City of Hyattsville

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



Agenda Regular Meeting

Register in advance for this webinar: https://us06web.zoom.us/webinar/register/WN_B_KnWSrQRX2N8YaeJpONag

Monday, April 4, 2022 7:00 PM

Virtual

City Council

Robert S. Croslin, Interim Mayor

Danny Schaible, Council Vice President, Ward 2
Sam Denes, Ward 1
Joanne Waszczak, Ward 1
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

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 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 use the "Raise Hand" feature in the virtual meeting interface. Participants may also submit statements electronically using the eComment feature at www.hyattsville.org/meetings or via email to cityclerk@hyattsville.org no later than two (2) hours prior to the start of the meeting. All participants shall remain respectful in their contributions and associated functions of the virtual meeting interface are not intended for public dialogue or discussion.

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

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.

CITY INFORMATION: Sign up to receive text and email notifications about Hyattsville events, government, police and programs at 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, April 4, 2022 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.

PUBLIC PARTICIPATION:

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

https://us06web.zoom.us/webinar/register/WN_B_KnWSrQRX2N8YaeJpONag

- 1. Call to Order and Council Roll Call
- 2. Pledge of Allegiance to the Flag
- 3. Approval of Agenda
- 4. Public Comment (7:10 p.m. 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker
- 5. Community Notices and Meetings

5.a. Main City Calendar: April 5 - 18, 2022 HCC-314-FY22

N/A

Sponsors: City Administrator

Department: City Clerk

Attachments: City Calendar Apr 5- 18 2022

- 6. City Administrator Update (7:20 p.m. 7:35 p.m.)
- 7. Presentations (7:35 p.m. 7:50 p.m.)

7.a. Cool Green Bus Shelters

HCC-295-FY22

Presentation Only

Sponsors: City Administrator

Department: Public Works

Attachments: Counicil presentation -Concepts for Cool Green Shelter for Bus Stops

Hyattsville Town Council Apr4.2022

8. Proclamations (7:50 p.m. - 7:55 p.m.)

8.a. Proclamation in Honor of National Volunteer Week

HCC-307-FY22

I move that the Mayor and Council proclaim April 17 - 23, 2022 as National Volunteer Week in the City of Hyattsville.

Sponsors: City Administrator

Department: City Clerk

Attachments: CM 0404 National Volunteer Week 2022

8.b. Proclamation Celebrating April 2022 as Autism Acceptance Month

HCC-308-FY22

I move that the Mayor and Council adopt a proclamation recognizing April 2022 as Autism Acceptance Month in the City of Hyattsville.

Sponsors: City Administrator

Department: City Clerk

Attachments: CM 0404 Autism Acceptance Month April 2022

8.c. Proclamation in Honor of National Public Health Week

HCC-309-FY22

I move that the Mayor and Council proclaim April 4 - 10, 2022 as National Public Health Week in the City of Hyattsville.

Sponsors: Croslin

Department: City Clerk

Attachments: CM 0404 Public Health Week 2022

9. Appointments (7:50 p.m. - 7:55 p.m.)

9.a. Appointments to the Health, Wellness, and Recreation Advisory Committee HCC-310-FY22

I move that the Mayor and Council approve the appointment of Peter Stockus (Ward 4) and the reappointment of Patrice Woods (Ward 3) to the Health, Wellness, and Recreation Advisory Committee for terms of two (2) years to expire on April 30, 2024.

Sponsors: Denes

Department: City Clerk

Attachments: HWRAC Patrice Woods redac

HWRAC Peter Stockus redac

9.b. Reappointment to the Education Advisory Committee

HCC-311-FY22

I move that the Mayor and Council reappoint Michelle Thornton (Ward 1) to the Education Advisory Committee for a term of 2 years to expire on April 30, 2024.

Sponsors: McClellan and Peabody

Department: City Clerk

Attachments: EAC Michelle Thorton Apr 2022 redac

9.c. Reappointment to the Hyattsville Environment Committee

HCC-312-FY22

I move that the Mayor and Council approve the reappointment of Jared Messinger (Ward 1) to the Hyattsville Environment Committee for a term of two (2) years to expire on April 30, 2024.

Sponsors: Haba and Simasek

Department: City Clerk

Attachments: HEC Jared Messigner redac

10. Consent Items (7:55 p.m. - 8:00 p.m.)

Items listed on the Consent Agenda are considered routine in nature, and are approved in one motion. There will be no separate discussion of these items unless the Mayor/Council request specific items be removed from the Consent agenda for separate action.

10.a. Trolley Trail EYA Section Lighting

HCC-298-FY22

I move that the Mayor and City Council authorize the City Administrator to accept the proposal from PEPCO for the installation of lights on existing poles along the existing portion of the Trolley Trail in the City, and authorize an expenditure not to exceed \$25,000 for the installation.

Sponsors: City Administrator

Department: Public Works

Attachments: Revised Cost Letter WO17967618 Trolly Trail EYA Section

10.b. Change order to the Pennoni On-Call Transportation Design and Engineering <u>HCC-301-FY22</u> Contract

I move that the Mayor and Council authorize the City Administrator to execute a change order to the Pennoni On-Call Transportation Design and Engineering contract to increase the contract value not to exceed \$750,000 and to add 2 additional option years. In addition an expenditure is authorized not to exceed \$100,000 to provide services to include contract Traffic Management, Emerson St Retaining Wall engineering, and Lancer Drive Safety and Traffic Calming study.

Sponsors: City Administrator

Department: Public Works

Attachments: Cover Task 17 Emerson St Field Investigation

Pennoni - Hyattsville Emerson St Retaining Wall Field Investigations (002)

Copy of Traffic-fee

Task 19-Cover

Pennoni -Lancer Drive Study

Copy of MD 500 and Lancer Drive-fee

<u>Traffic Support-Cover</u> <u>Pennoni -Traffic Support</u>

10.c. Distribution Agreement with Capital Area Food Bank

HCC-302-FY22

I move that the Mayor and Council authorize the City Administrator to enter into an agreement with the Capital Area Food Bank for weekly receipt and distribution of non-perishable food boxes through June 30, 2022, in support of the City's efforts to provide food to families in need during COVID-19.

Sponsors: City Administrator

Department: Community Services

Attachments: Distribution Agreement COVID-19 April - June 2022

10.d. FY22 Capital Expenditure: Purchase of Six (6) Vehicles for the Police Department

HCC-305-FY22

I move that the Mayor and Council authorize the Police Department to purchase six (6) vehicles from Apple Ford Lincoln and upfitting equipment from Front Line together in the amount not to exceed \$361,444.00.

Sponsors: City Administrator

Department: Police Department

Attachments: Ford and Upfitting Quotes

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

11.a. Zoning Variance Request V-133-21 - 3107 Lancer Place, Hyattsville

HCC-304-FY22

I move the City Council authorize the Mayor to send correspondence to the Prince George's County Board of Zoning Appeals (BZA) requesting the denial of a variance request for the subject property at 3107 Lancer Place, Hyattsville. The correspondence shall cite the applicant's request to significantly exceed 25% of the impervious surface for the front yard area and recommendation for the applicant (1) withdraw the variance request, (2) resubmit for a request to validate the existing impervious surface driveway for the purposes of 'in-kind' replacement and (3) any additional hardscape within the front yard be limited to pervious materials.

Sponsors: City Administrator

<u>Department</u>: Community & Economic Development

Attachments: Memo - V-133-21

City of Hyattsville Zoning Variance Policy Statement and Variance P

rocess 10 3 11 V-133-21 Binder

11.b. Queens Chapel Town Center - Amendment to Conditions of Approval for CSP-10002 and DSP-10011 - Notice of Appeal

HCC-303-FY22

I move the City Council authorize the Mayor to file a written appeal with the Prince George's County District Council regarding the decision of the Zoning Hearing Examiner for CSP-10002 and DSP-10011, a decision to amend the Conditions of Approval for CSP-10002 and DSP-10011.

Sponsors: City Administrator

<u>Department</u>: Community & Economic Development

Attachments: CSP 10002-C-DSP-10011-C- Decision

CSP-10002-C-DSP-10011-QCTC Notice of Decision

ZHE Correspondence - QCTC FINAL (1)

11.c. Suffrage Point Preliminary Plan of Subdivision 4-21052

HCC-306-FY22

I move the City Council authorize the Mayor to provide correspondence the Maryland-National Capital Park & Planning Commission regarding Preliminary Plan of Subdivision 4-21052. The correspondence shall express the City's opposition to the applicant's Preliminary Plan of Subdivision and requests for the Planning Board to deny the application.

Additionally, the applicant has waived the 60-day mandatory review period. The City of Hyattsville therefore requests that the applicant and Planning Board consent to a postponement of the Preliminary Plan of Subdivision hearing for the subject case and reschedule the hearing for a minimum of 30-calendar days after the adoption of the District Council's revised resolution of the Conceptual Site Plan (CSP) 18002.

Should the not consent to a delay in the hearing and should the Planning Board move to approve the subject Preliminary Plan of Subdivision, the City requests that the Planning Board incorporate the following as conditions for approval:

- The PPS application be revised, or resolution be conditioned as Urban Street Design Standard Alley, STD 100.31. The internal alleyway shall be designed and constructed to a public standard and dedicated to the City as a public right-of-way. The site plans and any future dedication of plat shall incorporate language stating that the alleyway shall be publicly dedicated to the City of Hyattsville;
- 2. Per Urban Street Standards, turning radius from any roadway connecting to City roadway shall have a Minimum Turning Radius of 15';
- 3. The internal alleyway shall include an adequate turnaround space for emergency vehicles. This can be achieved through the elimination of lots 23 & 24;
- 4. Overhead lighting shall be designed and constructed to Pepco standards for acceptance into the public utility system. The lighting shall be placed at the entrance/exit of the site at Gallatin Street, entrance/exit of the site on Alley 3, and at the terminus of the alley;
- 5. The applicant shall dedicate Parcel B2 for a Public Use Easement (PUE) in which the applicant shall maintain ownership of Parcel B2, but access of the parcel shall be granted to the general public. Parcel B2 shall primarily serve to provide compensatory storage for the subject parcel, but shall be used by the public, and permitted at the City's discretion, under a separate Memorandum of Understanding.

Sponsors: City Administrator

<u>Department</u>: Community & Economic Development

Attachments: Memo - PPS 4-19053 - Suffrage Point - 3.31.2022 Final

Council Materials Suffrage PPS

12. Discussion Items (9:00 p.m. - 9:50 p.m.)

12.a. 3505 Hamilton Street Construction Administration, Construction Management, Third Party Inspection, and Commissioning

HCC-300-FY22

FOR DISCUSSION:

I move that the Mayor and Council authorize the City Administrator to execute a change order to the Johnson, Mirmiran, & Thompson (JMT) contract to increase the not to exceed value to \$4,750,000 and to extend the expiration date of the Contract to February 4, 2024. In addition, an expenditure is authorized not to exceed \$1,200,000 to provide Construction Administration, Construction Management, Third Party Inspections, and Commissioning for the 3505 Hamilton St Public Safety Building Adaptive Reuse Project under their existing contract and change orders.

Sponsors: City Administrator

Department: Public Works

Attachments: TO 01F - CA Services

TO 01H Third Party Inspectors

TO 01E CM Services

TO 01G Commissioning Services (1)

12.b. Awarding of the Contract for the 3505 Hamilton Street Public Safety Building HCC-299-FY22 Adaptive Reuse Project

FOR DISCUSSION:

I move that the Mayor and Council authorize the City Administrator to enter into a contract with The Whiting-Turner Contracting Company for the 3505 Hamilton Street Public Safety Building Adaptive Reuse Project, for an authorized expenditure not to exceed \$18.7 million, pending legal review.

Sponsors: City Administrator

Department: Public Works

Attachments: 220329 - memo - 3505 contractor selection

Whiting-Turner Submission City of Hyattsville March 11, 2022 220131 - RFP - DPW21-005 - Public Safety Building Adaptive Reuse

12.c. Open FY23 Budget Discussion - Real Property Tax Rate

HCC-313-FY22

Open discussion time for follow up items pertaining to the FY23 Budget. This discussion will be focused on the Real Property Tax Rate but Councilmembers may raise general questions on the budget during this time as well.

Attached is a slide detailing the proposed FY23 Real Property Tax Rate.

Sponsors: City Administrator

Department: City Clerk

Attachments: FY23 Real Property Tax Rate Slide

- 13. Council Dialogue (9:50 p.m. 10:00 p.m.)
- 14. Motion to Adjourn



City of Hyattsville

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Agenda Item Report

File #: HCC-314-FY22 4/4/2022 5.a.

Submitted by: Laura Reams

Submitting Department: City Clerk

Agenda Section: Community Notices and Meetings

Item Title:

Main City Calendar: April 5 - 18, 2022

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: April 5 – 18, 2022

For further information regarding City programming, events, or meetings please visit hyattsville.org/meetings or call 301-985-5000.

All committee meetings are virtual unless otherwise indicated below.

Board of Supervisors of Elections Meeting

April 5, 2022, 4:00 PM @ third floor Mayor's Office (in person meeting only, no virtual attendance)

Ageless Grace Seated Exercise Class

April 6, 2022, 10:00 AM - 11:00 AM @the first floor of the City Building

Candidacy Filing Deadline for 2022 Special Mayoral Election

April 8, 2022, 5:00 PM

Driskell Park Egg Hunt

April 9, 2022, 10:00 AM - 12:00 PM

Environment Committee Meeting

April 12, 2022, 7:00 PM

Ageless Grace Seated Exercise Class

April 13, 2022, 10:00 AM - 11:00 AM @the first floor of the City Building

Ethics Commission Meeting

April 13, 2022, 5:00 PM

Police and Public Safety Advisory Committee Meeting

April 13, 2022, 7:30 PM

Invasive Plant Removals

April 16, 2022, 10:00 AM - 2:00 PM

City Council Meeting

April 18, 2022, 7:00 PM



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Agenda Item Report

File #: HCC-295-FY22 4/4/2022 7.a.

Submitted by: Lesley Riddle

Submitting Department: Public Works

Agenda Section: Presentation

Item Title:

Cool Green Bus Shelters

Suggested Action:

Presentation Only

Summary Background:

Dr. Dave Tilley is co-founder & CEO of Living Canopies Ltd, a green start-up that is commercializing the Living Umbrella (tm) and Cool Green Bus Stop Shelter-2 ideas that he developed in his Ecosystem Engineering Design Lab at the University of Maryland, where he is an Associate Professor of Environmental Science & Technology.

Dr. Tilley approached the City of Hyattsville with a concept design for "Cool Green Shelters for Bus Stops". The concept design that Dr Tilley and his colleagues are working on is to provide a bus stop shelter that provides protection for people and is environmentally sustainable. The concept includes innovative use of solar power, use of sustainable materials, and reuse of rainwater for native plantings that are all incorporated within the design.

Currently, the city has limited bus shelters and staff felt that supporting Dr. Tilley's efforts in creating an innovative and substantive design would be an excellent opportunity. City staff has identified several potential locations for the "Cool Green Bus Shelters". The concept design for Hyattsville has been created for a "neighborhood fit" which considers specific elements of our city's unique qualities.

Next Steps:

Council review and approval of the proposed bus shelter program.

Fiscal Impact:

TBD

City Administrator Comments:

For presentation.

Community Engagement:

Community meetings will be scheduled to discuss potential placement of Green Bus Shelters.

Strategic Goals:

Goal 5 - Strengthen the City's Identity as a Diverse, Creative, and Welcoming Community

Legal Review Required?

Pending

Concepts for Cool Green Shelters for Hyattsville Neighborhood Bus Stops

Living Canopies Ltd
&
University of Maryland
Dr. Dave Tilley
Xiaojin Ren
Kurt Lawrence
Kyle Sonneveldt
Nick Gray
Kelly Fleming
Nick Cloyd
Jonathan Mallory

Hyattsville Town Council April 4, 2022





Criteria for Concepts

MUST HAVES

- 1. Protect people: summer sun and heat. Winter wind and rain.
- 2. Regulatory Compliance: ADA Wheel chair access
- 3. Plants: Native perennials. Vines, grasses and herbs.
- 4. Rainfall Capture & Reused with smart irrigation
- 5. Solar power, battery storage and charging for devices
- 6. <u>Dimensions</u>: 9'w x 4'd x 7'h
- 7. Sustainable materials: regional lumber, recycled metals
- 8. <u>LED</u> Lighting
- 9. <u>Signage</u> for advertising, sponsorship, wayfinding maps

Criteria for Concepts

THEMES

- 1. Neighborhood Fit (see photos of Hyattsville Sites)
- 2. Sustainable materials
- 3. Remarkable design
- 4. Modern but not "too modern"
- 5. See Hollywood Gateway Park in College Park for inspiration

Criteria for Concepts

FUTURE HAVES: Next Generation

- 1. Smart, Digital Advertising signage
- 2. 5G micro-cell tower as Hot Spot
- 3. Environmental Sensors (e.g., air quality, flooding)
- 4. Delivery/Exchange Lockers for books, produce, packages
- 5. Vending machine for battery replacement (phones)
- 6. Human interactivity
- 7. Rain Garden Connections
- 8. Pervious concrete

POSSIBLE LOCATIONS in Hyattsville



3500 Hammon St. 3700 Hammon St.



3900 Hamilton St.

3801 Hamilton St.

5400 38th Ave

4114 Jefferson St.



5910 40th Ave

5716 40th Ave

6100 42nd Ave

Jefferson St. x 40th Av ϵ_{19}

PRECEDENT RESEARCH Downtown Urban

Bus Stop Shelter



Bus stop shelters are part of the Coordinated Street Furniture Franchise that is managed by JCDecaux. The award-winning, stainless-steel and glass design provides seating and protection for bus users. Bus stop shelters are supported by advertising and generate revenue for the city.





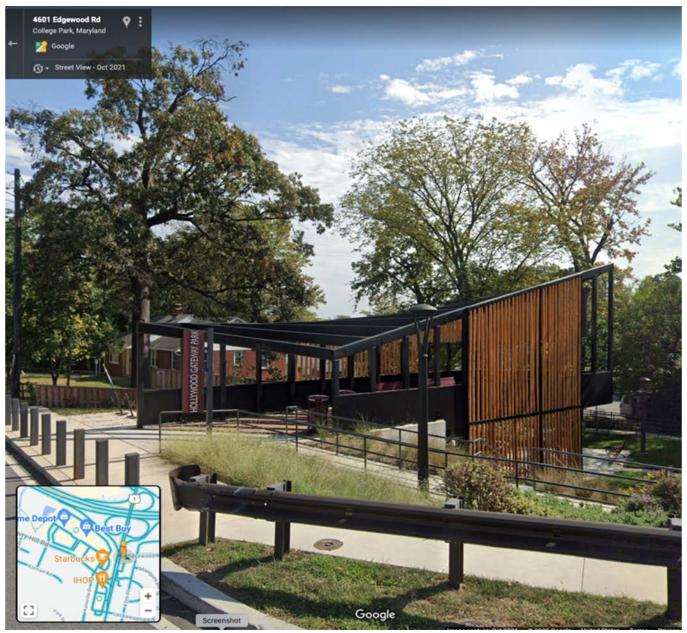
Bedford Avenue, Brooklyn



Hyattsville - University Park: Adelphi Rd. near Public Library



College Park/Hollywood Gateway Park Material (metal and bamboo) and style inspiration.



Hollywood Gateway Park CP



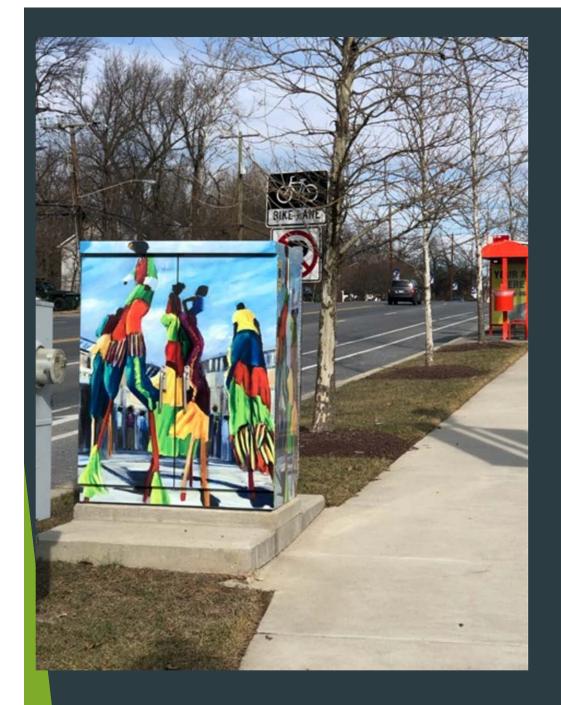
UMD's "WaterShed": Solar Decathlon House Butterfly Roof and Material



Metal Trellis and Brick Base for Materials

Riverdale Park Station in front of Whole Foods on US 1

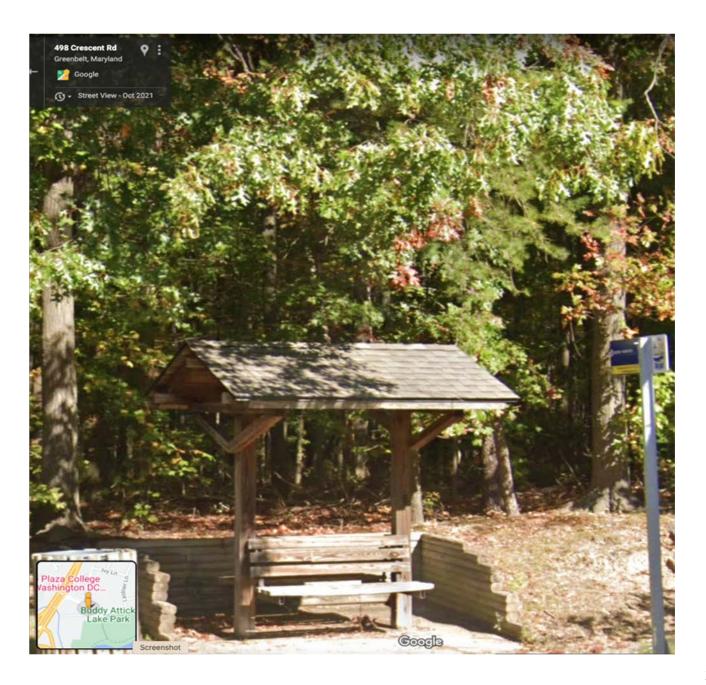




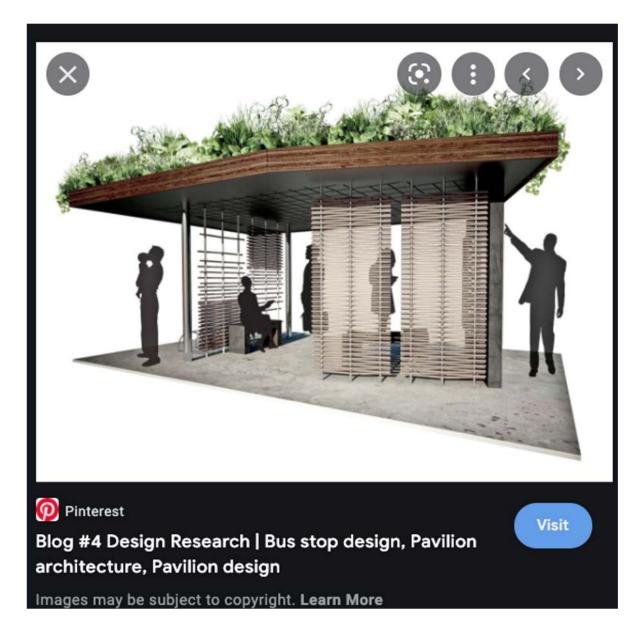
Art Aesthetic
Riverdale Park Station in
front of Whole Foods on US
1



Greenbelt: wooden "house" shelter



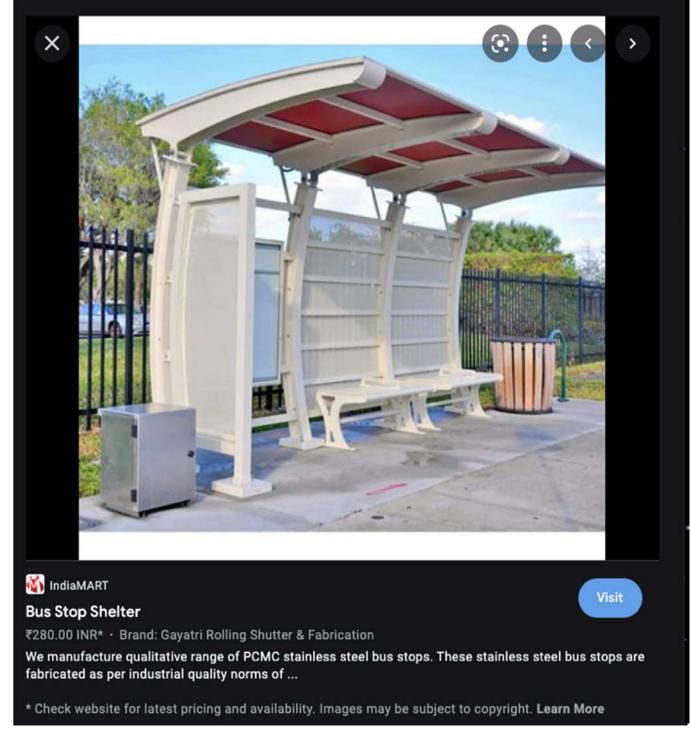
Inspirational Green/Natural Materials



The Quaint Hut



White Steel



Continuous Arc





Modern Orlando



Plant Integration



The Green Shelter

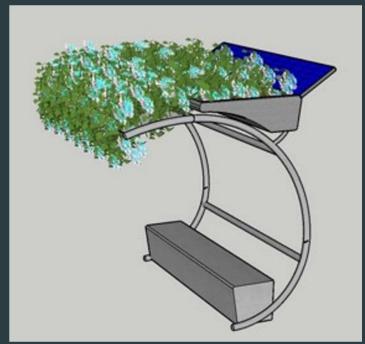
Concept #1

The Silver Curve
3 meter width

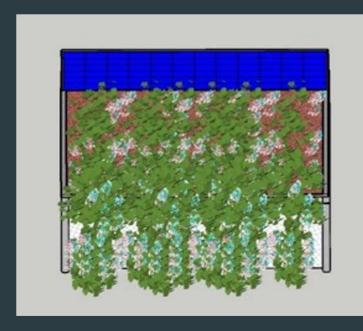


The Silver Curve

Views



Perspective





Side



Concept #2

GS-The Arch

Cedar & Galvanized Steel



Concept #3

GS-Semi-Arch

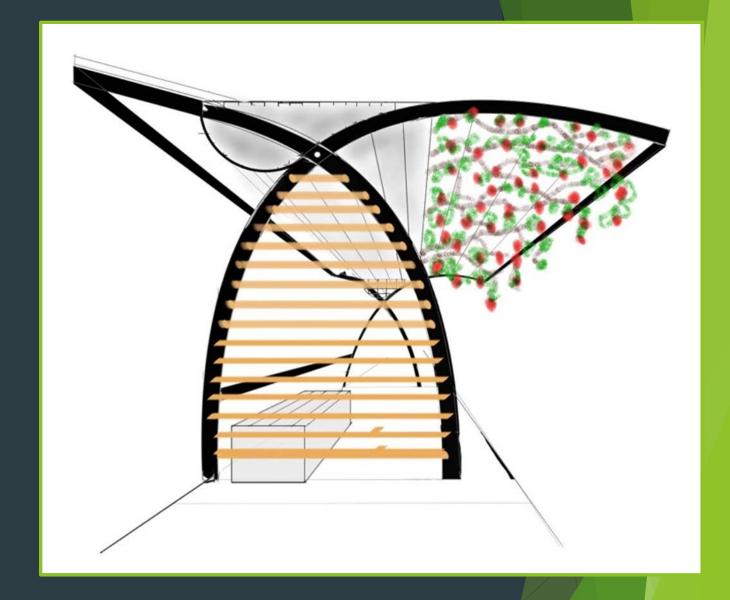
Cedar & Galvanized Steel



CEO & co-founder www.livingcanopies.com dave@livingcanopies.com 301-789-5099

Concept #4

GS-The Monarch



Conventional



Modified Conventional Sloped

Concept #5



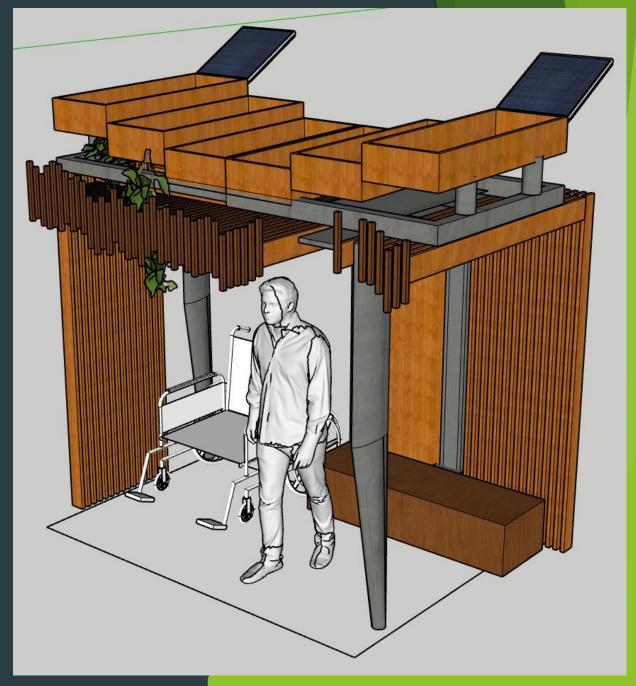
Concept #6

Front View



Concept #6

Perspective



Concept #6

Side View



CEO & co-founder www.livingcanopies.com dave@livingcanopies.com 301-789-5099

Concept #6

Rear View



Concept #7

Perspective



Concept #7

Front View



Concept #7

Side View



Concept #7

Rear View



Concept #7

Street Rendering



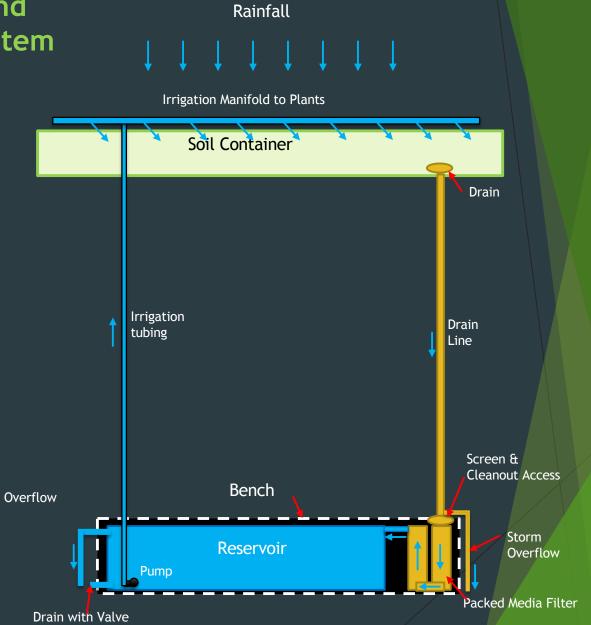
Concept #7

Street Render



Schematic of the Green Shelter's Water Reuse and

Recirculation System

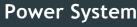


Smart Controller Platform for Cool Green Shelters for Bus Stops **Living Canopies Ltd**





USB Phone Charging





Particulate Matter 2.5



Flooding



Soil + Air Temperature Air Humidity

Environmental Monitoring Sensors



Smart Controller Hardware-Board

Internet Dashboard Remote Monitoring & Alerting

Remote Commands





Water Pump



Water Reservoir Leve



Soil Moisture Sensor

Irrigation System



Infrared Rider Detection



Photocell



LED Lighting



Lighting System

Power Requirements

A) Charging Personal Devices via a 5W USB Port

Assumptions:

- 1. 2 USB Ports
- 2. Smart phone charging consumes power at 3000 mA. Based on fact you can charge 50% of an iPhone with 3000 mAh battery in ½ hour.
- 3. Assume highest use rate: 2 ports for 12 h

USB Port Consumption = $2 \times 12 \times 3000 \text{ mA} = 72,000 \text{ mAh} = 72 \text{ Ah}$

B) LED Lighting

- 1. 20 lux (lumens/m2) is std for bus stops
- 2. At 27 m2 this gives ~600 lumens
- 3. Need 8-12 W of LED lights to produce 600 lumens
- 4. Lights on for 16 h per day in winter
- 5. 12 W @ 12V gives 1A
- 6. LED Consumption = 1 A x 16 h \rightarrow **16 Ah**

Power Requirements (cont'd)

C) Water Pumping

- 1. Pump rated at 60W or 5A
- 2. Pump on 30 min per day or 0.5 h
- 3. Pump Consumption = $5A \times 0.5h = 2.5 \text{ Ah}$ (round to 3 Ah)

D) Circuit Board and other sensors

- 1. Assume sleep mode of 10 mA
- 2. Sleep Mode consumption = $24 \text{ h} \times 10 \text{ mA} = 240 \text{ mAh}$
- 3. Active mode of 100 mA and 1 h/d
- 4. Active Mode Consumption = 1 h x 100 mA = 100 mAh
- 5. Total Board consumption = 340 mAh or 0.34 Ah (round to 1 Ah)

E) Total Power Consumption

1. Personal Devices 72 Ah

2. LED Lighting
3. Water Pump
4. Circuit Board
5. TOTAL
16 Ah
3 Ah
1 Ah
92 Ah

Power Requirements

- A) Battery Sizing
- 1. Use at 100 Ah LiFePO4 to provide peak load of 92 Ah
- B) Solar Panels
 - 1. 100 W panel @ 18 V provides 5.5 A
 - 2. Winter daylight is 9 h in December
 - 3. 9 h x 5.5 A \rightarrow 50 Ah but mfg recommends 35 Ah per day
 - 4. To produce 100 Ah with 35Ah per 100W requires 3 x 100 W or 300 W of panels



City of Hyattsville

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Agenda Item Report

File #: HCC-307-FY22 4/4/2022 8.a.

Submitted by: Laura Reams

Submitting Department: City Clerk Agenda Section: Proclamation

Item Title:

Proclamation in Honor of National Volunteer Week

Suggested Action:

I move that the Mayor and Council proclaim April 17 - 23, 2022 as National Volunteer Week in the City of Hyattsville.

Summary Background:

National Volunteer Week is an annual opportunity to celebrate all who voluntarily serve their community. It is also a time to encourage others to give of their time and talent to serve others.

Next Steps:

Proclaim that the week of April 17 - 23, 2022, to be National Volunteer Week in the City of Hyattsville.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend approval.

Community Engagement:

The City will continue to conduct charitable events and incorporate volunteers to help in all applicable aspects.

Strategic Goals:

Goal 5 - Strengthen the City's Identity as a Diverse, Creative, and Welcoming Community

Legal Review Required?

N/A

CITY OF HYATTSVILLE

PROCLAMATION

DECLARING THE WEEK OF APRIL 17 – 23, 2022 AS NATIONAL VOLUNTEER WEEK IN THE CITY OF HYATTSVILLE

WHEREAS, volunteering is the idea of helping fellow neighbors, friends, and anyone who may be in need of assistance selflessly and without the expectation of reward; and

WHEREAS, the City of Hyattsville has an abundance of kindhearted residents that, through gestures big and small, make our community a great place to live; and

WHEREAS, National Volunteer Week is a time to recognize those with goodwill who serve their community, and encourage others to do the same;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Hyattsville recognize the week of April 17 – 23, 2022 as National Volunteer Week, encouraging all residents to support their neighbors and community members, and embrace a spirit of service.

Robert Croslin

Interim Mayor, City of Hyattsville

April 4, 2022





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-308-FY22 4/4/2022 8.b.

Submitted by: Laura Reams

Submitting Department: City Clerk Agenda Section: Proclamation

Item Title:

Proclamation Celebrating April 2022 as Autism Acceptance Month

Suggested Action:

I move that the Mayor and Council adopt a proclamation recognizing April 2022 as Autism Acceptance Month in the City of Hyattsville.

Summary Background:

April is internationally recognized as World Autism month to bring awareness and encourage communities to develop improved resources for individuals who live with autism and their families.

Next Steps:

Adopt the proclamation which will bring awareness to Autism Awareness month.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend adoption.

Community Engagement:

Outreach and information sharing regarding autism and resources for those with autism.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

N/A

CITY OF HYATTSVILLE

PROCLAMATION

CELEBRATING APRIL 2022 AS AUTISM ACCEPTANCE MONTH IN THE CITY OF HYATTSVILLE

The City of Hyattsville proclaims April 2022 to be Autism Acceptance Month, promoting greater opportunities for autism inclusion and awareness so that individuals with autism can live full lives.

WHEREAS, April is recognized internationally as World Autism Month to educate and encourage communities to develop improved systems for families and individuals living with autism; and,

WHEREAS, According to The Autism Society, autism is the fastest growing developmental disorder in the United States with 1 in 54 children diagnosed with autism spectrum disorder, totaling over 5 million young people and adults; and,

WHEREAS, Encouraging broader acceptance and understanding can result in improved opportunities for individuals with autism in accessing quality education, employment, housing, and health care.

NOW, THEREFORE BE IT RESOLVED, that the City of Hyattsville recognizes April 2022 as Autism Acceptance Month in honor of building more inclusive and supportive experiences for individuals with autism and their families.

Robert Croslin

Interim Mayor, City of Hyattsville

April 4, 2022





City of Hyattsville

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Agenda Item Report

File #: HCC-309-FY22 4/4/2022 8.c.

Submitted by: Laura Reams

Submitting Department: City Clerk Agenda Section: Proclamation

Item Title:

Proclamation in Honor of National Public Health Week

Suggested Action:

I move that the Mayor and Council proclaim April 4 - 10, 2022 as National Public Health Week in the City of Hyattsville.

Summary Background:

National Public Health Week is an annual, national campaign to recognize and raise awareness about the importance of public health.

Next Steps:

Proclaim that the week of April 4 - 10, 2022, to be National Public Health Week in the City of Hyattsville.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend approval.

Community Engagement:

The City will continue to conduct charitable events and incorporate volunteers to help in all applicable aspects.

Strategic Goals:

Goal 5 - Strengthen the City's Identity as a Diverse, Creative, and Welcoming Community

Legal Review Required?

N/A

CITY OF HYATTSVILLE

PROCLAMATION

DECLARING APRIL 4 - 10, 2022, AS PUBLIC HEALTH WEEK IN THE CITY OF HYATTSVILLE

National Public Health Week is an annual, national campaign to recognize and raise awareness about the importance of public health.

WHEREAS, public health is defined as the science of protecting and improving the health of people and their communities; and

WHEREAS, the American Public Health Association (APHA) has championed for National Public Health Week for over 25 years by helping educate communities about public health and prevention to improve our nation's health; and

WHEREAS, the APHA's theme for 2022 is "Public Health is Where You Are", a call to focus on offering both mental and physical health support for marginalized groups within our communities; and

WHEREAS, the City regularly promotes resources and programming for Hyattsville residents to lead healthier lifestyles;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Hyattsville proclaim April 4 – 10, 2022, as National Public Health Week to encourage residents to make better health decisions, in April and year-round.

Robert Croslin

Interim Mayor, City of Hyattsville

April 4, 2022





City of Hyattsville

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Agenda Item Report

File #: HCC-310-FY22 4/4/2022 9.a.

Submitted by: Laura Reams

Submitting Department: City Clerk Agenda Section: Appointment

Item Title:

Appointments to the Health, Wellness, and Recreation Advisory Committee

Suggested Action:

I move that the Mayor and Council approve the appointment of Peter Stockus (Ward 4) and the reappointment of Patrice Woods (Ward 3) to the Health, Wellness, and Recreation Advisory Committee for terms of two (2) years to expire on April 30, 2024.

Summary Background:

See attached applications. Per the new Committee procedures, the new applicant has attended at least one (1) meeting of the Committee and a meet and greet with the Council and staff liaisons.

Next Steps:

Upon approval, the Health, Wellness, and Recreation Advisory Committee will have one (1) vacancy.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend support.

Community Engagement:

Committee meetings are open to the public and all are encouraged to attend. Agendas are posted on the City's website.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

N/A

Board, Committee and Commission Application

	and Commission Application		
Profile			
Patrice	Woods		
First Name	Last Name		
Preferred Pronouns			
Email Address			
Please enter your addr	ess below.		
•	our residency status, please visit t		
Committees that accepare listed below:	ot applications from individuals res	iding outside of the incorp	orated City limits
of the City) - Educational Facilities	Committee (at least 50% + 1 of sitti Task Force (up to one non-City re k Force (up to one-non City reside	esident appointment)	nust be residents
Street Address		Suite or Apt	
City		State	Postal Code
Which Boards would	you like to apply for?		
Health, Wellness and Re	ecreation Advisory Committee: For F	Review	
Do you currently serv	ve on this committee and are ap	plying for re-appointme	nt?
⊙ Yes ○ No			
If you selected more below.	than one Board/Committee of ir	nterest, please indicate y	our first choice
To find your City Ward	, click on this link! City Residency	Map	
Please select your wa	ard from the drop down list belo	ow. *	
☑ Ward 3			

Primary Phone

Referred By:

Please provide a brief background statement including why you want to serve on a committee. This statement may be posted on the City's website.

Patrice Woods is an accomplished marketer and brand strategist with 10+ years of experience working with Fortune 500 companies in the areas of strategic marketing management and corporate strategy. Currently, she is a social media brand manager at AARP. Before coming to AARP, Patrice devised marketing strategy for Capital One, Kimberly Clark, and McDonald's. In her free time, she is a volunteer with Horton's Kids, a community-based organization that serves 500 children in grades K through 12, living in Washington, DC's Ward 8. I am interested in joining the Health, Wellness, and Recreation Committee because living a healthy lifestyle is important to me and I understand the impacts it can have on a community. I want to help Hyattsville residents improve their health behaviors, reduce health risks, and increase productivity.

City of Hyattsville Submit Date: Nov 17, 2021

Board, Committee and Commission Application

Profile			
Peter	Stockus		
First Name	Last Name		
Email Address			
Street Address		Suite or Apt	
City		State	Postal Code
To find your City Ward, click on Page	this link! http://www.hyattsville.org/s	538/Residency-Ve	erification-
*			
☑ Ward 4			
Primary Phone	Alternate Phone		
Which Boards would you like	to apply for?		
Health, Wellness and Recreation	Advisory Committee: For Review		
Referred By:			

Please provide a brief background statement including why you want to serve on a committee. This statement may be posted on the City's website.

I am a new resident of Hyattsville but absolutely adore my city. Professionally I work in motorcycle advocacy, with a particular focus on off-highway use. Essentially I have professional experience in public lands, trails, outdoor recreation, and have a working knowledge of federal grants involving parks/trails. In my personal life, I am an avid cyclist and have been exploring the parks in Hyattsville and the surrounding region. I view this committee position as a way to positively contribute to my adopted hometown and coordinate with my community to provide healthy choices and recreation opportunities to everyone.



City of Hyattsville

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Agenda Item Report

File #: HCC-311-FY22 4/4/2022 9.b.

Submitted by: Laura Reams

Submitting Department: City Clerk Agenda Section: Appointment

Item Title:

Reappointment to the Education Advisory Committee

Suggested Action:

I move that the Mayor and Council reappoint Michelle Thornton (Ward 1) to the Education Advisory Committee for a term of 2 years to expire on April 30, 2024.

Summary Background:

See attached application.

Next Steps:

Upon appointment, the staff liaison will reach out to the appointee to inform them of their reappointment. Please note all meetings of the Committee are open to the public.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support.

Community Engagement:

Agendas for the Education Advisory Committee will be posted on the City's website. Meetings are open to the public and all are encouraged to attend.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Action 1.1 - Provide information and opportunities for resident participation in civic endeavors.

Legal Review Required?

N/A

Board, Committee and Commission Application

Profile			
Michelle First Name	Thornton Last Name		
Preferred Pronouns			
Email Address			
Please enter your address	s below.		
	ommittees require residency with residency status, please visit th	'	
Committees that accept a are listed below:	pplications from individuals resic	ling outside of the incorp	orated City limits
of the City) - Educational Facilities Ta	nmittee (at least 50% + 1 of sittin sk Force (up to one non-City resorce (up to one-non City residen	sident appointment)	nust be residents
Street Address		Suite or Apt	
City		State	Postal Code
Which Boards would yo	u like to apply for?		
Education Advisory Commi	ttee: Submitted		
Do you currently serve	on this committee and are app	lving for re-annointme	nt?
⊙ Yes ⊃ No			
If you selected more that below.	n one Board/Committee of into	erest, please indicate y	our first choice
To find your City Ward, cl	ck on this link! City Residency N	<u>Иар</u>	
Please select your ward	from the drop down list below	/. *	
Ward 1			

Primary Phone

Referred By:

Please provide a brief background statement including why you want to serve on a committee. This statement may be posted on the City's website.

For almost 2 years I have been Co -Chair with Mai Abdul Rahman. I've been working diligently to bring Conflict Resolution to both students and staff members in Hyattsville with Saarah Abdul-Rauf and Sandra Shephard and Mai Abdul Rahman. Conflict Resolutions gives both children and adults effect ways to communicate using logic oppose to emotions which is needed in schools and work places to day to limit emotional stress to Covid. My mission for Hyattsville is still the same. "We have a powerful potential in our youth, and we must have the courage to change old ideas and practices so that we may direct their power toward good ends." - Mary Mcleod Bethune. I, Michelle Thornton, am a lifelong resident of Hyattsville and I believe it to be a duty and honor to play my part in impacting the next generation. I had the opportunity to work in the Prince George's County government and I've seen the need for education at all levels. I've seen the results of a strong academic foundation in my life and I've seen the shortcomings of those who lack education. There is a need for education inside and outside of the classroom for all residents of Prince George's County. We here in Prince George's County have to import other technological people to come in because we do not have educational technology training in its entirety. I am also a product of the Hyattsville public school system. This too has given me a first-hand look at the education system in Hyattsville. I have seen that many of our young people are left behind and do not have solid foundations in science and math. We need to tackle these types of issues to better our community. I am a mother and I have a young daughter and I want to make sure that the structure and community resources are available for her and her peers from preschool to college. The sense of responsibility and urgency is what calls me to serve. I believe this is what calls me to serve the people of Prince George's county. In the 21st century, the transmission of information outpaces the rate at which education policy is developed. The mandate to meet these needs is not moving as fast. I think it is our responsibility as people of this Hyattsville community to look at our condition and our situation and to further position ourselves for the future. I have desired to awaken in us all of the opportunities for preparing the next generation with a foundational education. Dr. Charlene Duke the President of Prince George's Community College believes education is a major social justice issue and stated, "We can't talk about a great economy if we cannot talk about education and what that does to support that. We cannot talk about a talented workforce if we cannot talk about how education supports that." Education supports the economy. We need to take a stronger look at our preschool system, I think the kindergarten may be too late to start but we should be looking at earlier opportunities and growth for our babies and toddlers. Dr. Alivn Thornton, Chair of the Board of Education for Prince George's County, is a member of the Kirwan Commission. As a result of that commission, Maryland recently approved a 10-year education plan that includes full-day prekindergarten for low-income families to provide a foundation in academics to prepare the future children in our community. The purpose of the bill is to improve education access for all Marylanders prek-12. I want to continue to foster the programs implemented already in Hyattsville, while also bringing back vocational training in the same vein as the great Mary Mcleod Bethune when she founded schools. I think technical and vocational education should be stressed because there needs to be more on the job training and one should be able to better themselves either through college or technical schools. I think that a committee such as this should find ways to make this happen, with budgeted legislation. Education should be an opportunity for all whether we are challenged or not. I am fascinated by the educational structure of Gallaudet in Washington, DC where challenges do not prohibit people from being educated. Also, I admire Freeman A Hrabowski III the President of the University of Maryland Baltimore County, not only because it is my alma mater, but because he implemented the UMBC'S SUCCESS program. This program offered opportunities for adults with intellectual disabilities to have a chance to attend college in an inclusive environment. The program taught individuals independence and job skills. After completing the program they were able to retain a job. I do understand that a degreed person is important however education should not only include the degreed but also the non-degreed. I would like the opportunity to be on the education committee because I have always been interested in education, it is the road map to greater opportunities for oneself. I am writing this letter to express my interest in serving on the Education Advisory Committee. I want to be able to serve the residents of Hyattsville and develop solutions and implement programs that affect the children being raised in Hyattsville and future children. Wilkins, Tracee. "Prince George's Will Need \$360M to Fund Education Equity Plan." NBC4 Washington, NBC4 Washington, 13 Jan. 2020, www.nbcwashington.com/news/local/prince-georges-must-find-360m-to-fundeducation-equity-plan/2198919/.



City of Hyattsville

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Agenda Item Report

File #: HCC-312-FY22 4/4/2022 9.c.

Submitted by: Laura Reams

Submitting Department: City Clerk Agenda Section: Appointment

Item Title:

Reappointment to the Hyattsville Environment Committee

Suggested Action:

I move that the Mayor and Council approve the reappointment of Jared Messinger (Ward 1) to the Hyattsville Environment Committee for a term of two (2) years to expire on April 30, 2024.

Summary Background:

See attached applications. Per the new Committee procedures each applicant has attended at least one (1) meeting of the Committee and a meet and greet with the Council and staff liaisons.

Next Steps:

Upon approval, the Hyattsville Environment Committee will have three (3) vacancies.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend support.

Community Engagement:

Committee meetings are open to the public and all are encouraged to attend. Agendas are posted on the City's website.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

N/A

Board, Committee and Commission Application

	nd Commission Application		
Profile			
Jared	Messinger		
First Name	Last Name		
Preferred Pronouns			
Email Address			
Please enter your addre	ess below.		
	committees require residency within ur residency status, please visit the		
Committees that accept are listed below:	applications from individuals residin	g outside of the incorpo	rated City limits
of the City) - Educational Facilities	ommittee (at least 50% + 1 of sitting of sak Force (up to one non-City resident a Force (up to one-non City resident a	ent appointment)	ust be residents
Street Address		Suite or Apt	
City		State	Postal Code
Which Boards would y	ou like to apply for?		
Hyattsville Environment C	committee: For Review		
Do you currently serve	e on this committee and are apply	ing for re-appointmen	1?
⊙ Yes ⊃ No			
If you selected more the below.	nan one Board/Committee of inter	est, please indicate yo	our first choice
To find your City Ward,	click on this link! City Residency Ma	ıp	
Please select your war	d from the drop down list below.	*	
⊘ Ward 1			

Primary Phone

Referred By:

Please provide a brief background statement including why you want to serve on a committee. This statement may be posted on the City's website.

4907 42nd Place Hyattsville, MD 20781 Dear Hyattsville Environment Committee: Since moving to Hyattsville in May 2019, I've come to love the community and neighborhood, particularly the City's parks and public spaces. My morning walk with my dog along the Northwest Branch Trail and into Macgruder Park is a highlight of my day. The parks are litter free, the trails well-maintained, and the equipment is accessible and safe. I am applying to the vacancy on the Environment Committee to support the Committee's role in maintaining these great public spaces, and in their broader mission of providing the Council with recommendations on parks usage, waste reduction, and sustainable practices. I am passionate about sustainability, love the outdoors, and am an advocate for accessible and inclusive public spaces, and I believe having a voice on this Committee could contribute greatly to the City of Hyattsville's progress in this area. My experience and education make me an excellent candidate for this role. My current full-time position is a Program Manager with the World Resources Institute (www.wri.org) - one of the world's leading research institutions on environment and development issues. There, I provide day-today management of a large team supporting the restoration of degraded forests and farmland around the globe. Often, this restoration takes the form of increasing the number of native trees in a landscape, as well as protecting the existing forests and native species from further degradation. The tools and knowledge I've gained over the past 5.5 years in this role can be applied right here at home – protecting our existing green spaces and ensuring the right trees are planted in the right place in our city. The recommendations I make in this role would be supported by an extensive formal education, as I hold a Master of Public Administration (MPA) in Environmental Policy from Columbia University, and a Bachelor of Science in Forestry and Natural Resource Conservation from Virginia Tech. Now, more than ever, the world needs urgent, bold and sustainable solutions to our climate crises. And while many of those solutions will happen at the state, federal and international level, they must start right here at home, I'd like to take my knowledge of this topic and apply it in my city by joining the Environment Committee. I am happy to answer any questions, or to provide my CV or references upon request. Kind regards, Jared Messinger



City of Hyattsville

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Agenda Item Report

File #: HCC-298-FY22 4/4/2022 10.a.

Submitted by: Hal Metzler

Submitting Department: Public Works

Agenda Section: Consent

Item Title:

Trolley Trail EYA Section Lighting

Suggested Action:

I move that the Mayor and City Council authorize the City Administrator to accept the proposal from PEPCO for the installation of lights on existing poles along the existing portion of the Trolley Trail in the City, and authorize an expenditure not to exceed \$25,000 for the installation.

Summary Background:

Over the past several years the City has been working with the Maryland Department of Transportation - State Highway Administration (MDOT SHA) on the design of the Trolley Trail extension from Farragut St to Charles Armentrout Drive, to include lighting of the new segment of the path. The MDOT SHA project is currently being awarded with construction expected to begin in the summer of 2022. This proposal is to complete lighting of the trail within the City limits.

Next Steps:

Execute the proposal and issue a purchase order.

Fiscal Impact:

\$25,000

City Administrator Comments:

Click or tap here to enter text.

Community Engagement:

N/A

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

N/A



District of Columbia Office 3400 Benning Road, NE Washington, DC 20019 202-331-6237 Montgomery County Office 201 W. Gude Drive Rockville, MD 20850 301-670-8700 Prince George's County Office 8300 Old Marlboro Pike Upper Marlboro, MD 20772-2620 301-967-5800 An Exelon Company

Date: 03/25/2022

Company: CITY OF HYATTSVILLE DPW Address: 4310 Gallatin St, Hyattsville, MD 20781

Attention: Mike Schmidl

Subject: Project Name: Trolly Trail EYA section

Project Location: 5331 Baltimore Ave, Hyattsville, MD 20781

Pepco Work Order #17967618

Prince George's County MAP: 5409, GRID: K7&K8

Dear Mr. Schmidl,

Pepco has determined that the cost to provide INSTALL 10-150W LED STREET LIGHTS AND BRACKETS located at the above referenced address is \$16,017. These charges were calculated in accordance with Pepco's General Terms and Conditions.

This is not a bill. Please indicate your acceptance of these charges by signing the copy of this letter on the line indicated acknowledging your commitment to pay. Please retain the original for your records and return a signed copy to us. Pepco will generate an invoice that will be sent to you and must be paid within 30 days of receipt. Once payment is made, the charges are non-refundable.

Please note:

- A signed copy of this letter is required before an invoice can be generated.
- Payment will not be accepted until an invoice is generated. Please refer to the invoice for payment instructions.
- Service centers are no longer accepting direct payment for your project.
- Payment must be received in full before your project will be released to our Construction Department for scheduling.
- If your In-Service date has changed, please contact our office immediately.

If this work is no longer active, please notify our office. Should you have any questions regarding the information in this letter or how it relates to your project, please do not hesitate to contact (Lamin K Conteh at Office: 301-967-5492/Cell: 267-721-5435 or by email lamin.conteh@exeloncorp.com.

For additional information please visit www.pepco.com

Sincerely:

SIGN: LAMINKARANKAYCONTEH

Name: John Koroma Title: Supervisor

Pepco Engineering and Design Phone (Office): 301 -967 - 5359

E-mail address:John.koroma@exeloncorp.com

Accepted by:		Date:	
Title:	For:		



City of Hyattsville

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Agenda Item Report

File #: HCC-301-FY22 4/4/2022 10.b.

Submitted by: Hal Metzler

Submitting Department: Public Works

Agenda Section: Consent

Item Title:

Change order to the Pennoni On-Call Transportation Design and Engineering Contract

Suggested Action:

I move that the Mayor and Council authorize the City Administrator to execute a change order to the Pennoni On-Call Transportation Design and Engineering contract to increase the contract value not to exceed \$750,000 and to add 2 additional option years. In addition an expenditure is authorized not to exceed \$100,000 to provide services to include contract Traffic Management, Emerson St Retaining Wall engineering, and Lancer Drive Safety and Traffic Calming study.

Summary Background:

In the Fall of 2019, the City solicited a Request for Proposal (RFP) to provide on-call transportation design and engineering services to the City. Pennoni was one of two firms selected to receive a contract, which was awarded in January 2020. Since that time the number of transportation related projects has increased. In the past several months the City has received several traffic calming petitions from residents throughout the City, this is in addition to the West Hyattsville Road reconstruction projects, and the projects recommended by the 2018 Citywide Transportation Study. Pennoni may be participating in FY23 traffic related Council initiatives, and there may be additional projects that arise from the American Rescue Plan Act and the recently passed federal Infrastructure funding bill as well as projected related to federal and State stormwater funding that may become available to the City. This change order and expenditure will allow City staff to utilize Pennoni to provide Traffic Engineering support for current petitions, engineering for the Emerson St retaining wall replacement, and complete the Lancer Drive Safety and Traffic Calming study in the immediate, as well as preparing the contract for FY 23 projects and beyond.

Next Steps:

Issue change order and purchase order.

Fiscal Impact:

\$100,000

City Administrator Comments:

Click or tap here to enter text.

Community Engagement:

Community meetings will be held on a task by task basis as needed.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

File #: HCC-301-FY22 4/4/2022 10.b.

N/A



www.pennoni.com



March 10, 2022

The City of Hyattsville

Mr. Hal Metzler Deputy Director of Public Works, City of Hyattsville 4633 Arundel Place Hyattsville, MD 20781

RE: RFP #DPW19-012 | On-Call Transportation Engineering & Design Proposal for Tasks No. 17

Dear Mr. Hal:

Thank you for discussing the field investigation data needed to complete the Emerson Street retaining wall task. We are excited and confident that our team of Engineers can complete this task to your satisfaction.

Enclosed is our Scope and Cost proposal for the Emerson Street survey and soil boring task, with contract approved rates. If you'd like to discuss or have any questions, please feel free to call or email me on (443) 449-2517, byoung@pennoni.com or Kim Adams on (443) 449-2505, kadams@pennoni.com.

Respectfully submitted,

PENNONI ASSOCIATES INC.

Brian Young
Senior Engineer/Office Director

Emerson St. Retaining Wall Field Investigations

Pennoni is pleased to present this proposal for topographic survey and geotechnical soil boring services in support of the completion of the Emerson St. Retaining Wall task. The previously approved task consisted of design of a retaining wall to replace the existing retaining wall along Emerson Street on the northeast quadrant of the intersection with 40th Place in Hyattsville, Maryland. The existing retaining wall consists of a tiered timber retaining wall system which is approximately 85 feet long with two tiers which have a maximum total height of approximately 5 feet based on available site photography.

For this supplemental task, we understand that a topographical survey and geotechnical exploration has been requested to obtain crucial information needed for the design and review of retaining wall options.

Scope of Work

Based on discussions with Mr. Hal Metzler, Public Works Project Manager, it was noted that topographic survey and soil boring investigations were required to complete the design.

Based on our review of the available site/aerial photography, there does not appear to be clear access to the area behind the wall through the adjacent property as there appears to be additional tiered walls and a chain link fence along the driveway within the property. To obtain the required subsurface information, Standard Penetration Test borings are proposed at each end of the existing wall (see attached sketch for proposed locations). Based on our discussions with the City on March 1, 2022, we understand that Emerson Street can be closed from the intersection with 40th Place to the intersection with 41st Place during our field exploration. We have assumed that road closed signs at each end of the road will be sufficient for maintenance of traffic and understand that a City of Hyattsville Street Access/Right-Of-Way Usage Permit will not be required but we will need to provide notice to the City prior to our fieldwork. We understand that the City will also restrict parking within the work area.

Work will be performed by qualified personnel under the supervision of a licensed professional geotechnical engineer in the State of Maryland; the report will be signed and sealed by that engineer.

- 1. Available Data We will compile, review, and evaluate readily available existing information related to the current and proposed development at the referenced site, including geotechnical reports for adjacent developments that are provided by the Client. We will research our files for nearby projects and review available subsurface data.
- 2. Signage Pennoni will provided advanced notice to the City of Hyattsville prior to our geotechnical field exploration. Pennoni will provide road closed signs on Emerson Street at the intersections with 40th Place and 41st Place. The signs will be set up at the beginning of each day and taken down at the end of each day. We understand that the City will restrict parking in the area of our exploration for the duration of the exploration.
- 3. Field Exploration Based on our reviews, we will further develop/modify exploration and testing programs to obtain the necessary information pertinent to interpretation of subsurface conditions at the project site. We will estimate ground surface elevations based on the survey information to be obtained. We will contract the services of a qualified drilling contractor to perform the test boring.

We propose to perform two Standard Penetration Test (SPT) borings advanced to depths of approximately 20 feet below the existing ground surface at the east and west ends of the existing wall for a total of 40 linear feet. Sampling will be performed in general accordance with ASTM D 1586. Sampling of the soil will be continuous from the ground surface to a depth of approximately 10 feet and then in 5 feet intervals until the termination depth or auger refusal is reached, whichever is encountered first. We will obtain representative samples of the soil during drilling to be returned to our laboratory for subsequent analysis.



We have included provisions for boring setup at each location, as locations are not easily accessible due to being located within the tiered wall and on sloped soil at each end of the wall and will take additional time to set up beyond what is typically required.

We have also included provisions for performance of up to two hand augered probes within the upper tier of the retaining wall where access with the drill rig is not feasible. Hand augered probes will be performed to a maximum of 5 feet below the existing ground surface. The probes will be utilized to classify subsurface stratigraphy behind the retaining wall at elevations above those accessible with the drill rig. Soil samples will be obtained from each strata observed.

At each hand auger probe location, we will perform an evaluation of the subsurface soils using a Dynamic Cone Penetrometer (DCP) testing device. We anticipate the depth of testing to be on the order of 5 feet below the existing ground surface unless refusal (30 blows/inch) to further advancement of the equipment is experienced first. The DCP device uses a standard 10 square centimeter (projected area) cone tip to determine cone penetration resistance and estimate soil bearing capacity. Uniformity of soil consistency and/or relative density can also be evaluated from the test results. Cone penetration resistance values are obtained every 4 inches by dropping a 35 pound hammer 15 inches.

We will provide full-time observation by an experienced engineer or geologist during the SPT drilling, hand auger borings, DCP testing, and backfill operations. At the conclusion of the field program, we will backfill the boreholes and probeholes with a mixture of the excavated soils and bentonite grout and spread any excess soil within the grass around the boring locations. It should be noted that settlement and softening of the replaced soil often takes place leading to depressions or holes at the ground surface. We have not included provisions for off-site soil disposal and/or additional site restoration beyond that described herein.

- 4. Laboratory Analysis Samples obtained in the field will be returned to our laboratory. Tests will be performed on selected representative samples to better define classification and engineering properties as required. We anticipate our laboratory analysis will consist of routine index testing (e.g., moisture content determination, grain-size analysis, and/or liquid and plastic limit determination). Our services do not include testing or other type of investigation regarding the possible presence of hazardous or toxic substances either on-site or in imported materials.
- 5. Report and Recommendations At the completion of our geotechnical services we will issue a letter style geotechnical engineering report summarizing out field exploration, laboratory testing, and subsequent analyses. The report will provide recommended soil parameters for use in design of the retaining wall and associated foundations included a recommended allowable bearing capacity.
- 6. Contingency Work If additional test borings or auger probes are required other than those outlined in this proposal, we will develop the recommended scope of work along with the associated fee(s) and present them for approval. Any other engineering service not specifically outlined in this proposal will be invoiced in accordance with our normal professional Fee Schedule.
- 7. Topographic Survey Pennoni to perform a field run topographic survey of the existing wall located on Emerson Street at 40th Place as well as Emerson Road curb and center pavement, 30 feet past the existing drive, up to the fence or 30 feet onto lot 3 if accessible. Perform topographic survey of 40th Place curb, center pavement up to the fence or 30 feet on lot 3 if accessible past the driveway on 40th Place. The horizontal survey datum will be performed in the Maryland Coordinate System NAD83 and the vertical datum will be NAVD88.
- 8. Boundary Survey Pennoni to perform a field run boundary survey of Emerson Street right of way searching for property evidence on the adjoining properties along Emerson Street.



9. Boring Stakeout - Pennoni to stake the proposed boring locations and provide a spreadsheet.

Assumptions

The following assumptions have been made.

- An ALTA survey will not be required.
- Location of existing underground utilities are not included in this contract. Pennoni will utilize existing available utility plans from utility companies and county records to shown existing underground utilities
- Field exploration is to be provided during normal business hours (Monday through Friday, 8:00am to 6:00pm) using non-union, non-prevailing wage rate personnel and a single-mobilization;
- Client will provide unrestricted access to the boring locations for the duration of the field exploration program;
- Client will restrict parking on Emerson Street in the vicinity of the retaining wall during our field exploration;
- Site is accessible to a track mounted drill rig;
- Geotechnical field exploration can be performed in one day;
- Emerson Street can be closed during our field exploration and "Road Closed" signs are sufficient maintenance of traffic;
- A City of Hyattsville Street Access/Right-Of-Way Usage Permit is not required;
- Permits and site access requirements not specifically addressed herein shall be provided by the Client;
- For all hourly fee estimates in this proposal, the client agrees to compensate Pennoni for additional fees that exceeded the estimated amount. Pennoni will seek client's authorization prior to proceeding with any services. Compensation to Pennoni shall be in accordance with the hourly rate schedule in effect at the time of services are performed.

Exclusions

The following items are specifically excluded from this proposal.

- No services will be performed outside the scope of services of this proposal without prior written authorization by the client. Pennoni has included all items that are believed to be necessary, in order to obtain approval for the scope of this proposal. For services outside the scope of this proposal which is required as a result of studies performed or added by the review agencies, Pennoni will prepare a scope of services and fee consistent with the extent of the services required.
- If Client directs Engineer to perform services as set forth in this agreement without signing the Agreement, such direction, verbal or otherwise, constitutes acceptance by Client of the terms of the Agreement, including all attachments.
- No site restoration beyond that described herein is being provided.

Deliverables

- Report of evaluation of two previous design alternatives (prepared by others), present two proposed alternatives, comparison of costs and life cycles for the proposed alternatives.
- Conceptual level plans for proposed alternatives.
- Rendering of the proposed alternatives for visualization.

Fees

Pennoni will provide the above referenced scope of services for a lump sum fee of \$21,350 developed as follows:

Pennoni Field Exploration and Laboratory Testing-----\$3,355.00

Drilling Subcontractor----\$5,500.00

Analysis and Report-----\$5,895.00



Topographic Survey	\$2,100.00
Boundary Survey	\$2,900.00
Boring Stakeout	\$1,600.00

We have proposed a scope of work which satisfies our current understanding of the project. Should additional services be requested, we'll submit a request to the City.

Schedule

All topographic surveying work should be completed prior to beginning geotechnical work. We anticipate our geotechnical investigations can be completed within one week, weather permitting. We anticipate issuing our geotechnical engineering report within three weeks of the completion of drilling. A verbal summary of the results can be provided within 48 hours of the completion of drilling.





(Page 2)

Total

Task 18 Traffic Support

Safety Study

SCOPE OF WORK PROPOSAL RATE SHEET

In compliance with your Invitation to Proposal, we propose to furnish all materials, labor, equipment and services, necessary to complete the work as outlined in the Scope, per the pricing stated below:

	Position						
Tasks	Principal	Senior Transportation Engineer	Transportation Engineer	Designer	Survey Crew (3 Person)		oposal mount
	\$175.00	\$156.00	\$110.00	\$83.00	\$146.00		
1.0 Traffic Studies							
1.1. Misc Traffic Engineering Support		140	140				
Hours	0	140	140	0	0		
Fee	\$0.00	\$21,840.00	\$15,400.00	\$0.00	\$0.00	\$ 3	7,240.00
Indirect Costs						\$	9,000.00
8 Traffic Counts (24 hrs TMC and Speed Counts along MD 500)						\$	8,000.00
Travel						\$	1,000.00

\$ 46,240.00



351 West Camden Street Suite 200 Baltimore, MD 21201 T: 410-878-9550 F: 410-878-9551

www.pennoni.com

March 16, 2022

PRO #19-04587

The City of Hyattsville

Hal W. Metzler, Jr. El Project Manager, City of Hyattsville 4633 Arundel Place Hyattsville, MD 20781

RE: RFP #DPW19-012 | On-Call Transportation Engineering & Design

Submittal of Tasks No. 19

Dear Mr. Metzler:

Thank you for discussing the issues at Lancer Drive and Queens Chapel Road (MD 500) with us. We are excited and confident that our team of Engineers can complete this task to your satisfaction.

Enclosed is our Scope and Cost proposal for the Lancer Drive Safety study task, with contract approved rates. If you'd like to discuss or have any questions, please feel free to call or email me on (443) 449-2517, byoung@pennoni.com or Kim Adams on (443) 449-2505, kadams@pennoni.com.

Please inform us if you have any questions on comments regarding this initial submittal.

Respectfully submitted,

PENNONI ASSOCIATES INC.
Brian W. Goung

Brian W. Young

Senior Engineer/Office Director

Lancer Dr Safety Study

Pennoni is pleased to present this proposal for transportation engineering services for the Lancer Drive Safety Study. Pennoni understands that the project is located at the intersection of Lancer Drive and Queens Chapel Road (MD 500) in Hyattsville, MD. The project will include developing a study to determine the feasibility of safety enhancements or modifications at the intersection.

Scope of Work

Based on communications with Mr. Hal Metzler, Deputy Director, Public Works, the City of Hyattsville has seen an increase of crashes at the subject intersection. The City would like Pennoni to study the recently constructed intersection to look for strategies to mitigate crashes at the intersection and improve safety.

Scope of Services

Pennoni will investigate and have further discussions with the City of Hyattsville regarding possible mitigation strategies.

1.0 Traffic Studies

- 1.1 Perform Traffic Data Collection
- 1.2 Gather and review traffic counts
- 1.3 Perform AM Peak and PM peak field visit
- 1.4 Request and Review Crash Data (SHA and City)
- 1.5 Perform Traffic Safety Review
- 1.6 Prepare Report

2.0 QA/QC and Meetings

- 2.1 QA/QC
- 2.2 Client Review and Meeting
- 2.3 Address Comments

Exclusions

The following items are specifically excluded from this proposal.

• No Survey work is performed

Deliverables

Pennoni will provide the City of Hyattsville with a written memorandum summarizing review findings and feasibility of mitigation strategies.

Schedule

Pennoni understands the desire to complete the design as quickly as possible. Accordingly, Pennoni will initiate work 48 hours after of receiving notice to proceed and will be complete within 45 days.



(Page 2)

Task 19 MD 500 at Lancer Drive

Safety Study

SCOPE OF WORK PROPOSAL RATE SHEET

In compliance with your Invitation to Proposal, we propose to furnish all materials, labor, equipment and services, necessary to complete the work as outlined in the Scope, per the pricing stated below:

			Position			
Tasks	Principal	Senior Transportation Engineer	Transportation Engineer	Designer	Survey Crew (3 Person)	Proposal Amount
	\$175.00	\$156.00	\$110.00	\$83.00	\$146.00	
1.0 Traffic Studies					•	
1.1. Perform Traffic Data Collection		1				
1.2. Gather and review traffic counts		1	2			
1.3. Perform AM Peak and PM peak field visit		4	4			
1.4. Request and Review Crash Data (SHA and City)		4	4			
1.5. Perform Traffic Safety Review		4				
1.6. Prepare Report		4	8			
2.0 QA/QC and Meetings					_	
2.1. QA/QC		1				
2.2. Client Review and Meeting		2				
2.3. Address Comments		3				
Hours	0	24	18	0	0	
Fee	\$0.00	\$3,744.00	\$1,980.00	\$0.00	\$0.00	\$ 5,724.0
Indirect Costs						\$ 2,200.0
Traffic Counts (24 hrs TMC and Speed Counts along MD 500)						\$ 2,000.0
Travel						\$ 200.0
Total						\$ 7,924.0



351 West Camden Street Suite 200 Baltimore, MD 21201 T: 410-878-9550 F: 410-878-9551

www.pennoni.com

March 16, 2022

PRO #19-04587

The City of Hyattsville

Hal W. Metzler, Jr. El Project Manager, City of Hyattsville 4633 Arundel Place Hyattsville, MD 20781

RE: RFP #DPW19-012 | On-Call Transportation Engineering & Design

Submittal of Tasks No. 18

Dear Mr. Metzler:

Thank you for discussing the desire for traffic engineering services in the City of Hyattsville with us. We are excited and confident that our team of Engineers can complete this task to your satisfaction.

Enclosed is our Scope and Cost proposal for 4 months of traffic engineering support, with contract approved rates. If you'd like to discuss or have any questions, please feel free to call or email me on (443) 449-2517, byoung@pennoni.com or Kim Adams on (443) 449-2505, kadams@pennoni.com.

Please inform us if you have any questions on comments regarding this initial submittal.

Respectfully submitted,

PENNONI ASSOCIATES INC. Brian W. Goung

Brian W. Young

Senior Engineer/Office Director

On Site Traffic

Pennoni is pleased to present this proposal for transportation engineering services for the City of Hyattsville. Pennoni understands that the City is interested in Pennoni providing miscellaneous traffic engineering support.

Scope of Work

Based on communications with Mr. Hal Metzler, Deputy Director, Public Works, the City of Hyattsville has seen an increase in the number of citizen traffic related concerns as well as traffic concerns identified by City staff. The City would like Pennoni to provide traffic engineering support to the city on a continuous basis.

Scope of Services

Pennoni will provide the city with traffic engineering support from a senior transportation engineer and a transportation engineer. Pennoni will collect data, perform the needed field investigations, conduct traffic studies and provide creative solutions to the various traffic concerns.

Fee

Pennoni has based this Lump Sum fee for 16 hours of traffic engineering support a week for 4 months (April through July) divided evenly between a Senior Transportation Engineer and a Transportation Engineer. The fee also includes an item for up to 8 traffic counts and travel expense.

Schedule

Pennoni understands the desire to commence this work in April running through July at which time further support needs will be discussed.





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-302-FY22 4/4/2022 10.c.

Submitted by: Cheri Everhart

Submitting Department: Community Services

Agenda Section: Consent

Item Title:

Distribution Agreement with Capital Area Food Bank

Suggested Action:

I move that the Mayor and Council authorize the City Administrator to enter into an agreement with the Capital Area Food Bank for weekly receipt and distribution of non-perishable food boxes through June 30, 2022, in support of the City's efforts to provide food to families in need during COVID-19.

Summary Background:

Since May of 2020, the City has coordinated with County Council Member Deni Taveras to provide food to families in need during COVID-19. The Capital Area Food Bank has been delivering boxes of non-perishable food to Driskell Park on a weekly basis to support these efforts. With the assistance of staff and volunteers, the boxes are provided to families who drive through or walk into the Park. This agreement will continue this service through June 30, 2022, providing the Capital Area Food Bank has boxes available for weekly distribution. The boxes contain such items as canned fruits and vegetables, shelf stable milk, cereal, juice, tuna fish and peanut butter, and are provided at no charge to the City or the recipients.

Next Steps:

Execute agreement with Capital Area Food Bank

Fiscal Impact:

N/A

City Administrator Comments:

Recommend support.

Community Engagement:

This program is one of community engagement.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Complete



COVID-19 Response Distribution Partner Agreement

City of Hyattsville		
Name of Food Pantry or Food S	ervice Organizatio	n
4310 Gallatin Street		
Street Address		
Hyattsville	MD	20781
City	State	ZIP Code
David C. Driskell Community	Park, 3911 Hamilto	on Street, Hyattsville, MD 20781
Distribution Address (If differe	nt then above. Plea	ase include Address, City, State and Zi
301-985-5057	Colleen Ais	tis
Telephone Number	Contac	t Person
caistis@hyattsville.org	www.hyatts	ville.org
Email Address	Websit	e Address
Cheri Everhart 240-375-9398		
Additional Contact Person		
Tuesdays	10 am	
Days of Food Distribution	Hours o	of Food Distribution

The Distribution Partner agrees to comply with all provisions of the Agreement, Regulations, and any amendments thereto, and all instructions, record keeping requirements, policies and procedures issued in connection therewith. Specifically, the Distribution Partner agrees to adhere to the following requirements:

1) Provide adequate facilities for the handling and storage of all donations and properly safeguard them against theft, spoilage or other loss. Donations cannot be sold, exchanged or otherwise disposed of without approval of the Capital Area Food Bank (CAFB)

District of Columbia

4900 Puerto Rico Avenue, NE, Washington, DC 20017

6833 Hill Park Drive, Lorton, VA 22079









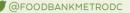




- 2) Accept only the amount of donations that can be stored without waste.
- 3) Agree that all items are accepted in "as is" condition and adhere to any additional donor stipulations.
- 4) Maintain a record of household served.
- 5) Not charge any individual for donations received.
- 6) Safely and properly handle the donated goods, which conforms to all Local, State and Federal regulations.
- 7)Permit representatives of CAFB to inspect donations in storage; or the facilities used in handling storage and distribution; and to review or audit all records at any reasonable time.
- 8) Submit all reports required by CAFB. Failure to file timely reports may be a basis for suspension or cancellation of this agreement.
- 9) Notify CAFB of any intention to change the Distribution Partner's location and/or distribution schedule. Any changes not approved by CAFB may result in termination of this Agreement.
- 10) The Distribution Partner is responsible to CAFB for any improper distribution or use of donations, or for any loss of or damage to donations, or for any loss of or damage to donations caused by their fault or negligence. CAFB will take action to obtain restitution in connection with claims for improper distribution, use or loss of, or damage to, donated foods.
- 11) Not engage in discrimination in the provision of service against any person because of race, color, citizenship, religion, sex, national origin, ancestry, age, marital status, disability, sexual orientation including gender identity, unfavorable discharge from the military or status as a protected veteran, in accordance with all applicable State and Federal laws.
- 12) Maintain all records pertaining to this Agreement for a period of not less than three (3) years after all matters pertaining to this Agreement (i.e.-audit, settlement of audit exceptions, disputes) are resolved in accordance with applicable Federal and/or State laws, regulations, and policies except as may otherwise be specific in this Agreement.













13) Distribution Partners that qualify to distribute for CAFB to households must: (a) distribute to households fairly and equitably on a "first come, first served" basis; (b) to the extent possible, provide same size households with similar amounts of donations; and (c) recipients may refuse any items they do not need.

EFFECTIVE PERIOD OF AGREEMENT

This agreement shall become effective on the date executed and approved for a **period of** approximately 90 days (from April 1st - June 30th, 2022). CAFB may terminate this Agreement immediately upon receipt of evidence that the terms and conditions of this Agreement have not been fully complied with by the Distribution partner. Any termination of this Agreement shall be in accordance with applicable laws and regulations. Upon any termination, the Distribution partner agrees to comply with instructions of the Food Bank regarding the transfer of all donated product remaining in its possession or control.

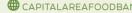
By signing below, the authorized representative of the Distribution Partner confirms that Distribution Partner is accepting and agrees to abide by all terms of this agreement.

Tracey Douglas		
Print or Type Name		
City Administrator		
Title	Date	
Signature (must be signed by ar agreement)	organization representative that has the	e authority to execute this

District of Columbia

4900 Puerto Rico Avenue, NE, Washington, DC 20017

6833 Hill Park Drive, Lorton, VA 22079













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-305-FY22 4/4/2022 10.d.

Submitted by: Allison Swift

Submitting Department: Police Department

Agenda Section: Consent

Item Title:

FY22 Capital Expenditure: Purchase of Six (6) Vehicles for the Police Department

Suggested Action:

I move that the Mayor and Council authorize the Police Department to purchase six (6) vehicles from Apple Ford Lincoln and upfitting equipment from Front Line together in the amount not to exceed \$361,444.00.

Summary Background:

The six new vehicles will replace inoperable vehicles and accommodate newly assigned officers. This is a budgeted expense in the FY22 CIP.

Next Steps:

Proceed with the purchase of vehicles and upfitting equipment.

Fiscal Impact:

Not to exceed \$361,444.00 in the FY22 CIP.

City Administrator Comments:

Recommend approval

Community Engagement:

N/A

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

N/A



Fleet/Government Sales

8800 Stanford Blvd. Columbia, MD 21045

City of Hyattsville 4310 Gallatin Street Hyattsville, MD 20781

02/22/22

Quote for 2022 Ford Explorer Police Interceptor AWD Riding the MD BPO#0001B1600355.

Vehicle	2022 Ford Police Interceptor AWD	\$32,215.00
99B	3.0L Ecoboost Engine	\$3,301.00
44U	10 Speed Auto Trans	N/C
16C	Carpet Floor Covering	N/C
16D	Badge Delete	N/C
18D	Global Lock/Unlock	N/C
19K	H8 AMG Battery	\$125.00
19V	Rear Camera on Demand	\$250.00
21L	Front Aux Lights	\$575.00
43D	Court. Lamp Disable	\$30.00
55B	Blind Spot System	\$560.00
55F	Keyless Entry (4 Fobs)	\$450.00
593	Anti-Theft System	\$125.00
60A	Grille Wiring Prep	\$65.00
60R	Noise Suppression Bonds	\$150.00
64E	18" Alum Rims	\$575.00
68B	Perimeter Alert	\$725.00
76D	Deflector Plate	\$345.00
76P	Pre-Collision Assist	\$155.00
76R	Revers Sensing System	\$279.00
65U	Interior Upgrade (True Center Console)	\$455.00
86T	RR Taillamp Housing	\$75.00
87R	Rear View Camera In Mirror	N/C
153	Front Tag Bracket	N/C
Color	Any Standard	
Interior	Front Cloth Rear Cloth	
Delivery Days	200	
	Net Price:	\$40,455.00
2	Total Price:	\$80,910

Please contact me with any questions, changes, or to finalize your order. I look forward to hearing from you. You can reach me at 443-539-1223 or by e-mail at: Jskipper@AppleFord.com.



Fleet/Government Sales

8800 Stanford Blvd. Columbia, MD 21045

2/07/2022

City of Hyattsville 4310 Gallatin Street Hyattsville, MD 20781

Quote for 2022 Ford Explorer Interceptor AWD Riding the MD BPO#0001B1600355.

Vehicle (Line 6)	2022 Ford Explorer AWD PIU 3.0L Ecoboost	\$35,516.00
52P	Door Lock Plunger	\$160.00
17A	AUX Climate Control	\$610.00
18D	Global Lock/Unlock	N/C
19K	H8 AGM Battery	\$110.00
19V	Rear Camera On Demand	\$230.00
21L	Front AUX Light	\$550.00
43D	Courtesy Lamp Disable	\$25.00
51R	Drivers Side LED Spot Lamp	\$395.00
55B	Blind Spot Info	\$545.00
55F	Keyless Entry (4 Fobs)	\$340.00
593	Anti-Theft	\$120.00
60A	Grille Wiring	\$50.00
60R	Noise Suppression Bonds	\$100.00
63B	Side Marker Lights	\$290.00
68G	Rear Door Locks In OP	N/C
76D	Deflector Plate	\$335.00
76P	Pre-Collision Assist	\$145.00
76R	Reverse Sensing System	\$275.00
86T	RR Taillamp Housing	\$60.00
87R	Rear View Cam In Mirror	N/C
153	Front Tag Bracket	N/C
68B	Perm. Alert	\$725.00
Color	Iconic Silver	
Trim	Front Cloth Rear Vinal	
Delivery Days	180	
	Net Price:	\$40,581.00
QTY 4	Total Price:	\$162,324

Please contact me with any questions, changes, or to finalize your order. I look forward to hearing from you. You can reach me at 443-539-1223 or by e-mail at: Jskipper@AppleFord.com.

Thank you, Justin Skipper



We have prepared a quote for you MARKED_UTILITY_NOCAGE_SIMPLE

Quote # FLMSE050812 v1

Prepared for: Hyattsville City Police Dept

Prepared by: Sarah Ellison



Lighting - Siren	IS CONTRACTOR OF THE PROPERTY	Price	Qty	Ext. Price
	LIGHTBAR			
ENNLB-18	54"/137cm 9-32 VOLT NFORCE NXT LED LIGHTBAR W/ 15' LIN DSC TECHNOLOGY - ENNLB00PP9-28A - QE092294	\$2,078.00	1	\$2,078.00
	HEADLIGHTS			
ELUC3H010J	SOS - Universal UnderCover Screw-In LED Insert Single Light Kit, 9-32 Vdc w/ 10' 5-wire harness: includes insert, Lens #1 (Extreme Angle) & Inline Flasher – Dual Color Red/Blue	\$70.00	2	\$140.00
	GRILL LIGHTS			
EMPS100LL-8	SO - 3" mpower Fascia with Stud Mount - R/B/W - QE092294	\$115.00	2	\$230.00
	PROFILE LIGHTS			
EMPS20168-J	4" mpower Fascia with Stud Mount - 12 LED 9-32 Volt SAE with 8' Pigtail - Black Housing with Clear LensRED/BLU - Q# - QE051238	\$116.00	2	\$232.00
PMP2WSSSB	SOS - Window Shroud Kit for 4" Light w/ Stud Mount - Black	\$8.00	2	\$16.00
	REAR DECK			
EMPS20168-J	4" mpower Fascia with Stud Mount - 12 LED 9-32 Volt SAE with 8' Pigtail - Black Housing with Clear LensRED/BLU - Q# - QE051238	\$116.00	2	\$232.00
PMP2WSSSB	SOS - Window Shroud Kit for 4" Light w/ Stud Mount - Black	\$8.00	2	\$16.00
	LICENSE PLATE LIGHTS			
EMPS201NV-J	4" mpower Fascia with Quick Mount - 12 LED 9-32 Volt SAE with 8' Pigtail - Black Housing with Clear LensRED/BLU - Q# - QE051238	\$116.00	2	\$232.00
	TAIL LIGHTS			
ELUC3H010R	SO - Universal UnderCover Screw-In LED Insert Single Light Kit, 9-32 Vdc w/ 10' 5-wire harness: includes insert, Lens #1 (Extreme Angle) & Inline Flasher - Single Color Red	\$66.00	2	\$132.00
ELUC3H010B	SO - Universal UnderCover Screw-In LED Insert Single Light Kit, 9-32 Vdc w/ 10' 5-wire harness: includes insert, Lens #1 (Extreme Angle) & Inline Flasher â€" Single Color Blue	\$66.00	2	\$132.00
	LIFT GATE AND CARGO LIGHTS			

Quote#FLMSE050812 v1 Page: 2 of ¹98



Lighting - Sirens		Price	Qty	Ext. Price
EMPS103EX-J	SOS - 3" mpower with Screw Mount8 LED with8' Pigtail Black Housing with Clear Lens RED/BLU- QE092294	\$106.00	2	\$212.00
EML6E20RW	SO - ML6 LED Flush Mount Light, SAE J595 Class 2 Certified & ECE 410.05, 10-30 volts, 10 Inch cable - Dual Color Red/White	\$50.00	2	\$100.00
	CARGO/DOME LIGHTS			
ECVDMLTALD C	Sound Off - LED Dome Light - 6" Round, w/ Red LED Night Light, fits Dodge Charger, Ford PI Sedan & Utility, 10-30V, White Lens / White LEDs	\$62.00	1	\$62.00
	BLUEPRINT AND LINK (includes speakers and siren)			
ENGLMK008	SOS - bluePRINT Link® Micro Module and Vehicle Harness for Ford Transit 2020-2021, Ford Explorer / Police Interceptor Utility (PIU) 2016-2021, Ford F150 2017-2020 only, Ford F250-F550 2017-2021	\$258.00	1	\$258.00
ENGSA581RS P	SOS - 500 Series Remote Siren with Button Control, 10-16v - for one 100 watt speaker	\$724.00	1	\$724.00
ETSS100J5	Sound Off - 100J Series Composite Speaker w/ Universal Bail Bracket - 100 watt	\$152.00	1	\$152.00
ETSSVBK01	SO - 2020 Ford Utility Speaker bracket SO - 2020 Ford Utility Speaker bracket	\$25.00	1	\$25.00
ENGND04101	SO - bluePRINT® Remote Node, 4 Active High/Low Inputs, 10 Ou	\$188.00	2	\$376.00
	SO - bluePRINT® Remote Node, 4 Active High/Low Inputs, 10 Outputs (50 Amps max)			
ENGHNK03	10 ft Harness Kit for Remote Node 10 ft Harness Kit for Remote Node	\$68.00	2	\$136.00
ENGSYMD01	SOS - bluePRINT Sync® Module	\$210.00	1	\$210.00
		Sı	ubtotal:	\$5,695.00

Console - Mounts		Price	Qty	Ext. Price
	CONSOLE AND DOCK SOLUTION			
AS7.P031.100- PS-1	PMT - CF-31 NPT DOCK W POWER ADAPTER	\$864.00	1	\$864.00
	Includes universal flat mounting plate and Power Adapter (PS004)			

Quote#FLMSE050812 v1 Page: 3 of 99



Console - Moun	ts	Price	Qty	Ext. Price
AS4.C237.601	PMT - 2020 SUV CONSOLE w/ ARBITRATOR**no arm rest cushion	\$504.00	1	\$504.00
	2020 INT SUV CONSOLE W/MOUSETRAP			
AS5.N101.003	PMT - MOUSETRAP WITH WEDGE TILT - Includes wedge tilt	\$237.00	1	\$237.00
AS9.C125.030- 6	PMT - USB CONTAINER TRAY	\$81.00	1	\$81.00
AS4.C501.015- 8	4" BREAKAWAY ARMREST w/ SWIVEL AND SINGLE CUP HOLDER	\$0.00	1	\$0.00
	**Included with console purchase			
7160-0314	ARMREST PRINTER MOUNT, NO POLE ARMREST PRINTER MOUNT, NO POLE 7160-0314	\$166.00	1	\$166.00
17040	GJ - Magnetic Mic - Microphone Hang-Up Mount	\$31.00	1	\$31.00
		Si	ubtotal:	\$1,883.00

Transport Systems		Price	Qty	Ext. Price
TP-20-UV- FXPL-RL	Troy - 2020+ PI Utility rear partition w/polycarbonate window, driver side fire ext. compartment and pass. side locking storage compartment	\$596.00	1	\$596.00
		S	ubtotal:	\$596.00

Push Bar - Rad	Push Bar - Racks		Qty	Ext. Price
	LOFT GUN RACK			
LOFT-PIU20- 2G-AO	LUND - 20+ Ford FPIU Loft Dual Weapon Storage Tray w/ Auto Open - Interior Dimension 16.5" x 40" LOFT-PIU20-2G-AO Includes 2 Gun Locks, Muzzle Bracket Assembly, Butt Cup & Momentary Push Button Switch. For use with a 18" Shotgun & M4	\$1,074.00	1	\$1,074.00
		Sı	ubtotal:	\$1,074.00

Antennas - Radios	Price	Qty	Ext. Price
TSH-Hyattsville-001 Sharkee antenna Kit will connect:1X 7/800 HYATTSVILLE- radio moto2X arbitrator wifi1X arbitrator gps 001	\$275.00	\$275.00 1	\$275.00
	S	ubtotal:	\$275.00

Quote#FLMSE050812 v1 Page: 4 (100)



Technology		Price	Qty	Ext. Price
	ARMREST ETIX			
3320G-LTC- ETIX	3320G Vuquest 2D Barcode Imaging Kit for E-TIX. Includes Scanner and 9.5' Straight USB Interface Cable	\$285.00	1	\$285.00
PJ723	PJ7 300DPI DT PRINTER WITH USB (ONLY INCLUDES THE PRINTER. REQUIRES POWER, USB	\$378.00	1	\$378.00
LB3692	POCKETJET ADAPTER - WIRED - 14 FOOT	\$23.00	1	\$23.00
LB3603	USB CABLE - 10 FOOT LENGTH	\$11.00	1	\$11.00
27402	4-PORT USB 2.0 HUB CABLE - GREY	\$16.00	1	\$16.00
	ARBITRATOR SYSTEM			
WJ-VPU4000	VPU4000 RECORDING UNIT ONLY	\$2,617.00	1	\$2,617.00
WV-VC35	ARBITRATOR IN-CAR AS-1 COMPATIBLE CAMERA	\$864.00	1	\$864.00
WV-VC31	BACK SEAT CAMERA	\$375.00	1	\$375.00
IPS-ICV4-ACC	I-PRO ACC KIT FOR VPU4000, 256GB SSD, POWER DIST BOX, BATTERY BKUP, 25 ETHERNET	\$597.00	1	\$597.00
ARB-M24	2.4 GHZ WIRELESS MICROPHONE	\$631.00	1	\$631.00
IPS-ICV4-ANT- BL	PANORAMA SHARK FIN FOR ICV4000, 4 WLAN, 1 BT, 1 GPS BLACK	\$315.00	1	\$315.00
IPS-ICV4- 256SSD	256GB RUGGED SSD FOR VPU4000 W/PULL TAB, W/AES ENCRYPTION	\$136.00	1	\$136.00
ARB- SOFUDEICV- OP3	ICV ON-PREM DEVICE LIC 3 YRS, INCL. UNIFIED DIGITAL EVIDENCE W/ CLOUD DEVICE MGM	\$334.00	1	\$334.00
	BODY WORN CAMERA AND VEHICLE EQUIP			
ARB-BWC4- CAMERA	BWC4000 CAMERA ONLY (INCLUDES KLICK FAST MOUNTING STUD)	\$861.00	1	\$861.00

Quote#FLMSE050812 v1 Page: 5 c 101



Technology		Price	Qty	Ext. Price
ARB-BWC4- BATTERY	BWC4000 REPLACEABLE BATTERY	\$170.00	1	\$170.00
ARB-BWC4- MNT-KIT	BWC4000 MOUNT KIT INCLUDING BELT CLIP, MAGNET, MOLLE, VESTMNT, STUD	\$119.00	1	\$119.00
ARB-BWC4- 1DOCKWIRE	BWC4000 SINGLE DOCKING CHARGER STATION W/12V HARNESS	\$235.00	1	\$235.00
		Sı	ubtotal:	\$7,967.00

Misc Additions		Price	Qty	Ext. Price
	DECALS			
Vehicle-Upfit- Decal	Decal - Graphics and install	\$1,000.00	1	\$1,000.00
	ELECTRONICS TRAY			
CP-UV20- CARGO	Troy - 2020+ PI Utility tilt-up cargo mount w/gas shocks.	\$560.00	1	\$560.00
AC-20-UV- TRAY	Troy - 2020+ PI Utility electronics tray bolts to CP-UV20- CARGO	\$188.00	1	\$188.00
	INSTALL KIT			
Vehicle-Upfit- Supplies	Misc. Material to include connectors, wire, and hardware	\$360.00	1	\$360.00
		Sı	ubtotal:	\$2,108.00

Installation		Price	Qty	Ext. Price
Vehicle-Upfit- Marked	Complete Upfit - Marked Patrol Car - Labor Only	\$3,420.00	1	\$3,420.00
		S	ubtotal:	\$3,420.00

Quote#FLMSE050812 v1 Page: 6 c 102



MARKED_UTILITY_NOCAGE_SIMPLE



Prepared by:

Frontline Mobile Tech

Sarah Ellison 240-280-8964 ext. 202 Fax 240.360.4538 sellison@frontlinemobiletech. com Bill to:

Hyattsville City Police Dept

4310 Gallatin St Hyattsville, MD 20781 Chris Purvis (301) 985-5060

cpurvis@hyattsville.org

Ship to:

Hyattsville City Police Dept

4310 Gallatin St Hyattsville, MD 20781 Jarod Towers (301) 985-5060 jtowers@hyattsville.org Quote Information:

Quote #: FLMSE050812

Version: 1 Delivery Date: 12/28/2021 Expiration Date: 01/27/2022

Quote Summary

Description		Amount
Lighting - Sirens		\$5,695.00
Console - Mounts		\$1,883.00
Transport Systems		\$596.00
Push Bar - Racks		\$1,074.00
Antennas - Radios		\$275.00
Technology		\$7,967.00
Misc Additions		\$2,108.00
Installation		\$3,420.00
	Subtotal:	\$23,018.00
	Shipping:	\$580.00
	Total:	\$23,598.00
	QTY 3 Total	\$70,794.00

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

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Hyattsville City Police Dept

Signature:	Sarah	Signature:	,	
Name:	Sarah Ellison	Name:	Jarod Towers	
Title:	President - Front Line Mobile Tech	Date:		
Date:	12/28/2021			

Quote#FLMSE050812 v1 Page: 7 d



We have prepared a quote for you MARKED_UTILITY_CAGE_SIMPLE

Quote # FLMSE050811 v1

Prepared for: Hyattsville City Police Dept

Prepared by:

Sarah Ellison



Lighting - Siren	S	Price	Qty	Ext. Price
	LIGHTBAR			
ENNLB-18	54"/137cm 9-32 VOLT NFORCE NXT LED LIGHTBAR W/ 15' LIN DSC TECHNOLOGY - ENNLB00PP9-28A - QE092294	\$2,078.00	1	\$2,078.00
	HEADLIGHTS			
ELUC3H010J	SOS - Universal UnderCover Screw-In LED Insert Single Light Kit, 9-32 Vdc w/ 10' 5-wire harness: includes insert, Lens #1 (Extreme Angle) & Inline Flasher – Dual Color Red/Blue	\$70.00	2	\$140.00
	GRILL LIGHTS			
EMPS100LL-8	SO - 3" mpower Fascia with Stud Mount - R/B/W - QE092294	\$115.00	2	\$230.00
	PROFILE LIGHTS			
EMPS20168-J	4" mpower Fascia with Stud Mount - 12 LED 9-32 Volt SAE with 8' Pigtail - Black Housing with Clear LensRED/BLU - Q# - QE051238	\$116.00	2	\$232.00
PMP2WSSSB	SOS - Window Shroud Kit for 4" Light w/ Stud Mount - Black	\$8.00	2	\$16.00
	REAR DECK			
EMPS20168-J	4" mpower Fascia with Stud Mount - 12 LED 9-32 Volt SAE with 8' Pigtail - Black Housing with Clear LensRED/BLU - Q# - QE051238	\$116.00	2	\$232.00
PMP2WSSSB	SOS - Window Shroud Kit for 4" Light w/ Stud Mount - Black	\$8.00	2	\$16.00
	LICENSE PLATE LIGHTS			
EMPS201NV-J	4" mpower Fascia with Quick Mount - 12 LED 9-32 Volt SAE with 8' Pigtail - Black Housing with Clear LensRED/BLU - Q# - QE051238	\$116.00	2	\$232.00
	TAIL LIGHTS			
ELUC3H010R	SO - Universal UnderCover Screw-In LED Insert Single Light Kit, 9-32 Vdc w/ 10' 5-wire harness: includes insert, Lens #1 (Extreme Angle) & Inline Flasher - Single Color Red	\$66.00	2	\$132.00
ELUC3H010B	SO - Universal UnderCover Screw-In LED Insert Single Light Kit, 9-32 Vdc w/ 10' 5-wire harness: includes insert, Lens #1 (Extreme Angle) & Inline Flasher – Single Color Blue	\$66.00	2	\$132.00
	LIFT GATE AND CARGO LIGHTS			

Quote#FLMSE050811 v1 Page: 2 (105



Lighting - Sirens	S. A. C.	Price	Qty	Ext. Price
EMPS103EX-J	SOS - 3" mpower with Screw Mount8 LED with8' Pigtail Black Housing with Clear Lens RED/BLU- QE092294	\$106.00	2	\$212.00
EML6E20RW	SO - ML6 LED Flush Mount Light, SAE J595 Class 2 Certified & ECE 410.05, 10-30 volts, 10 Inch cable - Dual Color Red/White	\$50.00	2	\$100.00
	CARGO/DOME LIGHTS			
ECVDMLTALD C	Sound Off - LED Dome Light - 6" Round, w/ Red LED Night Light, fits Dodge Charger, Ford PI Sedan & Utility, 10-30V, White Lens / White LEDs	\$62.00	1	\$62.00
	BLUEPRINT AND LINK (includes speakers and siren)			
ENGLMK008	SOS - bluePRINT Link® Micro Module and Vehicle Harness for Ford Transit 2020-2021, Ford Explorer / Police Interceptor Utility (PIU) 2016-2021, Ford F150 2017-2020 only, Ford F250-F550 2017-2021	\$258.00	1	\$258.00
ENGSA581RS P	SOS - 500 Series Remote Siren with Button Control, 10-16v - for one 100 watt speaker	\$724.00	1	\$724.00
ETSS100J5	Sound Off - 100J Series Composite Speaker w/ Universal Bail Bracket - 100 watt	\$152.00	1	\$152.00
ETSSVBK01	SO - 2020 Ford Utility Speaker bracket SO - 2020 Ford Utility Speaker bracket	\$25.00	1	\$25.00
ENGND04101	SO - bluePRINT® Remote Node, 4 Active High/Low Inputs, 10 Ou SO - bluePRINT® Remote Node, 4 Active High/Low Inputs, 10 Outputs (50 Amps max)	\$188.00	2	\$376.00
ENGHNK03	10 ft Harness Kit for Remote Node 10 ft Harness Kit for Remote Node	\$68.00	2	\$136.00
ENGSYMD01	SOS - bluePRINT Sync® Module	\$210.00	1	\$210.00
		Sı	ubtotal:	\$5,695.00

Console - Moun	Console - Mounts		Qty	Ext. Price
	CONSOLE AND DOCK SOLUTION			
AS7.P031.100- PS-1	PMT - CF-31 NPT DOCK W POWER ADAPTER	\$864.00	1	\$864.00
	Includes universal flat mounting plate and Power Adapter (PS004)			

Quote#FLMSE050811 v1 Page: 3 c 106



Console - Moun	ats of the second se	Price	Qty	Ext. Price
AS4.C237.601	PMT - 2020 SUV CONSOLE w/ ARBITRATOR**no arm rest cushion	\$504.00	1	\$504.00
	2020 INT SUV CONSOLE W/MOUSETRAP			
AS5.N101.003	PMT - MOUSETRAP WITH WEDGE TILT - Includes wedge tilt	\$237.00	1	\$237.00
AS9.C125.030-	PMT - USB CONTAINER TRAY	\$81.00	1	\$81.00
AS4.C501.015-	4" BREAKAWAY ARMREST w/ SWIVEL AND SINGLE CUP HOLDER	\$0.00	1	\$0.00
	**Included with console purchase			
7160-0314	ARMREST PRINTER MOUNT, NO POLE ARMREST PRINTER MOUNT, NO POLE 7160-0314	\$166.00	1	\$166.00
17040	GJ - Magnetic Mic - Microphone Hang-Up Mount	\$31.00	1	\$31.00
	Subtotal:			\$1,883.00

Transport Syste	ems	Price	Qty	Ext. Price
PS-20UV-SC- OS-R	Troy - 2020+ Single cell with poly window; half cage, kick panel w/ foot pocket, metal/poly divider with removable panel (Patent Pending), center seat floor plate, replacement plastic seat with OS seatbelt system, TROY rear partition square-hole pattern w	\$1,740.00	1	\$1,740.00
PS-20-FDUV- PAN	Troy - 2020+ PI Utility Plastic Floor Pan with V-Drain	\$266.00	1	\$266.00
WG-20-FDUV- SET	Troy - 2020+ PI Utility driver/passenger side window guards, welded bars, vertical design.	\$199.00	1	\$199.00
DP-UV20-SET	Troy - 2020+ PI Utility driver and passenger side door panel (SET)	\$203.00	1	\$203.00
		Sı	ıbtotal:	\$2,408.00

Push Bar - Racks		Price	Qty	Ext. Price
	LOFT GUN RACK			
LOFT-PIU20- 2G-AO	LUND - 20+ Ford FPIU Loft Dual Weapon Storage Tray w/ Auto Open - Interior Dimension 16.5" x 40" LOFT-PIU20-2G-AO Includes 2 Gun Locks, Muzzle Bracket Assembly, Butt Cup & Momentary Push Button Switch. For use with a 18" Shotgun & M4	\$1,074.00	1	\$1,074.00

Quote#FLMSE050811 v1 Page: 4 c 107



Push Bar - Racks	Price Qty	Ext. Price
	Subtotal:	\$1,074.00

Antennas - Rad	ios	Price	Qty	Ext. Price
TSH- HYATTSVILLE- 001	TSH-Hyattsville-001 Sharkee antenna Kit will connect:1X 7/800 radio moto2X arbitrator wifi1X arbitrator gps	\$275.00	1	\$275.00
		S	ubtotal:	\$275.00

Technology		Price	Qty	Ext. Price
	ARMREST ETIX			
3320G-LTC- ETIX	3320G Vuquest 2D Barcode Imaging Kit for E-TIX. Includes Scanner and 9.5' Straight USB Interface Cable	\$285.00	1	\$285.00
PJ723	PJ7 300DPI DT PRINTER WITH USB (ONLY INCLUDES THE PRINTER. REQUIRES POWER, USB	\$378.00	1	\$378.00
LB3692	POCKETJET ADAPTER - WIRED - 14 FOOT	\$23.00	1	\$23.00
LB3603	USB CABLE - 10 FOOT LENGTH	\$11.00	1	\$11.00
27402	4-PORT USB 2.0 HUB CABLE - GREY	\$16.00	1	\$16.00
	ARBITRATOR SYSTEM			
WJ-VPU4000	VPU4000 RECORDING UNIT ONLY	\$2,617.00	1	\$2,617.00
WV-VC35	ARBITRATOR IN-CAR AS-1 COMPATIBLE CAMERA	\$864.00	1	\$864.00
WV-VC31	BACK SEAT CAMERA	\$375.00	1	\$375.00
IPS-ICV4-ACC	I-PRO ACC KIT FOR VPU4000, 256GB SSD, POWER DIST BOX, BATTERY BKUP, 25 ETHERNET	\$597.00	1	\$597.00
ARB-M24	2.4 GHZ WIRELESS MICROPHONE	\$631.00	1	\$631.00

Quote#FLMSE050811 v1 Page: 5 c 108



Technology		Price	Qty	Ext. Price
IPS-ICV4-ANT- BL	PANORAMA SHARK FIN FOR ICV4000, 4 WLAN, 1 BT, 1 GPS BLACK	\$315.00	1	\$315.00
IPS-ICV4- 256SSD	256GB RUGGED SSD FOR VPU4000 W/PULL TAB, W/AES ENCRYPTION	\$136.00	1	\$136.00
ARB- SOFUDEICV- OP3	ICV ON-PREM DEVICE LIC 3 YRS, INCL. UNIFIED DIGITAL EVIDENCE W/ CLOUD DEVICE MGM	\$334.00	1	\$334.00
	BODY WORN CAMERA AND VEHICLE EQUIP			
ARB-BWC4- CAMERA	BWC4000 CAMERA ONLY (INCLUDES KLICK FAST MOUNTING STUD)	\$861.00	1	\$861.00
ARB-BWC4- BATTERY	BWC4000 REPLACEABLE BATTERY	\$170.00	1	\$170.00
ARB-BWC4- MNT-KIT	BWC4000 MOUNT KIT INCLUDING BELT CLIP, MAGNET, MOLLE, VESTMNT, STUD	\$119.00	1	\$119.00
ARB-BWC4- 1DOCKWIRE	BWC4000 SINGLE DOCKING CHARGER STATION W/12V HARNESS	\$235.00	1	\$235.00
		Sı	ubtotal:	\$7,967.00

Misc Additions		Price	Qty	Ext. Price
	DECALS			
Vehicle-Upfit- Decal	Decal - Graphics and install	\$1,000.00	1	\$1,000.00
	ELECTRONICS TRAY			
CP-UV20- CARGO	Troy - 2020+ PI Utility tilt-up cargo mount w/gas shocks.	\$560.00	1	\$560.00
AC-20-UV- TRAY	Troy - 2020+ PI Utility electronics tray bolts to CP-UV20- CARGO	\$188.00	1	\$188.00
	INSTALL KIT			
Vehicle-Upfit- Supplies	Misc. Material to include connectors, wire, and hardware	\$360.00	1	\$360.00
		Sı	ubtotal:	\$2,108.00

Quote#FLMSE050811 v1 Page: 6 (109)



Installation		Price	Qty	Ext. Price
Vehicle-Upfit- Marked	Complete Upfit - Marked Patrol Car - Labor Only	\$3,800.00	1	\$3,800.00
		Sı	ubtotal:	\$3,800.00

Quote#FLMSE050811 v1 Page: 7 (110)



MARKED_UTILITY_CAGE_SIMPLE



Prepared by:

Frontline Mobile Tech

Sarah Ellison 240-280-8964 ext. 202 Fax 240.360.4538 sellison@frontlinemobiletech. (301) 985-5060 com

Bill to:

Hyattsville City Police Dept

4310 Gallatin St Hyattsville, MD 20781 Chris Purvis cpurvis@hyattsville.org Ship to:

Hyattsville City Police Dept

4310 Gallatin St Hyattsville, MD 20781 **Jarod Towers** (301) 985-5060 jtowers@hyattsville.org Quote Information:

Quote #: FLMSE050811

Version: 1 Delivery Date: 12/28/2021 **Expiration Date:** 01/27/2022

Quote Summary

Description	Amou
Lighting - Sirens	\$5,695.0
Console - Mounts	\$1,883.0
Transport Systems	\$2,408.0
Push Bar - Racks	\$1,074.0
Antennas - Radios	\$275.0
Technology	\$7,967.0
Misc Additions	\$2,108.0
Installation	\$3,800.0
	Subtotal: \$25,210.0
	Shipping: \$580.0
	Total: \$25,790.0

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

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Date:

Hyattsville City Police Dept

Signature:	Sarah (Signature:	
Name:	Sarah Ellison	Name:	Jarod Towers
Γitle:	President - Front Line Mobile Tech	Date:	<u> </u>
Date:	12/28/2021		

Quote#FLMSE050811 v1 Page: 8 (111



We have prepared a quote for you UPFIT_UNMARKED_UTILITY

Quote # FLMSE050834 v1

Prepared for: Hyattsville City Police Dept

Prepared by: Sarah Ellison



Lighting - Sirens	S	Price	Qty	Ext. Price
	VISOR LIGHTBAR			
ENFWBF (12 LED)	SOS - nFORCE® 6 Module Interior Windshield Lightbar, 12 LEDs- Dual Color - ENFWB008TT - QE092294	\$724.00	1	\$724.00
	HEADLIGHTS			
ELUC3H010J	SOS - Universal UnderCover Screw-In LED Insert Single Light Kit, 9-32 Vdc w/ 10' 5-wire harness: includes insert, Lens #1 (Extreme Angle) & Inline Flasher – Dual Color Red/Blue	\$70.00	2	\$140.00
	GRILL LIGHTS			
EMPS2006T-8	SOS - 4" mpower Stud Mount 18 LED - RBW - 8' - QE085290	\$128.00	2	\$256.00
PMP2BKDGAJ	SOS - 90 Degree Deck/Grille Adjustable Bracket Kit for mpower® 4" Fascia Light w/ Stud Mount - Black	\$13.00	2	\$26.00
	PROFILE LIGHTS			
EMPS20168-J	4" mpower Fascia with Stud Mount - 12 LED 9-32 Volt SAE with 8' Pigtail - Black Housing with Clear LensRED/BLU - Q# - QE051238	\$116.00	2	\$232.00
PMP2WSSSB	SOS - Window Shroud Kit for 4" Light w/ Stud Mount - Black	\$8.00	2	\$16.00
	REAR DECK			
ENFWBRF (12 LED)	SOS - nFORCE® 6 Module Interior Rear Deck Lightbar, Full 1 Piece Shroud, 12 LEDs – Dual Color - ENFWB001MP - QE092294	\$724.00	1	\$724.00
	TAIL LIGHTS			
ELUC3H010R	SO - Universal UnderCover Screw-In LED Insert Single Light Kit, 9-32 Vdc w/ 10' 5-wire harness: includes insert, Lens #1 (Extreme Angle) & Inline Flasher - Single Color Red	\$66.00	2	\$132.00
ELUC3H010B	SO - Universal UnderCover Screw-In LED Insert Single Light Kit, 9-32 Vdc w/ 10' 5-wire harness: includes insert, Lens #1 (Extreme Angle) & Inline Flasher â€" Single Color Blue	\$66.00	2	\$132.00
	LIFT GATE AND CARGO LIGHTS			
EMPS103EX-J	SOS - 3" mpower with Screw Mount8 LED with8' Pigtail Black Housing with Clear Lens RED/BLU- QE092294	\$106.00	2	\$212.00
EML6E20RW	SO - ML6 LED Flush Mount Light, SAE J595 Class 2 Certified & ECE 410.05, 10-30 volts, 10 Inch cable - Dual Color Red/White	\$50.00	2	\$100.00

Quote#FLMSE050834 v1 Page: 2 113



Lighting - Sirens		Price	Qty	Ext. Price
	CARGO/DOME LIGHTS			
ECVDMLTALD C	Sound Off - LED Dome Light - 6" Round, w/ Red LED Night Light, fits Dodge Charger, Ford PI Sedan & Utility, 10-30V, White Lens / White LEDs	\$62.00	1	\$62.00
	BLUEPRINT AND LINK (includes speakers and siren)			
ENGLMK008	SOS - bluePRINT Link® Micro Module and Vehicle Harness for Ford Transit 2020-2021, Ford Explorer / Police Interceptor Utility (PIU) 2016-2021, Ford F150 2017-2020 only, Ford F250-F550 2017-2021	\$258.00	1	\$258.00
ENGSA581RS P	SOS - 500 Series Remote Siren with Button Control, 10-16v - for one 100 watt speaker	\$724.00	1	\$724.00
ETSS100J5	Sound Off - 100J Series Composite Speaker w/ Universal Bail Bracket - 100 watt	\$152.00	1	\$152.00
ETSSVBK01	SO - 2020 Ford Utility Speaker bracket SO - 2020 Ford Utility Speaker bracket	\$25.00	1	\$25.00
ENGND04101	SO - bluePRINT® Remote Node, 4 Active High/Low Inputs, 10 Ou SO - bluePRINT® Remote Node, 4 Active High/Low Inputs, 10 Outputs (50 Amps max)	\$188.00	2	\$376.00
ENGHNK03	10 ft Harness Kit for Remote Node 10 ft Harness Kit for Remote Node	\$68.00	2	\$136.00
ENGSYMD01	SOS - bluePRINT Sync® Module	\$210.00	1	\$210.00
		Si	ubtotal:	\$4,637.00

Console - Moun	ts	Price	Qty	Ext. Price
	CONSOLE AND DOCK SOLUTION			
17040	GJ - Magnetic Mic - Microphone Hang-Up Mount	\$31.00	1	\$31.00
PKG-VSX-1800 -INUT	Havis - Package - 2020-2021 Ford Interceptor Utility VSX Console with Front Bin, Cup Holder and Fuse Block	\$447.00	1	\$447.00
C-ARM-1001	Havis - Internal Mount Armrest with Lockable Accessory Pocket	\$196.00	1	\$196.00
		Sı	ubtotal:	\$674.00

Quote#FLMSE050834 v1 Page: 3 (114



Push Bar - Rad	cks	Price	Qty	Ext. Price
	LOFT GUN RACK			
LOFT-PIU20- 2G-AO	LUND - 20+ Ford FPIU Loft Dual Weapon Storage Tray w/ Auto Open - Interior Dimension 16.5" x 40" LOFT-PIU20-2G-AO Includes 2 Gun Locks, Muzzle Bracket Assembly, Butt Cup & Momentary Push Button Switch. For use with a 18" Shotgun & M4	\$1,074.00	1	\$1,074.00
LOFT-PIU20- NPKIT	Lund - LOFT- Non-Partition Mount Kit with for 2020 PIU	\$130.00	1	\$130.00
		Sı	ubtotal:	\$1,204.00

Misc Additions		Price	Qty	Ext. Price
	ELECTRONICS TRAY			
CP-UV20- CARGO	Troy - 2020+ PI Utility tilt-up cargo mount w/gas shocks.	\$560.00	1	\$560.00
AC-20-UV- TRAY	Troy - 2020+ PI Utility electronics tray bolts to CP-UV20- CARGO	\$188.00	1	\$188.00
	INSTALL KIT			
Vehicle-Upfit- Supplies	Misc. Material to include connectors, wire, and hardware	\$360.00	1	\$360.00
		Sı	ubtotal:	\$1,108.00

Installation		Price	Qty	Ext. Price
Vehicle-Upfit- Unmarked	Complete Upfit - Unmarked Police Car - Labor Only	\$2,850.00	1	\$2,850.00
		S	ubtotal:	\$2,850.00

Quote#FLMSE050834 v1 Page: 4 c 115



UPFIT_UNMARKED_UTILITY



Prepared by:

Frontline Mobile Tech

Sarah Ellison 240-280-8964 ext. 202 Fax 240.360.4538 sellison@frontlinemobiletech. com Bill to:

Hyattsville City Police Dept

4310 Gallatin St Hyattsville, MD 20781 Chris Purvis (301) 985-5060 cpurvis@hyattsville.org Ship to:

Hyattsville City Police Dept

4310 Gallatin St Hyattsville, MD 20781 Jarod Towers (301) 985-5060 jtowers@hyattsville.org Quote Information:

Quote #: FLMSE050834

Version: 1 Delivery Date: 12/30/2021 Expiration Date: 01/29/2022

Quote Summary

Description		Amount
Lighting - Sirens		\$4,637.00
Console - Mounts		\$674.00
Push Bar - Racks		\$1,204.00
Misc Additions		\$1,108.00
Installation		\$2,850.00
	Subtotal:	\$10,473.00
	Shipping:	\$340.00
	Total:	\$10,813.00
	Qty 2 Total:	\$21,626.00

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

F	ront	line	Mobi	le	Tech

Hyattsville City Police Dept

Signature:	Sarah	Signature:	
Name:	Sarah Ellison	Name:	Jarod Towers
Title:	President - Front Line Mobile Tech	Date:	
Date:	12/30/2021		

Quote#FLMSE050834 v1

Page: 5 (116



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-304-FY22 4/4/2022 11.a.

Submitted by: At the Request of the City Administrator

Submitting Department: Community & Economic Development

Agenda Section: Action

Item Title:

Zoning Variance Request V-133-21 - 3107 Lancer Place, Hyattsville

Suggested Action:

I move the City Council authorize the Mayor to send correspondence to the Prince George's County Board of Zoning Appeals (BZA) requesting the denial of a variance request for the subject property at 3107 Lancer Place, Hyattsville. The correspondence shall cite the applicant's request to significantly exceed 25% of the impervious surface for the front yard area and recommendation for the applicant (1) withdraw the variance request, (2) resubmit for a request to validate the existing impervious surface driveway for the purposes of 'in-kind' replacement and (3) any additional hardscape within the front yard be limited to pervious materials.

Summary Background:

The applicant has applied to the Prince George's County Board of Zoning Appeals for a zoning variance with regards to replacement of an existing parking pad and the addition of 50 square foot of sidewalk between the existing front sidewalk and parking pad for the subject property located at 3107 Lancer Place, Hyattsville, Maryland, 20781.

The subject property includes an existing single-family detached residential structure and is zoned R-55 (One-Family Detached Residential), located in City Council Ward 4 and Residential Parking Zone 8.

The applicant's front yard is 1,300 square feet and includes a 500 square feet impervious surface driveway, representing 38.46% coverage of the front yard area.

Next Steps:

The City will submit correspondence to the Board of Zoning Appeals.

Fiscal Impact:

N/A

City Administrator Comments:

The City's Variance Policy states that, "the City shall as a matter of policy provide letters of support for residents to document a "non-conforming lot" as part of the normal permitting process for projects complying with all other aspects of zoning regulations, unless the matter at hand is the certification of a non-conforming use on a non-conforming lot.

Based upon the findings of the application and corresponding Variance Policy, City Staff recommends the City Council oppose V-133-21 and the applicant revise and resubmit. Given the existing drive pad surface area exceeds 25% front yard coverage, staff recommends additional improvements beyond in-kind replacement utilize pervious materials. The applicant is subject to a City of Hyattsville driveway construction permit prior to making these proposed improvements.

Community Engagement:

The Board of Zoning Appeals (BZA) reviewed the variance request at its meeting on March 23, 2022 and is holding the record open, pending communication from the City of Hyattsville. The BZA will issue a decision at its next scheduled meeting, upon receipt of communication regarding the subject matter, from the City of Hyattsville.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

N/A



City of Hyattsville

Memo

To: Jim Chandler, Assistant City Administrator and Director, Community & Economic

Development

From: Taylor Robey, City Planner

CC: Tracey Nicholson, City Administrator

Date: March 29, 2022

Re: Zoning Variance Request V-133-21 – 3107 Lancer Place, Hyattsville

Attachments: Application for Variance (Appeal No. V-133-21)

City of Hyattsville Variance Policy

The purpose of this memorandum is to provide the Director of Community & Economic Development with a briefing on the Zoning Variance request V-133-21, for the subject property located at 3107 Lancer Place, Hyattsville, Maryland, 20781.

Summary of Variance Conditions:

The applicant, Olga Rubio, has applied to the Prince George's County Board of Zoning Appeals for a zoning variance with regards to replacement of an existing parking pad and the addition of 50 square foot of sidewalk between the existing front sidewalk and parking pad. Specific violations of the Zoning Ordinance and requested variance is outlined in the table below:

Residential Zone Use Table	Description	Variance Requested
Section 27-442. (e)	Requires each lot shall have a front	Variances of 3 feet front yard
Table IV	yard at least 25 feet in depth and a	depth and 1 foot side yard width
	side yard at least 8 feet in width.	
Section 27-442. (d)	Requires each lot shall have a	Variance of 8 feet front building
Table III	minimum width of 65 feet	line width
	measured along the front of the	
	building line.	
Section 27-120.01 (c)	Requires that no parking space,	Waiver of parking area location
	parking area, or parking structure	
	other than a driveway no wider	
	than its associated garage, carport,	
	or other parking structure may be	
	built in the front yard of a dwelling	
	in the area between the front street	
	line and sides of the dwelling	

The subject property includes an existing single-family detached residential structure and is zoned R-55 (One-Family Detached Residential). It is located in City Council Ward 4 and Residential Parking Zone 8. The proposed parking pad and sidewalk extension is shown in Exhibit A below.

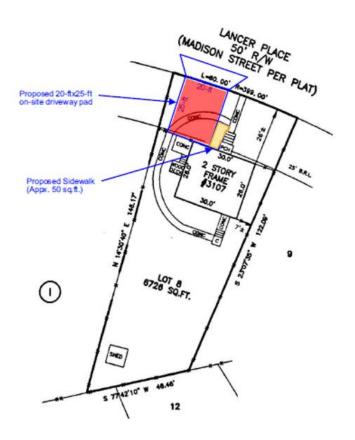


Exhibit A. 7103 Lancer Place, Hyattsville

Per §68-8 of the City Code – Impervious surfaces on residential properties: A. Notwithstanding the Prince George's County Code provisions related to impervious surface coverage, the impervious surface area of the front yard of any residential property in the City of Hyattsville shall not exceed twenty-five percent (25%) of the total area of the front yard.

Definitions:

"Front yard" shall mean in addition to the definition in this Chapter, that for buildings on corner lots where the building faces an intersection rather than either of the streets, the front yard shall be the triangular area between the paved streets and a line drawn across that side of the building nearest the street and facing the intersection.

"Impervious surface" shall include, but not be limited to, concrete, asphalt, pavers, brick and gravel, and all paved and prepared drivable surfaces pursuant to §114-72.1 of this Code. Non-drivable surfaces, including a sidewalk no wider than 42", shall not be counted as impervious surface for purposes of this subsection.

The applicant's front yard is 1,300 square feet and includes a 500 square feet impervious surface driveway, representing 38.46% coverage of the front yard area.

Recommendation:

The City's Variance Policy states that, "the City shall as a matter of policy provide letters of support for residents to document a "non-conforming lot" as part of the normal permitting process for projects complying with all other aspects of zoning regulations, unless the matter at hand is the certification of a non-conforming use on a non-conforming lot.

Based upon the findings of the application and corresponding Variance Policy, City Staff recommends the City Council oppose V-133-21 and the applicant revise and resubmit. Given the existing drive pad surface area exceeds 25% front yard coverage, staff recommends additional improvements beyond in-kind replacement utilize pervious materials. The applicant is subject to a City of Hyattsville driveway construction permit prior to making these proposed improvements.

City of Hyattsville Zoning Variance Policy Statement and Variance Process -

The Mayor and Council adopted the following City of Hyattsville Policy and Process for Zoning Variance Requests: <u>City of Hyattsville Zoning Variance Policy Statement:</u>

The City of Hyattsville affirms the role of the Prince George's County Planning Board zoning authority and "the purposes, intent, standards and design criteria set forth in the Zoning Ordinance and appropriate County policies."

The City of Hyattsville affirms the current zoning policy within the City limits and as a matter of policy does not support zoning variances as a normal business practice.

The City's support of a zoning variance ordinarily be granted only after the Mayor and City Council acknowledge that the granting of a variance:

- 1. remedies a unique situation that zoning did not anticipate;
- 2. remedies that which creates a significant hardship on the property-owner that can be documented and clearly demonstrated;
- 3. will result in benefits to the residents and improve the quality of the environment of the City.

Citizens requesting such support shall submit:

- 1. current plat of site with all existing conditions;
- 2. photos of all existing site conditions;
- 3. scale plans and elevations of existing conditions and proposed changes
- 4. narrative description of the proposed changes, specifics of the zoning variance requirements and an explanation of how the zoning variance request responds to:
 - a. a unique situation that zoning did not anticipate;
 - b. a significant hardship on the property owner
 - c. benefits to the residents and improve the environment of the City

The City shall as a matter of policy provide letters of support for residents to document a "non conforming lot" as part of the normal permitting process for projects complying with all other aspects of zoning regulations, unless the matter at hand is the certification of a non-conforming use on a non-conforming lot. The standard for the support of the certification of a non-conforming use on a non-conforming lot would revert to the instant aforementioned requirements for City support of a zoning variance.

The City will not support variance requests for additional lot coverage when the intention of the request is to add off-street parking on the lot, except in extraordinary circumstances

City of Hyattsville Zoning Variance Process

Requests for zoning variances shall be processed by the Office of Code Enforcement and reviewed by the staff for technical issues. The Office of Code Enforcement shall determine if the request complies with all of the requirements of City of Hyattsville Zoning Variance Policy or to document a "non conforming lot". The Supervisor shall then issue a report for the City Administrator citing one of the following "Actions":

- A. The request for the City's support of the zoning variance does not comply with City's policy, <u>Do Not Recommend Approval</u>
- B. The request for the City's support of the zoning variance does comply with City's policy, Recommend Approval Zoning Variance
- C. The request for the City's support of the zoning variance does comply with City's policy for "non conforming lots", Recommend Approval Non Conforming Lot

The City Administrator shall review the Office of Code Enforcement Supervisor's Report and determine which of the following actions is applicable and execute accordingly:

- A. <u>Do Not Recommend Approval</u> The City Administrator shall draft a letter detailing the City's opposition for the proposed request for a zoning variance for the Mayor's consideration and signature. The City letter opposing the proposed request for a zoning variance shall be placed on the Consent Items Agenda for approval by the City Council.
- B. <u>Recommend Approval Zoning Variance</u> The City Administrator shall forward the Office of Code Enforcement Supervisor's Report for the proposed request for a zoning variance to the (Planning Committee for review and comment along with any other City staff comments) the Mayor and City Council for action.
- C. <u>Recommend Approval Non Conforming Lot</u> The City Administrator shall draft a letter detailing the City's support for the proposed request for a zoning variance for a "non conforming lot" to the Mayor for his review and signature. The City letter supporting the proposed request for a zoning variance shall be placed on the Consent Items Agenda for approval by the City Council.

Adopted by the Mayor and Council on February 13, 2006 Amended by the Mayor and Council on October 3, 2011

BOARD OF APPEALS EXHIBIT SHEET VARIANCES

APPL	ICATION NO. V-133-21	PETITIONER:	Olga Rubio	_
No.	Description			_
1.	Application			
2.	Site Plan			
3.	Subdivision Plat			
4.	Color Photos, A thru G			
5.	Permit History			
6.	PGAtlas Printout			
7.	SDAT Property Printout			
8.	Aerial Photos, A thru F			
9.	Aerial Photos, Neighboring Properties,	, A thru F		
10.	Notice of Virtual Hearing, 3/22/2022			
11.	Persons of Record List, 3/22/2022			
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				



County Administration Building, Room L-200 14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 (301) 952-3220

(USE BLACK INK ONLY) <u>PLEASE READ ALL INSTRUCTIONS</u> BEFORE FILLING OUT APPLICATION

Rev. 01/01/2020

_	Received Stamp	

APPEAL NO. _ V-133-21

HEARING DATE

APPLICATION FOR A VARIANCE

(If variance is being applied for due to receipt of a Violation Notice, a copy of the notice is required.)
For assistance in completing questions below, see corresponding paragraphs on Instructions to Applicants, which is designed to help you fill out this form.

Owner(s) of Property Olga Rubio
Address of Owner(s) 3107 Lancer PL
City Hyattsville State MD Zip Code 20782
Telephone Number (home)240-705-4177 (cell)240-705-4177 (work)
E-mail address:tania.rubio27@yahoo.com
Location and Legal Description of the Property involved:
Street Address 3107 Lancer PL
City Hyattsville
Lot(s) Block Parcel
Subdivision Name
Professional Service: ► Engineer ► Contractor ► Architect: (if different from above): (circle one)
Name:
Address: Phone Number:
Email Address:
Attorney representing applicant: (If applicable) Name:
Address: Phone Number:
Email Address:

V-133-21

Association Nar	ne(s) & Addres	s(es) (Homeowner	rs/Citizens/Civic	and/or Community):
Name:	Olga Rubio			
Address:	3107 Lancer	PI		
Municipality (In	ncorporated City	/Town)		
Name		Hyattsville		8
What will be or	has been const	ructed on the prop	erty which has	required a variance?
H 11		Driveway in pla	ace is being repa	aired
		Please ref	er to the site pla	ın
Inspector	's Name:			Violation Notice No. # Ir hearing? (\$30.00 fee required)
Yes_	_ No _		Foreign Langu	uage:
	V			
				Signature of Owner/Attorney
				Printed Name

IMPORTANT:

Failure to provide complete and accurate information on this application may delay or jeopardize consideration of the request. Applications on which all required information is not furnished will be returned for completion before processing.

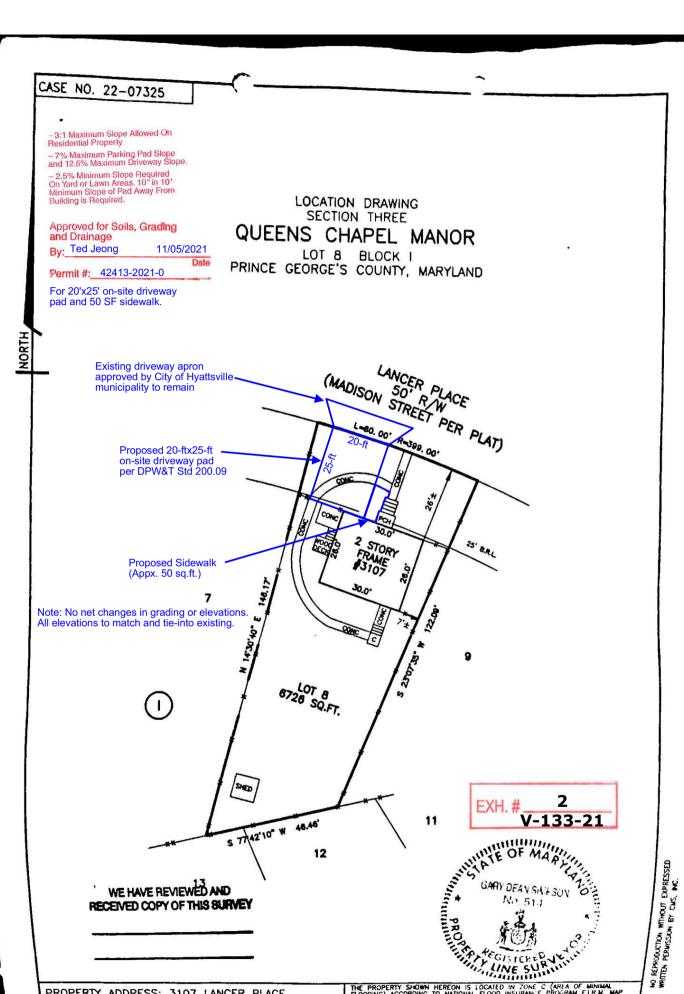
Approval of a variance is not a guarantee that further review will not be necessary by other governmental authorities. For further information regarding Board of Zoning Appeals policies and procedures, see Sections 27-229 through 27-234 of the County Zoning Ordinance and/or the Board's website at http://pgccouncil.us/.

Rev. 01/01/2020

FOR OFFICE USE ONLY

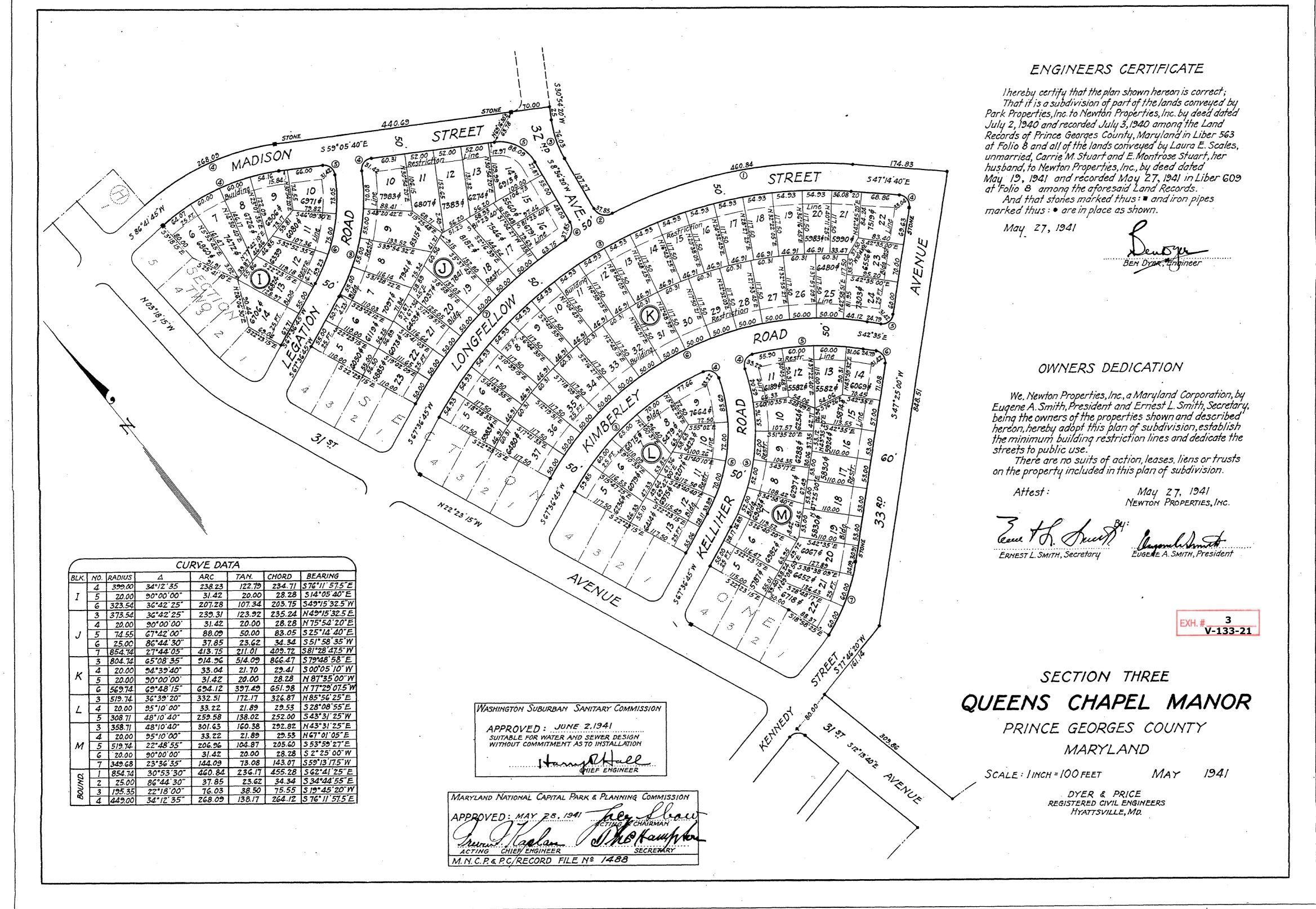
Filing Fee Paid: \$	Sign Posting Fee Paid: \$
CK/M.O. #	
By:	By:
Translation Services: \$	
CK/M.O. #	Ordinio. II
Ву:	By:
-	
1-	
Property Zone:	
Overlay Zone:	
Previous Activity:	
I.e.: Variance, PB Action,	
Violation Notice #:	
Yes No	
Variance(s) required:	

Rev. 01/01/2020



PROPERTY ADDRESS: 3107 LANCER PLACE

THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE C (AREA OF MINIMAL FLOODING) ACCORDING TO NATIONAL FLOOD INSURANCE PROGRAM FIRM MAP COMMUNITY PANEL NO 245208 0025 C AS REVISED 16 19 97











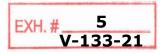






Permit History

I I I I I I I I	Permit Number	Permit Name	Permit Type	Work Description	Permit Mode	Issuance Date
4/25/1979 12:00:00 AM	1884-1979-0	79018840011	R (RESIDENTIAL)	SIDING/NON-METALLIC	CLOSED	4/25/1979 12:00:00 AM
10/3/2011 2:26:27 PM	29311-2011-0	Bc 3107 Lancer Dr.	CSD CPT (COMPLAINT)	Addition without permits.	CLOSED	
10/3/2011 2:26:27 PM	29311-2011-1	BVN 3107 Lancer Dr	VN (VIOLATION)	Stop work, obtain permit for footers installed at	CLOSED	
5/20/2015 12:00:00 AM	20770-2015-0	RUBIO FENCE	DPIE RW	6FT FENCE	APPLICATION	
9/29/2021 12:00:00 AM	42413-2021-0	QUEENS CHAPEL MANOR	RESIDENTIAL DRIVEWAY PERMIT	New 25-ftx20-ft driveway and new 50 sq.ft. sidewalk	APPLICATION	



Property

Tax Account: 1826981

Owner Name: VELASQUEZ JOSE & OLGA RUBIO

Premise Address: 3107 Lancer PI, Hyattsville, MD 20782

Parcel Details Ownership Information

Tax Account #: 1826981 Owner Name: VELASQUEZ JOSE &

Assessment District: 16 OLGA RUBIO

Lot: 8 Block: EYE Parcel: Owner Address: 3107 Lancer Pl,

Description: Hyattsville, MD 20782
Plat: A16-0498 Liber: 19401 Folio: 348
Subdivision: QUEENS CHAPEL Transfer Date: 4/29/2004

MANOR Current Assessment: \$254,300.00

Land Valuation: \$100,200.00

Improvement

Valuation: \$154,100.00

Sale Price: \$0.00

Structure Area (Sq Ft): 1170

Administrative Details

Tax Map Grid: 041F3 WSSC Grid: 207NE03 Tree Conservation

Plan 1:

Tree Conservation

Plan 2:

Councilmanic District: 2

Development District Overlay

Overlay Zone: D-D-0

Acreage: 0.1540

Plan Name: GATEWAY ARTS DISTRICT SECTOR PLAN AND SMA

Resolution: CR-78-2004 Adoption Date: 11/30/2004 Acreage: 1907.699336

Legislative District

Legislative District: 22 Member 1: Paul G. Pinsky

Party 1: Democrat
Member 2: Anne Healey
Party 2: Democrat

Member 3: Alonzo T. Washington

Party 3: Democrat

Member 4: Nicole A. Williams

Party 4: Democrat

Councilmanic District (2014)

District: 2

Member: Deni Taveras Political Party: Democrat Telephone: 301-952-4436 Email: dltaveras@co.pg.md.us

District: Null

Member: Mel Franklin (At Large) Political Party: Democrat Telephone: 301-952-2638 Email: mfranklin1@co.pg.md.us EXH. # 6 V-133-21



District: Null

Member: Calvin S. Hawkins, II (At Large)

Political Party: Democrat Telephone: 301-952-2195

Email: at-largememberhawkins@co.pg.md.us

Tax Grid

Map Grid: 41-F3

WSSC Grid

Grid: 207NE03

Watershed (DOE)

Name: NORTHWEST BRANCH (ANA)

Watershed - 12 digit (DNR)

MDE 6 Digit Code: 021402

MDE 6 Digit Name: WASHINGTON METROPOLITAN

MDE 8 Digit Code: 02140205 MDE 8 Digit Name: Anacostia River

Watershed Code: 0818

DNR 12 Digit Designator: 021402050818

Tributary Strategy Watershed: MIDDLE POTOMAC

NRCS HUA14 Digit Code: 02070010030130 NRCS HUA11 Digit Code: 02070010030 NRCS HUA8 Digit Code: 02070010

Acreage: 4987.130371

Zip Code

Zip Code: 20782 City: Hyattsville

Alternate Names: Chillum, University Park, West Hyattsville

Zoning

Zone Type: Residential

Class: R-55 (One-Family Detached Residential)

Real Property Data Search (w3)

Guide to searching the database 📆

Search Result for PRINCE GEORGE'S COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 16 Account Number - 1826981

Owner Information

Owner Name: VELASQUEZ JOSE & OLGA RUBIO Use: RESIDENTIAL

Principal Residence: YES

Mailing Address: 3107 LANCER PL Deed Reference: /19401/ 00348

HYATTSVILLE MD 20782-3150

Location & Structure Information

Premises Address: 3107 LANCER PL Legal Description:

HYATTSVILLE 20782-0000

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Plat A-

Year:

ar: No: 0498

7

V-133-21

EXH.#

0041 00F3 0000 16017500.17 7500 03 EYE 8 2022 **Plat**

Ref:

Town: HYATTSVILLE

Primary Structure Above Grade Living Finished Basement Property Land County

Built Area Area Use

1943 1,170 SF 6,726 SF 001

Stories Basement Type Exterior Quality Full/Half Garage Last Notice of Major

Bath Improvements

1 1/2 YES STANDARD FRAME/ 3 1 full

UNIT

Value Information

140

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2022	As of 07/01/2021	As of 07/01/2022
Land:	100,200	110,500		
Improvements	154,100	198,300		
Total:	254,300	308,800	254,300	272,467
Preferential Land:	0	0		

	Transfer Information	
Seller: VELASQUEZ,JOSE & OLGA RUBIO	Date: 04/29/2004	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /19401/ 00348	Deed2:
Seller: VELASQUEZ,DOMINGO A & JOSE	Date: 11/05/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /18328/ 00684	Deed2:
Seller: MALDONADO,ALBERT ETAL	Date: 07/18/2002	Price: \$154,000
Type: ARMS LENGTH IMPROVED	Deed1: /16036/ 00054	Deed2:

	Exemption Information		
Partial Exempt Assessments:	Class	07/01/2021	07/01/2022
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

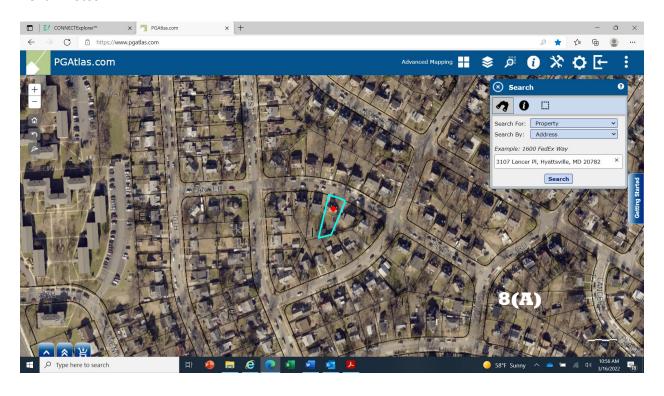
- 1. This screen allows you to search the Real Property database and display property records.
- 2. Click here for a glossary of terms.
- 3. Deleted accounts can only be selected by Property Account Identifier.
- 4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

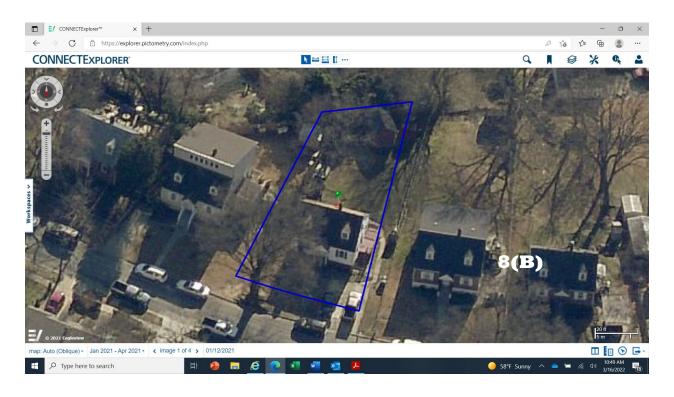
Contact Us | Privacy Notice | Accessibility

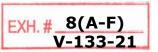
SOCIAL MEDIA DIRECTORY

301 W. Preston St., Baltimore, MD 21201-2395; (410) 767-1184

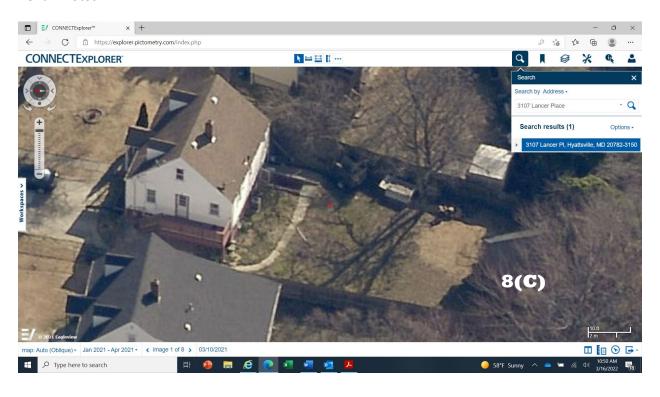
V-133-21 Aerial Photos

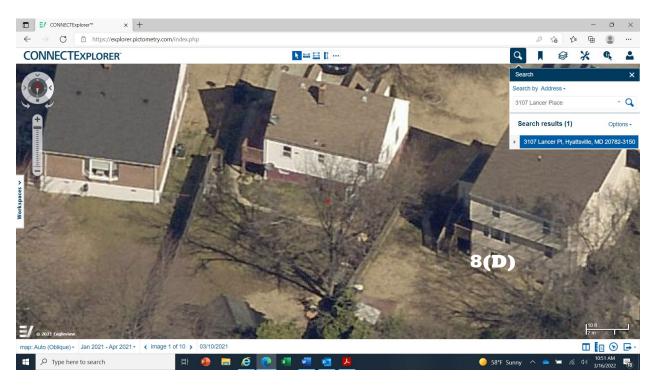




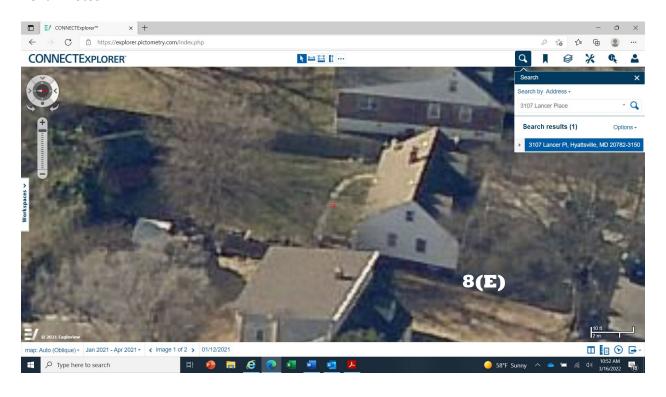


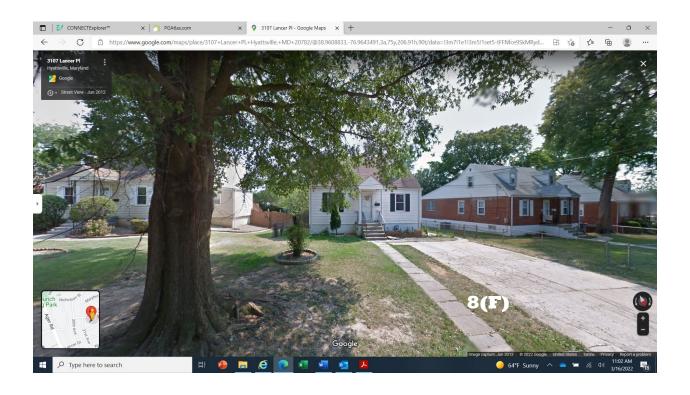
V-133-21 Aerial Photos



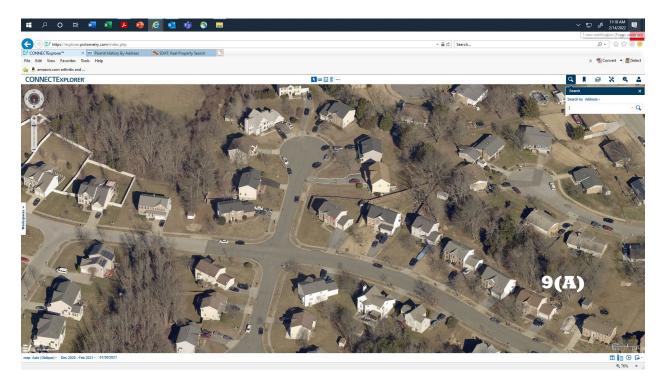


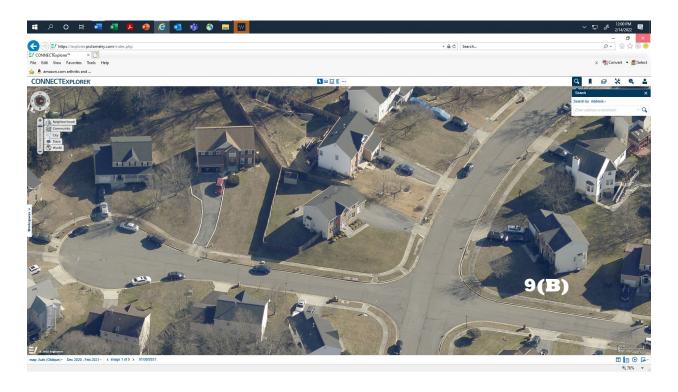
V-133-21 Aerial Photos

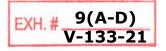




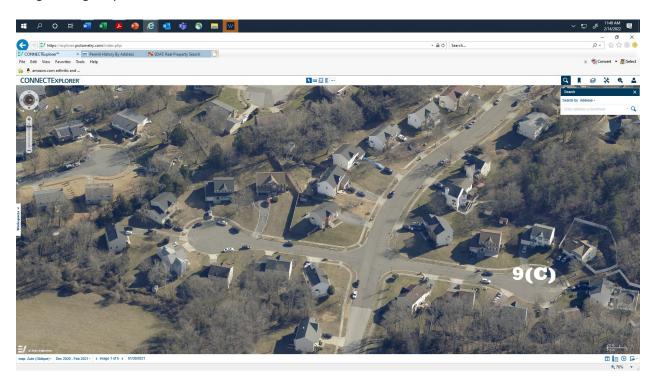
V-133-21 Neighboring Properties

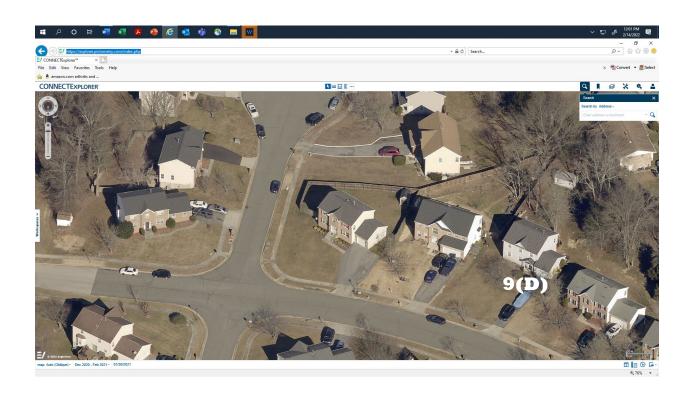






V-133-21 Neighboring Properties





GEORGES COUNTY WITH COUNTY WIT

THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772 **TELEPHONE (301) 952-3220**

NOTICE OF VIRTUAL HEARING

Date: March 8, 2022

Petitioner: Olga Rubio

Appeal No.: V-133-21

Hearing Date: WEDNESDAY, MARCH 23, 2022, AT 6:00 P.M. EVENING

Place: Virtual Hearing.

Appeal has been made to this Board for permission to validate existing conditions (front yard depth, side yard width, front building line, and a waiver of the parking area location) and obtain a building permit for a driveway partially located in front of the house on R-55 Zoned (One-Family Detached Residential) property known as Lot 8, Block eye, Queens Chapel Manor Subdivision, being 3107 Lancer Place, Hyattsville, Prince George's County, Maryland, contrary to the requirements of the Zoning Ordinance.

The specific violation resides in the fact that Zoning Ordinance Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth and each lot shall have a side yard at least 8 feet in width. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Section 27-120.01(c) prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Variances of 3 feet front yard depth, 1-foot side yard width, 8 feet front building line width and a waiver of the parking area location requirement are requested.

Virtual hearing on this Appeal is set for the time and place stated above. <u>Petitioner, or counsel representing Petitioner, should be present at the hearing. A Petitioner which is a corporation, limited liability company, or other business entity MUST be represented by counsel, licensed to practice in the State of Maryland, at any hearing before the Board. Any non-attorney representative present at the hearing on behalf of the Petitioner (or any other person or entity) shall not be permitted to advocate.</u>

Adjoining property owners, who are owners of premises either contiguous to or opposite the property involved, are notified of this hearing in order that they may express their views if they so desire. However, their presence is not required unless they have testimony to offer the Board.

If inclement weather exists on hearing date, please contact the office to ascertain if hearing is still scheduled.

BOARD OF ZONING APPEALS

Barbara J. Stone

Administrator

EXH. # 10 V-133-21 cc: Petitioner
Adjoining Property Owners
Park and Planning Commission
City of Hyattsville

V-133-21 OLGA RUBIO 3107 LANCER PLACE HYATTSVILLE MD 20782

V-133-21 ANDREW GRANT 3106 LANCER PLACE HYATTSVILLE MD 20782

V-133-21 BRETT BIGBEE 3110 LANCER PLACE HYATTSVILLE MD 20782 V-133-21 WILLIAM GARDINER 5704 31ST PLACE HYATTSVILLE MD 20782

V-133-21 ALEX GOMEZ 3108 LANCER PLACE HYATTSVILLE MD 20782

V-133-21 WILLIAM GARDINER 5706 31ST PLACE HYATTSVILLE MD 20782 V-133-21 ROLLINS LIVING TRUST 3105 LANCER PLACE HYATTSVILLE MD 20782

V-133-21 DENNIS TURTON & JOANNE JACK 3109 LANCER PLACE HYATTSVILLE MD 20782

V-133-21 CITY OF HYATTSVILLE ECONOMIC REVIEW 4310 GALLATIN STREET HYATTSVILLE MD 20781

EXH.# 11 V-133-21



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-303-FY22 4/4/2022 11.b.

Submitted by: At the Request of the City Administrator

Submitting Department: Community & Economic Development

Agenda Section: Action

Item Title:

Queens Chapel Town Center - Amendment to Conditions of Approval for CSP-10002 and DSP-10011 - Notice of Appeal

Suggested Action:

I move the City Council authorize the Mayor to file a written appeal with the Prince George's County District Council regarding the decision of the Zoning Hearing Examiner for CSP-10002 and DSP-10011, a decision to amend the Conditions of Approval for CSP-10002 and DSP-10011.

Summary Background:

On December 15, 2021, the Zoning Hearing Examiner, Maurene Epps McNeil, considered the application for amendment to the conditions stipulated by the Prince George's County District Council for CSP-1002 and DSP-10011, permitting the limited use of restaurant with drive-through use for a pad site at Queens Chapel Town Center, Hyattsville. The subject property located within the West Hyattsville Transit District.

Included in the packet is the ZHE decision, City correspondence and procedures for appealing the ZHE decision to the Prince George's County District Council.

In its ruling, the Zoning Hearing Examiner concluded the following,

"I would recommend that Condition 3(c) in CSP-10002-C and DSP-10011-C be revised as follows:

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. Notwithstanding the above, any cessation of the use for a period of time in excess of 180 calendar days that is not caused by permissible renovations to the use nor required to address Code violations shall constitute abandonment of the use. If the use has temporarily ceased operation due to permissible renovation or to address a Code violation it shall be reestablished within one (1) calendar year from the date upon which the use last ceased.

Future redevelopment of the entire Queens Chapel Town Center Property, as shown on CSP-10002-C and DSP-10011-C, shall not include a quick service restaurant with or without drive-through if the use is not permitted in the zone at the time of redevelopment."

Next Steps:

The Zoning Hearing Examiner's decision shall become final 15 calendar days (April 9, 2022) after the above filing date unless:

- (1) Written appeal within 15 days of the above date is filed* with the District Council by any person of record or by the People's Zoning Counsel; or
- (2) The District Council directs the case be transmitted to the Council for final disposition by the Council.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend support.

Community Engagement:

The City previously adopted a recommendation to oppose amendments that would permit the continued restaurant with drive-through use at the subject site.

Strategic Goals:

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

Legal Review Required?

Pending

DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND OFFICE OF THE ZONING HEARING EXAMINER

AMENDMENT OF CONDITION CSP-10002-C/DSP-10011-C

DECISION

Application: Amendment of Condition

Applicant: Queens Chapel Town Center, LLC

Opposition: The City of Hyattsville, et. al.

Hearing Date: December 15, 2021
Hearing Examiner: Maurene Epps McNeil
Recommendation: Approval with Condition

NATURE OF REQUEST

- (1) The Applicant is a limited liability corporation in good standing to transact business within the State of Maryland. (Exhibit 22) It is the owner of a 6.05-acre Shopping Center ("Queens Chapel Town Center"), located in the northwest quadrant of the intersection of Hamilton Street and Queens Chapel Road in Hyattsville, Maryland. The subject property is zoned M-X-T (Mixed Use-Transportation Oriented)/R-55 (One-Family Detached Residential)/T-D-O (Transportation Development Overlay)).
- (2) Subsequent to the latest revision to the West Hyattsville TDDP, Applicant filed requests to amend the Table of Uses therein (CSP-10002 and DSP- 10011) solely for the Queens Chapel Town Center. On February 24, 2011, the Planning Board approved both plans, subject to conditions, discussed below. (Exhibits 6 and 8)
- (3) On June 13, 2011, the District Council enacted Zoning Ordinance No. 2-2011 and No. 3-2011, approving both the Conceptual and Detailed Site Plans, respectively, with the following nearly identical conditions:

(Excerpt from Exhibit 3, Zoning Ordinance No. 2-2011)

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by changing the use

table for the M-X-T/T-D-O and R-55/T-D-O zoned property that is the subject of Application No. CSP-10002, to permit the following uses, in addition to those listed in the July 2006 Approved Transit District Development Plan for the West Hyattsville Transit District, for the subdistrict in which the subject property is located:

- 1. Eating or drinking establishment, without drive-through service
- 2. Pizza delivery service
- 3. Clothing, dry goods
- 4. Confectioner
- 5. Florist
- 6. Food or beverage goods preparation on the premises of a food and beverage store
- 7. Sporting goods shop
- 8. Stationery or office supply store
- 9. Video game or tape store

SECTION 2. Approval of the change of uses and conceptual site plan is subject to the following conditions:

- 1. Prior to certification of the plan, the applicant shall:
- a. Relabel the existing conditions plan as the natural resources inventory (NRI) for the property and submit it for approval.
- b. Submit a copy of a standard letter of exemption for the property.
- c. 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 detailed site plan (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 applicable only 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) Clothing, dry goods
- (4) Confectioner

- (5) Florist
- (6) Food or beverage goods preparation on the premises of a food and beverage store
- (7) Sporting goods shop
- (8) Stationery or office supply store
- (9) 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 if and only if 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) A confectioner shall be for retail use only and shall not exceed 3,000 square feet.
- (3) Food or beverage goods preparation on the premises of a food and beverage store is permitted provided the goods are sold only on the premises and at retail.
- (4) 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.
- (5) 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.

(Excerpt from Exhibit 3, Zoning Ordinance No. 3-2011)

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by changing the use table for the M-X-T/T-D-O and R-55/T-D-O zoned property that is the subject of Application No. DSP-10011, to permit the following uses, in addition to those listed in the July 2006 Approved Transit District Development Plan for the West Hyattsville Transit District, for the subdistrict in which the subject property is located:

- (1) Eating or drinking establishment, without drive-through service
- (2) Pizza delivery service
- (3) Clothing, dry goods
- (4) Confectioner
- (5) Florist
- (6) Food or beverage goods preparation on the premises of a food and beverage store
- (7) Sporting goods shop
- (8) Stationery or office supply store
- (9) Video game or tape store

SECTION 2. Approval of the change of uses and conceptual site plan is subject to the following conditions

- 1. Prior to certification of the plan, the applicant shall:
- a. Relabel the existing conditions plan as the natural resources inventory (NRI) for the property and submit it 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 a 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.
- Prior to issuance of any use and occupancy permits within the entire property, the proposed trees, as shown on the certified detailed site plan (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 applicable only 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. Clothing, dry goods
- 4. Confectioner
- 5. Florist
- 6. Food or beverage goods preparation on the premises of a food and beverage store
- 7. Sporting goods shop
- 8. Stationery or office supply store
- 9. 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 if and only if 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. A confectioner shall be for retail use only and shall not exceed 3,000 square feet.
- 3. Food or beverage goods preparation on the premises of a food and beverage store is permitted provided the goods are sold only on the premises and at retail.

- 4. 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.
- 5. Video game or tape store uses shall not include adult, X-rated, nude or seminude 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.

(Exhibit 3)

- (4) The District Council adopted the determinations of the Planning Board in its resolutions as its findings of fact and conclusions of law but revised said findings as related to a proposed carpet or floor covering store, concluding that such use would be inconsistent with the retail-commercial character of the shopping center on site. (Exhibit 3)
- (5) By memorandum dated August 4, 2021, the Clerk of the Council notified the Office of the Zoning Hearing Examiner that Applicant requested that Condition 3(c) in both CSP-10002-C and DSP-10011-C be deleted in its entirety, pursuant to Section 27-135(c) of the Zoning Ordinance. (Exhibit 1) Subsequently, Applicant amended its request to ask that the condition be revised, as discussed *infra*.
- (6) The City of Hyattsville and Mr. Alexi Sanchez Boado appeared in opposition to this request.
- (7) At the conclusion of the hearing the record was left open to allow Applicant and those in opposition to submit some additional documents. The last of these items was submitted on February 16, 2022, and the record was closed at that time.

APPLICABLE LAW

(1) The District Council may amend a condition of approval for a Conceptual Site Plan

and Detailed Site Plan pursuant to Section 27-135 of the Zoning Ordinance. This Section provides, in pertinent part, as follows:

- (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.
- In the case of an amendment of a condition (imposed as part of the approval of the zoning case), the request shall be directed, in writing, to the District Council, and shall state the reasons therefore. Before the Council amends a condition, the Zoning Hearing Examiner shall hold a public hearing on the request, in accordance with Section 27-129, and shall notify all parties of record (including all parties of record on the original application and any amendments thereto) in the same manner as required for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application. After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's decision with the District Council. If appealed, all persons of record may testify before the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.
- Where a site plan has been approved by the Council, the (2)applicant may request an amendment to the site plan in the form of an application filed with the Planning Board. The Technical Staff shall analyze the proposed amendment, taking into consideration the requirements of this Subtitle. The staff shall submit (for the record) a recommendation. This recommendation, along with the proposed amendment, shall be transmitted by the Technical Staff directly to the District Council. The Zoning Hearing Examiner shall hold a public hearing on the request, in accordance with Section 27-129, and shall notify all parties of record (including all parties of record on the original application and any amendments thereof) in the same manner as required for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application. After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.
- (2) "Good cause" is not defined in the Zoning Ordinance. Pursuant to Section 27-

108.01(a)(7):

Words and phrases not specifically defined or interpreted in this Subtitle or the Prince George's County Code shall be construed according to the common and generally recognized usage of the language. Technical words and phrases, and others that have acquired a peculiar and appropriate meaning in the law, shall be construed according to that meaning.

(3) The Maryland courts have applied the definition of "good cause" found in Black's Law Dictionary. See, In re Trevor A., 55 Md. App. 491,496, 462 A.2d 1245 (1982). Black's Law Dictionary (7th Edition) defines "good cause" as follows:

A legally sufficient reason. Good cause is often the burden placed on a litigant ... to show why a request should be granted or an action excused....

- (4) The Court of Appeals has held that the determination whether "good cause" exists to allow the waiver of a condition precedent is left to the discretion of the trier of fact and will only be reversed "where no reasonable person would take the view adopted...." *Rios v. Montgomery County*, 386 Md. 104, 121 (2005) (Citations omitted)
- (5) The request does not constitute and "enlargement or extension" as defined in Section27-107.01(a) of the Zoning Ordinance.

FINDINGS OF FACT

Zoning History

- (1) A brief history of the zoning approvals applicable to this site is helpful in determining whether Applicant's requests should be granted.
- The portion of the subject property impacted by Condition 3 (c), *supra*, is improved with a Kentucky Fried Chicken ("KFC") fast-food restaurant with a drive-through aisle on 0.655-acre within Parcel A-13. In 2000 the Planning Board approved the original Detailed Site Plan (SP-00040) that authorized the construction of the KFC, in accordance with the 1998 West Hyattsville Transit District Development Plan for the Transit District Overlay Zone. (PGCPB Resolution No. 00-230)1 While the drive-through lane was ultimately approved Staff noted its concern "with the potential traffic operation problems and unsafe situation between the exiting traffic from the 'Drive Thru' and the traffic that would be entering from Ager Road, at the … site's access closest to Ager Road" and recommended a condition to address its concern. (PGCPB Resolution No. 00-230, p. 11)

¹ This Examiner and the District Council may take official notice of the Planning Board's Resolution No. 00-230 approving SP-00040.

(3) The 1998 TDDP was superseded by the 2006 Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone ("2006 TDDP"). The 2006 TDDP amended the permitted uses allowed. It provided the following introductory comment pertinent to the instant request:

The goal of the West Hyattsville TDDP is to provide a clear and predictable path for transitoriented development (TOD) within the West Hyattsville Transit District Overlay Zone (TDOZ).

TOD is not simply development that happens to be located at or near a transit station. The 2002 Prince George's County Approved General Plan (page 44) defines TOD as development that actively seeks to increase transit use and decrease automobile dependency....

The West Hyattsville Transit District is located in Planning Area 68 in the northern part of Prince George's County. It encompasses [approximately 203] acres including the West Hyattsville Metro Station. This Metro Station is the first of four Green Line Metrorail stations serving northern Prince George's County and is located just outside of the District of Columbia....

The District Council created the TDOZ in 1984 in order to address the problems of sprawl, traffic congestion, depletion of environmental resources, and the growing demand for housing opportunities. Development that meets this requirement is defined as TOD....

The main purpose of this plan is to maximize the public benefits from the West Hyattsville Metro Station. The plan sets out primary goals [including to] ... [e]nsure that all new development in the transit district is pedestrian -oriented....

(2006 West Hyattsville TDDP, pp. 1-4)

(4) The Planning Board resolutions recommending approval of the CSP and DSP that included Condition 3(c) provide, in relevant part, as follows:

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 a metro parking 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....

The subject parcels are already developed with various commercial buildings that present themselves as a shopping center. This DSP proposes no new physical development onsite, 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 31st 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 31st 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 2, 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 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 31, 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....

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 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.... 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.... 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....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

² As noted supra, this "DSP" was entitled "SP" in the Planning Board's Resolution of Approval.

compromise the convenience or design of facilities provided for pedestrians in the development....

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 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 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 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....

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 *West Hyattsville 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 neighborhood, which is envisioned to be the most active of the three neighborhoods due to its central location and diverse development mix....

In a letter dated October 12, 2010, the City of Hyattsville state 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 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....

(Exhibit 6 concerning DSP, pp. 1-6,8, 13-14, and 16; similar language found in Exhibit 8

concerning CSP)

Applicant's request

(5) Applicant owns the Queens Chapel Town Center, located within the municipal boundaries of the City of Hyattsville. Although it initially sought removal of Condition 3(c) imposed by the District Council in its original approvals of CSP-10002 and DSP-10011, Applicant amended its request to ask that Condition 3 (c) in both the CSP and DSP be revised as follows:

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.

(Exhibit 9; T. 4-5)

- (6) Harvey Maisel3 is one of the members in the Queens Chapel Town Center, LLC and was authorized to testify on Applicant's behalf. He noted that Applicant purchased the subject property approximately 20 years ago from the original owners. (T. 8) The prior owners made an effort to maintain the property but approximately thirty percent of the shopping center was boarded up. Applicant made improvements including new store fronts, new roofs, parking and mechanical systems. It became a "vibrant center." (T. 8) In the spring of 2021 KFC "had a significant decline with business " and decided to leave and not renew their lease. (T. 9, 13-14) Applicant has been actively marketing the site since that time but has learned that many possible tenants are concerned that they may not be able to operate with the drive-through portion of the site given the language in Condition 3 (c) that precludes operation of a drive-through if the eating and drinking establishment is closed for more than 180 days.
- (7) Mr. Jonathan Weiss, an agent for the Applicant and the principal broker at SES Realty Advisors, testified on Applicant's behalf. He has been the leasing agent for the subject property for approximately twenty years and has led the effort to replace KFC. (T. 25-26) He provided the following testimony as cause to remove Condition 3(c):

We've done a comprehensive ... marketing plan to solicit and ... find replacement tenant for the property. We've talked to a variety of tenants including McDonald's, Boston Market, Roaming Rooster, Pollo Campero, Mezah, Shook, Hook and Reel, Krispy Kreme, Burger King, among others....

³ Mr. Maisel's name was misspelled as "Mazell" in the transcript of the hearing.

[Those we've spoken to are concerned] over whether the condition for the use of that drive-thru will in fact allow them to utilize it for a couple of different reasons. Number one, ... following KFC's vacating the building, if that 180 days passes, whether they would be able to get a use and occupancy to use for that purposes. And secondly, from some of the larger tenants, we're required over time, to renovate their properties every seven to ten years, typically. Whether they, if they were in a position to have to shut down the restaurant in order to do a full renovation and the renovation exceeded 180 days, whether that would also figure [as] an issue for them to reopen and utilize the drive-thru.

Those concerns have turned away, unfortunately, the bulk of the tenants we've spoken with who want to use that drive-thru as part of their business operation....

[A] lot of the national tenants ... are typically risk adverse and don't want to make the investment in the process if there is sort of a cloud of uncertainty....

So I think the concern ... really comes down to uncertainty.... [T]he permitting process, construction process is tricky....[Y]ou don't know the what ifs, what could happen.... So I think you know in terms of the renovation process, you know, you hope you have all your ducks in a row so that you can start construction and complete construction, but you're dealing with utilities, you're dealing with inspections and what an inspector may find, you know, during that process. And these tenants are, they're risk adverse, you know, they don't want to make the financial commitment or time commitment if they're not comfortable that they're going to be able to ... open and operate.

(T. 26-28, 34-35)

(8) Mark Ferguson, accepted as an expert witness in land use planning, testified and prepared a Land Planning Analysis in support of the request. The Analysis provided the following reasoning to support the expert's belief that the condition in the CSP and DSP should be revised:

The applicant's intent is to retain the ability to re-lease the existing building containing the former KFC eating and drinking establishment with drive-through services (which closed prior to March, 2021) to another similar national credit tenant....

The modern development history of the subject property begins in the early 1960's with the commercial development of what is now known as Queens Chapel Town Center. Circa 2000, a building at the corner of Ager Road and Hamilton Street was demolished, and the construction of a KFC restaurant with drive-through service was approved by DSP-00040. At that time, the June, 1998 Approved Transit District Development Plan for the West Hyattsville Transit District Overlay Zone permitted an "Eating [or] Drinking Establishment" in Subarea 4A of the transit district without any restrictions regarding drive-through service.

In May, 2006, CR-24-2006 approved a new *Approved Transit District Development Plan and Transit District Overlay Zoning Map Amendment for the West Hyattsville Transit District Overlay Zone*, which permitted (only) "Eating or drinking establishments with live music and patron dancing," again without restrictions regarding drive-through service. This 2006 Transit District Development Plan is still the applicable plan to the subject property....

At the outset, it should be stated that it is an open question in this planner's mind as to whether the decision of KFC, the lessee of the building in question, to cease its operation was beyond the control of the Applicant in this matter, who is the owner of the property. If it is affirmatively determined that the actions of the lessee are beyond the control of the owner, then the owner could retain the right under the provisions of condition(s) 3c to re-lease the property to a similar use as a valid, legal not-nonconforming use. If, however, it is determined that the removal of Condition(s) 3c is necessary to allow the continued occupancy of the former KFC as another eating and drinking establishment with drive through service, the following discussion is offered.

Personal communications by this planner with Applicant indicated that notwithstanding a proffer of the foregoing interpretation of Condition 3c, the Applicant has found that national credit restaurant tenant are not willing to enter into a lease for the subject property because of uncertainty about the durability of that interpretation.

If a national credit tenant is not willing to lease the subject property, the other available option is a small local business. This planner's extensive experience with this business sector is that small local businesses are uniformly undercapitalized, and have very limited ability to fund the cost of improvements which would transform the existing structure from looking like a former KFC occupied by a small local business. It is further this planner's experience that – even independent of the effect of the ongoing COVID pandemic – that there is an increased demand for drive-through service at all levels of the restaurant industry up to and including "fast-casual" service. Restricting the future use of the property from drive-through service will greatly inhibit the ability of the owner to maintain this site as part of "a viable shopping center with legitimate retail uses" as envisioned in the Planning Board's recommendation.

It was further indicated to this planner by the Applicant that it is the Applicant's belief that the feasibility of redevelopment of the subject property for the kind of development envisioned by the *Transit District Development Plan* (TDDP) is still perhaps fifteen to twenty years in the future: The current TDDP provides that buildings fronting Ager and Hamilton Streets be a minimum of three stories in height and a maximum of six stories, which would require a complete redevelopment of the entire Queens Chapel Town Center, beyond the limits of the subject property. The subject property is narrow, with a buildable width of less than 120', too narrow for the multi-level parking structure which would be required to support the development envisioned by the TDDP.

In summary, this planner believes that the perceived uncertainty of the application of Condition(s) 3c by the national credit restaurant tenants who are most able to maintain a viable use at the subject property, and the infeasibility of a subject-property-specific redevelopment constitute good cause for addressing the content of Condition(s) 3c.

This planner does note, however, that the deletion of Condition(s) 3c could raise an unintended consequence: Because (1) the applicability provision of the 2006 TDDP which preserved the conformity of the existing KFC only lasted until a site plan was filed; and (2) a site plan (CSP-120002 & DSP-10011) was in fact file in 2010, the removal of Condition(s) 3c would make the KFC nonconforming. Since the closure of the KFC in or prior to March, 2021 would (as of this writing) entail a discontinuation of more than 180 days, the ability to reestablish a different eating and drinking establishment with drive-through service may no longer be available.

Accordingly, this planner would instead recommend a modification of Condition(s) 3c to simply delete the final sentence, and instead have it read:

"Within Queens Chapel Town Center, any eating or drinking establishment, with drivethrough 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."

Finally, the modification of Condition 3c would not constitute an enlargement or extension of the existing development.

(Exhibit 5, pp. 1, 4-5)

(9) At the hearing, Mr. Ferguson provided the following interpretation of Condition 3(c) in its current iteration:

Well, there [are] three components to it. The first provides that eating and drinking establishments with drive-thru's which existed prior to the adoption of the 2006 West Hyattsville TDDP are considered valid, not nonconforming uses and that ... nonconforming status is confirmed by the second sentence, which says that should you need to alter them, you go through the normal Site Plan amendment to process rather than a special exception which would be the case were the use considered a nonconforming use.

However, the third condition introduces the stipulation which is commonly associated with nonconforming uses, namely that if they are discontinued for a period of more than 180 days then they are no longer considered to be a legal use.

Now I will add that there is a proviso in that stipulation... and that is ... if the discontinuation or the conditions of nonoperation ... were beyond the control of the owner or the holder of the use and occupancy permit then that would allow it to go forward. So I would argue that the discontinuation of operation and subsequently the lease by KFC was a business decision of the tenant and therefore beyond the control of the owner of the property and therefore doesn't interrupt the nonconforming use. That would be how I read it.

But I'm not the potential lessor and what Mr. Weiss has told us is that regardless of my reading ... their perception is that there is sufficient uncertainty as to restrict them from entering into a lease agreement....

[Moreover] their ability to secure a ... vital active tenant [on this pad site may be] the principal driver of traffic to a retail... establishment.... [T]he ability to have a vital ... active use there, is a market function.... Certainly as a planner ... with a

special interest in long activity and... revitalization it's hard, it's not just a simple matter of zone it and they will come. It's really an incremental effect of building the conditions where reinvestment makes sense....

So having a, whether it's vacant or even a less successful, less vital, less active use at that property, will have affects not just on the center and you know [Applicant's] financial return, but really on the whole of the surrounding neighborhood and thereby for the ability of the Transit District to continue to redevelop and revitalize....

[T]he City ... [is not wrong in arguing that a] drive-thru is not a transit friendly pedestrian oriented use.

That having been said, you can't just snap your fingers and make the use that you don't want disappear and the use that you do want appear because there are many constraints that stand in the way of something happening.... Mr. [Maisel] testified ... that he did not believe the redevelopment of this part of the entire center was feasible on its own, but would be in context of a redevelopment of the whole center. From a zoning standpoint I agree because the dimensions of this property are very, very narrow.

What the Transit District Development Plan insists on for this property is a building of three to six stories occupying a substantial amount of its frontage.... The site is just too small to physically accommodate multistory development. The rest of the center has ... ample areas that are not dimensionally constrained and will support parking structures that will support development on this site. But this site is a standalone, it can't.

(T. 46-47, 50,54-55)

- (10) At the conclusion of the hearing held by this Examiner, Applicant's counsel provided a closing memorandum. (Exhibit 21) The memorandum explained that the property would be rezoned to the LTO-Core Zone upon the effective dates of the Countywide Map Amendment and the revised Zoning Ordinance (scheduled to occur on April 1, 2022). That Zone does not permit the current use (which has been renamed to "quick service drive-through restaurant"), but as a preexisting use it will be deemed conforming under Section 27-1704 (d) of the revised Zoning Ordinance.
- (11) As a result of these changes to the County Code Applicant amended its request once again, as follows:

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. Notwithstanding the above, any future redevelopment of the entire Queens Chapel Town Center Property, as shown on CSP-

10002 and DSP-10011, shall not include a quick service restaurant with drive-through.

(Exhibit 22)

Opposition's concerns

(12) The City of Hyattsville submitted a letter dated December 8, 2021, noting its opposition to the request, that included the following support for its position:

The Hyattsville City Council voted in opposition to the applicant's request to eliminate Condition 3c of Planning Board Resolutions [No.] 11-07 and No. 11-08. The Subject Property is less than 0.25 miles from the West Hyattsville Metro Station and a continuation of the drive-through use is in direct contradiction to the vision and guidelines of the West Hyattsville Transit District Development Plan.

In its most recent vote to oppose the applicant's request, the City Council reaffirmed its May 16, 2011 vote in opposition [to] DSP-10011 and CSP-10002, a prior request for amendment to the Table of Uses in the West Hyattsville Transit District Development Plan (TDDP). In its letter of opposition, 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.

The City Council, nor the community it is elected to represent, support the applicant's request, due in part because land-use policies explicitly do not support restaurant with drive-through uses because as an auto-centric use, it undermines, and in no way furthers the goal of, both the current and new West Hyattsville Transit District Development Plan....

(Exhibit 17)

(13) Mr. Alexi Sanchez-Boado, a resident of the City of Hyattsville, provided the following testimony in opposition to the request:

If you've spent 20 years in this neighborhood and in this area specifically of Hyattsville, you'll have noticed that we've had especially in the last five years a serious problem with homelessness and loitering and drunkenness. And our fear as a community and we've spoken about this on our private list serve is that additional fast food, it that's what they intend to bring such as something that has a cheap dollar menu or something to that effect, would catalyze more loitering because you would have a bunch of ... inebriated men looking for something to eat at all hours of the day. So that's a big fear for us. The other fear is garbage, of course, and traffic.

I mean this plan is incongruous with pedestrian, with a pedestrian intense area, as the City has said. The blind corner coming out of that alleyway which would increase traffic if they got their way which is to have a very heavily used drive-thru, if you've tried to cross that alleyway day or not, especially at night, especially in the wintertime, the drivers are

looking the opposite direction and they cannot see you coming until you're right in their path. I do it all the time, it's terrifying....

The ... other issue is that somehow and I wonder why this is, the poor communities are always saddled with garbage food. And today we've been lucky in that we haven't had an influx of fast food restaurants right in the area, but we don't ... need a KFC, we don't need a McDonald's, we don't ... need junk food. Poor neighborhoods don't need access to bad quality food, which is what they could potentially do if ... that kind of establishment is what decides to lease the ... location.

(T. 76)

(14) in response to cross examination by People's Zoning Counsel, Mr. Boado admitted the neighborhood was more "working class" than "poor", noting the number of "alcohol places" and a check cashing business nearby. (T. 77-78)

CONCLUSIONS OF LAW

- (1) Pursuant to Section 27-135(c), infra, the District Council may amend the conditions for good cause. Good cause has been shown to accept the revised condition as proffered if the request is considered in a vacuum (i.e., without consideration of the goals of the TDDP, the basis for the imposition of the condition initially, and the City's concerns) since there may conceivably be obstacles in finding a tenant, or in developing this portion of the shopping center in the manner conceived by the TDDP. However, I don't believe good cause can be considered in a vacuum.
- (2) While Applicant notes that it may have an easier time locating a new tenant if the condition is revised, it has known for over twenty years that the uses within that area were to become more pedestrian friendly and less dependent on vehicular traffic, and that the drive-through should eventually disappear. Moreover the Zoning Ordinance has been revised and the use is no longer permitted in the new zone placed on the property. I would, therefore, recommend that the request be denied if it were not for the language at issue in Condition 3(c).
- (3) The condition notes that the use shall remain a legal use but "[i]f the use is discontinued for a period of 180 days 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."
- (4) People's Zoning Counsel correctly noted that the law in Maryland, absent statutory language to the contrary, holds that a nonconforming use can be considered abandoned upon a finding of an intention to abandon or relinquish or some overt act or failure to act which implies that the owner neither claims nor retains any interest in the use. (Landau v. Board of Appeals, 173 Md. 460, 196 A, 293 (1938); Sizemore v. Town of Chesapeake Beach, 225 Md. App. 631 (2015)). If there is a statute the intent of the party abandoning

the use is eliminated as a factor for consideration. (Sizemore, at 651)

- (5) It is beyond cavil that the tenant (holder of the use and occupancy permit) abandoned its use of the property when it ceased operations in early 2021. While the District Council included a statutory standard in its ordinances of approval of the site plans the language it used arguably allows the Applicant (as owner) to continue to lease the property to an eating or drinking establishment with drive-through since there is no evidence in the record to indicate Applicant had any control over KFC's decision to vacate.
- (6) I would therefore urge the District Council to allow a revision to the condition but make clear that the use must cease if it discontinues within some period of time after the District Council's action unless the delay is a result of permissible renovations or to address Code violations, and if either of those situations are at issue the use shall be reestablished within one calendar year from the date when the use last ceased.

RECOMMENDATION

I would recommend that Condition 3(c) in CSP-10002-C and DSP-10011-C be revised as follows:

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. Notwithstanding the above, any cessation of the use for a period of time in excess of 180 calendar days that is not caused by permissible renovations to the use nor required to address Code violations shall constitute abandonment of the use. If the use has temporarily ceased operation due to permissible renovation or to address a Code violation it shall be reestablished within one (1) calendar year from the date upon which the use last ceased.

Future redevelopment of the entire Queens Chapel Town Center Property, as shown on CSP-10002-C and DSP-10011-C, shall not include a quick service restaurant with or without drive-through if the use is not permitted in the zone at the time of redevelopment.

OFFICE OF ZONING HEARING EXAMINER

FOR PRINCE GEORGE'S COUNTY, MARYLAND

NOTICE OF DECISION

Councilmanic District: 2

CSP-10002-C/DSP-10011-C

<u>Queens Chapel Town Center, LLC.</u>

Case Number

On the day of March 25th, 2022, the attached Decision of the Zoning Hearing Examiner in Case No. CSP-10002-C-DSP-10011-C. was filed with the District Council.

The Zoning Hearing Examiner's decision shall become final 15 calendar days after the above filing date unless:

- (1) Written appeal within 15 days of the above date is filed* with the District Council by any person of record or by the People's Zoning Counsel; or
- (2) The District Council directs the case be transmitted to the Council for final disposition by the Council.

Zoning Hearing Examiner
Wayne K. Curry Administration Building,
Largo, MD 20774
(301) 952-3644

Your failure to note an appeal may result in a waiver of your rights to an appeal.

NOTICE AND DECISION SENT VIA EMAIL TO THE FOLLOWING, READ RECEIPT REQUESTED:

cc: Persons of Record (7)

Daniel Lynch, Esq.

Rajesh A. Kumar, Counsel to the District Council (Hand Delivered)

Stan D. Brown, People's Zoning Counsel, 1300 Caraway Court, Suite 101, Largo, MD 20774

NOTEDC2

^{*}Instructions regarding appeals and oral argument are found on the reverse side of this notice.

INSTRUCTIONS FOR FILING

I. Appeal of the Examiner's Decision Shall Be:

- a) In writing;
- b) In a format in which each ground for appeal is numbered in sequence;
- c) Specific as to the error(s) which are claimed to have been committed by the Examiner; (The page and paragraph numbers of the Examiner's Decision should be identified.)
 - d) Specific as to those portions of the record, including the Hearing Examiner's Decision, relied upon to support your allegation of error(s) committed by the Examiner.

(The Exhibit number, transcript page number, and/or the page and paragraph numbers of the Examiner's Decision should be identified.)

- e) In writing;
- f) In a format in which each ground for appeal is numbered in sequence;
- g) Specific as to the error(s) which are claimed to have been committed by the Examiner; (The page and paragraph numbers of the Examiner's Decision should be identified.)
 - h) Specific as to those portions of the record, including the Hearing Examiner's Decision, relied upon to support your allegation of error(s) committed by the Examiner.

(The Exhibit number, transcript page number, and/or the page and paragraph numbers of the Examiner's Decision should be identified.)

II. Requests for Oral Argument:

If you desire oral argument before the District Council, request must be made, in writing, at the time of filing your appeal.

I. Notification to All Persons of Record:

Your request for oral argument and/or exception(s) must contain a certificate of service to the effect that a copy thereof was sent by you to all persons of record by regular mail.

(A list of these persons is available from the Clerk to the Council.)

IV. When to File:

Your request for oral argument and/or exception(s) must be filed within 15 calendar days after the Examiner's Decision has been filed with the District Council.

V. Where to File:

Clerk of the County Council Wayne K. Curry Administration Building, Largo, MD 20774 (301) 952-3644 Phone: 301-952-3600

Phone: 301-952-3600 or via email at ClerkoftheCouncil@co.pg.md.us

VI. Aggrievement

Section 25-212 of the Maryland Annotated Code Land Use Article may require you to show you are aggrieved if you request a review of this decision. Section 25-212 provides as follows:

"In Prince George's County, a person may make a request to the District Council for the review of a decision of the Zoning Hearing Examiner or the Planning Board only if:

- (1) The person is an aggrieved person that appeared at the hearing before the Zoning Hearing Examiner or Planning Board in person, by an *attorney*, or in writing; and
- (2) The review is expressly authorized under this division. [Division 2 of the Land Use Article]."

Kevin Ward Mayor



Tracey E. Douglas City Administrator

December 8, 2021

Ms. Maurene Epps McNeil Zoning Hearing Examiner Prince George's County Office of Zoning Hearing Examiner 14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772

RE: Former Kentucky Fried Chicken at Queens Chapel Town Center – Amendment to Conditions of Approval for CSP-10002 and DSP-10011

Dear Ms. Epps McNeil:

On Monday, December 8, 2021, the Hyattsville City Council reviewed the applicant's requested amendment to the condition of approval for CSP-10002 and DSP-10011. The subject property is the former Kentucky Fried Chicken at 5401 Ager Road within Queens Chapel Town Center, Hyattsville.

The Hyattsville City Council voted in opposition to the applicant's request to eliminate Condition 3c of Planning Board Resolutions N. 11-07 and No. 11-08. The Subject Property is less than 0.25 miles from the West Hyattsville Metro Station and a continuation of the drive-through use is in direct contradiction to the vision and guidelines of the West Hyattsville Transit District Development Plan.

In its most recent vote to oppose the applicant's request, the City Council reaffirmed its May 16, 2011 vote in opposition DSP-10011 and CSP-10002, a prior request for amendment to the Table of Uses in the West Hyattsville Transit District Development Plan (TDDP). In its letter of opposition, 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.

Kevin Ward Mayor



Tracey E. Douglas City Administrator

The City Council, nor the community it is elected to represent, support the applicant's request, due in part because land-use policies explicitly do not support restaurant with drive-through uses because as an auto-centric use, it undermines, and in no way furthers the goal of, both the current and new West Hyattsville Transit District Development Plan.

We thank the Zoning Hearing Examiner in advance for consideration of these comments and look forward to your decision.

Sincerely,

Kevin Ward Mayor

cc: City Council

Dan Lynch, Attorney for Applicant

Harvey Maisel, Applicant



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-306-FY22 4/4/2022 11.c.

Submitted by: At the Request of the City Administrator

Submitting Department: Community & Economic Development

Agenda Section: Action

Item Title:

Suffrage Point Preliminary Plan of Subdivision 4-21052

Suggested Action:

I move the City Council authorize the Mayor to provide correspondence the Maryland-National Capital Park & Planning Commission regarding Preliminary Plan of Subdivision 4-21052. The correspondence shall express the City's opposition to the applicant's Preliminary Plan of Subdivision and requests for the Planning Board to deny the application.

Additionally, the applicant has waived the 60-day mandatory review period. The City of Hyattsville therefore requests that the applicant and Planning Board consent to a postponement of the Preliminary Plan of Subdivision hearing for the subject case and reschedule the hearing for a minimum of 30-calendar days after the adoption of the District Council's revised resolution of the Conceptual Site Plan (CSP) 18002.

Should the not consent to a delay in the hearing and should the Planning Board move to approve the subject Preliminary Plan of Subdivision, the City requests that the Planning Board incorporate the following as conditions for approval:

- 1. The PPS application be revised, or resolution be conditioned as Urban Street Design Standard Alley, STD 100.31. The internal alleyway shall be designed and constructed to a public standard and dedicated to the City as a public right-of-way. The site plans and any future dedication of plat shall incorporate language stating that the alleyway shall be publicly dedicated to the City of Hyattsville;
- 2. Per Urban Street Standards, turning radius from any roadway connecting to City roadway shall have a Minimum Turning Radius of 15';
- 3. The internal alleyway shall include an adequate turnaround space for emergency vehicles. This can be achieved through the elimination of lots 23 & 24;
- 4. Overhead lighting shall be designed and constructed to Pepco standards for acceptance into the public utility system. The lighting shall be placed at the entrance/exit of the site at Gallatin Street, entrance/exit of the site on Alley 3, and at the terminus of the alley;
- 5. The applicant shall dedicate Parcel B2 for a Public Use Easement (PUE) in which the applicant shall maintain ownership of Parcel B2, but access of the parcel shall be granted to the general public. Parcel B2 shall primarily serve to provide compensatory storage for the subject parcel, but shall be used by the public, and permitted at the City's discretion, under a separate Memorandum of Understanding.

Summary Background:

This item was tabled by the Council on March 21, 2022.

The subdivision application is limited to the lower lot parcel and includes the subdivision of the parcel into 41 lots for townhouse development as well as (2) additional parcels (B1 & B2). The subject site was an existing surface parking lot

adjacent to Driskell Park to the west and 40th Place to the east.

The applicant withdrew PPS 4-19053 prior to the scheduled Planning Board hearing for November 4, 2021 due to inadequate notice to all parties of record. The resubmittal of this application, PPS 4-21052, is identical to the prior submission.

M-NCPPC has determined that the Net Acreage of the subject parcel is 1.71 acres, or land that is not located within the floodplain, post redevelopment of the site.

Based on the previous 9-unit standard adopted by the District Council and the 1.71 Net Acres, the District Council may limit the total number of single-family attached (townhouse) units to 15.39 units for the subject parcel.

Next Steps:

The M-NCPPC Planning Board Hearing for this application is scheduled for April 28, 2022.

Fiscal Impact:

N/A

City Administrator Comments:

Staff is recommending approval of the motion.

Community Engagement:

On June 18, 2020, the Prince George's County Planning Board approved DSP-18005 through Resolution No. 2020-105. This resolution approved the development of 15 single-family attached units and 16 single-family detached units on the upper parcel.

The Hyattsville City Council again requested the Planning Board delay its consideration of the DSP application until the City's legal appeal of the parent CSP application had been resolved. The City Council stated that the District Council's decision to allow townhouses on an R-55 zoned property in the Traditional Residential Neighborhood is unlawful and contradictory to the intent of the Gateway Arts District. City correspondence also included conditions for approval if the Planning Board proceeded with processing the subject application.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

N/A

City of Hyattsville



Memo

To: Mayor and City Council

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic

Development

CC: Taylor Robey, City Planner

Date: March 31, 2022

Re: Suffrage Pointe Development – Preliminary Plan of Subdivision 4-21052

Attachments: PPS-4-21052 PPS-4-18001_Certified

PGC Urban Street Design Standards D-PBR-2020-35_PPS-4-18001 CSP-18002_Certified D-PBR-18-74(A) CSP-18002 D-PBR-2020-105_DSP-18005

The purpose of this memorandum is to provide the City Council with a summary of the preliminary plan of subdivision (PPS) application for the upper parcel of the Suffrage/Magruder Pointe property, as well as provide Staff recommendations related to the development and supplemental information provided by M-NCPPC Staff.

Project Summary

- The subdivision application is limited to the lower lot parcel and includes the subdivision of the parcel into 41 lots for townhouse development as well as (2) additional parcels (B1 & B2).
- The subject site was an existing surface parking lot adjacent to Driskell Park to the west and 40th Place to the east.
- The applicant withdrew PPS 4-19053 prior to the scheduled Planning Board hearing for November 4, 2021 due to inadequate notice to all parties of record. The resubmittal of this application, PPS 4-21052, is identical to the prior submission.
- The new M-NCPPC Planning Board Hearing for this application is scheduled for April 28, 2022.
- M-NCPPC has determined that the Net Acreage of the subject parcel is 1.71 acres, or land that is not located within the floodplain, post redevelopment of the site.

 Based on the previous 9-unit standard adopted by the District Council and the 1.71 Net Acres, the District Council may limit the total number of single-family attached (townhouse) units to 15.39 units for the subject parcel.

Property Description

The subject property is located west of 40th Place and east of Driskell Park, within the Gateway Arts District Traditional Residential Neighborhood (TRN) Character Area. The property was an existing surface parking lot.

Total gross acreage of the Suffrage Pointe property is 8.26 acres and contains an upper site and a lower site as divided by Gallatin Street. The upper site is 3.60 acres and zoned R-55 and until recently was the site of the former WSSC headquarters to the north along Hamilton Street.

The lower site is 4.66 gross acres, 1.71 net acres and zoned R-55. Previously, this site was zoned O-S (Open Space) but was rezoned through the approval of CSP-18002.

Previous Approvals

Conceptual Site Plan 18002

On July 26, 2018, the Prince George's County Planning Board approved CSP-18002 through Resolution No. 18-74(a). This resolution approved the rezoning of the lower parcel from Open Space (O-S) to One Family Detached Residential (R-55). The R-55 Zone permits a maximum density of nine dwelling units per acre for single-family attached, and a maximum density of 6.7 dwelling units per acre for single-family detached. Additionally, the approved number of units for this development is as follows:

- 56 single family attached dwelling units
- 16 single family detached dwelling units
- 72 total dwelling units (max.)

The Resolution noted that the lower parcel was zoned O-S to create opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area. At the time of CSP, the applicant indicated that they had a tentative agreement to transfer approximately 1.8 acres to the City of Hyattsville for expansion of the park with this proposed development

The Hyattsville City Council voted to oppose the rezoning of the lower parcel from the O-S to R-55 Zone. Additionally, the City Council was not supportive of the recommended density of nine dwelling units per acre for single-family attached and maximum density of 6.7 dwelling units per acre for single-family detached.

<u>Preliminary Plan of Subdivision – Upper Lot</u>

On December 20, 2019, The Prince George's County Planning Board approved PPS-18001 through Resolution No. 2020-35. This resolution approved the 31-lot configuration developed by Werrlein within the upper lot of the property

The City of Hyattsville requested the public hearing for this application be postponed until judicial review regarding CSP-18002 had concluded. The Council asked the Planning Board to not consider the PPS application until the City's legal appeal of the parent CSP application had been resolved. The City Council argued that it is an issue of practicality; if the District Council's decision regarding CSP-18002 is overturned, PPS-18001 will be greatly affected in the standards and density requirements that are applied. The City Council included a series of conditions for approval if the Planning Board decided to move forward with processing this application.

<u>Detailed Site Plan – Upper Lot</u>

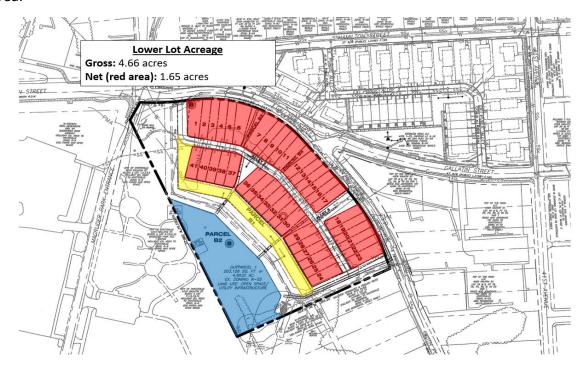
On June 18, 2020, the Prince George's County Planning Board approved DSP-18005 through Resolution No. 2020-105. This resolution approved the development of 15 single-family attached units and 16 single-family detached units on the upper parcel.

The Hyattsville City Council again requested the Planning Board delay its consideration of the DSP application until the City's legal appeal of the parent CSP application had been resolved. The City Council stated that the District Council's decision to allow townhouses on an R-55 zoned property in the Traditional Residential Neighborhood is unlawful and contradictory to the intent of the Gateway Arts District. City correspondence also included conditions for approval if the Planning Board proceeded with processing the subject application.

Preliminary Plan of Subdivision – Lower Lot (Subject Application)

The applicant, through PPS 4-21052, proposes the subdivision of this site into 41 lots for townhouse development as well as two additional parcels (Parcels B1 & B2).

In the image below, the townhouse lots are highlighted in red. Parcel B1 is in yellow and Parcel B2 is in red.



The site plan also includes an alley within the interior of the site, to provide services and site access, along the rear of the proposed units.

Approved Density

As stated above, the density for the site, including both the upper and lower parcels, was approved through CSP-18002. Through this approval, both the upper and lower lots are zoned R-55. As noted in the Planning Board's Resolution No. 18-74(a)., the R-55 Zone permits a maximum density of nine dwelling units per acre for single-family attached, and a maximum density of 6.7 dwelling units per acre for single-family detached. Additionally, the CSP approved a maximum of 72 total dwelling units on the property.

Note, Werrlein has requested rezoning of the property through the Countywide Map Amendment (CMA) process to RSF-A. RSF-A allows for the following:

- Single-family detached: 8.7 maximum dwelling units per net acre
- Two-family: 32.66 maximum dwelling units per net acre
- Three-family: 12.44 maximum dwelling units per net acre
- Townhouse: 16.33 maximum dwelling units per net acre

As consistent with the past City Council's decisions, City Staff testified in opposition to Werrlein Properties request at the joint hearing held on Monday, September 13, 2021.

Parcel B2

As noted above, the applicant and the City had a tentative agreement to transfer approximately 1.8 acres to the City of Hyattsville for expansion of the park with this proposed development. This area is indicated on the PPS as Parcel B2.

Through discussions with Werrlein, Staff discovered that the parcel being transferred to the City would be used as stormwater mitigation for the Suffrage Property and therefore would be rendered useless to the City. This was not City Staff's understanding at the time of CSP. The City and applicant's contract for sale of the subject parcel did not indicate that the parcel would be used for obligatory stormwater management nor that the establishment of an easement would be required.

The City Council terminated the tentative agreement for transfer of Parcel B2. There is little benefit to the City as our Staff would be responsible for maintaining a stormwater facility servicing a private residential development. There is risk associated with purchasing this land, as it would be subjected to limited use. As an area of stormwater mitigation, it cannot be altered or improved.

City Staff is recommending that Parcel B2 be dedicated as a Public Use Easement, in which the applicant shall maintain ownership of Parcel B2, but access of the parcel shall be granted to the general public. Parcel B2 shall primarily serve to provide compensatory storage for the subject parcel, but shall be used by the public through a Public Use Easement, and permitted at the City's discretion, under a separate Memorandum of Understanding.

Additionally, City Staff opposes the applicant's request to disregard the 100-year attenuation storage for the proposed development recommended by DPIE. The storing and slow releasing of surface water run-off coming from the proposed development will better control stormwater outflow into the park.

Internal Roadway

It is City Staff's recommendation that the internal roadway be built to a public standard and dedicated to the City as a public right of way. Construction and dedication of the roadway will allow the City to maintain the roadway, rather than a Home Owners Association (HOA) bearing responsibility for the cost, maintenance and liability of the roadway. The City is recommending the PPS application be revised, or resolution be conditioned as Urban Street Design Standard Alley, STD 100.31, without modification. This will ensure the roadway can be serviced by the City's Department of Public Works, which will include sanitation services and street maintenance.

At time of dedication, the applicant must file a confirmatory deed stating that the alleyway is being publicly dedicated to the City of Hyattsville specifically.

The terminus of the alley is a concern as there does not appear to be adequate turnaround space for vehicles. This is considered a safety hazard as it may cause issues for emergency vehicles. Staff recommends a circular turnaround be included at the end of the alley. Staff supports the removal of lots 23 & 24 to make this possible.

Additionally, Staff is recommending overhead lighting be included within the alley way for safety purposes. This should include overhead lighting at the entrance/exit of the site at Gallatin Street, entrance/exit of the site on Alley 3, and at the terminus of the alley by lots 23 & 24.

Planning Committee Review

The applicant met with the Planning Committee on September 21, 2021 to present and discuss the subdivision application. The applicant was unprepared to present the application and as a result, the Planning Committee could not receive feedback on their clarifying questions or develop comprehensive recommendations to the City Council.

Maryland Court of Special Appeals

In its February 23, 2022 decision, the Maryland Court of Special Appeals upheld the District Council's determined that the District Council in its June 14, 2019 decision regarding Conceptual Site Plan (CSP) 18002:

"The decision must be reversed to the extent that it modified the density regulations on the subject property to allow "6.7 dwelling units per acre . . . for single-family detached units" and "9 dwelling units per acre . . . for single-family attached units." The District Council may not allow a density for one-family detached dwelling units that exceeds 6.7 dwelling units per net acre of net lot or tract area. The District Council may establish a density for townhouses that is different from the density for one-family detached dwelling units, but the District Council may do so only to meet the goals of the Development District and the purposes of the D-D-O

Zone. The density that the District Council establishes for townhouses must be expressed as a number of dwelling units per net acre of net lot or tract area."

Based upon the Courts findings, and consistent with applicable sections of the County's Zoning Ordinance, Staff is recommending that the City Council adopt language to communicate to both the District Council and Planning Board, the City's request that the density requirements specified in the Conceptual Site Plan Resolution, and applied to the Preliminary Plan of Subdivision, shall not apply to the entire 8.26 acre development site, but shall be limited to nine (9) dwelling units per NET acre.

Updated Information

M-NCPPC Staff confirmed that the Planning Board intends to proceed with a Preliminary Plan of Subdivision hearing at its meeting on April 28, 2022. M-NCPPC will limit net acreage to 'gross land' minus land located within the floodplain. Land that will be dedicated for roadways, micro-retention or other infrastructure will not be reduced from the net acreage. M-NCPPC is consulting with colleagues at the Commission, but as of now, the staff reviewer does not anticipate that net acreage application will have an impact on the upper parcel, which was approved under a prior Preliminary Plan of Subdivision application and will limit the application of 'Net Acreage' to the lower parcel, reducing the 'Net Acreage' of the lower parcel to 1.71 acres.

As stated earlier in this memo, the applicant has requested through the Countywide Map Amendment (CMA) an upzoning to RSF-A, which if approved would permit the property owner to construct up to 16.33 dwelling units of single-family attached (townhomes) per net acre.

The District Council hearing for the Conceptual Site Plan case has not been scheduled as of the date of this memorandum.

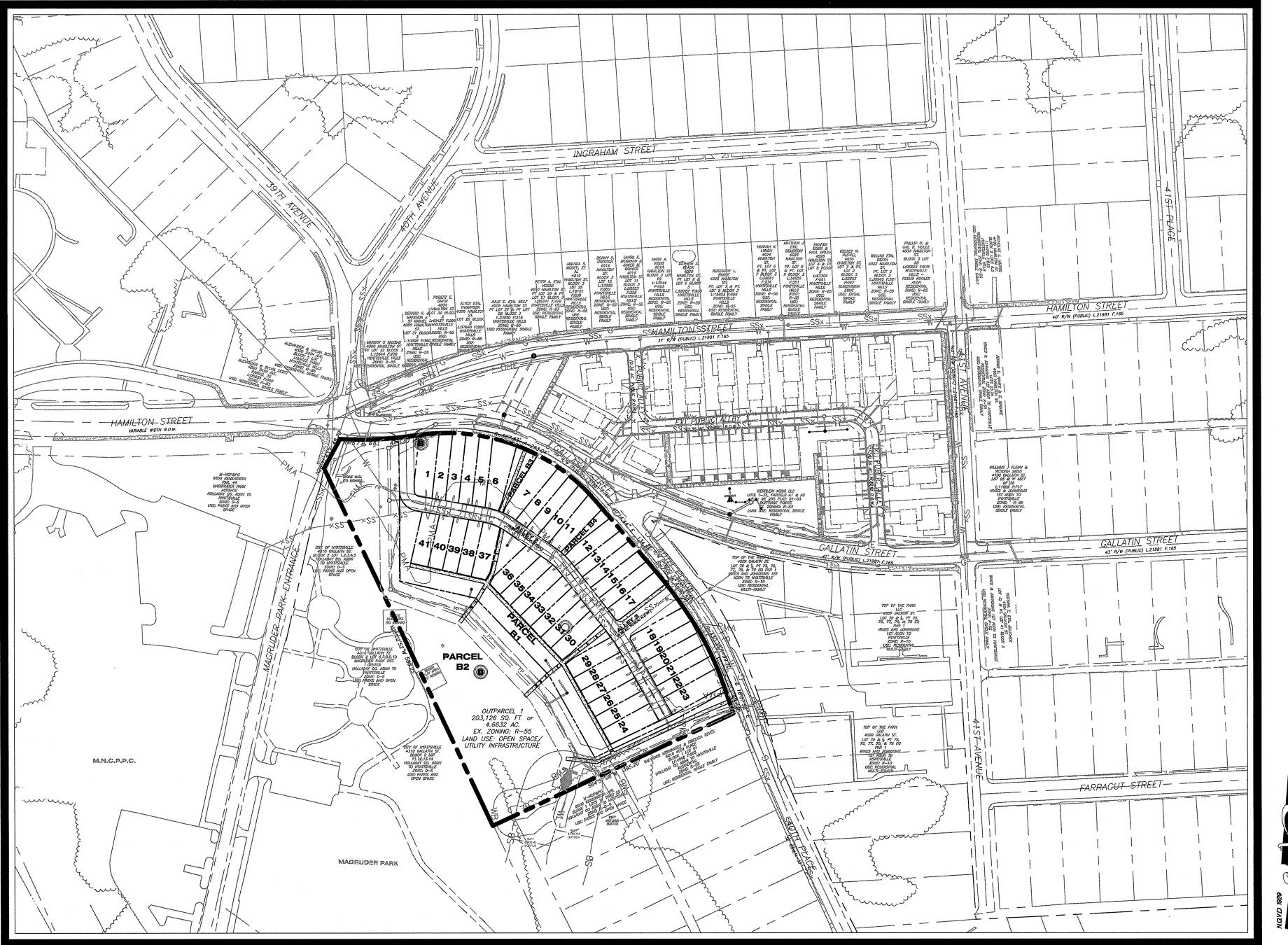
Recommendation

The M-NCPPC Planning Board is scheduled to conduct a hearing to consider PPS 4-21052 on Thursday, April 28, 2022. Any recommendations adopted by the City Council at the April 4, 2022 meeting will be conveyed to the Planning Board, prior to the respective hearings.

"I move the City Council authorize the Mayor to provide correspondence the Maryland-National Capital Park & Planning Commission regarding Preliminary Plan of Subdivision 4-21052. The correspondence shall express the City's opposition to the applicant's Preliminary Plan of Subdivision and requests for the Planning Board to deny the application. Additionally, the applicant has waived the 60-day mandatory review period. The City of Hyattsville therefore requests that the applicant and Planning Board consent to a postponement of the Preliminary Plan of Subdivision hearing for the subject case and reschedule the hearing for a minimum of 30-calendar days after the adoption of the District Council's revised resolution of the Conceptual Site Plan (CSP) 18002.

Should the not consent to a delay in the hearing and should the Planning Board move to approve the subject Preliminary Plan of Subdivision, the City requests that the Planning Board incorporate the following as conditions for approval:

- The PPS application be revised, or resolution be conditioned as Urban Street Design Standard Alley, STD 100.31. The internal alleyway shall be designed and constructed to a public standard and dedicated to the City as a public right-of-way. The site plans and any future dedication of plat shall incorporate language stating that the alleyway shall be publicly dedicated to the City of Hyattsville.
- 2. Per Urban Street Standards, turning radius from any roadway connecting to City roadway shall have a Minimum Turning Radius of 15'.
- 3. The internal alleyway shall include an adequate turnaround space for emergency vehicles. This can be achieved through the elimination of lots 23 & 24.
- 4. Overhead lighting shall be designed and constructed to Pepco standards for acceptance into the public utility system. The lighting shall be placed at the entrance/exit of the site at Gallatin Street, entrance/exit of the site on Alley 3, and at the terminus of the alley.
- 5. The applicant shall dedicate Parcel B2 for a Public Use Easement (PUE) in which the applicant shall maintain ownership of Parcel B2, but access of the parcel shall be granted to the general public. Parcel B2 shall primarily serve to provide compensatory storage for the subject parcel, but shall be used by the public, and permitted at the City's discretion, under a separate Memorandum of Understanding"



Dewberry*

APPLICANT

WERRLEIN WSSC LLC

522 DEFENSE HIGHWAY ANNAPOLIS, MD 21401

CONTACT

JONATHAN WERRLEIN

Jonathan@werrleinproperties.com

EXISTING CONDITIONS AND REMOVAL PLAN

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3.	P	L	٩N	S	Н	E	E	T	

SITE STATISTICS			
PARCEL	TOTAL		
GROSS TRACT AREA	4.66 AC		
EXISTING 100-YEAR FLOODPLAIN	2.95 AC		
NET TRACT AREA	1.71 AC		
EXISTING WOODLAND IN THE FLOODPLAIN	0.00 AC		
EXISTING WOODLAND NET TRACT	0.00 AC		
EXISTING PMA	2.95 AC		
DECLE ATER OTREAMS (LINEAR FEET OF OTHER)			

DEVELOPMENT TYPE SUMMARY			
LAND USE ACRES LAND PERCENTAGE			
RESIDENTIAL	1.91	40.99	
OPEN SPACE	2.35	50.43	
BLIC RIGHT-OF-WAY	0.40	8.58	

SUBDIVISION SUMMARY TABLE				
TOTAL NUMBER OF PARCELS	4			
NUMBER OF BLOCKS	1			
NUMBER OF LOTS	41			
AVERAGE PARCEL SIZE	25,633 SQFT			
AVERAGE LOT SIZE	2,029 SQFT			

PARCEL AREA SUMMARY					
BLOCK	PARCEL	SQ. FOOTAGE	ACRES	DESCRIPTION	DEDICATION
В	PARCEL 1	19,558	0.45	OPEN SPACE	НОА
В	PARCEL 2	79,958	1.84	OPEN SPACE & SWM	НОА
В	PARCEL 3	1,979	0.04	OPEN SPACE	НОА
В	PARCEL 4	1,037	0.02	OPEN SPACE	НОА
TOTAL HOA DEDICATION					
TOTAL:	4	102,532	2.35	OPEN SPACE & SWM	НОА

SCALE: 1" = 2000' Vicinity Map © ADC - Kappa Map Group LLC/GIS Integrated Solutions LLC 2014 PRINCE GEORGE'S COUNTY ROAD ATLAS

MAP 5409 GRID H8, F8

SHEET INDEX

DEVELOPMENT TYPE SUMMARY		
LAND USE ACRES LAND PERCEN		
RESIDENTIAL	1.91	40.99
OPEN SPACE	2.35	50.43
PUBLIC RIGHT-OF-WAY	0.40	8.58
TOTAL	4.66	100%

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		TOTAL HOA DE	DICATION		
TOTAL:	4	102,532	2.35	OPEN SPACE & SWM	НОА

4. PRIOR APPROVALS: NRI-047-018; CSP-18002; PPS-4-18001; DSP-18005

7. ACREAGE OF ENVIRONMENTAL REGULATED FEATURES: 2.95 ACRES

10. EXISTING ZONING/USE: R-55, OPEN SPACE WITH UTILITY INFRASTRUCTURE. REFER TO CSP-18002

11. PROPOSED USE OF PROPERTY: RESIDENTIAL SINGLE FAMILY ATTACHED TOWNHOMES

16. MINIMUM LOT WIDTH AT FRONT OF BUILDING LINE AND FRONT OF STREET LINE: 20'

20. STORMWATER MANAGEMENT CONCEPT NUMBER: 10823-2018-00, APPROVED MARCH 22, 2019.

22. AVIATION POLICY AREA (AIRPORT NAME & APA#): NO AVIATION POLICY AREAS ARE KNOWN TO

26. TYPE ONE CONSERVATION PLAN: EXEMPT PER WOODLAND CONSERVATION EXEMPTION NUMBER

31. IN OR ADJACENT TO AN EASEMENT HELD BY THE MARYLAND ENVIRONMENTAL TRUST, THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, OR ANY LAND TRUST OR

32. SOURCE OF TOPOGRAPHY: FIELD TOPO BY DEWBERRY ENGINEERS INC. ON FEBRUARY 2018.

33. THE SITE DOES NOT CONTAIN WETLANDS OF SPECIAL STATE CONCERN AS DEFINED IN COMAR

34. WETLANDS ARE SHOWN ON NRI-047-018, PREPARED BY KLEBASKO ENVIRONMENTAL LLC, IN A STUDY DATED FEBRUARY 2018, RECONFIRMED IN THE FIELD BY MICHAEL J. KLEBASKO OF WETLAND STUDIES AND SOLUTIONS, INC. ON FEBRUARY 2018, AND APPROVED BY MNCPPC ON

38. 10' PUBLIC UTILITY EASEMENT ADJACENT TO PUBLIC ROAD RIGHT-OF-WAY IN LOCATIONS AS

35. EXISTING MAJOR IMPROVEMENTS WITHIN 50' OF THE PROPERTY LINE ARE SHOWN.

6. NET DEVELOPABLE AREA OUTSIDE OF PMA: 1.71 ACRES

8. ACREAGE OF 100-YEAR FLOODPLAIN: 2.95 ACRES 9. ACREAGE OF ROAD/ALLEY DEDICATION: 0.40 ACRES

5. TOTAL ACREAGE: GROSS: 4.66 ACRES

15. MINIMUM LOT SIZE PROPOSED: 1,752 SF

18. MILITARY INSTALLATION OVERLAY ZONE: NO

20. GROSS FLOOR AREA (NON-RESIDENTIAL ONLY):

17. SUSTAINABLE GROWTH TIER: TIER 1

19. CENTER OR CORRIDOR LOCATION: NO

21. WATER/SEWER CATEGORY DESIGNATION:

23. MANDATORY PARK DEDICATION: FEE IN LIEU

S-193-2020 APPROVED ON DECEMBER 15, 2020

27. WITHIN CHESAPEAKE BAY CRITICAL AREA: NO

24. CEMETERIES ON OR CONTIGUOUS TO THE PROPERTY: NO

A. EXISTING: S-3 & W-3 B. PROPOSED: S-3 & W-3

28. WETLANDS: YES 29. STREAMS: YES

30. SOILS BY TYPE: CdD, Ch, RuB

OCTOBER 31, 2018.

SHOWN ON PLAN: YES

40. OWNER & APPLICANT: OWNER/ APPLICANT: WERRLEIN WSSC LLC 522 DEFENSE HIGHWAY ANNAPOLIS, MD 21401

CONTACT:

443-510-1274

JONATHAN WERRLEIN

Jonathan@werrleinproperties.com

36. EXISTING EASEMENTS ARE SHOWN.

A. WSSC EASEMENT, PART 1, 2, & 3: L; 29181 F;165 37. ALL EXISTING PAVEMENT AND RIGHT-OF-WAY ARE SHOWN.

39. BOUNDARY COMPILED BY DEWBERRY, FEBRUARY 2018.

A. EXISTING: N/A

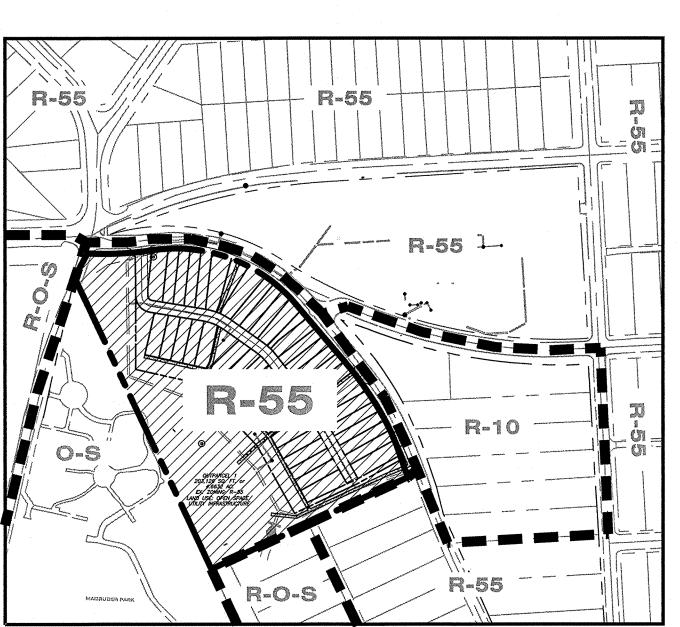
A. LOTS: 41

B. PARCELS: 4

LOCATION PLAN

PLAN VIEW

PROPOSED DRAINAGE AREA MAP DETAIL SCALE: 1"=175'
NOTE: REFER TO SITE DEVELOPMENT CONCEPT PLAN #10823-2018-0

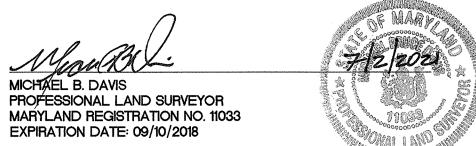


3 ZONING MAP DETAIL

LEGEND EXISTING BOUNDARY EXISTING ADJACENT PROPERTY EXISTING GAS LINE PRIMARY MANAGEMENT AREA/75' STREAM BUFFER EXISTING STREAM EXISTING FLOODPLAIN BUFFER —₩×—₩×—₩×—₩×— EXISTING WATER _____SSX____SSX___SSX____ EXISTING SANITARY SEWER - --- EXISTING SANITARY SEWER EASEMENT ---- EXISTING WATER EASEMENT PROPOSED PROPERTY LINE PROPOSED ROAD CENTERLINE PROPOSED CURB PROPOSED STORM DRAIN ---- PROPOSED PUBLIC UTILITY EASEMENT EXISTING SIDEWALK FP FP FP APPROVED FLOODPLAIN FPS-10827 APPROVED FLOODPLAIN EASEMENT FPS-10827 PROPOSED SUBDIVISION BLOCK

NOT FOR CONSTRUCTION

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE PLAN SHOWN HEREON IS CORRECT: THAT THE INFORMATION HAS BEEN TAKEN FROM AVAILABLE RECORDS AND FIELD SURVEYS. FOR: DEWBERRY ENGINEERS INC.



PRELIMINARY PLAN OF SUBDIVISION **COVER SHEET** DEWBERRY JOB NO. 50099455

JANUARY 2021

No. DATE BY Description

REVISIONS

CHECKED BY

1 OF 3

KEY PLAN

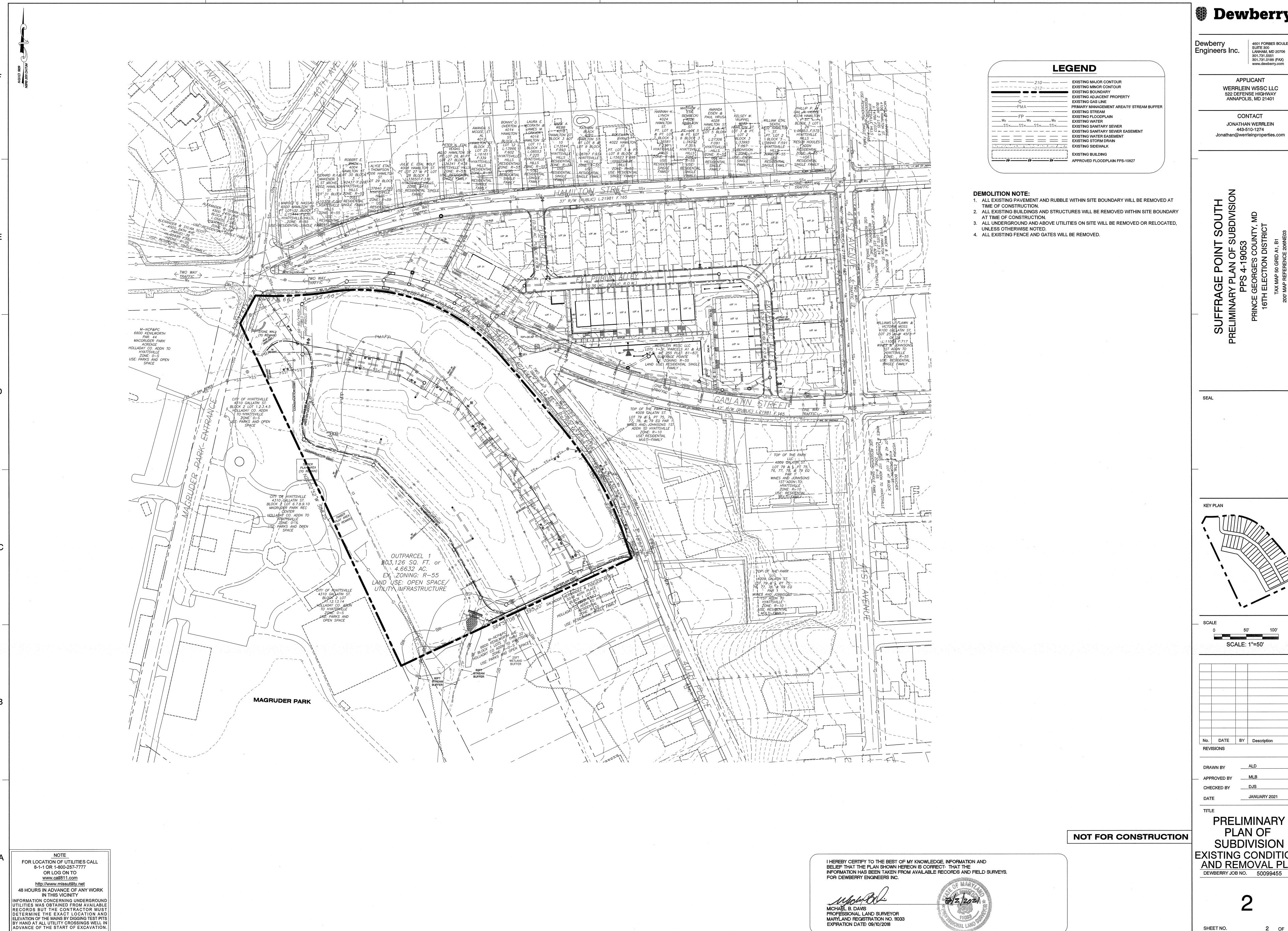
FOR LOCATION OF UTILITIES CALL 8-1-1 OR 1-800-257-7777 OR LOG ON TO www.call811.com http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS BUT THE CONTRACTOR MUST

DETERMINE THE EXACT LOCATION AND

ELEVATION OF THE MAINS BY DIGGING TEST PITS BY HAND AT ALL UTILITY CROSSINGS WELL IN

ADVANCE OF THE START OF EXCAVATION.

PROPOSED LOT NUMBER



Dewberry®

4601 FORBES BOULEVARD SUITE 300 LANHAM, MD 20706

APPLICANT WERRLEIN WSSC LLC **522 DEFENSE HIGHWAY**

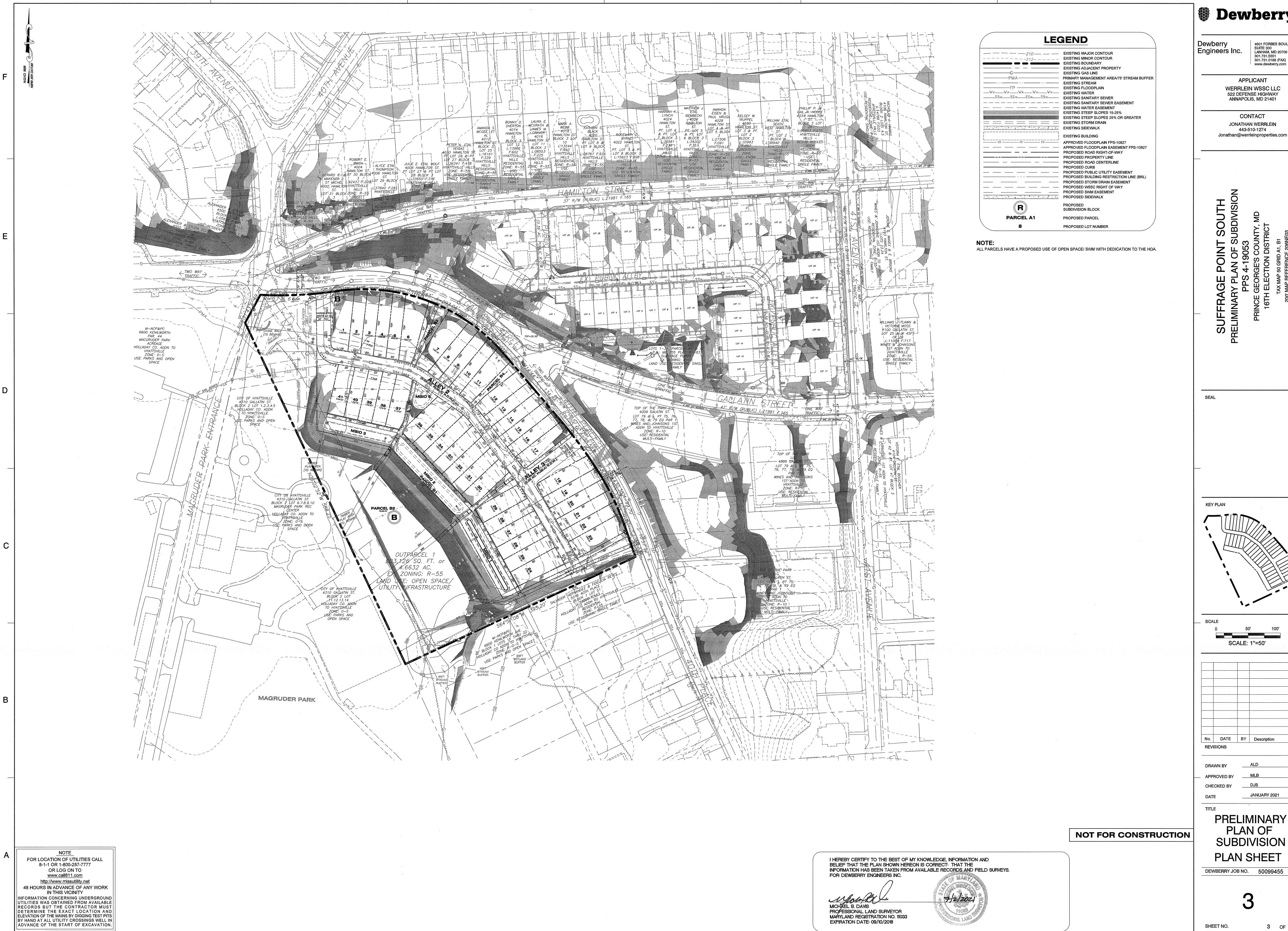
CONTACT JONATHAN WERRLEIN 443-510-1274 Jonathan@werrleinproperties.com

No. DATE BY Description

JANUARY 2021

PLAN OF SUBDIVISION EXISTING CONDITIONS AND REMOVAL PLAN

2 OF 3



Dewberry®

4601 FORBES BOULEVARD SUITE 300 LANHAM, MD 20706 301.731.5551 301.731.0188 (FAX)

WERRLEIN WSSC LLC 522 DEFENSE HIGHWAY ANNAPOLIS, MD 21401

JONATHAN WERRLEIN 443-510-1274 Jonathan@werrleinproperties.com

No. DATE BY Description

JANUARY 2021

PRELIMINARY PLAN OF SUBDIVISION

DEWBERRY JOB NO. 50099455

3 OF 3



Prince George's County Department of Public Works and Transporation



URBAN Street Design STANDARDS

AUGUST 2017



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Overview

This document presents Urban Street Design Standards for use in Prince George's Regional Transit Districts and Local Centers for approval by the County Executive and Council. These new standards were developed by Prince George's Department of Public Works and Transportation (DPW&T) in collaboration with other departments that play a role in the planning, development, construction and maintenance of streets and adjacent land uses in the County.

Vision

Streets are the backbone of the urban environment and as such they must accommodate the needs of all users. Complete Streets increase all users' sense that safety and comfort, help businesses and economic centers thrive, and contribute to an overall sense of place and community. As designated Transit Districts and Local Centers in Prince George's County transform from suburban-style development with automobile-focused roadways to urban centers focused on increased transit, walking, and bicycling, well-balanced street design will be more important than ever. The urban standards presented here aim to ensure that all public streets, including privately constructed streets approved by the County as well as publicly funded projects, are Complete Streets which are safe, comfortable, and inviting to all users.

Background and Supporting Documents

A number of County policies and principles support and drive the design intent of the new urban street standards. In 2012, Prince George's County adopted a Complete and Green Streets Policy (CB-83-2012) that stated:

"...All planned County financed and approved road, sidewalk, trail and transit related construction and reconstruction projects shall include environmental site design and facilities for the combined use of motor, emergency and freight vehicles, transit, bicycles and pedestrians, except when cost shall be disproportionate to the projected need or when such facilities would be inappropriate due to the nature of the project, including the context and character of the surrounding built and natural environment of the neighborhood or area."

In October 2015, the Prince George's County Council passed CB-86-2015 calling for the development of new urban street standards. In November 2016, the Council approved CR-085-2016, which contained specifications and standards for Regional Transit Districts and Local Centers. With this legislation, the County adopted "an urban street design policy and principles, consistent with the Council's 2014 approval of its most current general plan for the County, *Plan Prince George's 2035.*" *Plan 2035* established the following important strategy, among others, to become more multimodal and better align transportation with the adjacent land use context:

"Design all capital road improvements and streetscape enhancements and all new development in the Regional Transit Districts, the Innovation Corridor, and Local Centers, to improve multimodal travel for pedestrians, cyclists, transit and other alternatives to the automobile. The primary transportation improvements in these areas should be focused on pedestrian and bicyclist facilities and public transit upgrades and retrofits."

The Urban Street Standards presented here align DPW&T's design requirements with the intent of the policies and legislation above. They were developed based on best practices in the metropolitan DC region and across the nation.

Use of the Urban Street Design Standards

As stated in CB-86-2015 and CR-085-2016, the new Urban Street Design Standards are intended for use in designing new and retrofit streets in Regional Transit Districts and Local Centers, as established by *Plan Prince George's 2035*. *Plan 2035* identified eight Regional Transit Districts that have the necessary transit and transportation infrastructure to support future growth as mixed use centers. The majority of future employment and residential growth is to be directed to the Regional Transit Districts and *Plan 2035* envisions high quality urban design and multimodal transportation in these areas.

Plan 2035 also designates 26 Local Centers, including new Purple Line stations, as focal points for development based on their access to transit or major highways. The Plan envisions these centers to be walkable, particularly in their cores and where transit is available.

Development of the New Urban Street Standards

In order to ensure the new Urban Street Design Standards adequately address the concerns of multiple County departments and align with the complete streets policies cited above, the Department of Public Works and Transportation (DPW&T) established a committee of representatives from various departments to develop the new urban standards. Consultants with expertise in developing Complete Streets design standards for jurisdictions in the DC region and throughout the U.S. provided assistance to the committee. Staff from the following departments participated in the committee:

- County Executive's Office (CEX)
- DPW&T (Office of the Director, Office of Engineering & Project Management, Office of Transportation, and Office of Highway Maintenance)
- Department of Permitting, Inspections & Enforcement
- Department of the Environment (DOE) (Stormwater Management Division)
- Maryland-National Capital Park and Planning Commission (M-NCPPC) (Transportation Planning and Community Planning)

The members of this committee held work sessions over a period of several months to arrive at consensus on key topics related to urban street design. Each of the work sessions included a presentation regarding best practices led by an expert in multimodal street design. The sessions also included facilitated discussions regarding how to best apply these practices in Prince George's Urban Street Design Standards. The work session discussion topics included:

- New urban street typologies to supplement suburban-style functional street classifications
- Street designs that achieve desired motor vehicle speeds (including sessions on target design speeds and appropriate travel lane widths)
- Designs that improve conditions for pedestrians, including intersection design to improve pedestrian safety and comfort (including a session on designing street corner radii to produce slower turning speeds)
- Street designs that facilitate stormwater management
- Street designs that improve conditions for bicyclists

The committee agreed that, in order to better balance the needs of pedestrians, bicyclists, transit users and vehicles, it is critical to incorporate the following key elements into the Urban Street Design Standards:

- Slower speeds
- Shorter crossing distances
- Reduced curb radii
- Wider sidewalks
- More bicycle facilities
- Pedestrian amenities

New Urban Street Typologies

Traditionally in Prince George's County, the functional classification of a particular roadway has determined the basic design of the street. Arterials, collectors and local streets have typically been designed to accommodate the anticipated volume of vehicle traffic and desired level of service with less attention paid to the land use context of the roadway. To facilitate a better balance between functional classification, adjacent land uses and the competing needs of various users of the transportation system, DPW&T and the steering committee agreed to establish new street typologies for urban streets, including:

- Mixed Use Boulevard (2, 3, and 4 lane options)
- Neighborhood Connector
- Neighborhood Residential
- Industrial Road
- Shared Street
- Alley

These typologies do not replace the functional classification of the roadway, but should be used as an overlay to better design streets for existing, future and desired land uses, the needs of multiple roadway users, and to encourage the use of walking, bicycling, and transit. The following section describes each of the new urban street types and provides an illustration of a typical cross-section established by the new street design standards. A summary table, with typical dimensions and other characteristics for each street type, is included at the end of this section. The Urban Street Design Standard details are presented in the next section of this document. The street typologies and standards reinforce the policies and principles in *Plan 2035* and various small area plans and are consistent with CB-86-2015 and CR-085-2016. They contain elements and dimensions that encourage multimodal use of the roadway: slower design speeds, fewer travel lanes, wider sidewalks, greater bicycle accommodation and shorter crossing distances.

Notes:

- A) These standards should be read in conjunction with the existing Prince George's County Specifications and Standards for Roads and Bridges (revision 03/14/12).
- B) Several of the street types that follow include two variations: Option A, which includes a separated bike lane, and Option B, which does not. Option A is the preferred scenario and Option B is provided as an alternative for retrofit conditions or other cases where right-of-way is particularly constrained.

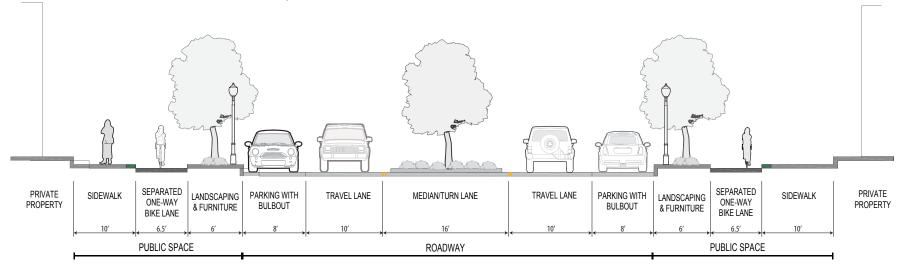
Mixed-Use Boulevard

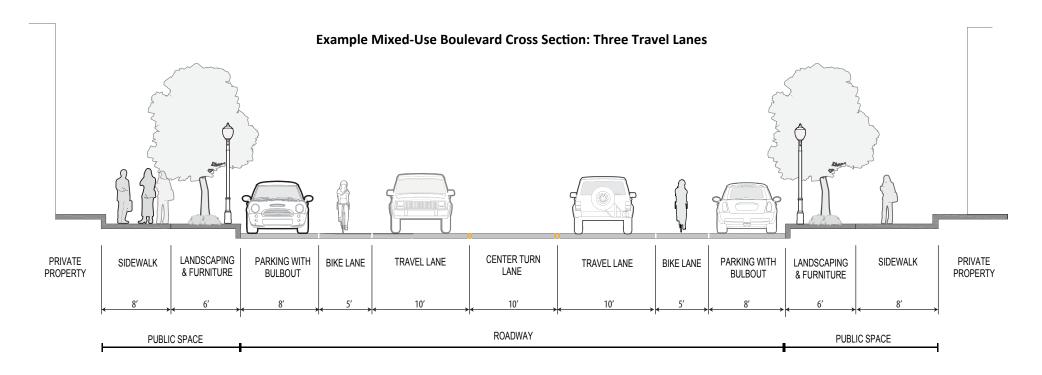
Mixed-Use Boulevards are significant roadways that travel through the heart of medium- to high-density mixed-use centers. Buildings along Mixed-Use Boulevards are located close to the street. Mixed-use Boulevards experience heavy transit, pedestrian and bicycle activity and, as such, require slow vehicular speeds, wide sidewalks and short crossings to ensure the safety of all users. Separated bike lanes are recommended on this type of roadway unless traffic volumes are extremely low. Example cross sections are shown on the following pages and additional information is provided in the standard details.

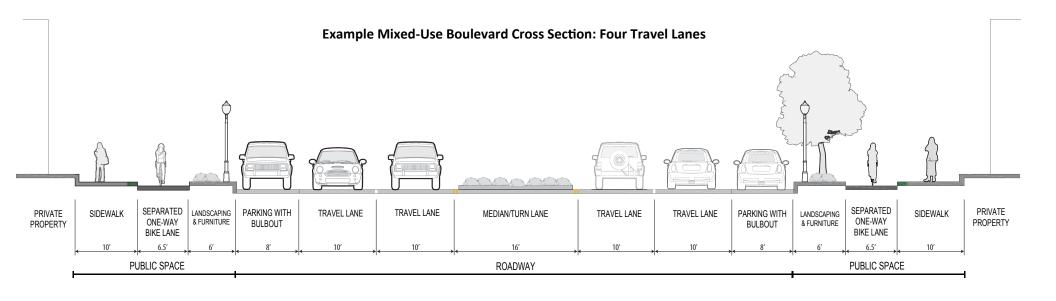
Street Type	Description	Typical Features
Mixed Use Boulevard	 Buildings close to street Mix of land uses Medium- to high-density land use High volumes of vehicles and transit Medium to heavy pedestrian/bike activity Slow speeds (25 mph) 	 2-4 travel lanes Median* Sidewalks & bike facilities Street furniture & enhanced lighting On-street parking

^{*}For Mixed Use Blvd –Two Travel lanes (A&B), median may be eliminated. See details 100.20 & 100.21.

Example Mixed-Use Boulevard Cross Section: Two Travel Lanes



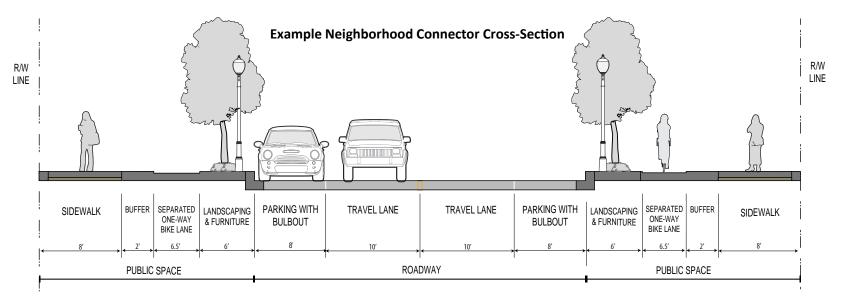




Neighborhood Connector

Neighborhood Connectors link multiple neighborhoods and provide important walking and bicycling routes between them. Neighborhood Connectors typically have continuous development which may be small- and medium-sized businesses and/or residential; however, the scale of development is less intense than that of the Mixed Use Boulevards. If the neighborhood connector serves as a "main street" destination, it will often have outdoor events and dining along the street edge. These streets encourage bicycle and pedestrian activity and require slow speeds. Major bus routes may occur on these streets. Sidewalk widths will vary depending on the scale of the adjacent residential development. An example cross-section is shown below and additional options are provided in the standard details.

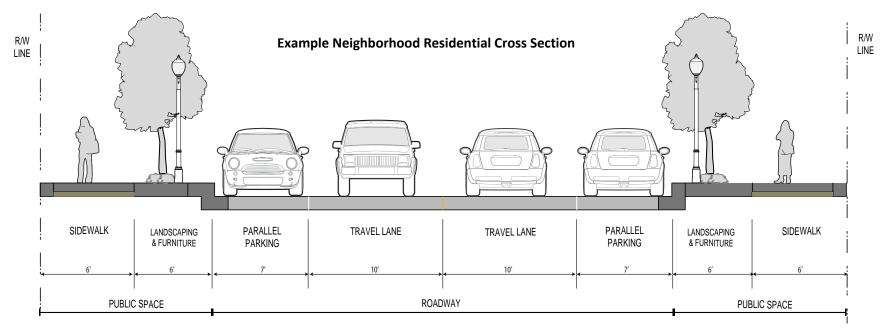
Street Type	Description	Typical Features
Neighborhood Connector	 Connect multiple neighborhoods Medium density land uses Buildings close to street May feature mixed land uses or be mostly residential with occasional businesses Heavy pedestrian/bike acti vity; Provide continuous walking and bicycling routes Some are major bus routes Slow speeds (20-25 mph) 	 2 travel lanes Bike facilities Sidewalks Lighting Enhanced streetscape In mixed-use/retail areas, space for street furniture, outdoor events & dining On-street parking



Neighborhood Residential

Neighborhood Residential Streets have low traffic volumes and provide access to single family and multi-family housing. Despite lower volumes of pedestrians than along Mixed Use Boulevards and Neighborhood Connectors, sidewalks are also important along these streets. Due to the low traffic volumes, bicyclists often share the roadway with motorists. On-street parking is provided although in some locations it may be consolidated to one side of the roadway. An example cross-section is shown below and additional information is provided in the standard details.

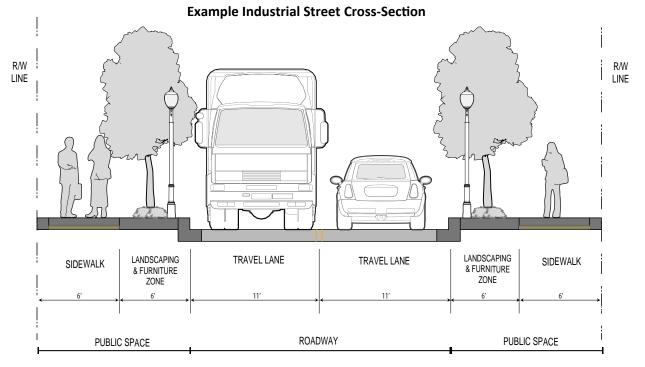
Street Type	Description	Typical Features
Neighborhood Residential	 Provide immediate access to single-family and multifamily residences Focus on pedestrian safety and well defined walking paths Bicyclists typically share the roadway or in unseparated bike lanes Slow speeds (20 mph) 	 2 travel lanes Sidewalks Street trees Lighting



Industrial Street

Industrial Streets are fairly limited in the Regional Transit Districts and Local Centers areas, however they do exist. These streets have primarily industrial land uses. It is important to design for moderate to high volumes of trucks while still accommodating some bicyclist and pedestrian use.

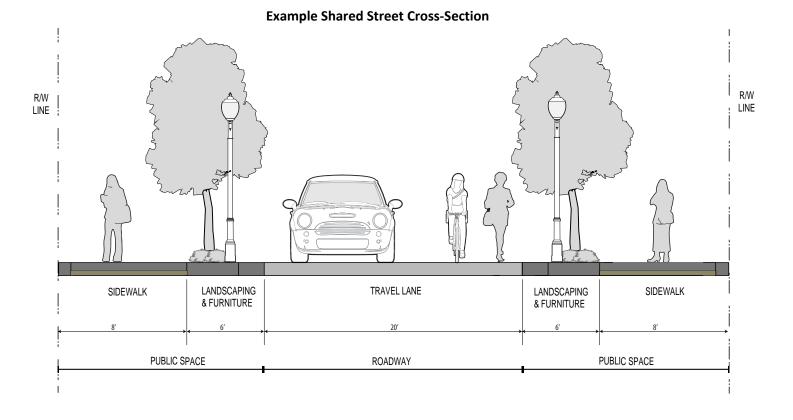
Street Type	Description	Typical Features
Industrial Street	 Serve industrial areas Carry moderate to high volumes of trucks of all sizes Fewer bicyclists and pedestrians, but often they must pass through 	 2 Travel lanes Adequate street width and turning radii to accommodate trucks Lighting and Sidewalks



Shared Street

A Shared Street is a unique, curbless, single surface street that can be shared by users of all modes because it is designed for extremely slow speeds (generally no more than 10 mph). The adjacent land uses are mixed and pedestrians are the dominant mode along such streets.

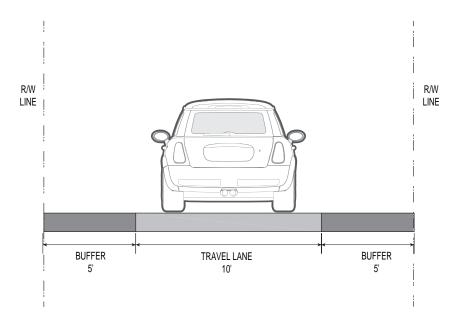
Street Type	Description	Typical Features
Shared Street	 Multiple land uses Single grade or surface shared by all modes Extremely low speeds (10 mph or less) 	Unique pavingStreet furnitureLighting



Alley

Alleys have an important function in urban areas including deliveries and trash removal. They can also contribute to pedestrian and bicyclist connectivity. They are designed for extremely slow speeds, single vehicle travel and must accommodate room for other objects in the right of way such as trash receptacles.

Example Alley Cross-Section



Summary of Existing Standards and Urban Street Standards

The following table summarizes the key design elements and street dimensions for the county's current roadway types and compares them to the proposed street typologies described above and corresponding urban street standards.

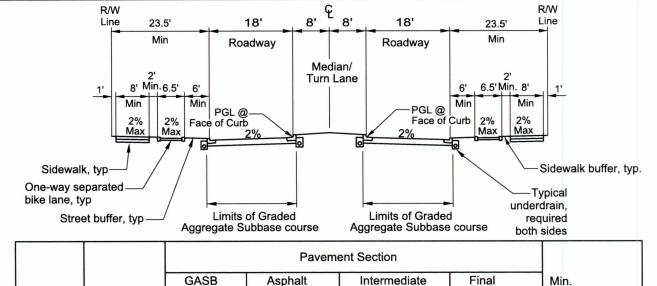
Current Street Type	Right of Way	Design Speed	Total # of Travel Lanes	Minimum Lane Widths	Median	Buffer	Minimum Turning Radius	On Street Parking	Sidewalk	Bike Facility
Urban Arterial Road	120' (130')	50 mph	6	11'-12'	24' (26')	6' (5')	50'	none	5'	none/(5' bike lane)
Urban Major Collector Road	100'	40 mph	4	11'-12'	20 (16')	8' (6')	45'	none	5'	none/(5' bike lane)
Urban 4-Lane Collector Road	80'	40 mph	4	11'-12'	none	11' (5')	45'	none	5'	none/(5' bike lane)
Urban 5-Lane Collector Road	80' (90')	40 mph	5	11'	none	5'	45'	none	5'	none/(5' bike lane)
Urban Commercial and Industrial Road	70'	35 mph	4 (2)	11' (12')	none	6'	50'	(11')	5'	none
Urban Primary Residential Road	60' (70')	35 mph	2 (3)	11' (12')	none	7'	37'	7' (8')	5'	none/(5' bike lane)
Urban Secondary Residential Road	50'	30 mph	2 (1)	11' (12')	none	7'	37'	(7')	5'	none
Additional Urban Street Type*	Minimum Right of Way***	Design Speed**	Total # of Travel Lanes	Minimum Lane Width	Median Width ***	Minimum Buffer	Minimum Turning Radius	On Street Parking	Minimum Sidewalk	Bike Facility
Mixed Use Boulevard (A) -2 Travel Lanes	99' (89') (83')	25 mph	2	10' (11' if bus route)	16' (6') (0')	6'	15'	8'	8'	6.5' separated bike lane
Mixed Use Boulevard (B) - 2 Travel Lanes	92' (82') (76')	25 mph	2	10' (11' if bus route)	16 (6') (0')	6'	15'	8'	8'	5' bike lane
Mixed Use Boulevard (A) - 4 Travel Lanes	119' (109')	25 mph	4	10' (11' if bus route)	16' (6')	6'	15'	8'	8'	6.5' separated bike lane
Mixed Use Boulevard (B) - 4 Travel Lanes	116' (106')	25 mph	4	10' (11' if bus route)	16 (6')	6'	15'	8'	8'	5' bike lane with 2' painted buffer
Mixed Use Boulevard (A) - Center Turn Lane	93'	25 mph	2	10' (11' if bus route)	none	6'	15'	8'	8'	6.5' separated bike lane
Mixed Use Boulevard (B) - Center Turn Lane	86'	25 mph	2	10' (11' if bus route)	none	6'	15'	8'	8'	5' bike lane
Neighborhood Connector (A)	83' (75')	20-25 mph	2	10'	none	6'	15'	8'	8'	6.5' separated bike lane
Neighborhood Connector (B)	66' (58')	20-25 mph	2	10	none	6'	15'	8'	8'	Option to add 5' bike lane
Neighborhood Residential	60' (53')	20 mph	2	10'	none	6'	15'	7'	6'	Option to add 5' bike lane
Industrial Street	48' (57')	20 mph	2	11'	none	6'	15'	(9')	6'	none
Shared Street	50'	10 mph	2	10'	none	6'	15'	none	8'	none
Alley	20'	10 mph	1	10'	none	none	15'	none	none	none

^{*} Streets in Regional Transit Districts and Local Centers

^{**} For additional horizontal and vertical design constraints relavant to these designs speeds, refer to AASHTO: A Policy on Geometric Design of Highways and Streets.

^{***} Figures in parenthesis indicate alternative configurations related to reduction in median width or optional on-street parking shown in the standard details.

APPENDIX A URBAN STREET DESIGN STANDARDS



			Pavement Section					
Design Speed	Subgrade (A)	GASB Course (B)	Asphalt Base Course (C)	Intermediate Surface Course (D)	Final Surface Course (E)	Min. Right-of-Way Width		
25 MPH	CBR≥ 7	6"	4 1/2"	2"	2"	99' (89') (83')		

- The top 12" of in-situ subgrade material shall have a minimum California Bearing Ratio (CBR) value of 7. See Table I-3, I-4, I-5, I-6, I-7, I-8 and I-9 of Section I "Roadway Development Guidelines" for subgrade criteria. Graded Aggregate Subbase (GASB). See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) base, 25mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) surface, 12.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications."

- Roadway accommodates two (2) 10-foot travel lanes and two (2) 8-foot parking lanes with appropriate striping. Roadway dimensions are measured from face of curb to face of curb. Select travel lanes may be widened to 11' if along a bus route
- or specified by the Department.

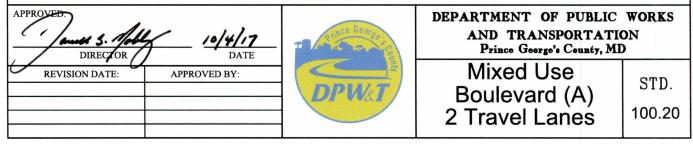
 Curb extensions may be incorporated into the parking lane at intersections. Curb extensions may be incorporated into the
- parking lane mid-block where appropriated into the parking lane at intersections. Curb extensions may be incorporated into the parking lane mid-block where appropriate. See Standard 100.37 for Curb extension detail.

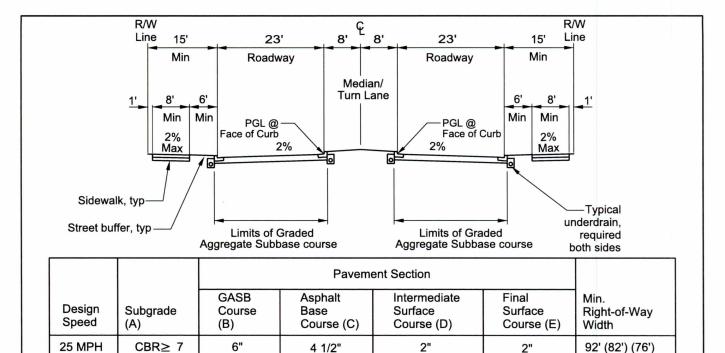
 The 6-foot minimum street buffer and 2-foot minimum sidewalk buffer allow space for street trees, lighting, landscaping, street appurtenances and/or stormwater facilities. The sidewalk buffer can be expanded to allow space for street trees.
- The minimum sidewalk width shown in the detail is a clear zone that must be free of obstructions.
- 3b. Refer to Category 500 for street light standards.
- Refer to Category 600 for landscaping within the County right-of-way.
- Median can be replaced with left turn lanes at intersections where appropriate. A continuous left turn lane may not be used. Median may incorporate stormwater management to the maximum extent practicable. Designer may choose to reverse the traditional cross slope of the roadway and drain toward the median. See Prince George's County DPIE Stormwater Management Design Manual. In areas where center turn lanes are not needed, the median can either be eliminated or reduced to a 6-foot width to allow for pedestrian refuges at intersections.
- Using the above design speeds, refer to AASHTO: A Policy on Geometric Design of Highways and Streets for additional horizontal and vertical design constraints.

 See Section II "Technical Specifications" for materials and method of construction.

 Refer to Standard 300.13 for underdrain details.

- Refer to Standards 300.01 and 300.02 for curb and gutter details.
 Refer to Standards 300.05 through 300.10 for sidewalk details and median crosswalk details.
- On each side, a 6.5' wide one-way separated bike lane should be incorporated into road section as shown. See detail 100.32 for more information. Non-separated bike lanes or shared lanes may not be used on this road type. All unpaved areas within the County right-of-way shall receive a minimum of 3" of topsoil and sod.
- All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.
- 13. For additional design guidance and other reference materials relevant to these standards, Refer to Appendix A: Technical Memorandum on Additional Design Considerations.





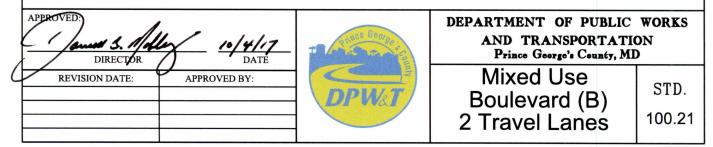
- The top 12" of in-situ subgrade material shall have a minimum California Bearing Ratio (CBR) value of 7. See Table I-3, I-4, I-5, I-6, I-7, I-8 and I-9 of Section I "Roadway Development Guidelines" for subgrade criteria. Graded Aggregate Subbase (GASB). See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) base, 25mm, PG 64S-22 Level 2. See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) surface, 12.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications."

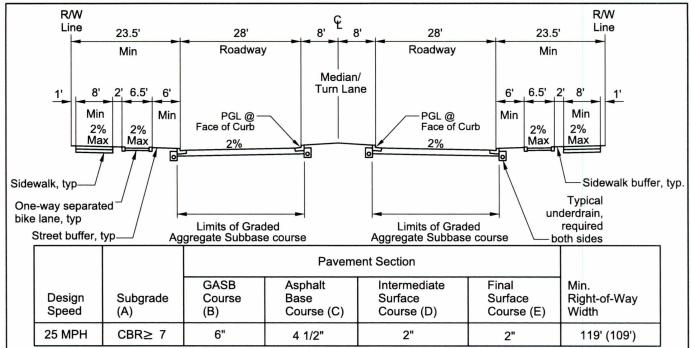
- Roadway accommodates two (2) 10-foot travel lanes, two (2) 5-foot bike lanes, and two (2) 8-foot parking lanes with appropriate striping. Roadway dimensions are measured from face of curb to face of curb. Select travel lanes may be widened to 11' if along a bus route or specified by the Department.
- Curb extensions to be incorporated into the parking lane at intersections. Curb extensions may be incorporated into the parking lane mid-block where appropriate. See Standard 100.37 for Curb extension detail.
- The 6-foot minimum street buffer along roadway allows space for street trees, lighting, landscaping, street appurtenances and/or stormwater facilities.
- The minimum sidewalk width shown in the detail is a clear zone that must be free of obstructions.
- Refer to Category 500 for street light standards.
 Refer to Category 600 for landscaping within the County right-of-way.
- Median can be replaced with left turn lanes at intersections where appropriate. A continuous left turn lane may not be used. Median may incorporate stormwater management to the maximum extent practicable. Designer may choose to reverse the traditional cross slope of the roadway and drain toward the median. See Prince George's County DPIE Stormwater Management Design Manual. In areas where center turn lanes are not needed, the median can either be eliminated or reduced to a 6-foot width to allow for pedestrian refuges at intersections.
 Using the above design speeds, refer to AASHTO: A Policy on Geometric Design of Highways and Streets for additional
- 5. horizontal and vertical design constraints.

 See Section II "Technical Specifications" for materials and method of construction.

 Refer to Standard 300.13 for underdrain details.

- Refer to Standards 300.01 and 300.02 for curb and gutter details.
- Refer to Standards 300.05 through 300.10 for sidewalk details and median crosswalk details.
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- D.

- Roadway accommodates four (4) 10-foot travel lanes and two (2) 8-foot parking lanes with appropriate striping. Roadway dimensions are measured from face of curb to face of curb. Specific travel lanes may be widened to 11' if along a bus route or specified by the Department.
- Curb extensions to be incorporated into the parking lane at intersections. Curb extensions may be incorporated into the parking lane mid-block where appropriate. See Standard 100.37 for Curb extension detail.
- The 6-foot minimum street buffer and 2-foot minimum sidewalk buffer allow space for street trees, lighting, landscaping, street appurtenances and/or stormwater facilities. The sidewalk buffer can be expanded to allow space for street trees. The minimum sidewalk width shown in the detail is a clear zone that must be free of obstructions. 3.

- Refer to Category 500 for street light standards.

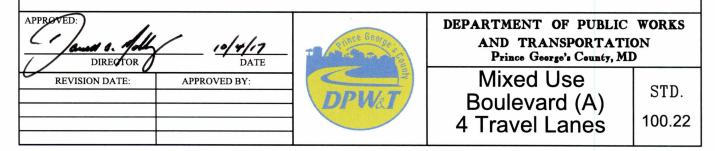
 Refer to Category 600 for landscaping within the County right-of-way.

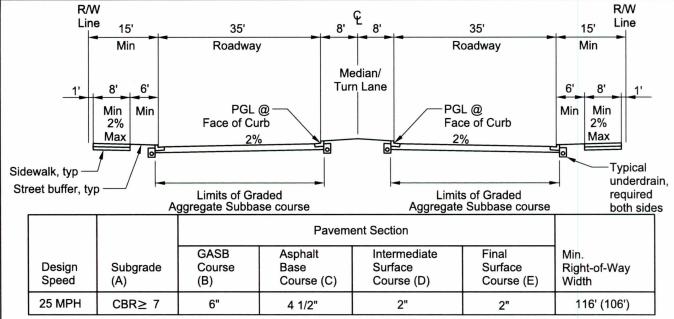
 Median can be replaced with left turn lanes at intersections where appropriate. A continuous left turn lane may not be used. Median may incorporate stormwater management to the maximum extent practicable. Designer may choose to reverse the traditional cross slope of the roadway and drain toward the median. See Prince George's County DPIE Stormwater Management Design Manual. In areas where center turn lanes are not needed, the median width can be reduced to 6-foot to allow for pedestrian refuges at intersections
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 See Section II "Technical Specifications" for materials and method of construction.

 Refer to Standard 300.13 for underdrain details.

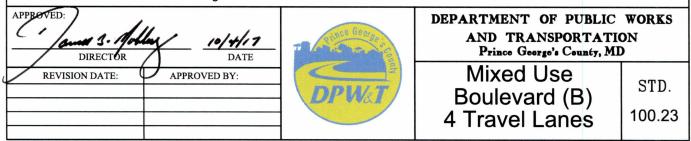
- Refer to Standards 300.01 and 300.02 for curb and gutter details.
 Refer to Standards 300.05 through 300.10 for sidewalk details and median crosswalk details.
- On each side, a 6.5' wide, one-way separated bike lane should be incorporated into road section as shown. See detail 100.32 for more information. Non-separated bike lanes or shared lanes may not be used on this road type. All unpaved areas within the County right-of-way shall receive a minimum of 3" of topsoil and sod.
- All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with 12. Disabilities Act.
- For additional design guidance and other reference materials relevant to these standards, Refer to Appendix A: Technical Memorandum on Additional Design Considerations.

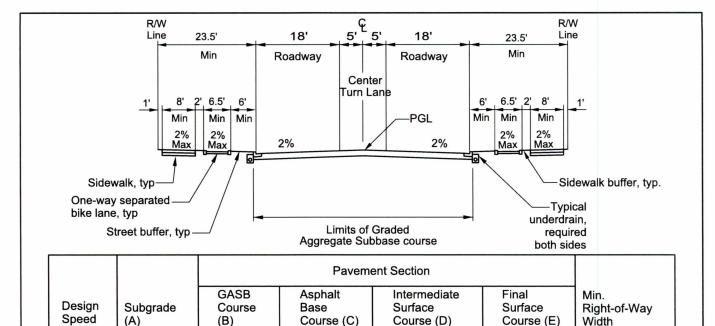




- A. The top 12" of in-situ subgrade material shall have a minimum California Bearing Ratio (CBR) value of 7. See Table I-3, I-4, I-5, I-6, I-7, I-8 and I-9 of Section I "Roadway Development Guidelines" for subgrade criteria.
- B. Graded Aggregate Subbase (GASB). See Section II "Technical Specifications."
- C. Superpave Asphalt Mix (SAM) base, 25mm, PG 64S-22, Level 2. See Section II "Technical Specifications."
- D. Superpave Asphalt Mix (SAM) surface, 12.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications."
- E. Superpave Asphalt Mix (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications."

- Roadway accommodates four (4) 10-foot travel lanes, two (2) 5-foot buffered bike lanes with 2-foot painted buffers and two (2) 8-foot parking lanes with appropriate striping. Roadway dimensions are measured from face of curb to face of curb. Specific travel lanes may be widened to 11' if along a bus route or specified by the Department.
- Curb extensions to be incorporated into the parking lane at intersections. Curb extensions may be incorporated into the parking lane mid-block where appropriate. See Standard 100.37 for Curb extension detail.
- 3. The 6-foot minimum street buffer along roadway allows space for street trees, lighting, landscaping, street appurtenances and/or stormwater facilities.
- 3a. The minimum sidewalk width shown in the detail is a clear zone that must be free of obstructions.
- 3b. Refer to Category 500 for street light standards.
- 3c. Refer to Category 600 for landscaping within the County right-of-way.
- 4. Median can be replaced with left turn lanes at intersections where appropriate. A continuous left turn lane must not be used. Median may incorporate stormwater management to the maximum extent practicable. Designer may choose to reverse the traditional cross slope of the roadway and drain toward the median. See Prince George's County DPIE Stormwater Management Design Manual. In areas where center turn lanes are not needed, the median width can be reduced to 6-foot to allow for pedestrian refuges at intersections.
- 5. Using the above design speeds, refer to AASHTO: A Policy on Geometric Design of Highways and Streets for additional horizontal and vertical design constraints.
- 6. See Section II "Technical Specifications" for materials and method of construction.
- 7. Refer to Standard 300.13 for underdrain details.
- 8. Refer to Standards 300.01 and 300.02 for curb and gutter details.
- 9. Refer to Standards 300.05 through 300.10 for sidewalk details and median crosswalk details.
- 10. All unpaved areas within the County right-of-way shall receive a minimum of 3" of topsoil and sod.
- 11. All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.
- 12. For additional design guidance and other reference materials relevant to these standards, Refer to Appendix A: Technical Memorandum on Additional Design Considerations.





4 1/2" Footnotes

2"

93'

- The top 12" of in-situ subgrade material shall have a minimum California Bearing Ratio (CBR) value of 7. See Table I-3, I-4, I-5, I-6, I-7, I-8 and I-9 of Section I "Roadway Development Guidelines" for subgrade criteria. Graded Aggregate Subbase (GASB). See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) base, 25mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) surface, 12.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications."

6"

General Notes

- Roadway accommodates two (2) 10-foot travel lanes, two (2) 8-foot parking lanes and one (1) 10-foot center turn lane with appropriate striping. Roadway dimensions are measured from face of curb to face of curb. Select travel lanes may be widened to 11' if along a bus route or specified by the department.
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 The 6-foot minimum street buffer and 2-foot minimum, sidewalk buffer allow space for street trees, lighting, landscaping,
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CBR≥ 7

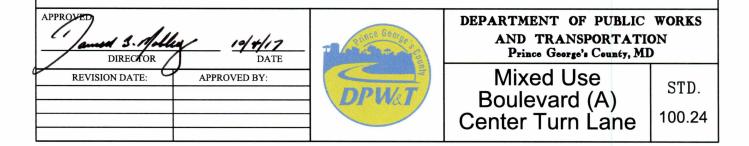
25 MPH

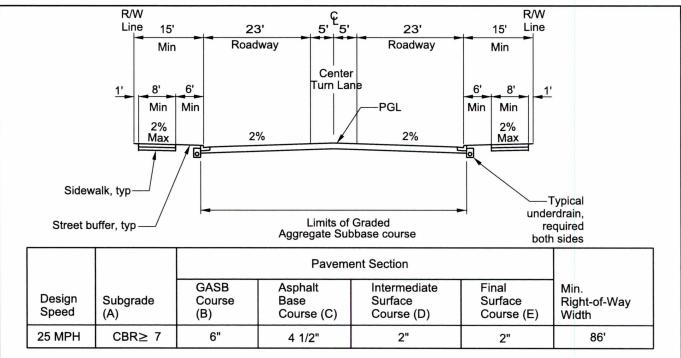
- Refer to Category 500 for street light standards.
 Refer to Category 600 for landscaping within the County right-of-way.
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 See Section II "Technical Specifications" for materials and method of construction.

 Refer to Standard 300.13 for underdrain details.
- 6. 7. 8.
- Refer to Standards 300.01 and 300.02 for curb and gutter details.

 Refer to Standards 300.05 through 300.10 for sidewalk details and median crosswalk details.
- On each side, a 6.5' wide, one-way separated bike lane should be incorporated into road section as shown. See detail 100.32 for more information. Non-separated bike lanes or shared lanes may not be used on this road type. All unpaved areas within the County right-of-way shall receive a minimum of 3" of topsoil and sod.
- 10.
- All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.
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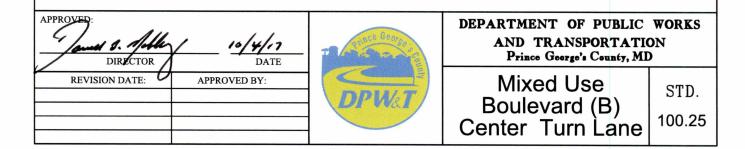
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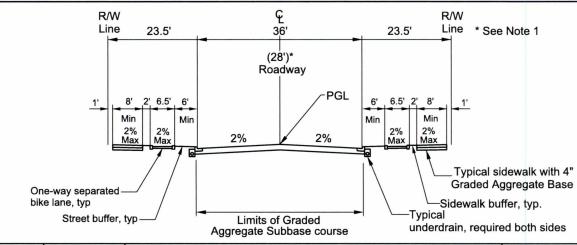
- Roadway accommodates two (2) 10-foot travel lanes, two (2) 5-foot bike lanes, two (2) 8-foot parking lanes and one (1) 10-foot center turn lane with appropriate striping. Roadway dimensions are measured from face of curb to face of curb. 1. Select travel lanes may be widened to 11' if along a bus route or specified by the department.
- Curb extensions to be incorporated into the parking lane at intersections. Curb extensions may be incorporated into the parking lane mid-block where appropriate. See Standard 100.37 for Curb extension detail. 2.
- 3. The 6-foot minimum street buffer along roadway allows space for street trees, lighting, landscaping, street appurtenances and/or stormwater facilities
- 3a. The minimum sidewalk width shown in the detail is a clear zone that must be free of obstructions.
 3b. Refer to Category 500 for street light standards.

- Refer to Category 600 for landscaping within the County right-of-way.
 Using the above design speeds, refer to AASHTO: A Policy on Geometric Design of Highways and Streets for additional horizontal and vertical design constraints.

 See Section II "Technical Specifications" for materials and method of construction.

 Refer to Standard 300.13 for underdrain details.
- 6. 7. 8.
- Refer to Standards 300.01 and 300.02 for curb and gutter details.
- Refer to Standards 300.05 through 300.10 for sidewalk details and median crosswalk details.
- All unpaved areas within the County right-of-way shall receive a minimum of 3" of topsoil and sod.
- All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.
- For additional design guidance and other reference materials relevant to these standards, Refer to Appendix A: Technical Memorandum on Additional Design Considerations.





			Pavement Section						
Design Speed	Subgrade (A)	GASB Course (B)	Asphalt Base Course (C)	Intermediate Surface Course (D)	Final Surface Course (E)	Min. Right-of-Way Width			
20-25 MPH	CBR≥ 7	6"	4 1/2"	2"	2"	83' (75')			

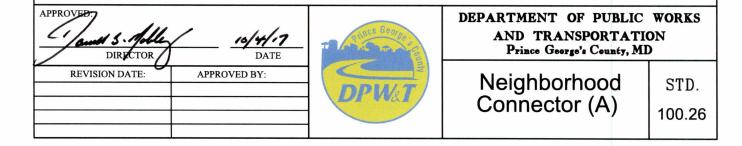
- The top 12" of in-situ subgrade material shall have a minimum California Bearing Ratio (CBR) value of 7. See Table I-3, I-4, I-5, I-6, I-7, I-8 and I-9 of Section I "Roadway Development Guidelines" for subgrade criteria. Graded Aggregate Subbase (GASB). See Section II "Technical Specifications."

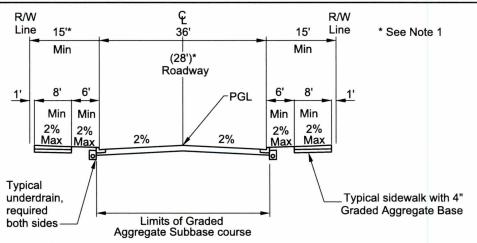
- Superpave Asphalt (SAM) base, 25mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt (SAM) surface, 12.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications." D.

- Roadway accommodates two (2) 10-foot travel lane and two (2) 8-foot parking lanes with appropriate striping. Alternative configuration shown in parenthesis accommodates two (2) 10-foot travel lanes and one (1) 8-foot parking lane. Roadway dimensions are measured from face of curb to face of curb. Select travel lane may be widened to 11' if along a bus route 1. or specified by the Department.
- Curb extensions to be incorporated into the parking lane at intersections. Curb extensions may be incorporated into the parking lane mid-block where appropriate. See Standard 100.37 for Curb extension detail.

 The 6-foot minimum street buffer and 2 foot minimum sidewalk buffer allow space for street trees, lighting, landscaping, 2.
- 3. street appurtenances and/or stormwater facilities. The sidewalk buffer can be expanded to allow space for street trees.
- The minimum sidewalk width shown in the detail is a clear zone that must be free of obstructions. Refer to Category 500 for street light standards.

 Refer to Category 600 for landscaping within the County right-of-way. 3a.
- 3b.
- Using the above design speeds, refer to AASHTO: A Policy on Geometric Design of Highways and Streets for additional horizontal and vertical design constraints.
- See Section II "Technical Specifications" for materials and method of construction.
- 6. 7. 8.
- Refer to Standard 300.13 for underdrain details.
 Refer to Standards 300.01 and 300.02 for curb and gutter details.
 Refer to Standards 300.05 through 300.08 for sidewalk and curb ramp details.
- On each side, a 6.5' wide, one-way separated bike lane should be incorporated into road section as shown. See detail 100.32 for more information. Non separated bike lanes or shared lanes may not be used on this road type. All unpaved areas within the County right-of-way shall receive a minimum of 3" of topsoil and sod.
- 10.
- All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.
- 12. For additional design guidance and other reference materials relevant to these standards, Refer to Appendix A: Technical Memorandum on Additional Design Considerations.





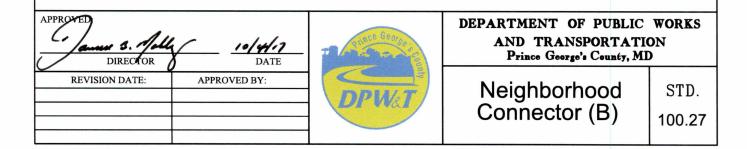
			Pavement Section						
Design Speed	Subgrade (A)	GASB Course (B)	Asphalt Base Course (C)	Intermediate Surface Course (D)	Final Surface Course (E)	Min. Right-of-Way Width			
20-25 MPH	CBR≥ 7	6"	4 1/2"	2"	2"	66' (58')			

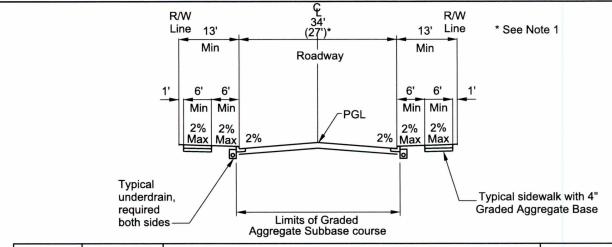
- The top 12" of in-situ subgrade material shall have a minimum California Bearing Ratio (CBR) value of 7. See Table I-3, I-4, I-5, I-6, I-7, I-8 and I-9 of Section I "Roadway Development Guidelines" for subgrade criteria. Graded Aggregate Subbase (GASB). See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) base, 25mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) surface, 12.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications."

- Roadway accommodates two (2) 10-foot travel lane and two (2) 8-foot parking lanes with appropriate striping. Alternative configuration shown in parenthesis accommodates two (2) 10-foot travel lanes and one (1) 8-foot parking lane. Roadway dimensions are measured from face of curb to face of curb. Select travel lanes may be widened to 11' if along a bus route 1 or specified by the Department.
- Curb extensions to be incorporated into the parking lane at intersections. Curb extensions may be incorporated into the parking lane mid-block where appropriate. See Standard 100.37 for Curb extension detail. 2.
- 3. The 6-foot minimum street buffer between roadway and sidewalk allows space for street trees, lighting, landscaping, street appurtenances and/or stormwater facilities.
- The minimum sidewalk width shown in the detail is a clear zone that must be free of obstructions. 3a.
- 3b. Refer to Category 500 for street light standards.
- 3c.
- Refer to Category 600 for landscaping within the County right-of-way.
 Using the above design speeds, refer to AASHTO: A Policy on Geometric Design of Highways and Streets for additional horizontal and vertical design constraints.

 See Section II "Technical Specifications" for materials and method of construction.

 Refer to Standard 300.13 for underdrain details.
- 6. 7.
- Refer to Standards 300.01 and 300.02 for curb and gutter details.
- 8. Refer to Standards 300.05 through 300.08 for sidewalk and curb ramp details.
- 9.
- Roadway and right-of-way may be expanded to accomodate bike lane pairs within the roadway. All unpaved areas within the County right-of-way shall receive a minimum of 3" of topsoil and sod. 10.
- 11. All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.
- 12. For additional design guidance and other reference materials relevant to these standards, Refer to Appendix A: Technical Memorandum on Additional Design Considerations.





			Pavement Section						
Design Speed	Subgrade (A)	GASB Course (B)	Asphalt Base Course (C)	Intermediate Surface Course (D)	Final Surface Course (E)	Min. Right-of-Way Width			
20 MPH	CBR≥ 7	4"	3"	1 1/2"	1 1/2"	60' (53')			

- The top 12" of in-situ subgrade material shall have a minimum California Bearing Ratio (CBR) value of 7. See Table I-3, I-4, I-5, I-6, I-7, I-8 and I-9 of Section I "Roadway Development Guidelines" for subgrade criteria. Graded Aggregate Subbase (GASB). See Section II "Technical Specifications."

 Superpave Asphalt Mix (SAM) base, 19mm, PG 64S-22, Level 2. See Section II "Technical Specifications."

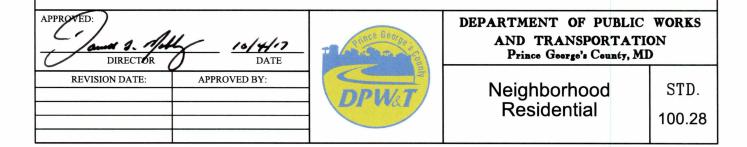
 Superpave Asphalt Mix (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications."

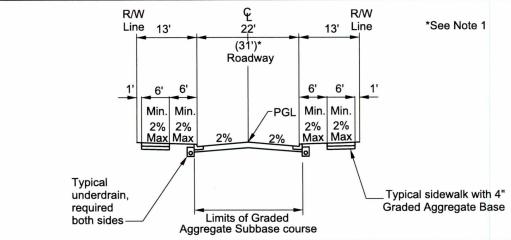
 Superpave Asphalt Mix (SAM) surface, 9.5mm, PG 64S-22, Level. See Section II "Technical Specifications."

- Roadway accommodates two (2) 10-foot travel lane and two (2) 7-foot parking lanes. Alternative configuration shown in parenthesis accomodates two (2) 10-foot travel lanes and one (1) 7-foot parking lane. Roadway dimensions are measured from face of curb to face of curb.
- Curb extentions to be incorporated into the parking lane at intersections. Curb extentions may be incorporated into the parking lane mid-block where appropriate. See standard 100.37 for Curb extention detail.
- The 6-foot minimum street buffer between roadway and sidewalk allows space for street trees, lighting, landscaping, street appurtenances and/or stormwater facilities.
- 3a. The minimum sidewalk width shown in the detail is a clear zone that must be free of obstructions.
 3b. Refer to Category 500 for street light standards.
 3c. Refer to Category 600 for landscaping within the County right-of-way.

- Using the above design speeds, refer to AASHTO: A Policy on Geometric Design of Highways and Streets for additional horizontal and vertical design constraints.

 See Section II "Technical Specifications" for materials and method of construction.
- Refer to Standard 300.13 for underdrain details.
- Refer to Standards 300.01 and 300.02 for curb and gutter details.
- Refer to Standards 300.05 through 300.08 for sidewalk and curb ramp details.
- Roadway and right-of-way may be expanded to accomodate bike lane pairs within the roadway. See detail 100.32
- 10. All unpaved areas within the County right-of-way shall receive a minimum of 3" of topsoil and sod.
- 11. All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.
- 12. For additional design guidance and other reference materials relevant to these standards, Refer to Appendix A: Technical Memorandum on Additional Design Considerations.





			Pavement Section						
Design Speed	Subgrade (A)	GASB Course (B)	Asphalt Base Course (C)	Intermediate Surface Course (D)	Final Surface Course (E)	Min. Right-of-Way Width			
20 MPH	CBR≥ 7	6"	4 1/2"	2"	2"	48' (57')			

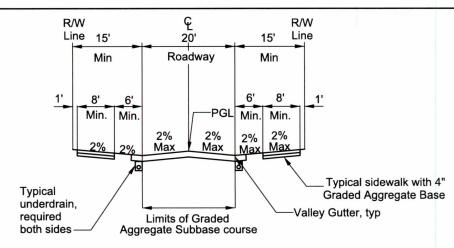
- The top 12" of in-situ subgrade material shall have a minimum California Bearing Ratio (CBR) value of 7. See Table I-3, I-4, I-5, I-6, I-7, I-8 and I-9 of Section I "Roadway Development Guidelines" for subgrade criteria. Graded Aggregate Subbase (GASB). See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) base, 25mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) surface, 12.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications."

General Notes

- Roadway accommodates two (2) 11-foot travel lanes. Alternative configuration shown in parenthesis accommodate two 1. (2) 11-foot travel lanes and one (1) 9-foot parking lane. Roadway dimensions are measured from face of curb to face of curb. The 6-foot street buffer between roadway and sidewalk allows space for street trees, lighting, landscaping, street 2. appurtenances and/or stormwater facilities.
- All street furniture and appurtenances must be outside the 6-foot minimum pedestrian sidewalk.
- Refer to Category 500 for street light standards.
- 2c.
- Refer to Category 600 for landscaping within the County right-of-way.

 Using the above design speeds, refer to AASHTO: A Policy on Geometric Design of Highways and Streets for additional horizontal and vertical design constraints. 3.
- See Section II "Technical Specifications" for materials and method of construction.
- Refer to Standard 300.13 for underdrain details.
- Refer to Standards 300.01 and 300.02 for curb and gutter details.
- Refer to Standards 300.05 through 300.08 for sidewalk and curb ramp details.
- 5. 6. 7. 8. Roadway and right-of-way may be expanded to accomodate unseparated bike lane pairs within the roadway. See detail
- All unpaved areas within the County right-of-way shall receive a minimum of 3" of topsoil and sod.
- 10. All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.
- 11. For additional design guidance and other reference materials relevant to these standards, Refer to Appendix A: Technical Memorandum on Additional Design Considerations.

APPROVED: DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION Prince George's County, MD DIRECTOR DATE REVISION DATE: APPROVED BY: Industrial STD. Road 100.29



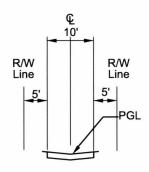
			Pavement Section					
Design Speed	Subgrade (A)	GASB Course (B)	Asphalt Base Course (C)	Intermediate Surface Course (D)	Final Surface Course (E)	Min. Right-of-Way Width		
10 MPH	CBR≥ 7	4"	3"	1 1/2"	1 1/2"	50'		

- A. The top 12" of in-situ subgrade material shall have a minimum California Bearing Ratio (CBR) value of 7. See Table I-3, I-4, I-5, I-6, I-7, I-8 and I-9 of Section I "Roadway Development Guidelines" for subgrade criteria.
 B. Graded Aggregate Subbase (GASB). See Section II "Technical Specifications."
 C. Superpave Asphalt Mix (SAM) base, 19mm, PG 64S-22, Level 2. See Section II "Technical Specifications."
 D. Superpave Asphalt Mix (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications."
 E. Superpave Asphalt Mix (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications."

General Notes

- Roadway accommodates two (2) 10-foot travel lanes when vehicles are allowed. Roadway dimensions are measured from flowline of valley gutter.
- 2. Roadway shall have surface treatment/texture or alternative materials (pavers, bricks, etc.) to signify shared space for all users.
- 3. The 6-foot street buffer between roadway and sidewalk allows space for street trees, lighting, landscaping, street appurtenances and/or stormwater facilities.
- The minimum sidewalk width shown in the detail is a clear zone that must be free of obstructions. 3a.
- Refer to Category 500 for street light standards. 3b.
- Refer to Category 600 for landscaping within the County right-of-way.
- Using the above design speeds, refer to AASHTO: A Policy on Geometric Design of Highways and Streets for additional horizontal and vertical design constraints. 4.
- See Section II "Technical Specifications" for materials and method of construction.
- Refer to Standard 300.13 for underdrain details.
- 6. 7.
- Refer to Standards 100.39 for Valley Gutter detail
 Refer to Standards 300.05 through 300.08 for sidewalk and curb ramp details
- All unpaved areas within the County right-of-way shall receive a minimum of 3" of topsoil and sod.
- All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.
- For additional design guidance and other reference materials relevant to these standards, Refer to Appendix A: Technical Memorandum on Additional Design Considerations.

APPROVED: DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION Prince George's County, MD DIRECTOR REVISION DATE: APPROVED BY STD. Shared Street 100.30



			Pavement Section					
Design Speed	Subgrade (A)	GASB Course (B)	Asphalt Base Course (C)	Intermediate Surface Course (D)	Final Surface Course (E)	Min. Right-of-Way Width		
10 MPH	CBR≥ 7	4"	3"	1 1/2"	1 1/2"	20'		

The top 12" of in-situ subgrade material shall have a minimum California Bearing Ratio (CBR) value of 7. See Table I-3, I-4, I-5, I-6, I-7, I-8 and I-9 of Section I "Roadway Development Guidelines" for subgrade criteria. Graded Aggregate Subbase (GASB). See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) base, 19mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications." Superpave Asphalt Mix (SAM) surface, 9.5mm, PG 64S-22, Level 2. See Section II "Technical Specifications."

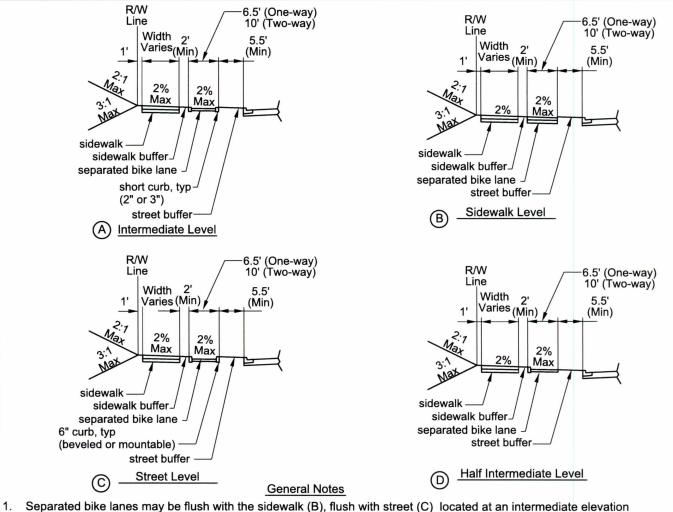
General Notes

- Roadway accommodates one (1) 10-foot travel lane. Roadway dimensions are measured from edge of pavement. Using the above design speeds, refer to AASHTO: A Policy on Geometric Design of Highways and Streets for additional horizontal and vertical design constraints.

See Section II "Technical Specifications" for materials and method of construction.

- All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.
- For additional design guidance and other reference materials relevant to these standards, Refer to Appendix A: Technical Memorandum on Additional Design Considerations.

APPROVED: County 1. Mobility	الم		The same George	DEPARTMENT OF PUBLIC AND TRANSPORTATION Prince George's County, MI	ON
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				Alley	100.31



 Separated bike lanes may be flush with the sidewalk (B), flush with street (C) located at an intermediate elevation in between (A - preferred), or a combination of elevations (D).

For one-way separated bike lanes with low volumes of bicyclists (less than 150 per peak hour), the recommended width
of the bike lane is 6.5 feet. In constrained conditions where the recommended width cannot be achieved, the bike
lane can be a minimum of 5 feet wide.

3. A two-way separated bike lane may be provided on one side of the roadway. For two-way bike lanes with low volumes of bicyclists (less than 150 per peak hour), the recommended width of the bike lane between two curbs is 10 feet. In constrained conditions where the recommended width cannot be achieved, the bike lane should be a minimum of 8 feet wide. When implementing a two-way bike lane, serious consideration must be given to provide signal phase separation with a bike signal.

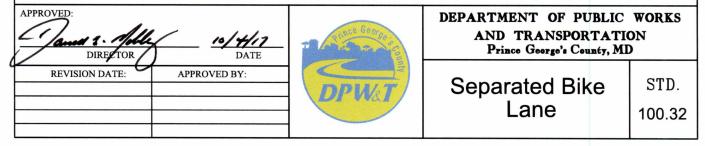
Curbs may be constructed at heights between 2" and 6". The selection of appropriate curb angle and height is an
important design consideration in separated bike lanes. The curb angle - vertical, beveled or mountable - influences
the crash risk to bicyclists and ease of encroachment. See detail 100.38 for short curb.

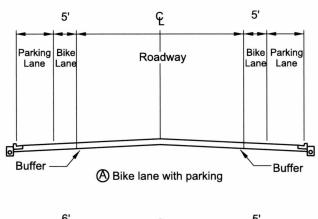
4. The street buffer and sidewalk buffer allow space for street trees, lighting, landscaping, street apputenances and/or stormwater facilities. In constrained environments, reducing or eliminating the sidewalk buffer is preferable to reducing the street buffer. It is possible to reduce the street buffer to 2'-6' wide along the roadway, but 6' must be maintained for 20' on the intersection approach for sight distance and pedestrian curb ramps.

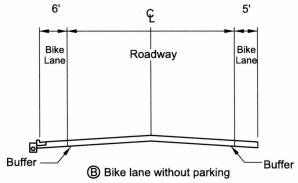
Sidewalk buffer and the street buffer minimum widths can be switched as desired by designer, but street buffer should be a minimum 2.5' wide.

All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.

7. In a road narrowing retrofit, a street level separated bike lane (C) may be achieved in a multitude of ways. Horizontal buffer and vertical barrier separation must be maintained, but the barrier could be a curb, planter, flexpost, and/or parking lane. When using a parking lane as a barrier/buffer, additional horizontal space is needed to avoid door swing of parked cars.







General Notes

 If feasible and desired based on raodway characteristics, add a striped buffer between bike lane and travel lanes. Bike buffer should be a minimum of 2' wide and include 45° striped pavement markings a minimum of 10' apart. Designer can opt to include flexposts in bike buffer (10' apart) for added separation.

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| Control of Society | 10/4/17 |
| Director | Date |
| REVISION DATE: APPROVED BY:

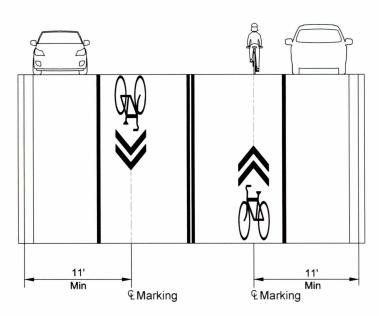


DEPARTMENT OF PUBLIC WORKS

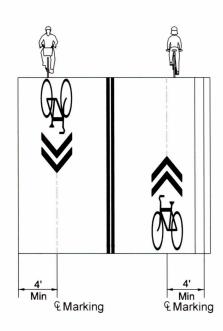
AND TRANSPORTATION
Prince George's County, MD

Bike Lane

STD. 100.33

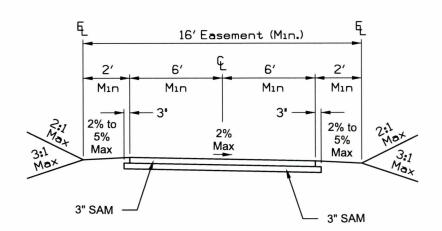


A Shared-lane marking cross section with on street parking



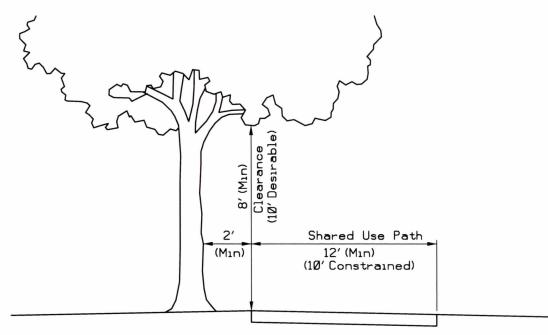
Shared-lane marking cross section with no on street parking

APPROVED: DIRECTOR DIRECTOR DATE	Tance George	DEPARTMENT OF PUBLIC WORK AND TRANSPORTATION Prince George's County, MD		
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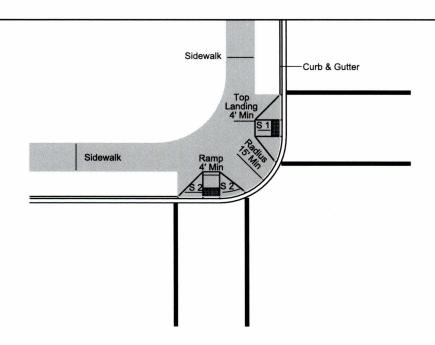


Notes:

- 1. Fill slope should typically range from 12:1 to 6:1, with a maximum slope of 3:1.
- 2. Easement for construction and maintainence is required where trail crosses property not in the County right-of-way.
- 3. ADA Cross Slope 1% recommended 2% maximum



Clearance Detail



Footnotes

- Curb ramp slope (S 1) shall be a maximum of 12:1.
- Flare slope (S 2) shall be a maximum of 12:1.
- Top landing shall be a minimum of 4' wide with a maximum slope of 2%. Cross slopes shall not exceed 2% on landings or sidewalks.
- Detectable warning strip with truncated domes shall extend the full width of the ramp and extend 24 inches from the back of the curb.
- Ramps should be perpendicular to the curb.
- The ramp (not including the flare) should be located entirely within the marked crosswalk.
- In constrained conditions, where fixed objects or other features make it necessary to position the ramps as close to the corner as possible, there must be a curb between the two ramps with a minimum height of 3 inches and minimum width of 6 inches.

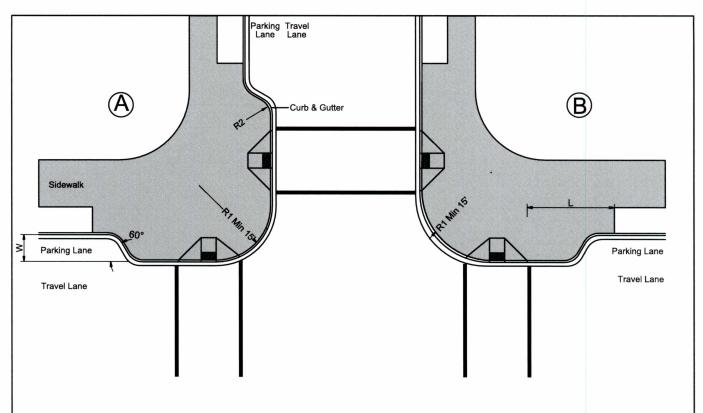
General Notes

- All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the Americans with Disabilities Act.

- Anierical's with Disabilities Act.
 2a. Refer to Category 500 for street light standards.
 2b. Refer to Category 600 for landscaping within the County right-of-way.
 2. See Section II "Technical Specifications" for materials and method of construction.
 3. Refer to Standards 300.01 and 300.02 for curb and gutter details.
 4. Refer to Standards 300.05 through 300.08 for sidewalk and curb ramp details.
 5. Refer to 300.22 and 300.23 for crosswells etandards.

- Refer to 300.22 and 300.23 for crosswalk standards.
- When separate bike lanes are present consideration should be given to channelizing pedestrian across the bike lane with appropriate signs, markings, and pedestrian ramps. Also bicycle movements should be channelized with appropriate signs, markings, and channelizing islands.
- Area between curb ramps could be landscaped with low plantings at the discretion of the designer.

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION Prince George's County, MD DIRECTOR REVISION DATE: APPROVED BY Perpendicular STD. Curb Ramp 100.36 Configuration



Footnotes

- The width (W) is equal to the width of the parking lane minus 1.5 feet.
- The distance between the crosswalk and the return (L) varies and should be coordinated with the drainage, streetscape, landscape, or other urban design treatments. Suggested length is 20 feet.
- The return angle is 60 degrees.

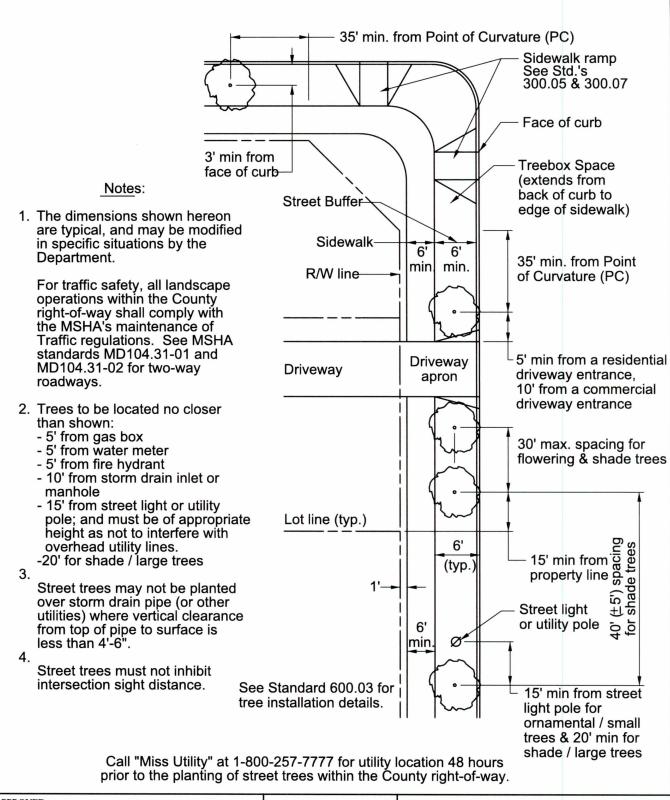
 The radius (R 2) is desirably 4 feet but may be altered to coordinate with drainage, streetscape, landscape, or other urban design treatments.
- E. Parking lanes shall be present wherever there is a curb extension.

 F. Curb extensions may be present on both sides of a corner (A) or only one side (B).

General Notes

- Refer to Category 500 for street light standards. 1a.
- Refer to Category 600 for landscaping within the County right-of-way. 1b.
- See Section II "Technical Specifications" for materials and method of construction. Refer to Standards 300.01 and 300.02 for curb and gutter details. 2.
- 3.
- Refer to Standards 300.05 through 300.08 for sidewalk and curb ramp details. 4.
- Refer to 300.22 and 300.23 for crosswalk standards. 5.
- All new construction within the County right-of-way shall comply with Federal accessibility guidelines of the 6. Americans with Disabilities Act.
- 7. When separate bike lanes are present considerations should be given to channelization pedestrians across the bike lane with appropriate signs, markings, and pedestrian ramps. Also bicycle movements should be channelized with appropriate signs markings and channelizing islands.
- 8. Area between curb ramps could be landscaped with low plantings at the discretion of the designer.

APPROVED: Const S. Mobiles 10/4/17 DATE	The State Congress	DEPARTMENT OF PUBLIC AND TRANSPORTAT Prince George's County, N	'ION	
REVISION DATE: APPROVED BY:	DPW&T	Curb Extension	STD. 100.37	



APPROVED: James 2. Application 10/4/17 DIRECTOR DATE	Three Beorge	DEPARTMENT OF PUBLIC WOLLD AND TRANSPORTATION Prince George's County, MD			
REVISION DATE: APPROVED BY:	DPW&T	Street Tree Placement in R/W	STD. 600.21		

APPENDIX B: ADDITIONAL DESIGN CONSIDERATIONS RELATED TO URBAN STREET DESIGN

Appendix B: Additional Design Considerations Related to Urban Street Design

Turning Radius

The Urban Street Design Standards recommend a minimum turning radius at intersection corners to reduce vehicles speeds and crash severity while improving pedestrian visibility and limiting crossing distances at intersections. However, on individual projects, the appropriate corner radius should be determined based on context-sensitive design. As such, final design decisions for the turning radius must consider roadway widths, lane configurations, intersection geometry, proximity of buildings, and the design vehicle. The turning radius should be designed for each intersection considering access for emergency vehicles, large trucks, transit vehicles, and school buses as appropriate. Large vehicles may present challenges related to small turning radii, particularly on narrow cross-sections (e.g. the Mixed Use Boulevard B street type.) Restrictions to parking and encroachment into adjacent and oncoming travel lanes should be considered to accommodate infrequent large vehicles turning movements. Designing roadways for large vehicles creates an undesirable environment for pedestrians and bicyclists. The needs of all users must be balanced. The designer should consider the trade-offs and design decisions that can be utilized to limit turning radii, i.e. permitting on-coming lane encroachment for infrequent large vehicles, utilizing mountable curbs, limited use of curb extensions, etc.

The table below can be used as a resource by designers making decisions about corner radii. The table is applicable to right turns which are typically the critical movement on two-way streets. The X axis is the available width for the turning vehicle on the receiving street and the Y axis is the available width on the approaching street. Both widths are measured from the face of the curb to the outer limits of the available area that can be used or encroached within for the swept path of the design vehicle as it turns. The figures indicate an appropriate minimum turning radius using a WB-40 design vehicle (which is slightly larger than a standard transit bus). The WB-40 is a commonly used design vehicle for most situations in cities. For streets with on-street parking, the radius provided using the chart will represent the effective radius, not the actual radius. The chart can still be used but, instead of the available space beginning at the face of the curb, it would start at the edge of the parking aisle.

This chart is not applicable to skewed intersections and when there is a desire to use compound curves instead of a simple radii. Similarly, streets in industrial areas or with significant bus activity may require a particularly tailored approach, for example using a different design vehicle if trucks typically exceed the size of the WB-40, modifying the placement of stop bars, or adjusting the assumptions about encroachment. While this table does not provide definitive turning radii that are applicable to all conditions, it can be a useful tool that informs the design process.

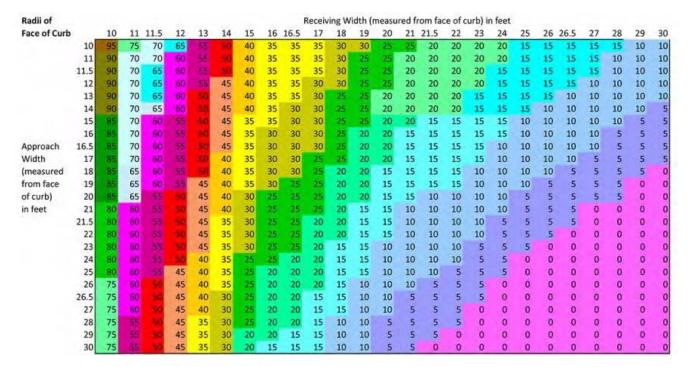


Figure 1. Turning Radius Design Resource (compiled from ITE Turning Vehicle Template, 2000)

Designing Bike Lanes at Intersections

Bike lanes are intended to encourage bicyclists to ride on the roadway in a position and manner that makes them most visible to motorists entering or exiting the roadway and that is consistent with legal and effective operation of a vehicle. Good intersection design indicates to bicyclists and motorists how they should traverse the intersection; as such, all bike lanes at intersections should provide clear and logical direction to all users. These principles also hold true for separated bike lanes at intersections. For additional guidance on bike lane designs at intersections, consult the AASHTO Guide for the Development of Bicycle Facilities, the NACTO Urban Bikeway Design Guide, and the Manual on Uniform Traffic Control Devices (MUTCD). For more information on separated bike lane design at intersections, consult the FHWA Separated Bike Lane Planning and Design Guide and the MassDOT Separated Bike Lane Planning & Design Guide.

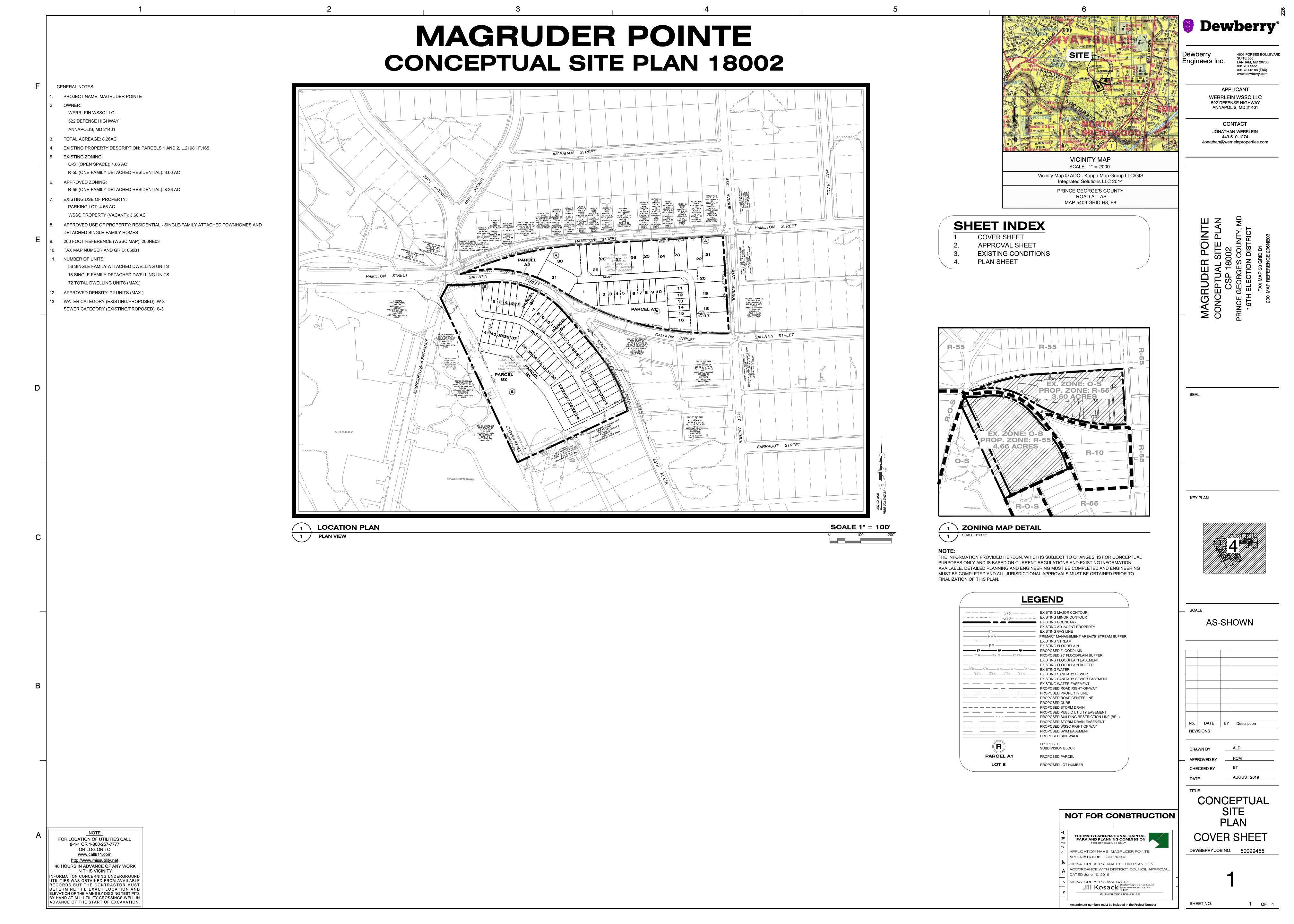
Fire Code Compliance

The Fire Safety Law of Prince George's County (Prince George's County Code of Ordinances – Subtitle 11), as supplemented by the National Fire Protection Association (NFPA) model codes or standard promulgations, provides the design requirements for public and private street design. Street clear widths are an important design consideration related to fire department access. Consistent with the NFPA, public roadways must provide a 20' clear width to accommodate access for fire apparatus. This clear width is accommodated on all street types in the Prince George's County Urban Street Standards except for the Mixed Use Boulevard (A) with two travel lanes. The previous exception would only provide 18' of clear width and only 10' in areas where parking is allowed. To remedy this, it is advised that sufficient alternative measures should be designed into the median and roadway of any permitted road to allow for 20' of width. These measures could include no parking 50' from hydrants, mountable curbs and reinforced medians in areas where parking is allowed, no parking where median features prevent apparatus from crossing over, etc.

Other Design Resources

There are a variety of valuable reference and resources that designers should use in conjunction with the Prince George's County Urban Street Design Standards. The following is a lists of some key reference materials:

- AASHTO A Policy on Geometric Design of Highways and Streets (AASHTO Green Book)
- AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities
- AASHTO Guide for the Development of Bicycle Facilities
- Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)
- FHWA Flexibility in Highway Design
- FHWA Separated Bike Lane Planning and Design Guide
- NACTO Urban Street Design Guide
- NACTO Urban Bikeway Design Guide
- NACTO Transit Street Design Guide
- NCHRP Report 672 Roundabouts: An Informational Guide
- NCHRP Report 766 Recommended Bicycle Lane Widths for Various Roadway Characteristics



CSP-18002 (On Remand) CSP-18002 (On Remand) C. Applicable Law reasonably, there are generally decreases in water and energy use, stormwater run-off, air ADDENDUM TO DISTRICT COUNCIL DECISIONS In-relevant part, Council may, pursuant to PGCC § 27-548.26(b), change the underlying pollution, and greenhouse gas emissions. Higher-density development supports feasible, multi-INCLUDING A REZONING DECISION zone or list of allowed uses in the Development District. To approve a change to the underlying modal, public transportation and other basis community services, improves economic productivity, zone or list of allowed uses in the Development District, Council shall find that the amended improves real estate value and business activity. PGCPB Nos. 18-74, 18-74(A), Staff Report, standards will benefit the proposed development, will further the purposes of the applicable 7/18/2018, Statement of Justification, 6/27/2018, Staff Supplemental Memo, 2/25/2019, Project Name: Magruder Pointe Development District, and will not substantially impair implementation of any applicable Master (3/14/2019, Tr.), (5/13/2019, Tr.). Project Number: CSP-18002 Rezoning will achieve the purposes and recommendations of the Plan for family and artist Plan or Sector Plan. Before approving an application and site plan on the amendments, Council **The Subject:** To rezone a portion of the subject property to R-55 and change shall find that the proposed development conforms with the purposes and recommendations for oriented residential development, and the opportunity to expand parkland and reinforce the vision the list of allowed uses for the subject property, and to facilitate the Development District, as stated in the Master Plan, Master Plan Amendment, of Sector Plan, of the traditional residential neighborhood character area will become a reality. 2004 Plan, p. 123. R-55 development of the entire 8.26 acres. When rezoned to R-55, only 2.8 acres will be developed with dwelling units. Applicant will meets applicable site plan requirements, and does not otherwise substantially impair the **Rezoning:** 4.66 acres of land implementation of any comprehensive plan applicable to the proposed development. Moreover, transfer the remaining 1.8 acres of the parcel to the City of Hyattsville for open space/parkland, From: Open Space (O-S) Zone approval of a Conceptual Site Plan is subject to approval of a Detailed Site Plan before permits to which will implement the Plan's vision to expand parkland and reinforce the vision of the To: One-Family Detached Residential (R-55) Zone traditional residential neighborhood character area. Statement of Justification, pp. 2-3, 6/27/2018, develop may be obtained. PGCC § 27-548.26(b). D. Application Department of Parks and Recreation (DPR) Memorandum, 7/6/2018 (The "Lower Parcel" adjacent Is composed of: 1 Cover Sheet In 2018, after certain amendments, Applicant, in accordance with PGCC § 27-548.26(b), to Magruder Park is proposed to be all townhomes with a portion of the property to be added to Approval Sheet Existing Condition Plan Magruder Park). PGCPB Nos. 18-74, 18-74(A), Staff Report, 7/18/2018, Statement of requested approval of a Conceptual Site Plan to rezone the back/lower 4.66-acre parcel of the property Conceptual Site Plan from O-S to R-55, and amend the list of allowed uses, to facilitate R-55 development of the entire Justification, 6/27/2018, Staff Supplemental Memo, 2/25/2019, (3/14/2019, Tr.), (5/13/2019, Tr.). ____ 8.26-acres with single-family attached townhomes and detached single-family homes. PGCPB This Conceptual Site Plan is valid indefinitely. Nos. 18-74, 18-74(A), Staff Report, 7/18/2018, Statement of Justification, 6/27/2018, Staff The zoning change for this Conceptual Site Plan is valid until changed by the Supplemental Memo, 2/25/2019. CERTIFIED ON: 09/19/19 BY AUTHORITY OF: Prince George's County District Council CSP-18002 (On Remand) CSP-18002 (On Remand) Rezoning of the portion of the property to R-55, to facilitate R-55 development of the entire 8.26 acres, will allow redevelopment of an under-utilized property into a residential subdivision, E. The 2004 Plan with a mix of single-family detached and attached dwelling units that will be compatible with the The 2004 Plan defines long-range land use and development policies, detailed zoning surrounding neighborhood. PGCPB Nos. 18-74, 18-74(A), Staff Report, 7/18/2018, Statement of changes, design standards, and a D-D-O Zone for the Gateway Arts District area. The land use Justification, 6/27/2018, Staff Supplemental Memo, 2/25/2019, (3/14/2019, Tr.), (5/13/2019, Tr.). THE PRINCE GEORGE'S COUNTY GOVERNMENT concept Plan divides the Gateway Arts District into seven interrelated areas including, Town Testimony was overwhelming and persuasive that the abandoned WSSC building and vacant Office of the Clerk of the Council Center (TC), Arts Production and Entertainment (APE), Neighborhood Arts and Production parking lot on the property are an "eyesore" and should be removed. Id. (NAP), Multifamily Residential Community (MRC), Traditional Residential Neighborhood The photographic evidence in the record (below) corroborates the testimony from residents (TRN), Neighborhood Commercial (NC), and Stream Valley Park (SVP) for examining issues and June 14, 2019 who live in the surrounding area. The abandoned WSSC headquarters and parking lot considered opportunities and formulating recommendations. Detailed recommendations are also provided for an "eyesore" by many residents in the area are not compatible with the surrounding residential seven distinct areas within the sector plan. PGCPB Nos. 18-74, 18-74(A), Staff Report, 7/18/2018, RE: CSP-18002 Magruder Pointe (Remand) Werrlein WSSC, LLC, Applicant Statement of Justification, 6/27/2018, Staff Supplemental Memo, 2/25/2019, (3/14/2019, Tr.), (5/13/2019, Tr.). The Plan retained the portion of the subject property (between Hamilton and Gallatin NOTICE OF FINAL DECISION Streets) in the R-55 Zone, but reclassified the parking lot portion of the property (between 40th OF THE DISTRICT COUNCIL Avenue and 40th Place) from the R-55 Zone to the O-S Zone, noting that "[r]ezoning to O-S creates Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince the opportunity to expand parkland and reinforce the vision of the traditional residential George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken neighborhood character area." 2004 Plan, p. 123. The Plan also superimposed a D-D-O Zone, by the District Council in this case on June 10, 2019. placing the entire property in the TRN Character Area. R-55 zoned properties in the TRN Character Area, within the incorporated City of Hyattsville, are exempt from the development district CERTIFICATE OF SERVICE standards and are required to abide by the requirements of the R-55 Zone. The WSSC headquarters is classified as a contributing structure (as opposed to a Historic Structure) within the Hyattsville This is to certify that on June 14, 2019, this notice and attached Council Order was mailed, postage prepaid, to all persons of record. National Register Historic District. The headquarters is not being preserved, reused, integrated, or Donna J. Brown Acting Clerk of the Council CSP-18002 (On Remand) In stark contrast to the abandoned WSSC headquarters and parking lot, the proposed Conceptual Site Plan demonstrates that the subject property will be compatible with the CSP-18002 (On Remand) surrounding residential neighborhood when a portion of the property is rezoned to R-55, to otherwise incorporated in the proposed project. PGCPB Nos. 18-74, 18-74(A), Staff Report, County Administration Building facilitate R-55 development of the entire 8.26-acres with single-family attached townhomes and 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772 7/18/2018, Statement of Justification, 6/27/2018, Staff Supplemental Memo, 2/25/2019, detached single-family homes. (3/14/2019, Tr.), (5/13/2019, Tr.). Among other things, goals for the TRN area are "[t]o promote development of both familyand artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones." "To preserve the single-family residential neighborhood character as the anchor of the Arts District, while Case No.: CSP-18002 Magruder Pointe (On Remand) supporting artists who produce and teach from their homes." And "[e]nhance the 'built-in' natural surveillance of public areas by active neighbors on porches, in yards, and on the sidewalk." 2004 Applicant: Werrlein WSSC, LLC Plan, p. 138. Moreover, a recommendation of the TRN Character Area is to "[r]einforce existing COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND single-family detached residential neighborhoods as community oriented, quiet, low-traffic, and SITTING AS THE DISTRICT COUNCIL child-safe." 2004 Plan, p. 27. FINAL DECISION — APPROVAL OF CONCEPTUAL SITE PLAN IT IS ORDERED that, Conceptual Site Plan 18002 (CSP-18002), a request to change the For the reasons set forth above, rezoning a portion of the property to R-55, to facilitate R-Under Plan 2035, the property is in the Established Communities Area. The Plan classifies underlying zone of a portion of the subject property from Open Space (O-S) to R-55 (One-Family 55 development of the entire 8.26 acres, 1) will further the purposes of the development district, existing residential neighborhoods and commercial areas served by public water and sewer outside Detached Residential) and the list of allowed uses in the Development District, to facilitate R-55 2) will conform with the purposes and recommendations for the development district, 3) will of regional transit districts and local centers as established communities. Established communities development of the entire 8.26 acres, in Councilmanic District 2, is hereby APPROVED. represent a most reasonable alternative for satisfying the site design guidelines without requiring are most appropriate for context-sensitive infill and low-to medium-density development. Infill unreasonable costs and without distracting substantially from the utility of the proposed A. Introduction development takes place on vacant or underutilized parcels within an area that is already development for its intended use, and 4) will not otherwise substantially impair the implementation CSP-18002 is before the Council on remand from Planning Board. Prior to remand, the characterized by urban development and has access to urban services. Density is defined to include of the 2004 Plan or Plan 2035. PGCC §§ 27-276(b)(1), 27-548.26(b). Board's motion to recommend rezoning of a portion of the property from O-S to R-55 carried 3single-family detached dwellings that range from less than 1 to 6 per acre on a single lot, 2.1 Council held a hearing on the Board's favorable recommendation to rezone a portion of the townhouses from 6 to 12 units per acre, and multifamily units from 12 to 48 units per acre in one structure. Moreover, Plan 2035 recommends maintaining and enhancing existing public services property. Subsequently, Council adopted an Order of Remand directing the Board to review specific issues. On remand, the Board's motion to recommend rezoning of a portion of the property tied 2-2,2 which resulted in a no recommendation. The Board's no recommendation was forwarded to Council for final action to determine whether to grant Applicant's request to rezone a portion of CSP-18002 (On Remand) ____ Motion by Commissioner Doerner, Commissioners Doerner, Washington and Bailey voting in favor. issioners Geraldo and Hewlett voted against the motion. PGCPB No. 18-74, p. 16, (7/26/2018, Tr.). APPROVAL of Conceptual Site Plan CSP-18002, to rezone a portion of the subject property CSP-18002 (On Remand) to R-55 and change the list of allowed uses in the development district, to facilitate R-55 development of Motion by Commissioner Washington. Commissioners Washington and Bailey voting in favor. Commissioners Doerner and Hewlett voted against the motion. Commissioner Geraldo was absent. PGCPB No. 18-74(A), p. 24, (3/14/2019, Tr.). (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and the entire 8.26 acres, is subject to the following conditions: infrastructure in these areas. Plan 2035, pp. 20, 284, 288, PGCPB Nos. 18-74, 18-74(A), Staff 1. Prior to certification, the Conceptual Site Plan shall be revised, or additional Report, 7/18/2018, Statement of Justification, 6/27/2018, Staff Supplemental Memo, 2/25/2019, information shall be provided, as follows: Delineation of the existing and revised 100-year floodplain. (3/14/2019, Tr.), (5/13/2019, Tr.). b. Revise the plan to include the legal description of all lots G. R-55 Zone Approval The property is surrounded by R-55 and R-10 zoned properties. The purposes of the R-55 Reflect approval of the uses, zones, and densities allowed. Zone include 1) to provide for and encourage variation in the size, shape, and width of one-family At the time of Detailed Site Plan, as required in PGCC § 27-548.26, CSP-18002 (On Remand) detached residential subdivision lots, to better utilize the natural terrain; 2) to facilitate the planning a. Provide evidence that impact to the floodplain has been of higher density one-family residential developments with small lots and dwellings of various Council held a hearing on remand of the Board's no recommendation and voted favorably sizes and styles; 3) to encourage the preservation of trees and open spaces; and 4) to prevent soil to conditionally rezone a portion of the property from O-S to R-55, to facilitate R-55 development Provide sidewalks on both sides of all internal streets, erosion and stream valley flooding. PGCC § 27-430. The adjoining properties in the R-55 Zone of the entire 8.26 acres.3 Prior to issuance of any building permit, Applicant shall, pursuant to PGCC § 27-548.26, obtain approval of a Detailed Site Plan (DSP) for the entire 8.26 acres. The DSP shall be subject to all Development District Overlay (D-D-O) Zone standards applicable to the Traditional Residential Neighborhood Character Area. Additional bulk requirements shall be established with the approval of the DSP to implagment the semicoral contents. are developed with single-family homes with a density of approximately 3.6 to 7.9 dwellings units B. Subject Property per acre (average lot size is 0.126-0.3 acre). The purposes of the R-10 Zone include providing The property is in the incorporated City of Hyattsville. It is located at the southeast quadrant of (1)(A) suitable sites for high-density multifamily residential development, (B) at locations the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place, recommended by a Master Plan, or at other locations which are found to be suitable by the District Amendment for the Prince George's County Gateway Arts District, to achieve context-sensitive, high-quality, single-family residential in Planning Area 68, Councilmanic District 2. Council, and (C) in close-proximity to principal commercial and cultural centers of the County. PGCC § 27-439. Property zoned R-10, between 40th Place and 41st Avenue, is developed with 3 The 8.26-acre property is divided into two parcels. The front/upper parcel is 3.6 acres and is existing multi-family apartment buildings, with approximate density of 20 dwelling units per acre developed with the former Washington Suburban Sanitary Commission (WSSC) headquarters but it permitted to have up to 48 dwelling units per acre. PGCPB Nos. 18-74, 18-74(A), Staff building on Hamilton Street to the north. The back/lower parcel is 4.66-acres and served as the developed Report, 7/18/2018, Statement of Justification, 6/27/2018, Staff Supplemental Memo, 2/25/2019, parking lot to the former WSSC's headquarters. (3/14/2019, Tr.), (5/13/2019, Tr.). Prior to 2004, both parcels (8.26 acres) were in the R-55 Zone. In 2004, Council adopted the 2004 Gateway Arts District Sector Plan and Sectional Map Amendment and the Development District Overlay (D-D-O) Zone (2004 Plan). The 2004 Plan retained the front/upper 3.6-acre parcel in the R-55 Zone and rezoned the back/lower 4.66-acre parcel to O-S. The entire property is within the incorporated City of Hyattsville. Among other zoning requirements, development of the property is subject to the 2004 Plan and the County's 2014 General Plan (Plan 2035). PGCPB No. 18-74, pp. 1-2. CSP-18002 (On Remand) CSP-18002 (On Remand) R-55 zoning is recommended for any infill development that will preserve the traditional ORDERED this 10th day of June, 2019, by the following vote: ____ single-family residential neighborhood character in the TRN area. Council has adopted several ³Except as otherwise stated herein, where applicable, Council adopts, as if fully restated herein, findings of fact and conclusions of law set forth in Order of Remand. Notice of Decision, 1/28/2019. bills, which have encouraged high-density, single-family dwellings in the R-55 Zone, including In Favor: Council Members Anderson-Walker, Davis, Demoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner. townhouses. The subject property is in the Revitalization Tax Credit District and a D-D-O Zone. Property located within a Revitalization Tax Credit District, Transit District Overlay Zone, or Development District Overlay (D-D-O) Zone, conditionally permit townhouses. PGCPB Nos. 18-74, 18-74(A), Staff Report, 7/18/2018, Statement of Justification, 6/27/2018, Staff Supplemental Memo, 2/25/2019, (3/14/2019, Tr.), (5/13/2019, Tr.). Rezoning a portion of the property to R-55, to facilitate R-55 development of the entire 8.26 acres, and to allow 9 dwelling units per acre (or 1 more dwelling unit per acre) for singlefamily attached units and 6.7 dwelling units per acre (as permitted in R-55) for single-family detached units, will benefit the proposed development, further the purposes of the Development District, and rezoning will not substantially impair implementation of the 2004 Plan or Plan 2035. Density in the proposed Conceptual Site Plan will enable density transition from the higher multifamily zone to the lower single-family zone, support transit and other basic urban services, and Donna J. Brown promote compact development that is consistent with smart growth policies in Hyattsville, while maintaining economic viability. PGCPB Nos. 18-74, 18-74(A), Staff Report, 7/18/2018, Statement of Justification, 6/27/2018, Staff Supplemental Memo, 2/25/2019, (3/14/2019, Tr.), (5/13/2019, Rezoning a portion of the property to R-55 will promote context-sensitive and sustainable development in existing neighborhood. Numerous studies confirm that, as density increases FOR LOCATION OF UTILITIES CALL 8-1-1 OR 1-800-257-7777 OR LOG ON TO www.call811.com http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY

INFORMATION CONCERNING UNDERGROUND

UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS BUT THE CONTRACTOR MUST

||DETERMINE THE EXACT LOCATION AND| ELEVATION OF THE MAINS BY DIGGING TEST PITS |

BY HAND AT ALL UTILITY CROSSINGS WELL IN ADVANCE OF THE START OF EXCAVATION.

Dewberry* Dewberry 4601 FORBES BOULEVARD Engineers Inc. LANHAM, MD 20706 301.731.0188 (FAX) www.dewberry.com APPLICANT WERRLEIN WSSC LLC **522 DEFENSE HIGHWAY** ANNAPOLIS, MD 21401 CONTACT JONATHAN WERRLEIN 443-510-1274 Jonathan@werrleinproperties.com RUDI KEY PLAN SCALE **AS-SHOWN** No. DATE BY Description REVISIONS APPROVED BY CHECKED BY

AUGUST 2019

DATE

NOT FOR CONSTRUCTION

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FOR OFFICIAL USE ONLY

APPLICATION #: CSP-18002

SIGNATURE APPROVAL DATE:

DATED June 10, 2019

APPLICATION NAME: MAGRUDER POINTE

SIGNATURE APPROVAL OF THIS PLAN IS IN

ACCORDANCE WITH DISTRICT COUNCIL APPROVAL

Jill Kosack Digitally signed by Jill Kosack Date: 2019.09.19 15:32:40

Amenament numbers must be included in the Froject Number

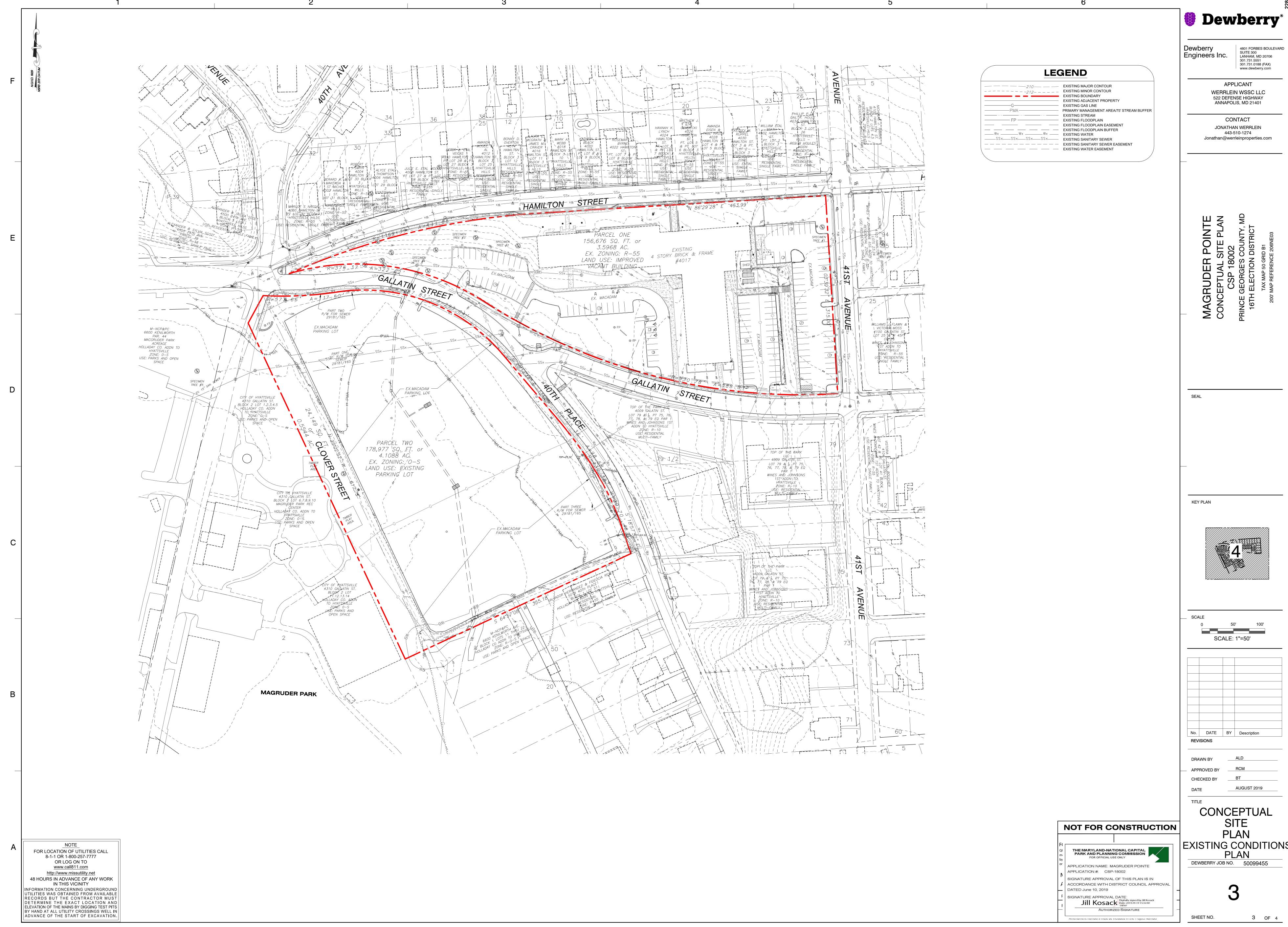
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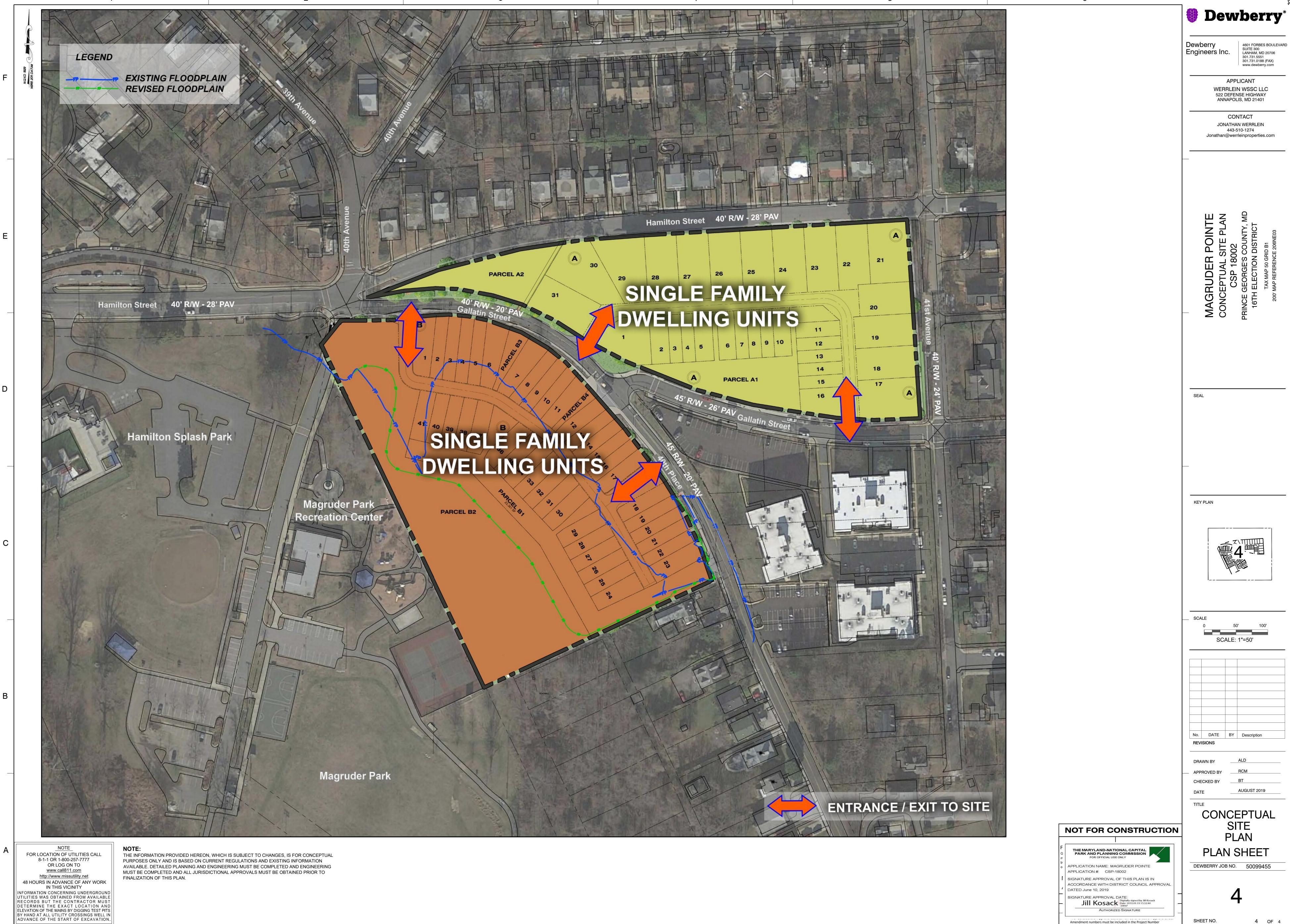
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DEWBERRY JOB NO. 50099455

2 OF 4

SHEET NO.





Dewberry*

PGCPB No. 18-74(A) File No. CSP-18002

AMENDED RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual 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 July 26, 2018, regarding Conceptual Site Plan CSP-18002 for Magruder Pointe, the Planning Board *[finds] reviewed and approved CSP-18002 for Magruder Pointe on July 26, 2018, and PGCPB Resolution No. 18-74 was adopted on July 26, 2018, formalizing that approval; and

WHEREAS, on September 4, 2018, certain persons of record filed an appeal. The District Council held oral argument on the case on January 15, 2019, and voted to remand the case to the Planning Board for an additional evidentiary hearing to address specific issues; and

WHEREAS, in consideration of the evidence presented at a public hearing on March 14, 2019, regarding the remand of Conceptual Site Plan CSP-18002 for Magruder Pointe, the Planning Board finds:

1. **Request:** The subject conceptual site plan (CSP) application proposes to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone for a future single-family residential development. No site improvements have been proposed in this CSP.

2. **Development Data Summary:**

	EXISTING	APPROVED			
Zone:	R-55/O-S/D-D-O	R-55**/D-D-O			
Use:	Office	Residential Single-Fami Detached and Attached			
Gross Acreage	8.26	8.26			
R-55 Zone	3.6	3.6			
O-S Zone	4.66	4.66			
Lots	35	TBD			

Notes: *The applicant is proposing density for the single-family attached dwellings at nine dwelling units per gross acre.

Underlining indicates new language

[Brackets] and strikethrough indicates deleted language

^{**}The applicant requests M-U-I.

^{*}Denotes Amendment

- 3. **Location:** The subject property is located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place, in Planning Area 68, Council District 2. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA).
- 4. **Surrounding Uses:** To the north and east of the property, beyond Hamilton Street and 41st Avenue, are existing single-family detached houses in the R-55 Zone; to the west, beyond 40th Avenue, is an existing public park known as Magruder Park, owned by the City of Hyattsville, and Magruder Woods Park owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC) in the O-S Zone; and between the two parcels are midrise apartment buildings in the Multifamily High Density Residential (R-10) Zone. All surrounding properties are in the TRN Character Area and in the Development District Overlay (D-D-O) Zone.
- 5. **Previous Approvals:** The subject property is located on Tax Map 50 in Grid B1, consists of 35 lots, and contains a total of 8.26 acres. Lots 80–93 of Wine and Johnson's Revised 1st Addition to Hyattsville 1882, recorded in Plat Book LIB A-20 on June 12, 1884, and a portion of land west of Lots 88 and 88½, recorded in Liber 21981 folio 165, comprise 3.6 acres of the subject property and are zoned R-55. Lots 23–33 and Lots 52–61 of Block 1 of Holladay Company's Addition to Hyattsville, MD, recorded in Plat Book LIB A-30 on May 19, 1887, comprise 4.1 acres of the subject property and are zoned O-S. The Gateway Arts District Sector Plan and SMA also placed a D-D-O Zone over the property and retained the R-55 Zone, but downzoned the 4.66-acre parcel to the O-S Zone.
- 6. **Design Features:** The subject site houses the former Washington Suburban Sanitary Commission (WSSC) headquarters building on Hamilton Street to the north and the parking lot serving the building to the south across Gallatin Street. The building (3.6-acre parcel) is located in the R-55/D-D-O Zones and the parking lot (4.66-acre parcel) is located in the O-S/D-D-O Zones.

This property owner plans to utilize the D-D-O Zone amendment process, as stated in Section 27-548.26 of the Prince George's County Zoning Ordinance, and filed this CSP to rezone the underlying O-S and R-55 Zones to the M-U-I Zone for development of a single-family residential community consisting of single-family detached dwellings and townhouses. No improvements have been proposed with this CSP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2004** Approved Gateway Arts District Sector Plan and Sectional Map Amendment and the standards of the Development District Overlay (D-D-O) Zone: The Gateway Arts District Sector Plan and SMA defines long-range land use and development policies, detailed zoning changes, design standards, and a D-D-O Zone for the Gateway Arts District area. The land use concept of the sector plan divides the Gateway Arts District into seven interrelated areas including,

Town Center (TC), Arts Production and Entertainment (APE), Neighborhood Arts and Production (NAP), Multifamily Residential Community (MRC), TRN, Neighborhood Commercial (NC), and Stream Valley Park (SVP) for the purpose of examining issues and opportunities and formulating recommendations. Detailed recommendations are also provided for seven distinct areas within the sector plan.

The sector plan recommends two land uses across the subject property: parks and open space (O-S Zone) on the 4.66-acre parcel and single-family development (R-55 Zone) on the 3.6-acre parcel. The sector plan also puts the two parcels in the TRN Character Area.

In many ways, the traditional residential neighborhood character areas suggest a glimpse of small town Americana. They overlay land zoned for single-family housing (attached and detached). The historic houses and streetcar suburban pattern of inter-connecting narrow streets and shaded sidewalks within easy access to town centers and Metro are assets to be protected from encroachment or significant loss of integrity. (page 14)

Section 27-548.26(b) specifies that the property owner shall show, with a CSP, that the proposed development conforms with the purposes and recommendations of the development district, as stated in the master plan, master plan amendment, or sector plan. The Gateway Arts District Sector Plan establishes specific goals for the TRN area, as follows:

The goal for the TRN is, "To promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones. To preserve the single-family residential neighborhood character as the anchor of the Arts District, while supporting artists who produce and teach from their homes. To enhance the "built-in" natural surveillance of public areas by active neighbors on porches, in yards, and on the sidewalk." (page 138)

No mixed use of any kind, including the M-U-I Zone, has ever been envisioned in the TRN Character Area. High-density mixed use is mainly directed to the town center area, predominantly along both Rhode Island Avenue and US 1 (Baltimore Avenue). As such, the Planning Board does not support the M-U-I Zone for this property, as this is contrary to the goals and recommendations of the development district.

Based on the sector plan's recommendations for context-sensitive infill development to preserve traditional neighborhood characters in the TRN area, and the fact that the O-S Zone parcel was previously in the R-55 Zone prior to the 2004 Gateway Arts District Sector Plan and SMA, the Planning Board *[finds that the appropriate zone for the entirety of the property is] considered a rezoning to the R-55 Zone instead, but after the application was remanded by the District Council

and new evidence introduced, the Planning Board does not recommend a zoning change at this time. Although the Applicant argued that the R-55 Zone [This] would allow for development of both the single-family detached and attached units that is consistent with the sector plan recommendation for preservation of single-family character on this property, *a majority of the Planning Board was not convinced. [The Planning Board recommends that the 4.66 acres of O-S Zone be rezoned to the R-55 Zone, and that the attached single-family dwelling units be permitted at 9 dwelling units per acre, and that the density for single-family dwellings should be consistent with the R-55 Zone of 6.7 dwelling units per acre.]

*The Planning Board cannot find that rezoning the subject property from the O-S to the R-55 Zone would be consistent with the applicable master plan and the Gateway Arts Development District Plan recommendations for the property. Further, the Planning Board members voting against the motion gave great weight to the information and recommendations set forth in a letter dated March 5, 2019 (Hollingsworth to Hewlett), wherein the City of Hyattsville City Council voted to oppose the rezoning. [will position it to achieve the purposes and recommendations of the sector plan for both family- and artist-oriented residential development. Most importantly, this zoning category will not preclude implementation of the recommendation for provision of additional green or open space located adjacent to the existing Magruder Park, to the west of the 4.66-acre parcel. A context-sensitive design at the time of detailed site plan (DSP) and the R-55 Zone will allow strengthening of the traditional residential neighborhood character for the area.]

- 8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the following Zoning Ordinance requirements:
 - a. Section 27-546.16(b)(2), Approval of the M-U-I Zone, of the Zoning Ordinance states the following:
 - (2) Property in the D-D-O Zone may be reclassified from its underlying zone to the M-U-I Zone through the property owner application process in Section 27-548.26(b). In the review process, the owner shall show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties.

Section 27-548.26(b) specifies that the owner shall show, with a CSP, that the proposed development conforms with the purposes and recommendations for the development district, as stated in the master plan, master plan amendment, or sector plan, and that the case must be reviewed by the Prince George's County District Council. A discussion of the subject CSP's conformance with the applicable sector plan is in Finding 7 above. Based on this extensive discussion,

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the Planning Board *[found] finds that it cannot recommend rezoning the property to the R-55 Zone or M-U-I, as requested by the Applicant, as a majority of the Board was unable to find conformance with [would best conform with] the purposes and recommendations of the development district, as stated in the sector plan. The Planning Board's [recommendation] resolution on the subject CSP will be forwarded to the District Council for a final review and [approval] decision, as required.

The second part of the above requirement requires the owner to show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties. The adjacent properties to the north, south, and east are all zoned R-55 and D-D-O within the TRN Character Area; the adjacent properties between the two parcels are in the R-10 and D-D-O Zones. Development in the R-55 Zone, if it is also within the boundary of the City of Hyattsville, is currently exempt from the D-D-O Zone standards of the sector plan. However, in order to safeguard the TRN Character Area and make sure that the new development on the subject property is compatible with the surrounding established single-family subdivision, the proposed development should be subject to DSP review, as a condition of approving the rezoning, and the development district standards of the character area, including building heights, setbacks, parking, and landscaping, regardless of the underlying zoning. Based on discussions, the potential development pods will be interrelated and will need to be evaluated together as one site.

Section 27-546.16(c) also includes the following specific requirement:

(c) Unless requested by a municipality or the Prince George's County Redevelopment Authority, the M-U-I Zone may be approved only on property which adjoins existing developed properties for twenty percent (20%) or more of its boundaries, adjoins property in the M-U-I Zone, or is recommended for mixed-use infill development in an approved Master Plan, Sector Plan, or other applicable plan. Adjoining development may be residential, commercial, industrial, or institutional but must have a density of at least 3.5 units per acre for residential or a floor area ratio of at least 0.15 for nonresidential development.

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The subject property is surrounded by R-55 and R-10-zoned properties and there is no mixed-use zone close to it. The requested M-U-I Zone is not consistent with the sector plan goals and recommendation and is not *[supportable] supported by the Planning Board.

The adjoining properties in the R-55 Zone are developed with single-family homes with a density of approximately 3.6–7.9 dwelling units per acre (average lot size is 0.126-0.3 acre). The R-10-zoned property between 40th Place and 41st Avenue has been developed with three multifamily apartments and its density is approximately 20 dwelling units per acre, and can be up to a maximum of 48 dwelling units per acre. The density meets the requirements of adjoining developed property for 20 percent, or more, of its boundaries and the adjoining development has a density of at least 3.5 dwelling units per acre.

The Planning Board *does not support[s] rezoning the 4.66-acre parcel to either the R-55 Zone, [not] or the M-U-I Zone. [and allowing nine dwelling units per acre for the portion of the property developed with single-family attached, in order to promote development of both family- and artist-oriented residential development.] The Planning Board discussed the City of Hyattsville's analysis which concluded that the rezoning of the property and the approval of single-family attached dwelling units on the property would contradict the goals of the character area. The Planning Board also considered testimony that the property was "intentionally downzoned to O-S with the adoption of the 2004 Gateway Arts District Sector Plan and Sectional Map Amendment to create opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area." [Section 27-548.23(b) states that the D-D-O Zone may not permit densities in excess of the maximum permitted in the underlying zone. Therefore, the Planning Board recommends that the single-family dwellings be developed consistent with the maximum allowed density of 6.7 dwelling units per gross acre in the R-55 Zone, and that the single-family attached dwellings, which do not have a density limitation in the R-55 Zone because they are not generally permitted, be allowed at nine dwelling units per gross acre. These densities will enable a density transition from the higher multifamily zone to the lower single-family zone. These densities will be able to support transit and other basic urban services. These densities also promote compact development that is consistent with smart growth policies in this part of the County, while maintaining economic viability.

- b. The CSP is limited to the rezoning request and no improvements have been proposed with this application. Conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance will be reviewed, *if the CSP is approved by the District Council, as the project moves through the DSP stage. The preliminary plan of subdivision (PPS) and the DSP for this site will be subject to the applicable D-D-O Zone standards for the TRN area. Additional bulk requirements will be established with the approval of the PPS and DSP in order to implement the goals and recommendations of the Gateway Arts District Sector Plan for the TRN area, to achieve context-sensitive, high-quality single-family residential development. *If the District Council approves the rezoning. [A] a condition [has been included in this resolution] requiring this to be done at the time of DSP is advisable.
- 9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site has less than 10,000 square feet of woodland on-site and no previously approved tree conservation plans.
- 10. **Other site plan related regulations:** Two additional regulations are applicable to the site plan review that usually requires detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only.
 - a. **Prince George's County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP for the project, when detailed information is available.
 - b. **Prince George's County Landscape Manual**—The D-D-O Zone includes development district standards that override the requirements of the Zoning Ordinance. On page 142 of the sector plan, it states:

The development district standards replace all those contained in the Zoning Ordinance and Landscape Manual except (1) where noted for parking provision, (2) properties zoned R-80 except with respect to accessory buildings containing an artist studio, (3) where noted for home occupation signage, and (4) where noted for signage size. If an aspect of the physical development of a project is not included in the development district standards, the character area goals and the intent statement of those standards most closely relating to that aspect shall apply.

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Therefore, at the time of DSP, *<u>if the rezoning is approved</u>, the requirements for landscaping will be dictated by the D-D-O Zone standards applicable to the TRN Character Area.

- 11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Community Planning**—The Planning Board found the following:

General Plan

This application is in the Established Communities area. *The Plan Prince George's 2035 Approved General Plan* (Plan 2035) classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of regional transit districts and local centers as established communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas.

Sector Plan

The Gateway Arts District Sector Plan and SMA makes the following recommendations (page 14) for the TRN Character Area:

The subject property is located in the TRN Character Area of the sector plan. Of the TRN, the sector plan states, "In many ways, the traditional residential neighborhood character areas suggest a glimpse of small town Americana. They overlay land zoned for single-family housing (attached and detached). The historic houses and streetcar suburban pattern of inter-connecting narrow streets and shaded sidewalks within easy access to town centers and Metro are assets to be protected from encroachment or significant loss of integrity.

The goal (page 138) for the TRN area is:

To promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones. To preserve the single-family residential neighborhood character as the anchor of the Arts District, while supporting artists who produce and teach from their homes.

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To enhance the "built-in" natural surveillance of public areas by active neighbors on porches, in yards, and on the sidewalk.

SMA/Zoning

The sector plan and SMA retained the portion of the subject property (between Hamilton and Gallatin Streets) in the R-55 Zone, but reclassified the parking lot portion of the property (between 40th Avenue and 40th Place) from the R-55 Zone to the O-S Zone, noting that "[r]ezoning to O-S creates the opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area" (see page 123). The SMA further superimposed a D-D-O Zone, placing the entire property in the TRN Character Area. Note that R-55-zoned properties in the TRN Character Area, within the incorporated City of Hyattsville, are exempt from the development district standards and are required to abide by the requirements of the R-55 Zone. The Planning Board recommends that *if the rezoning is approved by the District Council, a DSP should be required as a condition of rezoning and it should include the entire site area, due to the interrelationship of the uses and to ensure sensitive development, in context with the surrounding neighborhood.

Development District Overlay Zone Conformance Issues

The Planning Board finds that this application to rezone the property to the M-U-I Zone does not meet the requirements of Section 27-548.26(b)(2)(A) and (b)(5), as it does not conform with the purposes and recommendations for the Development District, as stated in the Sector Plan. *Further, the Planning Board does not recommend[s] that the O-S-zoned portion of the property be rezoned to R-55.

Traditional Residential Neighborhood Character Area, Recommendation 2,

(page 27) states: "Reinforce existing single-family detached residential neighborhoods as community oriented, quiet, low-traffic, and child safe." The construction of townhouses in the R-55 Zone *[would] may not prohibit reinforcement of the existing single-family detached residential neighborhoods, with careful site planning and transitions, *however the Planning Board finds that it could not recommend the re-zoning on the grounds stated above.

Environmental Infrastructure Recommendation 1 (page 36) reads, in part, "Use existing land use regulations to provide open space." Recommendation 1.b is, "Floodplain Areas: Land within the 100-year floodplain is generally restricted from further development (Subtitle 4, Division 2, Prince George's County Code)." All of the land zoned O-S and proposed for single-family attached dwellings is located abutting or within the existing floodplain. The applicant is working with the Prince George's County

Department of Permitting, Inspections and Enforcement (DPIE) to relocate and improve the overall function of the floodplain, above what would normally be required. *If the rezoning is approved by the District Council, this will result in an overall improvement in the management of quantity and quality, consistent with the environmental site design standards of the County.

As stated above, the goal for the TRN area is, "To promote development of both family-and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones" (page 138). *[Therefore, using the portion of the property zoned O-S for townhouses does not conflict with Environmental Infrastructure Recommendation 1.] As stated above, "Rezoning to O-S creates the opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area" (page 123). With this development scenario, the applicant is working with the City of Hyattsville to explore opportunities to expand the abutting parkland, *[consistent with this recommendation.] however both the City and a majority of the Planning Board remain unconvinced that the rezoning is appropriately consistent with goals for the property as stated in the Gateway Arts D-D-O.

b. **Transportation Planning**—The Planning Board found the following:

Analysis of Traffic Impacts

The table below compares trip generation in each peak hour and daily trips between the approved use for the site and the proposed use. The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" and the *Trip Generation*, 9th Edition (Institute of Transportation Engineers).

Comparison of Estimated Trip Generation, CSP-18002, Magruder Pointe, 8.26 acres with 4.66 acres in the O-S Zone and 3.60 acres within the R-55 Zone								
		AM Pk. Hr. Trips			PM Pk. Hr. Trips			Daily
Zoning or Use	Units or Square Feet	In	Out	Total	In	Out	Total	Trips
Existing Zoning R-55 (4.2 residences								
per acre)	15 detached homes	2	9	11	9	5	14	135
O-S (0.2 residences								
per acre)	1 detached home	0	1	1	1	0	1	9
Total Per Existing Zo	oning	2	10	12	10	5	15	144
Proposed Zoning M-U-I (applicant's	82 homes (mix of attached and							
proposal)	detached)	11	47	58	43	23	66	672
Difference Between I	Existing and							
Proposed		+9	+37	+46	+33	+18	+51	+528

The above comparison of estimated site trip generation indicates that the proposed rezoning could have an impact on traffic in the area, with an increase of over 500 daily trips. Nonetheless, the applicant has already scoped a traffic study, in anticipation of the future PPS.

The 2009 Approved Countywide Master Plan of Transportation (MPOT) shows the Hamilton Street/Jefferson Street corridor as a master plan collector; however, this recommendation is only for the section west of 40th Avenue and does not affect the subject property.

- c. **Subdivision Section**—The Planning Board noted that the current deed for the property, recorded in the Prince George's County Land Records in Liber 21981 folio 165 on March 23, 2005, describes the subject property as two parcels. However, a minor final plat to consolidate the lots was not recorded, as required by Section 24-108(a)(3) of the Subdivision Regulations; therefore, the legal description of the property is as described above. Resubdivision or further subdivision of the lots will require a PPS, in accordance with the Subdivision Regulations.
- d. **Trail**—The Planning Board found the following:

The sector plan's Transportation system introduction (page 38–39) states:

Since most of the area's transportation system is already in place, efforts are needed to maximize the use of the existing transportation network and make changes that will result in a balanced use of all transportation modes: transit (rail and bus), automobile, bicycle, and walking.

Goals

- 1. To provide an integrated multimodal transportation system that is safe, efficient, attractive, and accessible, while reducing dependency on the automobile.
- 2. To provide safe and convenient pedestrian and nonmotorized circulation opportunities in the Arts District for recreation and transportation, with an emphasis on connections to Metro and US 1.

*If the District Council approves the rezoning request, the applicant should provide sidewalks on both sides of internal roads and road frontages. A more detailed analysis of the sidewalk network and frontage improvements will occur with the PPS and the DSP.

The sector plan's Sidewalks, Trails and Bikeways section (page 46) states:

- 5. A variety of routes were identified that are currently used by bicyclists and pedestrians and most efficiently connect the West Hyattsville and Prince George's Plaza Metro Stations with US 1. These routes primarily focus on serving the local neighborhoods. These routes may also be designated as Artways with specific themes or features (such as banners or artwork) unifying the entire corridor. (Gateway p.46)
 - b. West Hyattsville Metro to 38th Street and US 1
 - (2) Hamilton Street
 - (a) Provide standard or wide sidewalks along both sides of Hamilton Street, where feasible and practical.
 - (b) Curb extensions are recommended in some locations, particularly at the pedestrian crossing in front of the Safeway grocery store.

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- (c) Pedestrian crossing safety improvements should also be considered at Hamilton Street and Queens Chapel Road.
- (d) In-road bike lanes should be provided, as feasible.
- (e) Additional lighting is recommended along the street, as well as directional signage for motorists and pedestrians.
- c. West Hyattsville Metro to Gallatin Street and US 1
 - (3) Gallatin Street
 - (a) Widen sidewalks, where feasible.
 - (b) Provide directional signage where Gallatin Street is not continuous and users must briefly turn onto 42nd Street.
 - (c) If appropriate, consider traffic-calming measures to provide for safe shared bicycle and motor vehicle use.

There are master-planned bicycle lanes proposed along Hamilton, Gallatin, and 40th Streets, all of which front the subject property. Bicycle lanes (or other appropriate bicycle treatment) will be recommended at the time of PPS and DSP, as required by the City of Hyattsville.

e. **Environmental Planning**—The Planning Board provided an analysis of the CSP, as follows:

A natural resources inventory (NRI) plan has been submitted by the applicant.

This 8.26-acre site is located on the south side of Hamilton Street, the north side of Gallatin Street, and on the west side of 40th Place in Hyattsville. The applicant has described the R-55 portion of the site, located between Hamilton Street and Gallatin Street, as the "upper parcel" and the O-S zoned portion of the site, located between 40th Place and 40th Avenue, as the "lower parcel." According to PGAtlas.com, the site contains floodplain and steep slopes. A wetland and stream system are mapped directly to the south of the lower parcel. The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Christiana, Russett, and Codorus soil complexes. According to available mapping information, Marlboro clay is not mapped on, or in the vicinity of, this property;

however, Christiana complexes are mapped on-site. A review of available mapping information indicates that the subject area is not within a sensitive species project review area and does not contain potential forest interior dwelling species habitat. The site is located within the Northwest Branch of the Anacostia River, within the Potomac River basin

According to the adopted the 2017 Countywide Green Infrastructure Plan (Green Infrastructure Plan), which was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017), a majority of the lower parcel is mapped as regulated area, which coincides with the mapped floodplain. Regulated areas mapped within the Green Infrastructure Plan include regulated environmental features comprised of streams, wetlands and their buffers, 100-year floodplain, and their adjacent steep slopes. The entire upper parcel is outside of the green infrastructure network. Future land development applications for this site shall consider the applicable recommendations identified in the Green Infrastructure Plan.

An NRI was not required as part of this application for a zoning change. All future applications will require an approved NRI covering the entire land area included in the application, approved under the current regulations.

Soils

Christiana complexes are mapped on-site; however, they are urban soil complexes (Christiana-Downer-Urban land complexes) and, while they are located on portions of steep slopes, those slopes appear to have been man-made. Christiana complexes, especially when associated with steep slopes, have the potential to cause issues for foundations and other construction; however, based on the existing site conditions and past site development, it does not appear that these soil complexes would be an issue for development of this site. The County may require a soils report, in conformance with County Council Bill CB-94-2004, during the building permit review process.

The Gateway Arts District Sector Plan and SMA appropriately rezoned the lower parcel from R-55 to O-S due to the presence of on-site floodplain and adjacency to existing parks. The O-S Zone would allow for restoration of the site, to encourage the removal of the existing asphalt and to address flooding, while allowing open space use similar to the adjacent parks.

The applicant's request to rezone the property from R-55 and O-S to M-U-I is not supported because it would allow significantly more density on the overall site than what the current zoning allows and what the sector plan envisioned for the site. Additional density takes a toll on the environment by creating the need for increased impervious surfaces, not only for development of the buildings, but also for the associated infrastructure needed to serve the additional density, including the need for increased parking surfaces.

*The Applicant argues that the existing R-55 Zone for the upper parcel is appropriate because it is in keeping with the surrounding development. *They further argued that rezoning the lower parcel from O-S to R-55 is recommended and supported because it is what the lower parcel was zoned prior to the last update to the sector plan and would allow development of the area, in keeping with surrounding development, while also requiring the applicant to address flooding and stormwater issues. *A majority of the Planning Board, ultimately, did not find these arguments persuasive and did not recommend any zoning change with this application.

The stormwater management approvals would require the applicant to address water quantity, as well as quality, in keeping with stormwater redevelopment standards. Any impacts to the floodplain would require compensatory storage to mitigate the existing flood elevation. The same impacts to the floodplain, as a regulated environmental feature, would also be evaluated. All development applications are required to demonstrate that regulated environmental features have been preserved and/or restored, to the fullest extent possible, in accordance with zoning and subdivision regulations.

The function of the floodplain should be preserved. Impacts to the floodplain must be avoided and minimized, as outlined in the Environmental Technical Manual. If the applicant is unable to obtain a floodplain waiver from the County, or if they are not able to demonstrate that regulated environmental features have been preserved and/or restored, to the fullest extent possible, then impacts would be denied.

Impacts to the floodplain are not approved at this time. Demonstration that regulated environmental features have been preserved and/or restored, to the fullest extent possible, must be addressed during the development review/entitlement application processes.

f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated July 6, 2018 (Sun to Zhang), DPR provided comments, as follows:

The project area consists of 8.26 acres of land, located on the south side of Hamilton Street and bisected by Gallatin Street in the City of Hyattsville. The subject property is the site of the vacant former WSSC headquarters building on Hamilton Street and its parking lot to the south across Gallatin Street. The proposed development abuts M-NCPPC owned parkland (Magruder Woods Park) at the northwest corner which is unimproved. The subject development also abuts Magruder Park to the west which is owned and operated by the City of Hyattsville.

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The parcel where the existing building is located is zoned R-55/D-D-O while the parking lot parcel across Gallatin Street is zoned O-S/D-D-O. With this application, the applicant is requesting to rezone the existing parking lot parcel from the O-S Zone to the M-U-I, and the R-55 to the M-U-I, which *[staff] the Planning Board does not support. The applicant's justification for this rezoning request is to provide for a combination of single-family detached and attached dwellings in the area on Hamilton Street ("Upper Parcel"). The "Lower Parcel" adjacent to Magruder Park is proposed to be all townhomes with a portion of the property to be added to Magruder Park.

The subject development is located in the Transitional Character Area (TRN) of the Gateway Arts District Sector Plan, which seeks to maintain a traditional neighborhood concept. The goal from the Gateway Arts District Sector Plan and SMA with respect to Parks and Recreation is "To encourage widespread pedestrian and recreational use of the Arts District and vicinity through the improvement of existing public spaces and the addition of new public spaces where appropriate for festivals, events and increased community pride".

In general, DPR staff has no objections to the applicant's request for the rezoning of the property to R-55 for the lower parcel currently zoned O-S. It should be noted that at the time of the PPS, Section 24-134 of the Prince George's County Subdivision Regulations will be applicable. With the submission of the PPS, the DPR will review and provide recommendations as related to the Mandatory Dedication of Parkland requirements.

- g. City of Hyattsville—In a letter dated July 17, 2018, the Hyattsville City Council stated that the M-U-I Zone is not appropriate for the TRN Character Area of the community. *In a subsequent memorandum dated March 5, 2019 (Hollingsworth to Hewlett), incorporated herein by reference, the City indicated in a more detailed analysis, that the City Council had reviewed the case again on March 4, 2019 and voted to oppose the rezoning of the lower western parcel from the O-S to R-55 Zone. They provided a discussion of various issues with the property and the reasons it was rezoned to O-S and indicated that, while they would support a condition requiring a DSP, they are not supportive of the requested R-55 Zone, or of the recommended density of nine dwelling units per acre for single-family attached and maximum density of 6.7 dwelling units per acre for single-family detached. City staff was present at the March 14, 2019 Planning Board hearing where they provided more discussion of the City Council's position.
- h. **Prince George's County Police Department**—As of this resolution, the Police Department did not offer comments on the subject application.

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- i. **Prince George's County Health Department**—As of this resolution, the Health Department did not offer comments on the subject application.
- *12. Remand Findings: The Order of Remand was mailed out to all parties of record on January 31, 2019. Within the Order of Remand (Requirement 1), the District Council ordered the Planning Board to schedule a new hearing, in accordance with Section 27-125.05(a) of the Zoning Ordinance, to allow the applicant and the opposition adequate time to present evidence for and against the application. If requested, any person may be allowed to sign up or register to become a person of record and participate in the proceedings. The Order of Remand (Requirement 4) also requires that the Planning Board issue a decision within 60 days of the date when the notice of remand is transmitted from the Clerk of the Council. The Planning Board hearing on March 14, 2019 and the issuance of this amended resolution fulfill these two requirements.

<u>In addition, the Order of Remand requires that the Planning Board address two technical issues</u> stated in Requirements 2 and 3, discussed as follows:

2. The Planning Board shall provide supplemental analysis for the R-55 Zone recommendation. The Board's supplemental analysis shall focus on PGCC§27-548.26(b)(1)(B)(i) and (ii) and if applicable, any new evidence or argument in support of or against the application.

As stated, the applicant's original application requested a rezoning of the entire 8.26-acre property from the R-55 and O-S Zones to the M-U-I Zone. The final Planning Board recommendation was to approve rezoning of only the 4.66-acre O-S-zoned portion of the property to the R-55 Zone. The Planning Board's original analysis for that recommendation can be found in PGCPB Resolution No. 18-74 on pages 3–5.

In regard to the requested supplemental analysis, Section 27-548.26(b)(1)(B)(i) and (ii) reads, as follows:

- (B) An owner of property in the Development District may request changes to the underlying zones or the list of allowed uses, as modified by the Development District Standards.
 - (i) A request for changes to the underlying zone or list of allowed uses may include requested amendments to the applicable Development District Standards for the applicable D-D-O Zone.

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(ii) In determining whether to approve such amendments to the Development District Standards, the District Council shall find that the amended standards will benefit the proposed development, will further the purposes of the applicable Development District, and will not substantially impair implementation of any applicable Master Plan or Sector Plan.

The subject property owner's request for changes to the underlying zone and list of allowed uses does not include any amendments to the development district standards with the CSP. The applicant did provide a response to the Order of Remand dated February 14, 2019.

Supplemental analysis of the sector plan land use recommendations for the area, the surrounding neighborhood, the property's land use history, the R-55 Zone, and existing site conditions is provided, as follows:

Sector Plan: The subject site is located within the Gateway Arts District Sector Plan and SMA, which defines long-range land use and development policies, detailed zoning changes, design standards, and superimposes a D-D-O Zone over the Gateway Arts District.

The subject site is specifically located within the (TRN) Character Area. The sector plan establishes specific goals for the TRN area (page 138), as follows:

To promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones. To preserve the single-family residential neighborhood character as the anchor of the Arts District, while supporting artists who produce and teach from their homes. To enhance the "built-in" natural surveillance of public areas by active neighbors on porches, in yards, and on the sidewalk.

The R-55 Zone is one of the recommended zoning categories for any infill development that will preserve the traditional single-family residential neighborhood character in the TRN area.

Surrounding Neighborhood: The subject site is surrounded to the north and east by existing single-family detached houses in the R-55 Zone; to the south by three mid-rise multifamily buildings in the R-10 Zone and additional existing single-family detached houses in the R-55 Zone; and to the west by the unimproved right-of-way of 40th Avenue,

and a public park beyond in the O-S Zone. According to the applicant, a portion of the subject site will be integrated into the existing park to the west.

Land Use History: The subject site is in Planning Area 68 and was zoned R-55 in the 1974 Planning Area 68 Master Plan. The 1994 Approved Master Plan and Sectional Map Amendment for Planning Area 68 did not change the zoning for the property and retained both parcels in the R-55 Zone. The Gateway Arts District Sector Plan and SMA retained the eastern 3.6-acre parcel in the R-55 Zone and rezoned the 4.66-acre western parcel to the O-S Zone, when the WSSC headquarters was still in operation on the site. The Gateway Arts District Sector Plan and SMA indicated that rezoning a portion of the subject property to the O-S Zone "creates opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area" (page 123). The applicant indicated, in their letter dated February 14, 2019, that they have a tentative agreement to transfer approximately 1.8 acres to the City of Hyattsville for expansion of the park with this proposed development. The R-55 Zone had been the zoning category for both parcels for a long time and, if this application and development move forward, the Gateway Arts District Sector Plan and SMA's intention for the property will be met by the expansion of parkland.

R-55 Zone: This zone is a single-family detached residential zone that permits lot sizes of 6,500 square feet or less. The purposes of the R-55 Zone, per Section 27-430(a)(1) of the Zoning Ordinance, are:

- (A) To provide for and encourage variation in the size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain;
- (B) To facilitate the planning of higher density one-family residential developments with small lots and dwellings of various sizes and styles;
- (C) To encourage the preservation of trees and open spaces; and
- (D) To prevent soil erosion and stream valley flooding.

In recent years, the District Council has adopted several council bills encouraging highdensity, single-family dwellings in the R-55 Zone, including townhouses. In fact, if a property is located within a Revitalization Tax Credit District, a Transit District Overlay Zone, or a Development District Overlay (D-D-O) Zone, townhouses are a permitted use, in some instances. The subject site is located in both the Revitalization Tax Credit District

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicates deleted language

and a D-D-O Zone. Rezoning the subject property into the R-55 Zone and allowing townhouse development will allow for a mix of small-lot, single-family detached, and single-family attached dwellings that will provide various housing options for a diverse population.

Site Conditions: A large part of the site is within the 100-year floodplain, which is improved as a surface parking lot without any flood control measures in place. By rezoning the property to the R-55 Zone, the applicant will be permitted to develop a residential subdivision on the site and will increase the pervious surfaces on the property.

The Applicant's position is that the R-55 Zone is a suitable zoning category for the subject site because (a) it is envisioned by the sector plan for the TRN Character Area, (b) it was the prior zoning designation of the property, and (c) it is consistent with the surrounding neighborhood. Rezoning the property to the R-55 Zone will, in the Applicant's view, allow redevelopment of an under-utilized property into a residential subdivision, with a mix of single-family detached and attached units consistent with the surrounding community, strengthening the existing residential character, which is one of the purposes of the D-D-O Zone, as recommended by the sector plan. In addition, rezoning the property to the R-55 Zone will further implement the land use recommendations of the TRN area.

The Planning Board, upon consideration of all of the evidence presented on remand, was not persuaded by these arguments as a majority of the Board did not find conformance to the master plan recommendations for the property.

3. The Planning Board shall also provide supplemental analysis and explanation of the maximum density per acre for single-family attached and single-family detached dwellings units for the R-55 Zone recommendation.

The original Planning Board recommendation was for a maximum density of nine dwelling units per acre for single-family attached, and a maximum density of 6.7 dwelling units per acre for single-family detached, as is permitted in the R-55 Zone.

The recommended density for single-family detached units is the same as allowed in the R-55 Zone, per Section 27-442(h) of the Zoning Ordinance. As discussed above, several recent council bills allow the development of townhouses in the R-55 Zone, without abiding by the R-55 Zone regulations, including density, in order to promote context-sensitive infill and sustainable development in existing neighborhoods. Numerous planning studies confirm that, as density increases reasonably, there are generally decreases in water and energy use, stormwater run-off, air pollution, and greenhouse gas

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emissions. Higher-density development supports feasible, multi-modal, public transportation and other basic community services, and improves economic productivity, real estate value, and business activity.

The subject property is surrounded by R-55 and R-10 zoned properties. The adjoining properties in the R-55 Zone are developed with single-family homes with a density of approximately 3.6 to 7.9 dwelling units per acre (average lot size is 0.126-0.3 acre). The R-10 zoned property, between 40th Place and 41st Avenue, is developed with 3 existing multifamily apartment buildings, with an approximate density of 30 dwelling units per acre, but it is allowed to be up to a maximum of 48 dwelling units per acre.

The Applicant's position was that given the existing public services in the area and the maximum existing density in the surrounding neighborhoods at approximately eight dwelling units per acre, a moderate increase of one dwelling unit per acre for the proposed development for both parcels, to cap the maximum density at nine dwelling units per gross acre, is reasonable to achieve a viable, compatible, and sustainable infill development. Allowing a density of nine units per acre for the single-family attached dwelling units will create an appropriate transition from the approximate 3.6-unit density in the adjoining neighborhood to the north, to the recommended 6.7-unit density for the single-family detached units on-site, and then to the 30-unit density to the south.

In accordance with Note 2 on page 144 of the Gateway Arts District Sector Plan and SMA development district standards, R-55 zoned properties in the TRN Character Area, within the incorporated City of Hyattsville, are exempt from the development standards and will abide by the requirements of the R-55 Zone. However, development on the two parcels, in the middle of an established neighborhood, is an infill development. Because of the scale of the proposed development and specific requirements by the sector plan in the TRN Character Area, DSP review, with conformance to the development district standards, was recommended to ensure that the new development is compatible with the existing community, in terms of design, massing, landscaping, streetscape, and architectural articulation.

At the March 14, 2019 Planning Board hearing, multiple parties of record, in support and opposition of the application, had submitted letters and were present to discuss the specific issues of concern. These parties characterized the existing WSSC building on-site as both an "eyesore" that should be removed, and a historically significant structure that should be preserved. Citizens represented that the intention of the current O-S zoning on the lower western parcel was because it is within the floodplain and to expand Magruder Park.

After much discussion, a motion for approval failed (a 2-2 tie vote) and no further motions were put forward. Therefore, the findings, including the supplemental analysis required by the remand, are forwarded to the District Council for final decision, without a recommendation supporting any rezoning of the property as required by Section 27-548.26(b).

- *[12] 13. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the *Planning Board does not find that the CSP will, if approved with conditions, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
- *[13] 14. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:
 - (4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

Given the limited scope of this CSP for rezoning and permitting single-family attached units only, the Planning Board noted that all future development review/entitlement applications must demonstrate that regulated environmental features have been preserved and/or restored, to the fullest extent possible. Impacts to any regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare.

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] forwarded this application to the District Council, as follows:

- A. *[DISAPPROVAL of the request and decline to recommend rezoning] NO RECOMMENDATION on the request to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone.
- B. *[APPROVAL of recommendation to rezone] NO RECOMMENDATION for rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan.

[in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.]

- C. *[APPROVAL of] NO RECOMMENDATION for Conceptual Site Plan CSP-18002, Magruder Pointe, however, in the event the District Council approves the application, [subject to] the following conditions are advisable:
 - 1. Prior to certification, the conceptual site plan shall be revised, or additional information shall be provided, as follows:
 - a. Delineation of the existing and revised 100-year floodplain.
 - b. Revise the plan to include the legal description of all lots included in the CSP.
 - c. Reflect approval of the uses, zones, and densities allowed.
 - 2. At the time of detailed site plan, the applicant shall:
 - a. Provide evidence that impact to the floodplain has been approved by the authority having jurisdiction.
 - b. Provide sidewalks on both sides of all internal streets, excluding alleys, as appropriate.
 - 3. Prior to issuance of any building permit, the applicant shall obtain approval of a detailed site plan (DSP) for the entire site (8.26 acres). The DSP shall be subject to all Development District Overlay (D-D-O) Zone standards applicable to the Traditional Residential Neighborhood Character Area. Additional bulk requirements shall be established with the approval of the DSP, in order to implement the applicable goals and recommendations of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District, to achieve context-sensitive, high-quality, single-family residential development.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicates deleted language

PGCPB No. 18-74(A) File No. CSP-18002 Page 24

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 Doerner, seconded by Commissioner Washington, with Commissioners Doerner, Washington, Bailey voting in favor of the motion, and with Commissioners Geraldo and Hewlett opposing the motion at its regular meeting held on Thursday, July 26, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of July 2018.

*This is to certify that the foregoing is a true and correct copy of the remand action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington and Bailey voting in favor of the motion, and with Commissioners Doerner and Hewlett opposing the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, March 14, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of March 2019.

Elizabeth M. Hewlett Chairman

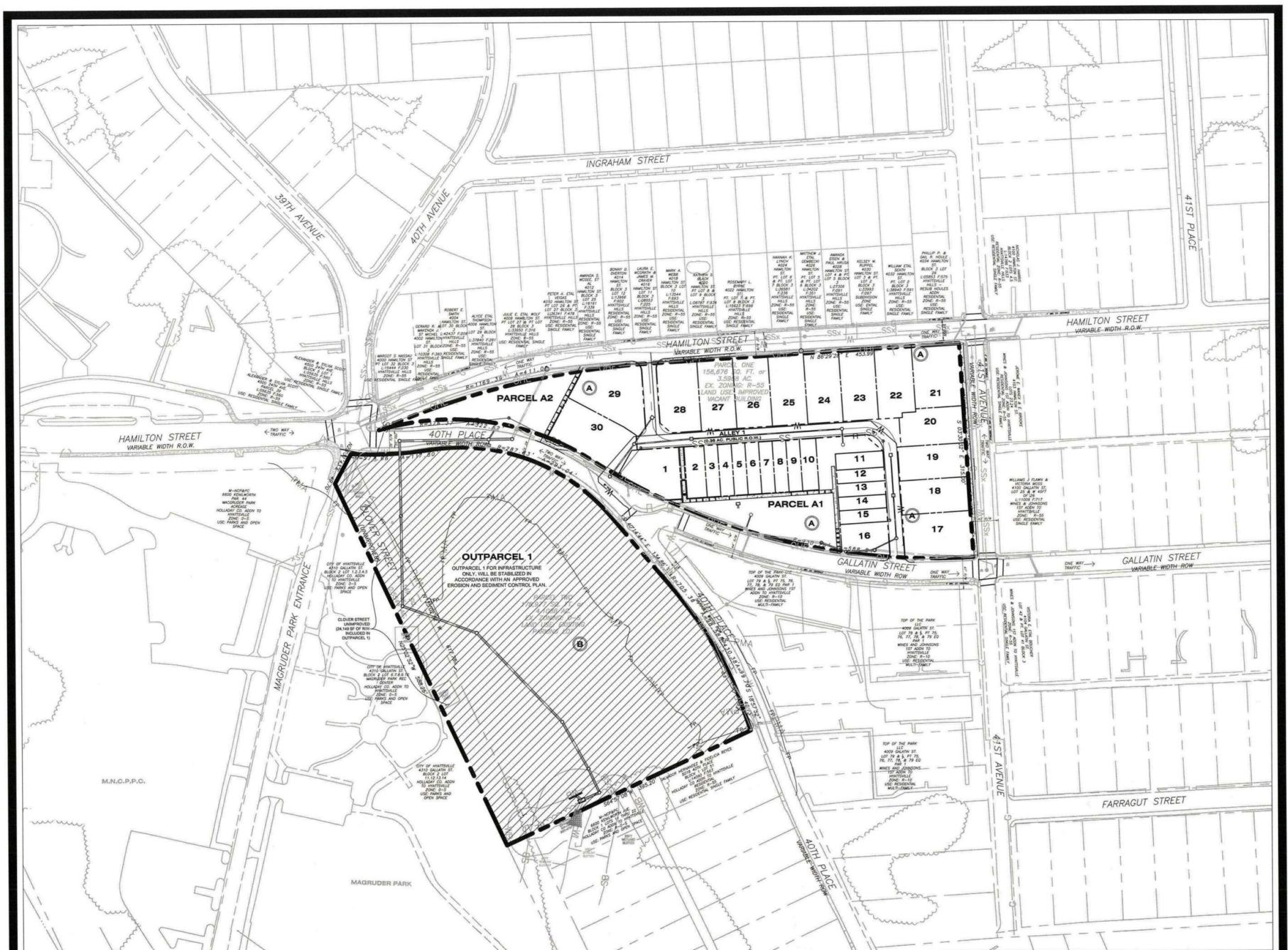
By Jessica Jones Planning Board Administrator

EMH:JJ:JSK/HZ:gh

*Denotes Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language



LOCATION PLAN

GENERAL NOTES

B. L. 42312 F. 541

A. LOTS: 30

B. OUTPARCEL: C. PARCELS: 2

15. MINIMUM LOT SIZE PROPOSED: 1,400 SF

17. SUSTAINABLE GROWTH TIER: YES, TIER 1

19. CENTER OR CORRIDOR LOCATION: NO

A. EXISTING: N/A

A. EXISTING: S-3 & W-3 B. PROPOSED: S-3 & W-3

28. WETLANDS: YES 29. STREAMS: YES

26.23.06.01

ORGANIZATION: NO

40. OWNER & APPLICANT:

WASHINGTON, DC 20001

WERRLEIN WSSC LLC 522 DEFENSE HIGHWAY ANNAPOLIS, MD 21401

JONATHAN WERRLEIN

Jonathan@werrleinproperties.com

FOR LOCATION OF UTILITIES CALL

8-1-1 OR 1-800-257-7777

OR LOG ON TO

www.call811.com

http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK

IN THIS VICINITY

NFORMATION CONCERNING UNDERGROUND

UTILITIES WAS OBTAINED FROM AVAILABLE

RECORDS BUT THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND

ELEVATION OF THE MAINS BY DIGGING TEST PITS

BY HAND AT ALL UTILITY CROSSINGS WELL IN

ADVANCE OF THE START OF EXCAVATION.

JEMAL WSSC LLC 702 H STREET NW.

OWNER:

SUITE 400

APPLICANT:

CONTACT:

443-510-1274

36. EXISTING EASEMENTS ARE SHOWN.

18. MILITARY INSTALLATION OVERLAY ZONE: NO

20. GROSS FLOOR AREA (NON-RESIDENTIAL ONLY):

23. MANDATORY PARK DEDICATION: YES, FEE IN LIEU

26. TYPE ONE CONSERVATION PLAN: EXEMPT

27. WITHIN CHESAPEAKE BAY CRITICAL AREA: NO

24. CEMETERIES ON OR CONTIGUOUS TO THE PROPERTY: NO

30. SOILS BY TYPE: SEE SOILS REPORT AND NRI - CdD, Ch, RuB

A. WSSC EASEMENT, PART 1, 2, & 3: L; 29181 F;165 37. ALL EXISTING PAVEMENT AND RIGHT-OF-WAY ARE SHOWN.

39. BOUNDARY COMPILED BY DEWBERRY, FEBRUARY 2018.

C. TAX MAP 50 GRID A1, B1

2. 200 FOOT MAP REFERENCE (WSSC): 206NE03

6. NET DEVELOPABLE AREA OUTSIDE OF PMA: 5.24 ACRES

8. ACREAGE OF 100-YEAR FLOODPLAIN: 3.02 ACRES

9. ACREAGE OF ROAD/ALLEY DEDICATION: 0.36 ACRES

7. ACREAGE OF ENVIRONMENTAL REGULATED FEATURES: 3.02 ACRES

EXISTING PARCEL/LOT, DEED DESCRIPTION/LIBER FOLIO, & PLAT NUMBER

A. PARCEL 1; (LOTS 80 THROUGH 93) & PARCEL 2; (LOTS 23 THROUGH 33 AND LOTS 52

3. PURPOSE OF SUBDIVISION: RESIDENTIAL SUBDIVISION CONTAINING APPROXIMATELY 15

10. EXISTING ZONING/USE: R-55, OPENSPACE/VACANT USE (PREVIOUS). REFER TO CSP-18002 FOR

11. PROPOSED USE OF PROPERTY: RESIDENTIAL SINGLE FAMILY ATTACHED TOWNHOMES & SINGLE

12. BREAKDOWN OF PROPOSED DWELLING UNIT BY TYPE: 15 TOWNHOMES UNITS & 15 SINGLE

13. DENSITY CALCULATION: THE PRELIMINARY PLAN DENSITY OF THIRTY-ONE LOTS (31) IS IN

16. MINIMUM LOT WIDTH AT FRONT OF BUILDING LINE AND FRONT OF STREET LINE: 20'

20. STORMWATER MANAGEMENT CONCEPT NUMBER: 10823-2018-00, APPROVED MARCH 22, 2019.

22. AVIATION POLICY AREA (AIRPORT NAME & APA#): NO AVIATION POLICY AREAS ARE KNOWN TO

25. HISTORIC SITE ON OR IN THE VICINITY OF THE PROPERTY: YES, HISTORIC DISTRICT #68-01-00

31. IN OR ADJACENT TO AN EASEMENT HELD BY THE MARYLAND ENVIRONMENTAL TRUST, THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, OR ANY LAND TRUST OR

32. SOURCE OF TOPOGRAPHY: FIELD TOPO BY DEWBERRY ENGINEERS INC. ON FEBRUARY 2018.

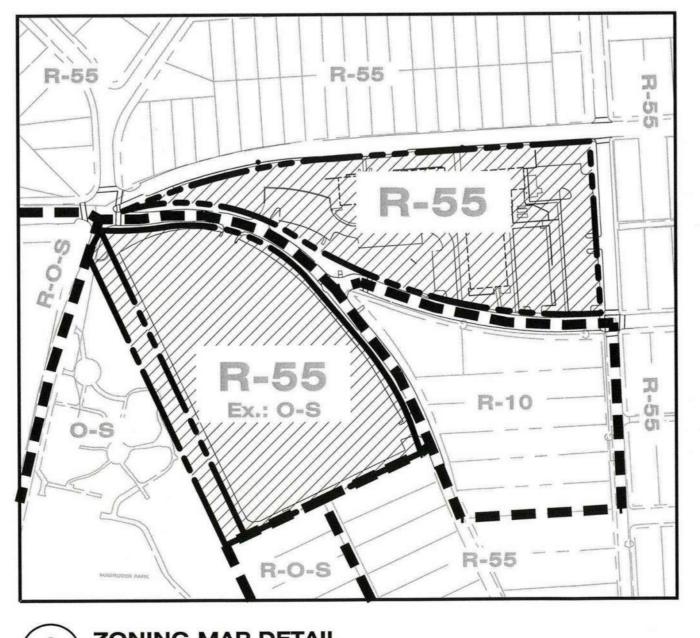
33. THE SITE DOES NOT CONTAIN WETLANDS OF SPECIAL STATE CONCERN AS DEFINED IN COMAR

34. WETLANDS ARE SHOWN ON NRI-047-018, PREPARED BY KLEBASKO ENVIRONMENTAL LLC, IN A STUDY DATED FEBRUARY 2018, RECONFIRMED IN THE FIELD BY MICHAEL J. KLEBASKO OF WETLAND STUDIES AND SOLUTIONS, INC. ON FEBRUARY 2018, AND APPROVED BY MNCPPC ON

38. 10' PUBLIC UTILITY EASEMENT ADJACENT TO PUBLIC ROAD RIGHT-OF-WAY IN LOCATIONS AS SHOWN ON PLAN: NO; PLEASE SEE ATTACHED STATEMENT OF JUSTIFICATION; VARIATION FROM

35. EXISTING MAJOR IMPROVEMENTS WITHIN 50' OF THE PROPERTY LINE ARE SHOWN.

PROPOSED DRAINAGE AREA MAP DETAIL



ZONING MAP DETAIL SCALE: 1"=175"



I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE PLAN SHOWN HEREON IS CORRECT: THAT THE INFORMATION HAS BEEN TAKEN FROM AVAILABLE RECORDS AND FIELD SURVEYS. FOR: DEWBERRY ENGINEERS INC. MICHAEL B. DAVIS

EXPIRATION DATE: 09/10/2020

SCALE: 1" = 2000' Vicinity Map © ADC - Kappa Map Group LLC/GIS Integrated Solutions LLC 2014 PRINCE GEORGE'S COUNTY ROAD ATLAS

MAP 5409 GRID H8, F8

SHEET INDEX

COVER SHEET EXISTING CONDITIONS AND REMOVAL PLAN

PLAN SHEET

AVERAGE LOT SIZE

THE MARYLAND-NATIONAL CAPITAL

PARK AND PLANNING COMMISSION

FOR OFFICIAL USE ONLY

SIGNATURE APPROVAL OF THIS PLAN IS IN

ACCORDANCE WITH PGCPB RESOLUTION #2020-35

Thomas Sievers Date: 2020.07.02 16:04:56-04'00'

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

APPLICATION NAME: Magruder Pointe

APPLICATION #: 4-18001

ADOPTED ON April 2, 2020.

SIGNATURE APPROVAL DATE:

TCP #: N/A

SITE STATISTICS	
PARCEL	TOTAL
GROSS TRACT AREA (PARCEL 1, 2, AND VACATED RIGHT OF WAY)	8.26 AC
EXISTING 100-YEAR FLOODPLAIN	3.02 AC
NET TRACT AREA	5.24 AC
EXISTING WOODLAND IN THE FLOODPLAIN	0.00 AC
EXISTING WOODLAND NET TRACT	0.00 AC
EXISTING PMA	3.02 AC
REGULATED STREAMS (LINEAR FEET OF CENTERLINE)	3.00 LF
VACATED RIGHT-OF-WAY (CLOVER STREET)	0.55 AC

DEVELOPMENT TYPE SUMMARY

LAND USE	ACRES	LAND PERCENTAGE
RESIDENTIAL	2.60	31.47%
OPEN SPACE	0.64	7.75%
PUBLIC RIGHT-OF-WAY	0.36	4.37%
OUTPARCEL 1	4.66	56.41%
TOTAL	8.26	100%

SUBDIVISION SUMMARY TABLE				
LS	2			
	2			
	30			
S	1			
	13,946 SQFT			

3,799 SQFT

NOT FOR CONSTRUCTION

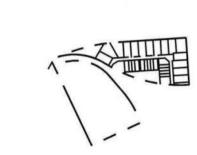
	PA	RCEL AREA	SUMM	ARY	
BLOCK	PARCEL	SQ. FOOTAGE	ACRES	DESCRIPTION	DEDICATION
Α	PARCEL A1	16,823	0.39	OPEN SPACE	НОА
А	PARCEL A2	11,069	0.26	OPEN SPACE	НОА
В	OUTPARCEL 1	203,126	4.66	PRIVATE	N/A
		TOTAL HOA DEI	DICATION		
TOTAL:	2	231,018	5.31	OPEN SPACE	НОА

Dewberry*

SUITE 300 LANHAM, MD 20706

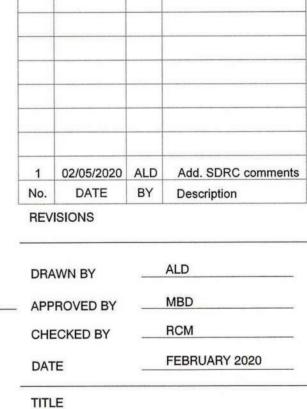
APPLICANT 522 DEFENSE HIGHWAY

CONTACT JONATHAN WERRLEIN 443-510-1274 Jonathan@werrleinproperties.com



SCALE

AS-SHOWN



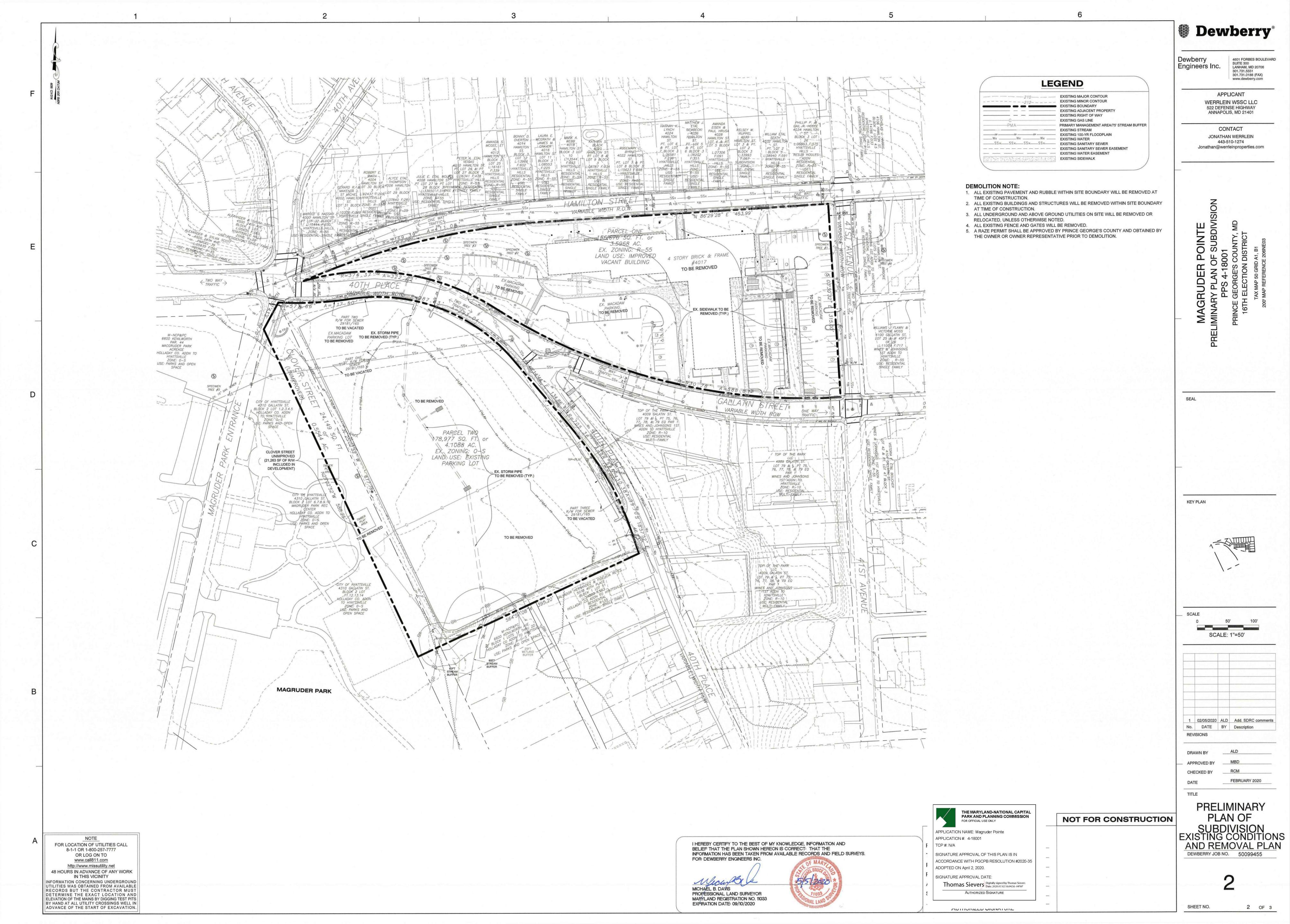
PRELIMINARY PLAN OF SUBDIVISION **COVER SHEET**

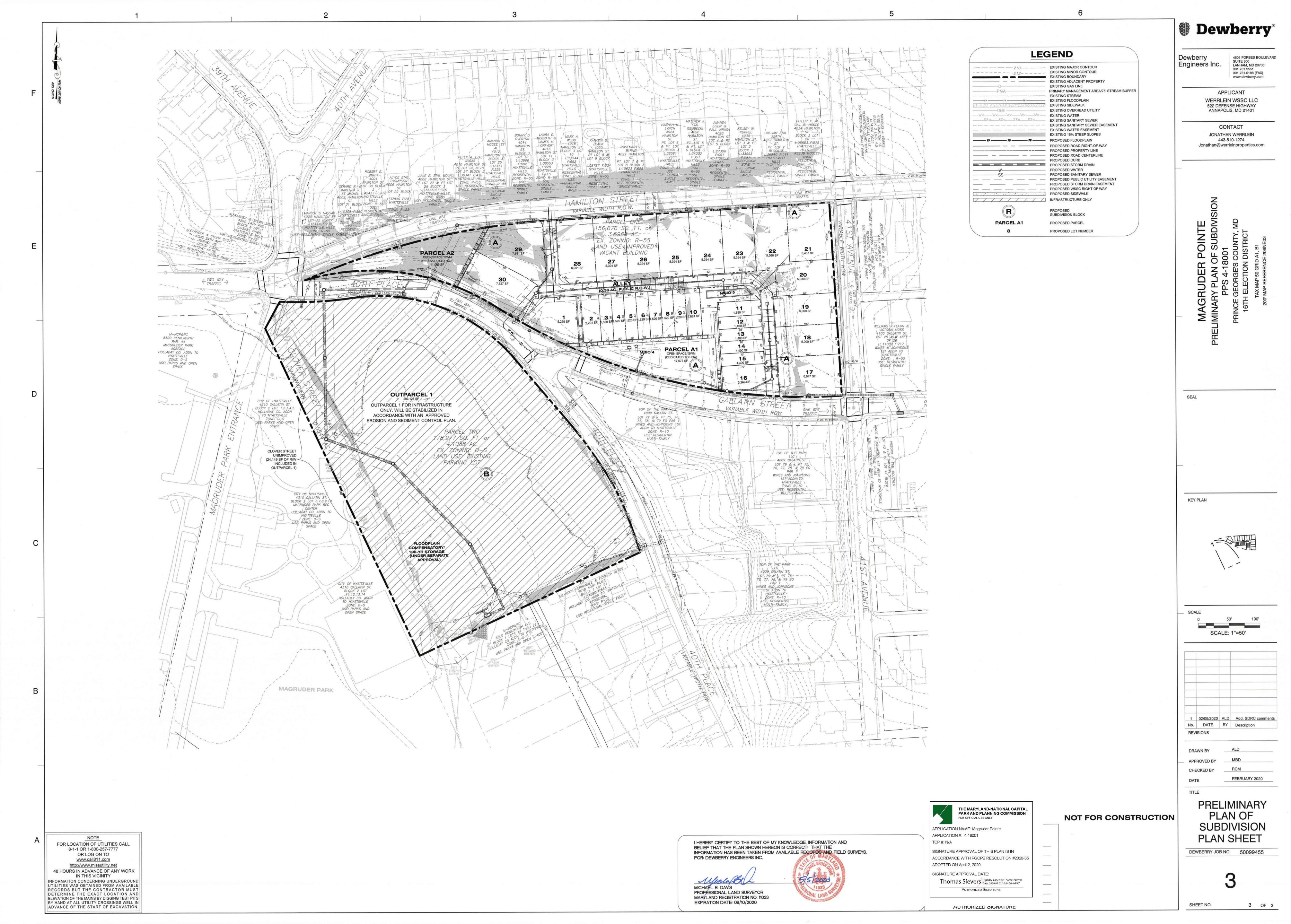
DEWBERRY JOB NO. 50099455

SHEET NO.

SCALE: 1"=175'
NOTE: REFER TO SITE DEVELOPMENT CONCEPT PLAN #10823-2018-0

PROFESSIONAL LAND SURVEYOR MARYLAND REGISTRATION NO. 11033







THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco

File No. 4-18001

RESOLUTION

WHEREAS, Werrlein WSSC, LLC is the owner of 8.26-acres of land known as Parcels One and Two, located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north and south of the convergence of 40th Place and Gallatin Street, respectively. Said property being in the 16th Election District of Prince George's County, Maryland, and being in the Development District Overlay (D-D-O) Zone; and

WHEREAS, on December 20, 2019, Werrlein WSSC, LLC filed an application for approval of a Preliminary Plan of Subdivision for 30 lots; and

WHEREAS, Werrlein, LLC included in its application a sketch plan showing a 31-lot configuration and a request that, should it obtain additional approvals for its detailed site plan and meet certain standards, it be allowed to plat 31 lots in accordance with its sketch plan;

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-18001 for Magruder Pointe was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 12, 2020, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended Approval of the application with conditions; and

WHEREAS, on March 12, 2020, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-18001, including a Variation from Section 24-122(a), for 31 lots, 2 parcels and 1 outparcel for development of 15 townhouses and 15 single family detached dwelling units with the following conditions:

- 1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to provide density information in the general notes, in accordance with the approved Conceptual Site Plan, CSP-18002.
- 2. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$1,260.00 to the Prince George's County Department of Public Works and Transportation for the placement of three bikeway signage assemblies, one each along Hamilton Street, Gallatin Street, and 40th Place. A note shall be

placed on the final plat for payment to be received, prior to the issuance of the first building permit.

- 3. Total development within the subject property shall be limited to uses that would generate no more than 23 AM and 26 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new PPS, with a new determination of adequacy transportation facilities.
- 4. Prior to signature approval of the preliminary plan of subdivision, the applicant shall provide written verification from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) whether unsafe soils are present on-site. If present, the detailed site plan shall clearly delineate the location of any associated safety factor lines, as well as any accompanying building restriction lines that are required by DPIE.
- 5. In conformance with the 2004 Approved Sector Plan for the Prince George's County Gateway Arts District and 2009 Master Plan of Transportation, the applicant and the applicant's heirs, successors, and/or assignees shall provide standard sidewalks along the frontages of Hamilton Street, Gallatin Street, and 41st Avenue Wide sidewalks shall be provided along the frontage of Hamilton Street and Gallatin Street where feasible. Sidewalks shall be shown on the detailed site plan, prior to acceptance.
- 6. Prior to approval of a final plat, in accordance with Section 24-135(a) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee-in-lieu payment for mandatory park dedication. The fee-in-lieu payment shall be applied to the NB Park Community (Account Code 841205).
- 7. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (10823-2018-00) and any subsequent revisions.
- 8. Prior to approval, the final plat of subdivision shall include:
 - a. The granting of public utility easements, in accordance with the approved preliminary plan of subdivision and approved variation from Section 24-122(a) of the Prince George's County Subdivision Regulations.
 - b. Right-of-way dedication of the alley to public use, in accordance with the approved preliminary plan of subdivision.
 - c. Any required building restriction lines associated with unsafe land, unless the Prince George's County Department of Permitting, Inspections and Enforcement approves proposed mitigation that eliminates the need for a building restriction line.
- 9. Any nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.

- 10. If, at the time of detailed site plan, an amendment to the development district standards is approved to allow a reduced lot size, 31 lots may be platted pursuant to the applicant's sketch plan, given all other lot and density standards are met.
- 11. Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
- 12. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation.
- 13. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land as identified on the approved preliminary plan of subdivision or as modified by the detailed site plan. Land to be conveyed shall be subject to the following:
 - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division, Upper Marlboro.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that is consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27
 of the Prince George's County Code and the Land Use Article of the Annotated Code of
 Maryland.
- 2. Background - The subject property is located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north and south of the convergence of 40th Place and Gallatin Street. The property consists of 8.26 acres, is within the One-Family Detached Residential (R-55) Zone and is located within the Traditional Residential Neighborhood (TRN) character area of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA) and the Development District Overlay (D-D-O) Zone. This preliminary plan of subdivision (PPS) includes two tracts of land described as Parcels One and Two, recorded in Liber 21981 folio 165, among the Prince George's County Land Records. Parcel One (3.6 acres) is located south of Hamilton Street and north of Gallatin Street, and is proposed for 30 lots and 2 parcels as part of this application. Parcel Two (4.66 acres) is located south of Gallatin Street, on the west side of 40th Place, and is proposed as an outparcel as part of this application. The subject properties are the site of the former Washington Suburban Sanitary Commission (WSSC) headquarters building on Hamilton Street to the north, and the parking lot serving the building to the south, across Gallatin Street.

The applicant submitted a sketch plan showing 31 lots, in lieu of the 30 lots shown on the PPS, for the land area north of Gallatin Street (existing Parcel One). The applicant intends to apply for an amendment to the standard lot size requirement of the D-D-O Zone standards at the time of detailed site plan (DSP), in accordance with Section 27-548.26 of the Prince George's County Zoning Ordinance and, if approved, may allow for one additional lot. Since this amendment may only be approved at the time of DSP, the 30-lot subdivision satisfies the current lot size standards, however, the adequacy analysis contained herein evaluates the additional lot provided in the applicant's sketch plan in the instance the DSP allows for the lot size amendment. The additional lot poses a de minimis impact to the PPS and is consistent with the findings contained herein. Therefore, if the lot size amendment is approved at the time of DSP, the subdivision may be platted with 31 lots as shown in the applicant's sketch plan, in lieu of the 30 lots shown on the PPS.

The development is subject to a PPS, in accordance with Section 24-107 of the Subdivision Regulations.

Section 24-122(a) of the Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along public rights-of-way. The applicant requested approval of a variation for alternative location of the required PUE along a portion of the site's public road frontage on Hamilton Street and Gallatin Street, adjacent to Parcels A-1 and A-2 and Lots 16, 17, and 30, Block A, which is discussed.

- 3. **Setting** The property is located on Tax Map 50 in Grid B1, in Planning Area 68, and is zoned R-55 within a D-D-O Zone. To the north and east of the property, beyond Hamilton Street and 41st Avenue, are existing single-family detached houses in the R-55 Zone; to the west, beyond 40th Avenue, is an existing public park known as Magruder Park, owned by the City of Hyattsville, and Magruder Woods Park, owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC) in the Open Space (O-S) Zone; and between the two parcels are midrise apartment buildings in the Multifamily High Density Residential Zone. All surrounding properties are in the TRN character area and in the D-D-O Zone.
- 4. **Development Data Summary**—The following information relates to the subject PPS application.

	EXISTING	APPROVED
Zone	R-55/D-D-O	R-55/D-D-O
Use(s)	Vacant	Residential
Acreage	8.26	8.26
Lots	0	31
Parcels	2	2
Outparcels	0	1
Dwelling Units	0	31
Variance	No	No
Variation	No	Yes
		Section 24-122(a)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on January 10, 2020. The variation requested from Section 24-122(a) was received on December 6, 2019 and also heard at the January 10, 2020 SDRC meeting, as required in accordance with Section 24-113 of the Subdivision Regulations.

5. **Previous Approvals**—The site was previously recorded as Lots 80–93 of Wine and Johnson's Revised 1st Addition to Hyattsville 1882, recorded in Plat Book LIB A-20 on June 12, 1884; and a portion of land west of Lots 88 and 88½, recorded in Liber 21981 folio 165, which comprise 3.6 acres of the subject property known as Parcel 1. Lots 23–33 and Lots 52–61 of Block 1 of Holladay Company's Addition to Hyattsville, MD, recorded in Plat Book LIB A-30 on May 19, 1887, along with a portion of Clover Street, comprise 4.66 acres of the subject property, known as Parcel Two.

The Gateway Arts District Sector Plan and SMA placed a D-D-O Zone over the subject property and retained the R-55 Zone on the 3.6-acre parcel (Parcel 1), but downzoned the 4.66-acre parcel (Parcel 2) to the O-S Zone.

A Conceptual Site Plan (CSP-13010), approved by the Prince George's County Planning Board on July 31, 2014, amended the D-D-O use table to allow a Bed and Breakfast Inn in the Reserved Open Space, O-S, Residential-Agricultural, Residential-Estate, Rural Residential, R-55, and One-Family Detached Residential (R-80) Zones.

The O-S zoning of Parcel 2 was changed by CSP-18002, approved by the Prince George's County District Council on June 10, 2019, subject to three conditions, to the R-55 Zone. An amendment to the D-D-O use table was also approved by CSP-18002, to allow townhouse development on the subject site, including applicable density.

6. **Community Planning**—Conformance with *Plan Prince George's 2035 Approved General Plan* (Plan 2035), the Gateway Arts District Sector Plan and SMA, and the standards of the D-D-O Zone are evaluated, as follows:

General Plan

Plan 2035 classifies this application site in the Established Communities Growth Policy Area. Established Communities are "most appropriate for context-sensitive infill and low- to medium-density development." Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities and recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (page 20).

Sector Plan

The Gateway Arts District Sector Plan and SMA places the subject property in TRN character area. The sector plan states the vision of the TRN is "(i)n many ways, the traditional residential neighborhood character areas suggest a glimpse of small-town Americana. They overlay land zoned for single-family housing (attached and detached). The historic houses and streetcar suburban pattern of inter-connecting narrow streets and shaded sidewalks within easy access to town centers and Metro are assets to be protected from encroachment or significant loss of integrity" (page 14).

The goal for the TRN is "(t)o promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones. To preserve the single-family residential neighborhood character as the anchor of the Arts District, while supporting artists who produce and teach from their homes. To enhance the "built-in" natural surveillance of public areas by active neighbors on porches, in yards, and on the sidewalk" (page 138).

SMA/Zoning

The Gateway Arts District Sector Plan and SMA retained the portion of the subject property between Hamilton and Gallatin streets in the R-55 Zone but reclassified the former parking lot portion of the property between 40th Avenue and 40th Place from the R-55 Zone to the O-S Zone, noting "(r)ezoning to O-S creates the opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area" (page 123). The SMA further superimposed the D-D-O Zone standards, placing the entire property in the TRN character area.

Note that R-55-zoned properties in the TRN character area within the incorporated City of Hyattsville are exempt from the development district standards and abide by the requirements of the R-55 Zone (page 144). The TRN goals and recommendations are still applicable, however, regardless of the zone.

In 2019, the District Council conditionally approved a request to change the portion of the subject property zoned O-S to R-55. This decision also allows the development of single-family attached dwelling units in the R-55 zone. Further, Condition 3 of the approval requires that a DSP for the entire 8.26 acres shall be subject to all D-D-O Zone standards applicable to the TRN character area. This PPS is in conformance with Section 24-121(a)(5).

7. **Stormwater Management/Unsafe Soils**—In accordance with Section 24-120(a)(8) of the Subdivision Regulations, a Stormwater Management (SWM) Concept Approval Letter (10823-2018-00) and associated plan were submitted with this application for this site. The approval of the SWM Concept was issued on March 22, 2019 from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The concept plan shows the entire development (both existing Parcels 1 and 2) and proposes to construct six microbioretention facilities and one floodplain compensatory storage area. An existing stormwater outfall will be removed and a new off-site SWM outfall is proposed to the east. No SWM fee for on-site attenuation/quality control measures is required. The concept shows two microbioretention facilities on Parcel 1, as well as an outfall through Parcel 2.

The site contains Christiana clays and DPIE may require soil testing for unsafe soils. The applicant will be required by DPIE to follow the guideline for developing over consolidated clays. Gravel, asphalt rubble, and concrete fragments will need to be removed and disposed off-site, as directed by DPIE.

8. **Parks and Recreation**—The above PPS was reviewed and evaluated for conformance with the requirements and recommendations of the Gateway Arts District Sector Plan and SMA, CSP-18002, and Subtitle 24 of the Prince George's County Subdivision Ordinance, as they pertain to public parks and recreational facilities.

The site is divided into two existing parcels, the area fronting on Hamilton Street, the Upper Parcel (Parcel 1) and the Lower Parcel (Parcel 2) south of Gallatin Street. The Lower Parcel is adjacent to Magruder Park (to the west), which is owned and operated by the City of Hyattsville and Magruder Woods Park (M-NCPPC owned parkland) at the southeast corner, which is unimproved.

The subject development is located in the TRN character area of the Gateway Arts District Sector Plan and SMA, which seeks to maintain a traditional neighborhood concept. The goal of the sector plan, with respect to parks and recreation is "(t)o encourage widespread pedestrian and recreational use of the Arts District and vicinity through the improvement of existing public spaces and the addition of new public spaces where appropriate for festivals, events and increased community pride."

As per Section 24-134 of the Subdivision Regulations, mandatory dedication of parkland applies to any residential subdivision, as follows:

(a) In all residential subdivisions, except as provided in paragraphs (2), (3), and (4) of this Subsection, the Planning Board shall require the platting and conveyance to the Commission or to a municipality located within the Regional District but not within the Maryland-Washington Metropolitan District, upon request of such municipality, of suitable and adequate land for active or passive recreation, or the payment of a monetary fee in lieu thereof, or the provision of recreational facilities as otherwise provided by this Division.

Based on the size, configuration, and density of the proposed subdivision, a fee-in-lieu payment by the applicant would best meet and serve the needs of the future residents for this Community. This is permissible per Section 24-135(a) of the Subdivision Regulations. The fee-in-lieu payment shall be applied to the NB Park Community (Account Code 841205).

9. **Trails**—This PPS was reviewed for conformance with prior approvals, the *Approved Countywide Master Plan of Transportation* (MPOT) and the Gateway Arts District Sector Plan and SMA to provide the appropriate pedestrian and bicycle transportation recommendations.

Previous Conditions of Approval

Approved CSP-13010 included no conditions related to bike and pedestrian transportation. Approved CSP-18002 included the following condition related to bike and pedestrian transportation:

- 2. At the time of detailed site plan, the applicant shall:
 - b. Provide sidewalks on both sides of all internal streets, excluding alleys, as appropriate.

Per Condition 2.b. of CSP-18002, sidewalk access shall be provided and evaluated at time of DSP.

Review of Proposed On-Site Improvements

All internal roads are proposed as alleys and therefore do not require sidewalks. The submitted plans indicate the existing sidewalks along Gallatin Street, Hamilton Street, and 40th Place.

The submitted PPS does not include blocks over 750 feet long and therefore does not need to provide additional walkway facilities and mid-block crossing facilities, pursuant to Section 24-121(a)(9).

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to residential neighborhoods and Magruder and Hamilton Parks, which are all connected via sidewalk.

Review Master Plan of Transportation Compliance

Three master-planned trails impact the subject site, including planned shared roadways along Hamilton Street, Gallatin Street, and 40th Place. The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk and bikeway construction, and the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Sidewalks shall be provided along all road frontages. This will be evaluated at time of DSP. The proposed development will be subject to a bikeway fee for the placement of signage, in compliance with the MPOT.

Review Area Sector Plan Compliance

The sector plan includes the following recommendations regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (page 46):

- 5. A variety of routes were identified that are currently used by bicyclists and pedestrians and most efficiently connect the West Hyattsville and Prince George's Plaza Metro Stations with US 1. These routes primarily focus on serving the local neighborhoods. These routes may also be designated as Artways with specific themes or features (such as banners or artwork) unifying the entire corridor.
 - b. West Hyattsville Metro to 38th Street and US 1
 - (2) Hamilton Street
 - (a) Provide standard or wide sidewalks along both sides of Hamilton Street, where feasible and practical.
 - c. West Hyattsville Metro to Gallatin Street and US 1
 - (3) Gallatin Street
 - (a) Widen sidewalks, where feasible.
 - (b) Provide directional signage where Gallatin Street is not continuous, and users must briefly turn onto 42nd Street.

Per the sector plan, the applicant shall provide standard sidewalks along the frontages of Hamilton Street and Gallatin Street. Wide sidewalks shall be provided, where feasible, as part of the site's frontage improvements.

10. **Transportation**—This PPS was reviewed for conformance with the MPOT and the Gateway Arts District Sector Plan and SMA to provide the appropriate recommendations. Findings related to transportation adequacy are made with this application, along with any determinations related to dedication, access, and general subdivision layout. Circulation is proposed by means of a system of public alleys and driveways. Alley access is proposed from two existing local public roads; one at Gallatin Street west of 41st Avenue and the other at Hamilton Street east of 40th Avenue, along the north and south edges of the site.

In accordance with the "Transportation Review Guidelines, Part 1" (Guidelines) vehicular traffic counts dated November 5, 2019 were provided by the applicant. The traffic impact analysis (TIA), dated November 20, 2019, was referred to the Prince George's County Department of Public Works and Transportation and DPIE.

The TIA for the Magruder Pointe subdivision includes two areas of residential development. Existing Parcel One is the sole focus of this review, as it is proposed for 16 single-family units and 15 townhouse units with this application. A trip cap for this subdivision is listed below. Existing Parcel Two is approved as an outparcel with this PPS, which will require a separate future PPS for any proposed development and will have a separate trip cap.

The subject property is located within Transportation Service Area (TSA) 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections:

Level of Service E.

Operating Critical Lane Volume (CLV) of 1,600 or better in the TSA. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any TSA subject to meeting the geographical criteria in the Guidelines.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

The table below summarizes trip generation in each peak hour that will be used in reviewing conformance with the trip cap for the site:

Trip Generation Summary: 4-18001: Magruder Pointe								
Lond Has	Use	Motrio	AM Peak Hour			PM Peak Hour		
Land Use	Quantity	Metric	In	Out	Total	In	Out	Total
Proposed Development for 4-18001								
Single-Family Detached	16	units	2	10	12	9	5	14
Townhouse	15	units	2	9	11	8	4	12
Total Proposed Trips for 4-18001			4	19	23	17	12	26
Recommended Trip Cap	for 4-18001				23			26

The following tables represent results of the analyses of critical intersections under existing, background, and total traffic conditions:

EXISTING TRAFFIC CONDITIONS						
<u>Intersection</u>	Critical Lane Volume (AM & PM)			f Service M & PM)		
MD 208 & Hamilton Street/38th Street	926	1,061	A	В		
Hamilton (Eastbound) & Gallatin Streets/40th Avenue	11.1	15.3*				
Hamilton & Gallatin (Northbound) Streets/40th Avenue	13.0	14.4*				
Gallatin Street (Northbound) & 40th Place	11.9	13.2*				
Jefferson Street & 41st Avenue (Southbound)	12.3	12.8*				
US 1 & 42nd Place/Crittenden Street	1,046	993	В	A		

^{*}In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

One approved development, Armory Apartments, is identified in the study area for the purpose of developing background traffic. A 0.5 percent annual growth rate for a period of six years has been assumed.

BACKGROUND TRAFFIC CONDITIONS					
Intersection		Lane Volume M & PM)		f Service M & PM)	
MD 208 & Hamilton Street/38th Street	1,008	1,361	В	D	
Hamilton (Eastbound) & Gallatin Streets/40th Avenue	11.3	16.2*			
Hamilton & Gallatin (Northbound) Streets/40th Avenue	13.4	15.0*			
Gallatin Street (Northbound) & 40th Place	12.2	13.7*			
Jefferson Street & 41st Avenue (Southbound)	12.4	13.0*			
US 1 & 42nd Place/Crittenden Street	1,117	1,047	В	В	

^{*}In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

The total traffic generated by the PPS would impact the intersections, interchanges, and links previously identified. The programmed improvements and total future traffic were developed using the Guidelines, including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS						
Intersection	Critical Lane Volume (AM & PM)		Level of (LOS, A)	Service M & PM)		
MD 208 & Hamilton Street/38th Street	1,016	1,379	В	D		
Hamilton (Eastbound) & Gallatin Streets/40th Avenue	11.6	17.4*				
Hamilton & Gallatin (Northbound) Streets/40th Avenue	14.0	15.7*				
Gallatin Street (Northbound) & 40th Place	12.5	14.3*				
Jefferson Street & 41st Avenue (Southbound)	12.6	12.9*				
US 1 & 42nd Place/Crittenden Street	1,137	1,066	В	В		

^{*}In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

It has been determined that all critical intersections operate acceptably under total traffic in both peak hours. A trip cap consistent with the trip generation assumed for the site, 23 AM and 26 PM peak-hour vehicle trips, is approved.

Master Plan Roads

The MPOT shows the Hamilton Street/Jefferson Street corridor as a master plan collector; however, this recommendation is only for the section west of 40th Avenue and does not affect the subject property.

Based on the findings presented in this section, adequate transportation facilities will exist to serve the subdivision as required by Section 24-124 of the Subdivision Regulations.

11. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and Prince George's County Council Resolution CR-23-200. The analysis and the results are as follows:

Impact on A	Affected Public	School Cl	uster by l	Dwelling U	nits
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Affected School Clusters #	Elementary	Middle School	High School
Single-family Detached Dwelling Units	16 DU	16 DU	16 DU
Single-family Attached Dwelling Units	15 DU	15 DU	15 DU
Pupil Yield Factor – Detached	0.177	0.095	0.137
Pupil Yield Factor – Attached	0.145	0.076	0.108
Total Future Subdivision Enrollment	5	3	4
Actual Enrollment in 2018	9,602	4,452	5,514
Total Future Enrollment	9,607	4,455	5,518
State Rated Capacity	8,780	4,032	5,570
Percent Capacity	109%	110%	96%

Section 10-192.01 of the Prince George's County Code establishes school facilities surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,741 per dwelling if a building is located between I-495/I-95 and the District of Columbia. This fee is to be determined by and paid to Prince George's County at the time of issuance of each building permit.

12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated February 7, 2020 (Thompson to Conner), incorporated herein by reference.

Referrals were received from DPIE, the Prince George's County Fire/EMS Department, and the Prince George's County Police Department in regard to water and sewer, fire, and police regulatory requirements, respectively. Site and/or building design for fire suppression and crime prevention will be evaluated further at DSP and permit review.

13. **Use Conversion**—This PPS was analyzed based on the proposal for a residential development with 15 townhouses and 16 single-family detached units in the R-55 Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy

findings, that revision of the mix of uses would require approval of a new PPS, prior to approval of any building permits.

14. **Public Utility Easement (PUE)**—Section 24-122(a) requires that, when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

"Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748."

The standard requirement for PUEs is 10 feet wide along both sides of all public rights of way. The subject site fronts on the public rights-of-way of Hamilton Street, Gallatin Street, and 40th Place. However, the PPS provides for the location of PUEs abutting the development lots rather than directly abutting the public rights-of-way. The applicant requested approval of a variation from the standard requirement, in accordance with the findings outlined below.

Variation Request—Section 24-122(a) requires the following (in **BOLD**), followed by review comments:

Section 24-122. Public Facilities Requirements.

(a) When utility easements are required by a public utility company, the subdivider shall include the following state in the dedication document: Utility easements are granted pursuant to a declaration record among the County Land Record in Liber 3703 at Folio 748.

In this instance, all public streets serving the proposed lots are existing and do not currently include PUEs, as all dry utilities are located within the respective rights-of-way. The applicant submitted a request to the Potomac Electric Power Company to confirm that PUEs are not required along the north side of Gallatin Street and provided a utility plan exhibit showing the alternative PUE placement.

The applicant requested a variation from the standard PUE requirement, in accordance with Section 24-113, which sets forth the following required findings for approval of a variation (in **BOLD**), followed by review comments:

Section 24-113 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:

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

The granting of the variation will not be detrimental to public safety, health, or welfare, or injurious to other property. The abutting streets are existing rights-of-way which do not currently include PUEs along the abutting platted lots, as all dry utilities are located within the right-of-way. All proposed and existing lots in the vicinity will continue to be adequately served by public utilities without the addition of a designated PUE adjacent to the rights-of-way. Although utilities are currently located in the right-of-way, the PPS includes PUEs for future placement of utilities on-site abutting the proposed lots and the utility exhibit submitted shows that all existing and proposed lots will be adequately served. A variation from the standard requirement for a PUE in this location will have no effect on public safety, health, or welfare of residents and will not be injurious to other properties.

(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;

As noted above, the condition unique to the property is that dry utilities are existing and are located within the existing right-of-way with no PUE currently in place. Therefore, a PUE is not necessary in order to accommodate utilities adjacent to the right-of-way, as is typical along most proposed roadways. Moreover, existing stormdrain and/or sanitary sewer systems are located outside the right-of-way in some areas and are within the area where a PUE would typically be provided on-site. In addition, many areas adjacent to the right-of-way do not meet PUE standards due to grade and site constraints, such as steep slopes and specimen trees. A PUE has been provided on-site along the abutting rights-of-way where feasible and alternatively located where necessary to best serve the proposed lots.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Therefore, the variation does not constitute a violation of any other applicable law, ordinance, or regulation. This application was also referred to the public utility companies, none which opposed this request. Further coordination with the utility companies will be required at the site planning and permitting stages of the development.

(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;

Particular physical surroundings include existing utilities within existing rights-of-way, no existing PUEs and grade and site conditions that are not ideal for the provision of PUEs even if they were necessary. Due to the particular physical surroundings, provision of unnecessary PUEs would result in a particular hardship to the applicant. As noted above, the area where the PUE would typically be required is encumbered by stormdrain, steep slopes, specimen trees, etc. Removal and/or disturbance for a utility easement that is not necessary to serve existing or proposed uses would constitute a particular hardship to the applicant.

(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.

The subject property is zoned R-55; therefore, this provision does not apply.

The site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

Therefore, the variation from Section 24-122(a) for the location of the required PUE, in accordance with the applicant's PUE exhibit dated January 28, 2019, is **approved**.

15. **Historic**—The subject property was the site of WSSC Headquarters (68-10-082), a documented property constructed in 1939. The original building and subsequent additions were architecturally noteworthy as products of their time and exemplified the stylistic evolution from the Art Deco details of the 1939 original building, and the modern influence of the 1953 addition, with the full-blown modernistic expression of the 1964 addition. While all three additions were distinctive in treatment and clearly expressed, the architects endeavored to create a unified and consolidated building that continued to represent the public identity of the WSSC. The building was demolished in 2019.

A Phase I archeology survey is not required on the subject property. As part of the pre-application review, the southern portion of the subject property that was formerly used as a parking lot, was thought to have some potential of containing intact archeological resources. However, the plan shows a sewer line, a gas line, and a drainage channel running through various portions of the

subject site. Installation of these utilities has likely extensively disturbed any intact archeological resources that may have been present. Therefore, a Phase I archeology survey is not required. There are no Prince George's County historic sites or resources on, or adjacent to, the subject property.

16. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan Exemption #	Authority	Status	Action Date	Resolution Number
NRI-047-2018	N/A	Staff	Approve d	10/13/2018	N/A
CSP-18002	S-043-2018	District	Approve	06/10/2019	District Council
		Council	d		Order
4-18001	S-043-2018	Planning Board	Pending	Pending	Pending

Proposed Activity

This PPS proposes to construct 15 townhouses and 16 single-family detached dwellings, interior roadways, and various SWM structures. The overall project area is comprised of two existing parcels (Parcels 1 and 2); however, this PPS is for the residential development on Parcel 1 only, along with some supporting infrastructure (stormdrain pipe and off-site stormwater outfall) on Parcel 2.

Grandfathering

The project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

Site Description

A review of the available information indicates that the site contains regulated environmental features such as a stream buffer, wetlands buffer, and 100-year floodplain. The soil types found on-site according to the United States Department of Agriculture Natural Resources Conservation Services Web Soil Survey are Christiana-Downer-Urban land complex, Codorus-Hatboro-Urban land complex, and Russett-Christiana-Urban land complex soils. Marlboro clay does not occur on-site, but Christiana clays are found on-site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. There is a high spot on Parcel 1 in the northeast and the site drains to the southwest towards Parcel 2 and the off-site stream system. This site is in the Anacostia River watershed, which flows into the Potomac River. The site has frontage on 40th Avenue, which has been identified as an historic roadway. The site is located within the Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map as designated by Plan 2035.

Master Plan Conformance

The site is located within the Gateway Arts District Sector Plan and SMA. The Environmental Infrastructure section of sector plan contains goals, policies, recommendations, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

1.c. Stormwater Management: Existing regulations require adequate control of stormwater runoff (Subtitle 4, Division2, Prince George's County Code).

This proposal is for the construction of a residential subdivision on a fully developed site with some open landscaped areas. The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues, in accordance with Subtitle 32, Water Quality Resources and Grading Code. This requires that the environmental site design be implemented to the maximum extent practicable. The site has an approved SWM concept plan. A SWM Concept Approval Letter (10823-2018-00) and associated plan were submitted with the application for this site. The concept plan shows the entire development (Parcels 1 and 2) and proposes to construct six micro-bioretention facilities and one area for floodplain compensatory storage. This proposed development shows Parcel 1 with two micro-bioretention facilities and no stormwater outfalls.

Also, to serve the proposed development on Parcel 1, Parcel 2 will be impacted with one off-site stormwater outfall, which impacts the on-site and off-site wetlands, stream, associated buffers, and 100-year floodplain.

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

This property is exempt from the provisions of the 2010 Prince George's County Woodland and Wildlife Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size but contains less than 10,000 square feet of existing woodland. A Standard Woodland Conservation Exemption Letter (S-043-2018) was submitted with the PPS.

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

The development applications for the subject property that will require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques are encouraged to be implemented to the greatest extent possible.

- 3. Affirm county and state Smart Growth initiatives and the policies and strategies of the General Plan. New development and redevelopment should enhance existing green infrastructure elements such as wetlands. woodlands, open space, landscaped areas, street tree corridors, and sensitive species habitats. It should also establish open space linkages where they do not currently exist.
- 4. Seek opportunities to create new connected green infrastructure elements. New development or redevelopment project proposals should establish landscaped areas and open space connections, wherever possible.

The application area is currently developed with paved parking areas and a building with small open maintained landscaped areas. No woodlands are located on-site. Only paved parking areas with overlapping regulated environmental features such as a 100-year floodplain, stream buffer, and wetlands buffer are present only on Parcel 2. The SWM concept plan shows development on Parcel 2; however, the current PPS only includes infrastructure on Parcel 2. Opportunities for restoration exist on Parcel 2 and will be evaluated when development is proposed in this area. Open space and landscaped areas are further discussed by the Urban Design finding.

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

This application includes a residential use, and as such the 26 percent tree cover requirement standard applies. Open space and landscaped areas are further discussed within the Urban Design finding.

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

The application area contains two parcel areas (Parcels 1 and 2), which are mostly developed with impervious surfaces. The submitted PPS shows development on Parcel 1 only; however, the approved SWM concept plan shows proposed development on Parcel 2 that is not approved with the current PPS

application. This application proposes to remove impervious surfaces and to treat and convey the stormwater associated with the development of Parcel 1, in accordance with an approved SWM concept.

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

The SWM concept plan approved by DPIE shows the entire development (Parcels 1 and 2) and proposes to construct six micro-bioretention facilities and one area for floodplain compensatory storage.

Conformance with the Green Infrastructure Plan

According to the Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan (Green Infrastructure Plan), Parcel 1 contains no network areas, but Parcel 2 contains a regulated area within the designated network of the plan. The regulated area is within the 100-year floodplain, stream buffer, and wetlands buffer. Both Parcel 1 and 2 have already been impacted with parking areas and buildings with small areas of open landscaped areas. This application includes that Parcel 2 and the regulated area will be impacted for installation of a new stormdrain pipe system and an off-site stormwater outfall.

The following policies support the stated measurable objectives of the Green Infrastructure Plan:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

Parcel 2 contains a regulated area that contains existing paved parking areas and a stormdrain pipe system. The impacts on Parcel 2 are for the installation of a new stormdrain pipe system and an off-site stormwater outfall. The current application does not show final development on Parcel 2. Future applications for development of Parcel 2 must be evaluated for opportunities for restoration of regulated environmental features.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

As discussed in previous sections, the site has an approved stormwater concept, which addresses surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code. The primary management areas (PMA) associated with this application are located within Parcel 2.

This application includes regulated environmental feature impacts for a stormdrain pipe system (100-year floodplain, stream buffer, and wetlands buffer) and an off-site stormdrain outfall (100-year floodplain, stream wetlands, and associated buffers). No PMA woodlands are located within the application area.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The 2002 *General Plan* has been superseded by Plan 2035. The property is subject to the WCO. No woodlands are located on-site and a woodland conservation exemption letter has been submitted with this application.

Environmental Review

Natural Resource Inventory Plan/Existing Features

An approved Natural Resources Inventory, NRI-013-11 was submitted with the application. The site is comprised of two parcels (Parcels 1 and 2) with existing parking areas and buildings with small areas of open landscaped areas. This site slopes to the south toward an off-site stream system. No woodlands are found on the parcels, but Parcel 1 has four specimen trees. Parcel 2 contains 100-year floodplain, stream buffer, and wetlands buffer, which comprise the PMA.

No additional information is required with regard to the NRI.

Woodland Conservation Plan

This property is exempt from the provisions of the WCO because the property is greater than 40,000 square feet in size but contains less than 10,000 square feet of existing woodland. A Standard Woodland Conservation Exemption Letter (S-043-2018) was submitted with this PPS.

Specimen Trees

The removal of four on-site specimen trees is a component of the proposed development. Since the site is exempt from woodland conservation requirements, no variance request for specimen tree removal is required.

Preservation of Regulated Environmental Features/Primary Management Area

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities.

Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the

outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

Impacts to the PMA are proposed for stormdrain pipe and outfall installation and grading activities associated with removal of pavement. A statement of justification (SOJ) was received with the application on February 6, 2020 and a revised SOJ was received on February 19, 2020 for the proposed impacts to the PMA.

Statement of Justification

The SOJ includes a request to impact 2.54 acres of on-site PMA and 0.02 acre of off-site PMA for removal of impervious asphalt paving and the installation of a stormdrain pipe and outfall to serve the development proposed on Parcel 1. All of the on-site PMA is located on Parcel 2, which is currently paved parking areas and an existing stormdrain outfall. There is an existing stormdrain outfall system on-site, but this stormdrain system needs to be upgraded to meet current storm water design requirements due to the proposed development. While there is proposed removal of asphalt paving that is to occur on Parcel 2, the removal of the impervious surfaces is credited, in part, to serve the SWM requirements for the development of Parcel 1.

Analysis of Impacts

A total of two impacts (1 on-site and 1A off-site) are described below:

Impact 1—2.54 acres for on-site stormdrain pipe installation and grading for the removal of impervious asphalt.

Impact 1A—0.02 acre for off-site stormdrain outfall, stormdrain pipe installation, and grading. This proposed impact is not within the area of this application but is needed to adequately discharge stormwater to the stream. Final review and approval of this impact will be addressed at time of permit review.

Approval of impact 1, associated with the stormdrain pipe and outfall installation and grading activities associated with removal of pavement, is approved. Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible.

17. **Urban Design**—Conformance with CSP-18002, the D-D-O Zone standards, and the Prince George's County Zoning Ordinance are evaluated, as follows:

Conformance with the Requirements of Previous Approval

CSP-18002 was approved by the District Council on June 10, 2019, with three conditions, to rezone a portion of the property (4.66 acres) from the O-S Zone to the R-55 Zone and revise the list of allowed uses in the development district to permit development of single-family attached dwellings (townhomes) on the property. The CSP also approves the maximum density for

single-family attached development at 9 dwelling units per acre and the maximum density for single-family detached, as permitted in the R-55 Zone, at 6.7 dwelling units per acre, and indicates a total density of 72 units (31 units on Parcel 1 and 41 units on Parcel 2). Conformance with all applicable conditions attached to CSP-18002 will be evaluated at time of DSP review.

The last part of Condition 3 of the CSP is relevant to the review of this PPS because it requires the approval of any additional standards not included in the D-D-O Zone standards, through the DSP process, as follows:

3. Prior to issuance of any building permit, Applicant shall, pursuant to PGCC §27-548.26, obtain approval of a Detailed Site Plan (DSP) for the entire 8.26 acres. The DSP shall be subject to all Development District Overlay (D-D-O) Zone standards applicable to the Traditional Residential Neighborhood Character Area. Additional bulk requirements shall be established with the approval of the DSP to implement the applicable goals and recommendations of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District, to achieve context-sensitive, high-quality, single-family residential development.

This PPS includes both single-family detached and attached lots. The D-D-O Zone standards (pages 144–156) have specific requirements for Site Design, Building Design, and Public Space that have specific standards for lot size for the single-family detached units, as follows:

- a. Building and Streetscape Siting:
 - 12. On properties zoned R-55, the minimum lot area for new dwellings shall be 5,000 square feet. Where the depth of the lot is less than 100 feet, the minimum net lot area shall be 4,800 square feet (page 146).

The single-family detached homes proposed have been revised to meet this standard, however, the minimum lot size for single-family attached lots in the R-55 zone is not specified by the D-D-O Zone and should be approved with the DSP as stated and required by Condition 3 of CSP-18002.

In addition, the D-D-O Zone also has standards for lot width for both single-family detached and attached units, as follows:

19. On properties zoned R-55, R-35 or R-20, the minimum lot frontage and minimum lot width shall be 20 feet. Lots with a smaller lot width that predate the approval of the Arts District SMA may be developed if it is documented that more than one dwelling exists on the street on a lot with a similar or lesser frontage (page 146).

The single-family detached and attached lots have been revised to meet this standard.

20. Townhouses shall have a minimum lot width of 18 feet and shall not front a parking lot (page 146).

The single-family attached lots have been revised to meet this standard.

The District Council's final decision for CSP-18002 included in the analysis that density be 6.7 dwelling units per acre for single-family detached and 9 dwelling units per acre for single-family attached dwellings. However, the District Council's final decision also contains a footnote indicating an overall density of 72 units (31 units on Parcel 1 and 41 units on Parcel 2) for the property, in accordance with Applicant's Exhibit 1 provided with CSP-18002.

The exhibit indicates that, when combining the dwelling unit types on Parcel 1, the density would result in approximately 8.6 dwelling units per acre on Parcel 1 and approximately 8.8 dwelling units per acre on Parcel 2, based on the gross acreages. The PPS is consistent with the CSP approval and will be further evaluated at the time of DSP for bulk standards, in accordance with Condition 3 of CSP-18002. The applicant shall provide the proposed density on the PPS, in accordance with the approved CSP.

Conformance with the Development District Overlay (D-D-O) Zone Standards of the 2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment

The development of single-family detached and attached units will be subject to DSP approval. The site's conformance with the appliable D-D-O Zone standards of the Gateway Arts District Sector Plan and SMA will be fully evaluated at time of DSP review.

Conformance with 2010 Prince George's County Landscape Manual

The D-D-O Zone standards and the Gateway Arts District Sector Plan and SMA (page 142), replace the requirements of the 2010 *Prince George's County Landscape Manual*. Conformance with these standards will be evaluated at the time of DSP.

Conformance with the Prince George's County Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that disturb more than 5,000 square feet. The site is required to provide a minimum of 15 percent of the gross tract area in TCC. This total area of the property is 8.26 acres, which results in 1.23 acres (or 53,578 square feet) of required TCC for the site. Conformance with this requirement will be evaluated at time of DSP.

18. **City of Hyattsville**—In a correspondence dated February 19, 2020, (Hollingsworth to Hewlett), incorporated by reference herein, the City of Hyattsville stated that the City Council requests the public hearing associated with this application be postponed until judicial review regarding CSP-18002 has concluded.

The City indicates that as an issue of practicality, if the District Council's decision regarding CSP-18002 is overturned, PPS-18001 will be greatly affected in the standards and density requirements that are applied. Delaying the application until resolution has been reached can help avoid significant future time resources and effort to repeat the application process for this PPS.

It is the City's opinion that all parties would be best served waiting a short period of time to reach resolution regarding the parent case to this application and that the Planning Board would be doing itself a disservice in considering this application, though the City understands and respects that this decision is at the discretion of the Board.

The Hyattsville City Council asked the Planning Board to not consider this PPS application until the City's legal appeal of the parent CSP application has been resolved. At the Planning Board hearing, the Planning Board informed the City and other opponents of the application that mandatory action requirements prevent the Planning Board from delaying consideration of this application. The City requested the Planning Board consider the following revisions to the application, as conditions for approval, which were evaluated as follows:

"1. The applicant shall eliminate Lot 26 from the application, reducing the number of proposed single-family homes from sixteen to fifteen. All lots shall meet the minimum lot size standard of 5,000 SF."

The current 30-lot PPS plan demonstrates compliance with the minimum lot size requirement. The ability to achieve 31 lots as shown on the applicant's sketch plan will be further determined at DSP review.

"2. The applicant shall align the property borders of Lots 21 and 22 and the property borders of Lots 19 and 20 to allow for a more uniform lotting pattern."

The lotting pattern, as shown on the PPS, includes a jog in the property lines of these lots to accommodate the curvature of the proposed alley providing access to these lots. However, the jog is not indicative of an irregularity in the placement of future dwelling units and would not be distinguishable given the concept development, as shown on the approved SWM concept plan. Minor adjustment to the lots will be further evaluated at time of DSP when dwellings are proposed to ensure adequate circulation and a consistent development pattern.

"3. The applicant shall use Lots 11 & 12 for open green space and/or supplemental stormwater management. Lots 11 & 12 shall not contain townhouse units."

At this time, the need for additional open space or SWM areas has not been demonstrated. However, site constraints and possible conflicts of dwellings with necessary infrastructure should be evaluated further at time of DSP, when buildings are proposed, which may result in the loss of lots. The orientation and architecture of the proposed units will also be evaluated at time of DSP to ensure the most beneficial relationship for the placement of dwellings.

"4. All townhouse units shall front Parcel A1 without obstruction."

The reduction of townhouse units fronting on Parcel A1 may open views into the alley and rears of the lots along the alley. The orientation of dwellings will be evaluated further at the time of DSP to ensure the most beneficial relationship for the placement of dwellings.

"5. The upper parcel of the Magruder Pointe project shall contain no more than ten (10) single-family attached (townhouse) units total. The reduction in unit count will bring the development into compliance with the District Council's decision, as well as allow for wider townhouses and increased interior parking. The applicant's proposed townhouse density exceeds that which has been approved by the District Council. Staff's calculations were derived using the density calculation methodology based on discussions with M-NCPPC staff. Staff calculated density as part of their analysis as the applicant did not provide this calculation as part of their application, as required. Further complicating this matter are a) the presence of two-unit types on the subject property, and b) the lack of standards or guidance—by code or resolution—regarding the size of the townhomes as they are not typically allowed in R-55."

The lots' widths have been designed to meet the minimum 20-foot width as required, in accordance with the D-D-O Zone standards. The requirements for density, as approved for this site with CPS-18002, are further the discussed in the Urban Design. The PPS is consistent with the CSP approval.

"6. The internal alleyway shall be designed and constructed to a public standard and dedicated to the City as a public right-of-way. The site plans and any future dedication of plat shall incorporate language stating that the alleyway shall be publicly dedicated to the City of Hyattsville."

The alley shown on the PPS is proposed for public right-of-way dedication and conforms to the Prince George's County Urban Street Standard minimum for alleys. The public dedication of the alley will be required at the time of final plat, pursuant to the approved PPS. It is noted that dedication is to public use, and since the City of Hyattsville maintains jurisdiction over the public roads in this area, the same will be true of this public right-of-way dedication.

"7. Overhead lighting shall be designed and constructed to Pepco standards for acceptance into the public utility system. The lighting shall be placed at the entrance/exit of the site at Hamilton Street, at the corner closest to lot 11, and at the entrance/exit of the site on Gallatin Street."

The review of lighting details is applicable at the time of DSP review. Lighting within the right-of-way is further subject to the approval of the operating agency.

"8. The applicant shall provide adequate Public Utility Easements (PUEs) for the provision of public utilities to ensure all proposed lots receive both wet and dry utility services. If public utility services can be provided through the existing utility systems and/or within the existing public utility easement, no additional land dedication or easement is required."

A utility plan and proposal for the location of PUEs has been provided with this application and is further discussed in Finding 11.

"9. The stormwater management plan for the upper parcel of the Magruder Pointe Project shall be limited to the boundaries of the upper parcel and not reliant upon compensatory storage on the lower parcel, limiting the applicant's ability to dispose of the individual parcels to new owners for separate and distinct projects or uses."

The approval of the SWM concept plan is under the authority of DPIE, which has been approved for all land area included in this PPS. Although no lots are being approved for the lower parcel with this PPS, any future development must be in conformance with the SWM approval or subsequent revisions.

"10. The applicant shall include the replacement of a current Magruder Park bridge as an off-site facility improvement within their Bicycle and Pedestrian Impact Statement."

This site is not located within a center or corridor and is therefore not subject to the requirement to provide off-site bicycle and pedestrian improvements. However, at the Planning Board hearing, the applicant agreed to consider this improvement.

19. Planning Board Hearing—At the Planning Board meeting on March 12, 2020, exhibits were entered into the record consisting of letters of opposition (Exhibits 1.a-g.). Opponents of the application who were present also provided verbal testimony expressing concerns regarding the underlying CSP approval and pending judicial review, stormwater and floodplain impacts, density and questions as to how density is calculated, transportation and impacts to the neighboring Magruder Park. Exhibits to the verbal testimony was entered as Exhibits 2 and 3. Response to the testimony was provided from the Planning Board's Legal Counsel, technical staff, the Applicant's Legal Counsel and addressed as part of the findings of this resolution. Specifically, this PPS does not set forth the zoning parameters but it is found that this PPS conforms to the approved CSP, all public notices were provided in accordance with applicable law, documents of this application were provided to the public when requested and public hearings were held for this application and the CSP in order to allow public participation.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * * * * * * * * *

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 Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 12, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of April 2020.

Elizabeth M. Hewlett Chairman

By Jessica Jones Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department Date: March 20, 2020

Bate. March 20, 2020

38. BOUNDARY COMPILED BY DEWBERRY, FEBRUARY 2018. 39. ALL HIGHLY-VISIBLE SINGLE-FAMILY ATTACHED (TOWNHOUSE) END UNITS LOCATED ON LOTS 2, 10, 11 AND 16, SHALL HAVE, AT A MINIMUM, THE WATER TABLE OR FIRST FLOOR FINISHED WITH BRICK, OR OTHER MASONRY, WITH A MINIMUM OF THREE ARCHITECTURAL FEATURES IN A BALANCED AND HARMONIOUS COMPOSITION.

40. THE TWO SIDE ELEVATIONS OF ALL HIGHLY VISIBLE SINGLE-FAMILY DETACHED UNITS, LOCATED ON LOTS 1, 17, 21, 29, 30 AND 31, SHALL HAVE, AT A MINIMUM, THE WATER TABLE OR FIRST FLOOR FINISHED WITH BRICK, OR OTHER MASONRY, WITH A MINIMUM OF THREE ARCHITECTURAL FEATURES IN A BALANCED AND HARMONIOUS COMPOSITION.

41. NO TWO SINGLE-FAMILY DETACHED UNITS THAT ARE ADJACENT TO OR ACROSS THE STREET DIRECTLY FACING EACH OTHER SHALL USE THE SAME MODEL.

42. ALL SINGLE FAMILY ATTACHED UNITS PRESENT ON THE UPPER LOT OF THE SITE SHALL INCORPORATE PITCHED ROOFS (AS OPPOSED TO LOW-SLOPE ROOFS), CONSISTENT WITH THE ARCHITECTURE OF THE SINGLE-FAMILY DETACHED DWELLING UNITS.

43. THREE-FOOT SIDE-YARDS OF ADJACENT HOUSES SHALL NOT ABUT EACH OTHER.

44. SINGLE-FAMILY DETACHED HOMES THAT ARE NOT OUTFITTED WITH A WRAPAROUND PORCH SHALL HAVE AN OPTION TO INCLUDE A SEPARATE SIDE PORCH IN THE DESIGN AND CONSTRUCTION OF THE DWELLING.

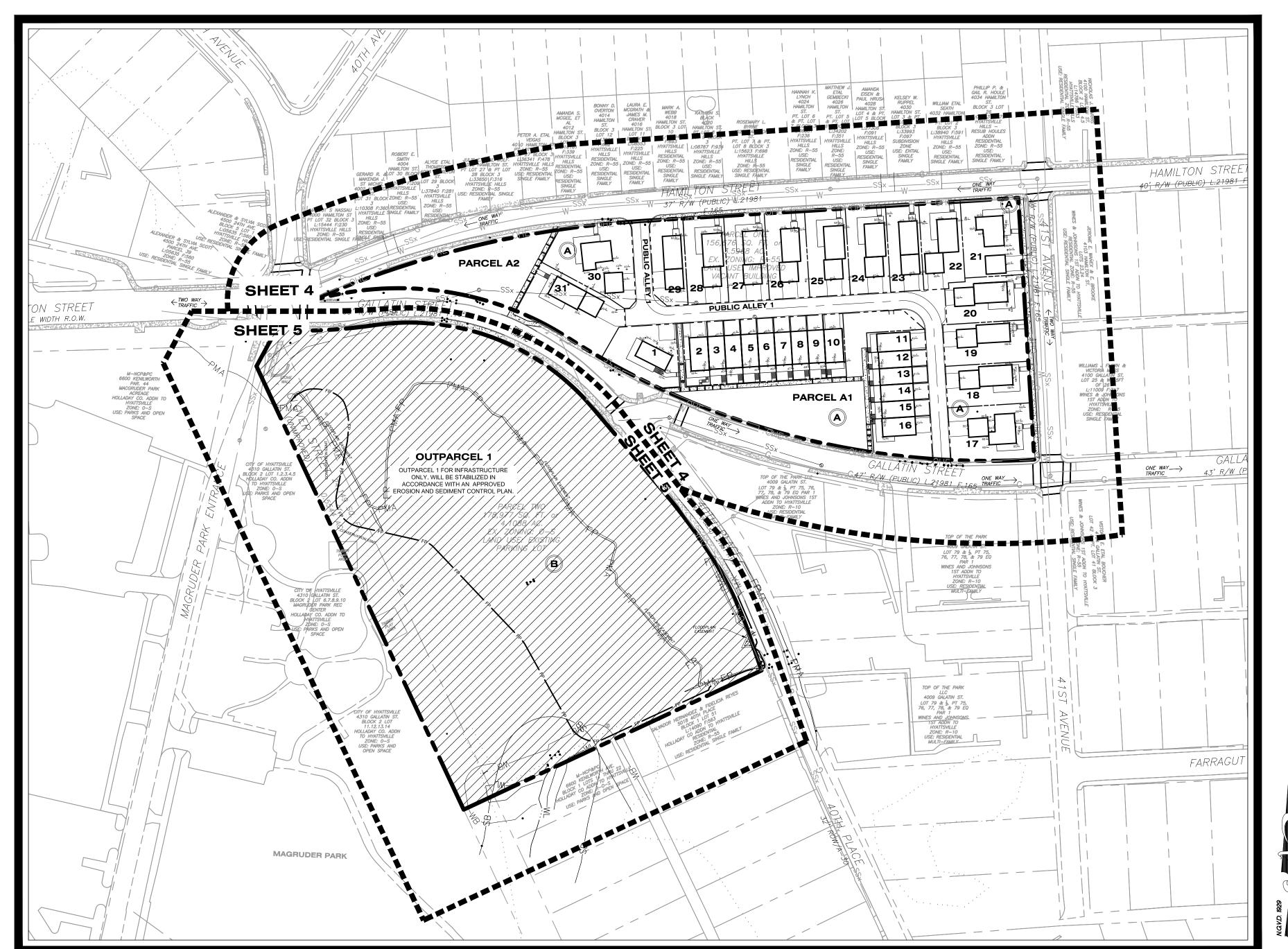
45. FOR THOSE UNITS WITHOUT ROOFTOP DECKS, THE ROOF OF THE GARAGE SHALL MATCH THE PITCH AND STYLE OF THE ACCOMPANYING DWELLING UNIT.

46. THE APPLICANT SHALL ENSURE ALL WALKWAYS AND ENTRANCES CAN ACCOMMODATE INDIVIDUALS WITH ACCESSIBILITY AND MOBILITY ISSUES.

47. DURING THE DEMOLITION/CONSTRUCTION PHASES OF THIS PROJECT, NO DUST SHOULD BE ALLOWED TO CROSS OVER PROPERTY LINES AND IMPACT ADJACENT PROPERTIES. INDICATE INTENT TO CONFORM TO CONSTRUCTION ACTIVITY DUST CONTROL REQUIREMENTS AS SPECIFIED IN THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND

48. DURING THE DEMOLITION/CONSTRUCTION PHASES OF THIS PROJECT, NOISE SHOULD NOT BE ALLOWED TO ADVERSELY IMPACT ACTIVITIES ON THE ADJACENT PROPERTIES. INDICATE INTENT TO CONFORM TO CONSTRUCTION ACTIVITY NOISE CONTROL REQUIREMENTS AS SPECIFIED IN SUBTITLE 19 OF THE PRINCE GEORGE'S COUNTY CODE.

MAGRUDER POINTE DETAILED SITE PLAN - 18005

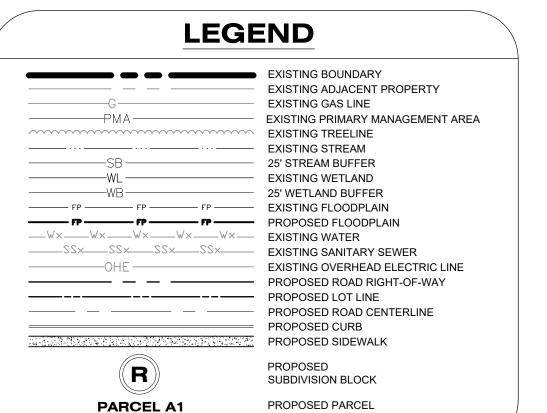


LOCATION PLAN PLAN VIEW

EXISTING ADJACENT PROPERTY EXISTING GAS LINE EXISTING PRIMARY MANAGEMENT AREA PROPOSED CURB PROPOSED SUBDIVISION BLOCK PARCEL A1 PROPOSED PARCEL PROPOSED LOT NUMBER

PROPOSED DRAINAGE AREA MAP DETAIL

FOR LOCATION OF UTILITIES CALL 8-1-1 OR 1-800-257-7777 OR LOG ON TO www.call811.com http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS BUT THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF THE MAINS BY DIGGING TEST PITS $|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|\hspace{.06cm}|$ ADVANCE OF THE START OF EXCAVATION.



VICINITY MAP SCALE: 1" = 2000'

Vicinity Map © ADC - Kappa Map Group LLC/GIS Integrated Solutions LLC 2014 PRINCE GEORGE'S COUNTY **ROAD ATLAS** MAP 5409 GRID H8, F8

SHEET INDEX

1. COVER SHEET

2. APPROVAL SHEET 2A. DDOZ DEVELOPMENT STANDARDS

3. EXISTING CONDITIONS

14,371 SQFT

4. PLAN SHEET 5. PLAN SHEET

SITE STATISTICS						
PARCEL	TOTAL					
GROSS TRACT AREA (PARCEL 1, 2, AND VACATED RIGHT OF WAY)	8.26 AC					
EXISTING 100-YEAR FLOODPLAIN	3.02 AC					
NET TRACT AREA	5.24 AC					
EXISTING WOODLAND IN THE FLOODPLAIN	0.00 AC					
EXISTING WOODLAND NET TRACT	0.00 AC					
EXISTING PMA	3.02 AC					
REGULATED STREAMS (LINEAR FEET OF CENTERLINE)	3.00 LF					
VACATED RIGHT-OF-WAY (CLOVER STREET)	0.49 AC					

DEVELOPMENT TYPE SUMMARY					
LAND USE	ACRES	LAND PERCENTAGE			
RESIDENTIAL	2.58	31.23%			
OPEN SPACE	0.66	7.99%			
PUBLIC RIGHT-OF-WAY	0.36	4.36%			
OUTPARCEL 1	4.66	56.42%			
TOTAL	8.26	100%			

TOTAL	8.20			100%			
SUBDIVISION SUMMARY TABLE							
TOTAL NUMBER OF P	ARCELS		2				
NUMBER OF BLO	CKS		2				
NUMBER OF LO	TS		31				
NUMBER OF OUTPA	RCELS		1				

AVERAGE LOT SIZE THERE IS A ZERO (0) FOOT FRONT AND REAR SET-BACK ON ALL PROPOSED LOTS. HOWEVER, THE APPLICANT

PROPOSES A MINIMUM 18' DRIVEWAYS

UNITS ARE PROPOSED FOR THE LOWER LOT."

THIS PLAN IS FOR ENTITLEMENT PURPOSES ONLY AND SHALL NOT BE

SWM DEVICES AND LOCATIONS SHOWN ON THIS PLAN ARE SUBJECT TO

CHANGE. PLEASE REFER TO THE APPROVED STORM DRAIN AND PAVING

PLANS AS WELL AS THE APPROVED SWM PLANS FOR FINAL DESIGN.

USED FOR CONSTRUCTION..

AVERAGE PARCEL SIZE

PARCEL AREA SUMMARY								
BLOCK	PARCEL	SQ. FOOTAGE	ACRES	DESCRIPTION	DEDICATION			
Α	PARCEL A1	17,673	0.41	OPEN SPACE	НОА			
Α	PARCEL A2	11,069	0.25	OPEN SPACE	HOA			
В	OUTPARCEL 1	203,126	4.66	PRIVATE	N/A			
	TOTAL HOA DEDICATION							
TOTAL:	3	231,868	5.32	OPEN SPACE/ PRIVATE PARCELS	НОА			

DENSITY CALCULATION

ZONE	R-55
USES	SINGLE FAMILY ATTACHED & DETACHED
GROSS/ NET ACREAGE	8.26/ 5.24
DENSITY PERMITTED	72 UNITS*
DENSITY PROPOSED (UPPER LOT)	31
REMAINING DENSITY (LOWER LOT - OUTPARCEL 1)	41

*DENSITY DETERMINED PER THE COUNCIL'S APPROVAL OF CSP-18002. PLEASE REFER TO SHEET 8 OF THE FINAL DECISION - APPROVAL OF CONCEPTUAL SITE PLAN, FOOTNOTE 4, WHICH READS: "TO FACILITATE ORDERLY R-55 DEVELOPMENT OF THE 8.26-ACRE PROPERTY, AND EXPANSION OF PARKLAND WITH THE CITY OF HYATTSVILLE, APPLICANT PROPOSES AN OVERALL DENSITY OF 72 UNITS. 31 UNITS ARE PROPOSED FOR THE UPPER LOT AND 41

PARKING SCHEDULE							
DESCRIPTION	PARKING RATE	MINIMUM REQUIRED	MAXIMUM REQUIRED	PROPOSED			
15 - 18' X 9' FRONT LOAD TOWNHOUSES (2 CAR GARAGE SPACES)	2.04 SPACES PER UNIT	15	30	30			
16 - 18' X 9'REAR LOAD SINGLE-FAMILY HOMES (2 CAR GARAGE SPACES)	2.04 SPACES PER UNIT	16	32	32			
TOTAL		31	62	62*			

*UNDER THE PRINCE GEORGE'S COUNTY GATEWAY ARTS DISTRICT DEVELOPMENT DISTRICT STANDARDS TABLE. AND PER THE TRADITIONAL RESIDENTIAL NEIGHBORHOOD (TRN) CHARACTER AREA THAT THE SITE FALLS WITHIN; "PARKING AND LOADING" STANDARD 5 STATES THAT "PARKING FOR RESIDENTIAL ... USE SHALL CONSIST OF A MINIMUM OF 1 AND A MAXIMUM OF 2 ON-SITE SPACES PER LOT." (THE APPROVED SECTOR PLAN AND SECTIONAL MAP AMENDMENT FOR THE PRINCE GEORGE'S COUNTY GATEWAY ARTS DISTRICT: PAGE 148)

NOT FOR CONSTRUCTION

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION FOR OFFICIAL USE ONLY APPLICATION NAME: MAGRUDER POINTE APPLICATION NO.: DSP-18005 SIGNATURE APPROVAL OF THIS PLAN IS IN ACCORDANCE WITH DISTRICT COUNCIL APPROVAL DATED OCTOBER 13, 2020. SIGNATURE APPROVAL DATE: Digitally signed by Jill Kosack Date: 2020.11.19

16:09:22 -05'00' Authorized Signature

Dewberry[®] 4601 FORBES BOULEVARD

LANHAM, MD 20706 301.731.0188 (FAX)

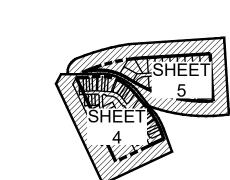
APPLICANT WERRLEIN WSSC LLC **522 DEFENSE HIGHWAY**

ANNAPOLIS, MD 21401

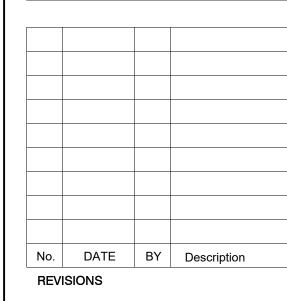
CONTACT JONATHAN WERRLEIN 443-510-1274 Jonathan@werrleinproperties.com

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR DULY REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 3108 EXPIRATION DATE: OCTOBER 3, 2021.

KEY PLAN



AS-SHOWN



APPROVED BY AUGUST 2018

DETAILED SITE PLAN

DEWBERRY JOB NO. 50099455

DATE

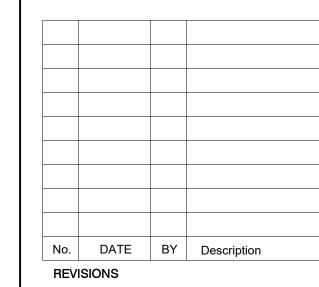
1 OF 5

DSP-18005 DSP-18005 DSP-18005 DSP-18005 11. The Applicant failed to demonstrate that it would protect and restore regulated Environmental Features to the maximum possible extent. Appeal at 9. In response to notices, over 100 persons (inclusive of Opposition) registered to become COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF application for compliance with the 2004 Plan. The Board granted seven amendments to the 2004 ADDENDUM TO DISTRICT COUNCIL DECISIONS B. <u>Issues on Appeal</u> parties of record. Technical Staff Report, 5/28/2020, p. 1, Notice of Public Hearing, 5/12/2020. Plan because it found that the amendments would benefit the development and the development Under the Code, Planning Board may approve a Detailed Site Plan if it finds that the The Planning Board had no legal authority to hear DSP-18005 virtually or remotely. Neither the Zoning Ordinance nor the Planning Board's Rules of Procedure contain provisions allowing the Planning Board to convene virtual or remote hearings. Further, the Planning Board's Rules of Procedure require After persons registered to become parties to the DSP application, the Board provided the DISTRICT IN PRINCE GEORGE'S COUNTY MARYLAND $district\ without\ substantial\ impairment\ to\ the\ Plan.\ Application\ Case\ File-DSP-18005, (6/11/2020,$ regulated environmental features have been preserved and/or restored in a natural state to the **Project Name:** Magruder Pointe DSP-18005 following electronic notice prior to the public hearing: Tr.), PGCPB No. 2020-105, (9/14/2020, Tr.), (10/5/2020, Tr.), See also discussion infra on Appeal fullest-extent possible in accordance with the requirement of Subtitle 24-130(b)(5). PGCC § 27-Dewberry 4601 FORBES BOULEVARD Greetings! Issue 11. The Board did not fail to make the required findings to approve the DSP application. By: Todd M. Turner, Council Chair its Rules [] Planning Board Rules of Procedure Section 12(b) []. Appeal at 3 The Subject: This Detailed Site Plan is for 15 single-family attached units Thank you for registering to speak at the June 11th Planning Board Hearing. Engineers Inc. 5. The Planning Board Failed to Consider the Entire Project's Impacts. LANHAM, MD 20706 and 16 single-family detached units. Pursuant to County and State law, the Board had the legal authority to convene and consider All regulated environmental features are on the lower parcel, proposed Outparcel 1, which includes only infrastructure improvements at this time. The PPS 4-18001 approval included approval of impacts to the regulated environmental features. No new impacts are proposed with this DSP. Therefore, it can be said that the regulated The Planning Board considered only the impacts of the 31 houses and the DSP application, virtually or remotely. Under the County Code, the Board shall only consider quidelines for the Virtual Planning Board Hearing. Thank you for helping build Thriving Communities Today and into the Future! Down J. Brown 301.731.0188 (FAX) the Applicant: a attempts to use the area of the entire property in its Density Calculations; b. plans to use much of the lower parcel and parkland that the City has maintained for decades and county-owned parkland to manage storm water generated by the project; and c. proposes to build 41 townhouses on the Lower Parcel, which would more than double the project's potential impacts. Appeal at 5. (Emphasic in prefaint) Approval Sheet Donna J. Brown [a detailed site plan] at a regularly scheduled meeting of the Board after a duly advertised public www.dewberry.com Applicable D-D-O Zone Standards Sheet Prince George's County Planning Board Hearing Thu, Jun 11, 2020 10:00 AM - 5:30 PM (EDT) fullest extent possible. Clerk of the Council Existing Conditions Plan hearing. Absent a waiver of time determined by the applicant, the Board shall approve, approve Detailed Site Plans PGCPB No. 2020-105, p. 19. The applicant did not fail to demonstrate it would protect and restore with modifications, or disapprove the plan within seventy (70) days of its submittal. PGCC § 27-Please join our meeting from your computer, tablet or smartphone Landscape Plans at 5 (Emphasis in original). APPLICANT Architectural Elevation Sheets regulated environmental features to the fullest extent possible 285(a)(4), (c)(1). Under State law, before the Board (a public body) may convene in an open This DSP application is only for development of the upper parcel-i.e.-construction of 12. The Application, Statements of Justification and Application Disclosure Form meeting to consider a zoning matter, it shall give reasonable advance notice. Md. Code Ann., WERRLEIN WSSC LLC You can also dial in using your phone 31 residential units. The application identifies the lower parcel as an outparcel for infrastructure are obsolete and materially and legally defective. Appeal at 9. The validity period of the Detailed Site Plan is: 3 years General Provisions Article (GP), §§ 3-101, 3-103, 3-301, 3-302, 3-303 (2014, 2019 Supp.). **522 DEFENSE HIGHWAY** and future development, which is in accordance with the Board's prior approval of the Subdivision There is no evidence in the record to support this contention. Application Case File-DSP-Access Code: 226-050-405 The expiration date of the Detailed Site Plan is: October 13, 2023 ANNAPOLIS, MD 21401 In March 2020, Governor Lawrence Joseph Hogan Jr. (followed by County Officials) application. The Board did not fail to consider the impact of the proposed project. Application 18005, (6/11/2020, Tr.), PGCPB No. 2020-105, (9/14/2020, Tr.), (10/5/2020, Tr.). Pursuant to New to GoToMeeting? Get the app now and be ready when your first meeting declared a State of Emergency and Catastrophic Health Emergency due to the outbreak of the Case File–DSP-18005, (6/11/2020, Tr.), PGCPB No. 2020-105, (9/14/2020, Tr.), (10/5/2020, Tr.). PGCC § 27-282(a), an application for a Detailed Site Plan shall be submitted to the Board by the https://global.gotomeeting.com/install/226050405 CERTIFIED ON 1/(9/20) BY AUTHORITY OF: novel coronavirus (COVID-19), and implemented several safety measures intended to reduce the 6. The Planning Department continues to post on its web site inaccurate, owner of the property or authorized representative, along with (among other things) a statement Email from Anika B. Jackson to Registered Speakers, June 10, 2020 (Emphasis in original). Prince George's County District Council CONTACT spread of the infectious disease. These measures included limiting access to public buildings 18002, PPS 4-18001 and DSP-18005. Appeal at 7. of justification. PGCC § 27-282(e)(10). The DSP application was submitted by the applicant Because of notices provided by the applicant and the Board, Opposition (through testimony or Even at the time of the June 11 hearing, a person searching the Department's Development Activity Monitoring System (DAMS) for information on Magnuder Pointe and DSP-18005 would find this misleading statement under JONATHAN WERRLEIN including the County Administrative Building where the Council and the Board conduct business. (Werrlein WSSC LLC) and owner of the property (Jemals WSSC LLC). The application is legally written comments) fully participated at the hearing, which is a clear indication that the notices The Board, in response to COVID-19, postponed its meeting on March 19, 2020, and held its first 443-510-1274 sufficient because it is signed and dated by the applicant, owner, and contract purchaser, and it were legally sufficient. (6/11/2020 Tr.). Meadow Ridge Indus. Center Ltd. Partnership v. Howard "Related Documents" on the project page: virtual meeting on March 26, 2020. Chair Elizabeth M. Hewlett explained that the Board decided Jonathan@werrleinproperties.com was accepted for review by the Planning Department. The application disclosure form is also County, 109 Md. App. 410, 675 A.2d 138 (1996) (where appellants appeared in response to the "NO related documents are available at this time." to convene virtually or remotely to move the business of the County forward during COVID-19, legally sufficient because it is signed, dated and otherwise complete. Application Form, August hearing notice and participated in the hearing, there was a clear indication that the notice of the while maintaining public safety.8 Appeal at 7 (Emphasis in original). There is no evidence in the record to support this contention. 2018, Technical Staff Report, 5/28/2020. The applicant (Werrlein WSSC LLC) also submitted a hearing was legally sufficient and the board's final action was within its powers and jurisdiction). Application Case File-DSP-18005, (6/11/2020, Tr.), PGCPB No. 2020-105, (9/14/2020, Tr.), 17-page statement of justification through legal counsel (Norman Rivera). The statement of ⁸ Board's Hearing on March 26, 2020, 0:1:15, at http://mncppc.iqm2.com/Citizens/SplitView.aspx?Mode=V THE PRINCE GEORGE'S COUNTY GOVERNMENT justification was legally sufficient because it provided a detailed analysis of the project's After the Board's decision to approve the application, notice of the Board's action was sent Before the Board met to consider the DSP application on June 11, 2020, written notice was (10/5/2020, Tr.). Council has no jurisdiction to conduct appellate review of statements or search Office of the Clerk of the Council 301-952-3600 conformance with applicable provisions of the law for site plan approval. Statement of to approximately 140 persons of record. Notice of Board's Action, 6/23/2020. Notice of the sent to Mr. Greg Smith (and other persons of record), as follows:9 results on the Board's Website. Even if there was jurisdiction to do so, Council finds that the Board's action did not prevent Opposition from filing a timely appeal. To the contrary, not only Justification. Subsequently, the applicant supplemented the statement of justification with a point-NOTICE OF PUBLIC HEARING statement "NO related documents are available at this time" after a search on DAMS is neither October 21, 2020 did Mr. Smith file a timely appeal, but at least 29 other persons of record joined his appeal. Notice by-point response to issues raised during review of the application. Rivera Response to Urban Application Number: <u>DSP-18005</u>. inaccurate or misleading. Without more, the search result on DAMS on the project page for this of Appeal, 8/21/2020, Statements Affirming Desire to Join Appeal, 9/13/2020. Design, May 5, 2020. The applicant further submitted a legally sufficient public ethics affidavit Application Name: <u>MAGRUDER POINTE</u>. development simply means "NO related documents are available at this time." The Board created a full record for Council's review because no person of record was because it was signed, dated and otherwise complete—even though under State law, a public ethics Date and time of Planning Board hearing: Thursday, June 11, Assuming DAMS had some irregularities, it is not dispositive of the Board's decision to 2020 at 10:00 a.m. denied the opportunity to submit a relevant exhibit or comment into the record. At the virtual or affidavit is not required for a DSP application. Business Entity Affidavit, 8/7/2018, GP §§ 5approve the DSP application. There is substantial evidence in the record that Opposition was Description of Request: Single Family Attached and Detached remote hearing on June 11, 2020, the Board admitted 13 exhibits from Opposition into the record. provided access to all relevant and related documents to prosecute their appeal of the Board's NOTICE OF FINAL DECISION (6/11/2020, Tr., pp. 3, 7-9). Concerning Mr. Smith, he testified for ± 50 minutes against the Address or Location: Located at the intersection of 40th Place and decision to approve the DSP application. Application Case File-DSP-18005, (6/11/2020, Tr.), Because the Opposition failed to provide any evidence that the application and related Gallatin Street Intersection application and the Chair even allowed him to testify about the contents of an untimely exhibit. PGCPB No. 2020-105, (9/14/2020, Tr.), (10/5/2020, Tr.). Moreover, prior to the commencement filings are obsolete and materially and legally defective, there is no basis in fact or law to record (or a register civic association or municipality) for the subject application. This Notice of Public Hearing is sent to you, a registered nerson of County, Maryland requiring notice of decision of the District Council, you will find enclosed (6/11/2020, Tr., pp. 26-69). Moreover, Mr. Daniel Muth, another person of record, provided an of the first scheduled oral argument before Council on September 14, 2020, Opposition was disapprove the Board's decision case on October 13, 2020. additional ± 10 minutes of virtual or remote testimony against the application. In other words, granted a continuance to October 5, 2020, to allow them adequate time to review the hearing C. Conclusion Attention: Due to COVID 19, Planning Board meetings are held $\pm 45\%$ of the hearing was devoted to opposition testimony from Messrs. Smith and Muth. transcript before the Board. (10/5/2020, Tr.). 19 The Board's approval of the DSP application was http://mncppc.iqm2.com/Citizens/Default.aspx. IF you wish to The DSP application is approved, subject to the following: CERTIFICATE OF SERVICE (6/11/2020, Tr.). Charles H. O'Donnell, Jr. v. Basslers, Inc., 56 Md. App. 507, 468 A.2d 383 not erroneous because of information or searchable results on DAMS. speak at the public hearing, registration must be received by 10 A. Amendments to the Development District Overlay (D-D-O) Zone RUDI (1983) (no prejudice to appellant where, after notice, appellant appeared and participated at 7. The densities that the PPS 4-18001, DSP 18005 and CSP 18002 would generate This is to certify that on October 21, 2020, this notice and attached Council Order was mailed, postage prepaid, to all persons of record. would radically exceed the maximum density of 6.7 units per acre permitted the Zoning Ordinance, the nine units per acre that the Council unlawfu Site Design, Building and Streetscape Siting, Standard 12 (page 146): To allow the minimum lot area of Lots 23 and 29 to Notice of Public Hearing, May 2020 (Emphasis in original). The Board's Rules of Procedure grant approved in its CSP decision; and any density found in local R-55 The Board timely heard and decided the DSP application. PGCC § 27-270 - Order of the Chair the authority to announce reasonable registration requirements for speakers and to be smaller than the requirement, at 4,150 and 4,080 square feet respectively. In addition, to allow the townhouse lots to be a minimum of 1,400 square feet. Dorra J. Brown approvals (...the following order of approvals shall be observed: (1) Zoning; (2) Conceptual Site Zoning Ordinance Section 27-548.23(b) states, "Development District Standards may modify density regulations only to meet the goals of the Development District and the purposes of the D-D-O Zone. <u>Development</u> otherwise expedite business in every way compatible with applicable law. 10 Notwithstanding this Donna J. Brown Plan; (3) Preliminary Plat of Subdivision; (4) Detailed Site Plan; (5) Final Plat of Subdivision...)). grant of authority, Chair Hewlett made the Board's virtual hearing processes widely known from Clerk of the Council 2. Site Design, Building and Streetscape Siting, Standard 16 Among other things, the Board approved the Subdivision application (before the DSP application), the date of the first meeting. The procedures for participation were announced at the beginning of percent impervious surface area, as shown on the site plan. subject to residential density approved in the CSP application. PGCPB No. 2020-35, p. 1, Site Design, Building and Streetscape Siting, Standard 24 ¹⁹ Before or after the commencement of any public hearing, the presiding officer may recess or continue to another time and place provided there has been original notice for the hearing. The presiding officer shall be a provided the p Condition 1. Likewise, the Board approved the DSP application (after the Subdivision ⁹ Under the Open Meetings Act, the Board may also give notice by posting or depositing the notice at a on Lot 21 to be set back 20 feet from the front lot line, instead of the required 40 feet, as shown on the site plan. 4. Site Design, Building and Streetscape Siting, Standard 25 Board's Rules, §§ 4 and 12(c) citing Roberts Rules of Order 11th ed. § 47, ¶ 12, p. 450. (page 147): To allow a minimum side yard of 3-feet-wide or County Administration Building 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772 DSP-18005 DSP-18005 single-family detached lots, with a minimum combined side yard The Zoning Ordinance lays out the density and lot size standards for the R-55 zone, and the rules for calculating residential densities: every meeting, 11 published on the Board's Internet Website ordinarily used to provide information Case No.: DSP-18005 application), subject to the same residential density approved in the CSP application. PGCPB No. to the public, through press releases, and social media pages See subparts a-d of Appeal (incorporated as is fully restated herein). Appeal at 2020-105, p. 20, Condition B. 1. d.11 Applicant: Werrlein WSSC LLC Maryland's Attorney General has opined that a public body (such as the Board) complies single-family detached lots. COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND It was lawful for the Board to approve the Subdivision and DSP applications subject to the 8. The Applicant's Density Calculations are Flawed, Misleading and Unlawful. with the Open Meetings Act when it convenes virtually or remotely during COVID-19, so long as SITTING AS THE DISTRICT COUNCIL Site Design, Siting and Access, Standard 6 (page 149): To allow residential density approved in the CSP application because (under the Code) an application may The Applicant presented no valid Density Calculation with PPS 4-18001 with its Application. As of the close of the Planning Board's June 11 hearing on DSP be approved subject to conditions. PGCC § 27-108.01 (a)(10) - Interpretations and rules of 18005, the Applicant still had failed to present the required Density Calculat fully complied with the Open Meetings Act to convene virtually or remotely to consider the DSP Pursuant to the Land Use Article and the Prince George's County Code, the District To our knowledge, as of early August and perhaps as of this date, the Applican Public Space, Streetscape, Standard 6 (page 155): To allow construction (The word "approve" includes "approve with conditions, modifications, or still had not presented the Density Calculation required to obtain signature approval of PPS 4-18001. application because all persons of record were provided with reasonable advance notice of the Council has jurisdiction to issue the final decision in Detailed Site Plan Application Number 18005 the subject site areas that are adjacent to the public streets to amendments.") (Emphasis added). Moreover, the Board's approval of the Subdivision and DSP $(DSP-18005 \ or \ DSP \ application)$. When reviewing an appeal of a decision from Planning Board public hearing. Application Case File-DSP-18005, (6/11/2020, Tr.), PGCPB No. 2020-105, The Density Calculations that the Applicant presents in DSP 18005 are applications subject to the same residential density approved in the CSP application was not a to approve a DSP application, Council may disapprove the Board's decision if the decision was (9/14/2020, Tr.), (10/5/2020, Tr.). The Board did not have to formally amend its Rule before inaccurate, misleading and in conflict with the Zoning Ordinance on severa B. Conditions of DSP-18005 are as follows: violation of PGGC § 27-125.05 because the density condition was not new information. Both not supported by substantial evidence of record, is arbitrary or capricious, or otherwise illegal. meeting virtually or remotely to consider the DSP application. 12 Prior to certification, the detailed site plan (DSP) shall be revised, a. The Applicant misleadingly assumes gross areas of 3.6 acres fo or additional information shall be provided, as follows: approvals require the applicant, prior to certification of the plans, to provide a correct density Cnty. Council of Prince George's Cnty. v. Zimmer Dev. Co., 444 Md. 490, 120 A.3d 677 (2015).² 2. Through multiple errors, the Planning Board created a flawed and arbitrarily he Upper Parcel, 4.66 acres for the Lower Parcel, and 8.26 acre for entire property.

b. The Applicant fails to base its Density Calculation on the true Obtain signature approval of Preliminary Plan of Subdivision 4-18001, and revise the DSP, as necessary. cated public record, and wrongfully denied individuals and organization Substantial evidence is defined as such relevant evidence as a reasonable mind might calculation table in accordance with the approved CSP application—which Opposition (by its own ersons of Record; d. sign up to testify at the hearing; d. create a full record for accept as adequate to support a conclusion. Id. Arbitrary and capricious means "unreasonably or admission) had since January 2019. CSP-18002, Notice of Final Decision, 6/10/2019, c. The Applicant misleadingly and inappropriately calculate Revise site plan to be consistent with Development Distriction taken by the Planning Board, District Council, the Applicant, or other Persons Overlay Zone standard information included in the revised Statement of Justification. without a rational basis;" "founded on prejudice or preference rather than on reason or fact;" and Consolidated cases CAL19-21492 and CAL19-22819. of Record; f. appeal the Planning Board's decision to the District Council; and the area of the Upper Parcel, and fails to subtract public right of way from its assumed Net Lot Area. Appeal at 9. "characterized by or guided by unpredictable or impulsive behavior, . . . contrary to the evidence For a DSP application, the Board is required to approve, approve with modifications, or c. Provide specific impervious area for Lot 21 on the site The Planning Board also, as (sic) result, undermined the District Council's and 9. The Lot Sizes Approved by the Planning Board Translate to Illegally High or established rules of law." Cty. Council of Prince George's Cty. v. FCW Justice, Inc., 238 Md. disapprove the plan within seventy (70) days of its submittal. If no action is taken within seventy the Court's rights and ability to make fully informed decisions based on a App. 641, 193 A.3d 241 (2018) quoting Harvey v. Marshall, 389 Md. 243, 884 A.2d 1171 (2005). Provide a correct Density Calculation Table, in accordance with the approved Conceptual Site Plan, CSP-18002. (70) days, the plan shall be deemed to have been approved. The applicant may (in writing) extend A lot area of 5000 square feet for detached houses translates to a density of 8.7 units per acre. A lot of (sic) area of 1400 square feet for townhouses translates to 31.1 units per acre. Appeal at 9. PROFESSIONAL CERTIFICATION a. The Planning Board failed to provide adequate, clear and direct public Having reviewed the record, Council finds that the Board's approval of DSP-18005, to the seventy (70) day requirement...as determined by the applicant. PGCC § 27-285(a)(4), (c)(1)(2) e. Include a structured pathway on the west side of the site to I HEREBY CERTIFY THAT THESE develop 15 single-family attached units and 16 single-family detached units, was supported by that the Planning Board was making significant changes to rules governing how and when parties could submit written comments, hearing exhibits, and give individuals a direct pathway from Hamilton Street to DOCUMENTS WERE PREPARED OR (Emphasis added). Technical Staff Report, 5/28/2020, p. 1. In response to Appeal Issues 7-9, Council adopts and incorporates by reference, as if fully Because the applicant did not agree to extend the 70-day review period, the Board's restated herein, all responses above. To reiterate, residential density for this development has f. Revise the site plan to show that all lots shall have a DULY REGISTERED LANDSCAPE ARCHITECT ¹¹ Including the Board's Hearing on June 11, 2020, at http://mncppc.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1557&Format=Agenda UNDER THE LAWS OF THE STATE OF deadline to act on the application was June 16, 2020. At the hearing on June 11, 2020, Opposition already been decided in the CSP application. CSP-18002, Notice of Final Decision, 6/10/2019, Hyattsville's Exhibit 2. MARYLAND, LICENSE NO. 3108 ¹ Planning Board's approval of DSP-18005 was adopted in Resolution No. 2020-105 (PGCPB No. 2020-12 Attorney General's position on virtual meetings, at https://www.marylandattorneygeneral.gov/OpenGov%20Documents/Openmeetings/OMA_FAQ_COVID19.pdf PGCPB No. 18-74(A). Because the CSP application is on judicial review, Council has no g. Provide the following architecture-related and general plan EXPIRATION DATE: OCTOBER 3, 2021. ² Alternatively, Council may affirm, reverse, modify or remand the application to the Board. If the Council fails to act within the specified time, the Board's decision is automatically affirmed. PGCC § 27-290(d). ¹³ On May 18, 2020, Council adopted CR-35-2020, which provided for, among other things, a 60-day stay of public/evidentiary hearings and tolling of time deadlines before the District Council, the Zoning Hearing Examiner and the Board of Appeals—not the Planning Board. CR-35-2020, pp. 2-3. ¹³ Residential density has already been decided for this development. CSP-18002, Notice of Final Decision, 5/10/2019, PGCPB No. 18-74(A). Opposition has requested judicial review of Council's final decision on residential lensity for this development. Consolidated cases CALJ-92-1492 and CALJ-92-2819. Therefore, Council has no urisdiction over the CSP application—including the previously approved residential density. PGCC § 27-135, District jurisdiction over the CSP application—including the previously approved residential density. KEY PLAN DSP-18005 "All highly-visible single-family attached (townhouse) end units located on Lots 2, 10, 11 and 16, shall have, at a minimum, the water table or first floor finished with brick, DSP-18005 substantial evidence of record, not arbitrary, capricious, or otherwise illegal. Application Case DSP-18005 Consolidated cases CAL19-21492 and CAL19-22819, PGCC § 27-135, District Council Rules of File-DSP-18005, (6/11/2020, Tr.), PGCPB No. 2020-105, (9/14/2020, Tr.), (10/5/2020, Tr.). or other masonry, with a minimum of three architectur requested that the hearing be deferred until the litigation in the CSP application is resolved by the Even if the Planning Board had properly adopted new rules, it easily could Procedure, 8. A. Introduction Circuit Court. Alternatively, Opposition requested that the hearing be deferred pursuant to CR-35-"The two side elevations of all highly visible single-family detached units, located on Lots 1, 17, 21, 29, 30 and 31, shall have, at a minimum, the water table or first floor finished with brick, or other masonry, with a minimum of Hearing that the Planning Department issued on May 14, 2020. Yet it did The Board cured any miscalculation of the residential density submitted by the applicant This DSP application is before Council on appeal from Mr. Greg Smith, a person of record 2020.16 The Board declined to defer the hearing. Granting of a continuance is within the sound for the DSP application because the application was approved subject to a correct residential (Opposition),³ after the Board approved the application with conditions. The Board's approval b. The Planning Board published conflicting rules and deadlines regarding discretion of the Board. Washington County Taxpayers Ass'n v. Board of County Comm'rs of how and by what date and time interested parties were required to submit written comments, sign up to testify at the Board's June 11 hearing, and present exhibits at the hearing. three architectural features in a balanced and harmonious density calculation in accordance with the CSP application before the plans can be certified for follows Council's previously approved Conceptual Site Plan (CSP) application⁴ for the same Washington County, 269 Md. 454, 306 A.2d 539 (1973). The Board concluded that the mere filing development. PGCPB No. 2020-105, p. 20, Condition B. 1. d. The Subdivision application was property—to redevelop the former ± 8.26 -acre Washington Suburban Sanitary Commission "No two single-family detached units that are adjacent to of a judicial review in Circuit Court of the CSP application did not in any way stop the Board's . The Planning Board failed to provide a logical and legally sufficient basis or across the street directly facing each other shall use the approved subject to the Board's approval of a reduced lot size in the DSP application for a total of (WSSC) Headquarters—located in Hyattsville, with certain density of residential units. review of the DSP application. 17 The Board also concluded that because the applicant did not for truncating the hearing record by setting a deadline for written comments and exhibits that was different from and earlier than the deadline for: a. oral 31 lots to develop 15 single-family attached units and 16 single-family detached units. PGCPB The property consists of an upper and lower parcel. Prior to Council's approval of the CSP omments; and b. deadlines for written comments and exhibits in previou 'All single family attached units present on the upper lot waive the seventy (70) day review period beyond June 16, 2020, the hearing could not be of the site shall incorporate pitched roofs (as opposed No. 2020-35, p. 3, Condition 10. The Board ultimately approved the reduced lot in the DSP application, the upper ±3.66-acre parcel was zoned R-55 (One-Family Detached Residential) and low-slope roofs), consistent with the architecture of the single-family detached dwelling units." postponed or delayed beyond June 11, 2020-without violating time limits in PGCC § 27d. The Planning Board wrongfully denied the requests of Persons of Record to submit relevant exhibits at the hearing. application. PGCPB No. 2020-105, pp. 19-20, Condition 1. Had the Board not approved the the lower ± 4.66 -acre parcel was zoned O-S (Open Space). Council's approval of the CSP 285(a)(4), (c)(1)(2). (6/11/2020, Tr., pp. 27-28). The Board did not abuse its discretion in denying e. The Planning Board may have wrongfully excluded from the record written comments submitted by concerned Hyattsville residents, and thereby denied their rights to inform the record and to become Persons of Record. Three-foot side-yards of adjacent houses shall not abut reduced lot size in the DSP application, the applicant would have been required to revise the DSP application rezoned the lower parcel to R-55 and amended the Table of Uses of the 2004 Gateway the Opposition request to defer or postpone the hearing. to conform with the approved Subdivision application for 30 lots to develop 15 single-family Arts District Sector Plan and Sectional Map Amendment and the Development District Overlay 3. The Applicant failed to meet the burden of proof required under Zoning "Single-family detached homes that are not outfitted with The Planning Board heard and approved DSP 18005 on June 11, 2020, even a wraparound porch shall have an option to include a separate side porch in the design and construction of the Ordinance Section 27-142. Appeal at 5. attached units and 15 single-family detached units. The Subdivision application was also approved Zone (2004 Plan), to allow townhouses on both R-55 zoned parcels. On appeal, a petition shall specify the error committed and those portions of the record Board had imposed in its approval of the Applicant's Preliminary Plan of Subdivision 4-18001 for Magruder Pointe (PPS 4-18001), specifically the subject to the same residential density condition as the DSP application—i.e.—requiring the Opposition and the City of Hyattsville (Hyattsville) filed separate petitions for judicial lear condition that the Applicant submit a revised Application that met all onditions and that included a valid Density Table. relied upon to support the error alleged. PGCC § 27-290(a). PGCC § 27-142 provides that "[t]he "For those units without rooftop decks, the roof of the applicant to provide a correct residential density calculation in accordance with the CSP garage shall match the pitch and style of the accompanying dwelling unit." review in the Circuit Court to challenge Council's approval of the CSP application.⁵ Although burden of proof in any zoning case shall be the applicant's." Other than a threadbare recital of the SCALE g. The Planning Board denied a reasonable request by Persons of Record to postpone the hearing pending resolution of the opening legal challenge of the District Council's approval of CSP 18002. The Planning Board ignored the facts that the County Council had tolled applicable deadlines—including the 70-day deadline for Planning Board action – and that the errors above would tungeate the record and undergoing the white fields and dealling. application before the Subdivision plan can be certified for development. PGCPB No. 2020-35, p. ³ Any person of record may appeal the Board's decision on a Detailed Site Plan. PGCC § 27-290, Md. Code Nnn, Land Use Article, §§ 25-210, 25-212 (2012, 2019 Supp.). Here, the appeal was filed on August 21, 2020 and is igned only by Mr. Greg Smith, a person of record. Other persons of record listed on the appeal did not sign the appeal field their own. Notice of Appeal, 8/21/2020. On September 13, 2020 (after the deadline to appeal the Board's existion), Mr. Smith submitted statements from those unsigned persons of record listed on the August 21st appeal and on the persons of record in third the statements. elements of PGCC § 27-142, supported by a conclusory statement, the Opposition does not specify 1, Condition 1. Since the CSP application already approved residential density for the "The applicant shall ensure all walkways and entrances can accommodate individuals with accessibility and mobility issues." the error committed by the Board which would demonstrate the applicant failed to meet its burden **AS-SHOWN** development, it was legally correct for the Board to approve the DSP application subject to the would truncate the record and undermine the public's right and ability to of proof. The final decision in any zoning case shall be based only on the evidence in the record. "During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to two other persons of record not initially listed on the August 21st appeal affirming their desire to join his appeal.

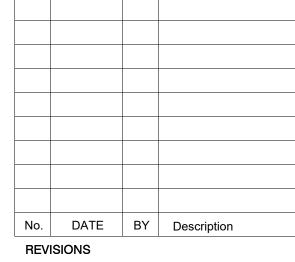
Appellants' Statements Affirming Their Desire to Join the Appeal, 9/13/2020. PGCC § 27-141. Having reviewed the record, Council is persuaded (as the Board was) that the h. Yet the Planning Board allowed the Applicant to submit critical information after the hearing, e.g., an accurate and legally sufficient density table required for PPS 4-18001 and DSP-18005. The Planning Board thereby denied the public the right to review and comment on that information, and attempted to grant to the Applicant rights that the Board had denied to Persons of Record and the public. 10. The Planning Board improperly and unlawfully exempted the Applicant from ⁴ CSP-18002, Notice of Final Decision, 6/10/2019, PGCPB No. 18-74(A). When a Conceptual Site Plan or Detailed Site Plan is required unless otherwise provided for in this Subtitle, the following order of approvals shall be observed: (1) Zoning; (2) Conceptual Site Plan; (3) Freliminary Plat of Subdivision, (4) Detailed Site Plan; (5) Final Plat of Subdivision (6 final plat of subdivision may be approved prior to a detailed site plan; if the technical staff determines that the site plan approval will not affect final plat approval); (6) Grading, building, use and occupancy permits. PGCC § 27-270 - Order of approvals. complying (sic) Condition 3 in the District Council June 10, 2019 final decision approving CSP 18002. Appeal at 9. onstruction activity dust control requirements as specified Condition 3 of the CSP application provided as follows: Prior to issuance of any building permit, Applicant shall, pursuant to PGCC § 27-548.26, obtain approval of a Detailed Site Plan (DSP) for the entire 5 Consolidated Circuit Court cases—CAL19-21492 and CAL19-22819. ¹⁷ The filing of a petition does not stay the order or action of the administrative agency. Md. Rule 7-205 (Emphasis added). DSP-18005 The Board also violated: Hyattsville has challenged the CSP application, it elected not to appeal the Board's approval of the Section 27-125.05 - Technical Staff Reports, which states: "If new 8.26 acres. The DSP shall be subject to all Development District Overla (D-D-O) Zone standards applicable to the Traditional Residentia "During the demolition/construction phases of this project noise should not be allowed to adversely impact activities DSP application to Council. Prior to the Board's approval of the DSP application, the Board also applicant met its burden of proof. Application Case File-DSP-18005, (6/11/2020, Tr.), PGCPB information is provided by the applicant or any governmental agency after the technical staff report is published, any party of record shall be allowed approved applicant's Subdivision application in April 2020. PGCPB No. 2020-35.6 Opposition No. 2020-105, (9/14/202, Tr.), (10/5/2020, Tr.). Neighborhood Character Area. Additional bulk requirements shall be on the adjacent properties. Indicate intent to conform to a one (1) week postponement if such party so requests." Appeal (a-h) at 4 construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County established with the approval of the DSP to implement the applicable goal 4. The Planning Board failed to make the required finding that the project and filed a petition for judicial review in the Circuit Court to challenge the Board's approval of the DSP 18005 would support and meet the goals and standards set forth in the Zoning Ordinance, the General Plan, the Gateway Arts District Sector Plan several functional master plans, floodplain policies, Anacostia Watershed Opposition received all statutory required notice for the DSP application. The purpose of Subdivision application but Hyattsville did not. CAL20-14895. achieve context-sensitive, high-quality, single-family residential h. Provide the stormwater management (SWM) plan for review and approval by the Prince George's County Department of Parks and Recreation (DPR) to assess the the notice requirement is to inform and is satisfied where the record reflects that the protesting The DSP application identifies the upper parcel for development with residential units and Restoration Agreement and Plans, and other applicable policy instruments CSP-18002, Notice of Final Decision, 6/10/2019. The Board found that the DSP application parties (as is the case here)14 possessed actual knowledge of the application and participated at the the lower parcel for infrastructure and future development. Among other things, the Board impact of stormdrain outfalls on adjacent parkland. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent parkland. If the outfalls require Under the Code, the Board is required to make the following findings: complied with Condition 3 of the CSP application as follows: public hearing to contest many facets of the application and did so through testimony of record. approved the DSP application to develop the upper parcel subject to the residential density No. DATE BY Description (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disense; the Plan. Largo Civic Ass'n v. Prince George's County, 21 Md. App. 76, 318 A.2d 834 (1974), Landover drainage improvements on land owned by the Marylar approved in the CSP application. Opposition claims that the Board made several errors approving National Capital Park and Planning Commission, DPR shall review and approve the location and design of these facilities. DPR shall also require, at a minimum, a Right of Books, Inc. v. Prince George's County, Maryland, 81 Md. App. 54, 566 A.2d 792 (1989), The District Council approved Remanded CSP-18002 on June 10, 2019 with three **REVISIONS** the DSP application and requests that Council disapprove the application. nditions. The conditions that are relevant to the review of this DSP are discussed (6/11/2020, Tr.), (10/5/2020, Tr.). Entry Agreement, along with a grading and restoration bond for the park property affected. Should the SWM plan be revised to eliminate the outfall on park property, this For reasons set forth below, Council finds that the Board did not commit any of the alleged Board may disapprove the Plan. In March 2018, pursuant to PGCC § 27-125.01(a), notice of informational mailing of the errors raised by Opposition. The Board's decision to approve DSP-18005 was well-reasoned in (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual S. was required). condition shall be voided. Prior to issuance of any building permit, Applicant shall, pursuant to PGCC § 27-548.26, obtain approval of a Detailed Site Plan (DSP) for the entire 8.26 acres.
 The DSP shall be subject to all Development District Overlay (D-D-O) Zone applicant's intent to file the DSP application was sent to approximately 88 adjoining property accordance with the law, facts and evidence of record. Therefore, the Board's conditional approval owners, 8 registered community organizations, and 9 municipalities. Technical Staff Report, of DSP-18005 is AFFIRMED. (3) The Planning Board may approve a Detailed Site Plan for During public hearing for townhouse developments, issues related 5/28/2020, p. 1, Affidavit of Dewberry, 3/19/2018, Receipt of Planning Department, 1/10/2018, frastructure if it finds that the plan satisfies the site design Additional bulk requirements shall be established with the approval of the DSP to implement the applicable goals and recommendations of the 2004 Approved Sector APPROVED BY security on the models were discussed. Security in a comp Letter from Rivera, 1/9/2018. townhouse development is important, and doorbell cameras ma public's health, safety, welfare, and economic well-being for improve the security of individual units and help to create a safe CHECKED BY District, to achieve context-sensitive, high-quality, single-family residential designs where the general area around the front door allows for the installation of third-party doorbell cameras and external entryways ⁷ PGCPB No. 2020-105, p. 20, Condition B. 1. d. The Board approved the subdivision application, PPS 4-18001, subject to the Board's approval of a reduced lot size in the DSP application for a total of 31 lots to develop 15 single-family attached units and 16 single-family detached units. PGCPB No. 2020-35, p. 3, Condition 10. The Board ultimately approved the reduced lot in the DSP application, PGCPB No. 2020-105, pp. 19-20, Condition 1. Had the Board not approved the reduced lot size in the DSP application, Applicant would have been required to revise the DSP to conform with the approved subdivision application for 30 lots to develop 15 single-family attached units and 15 single-family detached units. The Board also approved the subdivision application subject to density calculation approved in the CSP application. PGCPB No. 2020-35, p. 1, Condition 1. acceptance of the application was sent to 88 adjoining property owners, 11 registered community (4) The Planning Board may approve a Detailed Site Plan if it finds that The applicant has filed this DSP, for the entire 8.26 acres; but shows only first phase AUGUST 2018 are wide enough to allow such cameras broad peripheral covera-DATE of 31 dwelling units for development of the upper parcel, in accordance with this organizations, and 9 municipalities. Technical Staff Report, 5/28/2020, p. 1, Affidavit of The security options could be available in the model selection restored in a natural state to the fullest extent possible in accordance ondition. The DSP has been reviewed for conformance with the applicable D-O-Zone conditions, as discussed in the above Finding 8. The DSP meets all the time of purchase or as a possible rough-in to facilitate with the requirement of Subtitle 24-130(b)(5). Dewberry, 3/31/2018, Receipt of Planning Department, 3/30/2020, Letter from Dewberry, applicable D-D-O Zone standards, except for seven standards that the TITLE PGCC § 27-285(b)(1)-(4). There is substantial evidence in the record that the Board made all applicant has requested amendments to, in accordance with Section 27 548.25(c). The additional bulk requirements achieve a context-sensitive, high Ordered this 13th day of October, 2020, by the following vote: Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property (including a preliminary plan of subdivision), but Council has no jurisdiction to review the Board's decision to a Subdivision application POCC § 27-141, County Council of Prince George's County v. Dutcher, 365 Md. 399, 780 A 24 1137 (2001). Council may also take administrative notice of facts of general knowledge, technical or scientific facts, laws, ordinances and regulations. It shall give effect to the rules of privileges recognized by law. Council may exclude incompetent, irrelevant, immaterial or unduly repetitious evidence. District Council Rules of Procedure Rule 6.5(f). 548.25(c). The additional bulk requirements achieve a context-sensitive, high quality, single-family development. The DSP satisfies this condition. required findings to approve the application. 18 Among other things, the Board reviewed the DETAILED In Favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras, and Turner. ⁸ Other required findings for this development, not relevant here, were made by the Board and Council in the CSP application. CSP-18002, Notice of Final Decision, 6/10/2019, PGCPB No. 18-74(A). The Board also made other required findings for this development in the Subdivision application. PGCPB No. 2020-35. The Board is not equired (under the Code) to find that the DSP application meet the goods and standards of the Anacostia Watershed testoration Agreement and other applicable policy instruments. Appeal at 5. ¹⁴ At oral argument, Mr. Smith testified that he "fully participated" in all the application proceedings concerning this development. (10/5/2020, Tr.). SITE PLAN PGCPB No. 2020-105, pp. 5-11 (Emphasis added). The Board did not improperly and unlawfully exempt the applicant from complying with Condition 3 of the CSP application NOT FOR CONSTRUCTION Absent: Council Member Hawkins Vote: 10-0. THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION FOR OFFICIAL USE ONLY NOTE FOR LOCATION OF UTILITIES CALL 8-1-1 OR 1-800-257-7777 APPLICATION NAME: MAGRUDER POINTE OR LOG ON TO DEWBERRY JOB NO. 50099455 APPLICATION NO.: DSP-18005 www.call811.com SIGNATURE APPROVAL OF THIS PLAN IS IN http://www.missutility.net ACCORDANCE WITH DISTRICT COUNCIL APPROVAL DATED OCTOBER 13, 2020. 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY SIGNATURE APPROVAL DATE: Digitally signed by INFORMATION CONCERNING UNDERGROUND THIS PLAN IS FOR ENTITLEMENT PURPOSES ONLY AND SHALL NOT BE Jill Kosack Date: 2020.11.19 UTILITIES WAS OBTAINED FROM AVAILABLE USED FOR CONSTRUCTION... RECORDS BUT THE CONTRACTOR MUST 16:09:22 -05'00' Authorized Signature DETERMINE THE EXACT LOCATION AND ELEVATION OF THE MAINS BY DIGGING TEST PITS SWM DEVICES AND LOCATIONS SHOWN ON THIS PLAN ARE SUBJECT TO BY HAND AT ALL UTILITY CROSSINGS WELL IN CHANGE, PLEASE REFER TO THE APPROVED STORM DRAIN AND PAVING ADVANCE OF THE START OF EXCAVATION. PLANS AS WELL AS THE APPROVED SWM PLANS FOR FINAL DESIGN. SHEET NO. 2 OF 5

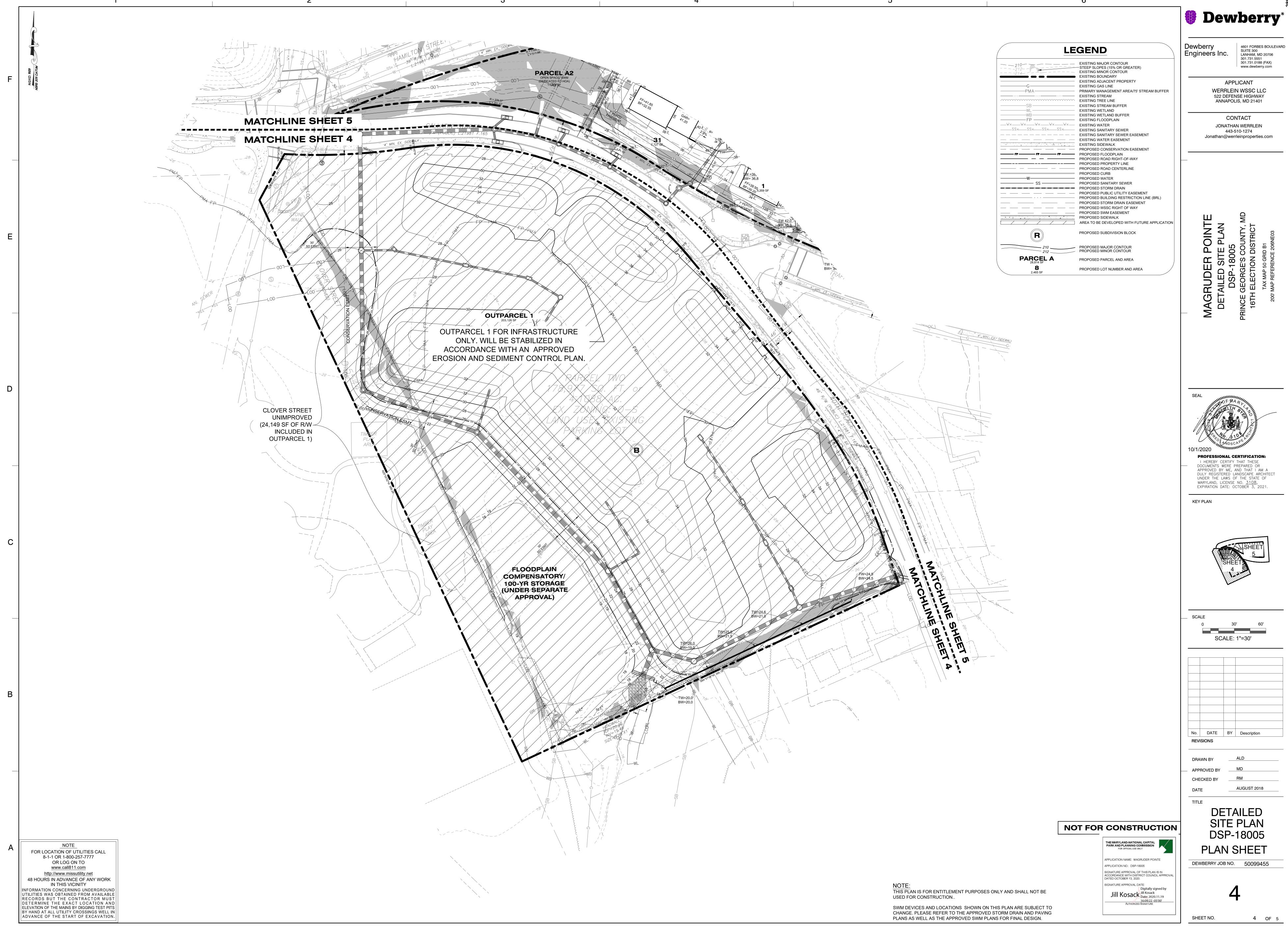
DDOZ DEVELOPMENT STANDARD	2		3	4		5			6	
REGULATION STANDARD TRADITIONAL RESIDENTIAL NEIGHBORHOOD	COMPLIANCE AMENDMENT TO STANDARD / JUSTIFICATION	PARKING AN LOADING	D 5. PARKING FOR RESIDENTIAL AND LIVE/WORK USE SHALL CONSIST OF A MINIMUM OF 1 AND A MAXIMUM OF 2 ON-SITE SPACES PER LOT. IF THE DWELLING LOT FRONTS ON A STREET WITH ON-STREET RESIDENTIAL PARKING. EACH 20	5. MET- PARKING FOR THE PROPOSED DEVELOPMENT HAS BEEN TABULATED IN ACCORDANCE WITH THIS STANDARD. ALL LOTS HAVE PARKING FOR 2 CARS; MOST HAVE 2 CAR GARAGES; LOT 1 HAS A 2 CAR PARKING PAD.	SIGNAGE	9. SIGN AREA SHALL NOT EXCEED THE REGULATION SECTIONS 27-613(C), (F), AND 27-107.01 OF THE ZOIORDINANCE. 11. SIGNS SHALL NOT BE MOUNTED ON THE ROOF	NING PF	12. N/A- THESE STANDARDS DO NOT APPL' ROPOSED DEVELOPMENT AS NO SIGNS AR		Dewberry
F SITE DESIGN 11. DECKS, GARAGES, SHEDS, AND AUXILIARY BUILD USED FOR THE STORAGE OF CARS OR TRUCKS SHATE AS ACCESSORY BUILDINGS. 12. ON PROPERTIES ZONED R-55, THE MINIMUM LOTE FOR NEW DWELLINGS SHALL BE 5,000 SQUARE FEED WHERE THE DEPTH OF THE LOT IS LESS THAN 100 IN THE MINIMUM NET LOT AREA SHALL BE 4,800 SQUARE SQUARE FOR ONE-FAMILY SEMIDETACHED DWELLINGS SEMIDETACHED DWELLINGS SONE SEMIDETACHED DWELLINGS SONE SEMIDETACHED DWELLINGS SONE SONE SEMIDETACHED DWELLINGS SONE SEMIDETACHED DWELLINGS SONE SONE SEMIDETACHED DWELLINGS SONE SEMIDETACHED DWELLINGS SONE SEMIDETACHED DWELLINGS SONE SONE SEMIDETACHED DWELLINGS SONE SEMIDETACHED SEMIDETA	BUILDINGS USED FOR THE STORAGE OF CARS OR TRUCKS SHALL BE TREATED AS ACCESSORY BUILDINGS. 1 AREA 12. NOT MET- THE APPLICANT REQUESTS THE FOLLOWING MODIFICATION; TO ESTABLISH A MINIMUM NET LOT AREA OF 1400SF FOR TOWNHOUSE LOTS, AND TO ALLOW 2 (LOTS 23 AND 29) DETACHED SINGLE FAMILY UNITS HAVING LESS THAN THE REQUIRED 5000SF MINIMUM.APPROVED FOR TWO LOTS		FEET OF LINEAR FRONTAGE MAY BE SUBSTITUTED FOR 1 SPACE. 6. IF A PARKING DISTRICT(S) IS ESTABLISHED IN THE ARTS DISTRICT OR INDIVIDUAL MUNICIPALITY, THE NUMBER OF OFF-STREET SURFACE PARKING SPACES, FOR USES WITH AT LEAST 35,000 SF OF GFA, OTHER THAN ARTIST STUDIO, RESIDENTIAL AND LIVE/WORK SHALL NOT EXCEED 80 PERCENT OF THE NUMBER OF OFF-STREET PARKING SPACES REQUIRED BY SECTION 27-568(A) OF THE ZONING ORDINANCE. IF ADDITIONAL PARKING IS PROVIDED, IT SHALL	6-7. N/A- THESE STANDARDS DO NOT APPLY TO OUR PROPOSED DEVELOPMENT AS NO PARKING DISTRICT IS ESTABLISHED. 9. N/A- THIS STANDARD DOES NOT APPLY TO OUR PROPOSED DEVELOPMENT; OFF-SITE PARKING IS NOT USED TO MEET PARKING REQUIREMENTS.	PUBLIC SPACE	BUILDING OR EXCEED THE HEIGHT OF A BUILDING' FACADE. 12. WALL MURALS SHALL NOT CONTAIN LOGOS, ADVERTISING, OR A PRODUCT FOR SALE. THE NAM SPONSOR MAY APPEAR IN LETTERS NOT MORE THINCHES IN HEIGHT. A WALL MURAL SHALL NOT CON IMAGE(S) THAT ARE OBSCENE OR NEGATIVELY IMFHISTORIC CHARACTERS AND RESOURCES OF THE COMMUNITY.	S ME OF THE AN EIGHT NTAIN AN PACT			Dewberry Engineers Inc. 4601 FORBES BOULEVARI SUITE 300 LANHAM, MD 20706 301.731.5551 301.731.0188 (FAX) www.dewberry.com APPLICANT WERRLEIN WSSC LLC
SHALL BE 3,500 SQUARE FEET. 14. ON PROPERTIES ZONED R-20, THE MINIMUM NET AREA FOR TOWNHOUSES SHALL BE 2,000 SQUARE 15. ON PROPERTIES ZONED R-T, THE MINIMUM NET AREA FOR TOWNHOUSES SHALL BE 1.800 SQUARE	CONSISTENT WITH THE GOALS OF THE TRN. 13-15. N/A- THESE STANDARDS DO NOT APPLY TO OUR FEET. PROPOSED DEVELOPMENT. LOT 16. NOT MET- ALL UNITS HAVE FRONT PORCHES FACING THE		BE STRUCTURED. REQUIRED PARKING MAY BE ON OR OFF SITE BUT SHALL BE LOCATED WITHIN ONE-QUARTER MILE OF THE DEVELOPMENT SITE. THIS SECTION'S REQUIREMENTS SHALL APPLY TO ALL DEVELOPMENT UNDER 35,000 SF OF GFA.		STREETSCAPE	3. THE NEIGHBORHOOD STREETSCAPE SHALL CON A SIDEWALK A MINIMUM OF FOUR FEET IN WIDTH A INCLUDE AN ADDITIONAL STRIP FIVE FEET IN WIDT CONTAINING STREET TREES, LANDSCAPING AND	AND MAY H PF	NOT MET- THE APPLICANT REQUESTS THE DDIFICATION; ALL OF THE STREETS PART (ROPOSED SUBDIVISION ARE EXISTING. WH DES NOT ALREADY EXIST, IT IS PROPOSED	OF THIS HERE SIDEWALK O TO BE AT LEAST	522 DEFENSE HIGHWAY ANNAPOLIS, MD 21401 CONTACT
16. THE FRONT YARD SHALL NOT HAVE MORE THAN PERCENT IMPERVIOUS SURFACE AND SHALL NOT II A PAVED AREA FOR PARKING BETWEEN THE DWELL THE STREET SIDEWALK. 17. THE ONE-FAMILY DETACHED DWELLING LOT CO	NCLUDE LOT 21, WHICH IS 26% IMPERVIOUS. ALL UNITS ARE SERVED FROM THE REAR BY A NETWORK OF ALLEYS, EXCEPT FOR LOT 21 WHICH IS SERVED BY A DRIVEWAY TO THE STREET. THIS DRIVEWAY IS NOT BETWEEN THE DWELLING AND THE		7. IF A PARKING DISTRICT(S) IS ESTABLISHED FOR THE ARTS DISTRICT OR INDIVIDUAL MUNICIPALITIES, THE MINIMUM NUMBER OF OFF-STREET SURFACE PARKING SPACES FOR USES OTHER THAN ARTIST STUDIO, RESIDENTIAL, AND LIVE/WORK SHALL BE REDUCED 50 PERCENT FROM THE MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING			PEDESTRIAN AMENITIES. 4. ALL STREETS SHALL HAVE A SIDEWALK ON BOTH WHEREVER POSSIBLE 5. ON US 1, ALT US 1 AND 38TH STREET, TREE BOX BE AT LEAST 5 FEET WIDE, 10 FEET LONG, AND 4 FOR ALL OTHER STREETS TREE BOXES SHALL BE A	H SIDES FO EN ES SHALL SI EET DEEP. LE	OUR FEET WIDE WHERE FEASIBLE. WHILE OR MOST OF THE STREET FRONTAGE IT IS YERYWHERE DUE TO EXISTING SITE CONS' DEWALKS ON THE EXISTING PUBLIC STREIFT AS-IS PER THE CITY. NOT MET-THE APPLICANT REQUESTS THE	NOT TRAINTS. THE ETS ARE TO BE	JONATHAN WERRLEIN 443-510-1274 Jonathan@werrleinproperties.com
INCLUDING ACCESSORY USES, ARTIST STUDIOS, AN OTHER HOME OCCUPATIONS SHALL BE A MAXIMUM PERCENT OF THE NET LOT AREA. 18. ACCESSORY BUILDINGS SHALL ONLY COVER A NOF 25 PERCENT OF THE REAR YARD. 19. ON PROPERTIES ZONED R-55, R-35 OR R-20, THE MINIMUM LOT FRONTAGE AND MINIMUM LOT WIDTH BE 20 FEET. LOTS WITH A SMALLER LOT WIDTH THAT PREDATE THE APPROVAL OF THE ARTS DISTRICT SEED DEVELOPED IF IT IS DOCUMENTED THAT MORE ONE DWELLING EXISTS ON THE STREET ON A LOT VISIMILAR OR LESSER FRONTAGE. 20. TOWNHOUSES SHALL HAVE A MINIMUM LOT WIDTE AND SHALL NOT FRONT A PARKING LOT.	A MODIFICATION TO THIS DEVELOPMENT DISTRICT STANDARD FOR LOT 21. 17. MET- LOT COVERAGE DOES NOT EXCEED 45 PERCENT OF THE NET LOT AREA FOR SINGLE-FAMILY DETACHED LOTS. 18. MET- ACCESSORY BUILDINGS ONLY COVER A MAXIMUM OF 25 PERCENT OF THE REAR YARD. AT SMA MAY WIDTH IS 20 FEET. THAN WITH A OF 25 MET- TOWNHOUSE LOTS MEET THE MINIMUM WIDTH OF 18 FEET AND DO NOT FRONT PARKING LOTS AS ALL TOWNHOUSE LOTS ARE REAR LOADED. 21. MET- ALL SINGLE FAMILY DETACHED UNITS PROPOSED HAVE A MINIMUM OF 20 FEET OF FRONT YARD WITH		SPACES IN ACCORDANCE WITH SECTION 27-568(A) OF THE ZONING ORDINANCE. IF OFF-SITE SHARED PARKING IS UTILIZED IN ACCORDANCE WITH OFF-SITE SHARED PARKING REQUIREMENTS BELOW, THEN THIS MINIMUM FOR ON-SITE SURFACE PARKING MAY BE WAIVED. THE MINIMUM NUMBER OF OFF-STREET SURFACE PARKING SPACES PERMITTED FOR EACH LAND USE TYPE SHALL COMPLY WITH SECTION 27-568(A) OF THE ZONING ORDINANCE. DEPARTURE FROM THE PROVISIONS OF SECTION 27-568(A) REQUIRES A DETAILED SITE PLAN REVIEW. 9. WHEN OFF-SITE PARKING IS USED TO MEET THE PARKING REQUIREMENTS, THE APPLICANT WILL NEED TO PROVIDE SATISFACTORY DOCUMENTATION TO SHOW THAT PARKING		PARKS AND	FEET WIDE, 8 FEET LONG, AND 4 FEET DEEP. ALL T BOXES SHALL BE SPACED 30-40 FEET APART. 6. STREET TREES SHALL BE SHADE TREES AND SH MINIMUM OF 2½- TO 3-INCH CALIPER. 1. AT LEAST ONE TREE WITH A MINIMUM 2½- TO 3-II	SI UN R/TH 5. DE FF 6. MG TH	DDIFICATION; ALL STREETS HAVE SIDEWALDES EXCEPT WHERE SITE CONDITIONS MAIFEASIBLE. NOT POSSIBLE AS WE DO NOT WON BOTH SIDES AND AGAIN THIS IS A CILLE MNCPPC. N/A- THIS STANDARD DOES NOT APPLY TO EVELOPMENT AS THIS DEVELOPMENT HAS SONTAGE ON US 1, ALT. US 1, OR 38TH STRUET- PREVIOUSLY, THE APPLICANT REQUIDIFICATION TO THIS STANDARD. PER CPUIE PLANS HAVE BEEN REVISED TO COMPLEMET- AT LEAST ONE TREE WITH A MINIMULATION.	AKE IT CONTROL THE ITY ISSUE NOT O OUR PROPOSED S NO STREET REET. RESTED A D COMMENTARY, Y. M 2½- TO 3-INCH	<u></u>
E 21. FRONT-YARD SETBACKS FOR ONE-FAMILY DETA SEMIDETACHED OR TRIPLE-ATTACHED DWELLINGS BE A MINIMUM OF 20 FEET IN DEPTH. COVERED POR MAY BE LOCATED IN THE FRONT YARD. 22. FRONT-YARD SETBACKS FOR ONE-FAMILY DETA SEMIDETACHED OR TRIPLE-ATTACHED DWELLINGS CONFORM TO THE BLOCK'S PREVAILING FRONT-YA DEPTH. 23. THE FRONT YARD SHOULD HAVE A PAVED WALK MAXIMUM OF FIVE FEET WIDE BETWEEN THE MAIN ENTRANCE OF THE BUILDING AND THE SIDEWALK. 24. ACCESSORY BUILDINGS SHALL BE SET BACK A I	FRONT YARD. 22. N/A- THIS STANDARD DOES NOT APPLY TO OUR PROPOSED DEVELOPMENT AS NO HOUSES EXIST ON THE SIDE OF THE STREET OF THE BLOCKS WITH PROPOSED HOUSES, THERE IS NO PREVAILING FRONT YARD DEPTH TO CONFORM TO. 23. MET- THE FRONT YARDS HAVE A PAVED WALKWAY A MAXIMUM OF FIVE FEET WIDE BETWEEN THE MAIN ENTRANCE OF THE BUILDING AND THE SIDEWALK. 24. NOT MET- ALL ACCESSORY BUILDINGS ARE SET BACK	SITING AND ACCESS FENCING, WALLS,	IS PROVIDED OFF SITE. 4. PARKING SHALL NOT BE LOCATED BETWEEN THE SIDEWALK OR STREET AND THE BUILDING. 6. DRIVEWAYS OR PRIVATE DRIVE-AISLES SHALL HAVE A MAXIMUM WIDTH OF 12 FEET. 2. BARBED WIRE, VINYL CLADDING, UNCLAD CINDER BLOCK, OR RAZOR WIRE SHALL NOT BE USED AS WALLS, FENCES,	4. MET- NO PARKING IS PROPOSED BETWEEN THE STREET AND BUILDINGS. 6. NOT MET- THE APPLICANT REQUESTS THE FOLLOWING MODIFICATION, DRIVEWAYS EXCEED THE MINIMUM WIDTH OF 12 FEET TO ACCOMMODATE TWO PARKING SPACES AND TO SERVE A TWO CAR GARAGE. ONLY ONE UNIT HAS THIS CONDITION AS IT CANNOT MEET OTHER REQUIREMENTS TO ACCESS THE ALLEY AND THIS WAS APPROVED ON THE PPS. 2. MET- PROHIBITED MATERIALS LISTED WILL NOT BE USED AS WALLS, FENCES, OR SCREENING.	PLAZAS	CALIPER SHOULD BE PLANTED PER EVERY 1,000 S FEET OF PROPOSED OPEN SPACE. 2. WALKWAYS IN PARKS AND PLAZAS SHALL HAVE PEDESTRIAN-ORIENTED LIGHTING. 3. A MINIMUM OF 1 SHRUB SHOULD BE PROVIDED F EVERY 100 SQUARE FEET OF AREA, AND THERE SH A MINIMUM OF 3 VARIETIES FOR SPACES GREATEF 300 SQUARE FEET.	PF 2. 3. MG MOULD BE TH	ALIPER IS PLANTED PER EVERY 1,000 SQUAROPOSED OPEN SPACE. N/A- NO PARKS OR PLAZAS ARE BEING PR MET- PREVIOUSLY, THE APPLICANT REQU DDIFICATION TO THIS STANDARD. PER CPI IE PLANS HAVE BEEN REVISED TO COMPL	ROPOSED. JESTED A D COMMENTARY,	JDER POINT LED SITE PLAN SP-18005 ORGE'S COUNTY, N ECTION DISTRICT (MAP 50 GRID B1
OF 40 FEET FROM THE FRONT LOT LINE. 25. SIDE YARDS FOR ONE-FAMILY DETACHED DWEL SHALL BE A MINIMUM OF 8 FEET WIDE ON BOTH SID MAY BE REDUCED AS MUCH AS 4 FEET ON EACH SII WHERE THE RESULTING BUILDING WOULD BE LESS FEET IN WIDTH. 26. SIDE YARDS FOR SEMIDETACHED ONE-FAMILY DWELLINGS SHALL BE A MINIMUM OF EIGHT FEET IN ON THE SIDE NOT ADJOINED TO ANOTHER DWELLIN 27. ONE-FAMILY DETACHED DWELLINGS SHALL HAV REAR YARD A MINIMUM OF 25 FEET IN DEPTH.	FOR LOT 21, WHICH IS CLOSER DUE TO SITE CONSTRAINTS IN BEING A CORNER LOT. THERE IS ALSO NO ACCESS TO THE ALLEY, BUT RATHER TO THE STREET. THE DISTANCE HAS BEEN REDUCED TO KEEP THE DRIVEWAY AT A MINIMUM LENGTH. THEREFORE, THE APPLICANT REQUESTS A MODIFICATION TO THIS DEVELOPMENT DISTRICT STANDARD. 25. NOT MET- THE APPLICANT REQUESTS THE FOLLOWING MODIFICATION; SIDE YARDS ON ONE-FAMILY DETACHED UNITS ARE A MINIMUM OF 3 FEET IN ORDER TO MAXIMIZE THE	DUMPSTERS SERVICES,	AND WALLS INCLUDE MASONRY, WOOD, DECORATIVE METAL, OR BRICK. 4. FRONT-YARD FENCES AND WALLS SHALL BE A MAXIMUM OF FOUR FEET IN HEIGHT. 5. REAR- AND SIDE-YARD FENCES AND WALLS SHALL BE A MAXIMUM OF SIX FEET IN HEIGHT. 6. BARBED WIRE, VINYL CLADDING, UNCLAD CINDER BLOCK, OR RAZOR WIRE SHALL NOT BE ALLOWED. 5. 1. NEW TECHNIQUES AND METHODS OF COLLECTING AND TREATING STORMWATER SHOULD BE USED AS THEY	4. MET- FRONT-YARD FENCES AND WALLS WILL BE A MAXIMUM OF FOUR FEET IN HEIGHT. 5. MET- REAR- AND SIDE-YARD FENCES AND WALLS WILL BE A MAXIMUM OF SIX FEET IN HEIGHT. 6. MET- NONE OF THE MATERIALS PROHIBITED ARE PROPOSED. 1. MET- THE LATEST STORMWATER MANAGEMENT REGULATIONS HAVE BEEN PROPOSED FOR THIS						MAGRU DETAIL DETAIL D PRINCE GE 16TH EL TAX TAX
28. ACCESSORY BUILDINGS SHALL BE SET BACK FR REAR LOT LINES AND ALLEYS A MINIMUM OF TWO F 29. BUILDINGS ON CORNER LOTS SHOULD NOT HAV EXTERIOR WALLS AT THE PEDESTRIAN LEVEL.	ROM RESPONSE IN THE SOJ. THE INTENT OF THE STANDARD IS SATISFIED AND CONSISTENT WITH THE NEIGHBORHOOD AS SHOWN BY THE SECTOR PLAN (PAGE 159-160). 26. N/A- THIS STANDARD DOES NOT APPLY TO OUR PROPOSED DEVELOPMENT AS NO SEMI-DETACHED UNITS PROPOSED.	UTILITIES, OUTDOOR STORAGE, A STORMWATI MANAGEMEI SIGNAGE		1. MET- THERE ARE NO FREESTANDING FREESTANDING POLES, MONUMENTAL SIGNS, OR BILLBOARDS PROPOSED						
D	27. NOT MET- THE APPLICANT REQUESTS THE FOLLOWING MODIFICATION; THE REAR YARDS OF SOME UNITS WILL HAVE DETACHED GARAGES WITHIN THE REAR YARDS AND THE DEPTH MAY BE ADJUSTED ON A LOT-BY-LOT BASIS FOR ENGINEERING REASONS. ADDRESSED IN THE SOJ. PARKING IS A BIG ISSUE AND WE DO NOT WANT TO AFFECT NEIGHBORHOOD PARKING WHICH IS LARGELY ON STREET. THE CITY WILL MAINTAIN THE ALLEYS. 28. MET- ALL ACCESSORY BUILDINGS ARE SET BACK FROM REAR LOT LINES BY AT LEAST 2 FEET.	LIGHTING	3. GRADE CHANGES IN PUBLIC SPACES SUCH AS STAIRS, INCLINES, RAMPS, AND STEPS SHOULD BE ILLUMINATED FROM ABOVE OR AT THE GROUND LEVEL. 4. FIXTURES SHOULD BE LOCATED AND SHIELDED SO THAT LIGHT DOES NOT SPILL FROM A PARKING LOT ONTO AN ADJACENT ONE-FAMILY RESIDENTIAL PROPERTY OR INTO RESIDENTIAL BUILDING WINDOWS.	FOR THIS DEVELOPMENT. 3. MET- GRADE CHANGES IN PUBLIC SPACES SUCH AS STAIRS, INCLINES, RAMPS, AND STEPS WILL BE ILLUMINATED FROM ABOVE OR AT THE GROUND LEVEL. 4. N/A- THIS STANDARD DOES NOT APPLY TO OUR PROPOSED DEVELOPMENT AS THERE ARE NO PARKING LOTS PROPOSED. 1. MET- EXISTING TREES ON THIS SITE ARE FEW, BUT HAVE						SEAL OF MARY
ACCESS AND 2. SIDEWALKS A MINIMUM OF FIVE FEET IN WIDTH S	29. MET- ALL CORNER LOTS SHALL HAVE PROPER FENESTRATION AND NO BLANK EXTERIOR WALLS ON ANY UNIT. 2. NOT MET- THE APPLICANT REQUESTS THE FOLLOWING		FEASIBLE. 2. SHADE TREES WITH A MINIMUM OF 2½- TO 3-INCH CALIPER SHALL BE PROVIDED AT THE RATE OF ONE SHADE TREE PER EVERY 5,000 SQUARE FEET OF THE GROSS SITE AREA (EXCLUSIVE OF STREET DEDICATIONS). EXISTING TREES AND STREET TREES TO BE PLANTED WITHIN THE ABUTTING RIGHT-OF-WAY MAY BE COUNTED TOWARD MEETING THIS STANDARD.	BEEN PRESERVED WHERE FEASIBLE. 2. MET- THE PLANS HAVE BEEN UPDATED TO COMPLY WITH THIS REQUIREMENT TO PROVIDE 72 TREES. REFER TO THE LANDSCAPE PLAN PROVIDED WITH THIS SUBMISSION FOR DETAILS.						10/1/2020 PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 3108, EXPIRATION DATE: OCTOBER 3, 2021.
CIRCULATION 2. SIDEWALKS A MINIMUM OF FIVE FEET IN WIDTH S CONNECT TO DWELLING ENTRANCES, PARKING, RECREATIONAL FACILITIES, AUXILIARY BUILDINGS, RECYCLING, AND DUMPSTER AREAS. 3. SIDEWALKS SHALL NOT BE MADE OF ASPHALT. 4. SIDEWALK MATERIALS AND DESIGN SHALL BE CONTINUOUS ACROSS DRIVEWAYS AND DRIVEWAY APRONS. 7. SITES GREATER THAN FOUR ACRES IN SIZE SHOI PRIVATE DRIVE AISLES OR PUBLIC ALLEYS TO PRO' ACCESS TO THE REAR OF BUILDINGS AND THE INTE THE LOT OR PARCEL FOR ACCESS TO PARKING, DUMPSTERS, AND SERVICE ENTRANCES.	MODIFICATION; SOME FRONT YARDS CONTAIN LEAD WALKS THAT ARE THREE FEET WIDE. AGAIN, THIS IS DONE TO BE CONSISTENT WITH THE AREA AND TO ADDRESS ANOTHER STANDARD TO MINIMIZE IMPERVIOUS AREA. STAFF COMMENTS NEED TO WEIGH ALL GOALS. 3. MET- SIDEWALKS ARE NOT MADE OF ASPHALT. 4. MET- THERE ARE NO SIDEWALKS THAT CROSS DRIVEWAYS ULD HAVE VIDE VIDE THE SIDEWALK AND THE DRIVEWAY APRON WILL BE	BUILDING DE BUILDING HEIGHT	4. THE MAXIMUM HEIGHT OF TOWNHOUSE BUILDINGS SHALL BE 45 FEET. 5. A BAY WINDOW, ORIEL, ENTRANCE VESTIBULE, OR BALCONY MAY PROJECT UP TO THREE FEET BEYOND THE FRONT OR REAR BUILDING LINE, IF THE PROJECTION IS NOT MORE THAN TEN FEET LONG (MEASURED ALONG THE BUILDING). CORNICES AND EAVES MAY PROJECT UP TO TWO AND ONE HALF FEET BEYOND THE BUILDING LINE. THE PROJECTION SHALL BE AT LEAST TWO FEET FROM ANY LOT LINE. 6. THE ALLOWABLE HEIGHT IN R-55, R-35, AND R-20 ZONES SHALL BE 3 STORIES OR 35 FEET. IF AN ADDITIONAL SIDE YARD OF ½ FOOT IS ADDED PER 1 FOOT OF HEIGHT IN EXCESS OF 35 FEET, THE HEIGHT MAY BE INCREASED TO THE MAXIMUM OF 40 FEET. HEIGHT SHALL BE MEASURED FROM THE HIGHEST ELEVATION ON THE FRONT STREET SIDE OF THE BUILDING TO THE HIGHEST MAIN ROOF RIDGELINE OR PARAPET. 7. ACCESSORY BUILDINGS SHALL NOT EXCEED THE HEIGHT OF THE MAIN RIDGELINE OF THE ROOF OF THE PRIMARY	4. NOT MET- TOWNHOUSE BUILDINGS DO NOT EXCEED 45 FEET IN HEIGHT FROM SLAB TO ROOF. HOWEVER, DUE TO SITE LAYOUT CONSTRAINTS MANY LOTS DO NOT FRONT STREETS DIRECTLY AND THEREFORE MAY BE HIGHER THAN 45 FEET FROM THE CLOSEST ADJACENT STREET. THEREFORE, THE APPLICANT REQUESTS A MODIFICATION TO THIS DEVELOPMENT DISTRICT STANDARD. 5. N/A- THIS STANDARD DOES NOT APPLY TO OUR PROPOSED DEVELOPMENT AS THERE ARE NO BAY WINDOWS, ORIELS, ENTRANCE VESTIBULES, OR BALCONIES PROPOSED. 6. NOT MET- MOST STRUCTURES DO NOT EXCEED 35 FEET IN HEIGHT FROM SLAB TO ROOF. HOWEVER, DUE TO SITE LAYOUT CONSTRAINTS MANY LOTS DO NOT FRONT STREETS DIRECTLY AND THEREFORE MAY BE HIGHER THAN 35 FEET FROM THE CLOSEST ADJACENT STREET. THEREFORE, THE APPLICANT REQUESTS A MODIFICATION TO THIS DEVELOPMENT DISTRICT STANDARD. 7. MET- THE HEIGHT OF DETACHED GARAGES WILL NOT EXCEED THE MAIN RIDGELINE OF THE ROOF OF PRIMARY RESIDENCE STRUCTURES.						KEY PLAN
		ARCHITECT	RESIDENTIAL STRUCTURE JRE 4. NEW BUILDINGS GREATER THAN 45 FEET IN WIDTH SHOULD BE DESIGNED TO VISUALLY BREAK UP THE LENGTH OF THE BUILDING 5. BUILDINGS THAT EXCEED 130 FEET IN FRONTAGE ON ANY STREET SHOULD BE ARTICULATED THROUGH MASSING, MATERIAL, COLOR, OPENING, AND DETAIL CHANGES TO APPEAR AS MULTIPLE BUILDINGS RATHER THAN ONE SINGLE BUILDING.	4. N/A- THERE ARE NO NEW BUILDINGS GREATER THAN 45 FEET IN WIDTH. 5. N/A- THERE ARE NO BUILDINGS THAT EXCEED 130 FEET IN FRONTAGE ON ANY STREET. 6. N/A- THIS STANDARD DOES NOT APPLY TO OUR PROPOSED DEVELOPMENT AS THERE ARE NO BUILDINGS INTENDED FOR INSTITUTIONAL USE. 9. NOT MET- THE APPLICANT REQUESTS THE FOLLOWING						SCALE AS-SHOWN
			6. BUILDINGS INTENDED FOR INSTITUTIONAL USE SHOULD HIGHLIGHT THE MAIN ENTRANCE THROUGH MASSING CHANGES, ARCHITECTURAL DETAILS, AND APPROPRIATE LIGHTING AND PLANTINGS 9. ACCESSORY BUILDINGS EXCEEDING 15 FEET IN HEIGHT SHALL MATCH THE ROOF PITCH AND STYLE OF THE MAIN	MODIFICATION; DETACHED GARAGES WILL NOT MATCH THE ROOF PITCH AND STYLE OF MAIN DWELLINGS AS MANY WILL HAVE ROOFTOP DECKS. SEE DETAILED COMMENTARY IN URBAN DESIGN COMMENT RESPONSE IN THE SOJ. 11. MET- FRONT PORCHES ARE PROVIDED ON ALL UNITS. 12. MET- ALL SINGLE-FAMILY DETACHED HOUSES WILL BE						
В			DWELLING. 10. ROOF PITCHES SHOULD BE COMPATIBLE WITH THOSE IN THE SURROUNDING NEIGHBORHOOD. 11. FRONT PORCHES SHOULD BE PROVIDED. 12. NEW BUILDINGS SHOULD BE FACED ON ANY FACADE FRONTING A PUBLIC STREET WITH QUALITY MATERIALS	HARDIE-PLANK SIDING IN HISTORICAL COLORS. THIS MATERIAL IS COMPLIMENTARY TO THE SURROUNDING NEIGHBORHOOD. THE SINGLE-FAMILY ATTACHED TOWNHOUSES WILL BE BRICK ON ALL SIDES.						
			SUCH AS BRICK, STONE, WOOD, MASONRY, OR STUCCO COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING NEIGHBORHOODS.							No. DATE BY Description REVISIONS
										DRAWN BY ALD APPROVED BY CHECKED BY DATE AUGUST 2018
A NOTE FOR LOCATION OF UTILITIES CALL 8-1-1 OR 1-800-257-7777 OR LOG ON TO									NOT FOR CONSTRUCTION THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION FOR OFFICIAL USE ONLY APPLICATION NAME: MAGRUDER POINTE	DETAILED SITE PLAN DSP-18005 DDOZ DEVELOPMEN' STANDARDS
OR LOG ON TO www.call811.com http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS BUT THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF THE MAINS BY DIGGING TEST PITS						US	SED FOR CONSTRUCTION	T PURPOSES ONLY AND SHALL NOT BE SHOWN ON THIS PLAN ARE SUBJECT TO	APPLICATION NO.: DSP-18005 SIGNATURE APPROVAL OF THIS PLAN IS IN ACCORDANCE WITH DISTRICT COUNCIL APPROVAL DATED OCTOBER 13, 2020. SIGNATURE APPROVAL DATE: Digitally signed by Jill Kosack Date: 2020.11.19 16:09:22-05'00' AUTHORIZED SIGNATURE	DEWBERRY JOB NO. 50099455 2A
BY HAND AT ALL UTILITY CROSSINGS WELL IN ADVANCE OF THE START OF EXCAVATION.						CH	HANGE. PLEASE REFER TO TH	E APPROVED STORM DRAIN AND PAVING VED SWM PLANS FOR FINAL DESIGN.		SHEET NO. 2A OF 5

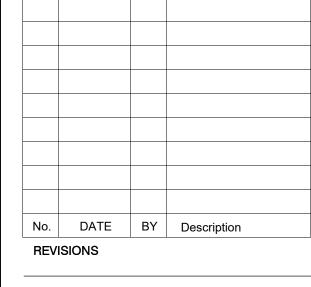


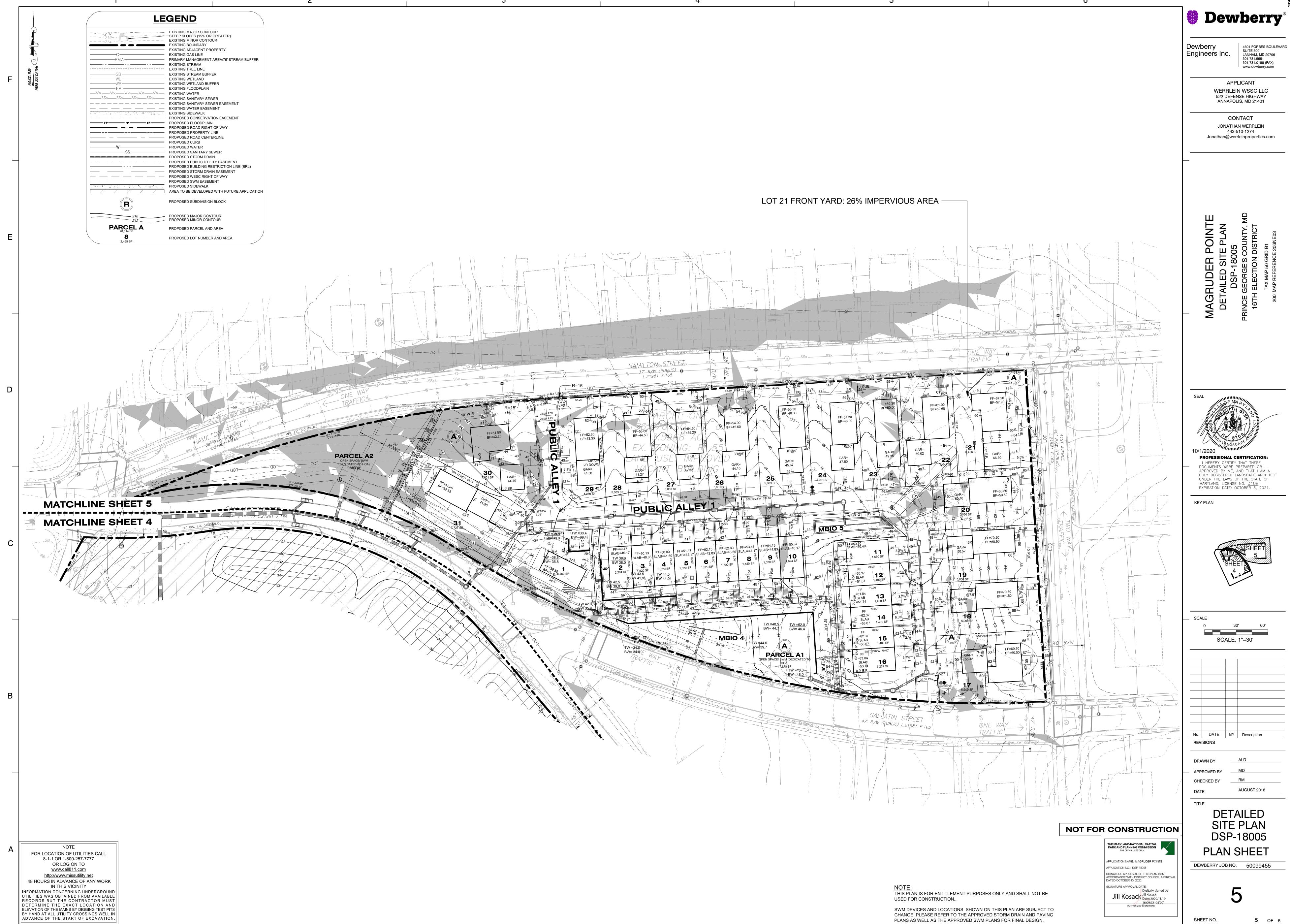


Dewberry*



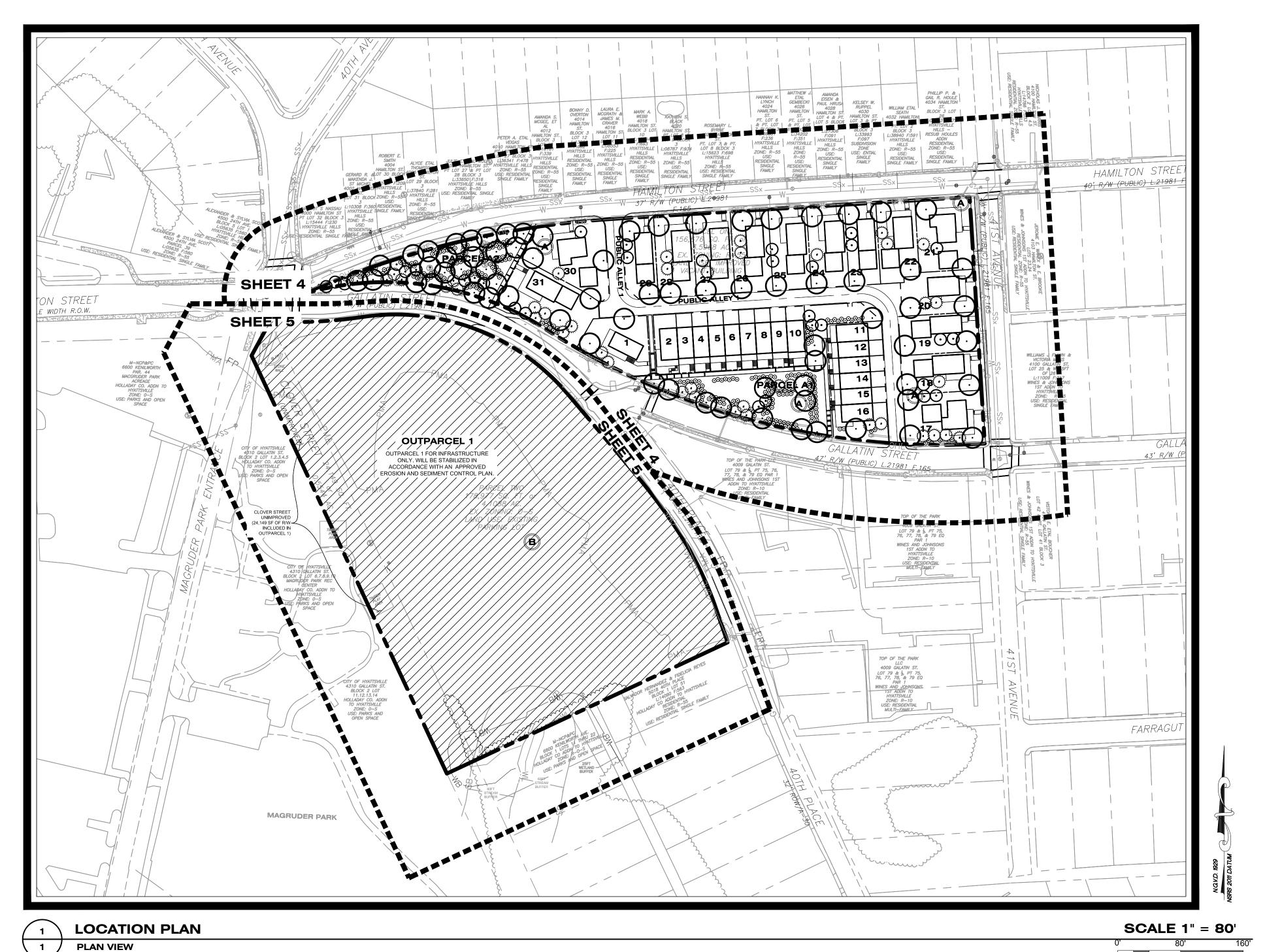






Dewberry*

MAGRUDER POINTE LANDSCAPE PLAN



CONTACT JONATHAN WERRLEIN 443-510-1274 Jonathan@werrleinproperties.com

Dewberry*

APPLICANT WERRLEIN WSSC LLC

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SCALE: 1" = 2000' Vicinity Map © ADC - Kappa Map Group LLC/GIS

Integrated Solutions LLC 2014 PRINCE GEORGE'S COUNTY **ROAD ATLAS** MAP 5409 GRID H8, F8

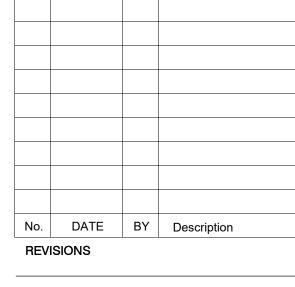
SHEET INDEX

COVER SHEET PLAN SHEET PLAN SHEET **DETAIL SHEET DETAIL SHEET**

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF

MARYLAND, LICENSE NO. <u>3108</u>, EXPIRATION DATE: OCTOBER 3, 2021. KEY PLAN

AS-SHOWN



AUGUST 2018

LANDSCAPE PLAN

NOT FOR CONSTRUCTION

APPLICATION NAME: MAGRUDER POINTE APPLICATION NO.: DSP-18005 SIGNATURE APPROVAL OF THIS PLAN IS IN ACCORDANCE WITH DISTRICT COUNCIL APPROVAL DATED OCTOBER 13, 2020. SIGNATURE APPROVAL DATE:

Jill Kosack Date: 2020.11.19

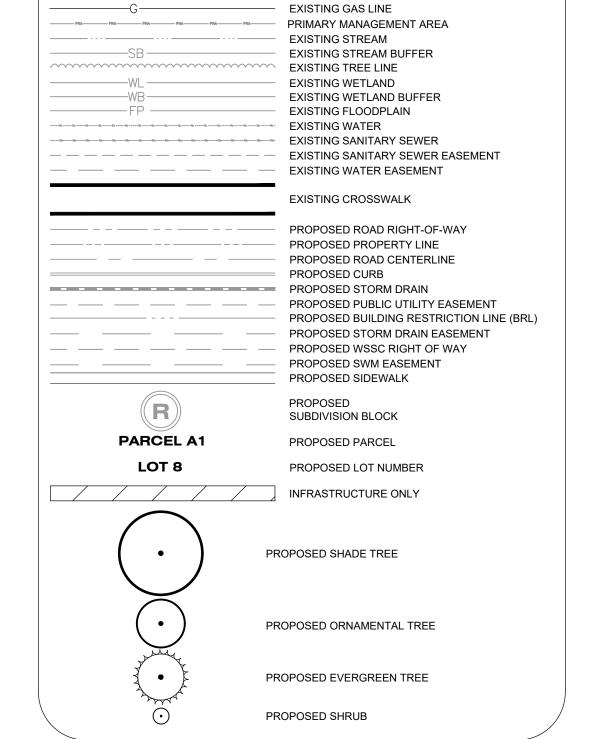
DEWBERRY JOB NO. 50099455

1 OF 5

8-1-1 OR 1-800-257-7777 OR LOG ON TO www.call811.com http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS BUT THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF THE MAINS BY DIGGING TEST PITS BY HAND AT ALL UTILITY CROSSINGS WELL IN

ADVANCE OF THE START OF EXCAVATION.

FOR LOCATION OF UTILITIES CALL



LEGEND

EXISTING ADJACENT PROPERTY

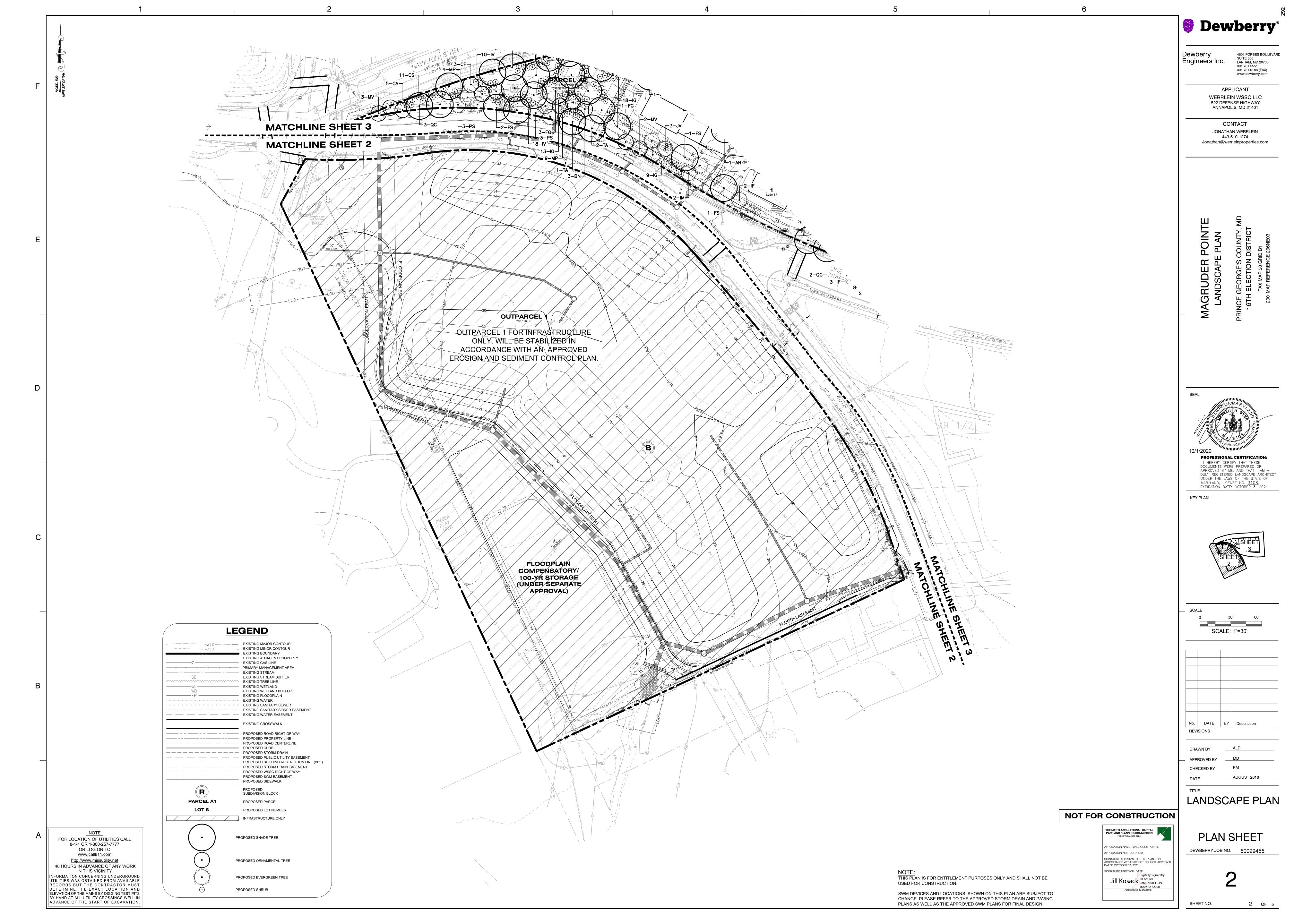
EXISTING MINOR CONTOUR

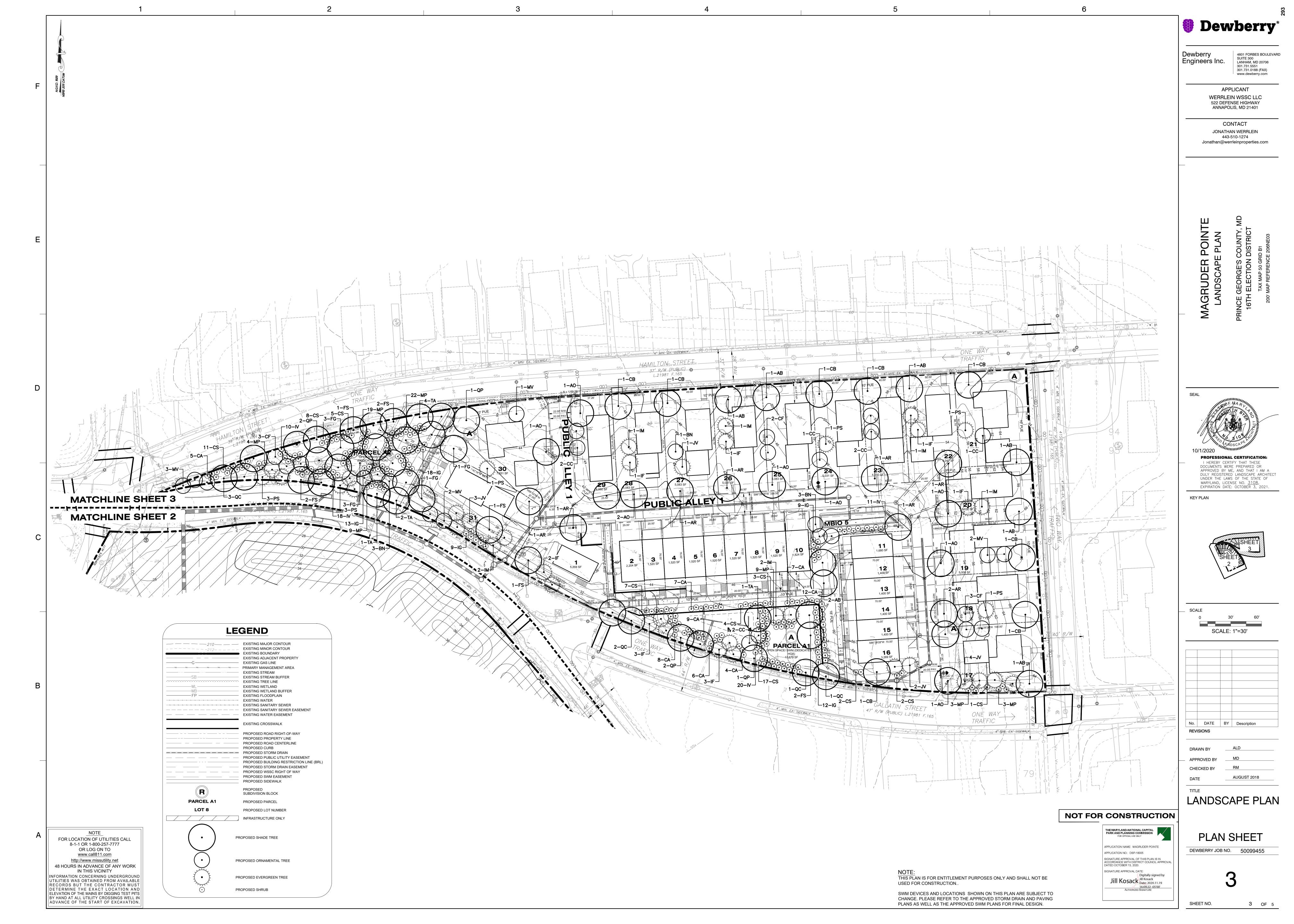
THIS PLAN IS FOR ENTITLEMENT PURPOSES ONLY AND SHALL NOT BE

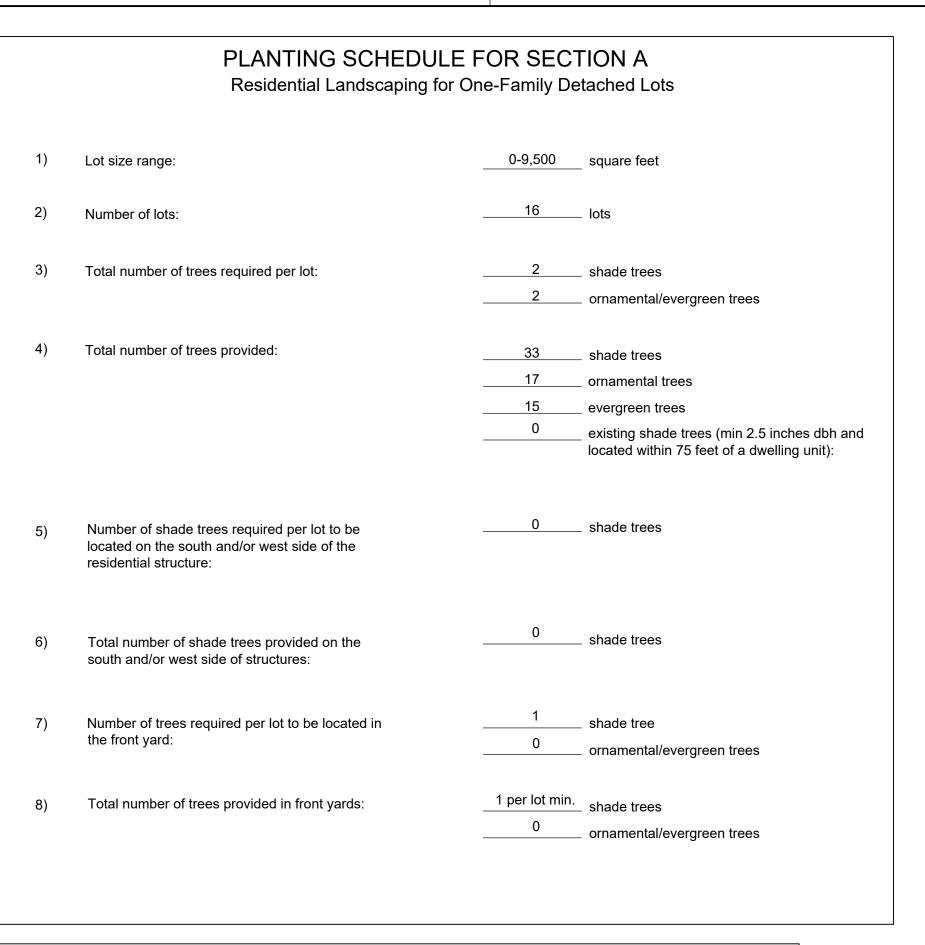
SWM DEVICES AND LOCATIONS SHOWN ON THIS PLAN ARE SUBJECT TO CHANGE. PLEASE REFER TO THE APPROVED STORM DRAIN AND PAVING PLANS AS WELL AS THE APPROVED SWM PLANS FOR FINAL DESIGN.

USED FOR CONSTRUCTION..

16:09:22 -05'00' Authorized Signature







		LE FOR SECTION B buses, One-Family Semi-Detached, and as Arranged Horizontally:
1)	Number of dwelling units:	<u>15</u> units
2)	Number of trees required per dwelling unit	 1.5 shade trees 1 ornamental/evergreen trees 23 total shade trees 15 total ornamental/evergreen trees
3)	Total number of trees provided (in common open space):	36 shade trees ornamental trees evergreen trees existing shade trees (min 2.5 inches dbl and located within 75 feet of a dwelling unit):

	PLANTING SCHEDULE FO Buffering Landscaping Develop		
1)	Name of street adjacent to rear yard:	Gallatin Street	
2)	Type of street adjacent to rear yard:	Primary or Lower Road Classification	
3)	Linear feet of street frontage towards which rear yard is oriented, not including driveway entrances:	63'	
4)	Minimum width of required buffer:	20 _{feet}	
5)	Minimum width of provided buffer:	20 _{feet}	
6)	Percentage of required buffer strip occupied by existing trees	<u> </u>	
7)	Invasive species in the buffer areas?	yes	Xno
8)	Six (6) foot high fence or wall included in bufferyard?	yes	X no
9)	Number of plants required:	1 shade trees5 evergreen tre8 shrubs	es
10)	Total number of plants provided:	1 shade trees5 evergreen tre9 shrubs	es

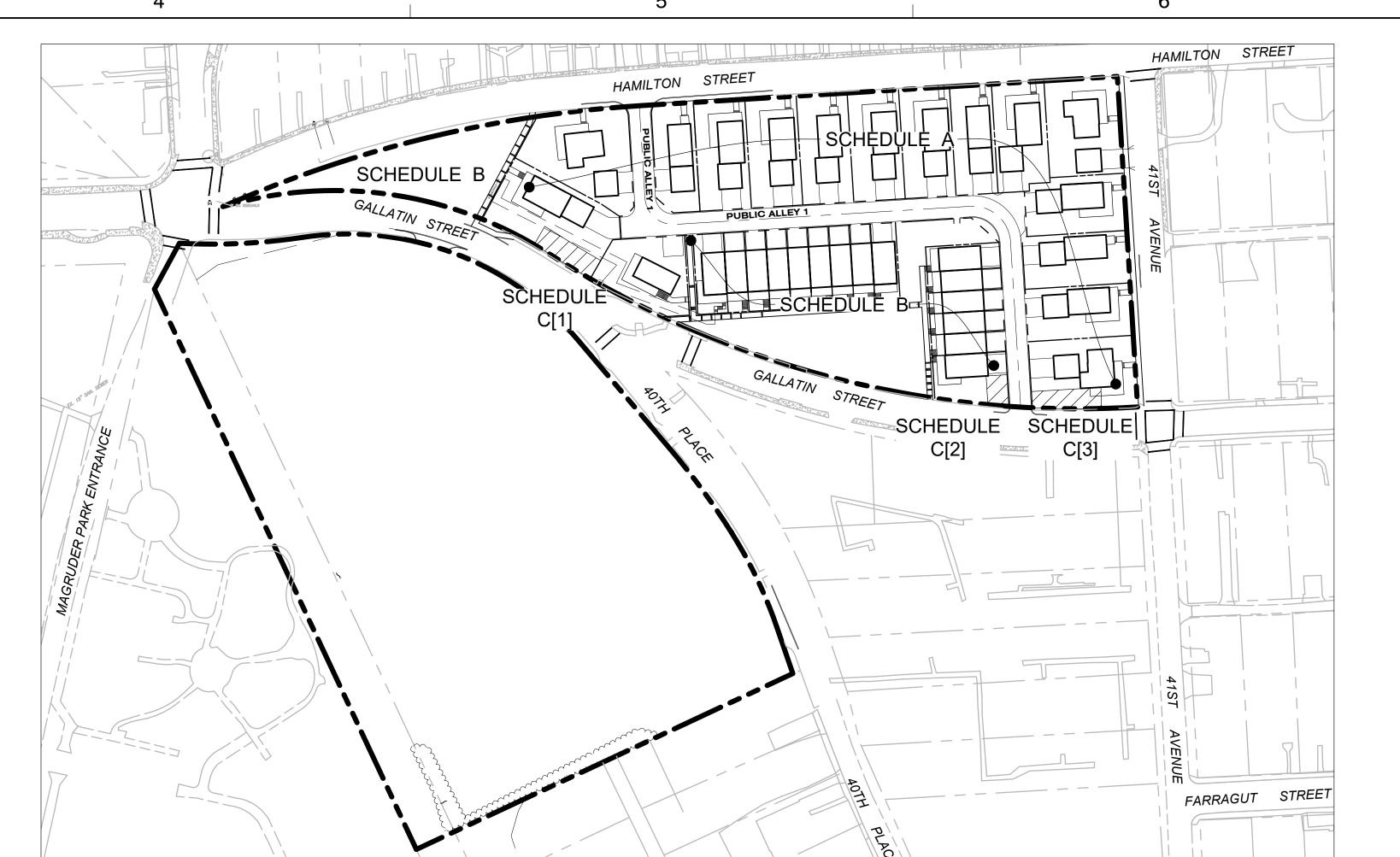
DDOZ LANDSCAPE REQUIREMENTS Landscaping Per DDOZ Standards (See Sheet 2A of DSP-18005)	
1) 1 shade tree per every 5,000 SF of gross site area (exclusive of street dedications)	
(Site Area (SF): <u>359,802</u> - Area of Street Dedications(SF): <u>15,369</u>)= <u>344,433 SF</u> ÷ 5,000 =	69 shade tree required
	72 shade tree
2) 1 shade tree per every 1,000 SF of proposed open space	•
Area of Proposed Open Space (SF): 28,741 ÷ 1,000:	29 shade tree required
	36 shade tree
3) 1 shrub per every 100 SF of proposed open space	
Area of Proposed Open Space (SF): 28,741 ÷ 100:	287 shrubs required
	287 shrubs
	provided
NOTE: DDOZ REQUIRED LANDSCAPING FOR OUTPARCEL 1 (4.66 AC) TO BE PROVIDED WITH FUTURE DSP DE	EVELOPMENT.

KEY	QUANTIT`	Y BOTANICAL/COMMON NAME	SIZE	ROOT	NOTES	NATIVE
	E TREES	Bo Millorly Common 11/1m2	JIZE.	11001	110129	
AB	8	Acer rubrum 'Bowhall' BOWHALL MAPLE	2.5"-3.0" CAL.	B&B	SINGLE LEADER, FULL CROWN	YES
AO	9	Acer rubrum 'October Glory' OCTOBER GLORY RED MAPLE	2.5"-3.0" CAL.	B&B	SINGLE LEADER, FULL CROWN	YES
AR	9	Acer rubrum 'Red Sunset' RED SUNSET MAPLE	2.5"-3.0" CAL.	B&B	SINGLE LEADER, FULL CROWN	YES
СВ	8	Carpinus betulus 'Fastigiata' UPRIGHT HORNBEAM	2.5"-3.0" CAL.	B&B	SINGLE LEADER, FULL CROWN	YES
FG	8	Fagus grandifolia AMERICAN BEECH	2.5"-3.0" CAL.	B&B	SINGLE LEADER, FULL CROWN	YES
FS	9	Fagus sylvatica 'Red Obelisk' RED OBELISK BEECH	2.5"-3.0" CAL.	B&B	SINGLE LEADER, FULL CROWN	YES
QC	7	Quercus coccinea SCARLET OAK	2.5"-3.0" CAL.	B&B	SINGLE LEADER, FULL CROWN	YES
QP	6	Quercus palustris PIN OAK	2.5"-3.0" CAL.	В&В	SINGLE LEADER, FULL CROWN	YES
TA	8	Tilia americana 'Redmond' AMERICAN LINDEN	2.5"-3.0" CAL.	B&B	SINGLE LEADER, FULL CROWN	YES
<u>ORNA</u>	mental te	REES				
BN	7	Betula nigra RIVER BIRCH	7'-9' HT.	B&B	MULTI-STEM, 3 STEM MIN.	YES
CC	8	Cercis canadensis EASTERN REDBUD	7'-9' HT.	В&В	MULTI-STEM, 3 STEM MIN.	YES
CF	8	Cornus florida FLOWERING DOGWOOD	1.5"-1.75" CAL.	В&В	SINGLE-STEM	YES
MV	8	Magnolia virginiana SWEETBAY MAGNOLIA	1.5"-1.75" CAL.	В&В	SINGLE-STEM	YES
EVER	GREEN TRE	<u>ES</u>				
IF	12	llex opaca 'Miss Helen' (female) AMERICAN HOLLY	6'-8' HT.	B&B	FULL TO GROUND MINIMUM 1 MALE PER 5 FEMALE	YES
IM	8	llex opaca 'David' (male) AMERICAN HOLLY	6'-8' HT.	В&В	FULL TO GROUND MINIMUM 1 MALE PER 5 FEMALE	YES
JV	10	Juniperus virginiana EASTERN REDCEDAR	6'-8' HT.	B&B	FULL TO GROUND	YES
PS	10	Pinus strobus WHITE PINE	6'-8' HT.	В&В	FULL TO GROUND	YES
SHRUI	<u>BS</u>					
СА	58	Clethra alnifolia SUMMERSWEET	24" HT.	B&B	FULL TO GROUND	YES
CS	60	Cornus Sericea RED TWIG DOGWOOD	24" HT.	B&B	FULL TO GROUND	YES
MP	69	Myrica pensylvanica NORTHERN BAYBERRY	24" HT.	В&В	FULL TO GROUND	YES
IG	61	llex glabra 'Shamrock' SHAMROCK INKBERRY	24" HT.	B&B	FULL TO GROUND	YES
IV	59	Ilex Verticilla WINTERBERRY	24" HT.	B&B	FULL TO GROUND	YES

	PLANTING SCHEDULE FOR Buffering Landscaping Develop				
1)	Name of street adjacent to rear yard:	Gallatin Street			
2)	Type of street adjacent to rear yard:	Primary or Lowe	r Road C	lassification	
3)	Linear feet of street frontage towards which rear yard is oriented, not including driveway entrances:	30'			
4)	Minimum width of required buffer:		20	_ feet	
5)	Minimum width of provided buffer:		20	_ feet	
6)	Percentage of required buffer strip occupied by existing trees:		0	%	
7)	Invasive species in the buffer areas?			yesX	r
8)	Six (6) foot high fence or wall included in bufferyard?			yesX	r
0)			1	ala a da Ana a a	
9)	Number of plants required:			_ shade trees	
			2	_ evergreen trees	;
			4	_ shrubs	
10)	Total number of plants		1	_ shade trees	
	provided:		2	_ evergreen trees	3
			4	_ shrubs	

	PLANTING SCHEDULE FO Buffering Landscaping Develo				
1)	Name of street adjacent to rear yard:	Gallatin S	treet		
2)	Type of street adjacent to rear yard:	Primary o	r Lower Road C	lassification	
3)	Linear feet of street frontage towards which rear yard is oriented, not including driveway entrances:	66'			
4)	Minimum width of required buffer:		20	_ feet	
5)	Minimum width of provided buffer:		20	_ feet	
6)	Percentage of required buffer strip occupied by existing tree	es:	0	%	
7)	Invasive species in the buffer areas?			yes	<u>Х</u> г
8)	Six (6) foot high fence or wall included in bufferyard?			yes	<u>X</u> ,
9)	Number of plants required:		1	_ shade trees	
			4	_ evergreen tre	ees
			7	_ shrubs	
10)	Total number of plants		1	_ shade trees	
	provided:		4	_ evergreen tre	ees
			7	_ shrubs	

PLANTING SCHEDULE- KEY PLAN



MAGRUDER POINTE

LANDSCAPE PLAN

LANDSCAPE PLAN

PRINCE GEORGE'S COUNTY, MD

16TH ELECTION DISTRICT

TAX MAP 50 GRID B1

200' MAP REFERENCE 206NE03

Dewberry*

APPLICANT
WERRLEIN WSSC LLC

522 DEFENSE HIGHWAY ANNAPOLIS, MD 21401

CONTACT

JONATHAN WERRLEIN

443-510-1274
Jonathan@werrleinproperties.com

Dewberry

Engineers Inc.

4601 FORBES BOULEVARD SUITE 300 LANHAM, MD 20706

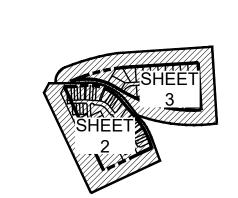
301.731.5551 301.731.0188 (FAX) www.dewberry.com

10/1/2020

PROFESSIONAL CERTIFICATION:

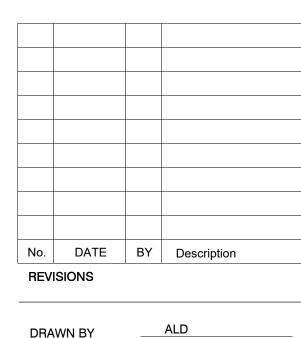
I HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A
DULY REGISTERED LANDSCAPE ARCHITECT
UNDER THE LAWS OF THE STATE OF
MARYLAND, LICENSE NO. 3108,
EXPIRATION DATE: OCTOBER 3, 2021.

KEY PLAN



SCALE

AS-SHOWN



APPROVED BY MD

CHECKED BY RM

DATE AUGUST 2018

LANDSCAPE PLAN

NOT FOR CONSTRUCTION

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FOR OFFICIAL USE ONLY

APPLICATION NAME: MAGRUDER POINTE
APPLICATION NO.: DSP-18005

SIGNATURE APPROVAL OF THIS PLAN IS IN ACCORDANCE WITH DISTRICT COUNCIL APPROVAL DATED OCTOBER 13, 2020.

SIGNATURE APPROVAL DATE:
Digitally signed by
JIII KOSACK
Date: 2020.11.19
16:09:22-05'00'
AUTHORIZED SIGNATURE

DETAIL SHEET

DEWBERRY JOB NO. 50099455

4

4 OF 5

SHEET NO.

FOR LOCATION OF UTILITIES CALL
8-1-1 OR 1-800-257-7777
OR LOG ON TO
www.call811.com
http://www.missutility.net
48 HOURS IN ADVANCE OF ANY WORK
IN THIS VICINITY
INFORMATION CONCERNING UNDERGROUND
UTILITIES WAS OBTAINED FROM AVAILABLE
RECORDS BUT THE CONTRACTOR MUST
DETERMINE THE EXACT LOCATION AND
ELEVATION OF THE MAINS BY DIGGING TEST PITS
BY HAND AT ALL UTILITY CROSSINGS WELL IN
ADVANCE OF THE START OF EXCAVATION.

NOTE:
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SWM DEVICES AND LOCATIONS SHOWN ON THIS PLAN ARE SUBJECT TO

CHANGE. PLEASE REFER TO THE APPROVED STORM DRAIN AND PAVING

PLANS AS WELL AS THE APPROVED SWM PLANS FOR FINAL DESIGN.

USED FOR CONSTRUCTION..

A. DESCRIPTION

LANDSCAPE SPECIFICATIONS SHALL BE AS OUTLINED BELOW. ANY ITEM OR PROCEDURE NOT MENTIONED BELOW SHALL BE AS SPECIFIED IN THE LANDSCAPE SPECIFICATION GUIDELINES PUBLISHED BY THE LANDSCAPE CONTRACTORS ASSOCIATION (LATEST EDITION). 2. NO WORK IN THE PUBLIC RIGHT-OF-WAYS SHALL BE DONE UNLESS ALL THE REQUIRED PERMITS ARE OBTAINED AND AVAILABLE ON-SITE. ANY TOOLS OR EQUIPMENT SHALL ALSO BE PLACED SO AS NOT TO INTERFERE, HINDER, OR BE IN VIOLATION OF PEDESTRIAN AND VEHICULAR TRAFFIC FLOW.

3. THE CONTRACTOR SHALL FURNISH AND INSTALL ALL PLANT MATERIALS, LABOR AND OTHER MATERIALS NECESSARY TO COMPLETE THE WORK AS SHOWN ON THE PLANS AND DETAILS.

B. UTILITIES

- 1. CONTRACTOR SHALL CONTACT MISS UTILITY (1-800-257-7777) PRIOR TO ANY EXCAVATION AND SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICES. ANY DAMAGE INCURRED DUE TO THE CONTRACTOR'S OPERATION SHALL BE REPAIRED IMMEDIATELY AT CONTRACTOR'S EXPENSE.
- 2. THE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION. SHOULD ANY CONFLICTS OCCUR BETWEEN PROPOSED CONSTRUCTION OR PLANTINGS AND ACTUAL UTILITY LOCATIONS, THE OWNER AND THE LANDSCAPE ARCHITECT MUST BE NOTIFIED PRIOR TO ANY EXCAVATION OR GRADING. ALL ENTRANCE WALLS, PIERS AND PLANTING BED LOCATIONS MUST BE FIELD STAKED BY THE CONTRACTOR AND THE LOCATION APPROVED BY THE OWNER PRIOR TO CONSTRUCTION.

C. PLANT MATERIALS, SOURCES, AND QUANTITY:

- 1. THE LANDSCAPE CONTRACTOR SHALL FURNISH AND INSTALL AND/OR DIG, BALL, BURLAP AND TRANSPLANT ALL OF THE PLANT MATERIALS, CALLED FOR ON THE DRAWINGS AND/OR LISTED IN THE PLANT
- 2. THE LANDSCAPE CONTRACTOR SHALL, AT LEAST TEN (10) DAYS BEFORE BEGINNING PLANTING OPERATIONS SUBMIT A LIST OF PLANTING MATERIAL SOURCES GIVING THE NURSERY NAME, ADDRESS AND PHONE NUMBER FOR EACH PLANT MATERIAL REQUIRED ON THE JOB.
- 3. THE TOTAL NUMBER OF PLANTS ARE SHOWN ON THE PLANTING SCHEDULE. IF THE PLANT SCHEDULE DIFFERS FROM THE PLANTING PLANS AS LABELED, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE BEFORE BIDDING. PLANT QUANTITIES AND TYPE ON THE PLAN SET SHALL PREVAIL.
- 4. ALL PLANT MATERIALS SHALL BE PROCURED PRIMARILY FROM A DISTANCE OF NOT MORE THAN 200 MILES FROM THE PROJECT SITE.
- 5. ALL PLANTS (B&B OR CONTAINER) SHALL BE PROPERLY IDENTIFIED BY WEATHERPROOF LABELS SECURELY ATTACHED THERETO BEFORE DELIVERY TO PROJECT SITE. LABELS SHALL IDENTIFY PLANTS BY NAME, SPECIES AND SIZE. LABELS SHALL NOT BE REMOVED UNTIL THE FINAL INSPECTION BY THE LANDSCAPE ARCHITECT.
- 6. ANY MATERIALS AND/OR WORK MAY BE REJECTED BY THE LANDSCAPE ARCHITECT IF IT DOES NOT MEET THE REQUIREMENTS OF THE SPECIFICATIONS. ALL REJECTED MATERIALS SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR.

- ALL PLANT MATERIALS SHALL BE EQUAL TO OR BETTER THAN THE REQUIREMENTS OF THE "AMERICAN STANDARD FOR NURSERY STOCK," LATEST EDITION, AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN (HEREAFTER REFERRED TO AS AAN STANDARDS). ALL PLANTS SHALL BE TYPICAL OF THEIR SPECIES AND VARIETY, SHALL HAVE A NORMAL HABIT OF GROWTH, AND SHALL BE FIRST QUALITY, SOUND, VIGOROUS, WELL-BRANCHED AND WITH HEALTHY, WELL-FURNISHED ROOT SYSTEMS. THEY SHALL BE FREE OF DISEASE, INSECT PESTS AND MECHANICAL
- (A) ALL PLANTS SHALL BE NURSERY GROWN AND SHALL HAVE BEEN GROWN UNDER THE SAME CLIMATE CONDITIONS AS THE LOCATION OF THIS PROJECT FOR AT LEAST TWO YEARS BEFORE PLANTING. NEITHER HEELED-IN PLANTS NOR PLANTS FROM COLD STORAGE WILL BE ACCEPTED. (B) COLLECTED PLANTS OR TRANSPLANTED TREES MAY BE CALLED FOR BY THE LANDSCAPE ARCHITECT AND USED, PROVIDED, HOWEVER, THAT LOCATIONS AND SOIL CONDITIONS WILL PERMIT PROPER BALLING.

2. PLANT MEASUREMENTS

- ALL PLANTS SHALL CONFORM TO THE MEASUREMENTS SPECIFIED IN THE PLANT SCHEDULE.
- (A) CALIPER MEASUREMENTS SHALL BE TAKEN SIX INCHES (6") ABOVE GRADE FOR TREES UNDER FOUR-INCH (4") CALIPER AND TWELVE INCHES (12") ABOVE GRADE FOR TREES FOUR INCHES (4") IN CALIPER AND OVER.
- (B) MINIMUM BRANCHING HEIGHT FOR ALL SHADE TREES SHALL BE SIX FEET (6').

CALIPER, 12'-14' IN HEIGHT.

4-1/2"-5"

5"-5-1/2"

- (D) MINIMUM SIZE FOR PLANTING MINOR SHADE TREES SHALL BE 2-1/2"-3" IN CALIPER, 8'-10' IN HEIGHT. (E) MINIMUM SIZE FOR PLANTING ORNAMENTAL TREES SHALL BE 1-1/2"-1-3/4" CALIPER, 7-9' HEIGHT.
- (F) MINIMUM SIZE FOR PLANTING EVERGREEN TREES SHALL BE 6-8' HEIGHT. (G) CALIPER, HEIGHT, SPREAD AND SIZE OF BALL SHALL BE
- GENERALLY AS FOLLOWS: CALIPER HEIGHT SPREAD 2-2-1/2 12'-14' 2-1/2"-3 12'-14' 6'-8' 3"-3-1/2" 14'-16' 6'-8' 3-12"-4" 14'-16' 8'-10' 4"-4-1/2" 16-18' 8'-10'
- 5-1/2"-6" 18'-20' 12'-14' ALL PLANT MATERIAL SHALL GENERALLY AVERAGE THE MEDIAN FOR THE SIZE RANGES INDICATED ABOVE AND AS

16'-18'

18'-20'

10'-12'

10'-12'

(H) MINIMUM SIZE FOR PLANTING SHRUBS SHALL BE, IN GENERAL, 18"-24" IN HEIGHT OR SPREAD, AS APPROPRIATE, EXCEPT THAT A LARGER SIZE MAY BE REQUIRED WHEN DEEMED APPROPRIATE BY THE PLANNING DIRECTOR OR DESIGNEE IN THE CASE OF PARTICULAR SPECIES OR PLANTING SITUATIONS.

3. STAKING, GUYING AND WRAPPING

a. SEE THE LANDSCAPE SPECIFICATION GUIDELINES.

INDICATED IN THE "AAN STANDARDS."

- b. TREES SHALL BE STAKED ONLY AS NEEDED WITH WIRE AND TUBING. ANY AND ALL STAKES SHALL BE REMOVED AFTER ONE (1) YEAR'S TIME.
- c. TREE WRAP MAY BE USED IN SOME SITUATIONS THAT WOULD REQUIRE BASED ON SUN, STAKING, WIND, SLOPE, AND SITE CONDITIONS d. TREE WRAP SHALL BE REMOVED AFTER ONE YEAR OR UNTIL SUCH TIME AS PLANTING ESTABLISHMENT.

4. PLANT PRUNING, EDGING AND MULCHING

a. EACH TREE, SHRUB OR VINE SHALL BE PRUNED IN AN APPROPRIATE MANNER TO ITS PARTICULAR REQUIREMENTS. IN ACCORDANCE WITH ACCEPTED STANDARD PRACTICE. BROKEN OR BRUISED BRANCHES SHALL BE REMOVED WITH CLEAN CUTS MADE ON AN ANGLE FROM THE BARK RIDGE TO THE BRANCH COLLAR, NO FLUSH CUTS, TO MINIMIZE THE AREA CUT. ALL CUTS SHALL BE MADE WITH SHARP TOOLS. TRIM ALL EDGES SMOOTH. NO TREE WOUND DRESSINGS SHALL BE APPLIED.

PLANTING & LANDSCAPE SPECIFICATIONS (CONTINUED)

- b. ALL TRENCHES AND SHRUB BEDS SHALL BE EDGED AND CULTIVATED TO THE LINES SHOWN ON THE DRAWING. THE AREAS AROUND ISOLATED PLANTS SHALL BE EDGED AND CULTIVATED TO THE FULL DIAMETER OF THE PIT. SOD WHICH HAS BEEN REMOVED AND STACKED SHALL BE USED TO TRIM THE EDGES OF ALL EXCAVATED AREAS TO THE NEAT LINES OF THE PLANT PIT SAUCERS, THE EDGES OF SHRUB AREAS, HEDGE TRENCHES AND VINE POCKETS.
- c. AFTER CULTIVATION, ALL PLANT MATERIALS SHALL BE MULCHED WITH A 4" LAYER OF HARDWOOD BARK MULCH OR OTHER OWNER APPROVED MATERIAL OVER THE ENTIRE AREA OF THE BED OR SAUCER.

PLANTING MATERIALS AND METHODS

- ALL PROPOSED PLANT MATERIAL THAT MEETS THE SPECIFICATIONS IN SECTION B ABOVE ARE TO BE PLANTED IN ACCORDANCE WITH THE FOLLOWING PLANTING METHODS DURING THE PROPER SEASONS AS DESCRIBED BELOW.
- 2. THE MATERIALS AND METHODS SHALL COMPLY WITH ALL THE REQUIREMENTS OF THE CURRENT EDITION OF THE "AMERICAN STANDARD FOR NURSERY STOCK" AS PREPARED BY THE AMERICAN ASSOCIATION OF NURSERYMEN AND AS MODIFIED HEREIN.

3. PLANTING SEASONS

- a. A PROFESSIONAL HORTICULTURALIST/NURSERYMAN SHALL BE CONSULTED TO DETERMINE THE PROPER TIME, BASED ON PLANT SPECIES AND WEATHER CONDITIONS, TO MOVE AND INSTALL PARTICULAR PLANT MATERIAL TO MINIMIZE STRESS TO THE PLANT. b. PLANTING OF DECIDUOUS MATERIAL MAY BE CONTINUED DURING
- THE WINTER MONTHS PROVIDED THERE IS NO FROST IN THE GROUND AND FROST-FREE TOP SOIL PLANTING MIXTURES c. PLANTING SEASON SCHEDULE SHALL BE IN ACCORDANCE WITH THE "AMERICAN STANDARD FOR NURSERY STOCK" AS
- PREPARED BY THE AMERICAN ASSOCIATION OF NURSERYMEN. PLANT PINES AND OAKS DURING SPRING PLANTING SEASON ONLY. 4. DIGGING ALL PLANT MATERIAL SHALL BE DUG, BALLED AND BURLAPPED
- STANDARDS' 5. EXCAVATION OF PLANT PITS
- THE LANDSCAPE CONTRACTOR SHALL EXCAVATE ALL PLANT PITS, VINE PITS, HEDGE TRENCHES AND SHRUB BEDS AS FOLLOWS: a. ALL PITS SHALL BE GENERALLY CIRCULAR IN OUTLINE, WITH

(B+B) OR BARE ROOT IN ACCORDANCE WITH THE "AAN

- VERTICAL SIDES. THE TREE PIT SHALL BE DEEP ENOUGH TO ALLOW 1/8 OF THE BALL TO BE ABOVE THE EXISTING GRADE. PLANTS SHALL REST ON UNDISTURBED EXISTING SOIL OR WELL COMPACTED BACKFILL. THE TREE PIT MUST BE A MINIMUM OF NINE (9) INCHES LARGER ON EVERY SIDE THAN THE BALL OF THE TREE.
- b. IF AREAS ARE DESIGNATED AS SHRUB BEDS OR HEDGE TRENCHES, THEY SHALL BE CULTIVATED TO AT LEAST 18" DEPTH MINIMUM. AREAS DESIGNATED FOR GROUND COVERS AND VINES SHALL BE CULTIVATED TO AT LEAST 12" IN DEPTH
- c. IF UTILITY LINES ARE ENCOUNTERED IN EXCAVATION OF TREE PITS, OTHER LOCATIONS FOR THE TREES SHALL BE SELECTED BY THE LANDSCAPE ARCHITECT. SUCH CHANGES SHALL BE MADE BY THE CONTRACTOR WITHOUT ADDITIONAL COMPENSATION. NO CHANGES OF LOCATION SHALL BE MADE WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT AND THE OWNER/OWNERS REPRESENTATIVE.
- I MULCH SHALL BE UTILIZED IN MULCH BEDS AND BE SHREDDE HARDWOOD. THE LANDSCAPE CONTRACTOR SHALL PROVIDE A ONE (1) POUND SAMPLE TO THE OWNER'S REPRESENTATIVE FOR APPROVAL PRIOR TO ANY INSTALLATION. MULCH SHALL BE APPLIED TO A DEPTH OF FOUR (4) INCHES WITHIN 24 HOURS OF INSTALLATION OF PLANT MATERIALS.
- e. SHRUBS AND GRASSES SHALL BE INSTALLED IN CONTINUOUS MULCHED BEDS. MULCH SHALL BE REAPPLIED TO SHRUB AND GRASS BEDS YEARLY TO A DEPTH OF THREE (3) - (4) FOUR

E. SEEDING AND SODDING

- 1. ALL SEEDING AND SODDING SHALL BE AS PER "STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL IN URBANIZING AREAS" AS PUBLISHED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES.
- 2. ALL SOIL AREAS NOT SHOWN TO RECEIVE PLANT MATERIALS SHALL BE SEEDED FOR LAWN AS SPECIFIED IN THE PRINCE GEORGES COUNTY LANDSCAPE MANUAL.

F. TOPSOIL

- 1. PH RANGE 5.5 TO 7.4, 1.5 PERCENT ORGANIC MATERIAL MINIMUM, FREE OF STONES 1 INCH (25MM) OR LARGER IN ANY DIMENSION, AND OTHER EXTRANEOUS MATERIALS HARMFUL TO PLANT GROWTH.
- 2. TOPSOIL SOURCE: DUE TO EXISTING SITE CONDITIONS, IMPORTED TOPSOIL SHALL BE REQUIRED. CLEAN TOPSOIL FREE OF ROOTS, PLANTS, SOD, STONES, CLAY LUMPS AND OTHER EXTRANEOUS MATERIALS HARMFUL TO PLANT GROWTH.
- 3. FOR AREAS WHERE PAVING AND OTHER ASSOCIATED MATERIALS ARE TO BE REMOVED, AND TREES ARE TO BE PROPOSED, TOPSOIL SHALL BE PLACED TO A DEPTH OF 4 FEET IN AN AREA 3 FEET BEYOND PLANTING PIT DIAMETER OF EACH
- 4. SPREAD TOPSOIL 4" MINIMUM DEPTH OVER ALL LANDSCAPE AND SEEDING AREAS. TOPSOIL SHALL BE USED FOR BACKFILL OF ALL PLANTING HOLES.

G. CLEAN-UP AND RESTORATION:

- 1. DURING THE COURSE OF PLANTING, EXCESS AND WASTE MATERIALS SHALL BE CONTINUOUSLY AND PROMPTLY REMOVED, LAWN AREAS KEPT CLEAR AND ALL REASONABLE PRECAUTIONS TAKEN TO AVOID DAMAGE OF EXISTING LAWNS, PAVING, ETC.
- 2. THE LANDSCAPE CONTRACTOR SHALL RESTORE TO THEIR ORIGINAL CONDITION ALL PAVEMENTS, SODDED AND PLANTED AREAS, STRUCTURES AND SUBSTRUCTURES, NOT SPECIFICALLY PROVIDED FOR IN THE CONTRACT, WHICH ARE DISTURBED BY THE LANDSCAPE CONTRACTOR DURING PLANTING OPERATIONS. SUCH RESTORATION SHALL BE IN A MANNER SATISFACTORY TO THE OWNER'S REPRESENTATIVE AND AT NO ADDITIONAL COST TO THE OWNER.

- . WATER FOR PLANTING AND MAINTENANCE PURPOSES WILL BE SUPPLIED BY THE LANDSCAPE CONTRACTOR TO THE REQUIRED LOCATIONS. THE LANDSCAPE CONTRACTOR SHALL WATER ALL PLANTS WITHIN 24 HOURS OF ARRIVAL ON THE PROJECT SITE, LANDSCAPE CONTRACTOR SHALL PROVIDE ALL EQUIPMENT NECESSARY TO TRANSPORT THE WATER FROM THE SOURCE ADEQUATELY AND AS OFTEN AS NECESSARY TO ENSURE PROPER PLANT GROWTH AND TO KEEP THE SOIL MOIST AND IN A CONDITION SATISFACTORY TO THE OWNER'S REPRESENTATIVE.
- 2. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR WATERING ALL PLANTS AND SEEDING FROM THE TIME OF PLANTING UNTIL THE FINAL INSPECTION, PLANTS SHALL REQUIRE WATERING THRU ONE GROWING SEASON (AT LEAST ONCE PER WEEK) FOR ESTABLISHMENT. IN THE EVENT OF EXTREME HEAT OR DROUGHT, PERIODIC SUPPLEMENTAL WATERING FOR ONE YEAR FOLLOWING THE INSTALLATION IS REQUIRED UNTIL PLANTINGS ARE FULLY ESTABLISHED.

PLANTING & LANDSCAPE SPECIFICATIONS (CONTINUED)

I. SUBSTITUTIONS

- 1. SUBSTITUTIONS IN PLANT SPECIES OR SIZE SHALL NOT BE PERMITTED EXCEPT WITH THE WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT.
- 2. IF A PLANT IS FOUND NOT TO BE SUITABLE OR AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT / OWNER'S REPRESENTATIVE BEFORE BIDDING, ALONG WITH A RECOMMENDED SUBSTITUTION AND A LIST OF EACH NURSERY THAT WAS CONTACTED TO PROCURE THE ORIGINAL PLANT TYPE. THE LIST SHALL INCLUDE THE NURSERY NAME, ADDRESS, PHONE NUMBER AND FAX.
- 3. THE LANDSCAPE ARCHITECT / OWNER / OWNER'S REPRESENTATIVE MAY SELECT A REASONABLE ALTERNATIVE THAT MUST MEET THE MINIMUM REQUIREMENTS OUTLINED IN THE PRINCE GEORGE'S COUNTY LANDSCAPE MANUEL AND SPECIFICATIONS OF

J. WARRANTY

- 1. WARRANTY TREES, SHRUBS, PLANTS, AND ALL LAWN AREAS FOR A PERIOD OF ONE YEAR AFTER DATE OF WRITTEN ACCEPTANCE BY THE OWNER, AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING IN NEGLECT BY OWNER, ABUSE OR DAMAGE BY OTHERS OR UNUSUAL PHENOMENA OR INCIDENTS BEYOND THE INSTALLER'S CONTROL.
- REMOVE AND REPLACE TREES, SHRUBS, PLANTS, AND LAWN AREAS FOUND TO BE DEAD OR IN UNHEALTHY CONDITION DURING WARRANTY PERIOD. MAKE REPLACEMENTS DURING GROWTH SEASON FOLLOWING THE END OF WARRANTY PERIOD. REPLACE ANY PLANTS WHICH ARE IN DOUBTFUL CONDITION AT THE END OF WARRANTY PERIOD; UNLESS IN OPINION OF OWNER, IT IS ADVISABLE TO EXTEND WARRANTY PERÍOD FOR A FULL GROWING SEASÓN.
- 3. REVIEW FOR INITIAL ACCEPTANCE OF SEEDING SHALL ONLY OCCUR AFTER 85% OF THE SEED HAS GERMINATED AND PROVIDES A VISIBLE COVER. PLANTING AND SEEDING WHICH DIE OR ARE IN POOR CONDITION AFTER INITIAL ACCEPTANCE SHALL BE REPLACED ONCE BY THE LANDSCAPE CONTRACTOR AS PART OF THE ONE (1) YEAR GUARANTEE AND PRIOR TO FINAL ACCEPTANCE.

K. FINAL ACCEPTANCE / INSPECTION:

- 1. THE OWNER'S REPRESENTATIVE SHALL MAKE A FINAL ACCEPTANCE INSPECTION UPON WRITTEN REQUEST BY THE LANDSCAPE CONTRACTOR AND NOTIFY THE LANDSCAPE CONTRACTOR, IN WRITING, WHEN ALL WORK IS SATISFACTORILY COMPLETED. IF THE WORK IS NOT SATISFACTORILY COMPLETED, THE OWNER'S REPRESENTATIVE WILL NOTIFY THE LANDSCAPE CONTRACTOR, IN WRITING, AS TO THE DEFICIENCIES IN THE WORK AND THE NECESSARY CORRECTIVE MEASURES. A REASONABLE AMOUNT OF TIME WILL BE GIVEN AND ANOTHER FINAL ACCEPTANCE INSPECTION WILL BE SCHEDULED BY THE OWNER'S REPRESENTATIVE UPON WRITTEN REQUEST BY THE LANDSCAPE CONTRACTOR.
- 2. UPON FINAL ACCEPTANCE, AND AFTER THE (1) ONE YEAR WARRANTY THE LANDSCAPING AND SEEDING SHALL BE THE RESPONSIBILITY OF THE OWNER.

L. M-BIO SPECIFICATIONS:

1. ALL PLANTS AND LANDSCAPE WORK IN THE BIORETENTION AREAS, AS NOTED ON THE PLAN, SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE GUIDELINES SET FORTH IN THE PRINCE GEORGE'S COUNTY "DESIGN MANUAL FOR USE OF BIORETENTION IN STORMWATER MANAGEMENT.

1) Percentage of native plant material required in each category:

Are existing invasive species on-site in areas that are

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

Ornamental Trees:

Evergreen Trees:

Are invasive species proposed'

to remain undisturbed?

Project Name:

Magruder Pointe

5ite Calculations:

Total Acres (gross acres)

size 12 to 14' in height

pread less than 15')

DEVELOPMENT.

. TOTAL ON-5ITE WC PROVIDED (acres) =

. TOTAL 5QUARE FOOTAGE REQUIRED =

TOTAL AREA EXISTING TREES (non-WC acres) =

). TOTAL TREE CANOPY COVERAGE PROVIDED =

C. TOTAL 5QUARE FOOTAGE IN LAND5CAPE TREES =

Credit Categories for Landscape Trees

Deciduous - **columnar** shade tree (50 ' or less height)

Deciduous - ornamental tree (20' or less height with

equal spread). Minimum planting size 7 - 9 ' in height

spread equal to or greater than ht) Minimum planting

Evergreen - columnar tree (less than 30' height with

Deciduous - minor shade tree (25-50' height with equal | 2 -1/2 - 3" = 160

spread or greater). Minimum planting size 8-10' in height | 3 - 3 1/2" = 175

Deciduous - major shade tree (50' and greater ht. with 2 -1/2 - 3" = 225

Evergreen - **small tree** (30-40' height with spread of 15- **8 - 10' = 100**

Evergreen - medium tree (40-50' height with spread of 20 8 - 10' = 150

Evergreen - large tree (50' height or greater with spread 8 - 10' = 200

Installation of Plant Materials?

total number provided

total number provided

total number provided

___31 ___ x 50% =

total number provided <u>31</u> = <u>100</u> % native

Tree Canopy Coverage Schedule

total: 40 x 30% = 12 total number required

Sustainable Landscaping Requirements

___16

______40___ = ____100__ % native

<u>20</u> = <u>100</u> % native

total number required

_ total number required

N/A yes

DSP-18005

Zone 1: | R-55

% of TCC required (Acres) in (5F)

TCC Credit per Tree Number of TCC Credit

Trees

15.0%

0.00 acres

0.00 acres

Zone 2:

Zone 3:

Zone 4:

Total Acres:

Based on 5ize at

Planting (SF)

-1/2 - 3" = 65

1-1/2 - 1-3/4"= 75

3 - 3 1/2" = 75

2 - 2 1/2" = 100

2 -1/2 - 3" = 110

3 - 3 1/2" = 250

6 - 8' = 40

8 - 10' = 50

10 - 12' = 75

6 - 8' = 75

6 - 8' = 125

10 - 12' = 175 6 - 8' = 150

DRD Case #: Area (acres)

Required TCC Required

Requirement

5atisfied

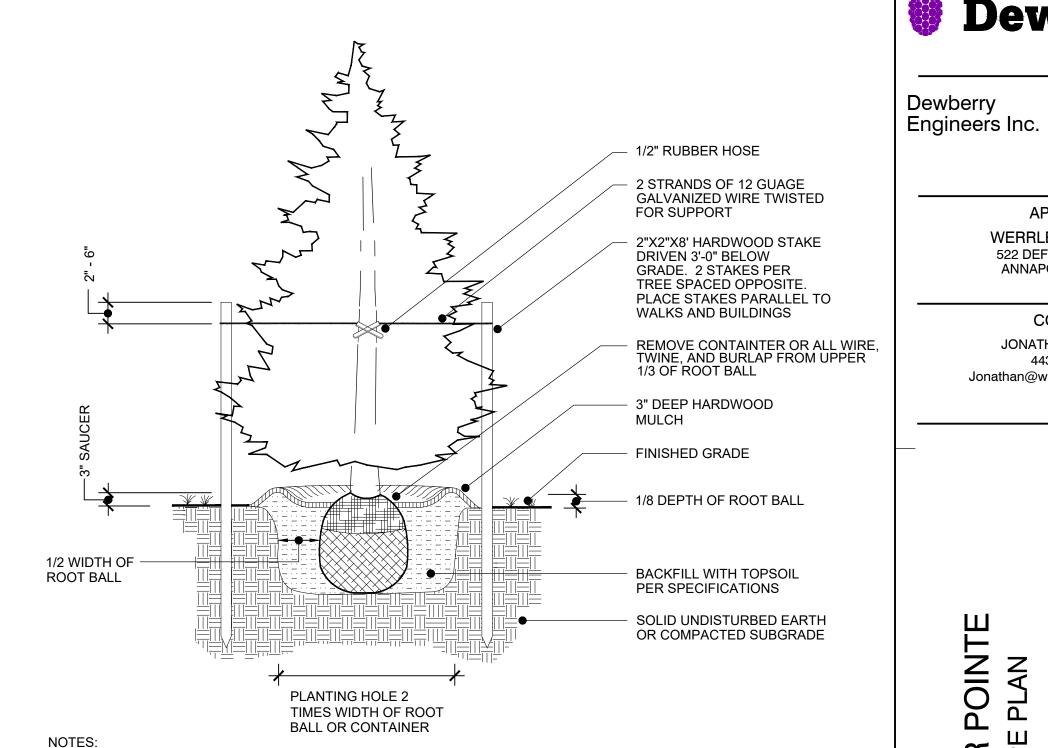
0.54

___X___no

<u>__X__</u>no

LANDSCAPE PLAN NOTES

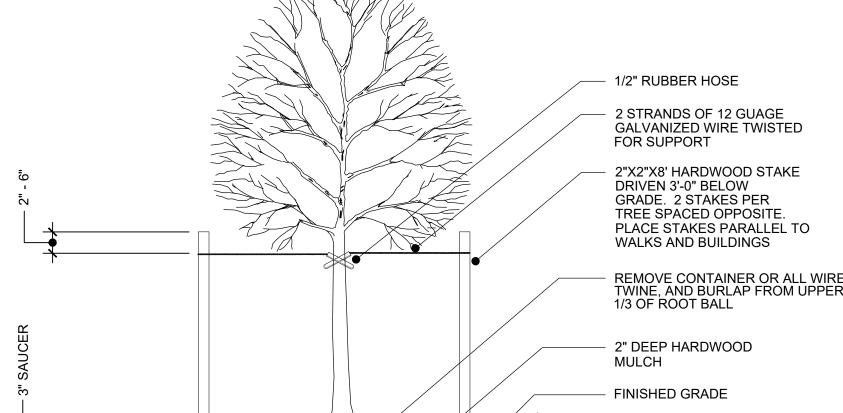
- 1. THIS LANDSCAPE PLAN HAS BEEN PREPARED BY DEWBERRY ENGINEERS, INC. NO CHANGES SHALL BE MADE TO THIS PLAN WITHOUT PERMISSION FROM DEWBERRY CONSULTANTS, LLC. ANY UNAUTHORIZED CHANGES BY OTHER PARTIES WILL NOT BE THE RESPONSIBILITY OF DEWBERRY ENGINEERS, INC.
- 2. THIS PLAN FOR LANDSCAPE PURPOSES ONLY. SEE SITE PLAN FOR ALL LAYOUT AND GRADING INFORMATION.
- 3. THE LANDSCAPE WORK OF THIS PROJECT SHALL BE PERFORMED PER THE LATEST EDITION OF THE PRINCE GEORGES COUNTY LANDSCAPE MANUAL.
- 4. PLANTS SHALL MEET OR EXCEED CURRENT "AMERICAN STANDARDS FOR NURSERY STOCK" BY AMERICAN ASSOCIATION OF NURSERYMAN (AAN) PARTICULARLY WITH REGARDS TO SIZE, GROWTH, SIZE OF BALL, AND DENSITY OF BRANCH STRUCTURE.
- 5. PLANT QUANTITIES SHOWN IN THE PLANT LIST ARE FOR LANDSCAPE ARCHITECTS CONVENIENCE ONLY. PRIOR TO SUBMITTING A BID OR ESTIMATE, CONTRACTOR SHALL VERIFY THAT TOTAL QUANTITIES SHOWN ON THE PLAN MATCH QUANTITIES INDICATED IN PLANT LIST. SHOULD DISCREPANCIES OCCUR, PLAN INFORMATION SHALL TAKE PRIORITY, AND LANDSCAPE ARCHITECT SHALL BE NOTIFIED
- 6. PLANTS SHALL BE LOCATED AS SHOWN ON THE DRAWINGS AND BY SCALING OR AS DESIGNATED IN THE FIELD BY THE LANDSCAPE ARCHITECT. ALL LOCATIONS OF PLANTS AND PLANTING BEDS ARE TO BE STAKED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.
- 7. FOR ALL SITE FURNISHING DETAILS SUPPLIED HERON THE LANDSCAPE PLANS FOR ILLUSTRATION PURPOSES ONLY. THE FOLLOWING SHALL APPLY TO ALL DETAILS SHOWN HERON THESE LANDSCAPE PLANS. a. SHOP DRAWINGS SHALL BE SUPPLIED AT TIME OF PERMIT APPLICATION AND PRIOR TO PERMIT ISSUANCE TO THE REVIEWING
 - AND APPROVING AGENCY. ALL DETAILS SHOWN HERON THESE PLANS SHALL BE BUILT TO MANUFACTURERS SPECIFICATIONS. EQUIVALENT SUBSTITUTIONS FOR DETAILS PROVIDED IN THESE
- PLANS SHALL BE PERMITTED WHEN APPROVED BY THE OWNER/OWNERS REPRESENTATIVE, LANDSCAPE ARCHITECT, AND
- 8. THIS PLAN IS FOR STREET TREES AND LIGHT FIXTURES LOCATED ON PUBLIC STREETS AND RIGHT OF WAYS AND WAS DESIGNED TO BE IN ACCORDANCE WITH PRINCE GEORGE'S COUNTY DPW&T STANDARDS, SPECIFICATIONS, AND DETAILS.



1. DETAIL APPLIES TO B&B OR CONTAINER PLANTING.

2. WHEN PLANTING ON A SLOPE, ENSURE LANDSCAPING IS INSTALLED VERTICAL AND PLUM. 3. MULCH SAUCER HEIGHT SHALL BE LEVEL AND UNIFORM AROUND CIRCUMFERENCE OF PLANT BASE. 4. STAKES AND WIRE SHALL ONLY BE USED AS NEEDED.

EVERGREEN TREE PLANTING DETAIL (NOT TO SCALE)



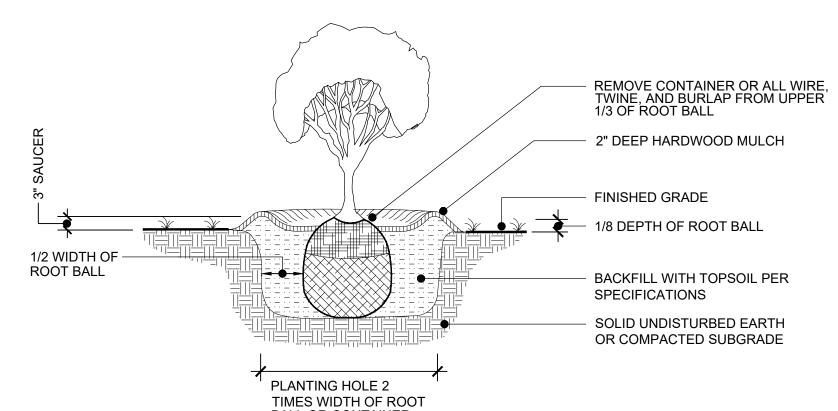
NOTES:

1. DETAIL APPLIES TO B & B OR CONTAINER PLANTING. 2. WHEN PLANTING ON A SLOPE, ENSURE LANDSCAPING IS INSTALLED VERTICAL AND PLUM. 3. MULCH SAUCER HEIGHT SHALL BE LEVEL AND UNIFORM AROUND CIRCUMFERENCE OF PLANT BASE. 4. STAKES AND WIRE SHALL ONLY BE UTILIZED AS NEEDED.

PLANTING HOLE 2

TIMES WIDTH OF ROOT **BALL OR CONTAINER**

DECIDUOUS TREE PLANTING DETAIL



1. DETAIL APPLIES TO B&B OR CONTAINER PLANTING. 2. WHEN PLANTING ON A SLOPE, ENSURE LANDSCAPING IS INSTALLED VERTICAL AND PLUM.

NOT FOR CONSTRUCTION



www.call811.com http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS BUT THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF THE MAINS BY DIGGING TEST PITS

FOR LOCATION OF UTILITIES CALL

8-1-1 OR 1-800-257-7777

OR LOG ON TO

BY HAND AT ALL UTILITY CROSSINGS WELL IN

ADVANCE OF THE START OF EXCAVATION.

10 - 12' = 250 TOTAL NUMBER OF TREES/TCC CREDIT (5F) 139 23,625 (Manually enter information/figures into shaded areas) Prepared by NOTE: TREE CANOPY FOR OUTPARCEL 1 (4.66 AC) TO BE PROVIDED WITH FUTURE DSP FOR

SEAL REMOVE CONTAINER OR ALL WIRE TWINE, AND BURLAP FROM UPPER **PROFESSIONAL CERTIFICATION:** I HEREBY CERTIFY THAT THESE - 1/8 DEPTH OF ROOT BALL DOCUMENTS WERE PREPARED OR APPROVED BY ME. AND THAT I AM A DULY REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. <u>3108</u>, EXPIRATION DATE: OCTOBER 3, 2021. 1/2 WIDTH OF-BACKFILL WITH TOPSOIL **ROOT BALL** PER SPECIFICATIONS KEY PLAN SOLID UNDISTURBED EARTH OR COMPACTED SUBGRADE

(NOT TO SCALE)

BALL OR CONTAINER

3. MULCH SAUCER HEIGHT SHALL BE LEVEL AND UNIFORM AROUND CIRCUMFERENCE OF PLANT BASE.

SHRUB PLANTING DETAIL (NOT TO SCALE)

THIS PLAN IS FOR ENTITLEMENT PURPOSES ONLY AND SHALL NOT BE **USED FOR CONSTRUCTION..**

SWM DEVICES AND LOCATIONS SHOWN ON THIS PLAN ARE SUBJECT TO CHANGE. PLEASE REFER TO THE APPROVED STORM DRAIN AND PAVING PLANS AS WELL AS THE APPROVED SWM PLANS FOR FINAL DESIGN.

No. DATE BY Description REVISIONS DRAWN BY APPROVED BY CHECKED BY AUGUST 2018 DATE

SCALE

AS-SHOWN

4601 FORBES BOULEVARD

LANHAM, MD 20706

301.731.0188 (FAX)

www.dewberry.com

APPLICANT

WERRLEIN WSSC LLC

522 DEFENSE HIGHWAY

ANNAPOLIS, MD 21401

CONTACT

JONATHAN WERRLEIN

443-510-1274

Jonathan@werrleinproperties.com

SEORC ELECT

RUDE

G

LANDSCAPE PLAN

DETAIL SHEET DEWBERRY JOB NO. 50099455

5 OF 5



AND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.pgplanning.org

June 23, 2020

Werrlein WSSC LLC 522 Defense Highway Annapolis, MD 21401

Re: Notification of Planning Board Action on Detailed Site Plan DSP-18005
Magruder Pointe

Dear Applicant:

This is to advise you that, on **June 18, 2020**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

- Within the 30 days, a written appeal has been filed with the District Council by the
 applicant or by an aggrieved person that appeared at the hearing before the Planning
 Board in person, by an attorney, or in writing and the review is expressly authorized in
 accordance with Section 25-212 of the Land Use Article of the Annotated Code of
 Maryland; or
- 2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Acting Clerk of the County Council, at 301-952-3600.

Please be advised that, pursuant to Council Resolution 10-2020, adopted on March 17, 2020, the District Council suspended certain time periods that may be applicable to an appeal of the matter approved by the Planning Board in the attached resolution. For questions concerning your right to appeal, please contact the Office of the County Clerk at Clerkofthecouncil@co.pg.md.us.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Henry Zhang 6/23/2020

Attachment: PGCPB Resolution No. 2020-105

cc: Donna J. Brown, Acting Clerk of the County Council

Persons of Record



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.pgplanning.org

PGCPB No. 2020-105

File No. DSP-18005

RESOLUTION

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 June 11, 2020, regarding Detailed Site Plan DSP-18005 for Magruder Pointe, the Planning Board finds:

1. Request: The subject detailed site plan (DSP) application proposes to develop 15 single-family attached units and 16 single-family detached units on the upper parcel, where the former Washington Suburban Sanitary Commission (WSSC) Headquarters building was located.

2. Development Data Summary:

	EXISTING	APPROVED
Zones	R-55/D-D-O	R-55/D-D-O
Use	Office	Single-Family Detached and Attached
Gross Acreage	8.26	8.26*
Dwelling Units	0	31
Single-family detached units		16
Single-family attached units	-	15

Note: *The applicant is proposing development on the upper 3.59-acre parcel only with a total of 31 residential dwelling units. The lower 4.66-acre parcel shows infrastructure only and is identified as an outparcel, in accordance with Preliminary Plan of Subdivision 4-18001, for future development.

PGCPB No. 2020-105 File No. DSP-18005

Page 2

Architectural Model	Based Finished Square Footage (BFSF)	Below Grade BFSF	Total BFSF	Garage
Single-fam	ily detached			
Alexandra	2,064	1,176	3,240	
Camella	2,122	1,428	3,550	
Claudia	2,540	960	3,500	
Julia	1,680	880	2,560	
Theresa	1,200	640	1,840	
Detached Garage	· · · · · · · · · · · · · · · · · · ·		528	2-car
Single-family attached				
Chelsea	1,599	445	2,044	2-car
Isabella	1,799	481	2,280	2-car

Parking Spaces	Min. Required*	Max.	Provided
15 single-family attached units	15	30	30
16 single-family detached units	16	32	32
Total	31	62	62

Note: *In accordance with D-D-O-Zone standards for parking in the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (page 148).

- 3. Location: The larger 8.26-acre property is located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, in Planning Area 68, Council District 2. The upper parcel, where the development is proposed in this DSP, is located north of Gallatin Street, south of Hamilton Street, and east of 41st Avenue. The lower parcel, which is known as proposed Outparcel 1, is located between 40th Place and Magruder Park. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA).
- 4. Surrounding Uses: To the north and east of the property, beyond Hamilton Street and 41st Avenue, are existing single-family detached houses in the One-Family Detached Residential (R-55) Zone; to the west, beyond 40th Avenue, is an existing public park known as Magruder Park, owned by the City of Hyattsville, and Magruder Woods Park owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC) in the Open Space (O-S) Zone; to the south are midrise apartment buildings in the Multifamily High Density Residential Zone. All surrounding properties are in the TRN Character Area and in the Development District Overlay (D-D-O) Zone.

5. Previous Approvals: The subject property is located on Tax Map 50 in Grid B1, consists of 35 existing lots, and contains a total of 8.26 acres. Lots 80–93 of Wine and Johnson's Revised 1st Addition to Hyattsville 1882, recorded in Plat Book LIB A-20 on June 12, 1884, and a portion of land west of Lots 88 and 88½, recorded in Liber 21981 folio 165, comprise 3.6 acres of the subject property and are zoned R-55. Lots 23–33 and Lots 52–61 of Block 1 of Holladay Company's Addition to Hyattsville, MD recorded in Plat Book LIB A-30 on May 19, 1887, comprise 4.1 acres of the subject property and are zoned O-S. The Gateway Arts District Sector Plan and SMA also placed a D-D-O Zone over the property and retained the R-55 Zone, but downzoned the 4.66-acre parcel to the O-S Zone.

The Prince George's County Planning Board approved a Conceptual Site Plan, CSP-18002, on July 26, 2018 to recommend rezoning the 4.66-acre southern portion of the property from the O-S to R-55 Zone, and amending the list of allowed uses to allow townhouses to be developed on the property, in addition to single-family detached houses. On January 15, 2019, the Prince George's County District Council remanded CSP-18002 back to the Planning Board to consider specific issues. On March 14, 2019, the Planning Board reheard the case, but took no position, and provided an amended resolution (PGCPB Resolution No. 18-74(A)). On May 13, 2019, the District Council reheard the CSP and on June 10, 2019, they issued an order to approve the rezoning from O-S to R-55 with three conditions, to facilitate R-55 development of the entire 8.26 acres for single-family attached units and single-family detached units.

On March 12, 2020, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-18001 for 31 lots, 2 parcels, and 1 outparcel for development of 15 townhouses and 15 single-family detached dwelling units, subject to 13 conditions (PGCPB Resolution No. 2020-35). PPS 4-18001 is pending final signature approval as of the preparation of this resolution.

The subject site also has a Stormwater Management (SWM) Concept approval 10823-2018-00, which is valid through March 22, 2022.

6. Design Features: The subject DSP proposes development of the upper 3.59-acre parcel with 15 single-family attached units and 16 single-family detached units. The lower 4.66-acre parcel, which was formerly used as the WSSC surface parking lot, is shown with infrastructure only and labeled as proposed Outparcel 1. The 3.59-acre upper parcel is bounded on three sides by public rights-of-way (ROWs), specifically, to the east by 41st Avenue, to the north by Hamilton Street, and to the south by Gallatin Street. Hamilton Street and Gallatin Street create a Y-intersection on the west side of the site, and on the east side of the site both intersect perpendicularly with 41st Avenue to create a triangular site.

The proposed 16 single-family detached dwellings are located in two groups, one fronting on 41st Avenue and the other on Hamilton Street. This creates compatible streetscapes with the existing neighborhoods across both 41st Avenue and Hamilton Street. An alley divides the proposed single-family detached and attached units and has two access points, one off Gallatin Street, and the other off Hamilton Street. All garages for single-family detached units are accessed via the alley, except for Lot 21, which is accessed from 41st Avenue. The alley also

serves the 15 townhouse units, divided into two sticks that are perpendicular to each other, with all fronting Parcel A1, which is an open space with a SWM facility, along Gallatin Street. All of these townhouse units will have first-floor interior garages, accessed off the alley. One single-family detached unit stands alone, north of the intersection of Gallatin Street and 40th Place, with two surface parking spaces off the alley behind it.

In addition, two single-family detached units on Lots 21 and 30 have detached parking garages. The building form of the single-family detached units with the detached garages should be consistent with the existing single-family detached units across 41st Avenue and Hamilton Street. Buildings, including the detached garages, on Lots 1, 2, 10, 11, 16, 17, 21, 29, 30, and 31 are highly visible units that need special treatments of the front and side elevations that are visible from the public streets. A condition has been included in this resolution to require the applicant to provide highly visible elevation treatments for the lots identified.

Architecture: A total of seven architectural models are proposed in this DSP, five single-family detached models and two single-family attached models.

The five single-family detached models, as listed in the above Finding 2, have a base finished square footage varying from 1,200 to 2,540. With options including below grade finished areas, the total square footage of the models varies from 1,840 to 3,550. All houses will have a two-car attached garage, except for two lots that have detached garages and one that has a rear parking pad. The design of the single-family detached models draws heavily from the existing single-family detached neighborhoods across both Hamilton Street and 41st Avenue. The models feature pitched and hip roofs with cross gables, front and side porches, balconies, dormers, and various colors of Hardie-board siding that are consistent with the existing houses. For those units on Lots 1, 17, 21, 29, 30, and 31 that are highly visible from public streets, additional design or material treatments, such as adding a brick water table to both the front and side elevations, should be provided. In addition, the applicant should avoid siting two identical units adjacent to each other or directly across the street from each other to create a visually diverse subdivision. A condition requiring this has been included in this resolution.

Two townhouse models with a base finished square footage of 1,599 and 1,799 and an interior, rear-loaded, two-car garage are proposed. Total finished gross floor area with all options can be up to 2,044 or 2,280 square feet. The townhouse models are designed similarly to the single-family detached models by using pitched roofs and double porches with railings. For those units on Lots 2, 10, 11, and 16, that are highly visible from public streets and the alley, additional design or material treatments, such as adding a brick water table to both the front and side elevations, should be provided. A condition requiring this has been included in this resolution.

Sustainable site and green building techniques: Per the applicant, the detached and attached houses proposed in this DSP are anticipated to incorporate numerous green building features. In terms of the building envelope, all houses will meet or exceed current energy codes, including such things as R-49 insulation in the roof and R-20 insulation in the walls. All windows installed will be double glazed. All appliances within the houses will be Energy Star rated. The plumbing fixtures will all be selected with water conservation in mind. Every detached house will be

provided with at least one installed rain barrel. Every house will have an electric car charging station.

All houses will have deep eaves (most of them with porches), which will help to reduce the energy required to keep the house cool in the summer. All roofing materials will be lighter in color so as to absorb less heat in the summer. The houses will have numerous, tall windows that will enhance daylighting, which will reduce the energy required for lighting. All of the houses will be ready to be equipped with solar panels, especially the townhouses, which have a flatter roof condition. All the houses will be within a 20-minute walk of the West Hyattsville Metro Station, within a 2-minute walk of a bus stop and will come with a membership to the Capital Bikeshare system. There will be a bikeshare station installed within a 2-minute walk from all of the houses.

COMPLIANCE WITH EVALUATION CRITERIA

- 7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the R-55 and D-D-O Zones and site design guidelines of the Prince George's County Zoning Ordinance, as follows:
 - a. Since the site is within the D-D-O Zone superimposed by the Gateway Arts District Sector Plan and SMA, the D-D-O Zone standards replace all those contained in the Zoning Ordinance (page 142), including the site design guidelines for site plans. The proposed single-family detached use is permitted in the TRN Character Area, and the proposed single-family attached use is permitted, as approved in CSP-18002.
 - b. Footnote 2 on page 144 of the Gateway Arts District Sector Plan and SMA states:

R-55 zoned properties in the TRN character area within the incorporated City of Hyattsville are exempt from the development standards and will abide by the requirements of the R-55 Zone.

However, in this case, the applicant obtained a conceptual site plan approval, CSP-18002, that rezoned the 4.67-acre lower parcel from the O-S Zone to the R-55 Zone and allowed for the single-family attached (townhouse) use on the subject property. In so doing, the District Council order conditioned that a DSP be required and that it be subject to the D-D-O Zone standards applicable to the Traditional Residential Neighborhood Character Area. This conformance is discussed in Finding 8 below.

The Council order also approved CSP-18002 with the maximum density for single-family attached development at nine dwelling units per acre and the maximum density for single-family detached, as permitted in the R-55 Zone, at 6.7 dwelling units per acre, and indicates a total density of 72 units (31 units on Parcel 1, upper and 41 units on Parcel 2, lower), in accordance with Applicant's Exhibit 1, provided with CSP-18002.

The exhibit indicates that, when combining the dwelling unit types on Parcel 1, the density would result in approximately 8.6 dwelling units per acre on Parcel 1 and approximately 8.8 dwelling units per acre on Parcel 2, based on the gross acreages. The DSP is consistent with the CSP approval in regard to density and the Planning Board finds the proposed bulk standards achieve a context-sensitive, high-quality, single-family residential development, in accordance with Condition 3 of CSP-18002. Therefore, the proposed dwelling unit density conforms to the CSP approval.

The applicant shall provide the proposed density on the DSP, in accordance with the approved CSP. The Density Calculation Table as provided is misleading, showing a net acreage of 5.24, and should be revised to reflect what was approved with the CSP. A condition to that effect has been included in this resolution.

c. The Gateway Arts District Sector Plan and SMA states, in the D-D-O Zone standards under Site Design, Parking and Loading (page 148), the following:

Standard 5. - Parking for residential and live/work use shall consist of a minimum of 1 and a maximum of 2 on-site spaces per lot. If the dwelling lot fronts on a street with on-street residential parking, each 20 feet of linear frontage may be substituted for 1 space.

The DSP proposes a total of 31 residential dwelling units. The minimum required parking spaces are 31, and maximum allowed parking spaces are 62. The applicant provides 62 on-site parking spaces, in conformance with this standard. In addition, the applicant identifies that the subject site is surrounded on three sides by public ROW and on-street parking may be available.

8. 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District and the standards of the Development District Overlay (D-D-O) Zone: The Gateway Arts District Sector Plan and SMA defines long-range land use and development policies, detailed zoning changes, design standards, and a D-D-O Zone for the Gateway Arts District area. The land use concept of the Sector Plan divides the Gateway Arts District into seven interrelated areas for the purpose of examining issues and opportunities and formulating recommendations. Detailed recommendations are also provided for the seven distinct areas within the Sector Plan.

The subject site is located within the TRN, which calls for a development character that reinforces the existing single-family detached residential neighborhoods as calm, low-traffic, and child-safe. In order to achieve this land use vision, the Gateway Arts District Sector Plan and SMA prescribes D-D-O Zone standards under three categories of Site Design, Building Design, and Public Open Space that governs the development of the subject site.

Section 27-548.25(b) of the Zoning Ordinance requires that the Planning Board find that the site plan meets applicable development district standards. The applicant has submitted a statement of justification (SOJ) that provides a detailed explanation of how the proposed development

conforms to each development district standard and, if not, why and what amendments are required.

The DSP meets most of the applicable standards, with the exception of seven development district standards for which the applicant has requested amendments. In order to allow the plan to deviate from the development district standards, in accordance with Section 27-548.25(c), the Planning Board must find that the alternative development district standards will benefit the development and the development district and will not substantially impair implementation of the Sector Plan. The amendments that the applicant has requested are discussed below under the three categories of standards.

SITE DESIGN

Building and Streetscape Siting

12. On properties zoned R-55, the minimum lot area for new dwellings shall be 5,000 square feet. Where the depth of the lot is less than 100 feet, the minimum net lot area shall be 4,800 square feet. (page 146)

All single-family detached lots meet the 5,000 square foot minimum, except for Lots 23 (4,150 square feet) and 29 (4,080 square feet). A comparative small lot (less than 5,000 square feet) is not uncommon within the close vicinity of the subject site. In fact, approximately two dozen existing homes within four blocks have lot sizes less than 5,000 square feet. The site design maintains a similar lot width at the street frontage to create a consistent lotting pattern that achieves a compatible streetscape with the existing single-family homes across Hamilton Street and 41st Avenue. The minor reduction of the lot size for two lots only will not be easily perceptible and will ensure context-sensitive development.

In addition, for the single-family attached (townhouse) lots, a 1,400 square feet minimum lot size has been requested. The County has previously approved similar or smaller townhouse lot sizes in the close vicinity of this site, some as small as 1,000 square feet. Given the infill nature of this development, the proposed lot size will allow sufficient usable space and urban living within the established traditional neighborhood.

Therefore, the alternate lot size standards for two single-family detached units and single-family attached units will benefit the development and development district and will not substantially impair implementation of the Sector Plan. The architecture is commensurate in details and design to the neighborhood to further enhance compatibility. The Planning Board approves this amendment.

16. The front yard shall not have more than 20 percent impervious surface and shall not include a paved area for parking between the dwelling and the street sidewalk. (page 146)

All proposed single-family detached lots meet this impervious surface requirement, except for Lot 21, which is located at the intersection of Hamilton Street and 41st Avenue. Due to its corner lot location and the presence of various utility easements, Lot 21 does not have enough lot depth in either direction to accommodate normal house siting and has to utilize a stand-alone garage, in order to create a consistent streetscape along 41st Avenue. The driveway to the garage increases the total impervious surface over the maximum allowed 20 percent. The Planning Board supports this amendment because this slight increase of impervious surface area is limited to Lot 21 only and will not substantially impair implementation of the Sector Plan. However, the applicant should provide the specific percentage of the impervious surface of Lot 21 on the site plan, prior to certification of this DSP. The Planning Board approves this amendment.

24. Accessory buildings shall be set back a minimum of 40 feet from the front lot line. (page 147)

All accessory buildings on the site plan are set back more than 40 feet from the front lot line, except for Lot 21. As discussed previously, Lot 21 is a corner lot that has a limited lot depth and is unable to meet this setback requirement for the stand-alone garage. In order to create a consistent development pattern along 41st Avenue, the garage is set back 20 feet, similar to the houses, and thus necessitates this amendment. This alternate standard will benefit the development and the development district and will not substantially impair implementation of the Sector Plan. The Planning Board approves this amendment.

25. Side yards for one-family detached dwellings shall be a minimum of 8 feet wide on both sides but may be reduced as much as 4 feet on each side where the resulting building would be less than 14 feet in width. (page 147)

The proposed residential development included in this DSP is an infill development project on the site where the former WSSC headquarters building was located. The proposed development will further strengthen the existing single-family traditional neighborhood characteristics by creating a compatible development pattern and streetscape through observing uniform front building setbacks and lot widths, as recommended by the Gateway Arts District Sector Plan and SMA. In order to make full use of the existing infrastructure and public service already in the area, the DSP utilizes a zero-lot line concept to push the building to one side as much as possible, for a minimum side yard setback of three feet, versus the required eight feet. This creates one usable side yard for outdoor activities since the rear yard area is largely occupied by the garages and driveways. However, all single-family detached lots have a minimum combined side yard of 18 feet, which is 2 feet larger than the total of 16 feet if the minimum 8 feet was provided on each side. Except for Lot 22, which has a combined side

yard of 10 feet, all the single-family detached lots have a combined side yard of 18 to 25 feet. Most of the houses have a porch element on the side, which would create covered outdoor space, in addition to the larger side yard.

In addition, several existing houses across Hamilton Street, and even existing houses within one block of the site, have similar narrower side yard setbacks. This alternate side yard setback of three feet will benefit the development and the development district and will not substantially impair implementation of the Sector Plan. The Planning Board approves this amendment.

 One-family detached dwellings shall have a rear yard a minimum of 25 feet in depth. (page 147)

As discussed above, the DSP proposes a redevelopment of a commercial site with urban single-family dwelling units that feature higher density, narrow frontage, and an alley system to maximize unit yield. Except for Lot 21, all single-family detached units will be accessed via an alley and have walking paths to the front yards directly from the surrounding public streets. Most of the garages are attached to the rear of the buildings and therefore can only have a rear yard of 11 feet, instead of the required 25 feet.

In addition, the applicant also presents several reasons for creating irregular rear yards, which include allowing garages and tandem driveway parking, the existing Magruder Park is within walking distance, Parcel A-1 and A-2 are open space parcels on the site and urban living is not based on yard space. This alternate standard will benefit the development and the development district and will not substantially impair implementation of the Sector Plan. The Planning Board approves this amendment.

Siting and Access

6. Driveways or private drive-aisles shall have a maximum width of 12 feet. (page 149)

Insufficient parking has been a persistent issue in established neighborhoods in the County, including the neighborhoods surrounding the subject site. In order to minimize parking spill-over into the existing neighborhood, as is common with infill projects, this DSP proposes two-car garages for every unit, and an alley system with 19.5-foot-wide driveways that can accommodate additional parking. Given the fact that all wider driveways will be located interior to the site, except for one, this alternate standard will benefit the development and the development district by reducing parking spill-over into the existing neighborhood and will not substantially impair implementation of the Sector Plan. The Planning Board approves this amendment.

PUBLIC SPACE

Streetscape

6. Street trees shall be shade trees and shall be a minimum of 2.5- to 3-inch caliper. (page 155)

The subject site has frontage on three surrounding public ROWs and will be required to provide street frontage improvements outside of the ROWs, in accordance with the County's standards. Technically, this standard is not readily applicable to the DSP. However, the applicant proposes to plant as many shade trees, in accordance with the required caliper size in the site areas on individual lots, adjacent to Hamilton Street, Gallatin Street, and 41st Avenue to functionally serve as street trees. Planting additional shade trees on the subject site will help reduce the heat island effect of the developed areas within the dense neighborhood and will benefit the development and the development district. The Planning Board approves this amendment.

- 9. Conceptual Site Plan CSP-18002: The District Council approved Remanded CSP-18002 on June 10, 2019 with three conditions. The conditions that are relevant to the review of this DSP are discussed as follows:
 - 2. At the time of Detailed Site Plan, as required in PGCC § 27-548.26, Applicant shall:
 - a. Provide evidence that impact to the floodplain has been approved by the authority having jurisdiction.

In a letter (Hajazi to Freiland) dated September 27, 2018, the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) approved a Floodplain Waiver for this subject site. The DSP satisfies this condition.

b. Provide sidewalks on both sides of all internal streets, excluding alleys, as appropriate.

The subject site is bounded on three sides by the ROWs of Hamilton Street, 41st Avenue, and Gallatin Street. One alley has been provided through the site that links Gallatin Street to Hamilton Street. Sidewalks have been provided along the three frontages of the site. Additional pedestrian paths have been provided in front of the townhouse buildings and on Parcel A2 linking Hamilton Street to Gallatin Street. The DSP meets the requirements of this condition.

3. Prior to issuance of any building permit, Applicant shall, pursuant to PGCC § 27-548.26, obtain approval of a Detailed Site Plan (DSP) for the entire 8.26 acres. The DSP shall be subject to all Development District Overlay (D-D-O)

Zone standards applicable to the Traditional Residential Neighborhood Character Area. Additional bulk requirements shall be established with the approval of the DSP to implement the applicable goals and recommendations of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District, to achieve context-sensitive, high-quality, single-family residential development.

The applicant has filed this DSP, for the entire 8.26 acres; but shows only first phase of 31 dwelling units for development of the upper parcel, in accordance with this condition. The DSP has been reviewed for conformance with the applicable D-D-O Zone conditions, as discussed in the above Finding 8. The DSP meets all applicable D-D-O Zone standards, except for seven standards that the applicant has requested amendments to, in accordance with Section 27-548.25(c). The additional bulk requirements achieve a context-sensitive, high-quality, single-family development. The DSP satisfies this condition.

- 10. Preliminary Plan of Subdivision 4-18001: The Planning Board approved 4-18001 with 13 conditions (PGCPB Resolution No. 2020-35). The conditions that are relevant to the review of this DSP warrant the following discussion:
 - 1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to provide density information in the general notes, in accordance with the approved Conceptual Site Plan, CSP-18002.

As of preparation of this resolution, PPS 4-18001 has not obtained signature approval yet. A condition has been included in this resolution requiring 4-18001 to receive signature approval, prior to certification of the DSP.

3. Total development within the subject property shall be limited to uses that would generate no more than 23 AM and 26 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new PPS, with a new determination of adequacy transportation facilities.

The Planning Board finds the proposed development is within the trip cap.

4. Prior to signature approval of the preliminary plan of subdivision, the applicant shall provide written verification from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) whether unsafe soils are present on-site. If present, the detailed site plan shall clearly delineate the location of any associated safety factor lines, as well as any accompanying building restriction lines that are required by DPIE.

DPIE has provided written communication to both the applicant and the Environmental Planning Section regarding soil safety for this site. The written correspondence has been incorporated into the official file for this case. DPIE's written findings conclude that

there are no building soil safety factor lines required, but restrictions regarding Christiana Clays and unconsolidated fill apply to the site, specifically for SWM devices. The correspondence indicates that water infiltration and discharge on this site is prohibited. Geosynthetic liner is required under any proposed SWM devices. Downspouts shall all be connected to an extension that discharges into the nearest stormdrain inlet. These issues will be enforced by DPIE at the time of permitting.

5. In conformance with the 2004 Approved Sector Plan for the Prince George's County Gateway Arts District and 2009 Master Plan of Transportation, the applicant and the applicant's heirs, successors, and/or assignees shall provide standard sidewalks along the frontages of Hamilton Street, Gallatin Street, and 41st Avenue. Wide sidewalks shall be provided along the frontage of Hamilton Street and Gallatin Street where feasible. Sidewalks shall be shown on the detailed site plan, prior to acceptance.

The DSP has been revised to show the required sidewalks on the site plan, as conditioned.

7. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (10823-2018-00) and any subsequent revisions.

The DSP is consistent with the approved SWM Concept Plan 10823-2018-00.

10. If, at the time of detailed site plan, an amendment to the development district standards is approved to allow a reduced lot size, 31 lots may be platted pursuant to the applicant's sketch plan, given all other lot and density standards are met.

Seven amendments to the D-D-O Zone standards, including the lot size for two single-family detached units and for single-family attached units, have been requested and the Planning Board approves all of them because the alternate standards will benefit the development and the development district and will not substantially impair implementation of the sector plan.

11. Prince George's County Landscape Manual: The D-D-O Zone includes development district standards that override all of the requirements of the Zoning Ordinance. On page 142 of the Gateway Arts District Sector Plan and SMA, it states:

The development district standards replace all those contained in the Zoning Ordinance and Landscape Manual except (1) where noted for parking provision, (2) properties zoned R-80 except with respect to accessory buildings containing an artist studio, (3) where noted for home occupation signage, and (4) where noted for signage size. If an aspect of the physical development of a project is not included in the development district standards, the character area goals and the intent statement of those standards most closely relating to that aspect shall apply.

The subject site is located in the TRN Character Area. The following D-D-O Zone standards related to landscaping are applicable to this DSP.

SITE DESIGN

Landscaping

1. Existing trees should be preserved where feasible. (page 151)

There are a few existing trees on this upper parcel that have been preserved, where feasible.

2. Shade trees with a minimum of 2.5- to 3-inch caliper shall be provided at the rate of one shade tree per every 5,000 square feet of the gross site area (exclusive of street dedications). Existing trees and street trees to be planted within the abutting right-of way may be counted toward meeting this standard.

This standard requires 28 shade trees that have been provided on the site.

PUBLIC OPEN SPACE

Parks and Plazas

1. At least one tree with a minimum 2.5- to 3-inch caliper should be planted per every 1,000 square feet of proposed open space.

This standard requires 29 shade trees that have been provided on the site.

 A minimum of 1 shrub should be provided for every 100 square feet of area, and there should be a minimum of 3 varieties for spaces greater than 300 square feet.

This standard requires 287 shrubs that have been provided on the site.

In addition, landscaping based on the 2010 *Prince George's County Landscape Manual*, requirements of Section 4.1, Residential Requirements, have been provided on each individual lot. Additional shade trees, with a minimum 2.5- to 3-inch caliper, are also provided along all frontages of Hamilton Street, Gallatin Street, and 41st Avenue. Moreover, the requirements of Section 4.9, Sustainable Landscaping Requirements, have been exceeded as the landscape plan shows that 100 percent of the provided shade trees, evergreen trees, ornamental trees, and shrubs are native species.

12. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance: The site is exempt from the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site has less than 10,000 square feet of woodland on-site and no previously approved

tree conservation plans. A Standard Woodland Conservation Exemption Letter (S-043-2018) was submitted with the DSP application.

An approved Natural Resources Inventory (NRI-013-11) was submitted with the application. The site is comprised of two parcels with existing parking areas and buildings with small areas of open landscaped areas. No woodland exists on the site. The lower parcel contains primary management area (PMA) consisting of floodplain, stream buffer, and wetland buffer. Existing parking and landscaping are within the PMA. There are four specimen trees on the upper parcel, which are to be removed. Since the site is exempt from woodland conservation requirements, no variance request for specimen tree removal is required.

- 13. Prince George's County Tree Canopy Coverage Ordinance: Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. The subject site is in the R-55 Zone, which requires 15 percent of the site be covered in tree canopy. The upper parcel, where the development is located, measures 3.6 acres, and 0.54 acre (23,522 square feet) of TCC is required. A TCC schedule has been provided with this DSP that shows 23,625 square feet of TCC meets the requirements. The TCC requirement for Outparcel 1 will have to be met separately at time of development of that area.
- 14. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions. Their major comments are summarized, as follows:
 - a. Community Planning— The Planning Board adopted, herein by reference, a memorandum dated May 7, 2020 (Mierow to Zhang), which provided the following summarized comments:

The Gateway Arts District Sector Plan and SMA retained the portion of the subject property between Hamilton and Gallatin streets in the R-55 Zone but reclassified the former parking lot portion of the property between 40th Avenue and 40th Place from the R-55 Zone to the O-S Zone, noting "Rezoning to O-S creates the opportunity to expand parkland and reinforce the vision of the traditional residential neighborhood character area" (page 123). The SMA further superimposed the D-D-O Zone, placing the entire property in the TRN character area. Note that R-55-zoned properties in the TRN character area within the incorporated City of Hyattsville are exempt from the development district standards and abide by the requirements of the R-55 Zone (page 144). The TRN goals and recommendations are still applicable, however, regardless of the zone.

The memorandum listed nine amendments that the applicant initially requested. In the revised SOJ submitted on May 14, 2020, the applicant reduced the amendments to seven standards only. Detailed discussion has been provided in Finding 8 of this resolution.

In conclusion, the Planning Board finds that, pursuant to Section 27-548.25(c), this applicant requests development standards which differ from the development district standards of the Gateway Arts District Sector Plan and SMA that will benefit the development and will not substantially impair implementation of the Sector Plan.

b. **Transportation Planning**— The Planning Board adopted, herein by reference, a memorandum dated May 12, 2020 (Hancock to Zhang), which offered comments on the subject application summarized, as follows:

PPS 4-18001 established the trip generation in each peak hour that was used for the analysis for the residential trip cap. The development of Phase 1 at full buildout is projected to generate 23 (4 inbound, 19 outbound) and 26 (17 inbound, 9 outbound) vehicle trips during the AM and PM peak hours, respectively.

There are two access points for Phase 1; one on Gallatin Street and one on Hamilton Street. An internal alley, currently labeled Alley 1, will connect both access points and provide internal access to most of the homes in the subdivision. One house located on Lot 21 will not have access to Alley 1, rather it has access to 41st Avenue. The Planning Board has coordinated with the City of Hyattsville and they are in agreement with the access for Lot 21. The access plan and circulation on this site is acceptable.

From the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a DSP, as described in the Zoning Ordinance.

c. Historic Preservation— The Planning Board adopted, herein by reference, a memorandum dated April 9, 2020 (Stabler to Zhang), which indicated that the subject property was the site of WSSC Headquarters (68-10-082), a documented property constructed in 1939. The building was demolished in 2019. There are no Prince George's County historic sites or resources on or adjacent to the subject property.

A Phase I archeology survey is not required on the subject property. As part of the pre-application review, the southern portion of the subject property that was formerly used as a parking lot, was thought to have some potential of containing intact archeological resources. However, the plan shows a sewer line, a gas line, and a drainage channel running through various portions of the subject site. The installation of these utilities has likely extensively disturbed any intact archeological resources that may have been present. Therefore, a Phase I archeology survey is not required.

d. Trail— The Planning Board adopted, herein by reference, a memorandum dated May 6, 2020 (Smith to Zhang), which provided comments on nonmotorized transportation issues, summarized as follows:

All internal roads are proposed as alleys and therefore do not require sidewalks. The submitted plans indicate the existing 4-foot-wide sidewalks along Gallatin Street, Hamilton Street, and 41st Avenue. An additional 5-foot wide sidewalk connection is also included between Hamilton Street and Gallatin Street.

The subject site is adjacent to residential neighborhoods, and Magruder and Hamilton Parks, which are all connected via sidewalks. The Planning Board finds that the proposed pedestrian and bicycle circulation, along with the below requirements, will be safe, efficient, and convenient for both pedestrians and motorists, pursuant to Sections 27-283 and 27-274(a)(2)(C) of the Zoning Ordinance, and site design guidelines.

Three master-planned trails impact the subject site, including planned shared roadways along Hamilton Street, Gallatin Street, and 40th Place.

The submitted plans include sidewalks along all roadway frontages; however, the Planning Board conditioned a minimum of 5-foot-wide sidewalks be provided along all roadway frontages. Per PPS 4-18001, the proposed development is subject to a bikeway fee for the placement of signage along Hamilton Street, Gallatin Street, and 40th Place, which is an important component of a bicycle-friendly network.

Based on the findings presented above, the Planning Board concludes that the pedestrian and bicycle access and circulation for this plan is acceptable, consistent with the site design guidelines pursuant to Section 27-283 of the Zoning Ordinance, and meets the findings required by Section 27-285(b) of the Zoning Ordinance for a DSP for transportation purposes, and conforms to the prior development approvals, and the Gateway Arts District Sector Plan and SMA.

e. **Environmental Planning**— The Planning Board adopted, herein by reference, a memorandum dated May 12, 2020, (Schneider to Zhang), which provided an analysis of the DSP, and the relevant comments are summarized, as follows:

Preservation of Regulated Environmental Features/Primary Management Area (PMA)

The applicant has submitted the same SOJ for the impacts to the on-site regulated environmental features that was approved with PPS 4-18001, with this application. No new impacts are proposed with this DSP.

The approved PMA impacts include one area (Impact 1 from the PPS), which totals 2.54 acres for on-site stormdrain pipe installation and grading associated with the removal of impervious asphalt. The installation of the proposed floodplain compensatory storage required to serve the development on the lower parcel has not been requested, nor approved. All of the on-site impacts are located on proposed Outparcel 1, which has been previously impacted with existing paved parking areas, a stormdrain, and a stormdrain outfall. The existing stormdrain system will be upgraded with a new system to support the proposed development of the upper parcel.

Stormwater Management/Unsafe Soils

A SWM Concept Approval Letter 10823-2018-00 and associated plan were submitted with the application for this site. The approval was issued on March 22, 2019 with this project from DPIE. The concept plan shows two of the proposed six micro-bioretention facilities on the upper parcel. The remaining four, as well as a compensatory floodplain storage area are not proposed with this application at this time.

The site contains Christiana clays and DPIE has stated that the site must follow unconsolidated clay requirements. DPIE has also stated that no buildings will be permitted on recycled materials or demolition debris. These recycled materials or demolition debris shall be removed from the site. A geotechnical certification will be required to confirm that removal before issuance of a Fine Grading permit. All asphalt from parking lot areas shall be recycled only at asphalt plants.

f. Prince George's County Department of Parks and Recreation (DPR)—In a memorandum dated May 8, 2020 (Sun to Zhang), DPR provided comments, as follows:

In conformance with PPS 4-18001, the requirements for mandatory parkland dedication will be addressed by a fee-in lieu payment. As per Condition 6 of PGCPB Resolution No. 2020-35, the fee in-lieu payment shall be made, prior to approval of the final plat.

The plans indicate that Outparcel 1 is for infrastructure only and will be used for flood plain compensatory 100-year storage that will be needed for this development. The outfall for the stormdrain system is shown on the adjacent property, which is owned by M-NCPPC. The applicant has not contacted DPR with regards to our consent for the outfall to be located on park property. DPR suggests that the applicant look at re-engineering the plans to not have the outfall on park property or to have any adverse impacts to park property.

DPR recommends approval of this DSP, subject to one condition that has been included in this resolution.

g. City of Hyattsville—In a letter dated May 20, 2020 (Mayor Hollingsworth to Chairman Hewlett), the Hyattsville City Council requested that the applicant and the Planning Board delay its consideration of the DSP application until the City's legal appeal of the parent CSP application has been resolved. The City of Hyattsville believes that the District Council's decision to allow townhouses on an R-55-zoned property in the subject Traditional Residential Neighborhood is unlawful and contradictory to the goals and intent of the Gateway Arts District. The City Council provided eight requirements, if the Planning Board proceeds to consider this application, as follows:

- (1) All single-family attached units present on the upper lot of the site shall incorporate pitched roofs (as opposed to low-slope roofs), consistent with the architecture of the single-family detached dwelling units.
- (2) The shared driveway area between Lots 20 and 22, which does not reside on private property, shall be entrusted to the site's homeowners association for ownership and maintenance, as proposed in the City's Exhibit 1, submitted for the record.

Or

All lots should have dedicated driveway aprons, as proposed in the City's Exhibit 2, submitted for the record.

- (3) All single-family detached lots shall meet the minimum lot area standard of 5,000 square feet, without exception.
- (4) Three-foot side-yards of adjacent houses shall not abut.
- (5) Buyers of single-family detached homes that are not outfitted with a wraparound porch shall have an option to include a separate side porch in the design and construction of the dwelling.
- (6) The applicant shall ensure all walkways and entrances can accommodate individuals with accessibility and mobility issues.
- (7) For those units without rooftop decks, the roof of the garage shall match the pitch and style of the accompanying dwelling unit.
- (8) In order to mirror a more natural egress, a structured pathway shall be included on the west side of the site to give individuals a direct pathway from Hamilton Street to Magruder Park.

The City's requirements, as agreed to by the applicant, have been included as conditions herein, except for the requirement to meet the minimum lot area standard of 5,000 square feet. The applicant has requested, and the Planning Board approves an amendment to the lot size standard for two lots. The applicant also indicated that they prefer the second option under Requirement 2, to include the driveways to Lots 20 and 22, as part of the alley that will be dedicated to the City of Hyattsville.

h. Prince George's County Police Department—In a memorandum dated April 14, 2020 (Contic to Planner Coordinator), the Police Department offered no comments on the subject application.

- i. Prince George's County Health Department—In a memorandum dated April 13, 2020 (Adepoju to Zhang), the Health Department provided comments that have been transmitted to the applicant. The subject site is located within the established area of the County and is close to numerous service and retail facilities, including grocery stores and restaurants. The site plan also demonstrates pedestrian connections to the neighboring communities, especially the Magruder Park to the southwest of the site. Notes regarding dust and noise impacts during demolition/construction shall be added to the plan, as conditioned herein.
- j. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)—At the time of this resolution, DPIE did not offer comments on the subject application.
- 15. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, this DSP will, if approved with conditions, represent a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
- As required by Section 27-285(b)(2), this DSP is in general conformance with the approved CSP-18002.
- 17. Section 27-285(b)(4) provides the following required finding for approval of a DSP:
 - (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

All regulated environmental features are on the lower parcel, proposed Outparcel 1, which includes only infrastructure improvements at this time. The PPS 4-18001 approval included approval of impacts to the regulated environmental features. No new impacts are proposed with this DSP. Therefore, it can be said that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

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 Detailed Site Plan DSP-18005 for the above described land, subject to the following conditions:

A. APPROVES amendments to the Development District Overlay (D-D-O) Zone Standards, as follows:

- 1. Site Design, Building and Streetscape Siting, Standard 12 (page 146): To allow the minimum lot area of Lots 23 and 29 to be smaller than the requirement, at 4,150 and 4,080 square feet, respectively. In addition, to allow the townhouse lots to be a minimum of 1,400 square feet.
- Site Design, Building and Streetscape Siting, Standard 16 (page 146): To allow Lot 21
 to exceed the maximum allowed 20 percent impervious surface area, as shown on the site
 plan.
- 3. **Site Design, Building and Streetscape Siting, Standard 24** (page 147): To allow the accessory building (stand-alone garage) on Lot 21 to be set back 20 feet from the front lot line, instead of the required 40 feet, as shown on the site plan.
- 4. Site Design, Building and Streetscape Siting, Standard 25 (page 147): To allow a minimum side yard of 3-feet-wide on single-family detached lots, with a minimum combined side yard of 10 feet.
- Site Design, Building and Streetscape Siting, Standard 27 (page 147): To allow a minimum rear yard depth of 11 feet for the single-family detached lots.
- 6. Site Design, Siting and Access, Standard 6 (page 149): To allow driveways or private drive aisles to be a maximum of 19.5 feet wide, instead of the required 12 feet, in order to maximize on-site parking.
- 7. **Public Space, Streetscape, Standard 6** (page 155): To allow additional shade trees of the required caliper size to be planted on the subject site areas that are adjacent to the public streets to function as street trees.
- B. APPROVES Detailed Site Plan DSP-18005, Magruder Pointe, subject to the following conditions:
 - Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:
 - Obtain signature approval of Preliminary Plan of Subdivision 4-18001, and revise the DSP, as necessary.
 - Revise site plan to be consistent with Development District Overlay Zone standard information included in the revised Statement of Justification.
 - Provide specific impervious area for Lot 21 on the site plan.
 - d. Provide a correct Density Calculation Table, in accordance with the approved Conceptual Site Plan, CSP-18002.

- e. Include a structured pathway on the west side of the site to give individuals a direct pathway from Hamilton Street to Magruder Park.
- f. Revise the site plan to show that all lots shall have a separate dedicated driveway apron, as shown in the City of Hyattsville's Exhibit 2.
- g. Provide the following architecture-related and general plan notes:

"All highly-visible single-family attached (townhouse) end units located on Lots 2, 10, 11 and 16, shall have, at a minimum, the water table or first floor finished with brick, or other masonry, with a minimum of three architectural features in a balanced and harmonious composition."

"The two side elevations of all highly visible single-family detached units, located on Lots 1, 17, 21, 29, 30 and 31, shall have, at a minimum, the water table or first floor finished with brick, or other masonry, with a minimum of three architectural features in a balanced and harmonious composition."

"No two single-family detached units that are adjacent to or across the street directly facing each other shall use the same model."

"All single family attached units present on the upper lot of the site shall incorporate pitched roofs (as opposed to low-slope roofs), consistent with the architecture of the single-family detached dwelling units."

"Three-foot side-yards of adjacent houses shall not abut each other."

"Single-family detached homes that are not outfitted with a wraparound porch shall have an option to include a separate side porch in the design and construction of the dwelling."

"For those units without rooftop decks, the roof of the garage shall match the pitch and style of the accompanying dwelling unit."

"The applicant shall ensure all walkways and entrances can accommodate individuals with accessibility and mobility issues."

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

"During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code. "

h. Provide the stormwater management (SWM) plan for review and approval by the Prince George's County Department of Parks and Recreation (DPR) to assess the impact of stormdrain outfalls on adjacent parkland. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent parkland. If the outfalls require drainage improvements on land owned by the Maryland-National Capital Park and Planning Commission, DPR shall review and approve the location and design of these facilities. DPR shall also require, at a minimum, a Right of Entry Agreement, along with a grading and restoration bond for the park property affected. Should the SWM plan be revised to eliminate the outfall on park property, this condition shall be voided.

CONSIDERATION

1. During public hearing for townhouse developments, issues related to security on the models were discussed. Security in a compact townhouse development is important, and doorbell cameras may improve the security of individual units and help to create a safer neighborhood. The applicant should consider townhouse model designs where the general area around the front door allows for the installation of third-party doorbell cameras and external entryways are wide enough to allow such cameras broad peripheral coverage. The security options could be available in the model selection at the time of purchase or as a possible rough-in to facilitate a homeowner's future installation.

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Doerner temporarily absent at its regular meeting held on Thursday, June 11, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of June 2020.

Elizabeth M. Hewlett Chairman

Ву

essica Jones

Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date: <u>June 17, 2020</u>



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-300-FY22 4/4/2022 12.a.

Submitted by: Hal Metzler

Submitting Department: Public Works

Agenda Section: Discussion

Item Title:

3505 Hamilton Street Construction Administration, Construction Management, Third Party Inspection, and Commissioning

Suggested Action:

FOR DISCUSSION:

I move that the Mayor and Council authorize the City Administrator to execute a change order to the Johnson, Mirmiran, & Thompson (JMT) contract to increase the not to exceed value to \$4,750,000 and to extend the expiration date of the Contract to February 4, 2024. In addition, an expenditure is authorized not to exceed \$1,200,000 to provide Construction Administration, Construction Management, Third Party Inspections, and Commissioning for the 3505 Hamilton St Public Safety Building Adaptive Reuse Project under their existing contract and change orders.

Summary Background:

In the Spring of 2016, JMT was awarded a contract for the planning, design, construction oversight, and inspection of what is now called the 3505 Hamilton Street Public Safety Building Project. In 2017 Architectural and Engineering work was authorized by the Council. Now that the building construction has been solicited and procured the proposals for the Construction Administration, Construction Management, Third Party Inspections, and Commissioning are ready to be accepted.

Next Steps:

Issue change order and purchase orders.

Fiscal Impact:

Not to exceed \$1,200,000

City Administrator Comments:

Click or tap here to enter text.

Community Engagement:

N/A

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

N/A



July 21, 2021

Mr. Hal Metzler, Jr. City of Hyattsville 4310 Gallatin Street Hyattsville, MD 20781

RE: Proposed Task Order 01F for A/E Construction Administration Services for City of Hyattsville Public Safety Building, 3505 Hamilton Street DPW07132015 / JMT #16-1916-01F

Dear Mr. Metzler,

JOHNSON, MIRMIRAN & THOMPSON is pleased to provide JMT's Task Order 01F proposal to the City of Hyattsville for A/E Construction Administration Services for the New Public Safety Building located on 3505 Hamilton Street. The proposal has been based on the City's described scope and anticipated duration of 14 months.

The scope of work and deliverables will include:

- Attend Pre-Construction Meeting
- Attend Progress Meetings and Site Visits (28 bi-weekly meetings for 14 months duration)
- Consultant coordination, (Sub consultants: VDA, Moyer, and Columbia Engineering)
- Shop Drawing, Submittal and Product/Material Certification Review
- Respond to Requests for Information (RFI)
- Review to Potential Change Orders
- Conduct field observation of construction work, current with progress meeting attendance.
- Review Applications for Payment.
- Contractor's Preliminary and Final Punch Lists backchecks
- Project Closeout- Prepare as-built record drawings from information provided by the contractor, including final plots.
- Review of warranties

Total Amount Not to Exceed

\$438,489.90





Exclusions:

- a. Hazardous Materials Monitoring:
- b. Permit processing, permit application and processing fees
- c. Testing and Inspection Services
- d. The project will be constructed in one (1) phase
- e. HVAC balancing and commissioning or payment for construction labor to obtain samples or cut inspection openings in structures or components.
- f. Printing or electronic transfer of drawings and specifications for bidding or for construction contractors.
- g. Charges for or coordination of flow tests, surveys, and permits.
- h. Construction inspection is excluded. A punch list will be generated, and a single re-verification visit will occur to approve the work performed by the Construction Contractor
- i. Training of operating staff.
- j. Any service not specifically identified in Scope of Services
- k. Redesign associated with value engineering or owner directed changes during construction.
- I. CM services excluded

Thank you for using JOHNSON, MIRMIRAN & THOMPSON to provide these services.

Very truly yours,

JOHNSON, MIRMIRAN & THOMPSON, INC

Jonathan J. Ryan, PE, CCM, PMP

Senior Vice President

cc: Soli Guille, JMT

Mitch Nelson, JMT

Johnson, Mirmiran & T COST SUMMARY FO				
PART I - GENER				
CLIENT: City of Hyattsville - Professional Consulting & Design Services	Police Hea	adquarters Re-	DPW07132015	Task Order 01F
CONSULTANT: Johnson, Mirmiran & Thompson	I .IMT -16-1916-01F			SAL DATE
ADDRESS: 601 New Jersey Ave, Suite 210 Washington, DC 20001			21-	Jul-21
COST SUMMAR	RY		ESTIMATED	I
DIRECT LABOR (Specify labor categories)	HOURS	HOURLY RATE	COST	TOTALS
Prinicipal - Architect Senior Architect	40 502	\$195.00 \$174.00	\$ 7,800.00 \$ 87,348.00	
Design Architect	626	\$125.00	\$ 78,250.00	
Senior Engineer -Electrical	335	\$195.00	\$ 65,325.00	
Senior Engineer - Civil	102	\$195.00	\$ 19,890.00	
Civil Engineer	198	\$140.00	\$ 27,720.00	
MEP Program Manager Mechanical Engineer	121 584	\$157.00 \$125.00	\$ 18,997.00 \$ 73,000.00	
Adminstration	14	\$60.00	\$ 840.00	
CADD Technician	319	\$94.00	\$ 29,986.00	
			\$ -	
Total Hours	2,841			
DIRECT LABOR SUBTOTAL:			\$ 409,156.00	
INDIRECT COSTS (Specify)	RATE	X DIRECT LABOR TOTAL =	ESTIMATED	
OVERHEAD AND PAYROLL BURDEN	0%	TOTAL	\$ -	
INDIRECT COSTS SUBTOTAL			\$ -	
3. TOTAL OF DIRECT LABOR & INDIRECT COSTS (Combined Sum of Items 1 & 2)				\$ 409,156.00
4. PROFIT - (Fixed Hourly Rate)				\$ -
5. TOTAL PROFESSIONAL FEE (Combined Sum of Items 3 & 4)				
OTHER DIRECT COSTS (refer to attached itemization)				
7. EXPENSES	QTY.	COST	ESTIMATED COST	
a. Transportation (personal car)	6,500	\$ 0.56	\$ 3,640.00	
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	\$ -	
,			\$ -	
EXPENSES SUBTOTAL			\$ 3,640.00	
EXI ENGLO COBTOTAL			ESTIMATED	
8. EQUIPMENT, MATERIALS, SUPPLIES (See attached itemization)	QTY.	COST	COST	
			\$ -	
			\$ -	
EQUIPMENT SUBTOTAL:			\$ -	
9. SUBCONSULTANT(S)			ESTIMATED COST	
a. VDA	1	\$ 6,160.00	\$ 6,160.00	
b. Moyer	1	\$ 10,559.00	\$ 10,559.00	
c. Columbia Engineering	1	\$ 6,640.00	\$ 6,640.00	
SUBCONSULTANT(S) - SUBTOTAL:			\$ 23,359.00	
10. SUBCONSULANT MARKUP			ESTIMATED COST	
a. VDA	6,150	0.10	\$ 615.00	
b. Moyer	10,559	0.10	\$ 1,055.90	
c. Columbia Engineering	6,640	0.10	\$ 664.00	
SUBCONSULTANT(S) - SUBTOTAL:	2,3.3		\$ -	
OTHER SUBTOTAL			\$ 2,334.90	
OTHER DIRECT COSTS TOTAL: (Combined Sum of Items 7, 8, 9, 10)			2,007.00	\$ 29,333.90
· ·				
TOTAL PRICE (Combined Sum of Items 5 & 10)				\$ 438,489.90



November 1, 2021

Mr. Hal Metzler, Jr. City of Hyattsville 4310 Gallatin Street Hyattsville, MD 20781

RE: Proposed Task Order 01H Third-Party Inspectors

for City of Hyattsville Public Safety Building, 3505 Hamilton Street

DPW07132015 / JMT #16-1916-01H

Dear Mr. Metzler.

JOHNSON, MIRMIRAN & THOMPSON is pleased to provide JMT's Task Order 01H proposal to the City of Hyattsville for Third-Party Inspector services for the construction of the New Public Safety Building located on 3505 Hamilton Street. Third Party Inspectors services will be by our sub-consultant, ECS. The purpose of the third-party inspector services is to provide construction material observation and to cover the Special Inspection and Third-Party Inspection services required by Prince George's County.

See attached ECS's scope of work.

Total Amount Not to Exceed

\$97,289.50

Assumptions:

- a. JMT CM will coordinate the schedule with the third-party inspectors.
- b. See attached ECS's assumptions on page 17.

Thank you for using JOHNSON, MIRMIRAN & THOMPSON to provide these services.

Very truly yours,

JOHNSON, MIRMIRAN & THOMPSON, INC

Jonathan J. Ryan, PE, CCM, PMP

Senior Vice President

Soli Guille, JMT CC:

Johnson, Mirmiran & Ti COST SUMMARY FO				
PART I - GENER				
CLIENT: City of Hyattsville - Professional Consulting & Design Services	Hyattsville Public Safety Building Third-Party Inspector		DPW07132015	Task Order 01H
CONSULTANT: Johnson, Mirmiran & Thompson		16-1916-01H		SAL DATE lov-21
ADDRESS: 601 New Jersey Ave, Suite 210 Washington, DC 20001				
COST SUMMAR 1. DIRECT LABOR (Specify labor categories)	HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
			\$ -	
Total Hours	0		•	
DIRECT LABOR SUBTOTAL:		X DIRECT LABOR	\$ -	•
2. INDIRECT COSTS (Specify)	RATE	TOTAL =	ESTIMATED	
OVERHEAD AND PAYROLL BURDEN	0%		\$ -	
INDIRECT COSTS SUBTOTAL			\$ -	
3. TOTAL OF DIRECT LABOR & INDIRECT COSTS (Combined Sum of Items 1 & 2)				\$ -
4. PROFIT - (Fixed Hourly Rate)				\$ -
5. TOTAL PROFESSIONAL FEE (Combined Sum of Items 3 & 4)				\$ -
6. OTHER DIRECT COSTS (refer to attached itemization)				
7. EXPENSES	QTY.	COST	ESTIMATED COST	
a. Transportation (personal car)	0	\$ 0.58	\$ -	
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	\$ -	
EXPENSES SUBTOTAL			\$ - \$ -	
EQUIPMENT, MATERIALS, SUPPLIES (See attached itemization)	QTY.	COST	ESTIMATED	
o. EQUIFWENT, WATENALS, SUFFLIES (See attached itemization)	QII.	C031	COST	
			\$ - \$ -	
EQUIPMENT SUBTOTAL:			\$ -	
9. SUBCONSULTANT(S)			ESTIMATED	
a. ECS	1	\$ 88,445.00	COST \$ 88,445.00	
b.	0	\$ -	\$ -	•
c	0	\$ -	\$ -	
SUBCONSULTANT(S) - SUBTOTAL:			\$ 88,445.00	•
10. SUBCONSULANT MARKUP			ESTIMATED COST	
a. ECS	88,445	0.10	\$ 8,844.50	
b.			\$ -	
с.			\$ -	
SUBCONSULTANT(S) - SUBTOTAL:			\$ -	
OTHER SUBTOTAL			\$ 8,844.50	
OTHER DIRECT COSTS TOTAL: (Combined Sum of Items 7, 8, 9, 10)				\$ 97,289.50
TOTAL PRICE (Combined Sum of Items 5 & 10)				\$ 97,289.50



ECS Mid-Atlantic, LLC

Proposal for Construction Materials Testing Services and Third Party Inspection Services

City of Hyattsville-Public Safety Headquarters Prince George's County, Maryland

Johnson, Mirmiran & Thompson 13921 Park Center Road, Suite 280 Herndon, VA 20171 ECS Proposal Number 02:20415-CP

October 15, 2021



Geotechnical • Construction Materials • Environmental • Facilities

October 15, 2021

Soli Guille Johnson, Mirmiran & Thompson 13921 Park Center Road Herndon, VA 20171

Proposal No. 02:20415-CP

Reference: Revised Estimated Cost Proposal for Construction Materials Observation and Third Party

Inspection Services

City of Hyattsville-Public Safety Headquarters

Dear Mr. Guille:

As requested, ECS Mid-Atlantic, LLC is pleased to present the following estimated cost proposal for providing construction materials observation and Third Party Inspection services during the construction of the City of Hyattsville-Public Safety Headquarters in Hyattsville, Maryland. The services offered via this proposal are intended to cover the Special Inspection and Third Party Inspection services required by Prince George's County.

Our Maryland staff has extensive experience providing geotechnical and superstructure testing services for residential, commercial and institutional projects constructed in the Baltimore-Washington metropolitan area. ECS is uniquely qualified to offer our services on this project, having served as the Geotechnical Engineer of record for this project. We also are quite familiar with the subsurface conditions and soil types in this vicinity of Prince George's County, having performed geotechnical and construction services for other nearby sites. ECS personnel are also familiar with the jurisdictional testing requirements of Prince George's County's Third Party Inspection Program, where the project is located.

We propose to provide a team of qualified construction testing technicians and certified special inspectors to perform the requested construction materials testing and special inspections as required by project specifications and drawings as well as the local jurisdictional requirements. In developing our cost estimate, we propose to provide a qualified consulting team, while balancing the importance of quality assurance and economy to the Client. It should be noted that ECS also promotes safety culture and making safety an integral part of our operational model, which has resulted in our **2021 EMR rating of 0.65**.

The Third Party Inspection services for this project will be performed as directed by Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), Third Party Inspection Program (TPIP), 2020 Edition. The anticipated scope of services for this project is outlined in Appendix I of this proposal. In addition to these standard services, we have the in-house capability to provide supplementary services should the situation call for such efforts. Examples include the acquisition and testing of concrete core samples, determination of slab levelness (F Values), location of reinforcing steel in hardened concrete, performing structural load tests, vibration monitoring, preconstruction condition surveys, and monitoring of earth retention system performance.

PROJECT OVERVIEW

Based on a review of the project documents, we understand that the scope of construction consists of the renovation of an existing 3-story building totaling 25,829 square feet and 2 new additions totaling 6,940 square feet. The building occupancy type is group B and S-1, and the construction type is classified as Type VB and has a gross floor area of 32,769 square feet.

Our proposed scope of services, therefore, includes providing Building, Mechanical, Electrical, and Fire Protection Inspection Services to evaluate general compliance, of the aforementioned construction, with the approved plans and applicable codes.

APPLICABLE CODES

We understand that the project will be conducted under the State of Maryland and Prince George's County amended editions or the following model codes and the AHJ is PG County:

International Building Code and Subtitle 4 Prince George's County Building Code	2018
International Existing Building Code	2018
International Energy Conservation Code	2018
International Green Construction Code	2018
International Mechanical Code	2018
NFPA 70 National Electrical Code and Subtitle 9	
Prince George's County Electrical Code	2017
International Fire Code	2018
International Fuel Gas Code	2018
Accessibility	

- 1. Prince GEORGE'S County Subtitle 4, Sec 4-180 Chapter 11- Accessibility
- 2. COMAR 9.12.53 Maryland Accessibility Code
- 3. 2010 ADA Standards

ECS recognizes the 2018 code editions are generally recent adoptions by the jurisdiction and therefore project may be designed under the previous code adoption (2015). If the permit and construction documents were approved by the authority having jurisdiction under the previous code, ECS will apply the requirements of the previous code adoption as noted.

THIRD PARTY BUILDING, MECHANICAL, PLUMBING, & ELECTRICAL INSPECTION PROCESS

Inspection scheduling is typically conducted by the general contractor's project manager or site superintendent submitting a request to http://schedule.ecslimited.com. We recommend scheduling requests be submitted 48-72 hours prior to the date requested so ECS can accommodate the request. Upon receiving the inspection request, the scheduling admin will schedule an inspection time and assign an appropriate ECS field inspector based on the trades requested. Upon completion of the inspection, the field inspector will submit an electronic field report to the ECS project manager for review.

Reports are then automatically emailed to the distribution list established during the pre-construction meeting including the architect and mechanical, plumbing, and electrical design engineers. The reporting

process takes 24 to 48 hours from completion of the inspection to report distribution. Final certification reports, pertaining to use and occupancy, are prepared at the end of the project. Please allow 48-72 hours from the time of the final inspection to submittal of the final inspection report to allow for the Professionals-in-Charge to review the field reports and ensure non-compliances are closed out.

ESTIMATED COST

This estimated cost proposal has been prepared for your budgeting purposes and is the product of careful consideration of all information available to us during preparation of this proposal. We had the opportunity to review the project drawings. No construction schedule was made available to ECS at the time this proposal was prepared. As such, we have made assumptions regarding our involvement with this project, based on our experience with similar projects in the past. Please note that actual costs associated with this project will be invoiced at the rates listed in Appendix II of this proposal. We recommend ECS be provided the opportunity to review a detailed construction schedule once it becomes available, such that an estimated total cost may be provided.

Any and all deviations from the assumed quantities and timeframes detailed in the attached estimate are not included and will be considered as an addition to our proposed scope of service. Site visits for the specific task of retesting failed tests or for Project Managers and Principal Engineers to attend meetings have not been included in the estimated cost. Actual costs may be greater or less than the estimate based upon actual quantities that will be calculated using the enclosed schedule of unit rates. The estimated cost for this project is outlined in Appendix III.

THIRD PARTY INSPECTION PROGRAM (TPIP)

This estimated cost proposal has been prepared using the information provided to us and projects of similar size and complexity. We had the opportunity to review the project plans dated November 21, 2019 and based on information provided and our experience with previous projects.

Appendix III provides a breakdown of the proposed inspection quantities. Should additional site visits be required beyond the assumed quantities detailed above, it will be considered as an addition to our scope of services. ECS requires a copy of all the building and trade permits on file to be on site at the time of our inspections, in accordance with DPIE requirements. In addition, a preconstruction meeting traditionally occurs between Prince George's County's code compliance department, the general contractor, and the owner/design team in order to establish points of contact, discuss the inspection process, and develop reporting distribution lists.

The time spent by a Project Manager (PM) responsible for assisting the inspectors; and a Professional-in-Charge (PIC) responsible for reviewing and vouching for the building inspection (BI), mechanical inspection (MI), plumbing inspection (PI), and electrical inspection (EI) reports is included with this estimate. Please note that ECS strongly recommends the scheduling of a pre-construction meeting with the Client, General Contractor, and Subcontractors and attended by the Project Manager and (BI/MI/PI/EI/) Professional-in-Charge to familiarize ourselves with the schedule and the expectations once our inspectors are on site. We have included the costs associated the attending this meeting in our estimate. Additional management time for site meetings, code research, and/or consultations has not been included in this proposal and will be invoiced at the rate indicated in Appendix II.

ECS has made assumptions regarding our level of involvement in this project which are based on the information provided to us. We have included an estimated fee based on our understanding of the project and the project timeline. We have also provided unit rates for the scope of services included in Appendix II should additional services be necessary that are outside of the scope included herein.

UNIT RATE SCHEDULE

The services provided for this project will be billed in accordance with the unit rate schedule provided as Appendix II of this proposal. It is our belief that the required services have been included in our unit price list and accounted for in our estimated cost. Should supplemental services be deemed necessary at a later date, they would be invoiced at the rate noted on the fee schedule in effect at that time, unless otherwise agreed upon in advance.

ECS field services will be rendered as on-site time with no charge for travel time or mileage. A daily transportation fee of \$125.00 will be applied to cover travel related expenses. Limited laboratory time may be charged for the purposes of equipment pick-up and sample drop-off. There will be a 4-hour minimum charge for field related services. Our unit rates are based on a normal 8-hour workday, Monday through Friday, between normal business hours of 7:00 a.m. to 4:00 p.m. Overtime beyond 8 hours/day, outside normal hours and on Saturday, Sunday and Holidays will be invoiced at a rate of 1.5 times the normal hourly rate indicated above. Scheduling should occur prior to 3:00 p.m. on the day before services are required.

We have assumed on-site parking will be made available to our personnel during their site visits; costs for off-site parking have not been included in our cost estimate and will be invoiced as a reimbursable expense if required. It is our assumption that for all concrete and masonry field testing performed by ECS personnel on site that a curing box will be provided on site by the contractor, as well as a wheelbarrow to ensure accurate sampling of concrete in accordance with ACI. If these items are not provided by the contractor, ECS will procure them as a billable expense to the client accordingly.

Additionally, ECS personnel will bill all project management and site meeting time with relation to coordinating efforts with the Prince George's County TPIP and DPIE programs for all construction related meetings, including the pre-construction meeting required by the county.

BILLING AND CONTRACT CONDITIONS

Invoices will be issued on a monthly basis and will provide a week by week breakdown of billing units, unless modified by request of the client. Upon request, ECS will provide a separate invoice for services provided outside of the proposed scope of work. Invoices are normally processed on or around the 10th of each month and represent costs incurred during the previous month. These invoices will also display a monthly cumulative summary of project costs to date. This monthly summary will serve as a means of monitoring expenses as they relate to job progress. We request that payment be rendered within 30 days of receipt of the invoice. ECS reserves the right to assess a finance charge of 1.5% per month on the outstanding balance over 30 days. ECS also reserves the right to withhold final certifications until outstanding balances have been paid in full.

If monthly invoices require a pay application to be submitted, or if invoices or reports are required to be submitted through an online company portal/third party service, time incurred complying with such

requests will be invoiced in accordance with our proposed unit rates for any administrative and project management staff and any associated account fees will be invoiced as a reimbursable expense.

ECS ADVANTAGES

In addition to the standard services many local testing agencies provide, ECS has distinguished itself on multiple disciplines to allow us to "Set the Standard of Service" for you, our clients. Most notably:

- **Resources**. ECS is the largest testing and inspection firm in the Washington, DC metropolitan area, which allows us to meet your schedule and project timeline requirements. Our size has allowed us to maintain consistent staffing levels to react to your fast-paced projects.
- **Experience**. In 2018, ECS celebrates its 30th anniversary. We have worked on some of the region's most notable projects including: the rebuilding of the Pentagon, National Harbor, the National Geospatial Agency Headquarters, and the Prince George's Regional Medical Center.
- **Technology**. Electronic reporting described in detail below. All recorded data is stored digitally for ease of reproduction.
- Efficiency. Our paperless reporting allows us to save costs which we pass directly to our clients.

ELECTRONIC REPORTING

ECS utilizes a web-based field report processing platform with email distribution system to reduce the time from actual field reporting to the distribution of a report approved by the Project Manager and Principal Engineer. During each day of construction activities, ECS field technicians electronically enter test data into their electronic logbook while in the field. The test data and field report are then transmitted to the branch office via wireless technology. The field report is then entered into our database and released into FRED (Field Report Electronic Distribution).

Once in FRED, the electronic copy of the field report is reviewed first by the Project Manager and then the Principal Engineer. Upon final review, electronic signatures and Professional Engineer's seal are applied to the report. The report is then emailed to those on the distribution list and an electronic copy is archived on our servers for rapid retrieval. This system makes it possible to provide all project reports on a thumb drive at the end of the project. The archival system also allows for keyword searches of individual reports such that a list of reports for a particular phase of construction can be swiftly generated.

The implementation of FRED has significantly improved efficiency in the review and approval process of reports through the office, while allowing managers to efficiently monitor progress of the project. ECS daily field reports and laboratory reports are generally submitted and on your desk in electronic format within 24 to 36 hours of the performance date. If deficiencies or non-compliances are noted, a running punch list of deficiency items is maintained and the list is included with the reports so that problems may be resolved prior to the performance of additional work. Electronic copies of reports will be forwarded to each party designated by the client, at no extra charge, as part of our service. Printed copies of reports can be provided via U.S. mail upon request at a rate of \$0.10 per page.

SUMMARY AND ACCEPTANCE

Attached to this letter, and an integral part of our proposal, are our "Terms and Conditions of Service" (Appendix V). These conditions represent the current recommendations of the Geoprofessional Business Association (GBA), the Consulting Engineers' Council, and the Geo-Institute of the American Society of Civil Engineers.

Our insurance carrier requires that we receive written authorization prior to initiation of work, and a signed contract prior to the release of any work product. This letter is the agreement for our services. Your acceptance of this proposal may be indicated by signing and returning the enclosed copy to us. We are pleased to have this opportunity to offer our services and look forward to working with you on the project.

Respectfully,

ECS MID-ATLANTIC, LLC

Mohammed A Al Qadhi

Material Testing Project Manager

Matthew J. Dumrauf, CWI

Code Compliance Project Manager

Michael Straub

Field Services Manager

Joseph Meiburger, P.E.

Vice President/Principal Engineer

ATTACHMENTS: Appendix I – Scope of Services

Appendix II – Project Unit Rates Appendix III – Estimated Cost

Appendix IV – Proposal Acceptance

Appendix V – Terms and Conditions of Service

APPENDIX I SCOPE OF SERVICES

Third Party Inspections Program (required by Prince George's County);

A. THIRD-PARTY INSPECTOR OF RECORD (TPIP):

(Includes: SIR, FPIR, EIR, MIR, CBIR) *

- Performs inspections at intervals appropriate to the stage of construction or as otherwise agreed by the Owner, design professional or County representative.
- Notifies Architect of Record, Owner, County employed quality Assurance Inspector, and any other pertinent individuals of deviations from approved construction documents.
- Submits a TPIP Certification Form to the County, Owner, and others as designated by the Owner
 upon acceptance of the Final Report of Inspection. The report will provide a professional
 opinion stating that, to the best of their knowledge, information, and belief, the work observed
 was constructed in accordance with the County-Approved Plans and all applicable County, State,
 and National codes.
- * As ECS is the Geotechnical Engineer of Record, we are precluded from serving as Geotechnical Inspector of Record per Prince George's County requirements.

A1. STRUCTURAL INSPECTOR OF RECORD (SIR): CONCRETE, STRUCTURAL STEEL

- Provides inspections of concrete formwork (erection and removal), reinforcing steel, and placement of concrete as indicated below.
- Provides materials testing for concrete properties and submits test results to the Structural Engineer of Record and the County.
- Prepares test cylinders in accordance with ASTM C172. Cylinders for strength tests shall be cast, stored, transported and laboratory-cured in accordance with ASTM C31. Field-cured cylinders shall be cured as closely as possible to the location of placement of the concrete pour they represent, and be exposed as nearly as possible to the same temperature and moisture environment, in accordance with ACI 318 and ASTM C31. Testing of cylinders shall be in accordance with ASTM C39.
- Document welder certifications to confirm that welders have current certifications for welding operations that they perform.
- Perform visual observations of welded and bolted connections, steel deck, and steel joists to document installation and conditions in accordance with the project specifications and the Steel Joist Institute.
- Examine tightness of at least 15% of high strength bolts at random, perform ultrasonic testing
 on full penetration welds in accordance with project specifications, examine tightness of bolts
 on "slip critical" connections using calibrated torque wrench or other method agreed upon
 during pre-construction meeting

A2. FIRE PROTECTION INSPECTOR OF RECORD (FPIR):

- Assures compliance with the County-approved construction documents, Prince George's County Code, Subtitle IV of the County Ordinance, and the Maryland State Fire Code.
- Submits reports of Fire Protection inspections to the Architect of Record, Owner, and Fire Code Official of PRD.
- Submits a certification to the Architect of Record, Owner and County representative stating that the structure is ready for close-in based on the inspections performed and construction observed.
- Routinely monitors construction project for fire safety hazards during construction.
- Assures compliance with type of construction, fire ratings of components (doors, walls, floors, roofs, etc.) height and area, egress, special occupancy provisions of plans.

1. FIRE PROTECTION SYSTEMS INSPECTOR OF RECORD (FPSI):

- Performs inspections and testing of fire protection systems such as fire pumps, fire hydrants, fire standpipes, smoke control systems, emergency power systems, alarm systems, sprinkler systems, and smoke evacuation systems.
- Submits test results and inspection reports to the Fire Code Official for approval.
- Submits a certification to the Architect of Record, Owner and County representative stating the structure is ready for close-in based on the inspections performed and construction observed.

A3. ELECTRICAL INSPECTOR OF RECORD (EIR):

- Specifies and performs inspections necessary during the installation of electrical systems to
 ensure that the systems are installed in accordance with the County-approved electrical
 construction documents and electrical permits issued by Prince George's County as listed in
 Subtitle 9 "Electricity" of the County Code.
- Submits electrical inspection reports on the approved form to LID, Electrical Code Official for Inspections and the Owner
- Checks that individuals installing and erecting or repairing electrical work, including low voltage and communication systems, are in compliance with the license requirements of Subtitle 2, division 14B, Prince George's County code and the Annotated Code of Maryland, Business Occupations and Professions Article, Title 6, code of Maryland Regulations.
- Checks that copies of the building permit and all electrical permits are posted on the project site in accordance with Section 9-112, Subtitle 9, "Electricity", Prince George's County Code
- Refers all code-related issues and interpretations to the Chief Electrical Inspector in accordance with Section 9-111, Subtitle 9, Prince George County Code.
- Observes that the service is installed in accordance with the approved plans and is Code compliant for the electric utility to make a connection.
- Submits a report to the Electrical Code Official for Inspections, which will initiate a request for a LID Quality Control Inspection performed by a County commercial electrical inspector.

- Once the County has approved the installation, the County Inspector will generate a "cut in certificate" to the electrical utility recorded on the County electrical permit.
- Observes that all portable and temporary sources of electrical energy are permitted and are being operated in a safe and Code compliant manner.
- Checks that an electrical permit has been obtained for all electrical work on the premise.
- Provides an electrical system certification to the AR, Owner, and the County Electrical Code Official for Inspection prior to close in that the electrical systems have been inspected and are ready for the structure of part of the structure to be closed-in.
- Provides an electrical system certification to the AR, owner, and the County Electrical Code
 Official for Inspection that specified electrical inspections have been performed and the
 structure is ready for the Power Company to make the service hot.

A4. MECHANICAL INSPECTOR OF RECORD (MIR):

- Performs inspections necessary during the installation of mechanical systems to assure that the systems are installed in accordance with the County-approved mechanical construction documents and Prince George's County Mechanical Code.
- Submits inspection reports, as well as certification indicating that the mechanical systems are ready for the closing-in of the structure, to the county's PRD.
- Performs a final inspection of the system to assure that all components operate individually and as a system to meet the intent of the Code.

A5. <u>BUILDING INSPECTOR OF RECORD (CBIR):</u>

- Provide a certified code inspector to perform perimeter wall framing, interior wall and ceiling framing, wall and ceiling closing-in, insulation and final inspections.
- Perform visual inspections of wall and ceiling assemblies and finishes.
- Perform visual inspections of ADA related assemblies and finishes.
- Perform final inspections for review by the Inspecting Architect.

A6. Final For Occupancy (Attachment 5 & 6 Submittals)

• Final Building, Final Electrical, Final Mechanical and Final Fire Protection Inspections for Occupancy. This overall Final Occupancy Inspection can be performed in concert with the individually approved trade finals or as a separate inspection depending upon project completion status as determined by the Inspection. The final Attachment 5 and 6 submittal document specific to PG County will be completed as soon as the Professional-in-Charge has confirmed the successful completion of the last final inspections. The wet sealed documents will be overnighted to the contractor, this process should be estimated to take 2 days.

B. Structural Steel and Light Gauge Framing (SIR):

- 1. Document welder certifications to confirm that all welders have current certifications for welding operations that they perform.
- 2. Perform the following functions related to structural steel erection in the field:
 - a. Visual observation of all welded and bolted connections.

- b. Examine tightness of at least 25% of high strength bolts at random.
- c. Perform additional testing in accordance with specifications if maximum allowable rejection rates are exceeded.
- 3. Visual examination of steel deck installation to document installation, i.e. bearing, side and end lap, etc.
- 4. Visually observe and perform production bend testing on shear studs in accordance with project specifications.
- 5. Visual examination of steel joists to document conditions and installation in accordance with the project specifications and the Steel Joist Institute.
- 6. Provide documentation of events in the field and notify the appropriate persons upon recognition of non-compliances.

C. Cast-in-Place Concrete:

- 1. Test and report concrete for compliance with the provisions of ACI 318, 301, 214, 304, 305 and 306, local building codes, generally accepted construction practices, and specific project requirements.
- 2. Observe placement of reinforcing steel and document proper size, grade, spacing cover, cleanliness, length, location and type of splices, and report compliance with project plans and specifications.
- 3. Observe placement of concrete and document procedures with regard to forming, vibration, and curing.
- 4. Sample concrete at the frequency stated in the project specifications and perform the following tests and functions:
 - a. Confirm mix design
 - b. Slump
 - c. Air Content
 - d. Temperature
 - e. Batch-to-placement time
 - f. Cast test cylinders (a set of six 4 by 8 cylinders)
 Sampling, testing, and curing of specimens in the field shall be performed in accordance with applicable ASTM guidelines and project requirements. Additional tests shall be performed as needed in the event non-compliances are encountered. Compliance with extreme weather procedures will also be documented.
- 5. Cure and test concrete cylinders in the laboratory as directed by the project specifications and in accordance with ASTM C-31 and C-39. Four (4) by eight (8) cylinder size is proposed.
- 6. Provide documentation of events in the field and notify the appropriate persons upon recognition of non-compliances.

D. Earthwork:

- 1. Perform appropriate laboratory testing on materials proposed for use as fill, backfill, and paving subgrade in accordance with project specifications. Testing may include:
 - a. Grain Size Distribution, ASTM D-422
 - b. Liquid and Plastic (Atterberg) Limits, D-4318
 - c. Proctor Moisture Density Relationships ASTM D-698 or D-1557
- 2. Periodically observe excavation operations to document removal of unsuitable materials including debris, frozen soil or problem clays.

- 3. Observe conditions of bottom of excavations including proofrolling and other testing of subgrades; note seepage of water, and suggest and observe corrective measures at problem areas.
- 4. Observe placement of fill and backfill (including backfill in utility trenches) to test compliance with project requirements. Perform in-place density tests as required by project specifications, and test each lift for compaction.
- 5. Where deficiencies are noted during fill or backfill placement, suggest and observe remedial actions, including reworking and recompacting of materials.
- 6. Provide documentation of events in the field and notify the appropriate persons upon recognition of deficiencies.

^{*} Services requiring Special Inspection as outlined by IBC (International Building Code) Chapter 17.

APPENDIX II PROJECT UNIT RATES FOR CONSTRUCTION MATERIALS TESTING SERVICES

FIE	LD SERVICES	<u>Uni</u>	T RATE
1.	Certified Engineering Technician	\$	50.00/hour
2.	MARTCP Certified Technician	\$	65.00/hour
3.	Certified Structural Steel Technician	\$	95.00/hour
4.	Required Prince George's County Preconstruction	\$	750.00/meeting
5.	Nuclear Gauge Rental	\$	45.00/day
6.	Samples and Concrete Cylinder Pickup	\$	125.00/trip
7.	Daily Trip Fee	\$	125.00/trip
EN	GINEERING/ADMINISTRATIVE SERVICES		
1.	Secretary	\$	60.00/hour
2.	Project Manager	\$	125.00/hour
3.	Professional-in-Charge (site meetings/consultations/code research)	\$	175.00/hour
4.	Prince George's County Attachment 1 forms	\$	250.00/each
5.	Prince George's County Attachment 5 and 6 forms	\$	750.00/each
<u>Lai</u>	BORATORY AND RELATED SERVICES		
1.	Compressive strength testing, curing & disposal of concrete cylinders	\$	15.00/each
2.	Compressive strength testing of 3 ½ x3 ½ x7 inch grout prisms	\$	18.00/each
3.	Compressive strength testing of 3x6 mortar cylinders	\$	18.00/each
4.	Moisture Density Relationships ASTM D-698 or D-1557	\$	350.00/each

ECS field services will be rendered as on-site time with no charge for travel time or mileage. A daily transportation fee of \$125.00 will be applied to cover travel related expenses. There will be a 4-hour minimum charge for field related services. Our unit rates are based on a normal 8-hour work day, Monday through Friday, between normal business hours of 7:00 a.m. to 4:00 p.m. Overtime beyond 8 hours/day, outside normal hours and on Saturday, Sunday and Holidays will be invoiced at a rate of 1.5 times the normal hourly rate indicated above. Scheduling should occur prior to 3:00 p.m. on the day before services are required.

Time incurred by our engineering professionals for meetings, conference calls, site visits, or other correspondence independent of routine daily review of field reports will be charged in accordance with the unit rates provided herein. Should supplemental services be deemed necessary at a later date, they would be invoiced in accordance with unit rates agreed upon in advance.

If monthly invoices require a pay application to be submitted, or if invoices or reports are required to be submitted through an online company portal/third party service, time incurred complying with such requests will be invoiced in accordance with our proposed unit rates for any administrative and project management staff and any associated account fees will be invoiced as a reimbursable expense.

PROJECT UNIT RATES FOR CODE COMPLIANCE INSPECTIONS

Co	DE COMPLIANCE INSPECTION SERVICES	UNI	T RATE
1. 2. 3.	Rough In/Close In/Fire Alarm/Final Inspection(up to 2 hours onsite time) Additional On-site Time (in excess of 2 hours onsite time) Required Prince George's County Preconstruction	\$ \$ \$	550.00/visit 125.00/hour 750.00/meeting
PR	OFESSIONAL AND MANAGEMENT SUPPORT		
1. 2.	Project Manager (site meetings/consultations/code research) Professional-in-Charge (site meetings/consultations/code research)	\$ \$	125.00/hour 175.00/hour
3.	Attachment 5 & 6 Submittal for Final/Partial Occupancy	\$	750.00/submittal

Our unit rates for site combination code compliance inspection visit are based on a normal work day, Monday through Friday, between normal business hours of 6:00 a.m. to 2:00 p.m. Additional onsite time will be charged at the rate provided above. Overtime beyond 8 hours/day, outside normal hours and on Saturday, Sunday and Holidays will be invoiced at a rate of 1.5 times the normal rate indicated. Inspection cancellations must be made at least 4 hours prior to the scheduled inspection time. Inspections canceled within 4 hours of the scheduled arrival will be charged the site visit inspection rate.

APPENDIX III ESTIMATED COST

This estimated cost proposal is the product of the careful consideration of the information available to us including the bid set drawings prepared by Johnson, Mirmiran & Thompson, Inc.

FIELD SERVICES					
	HOURS/TRIP	# OF TRIPS	QUANTITY	RATE	TOTAL
Engineering Technician for Earthwork/Site Work	8	30	240	\$50.00	\$12,000.00
MARCTP Certified Engineering Technician	8	10	80	\$65.00	\$5,200.00
Engineering Technician for Footings/Slabs	8	30	240	\$45.00	\$10,800.00
Engineering Technician for Masonry	4	10	40	\$45.00	\$1,800.00
Engineering Technician for Site Concrete	4	15	60	\$45.00	\$2,700.00
Structural Steel Technician	4	20	80	\$95.00	\$7,600.00
Transportation Charge		115	115	\$25.00	\$2,875.00
			SI	JBTOTAL:	\$42,975.00
PROJECT MANAGEMENT, ENGINEERING	& REPORT DISTRI	BUTION			
			TOTAL HOURS	RATE	TOTAL
Administrative Assistant			40	\$60.00	\$2,400.00
Project Manager			70	\$125.00	\$8,750.00
Principal Engineer			35	\$175.00	\$6,125.00
Final Cert Letter			1	\$750.00	\$750.00
			SI	JBTOTAL:	\$18,025.00
LABORATORY TESTING AND EQUIPMENT	RENTAL				
	Cylinders/Set	# of Sets	Quantity	RATE	TOTAL
Nuclear Density Gauge Rental	-		30	\$45.00	\$1,350.00
Proctor Tests			4	\$350.00	\$1,400.00
Compressive Strength of Masonry Mortar	6	2	12	\$18.00	\$216.00
Compressive Strength of Masonry Grout	4	4	16	\$18.00	\$288.00
			SI	JBTOTAL:	\$3,254.00
				TOTAL:	\$64,254.00

FIELD SERVICES - Code Compliance				
	Unit	QUANTITY	RATE	TOTAL
Building Code Compliance Inspector	Visits	10	\$500.00	\$5,000.00
Mechanical Code Compliance Inspector	Visits	8	\$500.00	\$4,000.00
Electrical Code Compliance Inspector	Visits	12	\$500.00	\$6,000.00
Fire Protection Code Compliance Inspector	Visits	12	\$500.00	\$6,000.00
			SUBTOTAL:	\$21,000.00

Preconstruction Meeting (Required by Prince George's County	·)			
	Unit	QUANTITY	RATE	TOTAL
Commercial Building/Mechanical Inspector of Record, Electrical Inspector of Record/Fire Protection Inspector of Record and Project Manager	Meeting	1	\$750.00	\$750.00
			SUBTOTAL:	\$750.00

PROJECT MANAGEMENT, ENGINEERING & REPORT DISTRIBUTION			
	QUANTITY	RATE	TOTAL
Attachment 1 Package	1	\$250.00	\$250.00
Attachment 5 & 6 Submittal for Final/Partial Occupancy per submittal	1	\$750.00	\$750.00
		SUBTOTAL:	\$1,000.00
		1	
	TOTAL E	STIMATED COST:	\$22,750.00

 Structural Inspections (SIR):
 \$65,704.00

 Code Inspections (CBIR, MIR, EIR, FPIR):
 \$22,750.00

 TOTAL:
 \$88,445.00

Budget Assumptions:

- 1. The estimated cost has been prepared for your budgeting purposes based upon our review of the project plans prepared by Johnson, Mirmiran & Thompson, Inc.
- 2. The quantities detailed above are based on our past experience with projects of similar size and scope. Please note that our costs are heavily dependent on the contractor's duration and intensity of work. It is possible that the contractor may require us to be on site shorter or longer than our assumed durations. As such, our actual costs may be lower or higher than those provided herein.
- 3. We have also assumed that our personnel will be able to complete their tasks between the normal business hours of 7 am to 4 pm, and will not exceed 8-hours onsite per day, with no work occurring on Saturday, Sunday or on holidays. As such, any overtime (time in excess of 8 hours per day) will be considered an addition to this cost estimate. In addition, site visits to re-observe previously failed installations are not included and will be considered an addition to this cost estimate.
- 4. The estimated cost **does not include** overtime, work outside of our normal business hours, on Saturdays, Sundays, or holidays.

APPENDIX IV ECS MID-ATLANTIC, LLC

Construction Materials Observation and Testing Services

02:20415-CP

Proposal No.: Scope of Work:

Email Invoice: □ Yes □ No

Billing Address:

Telephone Number:

Submittal and Approval:

Fax Number:

(if no option is selected, the invoice will be emailed)

Do Invoices need to be submitted through an online portal or service?

Client Project/Account Number: Special Conditions for Invoice:

City of Hyattsville-Public Safety Headquarters Location: Client Signature: Please complete this page and return one copy of this proposal to ECS to indicate acceptance of this proposal and to initiate work on the above-referenced project. The Client's signature above also indicates that he/she has read or has had the opportunity to read the accompanying Terms and Conditions of Service and agrees to be bound by such Terms and Conditions of Service. **BILLING INFORMATION** (Please Print or Type) Name of Client: Name of Contact Person: Telephone No. of Contact Person: Party Responsible for Payment: Company Name: Person/Title Department:

Email address:

ECS offers a full array of services to assi	st you with all phases of your project, includir	g but not limited to:
 □ Phase I, II and III Environmental Site Assessments □ Archaeological Assessments □ Wetlands Delineations □ Asbestos/Lead Paint Services □ Indoor Air Quality Mold Services □ Concrete Slab Moisture Assessments 	 □ Third Party Mechanical, Electrical, Plumbing Inspections Services □ Geotechnical Engineering Services □ Construction Materials Testing □ Septic/Drainfield Design Services □ LEED® Consulting Services □ Tree and Endangered Species Surveys 	□ Building Envelope, Roofing, and Waterproofing Inspection and Consultation □ Pre- and Post-Construction Condition Assessments □ Specialty Materials and Forensics Testing □ Stormwater Pollution Prevention Plan (SWMPPP) Services

Please indicate any of the services you are interested in and a member of the ECS team will contact you to discuss how we can be of service to your project.

Proposal No.: 02:20415-CP



APPENDIX VIII ECS MID-ATLANTIC, LLC TERMS AND CONDITIONS OF SERVICE

The professional services ("Services") to be provided by ECS MID-ATLANTIC, LLC ("ECS") pursuant to the Proposal shall be provided in accordance with these Terms and Conditions of Service ("Terms"), including any addenda as may be incorporated or referenced in writing and shall form the Agreement between ECS and CLIENT.

- 1.0 <u>INDEPENDENT CONSULTANT STATUS</u> ECS shall serve as an independent professional consultant to CLIENT for Services on the Project and shall have control over, and responsibility for, the means and methods for providing the Services identified in the Proposal, including the retention of Subcontractors and Subconsultants
- 2.0 <u>SCOPE OF SERVICES</u> It is understood that the fees, reimbursable expenses and time schedule defined in the Proposal are based on information provided by CLIENT and/or CLIENT'S, agents, contractors and consultants ("Contractors"). CLIENT acknowledges that if this information is not current, is incomplete or inaccurate, if conditions are discovered that could not be reasonably foreseen, or if CLIENT orders additional services, the scope of services will change, even while the Services are in progress.

3.0 STANDARD OF CARE

- 3.1 In fulfilling its obligations and responsibilities enumerated in the Proposal, ECS shall be expected to comply with and its performance evaluated in light of the standard of care expected of professionals in the industry performing similar services on projects of like size and complexity at that time in the region (the "Standard of Care"). Nothing contained in the Proposal, the agreed-upon scope of Services, these Terms or any ECS report, opinion, plan or other document prepared by ECS shall constitute a warranty or guarantee of any nature whatsoever.
- 3.2 CLIENT understands and agrees that ECS will rely on the facts learned from data gathered during performance of Services as well as those facts provided by the CLIENT and/or CLIENT'S contractors and consultants. CLIENT acknowledges that such data collection is limited to specific areas that are sampled, bored, tested, observed and/or evaluated. Consequently, CLIENT waives any and all claims based upon erroneous facts provided by the CLIENT, facts subsequently learned or regarding conditions in areas not specifically sampled, bored, tested, observed or evaluated by ECS.
- 3.3 If a situation arises that causes ECS to believe compliance with CLIENT'S directives would be contrary to sound engineering practices, would violate applicable laws, regulations or codes, or will expose ECS to legal claims or charges, ECS shall so advise CLIENT. If ECS' professional judgment is rejected, ECS shall have the right to terminate its Services in accordance with the provisions of Section 25.0, below.
- 3.4 If CLIENT decides to disregard ECS' recommendations with respect to complying with applicable laws or regulations, ECS shall determine if applicable law requires ECS to notify the appropriate public officials. CLIENT agrees that such determinations are ECS' sole right to make.

4.0 CLIENT DISCLOSURES

- 4.1 Where the Services requires ECS to penetrate a surface, CLIENT shall furnish and/or shall direct CLIENT'S or CLIENT'S Contractors to furnish ECS information identifying the type and location of utility lines and other man-made objects known, suspected, or assumed to be located beneath or behind the Site's surface. ECS shall be entitled to rely on such information for completeness and accuracy without further investigation, analysis, or evaluation.
- 4.2 "Hazardous Materials" shall include but not be limited to any substance that poses or may pose a present or potential hazard to human health or the environment whether contained in a product, material, by-product, waste, or sample, and whether it exists in a solid, liquid, semi-solid or gaseous form. CLIENT shall notify ECS of any known, assumed, or suspected regulated, contaminated, or other similar Hazardous Materials that may exist at the Site prior to ECS mobilizing to the Site.
- 4.3 If any Hazardous Materials are discovered, or are reasonably suspected by ECS after its Services begin, ECS shall be entitled to amend the scope of Services and adjust its fees or fee schedule to reflect any additional work or personal protective equipment and/or safety precautions required by the existence of such Hazardous Materials
- **5.0** INFORMATION PROVIDED BY OTHERS CLIENT waives, releases and discharges ECS from and against any claim for damage, injury or loss allegedly arising out of or in connection with errors, omissions, or inaccuracies in documents and other information in any form provided to ECS by CLIENT or CLIENT's Contractors, including such information that becomes incorporated into ECS documents.
- **CONCEALED RISKS** CLIENT acknowledges that special risks are inherent in sampling, testing and/or evaluating concealed conditions that are hidden from view and/or neither readably apparent nor easily accessible, e.g., subsurface conditions, conditions behind a wall, beneath a floor, or above a ceiling. Such circumstances require that certain assumptions be made regarding existing conditions, which may not be verifiable without expending additional sums of money or destroying otherwise adequate or serviceable portions of a building or component thereof. Accordingly, ECS shall not be responsible for the verification of such conditions unless verification can be made by simple visual observation. CLIENT agrees to bear any and all costs, losses, damages and expenses (including, but not limited to, the cost of ECS' additional services) in any way arising from or in connection with the existence or discovery of such concealed or unknown conditions.

7.0 RIGHT OF ENTRY/DAMAGE RESULTING FROM SERVICES

7.1 CLIENT warrants that it possesses the authority to grant ECS right of entry to the site for the performance of Services. CLIENT hereby grants ECS and its agents, subcontractors and/or subconsultants ("Subconsultants"), the right to enter from

- time to time onto the property in order for ECS to perform its Services. CLIENT agrees to indemnify and hold ECS and its Subconsultants harmless from any claims arising from allegations that ECS trespassed or lacked authority to access the Site.
- 7.2 CLIENT warrants that it possesses all necessary permits, licenses and/or utility clearances for the Services to be provided by ECS except where ECS' Proposal explicitly states that ECS will obtain such permits, licenses, and/or utility clearances.
- 7.3 ECS will take reasonable precautions to limit damage to the Site and its improvements during the performance of its Services. CLIENT understands that the use of exploration, boring, sampling, or testing equipment may cause damage to the Site. The correction and restoration of such common damage is CLIENT'S responsibility unless specifically included in ECS' Proposal.
- 7.4 CLIENT agrees that it will not bring any claims for liability or for injury or loss against ECS arising from (i) procedures associated with the exploration, sampling or testing activities at the Site, (ii) discovery of Hazardous Materials or suspected Hazardous Materials, or (iii) ECS' findings, conclusions, opinions, recommendations, plans, and/or specifications related to discovery of contamination.

8.0 <u>UNDERGROUND UTILITIES</u>

- 8.1 ECS shall exercise the Standard of Care in evaluating client-furnished information as well as information readily and customarily available from public utility locating services (the "Underground Utility Information") in its effort to identify underground utilities. The extent of such evaluations shall be at ECS' sole discretion.
- 8.2 CLIENT recognizes that the Underground Utility Information provided to or obtained by ECS may contain errors or be incomplete. CLIENT understands that ECS may be unable to identify the locations of all subsurface utility lines and man-made features.
- 8.3 CLIENT waives, releases, and discharges ECS from and against any claim for damage, injury or loss allegedly arising from or related to subterranean structures (pipes, tanks, cables, or other utilities, etc.) which are not called to ECS' attention in writing by CLIENT, not correctly shown on the Underground Utility Information and/or not properly marked or located by the utility owners, governmental or quasi-governmental locators, or private utility locating services as a result of ECS' or ECS' Subconsultant's request for utility marking services made in accordance with local industry standards.

9.0 SAMPLES

- 9.1 Soil, rock, water, building materials and/or other samples and sampling by-products obtained from the Site are and remain the property of CLIENT. Unless other arrangements are requested by CLIENT and mutually agreed upon by ECS in writing, ECS will retain samples not consumed in laboratory testing for up to sixty (60) calendar days after the first issuance of any document containing data obtained from such samples. Samples consumed by laboratory testing procedures will not be stored
- 9.2 Unless CLIENT directs otherwise, and excluding those issues covered in Section 10.0, CLIENT authorizes ECS to dispose of CLIENT'S non-hazardous samples and sampling or testing by-products in accordance with applicable laws and regulations.

10.0 ENVIRONMENTAL RISKS

- 10.1 When Hazardous Materials are known, assumed, suspected to exist, or discovered at the Site, ECS will endeavor to protect its employees and address public health, safety, and environmental issues in accordance with the Standard of Care. CLIENT agrees to compensate ECS for such efforts.
- 10.2 When Hazardous Materials are known, assumed, or suspected to exist, or discovered at the Site, ECS and/or ECS' subcontractors will exercise the Standard of Care in containerizing and labeling such Hazardous Materials in accordance with applicable laws and regulations, and will leave the containers on Site. CLIENT is responsible for the retrieval, removal, transport and disposal of such contaminated samples, and sampling process byproducts in accordance with applicable law and regulation.
- 10.3 Unless explicitly stated in the Scope of Services, ECS will neither subcontract for nor arrange for the transport, disposal, or treatment of Hazardous Materials. At CLIENT'S written request, ECS may assist CLIENT in identifying appropriate alternatives for transport, off-site treatment, storage, or disposal of such substances, but CLIENT shall be solely responsible for the final selection of methods and firms to provide such services. CLIENT shall sign all manifests for the disposal of substances affected by contaminants and shall otherwise exercise prudence in arranging for lawful disposal.
- 10.4 In those instances where ECS is expressly retained by CLIENT to assist CLIENT in the disposal of Hazardous Materials, samples, or wastes as part of the Proposal, ECS shall do so only as CLIENT'S agent (notwithstanding any other provision of this Agreement to the contrary). ECS will not assume the role of, nor be considered a generator, storer, transporter, or disposer of Hazardous Materials.
- 10.5 Subsurface sampling may result in unavoidable cross-contamination of certain subsurface areas, as when a probe or excavation/boring device moves through a contaminated zone and links it to an aquifer, underground stream, pervious soil stratum, or other hydrous body not previously contaminated, or connects an uncontaminated zone with a contaminated zone. Because sampling is an essential element of the Services indicated herein, CLIENT agrees this risk cannot be eliminated. Provided such services were performed in accordance with the Standard of Care, CLIENT waives, releases and discharges ECS from and against any claim for damage, injury, or loss allegedly arising from or related to such crosscontamination.

10.6 CLIENT understands that a Phase I Environmental Site Assessment (ESA) is conducted solely to permit ECS to render a professional opinion about the likelihood of the site having a Recognized Environmental Condition on, in, beneath, or near the Site at the time the Services are conducted. No matter how thorough a Phase I ESA study may be, findings derived from its conduct are highly limited and ECS cannot know or state for an absolute fact that the Site is unaffected or adversely affected by one or more Recognized Environmental Conditions. CLIENT represents and warrants that it understands the limitations associated with Phase I ESAs.

11.0 OWNERSHIP OF DOCUMENTS

- 11.1 ECS shall be deemed the author and owner (or licensee) of all documents, technical reports, letters, photos, boring logs, field data, field notes, laboratory test data, calculations, designs, plans, specifications, reports, or similar documents and estimates of any kind furnished by it [the "Documents of Service"] and shall retain all common law, statutory and other reserved rights, including copyrights. CLIENT shall have a limited, non-exclusive license to use copies of the Documents of Service provided to it in connection with its Project for which the Documents of Service are provided until the completion of the Project.
- 11.2 ECS' Services are performed and Documents of Service are provided for the CLIENT'S sole use. CLIENT understands and agrees that any use of the Documents of Service by anyone other than the CLIENT and its Contractors is not permitted. CLIENT further agrees to indemnify and hold ECS harmless for any errors, omissions or damage resulting from its contractors' use of ECS' Documents of Service.
- 11.3 Without ECS' prior written consent, CLIENT agrees to not use ECS' Documents of Service for the Project if the Project is subsequently modified in scope, structure or purpose. Any reuse without ECS' written consent shall be at CLIENT'S sole risk and without liability to ECS or its Subconsultants. CLIENT agrees to indemnify and hold ECS harmless for any errors, omissions or Damage resulting from its use of ECS' Documents of Service after any modification in scope, structure or purpose.
- 11.4 CLIENT agrees to not make any modification to the Documents of Service without the prior written authorization of ECS. To the fullest extent permitted by law, CLIENT agrees to indemnify, defend, and hold ECS harmless from any damage, loss, claim, liability or cost (including reasonable attorneys' fees and defense costs) arising out of or in connection with any unauthorized modification of the Documents of Service by CLIENT or any person or entity that acquires or obtains the Documents of Service from or through CLIENT. CLIENT represents and warrants that the Documents of Service shall be used only as submitted by ECS.

12.0 SAFETY

- 12.1 Unless expressly agreed to in writing in its Proposal, CLIENT agrees that ECS shall have no responsibility whatsoever for any aspect of site safety other than for its own employees. Nothing herein shall be construed to relieve CLIENT and/or its Contractors from their responsibility for site safety. CLIENT also represents and warrants that the General Contractor is solely responsible for Project site safety and that ECS personnel may rely on the safety measures provided by the General Contractor.
- 12.2 In the event ECS assumes in writing limited responsibility for specified safety issues, the acceptance of such responsibilities does not and shall not be deemed an acceptance of responsibility for any other non-specified safety issues, including, but not limited to those relating to excavating, fall protection, shoring, drilling, backfilling, blasting, or other construction activities.

13.0 CONSTRUCTION TESTING AND REMEDIATION SERVICES

- 13.1 CLIENT understands that construction testing and observation services are provided in an effort to reduce, but cannot eliminate, the risk of problems arising during or after construction or remediation. CLIENT agrees that the provision of such Services does not create a warranty or guarantee of any type.
- 13.2 Monitoring and/or testing services provided by ECS shall not in any way relieve the CLIENT'S contractor(s) from their responsibilities and obligations for the quality or completeness of construction as well as their obligation to comply with applicable laws, codes, and regulations.
- 13.3 ECS has no responsibility whatsoever for the means, methods, techniques, sequencing or procedures of construction selected, for safety precautions and programs incidental to work or services provided by any contractor or other consultant. ECS does not and shall not have or accept authority to supervise, direct, control, or stop the work of any of CLIENT'S Contractors or any of their subcontractors.
- BCS strongly recommends that CLIENT retain ECS to provide construction monitoring and testing services on a full time basis to lower the risk of defective or incomplete work being installed by CLIENT'S Contractors. If CLIENT elects to retain ECS on a part-time or on-call basis for any aspect of construction monitoring and/or testing, CLIENT accepts the risk that a lower level of construction quality may occur and that defective or incomplete work may result and not be detected by ECS' part time monitoring and testing in exchange for CLIENT'S receipt of an immediate cost savings. Unless the CLIENT can show that ECS' errors or omissions are contained in ECS' reports, CLIENT waives, releases and discharges ECS from and against any other claims for errors, omissions, damages, injuries, or loss alleged to arise from defective or incomplete work that was monitored or tested by ECS on a part-time or on-call basis. Except as set forth in the preceding sentence, CLIENT agrees to indemnify and hold ECS harmless from all Damages, costs, and attorneys' fees, for any claims alleging errors, omissions, damage, injury or loss allegedly resulting from work that was monitored or tested by ECS on a part-time or on-call basis.
- 14.0 <u>CERTIFICATIONS</u> CLIENT may request, or governing jurisdictions may require, ECS to provide a "certification" regarding the Services provided by ECS. Any "certification" required of ECS by the CLIENT or jurisdiction(s) having authority over some or all aspects of the Project shall consist of ECS' inferences and professional opinions based on the limited sampling, observations, tests, and/or analyses performed by ECS at discrete locations and times. Such "certifications" shall constitute ECS' professional opinion of a condition's existence, but ECS does not guarantee that such condition exists, nor does it relieve other parties of the responsibilities or obligations such parties have with respect to the possible existence of such a condition. CLIENT agrees it cannot make the resolution of

any dispute with ECS or payment of any amount due to ECS contingent upon ECS signing any such "certification."

15.0 BILLINGS AND PAYMENTS

- 15.1 Billings will be based on the unit rates, plus travel costs, and other reimbursable expenses as stated in the professional fees section of the Proposal. Any estimate of professional fees stated shall not be considered as a not-to-exceed or lump sum amount unless otherwise explicitly stated. CLIENT understands and agrees that even if ECS agrees to a lump sum or not-to-exceed amount, that amount shall be limited to number of hours, visits, trips, tests, borings, or samples stated in the Proposal.
- 15.2 CLIENT agrees that all professional fees and other unit rates may be adjusted annually to account for inflation based on the most recent 12-month average of the Consumer Price Index (CPI-U) for all items as established by www.bls.gov when the CPI-U exceeds an annual rate of 2.0%.
- 15.3 Should ECS identify a Changed Condition(s), ECS shall notify the CLIENT of the Changed Condition(s). ECS and CLIENT shall promptly and in good faith negotiate an amendment to the scope of Services, professional fees, and time schedule.
- 15.4 CLIENT recognizes that time is of the essence with respect to payment of ECS' invoices, and that timely payment is a material consideration for this Agreement. All payment shall be in U.S. funds drawn upon U.S. banks and in accordance with the rates and charges set forth in the professional Fees. Invoices are due and payable upon receipt.
- 15.5 If CLIENT disputes all or part of an invoice, CLIENT shall provide ECS with written notice stating in detail the facts of the dispute within fifteen (15) calendar days of the invoice date. CLIENT agrees to pay the undisputed amount of such invoice promptly.
- 15.6 ECS reserves the right to charge CLIENT an additional charge of one-and-one-half (1.5) percent (or the maximum percentage allowed by Law, whichever is lower) of the invoiced amount per month for any payment received by ECS more than thirty (30) calendar days from the date of the invoice, excepting any portion of the invoiced amount in dispute. All payments will be applied to accrued interest first and then to the unpaid principal amount. Payment of invoices shall not be subject to unilateral discounting or set-offs by CLIENT.
- 15.7 CLIENT agrees that its obligation to pay for the Services is not contingent upon CLIENT'S ability to obtain financing, zoning, approval of governmental or regulatory agencies, permits, final adjudication of a lawsuit, CLIENT'S successful completion of the Project, settlement of a real estate transaction, receipt of payment from CLIENT's client, or any other event unrelated to ECS provision of Services. Retainage shall not be withheld from any payment, nor shall any deduction be made from any invoice on account of penalty, liquidated damages, or other sums incurred by CLIENT. It is agreed that all costs and legal fees including actual attorney's fees, and expenses incurred by ECS in obtaining payment under this Agreement, in perfecting or obtaining a lien, recovery under a bond, collecting any delinquent amounts due, or executing judgments, shall be reimbursed by CLIENT.
- 15.8 Unless CLIENT has provided notice to ECS in accordance with Section 16.0 of these Terms, payment of any invoice by the CLIENT shall mean that the CLIENT is satisfied with ECS' Services and is not aware of any defects in those Services.

16.0 DEFECTS IN SERVICE

- CLIENT and CLIENT's Contractors shall promptly inform ECS during active work on any project of any actual or suspected defects in the Services so to permit ECS to take such prompt, effective remedial measures that in ECS' opinion will reduce or eliminate the consequences of any such defective Services. The correction of defects attributable to ECS' failure to perform in accordance with the Standard of Care shall be provided at no cost to CLIENT. However, ECS shall not be responsible for the correction of any deficiency attributable to client-furnished information, the errors, omissions, defective materials, or improper installation of materials by CLIENT's personnel, consultants or contractors, or work not observed by ECS. CLIENT shall compensate ECS for the costs of correcting such defects.
- 16.2 Modifications to reports, documents and plans required as a result of jurisdictional reviews or CLIENT requests shall not be considered to be defects. CLIENT shall compensate ECS for the provision of such Services.
- 17.0 INSURANCE ECS represents that it and its subcontractors and subconsultants maintain workers compensation insurance, and that ECS is covered by general liability, automobile and professional liability insurance policies in coverage amounts it deems reasonable and adequate. ECS shall furnish certificates of insurance upon request. The CLIENT is responsible for requesting specific inclusions or limits of coverage that are not present in ECS insurance package. The cost of such inclusions or coverage increases, if available, will be at the expense of the CLIENT.

18.0 <u>LIMITATION OF LIABILITY</u>

- 18.1 CLIENT AGREES TO ALLOCATE CERTAIN RISKS ASSOCIATED WITH THE PROJECT BY LIMITING ECS' TOTAL LIABILITY TO CLIENT ARISING FROM ECS' PROFESSIONAL LIABILITY, I.E. PROFESSIONAL ACTS, ERRORS, OR OMISSIONS AND FOR ANY AND ALL CAUSES INCLUDING NEGLIGENCE, STRICT LIABILITY, BREACH OF CONTRACT, OR BREACH OF WARRANTY, INJURIES, DAMAGES, CLAIMS, LOSSES, EXPENSES, OR CLAIM EXPENSES (INCLUDING REASONABLE ATTORNEY'S FEES) RELATING TO PROFESSIONAL SERVICES PROVIDED UNDER THIS AGREEMENT TO THE FULLEST EXTENT PERMITTED BY LAW. THE ALLOCATION IS AS FOLLOWS.
 - 18.1.1 If the proposed fees are \$10,000 or less, ECS' total aggregate liability to CLIENT shall not exceed \$20,000, or the total fee received for the services rendered, whichever is greater.
 - 18.1.2 If the proposed fees are in excess of \$10,000, ECS' total aggregate liability to CLIENT shall not exceed \$50,000, or the total fee for the services rendered, whichever is greater.
- 18.2 CLIENT agrees that ECS shall not be responsible for any injury, loss or damage of any nature, including bodily injury and property damage, arising directly or indirectly, in whole or in part, from acts or omissions by the CLIENT, its employees, agents, staff, consultants, contractors, or subcontractors to the extent such injury, damage, or loss is caused by acts or omissions of CLIENT, its employees, agents, staff,

- consultants, contractors, subcontractors or person/entities for whom CLIENT is legally liable.
- 18.3 CLIENT agrees that ECS' liability for all non-professional liability arising out of this Agreement or the services provided as a result of the Proposal be limited to \$500,000

19.0 INDEMNIFICATION

- 19.1 Subject to Section 18.0, ECS agrees to hold harmless and indemnify CLIENT from and against damages arising from ECS' negligent performance of its Services, but only to the extent that such damages are found to be caused by ECS' negligent acts, errors or omissions, (specifically excluding any damages caused by any third party or by the CLIENT.)
- 19.2 To the fullest extent permitted by law, CLIENT agrees to indemnify, and hold ECS harmless from and against any and all liability, claims, damages, demands, fines, penalties, costs and expenditures (including reasonable attorneys' fees and costs of litigation defense and/or settlement) ("Damages") caused in whole or in part by the acts, errors, or omissions of the CLIENT or CLIENT's employees, agents, staff, contractors, subcontractors, consultants, and clients, provided such Damages are attributable to: (a) the bodily injury, personal injury, sickness, disease and/or death of any person; (b) the injury to or loss of value to tangible personal property; or (c) a breach of these Terms. The foregoing indemnification shall not apply to the extent such Damage is found to be caused by the sole negligence, errors, omissions or willful misconduct of ECS.
- 19.3 It is specifically understood and agreed that in no case shall ECS be required to pay an amount of Damages disproportional to ECS' culpability. IF CLIENT IS A HOMEOWNER, HOMEOWNERS' ASSOCIATION, CONDOMINIUM OWNER, CONDOMINIUM OWNER'S ASSOCIATION, OR SIMILAR RESIDENTIAL OWNER, ECS RECOMMENDS THAT CLIENT RETAIN LEGAL COUNSEL BEFORE ENTERING INTO THIS AGREEMENT TO EXPLAIN CLIENT'S RIGHTS AND OBLIGATIONS HEREUNDER, AND THE LIMITATIONS, AND RESTRICTIONS IMPOSED BY THIS AGREEMENT. CLIENT AGREES THAT FAILURE OF CLIENT TO RETAIN SUCH COUNSEL SHALL BE A KNOWING WAIVER OF LEGAL COUNSEL AND SHALL NOT BE ALLOWED ON GROUNDS OF AVOIDING ANY PROVISION OF THIS AGREEMENT.
- 19.4 IF CLIENT IS A RESIDENTIAL BUILDER OR RESIDENTIAL DEVELOPER, CLIENT SHALL INDEMNIFY AND HOLD HARMLESS ECS AGAINST ANY AND ALL CLAIMS OR DEMANDS DUE TO INJURY OR LOSS INITIATED BY ONE OR MORE HOMEOWNERS, UNIT-OWNERS, OR THEIR HOMEOWNER'S ASSOCIATION, COOPERATIVE BOARD, OR SIMILAR GOVERNING ENTITY AGAINST CLIENT WHICH RESULTS IN ECS BEING BROUGHT INTO THE DISPUTE.
- 19.5 IN NO EVENT SHALL THE DUTY TO INDEMNIFY AND HOLD ANOTHER PARTY HARMLESS UNDER THIS SECTION 19.0 INCLUDE THE DUTY TO DEFEND.

20.0 CONSEQUENTIAL DAMAGES

- 20.1 CLIENT shall not be liable to ECS and ECS shall not be liable to CLIENT for any consequential damages incurred by either due to the fault of the other or their employees, consultants, agents, contractors or subcontractors, regardless of the nature of the fault or whether such liability arises in breach of contract or warranty, tort, statute, or any other cause of action. Consequential damages include, but are not limited to, loss of use and loss of profit.
- 20.2 ECS shall not be liable to CLIENT, or any entity engaged directly or indirectly by CLIENT, for any liquidated damages due to any fault, or failure to act, in part or in total by ECS, its employees, agents, or subcontractors.

21.0 SOURCES OF RECOVERY

- 21.1 All claims for damages related to the Services provided under this Agreement shall be made against the ECS entity contracting with the CLIENT for the Services, and no other person or entity. CLIENT agrees that it shall not name any affiliated entity including parent, peer, or subsidiary entity or any individual officer, director, or employee of ECS.
- 21.2 In the event of any dispute or claim between CLIENT and ECS arising out of in connection with the Project and/or the Services, CLIENT and ECS agree that they will look solely to each other for the satisfaction of any such dispute or claim. Moreover, notwithstanding anything to the contrary contained in any other provision herein, CLIENT and ECS' agree that their respective shareholders, principals, partners, members, agents, directors, officers, employees, and/or owners shall have no liability whatsoever arising out of or in connection with the Project and/or Services provided hereunder. In the event CLIENT brings a claim against an affiliated entity, parent entity, subsidiary entity, or individual officer, director or employee in contravention of this Section 21, CLIENT agrees to hold ECS harmless from and against all damages, costs, awards, or fees (including attorneys' fees) attributable to such act.
- 22.0 THIRD PARTY CLAIMS EXCLUSION CLIENT and ECS agree that the Services are performed solely for the benefit of the CLIENT and are not intended by either CLIENT or ECS to benefit any other person or entity. To the extent that any other person or entity is benefited by the Services, such benefit is purely incidental and such other person or entity shall not be deemed a third party beneficiary to the Agreement. No third-party shall have the right to rely on ECS' opinions rendered in connection with ECS' Services without written consent from both CLIENT and ECS, which shall include, at a minimum, the third-party's agreement to be bound to the same Terms and Conditions contained herein and third-party's agreement that ECS' Scope of Services performed is adequate.

23.0 DISPUTE RESOLUTION

23.1 In the event any claims, disputes, and other matters in question arising out of or relating to these Terms or breach thereof (collectively referred to as "Disputes"), the parties shall promptly attempt to resolve all such Disputes through executive negotiation between senior representatives of both parties familiar with the Project. The parties shall arrange a mutually convenient time for the senior representative of

- each party to meet. Such meeting shall occur within fifteen calendar (15) days of either party's written request for executive negotiation or as otherwise mutually agreed. Should this meeting fail to result in a mutually agreeable plan for resolution of the Dispute, CLIENT and ECS agree that either party may bring litigation.
- 23.2 CLIENT shall make no claim (whether directly or in the form of a third-party claim) against ECS unless CLIENT shall have first provided ECS with a written certification executed by an independent engineer licensed in the jurisdiction in which the Project is located, reasonably specifying each and every act or omission which the certifier contends constitutes a violation of the Standard of Care. Such certificate shall be a precondition to the institution of any judicial proceeding and shall be provided to ECS thirty (30) days prior to the institution of such judicial proceedings.
- 23.3 Litigation shall be instituted in a court of competent jurisdiction in the county or district in which ECS' office contracting with the CLIENT is located. The parties agree that the law applicable to these Terms and the Services provided pursuant to the Proposal shall be the laws of the Commonwealth of Virginia, but excluding its choice of law rules. Unless otherwise mutually agreed to in writing by both parties, CLIENT waives the right to remove any litigation action to any other jurisdiction. Both parties agree to waive any demand for a trial by jury.

24.0 CURING A BREACH

- 24.1 A party that believes the other has materially breached these Terms shall issue a written cure notice identifying its alleged grounds for termination. Both parties shall promptly and in good faith attempt to identify a cure for the alleged breach or present facts showing the absence of such breach. If a cure can be agreed to or the matter otherwise resolved within thirty (30) calendar days from the date of the termination notice, the parties shall commit their understandings to writing and termination shall not occur.
- 24.2 Either party may waive any right provided by these Terms in curing an actual or alleged breach; however, such waiver shall not affect future application of such provision or any other provision.

25.0 TERMINATION

- 25.1 CLIENT or ECS may terminate this Agreement for breach, non-payment, or a failure to cooperate. In the event of termination, the effecting party shall so notify the other party in writing and termination shall become effective fourteen (14) calendar days after receipt of the termination notice.
- 25.2 Irrespective of which party shall effect termination, or the cause therefore, ECS shall promptly render to CLIENT a final invoice and CLIENT shall immediately compensate ECS for Services rendered and costs incurred including those Services associated with termination itself, including without limitation, demobilizing, modifying schedules, and reassigning personnel.
- 26.0 TIME BAR TO LEGAL ACTION Unless prohibited by law, and notwithstanding any Statute that may provide additional protection, CLIENT and ECS agree that a lawsuit by either party alleging a breach of this Agreement, violation of the Standard of Care, non-payment of invoices, or arising out of the Services provided hereunder, must be initiated in a court of competent jurisdiction no more than two (2) years from the time the party knew, or should have known, of the facts and conditions giving rise to its claim, and shall under no circumstances shall such lawsuit be initiated more than three (3) years from the date of substantial completion of ECS' Services.
- 27.0 <u>ASSIGNMENT</u> CLIENT and ECS respectively bind themselves, their successors, assigns, heirs, and legal representatives to the other party and the successors, assigns, heirs and legal representatives of such other party with respect to all covenants of these Terms. Neither CLIENT nor ECS shall assign these Terms, any rights thereunder, or any cause of action arising therefrom, in whole or in part, without the written consent of the other. Any purported assignment or transfer, except as permitted above, shall be deemed null, void and invalid, the purported assignee shall acquire no rights as a result of the purported assignment or transfer and the non-assigning party shall not recognize any such purported assignment or transfer.
- 28.0 <u>SEVERABILITY</u> Any provision of these Terms later held to violate any law, statute, or regulation, shall be deemed void, and all remaining provisions shall continue in full force and effect. CLIENT and ECS shall endeavor to quickly replace a voided provision with a valid substitute that expresses the intent of the issues covered by the original provision.
- 29.0 <u>SURVIVAL</u> All obligations arising prior to the termination of the agreement represented by these Terms and all provisions allocating responsibility or liability between the CLIENT and ECS shall survive the substantial completion of Services and the termination of the Agreement.

30.0 TITLES; ENTIRE AGREEMENT

- 30.1 The titles used herein are for general reference only and are not part of the Terms.
- 30.2 These Terms together with the Proposal, including all exhibits, appendixes, and other documents appended to it, constitute the entire agreement between CLIENT and ECS ("Agreement"). CLIENT acknowledges that all prior understandings and negotiations are superseded by this Agreement.
- 30.3 CLIENT and ECS agree that subsequent modifications to the Agreement shall not be binding unless made in writing and signed by authorized representatives of both parties.
- 30.4 All preprinted terms and conditions on CLIENT'S purchase order, Work Authorization, or other service acknowledgement forms, are inapplicable and superseded by these Terms and Conditions of Service.
- 30.5 CLIENT's execution of a Work Authorization, the submission of a start work authorization (oral or written) or issuance of a purchase order constitutes CLIENT's acceptance of this Proposal and these Terms and their agreement to be fully bound to them. If CLIENT fails to provide ECS with a signed copy of these Terms or the attached Work Authorization, CLIENT agrees that by authorizing and accepting the services of ECS, it will be fully bound by these Terms as if they had been signed by CLIENT.



July 27, 2021

Mr. Hal Metzler, Jr. City of Hyattsville 4310 Gallatin Street Hyattsville, MD 20781

RE: Proposed Task Order 01E for Project/Construction Management Services for City of Hyattsville Public Safety Building, 3505 Hamilton Street DPW07132015 / JMT #16-1916-01E REV.1

Dear Mr. Metzler,

JOHNSON, MIRMIRAN & THOMPSON is pleased to provide JMT's Task Order 01E Rev.1 proposal to the City of Hyattsville for Project/Construction Management Services for the New Public Safety Building located on 3505 Hamilton Street.

The proposal has been prepared on the City's described scope and anticipated construction, FF&E, and Closeout duration of a total of 17 months.

The scope of work and deliverables will include:

- Full-time Construction Management services; defined as 40 hours per week
- Part-time Project Manager services; defined as 25 hours per week
- Attend Pre-Construction meeting
- Conduct bi-weekly progress meetings including providing agenda and meeting minutes
- Facilitate communication between City of Hyattsville and Contractor
- Record daily construction, site activities and visitors, and provide Daily Reports
- Ensure work is compliant with contract documents
- Provide Monthly Reports to all stakeholders; narrative, photographs, schedule and logs
- Review construction schedules, pay applications, and proposed change orders
- Schedule and assist in final walkthroughs
- Forward all submittals and RFI's to Architect/Engineer of Record for review
- Maintain all logs, including change orders, submittals, and RFI's and logs
- Oversee Prince George's County required 3rd party inspections
- Oversee closeout process; City's receipt of operation and maintenance manuals, and staff's operations and maintenance personnel training receipt of spare parts
- Provide final report to include all logs, photographs, and any other closeout documents
- Assist in scheduling and oversight of City's installation of communication systems, and FF&E

Total Amount Not to Exceed

\$557,189.00

Exclusions:

- a. Project design or bid phase service
- b. Project cost estimating; CM will verify change order proposals for reasonableness
- c. Field office including utilities, and HVAC; City to provide. CM will provide computer, phone and other basic office equipment
- d. Utility coordination by the City and/or construction contractor.

- e. Permitting, or independent agency services and fees
- f. Commissioning services
- g. Survey services

Thank you for selecting JOHNSON, MIRMIRAN & THOMPSON to provide these services.

Very truly yours,

JOHNSON, MIRMIRAN & THOMPSON, INC

Jonathan J. Ryan, PE, CCM, PMP

Senior Vice President

cc: Soli Guille, JMT

Johnson, Mirmiran & Th	•			
PART I - GENERA				
CLIENT: City of Hyattsville	-	Public Safety M/CM Services	DPW07132015	Task Order 01E
consultant: Johnson, Mirmiran & Thompson	JMT -16-1	916-01E Rev.1		SAL DATE .2021
ADDRESS: 601 New Jersey Ave, Suite 210 Washington, DC 20001				
COST SUMMAR	Y			
DIRECT LABOR (Specify labor categories)	HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Project Manager	1,865	\$125.00	\$ 233,125.00	
Construction Manager	2,984	\$108.00	\$ 322,272.00	
Total Hours	4,849			
DIRECT LABOR SUBTOTAL:			\$ 555,397.00	
2. INDIRECT COSTS (Specify)	RATE	X DIRECT LABOR TOTAL =	ESTIMATED	
OVERHEAD AND PAYROLL BURDEN	0%		\$ -	
INDIRECT COSTS SUBTOTAL			\$ -	
3. TOTAL OF DIRECT LABOR & INDIRECT COSTS (Combined Sum of Items 1 & 2)				\$ 555,397.00
4. PROFIT - (Fixed Hourly Rate)				\$ -
5. TOTAL PROFESSIONAL FEE (Combined Sum of Items 3 & 4)				\$ 555,397.00
6. OTHER DIRECT COSTS (refer to attached itemization)				
7. EXPENSES	QTY.	COST	ESTIMATED COST	
a. Transportation (personal car)	3,200	\$ 0.56	\$ 1,792.00	
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	\$ -	
EXPENSES SUBTOTAL			\$ 1,792.00 ESTIMATED	
B. EQUIPMENT, MATERIALS, SUPPLIES (See attached itemization)	QTY.	COST	COST	
EQUIPMENT SUBTOTAL:			\$ -	
). SUBCONSULTANT(S)			ESTIMATED COST	
	0	#REF!	\$ -	
SUBCONSULTANT(S) - SUBTOTAL:			\$ -	
10. SUBCONSULANT MARKUP			ESTIMATED COST	
		0.10	\$ -	
b.			\$ -	
C.			\$ -	
SUBCONSULTANT(S) - SUBTOTAL:			\$ -	
OTHER SUBTOTAL			\$ -	
OTHER DIRECT COSTS TOTAL: (Combined Sum of Items 7, 8, 9, 10) TOTAL PRICE (Combined Sum of Items 5 & 10)				\$ 1,792.00 \$ 557,189.00



July 21, 2021

Mr. Hal Metzler. Jr. City of Hyattsville 4310 Gallatin Street Hyattsville, MD 20781

RE: Proposed Task Order 01G for Commissioning Services for City of Hyattsville Public Safety Building, 3505 Hamilton Street DPW07132015 / JMT #16-1916-01G

Dear Mr. Metzler.

JOHNSON, MIRMIRAN & THOMPSON is pleased to provide JMT's Task Order 01G proposal to the City of Hyattsville for Commissioning Services for the New Public Safety Building located on 3505 Hamilton Street. Technical commissioning services will be by our sub-consultant, Wright Commissioning. The purpose of the technical commissioning services is to provide systematic documented confirmation that the building systems achieve the highest level of functional integrity and are in compliance with the design intent and performance requirements of the owner and occupants.

The scope of work and deliverables will include:

- Commissioning
- Prepare a construction phase construction plan.
- Schedule the construction phase commissioning meeting.
- Review the equipment submittals for the systems to be commissioned. Provide written comments.
- Check installation against contract documents for adequate accessibility for maintenance and component replacement or repair. Provide field installation verification reports.
- Witness equipment, subsystem, and system installation, start-up and testing. Develop and perform functional performance test reports for start-up of the equipment and systems.
- Maintain a master issues log for any deficiencies. Provide written progress reports.
- Meet with TAB contractor and ensure that the TAB contractor has all forms required for proper data collection.
- Develop and conduct the performance verification tests.
- Ensure that operations and Maintenance Manuals and other as-built records have been updated.
- Prepare a final commissioning report.



• Training coordination and documented verification of operator training.

Total Amount Not to Exceed

\$52,650.00

Assumptions:

- a. Design drawings and cost estimates are excluded.
- b. FF&E not included.

Thank you for using JOHNSON, MIRMIRAN & THOMPSON to provide these services.

Very truly yours,

JOHNSON, MIRMIRAN & THOMPSON, INC

Jonathan J. Ryan, PE, CCM, PMP

Senior Vice President

cc: Soli Guille, JMT

Johnson, Mirmiran & T				
PART I - GENER				
CLIENT: City of Hyattsville - Professional Consulting & Design Services	Hyattsvill	e Public Safety Commissioning	DPW07132015	Task Order 01G
CONSULTANT: Johnson, Mirmiran & Thompson		16-1916-01G		SAL DATE ul-21
ADDRESS: 601 New Jersey Ave, Suite 210 Washington, DC 20001			7.0	ui-21
COST SUMMA	RY			
DIRECT LABOR (Specify labor categories)	HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Project Manager	100	\$125.00	\$ 12,500.00	
Total Hours	100			
DIRECT LABOR SUBTOTAL	:		\$ 12,500.00	
2. INDIRECT COSTS (Specify)	RATE	X DIRECT LABOR TOTAL =	ESTIMATED	
OVERHEAD AND PAYROLL BURDEN	0%		\$ -	
INDIRECT COSTS SUBTOTAL	_		\$ -	
3. TOTAL OF DIRECT LABOR & INDIRECT COSTS (Combined Sum of Items 1 & 2)				\$ 12,500.00
4. PROFIT - (Fixed Hourly Rate)				\$ -
5. TOTAL PROFESSIONAL FEE (Combined Sum of Items 3 & 4)				\$ 12,500.00
6. OTHER DIRECT COSTS (refer to attached itemization)				
7. EXPENSES	QTY.	COST	ESTIMATED COST	
a. Transportation (personal car)	0	\$ 0.58	\$ -	
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	\$ -	
			\$ -	
EXPENSES SUBTOTAL	-		\$ -	
8. EQUIPMENT, MATERIALS, SUPPLIES (See attached itemization)	QTY.	COST	ESTIMATED COST	
			\$ -	
			\$ -	
EQUIPMENT SUBTOTAL	:		\$ -	
9. SUBCONSULTANT(S)			ESTIMATED COST	
a. Wright Commissioning	1	\$ 36,500.00	\$ 36,500.00	
0.	0	\$ -	\$ -	
	0	\$ -	\$ -	
SUBCONSULTANT(S) - SUBTOTAL			\$ 36,500.00	
10. SUBCONSULANT MARKUP			ESTIMATED COST	
a. Wright Commissioning	36,500	0.10	\$ 3,650.00	
b.			\$ -	
C			\$ -	
SUBCONSULTANT(S) - SUBTOTAL			\$ -	
OTHER SUBTOTAL	-		\$ 3,650.00	
OTHER DIRECT COSTS TOTAL: (Combined Sum of Items 7, 8, 9, 10)				\$ 40,150.00
TOTAL PRICE (Combined Sum of Items 5 & 10)				\$ 52,650.00



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-299-FY22 4/4/2022 12.b.

Submitted by: Hal Metzler

Submitting Department: Public Works

Agenda Section: Discussion

Item Title:

Awarding of the Contract for the 3505 Hamilton Street Public Safety Building Adaptive Reuse Project

Suggested Action:

FOR DISCUSSION:

I move that the Mayor and Council authorize the City Administrator to enter into a contract with The Whiting-Turner Contracting Company for the 3505 Hamilton Street Public Safety Building Adaptive Reuse Project, for an authorized expenditure not to exceed \$18.7 million, pending legal review.

Summary Background:

In the spring of 2016, the Council authorized staff to contract with JMT to provide for the design and engineering of the renovation of 3505 Hamilton St. In the Summer of 2017, the Council approved of the concept that was presented and authorized funding to proceed with the full architectural and engineering design. During this phase of the project the City completed several related projects including a full environmental remediation of the building, installing an upgraded water service, and soliciting a new security and access control vendor. Plans were finalized and the permitting phase of the project began in mid-2021. The City conducted a two-part solicitation. A Request for Qualifications (RFQ) was solicited in Summer of 2021.

The City received a number of RFQ responses, and after review, determined that four (4) firms proposals were responsive and responsible and demonstrated the minimum qualifications requested. In January 2022 the four (4) firms were provided the Request for Proposals (RFP) and given the opportunity to participate in the second part of the solicitation process. The RFP responses were received in March 2022. Of the four (4) prequalified firms approved to participate in the RFP, two (2) firms submitted proposals. Both proposals were responsive to the project needs. After review, the selection committee determined that the Whiting-Turner Contracting Company had the best proposed schedule and budget to successfully complete the project for the City.

Next Steps:

Execute the contract and begin construction.

Fiscal Impact:

NTE \$18,700,000

City Administrator Comments:

Click or tap here to enter text.

Community Engagement:

Community meetings were held during the planning and design process.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Pending



City of Hyattsville

Memo

To: Tracey Douglas, City Adminstrator

From: Hal Metzler, Deputy Director of Public Works

Lesley Riddle, Director of Public Works; Ron Brooks, Treasurer; Jerrod

Towers, Chief of Police; Helder Almeida, Project Manager

Date: March 29, 2022

Re: RFP #DPW21-005 Selection

The City conducted a two part solicitation for the 3505 Hamilton Street Public Safety Building Adaptive Reuse Project. A Request for Qualifications (RFQ) was solicited in Summer of 2021. The City received several RFQ responses, and after review, determined that 4 firms' proposals were responsive and responsible and demonstrated the minimum qualifications requested. In January 2022 the 4 firms were provided the Request for Proposals (RFP) and given the opportunity to participate in the second part of the solicitation process. The RFP responses were received in March 2022. Of the 4 prequalified firms approved to participate in the RFP, 2 firms submitted proposals. Both proposals were responsive and responsible. The proposals were evaluated based on the 4 criteria as listed in the RFP documents.

- 1. Rank of the firm after the RFQ process
- 2. Detailed price proposal
- 3. Detailed proposed schedule
- 4. Narrative on how the firm proposes to keep the project on schedule and budget given the extended lead times, production and shipping delays, fluctuating costs, and other issues related to the ongoing COVID-19 pandemic. If available/required supporting documentation may be submitted in addition to the narrative.

A selection committee consisting of the following;

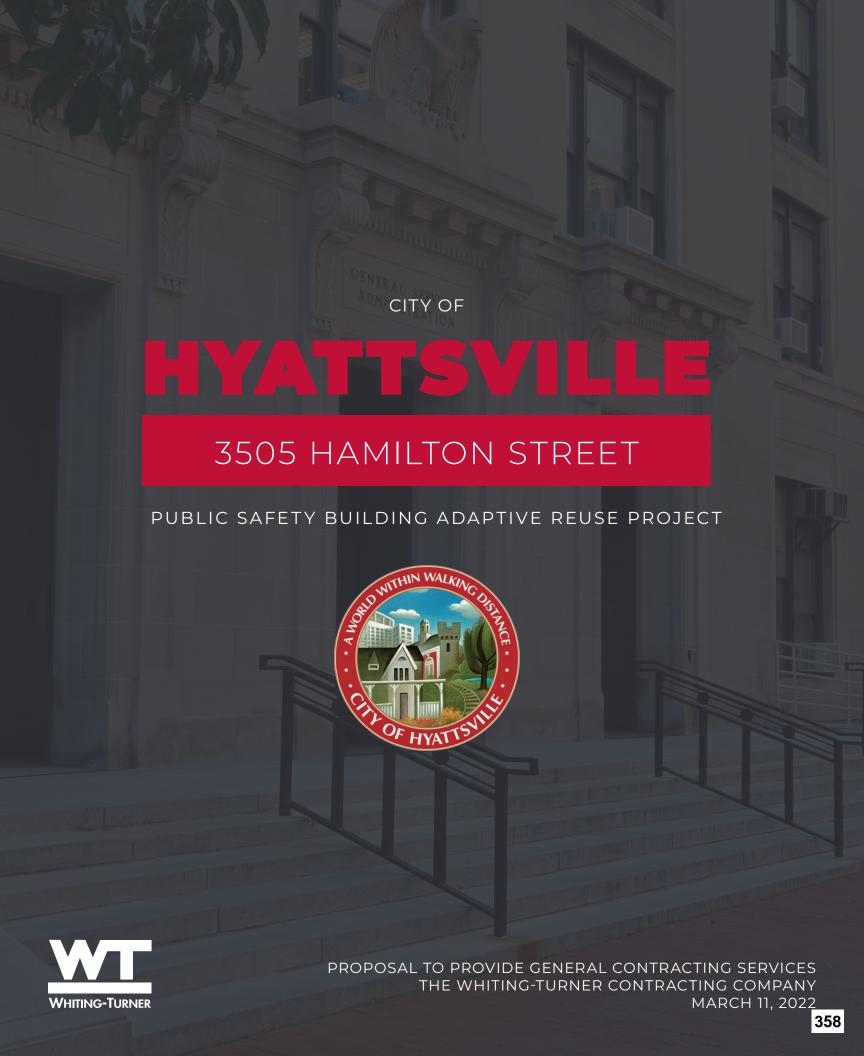
1. Hal Metzler – Deputy Director of Public Works

- 2. Lesley Riddle Director of Public Works
- 3. Ron Brooks Treasurer
- 4. Jerrod Towers Chief of Police
- 5. Helder Almeida Project Manager

reviewed the proposals received and made the following evaluation of the criteria.

Score of 1-4 (Higher number is better)	Keller Brothers	Whiting-Turner
Rank after RFQ	1	3
Detailed Price Proposal	3	2
Proposed Schedule	3	3
Narrative	2	4
Total	9	12

The committee determined that Whiting-Turner has the proposal that best met the criteria to be awarded the contract for the 3505 Hamilton Street Public Safety Building Adaptive Reuse Project.



WILLARD HACKERMAN (1918-2014)

FOUNDED 1909

THE WHITING-TURNER CONTRACTING COMPANY

ENGINEERS AND CONTRACTORS

CONSTRUCTION MANAGEMENT
GENERAL CONTRACTING
DESIGN-BUILD
SPECIALTY CONTRACTING
PRECONSTRUCTION
BUILDING INFORMATION MODELING
INTEGRATED PROJECT DELIVERY

6305 IVY LANE, SUITE 800 GREENBELT, MARYLAND 20770 301-656-7800 INSTITUTIONAL
COMMERCIAL
CORPORATE
TECHNOLOGY
INDUSTRIAL/PROCESS
INFRASTRUCTURE
SUSTAINABILITY

359

March 11, 2022

Mr. Hal Metzler Interim Deputy Director of Public Works The City of Hyattsville 4310 Gallatin Street Hyattsville, MD 20781

Dear Mr. Metzler:

We have an experienced team who have been working together on this pursuit since last summer. This team is well into the details of the project and is ready to start working on it immediately. Some additional reasons why Whiting-Turner is the best fit for this project include:

- Accelerated Schedule: Our schedule shows final completion a month earlier than the planned date.
- Mitigate Risk of Supply Chain and Escalation: We have planned for upcoming price increases and unusually long lead times so there will be no surprise change orders or schedule delays after award.
- **Prequalified Subcontractors:** We have an excellent group of pre-qualified subcontractors that have proven track records in completing similarly complex projects successfully.
- Unparalleled Financial Strength:
 - 5A-1 Dun & Bradstreet rating the only Top 50 ENR Domestic Builder with this rating
 - Bonding capacity of \$4 billion
 - Whiting-Turner has conducted business without borrowing any working capital since 1938
 - Privately owned and zero debt

This project is very important to us as individual team members and Whiting-Turner as a whole. We look forward to discussing this project with you in more detail and for you to get to know our team that will be on the project from the date of award through completion. If you have any questions regarding our proposal, please do not hesitate to contact me.

Very Truly Yours,
THE WHITING-TURNER CONTRACTING COMPANY

John Keith Vice President (443) 829-2005

WWW.WHITING-TURNER.COM OFFICES NATIONWIDE

1. EXECUTIVE SUMMARY



Name of Company

The Whiting-Turner Contracting Company

Managing Principal

John Keith Vice President 443 · 829 · 2005



4,200+

Full-Time Employees Companywide

Current Workload

Our proposed team is available for the duration of this project.



870+

Public Safety Projects Completed Nationally

WHY US?

1.

COST

We recognize that cost is an extremely important component to this project. Our team will work hard to maintain budget parameters and more importantly, treat the City of Hyattsville's money like it is our own. There will be no shortcuts. We will make sure you get exactly what you pay for.

LOCAL TEAM - EXPERIENCE

We have been working in Maryland for 113 years, and Whiting-Turner has completed 300+ projects for municipalities in the state of Maryland. We have assembled an "A-team" of the foremost experts in the area in each scope area most critical for this project's success. Our team brings a unique skill set and experience to reach success in all of the technical and logistical challenges of this project. Our team is skilled completing controlled access office renovation projects, historic restoration projects, and public safety facilities in the MidAtlantic region. Maryland is not only where we work – it is our home. We care about this community and want to see it flourish. We understand the importance this project will have on the City of Hyattsville and, thus, our role in the project must have a similar impact in the community.

BEING A GOOD NEIGHBOR + PARTNER

Our goal is to not just be your contractor, but to be your partner. Our team will collaborate with the all key players to make sure that the project proceeds in the quickest, safest and most economical manner possible. Cleanliness, egress, phasing, staging of materials, safety and the scheduling of noise related activities are just a few of the key topics that our team will address to ensure we are being a good neighbor in the Hyattsville community.

2. PRICE PROPOSAL

ATTACHMENT A – PROPOSAL AFFIDAVIT

PROPOSAL AFFIDAVIT

CERTIFICATION OF CORPORATION REGISTRATION AND TAX PAYMENT

Part I: I HEREBY AFFIRM THAT:

Form: Certification -Tax 12//03

, !	The business named below is a (Maryland X) (foreign) corporation registered in accordance with the Corporations and Associations Article, Annotated Code of Maryland, and that it is in good standing and has filed all its annual reports, together with filing fees, with the Maryland State Department of Assessments and Taxation, and that the name and addresses of its resident agent filed with the State Department of Assessments and Taxation is:
-	Name: The Whiting-Turner Contracting Company
	Address: 300 East Joppa Road
	Baltimore, Maryland 21286
	[If not applicable, so state]
1	Except as validly contested, the business has paid, or has arranged for payment of, all taxes due to the State of Maryland and has filed all required returns and reports with the Comptroller of the Treasury, the State Department of Assessments and Taxation, and the Employment Security Administration, as applicable, and will have paid all withholding taxes due to the State of Maryland prior to final settlement.
Part II: I FUR	THER CERTIFY THAT:
	ve complied with the applicable tax filing and licensing requirements of The City of Hyattsville, ace George's County, and/or the State of Maryland.
	filing information is true and correct concerning tax compliance for The past13 yearsX Current Not Current
The City of Hyar	tsville reserves the right to verify the above information with the appropriate government authorities
	DAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION By: (Authorized Representative and Affiant)
	Ron Eisenberg, Senior Vice President
	(Printed or Typed Name)

SUBMIT THIS AFFIDAVIT WITH PROPOSAL

ATTACHMENT B – PROPOSER/OFFEROR STATEMENT OF OWNERSHIP

Part A below requires a business entity, when responding to a Proposal or proposal solicitation, to provide a statement of ownership as a condition of eligibility to receive a contract from the City.

NOTE: Submission of completed doo	cument is prerequisite	to award.	
PART "A" – OWNERSHIP	Date: N	Лarch 11, 2022	
1. Full name and address of business:	The Whiting-Turner Con	ntracting Company	
Baltimore, Maryland	21286	(410) 821-1100	
City and State	Zip Code	Bus. Phone w/area code	
2. Is the business incorporated?	X Yes	No	
3. Other names used by business i.e.,	T/A: N/A		
Non-Corporate Business			
<u>*</u>		ss and residence address of each individual Please attach separate sheet as necessary.)	
N/A			
Corporate Business Entities			
Is the corporation listed on a national s	securities exchange?	YesX_No	
4. List the names of all officers of the they assumed their respective officers.	<u>.</u>	usiness and residence addresses and the da parate sheet as necessary.)	ate
See attached.			
	fice and the date his/h	Directors, their business and residence add ner term as a Director shall expire (if any).	
N/A			

ATTACHMENT B - PROPOSER/OFFEROR STATEMENT OF OWNERSHIP (continued)

6.	List the names and residence addresses of all individuals owning at least 10% of the shares of any class of corporate security, including but not limited to stocks of any type or class and serial maturity bonds of any type or class. (Please attach separate sheet as necessary.)
N,	/A
Thi	s Financial Disclosure Statement has been prepared byRon Eisenberg
	Senior Vice President on this 11 day of March , 20 22.
	Wonkisus.
	Signed by Prepare
PA	RT "B" - PROPOSER'S QUALIFICATION STATEMENT
and	t B is Proposer's Qualification Affidavit of "No Conviction" for bribery, attempted bribery, or conspiracy to bribe is required under Section 16-311 of the Maryland State Finance and Procurement Article. This signed form must submitted with the Proposal.
1.	I am the Senior Vice President of The Whiting-Turner Contracting Company a party interested in obtaining a contract with The City of Hyattsville under conditions set forth in documents for RFP $\#DPW21-005$.
2.	Upon examination of relevant records and to the best of my knowledge, no officer, director, partner or employees of the aforementioned business entity has on the basis of acts committed after July 1, 1977, been convicted of, or entered a plea of nolo contendere to, a charge of bribery, attempted bribery or conspiracy to bribe under the laws of the State of Maryland, any other state, or the federal government other than those listed on the attachment to this affidavit (attachment should list name, title, offense, place and date of conviction or plea);
3.	I have been authorized to make this statement on behalf of the aforementioned party.
	Monkisul
ACL	(Signature) KNOWLEDGMENT (Corporate)
ACI	
	I, CAUDIA A SWIECICKI certify that I am the Name (Printed)
	Assit Secretary of Whiting-Turner and Title and Office Business Entity
	that Ronald Eiseniserg who signed the above Affidavit. Name (Printed)

ATTACHMENT B - PROPOSER/OFFEROR STATEMENT OF OWNERSHIP (continued)

Rapald Edgenting is the	SK. Vice Presiden	of said entity; that I know
his/her		
(Name)	(Title)	

Signature, and his/her signature thereto is genuine; and that the above Affidavit and Statement of Ownership was duly signed, sealed, and attested for in behalf of said entity by City of its governing body. Further, under penalty of perjury I solemnly affirm that the contents of the foregoing Affidavit and Statement of Ownership are true to the best of my knowledge, information and belief.



SUBMIT THIS FORM WITH PROPOSAL

ATTACHMENT C - VENDOR'S OATH

VENDOR'S OATH AND CERTIFICATION

The City of Hyattsville requests that any Contractor receiving a contract or award from the City of Hyattsville, shall affirm under oath as below. Receipt of such certification, under oath, shall be a prerequisite to the award of contract and payment thereof.

"I (We) hereby declare and affirm under oath and the penalty of making a false statement that if the Contract is awarded to our firm, partnership or corporation that no officer or employee of the City is in any manner whatsoever interested in, or will receive or has been promised any benefit from, the profits or emoluments of this Contract; and

I (We) hereby declare and affirm under oath and the penalty of making a false statement that if the Contract is awarded to our firm, partnership or corporation that no member or employee of the City of Hyattsville or Prince George's County, Maryland, or members of his or her immediate family, including spouse, parents or children, or any person representing or purporting to represent any member or members of the elected governing body has received or has been promised, directly or indirectly, any financial benefit, by way of fee, commission, finder's fee, political contribution, or any other similar form of remuneration and/or on account of the acts of awarding and/or executing this Contract.

Handwritten Si	gnature of Authorized Principal(s):		
Name:	ncisus	Title:	Senior Vice President
Printed Name:	Ron Eisenberg		

SUBMIT THIS FORM WITH PROPOSAL

ATTACHMENT D – PROPOSAL INSTRUCTIONS

In order to assist Proposer in the preparation of their Proposal and to comply with the requirements of this solicitation, Proposal Pricing Instructions and a Proposal Form have been prepared. Proposer shall submit their Proposal on the Proposal Form in accordance with the instructions on the Proposal Form and as specified herein. Do not alter the Proposal Form or the Proposal Form may be rejected. The Proposal Form is to be signed and dated, where requested, by an individual who is authorized to bind the Proposer to the prices entered on the Proposal Form.

The Proposal Form is used to calculate the Proposer's TOTAL PROPOSAL PRICE. Follow these instructions carefully when completing your Proposal Form:

- A) All Unit and Extended Prices must be clearly entered in dollars and cents, e.g., \$24.15. Make your decimal points clear and distinct.
- B) All Unit Prices must be the actual price per unit the City will pay for the specific item or service identified in this RFP and may not be contingent on any other factor or condition in any manner.
- C) All calculations shall be rounded to the nearest cent, i.e., \$0.344 shall be \$0.34 and \$0.345 shall be \$0.36.
- D) Any goods or services required through this RFP and proposed by the Contractor at No Cost to the City must be clearly entered in the Unit Price, if appropriate, and Extended Price with \$0.00.
- E) Every blank in every Proposal Form shall be filled in. Any blanks may result in the Proposal being regarded as non-responsive and thus rejected. Any changes or corrections made to the Proposal Form by the Proposer prior to submission shall be initialed and dated.
- F) Except as instructed on the Proposal Form, nothing shall be entered on or attached to the Proposal Form that alters or proposes conditions or contingencies on the prices. Alterations and/or conditions usually render the Proposal non-responsive, which means it will be rejected.
- G) It is imperative that the prices included on the Proposal Form have been entered correctly and calculated accurately by the Proposer and that the respective total prices agree with the entries on the Proposal Form.
- H) All Proposal prices entered below are to be fully loaded prices that include all costs/expenses associated with the provision of services as required by the RFP. The Proposal price shall include, but is not limited to, all of the following: labor, profit/overhead, general operating, administrative, and all other expenses and costs necessary to perform the work set forth in this solicitation. No other amounts will be paid to the Contractor. If labor rates are requested, those amounts shall be fully-loaded rates; no overtime amounts will be paid.
- J) Unless indicated elsewhere in the RFP, sample amounts used for calculations on the Proposal Form are typically estimates for Proposing purposes only. The City does not guarantee a minimum or maximum number of units or usage in the performance of this Contract.
- K) Failure to adhere to any of these instructions may result in the Proposal being determined non-responsive and rejected by the City.
- L) This RFP and the Proposer's response, including all promises, warranties, commitments, and representations made in the successful Proposal process leading up to Award that are accepted by the City of Hyattsville shall be binding and incorporated by reference in the City's Contract with the Proposer.

ATTACHMENT E – PROPOSAL PRICE SHEET

A. PROPOSAL FORM AND PROPOSAL

From: The Whiting-Turner Contracting Company
(Proper Name of Proposer)

10 ACKNOWLEDGEMENT OF GENERAL CONDITIONS

The City reserves the right to reject any or all proposals and to enter into contract negotiations with the selected Proposer to take any other actions that may be deemed to be in the best interest of the City. The Contractor shall not disclaim knowledge of the meaning and effect of any term or provision of these General Conditions, and Supplemental Conditions, if any, and agrees to strictly abide by their meaning and intent. In the event the Contractor fails to sign this acknowledgement, the City shall have the right to reject the Proposal.

CONTRACTOR'S SIGNATURE: //www.cisus				
Print Name:	Ron Eisenberg			
Title: Senior V	ice President			

A. BASE PROPOSAL

Contractor's Base Proposal:

Total \$ See hard copy

Contractor's General Conditions:

Total \$ \$1,214,593

- B. GENERAL CONDITIONS BREAKDOWN provide line by line breakdown of all items that make up the General Conditions above on a separate insert in response to RFP.
- C. UNIT PRICE BREAKDOWN provide line by line breakdown of all items that require a unit price breakdown on a separate insert in response to RFP.

Project: City of Hyattsville Public Safety Building Location: Hyattsville, MD

GENERAL CONDITIONS AND GENERAL REQUIREMENTS



May 2022 - October 2023 Construction

DESCRIPTION	Montho	0/ time	Hours	LINIT	LINIT ¢	AMOUNT	COMMENTS
DESCRIPTION DIVISION 1 - GENERAL CONDITIONS	Months	% time	Hours	UNIT	UNIT \$	AMOUNT	COMMENTS
Project Administration	ı						
Construction Phase - on site							
PM2 - TBD	8	100%	1,387	Hours	\$110.37	\$153,046	
PM2 - TBD	9	100%	1,560	Hours	\$114.78	\$179,064	2022
PE - TBD	8	100%	1,387	Hours	\$78.67	\$109,089	2021
PE - TBD	9	100%	1,560	Hours	\$81.82	\$109,009	
	J	10070	1,000	riouro	ψ01.02	ψ121,00 ⁻¹	2022
Superintendent 3 - TBD	8	100%	1,387	Hours	\$124.11	\$172,099	2021
Superintendent 3 - TBD	9	100%	1,560	Hours	\$129.07	\$201,356	2022
QC Manager	17	5%	138	Hours	\$115.00	\$15,927	Monthly visits by QCM
Safety Manager	17	5%	138	Hours	\$115.00	\$15,927	Monthly visits by regional director
Project Administration subtotal						\$974,143	
Field Office & Equipment							
Field Office setup	1			LS	\$20,000	\$20,000	
Field office rental	17			MO	\$2,000.00	\$34,000	
Janitorial services	17			MO	\$200.00	\$3,400	
Postage & shipping	17			МО	\$50.00	\$850	
Office furniture	1			LS	\$5,000.00	\$5,000	
Copy machine	17			MO	\$500.00	\$8,500	
LAN	1			LS	\$1,500.00	\$1,500	
Internet	17			MO	\$300.00	\$5,100	
Miscellaneous office supplies	17			МО	\$50.00	\$850	
Field Office & Equipment subtotal						\$79,200	
Temporary Utilities							
Connect to temp elec service - office	1			LS	\$2,000.00	\$2,000	
Temporary water service - office	1			LS	\$2,000.00	\$2,000	
Drinking water/coffee	17			MO	\$100.00	\$1,700	
Meeting lunches	17			MO	\$100.00	\$1,700	
Telephone/data system	1			LS	\$1,000.00	\$1,000	
Telephone service	1			LS	\$1,000.00	\$1,000	
Telephone charges	17			MO	\$200.00	\$3,400	
Temporary Utilities subtotal						\$12,800	
GENERAL CONDITIONS TOTAL						£4.000.442	
GENERAL GONDITIONS TO TAL						\$1,066,143	
DIVISION 1 - GENERAL REQUIREMENTS							
Design & Consulting							
Scheduling	1			LS	\$15,000.00	\$15,000	
Danium & Compartition and the C	<u> </u>					A45 AA	
Design & Consulting subtotal						\$15,000	
Quality Assurance & Control							
Roofing Inspector	1			LS	\$6.000.00	\$6,000	3 days for 8 hour/day
. teeming inopositor	'				ψ0,000.00	ψ0,000	o augo for o flouriday
Quality Assurance & Control subtotal						\$6,000	
Safety							
First aid supplies	17			MO	\$50.00	\$850	
Temporary stairs	1			LS	\$1,500.00	\$1,500	
					04 1	4	
Floor opening protection	1			LS	\$1,500.00 \$1,000.00	\$1,500 \$1,000	
Fire extinguishers Safety signage	1 17			LS MO	\$1,000.00 \$100.00	\$1,000 \$1,700	
Salety Signage	17			IVIU	φ100.00	φ1,700	

Carpenter for misc safety duties	17		MO	\$500.00	\$8,500	
Safety subtotal					\$15,050	
Project Documentation						
Drawing and specifications	1		LS	\$2,500.00	\$2,500	
Photographs	17		MO	\$200.00	\$3,400	
Completion Photographs	1		LS	\$2,500.00	\$2,500	
Project Documentation subtotal					\$8,400	
Temporary Facilities						
Miscellaneous labor	17		MO	\$500.00	\$8,500	
WT project signs	1		LS	\$2,000.00	\$2,000	
Temporary Facilities subtotal					\$10,500	
Temporary Utilities						
Temporary electric charges	17		MO	\$1,000.00	\$17,000	
Temporary water charges	17		MO	\$1,000.00	\$17,000	
Sanitary facilities	17		MO	\$1,500.00	\$25,500	
Temporary Utilities subtotal					\$59,500	
Clean Up						
Dumpster	17		МО	\$2,000.00	\$34,000	
Clean Up subtotal					\$34,000	
CENERAL REQUIREMENTS SUPPORTAL					6440.450	
GENERAL REQUIREMENTS SUBTOTAL					\$148,450	
GRAND TOTAL GC/GR					\$1,214,593	TOTAL
GRAND TOTAL GU/GR					ψ1,214,593	TOTAL

City of Hyattsville Public Safety Building

The only requirement for unit prices identified in the specifications is in 0151200, 1.07

<u>Main Steel Framing Main Steel Framing</u>: This shall include columns, posts, hangers, beams, girders, trusses and connections. It shall also include base plates, bearing plates, stiffeners, angles, etc., which become part of the framing. (The main steel is any steel that is part of the framing (floors, roof, columns.)

Unit price for additions to the contract: \$7,630 / Ton

Deductions price from the contract: \$7,000 / Ton

<u>Light Steel Framing</u>: This shall include sub-framing for various purposes, such as mechanical openings and framing of a similar nature that may be required for the construction of the project. (The miscellaneous steel is framing around openings, loose angles, etc.)

Unit price for additions to the contract: \$10,355 / Ton

Deductions price from the contract: \$9,500/ Ton

Potential Subcontractors

Demolition	M&V Demolition	EnviroVantage	Barco	Ace Deconstruction
Concrete	Bay Country	Premier Concrete	Excell Concrete	M&N Concrete
Masonry	Genco Masonry	Tricord Masonry	Calvert Masonry	
Stone cleaning / Masonry Restoration	Baltimore Washington Restoration	Tricord Masonry	United Building Envelope Restoration LLC	Worcester Eisenbrandt
Metals	Rearden	Formit Steel Co.		
Miscellaneous Metal	Hallmark Iron Works	Thrifty Iron Works		
Millwork	Mahogany, Inc.	Cabinet Max Corporation	Fallston Supply	
Waterproofing	Baltimore Waterproofing	Prospect Waterproofing	Prince William Waterproofing	Calvert City Waterproofing
Foam Insulation	Davenport Insulation	Diamond Engineering		
Roofing	Alonzo Ours Construction	Harbor Roofing & Contracting	Ruff Roofers, Inc.	Citiroof Corporation
Caulking	Calvert Restoration	Wilcox Caulking	Industrial Caulk and Seal	
Doors, frames, hardware	R&L Door Service	Allegany Door & Hardware, Inc.	EA Door Supply	
OH Door	McKeon Door, Inc.	OH Company of Washington DC		
Glazing / Storefront	Design Glazing Concepts	Chesapeake Glazing, Inc.	Alliance Exterior Construction	
Window Film	Atlantic Sun Control	Solar Exlipse Glass Tinting		
Wood Restoration	The Pheoenix Restoration Group	Atlantic Refinishing & Restoration	Worcester Eisenbrandt Inc.	
Drywall and ACT	Centerline Construction	JAG Contractors	Southern Acoustics, Inc.	Vasquez Drywall Systems
Tile	Business Flooring	CCS Floors	Churchville Tile and Marble	Kelly Floors
Flooring	Business Flooring	CCS Floors	Churchville Tile and Marble	Kelly Floors
Ероху	Stonhard	Master Applications of Salisbury		
Painting	PainTech	Higham Company	Cypress Contracting	
Access Flooring	Irvine Access Floors	Deleon Access Floors, Inc.	Ceilings & Partitions	
Toilet partitions and accessories	Material Distributors, Inc.	Partitions Plus, Inc.		
Shades	MK Blinds	Total Shading		
Lockers	Degler Whiting	Tiffin Metal		
Site furnishings	Childs Landscape	Denison Landscaping	Ruppert Landscape	
Detention Furniture / Equipment	Tiffin Metal Products	Jailcraft		
Conveying Systems	Delaware Elevator	Kone		
Fire Protection	Advanced Fire Protection	Commercial and Residential FP	Absolute Fire Protection	
HVAC and plumbing	DC Mechanical	R&R Mechanical	Al Merton	
Electrical	Cynergy	Freestate	Total Electric	
Security	Stanley Convergent			
Earthwork	Cavalla Construction	Hamilton Site	Construction Trade Services	
Asphalt Paving	Finely Asphalt	Prince William Waterproofing		
Site Concrete	Bay Country	Intown Restoration	Premier	
Landscaping/Hardscape	Chapel Valley	Childs Landscape	Commercial Scapes	
Fences and Gates	Beitzel	Best Fence	Hercules	Long
Utilities	Cavalla Construction	Hamilton Site	Resource Industries	

^{**}Other qualified subcontractors may provide pricing. This is not an ALL INCLUSIVE list.

	COMPI	TOTAL	
C .			
	V . V / V I I I	1 1 1 1 1 1 1 1 1	

545 calendar days from Notice

I/We agree to erect and achieve **project completion**, no later than <u>to Proceed</u>. The Owner shall retain the value of uncompleted work (\$2500.00) for Liquidated Damages, for each calendar day in excess of the Completion Date set forth herewith.

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Ron Eisenberg, Senior Vice President being first duly sworn deposes and says that he is an
officer in the building construction organization known as The Whiting-Turner Contracting Company , and the party making a certain proposal or Proposal dated March 11, 2022 , to The City of Hyattsville for the Public Safety Building (Project Name), and that this proposal is genuine and not collusive or sham; that said Proposer has not colluded, conspired, connived or agreed, directly, or indirectly, with any Proposer or person to put in a sham Proposal or to refrain from Proposing, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person to fix the Proposal prices of the affidavit or any other Proposer, or to fix any overhead, profit, or cost element of said Proposal price, or that of any Proposer, or to secure any advantage against The City of Hyattsville or any other person interested in the proposed contract; and that all statements in said proposal or Proposal are true.
Signature of: x(Proposer if the Proposer is an individual)
X(Proposer if the Proposer is a partnership)
X The Whiting-Turner Contracting Company (Proposer if the Proposer is a corporation)
Subscribed and sworn before me this 11 day of March 2022 x Notary Public
My commission expires: $11/15/2022$

END OF PROPOSAL FORM



Bid Bond

CONTRACTOR:

(Name, legal status and address)
The Whiting-Turner Contracting Company
300 East Joppa Road
Baltimore, MD 21286

OWNER:

(Name, legal status and address)
City of Hyattsville
4310 Gallatin Street, Hyattsville, MD 20781

BOND AMOUNT: \$ 5% of amount bid

PROJECT:

(Name, location or address, and Project number, if any)
City of Hyattsville Public Safety Building

SURETY:

(Name, legal status and principal place of business)
Fidelity and Deposit Company of Maryland 1299 Zurich Way Schaumburg, IL 60196-1056

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this ^ day of February, 2022

The Whiting-Turner Contracting Company 34

(Contractor as Principal Palmer Executive Vice President & APYLAN Secretary

(Title)

Fidelity and Deposit Company of Maryland

(Surety)

(Seal)

(Seal)

(Title)

Init.

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(812930934)

ZURICH AMERICAN INSURANCE COMPANY COLONIAL AMERICAN CASUALTY AND SURETY COMPANY FIDELITY AND DEPOSIT COMPANY OF MARYLAND POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Robert D. Murray, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Stephen M. MUTSCHELLER, Emily BRENNAN, Robert F. WHITE, Gary L. BERGER, R. Nelson OSTER, Craig BANCROFT, Joshua B. HAUSERMAN, William FRANCIK, Jonathan KIBLER, George CAMPBELL, Mary GOSKA, Jamie LAWRENCE, Jennifer SCHIAZZA of Hunt Valley, Maryland, EACH, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY of MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 29th day of April, A.D. 2021.







ATTEST: ZURICH AMERICAN INSURANCE COMPANY COLONIAL AMERICAN CASUALTY AND SURETY COMPANY FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray
Vice President

Dawn & Brown

By: Dawn E. Brown
Secretary

State of Maryland County of Baltimore

On this 29th day of April, A.D. 2021, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Robert D. Murray, Vice President and Dawn E. Brown, Secretary of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

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Constance A. Dunn, Notary Public My Commission Expires: July 9, 2023

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Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, <u>Attorneys-in-Fact</u>. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify of revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 23rd day of February , 2022 .







By:

Brian M. Hodges Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims 1299 Zurich Way Schaumburg, IL 60196-1056 www.reportsfclaims@zurichna.com 800-626-4577



Date: January 31, 2022

RFP #DPW21-005

City of Hyattsville – RFP



Request for Qualifications

3505 Hamilton St Public Safety Building Adaptive Reuse Project

City of Hyattsville

4310 Gallatin Street Hyattsville, MD 20781

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REQUESTS FOR PROPOSALS

The City of Hyattsville is soliciting competitive sealed proposals from qualified construction firms, which have five (5) years, or more experience in providing construction services as outlined in SCOPE OF SERVICE SECTION of this request.

BACKGROUND AND OBJECTIVE

The City of Hyattsville requires the services of a construction firm for renovation and addition to the existing building located on 3505 Hamilton Street Hyattsville, MD. The City seeks contractors who are qualified and prepared in all respects to undertake the renovation and addition of the new Public Safety Building hereafter called the Project. Firms receiving this RFP have already completed the RFQ portion of the solicitation and are invited to complete this RFP. Only selected firms from the RFQ process will receive the RFP.

RFP Solicitation Schedule:

- Monday January 31st, 2022 RFP posted and sent to selected firms
- Thursday February 3rd, 2022 @10AM RFP pre-proposal meeting via Zoom, link to be sent to selected firms with documents
- February 7th February 15th, 2022 Site visits may be scheduled by calling Joe Buckholtz @ 240-832-1700
- February 15th, 2022 Questions are due by email to hmetzler@hyattsville.org by COB
- February 18th, 2022 Answers to Questions to be provided via Addendum
- February 23rd, 2022 at 1:00PM RFP responses are due
- February 23rd, 2022 at 1:10PM RFP responses are opened
- March 1st, 2022 Notice of Intent to Award
- March 7th, 2022 First Council meeting, presentation by selected firm may be required
- March 22nd, 2022 Second Council Meeting, acceptance, and approval of the contract
- March 31st, 2022 Deadline for Ratification of the Contract, Notice to Proceed Issued
- April 11th, 2022 Anticipated date for construction to begin (10 days after NTP)

These durations and dates are for information purposes only and the owner reserves the right to revise any of the durations and to terminate and/or to not initiate any and/or all the solicitation steps.

RECORDS & REPORTS

The City will require the Contractor to maintain an original set of records on work performed including daily reports, delivery tickets, testing reports, certifications, and any other documents as may be required in performance of this work. The City will be provided a duplicate set of records, but upon request may require the Contractor to provide specific records for confirming City records or use in litigation.

PRE-PROPOSAL MEETING

There will be a virtual pre-proposal meeting on February 3, 2022, at 10:00AM. The link will be emailed

to the contact person for the selected firms. Optional tours of the location may be scheduled by appointment only on a first come, first served basis. Each tour will be limited to 2 hours on any one day, but firms may sign up for more than one day. To setup a tour between February 7th and 15th please contact Joe Buckholtz at jbuckholtz@hyattsville.org or call 240-832-1700.

SCOPE OF PROPOSAL

Project Location:
Public Safety Building
3505 Hamilton Street Hyattsville, MD 20781

The I.00-acre site is located in Prince Georges County at 3505 Hamilton Street, Hyattsville, MD 20781, and zoned C-O (Commercial Office). The site is bounded by Hamilton Street to the north, 35th Place to the east, Gallatin Street and an apartment complex to the south, and a bridal shop and landscape nursery to the west. The site is currently not being used by the municipality of Hyattsville. The building was previously used by BB&T bank. The existing building, sidewalk and parking all remain on site.

For the new Public Safety Building, the existing building will be renovated and will receive new additions. There will be a one-story sallyport addition and a three-story addition attached to the three-story portion of the existing building. The total building, including additions, is approximately 33,000 SF. The additions will be of masonry and steel construction. The existing exterior masonry will be cleaned and re-pointed at areas, gutters and downspouts replaced and membrane roofing and slate shingle roofing will be incorporated. Most windows will remain and some new windows with ballistic rated glazing will be incorporated. All exterior doors will be replaced.

An existing elevator will be renovated, and a new traction elevator will be added.

The renovated building will incorporate new finishes, commissioning, and will include the following features:

- Public meeting spaces
- Training spaces
- Administrative office spaces
- Communications center
- Police evidence storage
- Detention area

Construction of the above work must meet the requirements of the County's Permitting and Third-Party Inspection Procedure. Specifications and drawing will be sent to the selected firms with this RFP.

AMERICANS WITH DISABILITIES ACT (ADA) AKNOWLEDGEMENT

The Contractor, in performance of this public works construction project, or where there is an ADA component involved, acknowledges that it is acting on behalf of the City and warrants to the best of its professional information, knowledge, and belief that its design, product, and/or completed infrastructure, will conform to, and comply with, the applicable provisions of the Americans with Disabilities Act.

COMPENSATION FOR SERVICES (FEE)

The City intends to enter into a service contract for the proposed project term. Compensation for the services rendered will be based upon a not to exceed contract, the value of which will be determined by the Department of Public Works and the selected Contractor.

EVALUATION CRITERIA AND SELECTION PROCEDURES

Selection of successful firms will be largely based upon the following in this section.

- Rank of the firm after the RFQ process
- Detailed price proposal
- Detailed proposed schedule
- Narrative on how the firm proposes to keep the project on schedule and budget given the
 extended lead times, production and shipping delays, fluctuating costs, and other issues related
 to the ongoing COVID-19 pandemic. If available/required supporting documentation may be
 submitted in addition to the narrative.

In the event the City is not able to negotiate a mutually acceptable contract with the selected firm, it reserves the right to terminate negotiations and then undertake negotiations with one of the other firms.

GENERAL CONDITIONS FOR PROPOSALS

Failure to read the Request for Proposal (RFP) and comply with its instructions will be at the firm's own risk.

Corrections and/or modifications received after the closing time specified in this RFP will not be accepted.

The proposal must be signed by a designated firm representative or officer authorized to bind the firm contractually. Submission of a signed proposal to the City will be interpreted to indicate the firm's willingness to comply with all terms and conditions set for the herein.

SUBMISSION OF PROPOSALS

The RFQ will be received by the City Clerk, are due by **1:00pm**, Wednesday February 23, 2022, and shall be mailed or delivered to:

The City of Hyattsville 4310 Gallatin Street Hyattsville, Maryland 20781 Attn: Laura Reams, City Clerk

All applicants are required to submit one (I) printed bound copy of their proposal, (I) digital copy, and (5) non-bound copies. All submitted proposals will be kept on file and will not be returned to the submitting applicant.

Questions regarding this request for qualifications Should be submitted to Hal Metzler, Deputy Director or Public Works, by email to hmetzler@hyattsville.org no later than 5:00PM on February 15, 2022.

PROPOSAL DOCUMENTS

The firm is requested to provide responses to the following:

- The name of the construction company and the managing principal.
- The firms will submit a detailed price proposal
- The firms will submit a detailed proposed schedule
- The firms will submit a narrative on how the firm proposes to keep the project on schedule and budget given the extended lead times, production and shipping delays, fluctuating costs, and other issues related to the ongoing COVID-19 pandemic. If available/required supporting documentation may be submitted in addition to the narrative.

A Contractor responding to this RFP must submit the Proposal Documents included at the end of this document. Failure to comply with these requirements may result in a disqualification of the Contractor. The City will base the selection of a Contractor on documentation submitted in the Proposal Documents.

Applicants must submit 7 total copies of their Proposal. These copies must adhere to the following format: one (I) bound, five (5) unbound and one (I) digital pdf copy of the proposal on a USB drive. Each Contractor will be evaluated, rated and/or ranked, based on information provided in their Proposal.

EVALUATIONS OF PROPOSALS AND AWARD OF CONTRACT

The RFQs will be publicly opened and read on **February 23, 2022, at 1:10PM** by Zoom meeting, the link will be made available on the City's website at least 1 week before the opening.

The proposals submitted will be reviewed and evaluated. The City reserves the right to reject any and all RFP submissions and further reserves the right to re-issue the RFP.

PRICE TO REMAIN VALID

All Proposals must be valid for a period of **90 days** from the due date of the RFP.

BID BOND

A bid bond equal to 5% of the total proposed price must be included as part of the proposal package. All bonds must be provided by a company licensed by the State of Maryland plus approved by the City Attorney as to form and content

PAYMENT AND PERFORMANCE BOND

A Payment Bond and a Performance Bond equal to 105% of the total proposed price will be due from the firm at the time of contract execution. All bonds must be provided by a company licensed by the State of Maryland plus approved by the City Attorney as to form and content.

AMENDMENT OR CANCELLATION OF THE RFP

The City of Hyattsville reserves the right to cancel, amend, modify, or otherwise change this application process at any time if it deems to be in the best interest of the City of Hyattsville to do so.

PROPOSAL MODIFICATIONS

No additions or changes to any Proposals will be allowed after the application due date unless such modification is specifically requested by the City of Hyattsville. The City, at its option, may seek retraction and/or clarification by an applicant regarding any discrepancy or contradiction found during its review of applications.

SUSPENSION AND/OR DEBARMENT

Developers, Contractors, Companies or Sub-Contractors which are either suspended or debarred from performing work by the State of Maryland or within Prince George's County, Maryland are prohibited from applying under this Program. A Contractor that submits a proposal that is found to have been suspended and/or debarred from conducting business within Prince George's County, Maryland, such developer will be reported to the State's Attorney General and Comptroller's Office.

PRESENTATION OF SUPPORTING EVIDENCE

Contractors responding to this solicitation must be prepared to provide substantiation of any experience, performance, ability and/or financial sureties claimed in their Proposal that the City of Hyattsville deems to be necessary or appropriate.

ERRONEOUS DISBURSEMENT OF FUNDS

The City of Hyattsville reserves the right to correct any inaccurate awards of monies under this Program made to an applicant. This may include, in extreme circumstances, revoking an award of funds made under this program to an applicant subsequently awarding those funds to another applicant.

PROPOSAL PREPARATION COSTS

Contractors are responsible for all costs and expenses incurred in the preparation of a Proposal to respond to this solicitation.

THIS SOLICITATION IS NOT A CONTRACT

This solicitation is not a contract and will not be interpreted as such.

SUB-CONTRACTORS

The Contractor submitting a proposal certifies and warrants that all payments of fees charged by any sub-Contractors pursuant to that contract are the sole responsibility of the Contractor.

CODES AND STANDARDS

Comply with all Federal, Maryland, and Hyattsville regulations, codes, and standards for construction.

No work is to occur between the hours 7:00 P.M. and 8:00 A.M Monday through Friday or anytime on Saturday and Sunday. All work, including emergencies, during these hours require written permission from Department of Public Works (DPW) staff.

In performance of this project, or where there is an ADA component involved, the Contractor acknowledges that it is acting on behalf of the City and warrants to the best of its professional information, knowledge, and belief that its design, product, or completed infrastructure, will conform to, and comply with, the applicable provisions of the Americans with Disabilities Act.

SEQUENCING AND SCHEDULING

Upon acceptance of the Proposal and execution of a contract, the Contractor shall begin work within 10 calendar days of the date of a notice to proceed. The deadline shall be spelled out in the notice to proceed.

The City shall facilitate the Contractor's work by providing reasonable access to all work areas. The City shall facilitate the Contractor's services program by providing access to the project premises during both regular business hours and, as is necessary, at other times so that the Contractor can conduct both regular, scheduled maintenance and any special service(s).

LIQUIDATED DAMAGES

There will be liquidated damages of \$2500 per day.

LEGAL TERMS

It is the policy of the City of Hyattsville that all legal disputes are heard in a court of law in Prince George's County, Maryland, and that each party is responsible to pay for the cost of their own legal fees.

The City of Hyattsville will not agree to terms that are not consistent with this policy.

SAMPLE CONTRACT

For this project the City will be using AIA standard contract A101-2017, as amended by the City Attorney. A draft of the contract will be issued as part of an upcoming addendum.

END OF RFP



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-313-FY22 4/4/2022 12.c.

Submitted by: Laura Reams

Submitting Department: City Clerk

Agenda Section: Discussion

Item Title:

Open FY23 Budget Discussion - Real Property Tax Rate

Suggested Action:

Open discussion time for follow up items pertaining to the FY23 Budget. This discussion will be focused on the Real Property Tax Rate but Councilmembers may raise general questions on the budget during this time as well.

Attached is a slide detailing the proposed FY23 Real Property Tax Rate.

Summary Background:

The FY23 budget was introduced on March 30, 2022.

Next Steps:

Council Discussion

Fiscal Impact:

Please see budget documents on the City's website at Hyattsville.org/budget.

City Administrator Comments:

For discussion.

Community Engagement:

Community members are encouraged to submit comment on the budget to cityclerk@hyattsville.org or to their individual Councilmembers.

Strategic Goals:

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

Legal Review Required?

N/A

FY23 TAX RATE NOTIFICATION

- The FY 23 Operating Budget is based on the City's current "Real Property Tax Rate of \$.63 per \$100 of assessed evaluation. The "FY23 Real Property Tax Revenue" budget estimate is \$15.7M.
- The State Department of Assessments and Taxation recommended "Constant Yield Rate (CYTR)" is \$0.5945 per \$100 of assess valuation and would generate approximately \$15.2M in revenues.

Constant Yield Tax Rate – (facts, concept and how it works)

- The City Council has the ability via the Charter to set local property tax rates.
- The CYTR requires each taxing jurisdiction to give advance notice and hold public meetings prior to rate setting. This is designed to give property owners a voice in the process.
- Tax rates must be set by July 1.

Related information and notification

- Funding is included in the FY23 budget to hire a consultant to assess and make recommendations on the City's property tax credit programs.
- The focus will be on the <u>Homeowner's Property Tax Credit</u> and the <u>Homestead Tax Credit</u>" authorized in Hyattsville Ordinance 2008-07.
- The goal is to determine the most effective method to provide property tax relief for low and fixed-income homeowners struggling with rising property tax liabilities and help absorb increases.