for infrastructure—**Not included**.
10. A development schedule indicating the sequence and phasing of development and the approximate dates when construction can be expected to begin and to be completed—**Not included**.
11. A vehicular and bicycle parking schedule and plan—**Truck Turning Exhibit is Included**
12. A separate statement of justification, including standard cross-sections and other pertinent graphics, for any proposed waivers or departures from DPW&Ts Specifications and Standards for Roadways and Bridges (within the curbs of County roads) or the City of Hyattsville's street design standards (within the curbs



of city streets.)—**Not included.**

13. For DSPs submitted after the creation of a Transportation Management Association pursuant to Subtitle 20A, membership agreements in the TMA, if applicable—**Not included.**

## V. CONFORMANCE TO THE ZONING ORDINANCE

### A. Conformance to Section 27-548.09.01:

This Detailed Site Plan application to revise the Table of Uses for the M-U-I/T-D-O Zone conforms to § 27-548.09.01 for the reasons discussed in greater detail below

#### (b) Property Owner

- (1) A property owner may ask the District Council to . . . change the list of allowed uses within a Transit District Overlay (“T-D-O”) . . . in the Transit District Development Plan.
- (2) The owner’s application shall include:
  - (A) A statement showing that the proposed development conforms with the purposes and recommendations for Transit District, as stated in the Transit District Development Plan; and
  - (B) A Detailed Site Plan or Conceptual Site Plan, in accordance with Part 3, Division 9.

*The Prince George’s Plaza Transit District Development Plan (“TDDP”) builds upon certain concepts and principles promulgated within Plan Prince George’s 2035 (“Plan 2035”), specifically the designation of Prince George’s Plaza Transit District as a Regional Transit District. Regional Transit Districts are described as high-profile areas where people from around the region want to live, work, visit, and shop. To meet this goal, the TDDP “establishes a policy and regulatory framework that promotes walkable, transit-oriented, mixed-use development in the Transit District. . .” and also “[r]esponds to the evolving real estate market by focusing on the form of the built environment, while facilitating a diverse range of uses.” TDDP pg. 7. Meanwhile a Land Use Goal for the Transit District is: “a mix of land uses that complement each other, help create and support an attractive and vibrant public realm, and are within convenient walking distance of each other and public transit.” TDDP pg. 70.*

*The present application requests an amendment to the Table of Uses for the M-U-I/T-D-O Zone within the TDDP to allow consolidated storage*

*units within the basement of the Mall at Prince George's that was previously reserved for storage in conjunction with mall operations—for various reasons this storage is no longer required or necessary for mall operations. This use is appropriate at this location because it repurposes underutilized space in an existing commercial shopping center, and will support the thousands of new residents expected to move to the numerous homes and multifamily units within the Transit District. In 2016, at the time of TDDP approval, 2,075 multifamily units were either constructed or approved for construction. According to research conducted by Staff on behalf of the Applicant, in 2021, the number of multifamily dwelling units either constructed or approved for construction grew to 5,310, a substantial increase, but still only approximately two-thirds of the TDDP's goal of 8,201 multifamily dwelling units at full build-out. While these storage units are not provided solely for the benefit of residents living in nearby multifamily units, many storage units will be of a size that appeals to multifamily residents looking for extra storage space. A majority of the proposed units, 54%, will be 50 sq. ft. or less in space—roughly the same size as a walk-in closet—while nearly 80% of the proposed units will be 100 sq. ft. or less. The relatively small size of these units means the units are not primarily aimed towards storing large or bulky items—items that frequently get moved into a unit, forgotten and remain there indefinitely. Instead, these units are envisioned to store golf clubs, holiday decorations, books, and clothing—seasonal or infrequently used items that may take up too much storage space in a multifamily unit, but would still be used from time to time. It is envisioned since this proposed use is within reasonable walking distance from many of the multifamily buildings in the Transit District, and given the types of items stored, at least some of the trips to these storage units will be on foot.*

*Additionally, the proposed consolidated storage units will strengthen the existing commercial uses within the Transit District without serving as competition, providing s the residents of Prince George's County with another reason to visit the Transit District, and in particular, the Mall at Prince George's. Unlike consolidated storage buildings that are typically stand-alone buildings that may or may not be located near other commercial establishments, it is envisioned that many users of these storage units will combine their visits to them with shopping or eating at the restaurants within the Transit District.*

*For all of these reasons, this request conforms to the purpose and recommendations of the Prince George's Plaza Transit District espoused within the TDDP.*

**B. Conformance to Section 27-281(b):**

The proposed development conforms to the general purposes of Detailed Site Plans pursuant to Section 27-281(b), described in more detail below:

(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 plan;
- (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.

*The Subject Property is zoned M-U-I/T-D-O and is located within the Prince George's Plaza Transit District Development Plan ("TDDP"). This is a request to amend the Table of Uses for the M-U-I/T-D-O Zone to permit consolidated storage units within the basement of the Mall at Prince George's. This request supports the purposes of the M-U-I Zone, and provides for the orderly development in accordance with the Prince George's Plaza TDDP and Plan Prince George's 2035 General Plan ("Plan 2035"). Within the TDDP, the Subject Property is located in the "Downtown Core" Character Area, which is an area envisioned as the "central activity hub, with a mix of residential, retail, and office development framing lively walkable streets." Plan 2035 designates the Subject Property as a Regional Transit District—strategic areas within the County that Plan 2035 recommends as the locations for future employment and residential growth. Furthermore, Plan 2035 also denotes Prince George's Plaza as one of the three locations classified as "Downtown Prince George's," an area that is "strategically targeted" for the expansion of the County's commercial tax base. This development application conforms to the vision and goals espoused by the TDDP and Plan 2035 by repurposing underutilized space into a productive commercial use that will provide additional storage for the numerous residential units in the Transit District that have been approved (along with additional residential units in the Transit District that are likely to be approved in the future), while strengthening the existing commercial uses within the Mall at Prince George's.*

**C. Conformance to Section 27-546.15:**

The proposed development conforms to the purposes of the Mixed-Use Infill Zone pursuant to Section 27-546.15, described below:

- (b) The general purpose of the M-U-I Zone is to permit, where recommended in applicable plans or requested by a municipality or the Prince George's County Redevelopment Authority, a mix of residential and commercial uses as infill development in areas which are already substantially developed. The M-U-I Zone may be approved on properties which adjoin developed properties or otherwise meet plan recommendations and which have overlay zone regulations requiring site plan review, or on property owned by a municipality or the Prince George's County Redevelopment Authority, which requests the zone.

*The Subject Property was rezoned from the C-S-C Zone to the M-U-I Zone in 2016 through the Prince George's Plaza Transit District Development Plan ("TDDP"). The subject application requests an amendment to the Table of Uses for the M-U-I/T-D-O Zone to permit consolidated storage units within existing subterranean space beneath the Mall at Prince George's. This conforms to the general purposes of the M-U-I Zone, which is to encourage creative and unique infill development in established areas.*

- (b) The specific purposes of the M-U-I Zone are:
  - (1) To implement recommendations in approved Master Plans, Sector Plans, or other applicable plans by encouraging residential or commercial infill development in areas where most properties are already developed;
  - (2) To simplify review procedures for residential, commercial, and mixed residential and commercial development in established communities;
  - (3) To encourage innovation in the planning and design of infill development;
  - (4) To allow flexibility in the process of reviewing infill development;
  - (5) To promote smart growth principles by encouraging efficient use of land and public facilities and services;
  - (6) To create community environments enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses; and;
  - (7) To permit redevelopment, particularly in areas requiring revitalization, of property owned by a municipality or the Prince George's County Redevelopment Authority.

*This request conforms not only to the purposes of the M-U-I Zone in general, but also to the reasons for rezoning of the Subject Property to the M-U-I Zone in 2016 through the Prince George's Plaza Transit District Development Plan ("TDDP"). The M-U-I Zone was recommended for the*



*Subject Property to foster increased intensity of development within the Downtown Core of the Transit District given that many of the properties being rezoned were described as “considerably underdeveloped”. The Subject Property requests an amendment to the Table of Uses for the M-U-I/T-D-O Zone to permit consolidated storage units within existing subterranean space beneath the Mall at Prince George’s. This is a unique and creative approach to infill development in harmony with the surrounding commercial uses without disrupting the potential future development or redevelopment of the Mall at Prince George’s. It also advances the above-described specific purposes of the M-U-I zone: “(3) To encourage innovation in the planning and design of infill development;” “(5) To promote smart growth principles by encouraging efficient use of land and public facilities and services;” and “(6) To create community environments enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;”*

**D. Conformance to Section 27-548.08(c):**

The proposed development is in conformance with Section 27-548.08(c), which establishes the findings required for Planning Board approval of a Detailed Site Plan within the Transit District Overlay (T-D-O) Zone, the application’s conformance thereto is described below:

- (1) In addition to the findings required by Section 27-276(b) for approval of a Conceptual Site Plan in the T-D-O Zone, the Planning Board shall find that the Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan.

*This detailed site plan request is being filed to amend the M-U-I/T-D-O Table of Uses for the Prince George’s Plaza Transit District Development Plan (“TDDP”) to allow the conversion of underutilized, subterranean storage space to consolidated storage. This will require no physical change to the exterior of the structures upon the Subject Property; the only noticeable addition to the Property being the installation of signage related to the use. For this reason, many of the development standards are inapplicable. Nevertheless, this development proposal is consistent with the standards promulgated in the TDDP. Wherever a standard or development is inconsistent with this request, a modification to amend the standard or guideline has been included in accordance with § 27-548.09.01 of the Zoning Ordinance.*

- (2) 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;

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

*Except where modification to a specific standard has been requested, this request otherwise conforms to all pertinent standards promulgated in the Prince George's Plaza TDDP.*

- (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;

*Except where modification to a specific standard has been requested, this request otherwise conforms to all applicable guidelines and criteria promulgated in the Prince George's Plaza TDDP that apply to this development.*

- (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;

*No modification or change to the existing structures at the Mall at Prince George's is proposed. Vehicular circulation to the site will utilize existing drive aisles, and circulation through the subterranean space will be via a one-way drive aisle to minimize conflict points and maximize safety. On-site parking is provided within the subterranean space, and existing surface parking at the Mall at Prince George's will also be available for use by future users. Pedestrians can access the storage units via a stairwell behind a proposed storefront entrance.*

- (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

*The proposed consolidated storage units are compatible with the existing commercial uses in and around the Mall at Prince George's. The Prince George's Plaza TDDP envisions, at full buildout, the addition of 8,201 multifamily dwelling units among a mixture of high- and medium-rise residential buildings. Given the storage limitations of multifamily dwelling units, additional storage in close proximity to these units will provide an important amenity, and even an incentive, to residents looking to relocate*

*to these existing and future units.*

- (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.

*This standard does not apply.*

## **VI. CONFORMANCE TO DEVELOPMENT DISTRICT STANDARDS**

The purpose of this detailed site plan is to amend the M-U-I/T-D-O Table of Uses for the Prince George's Plaza Transit District Development Plan ("TDDP") to allow the conversion of existing underutilized storage space into consolidated storage units. This detailed site plan application utilizes existing space only, and the only external change to the site will be through additional signage. For this reason, the only standards and guidelines discussed below relate to signage and parking.

### **A. Signage—General (p. 249)**

- 1. All attached or projecting signs are permitted to be placed horizontally or vertically.

*Comment noted.*

- 2. Attached signs shall consisted of three types: wall signs, window signs, and digital signs, as defined in this section.

*Only wall signs are proposed as part of this application.*

- 3. Projecting signs shall consist of four types: blade signs, awning signs, high-rise building identification signs, and vertical corner signs.

*No projecting signs are proposed.*

- 4. The following signs are not permitted in the Transit District:
  - i. Signs not expressly identified in this chapter.
  - ii. Signs that obstruct any opening intended to provide ingress or egress for any building or structure.
  - iii. Signs that obstruct the view of traffic control devices.
  - iv. Signs that, because of their shape, color, or wording, may be confused with any traffic control device (placed by a public authority), or may mislead motorists.

*No prohibited signs are proposed.*

**B. Signage–Attached Signs**

1. Wall Signs (p. 250-51)

- i. Signs shall be rectangular and oriented horizontally or vertically.

*The development conforms to this requirement.*

- ii. Vertical wall signs may not exceed a maximum dimension of 36 inches by twice the business' frontage width.

*No vertical signs are proposed.*

- iii. The bottom of a wall sign shall not be installed less than 10 feet above the sidewalk.

*The development conforms to this requirement.*

- iv. A wall sign with digital or electronic content is a Digital Screen.

*No digital or electronic content is proposed.*

**C. Signage–Window Signs (p. 251)**

*No window signs are proposed.*

**D. Signage–Digital Screens (p. 251)**

*No digital screens are proposed.*

**E. Signage–Projecting Signs (p. 252)**

*No projecting signs are proposed.*

**F. Signage–Awning Signs (p. 254)**

*No awning signs are proposed.*

**G. Signage–High Rise Building Identification Signs (p. 254)**

*No high-rise building identification signs are proposed.*



#### **H. Signage—Monument Signs (p. 254)**

##### **1. Standard**

- i. Monument signs are only permitted on sites with at least 150,000 sq. ft. of building area and a public or private plaza at least 0.1 acres in area.
- ii. Only one monument sign is permitted per building
- iii. Monument signs must be located in either the Tree and Furnishing Zone, the Retail Zone, or the Residential Zone and shall not be located within five feet of any public right-of-way.
- iv. Monument signs shall not exceed 30' in height, shall not exceed 300 feet square in area, and shall not be obstructed by landscaping.
- v. Monument signs may only display on-site directory and identification material.

*This use will utilize an existing monument sign for the Mall at Prince George's that fronts onto East-West Highway (MD 410). No additional monument signs are proposed.*

#### **I. Signage—Single-family Detached Home and Townhome Development Identification (p. 255)**

*No single-family detached home and townhome development identification signs are proposed.*

#### **J. Signage—Other (p. 255)**

##### **1. Standards**

- i. Sculptural and A-frame sign boards placed on the sidewalk are permitted if they are temporary, removed during non-operating hours, and do not obstruct the Sidewalk Clear Zone.

*Comment noted.*

#### **K. Signage—Other Freestanding Signs (p. 255)**

*This comment does not apply.*

## **L. Parking and Loading–Intent (p. 258)**

### **1. Standards**

- i. There is no minimum number or ratio of off-street parking spaces for any development within the Transit District.

*Comment noted.*

- ii. 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. For the purposes of this table, the type of development refers to its description in the table of uses.

*The Subject Property is located within the designated Downtown Core Character Area, and within this Character Area, parking for Commercial/Industrial Development is calculated at 2.5 spaces per 1,000 sq. ft. of gross leasable area. The gross leasable area for this use is approximately 88,878 sq. ft., and using this calculation, the maximum number of parking spaces is 36. This use provides seventeen (17) parking spaces, which is both adequate to serve the use and below the maximum permitted.*

- iii. On-street parking shall be required on all new private A and B streets constructed pursuant to this TDDP and is encouraged on all County and municipal A and B Streets.

*No new private A and B streets will be constructed per this development application.*

- iv. On-street parking in Alleys shall be prohibited.

*This comment does not apply.*

- v. Development may only be permitted to exceed the maximum parking ratios if all of the following criteria are met:
  - a. Additional parking spaces may only be provided in the form of structured parking.
  - b. The amount of additional structured parking spaces permitted beyond the maximum parking ratios established above shall not exceed the minimum number of off-street parking spaces ordinarily required for the specified use or mix of uses by § 27-568(a) of the Zoning Ordinance.

- c. All parking spaces built in excess of the allowed maximum parking ratios shall be provided as shared and/or public parking and shall be offered at the same cost as to any other project occupants or tenants.
- d. Applicants desiring to exceed the maximum parking ratios shall provide a comprehensive transportation demand management strategy and program including incentives for nonautomobile travel, the proposed design of any parking structure to meet additional parking demand, implementation timing and phasing, and financial assistance.

The maximum number of off-street parking spaces permitted for each nonresidential, noncommercial, nonindustrial land use type that is otherwise not specified or covered by the maximum parking ratios shall be equal to 60 percent of the minimum number of off-street parking spaces ordinarily required for the specified use or mix of uses by § 27-568(a) of the Zoning Ordinance.

*This does not apply.*

- vi. At no point shall the total number of off-street surface parking spaces within the Transit District exceed 10,500. For the purposes of this standard, the following shall apply:
  - a. The total number of off-street parking spaces in the District on July 19, 2016, pursuant to the inventory developed for this TDDP is 10,332.
  - b. The total number of parking spaces subsequently approved for construction or elimination will be recorded by the Planning Department as development applications are approved.
  - c. Permitted parking spaces on recorded single-family residential lots shall not count toward this total.

*Although this standard refers to a maximum of 10,500 parking spaces within the entire Transit District, the most recent revision to DSP-99044 (Revision 17), which regulates development for the Mall at Prince George's, allowed for a total of 4,911 parking spaces. When Revision 17 was approved by the Prince George's County Planning Board (PGCPB No. 19-84) on July 25, 2019, the total number of approved parking spaces was shown as 3,347. The additional seventeen (17) underground parking spaces will not increase the total number of surface parking spaces above 4,911 permitted at this location.*

- vii. All applicants, other than those proposing solely 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.

*Although the development application does not reduce the total number of surface parking spaces within the Transit District, it does not increase the number of surface parking spaces, while it will provide additional commercial space within the Transit District.*

- viii. All new structured parking facilities shall include secure bicycle parking. One bicycle parking space shall be provided for every 10,000 sq. ft. of building area for office, retail, hospitality, and other commercial, public, and institutional uses. One bicycle parking space shall be required for every 20 units for multifamily residential development. These bicycle parking requirements are cumulative for mixed-use development, and both open and covered bicycle parking areas may be provided, as appropriate.

*This development application does not propose any additional bicycle parking. It is anticipated that users will utilize the existing bicycle parking.*

- ix. Commercial parking facilities should leave at least 25 percent of their spaces available for hourly and daily rental by the public.

*No commercial parking facilities are proposed.*

- x. Parking may be located on- or off-site within one-quarter mile walk of the development site. When off-site parking is used to meet any parking needs, the applicant shall provide a site plan and narrative statement demonstrating that parking is provided off-site and that pedestrian facilities necessary to serve the walk from the parking facility to the building will be constructed prior to the opening of the parking facility.

*No off-site parking facilities are proposed.*

- xi. Carpool and vanpool parking spaces shall be required at a minimum ratio of one reserved high occupancy vehicle space per every 100 regular parking spaces for any development including in excess of 50,000 sq. ft. of office use. Free or reduced parking costs for authorized carpools and vanpools are encouraged.

*This standard does not apply.*

- xii. Restriping of surface parking facilities that result in addition of general-purpose parking spaces is prohibited.

*Comment noted.*

- xiii. On-street parking shall be required on all new private A and B Streets constructed pursuant to this TDDP and is encouraged on all County and municipal A and B Streets.

*This standard does not apply.*

- xiv. On-street parking in Alleys shall be prohibited.

*This standard does not apply.*

- xv. On-street parking spaces on private streets shall not count toward off-street parking requirements.

*This standard does not apply.*

- xvi. All parking for buildings that front on Adelphi Road shall not be visible from Adelphi Road.

*This standard does not apply.*

#### **M. Parking and Loading–Surface Parking (p. 260)**

*No surface parking is proposed.*

#### **N. Parking and Loading–Structured Parking (p. 261)**

*No structured parking is proposed.*

#### **O. Parking and Loading–Underground Parking (p. 263)**

##### **1. Standard**

- i. Vehicular entrances to, and exits from, underground parking structures shall not be located on A Streets. A maximum of two garage entrances shall be permitted per block on B Streets or Alleys.

*No vehicular entrances or exits are proposed on A Streets, B Streets, or Alleys. All entrances to the underground parking spaces will be via existing ramps within the Mall at Prince George's.*

#### **P. Parking and Loading–Loading (p. 263)**

##### **1. Standard**

- i. There is no required minimum number of off-street loading spaces in the Transit District.
- ii. The required number of off-street loading spaces shall be determined at the time of the DSP.

*The subject application proposes four (4) loading spaces, which the Applicant believes sufficient to meet customer needs.*

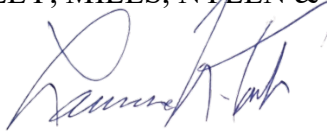
## VII. CONCLUSION

For all the above-stated reasons, the Applicant respectfully requests approval of the proposed Detailed Site Plan to amend the M-U-I/T-D-O Table of Uses within the Prince George's Plaza Transit District Development Plan to effectuate the conversion of existing storage space into consolidated storage because it is in substantial compliance with the intent and purposes of the Prince George's Plaza Transit District Development Plan.

Respectfully submitted,

O'MALLEY, MILES, NYLEN & GILMORE, P.A.

By:



\_\_\_\_\_  
Lawrence N. Taub, Esquire

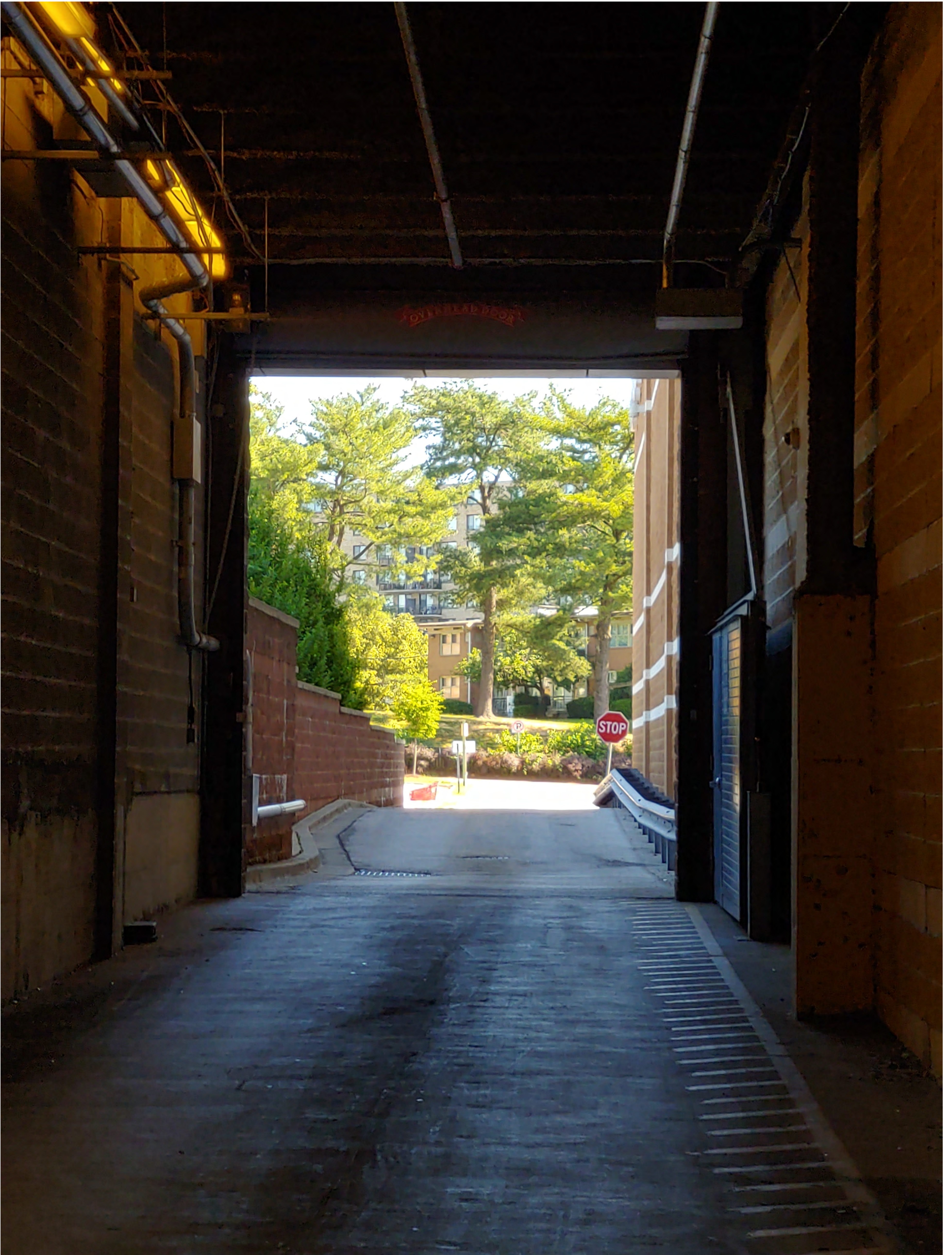


\_\_\_\_\_  
Nathaniel Forman, Esquire  
7850 Walker Drive, Suite 310  
Greenbelt, MD 20770

*Attorneys for Applicant*



# Attachment A





Attachment B





## Attachment C





## Attachment D





## Attachment E



**CITY OF HYATTSVILLE**  
**PLANNING COMMITTEE MINUTES**  
**MAY 18, 2021**

---

Register in advance for this webinar:

[https://zoom.us/webinar/register/WN\\_itaE7eEUSQm0tKj3AUu\\_Rg](https://zoom.us/webinar/register/WN_itaE7eEUSQm0tKj3AUu_Rg)

**1. Introduction of Committee & Guest Members (7:00 PM)**

- Maureen Foster, Committee Chair
- Marshall, Committee Member
- Yohannes Bennehoff, Committee Member
- Cliff Mayo, Committee Member
- William Seath, Committee Member
- Greg Barnes, Committee Member
  
- Ben Simasek, Council Liaison
- Bart Lawrence, Council Liaison
- Joseph Solomon, Council Member
  
- Chris Hatcher, Presenter
- Mark Ferguson, Presenter
- Larry Taub, Presenter
- Nate Forman, Presenter
  
- Julie Chawla-Kazer, Attendee
- Peter Burkholder, Attendee
- Rose Fletcher, Attendee
- Scott Wilson, Attendee
- Dave Dukes, Attendee
- Tom Wright, Attendee
- Jim Menasian, Attendee
  
- Jim Chandler, Staff Liaison
- Kate Powers, City Staff
  
- Eugene Poverni, Presenter
- Henry Watford, Presenter
- Dan Pascale, Presenter
- James Dankovich, Presenter
  
- Nick Speech, Attendee
- Vince Biase, Attendee
- Monte Dawla, Attendee
- Sheila Gupta, Attendee
- Emily Palus, Attendee
- Timothy Ng, Attendee
- Sam Denes, Attendee

**2. Committee Business**

- Welcome New Committee Appointments
- Approve April 2021 minutes
  - Delay minute approval until June meeting



### 3. PSG East West Storage LLC, DSP-99044-20

- Presentation
  - Lawrence Taub, Representation for the Applicant, O'Malley, Miles, Nylén & Gilmore, P.A.
- Overview of Project
  - The developer has done multiple projects focused on consolidated storage.
  - This project will be unique, as the consolidated storage facility will be housed in a subterranean space below a mall.
  - Numerous dwelling units (multifamily units, townhouses) have been approved in the area around the mall which will increase demand for this type of use.
  - This is a unique situation – we must go through the DSP process though the change to the exterior is very minimal. The project is mostly internal to the mall, occupying existing space. Self-storage is a use that is not permitted in the TDDP and therefore requires approval of a detailed site plan.
  - There is an internal drive aisle already existing in the basement of the mall. It is currently used for truck delivery of inventory. Cars will be able to utilize this one-way drive into the storage facility.
  - As individuals continue along the one-way drive aisle west, they will exit near the former JC Penney.
  - The applicant is proposing 799 storage units, mostly small in size (5' x 5').
  - Facility hours will be 10 AM to 6 PM, Monday through Saturday, and closed on Sundays.
  - The facility will be staffed by 2 full-time staff members.
  - Guests and users will access the facility via key fob until 8 PM.
  - Pedestrian access will reside on the south side of property, using the existing frontage space. It will blend into the existing retail stores. Individuals will enter the mall and take a flight of stairs down to the storage area. Access will be limited by individual codes.
  - The applicant is proposing a monument sign and an access sign, one for pedestrians and one for vehicle ramp.
- Clarifying Questions
  - Yohannes: Will retail delivery still use these ramps? How do you anticipate avoiding conflict between deliveries and storage users?
    1. Dan Pascale: There should only be a few storage users at a time and truck use in the tunnel is limited.
    2. Henry: The storage component will only be on the south side of the mall. Some stores will maintain their underground storage. Many tenants now keep their inventory in the back of their store, with regular shipments being delivered and stored at grade, not sub-grade. Target won't use tunnel, but Macy's will.
  - Will: No clarifying questions at this time.
  - Yohannes: Will signage be added along the drive aisle for personal vehicles?
    1. Applicant: Yes, near Target.

2. Applicant: Indicators will be included, signifying full parking spaces, to avoid traffic jams and idling cars.
  3. Applicant: The plan includes 17 parking spaces. We anticipate approximately 20 to 30 total vehicle visits in a day. It is unlikely all loading spaces will be occupied at the same time.
- Marshall: Will there be physical traffic control measures for the tunnel and associated area? Will there be any human intervention?
    1. Applicant: We anticipate only 20 trips per day, with the busiest time only having 8 to 10 cars plus one staff member.
    2. Marshall: I am concerned with safety, not volume, specifically the potential conflict between delivery trucks and storage customers.
    3. Applicant: There will be 24-hour security, with patrols through the tunnel every 30 minutes.
    4. Marshall: Of all your storage facilities, how many are housed in the basement of a mall?
    5. Applicant: This is the first one of this type.
  - Cliff: Does the applicant have other storage facilities of similar size and unit count? Are the access hours chosen based on retail delivery times? From 6-8 pm with no staff on duty, will access be available for vehicle or for pedestrians only?
    1. Applicant: The hours of 10 am to 6 pm was chosen to align with the anticipated staffing needs of the facility. After 6 pm, both vehicle and pedestrian access will be available. After 8 pm, the vehicle entrance gates will be closed.
    2. Applicant: The tunnel opens at 6 am by safety patrol. Sometimes there are deliveries until 11 pm. Security officers will respond and open access to tunnel.
    3. Eugene: Our most recent storage facility built was 100,000 square feet. The facility we are proposing for the Mall at Prince George's is 98,000 square feet.
  - Greg: I noticed in the write-up the applicant had mentioned certain smaller items, like golf clubs and holiday decorations. Will the storage units in the basement of mall be strict on the type of items that can be stored there?
    1. Applicant: There are some restrictions outlined in the lease; No automobiles, guns, hazardous chemicals, gasoline, etc. Usually people are storing furniture, extra tools from contractors, and other typical households and small businesses items.
  - Maureen: What else is the space used for now? Is there another way to generate income in the space? Can it be used for anything else?
    1. Applicant: The basement has historically been used as storage for retail tenants, however many retail tenants are no longer interested in using the basement storage. Tenants want on storage on the same floor as their retail space. It allows for faster response time to consumers. For the most part, the basement is dead space. Creating a storage area provides the mall with an opportunity to gain revenue

and tax dollars in a space that does not normally generate revenue. The majority of the basement was unleased storage space, just empty square footage.

- Will: Will pedestrians be able to access the storage area via stairs or publicly accessible elevator?
  1. Applicant: There will be two service elevators and 4 stairwells to access the basement area.
  2. Applicant: The intention is that the storage of goods will occur along the drive aisle and the pedestrian egress is for exiting the area without storage items or for emergency egress.

- Committee Comments

- Maureen: I think the question is, do we support this as a use? There's nothing wild about this plan. This is an appropriate use for subgrade space. Malls reorganized and changed over time. The basement area is currently obsolete and sitting empty. It's not the highest best use but is likely appropriate given the age of the mall.
- Greg: I understand the notion that this is unused space that is currently being wasted. I would like to see the productive use of the space. There may be an issue of security, specifically the storage of inappropriate items and unwanted traffic flow. The responsibilities of the two full time staff members is unclear. This could be a good use for the space but there are some concerns.
- Cliff: I am generally not a fan of storage spaces in dense area. However, in this case, the space is just sitting there. The use seems to appropriately fit in with the existing mall. I don't have a problem with it, I think the use is acceptable.
- Marshall: This is a dungeon space with no windows, I doubt an arts use can be utilized there. I have no issue with placing a storage facility in the basement of the mall, but I do have concerns about traffic.
- Yohannes: I am in agreement with Cliff and Maureen – adaptive reuse is better than no use, as long as it is not completely incongruous to the area. This is not uncommon to other areas of the county.
- Will: I concur. With the state of retail effecting malls, this is a unique opportunity to make vacant space useful.

Recommendation:

The Planning Committee recommends the City Council approve the amendment to the Table of Use to allow the adaptive reuse of unleaseable retail space in the basement of the Mall at Prince George's. Passed unanimously.



#### 4. Clay Property, CSP-20007

- Presentation
  - Chris Hatcher, Representation for the Applicant, Lerch, Early & Brewer, Chtd.
- Overview of Project
  - Introduction by Chris Hatcher and Mark Ferguson.
  - Second time this zoning request has come before the Planning Committee. The last time was in November 2020.
  - The comments received from this committee in November revolved around affordability levels and administration. The developer will come to general terms with the selected affordable housing provider (Habitat for Humanity) in terms of affordability administration. Currently, we are discussing 10% units with a range of 60% to 80% average median income (AMI).
  - Another issue discussed was the enforceability of the developer's proffers. This has been taken care of, as the applicant has changed the format of their request from a zoning rewrite to rezoning through a Conceptual Site Plan (CSP) application.
  - The layout of the site will be determined during the Preliminary Plan of Subdivision (PPS).
  - We heard the Committee's issues and addressed those issues specifically.
  - For new Committee members, the Clay Property is within the Prince George's Plaza Transit Development Overlay Zone, a regional transit district. This area has an intensity of uses and is one of three regional downtowns, where the County is directing development regrowth.
  - Clay is at the northern end of the transit development overlay zone.
  - The Landy Development Phase 2 was on the agenda at the last City Council meeting. Phase 1 will soon be breaking ground once permits are secured.
  - The Prince George's Plaza Metro station is the heart of the transit district.
  - The Clay Property is a bit further away in the Neighborhood Edge character area. The intention of this area is to transition the high intensity downtown core to the outside residential area.
  - We have been tracking staff comments closely and integrating them into our revisions. The applicant has included an enhanced buffer along the existing single family dwelling units to the east. The connection to Calverton Drive will solely accommodate pedestrian, bike, and emergency vehicle traffic.
  - 100-year stormwater management will occur on-site through local environmental design.
  - As seen on the Tree Conservation Plan (TCP), the western side of the site has steep slopes and a concentration of specimen trees. Soltez has revised the site plan in response to these environmental features, moving the park connection on the west side of the site further north.
  - There will be an opportunity to save some trees with more sensitive grading.
  - The revisions also include the alignment of the interior roadway with Calverton Drive.
  - Revised plans will be made available to the city shortly.

- We initially presented the plan to the public while seeking rezoning through the Countywide Map Amendment (CMA). We brought the proposal back as a Conceptual Site Plan (CSP).
- Another component of the project is the potential land swap with Park and Planning, a suggested action in the TDDP. We have been discussing this option with the Parks Department.
- The site layout will likely change with the land swap.
- The Parks Department will reach out to the City when starting the swap process.
- Clarifying Questions
  - Cliff: Can the presenters clarify how this proposed development meets the mix of housing types described in the Neighborhood Edge Character Area definition?
    1. Applicant: The Neighborhood Edge Character Area does not state that single family detached (SF-D) housing must be present.
    2. Cliff: Why proposed a development made up of only townhouses when it is the only property in the Neighborhood Edge zoned for single family detached housing?
    3. Mark: Looking at this from a big picture planning standpoint, ideally this area would be high density (40 units/acre), as it is adjacent to a downtown transit district.
    4. Cliff: Is it the explicit goal of the applicant to increase density as much as possible on the property?
    5. Chris: I don't believe that is an accurate summary. The R-20 zone does allow a broader array of residential uses. The current layout is a placeholder. It was our impression from previous public meetings that the community preferred a 50-foot landscaped buffer on site over the inclusion of single family detached homes directly adjacent to the existing neighborhood.
  - Yohannes: I do not have any clarifying questions at this time.
  - Greg: With the current layout at a placeholder and a 16.33 units per acre cap on R-20 properties, can you provide use with a rough idea of the square footage of individual units?
    1. Chris: This may be a little premature. The applicant envisions the Clay Property would look similar to the Landy project. Townhomes at Landy will range from 1800 sf to 2200 sf at the largest.
    2. Mark: Yes, it is a bit too early to talk about the specific units. Stanley Martin is the likely builder, who worked on the Whole Foods project and will construct the Landy townhouses. Currently, we are requesting rezoning, not specific housing types. The townhouse units will have a range of different widths. We do not intend to pursue multifamily products as there is major resistance.
  - Marshall: Is the applicant requesting the entire parcel be rezoned to R-20, or just a portion of the property be rezoned?

1. Applicant: Yes, we are requesting the L-shape property be rezoned to R-20, but the land swap may alter the footprint of the development area.
- Will: Can you clarify the approximate change in grade from east to west on the property?
  1. Applicant: The west end of the property down to the adjacent parkland is about a 20 ft drop. There is an approximate change in grade of 20 to 30 feet west to east across the property.
- Public Comment: Are the elements agreed upon by the applicant binding?
  1. Applicant: The CSP associated with the rezoning is a bubble plan. Some elements are binding; for example, the buffers reflected on the bubble plan would be binding unless the CSP is revised. It is not uncommon that the zoning of the property permits greater density that the developer wants. We cannot fit the max number of units associated with R-20 zoning on this property.
- Peter Burkholder: Can you explain why the Landy Property was clear cut in 2016-2017 and left to grow wild for four plus years? Will the Clay Property receive this same thoughtless treatment?
  1. Applicant: The forest harvest at the Landy Property was specifically a response to the Police Department and Northwestern High School. Unwanted activity was occurring in the woods and there was a strong desire for better visibility and less cover. I can't speak to the possibility of this happening again, but the Clay Property has different circumstances than the Landy Property.
- Peter: On page 28 of the packet materials, there is a 50 ft buffer on east side of the property, but it appears that specimen trees are being removed in that area.
  1. Applicant: We look at the health status of the specimen tree to determine if it will be preserved or removed.
- Cliff: Has the applicant explored the possibility of including stacked townhouses or 2-over-2 units on the property?
  1. Applicant: There are no obvious impediments to this, however in my experience laying out projects, they are unfriendly to small sites. These units need a larger footprint and flatter surface area. They do not tend to work well from an urban design standpoint. I'm personally not a fan. Also, condos are harder to finance and are not a fee simple product. It may be possible, but it is likely we would need a bigger, flatter site.
- Maureen: What is the difference between the 10-ft south side buffer and the 50-ft buffer along Bridal Path?
  1. Applicant: The required buffers for the perimeter of the property is zero. TDDP Section 4.7 does not apply in the TDOZ. WE have a 10 ft buffer currently on the plan, as this is a common buffer width between townhomes and multifamily products. There is a hierarchy of buffers based on what is perceived to be appropriate. The buffer



for Hitching Post was initially 50 feet, but we found that to be inadequate, so it was revised to 150 feet. We believe a 50-foot buffer between the single family attached homes on the Clay Property and the existing single family detached homes is an appropriate transition.

- Committee Comments
  - *The Planning Committee supports City Staff recommendation to preserve specimen tress on the west side of the Clay Property. The Planning Committee supports the preservation of as many specimen trees as possible on site.*
    - 1. In Favor: Cliff, Yohannes, Will, Greg, Marshall, Maureen **(Passes 6-0)**
  - *The Planning Committee supports the 150-foot buffer to the north of the site as well as the potential land swap with M-NCPPC.*
    - 1. In Favor: Marshall, Greg, Will, Yohannes, Cliff, Maureen **(Passes 6-0)**
  - *If the 50-foot buffer is established on the east side of the property, this land should be incorporated into private lots to ensure its maintenance.*
    - 1. In Favor: Marshall, Cliff, Yohannes, Will, Greg, Maureen **(Passes 6-0)**

*The Planning Committee recommends the City Council support the Clay Property rezoning to R-20. 3 in favor (Marshall, Yohannes, Will), 3 opposed (Cliff, Greg, Maureen). **Motion does not pass.***

*The Planning Committee recommends the Clay Property zoning remain R-80. 3 in favor (Cliff, Greg, Maureen), 3 opposed (Marshall, Yohannes, Will). **Motion does not pass.***

*No consensus reached.*

## 5. Development Update

- Hamilton Manor Acquisition – *County Right of First Refusal*
  - Closing early next month
  - Capital improvements details currently unknown.
- Affordable Housing Strategy – *Plan Adoption May 3, 2021.*

## 6. Additional Questions & Discussion

## 7. Adjourn (9:45 PM)

# TDDP Excerpts

**Table 47. Table of Permitted Uses: Transit District Overlay/Mixed-Use Infill (T-D-O/M-U-I) Zone**

USE	ZONE	
	M-U-I	T-D-O/M-U-I
<b>(8) Transportation/Parking/Communications/Utilities:</b>		
Airport, airpark, airfield, airstrip, heliport, helistop	SE	P <sup>g</sup>
Antennas and related equipment buildings and enclosures, other than satellite dish antennas, in accordance with Section 27-464.03 (CB-65-2000)	P	P
Broadcasting studio (without tower)	P	P
Bus station or terminal	SE	P
Monopoles and related equipment buildings and enclosures, in accordance with Section 27-464.03 (CB-65-2000)	P	P
Moving and Storage Operation (CB-2-2016)	X	X
Parking garage, commercial	P	P
Parking garage or lot or loading area, used in accordance with Part 11	P	P
Parking lot, commercial:		
(A) With shuttle service to Metro and within two miles of a Metro station	P	P
(B) All others (CB-14-2003)	SE	P <sup>271</sup>



**REPORT:**

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Harrison, Franklin, Taveras and Toles)

Council staff summarized the purpose of the legislation and informed the Committee of written referral comments that were received. Council Member Taveras, the bill's sponsor, indicated that she sponsored the legislation to provide flexibility in and expand storage opportunities for an existing U-Haul business in her district. The provisions of the legislation allow storage of "U-boxes" at this business location which has been in existence since 1980.

Michele LaRocca and Jim Lorimer, representing U-Haul, testified in support of CB-2-2016 (Draft-1). The Office of Law reviewed the bill and found it to be in proper legislative form with no legal impediments to its enactment.

Council Member Toles informed the Committee of amendments contained in a Proposed Draft-2 (DR-2) of the bill. The Zoning and Legislative Counsel summarized the amendments in Proposed DR-2 which include additional regulations for consolidated storage in the I-1 Zone. In addition to the title change to properly reflect the amendments in the bill, a new subsection (D) was inserted at Section 27-475.04. Consolidated Storage, as follows:

D) A consolidated storage building in the I-1 Zone may be divided into a maximum of fifty (50) individual units and may not be less than 1,000 feet from another consolidated storage use in the I-1 Zone.

The Transit District envisions two distinct but interconnected neighborhoods that capitalize on the area's transit network, recreational amenities, and retail draw and enhance its environmental setting and historic resources. Each neighborhood contributes to the gradual transformation of what is currently an auto-oriented landscape into a regionally competitive, walkable, transit-oriented center, or, perhaps more simply put, a great urban place.

The **Downtown Core** is the Transit District's central activity hub, with a mix of residential, retail, and office development framing **lively walkable streets**. A new skyline announces the downtown to visitors while the iconic pedestrian bridge, a link to the past, serves as a canvas for area artists. Green spaces and plazas invite farmers markets, outdoor movie nights, and pickup games. New **pedestrian-friendly** streets lined with cafés and stores draw commuters between the Prince George's Plaza Metro Station and the Mall at Prince Georges. The parking lot at the Mall is

developed with new buildings that help reposition MD 410 (East West Highway) from a local commuter route to a true Main Street. New **street life**, wayfinding signage, and programming integrate rejuvenated spaces on either side of MD 410 (East West Highway) and Belcrest Road into an exciting, desirable, trend-setting regional destination.

**POLICY LU1** Promote a pedestrian-friendly, transit-supportive development pattern in the Transit District.



**POLICY EP2** Support the transition of the Mall at Prince Georges to a vibrant mixed-use development while enhancing its accessibility, appearance, and safety to broaden its customer base in the shorter term.

**Strategy EP2.1:** Proactively address parking needs as the Mall at Prince Georges maintains (or expands) its retail operation while pursuing infill development.

**Strategy EP2.2:** Develop a marketing strategy and wayfinding program to ensure visibility of the Mall is not impaired as infill occurs on site.

**Strategy EP2.3:** Work with property managers and owners to improve the accessibility, appearance, and safety of the Mall at Prince Georges, including the installation of Crime Prevention through Environmental Design (CPTED) features such as enhanced landscaping, pedestrian-scaled lighting, public art, seating, wayfinding, and pedestrian walkways.

**POLICY EP3** Promote and strengthen existing and start-up service business and retail establishments while supporting, where desired, their adaptive conversion to alternative uses in response to changing market opportunities.

**Strategy EP3.1:** Ensure flexibility in land use and design recommendations to allow commercial uses to transition to residential uses should market forces justify such a change.

**Strategy EP3.2:** Market the Transit District to a broader array of retailers to meet the shopping needs and desires of current and future residents, workers, and visitors.

**Strategy EP3.3:** Incorporate flexible and/or shared work spaces with competitive amenities to attract startups, freelancers, small businesses, and young professionals.

**Strategy EP3.4:** Create a dynamic community and lifestyle attractive to highly-skilled and entrepreneurial professionals by diversifying retail, restaurant, and entertainment/cultural options; incorporating and programming new public spaces; and leveraging proposed public facilities.



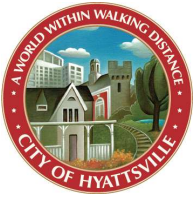
In 2014, the project team conducted a thorough market analysis, which informed the crafting of a market-driven implementation plan to guide the Transit District's transformation into a vibrant new downtown. This transformation will be shaped, in the short-term, by residential and commercial real estate trends and proposed **low-cost, high-impact improvements** (such as the replacement of curb right-turn lanes with bicycle lanes, full signalized control for the MD 410 (East West Highway)/Editors Park Drive intersection, and the closing of gaps between sidewalk segments) and, in the mid-to longer-term, by larger-scale public infrastructure investments in the Transit District.

The Transit District's market is influenced by the greater Washington metropolitan region. Highlights of the market analysis<sup>7</sup>:

- The residential market is rebounding and is anticipated to drive redevelopment and investment in the Transit District in the near-term. While the short-term market for condominium development

remains weak, townhouses could prove a welcome, lower-risk compromise, diversifying housing options in the Transit District and positioning the area to capture the anticipated growth in family households as the millennial generation ages (see Area Demographic and Economic Profile section).

- Retail analyses suggest the continued health of the Transit District's main retail draw—The Mall at Prince Georges—and support for a sustained or increased retail presence in the Transit District.\*
- The recovery of the office market has been slow, and recent performance does not suggest a substantial role for new office construction in the short-term. The College Park Class A office submarket remains strong, with vacancy rates hovering around 5.5 percent and asking rents exceeding \$28 per square foot.<sup>8</sup> However, existing office space in the Transit District is struggling with increasing vacancies due, in part, to the non-renewal and/or downsizing of existing General Services Administration (GSA) leases (39 percent of University Town Center leases in 2014 were attributed to the GSA). Office building



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
www.hyattsville.org

## Agenda Item Report

---

**File #:** HCC-64-FY22

9/20/2021

10.c)

---

Submitted by: Ron Brooks

Submitting Department: Finance

Agenda Section: Action

**Item Title:**

FY22 Budget Amendment: Special Revenues Budget and Appropriation of American Rescue Plan Act Funds

**Suggested Action:**

I move that the Mayor and Council amend the FY22 Special Revenues Fund Budget and approve the establishment of the American Rescue Plan Act (ARPA) fund and to appropriate \$2.5 million of the \$8.9 million in ARPA funds received to cover anticipated expenditures in various categories to include, but not limit to, salaries, benefits, supplies, contract services, professional services, capital equipment, miscellaneous reimbursements, and grant awards through June 30, 2022. The remaining \$6.4 million of the current allocation plus the second allocation of \$8.9 million will be submitted to Council to appropriate in concurrence with a spending plan which will be developed over the next 12 months. This will account for the total of \$17.9 million in ARPA funds the City will receive. All ARPA funds must be obligated between March 3, 2021, and December 31, 2024, and all obligated funds must be spent by December 31, 2026.

**Summary Background:**

Since the COVID-19 pandemic began, the United States Federal Government passed landmark relief legislation to address the ongoing health and economic crisis. The first measure, passed on March 27, 2020, was the Coronavirus Aid, Relief, and Economic Security Act (H.R. 748, 116th Congress) (the "CARES Act"). The second piece of relief legislation, the American Rescue Plan Act of 2021 (H.R. 1319, 117th Congress), was signed into law on March 11, 2021 (the "ARPA"). These funds will provide significant relief to deal with the COVID-19 pandemic related issues.

Specific amounts of ARPA funds are earmarked for State, County, and Municipal governments, and the City of Hyattsville share of ARPA funds approved is \$17,961,280. These funds will be received from the state in two (2) allocations. The first allocation in the amount of \$8,980,640 was received on July 19, 2021, and the second allocation will be received in the next 12 months. All ARPA funds must be obligated between by December 31, 2024, and spent by December 31, 2026.

The current budget request is seeking to amend the FY22 Special Revenues Fund Budget and to approve the establishment of the American Rescue Plan Act fund and appropriate \$2.5 million of the \$8.9 million in ARPA funds received to cover anticipated expenditures in various categories to include but not limited to salaries, benefits, supplies, contract services, professional services, capital equipment, miscellaneous reimbursements, and grant awards up through June 30, 2022.

**Next Steps:**

Post the approved \$2.5 million in ARPA funds into various expenditure line-items to cover anticipated costs through June 30, 2022, and complete the required spending plan for the total amount of \$17.9 million in ARPA funds to be received.

**Fiscal Impact:**

The FY22 Special Revenues Fund Budget expenditures will increase by \$2.5 million but offset by \$8.9 million in ARPA

funds previously received.

**City Administrator Comments:**

Recommend Support

**Community Engagement:**

Community input on priorities to complete the planned spending plan

**Strategic Goals:**

Goal 2 - Ensure the Long-Term Economic Viability of the City

**Legal Review Required?**

N/A



## **Email Confirmation: Receipt of ARPA Funds**

Dana Lustig <dana.lustig@hagertyconsulting.com>

Monday 7/19/2021 8:00 PM

To: Ronald Brooks

Cc: Benjamin Shay <benjamin.shay@hagertyconsulting.com>; John Hageman <john.hageman@hagertyconsulting.com>; Kristen Kerr <kristen.kerr@hagertyconsulting.com>+1 other

Dear Hyattsville City,

Thank you for submitting Hyattsville City's request for American Rescue Plan Act of 2021 Coronavirus Local Fiscal Recovery Funds (CLFRF) disbursement.

The State of Maryland has reviewed the information submitted and has verified that it complies with U.S. Treasury rules and regulations concerning CLFRF disbursement to non-entitlement units of government (NEUs).

Your final allocation is \$17,961,280.56, of which 50%, or \$8,980,640.28 (a), is disbursed to Hyattsville City in this first tranche. Pursuant to the U.S. Treasury, the remainder of the funds will be distributed in no less than 12 months.

As a reminder, please register in SAM.gov as soon as possible after receiving the award if you have not already registered. Moreover, as a recipient of a Federal award, you are required to report to the U.S. Treasury on the use of funds. More information on your compliance and reporting responsibilities can be found here.

For additional information regarding CLFRF, please visit the State of Maryland's website, which includes links to the Interim Final Rule, Frequently Asked Questions (FAQs), and an additional FAQ with information regarding CLFRF distributions to NEUs.

Please do not hesitate to contact us or the State of Maryland, Department of Budget and Management at [arpa.neuadmin@maryland.gov](mailto:arpa.neuadmin@maryland.gov) with any questions about CLFRF or your responsibilities.

Sincerely,

Dana Lustig

--

Dana Lustig

Associate, Recovery Division

732-778-5382 | [dana.lustig@hagertyconsulting.com](mailto:dana.lustig@hagertyconsulting.com)

## Special Revenues Funds Budget FY22 American Rescue Plan Funds Budget

<b>Account Number</b>	<b>Categories</b>	<b>Proposed Budget</b>
5100	(1) Salaries	\$ 95,000
5200	(2) Benefits	\$ 15,000
5410	(3) Supplies	\$ 10,000
5359	(4) Professionl Services	\$ 272,800
5399	(5) Contracted Services	\$ 500,000
5599	(6) Misc. Reimbursements	\$ 600,000
5664	(7) Capital Computers -Hdwr	\$ 350,000
5666	(8) Capital Computers-Softwr	\$ 100,000
5503	(9) Grants/Donation	\$ 557,200
<b>Total Budget - ARPA Funds</b>		<b>\$ 2,500,000</b>

### **All costs noted below must be COVID related per the ARPA guidelines**

- (1) Cover cost of staff person to manage ARPA funds.
- (2) Cover cost of staff persons benefits.
- (3) Cover cost of office supplies.
- (4) Cover cost of ARPA consultants.
- (5) Cover cost of contracting external group programs.
- (6) Cost of reimb. to City prior COVID expenses not covered by CARES.
- (7) Cover cost additional computers or servers.
- (8) Cover cost of software related to new computer hardware.
- (9) Cover cost of potential grants awards to external organizations.



# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-72-FY22

9/20/2021

10.d)

---

Submitted by: At the Request of the City Administrator  
Submitting Department: Community & Economic Development  
Agenda Section: Action

**Item Title:**

**WSSC Utility Easement Request - Suffrage Pointe Development Plan**

**Suggested Action:**

I move the City Council authorize the City Administrator to negotiate and execute a public use easement with the Washington Suburban Sanitary Commission (WSSC) for the purpose of granting certain rights regarding the replacement and maintenance of storm drains located on City land and within public rights of way.

**Summary Background:**

The City has received a request for the granting of a utility easement from the Washington Suburban Sanitary Commission (WSSC) via Werrlein Properties.

The 30' public utility easement (PUE) is necessary for WSSC to perform maintenance of an existing storm drain, which is 12'-15' below grade.

There is no recordation of an existing public utility easement. WSSC has determined that the condition of the existing pipe requires replacement. If granted an easement, Werrlein Properties will be responsible for performing the storm drain replacement as part of site development infrastructure activities related to Suffragist Pointe development.

**Next Steps:**

No further action is required.

**Fiscal Impact:**

N/A

**City Administrator Comments:**

Recommend Approval. This will allow for future access to repair and maintain the storm drain

**Community Engagement:**

N/A

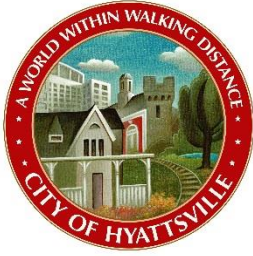
**Strategic Goals:**

Goal 3 - Promote a Safe and Vibrant Community

**Legal Review Required?**

Pending





# Memo

To: Mayor and City Council

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development  
Kate Powers, City Planner

Date: September 2, 2021

Re: WSSC Utility Easement Request – Suffragist Pointe Development Plan

Attachments: WSSC Utility Easement Documents  
WSSC Utility Map

---

The purpose of this memorandum is to provide the City Council with a summary of a request by the Washington Suburban Sanitary Commission, via Werrlein Properties LLC, to grant a public utility easement

## **Summary**

- The City has received a request for the granting of a utility easement from the Washington Suburban Sanitary Commission (WSSC) via Werrlein Properties.
- The 30' public utility easement (PUE) is necessary for WSSC to perform maintenance of an existing storm drain, which is 12'-15' below grade.
- There is no recordation of an existing public utility easement. WSSC has determined that the condition of the existing pipe requires replacement. If granted an easement, Werrlein Properties will be responsible for performing the storm drain replacement as part of site development infrastructure activities related to Suffragist Pointe development.

## **Project Location Details**

The City has received a request for the granting of a utility easement from the Washington Suburban Sanitary Commission (WSSC) via Werrlein Properties.

Utility easements grant the rights to a utility company to access and control the portion of another person's land that is located near utility facilities and structures (i.e. utility poles, transformers, overhead or underground electrical lines). Utility easements are one of the most common types of easements for private property, which generally allow public utility companies access to the property for the purpose of installing, repairing and maintaining public utility lines.

The subject existing storm drain bisects land located within the northeast quadrant of Driskell Park. The public use easement (PUE) being requested by WSSC is for the purpose of performing replacement of an existing storm drain and maintenance of the new storm drain. The drain and corresponding network is highlighted in yellow in the exhibit below:



There is no recordation of an existing public utility easement within public land records and it is unclear as to why no such PUE exists for this section of storm drain. WSSC has determined that the existing 13" storm drain pipe requires replacement with a 8" storm drain pipe.

City staff has met with representatives from WSSC in order to (1) understand the need for the replacement of the pipe and (2) determine whether the pipe can be relocated as to not require a PUE. Based on the City's discussion with WSSC, it has been determined that the storm drain pipe both requires replacement and relocation this storm drain to either 40<sup>th</sup> Place, Gallatin Street or Hamilton Street is not feasible.

Based upon the City's discussions with representatives from WSSC, it is our understanding that in the absence of an easement, WSSC has the legal right to enter upon the City's property and replace the pipe in cases of emergency, but not necessarily proactive maintenance.

### **Recommendation**

This public use easement request has been reviewed by both the Director of Public Works and Director for Community & Economic Development, both of whom concur that it is in the public interest to grant the easement, however the language in the proposed easement documents require some revision, prior to the City's consent.



**Tax ID #s: 16-1806090****SCHEDULE "A"****DESCRIPTION OF A  
WSSC EASEMENT**

**LANDS OF  
THE MAYOR AND COMMON COUNCIL OF HYATTSVILLE (OWNER)  
4310 Gallatin Street  
Hyattsville, MD 20781  
to the  
WASHINGTON SUBURBAN SANITARY COMMISSION  
14501 Sweitzer Lane  
Laurel, MD 20707**


**BEING** a strip or parcel of land hereinafter described in, through, over and across the property acquired by **THE MAYOR AND COMMON COUNCIL OF HYATTSVILLE, a municipal corporation**, from **WILLIAM P. MAGRUDER and DOROTHY W. MAGRUDER**, by deed dated April 11, 1927 and recorded among the Land Records of Prince George's County, Maryland in **Liber 279 at Folio 447**, being located on Lot 11, Block 2 as shown on a plat entitled "**Holladay Company's Addition to Hyattsville, MD**" recorded among said Land Records in **Plat Book A at Plat No. 30**; being more particularly described in the Maryland State Plane coordinate system (NAD83/91) as follows:

**BEGINNING** for the same at a point on the easterly right of way of 36<sup>th</sup> Avenue (Variable Width Public R/W), said point being located at the northwesterly end of the North 21°22' West (North 25°02'52" West as now surveyed) 235 feet plat line of Lot 11, Block 2; thence binding reversely on a part of said plat line

1. South 25°02'52" East 36.54 feet to a point; thence leaving said plat line and in, through, over and across Lot 11, Block 2
2. South 19°27'16" West 39.31 feet to a point; thence
3. North 80°42'42" East 28.63 feet to a point on the aforementioned North 21°22' West (North 25°02'52" West as now surveyed) 235 feet plat line; thence binding reversely on a part of said plat line
4. South 25°02'52" East 31.17 feet to a point; thence leaving said plat line and in, through, over and across Lot 11, Block 2
5. South 80°42'42" West 67.83 feet to a point on the aforementioned easterly right of way of 36<sup>th</sup> Avenue; thence binding on a part of said right of way and the North 16°45' East (North 12°26'40" East as now surveyed) 257 feet plat line of Lot 11, Block 2

6. North  $12^{\circ}26'40''$  East 107.25 feet to the **POINT of BEGINNING** containing 2,886 square feet or 0.0662 acres of land, more or less, being shown on Schedule 'B', sheet 1 of 1, made a part thereof by this reference. WSSC Sketch #s A-30291.

I prepared or responsibly oversaw the preparation of the metes and bounds as set forth in the regulations stated in Chapter 09.13.06.12 of the Maryland Minimum Standards for Surveyors.

  
Michael B. Davis  
Professional Land Surveyor  
MD. No. 11033  
License Expires: 9-10-2022



## THIS EASEMENT AND RIGHT OF WAY

Made this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, by and between

***THE MAYOR AND COMMON COUNCIL OF HYATTSVILLE,***

*a Municipal Corporation organized and existing under the laws of the state of Maryland, Grantor, and the WASHINGTON SUBURBAN SANITARY COMMISSION, a bi-county agency and public corporation of the State of Maryland, organized and existing under the laws of the said State, Grantee.*

*Witnesseth: That in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the Grantee, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, its successors and assigns, an exclusive easement and right of way hereinafter described for the installation, construction, reconstruction, maintenance, repair, operation, and inspection of a water main, sanitary sewer and appurtenances thereto, including service connections within said easement and right of way, together with the right of ingress and egress along and over said right of way, for any and all of such purposes thereto; the said right of way and easement being fully described as follows:*

***SEE ATTACHED SCHEDULES: "A" and "B"***

*To have and to hold said easement and right of way, to the exclusion of all others, for a water main, sanitary sewer and appurtenances thereto, including service connections above described or mentioned and hereby intended to be granted and conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the only proper use, benefit and behoof forever of the said Washington Suburban Sanitary Commission (Commission), its successor and assigns.*

*And the Grantor, for itself, its successors and assigns, covenants and agrees with the Grantee, its successors and assigns, as follows:*



**FIRST:** that it will obtain the written consent of the Grantee before it grants an easement or right of way within the above described easement and right of way, erects, places or permits to be erected or placed any building, structure (including but not limited to fencing and pavement), underground cables and channels, or landscaping (not including a lawn), or before it fills or excavates within the above described easement and right of way (hereinafter collectively referred to as "encroachments"). The repair and maintenance of any encroachments consented to by the Grantee and installed by Grantor shall be the sole responsibility of Grantor and Grantee shall have no responsibility for them. Grantor shall bear the sole cost of removing any encroachments that are constructed, located or installed within the easement and right of way without the consent of Grantee or which are constructed in a location not approved by Grantee or moved from the location approved by Grantee in its consent. In the event Grantor fails to remove any encroachment to which Grantee has not consented within a reasonable time after notice from Grantee, Grantee shall have the right, but no obligation, to remove such encroachment at the sole cost of Grantor. In such event, Grantee shall not be liable for damage caused to any such encroachment and shall have no obligation to restore such encroachment to its original or any other location within the easement and right of way or otherwise.

**SECOND:** that the Grantee, its successors and assigns, shall at all times have right of ingress and egress without prior notification over said easement and right of way for the purpose of installing, constructing, reconstructing, maintaining, repairing, operating and inspecting the water and sewer lines and appurtenances thereto, including service connections within said easement and right of way, said ingress and egress to be along the line herein designated and along such other lines as the Grantor may designate. And that Grantee shall have the right to cut or remove shrubs, trees, fencing, fill, encroachments or any impediment whatsoever located within the easement and right of way, whether installed or constructed with or without Grantee's consent, in order to install, construct, reconstruct, maintain, repair, operate or inspect its pipes and appurtenances.

**THIRD:** that this easement and right of way shall have priority over any subsequently recorded easements or rights of way, including but not limited to public utility easements or easements granted to private companies or persons, and, by accepting the grant of such a subordinate easement, any such public utility or private company or person agrees to indemnify and hold harmless Grantee, its employees, agents and contractors, and Grantor, from any and all claims, demands, suits, losses, liabilities, damages or payments, including

*reasonable attorney's fees, arising out of the repair, maintenance, inspection, or reconstruction of Grantee's water and sewer lines and appurtenances thereto, including service connections, by any such utility company, private company or person, or by the presence of encroachments within the easement and right of way pursuant to such subordinate easement.*

***FOURTH:*** *Grantor agrees to execute any permit application that may be required by a local, federal or State unit for work Grantee must accomplish in the easement and right of way.*

***FIFTH:*** *Grantor agrees to defend, indemnify, and hold harmless the Grantee, its employees, agents and contractors from any and all claims, demands, suits, losses, liabilities, damages or payments, including reasonable attorney's fees, arising out of the repair, maintenance, inspection, or reconstruction of Grantee's water and sewer lines and appurtenances thereto, including service connections, within the easement and right of way, caused by any damage to the water and sewer lines and appurtenances thereto, including service connections, caused by Grantor, by any person or entity directly engaged by Grantor to act on Grantor's behalf, or by the presence of encroachments constructed or installed by Grantor within the easement and right of way without Grantee's prior written consent as provided in the first paragraph above. Notwithstanding the language above, Grantee is not precluded from requiring Grantor to execute a separate hold harmless agreement.*

***SIXTH:*** *that it will warrant specially the easement and right of way hereby granted and will execute such further assurances thereof as may be requisite.*

***SEVENTH:*** *that it has the right to grant the easement and right of way.*

***EIGHTH:*** *that disturbances of the easement and right of way by Grantee for the purpose of performing its work shall be reasonably restored by Grantee, except for those encroachments installed or constructed by Grantor without Grantee's written consent as set forth in the first and second paragraphs contained hereinabove.*

**THE MAYOR AND COMMON COUNCIL  
OF HYATTSVILLE**

*Sign:* \_\_\_\_\_

*Print:* \_\_\_\_\_

*Title:* \_\_\_\_\_

*STATE OF* \_\_\_\_\_ :

*COUNTY OF* \_\_\_\_\_ :

*I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me the subscriber, a Notary Public, in and for the County aforesaid, personally appeared \_\_\_\_\_ who acknowledged himself/herself to be \_\_\_\_\_ of the \_\_\_\_\_, a Municipal Corporation, being authorized to do so, executed the foregoing instrument for the purposes therein contained.*

*WITNESS My Hand and Official Seal.*

\_\_\_\_\_  
*Notary Public*



**WASHINGTON SUBURBAN  
SANITARY COMMISSION**

By: \_\_\_\_\_  
Michael Harmer  
WSSC Chief Engineer

STATE OF \_\_\_\_\_ :

COUNTY OF \_\_\_\_\_ :

*I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
before me, the subscriber, a Notary Public, in and for the County aforesaid, personally  
appeared Michael Harmer who acknowledged himself to be the Chief Engineer of the  
Washington Suburban Sanitary Commission, being authorized to do so, executed the  
foregoing instrument for the purposes therein contained.*

*WITNESS My Hand and Official Seal.*

\_\_\_\_\_  
Notary Public

*My Commission expires:* \_\_\_\_\_

*I hereby certify that I am an attorney duly admitted to practice before the Court of Appeals of  
Maryland and that the instrument was prepared under my supervision.*

\_\_\_\_\_  
Claudia Koenig  
Associate Counsel

**CONTRACT NO: 18-DA-6358-B**

**SKETCH NO(S): A-30291**

**DISTRICT: 16 - HYATTSVILLE**

**LOCATION : NORTHERN MOST AREA OF  
LOT 11, HOLLADAY COMPANY'S  
ADDITION TO HYATTSVILLE, MD**

**EASEMENT & RIGHT OF WAY**

**THE MAYOR AND COMMON COUNCIL OF HYATTSVILLE**

**TO**

**WASHINGTON SUBURBAN SANITARY COMMISSION**

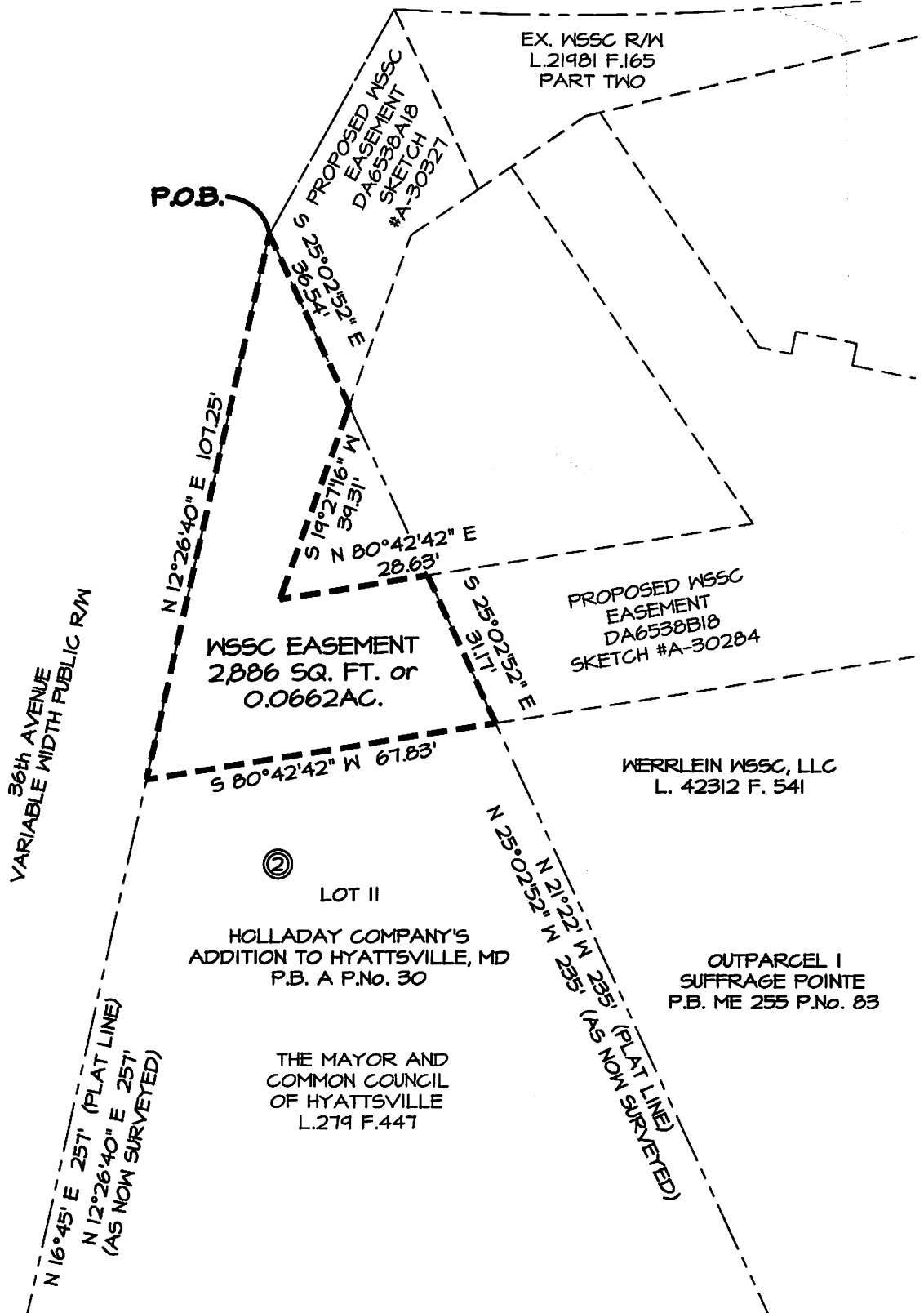
---

**Return to**

**WASHINGTON SUBURBAN SANITARY COMMISSION  
LAND SERVICES SECTION  
14501 SWEITZER LANE, LAUREL, MD 20707**

# SCHEDULE B

NAD83/91



## Dewberry®

**Dewberry  
Engineers Inc.**

4601 FORBES BOULEVARD  
SUITE 300  
LANHAM, MD 20706  
301.731.5551  
301.731.0188 (FAX)  
www.dewberry.com

R/W FOR A WATER MAIN AND  
A SANITARY SEWER MAIN  
AND APPURTENANCES

LANDS OF  
**THE MAYOR AND COMMON  
COUNCIL OF HYATTSVILLE**  
PRINCE GEORGE'S COUNTY, MARYLAND

**WASHINGTON SUBURBAN SANITARY COMMISSION**

LIBER 279  
FOLIO 447

DATE  
2/5/21

SKETCH NO.  
A-30291

200 SHEET NO.  
206NE03

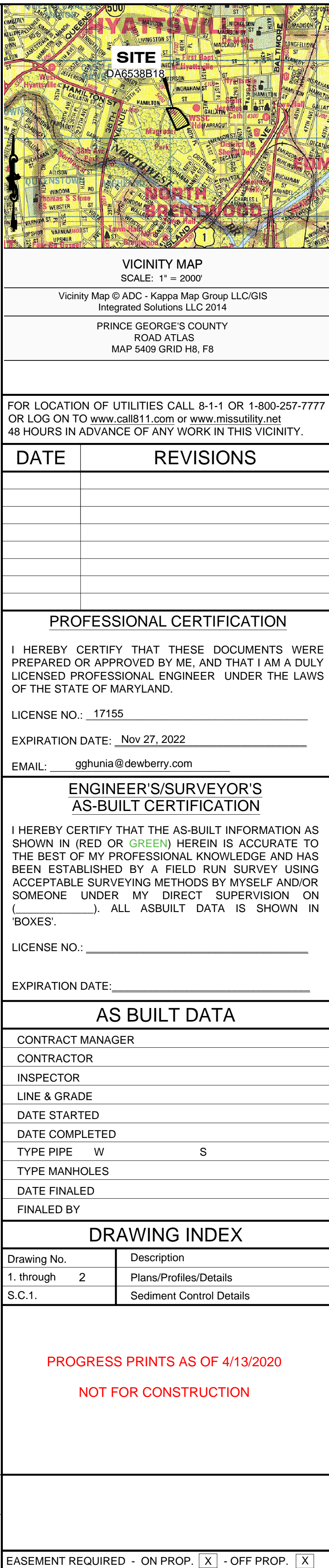
SCALE  
1"= 30'

SHEET NO.  
1 OF 1

CONTRACT # DA 6538 B 18











# City of Hyattsville

Hyattsville Municipal Bldg  
4310 Gallatin Street, 3rd Flr  
Hyattsville, MD 20781  
(301) 985-5000  
[www.hyattsville.org](http://www.hyattsville.org)

## Agenda Item Report

---

**File #:** HCC-74-FY22

9/20/2021

12.a)

---

Submitted by: Sean Corcoran

Submitting Department: City Clerk

Agenda Section: Community Notices and Meetings

**Item Title:**

**Main City Calendar: September 21 - October 4, 2021**

**Suggested Action:**

N/A

**Summary Background:**

N/A

**Next Steps:**

N/A

**Fiscal Impact:**

N/A

**City Administrator Comments:**

N/A

**Community Engagement:**

N/A

**Strategic Goals:**

Goal 1 - Ensure Transparent and Accessible Governance

**Legal Review Required?**

N/A

Main City Calendar: September 21 – October 4, 2021

**City Calendar: September 21 – October 4, 2021**

*City Council meetings will continue as scheduled and will be accessible to the public through web stream and cable. Public comment will be accepted electronically, and participants can join the virtual meeting after registration. For more information visit: [hyattsville.org/meetings](https://hyattsville.org/meetings)*

**Care For Your Trees English Language Workshop**

Tuesday, September 21<sup>st</sup>, 7:00 PM - 8:00 PM (Virtual)

**Planning Committee Meeting**

Tuesday, September 21<sup>st</sup>, 7:00 PM (Virtual)

**Code Compliance Advisory Committee Meeting**

Wednesday, September 22<sup>nd</sup>, 7:00 PM (Virtual)

**Health, Wellness, and Recreation Advisory Committee Meeting**

Thursday, September 23<sup>rd</sup>, 7:00 PM (Virtual)

**Age-Friendly Hyattsville Work Group Meeting**

Friday, September 24<sup>th</sup>, 11:00 AM (Virtual)

**Race and Equity Task Force Meeting**

Tuesday, September 28<sup>th</sup>, 7:00 PM (Virtual)

**Hyattsville Mini-Camp Day**

Friday, October 1<sup>st</sup>, All Day (Driskell Park Recreation Center, 3911 Hamilton Street)

**Shade Tree Board Meeting**

Friday, October 1<sup>st</sup>, 1:30 PM (Virtual)

**City Council Meeting**

Monday, October 4<sup>th</sup>, 7:00 PM