



The Maryland-National Capital Park and Planning Commission

**PRINCE GEORGE'S COUNTY**  
**Planning Department**

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# Zoning Map Amendment

## RST New Carrollton

# ZMA-2024-003

REQUEST	STAFF RECOMMENDATION
<p>This case was continued from the Planning Board hearing date of April 10, 2025 to May 1, 2025.</p> <p>To rezone the subject site from Neighborhood Activity Center (NAC) Zone to the Neighborhood Activity Center Planned Development (NAC-PD) Zone.</p>	<p>With the conditions recommended herein:</p> <ul style="list-style-type: none"> <li>• APPROVAL of Zoning Map Amendment ZMA-2024-003</li> </ul>

<b>Location:</b> On the south side of MD 450 (Annapolis Road), approximately 400 feet east of its intersection with MD 410 (Veterans Parkway).	
Gross Acreage:	4.29
Zone:	NAC
Dwelling Units:	Up to 300
Gross Floor Area:	Up to 3,000 sq. ft.
Planning Area:	69
Council District:	03
Election District:	20
Municipality:	N/A
200-Scale Base Map:	206NE06
<b>Applicant/Address:</b> RST Development, LLC 6116 Executive Boulevard, Suite 740 Rockville, MD 20852	
<b>Staff Reviewer:</b> Evan King <b>Phone Number:</b> 301-952-3554 <b>Email:</b> Evan.King@ppd.mncppc.org	



Planning Board Date:	05/01/2025
Planning Board Action Limit:	N/A
Staff Report Date:	04/17/2025
Date Accepted:	01/31/2025
Informational Mailing:	09/17/2024
Acceptance Mailing:	01/29/2025
Sign Posting Deadline:	03/11/2025

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

## Table of Contents

EVALUATION CRITERIA .....	3
BACKGROUND.....	4
1. Location and Site Description.....	4
2. History.....	4
3. Neighborhood and Surrounding Uses.....	4
4. Request .....	5
5. Development Data Summary .....	6
FINDINGS.....	6
6. Description of Proposed Project.....	6
7. General and Master Plan Recommendations .....	8
8. Compliance with Applicable Provisions of the Zoning Ordinance .....	10
9. Referral Comments .....	36
10. Community feedback .....	38
RECOMMENDATION .....	38

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section  
Development Review Division

FROM: Evan King, Planner II, Zoning Section  
Development Review Division

SUBJECT: Zoning Map Amendment ZMA-2025-003  
RST New Carrollton

REQUEST: To rezone the property from the Neighborhood Activity Center (NAC) Zone to the  
Neighborhood Activity Center Planned Development (NAC-PD) Zone.

RECOMMENDATION: **APPROVAL, with conditions**

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NOTE:

The Prince George's County Planning Board will hear the application on the agenda date of May 1, 2025, and will provide a recommendation to the Zoning Hearing Examiner. All parties will be notified of the Planning Board's recommendation.

You are encouraged to become a person of record in this application. Requests to become Persons of Record should be submitted electronically, by email to: ZHE@co.pg.md.us. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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## EVALUATION CRITERIA

The Zoning Review staff has reviewed the subject application and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as further described in the Recommendation section of this technical staff report. The criteria for evaluation of this application includes, but is not limited to, the following:

- a. The relationships between base and planned development zones, as provided in Section 27-4105 of the Prince George's County Zoning Ordinance (see Finding 8c).
- b. The findings to be addressed by the Prince George's County Planning Board in Section 27-3602(b)(7)(A) of the Prince George's County Zoning Ordinance (see Finding 8a).
- c. The planned development decision standards in Section 27-3602(c) of the Prince George's County Zoning Ordinance (see Finding 8b).
- d. The proposed planned development (PD) basic plans and proposed PD conditions, and compliance with applicable development standards in Part 27-6 of the Prince George's County Zoning Ordinance (see Finding 8h).

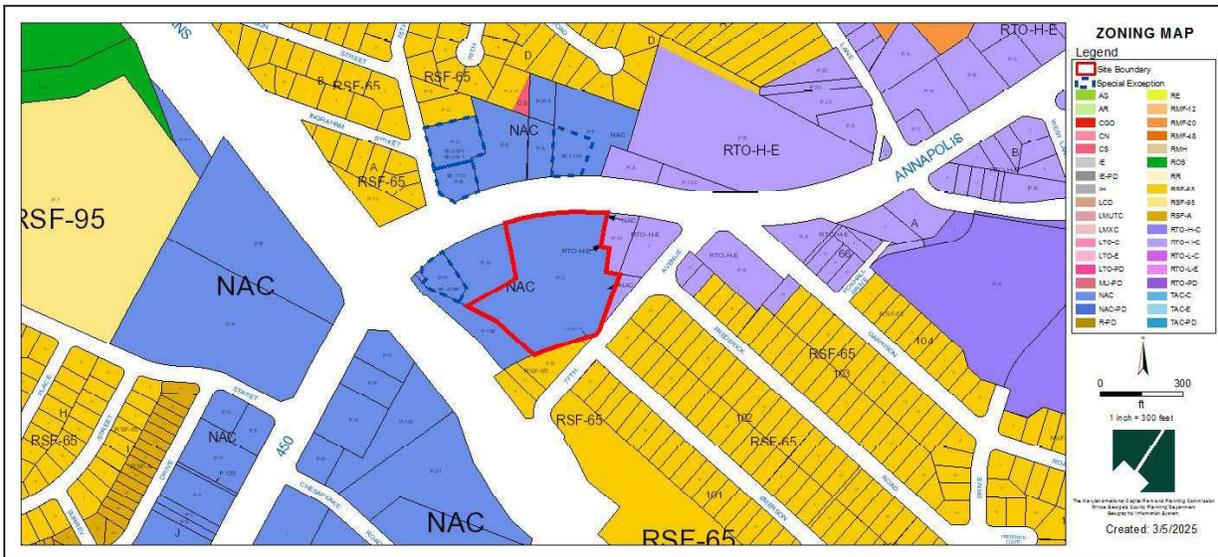
## BACKGROUND

In Prince George's County, Planned Development (PD) Zones are intended to encourage innovative land planning and site design concepts that will support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives. To rezone a property to a PD Zone, the Prince George's County District Council must generally find that the legislative prerequisites for the zone are met, and the rezoning is compatible with the surrounding neighborhood. The establishment of a PD Zone is a discretionary legislative decision that can be conditioned upon an applicant's compliance with additional requirements and restrictions that promote the general welfare of the neighborhood and the public.

- 1. Location and Site Description:** The subject site is 4.29 acres and is located on the south side of MD 450 (Annapolis Road), approximately 400 feet east of its intersection with MD 410 (Veterans Parkway), in Lanham, Maryland. The site consists of one parcel known as Parcel C, recorded in the Prince George's County Land Records in Plat Book NLP 99 Plat No. 94. Access to the property is proposed from two driveways, one on each end of the site's frontage on MD 450. The property is currently located within the Neighborhood Activity Center (NAC) Zone. The site is a former vehicle sales lot that currently operates as an auto repair and vehicle rental facility. The proposed development would consist of multifamily residential units, commercial uses, and outdoor passive amenities.
- 2. History:** The subject site is currently occupied by a vehicle rental and vehicle repair facility and was previously used as a vehicle sales lot. The property, known as Parcel C, was recorded in Plat Book NLP 99 Plat No. 94, in December 1977. The existing 28,379-square-foot building was built in 1972, and is currently subject to Preliminary Plan of Subdivision (PPS) 4-77292.
- 3. Neighborhood and Surrounding Uses:** The neighborhood is bounded to the north by MD 450; to the east by I-95/495 (Capital Beltway) and railroad tracks for the metro Orange

Line, Amtrak, and MARC Penn Line trains; to the south by MD 50 (John Hason Highway); and, to the west by MD 410 and the Purple Line. The neighborhood primarily includes single-family detached housing zoned Residential Single-Family-65 (RSF-65), commercial uses zoned Neighborhood Activity Center (NAC), and high-density housing, office and commercial uses zoned Regional Transit-Oriented, High-Intensity Edge (RTO-H-E) and Regional Transit-Oriented, High-Intensity Core (RTO-H-C), with the latter two zones in proximity to the New Carrollton Metro Station. Other uses in the general neighborhood include park land zoned Reserved Open Space (ROS), high density housing zoned Residential, Multifamily-20 (RMF-20), commercial uses zoned Commercial, General and Office (CGO), and single-family detached housing zoned Residential, Rural (RR). The immediate properties surrounding the subject site and their current respective zoning designations are as follows:

- North—** Gas station and auto service uses in the NAC and RTO-H-E Zones.
- East—** Fire station and open space in the RTO-H-E Zone and single-family detached housing in the RSF-65 Zone.
- South—** Open space and single-family detached housing in the RSF-65 Zone.
- West—** Laundromat and auto service uses, open space, and bank and shopping center across the MD 450 and MD 410 intersection, all in the NAC Zone.



**Figure 1: Site Zoning Map**

- 4. Request:** This application seeks a zoning map amendment (ZMA) to rezone the subject property from the NAC Zone to the Neighborhood Activity Center Planned Development (NAC-PD) Zone, pursuant to Section 27-3602 of the Prince George’s County Zoning Ordinance. The proposed uses, with their approximate number of units and square footages, are identified below:

<b>PROPOSED USES</b>	
Multifamily residential units	Up to 300
Commercial and nonprofit organization space	Up to 3,000 sq. ft.

5. **Development Data Summary:** The tables below provide comparison of the NAC Zone requirements and standards, and those proposed for the NAC-PD Zone with this application.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	NAC	NAC-PD
Parcels	1	1
Gross Acreage	4.29	4.29
100-year floodplain	0	0
Net Lot Area	4.29	4.29
Minimum Density	10 DU/acre	10 DU/acre
Maximum Density	90 DU/acre	90 DU/acre

<b>Development Standards</b>	<b>Current NAC Zone</b>	<b>Proposed NAC-PD Zone</b>
Maximum block length	600 ft.	1,043 ft.
Minimum lot area	5,000 sq. ft.	5,000 sq. ft.
Minimum density	10 DU/acre	10 DU/acre
Maximum density	90 DU/acre	90 DU/acre
Minimum lot coverage	40%	40%
Maximum lot coverage	100%	100%
Minimum build-to line	15 ft.	30 ft.
Maximum build-to line	35 ft.	55 ft.
Minimum building % of lot width in build-to zone	60	60
Minimum front yard depth	0 ft.	0 ft.
Minimum side yard depth	0 ft.	0 ft.
Minimum rear yard depth	0 ft.	10 ft.
Minimum % of street level façade area abutting or facing a street frontage or pedestrian way	40	40
Minimum % of street level façade area facing a transit station or public gathering space	35	35
Maximum principal structure height	60 ft.	66 ft.

## FINDINGS

6. **Description of Proposed Project:** This application requests a rezoning of the subject property from the NAC Zone to the NAC-PD Zone in order to construct a multifamily, residential development having varied development standards from those required by the NAC base zone. The current maximum allowed residential density in the NAC Zone is

90 dwelling units per acre, and the applicant is not proposing density that differs from the base zoning. However, the legislation which set this maximum density requirement is currently under appeal. If the appeal is successful, the maximum allowed density would be reduced to 30 dwelling units per acre, which would not permit the number of units proposed by the project.

The proposed project would raze the current building on-site, which currently functions as a vehicle rental and vehicle repair facility.

The proposed building will feature a maximum of 300 multifamily, residential dwelling units. The building will occupy most of the central portion of the site, rising six stories above its frontage on MD 450 and tapering down to three stories toward the south, in order to minimize impacts to a single-family detached residential area abutting the subject property to the south and east. Along the front of the building on MD 450, the first-story will consist of commercial or nonprofit organizational space. The residential units and commercial or nonprofit space will surround an internal parking structure.

The applicant proposes two public spaces on-site. One is a publicly-accessible courtyard between the front of the building and the sidewalk on MD 450. This space will feature furniture and shade trees configured in a manner to promote it as a gathering space centered along the frontage of the development. At the rear of the site is a forested area proposed to remain as preserved, with possible recreational use for residents. This preserved area will function as a buffer between the proposed project and the abutting area of single-family detached homes.

Two vehicular access points are proposed, at either end of the site's frontage on MD 450, intended to function as an entrance and an exit. Two driveways extend south along each side of the building and enter its central parking structure. The driveways continue beyond these entrances to loading and waste storage areas. Pedestrian circulation routes are identified along the MD 450 sidewalk and between the driveways and along the building, leading from the MD 450 sidewalk to pedestrian entrances at the sides of the building adjacent to the vehicular entrances. Pedestrian routes are also marked directly from the sidewalk through the proposed courtyard to an entrance at the front of the building, two others from the side pedestrian paths to the sides of the courtyard, and from the front of the site along the MD 450 sidewalk and across a crosswalk on MD 410 to the future Glenridge Purple Line light rail station.



**Figure 2: Proposed PD Basic Plan**

7. **General and Master Plan Recommendations:** The proposed planned development ZMA is in conformance with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035), and the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity* (master plan).

**Plan 2035**

Plan 2035 includes comprehensive policies and recommendations for guiding future development within Prince George's County. The following land use policies are applicable to this application:

- Policy 1:** Direct a majority of projected new residential and employment growth to the Regional Transit Districts in accordance with the Growth Policy Map and the Growth Management Goals set forth in Table 17. (page 110)
- Policy 3:** Use Plan 2035, including the Growth Policy Map and Center Classification System, to guide the development of land use policies for all future master and sector plans, functional plans, and other county planning documents. (page 112)
- Policy 5:** Implement the Growth Policy Map through coordinated, multimodal transportation and mobility planning and programs. (page 114)

The land use vision of Plan 2035 is conveyed through the Growth Policy Map. The Growth Policy Map visualizes how the County should grow and contains various land uses based on the desired function and intensity of development.

The Growth Policy Map places the subject property in a Regional Transit District land use area (page 107). Regional Transit Districts merit the most dense and diverse future development under the growth policies put forward by this plan. Plan 2035 recommends directing the majority of future employment and residential growth in the County to the

Regional Transit Districts, to enhance their function as the County's activity and economic centers, to stem traffic congestion, and to preserve outlying areas of the County (page 19). The proposed use of the site most closely fits two of the generalized future land use categories as defined by Plan 2035, Mixed-Use and Residential High (page 100, Table 14):

- **Mixed-Use—Areas of various residential, commercial, employment and institutional uses. Residential uses may include a range of unit types. Mixed-use areas may vary with respect to their dominant land uses, i.e. commercial uses may dominate in one mixed-use area whereas residential uses may dominate in another.**
- **Residential High—Residential areas exceeding 20 dwelling units per acre. Mix of dwelling unit types, including apartments.**

The surrounding neighborhood is composed of single-family residential uses and suburban commercial uses immediately abutting the highways on the western side, and high-density apartment and office buildings near the New Carrollton Metro Station on the eastern side. Rezoning the site to NAC-PD and enabling a greater density of dwelling units is envisioned, to contribute to meeting the housing demands of the area and concentrate residential and commercial density near high-capacity transit, in line with long range planning goals for the area. This proposed rezoning is also envisioned as enabling and promoting character and quality of life on the site and its surroundings through higher quality design and amenities, than would be possible under the current base zoning.

This application meets the vision of Plan 2035's Transit Districts, because it proposes high-density residential development with a high degree of pedestrian use and connectivity, proximity to high-capacity transit, and high-quality urban design within such a district as designated by the plan.

### **Master Plan**

Within the master plan, there are five elements outlining applicable goals, policies, guidelines, or objectives: Environmental Envelope, Living Areas and Housing, Commercial Areas, Urban Design, and Circulation and Transportation. The master plan does not provide any parcel specific recommendations for the neighborhood (Neighborhood 9, page 52. See Map 3 Neighborhoods, page 42). Discussion of the proposal's attainment of the goals, objectives, and guidelines of each element (with their respective page numbers in the master plan) is provided below.

- **Environmental Envelope:** The master plan includes several goals and objectives (page 13) and guidelines (page 23) that are applicable. The applicant has identified and committed to preserving the existing tree coverage on-site, and is proposing environmental remediation through the Maryland Department of Energy, Voluntary Cleanup Program. In addition to the proposed site work, the applicant has outlined additional building-specific environmental designs.
- **Living Areas and Housing:** The master plan lists several goals and objectives (pages 37-38) and guidelines (page 55) relevant to this property. The applicant is proposing a mixed-use residential property with a density of 69 du/acre. The property will be 100 percent affordable for residents

earning 60 percent of the area median income (AMI). The applicant has stated that the property will include a variety of amenities, and the building will include a range of bedroom sizes to accommodate the needs of building residents. The proposed development is consistent with the goals, objectives, and guidelines of the Living Areas and Housing chapter of the master plan.

- **Commercial Areas:** The proposed development will not include commercial use.
- **Urban Design:** There are several applicable goals and objectives (page 91) and guidelines (page 109) listed in the master plan. The applicant has put forward several design strategies for the proposed development which further the intent of the master plan. The applicant has provided insight into methods to improve the appearance of commercial corridors and employment areas to make them more visually attractive and harmonious with their surroundings. The applicant has provided details with designs for the pedestrian court in the front of the proposed structure along MD 450.
- **Circulation and Transportation:** The goals and objectives listed on page 125, and guidelines on page 142 of the master plan, are relevant to this review. The applicant has provided detailed plans on the circulation routes for pedestrians and automobiles, within the proposed development. In addition, the applicant has indicated portions of the proposed development to comprise the proposed pedestrian court along MD 450.

**8. Compliance with Applicable Provisions of the Zoning Ordinance:** This finding is provided to evaluate all applicable zoning provisions, as it pertains to the proposed rezoning of the subject property from the NAC Zone to the NAC-PD Zone.

**a. Section 27-3602(b)(7) – Review and Recommendation by Advisory Board or Official**

**(A) After holding a hearing, the Planning Board shall make a recommendation on the application in accordance with Section 27-3602(c), Planned Development (PD) Decision Standards, and transmit its recommendation to the ZHE. The Planning Board may suggest revisions to the PD Basic Plan and PD Conditions of Approval. The Planning Board’s recommendation shall address:**

**(i) Whether the application complies with Section 27-3602(c), Planned Development (PD) Decision Standards;**

The subject application conforms to the planned development decision standards found in Section 27-3602(c) of the Zoning Ordinance, as detailed in Finding 8b below and summarized as follows:

The application conforms to Plan 2035, which places the subject property in a transit district, with a consequently high priority on

density, mixed uses, and pedestrian friendly design. The application conforms to the master plan in its preservation of natural features, provision of a range of housing options, substantial commercial component, and much-discussed design and circulation layout.

The application meets the purposes of the NAC-PD Zone by providing moderate residential density and a mix of uses, while providing public benefits in affordable housing and a space for a nonprofit organization.

The application satisfies the standards of the NAC-PD Zone by proposing permissible standards and a pedestrian and transit-oriented development in an appropriate location.

The proposed project will not adversely impact the surrounding properties, as it will redevelop the property in line with the vision and goals of Plan 2035 for a transit district.

**(ii) The need and justification for the PD zone;**

The site is currently zoned NAC. Prior to the Countywide Map Amendment, the property was zoned Commercial Shopping Center (C-S-C). Current zoning allows for all residential dwelling types at a density up to 90 dwelling units per acre, as well as mixed uses. An appeal to Council Bill CB-15-2024 could reduce maximum residential density in the NAC base zone from 90 dwelling units per acre to 30 dwelling units per acre. The following chart depicts the proposed density with what would be permitted, should proposed legislation be repealed:

<b>Currently Permitted Under NAC Zoning</b>		<b>Permitted if NAC Standards Lowered</b>	
Maximum Density	90 du/acre	Maximum Density	30 du/acre
Acreage	4.29	Acreage	4.29
Current Maximum Number of Units	386	Possible Maximum Number of Units	128

The applicant’s justification for the proposed rezoning is the need for increased density to meet the Plan 2035 and master plan priorities, and to provide affordable housing. As discussed in Plan 2035, the property lies in a transit district, which focuses development towards major activity centers and high-capacity transit services.

**(iii) The effect of the PD zone, if any, on the land subject to the proposed PD and on surrounding neighborhoods; and**

The NAC-PD Zone will not negatively or adversely affect the subject property or the surrounding neighborhoods. The site is bounded to the north by MD 450 and auto service uses; to the east by a fire station and wooded open space with single-family detached houses beyond it; to the south by wooded open space with single-family

detached houses beyond it; and, to the west by a laundromat, bank, and wooded open space.

Surrounding commercial and service uses to the north, east, and west of the property have an auto-oriented character. The proposed project looks to take advantage of nearby high-capacity transit options and move the neighborhood towards the vision of a transit district. The area of single-family detached homes to the south and east of the site will be buffered from the proposed project by existing woodlands, which will be retained by the proposed project.

- (iv) The relationship of the proposed PD zone to the purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan, with appropriate consideration as to whether the proposed PD zone will further the purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan.**

**Zoning Ordinance**

The proposed rezoning furthers the general purposes of planned development zones (Section 27-4301(a)), as discussed in Finding 8d below, and the purposes of the NAC-PD Zone (Section 27-4303(a)(1), as discussed in Finding 8f below.

**General Plan**

The proposed rezoning furthers the purposes of Plan 2035, as described in Finding 7 above and, in particular, by concentrating residential development at a higher density near transit, in a designated transit district.

**Master Plan**

The proposed rezoning furthers the purposes of the master plan, as described in Finding 7 above and, in particular, by providing affordable housing and a mix of uses.

**b. Section 27-3602(c) – Planned Development (PD) Decision Standards**

**Prior to the approval of the PD zone, the applicant shall demonstrate to the satisfaction of the District Council that the entire development:**

- (1) Is in conformance with the General Plan, the applicable Area Master Plan or Sector Plan, or any applicable Functional Master Plan;**

**Plan 2035**

This application is in conformance with and furthers the objectives of Plan 2035, as discussed in detail in Finding 7 above.

**Master Plan**

This application is in conformance with and furthers the objectives of the master plan, as discussed in detail in Finding 7 above.

**(2) Meets the purposes of the proposed PD zone;**

The purposes of the NAC-PD Zone are provided in Section 27-4303(a)(1) of the Zoning Ordinance, to which the application demonstrates conformance, by providing a high density and a mix of uses to support pedestrian travel and transit use, vibrant and diverse economics, and public spaces. An analysis of how the proposed development meets the specific purposes of the NAC-PD Zone and Section 27-4303(a)(1) is provided below in Finding 8f.

**(3) Satisfies all applicable standards of the proposed PD zone; and**

The applicable intensity, dimensional, and use standards for the NAC-PD Zone are found in Sections 27-4303(a)(2) and (a)(3) of the Zoning Ordinance. According to this section, except for minimum (residential) density (10 dwelling units per acre) and (commercial) floor area ratio (.25), all intensity and dimensional standards are to be established in the basic plan. All proposed intensity and dimensional standards for this rezoning are shown on Sheets 1 and 2 of the basic plan and described in the development data summary above, and requested changes are shown below:

- Maximum block length is proposed to be increased from 600 feet to 1,043 feet. The applicant states that it would be impossible to develop the site as two blocks, as there is insufficient right-of-way (ROW) frontage at the rear of the property for a street to run all the way through it and topography at the rear of the property would also prohibit it.
- Minimum and maximum build-to lines are proposed to be increased from 15 and 35 feet to 30 and 55 feet, respectively. The applicant states that this is to accommodate the proposed front courtyard.
- Maximum principal structure height is requested to be increased from 60 feet to 66 feet. The applicant states that this is necessary to allow sufficient ceiling height for the nonprofit or public space area of the building given slightly irregular heights of parking garage levels in relation to the MD 450 fronting floors, resulting from significant grade changes across the property, as vehicular entrances to the building will be significantly set back from the road.

It should be noted that the applicant proposes a maximum density for the zone identical to that under the current base zone, as legislation to impose a lower maximum density is currently being considered.

Per Section 27-4303(a)(2), the specific uses allowed in an individual NAC-PD Zone shall be established in the PD basic plan. The permitted uses proposed for this NAC-PD Zone are identical to those permitted in the NAC base zone, as specified in Finding 8e. below. The proposed multifamily dwellings and commercial space are permitted uses. The uses are also consistent with the recommended land uses in Plan 2035.

Additional standards provided in Section 27-4303(a)(4) of the Zoning Ordinance, provide criteria for the following aspects that must be met with the NAC-PD Zone:

**Location Standards:** The property is in a Local Center as designated for Annapolis Road/Glenridge by Plan 2035, satisfying this requirement.

**Use Mixing:** The proposed development will have a mix of residential, and community/nonprofit uses.

**Vertical Mixing of Residential and Nonresidential Uses:** The proposed development will feature a vertical mix of residential and nonresidential uses, which is encouraged by this standard.

**Horizontal Mixing of Residential and Nonresidential Uses:** The proposed project does not feature horizontally mixed uses, which would be allowed, pending conditions, under this criterion.

**Shopping Centers:** The proposed project does not feature a shopping center; accordingly, standards for this criterion are not applicable to the proposed project.

**Blocks and Alleys:** The proposed project will be a single building on one parcel and has limited frontage on 77th Avenue to the south. The existing block, which extends from MD 410 to 77th Avenue, is 1,043 feet. The existing block configuration was established decades ago. The applicant does not propose to reduce the block length by providing a street through the project. Standards applicable to this NAC-PD reflect the existing condition, and staff are not recommending any street be provided.

**Streets:** This project proposes no new streets and, as such, this criterion is not applicable.

**Parking:** Parking will be hidden in a structure in the interior of the proposed building. Therefore, street front parking and parking lot requirements are not applicable to the proposed project. Details on pedestrian circulation adjacent to and through parking structures will be provided at the time of detailed site plan (DET).

**Private Sidewalks and Private Street Trees:** The applicant has shown sidewalks serving each proposed pedestrian entrance on the basic plan. Dimensional and crosswalk details will be provided at the time of DET.

**Connectivity:** The Basic Plan map shows pedestrian circulation through and to adjacent sites. These connections will be reviewed at PPS, but staff recommend the applicant provide pedestrian

connections to the rear of the site, to provide improved connectivity between the proposed development, community, nearby parks and transit service, and have addressed this in the recommended conditions.

**Building Configuration:** The proposed building will define the edge of the street with a narrow setback.

**Transparency:** The public street frontage of the building is proposed to have windows with 40 percent transparency.

**Open Space Design:** The applicant proposes two types of open space; the formal public courtyard at the front of the site, and the informal preserved woodland area at the rear of the site. Staff recommend greater specificity on the use of the preserved area, in designating it as a passive recreational area open to the public or similar amenity, in line with its preservation purpose. As previously mentioned, staff also recommend the consideration of a pedestrian access route through this area. Staff have addressed these issues in the conditions.

Section 27-6202(e)(2) stipulates that vehicular connections must be provided to adjacent parcels. The applicant states that vehicular connections to adjacent parcels are impractical due to the uses of these parcels, and redundant due to close proximity between the neighboring vehicle entrances on MD 450. The applicant states that connection to the south is impossible due to topography and lot borders of insufficient length. Staff disagree with neighboring uses as grounds for not satisfying this criterion, as well as treating MD 450 as a substitute for these connections.

**(4) Will not adversely impact the surrounding properties.**

The proposed development will not adversely affect the surrounding properties. Rezoning the subject property to the NAC-PD Zone will allow for more efficient use of land and higher quality development. It will be adequately buffered from the area of single-family detached homes to the south and east by a preserved wooded area and also reduced in height in the direction of neighboring residential areas. The layout and design of the project will be a marked improvement. The intersection is broadly characterized by commercial uses, dominated by parking lots, whereas Plan 2035 calls for dense, mixed uses, within walking distance of transit service, which this project would provide.

**c. Section 27-4105 – Relationships Between Base and Planned Development Zones**

**In certain instances, a landowner may request and the District Council may approve the reclassification of a base zone to a Planned Development zone. Generally, the Planned Development zone allows more flexibility in the establishment of form, development, and design standards for development in**

**the zone in return for more innovative and higher-quality development, as well as the provision of public benefits. In addition, the regulations controlling development of a Planned Development zone are subject to a PD Basic Plan for development of the site, as well as PD Conditions of Approval.**

Public benefits, as mentioned above, are defined by Section 27-4301(d)(3)(A) of the Zoning Ordinance as superior features in a Planned Development Zone that benefit the surrounding neighborhood, or the public in general, to a significantly greater extent than would likely result from development of the site under a base zone. They must meet the following criteria of Section 27-4301(d)(3)(B):

- i. Benefits shall be tangible and quantifiable items;**
- ii. Benefits shall be measurable and able to be completed or arranged prior to issuance of the first certificate of use and occupancy;**
- iii. Benefits must primarily benefit the surrounding neighborhood or service a critical Countywide need; and**
- iv. Benefits must significantly exceed applicable standards in PART 27-6: Development Standards.**

Section 27-4301(d)(3)(C) contains a non-exhaustive list of ways for exhibiting public benefits. Public benefits are required to significantly exceed what would be required if the project were developed under the base zone. The Prince George's County District Council is presumed to have already determined the proper zone for the subject property, and therefore, public benefits are required to be proffered by an applicant, in exchange for the District Council's consideration of the applicant's request for more favorable zoning. Public benefits should generally be commensurate with the benefit to the applicant of the Planned Development zoning. They should not include any public improvements that will otherwise be required by the applicant to obtain other development approvals, such as improvements required to address public facility adequacy under the Subdivision Regulations. The applicant, in this case, has put forth the following as public benefits of the proposed development:

#### **Affordable Housing**

The proposed development will offer affordable housing units, which will rent for an average of 60 percent of the area median income. The applicant also emphasizes benefits of the project's location—in an urban area with employment opportunity and transit access to the surrounding region. Recommended Condition 1, as listed in the Recommendation section of this technical staff report, requires covenants be recorded for the property to ensure the project offers affordable housing to residents. Staff concur that affordable housing to the specifications proposed is a significant public benefit and is well beyond what would be required under the base NAC zoning.

### **Rent Free Space for Non Profit Organization**

The applicant proposes dedicating at least 3,000 square feet of street front floor area as a space for a public-benefitting organization, which will not be charged rent. The applicant notes an example of provision of this kind of space in their previous development work. Condition 2, as listed in the Recommendation section of this technical staff report, is to guarantee a community-benefitting use of the space. Condition 2 stipulates that the applicant will maintain and administer the space for nonprofit/community uses, should a permanent tenant not be found. Staff concur that rent-free space provided to a nonprofit or community organization, or community use rent-free space administered by the applicant as outlined in Condition 2 below, is a public benefit pursuant to Section 27-4301(d)(3)(B).

### **Environmental Standards Superior to Base Zoning Requirements**

The applicant provides a list of relevant green building standards as set forth in Part 27-6, which will collectively earn the development eight points under the scoring system outlined in the section, surpassing the four points required for a multifamily building, including:

1. Rehabilitation of a brownfield site (1 point)
2. Transit oriented/activity center redevelopment (1.25 points)
3. Redevelopment in a Neighborhood Reinvestment Area as designated in the General Plan (1 point)
4. Attainment of LEED Silver certification for building (1 point)
5. Reduced toilet flush volume (.5 points)
6. Retention of pre-development vegetation (.75 points)
7. Limitation on grass landscaping (.25 points)
8. Provision of level 2 electric vehicle charging station (.75 points)
9. Provision of a secure indoor bicycle parking room (1 point)

While green building standards are proposed to be quantifiably exceeded, staff do not recommend considering this to be a public benefit, especially for reasons related to the criteria below:

- (First scoring criterion) Any residential redevelopment of this site would require an environmental cleanup
- (Second scoring criterion) Any development at a high density near high-capacity transit would qualify for the transit-oriented criterion
- (Third scoring criterion) Any development in a Neighborhood Reinvestment Area would qualify for this criterion

- (Sixth scoring criterion) Any redevelopment of this lot would likely retain most existing vegetation, as the rear of the sight is difficult to develop
- (Seventh scoring criterion) Any development at the desired density would likely minimize grass landscaping

### **Multimodal Transportation Improvements – Electric Vehicle Charging Stations**

The applicant notes that electric vehicle charging stations are not currently required for development in the Zoning Ordinance, but will be in 2027. The applicant proposes to include electric vehicle charging stations in a number exceeding the future requirement found in Section 27-3605(e) of the Zoning Ordinance by 40 percent. The applicant does not cite demand for these extra chargers. The applicant lists pollution, noise reduction, and economic factors to argue electric vehicle chargers as a public benefit.

The proposed electric vehicle chargers would be in the interior parking structure of the building, usable only by the building’s residents and inaccessible to the public. As such, staff do not consider it a public benefit. To the applicant’s argument for the chargers as a benefit to the wider public on account of emissions, noise, and economics, these are difficult factors to quantify, harder still to consider above and beyond in their improvement of public welfare.

### **Enhanced Streetscape Design**

The applicant puts forth the proposed public courtyard at the front of the site for this benefit, stating that it maximizes the public benefit to be gained from the applicable open space set-aside requirements. The applicant states that the courtyard is located and designed to function as a public space, placed along a public sidewalk and open to it along the whole length of the site’s MD 450 frontage. The applicant proposes three conditions of approval to guarantee public function of this proposed space: one requiring the square to be 40 percent greater in size than the minimum requirement for a square; one requiring the applicant to identify locations of necessary public pedestrian access easements at the time of DET; and, one requiring the applicant to execute the previously mentioned public pedestrian access easements at the time of final plat.

Staff find the proposed public space at the front of the site should not be counted as a public benefit under this code section, as it is proposed to be counted toward open space set-aside requirements, which also set requirements for design of the area. The included open space set-aside exhibit shows more open space set-aside than the minimum required, but there is not enough space set aside overall to separately count that the space provided in the front courtyard as above and beyond normal requirement in magnitude. The applicant proposes to provide public pedestrian access easements to the courtyard. Staff find that these are not strictly necessary given the proposed space is public and abuts a public ROW.

#### **d. Section 27-4301(a). – General Purposes of Planned Development Zones.**

**The Planned Development (PD) zones are established and intended to encourage innovative land planning and site design concepts that support a**

**high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives by:**

**(1) Reducing the inflexibility of zone standards that sometimes results from strict application of the zone development, form, and design standards established in this Ordinance;**

The flexibility provided by the NAC-PD Zone will allow the applicant to develop the site at a density currently allowed in the NAC base zone, should pending legislation significantly reduce the maximum allowable density in the base zone. This legislation would bring maximum allowable density in the NAC Zone from the current 90 dwelling units per acre to 30, and the maximum allowable units on the site from 386 to 128. A larger number of units and a greater residential density will allow for more pedestrian travel and transit use, both of which are goals for the neighborhood in Plan 2035.

Pursuant to the proposed development standards, a maximum of 300 multifamily dwelling units is proposed, and a maximum density of 69 dwelling units per acre is proposed. Without the requested rezoning, the project risks sharp imposed reductions in the benefits described above, should pending legislation lower maximum residential density in the base zone as specified above.

The purposes of the NAC-PD Zone are generally to promote vibrant, walkable, mixed-use development at a low- to moderate-density. A further purpose is to reduce automobile dependence and promote transit, pedestrian, and bicycle access and travel. A more complete consideration of the NAC-PD Zone's purposes and requirements is provided in Finding 8f. below.

With its proposed high maximum density, pedestrian centered design, mix of uses, and close or immediate proximity to current and future transit options, the project is considered appropriate for NAC-PD Zone purposes.

**(2) Allowing greater freedom and flexibility in selecting:**

**(A) The form and design of development;**

The site would be developed as a dense, residential building with an interior parking structure. The building would occupy most of the site, with a courtyard between the front of the building and the existing sidewalk along MD 450. The design will prioritize pedestrian circulation and access and promote more vibrant activity with street-level commercial uses and public space. These design qualities will also allow residents and visitors better access to transit, with density and design oriented to pedestrian circulation, rather than the dispersed development surrounded by parking lots more typical in the neighborhood.

The proposed intensity standards are more conducive to these benefits, with a reduced build-to line allowing direct pedestrian access to the sidewalk at the front of the site, and transit and other destinations within walking distance. The proposed density standards will bring these benefits to a greater number of residents should the aforementioned legislation be adopted.

**(B) The ways by which pedestrians, bicyclists, transit users, and motorists circulate;**

The proposed PD Zone would promote the pedestrian-centered nature of the access and circulation designs. The building is oriented toward its street frontage and the existing sidewalk, with parking hidden in the interior of the building and subordinated functionally and aesthetically to pedestrian circulation.

**(C) The location and design of the development respective and protective of the natural features of the land and the environment;**

Staff identify a small area at the northwest corner of the site containing a primary management area (PMA) for steep slopes, with a stream nearby. The site contains other, unregulated steep slopes, but no disturbance to any of these features is proposed. A portion of woodland on a slope at the rear of the site is specified as being set aside for preservation. Areas proposed to be disturbed are mostly currently built or paved over.

**(D) The location and integration of open space and civic space into the development; and**

The requested rezoning's allowance for higher density and intensity will promote a more attractive public space at the front of the site, with a more varied and recessed front façade for the building, defining a deeper and more centralized courtyard.

**(E) Design amenities.**

The RST New Carrollton development proposes design principles that will be responsive to the purposes of the NAC-PD Zone. These principles include, but are not limited to the following:

- Pedestrian-oriented development: The applicant proposes a layout prioritizing pedestrian circulation, with a mixed-use building directly abutting a sidewalk, with parking hidden in the interior by residential units and commercial space. The proposed residential density, along with a high level of transit access, is also intended to contribute to a more walkable neighborhood, promoting a critical mass of

economic and social activity to catalyze similar development in the neighborhood.

- Improved architecture: Beyond the functional improvements enabled by the requested rezoning, it will mandate higher quality architecture and the use of higher quality materials, resulting in a more attractive building. The applicant has specified quantitative improvements in the building's design to these effects in the statement of justification (SOJ). Should the aforementioned legislation be repealed, the innovative design proposed for the building will be less appropriate.

**(3) Where appropriate, allowing greater freedom in providing a well-integrated mix of uses in the same development, including a mix of nonresidential development, housing types, lot sizes, and densities/intensities;**

The proposed development includes a mix of uses, in the form of ground-floor commercial and institutional space below residential units on upper stories on the site's MD 450 frontage. This is intended to provide residents and visitors with immediately accessible amenities and reduce dependence on driving, and also to catalyze future pedestrian-oriented development in the neighborhood.

**(4) Allowing more efficient use of land, with coordinated and right-sized networks of streets and utilities;**

The requested planned development rezoning enables greater density and intensity of the proposed development, both of which increase the economic and environmental efficiency or sustainability of the site. Designing for greater density also tends to lead to a more human scale, and safer, more attractive design, as described in previous sections. The density and pedestrian-oriented layout proposed for this project reinforces these positive qualities, and the availability of high-capacity transit ensures that negative externalities of vehicular traffic are minimized to the greatest possible degree. This rezoning would enable these efficiencies and benefits in the event the maximum allowed density in the base zone were reduced.

**(5) Promoting development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses;**

As discussed in previous sections and finding 8e below, the proposed project is envisioned as more transformative than uniform with the design of abutting uses. The future Maryland Transportation Authority (MTA) Purple Line light rail service is envisioned as a means of both improving the character and function of the places it will serve, and of preserving character of outlying areas of the County by facilitating more and denser development along its corridor. As mentioned in Finding 8e below, the site is buffered from less intensely developed residential areas by a forested area, a large

part of which the applicant proposes to preserve. The proposed project would mark a sharp departure from neighboring uses, aesthetically, but this can be seen as a benefit rather than a negative impact by being a catalyst to enhance development in the area while retaining appropriate transitions to the lower density uses in the surrounding neighborhood.

**(6) Improving community services and facilities and enhancing functionality of vehicular access and circulation; and**

As proposed, the development does not significantly change the layout of vehicular circulation; two access points to the site currently exist, similarly at either end of its frontage. One access point is proposed to serve as an entrance, the other as an exit, though detailed drive aisle dimensions are not provided at this stage of review. Increased pedestrian use, as enabled by design of the project, density, and proximity to transit would improve vehicular travel by lessening demand for it.

**(7) Promoting development forms that respect and take advantage of a site's natural, scenic, and man-made features, such as rivers, lakes, wetlands, floodplains, trees, historic features, and cultural and archeological resources.**

The site currently consists of an upper, almost entirely built and paved over area occupying most of its front and central portions, and rear and peripheral areas characterized by woodland and steep slopes. The proposed project would develop the already disturbed areas more intensely while largely not touching the wooded, steeply sloped portions of the property. The applicant proposes to dedicate the largest contiguous woodland area of the site as a preserve, with possible low-impact recreational use.

**e. Section 27-4301(d). – General Standards for All Planned Development Zones.**

**Before approving a PD zone classification, the District Council shall find that the application for the PD zone classification, as well as the PD Basic Plan and Conditions of Approval, comply with the following standards:**

**(1) PD Basic Plan**

**The PD Basic Plan shall:**

**(A) Establish a statement of planning and development goals for the zone that is consistent with the General Plan and the applicable Area Master Plan or Sector Plan and purposes of the PD Zone;**

As stated in the applicant's SOJ, the planning and development goal for the proposed development is to create a "transit oriented development with the NAC-PD Zone to support a high quality of life and introduce a high quality urban development." The applicant lists environmental design, energy efficiency, efficient vehicular circulation, pedestrian focus, and communal spaces as guiding

priorities. The applicant emphasizes the proposed courtyard, hidden parking, mixed uses, and natural area set aside as measures central to fulfilling the planning and development goal.

- (B) Establish the specific principal, accessory, and temporary uses permitted in the zone. They shall be consistent with the Principal Use Tables (and may only be selected from uses identified as Allowable in the desired PD zone) in Section 27-5101(e), Principal Use Table for Planned Development Zones, and the purposes of the particular type of PD zone, and be subject to applicable use-specific standards identified in the PD Basic Plan, and any additional limitations or requirements applicable to the particular type of PD zone;**

The proposed permitted principal uses for the development include all those permitted in the NAC-PD Zone as listed in Table 27-5101(e) of the Zoning Ordinance. The proposed permitted accessory uses for the development include all those permitted in the NAC-PD Zone as listed in Table 27-5201(d). The proposed permitted temporary uses include all those permitted in the NAC-PD Zone as listed in Table 27-5301(d).

- (C) Establish the general location of each development area in the zone, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The residential density and nonresidential intensity shall be consistent with the general purposes of the PD zone and the specific requirements of the individual PD zone;**

The proposed project is not large enough to consider multiple development areas, but the basic plan establishes a mixed land use on the existing 4.29-acre site, a maximum residential density of 90 dwelling units per acre, and minimum front, side, and rear yard depths of zero feet, zero feet, and 10 feet, respectively. The residential density and building intensity requirements are consistent with the purposes and requirements of this NAC-PD Zone, as described in Section 27-4303(a) and the basic plan.

- (D) Establish the dimensional standards that apply in the PD zone. The dimensional standards shall be consistent with the requirements of the individual PD zone, and its purposes;**

The proposed dimensional standards are shown in the development summary section and in (C) above.

- (E) Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD zone is designed and located to be compatible with the character of adjacent existing or approved development. Determination of**

**compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, location and design of parking facilities, hours of operation, exterior lighting, siting of service areas, and any other standards deemed appropriate by the District Council;**

While the proposed project represents a sharp change in character and design from bordering parcels, staff find that this standard is not relevant to the project for two reasons. The first reason is that abutting parcels are commercial in use and dominated by parking lots; there is no residential character that would be harmed by more intense bordering development. There is single-family detached housing south of the site, but it will be buffered by an existing wooded area on an undevelopable slope on the south end of the property. The building is also proposed to be stepped down toward the rear of the property, to further reduce any incompatible dimensions, in conformance with Section 27-61203(a), Neighborhood Compatibility Standards, of the Zoning Ordinance. The applicant has requested two modifications of Section 27-61203(c); however, these mandate similar roof types to neighboring residential units and balconies facing away from neighboring residential units. The applicant requests waiving these requirements as the proposed building is more than 100 feet from the neighboring residential dwellings and buffered by woodland.

The second reason is that the proposed project will have a character and density more appropriate for long range visions for the neighborhood than its current surroundings. Areas near future Purple Line light rail stations are prioritized by general and sector plans for dense, mixed use, walkable, urban-style development. The intent is for surrounding properties to eventually adopt and develop with similar character to the proposed project.

**(F) Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zone;**

Section 27-6403 of the Zoning Ordinance states that the open space set-aside amount for developments in an NAC-PD Zone, is 7.5 percent. The basic plan appears to show conformance with this requirement, with the courtyard at the front of the site and the woodland preserve at the rear of the site. Conformance with minimum requirements for open space set-asides must be demonstrated with subsequent development applications.

**(G) Identify the general location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands consistent with the purposes of the individual PD zone and the requirements of this Ordinance;**

As noted in the natural resources inventory (NRI) completed for the site, it contains or is close to 41 acres of woodland, a portion of a PMA for a nearby stream, and Christiana complex soils. Staff note that little, if any, undisturbed land would be altered by the proposed project, with the already disturbed portion of the property being put to more efficient use. The applicant notes that the intact woodland area at the rear of the site will be preserved.

**(H) Identify the general location of existing on-site and adjacent historic sites and districts and archeological and cultural resources;**

Staff find no evidence of historic or archaeological sites within or adjacent to the property, and a low likelihood that any would be found during work on the property. Staff do not recommend a Phase I archaeology study. The applicant notes that two historic houses are located within 0.5 mile of the site, but they are out of the viewshed of the proposed project.

**(I) Identify the general on-site pedestrian circulation system, including any existing on-site and adjacent pedestrian circulation systems (pedestrian and bicycle pathways, and trails), and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;**

The Basic Plan shows a site design oriented toward existing pedestrian infrastructure, and generally prioritizing pedestrian access in its most visible portion, with vehicle parking hidden in the interior of the building and accessed via peripheral driveways. The Basic Plan shows pedestrian circulation along the front of the site, on MD 450, with two branching pedestrian routes south along the sides of the building, along sidewalks between the driveways and the building. These extend about halfway along the buildings length from north to south. The Basic Plan shows two pedestrian access points on either side of the building from each end of these routes, and another at the front of the building along MD 450, accessed from the existing sidewalk through the center of the proposed courtyard. The plan also shows pedestrian access points at the east and west ends of the courtyard from the two side paths. Staff still urge consideration of pedestrian connections from the rear of the site to the southeast, given park amenities in this direction, which is addressed in the conditions.

**(J) Identify the general design and layout of the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system, and connect to existing and planned County**

**and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;**

The Basic Plan proposes two vehicular access points to the site, which include driveways at either end of the property's MD 450 frontage. Both driveways, with attendant sidewalks, lead to entrances to the building's interior parking structure, both about halfway down the building's sides from the north (where the sidewalks terminate). The driveways then continue south along the sides of the building, almost to the rear of the site, terminating in loading and waste storage areas. Directionality of vehicular circulation through the site is not yet specified.

The site is served by a major Metrobus route running on MD 450 between the Rhode Island Avenue and New Carrollton Metro Stations, and a minor route serving local stops between the Cheverly and New Carrollton Metro Stations. Both of these routes have stops directly on adjacent properties. The New Carrollton Metro Station, the eastern terminus of the Washington Metropolitan Area Transit Authority's Orange rapid transit line, is within a 1.0 mile walk of the property, on existing sidewalks.

The future Glenridge light rail station, on the MTA Purple Line, is currently under construction on the south corner of MD 450 and MD 410, across the latter road, about 300 feet from the rear of the property. The Purple Line will run from the New Carrollton Metro Station to Bethesda, via College Park, Silver Spring, and other destinations to the north and west, and will offer Orange, Green and Red metro line connections. This high degree of proximate future transit connection and service makes the potential density, use mix, and pedestrian viability of this project high priorities.

**(K) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;**

The applicant has not submitted proposed locations of water supply or sanitary sewer connections, though they have stated that the proposed project will connect to existing water and sewer infrastructure. Proposed locations of these connections and consideration of any changes in level of demand will be required at the time of PPS.

- (L) Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned County systems, in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;**

The applicant has not yet specified proposed stormwater management (SWM) measures or their locations on the site. A SWM concept plan approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) will be required at the time of PPS and DET.

- (M) Identify the general location and layout of all other on-site and off-site public facilities serving the development (including any municipal public facilities, when the subject property is located within a municipality), and how they are consistent with the purposes of the individual PD zone. The other on-site and off-site public facilities considered shall include—but not limited to—parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management;**

The subject property is not located within a municipality, but it is adjacent to the New Carrollton municipality, which includes the MD 450 ROW on its adjacent section. The property is adjacent to West Lanham Hills Park, to the south. Staff urge consideration of a direct pedestrian connection to this park, but have noted opposition of residents abutting the park. Glenridge Park is within 1.0 mile of the site, to the north. The property is served by Glenridge Elementary School, Charles Carroll Middle School, and Parkdale High School. The property is served by Prince Georges County Fire and EMS West Lanham Hills Division No. 828, and the Prince George's County Police Department, Division I, Hyattsville.

- (N) Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;**

Sections (I), (J), (K), and (L) in Finding 8e above, provide for specific discussion of each of these necessities.

- (O) Establish the development standards that will be applied to development in accordance with Section 27-4301(d)(2), Development Standards.**

Compliance with these standards will be fully detailed and evaluated in future stages of the review process, but general descriptions of the development standards are noted in the development data summary section above, in accordance with Section 27-4301(d)(2).

**f. Section 27-4303(a) – Neighborhood Activity Center Planned Development (NAC-PD) Zone**

**(1) The purposes of the Neighborhood Activity Center Planned Development (NAC-PD) Zone are:**

- (A) To accommodate and promote the establishment of high-quality, vibrant, lower- to moderate-density, mixed-use development that fosters economic development, reduces automobile dependency, supports walkable areas, and provides opportunities for alternative modes of travel;**

The NAC-PD Zone will allow the applicant the flexibility to develop the site at the requested density and intensity, to make the proposed uses viable, should current proposed legislation lower the maximum allowed density in the NAC base zone.

The proposed development is moderately dense in residential units, with street-level, street-facing retail. Parking is hidden in the interior of the proposed building, allowing a more pedestrian friendly layout and design for the front of the site on MD 450. The building will front on a landscaped public space and an adjacent sidewalk along MD 450, improving pedestrian orientation. The proposed project is also within walking distance, via necessary existing sidewalks and crosswalks, of the future Glenridge MTA Purple Line light rail station, which will provide service to the New Carrollton Metro Station, within 1.0 mile, and north toward College Park and Montgomery County.

- (B) To provide use types and densities/intensities needed to support mixed-use and transit-supportive development (as appropriate);**

The NAC-PD Zone will allow the applicant the flexibility to develop at the necessary density to support transit, should proposed legislation lower the maximum density of the base NAC Zone. This is an important consideration with the construction of the MTA Purple Line in progress, and the opportunities for viable walkable, mixed-use development that it will allow. The project also proposes a mix of uses.

- (C) To encourage a live, work, shop, and play environment that serves as an economic driver for the County’s Neighborhood Centers;**

The applicant proposes a vertical mix of uses in a compact area, promoting a mix of activities within the site and within the neighborhood in the manner recommended by this criterion. Staff note that the proposed project could set a transformative tone for the immediate vicinity in this regard. The intersection of MD 450 and

MD 410 is currently dominated by auto-oriented commercial development, and mixed-use development could boost the economy of the neighborhood, with high capacity transit and an improved pedestrian environment in place to absorb more of the impacts of growth.

**(D) To include a well-integrated mix of complementary uses, including commercial, personal services, office, and recreation, where appropriate to support residential uses and serve the needs of the surrounding neighborhood;**

The applicant proposes a mix of uses, serving the neighborhood's commercial needs in part by bringing some residents within walking distance of retail and services. The applicant also proposes a rent-free community or nonprofit space, which will meet neighborhood needs in some way.

**(E) To provide multiple, direct, and safe vehicular, bicycle, and pedestrian connections between developments;**

The applicant proposes two vehicular access points, one at each end of the property's MD 450 frontage. Vehicle circulation is proposed to follow the property's eastern and western borders, with entrances to its interior parking structure on either side of the building, and continued circulation along the borders to waste storage and loading areas. The applicant proposes five pedestrian access points to the building, four along the sides of the northern half, and one at its front on the proposed park area along MD 450. The applicant also notes pedestrian circulation on the abutting sidewalk on MD 450.

While the proposal would improve pedestrian and bicycle safety, staff suggest more in the way of connectivity for pedestrians and cyclists, and note that vehicular connectivity will remain the same as what currently exists.

Staff have discussed two priority pedestrian connections with the applicant not addressed in the Basic Plan, and addressed them in conditions and considerations. Pedestrian access from the rear of the site through the adjacent Maryland-National Capital Park and Planning Commission-owned lot to the pedestrian path in the ROW of an unbuilt section of 77th Avenue. This existing walking trail leads to West Lanham Hills Park, across a wooded area to the south, and could provide a pedestrian connection to the north useful for residents of the single-family residential area south and east of the site. Residents of this area have expressed opposition to this connection to the applicant.

**(F) To incorporate buildings, open spaces, and other site features that are arranged and designed to create an inviting, walkable, safe, and interactive environment;**

The proposed landscaped courtyard along the building's MD 450 frontage is designed as an inviting, safe, and interactive space. The proposed, rough layout of this space includes a recessed portion in the center of the building frontage, enhancing its inviting quality by giving it a central aspect. The applicant proposes seating, landscaping, and adjacency to pedestrian circulation, to promote the area as a gathering space and encourage further pedestrian travel in the project's vicinity. Given the small size of the proposed courtyard, staff do not recommend this area as a public benefit, but its design complies with this finding and the requirement for open space set-aside.

**(G) To include distinctive and attractive public spaces that help create an identity and sense of place for the zone; and**

As described above, the proposed public space along the building's MD 450 frontage is configured around an indentation in the front of the building, and landscaped and furnished in a manner to center it around a focal point. In addition to inviting and safe qualities, this building and open space configuration is conducive to a distinctive sense of place.

**(H) To provide a range of housing options.**

The applicant proposes leveraging tax credit financing to construct residential units renting below market rates. While there is considerable multifamily housing in the neighborhood, surrounding areas are dominated by single-family detached housing. Given planning priorities for the area, availability of high capacity transit within 1.0 mile, and construction of new high capacity transit in the immediate vicinity of the site, multifamily development is needed to balance the neighborhood's portfolio of available housing.

**g. Section 27-4402 – Policy Area Overlay Zones**

The subject property is not located within a policy area overlay zone, though it borders on the prior New Carrollton Transit District Overlay Zone (TDOZ), reflecting its proximity to the New Carrollton Metro Station and the prior Zoning Ordinance's associated development priorities for areas close to transit. With the Glenridge Purple Line light rail station under construction, but not yet reflected in a transit district overlay zone or similar designation, staff emphasize that the proposed project should be designed with similar or greater consideration of transit to that under the prior neighboring TDOZ.

**h. Part 27-6 –Development Standards**

Per Section 27-3602(a)(5)(H), Planned Development Zoning Map Amendment Submittal Requirements, of the Zoning Ordinance, a PD-ZMA application shall include a proposed PD basic plan and proposed PD conditions of approval

addressing all requirements and standards set forth in Section 27-4300, Planned Development Zones, of the Zoning Ordinance.

Per Section 27-4301(d)(2), General Standards of All Planned Development Zones, of the Zoning Ordinance, before approving a PD Zone classification, the Prince George's County District Council shall find that the application for the PD Zone classification, as well as the PD basic plan and conditions of approval, comply with the development standards in Part 27-6, Development Standards, and the 2018 *Prince George's County Landscape Manual* (Landscape Manual) shall apply to all development in each PD Zone. Conformance with the development standards will also be further evaluated at the time of DET.

Staff find that, as described in the applicant's SOJ, the proposed development will meet the applicable development standards. The following discussion is offered:

**(1) Section 27-6200 Roadway Access, Mobility, and Circulation**

Detailed consideration of roadway access, mobility, and circulation on the site, is provided in Finding 8e above.

**(2) Section 27-6300 Off-Street Parking and Loading**

Parking is proposed to be within the interior of the proposed building, surrounded and hidden by residential units and commercial space, to enable orientation of the buildings to the street and better pedestrian safety and function.

**(3) Section 27-6400 Open Space Set-Asides**

Section 27-6403 states that the minimum set aside amount for a mixed-use development in the NAC-PD Zone is 7.5 percent. Features that can count toward the open space set-aside amount include natural features (lakes, ponds, rivers, streams, bays, shorelines, wetlands, drainageways, and other riparian areas), active recreational areas (areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, community buildings, clubhouses, and land dedicated for parks), passive recreation (plantings and gardens), squares, forecourts, plazas, required landscape areas and agricultural buffers, SWM areas treated as site amenities, and public access easements with paths or trails. At the current stage of review, the public courtyard and the preserved area at the rear of the site are proposed as open space set-asides.

**(4) Section 27-6500 Landscaping**

This development will be required to demonstrate conformance to the Landscape Manual at the time of DET. Per Section 27-4301(d)(2), any modifications to the Landscape Manual may only be made pursuant to alternative compliance or a major departure.

**(5) Section 27-6600 Fences and Walls**

All fences and walls within the proposed development will be required to demonstrate conformance with the section at the time of DET.

**(6) Section 27-6700 Exterior Lighting**

A lighting plan or photometric plan will be required at the time of DET, demonstrating how all exterior lighting would comply with the standards of this section. Staff recommend lighting in compelling and diverse forms as a placemaking aid. The applicant has not proposed detailed concepts for lighting at this stage of review, but has indicated it will be an emphasized feature at the pedestrian-scale along MD 450.

**(7) Section 27-6800 Environmental Protection and Noise Controls**

Staff have provided the following discussion of environmental requirements to which this plan will be subject:

**Natural Resources Inventory**

An approved NRI-137-2024 was included in the application. The plan shows the site is mostly developed with a former car dealership. The southern portion of the site contains a wooded steep slope. There are no regulated environmental features (REF) on-site; however a small amount of PMA is located on the northwest corner of the site for steep slopes associated with an off-site stream.

**Woodland Conservation**

The project is subject to the 2024 Woodland and Wildlife Habitat Conservation Ordinance (2024 WCO) and the environmental regulations contained in Subtitles 24, 25, and 27 of County Code. The woodland conservation and afforestation thresholds will remain at 15 percent with the proposed NAC-PD Zone.

The site does not qualify for a standard letter of exemption from the 2024 WCO because the site is greater than 40,000 square feet. All future development applications will require tree conservation plans (TCPs) in accordance with the 2024 WCO. Because the project is within the Annapolis Road/Glenridge Transit Oriented Neighborhood Center, in accordance with Section 25-121(c)(1)(B)(ii) of County Code, the woodland removed shall be replaced at a ratio of 0.25 acre planted for every 1.0 acre removed. In accordance with Section 25-121(c)(3) of County Code, the woodland conservation and afforestation thresholds shall be met on-site, and per Section 25-121(c)(1)(c) of County Code all unforested riparian buffers on-site shall be afforested.

**Specimen Trees**

The approved NRI-137-2024 identifies no specimen trees on-site, but two were located off-site.

### **Stormwater Management**

Section 27-3605(c)(5)(F)(x) of the Zoning Ordinance requires an approved SWM concept plan and approval letter in the DET application. A site development concept is required to be reviewed by DPIE. The concept shall be submitted and reviewed with the future PPS and DET and the layout consistent with the TCPs.

### **Soils**

Section 27-6809, Unsafe Lands, of the Zoning Ordinance, states that “all applications shall conform to the requirements pertaining to unsafe land in Section 24-4300, Environmental Standards, of Subtitle 24: Subdivision Regulations.” This application will use the current Prince George’s County Subdivision Regulations, and Section 24-4101(c) (1) states “The Planning Director or Planning Board, as appropriate, shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes or soils that are unstable either because they are highly erodible or prone to significant movement or deformation (Factor of Safety < 1.5), or b) man-made conditions on the land, including but not limited to unstable fills or slopes.”

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, is Urban land-Russett-Christiana complex. Christiana clay is mapped on the site, but no geotechnical issues have been identified at this time. The applicant indicated in the SOJ that the site contains contaminated soils from its prior use as a car dealership. The applicant intends to enroll in the Maryland Department of the Environment’s Voluntary Cleanup Program to clean up the site. Future development applications shall include detailed information regarding the clean-up of the contaminated soils found on-site.

### **Erosion and Sediment Control**

Section 27-6805 of the Zoning Ordinance requires an approved grading, erosion, and sediment control plan. Development shall comply with the requirements for sediment and erosion control in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sediment Control, of the Prince George’s County Code.

Erosion and sediment control will be addressed at the time of DET, along with the Type 2 tree conservation plan (TCP2). The TCP2 must reflect the ultimate limits of disturbance, not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures.

## **(8) Section 27-6900 Multifamily, Townhouse, and Three-Family Form and Design Standards**

The residential portion of the project is proposed to consist entirely of multifamily dwelling units. Standards for multifamily development found in

Section 27-6900 speak to site access and parking, building orientation, length and façade variation and materials, window transparency, roofs, garages, and outdoor activity areas. These standards are designed more for suburban multifamily development than the mixed-use urban style compact development proposed, but where applicable, the proposed project generally surpasses these standards, which will be evaluated in more detail at the time of DET.

**(9) Section 27-61000 Nonresidential and Mixed-Use Form and Design**

Section 27-61000 addresses the following form and design aspects for mixed use development:

**Front Streets**

The proposed project fronts on a proposed courtyard.

**Single-Building Development**

The proposed project is oriented to MD 450 in the manner prescribed in this criterion.

**Façade Articulation**

The applicant has stated that a high degree of façade articulation will be proposed at the time of DET. Detailed building designs have not been provided at this stage of review.

**Façade Materials**

Detailed building specifications have not been provided at this stage of review.

**Façade Fenestration/Transparency**

The applicant has stated that windows along the site's sidewalk frontage will feature up to 40 percent transparency.

**Roofs**

Detailed building specifications have not been provided at this stage of review. However, applicant has requested that roof type requirements, as set forth in Section 27-61203(c), be waived due to distance from nearest neighboring residential dwellings over 100 feet. Staff are in agreement with this request.

**Location of Off-Street Parking**

The project, as proposed, exceeds these standards by surrounding parking completely with residential units and commercial space.

**Loading, Service and Equipment Areas**

Loading, service, equipment, and/or outdoor storage areas are located in a manner that minimizes their visibility from off-site areas, but details on screening measures have not been provided at this level of review.

**(10) Section 27-61200 Neighborhood Compatibility Standards**

As discussed in Findings 8b and 8e(1)(E) above, the proposed project would not have an adverse impact on surrounding properties, as parcels immediately abutting to the north, east, and west are commercial in use and less vulnerable to character impacts, and nearby single-family housing is buffered from the project by wooded open space to be left intact. The building is proposed to be stepped down toward the rear of the property in the direction of neighboring single-family homes, in conformance with Section 27-61203(a). The applicant has requested two modifications to Section 27-61203(c):

**Section 27-61203(c)(1)(A): Use a similar roof type to adjacent single family detached dwellings**

Reason: Proposed building is more than 100 feet from existing single-family dwellings, not triggering requirement per Figure 27-61203(c).

**Section 27-61203(c)(1)(E): Orient porches, balconies, and outdoor activity areas away from from adjacent single family detached dwellings**

Reason: Balconies would be screened from nearby single-family dwellings by wooded area.

**(11) Section 27-61500 Signage**

No signage was proposed with the subject application. Signage proposed in subsequent applications are required to conform to this development standard section.

**(12) Section 27-61600 Green Building Standards**

The applicant shall strive to utilize green building techniques applicable for the proposed residential development, and has stated this intention. Green building techniques will be evaluated at the time of DET.

**i. Part 27-4301(d)(2) – Development Standards**

The applicant has requested the three following modifications to the development standards to accomplish the goals of the basic plan:

**Cross Access Between Adjoining Developments**

The applicant seeks to waive the requirement as stated in Section 27-6206(e) that vehicular circulation on a site be connected to that of commercial or mixed uses on adjacent properties. The applicant cites potential conflict with emergency vehicles on the fire station lot to the east, a laundromat to the west, and states that additional connection to the commercial uses to the west would be redundant with all parcels

having access to MD 450. Staff do not agree with the applicant in seeking a waiver for these reasons.

**Building Design (roofs)**

The applicant seeks to modify the requirement stated in Section 27-61203(c) that the proposed development must use a similar roof type to that of adjacent single-family detached dwellings, to allow a flat roof. The applicant states that the type of roof used by the nearby single-family dwellings would be unsuitable for the style of building proposed; that the proposed project is buffered from the single-family dwellings to an extent that such style continuity would be unnecessary; that this requirement does not apply to the proposed project as it is more than 100 feet from neighboring single-family dwellings; and, that the current building on-site has a flat roof.

**Building Design (porch, balcony orientation)**

The applicant seeks to waive the requirement, as stated in Section 27-61203(c), for porches and balconies to face away from single-family residential housing. The applicant notes that the proposed balconies on the south side of the building would face a woodland area, and not look directly on to the single-family residential area beyond. The applicant also states that the rear side of the building will be stepped down in terms of height from the front of the building, complying with part (a) of this Zoning Ordinance section.

**Conclusion on Modifications to Development Standards Requested**

Staff find the applicant's requested modifications to building design standards, specifically roofs and porch, and balcony orientation, as described above, are reasonable. The standard for roofs in particular does not appear to apply to this case. There is less of a clear exemption for the porch, balcony orientation requirement, but considering the proposed step down of the building toward its rear, the wooded buffer area is wide enough to screen the existing single-family homes from rear-facing balconies on the proposed building.

Staff do not agree with the applicant's request for a waiver of connectivity standards under Section 27-6206(e). Inter-parcel connectivity is meant to prevent unnecessary short distance vehicle trips on arterial roads, so being a short distance from a neighbor on MD 450 is not a reason to seek this waiver under this section. Conflicts with uses are also not grounds for a waiver under this section.

9. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are incorporated herein by reference, and major findings are summarized, as follows:
  - a. **Historic Preservation**—In a memorandum dated February 19, 2025 (Stabler, Smith, Chisholm to King), the Historic Preservation Section stated that, following a search of current and historic photographs, topographic and historic maps, and locations of currently known archaeological sites, the probability of archaeological sites on the property was low and did not recommend an archaeological study.

- b. **Community Planning**—In a memorandum dated March 10, 2025 (Parks to King), the Community Planning Section provided a review of the proposed development and its conformance to Plan 2035 and the master plan, which has been incorporated into Findings 7 and 8 above.
- c. **Environmental Planning**—In a memorandum dated March 7, 2025 (Rea to King), the Environmental Planning Section included a review of the proposed development and its conformance to applicable environmental requirements, which has been incorporated into Finding 8h. above.
- d. **Transportation Planning**—In a memorandum dated March 7, 2025 (Smith to King), the Transportation Planning Section finds that transportation facilities as well as pedestrian and bicycle facilities within the proposed application are consistent with Section 27-3602. The proposed rezoning of the property will not impair the ability to make transportation-related recommendations that are supported by an approved master plan or functional master plan or included in the subdivision regulations and zoning ordinance.
- e. **Subdivision**—In a memorandum dated February 12, 2025 (Bartlett to King), the Subdivision Section provided a review of the subject application and noted the following:

“A PPS and a certificate of adequacy will be required for the proposed development and division of land following approval of this application per Section 24-3402(b) of the Subdivision Regulations. The new PPS will supersede the prior PPS 4-77292. The proposed site layout and lotting pattern will be further evaluated with the PPS and must comply with all design standards contained in Subdivision Regulations. A final plat of subdivision is required subsequent to approval of this zoning map amendment and following the approval of the PPS before any permits may be approved for development of this site.”
- f. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated March 3, 2025 (Thompson to King), DPR provided an evaluation of the subject application and support the proposal, with a recommendation that the applicant shall develop a path/trail extension to connect to West Lanham Park.
- g. **Prince George’s County Fire/EMS Department**—At the time of the writing of this technical staff report, the Office of the Fire Marshal did not have any comments on the subject application.
- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this technical staff report, DPIE did not provide any comments on the subject application.
- i. **Prince George’s County Department of Public Works and Transportation (DPW&T)**—At the time of the writing of this technical staff report, DPW&T did not offer separate comments on the subject application.

- j. **Maryland State Highway Administration (SHA)**—At the time of the writing of this technical staff report, SHA did not offer separate comments on the subject application.
  - k. **Washington Suburban Sanitary Commission (WSSC)**—At the time of the writing of this technical staff report, WSSC did not provide any comments.
- 10. Community feedback:** At the time of the writing of this technical staff report, the Prince George’s County Planning Department has not received written correspondence or direct communication from members of the public regarding this proposed zoning map amendment.

## **RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Zoning staff recommend that the Planning Board adopt the findings of this report and APPROVE Zoning Map Amendment ZMA-2024-003, for RST New Carrollton, subject to the following conditions:

1. Prior to issuance of a use and occupancy permit for the proposed building, the applicant shall provide evidence of the recordation of a covenant, to provide affordable housing, entered into with the Community Development Administration, or other appropriate division of the State of Maryland, for provision of residential units to rent for 60 percent area median income (AMI). All residential units of the proposed development shall be affordable, to these specifications.
2. The applicant shall include at least 3,000 square feet of nonresidential space in the detailed site plan to be submitted for this project. The applicant shall use best efforts to provide this space rent free to a nonprofit entity or entities upon construction of the building. In the event that the applicant has been unable to identify an appropriate nonprofit entity to occupy the space within one year following the issuance of the final use and occupancy permit for the residential units, the applicant shall fit out the space as a meeting space for local community groups, civic associations, clubs, and others in the community, and will manage the use of that space for the benefit of the community groups and organizations which utilize it.

## **Consideration**

1. The applicant should provide a pedestrian connection to the West Lanham Hills Park access trail to the south of the site.

# RST NEW CARROLLTON

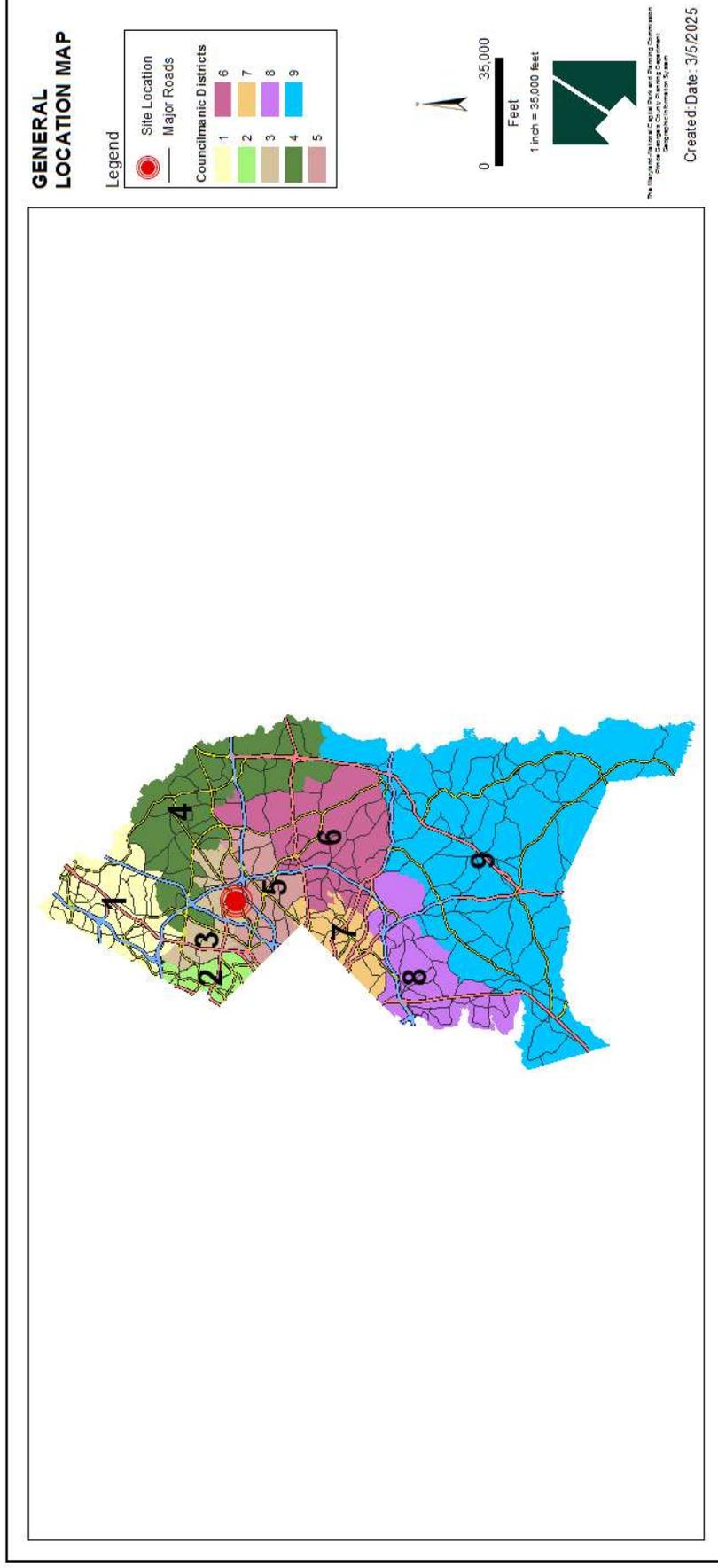
Zoning Map Amendment

Staff Recommendation: APPROVAL with conditions



# GENERAL LOCATION MAP

Council District: 03  
Planning Area: 69

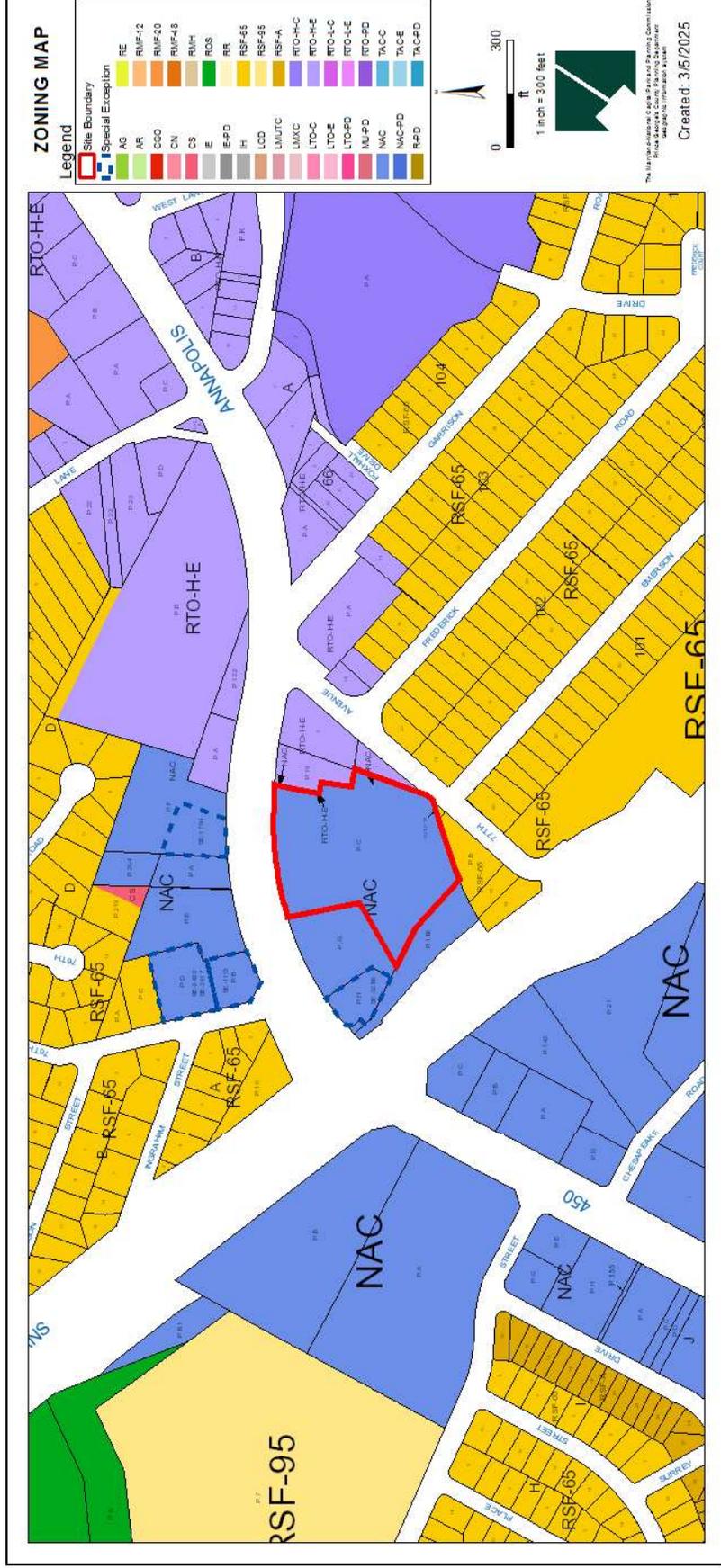


# SITE VICINITY MAP

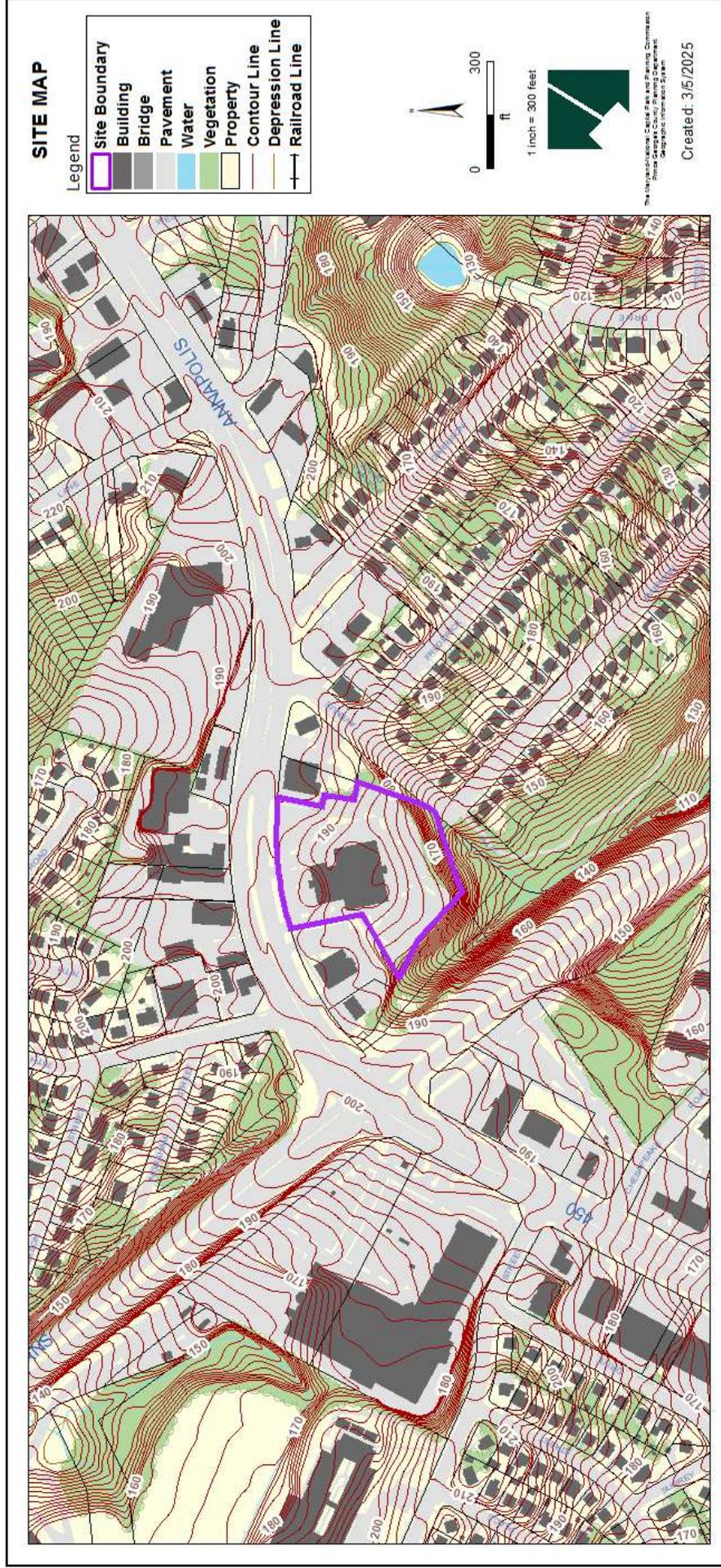


# ZONING MAP

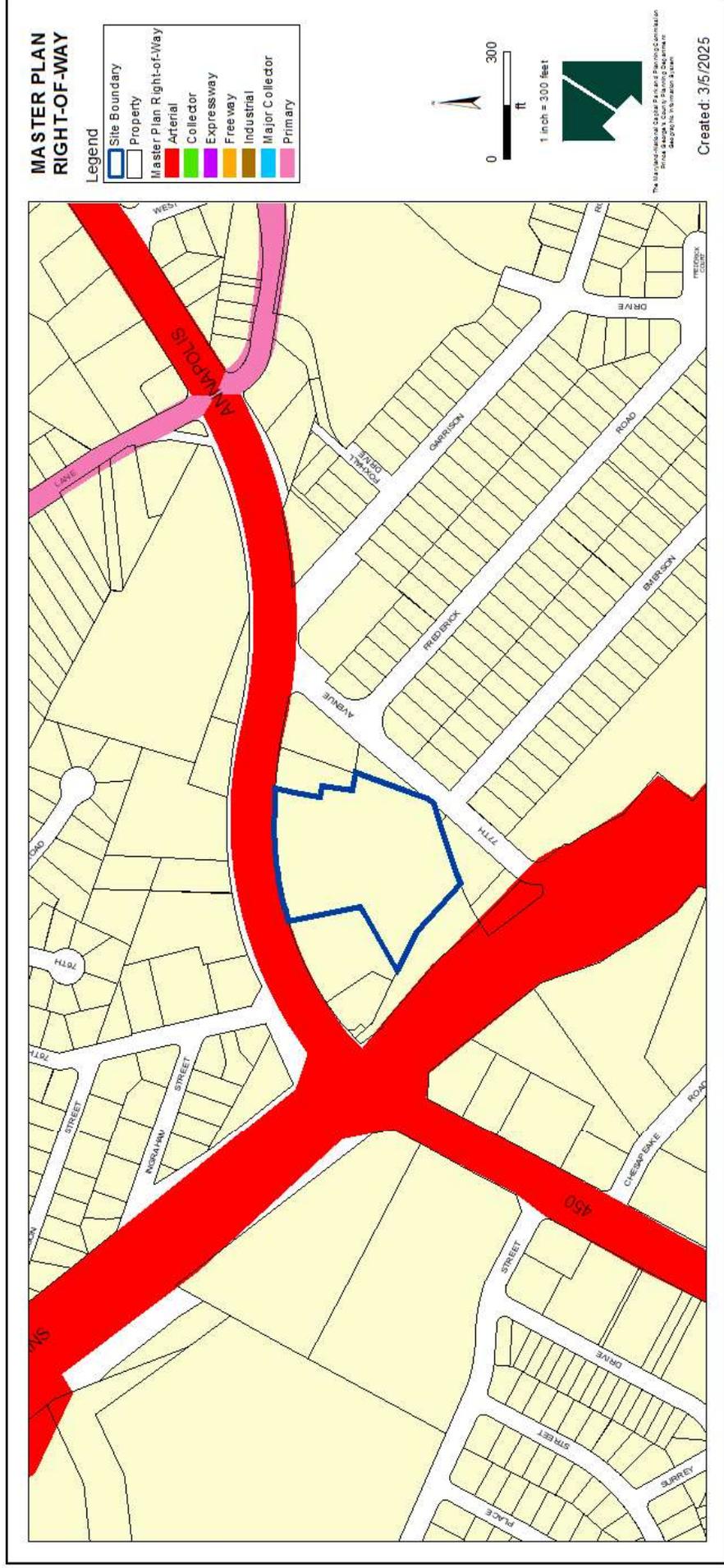
Current Zoning: NAC



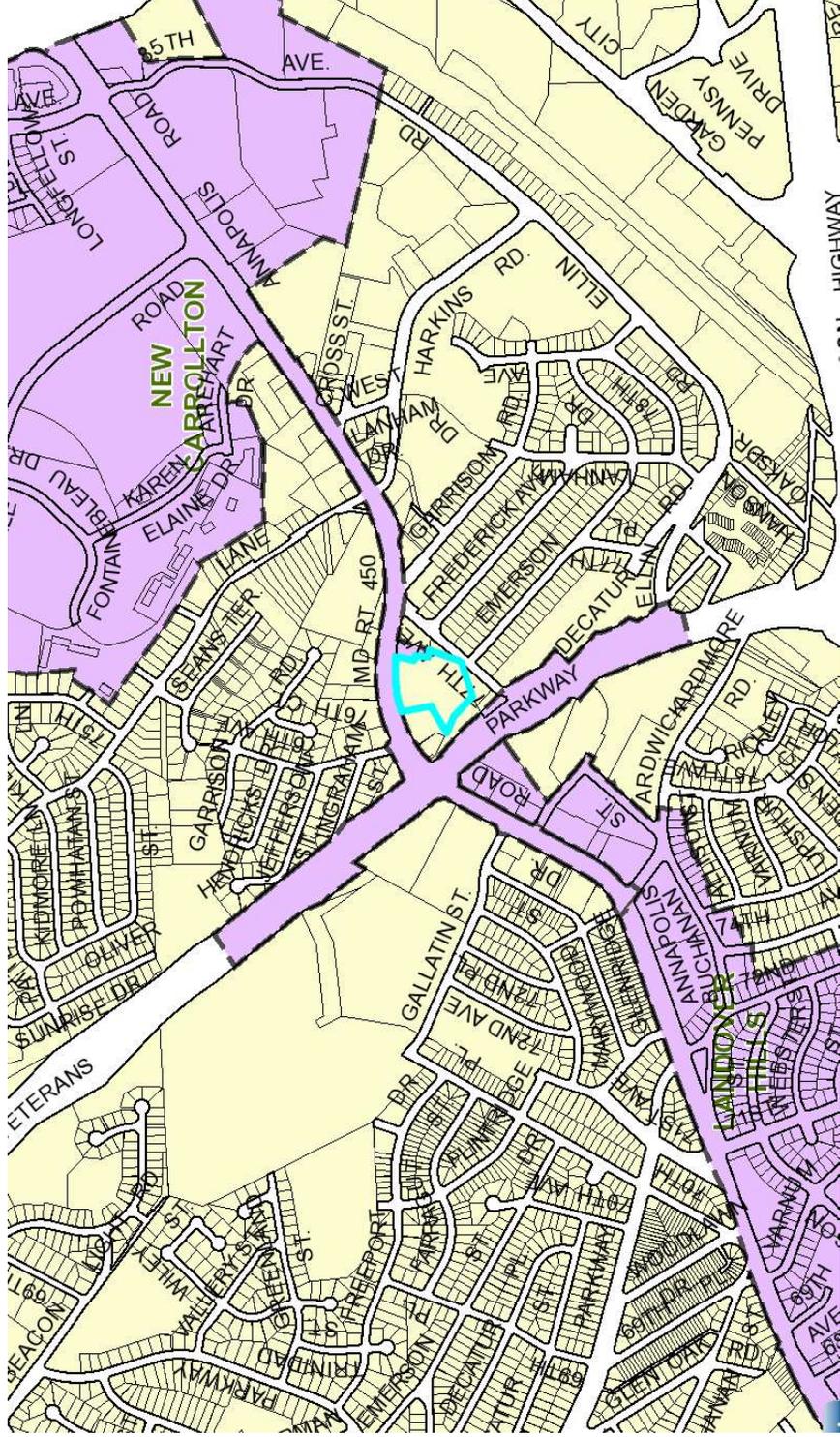
# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP



# MUNICIPAL BOUNDARY





# BASIC PLAN





# OPEN SPACE SET-ASIDE EXHIBIT



OPEN SPACE SET-ASIDE AREAS  
AREA 1: 10,000 SF  
AREA 2: 13,841 SF  
TOTAL: 23,841 SF \*  
\*12.76% OF NET LOT AREA



NOT FOR CONSTRUCTION

# STAFF RECOMMENDATION

## APPROVAL with conditions

- ZMA-2024-003

## Major Issues:

- None

## Applicant Required Mailings:

- Informational Mailing: 09/17/2024
- Acceptance Mailing: 01/29/2025

# ZMA-2024-003 RST New Carrollton Backup 5/1/25

## Contents:

- applicant statement of justification -3/31/2025
- basic plan - 3/31/2025
- open space set aside exhibit - 3/31/2025
- referral memorandum – Historic Preservation Planning 2/19/2025
- referral memorandum – Community Planning 3/10/2025
- referral memorandum – Environmental Planning 3/7/2025
- referral memorandum – Transportation Planning 3/7/2025
- referral memorandum – Subdivision Planning 2/12/2025
- referral memorandum – Prince Georges County Department of Parks and Recreation 3/3/2025
- applicant proposed conditions - 3/7/2025

**STATEMENT OF JUSTIFICATION**  
**ANNAPOLIS ROAD MULTIFAMILY**  
**ZONING MAP AMENDMENT APPLICATION**

**ZMA-2024-003**

**NOVEMBER 22, 2024**

**REVISED DECEMBER 30, 2024**

**REVISED FEBRUARY 26, 2025**

**REVISED MARCH 27, 2025**

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## TABLE OF CONTENTS

1.0	INTRODUCTION/OVERVIEW/ORIENTATION	1
2.0	SECTION 27-4301: GENERAL PROVISIONS FOR ALL PLANNED DEVELOPMENT ZONES	3
2.1	GENERAL PURPOSES FOR ALL PLANNED DEVELOPMENT ZONES	4
2.2	GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT ZONES	6
2.3	DEVELOPMENT STANDARDS	33
3.0	STANDARDS APPLICABLE TO THE NAC-PD ZONE	40
3.1	SECTION 27-4303(a) (1): PURPOSES OF THE NAC-PD ZONE	41
3.2	SECTION 27-4303(a) (2): USE STANDARDS	46
3.3	SECTION 27-4303(a) (3): INTENSITY AND DIMENSTIONAL STANDARDS	46
3.4	SECTION 27-4303(a) (4): OTHER STANDARDS	48
4.0	SECTION 27-3602(c): PD DECISION STANDARDS	55
5.0	CONCLUSION	71

**STATEMENT OF JUSTIFICATION**  
**ANNAPOLIS ROAD MULTIFAMILY**  
**ZONING MAP AMENDMENT ZMA-2023-003**

**1.0 INTRODUCTION/OVERVIEW/ORIENTATION**

The Applicant, RST Development, LLC (the “Applicant”), is pleased to present Zoning Map Amendment Application ZMA-2024-003 for property located at 7591 Annapolis Road in Hyattsville, Maryland (the “Subject Property”). The Applicant is a private, family-owned multifamily real estate development company providing market rate and affordable apartment units throughout the Mid-Atlantic and Southeast. The Applicant has extensive experience in the multifamily market, having developed approximately 10,000 multifamily units since its founding in 1996. As explained below, the Applicant proposes the development of a multifamily building with ground floor commercial along the Annapolis Road Corridor near the future Glenridge Purple Line Transit Station.

The Subject Property is the site of the former East-West Lincoln Mercury automobile dealership. The property still operates as a vehicle rental and repair facility but is no longer selling new vehicles. The Subject Property contains a total of 4.29 acres and is more particularly described as Parcel “C” as shown on a plat of subdivision entitled “Ford Motor

Company's Addition to West Lanham Hills", which plat is recorded among the Land Records of Prince George's County at Plat Book 99 Plat No. 94.

On April 1, 2022, the Countywide Sectional Zoning Map Amendment ("CMA") became effective, along with the new Zoning Ordinance. Prior to the effectuation of the CMA, the Property was zoned C-2, consistent with its use as a new car dealership. Pursuant to the CMA, the Subject Property was rezoned to the NAC Neighborhood Activity Center ("NAC") Zone. The NAC Zone is a transit oriented/activity center zone, the purpose of which is to a) provide lands for lower-density, small-scale, mixed-use centers that are attractive to employers and employees, are well connected to transit, and serve the surrounding neighborhood; (b) incorporate walkable and bikeable areas that are well-connected to a regional transportation network through a range of transit options; and (c) provide a mix of uses that serve local neighborhood needs.

Due to the location of the Subject Property proximate to a Purple Line Transit Station, the Applicant is proposing to raze the existing automobile dealership and to construct a mixed-use building with up to 300 multifamily dwelling units and up to 3,000 square feet of commercial space to either be occupied by a a non-profit use or a commercial use appropriate for the

neighborhood. The proposed use would include a maximum density of 69 dwelling units per acre

In 2024, Council Bill CB-15-2024 was adopted, modifying certain provisions of the NAC Zone. Of significance to this application, the maximum density of the NAC Zone was increased from 30 dwelling units per net acre to 90 units per net acre. However, this legislation is now under appeal, placing at risk any entitlement that may be secured under the existing zoning category that exceeds the prior maximum density. As a result, the purpose of this Zoning Map Amendment is to rezone the Subject Property to the NAC-PD Zone to provide both flexibility and certainty in the design and approval of the proposed development.

## **2.0 GENERAL PROVISIONS FOR ALL PLANNED DEVELOPMENT ZONES**

Section 27-4301 sets forth the General Provisions for all Planned Development Zones. These general provisions include the General Purposes of Planned Development Zones set forth in Section 27-4301(a), the General Standards for All Planned Development Zones set forth in Section 27-4301(d)(1) and the Development Standards set forth in Section 27-4301(d)(2). These three sections will be addressed below.

## 2.1 GENERAL PURPOSES FOR ALL PLANNED DEVELOPMENT ZONES

27-4301(a) sets forth the General Purposes of all Planned Development Zones:

(a) General Purposes of Planned Development Zones

The Planned Development (PD) zones are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives by:

- (1) Reducing the inflexibility of zone standards that sometimes results from strict application of the zone development, form, and design standards established in this Ordinance;
- (2) Allowing greater freedom and flexibility in selecting:
  - (A) The form and design of development;
  - (B) The ways by which pedestrians, bicyclists, transit users, and motorists circulate;
  - (C) The location and design of the development respective and protective of the natural features of the land and the environment;
  - (D) The location and integration of open space and civic space into the development; and
  - (E) Design amenities.
- (3) Where appropriate, allowing greater freedom in providing a well-integrated mix of uses in the same development, including a mix of nonresidential development, housing types, lot sizes, and densities/intensities;
- (4) Allowing more efficient use of land, with coordinated and right-sized networks of streets and utilities;
- (5) Promoting development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses;

- (6) Improving community services and facilities and enhancing functionality of vehicular access and circulation; and
- (7) Promoting development forms that respect and take advantage of a site's natural, scenic, and man-made features, such as rivers, lakes, wetlands, floodplains, trees, historic features, and cultural and archeological resources.
- (8) Providing public benefits to further protect and advance the public health, safety, welfare, and convenience.

**COMMENT:** The Subject Property will benefit from the flexibility inherent in the planned development zones. The Subject Property is an oddly shaped, fully developed site within a built environment. The Subject Property also backs up to an existing residential neighborhood. The Subject Property is located on an arterial roadway with buildings on either side that were constructed under a suburban standard, one of which is a County fire station. Incorporating a transit oriented, affordable multifamily community in this location requires innovative land planning and site design concepts to achieve the proposed high quality of development. Given these existing conditions, requirements for block length and build-to line set forth in the underlying NAC Zone become a challenge. The proposed intensity and dimensional standards and limited modifications to the development standards in Part 27-6 of the Zoning Ordinance proposed in this application will allow the project to achieve

the vision for development at the Glenridge Transit Station. The public benefits provided by the development are addressed in greater detail below.

## **2.2 GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT ZONES**

Section 27-4301(d)(1) sets forth the General Standards for all Planned Development Zones. This section provides that before approving a PD zone classification, the District Council shall find that the Basic Plan complies with the following standards:

**(A) Establish a statement of planning and development goals for the zone that is consistent with the General Plan and the applicable Area Master Plan or Sector Plan and purposes of the PD Zone;**

**COMMENT:** The Annapolis Road Project is designed to be a transit-oriented development within the NAC-PD zone to support a high quality of life and introduce a high-quality urban development. The project focuses on environmental consciousness, energy efficiency, efficient vehicular circulation, pedestrian focused experiences, and public and private communal spaces through thoughtful planning, massing, materiality, and landscape design. Along Annapolis Road, public/civic space is dedicated within a courtyard which is adjacent to a dedicated bicycle path. Residents and visitors will access the site (both ingress and egress) from Annapolis Road at each end of the site. The parking garage will be set back into the center of the site

allowing the appropriate vehicle stacking and will be secluded from public view. The development will include residential units, private amenities, and commercial space. The amenities and commercial space will sit along Annapolis Road and storefront will be utilized on the first level to promote an active and safe environment, which is a strategy for defensible spaces. Along the southern portion of the site, existing woodlands will be preserved to provide a buffer to the residential neighborhood. The multifamily building will be 6 stories along Annapolis Road and step down in stories and height as the development extends back toward the residential neighborhood.

**(B) Establish the specific principal, accessory, and temporary uses permitted in the zone. They shall be consistent with the Principal Use Tables (and may only be selected from uses identified as Allowable in the desired PD zone) in Section 27-5101(e), Principal Use Table for Planned Development Zones, and the purposes of the particular type of PD zone, and be subject to applicable use-specific standards identified in the PD Basic Plan, and any additional limitations or requirements applicable to the particular type of PD zone;**

**COMMENT:** The Applicant proposes that the specific principal, accessory and temporary uses shall be those listed in Section 27-5101(e). No uses are proposed to be excluded with the approval of the Basic Plan to allow flexibility for the leasing of the proposed non-profit/commercial space.

**(C) Establish the general location of each development area in the zone, its acreage, types and mix of land uses,**

**number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The residential density and nonresidential intensity shall be consistent with the general purposes of the PD zone and the specific requirements of the individual PD zone;**

**COMMENT:** The Basic Plan depicts the general location of the proposed development area, as well as the acreage, type and mix of land uses. The Basic Plan establishes a maximum number of residential units by use type (300 multifamily dwelling units) as well as the nonresidential floor area (3,000 square feet). The proposed residential density (69 du/a) is less than that permitted in the existing NAC Zone and is consistent with the purposes of the NAC-PD Zone, one of which is to permit high-quality, vibrant, lower- to moderate-density, mixed-use development near transit that reduces automobile dependency and supports walkable areas;

**(D) Establish the dimensional standards that apply in the PD zone. The dimensional standards shall be consistent with the requirements of the individual PD zone, and its purposes;**

**COMMENT:** The intensity and dimensional standards proposed for this PD zone are set forth on the Basic Plan. The intensity and dimensional standards are consistent with those which are applicable to the current NAC Zone, and minor modifications to those standards are proposed based upon the unique site characteristics.

**(E) Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD**

zone is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, location and design of parking facilities, hours of operation, exterior lighting, siting of service areas, and any other standards deemed appropriate by the District Council;

**COMMENT:** This standard is not particularly relevant to the proposed development, which constitutes redevelopment of a prior automobile-oriented use with a transit-oriented use within a built environment. The proposed redevelopment will build upon the vision to create the Glenridge Transit Village and encourage abutting commercial uses to similarly redevelop.

**(F) Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zone;**

**COMMENT:** Open space is depicted on the Basic Plan along the property frontage and along the southern property line. Open space along the frontage will consist of shared-use path with urban streetscape elements (street trees, benches, lighting etc.) with a plaza/entry court that will connect the open space to the building seamlessly. Along the southern property line, existing on-site woodland will be preserved to the extent practical as passive recreation area.

**(G) Identify the general location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands consistent with the purposes of the individual PD zone and the requirements of this Ordinance;**

**COMMENT:** A Natural Resource Inventory/ Forest Stand Delineation has been prepared for the subject property. It has identified 0.41 acres of existing forest on-site, the majority of which will be saved. There are no specimen, champion or historic trees on the subject property. A stream is located to the west of the site, more than 100 feet from the property boundary. The PMA for this stream does fall on the western-most tip of the subject property and is 0.04 acres on-site. It should also be noted that Christiana complex soils occur on or within the vicinity of the property.

**(H) Identify the general location of existing on-site and adjacent historic sites, resources, and districts and archeological and cultural resources;**

**COMMENT:** Two historic resources are located approximately 0.30 miles south of the subject property. William Stanton Wormley House (69-023-17) at 7533 Ardwick Ardmore Road and the Thomas Hunster House (69-023-27) at 7523 Ardwick Ardmore Road. Neither of these resources are visible from the subject property and will not be impacted by the proposed development.

**(I) Identify the general on-site pedestrian circulation system, including any existing on-site and adjacent pedestrian circulation systems (pedestrian and bicycle pathways, and trails), and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;**

**COMMENT:** General on-site pedestrian circulation has been depicted on the Basic Plan and illustrates how it connects to the Annapolis Road right of way and existing pedestrian circulation.

(J) Identify the general design and layout of the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system, and connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

**COMMENT:** The proposed development does not propose any public or private streets.

(K) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

**COMMENT:** The Subject Property is currently served by public water and sewer and the redevelopment will also connect to public water and sewer systems abutting the site.

(L) Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned County systems, in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

**COMMENT:** On-site stormwater drainage and stormwater management facilities will be located throughout the site to manage the required quality and quantity volumes to the maximum extents practicable.

(M) Identify the general location and layout of all other on-site and off-site public facilities serving the development (including any municipal public facilities, when the subject property is located within a municipality), and how they are consistent with the purposes of the individual PD zone. The other on-site and off-site public facilities considered shall include—but not limited to—parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management;

**COMMENT:** Park and recreation amenities serving the Subject Property include Glenridge Park and the West Lanham Neighborhood Park, both of which are within a mile of the site.

The Subject Property will be served by Glenn Ridge Elementary School, Charles Carroll Middle School and Parkdale High School. Section 10-192.01 establishes school surcharges and an annual adjustment for inflation. The current amount is \$11,560 per dwelling unit if a building is located between interstate 495 and the District of Columbia.

The Subject Property is served by West Lanham Hills #828, located at 7609 Annapolis Road, which abuts the eastern boundary of the Subject Property. The site meets the seven-minute travel time test for non-residential development from the closest or “first due” Fire/EMS.

The Subject Property is served by Police Division I Hyattsville located at 5000 Rhode Island Avenue, Hyattsville, MD 20781. The Police Response times for the site also meets the standard of 25 minutes for non-emergency calls and 10 minutes

for emergency calls. Currently the non-emergency response time is 13 minutes, and the emergency response time is 9 minutes.

Stormwater management will be addressed with the review and approval of a Site Development Concept Plan by the Department of Permitting, Inspections and Enforcement.

**(N) Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;**

**COMMENT:** The Applicant has provided an analysis from Lenhart Traffic Consulting, Inc. to demonstrate that the proposed rezoning will not adversely affect the public health safety and welfare. If the rezoning of the Subject Property is approved, a full analysis of public facility adequacy will be conducted pursuant to the submission of a Certificate of Adequacy. In addition, the project will be the subject of a Site Development Concept Plan to address stormwater management. The Applicant would also note that the Subject Property is in water and sewer category 3 and is currently served by water and sewer facilities. Thus, each of these issues will be addressed through the development and permit review processes.

**(O) Establish the development standards that will be applied to development in accordance with Section 27-4301(d)(2), Development Standards; and**

**COMMENT:** The Applicant has reviewed the applicable development standards and has identified those that may need modification with the approval of the Basic Plan.

**(P) Include specific public benefits and project amenities in accordance with Section 27-4301(d) (3).**

**COMMENT:** As noted above, one of the General Standards applicable to all PD Zones is to “include specific public benefits and project amenities in accordance with Section 27-4301(d) (3)”. This Section defines what constitutes a public benefit feature and provides guidance in how such benefits can be exhibited in a development project. Section 27-4301(d) (3) (A) states that public benefits are superior features that benefit the surrounding neighborhood or the public in general to a significantly greater extent that would likely result from development of a site under the base zone. In designing the proposed development, the Applicant has included several public benefit features.

The Applicant would note that the Zoning Ordinance contains no method of quantifying how many public benefit features must be provided to satisfy the requirement to provide public benefits. In the prior Zoning Ordinance, the Comprehensive Design Zones utilized public benefit features to increase the allowable density. Where an applicant proposed a development below the base density, there was no requirement to provide

public benefit features. In the current PD zones, public benefit features are required (although not quantified) regardless of whether approval of the PD zone increases the available density. The Applicant would submit, however, that the nature of the benefits conferred to the Applicant by approval of the PD Zone should be factored into determining the adequacy of the public benefits provided to support the request for rezoning.

In the current Zoning Ordinance, the Planned Development Zones allow an applicant to substantially modify the Intensity and Dimensional Standards (including increases in density), achieving greater densities and providing greater flexibility than permitted in the base regulations and expanding the dwelling unit types permitted in the base zones. In the subject application, the density proposed by the Applicant is less than permitted by the base NAC zone. The benefit conferred to the Applicant by virtue of the proposed PD rezoning consists of minor modifications to the applicable development standards, some of which can be achieved in the base NAC Zone.

In the NAC-PD Zone, the specific principal, accessory, and temporary uses allowed are established in the PD Basic Plan. The Applicant has requested no modifications to the uses permitted in the current base NAC Zone. In addition, in the

NAC-PD Zone, except for the minimum density and minimum FAR for non-residential proposals, all Intensity and Dimensional Standards established by the Basic Plan. In the instant application, the Applicant is adopting the Intensity and Dimensional Standards of the existing NAC Zone, with three exceptions outlined below.

**Block Length:** In the NAC Zone, the minimum block length is 200 feet and the maximum block length is 600 feet. The Zoning Ordinance defines the term “block” as “the land lying within an area bounded on all sides by streets. The Subject Property is in the middle of an existing block that is 1,043 feet in length, exceeding the maximum block length set forth in Section 27-4204(c) for the NAC Zone. Even in the base NAC Zone, Section 27-6206(k)(1) acknowledges that existing circumstances may require an alteration of the block length standard. The Planning Director is authorized to allow modifications to the block length standard. Among the factors that can be considered when modifying the block length are environmental or topographic constraints, an irregular site shape and that longer blocks will result in less traffic through residential subdivisions from adjoining businesses or areas. Each of these factors exist in this instance.

The Subject Property is in the middle of the block and fronts Annapolis Road to the north and 77<sup>th</sup> Avenue to the south. If a road extended through the Subject Property, it could create two blocks of 500 feet in width. However, the Subject Property is irregularly shaped and only has 1.58 feet of frontage on 77<sup>th</sup> Avenue, which is insufficient to extend a roadway. Even if additional right of way were available, the land falls off topographically in the rear of the Subject Property, dropping almost 30 feet in elevation in the last fifty feet of parcel depth. Finally, any roadway could only connect to a residential street, sending more traffic through a residential subdivision. As a result, even under the base NAC Zone, the Planning Director would support the existing, longer block length due to these circumstances.

**Build to Line:** In the NAC zone, the minimum build to line is 15 feet and the maximum build to line is 35 feet. However, Section 27-61203(a)(1) provides that “setbacks of buildings shall be consistent with other buildings on the block face to maintain a consistent plane or edge of buildings along public frontages” and that instead of the build to line set forth in Section 27-4204, “the setbacks of buildings shall vary no more than 15 percent from the setbacks of adjacent buildings.” In this instance, the setbacks of the adjacent buildings vary

between 24.2 and 60.3 feet. The Zoning Ordinance is not clear how to address such a divergence in setbacks, but the PD Zone allows for the build-to line to be established. The Applicant proposes to establish a minimum build-to line of 30 feet and a maximum build-to line of 55 feet. Based upon preliminary architectural layouts, the building will be designed with a step back in the center of the building. The entire building front, including the step back, will be designed as a courtyard to serve as a public benefit feature, which is described in greater detail below. The build-to zone established by this PD rezoning will be consistent with the guidance provided by Section 27-61203(a)(1) and allow for an enhancement of the streetscape.

**Building Height:** The maximum building height in the NAC zone is 60 feet. The Applicant is proposing a maximum height of 66 feet along the Annapolis Road frontage. This modest increase in height is to allow for appropriate ceiling heights greater than 9' for the amenities and non-profit space along Annapolis Road. Due to a grade change from the northeast corner to the northwest corner, the level two building slabs must step with the grade to allow direct access into the spaces from the proposed square between the building and Annapolis Road. Doing this pushes the building up at the podium. Above the podium level (level three), which is the lid of the amenities and commercial space,

the floor to floor is 10'-7-7/8" per floor. Due to the grade change from the Northern portion of the property to the Southern portion of the property, the levels above need to align for accessibility and to align with the parking deck levels. Considering all these elements that interact with a site that has substantial grade changes in multiple directions, the roof of the building lands at 65'-8" above the lowest grade along Annapolis Road at the northwest corner of the site. The northeast corner of the site will be 63'-8" above grade.

As noted in greater detail below, the Applicant is only seeking modification of three Development Standards in Part 27-6 of the Zoning Ordinance. The modification to Section 27-6206(e)(2) related to connectivity can be approved in an application under the base NAC Zone by the Planning Director where cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors. Thus, the NAC-PD zone does not allow for greater flexibility regarding this standard.

The modification to Section 27-61203(c)(1)(A) to allow the proposed building to utilize a flat roof in the design is likely not required, as noted below, but is being requested in the event there is a change to a recent interpretation of this

section. If this Development Standard is applicable, it could not be waived in the base NAC Zone.

The requested modification to Section 27-61203(c)(1)(E) relates to the ability to have balconies on the units that are oriented toward the single family detached dwellings located beyond the retained woods and beyond 77<sup>th</sup> Avenue. This Development Standard also cannot be modified in the base NAC Zone.

Attached hereto as Exhibit "A" is a summary of the modifications to the Intensity and Dimensional Standards and the Development Standards in Part 27-6 that demonstrates the limited modifications to the base NAC Zone standards being sought by the Applicant because of this Rezoning. Thus, the Applicant submits that the limited benefits accorded by obtaining a rezoning to the NAC-PD zone must be considered evaluating the public benefits proposed.

**Public Benefit Features Proposed:**

Section 27-4301(d)(3)(C) includes a list of eligible public benefit features. Many of these features are specific to the building design and efficient and economical site planning. In its initial submittal, the Applicant proposed public benefit features related to these factors. Zoning Division Staff has provided feedback regarding the specificity required to secure

public benefit features for such items. At this stage in the development process, the proposed building has not been fully designed and the Applicant is not in a position to proffer any specific conditions which would ensure a design which would be deemed “significantly” greater than design under the base NAC Zone. As a result, the Applicant does not propose public benefit features for these categories. Notwithstanding, the Applicant is committed to constructing a project which will include many features which it believes will qualify as public benefit features. A summary of these features/enhancements which the Applicant will attempt to incorporate into the design of the building and site is attached as Exhibit “B”.

The public benefit features proposed by the Applicant in this application are set forth below. The Applicant submits that these public benefit features are substantial, tangible and quantifiable as described below, and are more than sufficient to support the modest modifications to the Intensity and Dimensional Standards and Part 27-6 Development Standards proposed in this application.

**Section 27-4301(d)(3)(C)(vii): Provision of affordable housing options;**

**COMMENT:** The primary public benefit feature being provided by the Applicant is affordable housing near a transit station. The Applicant submits that the provision of affordable housing

benefits the public in general. The Applicant has a proven track record of constructing high-quality affordable housing projects and the approval of the requested PD Zone is necessary to proceed with the project as proposed. One critical County wide need is affordable housing, and particularly affordable housing that provides residents of the County with access to multiple modes of transportation. The proposed development will provide up to 300 affordable apartment units averaging to 60% AMI within less than a quarter mile from the future Glenridge Transit Station, which is currently under construction. The architecture will be consistent with comparable market rate housing utilizing high-quality materials and embellishments on all facades of the buildings. As evidence for the need in affordable rental housing, the Applicant is providing affordable housing in College Park known as The Flats at College Park. That project, with a total of 317 available units, is currently under construction and has not commenced leasing. However, there are over 1,000 people on the waiting list at that project. This speaks to the overwhelming need for additional public housing in the County.

With regard to providing assurances that this public benefit will be fulfilled, the Applicant notes that the affordable housing component will be guaranteed through low-

income housing tax credit (“LIHTC”) financing. To complete the financing, the Applicant must have a building permit. At that point, a covenant will be recorded setting forth this guarantee. The Applicant would propose that the PD rezoning with a condition which reads as follows:

**Prior to the issuance of a use and occupancy permit the proposed building, the Applicant shall provide evidence of the recordation of a Low-Income Housing Tax Credit Covenant entered into with the Community Development Administration, or other appropriate division of the State of Maryland.**

The Applicant further notes that pursuant to Section 27-3602(b)(11)(E), the conditions adopted with the rezoning, and accepted by the Applicant, must be recorded among the Land Records of Prince George’s County prior to the submittal of any subsequent application. Thus, there will be evidence in land records of the requirement to complete the LIHTC financing.

In comments provided by Staff of the Zoning Section, it was suggested that the covenant be recorded prior to the submittal of any subsequent application. Such a requirement is untenable and impossible to fulfill. The Applicant will not own the Subject Property until after approval of the Detailed Site Plan and does not have the legal authority to burden the property. Further, as noted above, the LIHTC financing cannot be completed until evidence that a building permit has been issued is

provided. The proposed condition provides sufficient assurance that the affordable housing public benefit will be provided.

**Section 27-4301(d)(3)(C)(x): Dedicated building space for uses to benefit the public, including, but not limited to, community educational or social development, promotion of the arts or similar programs, and/or business incubation;**

**COMMENT:** The Applicant has allocated up to 3,000 square feet in the proposed development to be provided to a neighborhood based non-profit at no rental cost. At The Flats at College Park, the Applicant allocated similar space which is being provided to a local non-profit. The Applicant intends to work with the community to identify an appropriate use that will not only benefit the project but the surrounding community as well. This is a public benefit that can benefit the surrounding community and the public in general depending on the scope and mission of the non-profit entity that occupies the space. The Applicant acknowledges that that a tenant has not yet been identified. In the event that a suitable entity cannot be identified within 12 months following the final use and occupancy permit for the residential units, the Applicant will fit out the space as meeting space for local community groups, civic associations, clubs and others in the community needing convenient space to conduct a meeting or event. The Applicant will manage the space in this manner for the benefit of the community until a suitable non-profit entity is identified and able to occupy the space.

Based upon the above, the Applicant would propose the following condition to ensure the provision of this dedicated building space to benefit the public:

The Applicant shall include 3,000± of non-residential space in the Detailed Site Plan to be submitted for this project. The Applicant shall use best efforts to provide this space rent free to a non-profit entity or entities upon construction of the building. In the event that the Applicant has been unable to identify an appropriate non-profit entity to occupy the space within one year following the issuance of the final use and occupancy permit for the residential units, the Applicant shall fit out the space as meeting space for local community groups, civic associations, clubs and others in the community and will manage the use of that space for the benefit of the community groups and organization which utilize it.

The above condition, which will be recorded among the Land Records in accordance with Section 27-3602(b)(11)(E), will ensure that the community space is included in the Detailed Site Plan and will be made available for use by either a non-profit organization or by the broader community as meeting space.

Section 27-4301(d)(3)(C)(xi): Sustainable and environmental benefits to the extent they exceed the standards otherwise required by the County Code, including, but not limited to:

(aa) Stormwater runoff controls in excess of those required by Subtitle 32 of the County Code and any other County stormwater management regulation;

(bb) Incorporation of environmental site design and other natural design techniques to store, infiltrate, evaporate, treat, and retain runoff in close proximity to where runoff is generated; and/or

(cc) Gardens, urban farms, or other on-site food production through permanent and viable growing space

and/or structures. Incorporation of environmental site design and other natural design techniques to store, infiltrate, evaporate, treat, and retain runoff in close proximity to where runoff is generated;

**COMMENT:** The Applicant proposes to incorporate significantly more green building features into the project than required by Part 27-6. A multifamily building exceeding 25 units is required to achieve a Green Building Score of 4 points. The Applicant proposes a minimum of 8 points, including, but not limited to, the following Green Building features:

- Development on previously used or developed land that is contaminated with waste or pollution (brownfield site) 1.00
- Development as a Transit-Oriented/Activity Center Planned Development (PD) zone 1.25
- Redevelopment of an existing parcel within a Neighborhood Reinvestment Area as designated on the Strategic Investment Map in the General Plan, a designated Priority Funding Area, or an area targeted for reinvestment by the Federal, State, or County government 1.00
- Construct the principal building(s) to meet or exceed LEED® Silver certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's International Green Construction Code 1.00
- All toilets are 1.28 GPF or less 0.50
- Retain at least 20% of existing pre-development natural vegetation 0.75
- Limit turf grass to 40% of the landscaped area 0.25
- Provide the following universal design features in 50% of the residential units in the development: 1.0
- Provide an electric vehicle (EV) level 2 charging station that is made available to those using the building 0.75
- Provide a covered and secure bicycle parking room that protects parked bicycles from the elements and from theft 1.00

All these features will be incorporated into the design of the building at the time of DSP and the provision of these features will benefit the public in general by reducing the carbon footprint of the building.

**Section 27-4301(d)(3)(C)(xiv): Multimodal transportation improvements, including, but not limited to, electric vehicle charging stations, the location and funding of bike share stations, commuter services (such as guaranteed ride home services or information on bicycle and car share programs), the construction and maintenance of buffered/separated bike lanes, provision of comprehensive wayfinding signage, provision and maintenance of bus shelters and smart signage, etc.;**

**COMMENT:** Currently, Section 27-3605(e) sets forth the requirements for EV charging stations. However, these requirements do not take effect until January 1, 2027. Thus, there is currently no requirement to provide EV charging stations. In a recent detailed site plan application filed under the prior Zoning Ordinance for The Flats at Glenridge Station (DSP-23008), the Planning Board approved a 245-unit multi-family project with 2 EV charging stations. The Planning Board was told that as an affordable housing project, there was little demand for EV charging stations.

The Applicant in this case believes that providing EV charging stations encourages residents to purchase electric vehicles, since they will not be dissuaded by a lack of

available chargers. As a result, the Applicant proposes to provide Electric Vehicle Supply Equipment (EVSE) for 20 electric vehicles and 50 EV-Ready Parking Spaces which provide a dedicated branch circuit that is not less than 40-ampere and 208/240-volt assigned for EVSE terminating in a receptacle or junction box located near the proposed EV parking space. While the spaces will be located in the proposed garage and only available for use by the residents, providing these charges benefits the general public by providing housing with access to charging stations. Older apartments do not provide this option. This also offers residents of the County in need of affordable housing the ability to purchase an electric vehicle, which may not be possible without access to a charging station.

In comments provided by Staff of the Zoning Section that the provision of EV charging stations proposed by the Applicant would not qualify as a public benefit unless the number of chargers provided exceeded the 2027 requirement and unless the EV charges were available for use by the general public. The Applicant adamantly submits that the Planning Board should reject this position. First, there is no requirement to provide EV charging stations at the present time. Providing EV charging stations at the level proposed by the applicant is clearly significantly superior than what is required. The Applicant

would proffer, however, that the number of EV ready spaces and the number of EV charging stations will exceed the 2027 requirement by 40%. The Applicant also rejects the notion that providing EV charging stations to the residents is not a public benefit. First, making the chargers available to public use creates a substantial security concern as the Applicant would be forced to allow the general public into the garage, which will have secure access. Second, encouraging the use of electric vehicles has been clearly proven to be a public benefit for the following reasons:

- **Cleaner air and better health:** Electric vehicles produce no tailpipe emissions, reducing environmental impact and contributing to cleaner air.
- **New jobs and economic growth:** The EV revolution creates economic opportunities.
- **Lower utility costs:** EVs can help reduce electricity consumption.
- **Quieter roads:** Electric cars are quieter than traditional gas-powered cars.
- **Climate benefits:** EVs help reduce greenhouse gas emissions.

Each of the factors listed above benefits the public in general. Allowing access to the EV charging stations by the general public may give the surrounding neighborhood access to more chargers, but Section 27-4301(d) (3) (A) clearly states public benefits can benefit “the surrounding neighborhood, or the public in general”. Also, Section 27-4301(d) (3) (A) states that the proposed public benefit must be “significantly greater than

would likely result from development of the site under a Base zone.” Clearly, the base zone currently requires zero charging stations and the Applicants proposal clearly exceeds that. Although not required to qualify as a public benefit, the Applicant would propose a condition to ensure the existence of EV charging stations:

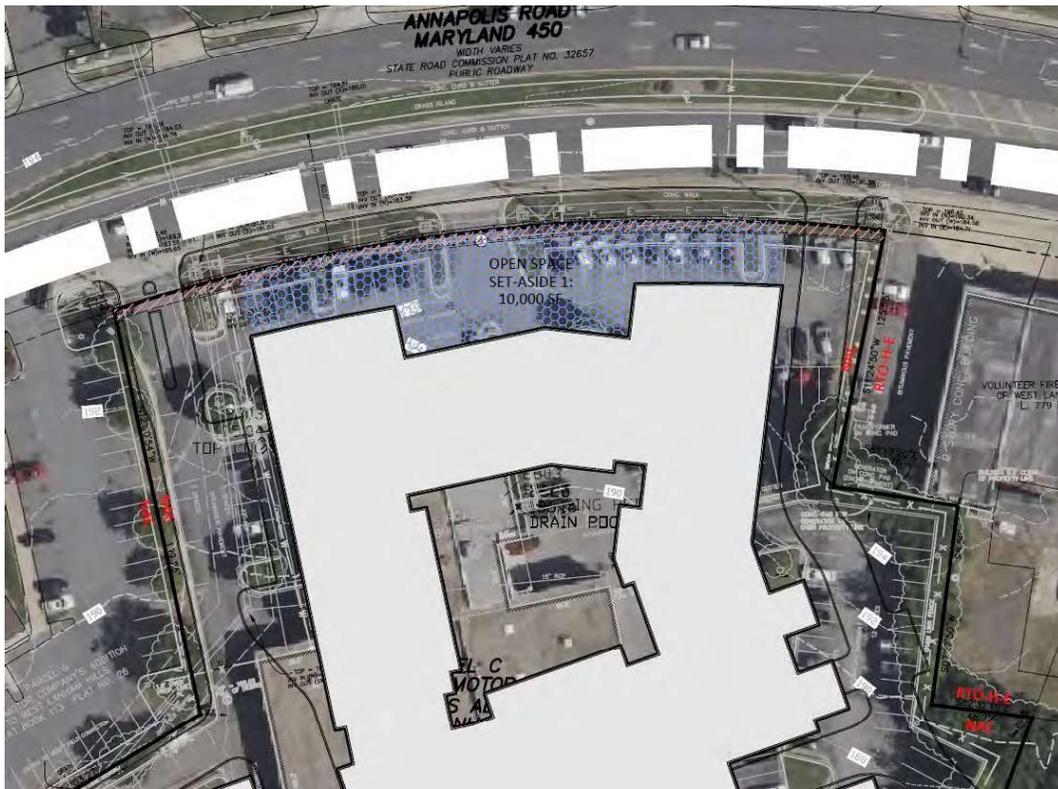
**At the time of Detailed Site Plan, the Applicant shall demonstrate that the number of EV Ready parking spaces and the number EVSE-Installed parking spaces exceeds the numbers set forth in Table 27-6305(e) of the Zoning Ordinance by 40%.**

This condition will be recorded in Land Records and will be implemented at the time of Detailed Site Plan.

**Section 27-4301(d) (3) (C) (xii): Enhanced streetscape design and maintenance provisions.**

**COMMENT:** The Open Space Set Aside provisions require that 50% of the open space in a transit-oriented zone to be provided in the form of a square, forecourt or plaza. While the Development Standards require that the square, forecourt or plaza have direct access to a street or sidewalk, it is not required to be oriented to the streetscape and it is not required to be accessible to or offered for use by the public. The Applicant intends to substantially exceed the open space set aside requirements in numerous, quantifiable ways. First the Applicant proposes to set the building back 30’ from the right of way for Annapolis Road and design a step back in the building

to create a square. Based on the gross site area, the required size of the square would be 7,000 square feet. The proposed square will be at least 40% larger. The Applicant will record a public use easement to ensure that the square can be accessed by and utilized by the public as they pass by the property. The location of this square is depicted on the image below, which is taken from the Open Space Set Aside Exhibit included with the Basic Plan:



As can be seen, the creation of this square will transform the streetscape. In addition, there are currently two metro bus stops on Annapolis Road just to the east and just to the west of the Subject Property. It is likely that this square will benefit

patrons of these bus stops. Finally, the square will include a public art feature. Providing a substantially larger square than required, locating it in an area visually accessible to the public, opening the square to public use and providing a public art feature are substantial public benefits not required by the base NAC zone.

The Applicant envisions this square as setting the stage for similar streetscape improvements as the properties between the Subject Property and the Glenridge Purple Line Station redevelop. The square will substantially upgrade the pedestrian experience and be a stark departure from the auto-centric suburban design currently exhibited on this block. This project can transform the Annapolis Road frontage near a long-awaited transit station.

The Applicant would propose the following conditions to implement this public benefit feature.

**At the time of Detailed Site Plan, the Applicant will provide a square, forecourt or plaza between the front façade of the building and Annapolis Road that exceeds the minimum area for a square, forecourt or plaza required pursuant to Section 27-6404(a)(2) by at least 40%.**

**At the time of Detailed Site Plan, the Applicant shall delineate the extent and location of any public use easement necessary to facilitate pedestrian access of any public pedestrian facilities located on site.**

**Prior to final plat, the Applicant shall execute a Public Pedestrian Use Easement for the area designated on the Detailed Site Plan to ensure public access to the public**

pedestrian facilities located on site. The Public Pedestrian Use Easement shall be recorded among the Land Records of Prince George's County and the recordation information for the Public Pedestrian Use Easement shall be reflected on the final plat.

## 2.3 DEVELOPMENT STANDARDS

Section 27-4301(d)(2) provides that the Development Standards and the Landscape Manual apply to all development in each PD zone. However, the development standards may be modified in accordance with Table 27-4301(d)(2). It is further noted that while minor departures are permitted to an approved PD Basic Plan in accordance with Section 27-3614, major departures are NOT permitted (see Section 27-4301(e)). Instead, applicants may only amend the approved PD Basic Plan in accordance with the procedures and standards established for its original approval. This is extremely restrictive given that the building has not been fully designed and it is difficult to determine if other departures are necessary at this early stage of development. However, the Applicant has identified modifications to the Development Standards which will require modification.

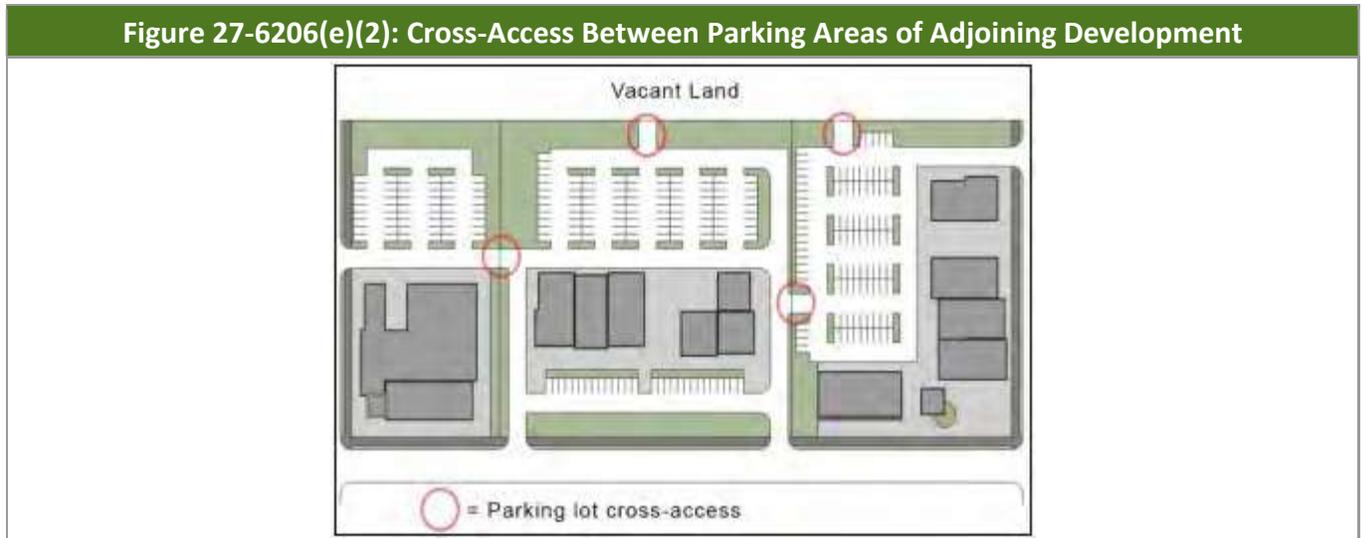
Based upon the current design of the proposed building, the following modifications and justification for the requested modification are set forth below:

1. Section 27-6206(e)(2) provides as follows:

## 2. Cross-Access Between Adjoining Developments

To encourage shared parking and minimize access points along streets, new development, other than industrial development, in the Transit-Oriented/Activity Center base and PD zones and Nonresidential base zones shall comply with the following standards:

A. The internal vehicular circulation system shall be designed and constructed to provide vehicular cross-access between the development's vehicular use areas and those on adjoining parcels containing a nonresidential or mixed-use development, or to the boundary of adjoining vacant land in a Transit-Oriented/Activity Center base or PD zone or a Nonresidential zone (see Figure 27-6206(e)(2): Cross-Access Between Parking Areas of Adjoining Developments).



B. Cross-accessways shall provide for two-way vehicular traffic between the vehicular use areas on the adjoining lots through the use of a single driveway or drive aisle that is at least 22 feet wide or through two one-way driveways or aisles that are each at least 14 feet wide.

C. The Planning Director or review body deciding a parent application may waive or modify the requirement for vehicular cross-access if the applicant clearly demonstrates that such cross-access is impractical or

undesirable due to the presence of topographic conditions, natural features, or safety factors.

D. Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of landowners, shall be recorded in the Land Records of Prince George's County before record plat or prior to the issuance of a building permit for the development.

**COMMENT:** Section 27-6206(e) requires that, in a PD zone, the internal vehicular circulation system shall be designed and constructed to provide vehicular cross-access between the development's vehicular use areas and those on adjoining parcels containing a nonresidential or mixed-use development. However, the review body deciding a parent application may waive or modify the requirement for vehicular cross-access if the applicant clearly demonstrates that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors.

**JUSTIFICATION FOR MODIFICATION:**

Along the eastern property line, the Subject Property abuts an operating County fire station. Cross access between the proposed development and the fire station would create safety concerns. In addition to the potential conflicts with public safety vehicles, there is an emergency crossover in the median of Annapolis Road. Connecting the proposed development to the

fire station site could encourage unauthorized use of this crossover, creating a traffic safety hazard.

Along the western property line, the two abutting properties are fully developed with a laundromat and a Jiffy Lube. These two uses currently have cross access as these are compatible uses. However, they are not compatible with the proposed use on the Subject Property. In addition, due to the median in Annapolis Road, there is no meaningful benefit to connecting the Subject Property with the abutting property since both access the same road. Creating cross access will create a traffic safety and circulation issues because the vast majority of residents will enter the western point of access. Vehicles entering that driveway from the abutting site will be a conflicting movement. Therefore, a modification is requested to not provide cross-access to the fire station to the east or the commercial uses to the west.

2. Section 27-61203(c) (1) (A) provides as follows:

**(c) Building Design**

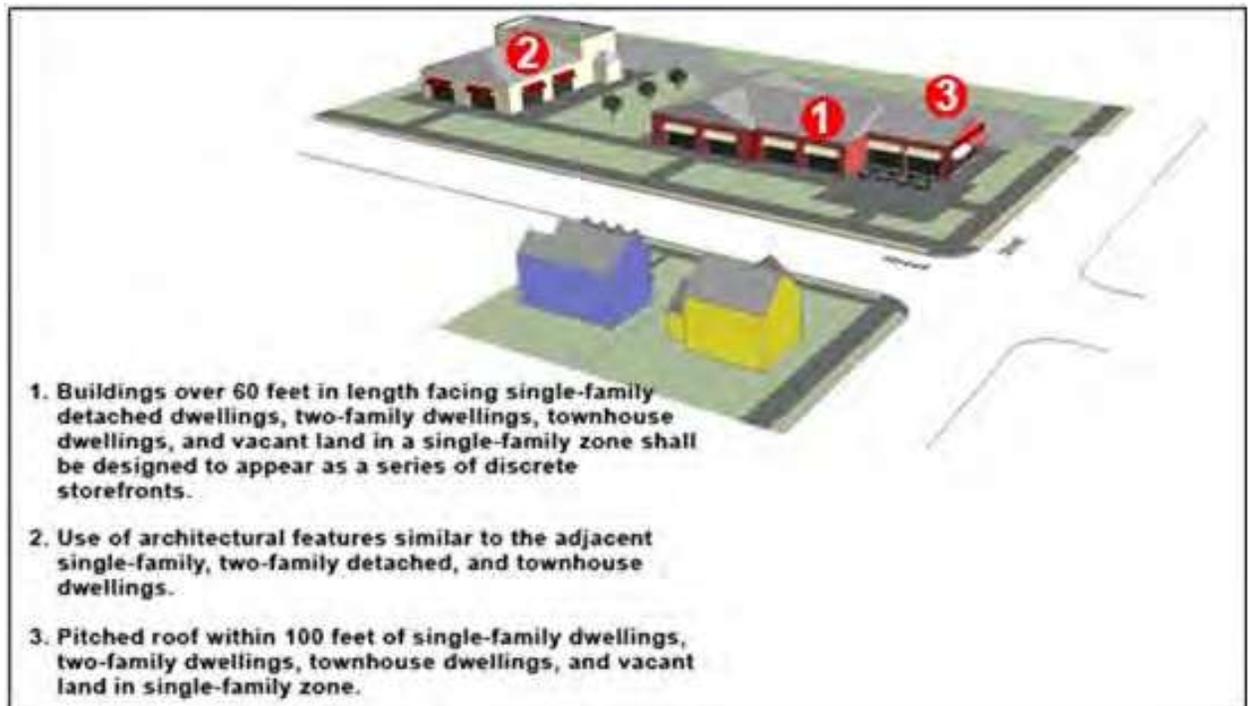
**(1) Buildings shall (see Figure 27-61203(c): Compatible Building Design):**

**(A) Use a similar roof type to adjacent single-family detached dwellings, two-family dwellings, or townhouse dwellings in terms of slope and arrangement to prevent abrupt changes in roof form;**

**COMMENT:** This section requires the use of a similar roof type to adjacent single-family detached dwellings in terms of slope and arrangement to prevent abrupt changes in roof form. The Applicant intends to utilize a flat roof on the proposed building, while the adjacent single-family dwellings (constructed in or about 1939) have pitched roofs.

### **JUSTIFICATION FOR MODIFICATION**

In a recent application where this development standard was triggered by the neighborhood compatibility standards, the applicant was advised by Urban Design Staff that if the single-family homes with pitched roofs are more than 100 feet from the proposed building, the standard does not apply. This interpretation was based on the figure associated with the requirement. Specifically, the requirement set forth above references Figure 27-61203(c). A copy of Figure 27-61203(c) is reproduced below. Comment #3 on the Figure references “Pitched roof within 100 feet of single single-family detached dwellings, two-family dwellings, or townhouse dwellings, and vacant land in a single-family zone.” See Comment #3 on the image below:



Based on this, Urban Design has determined that the correct interpretation of the design standard was that the requirement regarding similar roof types only applies if the adjacent structure with the roof is within 100 feet of the proposed building. In the instant case, the pitched roofs of adjacent single family detached homes are not located within 100 feet of the proposed structure and therefore it is the Applicant's understanding that this design standard does not apply. However, if it is now determined that the design standard does apply, the Applicant requests a modification.

In support of this modification, it is noted that the existing building on the Subject Property has a flat roof and the adjacent single-family homes are isolated to the rear of the

development. Further, the proposed development will be stepped down to conform to the neighborhood compatibility requirements. Requiring a pitched roof will make the building too tall in many places. Finally, there are existing woodlands along the rear of the Subject Property, as well as a substantial topographic difference to screen the adjoining single-family dwellings. The Subject Property will not have access to the single-family neighborhood and thus, there will be no perceived incompatibility. For these reasons, a modification is requested.

3. Section 27-61203 (c)(1)(E) provides as follows:

**(c) Building Design**

**(1) Buildings shall (see Figure 27-61203(c): Compatible Building Design):**

**(E) Orient porches, balconies, and outdoor activity areas away from adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone.**

**COMMENT:** This section requires that porches, balconies, and outdoor activity areas be oriented away from adjacent single-family detached dwellings. The Applicant desires to provide balconies on the southern portion of the building which faces a residential neighborhood on units that will line the parking garage.

## **JUSTIFICATION FOR MODIFICATION**

The southern façade of the building will be buffered by existing woodlands. The Subject Property fronts on and is oriented to Annapolis Road, not the residential neighborhood. In addition to buffering the rear façade, it will also be stepped down in height to three stories to conform to the neighborhood compatibility standards. Balconies will be an amenity for the residents and strict conformance to this design standard would not protect the adjoining neighborhood (for the reasons stated) but would negatively impact the use and enjoyment of the units impacted by the requirement.

As of the filing of the Zoning Map Amendment Application, the above modifications have been required. In the event that additional modifications are identified as being required, the Applicant will provide additional justification for such modifications.

### **3.0 SECTION 27-4303: STANDARDS APPLICABLE TO THE NAC-PD ZONE**

Section 27-4303 contains the standards applicable to the Transit-Oriented/Activity Center Planned Development Zones. These standards include a purpose statement, a list of the types of form, intensity, dimensional, development and design standards to be applied as part of the PD Basic Plan, and

references to applicable use and other standards. The provisions specifically applicable to the NAC-PD zone are set forth in Section 27-4303(a) and are addressed below:

### **3.1 SECTION 27-4303(a) (1): PURPOSES OF THE NAC-PD ZONE**

The purposes of the NAC-PD Zone are set forth in Section 4303(a) (1), and are addressed as follows:

**(a) The purposes of the Neighborhood Activity Center Planned Development (NAC-PD) Zone are:**

- (A) To accommodate and promote the establishment of high-quality, vibrant, lower- to moderate-density, mixed-use development that fosters economic development, reduces automobile dependency, supports walkable areas, and provides opportunities for alternative modes of travel;**

**COMMENT:** As noted above, the project focuses on environmental consciousness, energy efficiency, efficient vehicular circulation, pedestrian focused experiences, and public and private communal spaces through thoughtful planning, massing, materiality, and landscape design. The proposed development will be a high-quality project which will be designed to promote walkability, bicycle use and use of nearby transit facilities. In addition to the proposed purple line transit station, the site is proximate to the New Carrollton Metro Station and a bus stop is located on Annapolis Road immediately adjacent to the Subject Property. Therefore, the development will have access to many forms of travel and have easy access to both local and regional transit routes.

- (B) To provide use types and densities/intensities needed to support mixed-use and transit-supportive development (as appropriate);**

**COMMENT:** As noted herein, the Subject Property is located within the boundaries of the Annapolis Road/Glenridge Neighborhood Center. The vision for this Neighborhood Center, as stated in the 2010 Annapolis Road Corridor Sector Plan, is for a vibrant, pedestrian-friendly mixed-use node that supports community scaled, transit-oriented development. While this Sector Plan does not include the Subject Property, this vision is reinforced by the 2014 Plan Prince George's General Plan and the implementation of the new Zoning Ordinance through the adoption of the Countywide Sectional Map Amendment. The Subject Property has been historically used as a new car dealership, which is not a permitted use in the current NAC Zone. The proposed use of the property will provide new affordable residential housing in close proximity to the transit station, thereby furthering this specific purpose of the NAC-PD Zone.

- (C) To encourage a live, work, shop, and play environment that serves as an economic driver for the County's Neighborhood Centers;**

**COMMENT:** The Annapolis Road/Glenridge Purple Line Transit Station is currently under construction and will be operational by the time the Subject Property is developed. Existing commercial development already exists at the Glenridge Shopping

Center and other new development opportunities are being pursued (See the Flats at Glenridge project west of Veteran's Highway). New residential development focused on the proximity of the transit station will benefit existing retail facilities. In addition, this particular Neighborhood Center abuts the regional New Carrollton transit center, which is also the subject of active development. The new economic activity will encourage the work, live, shop and play environment purpose of the NAC-PD Zone.

- (D) To include a well-integrated mix of complementary uses, including commercial, personal services, office, and recreation, where appropriate to support residential uses and serve the needs of the surrounding neighborhood;**

**COMMENT:** The proposed development includes affordable multifamily housing in an amenity rich location as well as nonresidential space. The goal of the applicant is to identify an appropriate, community-based non-profit to occupy the nonresidential space. In the event an appropriate use cannot be located, an office or retail tenant will be sought which serves the residents of the building and the local community. Given the proximity of the site to the nearby Glenridge Shopping Center, additional commercial space is not proposed so as to unduly compete with an existing retail location.

- (E) To provide multiple, direct, and safe vehicular, bicycle, and pedestrian connections between development;**

**COMMENT:** As noted herein, the Subject Property is an infill redevelopment site for which the means of public access has been previously established. The Subject Property has frontage on Annapolis Road and 77<sup>th</sup> Avenue. However, the frontage on 77<sup>th</sup> Avenue is only 20 feet and does not support vehicular access. This portion of the Subject Property is also impacted by topography, which limits the ability to provide ADA compatible pedestrian access. This severe topography can be seen on the aerial photo below:



Notwithstanding, the site has access to a fully improved arterial roadway. Two points of access currently exist, and the Applicant

proposes to retain two points of access. The arterial roadway is improved with a median which restricts access to right-in/right-out movements. The proposed development will improve pedestrian access through widened sidewalks and bicycle facilities will also be provided on site.

- (F) To incorporate buildings, open spaces, and other site features that are arranged and designed to create an inviting, walkable, safe, and interactive environment;**

**COMMENT:** The amenities and commercial space on the street level along Annapolis Road will have a transparent envelope to promote an active and safe environment. A public courtyard will be provided along Annapolis Road and serve the adjacent amenities and commercial space and provide an accessible communal experience.

- (G) To include distinctive and attractive public spaces that help create an identity and sense of place for the zone; and**

**COMMENT:** An urban streetscape will be provided along the Annapolis Road frontage with pedestrian scale lighting, benches and street trees. It will be designed to complement the architecture of the multi-family building and provide attractive public space along the property frontage. This public space is dedicated within a public court which is adjacent to a bicycle path and sidewalk. The court shall be hardscaped, landscaped,

and amenitized to provide a sense of place and provide the user with a communal experience.

**(H) To provide a range of housing options.**

**COMMENT:** The proposed development will advance this purpose. The site will provide modern, highly amenitized multifamily housing near the Glenridge transit station consistent with the activity center designation in the General Plan. In addition, the development will offer affordable housing, with a range of bedroom sizes. The proposed development will help to achieve the lack of housing in general as well as the lack of affordable housing, expanding the range of housing options.

**3.2 SECTION 27-4303(a) (2): USE STANDARDS**

The specific principle uses allowed in an individual NAC-PD Zone shall be established in the PD Basic Plan in accordance with Section 27-4301(d) (1) (B). As noted above, the principle uses permitted will be multifamily residential dwellings, commercial uses permitted in the NAC Base Zone and any form of non-profit/community serving use.

**3.3 SECTION 27-4303(a) (3): INTENSITY AND DIMENSTIONAL STANDARDS**

Most of the Intensity and Dimensional Standards for the NAC-PD Zone are established in the PD Basic Plan. As such, the

Intensity and Dimensional Standards proposed for the development are set forth below (and are shown on the Basic Plan):

**DEVELOPMENT STANDARDS: NAC-PD**

STANDARD		NAC-PD PROPOSED
BLOCK LENGTH	EXISTING	1,043'
LOT AREA		5,000 SF
LOT WIDTH		50'
DENSITY	MIN DU PER ACRE	10
DENSITY	MAX DU PER ACRE	90
FLOOR AREA RATIO		N/A
LOT COVERAGE	MIN %	40%
LOT COVERAGE	MAX %	100%
BUILD-TO-LINE	MIN / MAX	30' / 55'
BUILDING WIDTH IN		
BUILD-TO ZONE	MIN % OF LOT WIDTH	60%
FRONT YARD DEPTH	MIN FT	0'
SIDE YARD DEPTH	MIN FT	0'
REAR YARD DEPTH	MIN FT	0'
	MIN % OF STREET-LEVEL	
	FAÇADE AREA ABUTTING OR FACING A STREET FRONTAGE OR PEDESTRIAN WAY	40%
BUILDING FAÇADE TRANSPARENCY	MIN % OF STREET LEVEL	
	FAÇADE AREA FACING A TRANSIT STATION OR PUBLIC GATHERING SPACE	35%
PRINCIPAL STRUCTURE HEIGHT	MAX	66'
OPEN SPACE SET-ASIDE	MIN % OF NET LOT AREA	7.5%

As noted above, and to the extent possible, the Intensity and Dimensional standards mirror the standards applicable to the base NAC Zone. Only block length, build-to-line and building height standards are proposed for modification. These standards

have been modified only to the extent necessary to accommodate the proposed development. A discussion of the need to revise each of these standards is set forth above. The standards for building façade transparency set forth above are as required in the base NAC zone. No modification is proposed. It appears that only the requirement related to a “façade abutting or facing a street frontage or pedestrian way” would be applicable to the Subject Property, but both standard are included consistent with the requirements of the base NAC Zone.

### **3.4 SECTION 27-4303(a) (4): OTHER STANDARDS**

Section 27-4303(a) (4) contains additional standards for approval of an NAC-PD development, as follows:

#### **LOCATION STANDARDS:**

**An NAC-PD Zone may only be located on lands within:**

- **A Neighborhood Center as designated on the Growth Policy Map in the General Plan or the applicable Area Master Plan or Sector Plan, as may be amended from time to time;**
- **The Innovation Corridor as designated on the Strategic Investment Map in the General Plan or the applicable Area Master Plan or Sector Plan, as may be amended from time to time; or**
- **Along that portion of US 1 located south of the Innovation Corridor to the border with Washington, D.C.**

**COMMENT:** The Subject Property complies with this standard because it is located within the boundaries of a Neighborhood Center as designated on the Growth Policy Map in the General

Plan. Specifically, the Subject property is located within the boundaries of the Annapolis/Glenridge Neighborhood Center, which extends one-half mile from the Glenridge Purple Line Station currently under construction. The boundaries of the Neighborhood Center, with the Subject Property outlined in red, can be seen on the attached aerial with the General Plan center designation layer highlighted:



**USE MIXING:**

The zone should be designed to provide a mix of residential and nonresidential uses to allow residents to meet more of their daily needs within the zone.

**COMMENT:** The Applicant proposes to include in the building up to 3,000 square feet of non-profit/commercial space. The commercial component of the Glenridge Transit Village is anchored by the Glenridge Shopping Center in the northwest

quadrant of the intersection of Annapolis Road and Veterans Highway. The proposed residential dwellings will support the shopping center and any future modifications to the center as the Transit Village matures.

#### **Vertical Mixing of Residential and Nonresidential Uses:**

**The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is encouraged.**

**COMMENT:** The proposed development includes a vertical mix of residential and nonresidential units. The ground floor will include the proposed non-profit/commercial space and will also include many of the building amenities allocated for use by the residents.

#### **Horizontal Mixing of Residential and Nonresidential**

**The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is allowed, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.**

**COMMENT:** While allowed, the proposed development does not propose the horizontal mixing of residential and nonresidential uses. Therefore, this provision is not applicable to the proposed development.

#### **Shopping Centers**

**Shopping centers shall be a minimum of two stories (multistory).**

**COMMENT:** This standard is not applicable as the proposed development is not a shopping center.

**Blocks and Alleys:**

The zone shall be laid out in blocks, streets, and alleys, to the maximum extent practicable.

**COMMENT:** The Subject Property does not contain sufficient acreage to support additional development beyond that proposed. Further, the configuration and topography of the Subject Property does not allow for cross streets or alleys to connect to other roads. Therefore, this standard is not applicable to the proposed development.

**Streets:**

Streets shall be organized according to a hierarchy based on function, capacity, and design speed. They should terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs should be provided to adjacent open land to provide for future connections. Gated streets are prohibited.

**COMMENT:** As referenced above, no new streets are proposed in conjunction with this development, given the limited road frontage of the Subject Property. The proposed development will access an existing abutting roadway (Annapolis Road), consistent with the historic use and access of the Subject Property. No access to 77<sup>th</sup> Avenue to the south is proposed due to the lack of road frontage and the topography along the southern boundary line.

**Parking:**

- Along any street frontage, all proposed new or additional off-street surface vehicle parking shall be located to the

rear or side of the development's principal building(s) or in a parking structure.

- Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain fewer spaces each and are visually separated by buildings or landscaped swales.
- All vehicle parking lots and structures shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas.

**COMMENT:** The majority of the parking to serve the proposed development will be in a parking garage which is integrated into the site and screened from view by liner buildings. A small number of surface parking spaces are provided to allow convenient access to the rental office. The Basic Plan depicts the on-site pedestrian routes on-site, although most residents of the building will access the building directly from the parking garage.

#### Private Sidewalks and Private Street Trees:

- Sidewalks shall be located on both sides of every street with a planting strip between the curb and the sidewalk, as established in the PD Basic Plan. Street trees shall be spaced between 40 and 50 feet on center.
- Sidewalks along street frontages shall be at least 10 feet wide and shall maintain a pedestrian "clear zone" that is at least 5 feet in width and unobstructed by any permanent or nonpermanent object.
- At least one walkway from an adjacent sidewalk shall be provided to each pedestrian entrance.
- Where a sidewalk, greenway path, or other walkway crosses a street, driveway, or drive aisle, the crossing shall be

clearly marked with a change in paving material, color, or height, decorative bollards, or similar elements.

**COMMENT:** The site will be designed to conform to the sidewalk and street tree standards set forth above. Sidewalks will be provided to each pedestrian access point as required as well.

**Connectivity:**

The internal vehicular, bicycle, and pedestrian circulation system shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and any internal systems of adjoining lots, to the maximum extent practicable.

**COMMENT:** The Subject Property will be developed with integrated vehicular, bicycle and pedestrian connectivity. Cross-access between the internal systems and adjoining lots is not practical at this time given the uses currently located on the adjoining lots. In particular, the abutting property to the east is an operating fire station, which impacts the ability for cross-access.

**Building Configuration:**

- Public buildings and uses, including government facilities, cultural facilities, religious institutions, assembly uses, and schools, should serve as focal points and landmarks for the zone and are encouraged to be located on prominent sites.
- To the maximum extent practicable, buildings shall be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings should have a fairly consistent setback alignment along the street frontage.
- Buildings should be designed with a common architectural scheme and landscaping to support that identity. The intent

**should not be to create a uniform appearance, but rather a distinct sense of place.**

**COMMENT:** The multifamily building will be 6 stories along Annapolis Road and hold a strong urban edge to define the street edge and step down to 3 stories as the development reaches back toward the residential neighborhood. The building will extend up to a 25' setback along Annapolis Road, and step back up to 49' in the center to create a public courtyard. The parking garage is wrapped by residential units and will be blocked from view. The building will act as a buffer between Annapolis Road and a private residential courtyard that is centrally located to provide the residents with an outdoor amenity. The landscape and materiality of the building will coexist to provide an inviting environment and a distinct sense of place.

**Transparency:**

**Where the façade of a principal building other than a single-family detached or two-family dwelling abuts or faces a street frontage with a sidewalk, or a public gathering space, a percentage of the street-level façade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians.**

**COMMENT:** The amenities and commercial space at the street level along Annapolis Road will have a transparent envelope to promote an active and safe environment. The amenities and commercial space will look out onto the public courtyard and provide visual and physical access to and from each space.

### Open Space Design:

Open space should be designed in a hierarchy of formal and informal spaces and used to enhance activity and identity. Formal open spaces consist of squares, greens, common areas, or other park-like settings where people may gather. Such areas should be bounded by streets and/or buildings. Informal open spaces are encouraged to be located throughout the zone, and take the form of walking paths, greenways, parks, passive recreation areas, and natural areas.

**COMMENT:** An urban streetscape will be provided along the Annapolis Road frontage with pedestrian scale lighting, benches and street trees. It will be designed to complement the architecture of the multi-family building and provide attractive public space along the property frontage. More informal open spaces will be located throughout the site for the use of the residents, as well as the existing forest preservation area.

### **4.0 SECTION 27-3602(c): PD DECISION STANDARDS**

Prior to the approval of the PD zone, the applicant shall demonstrate to the satisfaction of the District Council that the entire development:

- (1) Is in conformance with the General Plan, the applicable Area Master Plan or Sector Plan, or any applicable Functional Master Plan;**

**COMMENT:** In this instance, the Subject Property is subject to the 1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69). As this Master Plan is 30 years old, the recommendations contained

therein are limited in their relevance and applicability to the Subject Property today.

Review of the Master Plan shows no specific recommendations regarding future redevelopment of the Subject Property or the Analysis Area abutting the Subject Property (Analysis Area 9, p. 52). Therefore, there is no instructive recommendation in the Master Plan for this property.

Due to the age of the Master Plan, it predates the Purple Line. However, the Master Plan did note the need for a transit line extending from Silver Spring to New Carrollton. On Page 138 of the Master Plan, the following discussion is set forth:

**2. It is recommended that the possibility of an east-west transit line extension from Silver Spring to New Carrollton be studied. This transit way could be an extension of the proposed Bethesda to Silver Spring light rail line and would provide a lateral connection between several Metrobus and Metrorail lines and several dense pockets of existing and proposed inner Beltway development. The feasibility of this transit option should be explored outside the Bladensburg-New Carrollton Master Plan adoption/approval process due to the fact that the impacts and benefits of this proposal are of regional importance and affect a much larger area than Planning Area 69. This project should be considered for inclusion in any future update of the Master Plan of Transportation.” (emphasis supplied)**

Therefore, while the 1994 The Master Plan is applicable as the most recently adopted Master Plan, it does not provide guidance on the proposed rezoning.

While the 1994 Master Plan is outdated, the 2014 Plan Prince George's 2035 Approved General Plan (Plan 2035) contemplated the Purple Line construction. The General Plan does not contain parcel specific recommendations, but it does identify the future Purple Line transit station locations and assigns center designations to them. One such station is the Annapolis/Glenridge Neighborhood Center. The intent of designating the Purple Line stations as local centers was clearly enunciated in Plan 2035:

**“Local Centers: Plan 2035 designates 26 Local Centers, which includes new Purple Line stations, as focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available. Town Centers will often be larger in size and may rely more on vehicular transportation. See Table 16 for further description of the various centers. (page 19)”**

At the time the Countywide Sectional Map Amendment was adopted, centers without defined boundaries in an underlying plan were considered to extend one-half mile from the transit station platform. The Subject Property is located within one-half mile of the future Annapolis Road/Glenridge transit stop, and therefore was rezoned to the NAC Zone. In Table 16 of Plan 2035, a brief discussion of each of the Neighborhood Centers is set forth.

This discussion identifies that the Glenridge Station would include new residential development with a density range of 10-15 dwelling units per acre. However, the District Council recently adopted CB-15-2024. One of the modifications included in this legislation was to increase the allowable density in the NAC Zone. Thus, instead of a density range of 10-30 dwelling units per acre, the density range now allowed in the NAC Zone is 10-90 dwelling units per acre. The purpose of increasing the density is set forth in a letter dated February 1, 2024 from Staff of the Maryland-National Capital Park and Planning Commission in its analysis of LDR-40-2024, which became CB-15-2024. In this analysis, Staff stated:

**In terms of policies and strategies of Plan Prince George's 2035, example policies include Policy 1: "(d)irect a majority of projected new residential and employment growth to the Regional Transit Districts in accordance with the Growth Policy Map and the Growth Management goals set forth in Table 17" and Policy 7: "(l)imit future mixed-use land uses outside of the Regional Transit Districts and Local Centers." LDR-40-2024 complies with these goals through a variety of means. Perhaps most directly, Policy 1 is directly supported by the proposal in LDR-40-2024 to increase the baseline residential density maximum in the County's Transit-Oriented/Activity Center base zones. This increase will greatly incentivize investment and growth in these zones, including the County's eight Regional Transit Districts.**

The proposed development of the Subject Property will create up to 300 dwelling units, a density of 69 dwelling units per acre.

This proposed density is consistent with the density now permitted in the NAC Zone.

The Applicant would further note that while half of the Annapolis Road/Glenridge Center is still governed by the 1994 Master Plan, the remainder of the center west of Veteran's Highway was included in the 2010 Central Annapolis Road Approved Sector Plan and Sectional Map Amendment. Although 14 years old, the Central Annapolis Road Sector plan does provide guidance and recommendations to guide land use for the half of the transit station governed by that plan.

The Central Annapolis Road Sector Plan describes the vision for Glenridge Transit Village character area thusly:

**“bounded by Veterans Parkway on the east, Glenridge Park on the north, Buchanan Street on the south, and Ardwick-Ardmore Road/Surrey Lane on the west—built around the proposed Purple Line light rail station at Annapolis Road and Veterans Parkway, is envisioned to develop as a vibrant, pedestrian-friendly mixed-use node that supports community scaled, transit-oriented development, and new employment/commercial opportunities (see Bird's Eye View on facing page). With enhanced pedestrian, bicycle, and transit access, it forges new connections to key centers in northern Prince George's County and Montgomery County. (page 58)”**

The plan goes on to say that “With the construction of the Purple Line station, Glenridge is positioned to evolve into a mixed-use transit village”. Page 58. Further, the plan states:

**“Housing development in the transit village can also capitalize on Glenridge's Land Use Plan convenient location, transit access, and mixed-use character, with a target market of one- and two-person households generally between**

25 to 40 years old. The plan envisions 400–500 new multifamily housing units built within walking distance of the transit station.” P 61

Since the adoption of the 2010 Sector Plan, one new development has been proposed within the Glenridge Transit Center, a mixed-use project known as the Flats at Glenridge Station (CSP-23001 and PPS 4-23005), the location of which can be seen below, with the Subject Property outlined in red and the Flats at Glenridge Station highlighted in blue:



This development proposes 245 dwelling units and 1,380 square feet of office space on 3.0 acres of land located just south of the Purple Line transit station. Although now also zoned NAC, this property is being developed in accordance with its prior M-

X-T/DDO Zoning. In approving CSP-23001, the Planning Board made the following finding regarding Master Plan conformance:

The subject site is located within the Glenridge Transit Village of the sector plan. Located near a future Purple Line station, this character area is envisioned to develop as a vibrant, pedestrian-friendly, mixed-use node that supports community scaled, transit-oriented development, and new employment/commercial opportunities. The sector plan notes that Glenridge Transit Village can offer a neighborhood-oriented and affordable mix of land uses, including housing, offices, neighborhood-serving retail, and public space. Specifically, this area has potential for new and affordable mid-rise Class B office space, since it is located within walking distance of transit and services (page 58). Regarding housing development, the sector plan also envisions 400–500 new multifamily housing units (page 60).

By extrapolation, the vision for the Glenridge Station described above for the west side of Veterans Highway will also extend to the east side to include the Subject Property. The proposed redevelopment of the Subject Property as a predominantly residential, mixed-use project is clearly consistent with the vision of Plan 2035 to focus development in transit centers. It is also consistent with the vision for the Glenridge Transit Center set forth in the 2010 Annapolis Road Corridor Sector Plan.

In pre-application comments received from the Environmental Planning Section, the Applicant was requested to “provide a written explanation of how the Environmental Envelope Goal and Objectives of 1994 Approved Master Plan for Bladensburg, New Carrollton and Vicinity will be met.” The 1994 Master Plan

chapter addressing the Environmental Envelope is set forth on pages 13-24. This discussion includes an overarching goal as well as several objectives to implement that goal. Set forth below are the goal and objectives set forth in the Master Plan and a comment explaining how the goal/objective will be met by the proposed development.

**GOAL: To protect and enhance the environmental quality of the Planning Area by preserving natural environmental assets as an integral part of the community.**

**Comment:** The proposed project advances this goal in two ways. First, after the adoption of the Master Plan in 1994, Prince George's County adopted General Plan "Plan 2035". Plan 2035 encourages the concentration of future development into existing developed areas, and in particular to transit-oriented centers. The proposed development is within one of the transit-oriented centers designated by Plan 2035. Second, the proposed development represents the redevelopment of an already developed site. The existing development, an auto oriented use, is not consistent with the center designation in Plan 2035. The proposed development will respect the existing natural features on site, improve environmental quality by cleaning up the contamination which resulted from the prior automotive use and by providing stormwater management to control future runoff. Thus,

the goal of the Master Plan to protect and enhance environmental quality is achieved by the proposed development.

## **OBJECTIVES**

- **To identify and preserve natural and manmade features that have a significant influence on the environmental and aesthetic quality of the Planning Area.**

**COMMENT:** The Master Plan notes that much of the Planning Area is developed and that the overall framework of open space has already been developed. As a result, the focus of the Master Plan is to protect, restore and enhance the remaining environmental features whenever possible. The Master Plan identifies the features to be preserved, which include surface waters and floodplains (p. 14), wetlands (p. 15), stormwater management (p. 15), Chesapeake Bay Critical Area (p. 15), woodlands and urban forest (p. 16), noise (p. 16), air quality (P. 17), solid waste management (p. 17) and Anacostia River Restoration (p. 18). Under current regulations, each of these environmental features is required to be addressed, beginning with the preparation and approval of a Natural Resources Inventory. An approved Natural Resources Inventory is submitted with this application for evaluation. As the project advances through the entitlement process, the Planning Board must find

that the regulated environmental features on site are preserved or restored to the fullest extent possible.

The Natural Resources inventory identifies the regulated environmental features on-site, including floodplains, wetlands, steep slopes, forest, and specimen trees. No streams or nontidal wetlands were identified on-site and none of the property is located within the 100-year floodplain. The site also does not contain wetlands of special State concern as defined in COMAR 26.23.06.01, or a Tier II waterbody as defined in COMAR 26.08.02.04.

Stormwater management will be addressed with the review and approval of a Site Development Concept Plan by the Department of Permitting, Inspections and Enforcement. No portion of the property is located within the Chesapeake Bay Critical Area.

The Master Plan Recommendation establishes a woodland cover goal for the Planning Area, to be achieved through retention of woodlands in new developments. The Natural Resource Inventory/Forest Stand Delineation prepared for the subject property identifies 0.41 acres of existing forest on-site, the majority of which will be saved. The Applicant will preserve existing woodlands along the southern portion of the site as a buffer to the residential neighborhood. There are no specimen, champion or historic trees on the subject property.

The development is located adjacent to MD Route 450 and MD Route 410, both master planned and state designated as arterial or higher roadways that are regulated for noise. A Phase I noise study will be required at the time of Preliminary Plan of Subdivision.

The Master Plan recommends that the County continue to participate in developing a plan to achieve federal air quality standards. Air quality is a regional issue, but the proposed development does not produce any emissions that would adversely affect air quality. As addressed elsewhere herein, the Applicant is providing EV charging stations and EV ready parking spaces to encourage the use of EV's, which reduce air emissions typically associated with vehicular use. The Subject Property is also within the Annapolis Road/Glenridge transit center and close to the New Carrollton Metro Center. A Metro Bus Stop is also located on Annapolis Road approximately 250 feet west of the Subject Property. Thus, multiple public transit options will be within walking distance of the Subject Property, further reducing dependence on automobiles.

Regarding Anacostia River Restoration standards, the Subject Property does not include any streams or tributaries of the Anacostia River. As a redevelopment site, however, modern stormwater management practices will be implemented to ensure

that any stormwater generated by the proposed development is treated prior to discharge. In addition, the Applicant will participate in MDE's Voluntary Cleanup Program to remove contamination resulting from its prior use as an automobile dealership.

For the reasons outlined above, conformance with this objective is achieved.

- **To protect, enhance and expand where possible the public and private open space network as an environmental framework for development.**

**COMMENT:** The open space network set forth in the Master Plan emphasizes the linkage needed for Countywide trail systems. Here, the property abuts open space under government ownership (the abutting property is owned by M-NCPPC) but the opportunity to expand or enhance is limited by steep slopes on site. However, the implementation strategy for the open space network also emphasizes the exercise of existing land use controls and recommended policies without unreasonable demand on the private sector.

In achieving the objective of an open space network, the environmental envelope specifies an implementation strategy that encourages developers to utilize Comprehensive Design Zones to cluster development to ensure environmentally responsible development. The proposed planned development zone achieves the

same goal as the prior comprehensive design zones by providing the flexibility to achieve the design goals while also preserving on site natural features to the maximum extent possible.

- **To locate development according to the opportunities and constraints presented by local environmental characteristics.**

**COMMENT:** The Subject Property presents a prime opportunity for transit-oriented development without impact to environmental features. The proposed project will be constructed within an area that is already developed, and the Applicant will further remediate past contamination through participation in MDE's Voluntary Cleanup Program. Since the Subject Property is within a short walk to the future Purple Line Station, there could not have been a better location for the development from an environmental impact perspective.

- **To guide development in a manner that will minimize any adverse impacts on the natural environment, with particular emphasis on the stream valleys and buffers of the Northeast Branch and its Brier Ditch tributary, the tributaries to Beaverdam Creek and the Anacostia River.**

**COMMENT:** The Northeast Branch and its Brier Ditch tributary are not proximate to the Subject Property and will not be impacted by the proposed development. A stream is located to the west of the site, more than 100 feet from the property boundary. The Primary Management Area falls on the westernmost tip of the subject property and comprises 0.04 acres on-site. As noted above,

existing contamination associated with the prior use of the Subject Property will be remediated and stormwater management will be provided to ensure that any runoff from the development is treated. Therefore, the objective set forth by the Master Plan is achieved.

- **To maintain the natural character and aesthetic qualities of stream valleys, wetlands and associated buffers properly planning for stormwater management to prevent loss of life, to minimize property damage, and avoid interruption of services.**

**COMMENT:** The Subject Property will redevelop a site previously developed in 1960. There are no streams or wetlands on site. The buffer from an adjacent stream impacts .04 acres of the site and will be preserved in its natural state. The stormwater management practices of the original site were negligible or even nonexistent as stormwater management practices were largely unregulated at that time. The site is being redeveloped to comply with modern stormwater management regulations. On-site stormwater drainage and stormwater management facilities will be located throughout the site to manage the required quality and quantity volumes to the maximum extent practicable. As stated previously, stormwater management will be addressed with the review and approval of a Site Development Concept Plan by the Department of Permitting, Inspections and Enforcement.

- **To improve water quality and to provide for the protection and propagation of fish and wildlife (including any**

**threatened and endangered species) and the enjoyment of water recreation facilities.**

**COMMENT:** The redevelopment of the Subject Property will be done in accordance with current environmental site design standards regarding stormwater management. This will improve water quality. Additionally, the Wildlife and Heritage Division of the Maryland Department of Natural Resources has confirmed that there are no threatened or endangered species of fish and wildlife within the project site. Accordingly, conformance with this objective is achieved.

Based upon the above, the proposed development meets the goal and objectives of the 1994 Master Plan. Given the age of the Master Plan and the changes in regulations which have enhanced the preservation of regulated environmental features and the design of stormwater management facilities, conformance with current regulations ensures that the Master Plan's objectives will be achieved. In addition, however, the Subject Property presents an infill redevelopment opportunity that is close to transit, allows for existing contamination associated with the prior use to be remediated and has minimal impact on the environment. For these reasons, it is clear that the goals and objectives as they are set forth in the Environmental Envelope of this Master Plan are met.

Based upon the above, the Applicant submits that the District Council can find that the proposed development is in conformance with the Master plan and the General Plan's vision for attracting development to local transit centers.

**(2) Meets the purposes of the proposed PD zone;**

**COMMENT:** Conformance with the purposes of the NAC-PD zone is addressed in Section 3.1 of this Statement of Justification above.

**(3) Satisfies all applicable standards of the proposed PD zone; and**

**COMMENT:** The Applicable standards of the NAC-PD Zone are addressed in Section 3.1 of this Statement of Justification above.

**(4) Will not adversely impact the surrounding properties.**

**COMMENT:** The proposed development is a redevelopment site, and all surrounding properties are fully developed (except for abutting publicly owned parcels). The site represents an opportunity to transition a key location from an auto-oriented use to a transit-oriented use in a manner which fully conforms to the purposes of Plan Prince George's 2035. As such, the proposed development will not in any way adversely impact the ability of surrounding properties to redevelop in a similar manner.

## 5.0 CONCLUSION

In conclusion, the NAC-PD Zone encourages, and provides the appropriate mechanism to realize, transit-oriented development in designated activity centers. A medium density affordable housing proposal clearly conforms to the purposes and regulations of the NAC-PD Zone.

The proposed Basic Plan provides an overview of the proposal and its relationship to the Master Plan, Plan 2035, the NAC-PD Zone, and the new Prince George's County Zoning Ordinance. More specific development details will be examined through the following stages of the review process. Having satisfied the requirements for approval and being in harmony with the purposes of the Neighborhood Activity Center Planned Development Zone, we respectfully request approval of rezoning to the NAC-PD Zone.

Respectfully submitted



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# PROPOSED NAC-PD DEVELOPMENT STANDARD MODIFICATIONS

NAC Zone/Part 27-6 Development Standard <u>Rezoning?</u>	NAC-PD Zone Modification	Relief Available without PD
Section 27-4204(c); Block Length 200' minimum/600' maximum	Existing Block Condition 1043' block length maximum	Yes; Planning Director
Section 27-4204(c): Build-to-Line Unclear: Min/Max: 15'/35' om NAC Zone, but Section 61203(a)(1) requires greater setback based on adjacent building setbacks	Min/Max: 30'/55' to create space for pedestrian Plaza—consistent with adjacent buildings	If build-to-line requirement different than proposed, no.
Section 27-4204(c): Principle Structure Height Maximum: 60'	Maximum Building Height: 66'	Yes; Variance provided building otherwise conforms to neighborhood compatibility standards
Section 27-6206(e)(2): Connectivity Requires connection to abutting properties	No connection proposed—abutting properties a fire station and laundromat	Yes; Planning Director
27-61203(c)(1)(A): Must use similar roof type as adjacent single-family houses.	Flat roof proposed; single family homes not within 100 feet; requirement not applicable	No—but requirement determined not applicable
Section 27-61203(c)(1)(E): Balconies can't be oriented toward adjacent single family homes	Balconies on rear of building oriented to single family homes screened by existing woodlands	No relief available.

## EXHIBIT “B”

### PUBLIC BENEFIT DESIGN FEATURES TO BE INCORPORATED AT THE TIME OF DETAILED SITE PLAN

The Applicant intends to incorporate the features outlined below at the time of Detailed Site Plan which address several of the public benefit features outlined in Section 27-4301(d) (3).

**Section 27-4301(d) (3) (C) (i):** Urban design and architecture superior to the high baseline expectation set by this Ordinance, including but not limited to high-quality materials and embellishments on all facades of all buildings, unique and/or signature architectural forms, innovative urban design relationships and placemaking, and demonstrated commitment to superior quality;

**COMMENT:** The Applicant will incorporated several design features which exhibit a public benefit. The Applicant submits that these features benefit the neighborhood surrounding the proposed development as they create a higher quality development and raise the bar for future development proposals in the area. The features which will be incorporated into the building and site design are as follows:

**1. Activate the Edge/Sidewalk with Active Uses along Annapolis Rd:**

- o **Purpose:** Enhancing street-level engagement fosters a vibrant public realm.
- o **Implementation:** Incorporate retail spaces, cafes, or galleries at ground level to encourage pedestrian interaction. Design elements such as transparent façades and frequent entrances can further enliven the streetscape. The base ordinance requires 40% glazing abutting sidewalks, and this project will provide up to 45% transparency along the sidewalk on level 1.

## 2. Parking Moved to Center of the Site and Hidden by Units:

- **Purpose:** Concealing parking areas improves aesthetic appeal and allocates prime frontage for active uses. The Zoning Ordinance does not prohibit surface parking or prohibit parking which is otherwise visible from outside the property.
- **Implementation:** Position parking structures centrally within the development, surrounded by residential or commercial units, effectively hiding them from street view. The base ordinance allows Street facing Parking Structure Facades and this project hides the parking structure all together.

## 3. Recess Upper Portions of the Building 25' from the setback along Annapolis Road to Provide Shadow Lines, Massing Variations, and Varying Material Transitions:

- **Purpose:** Articulating building massing enhances visual interest and reduces perceived scale. The base ordinance only requires 1' articulations.
- **Implementation:** Set back upper floors from the street frontage, utilizing different materials and design techniques to create depth and shadow effects. The base ordinance requires a minimum of 3 selections under Building massing and Scale. This project will incorporate at least 7 of the possible selections including (aa, bb, cc, ee, ff, hh, ii).

Implementing the above strategies can significantly enhance the urban fabric, creating a more engaging, sustainable, and aesthetically pleasing environment that exceeds standard ordinance requirements.

**Section 27-4301(d)(3)(C)(iv): Site planning demonstrating efficient and economical land utilization;**

**COMMENT:** The Applicant has incorporated design features which demonstrate the efficient and economical use of the land. Again,

to the extent that these features enhance the design of the project and enhance the streetscape, these features are a public benefit to the surrounding neighborhood rather than just the public in general. These design features are as follows:

**1. Two Points in Ingress and Egress to Minimize Traffic Impacts and Provide Loading Efficiency:**

- **Traffic Flow Optimization:** Designing separate entry and exit points reduces congestion, enhancing safety and accessibility.
- **Loading Efficiency:** Dedicated access points streamline loading operations, minimizing disruptions to other site activities.

**2. Parking Moved to Center of the Site and Hidden by Units:**

- **Aesthetic Enhancement:** Centralized parking concealed by buildings improves the site's visual appeal.
- **Space Maximization:** This layout frees up peripheral areas for landscaping or additional structures, optimizing land use.

**3. Maximizing Density and Allowable Uses on Site:**

- **Resource Efficiency:** Higher density supports efficient infrastructure use and reduces per capita land consumption.
- **Diverse Functionality:** Mixed-use developments cater to various needs, enhancing convenience for residents and visitors.

**4. Minimize the Disruption of Existing Forested Areas:**

- **Environmental Preservation:** Protecting natural landscapes maintains biodiversity and contributes to ecological health.
- **Sustainable Development:** Conserving green spaces aligns with sustainable land use practices, promoting environmental resilience.

**5. Stepping the Building with the Grades:**

- **Topographical Integration:** Designing structures that follow the natural land slope reduces excavation needs and preserves the site's character.
- **Structural Harmony:** This approach can enhance building stability and blend the development seamlessly into the landscape.

Implementing the above strategies leads to a well-planned site that balances functionality, aesthetics, and sustainability.

**Section 27-4301(d)(3)(C)(xi): Sustainable and environmental benefits to the extent they exceed the standards otherwise required by the County Code, including, but not limited to:**

(aa) Stormwater runoff controls in excess of those required by Subtitle 32 of the County Code and any other County stormwater management regulation;

(bb) Incorporation of environmental site design and other natural design techniques to store, infiltrate, evaporate, treat, and retain runoff in close proximity to where runoff is generated; and/or

(cc) Gardens, urban farms, or other on-site food production through permanent and viable growing space and/or structures. Incorporation of environmental site design and other natural design techniques to store, infiltrate, evaporate, treat, and retain runoff in close proximity to where runoff is generated;

**COMMENT:** As noted above, the Applicant is proposing to incorporate substantially more green building features into the building as a public benefit. In addition, the Applicant is committed to incorporating sustainable and environmental benefits into the project design. The site has been used historically as a new car dealership. This dealership was constructed prior to the implementation of stormwater management regulations. The prior use of the property also resulted in contamination of the soils by

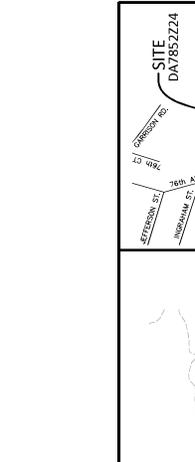
oil based solvents. If appropriate, the Applicant intends to enroll in MDE's Voluntary Cleanup Program to ensure the ability to transition the Subject Property to a residential use. Whether enrolled in the VCP or not, the applicant will remove any contamination from the prior use prior to its development.

While any redevelopment of the Subject Property will require the remediation of prior contamination, the property has continued to be occupied by automotive uses and has access to the use list in the prior Zoning Ordinance until April 1, 2032 if the proposed project does not come to fruition. Also, remediation of the site to allow for residential use requires a higher level of remediation than non-residential development. For these reasons, the proposed project will provide a public benefit by implementing environmental remediation.

In addition to the environmental remediation, following site cleanup, the Applicant will incorporate environmental site design techniques into the treatment of stormwater, resulting in a better environment than currently exists. The Applicant notes that the proposed rezoning will facilitate a full redevelopment of the Subject Property and implementation of environmental site design, which would not occur with continued use of the Subject Property under the Base Zone. As noted above, although a new car dealership is not permitted in the base NAC Zone, any use permitted under the prior Zoning Ordinance is permitted until April 1, 2032. The

environmental clean-up of the site and the implementation of environmental site design is a substantial public benefit that would likely not result from retention of the existing use in the base zone.





**VICINITY MAP**  
 SCALE: 1" = 2,000'  
 Prince Georges Co. PAGE 5410 CRD-4-R

- GENERAL NOTES**
1. PROPERTY NAME: 7951 ANNAPOLIS ROAD
  2. GROSS PROPERTY: 14.29 AC.
  3. PROPOSED ZONE: NAC-PD
  4. PROPOSED USES: MULTIFAMILY RESIDENTIAL, NON-PROFIT/COMMERCIAL
  5. WSSC GRID ZONING: 7.5% (TAK MAP 51-E)
  6. AVIATION POLICY AREA: NONE
  7. EXISTING WATERWAYS/DETERMINATIONS: NONE
  8. HISTORIC SITES OR IN THE VICINITY OF THE PROPERTY: NONE
  9. WETLANDS: NONE
  10. 100-YEAR FLOODPLAIN: NONE
  11. WITHIN DESIGNATED CRITICAL AREA: NONE
  12. WITHIN DESIGNATED HISTORIC DISTRICT: NONE
  13. THIS BASIC PLAN DEPICTS THE GENERALIZED NATURE OF THE DEVELOPMENT AS REQUIRED BY SUBTITLE 27 OF THE COUNTY CODE. FUTURE REFINEMENTS AND REVISIONS MAY OCCUR AT THE TIME OF PRELIMINARY/FINAL REVIEW, SUBJECT TO REVIEW AND APPROVAL BY THE BOARD OF ZONING ADJUSTMENTS. THIS ALLOWANCE IS UNDER THIS NAC-PD BASIC PLAN AND IS NON-PROFIT/COMMUNITY SERVING USE.
  14. APPLICANT: RST DEVELOPMENT, LLC  
 1100 BELLEVIEW DRIVE  
 SUITE 740  
 ROCKVILLE, MD 20852

**DEVELOPMENT STANDARDS: NAC-PD**

STANDARD	EXISTING	PROPOSED
BLOCK LENGTH	1043'	1043'
LOT AREA	5,000 SF	5,000 SF
DENSITY	10	10
MIN DU PER ACRE	N/A	50
MAX DU PER ACRE	N/A	50
FLOOR AREA RATIO	N/A	100%
MIN % LOT COVERAGE	N/A	30 / 7.5'
BUILD-TO-LINE	N/A	60%
BUILDING WIDTH IN BUILD-TO ZONE	N/A	0'
REAR YARD DEPTH	N/A	0'
MIN % OF STREET LEVEL	N/A	40%
MIN % OF STREET LEVEL OR PEDESTRIAN WAY	N/A	40%
MIN % OF STREET LEVEL FACADE AREA FACING A GATHERING SPACE	N/A	35%
MIN % OF NET LOT AREA	N/A	7.5%

**ANNAPOLIS ROAD MULTI-FAMILY**  
 20th ELECTION DISTRICT, PRINCE GEORGES COUNTY, MARYLAND  
 WSSC GRID: 20R0672/20R066  
 TAK MAP 51-E

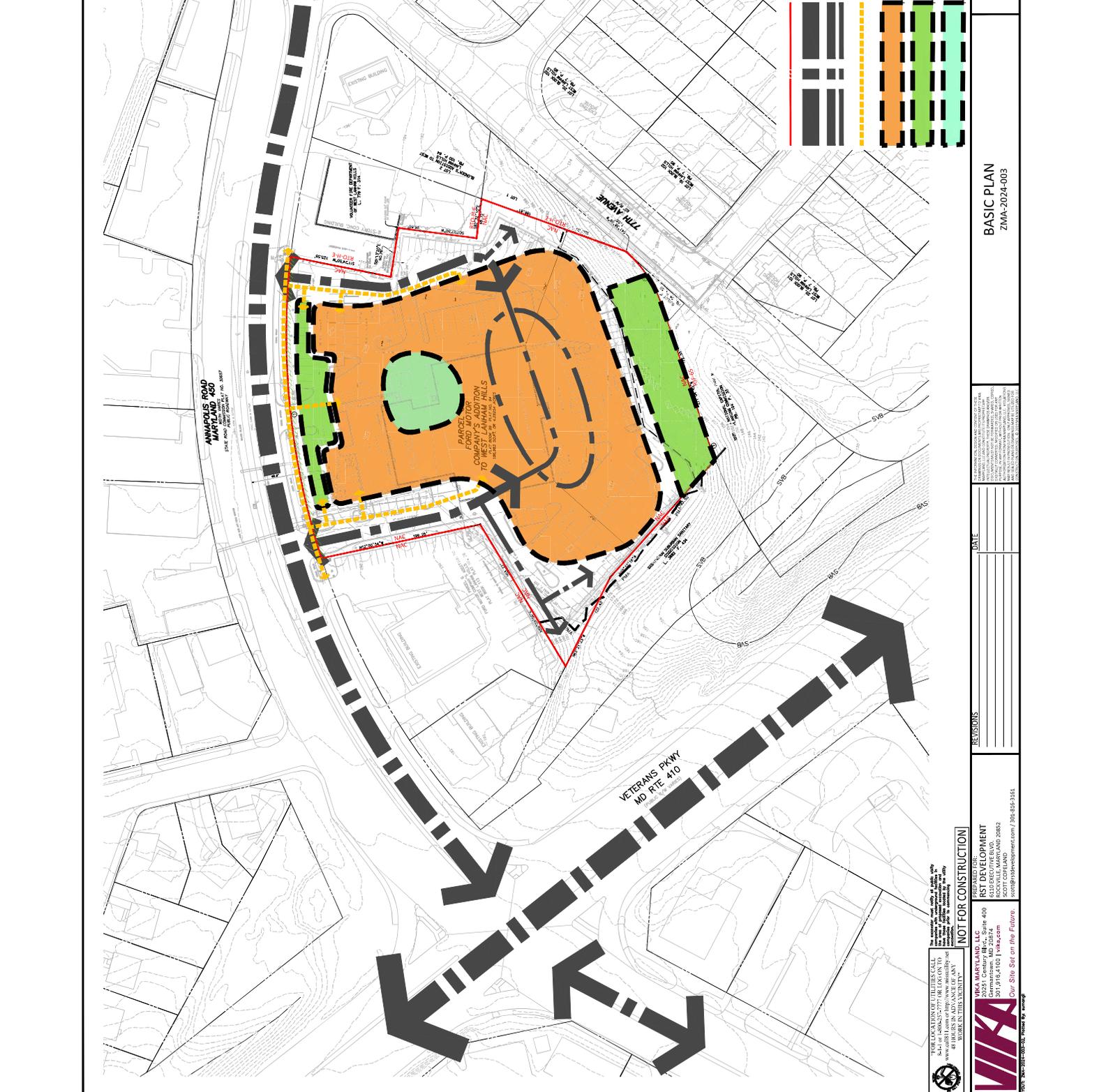
DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_

**NOT FOR CONSTRUCTION**

PREPARED FOR:  
**RST DEVELOPMENT**  
 20251 Century Blvd., Suite 400  
 CLONING, MARYLAND 20828  
 SCOTT COPELAND  
 scott@rstdevelopment.com | 202-535-5351

FOR LOCATIONS IN THIS CALL  
 8-1-1 OR 800-625-7777 OR FAX 410-326-7000  
 FOR A LIST OF PARTICIPATING VENDORS  
 VISIT WWW.PRINCEGEORGES.GOV

DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_







Countywide Planning Division  
Historic Preservation Section

301-952-3680

February 19, 2025

**MEMORANDUM**

**TO:** Evan King, Zoning Section, Development Review Division

**VIA:** Thomas Gross, Planning Supervisor, Historic Preservation Section, Countywide Planning Division **TWG**

**FROM:** Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**  
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **AGO**  
Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**

**SUBJECT: ZMA-2024-003 RST New Carrollton**

The subject property comprises 4.29 acres and is located on the south side of Annapolis Road, approximately 400 feet east of its intersection with East-West Highway (MD 410). The subject property is currently zoned Neighborhood Activity Century (NAC) and located within the 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* area. The subject application proposes rezoning the property from the NAC Zone to the Neighborhood Activity Century Planned Development (NAC-PD) Zone for the development of a mixed-use building containing up to 300 multifamily dwelling units and 3,000 square feet for non-profit or commercial use.

The 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* includes goals and policies related to historic preservation (pages 25-34). However, these are not specific to the subject site or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A Phase I archaeology survey is not recommended. The subject property does not contain and is not adjacent to any designated Prince George's County Historic Sites or resources.

Historic Preservation staff recommends approval of ZMA-2024-003, RST New Carrollton, with no conditions.



3/10/2025

**MEMORANDUM**

**TO:** Evan King, Planner II, Development Review Division

**VIA:** N. Andrew Bishop, Planner IV, Long-Range Section, Community Planning Division *NAB*

**VIA:** Karen Mierow, AICP, Acting Supervisor, Neighborhood Revitalization Section, Community Planning Division **KM**

**FROM:** John Parks, Planner II, Neighborhood Revitalization Section, Community Planning Division *JP*

**SUBJECT: ZMA – 2024-003, RST New Carrollton**

**FINDINGS:**

Community Planning Division (CPD) staff find that;

Pursuant to 27-4301(a), General Purposes of Planned Development Zones, this application is consistent with the purposes of the NAC-PD zone because the proposed PD application proposes modified design standards contributing to a high-quality development, allowing for a more efficient use of land, and promoting a development form that responds to the site's physical, natural, and environmental constraints.

Pursuant to 27-4301(d), General Standards for All Planned Development Zones, of the zoning ordinance, this application is consistent with both the General Plan (Plan 2035) and the applicable Area Master Plan or Sector Plan, and will be consistent with the purposes of the NAC-PD zone if the project includes additional design recommendations as described below to create a high-quality transit-oriented development.

Pursuant to Section 27-4303, Neighborhood Activity Center Planned Development (NAC-PD) Zone, this application meets the requirement because it proposes a mixed-use development in proximity to the proposed Purple Line light rail station and is designed to encourage multimodal transportation. Additional site features are recommended to create a sense of place, provide an inviting, walkable, safe, socially interactive environment, and enhance public engagement, and improve the multimodal opportunities for the site.

Pursuant to Section 27-3602(c), Planned Development (PD) Decision Standards, of the Zoning Ordinance, the proposed application to rezone the subject property from the Neighborhood Activity Center (NAC) Zone to the Neighborhood Activity Center Planned Development (NAC-PD) Zone conforms to Plan 2035 and the 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* (Master Plan) because the applicant is proposing a high-density residential development in proximity to the New Carrollton Metro and the future Purple Line.

It is further noted that the application is consistent with the Master Plan because it recommends residential high future land use on the subject property and the zoning map amendment proposes up to 150 dwelling units per acre and meets the definition of “residential high” (See, Master and General Plan Section Discussion below). The proposal is further consistent with the Master Plan as it is offering a commercial use along the streetscape, additional street-level improvements along the property boundary on MD-450 (Annapolis Road) and expanded availability of high-quality housing.

## **BACKGROUND**

**Application Type:** Zoning Map Amendment Neighborhood Activity Center - Planned Development (NAC-PD) Zone

**Planning Area:** PA-69

**Community:** Bladensburg, New Carrollton & Vicinity

**Location:** On the south side of MD 450 (Annapolis Road), east of its intersection with MD 410 (Veterans Parkway), at 7591 Annapolis Road, Hyattsville, MD 20784.

**Size:** 4.29 acres

**Existing Uses:** Commercial

**Future Land Use:** Commercial

**Proposal:** To rezone the property from the Neighborhood Activity Center (NAC) Zone to the Neighborhood Activity Center – Planned Development (NAC-PD) Zone in accordance with Section 27-3602 of the Zoning Ordinance.

**Zoning:** Neighborhood Activity Center (NAC) Zone

**Prior Zoning:** General Commercial, Existing (C-2) Zone

**Applicable Zoning Ordinance:** Current Zoning Ordinance

## **GENERAL PLAN AND MASTER PLAN**

### **General Plan:**

The property is also within the **Annapolis Road/Glenridge Local Center** which is one of 26 Local centers and is envisioned to include “new Purple Line stations, as focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available.” (page 19)

**Master Plan:** The subject application is in the 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* (Master Plan). The Master Plan recommends a future land use of Retail Commercial on the subject property.

Retail Commercial uses are not specifically defined in the Master Plan, and the plan is silent on a description of Retail Commercial land use. However, the 2014, *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) defines commercial use as areas of “Retail and business areas, including employment uses such as office and service uses. A range of services are provided at the neighborhood to regional level. New commercial areas have access to multimodal transportation options. (Plan 2035, page 100).

There is an existing commercial structure on the property that has operated as a car dealership, rental service, and repair facility. The applicant intends to propose to raze the existing commercial structure and construct a mixed-use multifamily building with a density of approximately 69 dwelling units/acre (du/acre). In addition to the proposed residential development, the proposal describes approximately 3,000 square feet of ground floor commercial space. An analysis for how this application meets the requirements of the Master Plan is provided below.

Pursuant to Section 27-3602, Planned Development (PD) Zoning Map Amendment, this application is requesting to rezone the subject property from the Neighborhood Activity Center (NAC) Zone to the Neighborhood Activity Center – Planned Development (NAC-PD) Zone. Section 27-4301, General Provisions for All Planned Development Zones, requires the applicant to provide public benefits for the immediate surrounding community, than what would normally occur under the Base Zone. These proposed public benefits must be highlighted within the PD Basic Plan.

The Applicant is proposing the following components of public benefits in seeking the creation of the NAC-PD Zone on the subject property.

- Activation of Commercial Spaces
- Pedestrian Court
- Optimal Transportation Features
- Increased Availability of Affordable Housing Stock
- Environmentally Conscious Building Design and Site Layout

The applicant has demonstrated conformance to the General Plan, and applicable Area Master Plan. This is required under 27-3602(c), Planned Development (PD) Decision Standards. Staff has prepared the following analysis of relevant Goals, Policies, Guidelines, or Objectives to inform any action pertaining to this proposal. As Master Plan conformance is required for the proposed Zoning Map Amendment, this analysis may be used for potential improvements or modifications to the proposal to advance the intent and purpose of the Master Plan and provide corresponding support for a Planned Development (PD) Decision.

## **Recommendations**

Within the 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* (Master Plan), there are Master Plan elements outlining applicable Goals, Policies, Guidelines, or Objectives which should be addressed by the applicant. These five elements are: Environmental Envelope, Living Areas and Housing, Commercial Areas, Urban Design, and Circulation and Transportation. The applicant should seek to follow wider Master Plan recommendations for the Planning Area, and the specific elements. The Master Plan does not provide any parcel specific recommendations for the neighborhood (*Neighborhood 9*, page 52. See *Map 3 "Neighborhoods"*, page 42). The Master Plan is silent on recommendations for Public Facilities. However, Plan 2035 has specific recommendations regarding Public Facilities for the area due to its proximity to the Glenridge Purple Line Station which should be addressed by the applicant.

## **General Plan – Public Facilities**

### **Policy 3** (Page 188)

- Stabilize existing communities and encourage revitalization and rehabilitation.

### **HN3.6** (Page 189)

- Partner with private developers, community organizations, and county agencies to construct and repair public facilities, amenities, and services in established communities. Establish an inventory of critical service infrastructure repairs and maintenance.

## **Staff Analysis**

- *Staff encourage the applicant to ensure the proposed development will provide adequate public facilities and services concurrent with residential development. The applicant has described that the proposed development will utilize existing utility connections. Staff encourages the applicant to provide additional details regarding utility system improvements which will be required due to the increased or differentiating demands, due to the change from commercial use to residential use.*
- *The applicant should consider strategies or provide detailed information regarding how the residential property will be linked to community facilities, transportation facilities, employment areas and other living areas by a continuous system of pedestrian walkways. The most prominent facility is the planned Glenridge Purple Line station. Within the PD Basic Plan, the applicant has referenced a strategy for activating the pedestrian thoroughfare directly in front of the property, and the circulation path to access the Glenridge station. As Master Plan conformance is required for the rezoning, the applicant is encouraged to develop and demonstrate a strategy to further the intent of the guidelines of the Master Plan by providing examples of improvements to the connectivity between the proposed development and the Glenridge Purple Line station.*

### **Environmental Envelope**

#### **Goal(s):** (Page 13)

- To protect and enhance the environmental quality of the Planning Area by preserving natural environmental assets as an integral part of the community.

#### **Objective(s):** (Page 13)

- To identify and preserve natural and manmade features that have a significant influence on the environmental and aesthetic quality of the Planning Area.
- To protect, enhance and expand where possible the public and private open space network as an environmental framework for development.
- To maintain the natural character and aesthetic qualities of stream valleys, wetlands and associated buffers – properly planning for stormwater management to prevent loss of life, to minimize property damage, and avoid interruption of services.

#### **Guidelines:** (Page 23)

- The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.
- Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.

### **Staff Analysis**

*The applicant has identified and committed to preserving the existing tree coverage on site and is proposing substantial environmental remediation through the Maryland Department of Energy Voluntary Cleanup Program. In addition to the proposed site work, the applicant has outlined additional building-specific environmental designs which go beyond what is required under the base NAC Zone. The applicant should explore opportunities to eliminate unneeded impervious surfaces, that may remain due to the existing automotive related use.*

- *Specifically, the applicant should explore an opportunity to enhance the open-space network in the area to the South-West corner of the proposed development. Due to the fact that the parking for the residential or commercial area will be in the central area of the proposed development, this small portion of the property could be reconfigured to be either passive or active open space, rather than a dead-end circulation.*
- *The applicant is encouraged to explore opportunities to enhance the environmental quality of the Planning Area through preserving natural environmental assets. In this case, the property directly abuts a steep grade to the south portion of the subject property. This slope is identified by the applicant as a component of the existing Natural Resource Inventory/Forest Stand Delineation, with 0.41 acres of existing forested area. The applicant should develop strategies and implement measures to ensure the continued health of this forested area and promote soil health on the property. Strategies may include erosion control, soil health promotion, or other methods to protect the integrity of this grade. This is not only an environmental priority but also would provide a tangible public safety benefit to the existing residential structures to the rear of the site.*
- *The applicant has indicated Stormwater concepts will be provided with the Site Development Concept Plan. However, the applicant is encouraged to provide a methodology to utilize environmentally conscious stormwater strategies. These can include micro-bioretenion facilities, green water filtration methods, green roofs, and stormwater strategies as a component of addressing the guidance within the Environmental Envelope portion of the Master Plan.*

### **Living Areas and Housing**

#### **Goal(s):** (Page 37)

- To provide decent, safe and sanitary housing for all residents by providing a broad range of housing opportunities and neighborhood choices which can meet the needs of different age groups, family sizes, lifestyles, and income capabilities.

#### **Objective(s):** (Pages 37-38)

- To provide for an effective transition between residential uses and adjoining nonresidential uses through imaginative use of urban design and the development of effective buffering techniques and standards.

- To assure that future housing is designed and located to provide protection from floods, stormwater damage, erosion, unstable soil conditions, noise, vibration, and other hazards, and to place a high priority on correcting and preventing these deficiencies.
- To ensure a continuous availability of housing for families of all sizes, all age groups and various income levels.
- To increase public and private efforts to ensure high standards of construction in all forms of housing and high-quality environments for all residential areas.
- To provide adequate public facilities and services concurrent with residential development.

**Guideline(s):** (Pages 55-56)

- A broad range of housing types and designs should be provided to meet the needs of different household ages, sizes and income levels.
- Wherever possible, living areas should be linked to community facilities, transportation facilities, employment areas and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space and conservation network.
- A living area design proposal should include an analysis of internal traffic circulation, as well as an examination of the development's potential impact on the local transportation system.

**Staff Analysis**

*The applicant is proposing a mixed-use residential property with a density of 69 du/acre. The property will be 100 percent affordable for residents earning 60 percent of the Area Median Income (AMI). The applicant has stated that the property will include a variety of amenities and the building will include a range of bedroom sizes to accommodate the needs of building residents. Quality development and affordability are not mutually exclusive, and the applicant has highlighted the mechanisms to achieve this vision. Also, the applicant has provided evidence of traffic impacts and analysis of the new residential development. The proposed development is consistent with the Goals, Objectives, Guidelines of the Living Areas and Housing chapter of the Master Plan.*

**Commercial Areas****Goal(s)** (Page 59)

- To provide adequate, appropriately located amounts of various types of commercial space.

**Objective(s)** (Page 59)

- To maintain and renew existing commercial areas where appropriate, while removing commercial uses from, and stopping intrusions into, areas not appropriate for commercial use.
- To identify specific commercial area assets and deficiencies which affect the image of the Planning Area and the County.
- To encourage churches, social clubs and other quasi-public uses to locate within or adjacent to commercial activities in order to share parking facilities, utilize vacant space and help establish these areas as focal points.

**Guideline(s)** (Page 76)

- As commercial areas are renewed, multiple-use community centers shall be encouraged in lieu of development as single-function shopping centers.
- Commercial areas should be buffered from surrounding streets and uses, where appropriate, by means of curbs, islands, landscaping, fencing, back-up development and the siting of structures.
- Adequate off-street loading and unloading space should be provided and located where public ways will not be blocked

**Staff Analysis**

*The proposed development will have a sizeable commercial use. The applicant has indicated this use may be reserved for a rent-free space for a community-based nonprofit. Staff believe this is a critical component to further the intent of the Commercial Areas portion of the Master Plan. The applicant has addressed commercial unloading pathways on site and strategies to activate any commercial spaces within the proposed development, however the use of additional streetscape enhancements such as benches, pedestrian-scaled lighting, bicycle parking and landscaping could be included to improve these areas.*

**Urban Design****Goal(s)** (Page 91)

- To enhance the quality of development and the physical image of the Planning Area by fostering order and harmony in the built environment.

**Objective(s)** (Page 91)

- To improve the appearance of commercial corridors and employment areas to make them more visually attractive and harmonious with their surroundings.
- To encourage the use of alternative modes of transportation by creating continuous and pleasant pedestrian and bicycle routes.
- To encourage maximum use of large shade trees to create a street canopy and to give definition and continuity to the road age.

**Guideline(s)** (Pages 109 – 115)

- Maintain existing street tree patterns and relationship to curbs and sidewalks where possible.
- Multifamily housing and townhouses should be sited to obtain adequate light, air, privacy and usable open space for passive recreation and landscape amenities.
- In multifamily complexes, avoid creating hidden areas that are accessible from more than one point to discourage loitering and other illegal activities.
- Whenever possible, the complex should be arranged or rearranged around a clear focal point.
- Internal sidewalks should be well-defined and separated from vehicular travelways by a curb and should connect to external sidewalks.

**Staff Analysis**

*The applicant has put forward several design strategies for the proposed development which further the intent of the Master Plan. The applicant has provided insight into methods to improve the appearance of commercial corridors and employment areas to make them more visually attractive and harmonious with their surroundings.*

- *The applicant is encouraged to provide strategies or additional details into methods of leveraging high-quality designs to encourage the use of alternative modes of transportation by creating continuous and pleasant pedestrian and bicycle routes. The applicant has provided details into designs for the pedestrian court along the front of the proposed structure along Annapolis Road, however, the applicant should endeavor to highlight design strategies for the pedestrian thoroughfare leading to the Glenridge Rail Station. The applicant should utilize creative design strategies which contribute to an enjoyable and accessible pedestrian experience along Annapolis Road.*
- *The applicant is encouraged to limit hidden areas on the site plan which, as identified by the Master Plan, should discourage loitering and other illegal activities. Staff encourages the applicant to utilize Crime Prevention Through Environmental Design (CPTED) design principles. As identified in the Environmental Envelope section of this analysis, Staff would like to highlight the portion the internal roadway at the South-West corner of the subject property. This area is accessible to residents and the public. The applicant should discuss methods to discourage loitering or illegal activities in this hidden area.*
- *Staff would highlight the importance of developing design guidelines which will ensure high standards of construction in all forms of housing and high-quality environments for all residential areas. Staff disagree with the assessment of requirements for the proposed PD Plan to not provide standards and requirements to ensure development on the perimeter of the PD zone is designed and located with the character of adjacent existing or approved development. To seek this Zone change, the applicant is encouraged to draft standards and requirements within the PD Plan due to the unique site location (directly*

*adjacent to a planned Purple Line stop). These standards and requirements will be critical to further compatible development in adjacent existing or approved development, and to further implement the General Plan and Master Plan. This claim does not conform with the Master Plan and is not consistent with the standards of 27-4301(d)(1)(E), General Standards for All Planned Development Zones.*

-

## **Circulation and Transportation**

### **Goals(s)** (Page 125)

- To provide a safe, efficient and effective transportation system which will maximize accessibility and the movement of people and goods in the Planning Area and region.

### **Objective(s)** (Page 125)

- To enable residents and employees to minimize vehicular miles traveled and total travel time in order to minimize fuel consumption and air pollution.
- To develop nonvehicular circulation systems such as bicycle, pedestrian and equestrian trails.
- To improve existing circulation deficiencies.

### **Guidelines** (Page 142)

- Properly design street networks should be provided to facilitate desired traffic flow and continuity (i.e. residential streets should be designed to discourage through traffic, and points of ingress and egress should be minimized to avoid conflicting with through traffic flow while retaining adequate access to properties.
- Dead-end streets should be discouraged unless there is no feasible alternative.

### **Staff Analysis**

*The applicant has provided detailed plans on the circulation routes for pedestrians and automobiles within the proposed development. In addition, the applicant has indicated portions of the proposed development which will comprise the pedestrian court, along Annapolis Road.*

- *Due to the unique site location in proximity to the Glenridge Purple Line station, the applicant is encouraged to develop a strategy to facilitate multi-modal transportation to the planned rail station. Improvements may include wayfinding signage guiding pedestrians to the Glenridge Purple Line Station, digital signage displaying arrival and departure times for Purple Line trains, and showing amenities in the area. Additional benefits could include art installations along Annapolis Road beyond the property boundary to create an enjoyable pedestrian experience to promote transit ridership. This will be a critical measure to further the intent of the primary Goal as outlined by the Master Plan.*

**Staff Analysis Regarding Public Benefits**

Pursuant to 27-4301(d)(1)(P), General Standards for All Planned Development Zones, the applicant must include specific public benefits and project amenities in accordance with 27-4301(d)(3). 27-4301(d)(3)(A) describes that *Public benefits are superior features in a Planned Development zone and benefit the surrounding neighborhood, or the public in general, to a significantly greater extent than would likely result from development of the site under a Base zone.* Staff are not able to support the establishment of the PD Zone in response to the narrative and Plan provided by the applicant at this time.

Staff highlight the Current Zoning Ordinance is silent as to an interplay between a magnitude of deviation from the Base Zone and the modifications of the PD Zone, as a means of quantifying an amount or scale of required public benefits. Community Planning Division staff find that pursuant to 27-4105, Relationships Between Base and Planned Development Zones of the zoning ordinance, this application does not provide adequate public benefits to support the allowance of more flexibility in the establishment of form, development, and design standards for the proposed development in the NAC-PD zone as initially submitted.

The applicant has proposed street-level design and pedestrian court, well situated parking, housing affordability and residential density, and rent-free commercial space, which will enhance surrounding neighborhood context through higher-quality development. However, as related in the application materials, Statement of Justification and PD Basic Site Plan, the public benefits package does not satisfy the requirements for the rezoning.

The Community Planning Division would support the rezoning if the applicant is able to provide specific public benefits which contribute to a development which *exceeds a level which would occur under the Base Zone (NAC)*, the additional benefits are described below.

**ZONING MAP AMENDMENT ANALYSIS**

Community Planning Division staff find that, pursuant to 27-4301(d) General Standards for All Planned Development Zones, this application is consistent with the purposes of the NAC-PD zone and the applicable 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity*, staff would recommend approval to rezone the subject property from the NAC Zone to the NAC-PD Zone based on the following recommendations in addition to, or enhancing of the benefits proposed by the applicant because these additional improvements will adequately benefit the site and the surrounding neighborhood.

**Wayfinding signage**

Smart signage at points along Annapolis Road indicating departure and arrival times of the Purple Line trains at the Glenridge station. This may be an adequate public benefit pursuant to 27-4301(d)(3)(C)(xiv).

**Pedestrian Improvements**

Improvements of the pedestrian corridor along the Annapolis Road leading to the Glenridge Purple Line Station to promote the usage of mass transit. This may be an adequate public benefit pursuant to 27-4301(d)(3)(C)(xii).

**Commercial**

In the establishment of the PD Basic Plan, the Commercial use within the building, as it is referenced as a component of proposed public benefits, be restricted to any Community Service Uses as described by 27- 5101(d), Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones. If the applicant is unable to identify a nonprofit tenant to occupy the commercial space, the applicant may request an amendment to the PD Basic Plan to allow for a wider range of commercial uses.

**Innovative stormwater techniques**

Use of innovative Stormwater management techniques, beyond what is required by the regulating agency. This may be an adequate public benefit pursuant to 27-4301(d)(3)(C)(xi)(aa).

**Aviation/MIOZ:** This application is not located within an [Aviation Policy Area Overlay](#) (APAO) Zone or the [Military Installation Overlay \(MIO\) Zone](#), and is not subject to the requirements of Section 27-4402 (b).

**SMA/Zoning:** On November 29, 2021, the District Council approved CR-136-2021, the Countywide Map Amendment (CMA) which reclassified the subject property from the C-2, General Commercial, Existing Zone to the NAC (Neighborhood Activity Center) Zone effective April 1, 2022

cc: Long-Range Agenda Notebook



Countywide Planning Division  
Prince George's County Planning Department

301-952-3650

March 7, 2025

**MEMORANDUM**

**TO:** Evan King, Planner II, Zoning Section, DRD  
**VIA:** Tom Burke, Supervisor, Environmental Planning Section, CWPD *TB*  
**FROM:** Mary Rea, Planner II, Environmental Planning Section, CWPD *MR*  
**SUBJECT:** **RST New Carrollton: ZMA-2024-003**

The Environmental Planning Section (EPS) has reviewed the above referenced zoning map amendment (ZMA) application accepted on January 31, 2025. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on February 14, 2025. The following comments are provided for your consideration.

**BACKGROUND**

The EPS has reviewed this site previously with the review of the following applications:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
NRI-137-2024	N/A	Staff	Approved	1/7/2025	N/A
ZMA-2024-003	N/A	Planning Board	Pending	Pending	Pending

**PROPOSED ACTIVITY**

The current application is a ZMA of the property from the Neighborhood Activity Center (NAC) Zone to the Neighborhood Activity Center – Planned Development (NAC-PD) Zone for the development of a multifamily residential building.

**APPLICABLE ENVIRONMENTAL REGULATIONS**

The project is subject to 2024 Woodland and Wildlife Habitat Conservation Ordinance (2024 WCO) and the environmental regulations contained in Subtitles 24, 25, and 27 because the site does not have a previously approved tree conservation plan.

**SITE DESCRIPTION**

The subject property is 4.29 acres and is located at 7591 Annapolis Road, approximately 400 feet southeast of the Annapolis Road and Veterans Parkway intersection. The site is currently developed with a former car dealership. The current zoning for the site is NAC.

This site is within the Environmental Strategy Area 1 (formerly the Developed Tier) as designated by the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035).

The site does not contain forest interior dwelling species (FIDS) habitat. The property is within Brier Ditch of the Anacostia River watershed, which is not a Tier II waterway.

According to available information from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, and endangered species are not on the site. The site does not front on a historic or scenic roadway. The site fronts on Annapolis Road (MD 450), which is designated as a master planned arterial roadway.

#### **REVIEW OF PREVIOUSLY APPROVED CONDITIONS**

There are no previously approved conditions of approval for this site. According to the Real Property Date Search, the existing building was constructed in 1972.

#### **MASTER PLAN CONFORMANCE**

The District Council cannot approve a basic plan unless it finds that the entire development meets the criteria for approval set forth in Section 27-3602(c). With respect to criteria affecting the environment, that subsection provides:

#### **27-3602. Planned Development (PD) Zoning Map Amendment**

##### **(c) Planned Development (PD) Decision Standards**

**Prior to the approval of the PD zone, the applicant shall demonstrate to the satisfaction of the District Council that the entire development:**

- (1) Is in conformance with the General Plan, the applicable Area Master Plan or Sector Plan, or any applicable Functional Master Plan;**
- (2) Meets the purposes of the proposed PD zone;**
- (3) Satisfies all applicable standards of the proposed PD zone; and**
- (4) Will not adversely impact the surrounding properties.**

This application conforms to the specific recommendations of Plan 2035, the 1994 Bladensburg, New Carrollton & Vicinity (PA 69) Approved Master Plan and Sectional Map Amendment, and the *Approved Countywide Green Infrastructure Plan* (GI Plan). The principles and guidelines set forth in those plans seek to preserve, enhance, and restore the County's natural and built ecosystems; with the rezoning to NAC-PD the application must follow the guidelines of these plans.

The Zoning Ordinance provides guidance regarding the impact and relationship of general plans with master plans, and functional master plans. Specifically, Section 27-3502(j) of the Zoning Ordinance states the following regarding the approval of a general plan, and its effect on a previously approved master plan:

#### **27-3502. General Plan, Functional Master Plans, Area Master Plans, and Sector Plans**

##### **(j) Relationship Between the General Plan, Functional Master Plans, Area Master Plans, and Sector Plans**

- (1) **When General Plan amendments and Functional Master Plans (and amendments thereof) are approved after the adoption and approval of Area Master Plans or Sector Plans, the Area Master Plans or Sector Plans shall be amended only to the extent specified by the District Council in the resolution of approval.**
- (2) **Any Functional Master Plan (or amendment), Area Master Plan, or Sector Plan shall be an amendment of the General Plan unless otherwise stated by the District Council.**
- (3) **Any Area Master Plan or Sector Plan may designate, delete, or amend General Plan center or policy area designations or the County's growth boundary. These actions shall constitute amendments to the General Plan unless otherwise stated by the District Council.**

***PLAN PRINCE GEORGE'S 2035 APPROVED GENERAL PLAN (2014)***

The site is located within the Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map as designated by Plan 2035 and within the Established Communities Area of Plan 2035. The project is within the boundaries of the Annapolis Road/Glenridge Neighborhood Transit Oriented Center.

***1994 Bladensburg, New Carrollton & Vicinity (PA 69) Approved Master Plan and Sectional Map Amendment***

The site is in the 1994 *Bladensburg, New Carrollton & Vicinity (PA 69) Approved Master Plan and Sectional Map Amendment* which includes applicable goals, objectives, and guidelines for protecting, preserving, and restoring regulated environmental features (REF). The text for the goal, objectives, and guidelines are in **bold**, with responses on how the application addresses the master plan goal with objectives and guidelines in plain text.

**Goal: To protect and enhance the environmental quality of the Planning Area by preserving natural environmental assets as an integral part of the community.**

In accordance with this Master Plan goal, Subtitles 24-4300, 27-6800, and 25-121(b) of County code, the development of the site shall preserve the woodlands located on the southern slope of the property as this is a natural environmental asset, as well as the primary management area (PMA) located on the northwest part of the property.

**Objective(s):**

**To identify and preserve natural and manmade features that have a significant influence on the environmental and aesthetic quality of the Planning Area.**

In accordance with this Master Plan objective, Subtitles 24-4300, 27-6800, and 25-121(b) of County code, woodlands located on the southern slope of the property as well as the PMA located on the northwest part of the property were identified in the approved natural resource inventory (NRI) for the site. These areas shall be preserved to the fullest extent practicable with future development applications.

**To maintain the natural character and aesthetic qualities of steam valleys, wetlands and associated buffers – properly planning for stormwater management to prevent loss of life, to minimize property damage, and avoid interruption of services.**

In accordance with this Master Plan objective, Subtitles 24-4300, 27-6800, and 25-121(b) of County code, the development of the site shall preserve the PMA and the woodlands located on the southern slope of the property as this will maintain the natural character and aesthetic qualities of the off-site stream valley in the Lower Beaverdam Creek watershed. The proposed development will be subject to current stormwater management requirements and will be reviewed and approved by the County's Department of Permitting, Inspections and Enforcement (DPIE) prior to Planning Board approval of future development applications.

**Guidelines:**

**Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.**

In accordance with this Master Plan guideline and per Subtitle 25-121(b) of County code, woodlands located on the southern slope of the property as well as the PMA located on the northwest part of the property were identified in the approved NRI for the site. These areas shall be preserved to the fullest extent practicable with future development applications. Trees utilized as woodland conservation shall be protected by a woodland and wildlife habitat conservation easement.

**Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**

In accordance with this master plan guideline and per Subtitle 25-121(b) of County code, woodlands associated with the off-site stream corridors and steep slopes shall be preserved to the fullest extent practicable.

**All development proposals shall provide effective means for the preservation and protection of Natural Reserve Areas, and development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.**

The Environmental Feature Map provided with the Master Plan does not show a Natural Reserve Area in the location of this site. However, the existing woodlands and PMA shall be preserved to the fullest extent practicable and protected by woodland conservation and conservation easements.

**CONFORMANCE WITH THE GREEN INFRASTRUCTURE PLAN**

The 2017 *Countywide Green Infrastructure Plan* (GI Plan) was approved with the adoption of the *Approved Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the approved GI Plan, there are mapped Regulated and Evaluation Areas on or abutting to this property.

### **Implementation of the Green Infrastructure Plan: Policies and Strategies**

The following policies and strategies are applicable to the subject application. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

#### **POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan 2035.**

##### **Strategies**

##### **1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**

- a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
- b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.**

##### **1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**

- a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**
- b. **Prioritize use of public funds to preserve, enhance, connect, restore, and protect critical ecological systems.**

The site does not contain any REF, however natural slopes of 15 percent or greater that are adjacent to an off-site stream occur on-site. Due to these steep slopes a small portion of the site located on the northwest property line contains PMA. The property is not within a SCA. The southern portion of the site consists of wooded steep slopes. In accordance with this master plan policy and strategies, Subtitles 24-4300, 27-6800, and 25-121(b) of County code, it is encouraged that this area be preserved to protect the green infrastructure that is mapped in this area.

#### **POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.**

- 2.4 **Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 **Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**

**2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

As shown on NRI-137-2024, the site does not contain any REF. In accordance with this master plan policy, Subtitles 24-4300, 27-6800, and 25-121(b), woodland conservation requirements will be evaluated through the review of tree conservation plans associated with future development applications.

**POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.**

**3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a. **Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

As shown on NRI-137-2024, the site does not contain REF. The site is currently developed with impervious surfaces except for the wooded area along the southern property line. No culverts, bridges, or roads are proposed.

**POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.**

**4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

As shown on NRI-137-2024, the site does not contain REF. However, the area located in the PMA will need to be placed in a conservation easement with future development applications. In accordance with this master plan policy, Subtitles 24-4300, 27-6800, and 25-121(b), woodland conservation requirements will be evaluated with through the review of tree conservation plans associated with future development applications.

**POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

**5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**

**5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

As shown on NRI-137-2024, the site does not contain REF. In accordance with this master plan policy, Subtitles 24-4303 and 27-6806, the proposed development will be subject to current stormwater management requirements which will protect Green Infrastructure areas by improving the stormwater runoff into the Anacostia watershed.

**POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.**

***General Strategies for Increasing Forest and Tree Canopy Coverage***

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

In accordance with this master plan policy, Subtitles 24-4304, 27-6803, and Subtitle 25 Division 3 of County Code, tree canopy coverage and other landscape manual requirements will be evaluated at the time of detailed site plan.

***Forest Canopy Strategies***

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Tree canopy coverage and other landscape manual requirements will be evaluated at the time of detailed site plan. In accordance with this master plan policy, Subtitles 24-4304, 27-6803, and Subtitle 25 Division 3, it is encouraged to maintain the woodlands found along the southern property line that abuts M-NCPPC property.

**ENVIRONMENTAL REVIEW**

**Natural Resources Inventory**

Section 27-6802 of County code requires an approved NRI plan with planned development ZMA applications. Approved NRI-137-2024 was included in the application. The plan shows the site is mostly developed with a former car dealership. The southern portion of the site contains a wooded steep slope. There are no REFs on-site, however a small amount of PMA is located on the northwest corner of the site for steep slopes associated with an off-site stream. No further information is needed at this time.

**Woodland Conservation**

The project is subject to the 2024 Woodland and Wildlife Habitat Conservation Ordinance (2024 WCO) and the environmental regulations contained in Subtitles 24, 25, and 27 of County code. The woodland conservation and afforestation thresholds will remain at 15 percent with the proposed NAC-PD Zone.

The site does not qualify for a standard letter of exemption from the 2024 WCO because the site is greater than 40,000 square feet. All future development applications will require tree conservation plans in accordance with the 2024 WCO. Because the project is within the Annapolis Road/Glenridge Transit Oriented Neighborhood Center, in accordance with Section 25-121(c)(1)(B)(ii) of County code, the woodland removed shall be replaced at a ratio of 0.25 acre planted for every one acre removed. In accordance with Section 25-121(c)(3) of County code, the woodland conservation and afforestation thresholds shall be met on-site, and per Section 25-121(c)(1)(c) of County code all unforested riparian buffers on-site shall be afforested.

### **Specimen Trees**

The approved NRI-137-2024 identifies no specimen trees on-site, but two were located off-site.

### **Regulated Environmental Features**

The approved NRI-137-2024 shows 0.04 acre of PMA for steep slopes adjacent to an off-site stream buffer along the northwestern corner of the property. No other regulated environmental features are located on-site.

### **Stormwater Management**

Section 27-3605(c)(5)(F)(x) of the Zoning Ordinance requires an approved stormwater management concept plan and approval letter in the Development Review Division application. A Site Development Concept is required to be reviewed by DPIE. The concept shall be submitted and reviewed with the future preliminary plan of subdivision and detailed site plan and the layout consistent with the tree conservation plans.

### **Soils**

Section 27-6809, Unsafe Lands of the Zoning Ordinance, states that “all applications shall conform to the requirements pertaining to unsafe land in Section 24-4300, Environmental Standards, of Subtitle 24: Subdivision Regulations”. This application will use the current Subdivision Regulations, and Section 24-4101(c) (1) states “The Planning Director or Planning Board, as appropriate, shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes or soils that are unstable either because they are highly erodible or prone to significant movement or deformation (Factor of Safety < 1.5), or b) man-made conditions on the land, including but not limited to unstable fills or slopes.”

The predominant soil found to occur, according to the U.S. Department of Agriculture Natural Resource Conservation Service Web Soil Survey, is Urban land-Russett-Christiana complex. Christiana clay is mapped on the site, but no geotechnical issues have been identified at this time.

The applicant indicated in the statement of justification that the site contains contaminated soils from its prior use as a car dealership. The applicant intends to enroll in the Maryland Department of the Environment’s Voluntary Cleanup Program to clean up the site. Future development applications shall include detailed information regarding the clean-up of the contaminated soils found on-site.

### **Erosion and Sediment Control**

Section 27-6805 of the Zoning Ordinance requires an approved Grading, Erosion, and Sediment Control Plan. Development shall comply with the requirements for sediment and erosion control in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sediment Control, of the Prince George's County Code.

Erosion and sediment control will be addressed at the time of detailed site plan along with the Type 2 tree conservation plan (TCP2). The TCP2 must reflect the ultimate limits of disturbance, not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures.

### **SUMMARY**

If the proposed ZMA is approved to rezone the property from NAC to NAC-PD, the woodland conservation and afforestation thresholds will remain at 15 percent. In accordance with Section 25-121(c)(3) of County code the threshold shall be met on-site, and per Section 25-121(c)(1)(c) of County code all unforested riparian buffers on-site shall be afforested. Per the applicable master plans and the environmental requirements in Subtitles 24-4300, 27-6800, and 25 Division 2 of County code, woodland conservation requirements will be evaluated through the review of tree conservation plans associated with future development applications. Because the project is within the Annapolis Road/Glenridge Transit Oriented Neighborhood Center, in accordance with Section 25-121(c)(1)(B)(ii) of County code the woodland removed shall be replaced at a ratio of 0.25 acre planted for every one acre removed.



March 7, 2025

**MEMORANDUM**

**TO:** Evan King, Zoning Section, Development Review Division

**FROM:** Noelle Smith, AICP, Transportation Section, Countywide Planning Division

**VIA:**  Crystal Hancock, Transportation Planning Section, Countywide Planning Division

**SUBJECT:** ZMA-2024-003, RST New Carrollton

**Proposal**

The subject application is a Zoning Map Amendment (ZMA) that proposes to rezone the approximate 4.29-acre General Commercial (C-2) property, located in Lanham, to the Neighborhood Activity Center – Planned Development (NAC-PD) zone. The Transportation Planning Section (TPS) review of the referenced ZMA application was evaluated using the standards of Section 27 of the current Zoning Ordinance.

**Background**

The property is located at 7591 Annapolis Road and is currently developed with a former Lincoln Mercury automobile dealership and operates as a car rental and repair facility. The site has no prior approvals that impact the subject application.

**Analysis of Traffic Impacts**

The subject property is located within the C-2 with a request to rezone to NAC-PD, within Transportation Service Area (TSA) 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

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 the delay exceeds 50 seconds, (c) if the delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed and the standard of CLV is 1,150 or less.

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 the delay exceeds 50 seconds, the CLV is computed and the standard of CLV is 1,150 or less.

**Comment:** The subject application will be followed by a Preliminary Plan of Subdivision (PPS) and a Detailed Site Plan (DET). The review of these applications will require a full traffic study analysis.

### **Master Plan Compliance**

This application is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity*.

### **Master Plan Right of Way**

The subject property fronts along Annapolis Road (MD 450), an arterial roadway with a 120-foot right-of-way. The site also has limited frontage along 77<sup>th</sup> Avenue, which is not identified as a master planned facility. All right-of-way and/or dedication requirements will be addressed at the time of PPS.

### **Master Plan Pedestrian and Bike Facilities**

The MPOT recommends a wide sidewalk and on-road bicycle facilities along MD 450. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

**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.**

**Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.**

**Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.**

The 1994 *Approved Master Plan for Bladensburg, New Carrollton and Vicinity* recommends the following goals related to multimodal transportation:

**Goal (pg.125): to provide a safe, efficient and effective circulation and transportation system which will maximize accessibility and the movement of people and goods in the Planning Area region.**

**Comment:** The development will utilize the existing MD 450 roadway for site access. The implementation of the master planned bicycle and pedestrian facilities will be evaluated with subsequent applications. Staff recommend extensive and comprehensive connections, facilities and amenities throughout the site to meet the intent of both the master and area sector plans. Amenities such as long- and short-term bicycle parking, crosswalks, convenient pathways, wayfinding signage to the nearby transit stops, etc., will be evaluated with the development.

### **Zoning Ordinance**

Section 27-3602 of the zoning ordinance provides guidance on the procedure for developments within the Planned Development (PD) zone. Section 27-4300 provides the general purposes and provisions of PD and Transit Oriented zones. The elements of this section which are specific to transportation have been provided below:

#### **Section 27-4301(d), General Standards for All Planned Development Zones**

##### **(1) PD Basic Plan**

**(I) Identify the general on-site pedestrian circulation system, including any existing on-site and adjacent pedestrian circulation systems (pedestrian and bicycle pathways, and trails), and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;**

**(J) Identify the general design and layout of the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system, and connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;**

**Comment:** The submitted site plans include the general pedestrian, bicycle, and vehicular circulation on site. The development proposes two vehicular access points along MD 450. The final configuration of the access points will be determined with subsequent applications. The site has an existing sidewalk along the frontage of MD 450, connecting the site to adjacent properties and nearby Purple Line station. The development also proposes pedestrian connections within the site, connecting the building entrances to the roadway frontage. No new public or private streets are proposed with this application.

##### **(3) Public Benefits**

**(C) Public benefits may be exhibited in one or more of the following ways:**

- (xii) Enhanced streetscape design and maintenance provisions;**
- (xiv) Multimodal transportation improvements, including, but not limited to, electric vehicle charging stations, the location, and funding of bike share stations, commuter services (such as guaranteed ride home services or information on bicycle and car share programs), the construction and maintenance of buffered/separated bike lanes, provision of comprehensive wayfinding signage, provision and maintenance of bus shelters and smart signage, etc.; and**
- (xv) Other public benefits and project amenities that substantially advance the policies, goals, and objectives of the General Plan or the applicable Area Master Plan, Sector Plan, or Functional Master Plans.**

**Comment:** The applicant proposes the following improvements as the public benefit for the site:

1. Incorporating transparent facades to engage pedestrian interaction with the retail spaces along the frontage of MD 450.
2. Providing a courtyard and plaza areas adjacent to the pedestrian pathway to serve passing by and resident patrons.

3. Concealing parking to the center of the site.
4. Building setbacks.
5. Sustainable building materials.
6. Affordable housing.
7. Dedicated building space for non-profit organizations and use.
8. Electric vehicular parking.

Staff recommend an additional connection to the adjacent 77<sup>th</sup> Avenue to enhance connectivity to the neighborhood and nearby transit. However, the grading and slopes of the property along that portion of the property will not accommodate an ADA accessible connection.

Section 27-4303(a) provides additional guidance for the purpose and standards of NAC-PD, as it relates to circulation and connectivity.

**Comment:** The development proposes utilizing existing roadways, with no new streets proposed. Sidewalks currently exist along the roadway frontage of MD 450. Widened sidewalks are proposed, however, the development will be subject to the streetscape design of the permitting agency. The site plan includes multiple pedestrian connections through the site, connecting to the roadway frontage and proposed streetscape amenities. The existing and proposed infrastructure will also provide connections to the adjacent properties and nearby transit stops. Lastly, the majority of parking is proposed within a garage at the center of the site, with limited surface parking proposed for access to the rental office.

### **Transportation Staff Conclusions**

Based on the findings presented above, staff find that transportation facilities as well as pedestrian and bicycle facilities within the proposed application are consistent with Section 27-3602. The proposed re-zoning of the property will not impair the ability to make transportation-related recommendations that are supported by an approved Master Plan or Functional Master Plan or included in the subdivision regulations and zoning ordinance, with the following condition:

1. Prior to the acceptance of a preliminary plan of subdivision, the applicant, and the applicant's heirs, successors, and/or assigns shall:
  - a. Submit a Traffic Impact Analysis (TIA) to evaluate transportation adequacy and a Bicycle and Pedestrian Impact Statement (BPIS) to evaluate bicycle and pedestrian adequacy as part of the Preliminary Plan of Subdivision application.



February 12, 2025

**MEMORANDUM**

**TO:** Evan King, Planner II, Zoning Section

**VIA:** Mridula Gupta, Acting Planning Supervisor, Subdivision Section *JDH*

**FROM:** Jason Bartlett, Planner II, Subdivision Section *JB*

**SUBJECT:** ZMA-2024-003; RST New Carrollton

The subject 4.29-acre property consists of Parcel C, recorded in the Prince George's County Land Records in Plat Book NLP 99, plat no. 94 dated March 21, 1978. The property is located within the Neighborhood Activity Center (NAC) Zone. The applicant has requested to rezone the subject property from NAC Zone to the Neighborhood Activity Center Planned Development (NAC-PD) Zone, pursuant to Sections 27-3601 and 27-3602 of the Prince George's County Zoning Ordinance, for development of up to 300 multifamily dwelling units with a maximum density of 69 dwelling units per net lot area and up to 3,000 square feet of commercial space.

This case was accepted for review on January 31, 2025. Comments were previously provided at the SDRC meeting held on January 14, 2025, and this referral memo is based on plans received on January 31, 2025.

The property is subject to a previous Preliminary Plan of Subdivision (PPS) 4-77292. The property is currently improved with a vehicle rental and repair facility, which is to be razed. A PPS and a certificate of adequacy will be required for the proposed development and division of land following approval of this application per Section 24-3402(b) of the Subdivision Regulations. The new PPS will supersede the prior PPS 4-77292. The proposed site layout and lotting pattern will be further evaluated with the PPS and must comply with all design standards contained in Subdivision Regulations. A final plat of subdivision is required subsequent to approval of this zoning map amendment and following the approval of the PPS before any permits may be approved for development of this site.

**Additional Comments**

1. The applicant's statement of justification and exhibits identify the proposed public benefits with this application. These include the following:
  - a. Enhanced architecture for facades along the public streets.
  - b. Provision of an enclosed open space (courtyard) open to the public.
  - c. Location of parking structures in the building interior so that they are not visible from the street.

- d. Articulated building form and use of multiple building materials to enhance visual interest.
- e. Enhanced sustainability standards and attainment of National Green Building Standard (NGBS) certification.

The public benefits proposed for the planned development zone in accordance with Section 27-4301(d)(3) of the Zoning Ordinance, should be over and above what would be required to meet the subdivision standards of Part 24-4 of Subdivision Regulations at the time of the PPS such as public facilities adequacy, master plan conformance, and mandatory dedication of parkland. The applicant should demonstrate how the proposed public benefits exceed the improvements required for Section 24-4402, Section 24-4500, and Section 24-4600 of the Subdivision Regulations.

- 2. Section 27-6206(d) of the Zoning Ordinance restrict direct access to an arterial road. The zoning map amendment plan shows two points of direct access to MD 450, a master planned arterial road. The access points and their location will be further evaluated at the time of PPS.
- 3. The subject property is adjacent to MD 450, a master planned arterial road. A Phase I noise study will be required at the time of PPS, to establish noise levels on the property in accordance with Section 27-6104 of the Zoning Ordinance.

**Recommended Conditions**

None.

This referral is provided for the purpose of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. All bearings and distances must be clearly shown on the zoning map amendment plan and must be consistent with the legal descriptions of the property. There are no other subdivision issues at this time.



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

## MEMORANDUM

DATE: March 3, 2025

TO: Evan King, Planner II  
Development Review Division  
Planning Department

VIA: Sonja Ewing, Division Chief [SE](#)  
Dominic Quattrocchi, Planning Supervisor [DQ](#)  
Park Planning and Environmental Stewardship  
Department of Parks and Recreation

FROM: Ivy Thompson, AICP, Planner III [IRT](#)  
Land Acquisition/Management & Development Review Section  
Park Planning and Environmental Stewardship  
Department of Parks and Recreation

SUBJECT: **ZMA-2024-003 RST NEW CARROLLTON**

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The Department of Parks and Recreation (DPR) staff reviewed and evaluated this application as it pertains to public parks and recreational facilities.

### **PROPOSAL**

This application is a petition to rezone the subject site from NAC to NAC-PD to allow the development of multifamily residential development with up to 275 affordable dwelling units and up to 3,000 sq ft of retail/ non-profit space.

### **BACKGROUND:**

Located on the south side of Annapolis Road (MD 450) approximately 400 feet east of its intersection with MD 410, the subject site is adjacent to MNCPPC land at the southern property boundary. This rezoning application for mixed use commercial retail development is subject to Zoning Ordinance Section 27-4301(d)(1) subsection F-I, M are specific to DPR staff evaluation. The application is also subject to Subdivision Regulation 24-4600 Mandatory Parkland Dedication, which is separate from any public benefits provided as part of the ZMA. The site is subject to the 1994 *Approved Bladensburg, New Carrollton and Vicinity (PA 69) Approved Master Plan and SMA*, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and *Formula 2040, Functional Master Plan for Parks, Recreation, and Open Space*.

### **DISCUSSION**

Park and recreation amenities serving the subject property include Glenridge Park and the West Lanham Neighborhood Park, both are within a mile of the development site. Outdoor community areas and connections to the West Lanham Neighborhood Park are recommended for this development proposal, which is for a mix of multifamily dwellings, with a density of approximately 10 to 70 dwellings per acre and 3,000 square feet of retail/non-profit space. The Basic Plan

illustrates Open Space along the property frontage and the southern property line that abuts MNCPPC owned land. The applicant is preserving the onsite woodlands as passive recreation space. The pedestrian circulation shown connects to Annapolis Road. Per the Statement of Justification, the slopes along the southern boundary impede the opportunity to create pedestrian access to the West Lanham Park via 77<sup>th</sup> Avenue. This should be further analyzed as part of future development applications. The Statement of Justification states that the public space will be designed as a public courtyard adjacent to bicycle path and sidewalk. At the time of the evaluation of the Preliminary Plan of Subdivision, DPR staff will review the recommendations and requirements of the NAC-PD zone, relevant Master Plans, and the Subdivision Regulations as they pertain to the provision of public parks and recreation facilities.

**RECOMMENDATIONS:**

The Department of Parks and Recreation (DPR) recommends approval of the zoning change request with the following conditions:

1. The applicant shall develop a path/trail extension to connect to West Lanham Park as a public benefit.

cc: Leonard Pettiford

**ZMA-2024-003**  
**PROPOSED CONDITIONS IN CONFORMANCE**  
**WITH SECTION 27-3602(a)(5)(H)**

**27-3602. Planned Development (PD) Zoning Map Amendment**

**(a) Planned Development (PD) Map Amendment Submittal Requirements**

(5) A PD map amendment application shall include the following:

(H) A proposed PD Basic Plan and proposed PD Conditions of Approval addressing all requirements and standards set forth in Section [27-4300](#), Planned Development Zones; and

As the proposed development progresses through the entitlement process, all of the applicable provisions of the subdivision and zoning ordinance will be addressed. Specifically related to compliance with Section 27-3602(a)(5)(H), most of the requirements and standards set forth in Section 27-4300 will be incorporated into the Detailed Site Plan and implemented through the construction of the project. With specific regard to the proposed public benefit features, many of them will also be incorporated into the Detailed Site Plan and implemented with the construction of the project. These public benefit features include the following:

Section 27-4301(d)(3)(C)(i): Urban design and architecture

Section 27-4301(d)(3)(C)(iv): Site planning

Section 27-4301(d)(3)(C)(xi): Sustainable and environmental benefits/enhanced green building design features.

Section 27-4301(d)(3)(C)(xiv): Multimodal transportation improvements/EV charging stations,

Section 27-4301(d)(3)(C)(xii): Enhanced streetscape design

The Zoning Ordinance requires that the public benefit features be tangible and quantifiable. The inclusion of the public benefit features listed above into the Detailed Site plan ensure they are quantifiable and the implementation of the project through its construction will ensure that all of these features are incorporated.

There are public benefit features proposed which are not specifically incorporated into the Detailed Site Plan and guaranteed by the construction of the project. For these public benefit features, conditions of approval are appropriate. Specifically, the public benefit features which have been proposed but are not guaranteed by the implementation of the Detailed Site Plan are as follows:

Section 27-4301(d)(3)(C)(vii): Provision of affordable housing options;

Section 27-4301(d)(3)(C)(x): Dedicated building space for uses to benefit the public

As noted in the Statement of Justification, the affordable housing component will be guaranteed through LIHTC financing. In order to complete the financing, the Applicant must have a building

permit. At that point, a covenant will be recorded setting forth this guarantee. Attached is a copy of a LIHTC Covenant recorded for a similar project in the City of College Park constructed by this same Applicant. The Applicant would propose the following condition to ensure the implementation of this public benefit feature:

**Prior to the issuance of a use and occupancy permit for the proposed building, the Applicant shall provide evidence of the recordation of a Low-Income Housing Tax Credit Covenant entered into with the Community Development Administration, or other appropriate division of the State of Maryland.**

The space provided for use by a designated non-profit will be constructed and available at the time of use and occupancy. The provision of the space is clearly ensured by the construction of the project. However, the Applicant would propose that it will use best efforts to identify and lease the space to a non-profit entity or entities and provide the space rent-free to that entity or entities. In the event however, that an appropriate non-profit entity is identified within 1 year after the final use and occupancy permit is issued for the residential units, the Applicant will be permitted to lease the non-residential space to any other use permitted in the NAC Zone. The applicant would propose the following condition:

**The Applicant shall include 3,000+ of non-residential space in the Detailed Site Plan to be submitted for this project. The Applicant shall use best efforts to provide this space rent free to a non-profit entity or entities upon construction of the building. In the event that the Applicant has been unable to identify an appropriate non-profit entity to occupy the space within one year following the issuance of the final use and occupancy permit for the residential units, the Applicant will be permitted to seek a use and occupancy permit for a commercial tenant permitted in the NAC Zone.**

The above conditions will ensure that the requirements of 27-4300 et. seq are addressed.

This instrument is exempt from recordation tax and transfer tax under Section 12-108(a) and 13-207(a) of the Annotated Code of Maryland, Tax-Property Article

Record & Return to:   
 Fidelity National Title  
Insurance Company  
NATIONAL COMMERCIAL SERVICES I.O.E.  
1620 L Street NW, 4th Floor  
Washington, DC 20036  
File #: DC2301219 4 of 7

PRINCE GEORGE'S COUNTY, MD  
APPROVED BY: # KLB  
DATE: 11/29/2023  
\$ N/A RECORDATION TAX PAID  
\$ 14 TRANSFER TAX PAID

Project Name: Flats at College Park  
Project Number: MBP 29.628.4700

DECLARATION OF RESTRICTIVE COVENANTS AND  
REGULATORY AGREEMENT

THIS DECLARATION OF RESTRICTIVE COVENANTS AND REGULATORY AGREEMENT (this "Regulatory Agreement") is made as of the 1<sup>st</sup> day of November, 2023 by and between FLATS AT COLLEGE PARK, LLC, a Virginia limited liability company (the "Declarant"), and the COMMUNITY DEVELOPMENT ADMINISTRATION ("CDA"), a unit of the Division of Development Finance of the Department of Housing and Community Development, a principal department of the State of Maryland.

WITNESSETH:

WHEREAS, the Declarant has requested and CDA has agreed to make a loan to the Declarant, in the principal amount of Sixty-Five Million Five Hundred Thousand and no/100 Dollars (\$65,500,000) (the "Project Loan") to finance a portion of the costs of acquisition and construction of a "public purpose project" within the meaning of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, and the regulations promulgated thereunder (the "Act") known, or to be known, as Flats at College Park (the "Project"). The Project will consist of 317 residential rental units and is located on real property in Prince George's County, Maryland (the "Property").

WHEREAS, the Project Loan will be made from the proceeds of a separate loan made to CDA pursuant to the Funding Loan Agreement of even date herewith (the "Funding Loan Agreement"), by and among CDA, Wilmington Trust, National Association, as Fiscal Agent, and Wells Fargo Bank, National Association (the "Funding Lender") and evidenced by a Multifamily Note from CDA in favor of the Funding Lender (the "Governmental Note") in the original principal amount equal to the amount of the Project Loan (the "Funding Loan").

WHEREAS, the Declarant is willing to subject the Property to the covenants and restrictions contained in this Regulatory Agreement in order to (i) induce CDA to make the Project Loan and (ii) to satisfy certain requirements applicable to qualification of the interest on the Governmental Note for exclusion from gross income under Section 103 and other applicable provisions of the Code (as defined herein), for federal income tax purposes, including particularly, but without limitation, certain applicable low-income housing set-aside restrictions applicable to the Governmental Note and the Project Loan under Section 142(d) of the Code.

NOW, THEREFORE, in consideration of the premises set forth in the recitals above (the "Recitals") and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) MEA 49339, p. 0461, MSA\_CE64\_49648. Date available 12/06/2023. Printed 03/06/2025.

1. Definitions. As used in this Regulatory Agreement, the following terms have the following meanings:

“**Act**” has the meaning set forth in the Recitals.

“**AMGI**” means the area median gross income for the area in which the Project is located, as determined from time to time by the Secretary of the United States Department of Housing and Urban Development in a manner consistent with determinations of lower income families and area median gross income under Section 8 of the United States Housing Act of 1937, as amended (or if such program is terminated, under such program as in effect immediately before such termination). In no event shall any determination of AMGI be less than such determination of AMGI for the preceding calendar year.

“**Annual Income**” means annual income as defined by the United States Department of Housing and Urban Development at 24 CFR §5.609, as amended.

“**Bond Counsel**” means the firm or firms of bond attorneys whose opinion is set forth on the Governmental Note, or their successors appointed by CDA, or a firm of nationally recognized attorneys at law experienced in the financing of facilities for non-exempt persons through the issuance of tax-exempt revenue bonds and other tax-exempt financing under the exemptions provided under Section 142 of the Code and predecessor provisions and approved by CDA and the Declarant, such approval not to be unreasonably withheld.

“**CDA**” has the meaning set forth in the Recitals.

“**CDA Restrictions**” has the meaning set forth in Section 14.1 hereof.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Declarant**” has the meaning set forth in the Recitals and includes the successors and assigns of such entity.

“**Dwelling Units**” or “**Units**” means any accommodation or unit in the Project containing separate and complete facilities for living, sleeping, eating, cooking and sanitation for a single person or a family. Such accommodations may be served by centrally located equipment, such as air conditioning or heating. As an example, an apartment containing a living area, a sleeping area, bathing and sanitation facilities, and cooking facilities equipped with a cooking range, refrigerator and sink, would constitute a Unit. Each Unit shall be “**similarly constructed**” (within the meaning of Treasury Regulation Section 1.103-8(b)(4), as amended) to all other Units in the Project. An accommodation shall not fail to be treated as a Unit merely because such accommodation is a single-room occupancy Unit (within the meaning of Section 42 of the Code).

“**Income Restrictions**” has the meaning set forth in Section 14.1 hereof.

“**Land Records**” means the land records of Prince George’s County, Maryland.

“**Lower-Income Tenant Occupancy Requirement**” means the requirement of the Code that 40% of the Units in the Project be occupied by Lower-Income Tenants as provided in Section 4 hereof.

**“Lower-Income Tenants”** means individuals whose Annual Income is 60% or less of AMGI, as adjusted for family size. Except as otherwise provided herein, occupants of a Dwelling Unit shall not be considered to be Lower-Income Tenants if all the occupants are students (as defined in Section 152(f)(2) of the Code), no one of whom is entitled to file a joint federal income tax return. Notwithstanding the foregoing, a tenant is not disqualified as a Lower-Income Tenant merely because he/she is (a) a student receiving assistance under Title IV of the Social Security Act, (b) enrolled in a government supported job training program, (c) a full-time student who is a single parent and is living with his/her children, provided that neither such full time student nor any of his/her children occupying the Unit are dependents of any person other than the full-time student occupying the Unit, (d) a full-time student who is married and files a joint return or (e) a student who was previously under the care and placement responsibility of a foster care program (under part B or Part E of the Title IV of the Social Security Act).

**“Project Loan”** has the meaning set forth in the Recitals.

**“Project Note”** means the Project Loan Note of even date herewith evidencing the Project Loan.

**“Qualified Project Period”** has the meaning used in Section 142(d)(2)(A) of the Code and generally means the period beginning on the first date (on or after the closing date of the Project Loan) on which 10% of the residential Units in the Project are occupied and ending on the latest of the following dates: (1) the date which is 15 years after the first date (on or after the closing date of the Project Loan) on which 50% of the residential Units in the Project are occupied; (2) the first date (on or after the closing date of the Project Loan) on which no proceeds of the Funding Loan with respect to the Project are outstanding; or (3) the first date (on or after the closing date of the Project Loan) on which all assistance provided with respect to the Project under Section 8 has terminated.

**“Qualified Residential Rental Project”** means a project that satisfies the requirements of a “qualified residential rental project” as set forth in Section 142(d) of the Code.

**“Regulated Units”** means those Units rented to and occupied by Lower-Income Tenants to satisfy the Lower-Income Tenant Occupancy Requirement.

**“Restrictive Covenants”** has the meaning set forth in Section 2 hereof.

**“Section 8”** means Section 8 of the United States Housing Act of 1937, as amended.

**“Tax Credit Restrictions”** has the meaning set forth in Section 14.1 hereof.

2. Covenants Running with the Land. The Declarant declares that the Property and every part of it is and shall be owned (legally and beneficially), leased, or otherwise conveyed, transferred, developed, constructed, rehabilitated, improved, built upon, occupied, or otherwise used, subject to the covenants and restrictions set forth in Sections 3 through 6 below (collectively, the **“Restrictive Covenants”**). The Restrictive Covenants shall run with the Property and every part of it for all purposes and shall be binding upon the Declarant and all property owners, tenants, licensees, occupants, and their successors in interest with respect to the Property and shall inure to the benefit of the Declarant and CDA and their respective successors and assigns.

3. Rental Requirement.

3.1 (a) All of the Dwelling Units in the Project shall be rented or made available for rental on a continuous basis to members of the general public;

(b) Unless approved by CDA and to the extent permitted under applicable laws, rules and/or regulations, the Declarant shall not give preference in renting Dwelling Units in the Project to any particular class or group of persons, other than Lower-Income Tenants as provided in Section 4 below; and

(c) The Declarant shall not refuse to lease any Unit in the Project to a prospective tenant who is a holder of a voucher or certificate of eligibility under Section 8 solely on the basis of the prospective tenant's status as a holder of such voucher or certificate.

3.2 None of the Dwelling Units shall at any time be utilized on a transient basis, provided that a single-room occupancy Unit shall not be treated as used on a transient basis merely because it is rented on a month-by-month basis; none of the Dwelling Units shall ever be leased or rented for a period of less than 30 days; and neither the Project nor any portion thereof shall ever be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, sanitarium, nursing home, rest home, or trailer court or park. None of the occupants of such Units shall be provided services customarily found in hotels such as room service for food and beverages, maid service, furnishing and laundering of linens or valet service, and the Declarant shall not provide continued or frequent nursing, medical or psychiatric services to residents of the Project.

3.3 No part of the Project shall at any time be owned or used by a cooperative housing corporation unless otherwise approved in writing by Bond Counsel.

3.4 The Project shall not include a Unit in a building unless all Units in such building are included in the Project.

3.5 The Project shall consist of one or more discrete edifices and other man-made construction, each consisting of an independent foundation, outer walls and roof, all of which are: (i) owned by the same person for federal tax purposes; and (ii) financed by the Project Loan or otherwise pursuant to a common plan of finance. The Project shall be located on (i) a common tract of land, (ii) two or more tracts of land which are contiguous except for being separated only by a road, street or stream or similar property, or (iii) two or more tracts of land whose boundaries meet at one or more points.

3.6 The Project shall consist of: Dwelling Units and facilities functionally related and subordinate in purpose and size to property described above, e.g. parking areas, swimming pool, exercise room, and other recreational facilities reasonably required for the Project, heating and cooling equipment, trash disposal equipment, or Units for resident managers or maintenance personnel.

3.7 The Declarant shall not convert the Project to condominium ownership.

3.8 (i) Except as provided in subsection (ii) of this Section 3.8, no Dwelling Unit in the Project shall be occupied by the Declarant at any time unless the Declarant resides in a Dwelling Unit in a building or structure which contains at least five Dwelling Units.

(ii) A reasonable number of Dwelling Units in the Project may be occupied by employees of the Declarant who are a resident manager or other necessary employee (e.g., maintenance and security personnel), and such units will not be taken into account in determining whether the low income occupancy requirement has been satisfied.

4. Lower-Income Tenants and Occupancy Requirements. The Declarant hereby represents, covenants, and agrees that it shall comply with the occupancy requirements of this Section 4.

4.1 At all times during the Qualified Project Period and, if longer, for such additional period as the Project Loan remains outstanding, the Lower-Income Tenant Occupancy Requirement shall be met. The Declarant hereby acknowledges, covenants and agrees that for the purposes of applying the Lower-Income Tenant Occupancy Requirement, the Project shall be treated as a separate Qualified Residential Rental Project.

4.2 For the purpose of satisfying the covenant in Section 4.1 above, a residential Unit in the Project shall be treated as "occupied" if it was previously rented to and occupied by a Lower-Income Tenant and is being held vacant and available for rental to a Lower-Income Tenant. When such a Unit is re-occupied (other than for a temporary period of not more than 31 days), the character of the Unit shall be re-determined.

4.3 For purposes of satisfying the covenant in Section 4.1 above, the determination of Annual Income will be made both prior to occupancy and on a continuing basis. Increases in a Lower-Income Tenant's Annual Income up to 140% of the applicable limit (adjusted for family size) will not result in disqualification as a Lower Income Tenant. In the event that a Lower-Income Tenant's Annual Income, determined as of the most recent Annual Income Certification as described in Section 4.5 hereof, increases to a level more than 140% of the then applicable limit (or if a Lower-Income Tenant's family size decreases so that its Annual Income becomes more than 140% of the then applicable limit adjusted for family size), and before the next Annual Income Certification, each Unit of a comparable or smaller size in the Project (or in the same building if tax credits under Section 42 of the Code are allowed with respect to the Project) that subsequently becomes available is not rented to a Lower-Income Tenant, that Lower-Income Tenant may no longer be counted among the 40% of Units that satisfy the Lower-Income Tenant Occupancy Requirement.

4.4 Within 30 days after the dates on which at least 10% and 50%, respectively, of the Dwelling Units in the Project are first occupied following the closing of the Funding Loan and the Project Loan, the Declarant shall prepare and submit to CDA a certificate (which may be in the form attached hereto as Exhibit B) in recordable form identifying such date (which may be the date of closing of the Funding Loan) for purposes of the calculation of the commencement and termination of the Qualified Project Period, as applicable.

4.5 The Declarant shall obtain and maintain on file annual certifications of Annual Income (the "**Annual Income Certifications**") from each Lower-Income Tenant in the form and containing such information as may be required by the Code. The first such Annual Income Certification shall be dated not later than either (i) in the case of a tenant who initially executes his/her lease after the date of closing of the Funding Loan, the date of execution of the lease, or (ii) in the case of a tenant who was residing in a residential unit on the date of closing of the Funding Loan, the date that is no later than one year after the date of closing of the Funding Loan. Subsequent Annual Income Certifications for existing tenants shall be dated no earlier than 30 days prior to the anniversary date of initial occupancy. Photocopies of each Annual Income

Certification for each new Lower-Income Tenant shall be submitted to CDA as requested by CDA, which may be as often as may be necessary, in the opinion of Bond Counsel, to comply with applicable provisions of the Code.

4.6 The Declarant shall maintain complete and accurate records pertaining to the Dwelling Units occupied or to be occupied by Lower-Income Tenants, and permit any duly authorized representative of CDA, the United States Department of the Treasury or the Internal Revenue Service to inspect the books and records of the Declarant pertaining to the certifications of Annual Income of Lower-Income Tenants residing in the Project upon reasonable notice and at reasonable times.

4.7 The Declarant shall immediately notify CDA if at any time the Dwelling Units in the Project are not occupied or available for occupancy as provided in Section 4.1 above.

4.8 The Declarant shall prepare and submit to CDA a certificate executed by the Declarant stating, among other matters, the number of Dwelling Units of the Project which, as of the first day of such year, were occupied by Lower-Income Tenants or were vacant and available for rental to Lower-Income Tenants, as provided in Section 4.2 above, and stating that the Lower Income Tenant Occupancy Requirement has been met. Such certificate shall be submitted annually on a date determined by CDA for each calendar year following the closing of the Funding Loan.

5. Annual Certification. The Declarant shall submit to the Secretary of the United States Treasury Department, at such time and in such manner as the Secretary of the Treasury may prescribe, an annual certification as to whether the Project continues to meet the requirements of Section 142(d) of the Code.

6. Covenant with Respect to Use of Funding Loan Proceeds. The Declarant hereby covenants that all of the proceeds of the Project Loan will be used to finance buildings and equipment that qualify as a Qualified Residential Rental Project. CDA understands and agrees that the Regulated Units may be located in one or more of the buildings comprising the Project and that CDA will not require that each building contain one or more Regulated Units. All of the Dwelling Units in the Project shall be rented or available for rental on a continuous basis to the general public.

7. Duration and Termination.

7.1 Unless terminated sooner in accordance with the provisions of Sections 7.2 or 7.3, the Restrictive Covenants shall continue and remain in full force and effect at all times with respect to the Property and each part of it, now or hereafter made subject to the Restrictive Covenants, until the expiration of the Qualified Project Period or so long as the Project Loan is outstanding, whichever is longer, it being expressly agreed and understood that the provisions hereof may survive the repayment in full of the Project Loan, if such repayment occurs prior to the termination of the Qualified Project Period.

7.2 This Regulatory Agreement, or any provisions of it, or any of the Restrictive Covenants, may be terminated, extended, modified, or amended upon an amendment to or modification of applicable provisions of the Code relating to the exclusion of the interest on the Governmental Note from gross income for federal income tax purposes, provided CDA obtains an opinion of Bond Counsel to the effect that upon such termination, extension, modification, or amendment, interest on the Governmental Note shall remain excludable from

gross income for federal income tax purposes. Any such termination, extension, modification, or amendment shall be in writing and shall be effective only after execution by CDA and the Declarant, and recordation among the land records of the county in which the Property is located. For purposes of execution of the instrument evidencing such termination, extension, modification or amendment, the Declarant irrevocably appoints CDA its attorney-in-fact, with full power and authority to execute all documents and do all acts necessary or desirable to give effect to such termination, extension, modification, or amendment.

7.3 Notwithstanding any provisions of Sections 7.1 or 7.2 to the contrary, this Regulatory Agreement and the Restrictive Covenants shall automatically terminate in the event of involuntary noncompliance caused by fire, seizure, requisition, foreclosure, transfer of title by deed in lieu of foreclosure, change in a federal law or an action of a federal administration after the date hereof which prevents compliance with the covenants expressed herein, or condemnation or similar event, but only if, within a reasonable period either (i) an allocable portion of the Funding Loan is paid in full, or (ii) amounts received as a consequence of such event are used to provide a project which meets and is subject to the requirements of Section 142(d) of the Code and of Treasury Regulation Section 1.103-8(b), as amended; provided, however, that the restrictions thereof shall nevertheless apply to the Project if, at any time during that part of the Qualified Project Period subsequent to any involuntary event as described in this paragraph, the “**conduit borrower**” on the “**purpose investment**” (as those phrases are defined in Treasury Regulation Sections 1.150-1(b) and 1.148-1(b), as amended), or a “**related party**” (as that term is defined in Treasury Regulation Section 1.150-1(b), as amended) obtains an ownership interest in the Project for tax purposes.

8. Legal Action Upon Violation. Violation of any of these Restrictive Covenants may be enjoined, abated, restrained, or otherwise remedied by appropriate legal or equitable proceedings. Proceedings to restrain violation of these Restrictive Covenants may be brought at any time that such violation appears reasonably likely to occur in the future. In the event of proceedings brought by CDA or any person acting on behalf of CDA to enforce or restrain violation of any of these Restrictive Covenants, or to determine the rights or duties of any person under this Regulatory Agreement, CDA or any person acting on behalf of CDA, if it or they prevail in such proceedings, may recover reasonable attorneys’ fees to be fixed by the court, in addition to court costs and any other relief awarded by the court in such proceedings. However, enforcement of these Restrictive Covenants shall not result in any claim against the Project, the Project Loan Proceeds, or against the rents or other income from the Project.

9. Enforceability. The Restrictive Covenants shall bind the Declarant and its respective heirs, successors, and assigns, and shall inure to the benefit of and be enforceable by CDA and its successors and assigns. The failure of CDA to enforce any of the Restrictive Covenants shall not be deemed a waiver of the right to enforce them thereafter. There shall be no waiver of any of the Restrictive Covenants except in accordance with Section 7.2 above.

10. Grantee’s Covenants. Each grantee accepting a deed, lease (other than residential leases of Dwelling Units), or other instrument conveying any interest in the Property, whether or not it incorporates or refers to this Regulatory Agreement, covenants for itself, and its heirs, successors, and assigns to observe, perform and be bound by the Restrictive Covenants and, unless otherwise specifically permitted by CDA, to incorporate them by reference in any instrument of conveyance; however, this covenant shall not bind a grantee (other than the Declarant or a related person) upon involuntary conveyance of the Property in accordance with Section 7.3 above.

11. Governing Law. This Regulatory Agreement shall be governed by and construed in accordance with the laws of the State of Maryland.

12. Effect of Headings. The headings of the Sections in this Regulatory Agreement are for convenience only and do not affect the meanings or interpretation of the contents.

13. Severability. If any provision of this Regulatory Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions shall not in any way be affected or impaired.

14. CDA Required Provisions.

14.1 Additional CDA Restrictions.

(a) The Declarant has received a determination from CDA that the Project satisfies the requirements for an allocation of federal low income housing tax credits pursuant to Section 42(h)(4) of the Code, and the Project will be subject to income restrictions in connection therewith (the "**Tax Credit Restrictions**"). The Tax Credit Restrictions are evidenced by a Low Income Housing Tax Credit Covenant of even date herewith recorded among the Land Records (the "**Tax Credit Covenant**").

(b) The Declarant has agreed to further restrict the units in the Project as follows (the "**CDA Restrictions**"):

(i) 103 units must be rented to families each of whose Annual Income does not exceed 50% of AMGI; and

(ii) 163 units must be rented to families each of whose Annual Income does not exceed 60% of AMGI; and

(iii) 51 units must be rented to families each of whose Annual Income does not exceed 80% of AMGI; and

(iv) 0 units will be unrestricted market rate units.

(c) The Project will be subject to the Lower-Income Tenant Occupancy Requirements, the Tax Credit Restrictions and the CDA Restrictions (collectively, the "**Income Restrictions**"). Because the various Income Restrictions overlap, at any given time, the Project will be subject to the most restrictive Income Restrictions in effect at such time.

(d) In the event the Declarant has also received a loan or loans from CDA, or any other lender which imposes additional income restrictions on the Project which are more restrictive than the Income Restrictions (the "**Other Restrictions**"), the Project will be subject to the more restrictive of the Income Restrictions or the Other Restrictions in effect at any time.

14.2 Reserved.

14.3 UFAS Units. The Declarant shall ensure that the Project complies with the Uniform Federal Accessibility Standards ("**UFAS**") and all other applicable laws or requirements, including without limitation Section 504 of the Rehabilitation Act of 1973 ("**Section 504**") and the regulations implementing Section 504, and the Americans with Disabilities Act (the "**ADA**")

and the 2010 ADA Standards, as modified by HUD. The Declarant shall ensure that 5% of the units in the Project be UFAS-qualified with an additional 2% of the units in the Project UFAS-qualified for vision or hearing impaired residents (collectively, the “UFAS Units”). To ensure that persons with disabilities who require the features of a UFAS Unit (a “UFAS-Eligible Tenant”) receive priority for UFAS Units, when a UFAS Unit becomes available, it must be offered first to a UFAS-Eligible Tenant even if other applicants who do not require accessible units have higher placement on the general waiting list. For family projects, if no UFAS-Eligible Tenant is available, the UFAS Unit shall be held for least 60 days after vacancy for a UFAS-Eligible Tenant. However, for all projects, Declarant shall not be required to disregard occupancy restrictions imposed by any applicable financing program, State or federal law or lease. Additionally, for all projects, when renting UFAS Units to households that do not require a UFAS Unit, owners are encouraged to include provisions in the lease that require the household to move to another comparable unit within the project in order to make the UFAS unit available for a UFAS-Eligible Tenant. The Declarant agrees to maintain a waiting list of UFAS-Eligible Tenants.

#### 14.4 Amount of Initial Rent and Security Deposits.

(a) The Declarant agrees that the initial rent charged for Restricted Units shall not exceed the maximum rents permitted, net of utility allowances, under Section 42 of the Internal Revenue Code, subject to the income restrictions set forth in the Low Income Housing Tax Credit Covenant by and between CDA and the Declarant and Section 14.1 above. The initial rents shall be established at the time the Project is placed in service.

(b) The Declarant agrees that it will not require as a condition of the occupancy or leasing of any Regulated Unit, and may neither accept nor allow any employee or agent to accept, any consideration other than the prepayment of the first month's rent plus a security deposit not in excess of one month's rent and pet deposit, if applicable, to guarantee the performance of the covenants of the lease or this Regulatory Agreement.

(c) The Declarant agrees that moneys paid by tenants as a security deposit for the payment of rent shall be deposited in an interest bearing bank account, separate from all other accounts and funds, with a financial institution whose deposits are insured by an agency of the United States, and interest earned on such account shall be credited to each resident in accordance with Maryland law. The amount in such account shall at all times equal or exceed the aggregate of all outstanding obligations with respect to security deposits.

#### 14.5 Marketing.

(a) Marketing Covenants. Declarant agrees in its marketing of the Project:

(i) To display the “Fair Housing” logo poster in the rental office of the Project in a conspicuous location.

(ii) To insure that any radio, television, newspaper advertisements, signs, pamphlets, or brochures used contain appropriate equal opportunity statements.

(iii) To accept tenants without geographic restrictions.

(b) Non-Discrimination; Drug and Alcohol Free Workplaces.

(i) The Declarant shall not discriminate on the basis of race, color, religion, national origin, sex, marital status, sexual orientation, physical or mental disability, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time or other similar federal laws, in the leasing of or otherwise providing dwelling accommodations at the Project or in any other aspect of the development, administration, operation, construction, repair or maintenance of the Project or in any aspect of employment by the Declarant.

(ii) The Declarant shall comply with all applicable provisions of federal, State and local laws and CDA policies regarding discrimination, equal opportunity in employment, housing and credit practices, and drug and alcohol free workplaces including, but not limited to: Title VI and VII of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968, as amended; the Fair Housing Act Amendments of 1988, as amended; Title 20 of the State Government Article of the Annotated Code of Maryland, as amended; State of Maryland Executive Order 01.01.1989.18 relating to drug and alcohol free workplaces; the Secretary's Minority Business Enterprise Program, as amended; the Americans with Disabilities Act of 1990, as amended.

(iii) The Declarant further covenants to submit to CDA, upon request, information relating to Declarant's operations with regard to marital status, physical or mental disability, race, color, religion, sex, sexual orientation, age or national origin on a form to be prescribed by CDA, to the extent permitted by federal, State or local law.

(iv) All of the Dwelling Units in the Project shall be rented or available for rental on a continuous basis to the general public. The Declarant shall not refuse to lease any Unit in the Project to a prospective tenant who is a holder of a voucher or certificate of eligibility under Section 8 of the United States Housing Act of 1937 on the basis of the prospective tenant's status as a holder of such a voucher or certificate.

14.6 Breach of Agreement; Remedies.

(a) Upon a violation of any of the provisions of this Regulatory Agreement by Declarant, CDA may give written notice to Declarant. If the violation is not rectified to CDA's satisfaction within ten days after the date the notice is mailed or within such further time that CDA reasonably determines is necessary to correct the violation, CDA may without further notice declare a default under this Regulatory Agreement effective on the date of such declaration. Upon such declaration CDA may, in addition to those actions permitted under the Project Note or under Maryland or federal law:

(i) declare the whole of the indebtedness under the Project Note immediately due and payable;

(ii) collect all rents and charges in connection with the operation of the Project and use such collections to pay Declarant's obligations under this Regulatory Agreement and under the Project Note and the necessary expenses of preserving the Property and operating the Project;

(iii) apply to any court, State or federal, for specific performance of this Regulatory Agreement, for an injunction against any violation of this

Regulatory Agreement, for the appointment of a receiver to take over and operate the Project in accordance with the terms of this Regulatory Agreement, or for such other relief that may be appropriate; in this regard, Declarant acknowledges that any injury to CDA arising from a default under any of the terms of this Regulatory Agreement would be irreparable and the amount of damage would be difficult to ascertain.

(b) No failure by CDA to exercise and no delay in exercising any right, power, or privilege under this Regulatory Agreement shall operate as a waiver thereof; nor shall any single or partial exercise of any right, power or privilege preclude any other exercise thereof or the exercise of any other right, power, or privilege.

(c) Any cure of a violation or default hereunder made according to the provisions of this Regulatory Agreement by any subsequent owner of any or all of the Property or the Project, by any other person whose interest in the Property or the Project might be prejudiced in the event of a failure to make such cure, or by any stockholder, partner, member, officer or director of an entity which at any time owns or has an interest in the Property, the Project or in the Declarant, shall be deemed, as between CDA and all persons who at any time may be liable as aforesaid or may own any or all of the Property, the Project or the Declarant, to have been made on behalf of all such persons.

14.7 Commercial Lease. On or about the date hereof, Declarant has entered into a Master Lease (the “**Commercial Lease**”) with Flats at College Park RST, LLC, a Virginia limited liability company and the sole member of Declarant’s managing member (the “**Commercial Tenant**”). Pursuant to the Commercial Lease, Declarant is leasing a portion of the Project (the “**Commercial Lease Premises**”) to the Commercial Tenant who may, in turn, sublease the Commercial Lease Premises to a third party (“**Commercial Subtenant**”) pursuant to a commercial sublease (a “**Commercial Sublease**” and, together with the Commercial Lease, the “**Commercial Leases**”). The Declarant or the Commercial Subtenant shall use the Commercial Lease Premises for a lawful purpose to the extent permitted under the Commercial Lease and under the Act and any such purpose shall be subject to CDA’s prior written consent. A copy of the Commercial Lease has been provided to and approved by CDA and any subsequent Commercial Sublease shall be subject to CDA’s prior written consent. Further, Declarant agrees that it shall not make any modifications to the Commercial Leases of any kind, including but not limited to, changes to the square footage of the Commercial Lease Premises, changes to the amount of rent paid, changes to the use of the Commercial Lease Premises, changes to the Commercial Subtenant, without receiving the prior written consent of CDA. In addition, Declarant agrees to provide CDA with an annual statement regarding the status of the Commercial Leases confirming (i) that the Commercial Leases are still in effect; (ii) that no changes have been made to the Commercial Leases; and (iii) the amount of income received pursuant to the Commercial Leases. Failure to comply with the terms of this section 14.7 shall constitute an event of default hereunder.

14.8 Notice. All notices, demands, requests or other communications to be sent by one party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the addressee or by depositing same in United States mail, postage prepaid, registered or certified mail, return receipt requested, or by overnight courier services, addressed as follows:

Declarant’s Address:	Flats at College Park, LLC c/o RST Development, L.L.C. 168 Business Park Drive, Suite 200
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Virginia Beach, VA 23462  
Attn: Todd Copeland

With Copy To: Klein Hornig LLP  
1325 G Street NW, Ste 770  
Washington, DC 20005  
Attn: Erik T. Hoffman, Esq.

With Copy To: Wells Fargo Bank, National Association  
550 S. Tryon Street, 33rd Floor  
MAC D1086-239  
Charlotte, North Carolina 28202-4200  
Attn: Matthew Parkhill

With Copy To: Pillsbury Winthrop Shaw Pittman LLP  
1200 17<sup>th</sup> Street, NW  
Washington, DC 20036  
Attn: Craig A. deRidder, Esq.

CDA's Address: Community Development Administration  
7800 Harkins Road  
Lanham, Maryland 20706  
Attn: Director, Division of Credit Assurance

With Copy To: Office of the Attorney General  
7800 Harkins Road  
Lanham, Maryland 20706  
Attn: Counsel

All notices, demands and requests shall be effective upon such personal delivery or upon being deposited in the United States mail as required above. However, with respect to notices, demands or requests so deposited in the United States mail, the time period in which a response to any such notice, demand or request must be given shall commence to run from the date on the return receipt of the notice, demand or request reflecting the date of delivery or rejection of the same by the addressee thereof. Rejection or other refusal to accept, or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice, demand or request sent. By giving to the other party at least 15 days written notice thereof, the parties hereto shall have the right from time to time to change their respective addresses and each shall have the right to specify as its address any other address within the United States of America.

15. Non-recourse; Limits on Personal Liability.

(a) Except as otherwise provided herein, no Declarant, nor any member or partner (as appropriate) of the Declarant shall have any personal liability under this Regulatory Agreement or the other Project Loan Documents for repayment of the Indebtedness (as defined in the Project Note) or for the performance of any other obligations under the Project Loan Documents, and CDA's only recourse for the satisfaction of such debt and the performance of such obligations shall be CDA's exercise of its rights and remedies with respect to the collateral securing the Loan.

(b) Notwithstanding the foregoing, each Declarant shall be personally liable to CDA for any funds or property of the Project retained by any Declarant which, by the provisions of the CDA Documents, such Declarant is not entitled to retain.

(c) To the extent that any Declarant has personal liability under this section, CDA may exercise its rights against such Declarant personally, without regard to whether CDA has exercised any rights against the collateral securing the Loan, or pursued any rights against any other Declarant.

16. Housing Search Website. Within 30 days of Initial Closing, the Declarant shall register the Project with CDA’s housing search website, [www.mdhousingsearch.org](http://www.mdhousingsearch.org), and shall, for the term of this Regulatory Agreement, continue to maintain and update its listing on the website or any replacement or related website provided by CDA.

17. Freddie Mac Rider. The provisions of the Freddie Mac Rider attached hereto as Exhibit C are incorporated by reference as if fully set forth herein. In the event of a conflict between provisions of the Freddie Mac Rider and the provisions of this Agreement, the provisions of the Freddie Mac Rider shall control. The provisions of the Freddie Mac Rider shall not take effect until the Loan Servicer or Freddie Mac is the holder of the Governmental Note and shall be terminated automatically and without further action required of any party hereto, the Loan Servicer, or Freddie Mac following the Freddie Mac Purchase Date (as defined in the Funding Loan Agreement) upon the earlier of (a) the date the Governmental Note is paid in full, retired, or otherwise discharged and (b) the date neither the Loan Servicer nor Freddie Mac is the Funding Lender or Funding Lender Representative.

17. Exhibits. The following documents are attached as exhibits hereto and are incorporated by reference herein:

- Exhibit A: Legal Description of Project Land
- Exhibit B: Certification Concerning Qualified Project Period
- Exhibit C: Freddie Mac Rider

[SIGNATURES BEGIN ON FOLLOWING PAGE]

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) MEA 49339, p. 0473, MSA\_CE64\_49648. Date available 12/06/2023. Printed 03/06/2025.

Flats at College Park  
Declaration of Restrictive Covenants  
s/mf/loans/awm/knz

IN WITNESS WHEREOF, the signatures and seals of the parties hereto are subscribed to the foregoing instrument the day and year first written above with the specific intention of creating a document under seal.

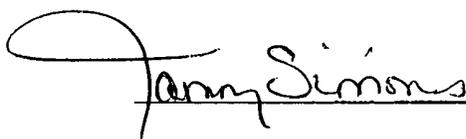
ATTEST OR WITNESS:

FLATS AT COLLEGE PARK, LLC,  
a Virginia limited liability company

By: Flats at College Park RST DE, LLC. a  
Delaware limited liability company, its  
managing member

By: Flats at College Park RST, LLC, a Virginia  
limited liability company, its sole member

By: RST Development, L.L.C., a Virginia  
limited liability company, its sole member



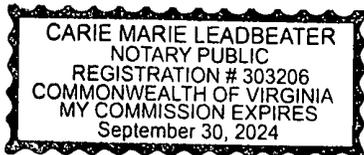
By:  (SEAL)  
Todd A. Copeland  
Manager

STATE OF ~~MARYLAND~~ <sup>VIRGINIA</sup>, CITY/COUNTY OF VIRGINIA BEACH, to wit:

This record was acknowledged before me on the 18 day of October, 2023, by Todd A. Copeland, Manager of RST Development, L.L.C., the sole member of Flats at College Park RST. LLC, the sole member of Flats at College Park RST DE, LLC, the managing member of Flats at College Park, LLC, a Maryland limited liability company.

  
Notary Public

My Commission Expires: 9/30/2024



[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the signatures and seals of the parties hereto are subscribed to the foregoing instrument the day and year first written above with the specific intention of creating a document under seal.

ATTEST OR WITNESS:

COMMUNITY DEVELOPMENT  
ADMINISTRATION

JA

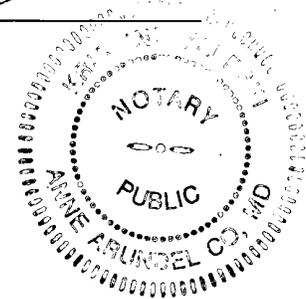
By: MD (SEAL)  
Maria Davis  
Authorized Officer

STATE OF MARYLAND, COUNTY OF PRINCE GEORGE'S, to wit:

This record was acknowledged before me on the 6 day of November, 2023, by Maria Davis as Authorized Officer of the Community Development Administration.

My Commission Expires: 4/25/24

JA  
Notary Public



PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) MEA 49339, p. 0475, MSA\_CE64\_49648. Date available 12/06/2023. Printed 03/06/2025.

EXHIBIT A

Legal Description

Parcel 1:

Parcel 1 in that certain Subdivision Record Plat of Parcel 1, 9113 Baltimore Avenue, prepared by VIKA Maryland, LLC dated May 24, 2023 and recorded August 11, 2023 among the Land Records of Prince George's County, Maryland in Plat Book ME 264 Plat No. 73.

Parcel 1 was formerly known as:

1. Parcel lettered "A" in a subdivision known as "SIMS TRACT" as per plat thereof recorded in Plat Book NLP 97 at plat 49 among the Land Records of Prince George's County, Maryland. Being in the 21st Election District.

Tax ID No.: 21-2396505

And

2. Metes and Bounds Description: Residue of Lot 34 and 35 in Daniels Park, Berwyn District, Prince George's County, Maryland.

BEGINNING for the subject property at an iron pipe set at the southeast corner of Lot 35 which is as shown on Plat of Subdivision recorded in Plat Book "A", at folio 59, among the Land Records of Prince George's County, Maryland, and thence with the northerly line of Parcel "A" Sims Tract which is as recorded in Plat Book NLP No. 97, at folio 49 among the aforesaid Land Records North 67 degrees 08' 06" West, 306.29 feet to a point and thence with Baltimore Avenue (U.S. Route #1) North 10 degrees 59' 25" East, 194.12 feet to a point and thence along the arc of a curve deflecting to the right said curve having a radius of 24.80 feet and a long chord bearing and distance of North 61 degrees 55' 40" East, 38.51 feet and an arc distance of 44.10 feet to a P.K. nail set and thence with the southerly right of way line of Delaware Street (30 foot right of way) South 67 degrees 08' 06" East, 284.78 feet to an iron pipe set and thence with the westerly right of way line of 48th Avenue (40 foot right of way) South 13 degrees 15' 54" West, 223.00 feet to the point of beginning and containing 1.5599 acres of land more or less. The improvements thereon being now or formerly known as No. 9137 Baltimore Boulevard.

BEING all of that same property as more particularly described in a Deed dated September 4, 1998, and recorded among the Land Records of Prince George's County, Maryland in Liber 12449, folio 388, which was granted and conveyed by Galaxy Corporation, a California corporation unto Capitol Hospitality, Inc., a Maryland corporation, the within Grantor, in fee simple.

Tax ID No.: 21-2411080

And

Parcel 2:

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) MEA 49339, p. 0476, MSA\_CE64\_49648. Date available 12/06/2023. Printed 03/06/2025.

BEING KNOWN AND DESIGNATED as Resubdivision of Lots 36 and 37, 11,229.00 square feet, known as Lot 9, Block A, Daniels Park Subdivision, which Plat is recorded in Plat Book BB 6, Plat numbered 31, in the Berwyn District, Prince George's County, Maryland.

Tax ID No.: 21-2379758

Parcel 3:

Lot numbered One (1) in Block Lettered "A" in the subdivision known as "F.C. EBAUGH'S SUBDIVISION, DANIEL'S PARK", as per plat recorded in Plat Book BB 6, Plat numbered 31, among the Land Records of Prince George's County, Maryland; being in the 21st Election District of said County.

Tax ID No.: 21-2345593

EXHIBIT B

Certification Concerning Qualified Project Period

Flats at College Park, LLC, a Virginia limited liability company (the “**Declarant**”), hereby certifies to the Community Development Administration (“**CDA**”), a unit of the Division of Development Finance of the Department of Housing and Community Development of the State of Maryland, in connection with a certain loan (the “**Project Loan**”) for a certain project known, or to be known, as Flats at College Park, which will consist of 317 residential rental Units, located in Prince George’s County, Maryland (the “**Project**”), as follows:

1. The Qualified Project Period shall begin on the first date on or after the closing date of the Project Loan on which 10% of the total number of residential Units in the Project were occupied, which date the Declarant certifies to be as follows: (\_\_\_\_\_).

2. The Qualified Project Period shall end on the latest of the following dates to occur:

(i) the first date on or after the closing date of the Project Loan on which 50% of the total number of residential Units in the Project were occupied, which date the Declarant certifies to be as follows: (\_\_\_\_\_), plus an additional 15 years after such date, which resulting date after such 15-year period being as follows: (\_\_\_\_\_);

(ii) the first date on which none of the proceeds of the Funding Loan or any other tax-exempt loan or note made with respect to the Project remain outstanding; or

(iii) the first date on which all assistance provided with respect to the Project under Section 8 of the United States Housing Act of 1937, as amended, has terminated.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) MEA 49339, p. 0478, MSA\_CE64\_49648. Date available 12/06/2023. Printed 03/06/2025.

IN WITNESS WHEREOF, the signatures and seals of the parties hereto are subscribed to the foregoing instrument the day and year first written above with the specific intention of creating a document under seal.

ATTEST OR WITNESS:

FLATS AT COLLEGE PARK, LLC,  
a Virginia limited liability company

By: Flats at College Park RST DE, LLC, a  
Delaware limited liability company, its  
managing member

By: Flats at College Park RST, LLC, a Virginia  
limited liability company, its sole member

By: RST Development, L.L.C., a Virginia  
limited liability company, its sole member

\_\_\_\_\_

By: \_\_\_\_\_ (SEAL)  
Todd A. Copeland  
Manager

STATE OF MARYLAND, CITY/COUNTY OF \_\_\_\_\_, to wit:

This record was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2023, by Todd A. Copeland, Manager of RST Development, L.L.C., the sole member of Flats at College Park RST, LLC, the sole member of Flats at College Park RST DE, LLC, the managing member of Flats at College Park, LLC, a Maryland limited liability company.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) MEA 49339, p. 0479, MSA\_CE64\_49648. Date available 12/06/2023. Printed 03/06/2025.

IN WITNESS WHEREOF, the signatures and seals of the parties hereto are subscribed to the foregoing instrument the day and year first written above with the specific intention of creating a document under seal.

ATTEST OR WITNESS:

COMMUNITY DEVELOPMENT  
ADMINISTRATION

\_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

Maria Davis  
Authorized Officer

STATE OF MARYLAND, COUNTY OF PRINCE GEORGE'S, to wit:

This record was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2023, by Maria Davis as Authorized Officer of the Community Development Administration.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**Return to:**  
**Maryland Department of Housing and Community Development**  
**Multifamily Asset Management**  
**7800 Harkins Road**  
**Lanham, Maryland 20706**  
**Attn: Database Coordinator**  
**E-mail: dca\_mf.dhcd@maryland.gov**

**With a Copy to:**  
**Office of the Attorney General**  
**7800 Harkins Road**  
**Lanham, Maryland 20706**  
**Attn: Counsel**  
**E-mail: legal.dhcd@maryland.gov**

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) MEA 49339, p. 0480, MSA\_CE64\_49648. Date available 12/06/2023. Printed 03/06/2025.

**Exhibit C****Freddie Mac Rider to Regulatory Agreement – TEL**

(Revised 6-27-2023)

THIS FREDDIE MAC RIDER (“**Rider**”) is attached to and forms a part of the Declaration of Restrictive Covenants and Regulatory Agreement (“**Regulatory Agreement**”), dated as of the 1<sup>st</sup> day of November, 2023, by and between the Community Development Administration, a unit of the Division of Development Finance of the Department of Housing and Community Development of the State of Maryland (“**Governmental Lender**”) and Flats at College Park, LLC, a Virginia limited liability company (together with any successor to its rights, duties and obligations hereunder and as owner of the Project identified herein, the “**Borrower**”).

1. **Definitions.** The terms used in this Rider (except as herein otherwise expressly provided or unless the context otherwise requires) shall have the respective meanings specified below. Terms used herein not otherwise defined shall have the respective meanings set forth in the Regulatory Agreement and the Funding Loan Agreement, as applicable.

“**Delivery Date**” means November 17, 2023.

“**Fiscal Agent**” means Wilmington Trust, National Association., as Fiscal Agent under the Funding Loan Agreement, and any successor thereto in such capacity.

“**Freddie Mac**” means the Federal Home Loan Mortgage Corporation, a shareholder-owned government-sponsored enterprise organized and existing under the laws of the United States, and its successors and assigns.

“**Funding Lender**” means any Person who is the holder of the Governmental Note, initially as of the effective date of this Rider, Wells Fargo Bank, National Association and, on the Freddie Mac Purchase Date, Freddie Mac, and any successors or assigns thereof.

“**Funding Loan Agreement**” means the Funding Loan Agreement, dated as of November 1, 2023, by and among Governmental Lender, Initial Funding Lender, and Fiscal Agent, as such Funding Loan Agreement may be amended, restated, supplemented or otherwise modified from time to time.

“**Governmental Note**” means the Multifamily Note, dated the Delivery Date, executed by Governmental Lender and authenticated by Fiscal Agent in favor of Initial Funding Lender, pursuant to the Funding Loan Agreement, as the same may be amended, restated, supplemented or otherwise modified from time to time, or any note executed in substitution therefor, as such substitute note may be amended, restated, supplemented or otherwise modified from time to time, and together with all addenda thereto.

“**Initial Funding Lender**” means Wells Fargo, National Association

“**Loan Servicer**” means any entity appointed by Funding Lender Representative to service the Loans and any successor in such capacity as appointed by Funding Lender Representative pursuant to Section 3.02 of the Project Loan Agreement. Initially, as of the effective date of this Rider, Loan Servicer shall be Wells Fargo Bank, National Association.

“**Project**” means, collectively, the Land, Improvements, and Fixtures (each as defined in the Security Instrument).

**"Project Loan"** means the loan from Governmental Lender to Borrower pursuant to the Project Loan Documents, which Project Loan is to be assigned to Fiscal Agent as security for the Funding Loan.

**"Project Loan Agreement"** means the Project Loan Agreement, dated as of November 1, 2023, among Borrower, Governmental Lender, and Fiscal Agent, as such Project Loan Agreement may be amended, restated, supplemented or otherwise modified from time to time.

**"Project Loan Documents"** means the Security Instrument, the Project Note, the Project Loan Agreement, the Regulatory Agreement, the Assignment, the Continuing Covenant Agreement, any Subordination Agreement(s) and any and all other instruments and other documents evidencing, securing, or otherwise relating to the Project Loan or any portion thereof.

**"Project Note"** means the Promissory Note (Project Loan), dated the Delivery Date, executed by Borrower in favor of Governmental Lender, evidencing Borrower's payment obligations in respect of the Project Loan, and endorsed by Governmental Lender to Fiscal Agent as security for the Funding Loan, as the same will be amended and restated into the form attached to the Construction Phase Financing Agreement upon the occurrence of the Conversion Date, and as the same may be further amended, restated, supplemented or otherwise modified from time to time, or any note executed in substitution therefor, as such substitute note may be amended, restated, supplemented or otherwise modified from time to time, and together with all riders and addenda thereto.

**"Security Instrument"** means the Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated as of November 1, 2023, granting a first priority mortgage and security interest in the Project in favor of Governmental Lender, as the same will be amended and restated into the form attached to the Construction Phase Financing Agreement upon the occurrence of the Conversion Date, and as the same may be further amended, restated, supplemented or otherwise modified from time to time, or any note executed in substitution therefor, as such substitute note may be amended, restated, supplemented or otherwise modified from time to time, and together with all riders and addenda thereto.

2. **Applicability.** The provisions of this Rider shall amend and supplement the provisions of, and in the event of a conflict shall supersede the conflicting provisions of, the Regulatory Agreement.
3. **Indemnification.** Inasmuch as the covenants, reservations and restrictions of the Regulatory Agreement run with the land, the indemnification obligations of Borrower contained in the Regulatory Agreement will be deemed applicable to any successor in interest to Borrower, but, it is acknowledged and agreed, notwithstanding any other provision of the Regulatory Agreement to the contrary, that neither Funding Lender nor any successor in interest to Funding Lender will assume or take subject to any liability for the indemnification obligations of Borrower for acts or omissions of Borrower prior to any transfer of title to Freddie Mac, whether by foreclosure, deed in lieu of foreclosure or comparable conversion of the Project Loan. Borrower shall remain liable under the indemnification provisions for its acts and omissions prior to any transfer of title to Funding Lender. Funding Lender shall indemnify Governmental Lender following acquisition of the Project by Funding Lender, by foreclosure, deed in lieu of foreclosure or comparable conversion of the Project Loan, during, and only during, any ensuing period that Funding Lender owns and operates the Project, provided that Funding Lender's liability shall be strictly limited to acts and omissions of Funding Lender occurring during the period of ownership and operation of the Project by Funding Lender. Funding Lender

shall have no indemnification obligations with respect to the Governmental Note or the Project Loan Documents. Borrower shall remain liable under the Regulatory Agreement for its actions and omissions prior to any transfer of title to Funding Lender.

4. **Sale or Transfer.** None of the following shall apply to any transfer of title to the Project to Funding Lender or to a third party by foreclosure, deed in lieu of foreclosure or comparable conversion of the Project Loan or to any subsequent transfer by Funding Lender following foreclosure, deed-in-lieu of foreclosure or comparable conversion of the Project Loan:

- (a) Restrictions on sale or transfer of the Project or of any interest in Borrower.
- (b) Governmental Lender or Fiscal Agent consents.
- (c) Transferee agreements, transferee criteria and requirements, opinion requirements, assumption fees, transfer fees, penalties and the like.

No transfer of the Project shall operate to release Borrower from its obligations under the Regulatory Agreement. Nothing contained in the Regulatory Agreement shall affect any provision of the Security Instrument or any of the other Project Loan Documents that requires Borrower to obtain the consent of Funding Lender as a precondition to sale, transfer or other disposition of, or any direct or indirect interest in, the Project or of any direct or indirect interest in Borrower, excluding transfers permitted by the Security Instrument. No covenant obligating Borrower to obtain an agreement from any transferee to abide by all requirements and restrictions of the Regulatory Agreement shall have any applicability to a transfer to Funding Lender upon foreclosure, deed-in-lieu of foreclosure or comparable conversion of the Project Loan by Funding Lender, or to any subsequent transfer by Funding Lender following foreclosure, deed-in-lieu of foreclosure or comparable conversion of the Project Loan.

5. **Enforcement.** Notwithstanding anything contained in the Regulatory Agreement to the contrary:

- (a) The occurrence of an event of default under the Regulatory Agreement shall not, under any circumstances whatsoever, be deemed or constitute a default under the Project Loan Documents, except as may be otherwise specified in the Project Loan Documents.
- (b) The occurrence of an event of default under the Regulatory Agreement shall not impair, defeat or render invalid the lien of the Security Instrument.

No person other than Funding Lender shall have the right either to declare the principal balance of the Project Note to be immediately due and payable or commence foreclosure or other like action with respect to the Security Instrument. Governmental Lender and, if the Fiscal Agent is party to the Regulatory Agreement, Fiscal Agent acknowledge and agree that the exercise of any rights and remedies under the Regulatory Agreement is subject to the provisions of the Project Loan Documents.

6. **Notice of Violations.** Promptly upon determining that a violation of the Regulatory Agreement has occurred, Governmental Lender or, if the Fiscal Agent is party to the Regulatory Agreement and required to provide such notice, Fiscal Agent shall, by notice in writing to Borrower, Loan Servicer and Funding Lender, inform Borrower, Loan Servicer and Funding Lender of each of the following:

- (a) The occurrence of such violation.

- (b) The nature of the violation.
- (c) Whether the violation (i) has been cured, (ii) has not been cured, but is curable within a reasonable period of time, or (iii) is incurable.

Notwithstanding the occurrence of such violation, neither Governmental Lender nor Fiscal Agent shall have, and Governmental Lender acknowledges that it shall not have, any right to cause or direct acceleration of the Project Loan, to enforce the Project Note, or to foreclose on the Security Instrument.

7. **Amendments.** The Regulatory Agreement shall not be amended without the prior written consent of Funding Lender.
8. **Fees; Penalties.** Funding Lender shall not be liable for the payment of any compensation or any accrued unpaid fees, costs, expenses or penalties otherwise owed by Borrower or any subsequent owner of the Project prior to the date of acquisition of the Project by Funding Lender, whether such acquisition is by foreclosure, deed-in-lieu of foreclosure or comparable conversion of the Project Loan.
9. **Subordination.** The terms, covenants and restrictions of the Regulatory Agreement, other than those set forth in Sections 3 through 6 are and shall at all times remain subject and subordinate, in all respects, to the liens, rights and interests created under the Project Loan Documents.
10. **Third-Party Beneficiary.** The parties to the Regulatory Agreement recognize and agree that the terms of the Regulatory Agreement and the enforcement of those terms are essential to the security of Funding Lender and are entered into for the benefit of various parties, including Funding Lender. Funding Lender shall accordingly have contractual rights in the Regulatory Agreement and shall be entitled (but not obligated) to enforce, separately or jointly with Governmental Lender or, if the Fiscal Agent is party to the Regulatory Agreement, Fiscal Agent, or to cause Governmental Lender or, if applicable, Fiscal Agent to enforce, the terms of the Regulatory Agreement. In addition, Funding Lender is intended to be and shall be a third-party beneficiary of the Regulatory Agreement.
11. **Notices.** Copies of all notices under the Regulatory Agreement shall be sent to Loan Servicer at the address set forth below or to such other address as Loan Servicer may from time to time designate:

Wells Fargo Bank, National Association  
1751 Pinnacle Drive, 8th Floor  
McLean, Virginia 22102  
Email: [WFMCServicing@wellsfargo.com](mailto:WFMCServicing@wellsfargo.com)  
Attention: Servicing Department

Any notice to be given to Freddie Mac shall be sent to Freddie Mac at the address set forth below or to such other address as Freddie Mac may from time to time designate:

Federal Home Loan Mortgage Corporation  
8100 Jones Branch Drive  
McLean, Virginia 22102  
Attention: Multifamily Operations - Loan  
Accounting  
Email: [mfla@freddiemac.com](mailto:mfla@freddiemac.com)  
Telephone: (703) 714-4177

with a copy to:

Federal Home Loan Mortgage Corporation  
8200 Jones Branch Drive  
McLean, Virginia 22102

Attention:

Managing Associate General Counsel –  
Multifamily Legal Division

Email:

[guy\\_nelson@freddiemac.com](mailto:guy_nelson@freddiemac.com)

Telephone:

(703) 903-2000

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) MEA 49339, p. 0485, MSA\_CE64\_49648. Date available 12/06/2023. Printed 03/06/2025.

LR - Covenant Recording Fee 75.00  
 Declarant Name: Flats at College Park LLC  
 Ref:  
 LR - Covenant Surcharge 40.00  
 =====  
 SubTotal: 115.00  
 =====  
 Total: 750.00  
 12/04/2023 01:30  
 CC16-JeH  
 #17743349 CC0703 -  
 Prince George's  
 County/CC07.03.05 -  
 Register 05

*Mahasin El Amin - Clerk*

Prince George's County Circuit Court  
14735 Main Street  
Upper Marlboro, MD 20772

**Additional Back-up**

**For**

**ZMA-2024-003**

**RST New Carrollton**

**APPLICANT'S PROPOSED REVISIONS TO CONDITIONS**  
**ZMA-2024-003**  
**MAY 1, 2025**

**RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Zoning staff recommend that the Planning Board adopt the findings of this report and APPROVE Zoning Map Amendment ZMA-2024-003, for RST New Carrollton, subject to the following conditions:

1. ~~Prior to issuance of a use and occupancy permit for the proposed building, the applicant shall provide evidence of the recordation of a covenant, to provide affordable housing, entered into with the Community Development Administration, or other appropriate division of the State of Maryland, for provision of~~ **The proposed project will provide affordable housing, with the residential units to be rented for an average of 60 percent of the area median income (AMI). At least 98% of the** residential units of the proposed development shall be affordable, to these specifications.
2. The applicant shall include at least 3,000 square feet of nonresidential space in the detailed site plan to be submitted for this project. The applicant shall use best efforts to provide this space rent free to a nonprofit entity or entities upon construction of the building. In the event that the applicant has been unable to identify an appropriate nonprofit entity to occupy the space within one year following the issuance of the final use and occupancy permit for the residential units, the applicant shall fit out the space as a meeting space for local community groups, civic associations, clubs, and others in the community, and will manage the use of that space for the benefit of the community groups and organizations which utilize it.

**Consideration**

1. The applicant should provide a pedestrian connection to the West Lanham Hills Park access trail to the south of the site.

## Opposition Statement for ZMA-2024-003

Greetings Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission,

Please include this written opposition statement for ZMA-2024-003 in the official records of this hearing. Please reconsider the rezoning of NAC to NAC-PD for the development of another multifamily residential apartment complex. I **firmly oppose** the construction of an additional apartment building in an already densely populated area.

Having resided in the West Lanham Hills community for 13 years and being raised in Hanson Oaks, I can attest that both communities have encountered ongoing challenges. These issues stem from persistent traffic problems, Purple Line construction, modifications at the New Carrollton Metro, and the development of new residential apartments over the past eight years.

Simultaneous construction of the Purple Line and Alta New Carrollton apartments continues to significantly impact both the West Lanham Hills and Hanson Oaks Community. The ongoing closure of Ellin Road for the Purple Line project and Alta New Carrollton Apartments is a significant barrier to both neighborhoods and surrounding communities. Ellin Road has been partially closed for four years, with only one side open (see enclosure #2). The Purple Line's construction is expected to finish by 2027, when it will be open to the public (see enclosure #1).

Consequently, both neighborhoods have been affected by damaged streets, prolonged closure of one of the two exits from the neighborhood, and structural damage to houses, including cracks, resulting from the relentless construction activities nearby. Additionally, we have faced disruptive construction noises and restricted access to the metro without adequate signage to inform residents.

Recently, Per Maryland State Department of Transportation's website paving is underway as of March 3, 2025, with a targeted completion of late spring (see identified enclosure #3). The following locations are impacted on MD 410:

MD 295 (Baltimore Washington Parkway) northbound bridge to Veterans Parkway  
Riverdale Road to MD 450 (Annapolis Road) – eastbound lanes only  
MD 450 to US 50

Work is performed on weekdays, between 8:00AM-5:00PM, which adds to traffic congestion. As you see, construction and congestion are recurring themes along MD 450, MD 410, and MD 433.

Furthermore, did RST Development conduct a Traffic Impact Study (TIS) of the area? Have the required state agencies commented on the TIS? Specifically, is the Maryland State Highway Administration involved since all of the roads surrounding the proposed site are under their authority.

According to the Maryland Department of Transportation State Highway Administration, 48,585 vehicles travel daily on MD 450 through the intersections with MD 410. Additionally, 110,505 vehicles travel daily from MD 410 to John Hanson Highway (US 50) and I95. This stretch of road begins at mile point four and ends at mile point five. Approving this development will increase traffic congestion. To enter this proposed site, you turn right to enter and turn right to exit. This means additional cars making a U-turn at the MD 410 intersection in front of the Pancake House (7701 Garrison Road, New Carrollton, MD 20784). This is located at the only operational entrance and exit for West Lanham Hills.

Over the past eight years, Prince George's County Planning Board has sanctioned the development of five new apartment/residential buildings, as listed below. As a result, MD 410, MD 450, and MD 433 corridors feature a significant concentration of apartment complexes. In the proposals submitted to the planning board each plan indicated they would have businesses in the "retail" space for surrounding communities. Presently, only the Remy (with two businesses) and the Stella (with one restaurant) have retailers. Where is the accountability to ensure these retail spaces as outlined in their development plans are fulfilled? Who holds the developers accountable for not fulfilling what is outlined in the submitted and approved plans? How is this helping the surrounding communities?

1. The Remy apartments 7730 Harkins Road, Lanham MD, 20706. Comprised of Remy I (opened in 2017) and Remy II (opened Mid 2023).
2. Stella: 3950 Garden City Drive, New Carrollton, MD 20785: Opened Fall 2021.
3. The Margaux: 4050 Garden City Dr, Hyattsville, MD 20785
4. Alta New Carrollton: 4851 Ellin Road, Hyattsville, MD 20784: Currently under construction as of the writing of this opposition letter. Scheduled for opening later in 2025.
5. Flats at Glenridge Station :7011 Chesapeake Road, Hyattsville, MD 20784: Includes 245 affordable multifamily dwelling units. March 2025 approved for construction.

The ten apartment complexes listed below are within a four-to-five-mile radius of the proposed site. (see identified enclosure #4)

1. Fountain Club 7604 Fontainebleau Dr., New Carrollton, MD 20784.
2. Hilltop Apartments, 5345 85<sup>th</sup> Ave, New Carrollton, MD 20784
3. Carrollton Manor Apartments, 8621 Annapolis Road, New Carrollton, MD 20784
4. Heritage Square Apartments, 7845 Riverdale Rd, New Carrollton, MD 2784
5. Finian's Court, 7740 Finns Ln, New Carrollton, MD 20784
6. New Carrollton Woods, 6285 Fernwood Terrance, Riverdale, MD 20737
7. Chesapeake Landing Apartments, 7509 Buchanan St, Landover Hills, MD 20784
8. Chestnut Ridge, 6872 Riverdale Rd, Lanham, MD 20706
9. Lilly Garden Apartments, 6828 Riverdale Rd, Lanham, MD 20706
10. Auburn Manor Apartments, 6821 Riverdale Rd, New Carrollton, MD 20784

In the course of preparing this opposition statement, it has been determined the majority of these apartment complexes have vacant units (see identified enclosure #5).

This project is primarily focused on generating revenue and lacks significant benefits for the community. As stated in the Zoning Ordinance, Subdivision, Regulations, & Landscape Manual: Subtitle 27: Zoning Ordinance Section 27-4303 (a) (1) (D) states "To include a well-integrated mix of complementary uses, including commercial, personal services, office, and recreation, where appropriate to support residential uses and serve the needs of the surrounding neighborhood" and RST Development does not fit this concept.

On several occasions I asked Danny Copeland of RST Development, who attended meetings within the West Lanham Hills Community, how this proposed development would benefit the community. The responses provided were frequently ambiguous, and my question remained unanswered. I inquired whether the communities of West Lanham Hills and nearby areas would be permitted to use a meeting space within the proposed multifamily residential structure. The response was negative. So again, I ask the board how does approving this proposed rezoning meet the surrounding community's needs? It does not.

The developers were unable to specify the types of businesses that would occupy the complex's retail space. Based on their responses I must reiterate that approval of this rezoning would cause additional harm to an already dense traffic corridor. Considering the vacancies in the nearby apartments and the recent approval by this board of the Flats at Glenridge, **I respectfully oppose and recommend the denial of this project.**

It is suggested to fill the proposed site with one of the following options: a grocery store, a senior community center, or a day care center. These entities would provide significant benefits to the community, unlike another apartment complex that does not contribute positively to the neighboring areas.

Traffic was dense on MD 410, MD 450, and MD 433 prior to construction of the purple line. Construction significantly increased traffic and stress for nearby communities.

Additionally, the staff recommendation report prepared by Mr. Evan King on page 27 states: "The property is adjacent to West Lanham Hills Park, to the south. Staff urge consideration of a direct pedestrian connection to this park but have noted opposition from residents abutting the park." I would like to reiterate that myself, along with other West Lanham Hills residents residing closest to the park, are strongly opposed to the creation of a connecting path. Our community has diligently worked for years to ensure that West Lanham Hills Park is safe, closes at dark, and remains free of crime. On page 29 of Mr. King's report, it is noted again: "Residents of this area have expressed opposition to this connection to the applicant."

In a memorandum dated March 10, 2025, from the Community Planning Division, it is stated: "Also, the applicant has provided evidence of traffic impacts and analysis of the new

residential development." The request for access to the traffic impact analysis for community review and input is reiterated.

The Environmental Planning Memorandum Dated March 7, 2025; it is recommended that the woodland conservation remain at 15%. Tree preservation is crucial. Previous maps of the proposed area were reviewed, but it is uncertain whether anyone from the Environmental Planning Division conducted an on-site inspection of the trees adjacent to the proposed site or West Lanham Hills Park. Such an inspection would reveal that the trees slated for removal to build a path, which residents strongly oppose, are home to a significant number of wildlife, including deer, foxes, rabbits, gophers, and beavers. The removal of these trees would adversely affect already displaced wildlife due to ongoing deforestation in surrounding wooded areas. Preserving only fifteen percent of the woodland area is insufficient; the entire area should remain undisturbed.

While it is understood that times are challenging, this does not justify the ongoing neglect of residents and the excessive development of additional complexes in our community. The county asserts that development is beneficial for the community, but this is not always accurate. In this instance, it is not beneficial. When will the hardworking citizens be genuinely listened to and heard, rather than dismissed in favor of financial incentives and tax breaks?

I respectfully request that the board considers the concerns raised in my testimony and rejects this rezoning and project. West Lanham Hills and Hanson Oaks have faced significant challenges, and there seems to be no substantial justification for another financial initiative that does not positively contribute to the surrounding communities.

**Strongly Opposed,**

*Amanda Karam*

**Ms. Amanda Karam**

Enclosures:

1. Purple Line Website Proposed 2027 Completion Date.
2. Ellin Road Construction
3. Maryland Department of Transportation \*Traffic Alert\*
4. Google Map illustrates the high density of apartments surrounding the proposed site.
5. Apartment Vacancies

# Enclosure #1

## Project Overview

Learn about each of the 21 stations on the line, benefits of the project, and the project's past and future milestones.

[View Progress Gallery](#)



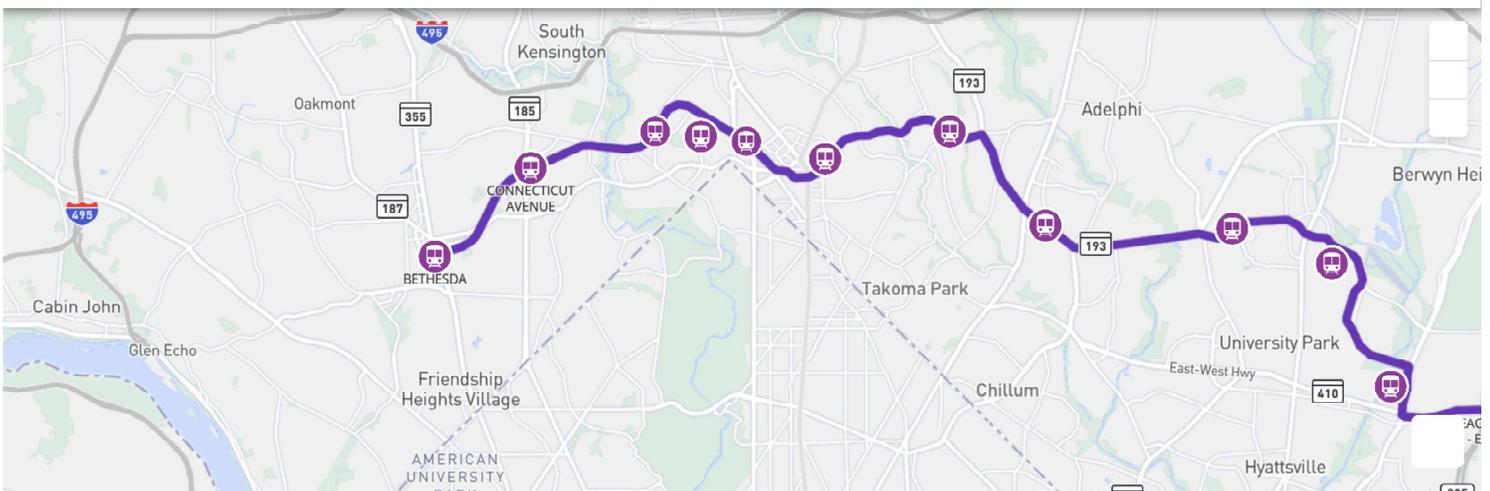
### Fast and Reliable Travel Connections in Your Community

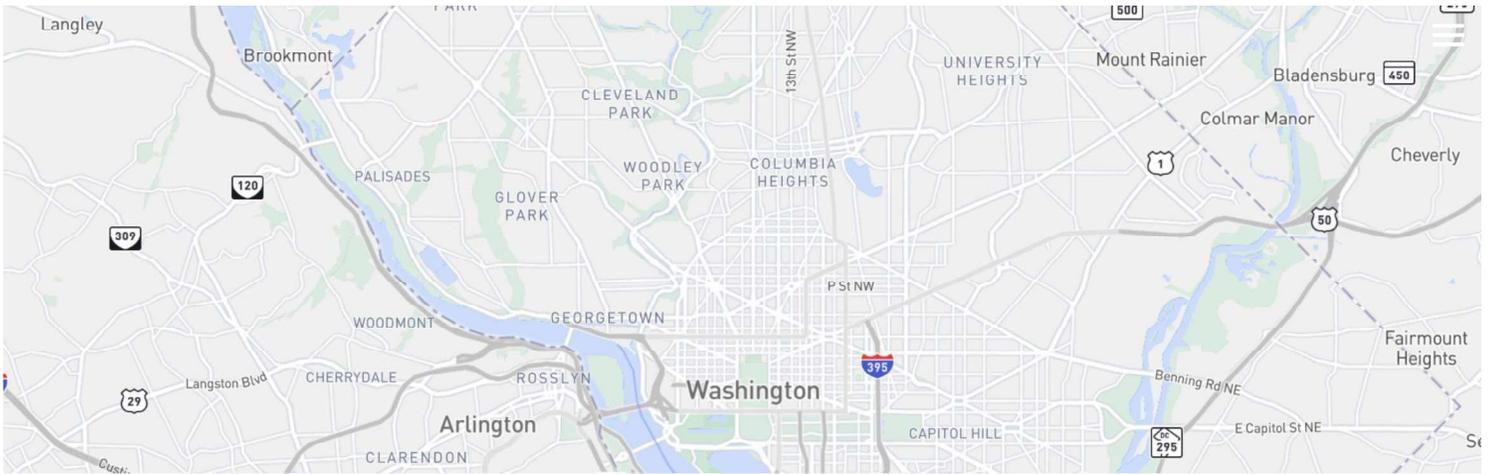
*The Purple Line is a vital connection* that will knit together diverse communities, facilitate easier commutes, and contribute to a greener environment by encouraging public transit use. The Purple Line offers unique opportunities to connect to key destinations from 21 stations embedded in our community.

The 16-mile light rail line will seamlessly connect Prince George's and Montgomery counties, while offering a direct link to:

- Metrorail: Red (Bethesda and Silver Spring), Green (College Park), and Orange (New Carrollton) Lines
- MARC commuter rail (Silver Spring, College Park and New Carrollton)
- Amtrak (New Carrollton)
- Local and regional bus networks

### Explore Future Purple Line Stations





© Mapbox © OpenStreetMap

## MONTGOMERY

-  Bethesda
-  Connecticut Avenue
-  Lyttonsville
-  16th Street - Woodside
-  Silver Spring
-  Silver Spring Library
-  Dale Drive
-  Manchester Place
-  Long Branch



There are 11 stations in Prince George's County and 10 in Montgomery County. As a transit system separate from Metro, the Purple Line will operate mainly in dedicated or exclusive lanes, allowing for fast, reliable transit operations. Most of the alignment will be at the roadway level with short segments elevated or underground.

## Station Accessibility & Vehicle Features

Stations features include a platform, shelters, benches, and ticket vending machines. Commuters will be able to access cars with low floors for easy boarding, on-board storage for bicycles, and comfortable, well-lit train cars. Platforms will be larger than a bus stop, but smaller than the size of a Metrorail station, between 140 and 200 feet long. Trains and platforms are ADA accessible.

Light rail vehicles are modern streetcars, powered by overhead electrical wires. Features include:

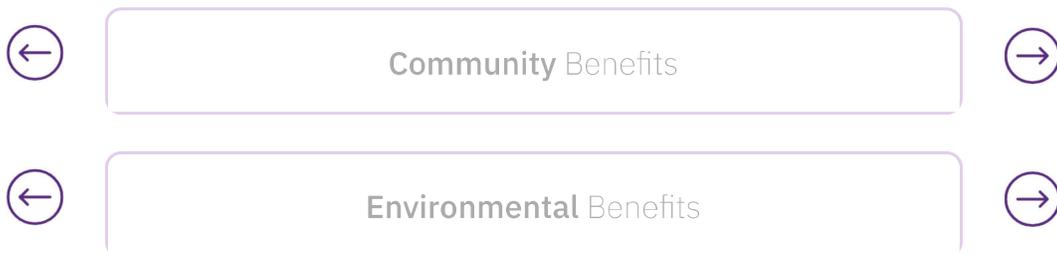
- Low floors to allow passengers to board without climbing steps

- Quiet operations
- Neighborhood stations convenient for pedestrians and bicyclists

Purple Line light rail vehicles have been designed with special wheel profiles, noise dampening wheel skirts, and other noise reducing measures.

## Benefits of the Purple Line

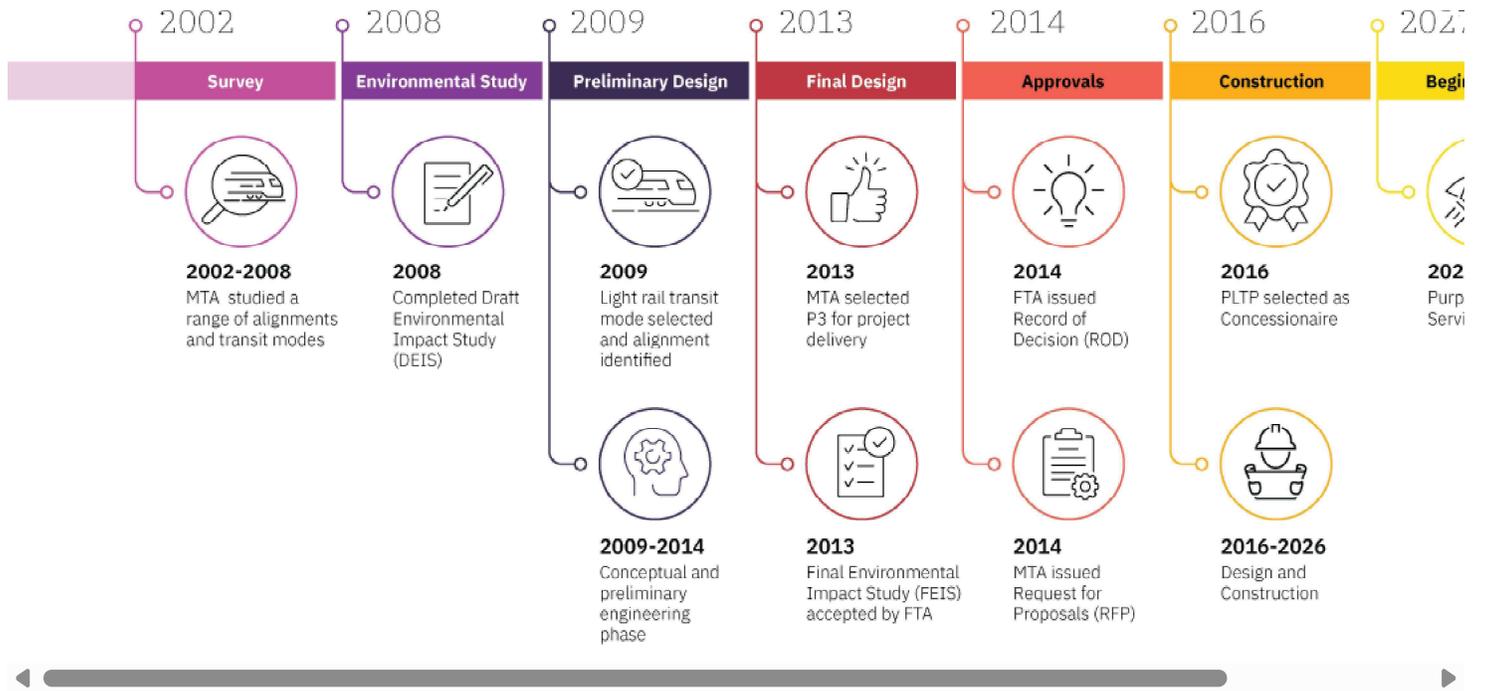
The Purple Line allows commuters of all ages the chance to go across counties to shop, visit, and explore. Slated to open in late 2027, the Purple Line is a vital system that will move people efficiently and sustainably, while improving the quality of life across the region.



## The Purple Line in Action

The Purple Line is owned by the Maryland Transit Administration (MTA). Upon revenue service availability (RSA) Purple Line Transit Partners (PLTP) will operate and maintain the light rail system for 30 years.

MTA is the project lead, in partnership with PLTP and its subcontractors Maryland Transit Solutions and Purple Line Transit Operators. The Purple Line team closely coordinates with a wide range of stakeholders including Washington Metropolitan Area Transit Authority, Prince George's and Montgomery counties, the Maryland-National Capital Park and Planning Commission, Maryland Department of Transportation State Highway Administration (MDOT SHA), and local municipalities in the project area.



Follow Us:      

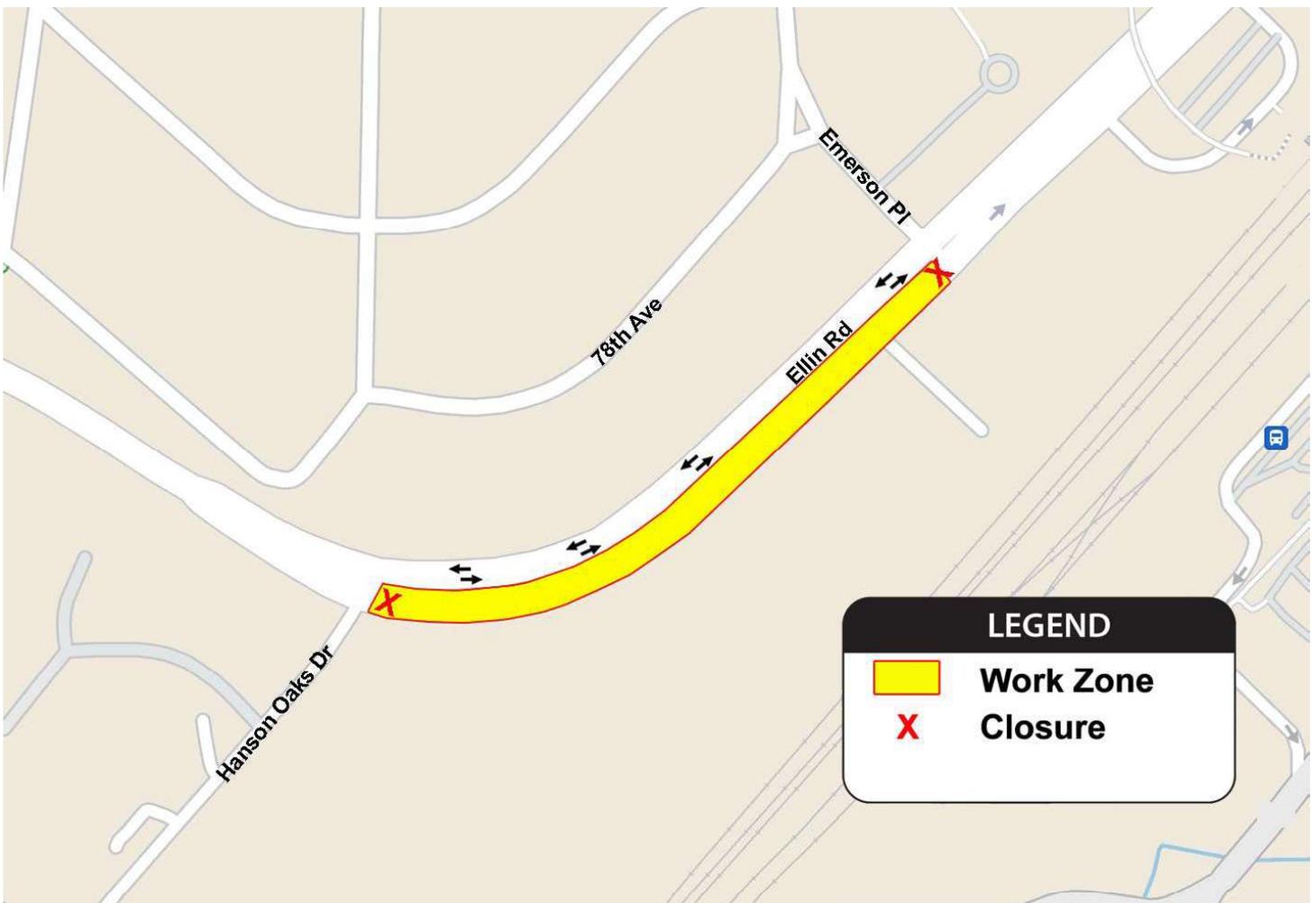


© 2024 Purple Line

## Ellin Road Traffic Shift

On or about March 29, 2023, the Purple Line will implement a long-term traffic switch on Ellin Road between Emerson Place and Hanson Oaks Drive. Two-way traffic will be shifted to the north side of Ellin Road and the south side will be closed to allow the continuation of Purple Line construction.

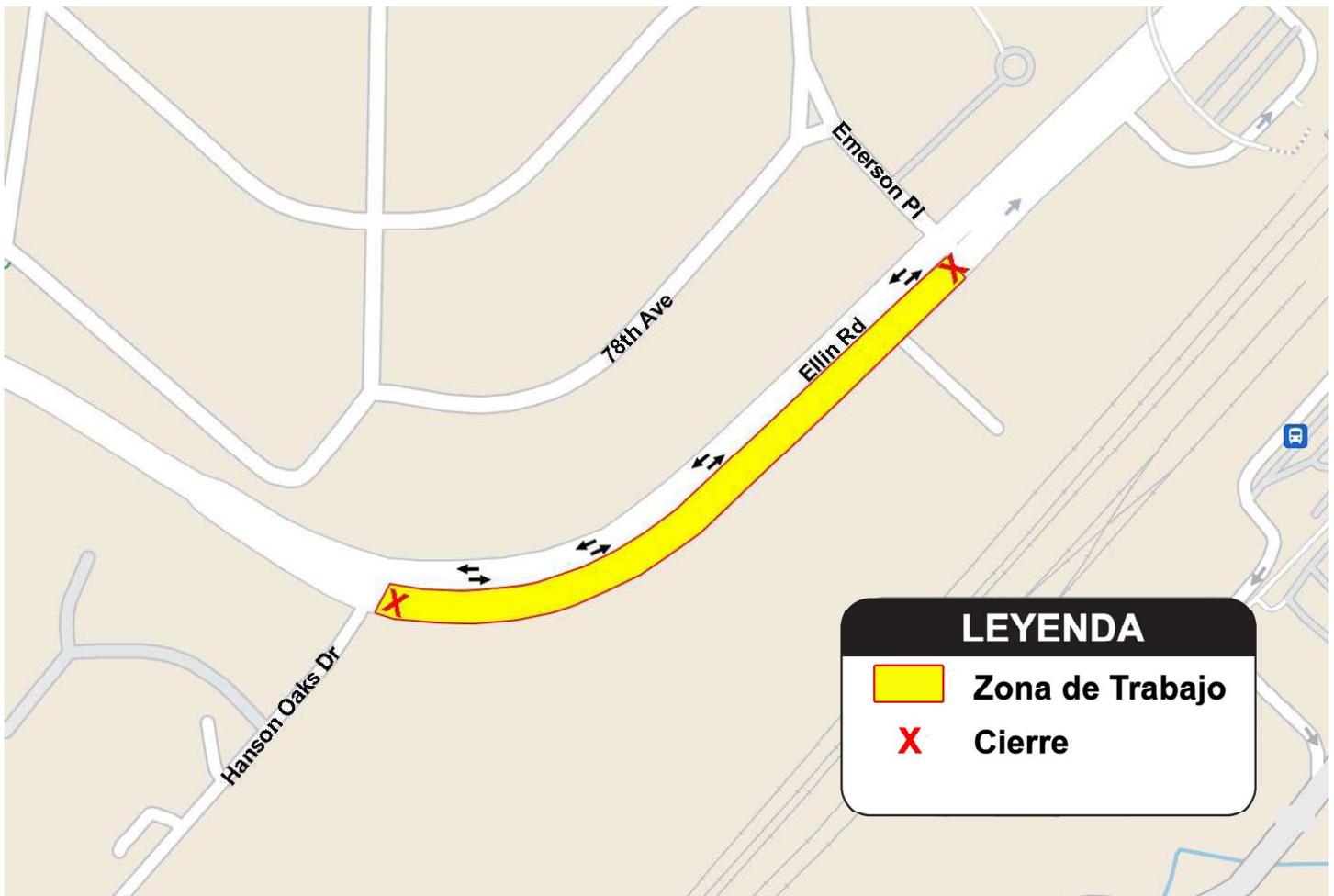
### Enclosure #2



*Please note that weather and unforeseen conditions may impact work schedule.  
To sign up to receive construction alerts via text message or email visit the website below.*

## Cambio de tráfico en Ellin Road

Aproximadamente el 29 de marzo de 2023, la Purple Line implementará un cambio de tráfico a largo plazo en Ellin Road entre Emerson Place y Hanson Oaks Drive. El tráfico de dos vías se cambiará al lado norte de Ellin Roady el lado sur estará cerrado para permitir la continuación de la construcción de la Purple Line.



*Nota: el clima y otras condiciones pueden afectar el horario de construcción.*

*Suscribirse para recibir alertas de construcción por mensaje de texto o correo electrónico, visite el sitio web.*

An official website of the State of Maryland.  
[Here's how you know](#) ▾

# Enclosure #3



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- [MDOT SHA In the News](#)

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- [Planned Major Lane Closure Update for Weekend of March 21, 2025](#)
- [\\*\\*\\*TRAFFIC ALERT\\*\\*\\* State Highway Administration to Temporarily Close the MD 68 Bridge Over Conococheague Creek for Debris Clearing in Washington County](#)
- [\\*\\*\\*TRAFFIC ALERT\\*\\*\\* State Highway Administration to Improve Roadways in Carroll, Frederick and Howard Counties](#)
- [\\*\\*\\*TRAFFIC ALERT\\*\\*\\* State Highway Administration to Improve Pavement on MD 152 \(Mountain Road\) in Harford County Starting Sunday Night](#)
- [\\*\\*\\*TRAFFIC ALERT\\*\\*\\* STATE HIGHWAY ADMINISTRATION BEGINS A RESURFACING PROJECT ON US 340 RAMPS IN WASHINGTON COUNTY](#)

## Archives

- [March 2025](#)
- [February 2025](#)
- [January 2025](#)
- [December 2024](#)
- [November 2024](#)

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## \*\*\*TRAFFIC ALERT\*\*\* STATE HIGHWAY ADMINISTRATION TO PAVE SECTIONS OF MD 410 AND MD 214 IN PRINCE GEORGE'S COUNTY

---

### Weekday Single and Double Lane Closures Through Late Spring 2025

(February 28, 2025) – The State Highway Administration will perform milling and paving in several locations on MD 410 (Riverdale Road/Veterans Parkway) and MD 214 (Central Avenue) in Prince George's County beginning Monday, March 3.

On MD 410, crews will pave along the following locations:

- MD 295 (Baltimore Washington Parkway) northbound bridge to Veterans Parkway
- Riverdale Road to MD 450 (Annapolis Road) – eastbound lanes only
- MD 450 to US 50

On MD 214, crews will pave from Hampton Park Boulevard to I-95 southbound and from MD 202 (Largo Road) to Harry S. Truman Drive.

Work will be performed weekdays, from 8 a.m. to 5 p.m. Single and double-lane closures will be in effect. Weather permitting, this work will be complete by late spring 2025.

Contractor Allan Myers, of Fallston, will use flaggers, cones, barrels, and arrow boards to safely guide motorists through the work zones. The State Highway Administration understands the roadwork will inconvenience some travelers and asks all motorists to please stay alert and be patient as you pass through the work zone.

Customers who have questions may contact the District 3 Office at 301-513-7300 or toll-free at 1-800-749-0737.

For a list of all major State Highway Administration projects, go to [Project Portal](#), or visit the homepage at [roads.maryland.gov](https://roads.maryland.gov). For a look at real-time traffic conditions, go to [md511.maryland.gov](https://md511.maryland.gov).



*MD 410 sign*

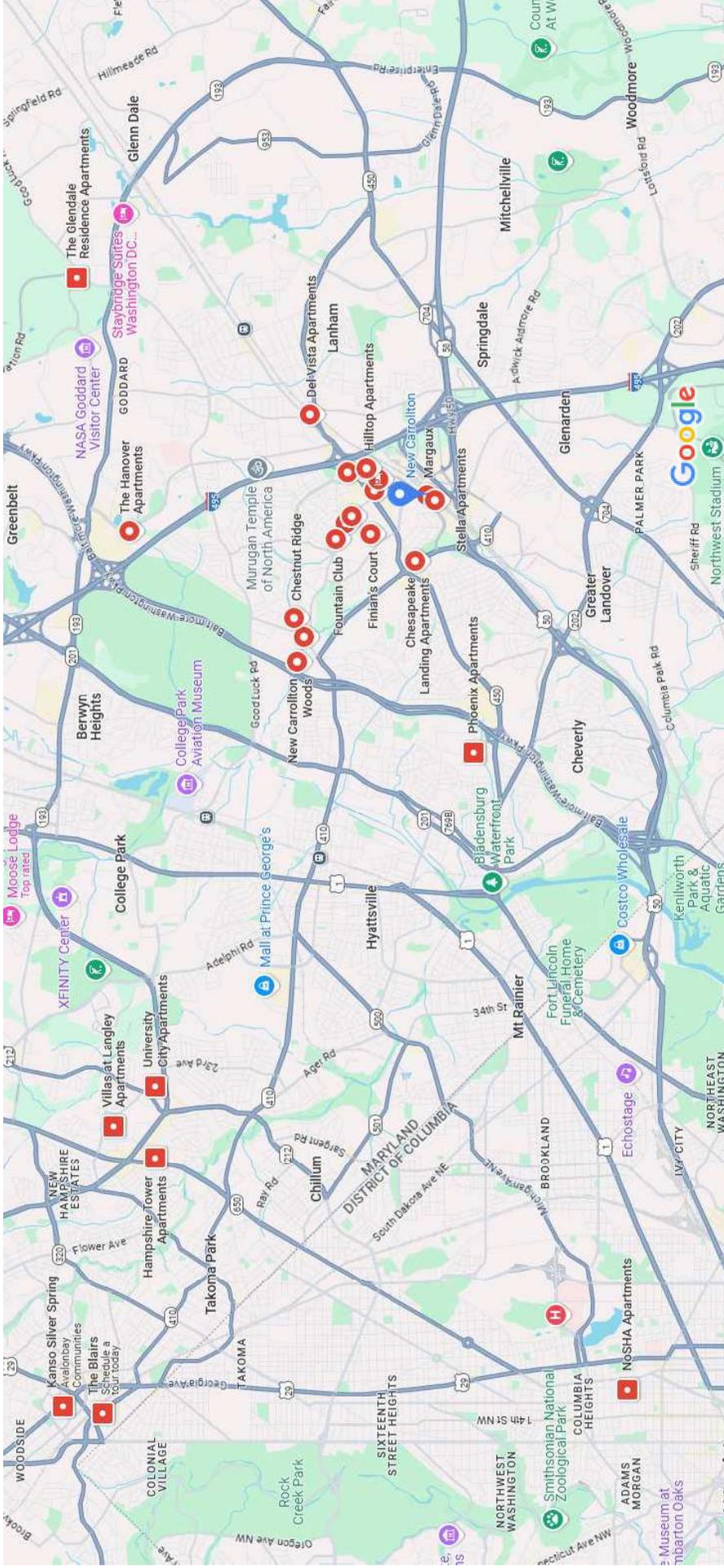
###

[← Previous](#)

[Next →](#)

# Enclosure #4

apartments near new carrollton metro station



Map data ©2025 Google 1 mi

Rating ▾ Hours ▾ All filters

Results ⓘ





City, Address, School, Agent, ZIP



# Enclosure #5A: Carrollon Manor Vacancies

Buy ▾

Rent ▾

Sell ▾

Mortgage ▾

Real Estate Agents ▾

Feed •

Amanda ▾



← Search

Overview

Fees

Amenities

Schools

♡ Favorite

🗑 Hide

➦ Share



For rent

8621 Annapolis Rd, New Carrollton, MD 20784



**\$1,598/mo**

Price

**2**

Beds

**1**

Baths

**910**

Sq Ft

### About 8621 Annapolis Rd

📅 Available on 06/28/2025

🌡️ A/C

🐾 Pets welcome

🚶 Very walkable

🚗 Garage Parking

🏊 Pool

These apartments feature floorplans, fully equipped kitchens, hardwood flooring, carpeting, air conditioning, cable ready, closets, and private balconies. Community features laundry facility, playground, swimming pool, sundeck, grilling stations, picnic

Show more ▾

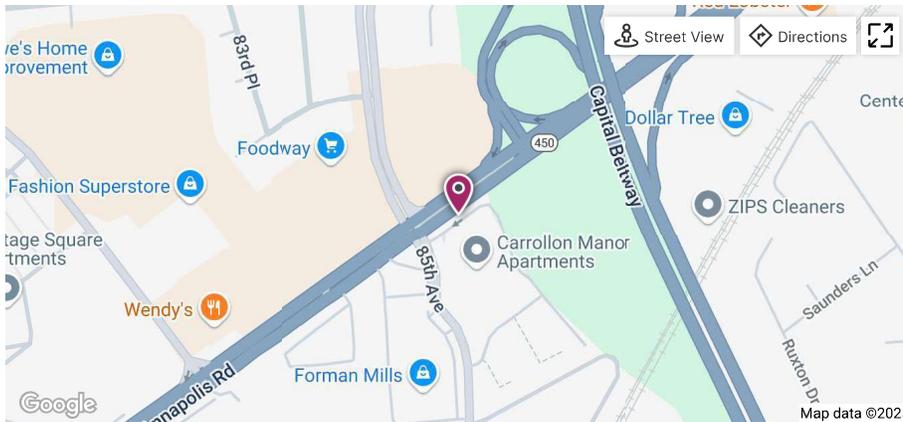
### Contact 8621 Annapolis Rd

Request a tour

or

Send a message

(888) 244-6696



+ Add a commute

### Fees & Policies

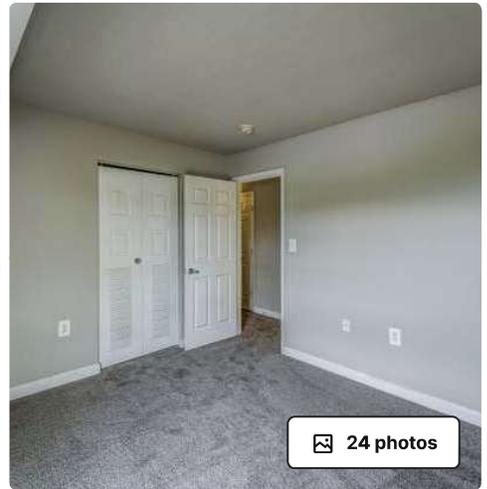
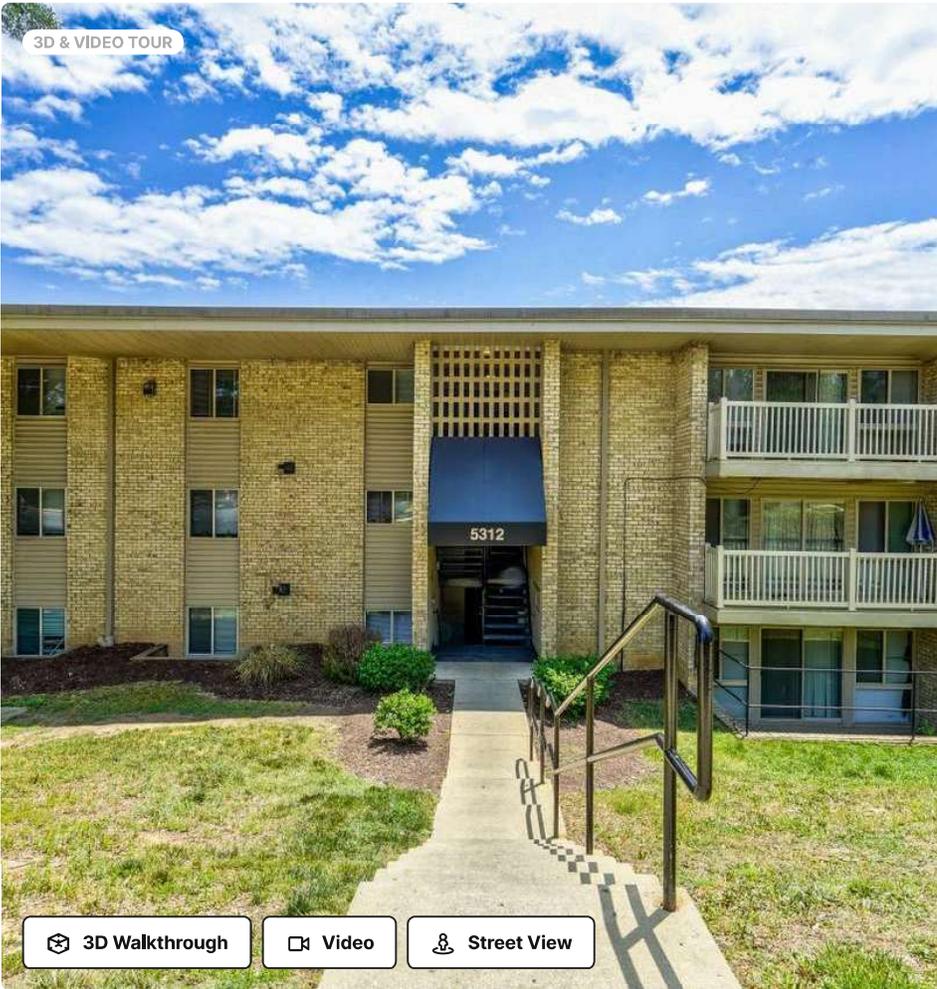
🐾 Cats welcome

🐕 Dogs welcome

🚗 Parking

Type

Outdoor



# Enclosure #5.B: Hilltop Vacancies

For rent



Hilltop Apartments 5345 85th Ave, New Carrollton, MD 20784

**\$1,471+ /mo**

Price

**1-3**

Beds

**1-2**

Baths

**—**

Sq Ft

### Contact Hilltop Apartments

Request a tour

or

Send a message

**(301) 578-5679**

Open today: 10:00 AM-6:00 PM

## Floor Plans

Summary

1 Bed (2)

2 Bed (5)

3 Bed (2)

### 1 Bed (2)

Sparrow Hill

**\$1,471-\$1,498/mo**

1 Ba

2 units available



Calvary Hill

**\$1,580-\$1,595/mo**

1 Ba

2 units available

### 2 Bed (5)

Cavanal Hill

**\$1,646-\$1,648/mo**

1 Ba

2 units available



Price Hill

**\$1,647-\$1,691/mo**

1 Ba

Available Mar 31



Show all available 2 beds ▾

### 3 Bed (2)

Big Hill

**\$2,082-\$2,117/mo**

2 Ba

Available Apr 4



Parliament Hill

**\$2,224/mo**

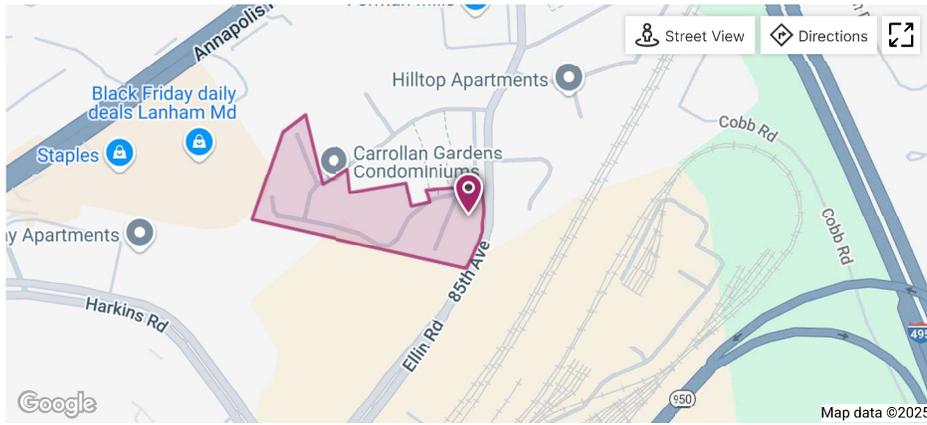
2 Ba

Available May 1



Have a question about the floor plans?

Contact property



+ Add a commute

### About Hilltop Apartments

Hilltop Apartments provides an unbeatable blend of city energy and community tranquility, from the city that surrounds it. Your spacious apartment home is a model of comfort and convenience, while the community features brand new amenities including a cutting-edge

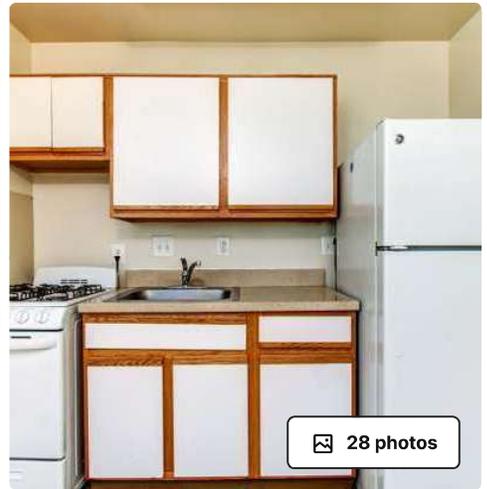
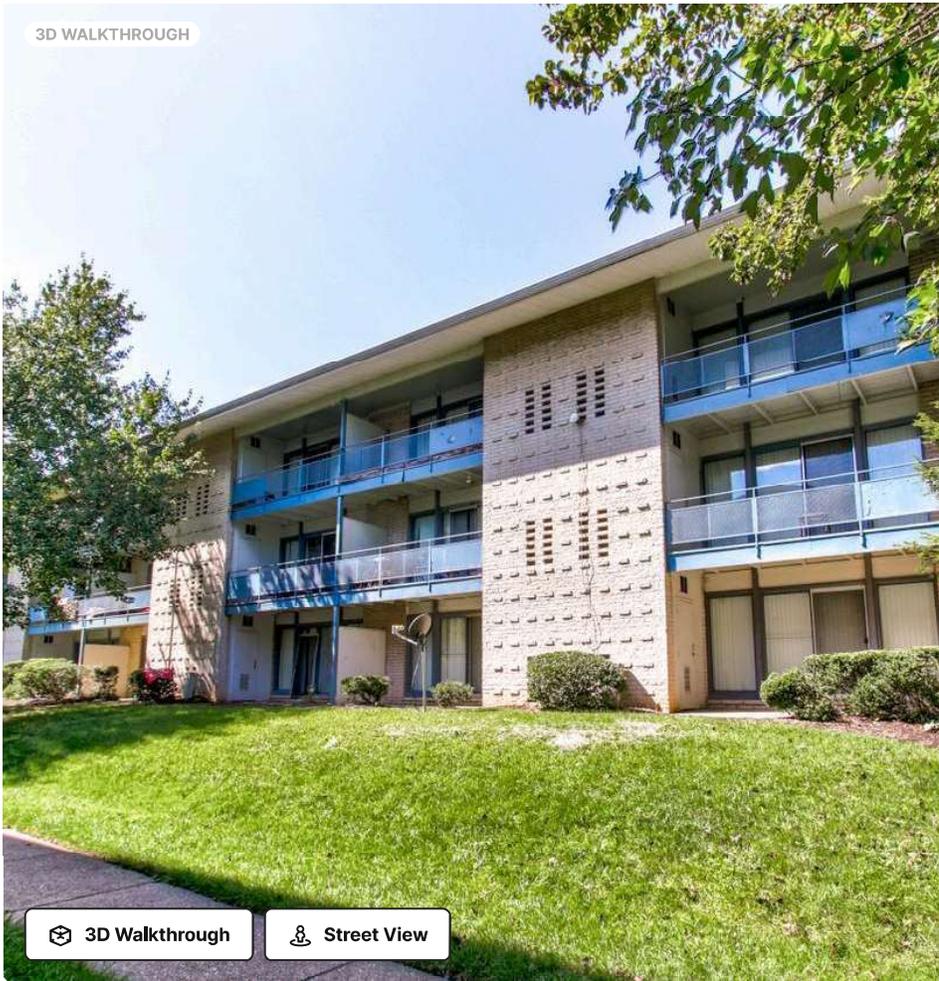
Show more

#### Office Hours

Monday	10:00 AM - 6:00 PM
Tuesday	10:00 AM - 6:00 PM
Wednesday	10:00 AM - 6:00 PM
Thursday	10:00 AM - 6:00 PM
Friday	10:00 AM - 6:00 PM

Closed on Sunday, and Saturday

### Fees & Policies



## Enclosure #5.C: Auburn Manor Vacancies

For rent



Auburn Manor 6821 Riverdale Rd, Riverdale, MD 20737

\$1,500+ /mo Price 1-3 Beds 1-1.5 Baths — Sq Ft

Contact Auburn Manor

Request a tour

or

Send a message

(301) 578-2260

Open today: 8:30 AM-5:00 PM

Floor Plans

Summary

1 Bed (1)

2 Bed (1)

3 Bed (1)

1 Bed (1)

One-Bedroom

\$1,500/mo

1 Ba

2 units available



2 Bed (1)

Two-Bedroom

\$1,781/mo

1 Ba

7 units available



3 Bed (1)

Three-Bedroom

\$2,239/mo

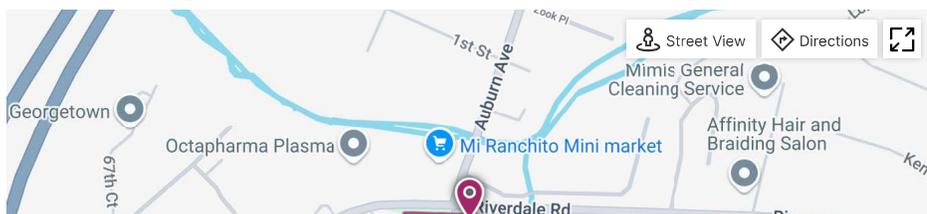
1.5 Ba

1 unit left



Have a question about the floor plans?

Contact property





[+ Add a commute](#)

## About Auburn Manor

Auburn Manor's one, two, and three bedroom apartment homes offer generous floorplans including eat-in kitchens with upgraded cabinetry, formal dining space, and large bedrooms. With added amenities such as laundry centers within steps of each apartment

[Show more](#) ▾

### Office Hours

Sunday	10:00 AM - 2:00 PM
Monday	8:30 AM - 5:00 PM
Tuesday	8:30 AM - 5:00 PM
Wednesday	8:30 AM - 5:00 PM
Thursday	8:30 AM - 5:00 PM
Friday	8:30 AM - 5:00 PM
Saturday	9:00 AM - 3:00 PM

## Fees & Policies

**No pets allowed**

### Parking

Type	Surface Lot	Parking fee	\$0/mo
------	-------------	-------------	--------

Call for more details.

### Lease terms

Term type	Variable, 12 month	Application fee	\$15
-----------	--------------------	-----------------	------

## Amenities

### In-unit amenities

These amenities may not be available for every unit

- Air Conditioning
- Balcony
- Cable Ready
- Dishwasher
- Garbage Disposal
- Gas Range
- Patio
- Refrigerator

### Community amenities

- High Speed Internet Access
- Income Restricted
- Laundry Facility
- On Site Maintenance
- On Site Management
- Playground
- Swimming Pool
- Wireless Internet Access

### Unique amenities

- Ample closet space
- Contemporary appliances and finishes including a dishwasher
- Eat-in kitchen with upgraded cabinetry
- Metrobus at entrance
- Near NASA & downtown Washington, DC
- Near New Carrollton Metro and Greenbelt Metro Stations

[See more unique amenities](#) 

#### Reach out for more information

Ask a question



## Schools

- 3/10 Glenridge Elementary School**  
Public, PreK-6 • Assigned • 0.9mi >
- 3/10 Charles Carroll Middle School**  
Public, 6-8 • Assigned • 0.8mi >
- 3/10 Parkdale High School**  
Public, 9-12 • Assigned • 0.6mi >

[Provided by GreatSchools](#)



## Around Auburn Manor

[Redfin](#) > [Maryland](#) > [Prince George's County](#) > [20706](#)

### Transportation near Auburn Manor



42/100

Car-dependent  
Walk Score®



11/100

Somewhat bikeable  
Bike Score®



#### Places

2 groceries, 19 restaurants, 2 parks >



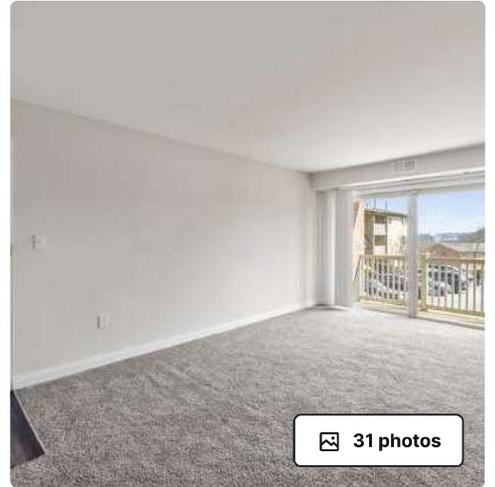
#### Transit

F4, F6, T14 >



← Search Overview Floor Plans Amenities Schools

♡ Favorite  Hide  Share



 Street View

 31 photos

## Enclosure #5.D: Chesapeake Landing

For rent

Chesapeake Landing 7509 Buchanan St, Hyattsville, MD 20784



Contact This Property

Reach out to ask a question, schedule a tour, or request an application.

(888) 815-6797

\$1,445+ /mo 1 1 730-767  
Price Beds Baths Sq Ft

Floor Plans

Summary

1 Bed (2)

1 Bed (2)

1 Bedroom A

\$1,445-\$1,570/mo

1 Ba · 730 Sqft.

Available Apr 10



1 Bedroom B

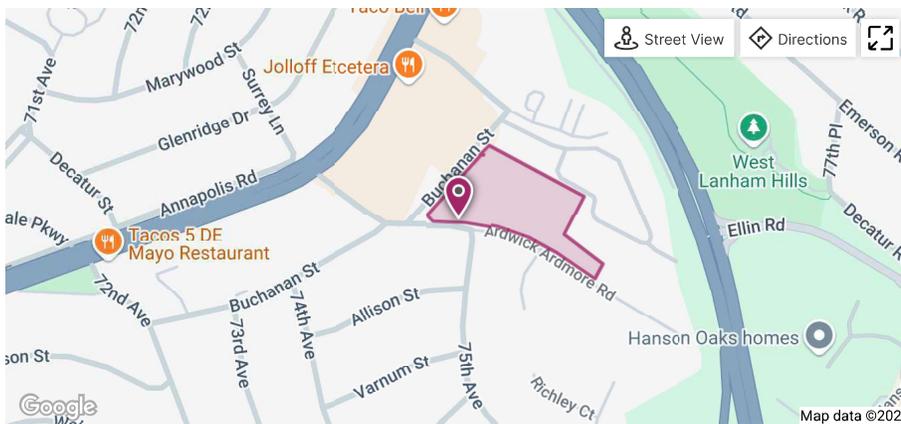
\$1,470/mo

1 Ba · 767 Sqft.

Available Jun 13



Have a question about the floor plans?



Add a commute

## About Chesapeake Landing

-  Available on 04/10/2025
-  Dishwasher
-  Contact for pet policy
-  Very walkable
-  Laundry in unit
-  Pool
-  A/C
-  Patio/balcony

Ideally located near Metro, Route 50, I-95, and the Baltimore Washington parkway.

[Learn more about this property](#)

[Show more](#) 

### Office Hours

Monday	9:00 AM - 6:00 PM
Tuesday	9:00 AM - 6:00 PM
Wednesday	9:00 AM - 6:00 PM
Thursday	9:00 AM - 6:00 PM
Friday	9:00 AM - 6:00 PM
Saturday	9:00 AM - 5:00 PM

## Amenities

### In-unit amenities

These amenities may not be available for every unit

- Air Conditioning
- Alarm
- Balcony
- Cable Ready
- Hardwood Flooring
- Oversized Closets
- Patio
- Refrigerator

[See more in-unit amenities](#) 

### Community amenities

- Accepts Electronic Payments
- Business Center
- Emergency Maintenance
- Fitness Center
- On Site Maintenance
- On Site Management
- Playground
- Public Transportation

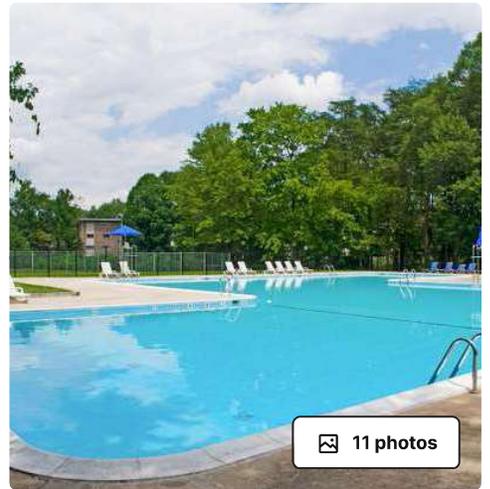
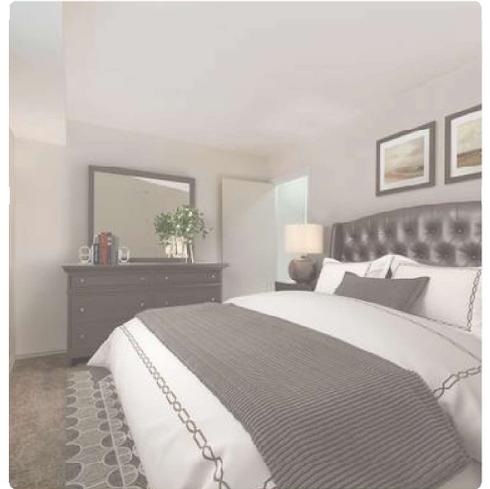
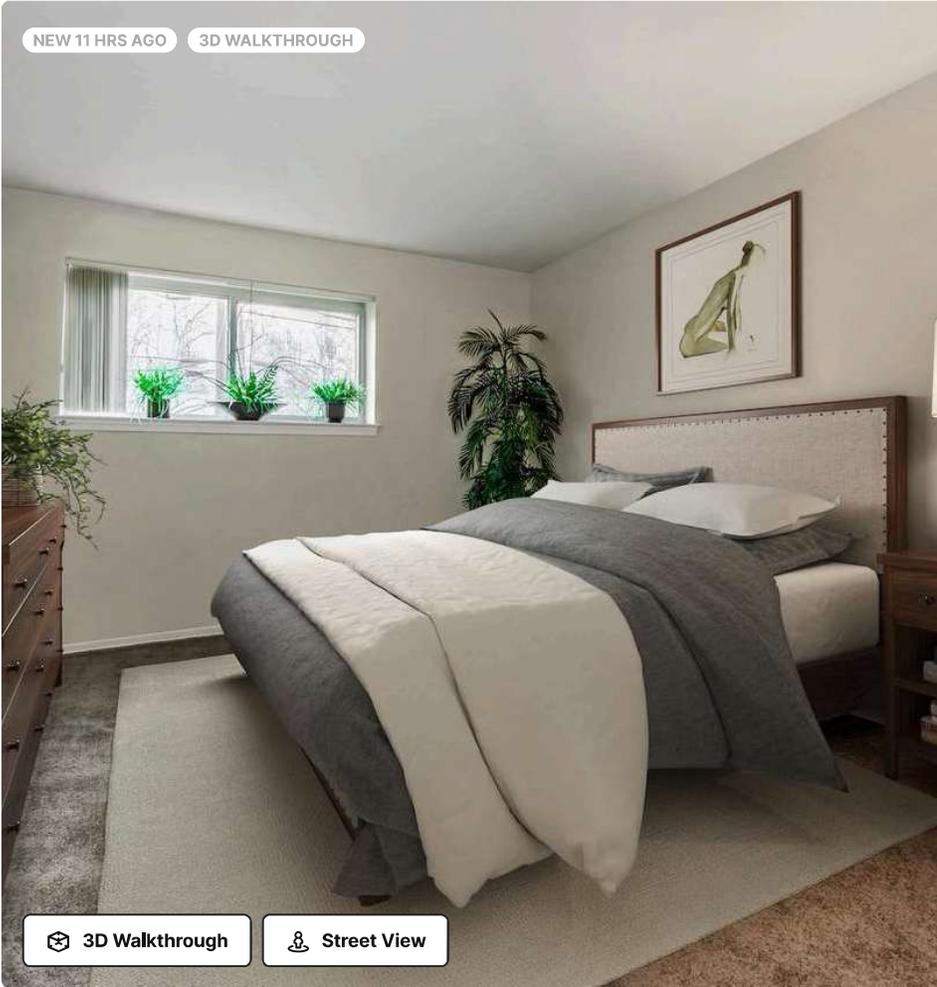
[See more community amenities](#) 

### Unique amenities

- 2019 ApartmentRatings Top Rated Award
- 2019 Resident Satisfaction Award
- Beautiful Landscaped Grounds
- Fitness Center
- Grilling Area
- Minutes to Metro Rail and Bus
- On Route 50, B/W Parkway, I-95 and Metro
- Property Surveillance
- Refreshing Pool
- Wooded Views

Reach out for more information





## Enclosure #5.E: Fountain Club

For rent



**Fountain Club** 7604 Fountainebleau Dr, New Carrollton, MD 20784

<b>\$1,488+ /mo</b>	<b>0-3</b>	<b>1-2</b>	<b>520-1,170</b>
Price	Beds	Baths	Sq Ft

### Contact Fountain Club

[Request a tour](#)

or

[Send a message](#)

[\(240\) 650-5896](tel:(240)650-5896)

Open today: 9:00 AM-3:00 PM

## Floor Plans

<b>Summary</b>	Studio (1)	1 Bed (1)	2 Bed (1)	3 Bed (1)
----------------	------------	-----------	-----------	-----------

### Studio (1)

Studio 1 Bathroom

**\$1,512-\$1,537/mo**

1 Ba · 520 Sqft.

[2 units available](#)



### 1 Bed (1)

1 Bedroom 1 Bathroom

**\$1,488-\$1,670/mo**

1 Ba · 640-740 Sqft.

[Available May 15](#)



### 2 Bed (1)

NEW 11 HOURS AGO 2 Bedroom 1 Bathroom

**\$1,910-\$2,113/mo**

1 Ba · 816-1,170 Sqft.

[3 units available](#)



### 3 Bed (1)

3 Bedroom 2 Bathroom

**\$2,428/mo**

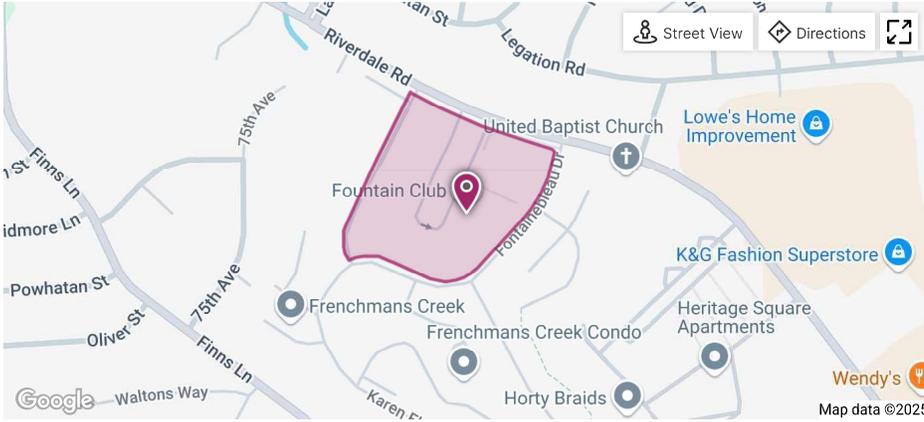
2 Ba · 957 Sqft.

[Available May 25](#)



**Have a question about the floor plans?**

Contact property



+ Add a commute

### About Fountain Club

If accessibility is important to you, Fountain Club should be your next home. This exceptional apartment home is close to I-495 and I-295, with the Metro Bus and Metro Rail minutes from your door.

Show more v

#### Office Hours

Monday	9:00 AM - 6:00 PM
Tuesday	9:00 AM - 6:00 PM
Wednesday	9:00 AM - 6:00 PM
Thursday	9:00 AM - 6:00 PM
Friday	9:00 AM - 6:00 PM
Saturday	9:00 AM - 3:00 PM

### Fees & Policies

#### Cats welcome

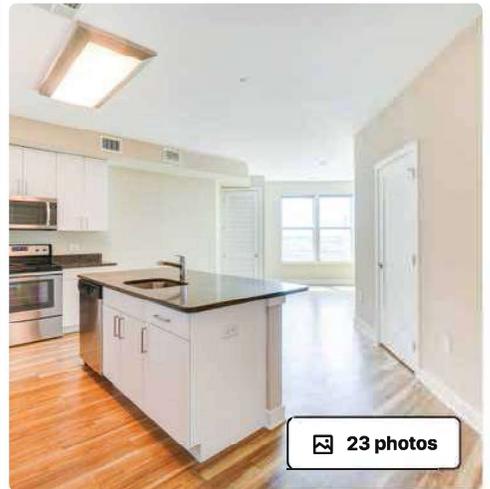
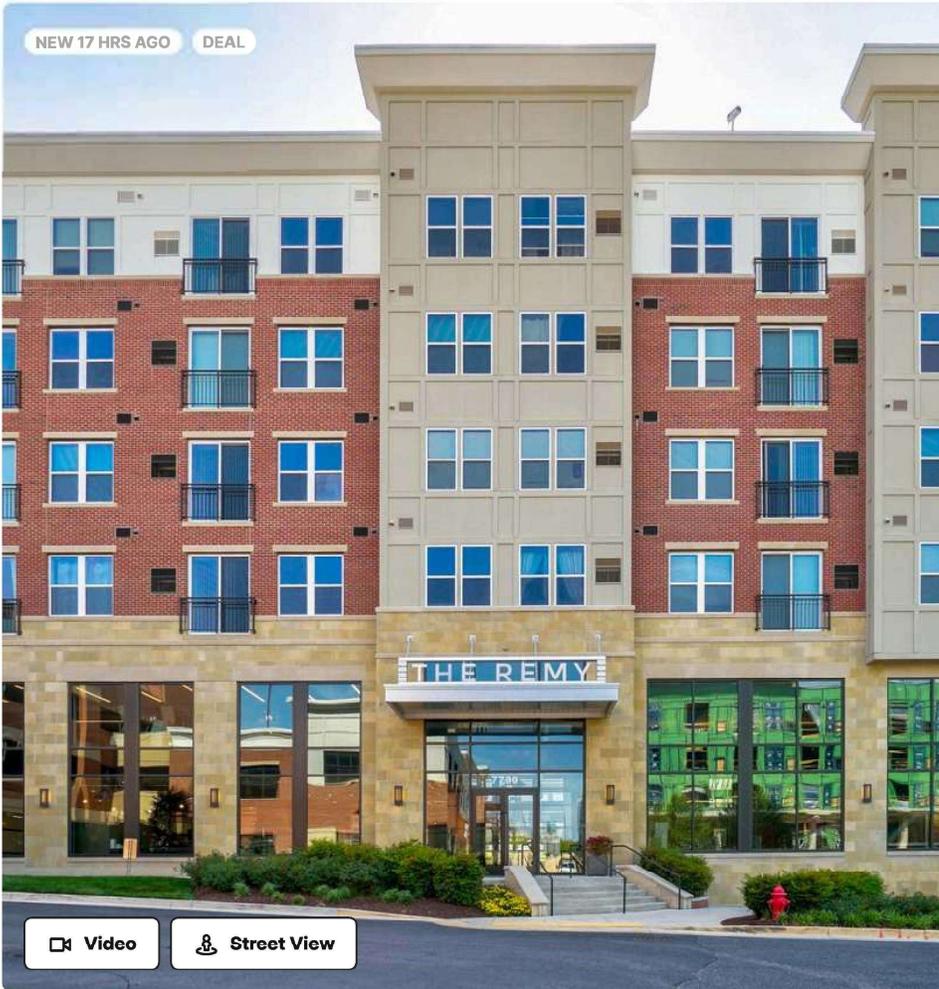
Pet rent \$65/mo Limit 2 Pets Max

#### Dogs welcome

Pet rent \$65/mo Limit 1 Pets Max

#### Parking

Type Garage Lot



## Enclosure #5.F: The Remy

For rent



**Remy Apartments** 7730 Harkins Rd, Lanham, MD 20706

**\$1,563+ /mo**    **0-2**    **1-2**    **—**  
Price                      Beds                      Baths                      Sq Ft

**Deal**  
March Madness. Save \$750! Please see ambassador for details.<BR>March Madness. Save \$750! Please see ambassadors for details.

[Schedule a tour!](#)

### Floor Plans

Summary                      Studio (11)                      1 Bed (9)                      2 Bed (8)

#### Studio (11)

NEW 29 HOURS AGO    The Sunfish

**\$1,646-\$1,676/mo**

1 Ba

8 units available

NEW 22 HOURS AGO    Opal

**\$1,744-\$1,754/mo**

1 Ba

2 units available

[Show all available studios](#) ▾

#### 1 Bed (9)

NEW 17 HOURS AGO    The Paradise

**\$2,001/mo**

1 Ba

2 units available

Diamond Lux

**\$1,882/mo**

1 Ba

Available Jun 11



[Show all available 1 beds](#) ▾

### Tour Remy Apartments

In person

FRIDAY

**21**

MAR

SATURDAY

**22**

MAR

SUNDAY

**23**

MAR



[Schedule tour](#)

OR

[Send message](#)

### Remy Apartments

**(240) 922-3276**

Open today: 10:00 AM-6:00 PM

Show all available 1 beds ▾

## 2 Bed (8)

NEW 17 HOURS AGO Topaz

**\$2,258/mo**

2 Ba

1 unit left



NEW 17 HOURS AGO Topaz

**\$2,509/mo**

2 Ba

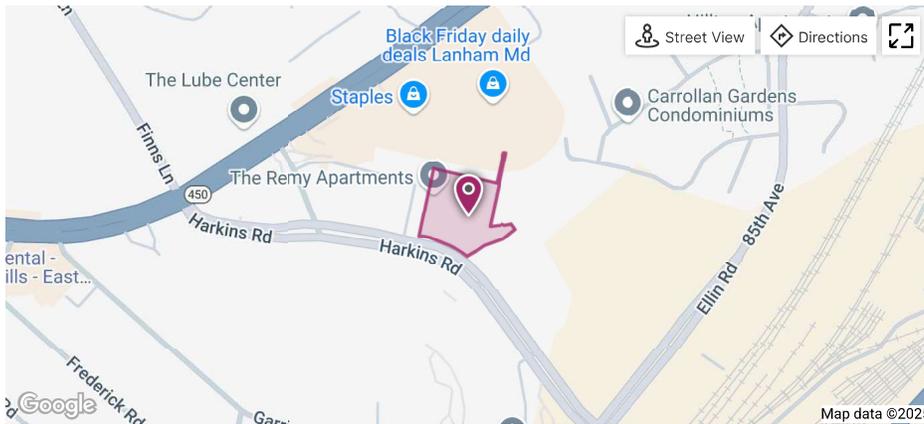
1 unit left



Show all available 2 beds ▾

Have a question about the floor plans?

Contact property



+ Add a commute

## About Remy Apartments

At the Remy Apartments be greeted by high quality interiors that truly reflect your style. Revel in resort amenities and experience what it is like to be part of this amazing community.

Show more ▾

### Office Hours

Monday

10:00 AM - 6:00 PM

Monday	10:00 AM - 6:00 PM
Tuesday	10:00 AM - 6:00 PM
Wednesday	10:00 AM - 6:00 PM
Thursday	10:00 AM - 6:00 PM
Friday	10:00 AM - 6:00 PM
Saturday	10:00 AM - 5:00 PM

By Appointment Only on Sunday

## Fees & Policies

### Cats welcome

Weight restriction 50lbs Limit 2 Pets Max

### Dogs welcome

Weight restriction 50lbs Limit 2 Pets Max

### Parking

Type Garage Lot

### Lease terms

Term type 6, 7, 8, 9, 10, 11, 12 month Deposit \$300

## Amenities

### In-unit amenities

These amenities may not be available for every unit

- Air Conditioning
- Balcony
- Cable Ready
- Dishwasher
- Microwave
- New/Renovated Interior
- Oversized Closets
- Patio

[See more in-unit amenities](#) ▾

### Community amenities

- Accepts Credit Card Payments
- Accepts Electronic Payments
- Business Center
- Clubhouse
- High Speed Internet Access
- Media Center
- On Site Maintenance
- On Site Management

[See more community amenities](#) ▾

### Unique amenities

- Bocce Ball
- Community Fireplace
- Conference Room
- Courtyard Grilling Area
- Nice Views
- Posh Paws Spa
- R Sky Lounge/Rooftop
- R Wheels/ Bike Storage and Repair Room

[See more unique amenities](#) ▾

Reach out for more information

Ask a question



# Alicia Denning

West Lanham Hills

Hyattsville, MD 20784

April 28, 2025

Prince George's County Planning Board  
The Maryland-National Capital Park and Planning Commission  
1616 McCormick Drive  
Largo, Maryland 20774

## RE: Comment on Zoning Map Amendment ZMA-2024-003 (RST New Carrollton)

Dear Chair and Members of the Planning Board,

I am writing to provide comments on the proposed **Zoning Map Amendment ZMA-2024-003** for RST New Carrollton. I submit these comments as a resident and engaged community member, reflecting concerns that directly impact myself and my neighbors. After reviewing the staff report dated April 17, 2025, and the proposed plans, I have serious reservations about this rezoning application moving forward in its current form.

### Prematurity of Rezoning and Density Concerns

First and foremost, I urge the Planning Board to **defer** any decision on this application until the appeal concerning **Council Bill CB-15-2024** is fully adjudicated. The current proposal for **up to 90 dwelling units per acre** is likely to be inconsistent with the standards that should ultimately apply. As referenced in the staff report (**Finding 6, page 6** and **Finding 8a(ii), page 11**), the rezoning seems designed to circumvent the legislative process. If the Board chooses to proceed, I strongly request that the development be limited to **30 dwelling units per acre** to align with the potential zoning change as it currently stands and the surrounding community character.

### Traffic, Pedestrian Circulation, and Neighborhood Impact

The application underestimates the adverse impacts on **traffic and pedestrian circulation** through nearby neighborhoods, particularly **West Lanham Hills (Finding 8a(iii), pages 11–12** and **Finding 8b(4), page 15)**. The assumption that pedestrians will only use the MD 450 sidewalk is unrealistic. Residents, commuters, and visitors will inevitably cut through West Lanham Hills streets and parks to access the New Carrollton Metro, MARC, Amtrak, and bus routes. A revised pedestrian and vehicular impact study must be required to address these realities.

### Environmental and Trash Management

The project poses substantial risks to the adjacent **West Lanham Hills Park** and the **small stream** feeding into the **Chesapeake Bay Watershed (Background, page 4** and **Finding 7, page 8)**. The plan and staff report does not adequately address **stormwater management, trash overflow**, or compliance with the County's **MS4 stormwater permit** and **Trash TMDLs (Finding 8e(G), page 24** and **Finding 8e(L), page 27)**. I request that stormwater and trash management plans be **submitted, reviewed, and approved** in

consideration of the existing single-family homes before any Detailed Site Plan (DET) or building permits are considered. If approved, I request the county provide a detailed plan, including necessary funding, for addressing the resources needed to mitigate these issues and define responsibilities (i.e., County, MNCPPC, developer, residents) as appropriate.

## Skepticism Regarding Public Benefits

I am concerned that the touted **public benefits** — particularly the **affordable housing** and **rent-free nonprofit space** — will not meaningfully serve the existing community (**Finding 8c(4), pages 17–19**). There must be clear conditions ensuring that nonprofit or community space remains **accessible to the broader public**, not just building residents. Affordable housing commitments must be **enforceable**, tied to clear **Area Median Income (AMI) thresholds**, and transparent regarding rental pricing.

Furthermore, environmental “benefits” such as brownfield remediation and basic green design elements are largely **minimum requirements**, not exceptional contributions, and should not be cited as meaningful public benefits.

## Request for Ongoing Community Engagement

The community, including the **West Lanham Hills Citizens Association**, must be included **early and meaningfully** in the review of **Detailed Site Plans** and any subsequent design decisions (**Finding 8c(3), page 14**). I request that drafts of the DET and any supporting documents (e.g., stormwater plans) be **shared with the community** and **public meetings be held** prior to final approvals.

I also request that West Lanham Hills Citizen Association be notified when **any plans or relevant document** is submitted to the county along with any final documents including county additions/edits. Additionally, **West Lanham Hills Citizen Association should be notified at least 60 days in advance of any construction beginning** included, but not limited to any requirements added by county entities (i.e., DPW&T), such as, “improvements” to sidewalks, roads, etc.

## Compatibility with Surrounding Neighborhood

I strongly disagree with the staff report’s conclusion that the project will not adversely affect adjacent neighborhoods (**Finding 8e(E), page 24** and **Finding 8d(5), page 21**). The proposed building’s **height, mass, setbacks, and density** are incompatible with nearby single-family homes. I urge that any development approval be conditioned upon:

- **Height reductions** and/or inclusion of **mature trees to block view** of near residential properties,
- **Increased green buffers** and **preserved natural areas**,
- **Reduction of impervious surfaces** by at least **25%** in favor of green infrastructure.

## Specific Requests for Infrastructure Improvements

I also request that conditions of approval require:

- **Traffic calming measures** (speed humps, crosswalks, roundabouts, stoplights, etc.) on Annapolis Road (MD 450) and within West Lanham Hills (**Finding 8e(J), page 26**) considering the future impacts

of this development in addition to the current use,

- **Sidewalk upgrades** and **safe pedestrian crossings** near MD 450/MD 410,
- A **stormwater management plan** exceeding minimum standards, particularly addressing **trash reduction** consistent with the Chesapeake Bay and Anacostia TMDLs,
- Restoration and enhancement of **West Lanham Hills Park**, including addressing **trash, dead trees, and invasive overgrowth**.
- **Meeting space** prioritized for **West Lanham Hills Citizen Association** meetings and events.
- **Notification** to and **consultation** with **West Lanham Hills Citizens Association** when Detailed Site Plans (DET), NOI and SWPPP for NPDES permits related to stormwater discharges associated with construction and other relevant documents **early** in the process.
- **Removal of condition**, per staff suggestion, to include **pathway** connect the development to West Lanham Hills

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## Final Recommendation

For all of the reasons stated above, I respectfully request that the Planning Board:

- **Defer action** on ZMA-2024-003 until the CB-15-2024 appeal is resolved,
- Or, if the case proceeds, require significant modifications to density, traffic mitigation, environmental protections, and public benefits to ensure alignment with community needs.

Thank you for your consideration of these important concerns. I trust the Board will act in the best interest of existing residents as well as future ones.

Sincerely,  
Alicia Denning

Attachments:

Summary of Comments and Recommendations

Prince George's County MS4 Permit (Issued by MDE, Effective Dec. 2, 2022)

MDE's Construction General Permit (CGP) (Effective April 1, 2023)

Section / Page	Comment Summary	Recommended Action/Response
Finding 6, 8a(ii) / pp. 6–7, 11	Rezoning should wait for appeal outcome (CB-15-2024); 30 du/acre more appropriate.	Recommend deferring decision until appeal is resolved; if not, limit density to <b>30 dwelling units/acre</b> .
Finding 8a(iii), 8b(4) / pp. 11–12, 15	<b>Traffic through West Lanham Hills will increase; pedestrian routes not realistically accounted for.</b>	Require traffic impact study and revised pedestrian circulation plans addressing cut-through traffic to Metro.
Background, Finding 7, 8e(G), 8e(L) / pp. 4, 8–9, 24, 27	<b>Trash and stormwater concerns; impact on Chesapeake Bay Watershed and local park.</b>	<ul style="list-style-type: none"> <li>Require full trash management and stormwater compliance plans per MS4/TMDL before DET approval. Notification of drafts and final DET to WLHCA.</li> <li><b>Do not include condition</b> to require a pathway along the back of the property to connect directly to West Lanham Hills and the park.</li> </ul>
Finding 6, 8c(4) / pp. 6–7, 17	Skepticism about affordability and potential for vacancy issues.	Request specific rental pricing information and affordability enforcement mechanisms tied to AMI levels.
Finding 8c(4) / pp. 17–19	<b>Public benefits (nonprofit space, environmental standards) are weak or insufficient.</b>	Require community-accessible spaces, not contingent on nonprofit tenancy; ensure true additional public benefits.
Finding 8c(3) / pp. 14–15	Request for early community engagement on DET and design planning.	<ul style="list-style-type: none"> <li>Mandate early circulation of DET drafts and public input sessions with West Lanham Hills Citizens Association.</li> <li>Requirement that 25% of existing impervious surface be converted into green infrastructure (like rain gardens) to help with environmental impacts.</li> </ul>
Finding 8e(E), 8e(I), 8d(5) / pp. 24–25, 21	<b>Compatibility issues: height, setbacks, no horizontal mixed use; no green space expansion.</b>	Require additional green infrastructure, reduced height near single-family areas, and expanded open space.
Finding 8 (overall) / pp. 10–26	Disputes staff's claim of no adverse impact on neighborhood.	Conduct independent impact assessments (trash, traffic, noise) and adjust conditions accordingly.
Finding 8e(I), 8e(J), 8e(L) / pp. 25–27	Request for traffic calming, crosswalks, sidewalk improvements.	Include traffic calming devices within West Lanham Hills, safe crossings at MD 450/410, and sidewalk upgrades in all surrounding area including West Lanham Hills.
Finding 8d(7), 8e(G) / pp. 23–24	Concern about natural resource protection (park, stream).	Require preservation plan for buffer zone with public review and restoration of West Lanham Hills Park perimeter.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**  
**MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGE PERMIT**

**PART I. IDENTIFICATION**

**A. Permit Number:** 20-DP-3314 MD0068284

**B. Permit Area**

This permit covers all stormwater discharges into, through, or from the municipal separate storm sewer system (MS4) owned or operated jurisdiction-wide by Prince George's County, Maryland, and all incorporated municipalities within the County except for the City of Bowie.

**C. Effective Date:** December 2, 2022

**D. Expiration Date:** December 1, 2027

**PART II. DEFINITIONS**

Terms used in this permit are defined in relevant chapters of Title 40 of the Code of Federal Regulations (CFR) Parts 122-124 and the Code of Maryland Regulations (COMAR) 26.08.01, 26.17.01, and 26.17.02. Terms not defined in CFR or COMAR shall have the meanings attributed by common use.

**PART III. WATER QUALITY**

Prince George's County must manage, implement, and enforce stormwater management programs in accordance with the Clean Water Act (CWA) and corresponding stormwater National Pollutant Discharge Elimination System (NPDES) regulations, 40 CFR Parts 122-124, to meet the following requirements:

1. Effectively prohibit pollutants in stormwater discharges or other unauthorized discharges into, through, or from the MS4 as necessary to comply with Maryland's receiving water quality standards;
2. Attain applicable stormwater wasteload allocations (WLAs) for each established or approved Total Maximum Daily Load (TMDL) for each receiving water body, consistent with Title 33 of the U.S. Code (USC) §1342(p)(3)(B)(iii); 40 CFR §122.44(k)(2) and (3); and

3. Comply with all other provisions and requirements contained in this permit, and in plans and schedules developed in fulfillment of this permit.

Compliance with all the conditions contained in PARTs IV through VII of this permit shall constitute compliance with §402(p)(3)(B)(iii) of the CWA and adequate progress toward compliance with Maryland's receiving water quality standards and U.S. Environmental Protection Agency (EPA) established or approved stormwater WLAs for this permit term.

## **PART IV. STANDARD PERMIT CONDITIONS**

### **A. Permit Administration**

Prince George's County shall designate an individual to act as a liaison with the Maryland Department of the Environment (Department) for the implementation of this permit. The County shall provide the coordinator's name, title, address, phone number, and email address. Additionally, the County shall submit in its annual reports to the Department an organizational chart detailing personnel and groups responsible for major NPDES program tasks in this permit. The Department shall be notified in annual reports of any changes in personnel or organization relative to NPDES program tasks.

### **B. Legal Authority**

Prince George's County shall maintain adequate legal authority to meet this permit's requirements in accordance with NPDES regulations at 40 CFR §122.26 throughout the term of this permit. In the event that any provision of its legal authority is found to be invalid, the County shall notify the Department in writing within 30 days and make the necessary changes to maintain adequate legal authority within one year of notification. All changes shall be included in the County's annual report.

### **C. Source Identification**

Sources of pollutants in stormwater runoff jurisdiction-wide shall be identified by Prince George's County and linked to specific water quality impacts on a watershed basis. A georeferenced database shall be submitted annually in accordance with *Maryland Department of the Environment, National Pollutant Discharge Elimination System, Municipal Separate Storm Sewer System, Geodatabase Design and User's Guide (Version 1.2, May 2017)*, (hereafter MS4 Geodatabase) or as noted below that includes information on the following:

1. Storm drain system: all infrastructure, major outfalls, inlets, and associated drainage areas delineated (to be submitted as a supplemental geodatabase);
2. Industrial and commercial sources: industrial and commercial land uses and sites that the County has determined have the potential to contribute significant pollutants (to be submitted as a supplemental geodatabase);

3. Urban best management practices (BMPs): stormwater management facility data for new and redevelopment, including outfall locations and delineated drainage areas;
4. Impervious surfaces: public and private land cover delineated, controlled and uncontrolled impervious areas based on, at a minimum, Maryland's hierarchical eight-digit sub-basins;
5. Monitoring locations: locations established by Prince George's County for chemical, biological, and physical monitoring of watershed restoration efforts and the *2000 Maryland Stormwater Design Manual*, unless participating in the pooled monitoring program, as described in PART IV.G; and
6. Water quality improvement projects: Restoration projects implemented in accordance with PART IV.E.3 including stormwater BMPs, programmatic initiatives, and alternative control practices in accordance with the *Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated Guidance for National Pollutant Discharge Elimination System Stormwater Permits (2021)*, (hereafter 2021 Accounting Guidance), including projects proposed, under construction, and completed with associated drainage areas delineated.

**D. Management Programs**

The following management programs shall be implemented jurisdiction-wide by Prince George's County. These management programs are designed to control stormwater discharges and reduce associated pollutant loadings to the maximum extent practicable (MEP) and shall be maintained for the term of this permit. Additionally, these programs shall be integrated with other permit requirements to promote a comprehensive adaptive approach toward solving stormwater discharge water quality problems. Annual reports for the County's management programs shall be in accordance with PART V.A of this permit and the MS4 Geodatabase.

1. Stormwater Management

An acceptable stormwater management program shall be maintained by the County in accordance with the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland. Activities to be undertaken by the County shall include, but not be limited to:

- a. Implementing the stormwater management design policies, principles, methods, and practices found in the latest version of the *2000 Maryland Stormwater Design Manual*. This includes:

- i. Complying with the Stormwater Management Act of 2007 (Act) by implementing environmental site design (ESD) to the MEP for all new and redevelopment projects;
  - ii. Tracking the progress toward satisfying the requirements of the Act and identifying and reporting annually the problems and modifications necessary to implement ESD to the MEP; and
  - iii. Reporting annually the modifications that have been or need to be made to all ordinances, regulations, and new development plan review and approval processes to comply with the requirements of the Act.
- b. Maintaining programmatic and implementation information related to the stormwater management program including, but not limited to:
  - i. Number of Concept, Site Development, and Final plans received and number of those approved. Plans that are re-submitted as a result of a revision or in response to comments should not be considered as a separate project;
  - ii. Number of redevelopment projects received and number of those approved;
  - iii. Number of stormwater exemptions issued; and
  - iv. Number and type of waivers received and issued, including those for quantity control, quality control, or both. Multiple requests for waivers may be received for a single project and each should be counted separately, whether part of the same project or plan.
- c. Maintaining construction inspection information according to COMAR 26.17.02 for all ESD treatment practices, structural stormwater management facilities, and stable storm water conveyance and capacity to receiving waters, including the number of inspections conducted and violation notices issued by the County.
- d. Conducting preventative maintenance inspections, according to COMAR 26.17.02, of all ESD treatment systems, structural stormwater management facilities, and stable stormwater conveyance and capacity to receiving waters, at least on a triennial basis. Documentation identifying the ESD systems and structural stormwater management facilities inspected, the number of maintenance inspections, follow-up inspections, the enforcement actions used to ensure compliance, the maintenance inspection schedules, and any other relevant information shall be submitted in the County's annual reports.

2. Erosion and Sediment Control

An acceptable erosion and sediment control program shall be maintained by the County and implemented in accordance with the Environment Article, Title 4,

Subtitle 1, Annotated Code of Maryland. Activities to be undertaken by the County shall include, but not be limited to:

- a. Implementing program improvements identified in any Department evaluation of the County's erosion and sediment control enforcement authority;
- b. Ensuring that construction site operators have received training regarding erosion and sediment control compliance and hold a valid Responsible Personnel Certification as required by the Department; and
- c. Reporting quarterly, information regarding earth disturbances exceeding one acre or more. Quarters shall be based on calendar year and submittals shall be made within 30 days following each quarter. The information submitted shall cover permitting activity for the preceding three months.

3. Illicit Discharge Detection and Elimination

The County shall implement an inspection and enforcement program to ensure that all discharges into, through, or from the MS4 that are not composed entirely of stormwater are either issued a permit by the Department or eliminated. Activities shall include, but not be limited to:

- a. Reviewing all County outfalls to prioritize field screening efforts in areas with the greatest potential for polluted discharges. The County must submit the process developed to prioritize outfall screenings to the Department for approval with the first year annual report;
- b. Submitting a plan and schedule for field screening the prioritized outfalls for the Department's approval with the first year annual report. The plan and schedule shall include the annual screening of at least 150 outfalls. Each outfall having a dry weather discharge shall be sampled at the time of screening using a chemical test kit. An alternative program may be submitted by the County for the Department's approval that methodically identifies, investigates, and eliminates illegal discharges into, through, or from the County's MS4;
- c. Conducting annual visual surveys of commercial and industrial areas as identified in PART IV.C.2 above for discovering, documenting, and eliminating pollutant sources. Areas surveyed and the results of the surveys shall be reported annually;
- d. Maintaining written standard operating procedures for outfall screenings, illicit discharge investigations, annual visual surveys of commercial and industrial areas, responding to illicit discharge complaints, and enforcement implementation;

- e. Maintaining an ordinance, or other regulatory means, that prohibits illicit discharges into the storm sewer system;
- f. Maintaining a program to address and respond to illegal discharges, dumping, and spills; and
- g. Using appropriate enforcement procedures for investigating and eliminating illicit discharges, illegal dumping, and spills. When a suspected illicit discharge discovered within the County’s jurisdiction is either originating from or discharging to an adjacent MS4, the County must coordinate with that MS4 to resolve the investigation. Significant discharges shall be reported to the Department for enforcement and/or permitting.

4. Property Management and Maintenance

- a. Coverage under Maryland’s NPDES General Permit for Discharges of Stormwater Associated with Industrial Activity (SW Industrial GP) is typically required at facilities where the following activities are performed: maintenance or storage of vehicles or equipment; storage of fertilizers, pesticides, landscaping materials, hazardous materials, or other materials that could pollute stormwater runoff. The County shall:
  - i. Ensure that a Notice of Intent (NOI) has been submitted to the Department for each County-owned industrial facility requiring coverage under the SW Industrial GP; and
  - ii. Submit with the annual report a list of County properties requiring industrial stormwater permit.
- b. The County shall develop, implement, and maintain a good housekeeping plan (GHP) for County-owned properties not required to be covered under Maryland’s SW Industrial GP where the activities listed in PART IV.D.4.a are performed. The GHP shall be submitted to the Department by the County in its third year annual report and implemented thereafter. A standard GHP may be developed for all County-owned property or separate GHPs may be developed for properties with similar use (e.g., recreation and parks properties, school properties). The GHP shall include, but not be limited to:
  - i. A description of property management activities;
  - ii. A map of the locations of properties covered by the GHP;
  - iii. A list of potential pollutants and their sources that result from facility activities;

- iv. Written procedures designed to reduce the potential for stormwater pollution from property activities, including illicit discharges, dumping, and spills;
  - v. Written procedures for annually assessing County properties in order to prevent the discharge of pollutants, spills, and leaks into its municipal separate storm sewer system;
  - vi. Written procedures for performing storm water conveyance system inspections for removing debris that may cause clogging, backups, and flooding; and
  - vii. Annual training for all appropriate County staff and contractors regarding best practices for preventing, reducing, and eliminating the discharge of pollutants during property activities.
- c. The County shall continue to implement a program to reduce pollutants associated with the maintenance of County-owned properties including, but not limited to, local roads and parks. The maintenance program shall include the following activities where applicable:
- i. Street sweeping in the amount identified in Appendix B and annually updated thereafter in accordance with PART IV.E.8;
  - ii. Inlet and conveyance inspection and cleaning in the amount identified in Appendix B and annually updated thereafter in accordance with PART IV.E.8; and
  - iii. Reducing the use of pesticides, herbicides, fertilizers, and other pollutants associated with vegetation management. This can include, but is not limited to:
    - Developing and implementing an Integrated Pest Management Plan according to EPA guidelines;
    - Custom fertilizer property management plans based on soil testing;
    - Targeted application or “spot application” of pesticides;
    - Alternative and organic fertilizers;
    - Manual weed removal, mowing, and trimming;
    - Annual training and applicator certification and licensing as required by Maryland Department of Agriculture to ensure accurate application of chemicals according to manufacturer's recommendations;
    - Subcontracting to a certified pest control applicator licensed business for some or all of properties;
    - Piloting biological pest control programs; and
    - Establishing “no mow” areas.
- d. The County shall reduce the use of winter weather deicing and anti-icing materials, without compromising public safety, by developing a County Salt Management Plan (SMP) to be submitted to the Department in its third year annual report and implemented thereafter. The SMP shall be

based on the guidance provided on best road salt management practices described in the *Maryland Department of Transportation, State Highway Administration's Maryland Statewide Salt Management Plan*, developed and updated annually as required by the Maryland Code, Transportation §8-602.1. The County's SMP shall include, but not be limited to:

- i. A plan for evaluation of new equipment and methods, and other strategies for continual program improvement;
  - ii. Training and outreach:
    - Creating a local "Salt Academy" that annually provides County winter weather operator personnel and contractors with the latest training in deicer and anti-icer management, or the participation of County personnel and contractors in a "Salt Academy" administered by another MS4 permittee or State agency; and
    - Developing and distributing best salt management practices outreach for educating residents within the County.
  - iii. Tracking and reporting:
    - Starting with the fourth year annual report, during storm events where deicing or anti-icing materials are applied to County roads, track and record the amount of materials used, and snowfall in inches per event, if applicable; and
    - Report the deicing or anti-icing application by event or date, and the monthly and annual pounds used per lane mile per inch of snow.
- e. The County shall evaluate current litter control problems associated with discharges into, through, or from portions of its MS4 that are not already addressed under the TMDL implementation plan for trash (litter and floatables) (see Appendix A). Additionally, the County shall continue to remove from or prevent from entering its storm drain system 500 tons of litter and debris in the first year of permit issuance or as updated annually thereafter in accordance with PART IV.E.8.
- f. The County shall report annually on the changes in its Property Management and Maintenance programs and the overall pollutant reductions resulting from implementation of the components of the programs listed in this section.

5. Public Education

The County shall continue to implement a public education and outreach program to reduce stormwater pollution and flooding. Education and outreach efforts may be integrated with other aspects of the County's activities. These efforts are to be documented and summarized in each annual report, with details on resources (e.g., personnel and financial) expended and method of delivery for education and

outreach. The County shall implement a public outreach and education campaign that includes, but is not limited to:

- a. Maintaining a website with locally relevant stormwater management information and promoting its existence and use;
- b. Maintaining a compliance hotline or similar mechanism for public reporting of water quality complaints, including suspected illicit discharges, illegal dumping, and spills and flooding problems;
- c. Providing information to inform the general public about the benefits of:
  - i. Increasing water conservation;
  - ii. Residential and community stormwater management implementation and facility maintenance;
  - iii. Proper erosion and sediment control practices;
  - iv. Removing debris from storm drain inlets to prevent flooding;
  - v. Increasing proper disposal of household hazardous waste;
  - vi. Improving lawn care and landscape management (e.g., the proper use of herbicides, pesticides, and fertilizers, ice control and snow removal);
  - vii. Proper residential car care and washing;
  - viii. Litter reduction;
  - ix. Reducing, reusing, and recycling solid waste; and
  - x. Proper pet waste management.

The County shall conduct a minimum of 500 outreach efforts per year. These efforts may include distributing printed materials such as brochures or newsletters; electronic materials such as website pages; mass media such as newspaper articles or public service announcements (radio or television); and conducting targeted workshops on stormwater management for the public.

**E. Stormwater Restoration**

In compliance with §402(p)(3)(B)(iii) of the CWA, MS4 permits must require stormwater controls to reduce the discharge of pollutants to the MEP and such other provisions as the Department determines appropriate for the control of such pollutants. Additionally, by regulation at 40 CFR §122.44, BMPs and programs implemented pursuant to this permit must be consistent with applicable stormwater WLAs developed under EPA established or approved TMDLs (see list of EPA established or approved TMDLs attached and incorporated as Appendix A). The impervious acre restoration requirements and associated pollutant reductions described below for Prince George’s County are consistent with Maryland’s Phase III Watershed Implementation Plan (WIP) for the Chesapeake Bay TMDL and 2025 nutrient load targets, and for local TMDL implementation targets described by the County in its MS4 Restoration and TMDL Watershed Implementation Plan.

1. Annual alternative control practices used by Prince George’s County to meet its prior MS4 permit’s impervious acre restoration requirement including the conditions of the Consent Decree issued by the Department (Case No. CAC21-05834, signed on December 1, 2021, hereinafter the “Consent Decree”) shall be:
  - a. Continued annually at the same level of implementation (e.g., street lane miles swept, catch basin cleaning) under this permit;
  - b. Replaced with 309 impervious acres using stormwater management BMPs, programmatic initiatives, or alternative control practices in accordance with the 2021 Accounting Guidance; or
  - c. A combination of a and b above.
2. The impervious acre restoration requirements described below are in addition to the requirements listed in PART IV.E.1 of this permit.
3. By December 1, 2027, Prince George’s County shall commence and complete the restoration of 2,137 impervious acres that have not been treated to the MEP by implementing stormwater BMPs, programmatic initiatives, or alternative control practices in accordance with the 2021 Accounting Guidance.
4. By December 1, 2023, Prince George’s County shall complete the stormwater BMPs, programmatic initiatives, or alternative control practices listed in the Year 1 BMP Portfolio provided in Appendix B. Prince George’s County may replace individual practices listed in Appendix B with others that meet the requirements of the 2021 Accounting Guidance as long as the total restoration at the end of year one meets the implementation benchmark schedule in Table 1.

“Benchmark” as used in this permit is a quantifiable goal or target to be used to assess progress toward the impervious acre restoration requirement or WLAs, such as a numeric goal for stormwater control measure implementation. If a benchmark is not met, the County should take appropriate corrective action to improve progress toward meeting permit objectives. Benchmarks are intended as an adaptive management aid and generally are not considered to be enforceable.
5. Prince George’s County may acquire Nutrient Credits for Total Nitrogen (TN), Total Phosphorus (TP), and Total Suspended Solids (TSS) in accordance with COMAR 26.08.11 to meet its impervious acre restoration requirement in PART IV.E.3 of this permit. For acquiring Nutrient Credits in place of impervious acre restoration, an equivalent impervious acre shall be based on reducing 18.08 pounds of TN, 2.23 pounds of TP, and 8,046 pounds of TSS. The maximum allowable credits obtained from trades with wastewater treatment plants shall not exceed 1,440 equivalent impervious acres restored.

6. Any Nutrient Credits acquired by Prince George’s County for meeting the restoration requirements of this permit shall be maintained and verified in accordance with COMAR 26.08.11 and reported to the Department in annual reports unless they are replaced at a one to one acre ratio by local stormwater management BMPs, programmatic initiatives, or alternative control practices in accordance with the 2021 Accounting Guidance.
7. Prince George’s County shall use the annual restoration benchmark schedule provided in Table 1 below to achieve its impervious acre implementation requirement by the end of the permit term.

**Annual Restoration Benchmark Schedule, Table 1**

Metric	Year 1	Year 2	Year 3	Year 4	Year 5
Cumulative Percent Impervious Acre Restoration Completed	5%	10%	20%	40%	100%

8. In each year’s annual report, Prince George’s County shall:
  - a. Submit to the Department a list of BMPs, programmatic initiatives, and alternative control practices to be completed in the following year to work toward meeting its impervious acre restoration benchmark:
    - i. The list of BMPs, programmatic initiatives, or alternative control practices shall be submitted in the Year 1 BMP Portfolio format provided in Appendix B; and
    - ii. Prince George’s County may replace individual practices listed in its annual BMP Portfolio as long as the total implementation rate at the end of each year meets the annual restoration benchmark schedule in Table 1.
  - b. Evaluate progress toward meeting its annual restoration benchmark according to the schedule in Table 1 and adjust the benchmark appropriately based upon:
    - i. Actual BMP implementation rates; and
    - ii. Anticipated implementation rates and annual restoration benchmark schedule needed in the remaining years of this permit for meeting the final impervious acre restoration requirement by December 1, 2027.
9. Any trading credits or “Nutrient Credits” acquired by Prince George’s County to meet its prior MS4 permit requirements including conditions of the Consent

Decree are equivalent to 18.1 lbs/acre TN, 2.9 lbs/acre TP, and 454.6 lbs/acre TSS. The balance of these credits not replaced with stormwater management BMPs, programmatic initiatives, or alternative control practices prior to December 2, 2022 shall:

- a. Be continued and verified annually under this permit in accordance with the Maryland Water Quality Trading and Offset Program (COMAR 26.08.11) until they are replaced; and
- b. Be replaced with stormwater management BMPs, programmatic initiatives, or alternative control practices in accordance with the 2021 Accounting Guidance prior to expiration of this permit.

**F. Countywide TMDL Stormwater Implementation Plan**

1. Where Prince George's County has submitted an implementation plan for a TMDL identified in Appendix A and that plan has yet to be approved, Prince George's County shall, within one year of the effective date of this permit, address all outstanding comments needed for the Department's approval of the plan.
2. Within one year of EPA's approval or establishment of a new TMDL, Prince George's County shall submit an implementation plan to the Department for approval. The TMDL implementation plan shall be based on the Department's TMDL analyses, or equivalent and comparable Prince George's County water quality analyses, that includes:
  - a. A list of stormwater BMPs, programmatic initiatives, or alternative control practices that will be implemented to reduce pollutants for the TMDL;
  - b. A description of the County's analyses and methods, and how they are comparable with the Department's TMDL analyses; and
  - c. Final implementation dates and benchmarks for meeting the TMDL's applicable stormwater WLA. Once approved by the Department, any new TMDL implementation plan shall be incorporated in the Countywide TMDL Stormwater Implementation Plan and subject to the annual progress report requirements under PART IV.F.3 of this permit.
3. For all TMDLs and WLAs listed in Appendix A, the County shall annually document, in one Countywide Stormwater TMDL Implementation Plan, updated progress toward meeting these TMDL WLAs. This Countywide Stormwater TMDL Implementation Plan shall include:

- a. A summary of all completed BMPs, programmatic initiatives, alternative control practices, or other actions implemented for each TMDL stormwater WLA;
  - b. An analysis and table summary of the net pollutant reductions achieved annually and cumulatively for each TMDL stormwater WLA;
  - c. An updated list of proposed BMPs, programmatic initiatives, and alternative control practices, as necessary, to demonstrate adequate progress toward meeting the Department's approved benchmarks and final stormwater WLA implementation dates; and
  - d. Updates on the County's efforts to reduce trash, floatables, and debris and show progress toward achieving the annual trash reduction allocation required by the Anacostia trash TMDL. The updates shall describe the status of trash elimination efforts including resources (e.g., personnel and financial) expended and the effectiveness of all program components including:
    - i. Quantifying annual trash reductions using the Department's TMDL analysis or an equivalent and comparable County trash reduction model;
    - ii. The public education and outreach strategy to initiate or increase residential and commercial recycling rates, improve trash management, and reduce littering; and
    - iii. An annual evaluation of the local trash reduction strategy including any modifications necessary to improve source reduction and proper disposal.
4. Prince George's County shall provide continual outreach to the public and other stakeholders, including other jurisdictions or agencies holding stormwater WLAs in the same watersheds, regarding its TMDL stormwater implementation plans. Prince George's County shall solicit input from the public, collaborate with stakeholders, and incorporate any relevant comments that can aid in achieving local stormwater WLAs. To allow for public participation, Prince George's County shall:
- a. Maintain a list of interested parties for notification of TMDL development actions;
  - b. Provide notice on the County's webpage outlining how the public may obtain information on the development of TMDL stormwater implementation plans and opportunities for comment;
  - c. Provide copies of TMDL stormwater implementation plans to interested parties upon request;

- d. Allow a minimum 30-day comment period before finalizing TMDL stormwater implementation plans; and
- e. Document in final TMDL stormwater implementation plans how the County provided public outreach and adequately addressed all relevant comments.

**G. Assessment of Controls**

Prince George’s County shall conduct BMP effectiveness and watershed assessment monitoring, and polychlorinated biphenyls (PCB) source tracking for assessing progress toward improving local water quality and restoring the Chesapeake Bay. The *2021 MS4 Monitoring Guidelines: BMP Effectiveness and Watershed Assessments* (hereafter 2021 Monitoring Guidelines) shall be referenced for addressing the technical guidelines and requirements outlined below.

1. BMP Effectiveness Monitoring

By April 2, 2023 or by July 1 of each year, the County shall notify the Department which option it chooses for BMP effectiveness monitoring. The two options are:

- a. The County shall collaborate with the Department in a Pooled Monitoring Advisory Committee administered by the Chesapeake Bay Trust (CBT) for determining monitoring needs and selecting appropriate monitoring studies. To implement the required monitoring, the County shall pay \$100,000 per year, or an amount to be proposed by the jurisdiction based on demonstrated past permit monitoring expenditures, into a pooled monitoring CBT fund. Enrollment in the program shall be demonstrated through a memorandum of understanding (MOU) between the County and CBT by September 1 of each year. The terms of the BMP effectiveness MOU are described in the 2021 Monitoring Guidelines. The County shall remain in the program for the duration of this permit term; or
- b. The County shall continue monitoring the Black Branch watershed, or select and submit for the Department’s approval a new BMP effectiveness study for monitoring by April 2, 2023 or by July 1 of each year. Monitoring activities shall occur where the cumulative effects of watershed restoration activities, performed in compliance with this permit, can be assessed. The minimum criteria for chemical, biological, and physical monitoring are as follows:

- i. Chemical Monitoring:

- Twelve (12) storm events shall be monitored per year at each monitoring location with at least two occurring per quarter. Quarters shall be based on the calendar year. If exceptional weather patterns (e.g., dry weather periods) or other circumstances (e.g., equipment failures) occur during the reporting year, the County shall provide documentation of such circumstance(s);
- Discrete samples of stormwater flow shall be collected at the monitoring stations using automated or manual sampling methods;
- At least three (3) samples determined to be representative of each storm event shall be submitted to a laboratory for analysis according to methods listed under 40 CFR Part 136, and event mean concentrations (EMCs) shall be calculated;
- Baseflow sampling shall occur quarterly at the mid-point of each season (e.g., February 15 for the first quarter, May 15 for the second quarter);
- Stormwater flow and baseflow measurements shall be recorded at the outfall and in-stream stations for the following parameters:

<b>Stormwater and Baseflow Representative Samples (Parameters)</b>
Total Suspended Solids (TSS)
Bacteria ( <i>E.coli</i> or <i>Enterococcus</i> spp.)
Chloride
Discharge (flow)
Biological Oxygen Demand (BOD <sub>5</sub> ) or Total Organic Carbon (TOC)
Orthophosphate
Total Nitrogen (TN)
Nitrate + Nitrite
Total Ammonia (sewer signal)
Total Phosphorus (TP)

- Continuous measurements shall be recorded for the parameters listed below at the in-stream monitoring station or other practical location based on the approved study design:

<b>Continuous Measurements (Parameters)</b>
Temperature
pH
Discharge (flow)
Turbidity (Optional per 2021 MS4 Monitoring Guidelines)
Conductivity

- Data collected from stormwater, baseflow, and continuous monitoring shall be used to estimate annual and seasonal pollutant loads and reductions, and for the calibration of watershed assessment models;
- If the County elects to continue monitoring the Black Branch watershed, or selects a new BMP effectiveness study for monitoring, the County shall submit a revised sampling plan for approval to address the new monitoring parameters provided above with the first annual report. An approved sampling plan under a prior MS4 permit for the County shall continue until the Department approves a new sampling plan proposed under this permit.

ii. Biological Monitoring:

- Benthic macroinvertebrate samples shall be gathered each spring between the outfall and in-stream stations or other practical locations based on a Department approved study design; and
- The County shall use the Maryland Biological Stream Survey (MBSS) sampling protocols for biological and stream habitat assessment.

iii. Physical Monitoring:

- A geomorphologic stream assessment shall be conducted between the outfall and in-stream monitoring locations or in a reasonable area based on the approved monitoring design. This assessment shall include annual comparison of permanently monumented stream channel cross-sections and the stream profile; and
- A hydrologic and/or hydraulic model shall be used (e.g., TR-20, HEC-2, HEC-RAS, HSPF, SWMM) in the fourth year of the permit to analyze the effects of rainfall; discharge rates; stage; and, if necessary, continuous flow on channel geometry.

iv. Annual Data Submittal: The County shall describe in detail its monitoring activities for the previous year and include the following:

- EMCs submitted on the Department’s long-term monitoring MS4 Geodatabase as specified in PART V below;
- Chemical, biological, and physical monitoring results and a combined analysis for the approved monitoring locations;
- Any available analysis of surrogate relationships with the above monitoring parameters; and
- Any requests and accompanying justifications for proposed modifications to the monitoring program.

2. Watershed Assessment Monitoring

By April 2, 2023 or by July 1 of each year, the County shall notify the Department which option it chooses for watershed assessment monitoring. The County must implement one of the two options as follows:

- a. The County shall collaborate with the Department in a Pooled Monitoring Advisory Committee administered by CBT for determining appropriate watershed assessment monitoring. To implement the required monitoring, the County shall pay \$165,276 annually into a pooled monitoring CBT. Enrollment in the program shall be demonstrated through an MOU between the County and CBT to be signed by September 1 of each year. The terms of the Watershed Assessment Monitoring MOU are described in the 2021 Monitoring Guidelines. The County shall remain in the program for the duration of this permit term; or
- b. The County shall submit a comprehensive plan for watershed assessment and trend monitoring by April 2, 2024 related to stream biology and habitat, bacteria, and chlorides and commence monitoring upon the Department’s approval. The plan shall follow the 2021 Monitoring Guidelines and include:
  - i. Biological and habitat assessment monitoring at randomly selected stream sites using MBSS protocols;
  - ii. Bacteria (i.e., *E. coli*, *Enterococcus* spp., or fecal coliform monitoring); and
  - iii. Chloride assessments at two locations.

3. PCB Source Tracking

Within one year of permit issuance, Prince George’s County shall develop a PCB source tracking monitoring plan for all applicable TMDL WLAs where watershed

reductions are required to meet water quality standards. The County shall submit results and provide updates annually on the monitoring efforts.

**H. Program Funding**

1. Annually, a fiscal analysis of the capital, staffing, operation, and maintenance expenditures necessary to comply with all conditions of this permit shall be submitted by Prince George's County as required in PART V below.
2. Adequate program funding to comply with all conditions of this permit shall be maintained. Lack of funding does not constitute a justification for noncompliance with the terms of this permit.

**PART V. PROGRAM REVIEW AND ANNUAL PROGRESS REPORTING**

**A. Annual Reporting**

1. Annual progress reports, required under 40 CFR §122.42(c), will facilitate the long-term assessment of Prince George's County's NPDES stormwater program. The County shall submit annual reports on or before December 31<sup>st</sup> and post these reports on the County's website. All information, data, and analyses shall be based on the State's fiscal year and include:
  - a. An executive summary on the status of implementing the County's MS4 programs that are established as permit conditions including:
    - i. Permit Administration;
    - ii. Legal Authority;
    - iii. Source Identification;
    - iv. Stormwater Management;
    - v. Erosion and Sediment Control;
    - vi. Illicit Discharge Detection and Elimination;
    - vii. Property Management and Maintenance;
    - viii. Public Education;
    - ix. Stormwater Restoration;
    - x. Countywide Stormwater TMDL Implementation Plan;
    - xi. Assessment of Controls, including PCB Source Tracking; and
    - xii. Program Funding.
  - b. A narrative summary describing the results and analyses of data, including monitoring data that is accumulated throughout the reporting year;
  - c. Expenditures for the reporting period and the proposed budget for the upcoming year;

- d. A summary describing the number and nature of enforcement actions, inspections, and public education programs;
  - e. The identification of water quality improvements and documentation of attainment and/or progress toward attainment of schedules, benchmarks, deadlines, and applicable stormwater WLAs developed under EPA established or approved TMDLs; and
  - f. The identification of any proposed changes to the County's program when stormwater WLAs are not being met.
2. All annual reporting specified in PARTs IV.C, D, E, F, and G, or required anywhere within this permit shall be made using the MS4 Geodatabase. A corresponding User's Guide provides guidance for data requirements and entry into the MS4 Geodatabase.
  3. Because this permit uses an iterative approach to implementation, the County must continuously evaluate the effectiveness of its programs and report any modifications in each annual report. Where programs are determined by the County to be ineffective, modifications shall be made within 12 months that effectively show progress toward meeting stormwater WLAs developed under EPA approved TMDLs.

**B. Program Review**

In order to assess the effectiveness of Prince George's County's NPDES stormwater program for reducing the discharge of pollutants to the MEP and working toward meeting water quality standards, the permittee will cooperate with the Department during the review of annual reports, field inspections, and periodic requests for additional data to determine permit compliance. Procedures for the review of local erosion and sediment control and stormwater management programs exist in Maryland State law and regulations. The Department may require additional evaluations and field inspections to be conducted for IDDE, property management and maintenance, assessment of controls, and impervious surface area and Chesapeake Bay restoration to determine compliance with permit conditions.

**C. Reapplication for NPDES Stormwater Discharge Permit**

This permit is effective for no more than five years from the effective date unless administratively continued by the Department. In order to qualify for an administrative continuation of this permit beyond five years, Prince George's County must reapply for NPDES stormwater discharge permit coverage in its fourth year annual report. Failure to reapply for coverage constitutes a violation of this permit and can lead to a lapse of permit coverage and subject any discharges that occur without permit coverage to enforcement action and penalties. All requirements of this permit must be completed within the five-year permit term. An administrative continuance does not extend or

modify any of the completion dates as set forth in the permit; the administrative continuance only provides permit coverage to allow County discharges until a new NPDES permit is issued and effective. Once a new NPDES permit is effective the administrative continuance automatically expires.

As part of this application process, the County shall submit to the Department an executive summary of its NPDES stormwater management program that specifically describes how each County watershed has been thoroughly evaluated, and the status of implementing water quality improvement projects and all schedules, benchmarks, and deadlines toward meeting stormwater WLAs. This application shall be used to gauge the effectiveness of the County's NPDES stormwater program and will provide guidance for developing future permit conditions. The application summary shall include:

1. The County's NPDES stormwater program goals;
2. Program summaries for the permit term regarding:
  - a. Illicit discharge detection and elimination results;
  - b. Impervious Surface and Chesapeake Bay Restoration status including County totals for impervious acres, impervious acres controlled by stormwater management, the current status of water quality improvement projects and acres managed, and documentation of progress toward meeting stormwater WLAs developed under EPA approved TMDLs;
  - c. Pollutant load reductions as a result of this permit and an evaluation of whether TMDLs are being achieved; and
  - d. Other relevant data and information for describing County programs;
3. Program operation and capital improvement costs for the permit term; and
4. Descriptions of any proposed permit condition changes based on analyses of the successes and failures of the County's efforts to comply with the conditions of this permit.

## **PART VI. SPECIAL PROGRAMMATIC CONDITIONS**

Maryland's baseline programs, including the 1991 Forest Conservation Act, 1997 Priority Funding Areas Act, 2007 Stormwater Management Act, 2009 Smart, Green & Growing Planning Legislation, 2010 Sustainable Communities Act, 2011 Best Available Technology Regulation, and the 2012 Sustainable Growth & Agricultural Preservation Act effectively mitigate the majority of the impacts from new development. Any additional loads will be offset through Maryland's Aligning for Growth policies and procedures as articulated through Chesapeake Bay milestone achievement. Prince

George's County shall reflect these policies, programs, and implementation as part of its net WLA accounting as stipulated in PART IV.F.3.b of this permit.

## **PART VII. ENFORCEMENT AND PENALTIES**

### **A. Discharge Prohibitions and Receiving Water Limitations**

Prince George's County shall prohibit non-stormwater discharges into, through, or from its MS4. NPDES permitted non-stormwater discharges are exempt from this prohibition. Discharges from the following will not be considered a source of pollutants when properly managed: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation waters; springs; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; de-chlorinated swimming pool discharges (not including filter backwash); street wash water; and firefighting activities.

Consistent with §402(p)(3)(B)(iii) of the CWA, the County shall take all reasonable steps in compliance with the terms of this permit to minimize or prevent the contamination or other alteration of the physical, chemical, or biological properties of any waters of the State, including a change in temperature, taste, color, turbidity, or odor of the waters or the discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into any waters of the State, that will render the waters harmful to:

1. Public health, safety, or welfare;
2. Domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial use;
3. Livestock, wild animals, domestic animals, or birds; and
4. Fish or other aquatic life.

### **B. Duty to Mitigate**

Prince George's County shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

### **C. Emergency Reporting Requirements**

Prince George's County shall report any non-compliance that may endanger human health or the environment to the Department's Compliance Program within 24 hours from the time when the County becomes aware of the circumstances. The 24 hour reporting

can be accomplished by telephone at 410-537-3510 or by email to mde.wsacompliance@maryland.gov with the subject line “24-hour non-compliance report notification, Prince George’s County MS4.”

Within five days of the of the initial 24-hour report due, the County shall provide a written submission containing a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times; if the non-compliance has not been corrected, the anticipated time that it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance. A written summary of the incident and steps taken to prevent the recurrence of the emergency shall also be included in the subsequent annual report.

**D. Duty to Comply**

Prince George’s County shall be responsible for complying with all conditions of this permit. Other entities may be used to meet various permit obligations provided that both the County and the other entity agree contractually, and that no stormwater restoration work for Chesapeake Bay or local TMDL stormwater implementation plans are double-counted. Regardless of any arrangement entered into however, the County remains responsible for permit compliance. In no case may this responsibility or permit compliance liability be transferred to another entity.

Failure to comply with a permit provision constitutes a violation of the CWA and State law and is grounds for enforcement action; permit termination, revocation, or modification; or denial of a permit renewal application. The County shall comply at all times with the provisions of the Environment Article, Title 4, Subtitles 1, 2, and 4; Title 7, Subtitle 2; and Title 9, Subtitle 3 of the Annotated Code of Maryland.

**E. Proper Operation and Maintenance**

The County shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the County to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the County only when the operation is necessary to achieve compliance with the conditions of the permit.

**F. Sanctions**

**1. Penalties Under the CWA - Civil and Criminal**

Section 309(g)(2) of the CWA, 33 USC §1319(g)(2) provides that any person who violates any permit condition is subject to a civil penalty not to exceed \$10,000 per day for each violation, not to exceed \$125,000. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, 40 CFR Part 19, any person who

violates any NPDES permit condition or limitation is liable for an administrative penalty not to exceed \$16,000 per day for each such violation, up to a total penalty of \$177,500. Pursuant to Section 309(c) of the CWA, 33 USC §1319(c), any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. Any person who knowingly violates any permit condition is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both.

2. Penalties Under the State’s Environment Article – Civil and Criminal

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the County from civil or criminal responsibilities and/or penalties for a violation of Title 4, Title 7, and Title 9 of the Environment Article, Annotated Code of Maryland, or any federal, local, or other State law or regulation. Section 9-342 of the Environment Article provides that a person who violates any condition of this permit is liable to a civil penalty of up to \$10,000 per violation, to be collected in a civil action brought by the Department, and with each day a violation continues being a separate violation. Section 9-342 further authorizes the Department to impose upon any person who violates a permit condition, administrative civil penalties of up to \$5,000 per violation, up to \$50,000.

Section 9-343 of the Environment Article provides that any person who violates a permit condition is subject to a criminal penalty not exceeding \$25,000 or imprisonment not exceeding 1 year, or both for a first offense. For a second offense, Section 9-343 provides for a fine not exceeding \$50,000 and up to 2 years imprisonment.

The Environment Article, §9-343, Annotated Code of Maryland, provides that any person who tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$50,000 per violation, or by imprisonment for not more than 2 years per violation, or both.

The Environment Article, §9-343, Annotated Code of Maryland, provides that any person who knowingly makes any false statement, representation, or certification in any records or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$50,000 per violation, or by imprisonment for not more than 2 years per violation, or both.

**G. Permit Revocation and Modification**

1. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by Prince George’s County for a permit modification or a notification of planned changes or anticipated noncompliance does not stay any permit condition. A permit may be modified by the Department upon written request by the County and after notice and opportunity for a public hearing in accordance with and for the reasons set forth in COMAR 26.08.04.10 and 40 CFR §§122.62, 122.63, 122.64, and 124.5.

After notice and opportunity for a hearing and in accordance with COMAR 26.08.04.10, the Department may modify, suspend, or revoke and reissue this permit in whole or in part during its term for causes including, but not limited to the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary reduction or elimination of the authorized discharge;
- d. A determination that the permitted discharge poses a threat to human health or welfare or to the environment and can only be regulated to acceptable levels by permit modification or termination;
- e. To incorporate additional controls that are necessary to ensure that the permit effluent limit requirements are consistent with any applicable TMDL WLA allocated to the discharge of pollutants from the MS4; or
- f. As specified in 40 CFR §§122.62, 122.63, 122.64, and 124.5.

2. Duty to Provide Information

The County shall furnish to the Department, within a reasonable time, any information that the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit; or to determine compliance with this permit. The County shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

**H. Inspection and Entry**

Prince George’s County shall allow an authorized representative of the State or EPA, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulatory activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and obtain copies at reasonable times of any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times, without prior notice, any construction site, facility, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

**I. Monitoring and Recordkeeping**

Unless otherwise specified by this permit, all monitoring and records of monitoring shall be in accordance with 40 CFR §122.41(j).

**J. Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local law or regulations.

**K. Severability**

The provisions of this permit are severable. If any provision of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

**L. Signature of Authorized Administrator and Jurisdiction**

Each application, report, or other information required under this permit to be submitted to the Department shall be signed as required by COMAR 26.08.04.01-1. Signatories shall be a principal executive officer, ranking elected official, or other duly authorized employee.

  
D. Lee Currey (Dec 1, 2022 07:54 EST)

**D. Lee Currey**  
**Director**  
**Water and Science Administration**

December 2, 2022

**Date**

**Appendix A**  
**EPA Approved Total Maximum Daily Loads (TMDLs)**  
**Prince George's County**

This NPDES permit requires Prince George's County to submit an annual TMDL assessment report evaluating effectiveness of the County's restoration plans and progress made in achieving compliance with EPA approved TMDLs. Similarly, by regulation at 40 CFR §122.44, EPA further requires that stormwater controls and programs implemented pursuant to this NPDES permit be consistent with applicable stormwater wasteload allocations (WLAs) developed under any approved TMDLs. The following is a list of TMDLs and WLAs applicable to Prince George's County:

TMDL Report	Location	TMDLs				Year
		Impairment	WLA	Units	Reduction	
Anacostia River Bacteria <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Downstream of Confluence of Northwest Branch and Northeast Branch and Upstream of MD/DC line	Enterococci	31	billion MPN/day	99%	2007
Anacostia River Bacteria <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Upstream of Confluence of Northwest Branch and Northeast Branch	Enterococci	84	billion MPN/day	80%	2007
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Tidal (Not incl. loads from Watts Br & LBC)	BOD	62,613	lbs/year	58%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Lower Beverdam Creek	BOD	109,434	lbs/year	58%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia	BOD	226,639	lbs/year	58%	2008

	River - Non-Tidal - Northeast Branch					
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Watts Branch	BOD	12,765	lbs/year	58%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Northwest Branch	BOD	55,234	lbs/year	58%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Tidal (Not incl. loads from Watts Br & LBC)	Nitrogen	4,173	lbs/year	81%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Lower Beverdam Creek	Nitrogen	11,598	lbs/year	81%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Northeast Branch	Nitrogen	25,116	lbs/year	81%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Watts Branch	Nitrogen	1,490	lbs/year	81%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Northwest Branch	Nitrogen	9,065	lbs/year	81%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Tidal (Not incl. loads from Watts Br & LBC)	Phosphorus	433	lbs/year	81%	2008

Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Lower Beverdam Creek	Phosphorus	1,485	lbs/year	81%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Northeast Branch	Phosphorus	3,461	lbs/year	81%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Watts Branch	Phosphorus	199	lbs/year	81%	2008
Anacostia River Nutrients <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Northwest Branch	Phosphorus	1,388	lbs/year	81%	2008
Anacostia River Sediments <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Tidal (Not incl. loads from Watts Br & LBC)	TSS	77	tons/year	85%	2012
Anacostia River Sediments <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Lower Beverdam Creek	TSS	421	tons/year	85%	2012
Anacostia River Sediments <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Northeast Branch	TSS	2,449	tons/year	85%	2012
Anacostia River Sediments <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Watts Branch	TSS	26	tons/year	85%	2012
Anacostia River Sediments <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia	TSS	1,091	tons/year	85%	2012

	River - Non-Tidal - Northwest Branch					
Anacostia River Trash <sup>3</sup>	Subsegment of 8 Digit WS 02140205/Anacostia Watershed - Prince George's County - Non-Tidal Allocation - Includes 5% MOS	Trash	167,258	lbs removed/year	100%	2010
Anacostia River Trash <sup>3</sup>	Subsegment of 8 Digit WS 02140205/Anacostia Watershed - Prince George's County - Tidal Allocation - Includes 5% MOS	Trash	11,902	lbs removed/year	100%	2010
Cash Lake Mercury	Cash Lake	Mercury	N/A			2011
Mattawoman Creek Nutrients <sup>3</sup>	8 Digit WS 02140111/Mattawoman Creek	Nitrogen	9,546	lbs/year	54%	2005
Mattawoman Creek Nutrients <sup>3</sup>	8 Digit WS 02140111/Mattawoman Creek	Phosphorus	1,069	lbs/year	47%	2005
Non-Tidal Anacostia River PCBs <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Northeast Branch	PCBs	3.77	grams/year	99%	2011
Non-Tidal Anacostia River PCBs <sup>1</sup>	Subsegment of 8 Digit WS 02140205/Anacostia River - Non-Tidal - Northwest Branch	PCBs	1.77	grams/year	98%	2011
Patuxent River Middle Sediment <sup>2</sup>	8-Digit WS 02131102/Patuxent River Middle	TSS	69	tons/year	56%	2018
Patuxent River PCBs	Segmentshed PAXMH/Patuxent River Mesohaline	PCBs	0.60	grams/year	0%	2017
Patuxent River PCBs	Segmentshed PAXOH/Patuxent River Oligohaline	PCBs	1.40	grams/year	0%	2017
Patuxent River PCBs <sup>2</sup>	Segmentshed PAXTF/Patuxent River Tidal Fresh	PCBs	0.10	grams/year	100%	2017

Patuxent River Upper Bacteria <sup>1</sup>	Subsegment of 8 Digit WS 02131104/Patuxent River Upper	E.coli	51,833	billion MPN/year	53%	2011
Patuxent River Upper Sediment <sup>1</sup>	8 Digit WS 02131104/Patuxent River Upper	TSS	1,489	tons/year	11%	2011
Piscataway Creek and Mattawoman Creek PCBs	Segmentshed MATTF/Mattawoman Creek Tidal Fresh	PCBs	3.00	grams/year	5%	2019
Piscataway Creek and Mattawoman Creek PCBs	Segmentshed PISTF/Piscataway Creek Tidal Fresh	PCBs	18.50	grams/year	5%	2019
Piscataway Creek Bacteria <sup>1</sup>	Subsegment of 8 Digit WS 02140203/ Piscataway Creek - Non-Tidal	E.coli	83	billion MPN/day	43%	2007
Rocky Gorge and Triadelphia Reservoirs Phosphorus and Sediment <sup>1</sup>	8 Digit WS 02131107/Rocky Gorge Reservoir	Phosphorus	154	lbs/year	15%	2008
Chesapeake Bay TMDL	Segmentshed ANATF_DC/ Anacostia River Tidal Fresh DC	Nitrogen	28,154	delivered lbs/year	26%	2010
Chesapeake Bay TMDL	Segmentshed ANATF_MD/Anacostia River Tidal Fresh Maryland	Nitrogen	62,534	delivered lbs/year	21%	2010
Chesapeake Bay TMDL	Segmentshed MATTF/Mattawoman Creek Tidal Fresh	Nitrogen	4,513	delivered lbs/year	10%	2010
Chesapeake Bay TMDL	Segmentshed PAXMH/Lower Patuxent River Mesohaline	Nitrogen	1,545	delivered lbs/year	26%	2010
Chesapeake Bay TMDL	Segmentshed PAXOH/Middle Patuxent River Oligohaline	Nitrogen	6,290	delivered lbs/year	27%	2010
Chesapeake Bay TMDL	Segmentshed PAXTF/Upper	Nitrogen	42,556	delivered lbs/year	21%	2010

	Patuxent River Tidal Fresh					
Chesapeake Bay TMDL	Segmentshed PISTF/Piscataway Creek Tidal Fresh	Nitrogen	55,432	delivered lbs/year	23%	2010
Chesapeake Bay TMDL	Segmentshed POTMH_MD/Lower Potomac River Mesohaline Maryland	Nitrogen	1,141	delivered lbs/year	16%	2010
Chesapeake Bay TMDL	Segmentshed POTTF_DC/Upper Potomac River Tidal Fresh DC	Nitrogen	19,479	delivered lbs/year	27%	2010
Chesapeake Bay TMDL	Segmentshed POTTF_MD/Upper Potomac River Tidal Fresh Maryland	Nitrogen	63,123	delivered lbs/year	26%	2010
Chesapeake Bay TMDL	Segmentshed WBRTF/Western Branch Patuxent River Tidal Fresh	Nitrogen	94,779	delivered lbs/year	20%	2010
Chesapeake Bay TMDL	Segmentshed ANATF_DC/Anacostia River Tidal Fresh DC	Phosphorus	2,471	delivered lbs/year	41%	2010
Chesapeake Bay TMDL	Segmentshed ANATF_MD/Anacostia River Tidal Fresh Maryland	Phosphorus	4,514	delivered lbs/year	40%	2010
Chesapeake Bay TMDL	Segmentshed MATTF/Mattawoman Creek Tidal Fresh	Phosphorus	594	delivered lbs/year	33%	2010
Chesapeake Bay TMDL	Segmentshed PAXMH/Lower Patuxent River Mesohaline	Phosphorus	122	delivered lbs/year	42%	2010
Chesapeake Bay TMDL	Segmentshed PAXOH/Middle Patuxent River Oligohaline	Phosphorus	445	delivered lbs/year	44%	2010
Chesapeake Bay TMDL	Segmentshed PAXTF/Upper Patuxent River Tidal Fresh	Phosphorus	3,715	delivered lbs/year	34%	2010
Chesapeake Bay TMDL	Segmentshed PISTF/Piscataway Creek Tidal Fresh	Phosphorus	4,540	delivered lbs/year	41%	2010

Chesapeake Bay TMDL	Segmentshed POTMH_MD/Lower Potomac River Mesohaline Maryland	Phosphorus	89	delivered lbs/year	37%	2010
Chesapeake Bay TMDL	Segmentshed POTTF_DC/Upper Potomac River Tidal Fresh DC	Phosphorus	1,650	delivered lbs/year	42%	2010
Chesapeake Bay TMDL	Segmentshed POTTF_MD/Upper Potomac River Tidal Fresh Maryland	Phosphorus	5,015	delivered lbs/year	42%	2010
Chesapeake Bay TMDL	Segmentshed WBRTF/Western Branch Patuxent River Tidal Fresh	Phosphorus	7,361	delivered lbs/year	35%	2010
Chesapeake Bay TMDL	Segmentshed ANATF_DC/Anacostia River Tidal Fresh DC	TSS	See Phase II WIP	delivered lbs/year	See Phase II WIP	2010
Chesapeake Bay TMDL	Segmentshed ANATF_MD/Anacostia River Tidal Fresh Maryland	TSS	See Phase II WIP	delivered lbs/year	See Phase II WIP	2010
Chesapeake Bay TMDL	Segmentshed MATTTF/Mattawoman Creek Tidal Fresh	TSS	See Phase II WIP	delivered lbs/year	See Phase II WIP	2010
Chesapeake Bay TMDL	Segmentshed PAXMH/Lower Patuxent River Mesohaline	TSS	See Phase II WIP	delivered lbs/year	See Phase II WIP	2010
Chesapeake Bay TMDL	Segmentshed PAXOH/Middle Patuxent River Oligohaline	TSS	See Phase II WIP	delivered lbs/year	See Phase II WIP	2010
Chesapeake Bay TMDL	Segmentshed PAXTF/Upper Patuxent River Tidal Fresh	TSS	See Phase II WIP	delivered lbs/year	See Phase II WIP	2010
Chesapeake Bay TMDL	Segmentshed PISTF/Piscataway Creek Tidal Fresh	TSS	See Phase II WIP	delivered lbs/year	See Phase II WIP	2010
Chesapeake Bay TMDL	Segmentshed POTMH_MD/Lower Potomac River Mesohaline Maryland	TSS	See Phase II WIP	delivered lbs/year	See Phase II WIP	2010

Chesapeake Bay TMDL	Segmentshed POTTF_DC/Upper Potomac River Tidal Fresh DC	TSS	See Phase II WIP	delivered lbs/year	See Phase II WIP	2010
Chesapeake Bay TMDL	Segmentshed POTTF_MD/Upper Potomac River Tidal Fresh Maryland	TSS	See Phase II WIP	delivered lbs/year	See Phase II WIP	2010
Chesapeake Bay TMDL	Segmentshed WBRTF/Western Branch Patuxent River Tidal Fresh	TSS	See Phase II WIP	delivered lbs/year	See Phase II WIP	2010
Tidal Potomac and Anacostia River PCBs <sup>3</sup>	8 Digit WS 02130304/ Wicomico (incl. subsegments of Gilbert, Zekiah)	PCBs	N/A			2007
Tidal Potomac and Anacostia River PCBs	8 Digit WS 02140102/Potomac River, Middle	PCBs	0.17	grams/year	5%	2007
Tidal Potomac and Anacostia River PCBs <sup>3</sup>	8 Digit WS 02140201/Potomac River, Upper	PCBs	16.22	grams/year	92%	2007
Tidal Potomac and Anacostia River PCBs <sup>3</sup>	8 Digit WS 02140204/Oxon Creek	PCBs	1,485.00	lbs/year	81%	2007
Tidal Potomac and Anacostia River PCBs	Subsegment of 8 Digit WS 02140111/ Mattawoman Creek - Direct Drainage	PCBs	N/A			2007
Tidal Potomac and Anacostia River PCBs	Subsegment of 8 Digit WS 02140203/ Piscataway Creek - Direct Drainage	PCBs	7.70	grams/year	5%	2007
Tidal Potomac and Anacostia River PCBs <sup>3</sup>	Subsegment of 8 Digit WS 02140205/Anacostia - Tidal Portion	PCBs	1.13	grams/year	100%	2007
Western Branch Patuxent River BOD	8 Digit WS 02131103/Western Branch	BOD	N/A			2000

1. The County shall address the Department's outstanding comments.
2. The County shall submit a TMDL plan.
3. TMDL Implementation plan is under review.

**Appendix B**  
**Year 1 BMP Portfolio – New and Replacement BMPs**

BMP NAME	BMP TYPE <sup>1</sup>	NUMBER of BMPs	IMPERVIOUS ACRES TREATED <sup>2</sup>	LENGTH RESTORED (feet)/ LANE MILES (miles)/ MASS LOADING (lbs) <sup>3</sup>
<b>Annual BMPs</b>				
Street Sweeping		A		
Catch Basin Cleaning		A		
Septic System Pumping		A		
<b>Capital Projects – New Restoration</b>				
PG20ALN000010	STRE	1	63.94	510
PG19RST000008	APRP	1	0.05	N/A
PG18ALN171001	STRE	1	10.26	513
PG17RST000107	PWET	1	11.69	N/A
PG18ALN124584	OUT	1	24.90	379
PG17RST000105	PWET	1	10.06	N/A
PG18RST102030	PWET	1	11.35	N/A
PG16RST109120	PWET	1	61.38	N/A
PG17RST106780	PWET	1	32.70	N/A
PG17RST108080	PWET	1	77.94	N/A

**Notes:**

1. BMP types are from the MS4 Geodatabase.
2. Street sweeping is an annual practice that is averaged over the 5 year permit term. This level of effort will need to continue to maintain the restoration reported in Year 1.
3. N/A = not applicable (BMPs with no associated length, lane miles, or mass loading metric).

*Column Descriptions*

- **BMP NAME:** Unique ID or name of project.
- **BMP TYPE:** Type of restoration BMP. BMP types and classes from the MS4 Geodatabase (see table below). Additional BMP types (e.g., IDDE) from the 2021 Accounting Guidance may also be used.
- **NUMBER OF BMPS:** The number of restoration BMPs present. If a project has multiple types of a single BMP, the amount is identified in the Number of BMPs column. If using septic pumping or denitrification, the number of affected septic systems is reported in this column.
- **IMPERVIOUS ACRES:** Impervious drainage area (acres) reported using the 2021 Accounting Guidance.
- **LENGTH RESTORED (feet)/ LANE MILES (miles)/ MASS LOADING (lbs):** Length of stream restoration, outfall stabilized, or shoreline stabilized/ lane miles swept/ pounds of material removed as a part of inlet cleaning.

## Appendix C

### BMP TYPE Definitions

BMP TYPE CODE	BMP TYPE
Alternative Surfaces (A)	
AGRE	Green Roof – Extensive
AGRI	Green Roof – Intensive
APRP	Permeable Pavements
ARTF	Reinforced Turf
Nonstructural Techniques (N)	
NDRR	Disconnection of Rooftop Runoff
NDNR	Disconnection of Non-Rooftop Runoff
NSCA	Sheetflow to Conservation Areas
Micro-Scale Practices (M)	
MRWH	Rainwater Harvesting
MSGW	Submerged Gravel Wetlands
MILS	Landscape Infiltration
MIBR	Infiltration Berms
MIDW	Dry Wells
MMBR	Micro-Bioretenion
MRNG	Rain Gardens
MSWG	Grass Swale
MSWW	Wet Swale
MSWB	Bio-Swale
MENF	Enhanced Filters
Ponds (P)	
PWED	Extended Detention Structure, Wet
PWET	Retention Pond (Wet Pond)
PMPS	Multiple Pond System
PPKT	Pocket Pond
PMED	Micropool Extended Detention Pond
Wetlands (W)	
WSHW	Shallow Marsh
WEDW	ED – Wetland
WPWS	Wet Pond – Wetland
WPKT	Pocket Wetland
Infiltration (I)	
IBAS	Infiltration Basin

ITRN	Infiltration Trench
Filtering Systems (F)	
FBIO	Bioretention
FSND	Sand Filter
FUND	Underground Filter
FPER	Perimeter (Sand) Filter
FORG	Organic Filter (Peat Filter)
FBIO	Bioretention
Open Channels (O)	
ODSW	Dry Swale
OWSW	Wet Swale
Other Practices (X)	
XDPD	Detention Structure (Dry Pond)
XDED	Extended Detention Structure, Dry
XFLD	Flood Management Area
XOGS	Oil Grit Separator
XOTH	Other
Alternative BMPs	
MSS	Mechanical Street Sweeping
VSS	Regenerative/Vacuum Street Sweeping (i.e., Advanced Street Sweeping)
IMPP	Impervious Surface Reduction (i.e., impervious to pervious)
IMPF	Impervious Surface to Forest (i.e., IMPP + FPU)
FPU	Forestation on Pervious Urban (i.e., Forest Planting)
CBC	Catch Basin Cleaning
SDV	Storm Drain Vacuuming
STRE	Stream Restoration
OUT	Outfall Stabilization
SHST	Shoreline Management
SPSD	Dry Channel Regenerative Step Pool Stormwater Conveyance System
SEPP	Septic Pumping
SEPD	Septic Denitrification
SEPC	Septic Connections to WWTP
XFTW	Floating Treatment Wetland
FCO	Forest Conservation
CLTM	Conservation Landscaping
RCL	Riparian Conservation Landscaping
RFP	Riparian Forest Planting
STCI	Street Tree

USRP	Urban Soil Restoration (Compacted Pervious Surfaces)
USRI	Urban Soil Restoration (Removed Impervious Surfaces)
UTC	Urban Tree Canopy (i.e., Pervious Turf to Tree Canopy over Turf)
IDDE	Elimination of Discovered Nutrient Discharges from Grey Infrastructure
OTH	Other



GENERAL PERMIT FOR STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY  
General NPDES Permit Number MDRC0000  
State Discharge Permit Number 20CP0000A  
EFFECTIVE DATE: April 1, 2023 EXPIRATION DATE: March 31, 2028  
MODIFIED: May 2, 2023

**Table of Contents**

PART I. PERMIT APPLICABILITY ..... 3

    A. Geographic Coverage .....3

    B. Eligibility Conditions.....3

    C. Eligible Discharges (Types of Discharges Authorized) .....4

    D. Prohibited Discharges.....5

    E. Requiring an Individual Permit or an Alternative General Permit .....6

    F. Continuation of an Expired General Permit and Permit Coverage .....7

    G. Duty to Reapply.....7

Part II. AUTHORIZATION UNDER THIS PERMIT ..... 7

    A. Authorization Request .....8

    B. NOI Approval Process and Public Notification Period .....13

    C. Effective Date of Coverage.....13

    D. Transfer of Authorization.....14

    E. E&SC Requirements for Coverage.....14

    F. How to Terminate Coverage.....14

Part III. CONTROL MEASURES AND EFFLUENT LIMITATIONS ..... 16

    A. Technology-Based Limits.....16

        1. Control Measure Selection and Design Considerations ..... 16

        2. Erosion and Sediment Controls (E&SCs) ..... 17

        3. Pollution Prevention Requirements..... 21

        4. Construction Dewatering Requirements ..... 24

    B. Water Quality-Based Limits.....24

        1. General Effluent Limitation to Meet Applicable Water Quality Standards ..... 24

        2. Water Quality-Based Conditions for Sites Discharging to Tier II Waters ..... 25

        3. Water Quality-Based Conditions for Sites Discharging to Impaired Waters ..... 25

        4. Turbidity Benchmark Monitoring to Protect Water Quality ..... 25

    C. Site Inspection, Monitoring and Records. ....27

        1. Person(s) Responsible for Inspecting Site ..... 27

        2. Frequency of Inspections ..... 27

        3. Increase in Inspection Frequency: ..... 28

        4. Reductions in Inspection Frequency ..... 28

        5. Areas That Must Be Inspected ..... 28

        6. Requirements for Site Inspections ..... 29

        7. Inspection Report..... 29

- 8. Records On-site ..... 30
- D. Corrective Actions ..... 31
  - 1. Conditions Triggering Corrective Action. .... 31
  - 2. Corrective Action Deadlines (except dewatering) ..... 31
  - 3. Corrective Action Report..... 32
  - 4. Corrective Action Required by the Department..... 32
  - 5. Corrective Action Deadlines (for dewatering) ..... 32
- E. Staff Training Requirements ..... 33
  - 1. Prior to the commencement of construction activities,..... 33
  - 2. Regarding subcontractors or outside service providers, ..... 33
  - 3. Specific training related to scope of jobs, ..... 33
  - 4. Easy access to documents,..... 33
- F. Stormwater Pollution Prevention Plan (SWPPP) ..... 33
  - 1. General Requirements ..... 33
  - 2. SWPPP Contents..... 34
  - 3. On-site Availability of your SWPPP ..... 38
  - 4. SWPPP Modifications..... 38
- Part IV. STANDARD PERMIT CONDITIONS ..... 39
  - A. Duty to Comply ..... 39
  - B. Property Rights..... 39
  - C. Water Construction and Obstruction ..... 39
  - D. Right of Entry..... 39
  - E. Duty to Provide Information. .... 39
  - F. Availability of Reports ..... 39
  - G. Submitting Additional or Corrected Information ..... 40
  - H. Removed Substances ..... 40
  - I. Toxic Pollutants ..... 40
  - J. Oil and Hazardous Substances Prohibited ..... 40
  - K. Proper Operation and Maintenance..... 40
  - L. Bypass ..... 40
  - M. Upset..... 40
  - N. Need to Halt or Reduce Activity Not a Defense..... 41
  - O. Duty to Mitigate ..... 41
  - P. Permit Actions. .... 41
  - Q. Severability. .... 41
  - R. Reopener Clause for Permits..... 41
  - S. Civil and Criminal Liability ..... 41
  - T. Action on Violations ..... 42
  - U. Civil Penalties for Violations of Permit Conditions..... 42
  - V. Criminal Penalties for Violations of Permit Conditions. .... 42
  - W. Administrative Penalties for Violations of Permit Conditions. .... 42
- Part V. AUTHORITY TO ISSUE GENERAL NPDES PERMITS..... 43

- Appendix A – Definitions
- Appendix B – Stream Protection Zones
- Appendix C – 20CP Antidegradation Checklist
- Appendix D - Turbidity Monitoring Report Form

## **PART I. PERMIT APPLICABILITY**

By this permit the Maryland Department of the Environment (the Department) authorizes the discharge of pollutants to Waters of this State in accordance with the effluent limitations and conditions set forth herein associated with construction activity. This authorization is pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland and its implementing regulations at COMAR 26.08.04; and the provisions of the Federal Clean Water Act (CWA), 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, and its implementing regulations at 40 CFR Parts 122, 123, 124, 125 and 127. Authorization under this permit is required from the “commencement of construction activities” (see Appendix A), until one of the conditions for terminating this permit’s coverage has been met (see Part II.F).

“You” and “Your” are used in this permit to refer to the authorized operator or applicant, as the context indicates, and that party’s facility or responsibilities.

### **A. Geographic Coverage**

This permit covers all areas of the State of Maryland.

### **B. Eligibility Conditions**

To be covered under this permit, you must meet the eligibility conditions in this Part and follow the requirements for obtaining permit coverage in Part II.

1. You are an “operator” of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an “operator” is any party associated with a construction project that meets either of the following two criteria:
  - a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., in most cases this is the owner of the site); or
  - b. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions including authorization to direct workers at a site to carry out activities required by the permit, correct violations (including repair or installation of erosion and sediment controls (E&SC)), and/or halt construction activity until violations of the permit are corrected; in most cases this is the general contractor (as defined in Appendix A) of the project).

Where there are multiple operators associated with the same project, all operators must obtain permit coverage. If the operator of a “construction support activity” (Part I.C.1.c) is different than the operator of the main site, that operator must also obtain permit coverage. See Stormwater Pollution Prevention Plan (SWPPP) Part III.F for clarification on the sharing of permit-related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site. Subcontractors generally are not considered operators for the purposes of this permit.

2. Your site’s construction activities:
  - a. Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale (defined in Appendix A) that will ultimately disturb one or more acres of land; or
  - b. Have been designated by EPA or the Department as needing permit coverage under 40 CFR 122.26(a)(1)(v) or 40 CFR 122.26(b)(15)(ii);
3. For “new source” (defined in Appendix A) only if:
  - a. The Department has not, prior to authorization under this permit, determined that discharges from your site will not meet applicable water quality standards. Where such a determination is made prior to authorization, the Department may notify you that an

individual permit application is necessary (Part I.E and Part II.B). However, the Department may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, the Department expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part III.B, will result in discharges that meet applicable water quality standards.

- b. Discharges from your site to a Tier II water will not lower the water quality of the applicable water so that existing in-stream water uses and the level of water quality necessary to protect existing uses are maintained and protected (as provided the Antidegradation Policy Implementation Procedures in COMAR 26.08.02.4-1). In the absence of information demonstrating otherwise, the Department expects that compliance with the requirements of this permit, including the antidegradation review requirements applicable to such discharges in Part III.B.2, will result in discharges that will not lower the water quality of such waters.
4. Discharges from your site are not: already covered by a different NPDES permit for the same discharge; or in the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.

**C. Eligible Discharges (Types of Discharges Authorized)**

1. The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained according to the terms of this permit (see Parts III.A and III.B):
  - a. Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR 122.26(b)(14)(x) or 122.26(b)(15)(i);
  - b. Stormwater discharges designated by the Department as needing a permit under 40 CFR 122.26(a)(1)(v) or 122.26(b)(15)(ii);
  - c. Stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:
    - i. The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
    - ii. The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;
    - iii. The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and
    - iv. Stormwater controls are implemented in accordance with Parts III.A and III.B for discharges from the support activity areas.
  - d. Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.
2. The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts III.A and III.B:
  - a. Discharges from emergency fire-fighting activities;
  - b. Landscape irrigation;
  - c. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;

- d. Water used to control dust;
  - e. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));
  - f. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any Waters of this State, storm drain inlet, or stormwater conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;
  - g. Uncontaminated air conditioning or compressor condensate;
  - h. Uncontaminated, non-turbid discharges of ground water or spring water;
  - i. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and
  - j. Construction dewatering water discharged in accordance with Part III.A.4.
3. Use of Chemical Additives for Sediment Control: The use of any chemical additives (defined in Appendix A) for sediment control at a construction site is subject to conditions in this permit (Part III.A.2.m). Cationic Chemical Additives (defined in Appendix A) are subject to additional controls and monitoring (Part III.A.2.m.xiii - Part III.A.2.m.xvi). Anionic and cationic additives have different NOI requirements (Part II.A.2), deadlines (Part II.A.9) and processes (Part II.A.11). Any substances not approved by the Department are prohibited.
4. Also authorized under this permit are discharges of stormwater listed above in Part I.C.1 or Part I.C.3 or authorized non-stormwater discharges listed above in Part I.C.2, commingled with a discharge authorized by a different NPDES permit or a discharge that does not require NPDES permit authorization.

#### **D. Prohibited Discharges**

The Department includes the prohibited discharges in this Part as a reminder to the operator that the only non-stormwater discharges authorized by this permit are in Part C above. To prevent the prohibited discharges, operators must comply with the applicable pollution prevention requirements in Part III.A.3. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit. This is not meant to be a comprehensive list of all prohibited discharges.

- 1. Wastewater from the Concrete Washout. (Part III.A.3.d).
- 2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials. (Part III.A.3.d)
- 3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance (Part III.A.3.a and Part III.A.3.c.iii).
- 4. Soaps or solvents, or detergents used in vehicle and equipment washing or external building washdown (Part III.A.3.b);
- 5. Toxic or hazardous substances from a spill or other release (also see Part III.A.3.c iv, Part III.A.3.f. and Part IV.J); and
- 6. Water contaminated by toxic or hazardous substances (e.g. from sites managed under Maryland's Voluntary Cleanup Program (VCP) or Land Restoration Program (LRP) or demolition debris contaminated by PCBs (Part III.B.3)), not addressed by a stormwater pollution prevention plan (Part III.F) and consistent with requirements stipulated by the Department's LMA or WSA.

**E. Requiring an Individual Permit or an Alternative General Permit**

The Department may require you to obtain, or you may also request, an individual permit or coverage under another general permit as described below, even though you may be eligible for coverage under this permit. If the Department requires you to apply for and obtain an alternative permit and you do not apply as required, the Department may terminate your coverage under this permit. This termination is effective at the end of the day that the Department specified for the application or Notice of Intent (NOI) to be submitted, after which you must cease discharges that were covered by this permit.

1. **Portable Batch Plants:** Process water discharges from concrete and asphalt plants, including batch plants, are not authorized under this permit and must have coverage under the General Permit for Discharges from Mineral Mines, Quarries, Borrow Pits and Concrete and Asphalt Plants or an individual permit.
2. **Mining Activity:** Earth disturbance for the purposes of preparation of sites for mineral mining or coal mining must obtain permit coverage under the specific General Permit for that activity, or under an individual permit. Such sites require coverage under those General Permits or individual permits specifically designated for discharges from mineral mining and coal mining activities. Mining sites where construction of structures or other non-mining related development will occur as part of reclamation, or any non-mining earth disturbance following completion of mining reclamation (unless otherwise ineligible for coverage), must obtain coverage under this General Permit if earth disturbance of one acre or more will occur.
3. **Landfills:** Earth disturbance of one acre or more for the purposes of construction of landfill cells or other structures, roads, and appurtenances to landfill operation must be covered under this General Permit unless the Department has authorized coverage under a different permit or general permit. For areas such as the interior of landfill cells where stabilization does not occur, you may terminate coverage once the landfill cell begins operating as a landfill and accepting waste, as long as you obtain coverage under the General Permit for Discharges of Stormwater Associated with Industrial Activity.
4. **New Sources where the E&SC Plan Fails to Meet State Standards:** If the Department determines that a discharge may cause water quality standards to be exceeded in the receiving water, where such a determination is made prior to authorization, based on a failure of your E&SC plan to meet State E&SC or stormwater management (SWM) standards (see Part I.B.3 and Part II.B), you may be required to obtain an individual NPDES discharge permit.
5. **Prohibited Discharges:** If the Department determines that a discharge contains a prohibited non-stormwater discharge (Part I.D), based on information in your NOI (Part II.C), Notice of Transfer (Part II.D) or from other sources, where the discharge is not covered by one of the above General Permits (Part I.E.1, I.E.2 or I.E.3), and is not addressed by applicable pollution prevention requirements in Part III.A.3, you may be required to obtain an individual NPDES discharge permit.
6. **Water Quality Standards:** At any time after authorization, the Department may determine that your stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard, or are causing or contributing to an impairment of a waterbody [i.e., waterbodies listed as impaired on the Integrated Report for Section 303(d)]. (See Part III.B.1, Part III.B.2, Part III.B.3 and Part IV.P). If such a determination is made, the Department may require you to: a. Modify the stormwater controls to adequately address, achieve and document the identified water quality concerns; b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or c. Cease discharges of pollutants from construction activity and apply for and obtain an individual discharge permit.
7. **Existing Sources where the E&SC Plan Fails to Meet State Standards:** If your E&SC plan fails to meet State E&SC or SWM standards (see Part II.B.2), the Department may require you to apply for an individual permit if you are unable to include appropriate controls and implementation procedures

designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards.

8. When an Individual Permit or an Alternative General Permit are required under this Part I.E, the Department will notify you in writing. This notice shall include:
  - a. A brief statement of the reasons for this decision;
  - b. A statement setting a deadline for the notified person to file an application for an individual permit or file a NOI in accordance with the terms of the alternative general permit;
  - c. A permit application if applicable; and
  - d. For existing permittees, a statement that on the effective date of the individual permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate.
9. The Department may grant additional time to submit the individual permit application or alternative general permit NOI upon request of the applicant.
10. Any person authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit or filing an NOI for coverage under an alternative general permit. The person seeking an individual permit must submit an individual application in accordance with the United States Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) regulations at 40 C.F.R. Part 122, with reasons supporting the request to the Department. The person seeking coverage under an alternative general permit must file an NOI in accordance with the terms of the alternative general permit. A request for an individual permit shall be granted if the Department determines that the reasons cited by the applicant are adequate to support the request. If the applicant seeks coverage under an alternative general permit, the terms of that permit will determine whether coverage under the alternative general permit is obtained.
11. When an individual permit is issued to a person otherwise covered by this permit, the applicability of this permit to the individual permittee is automatically terminated on the effective date of the individual permit. Similarly, when a person subject to this permit obtains coverage under an alternative general permit, the applicability of this permit is terminated on the effective date of the alternative general permit. When an individual permit is denied to an applicant otherwise covered by this permit, or the applicant is denied coverage under the terms of an alternative general permit, the applicability of this general permit to the permittee may be terminated by the Department.

#### **F. Continuation of an Expired General Permit and Permit Coverage**

Unless this permit is terminated by the Department, an expired general permit continues in full force and effect, until the date(s) specified under a reissued general permit. If you wish to continue a regulated activity after this permit's expiration date, you must submit a Continuation of Authorization statement at least 60 days before the expiration date of this permit, unless permission for a later date has been granted by the Department. Notices of Intent or Continuation of Authorization statements submitted later than the expiration date of the existing permit will not be accepted by the Department and permit coverage will not be extended.

#### **G. Duty to Reapply.**

If you wish to continue an activity regulated by this permit under a renewed general permit, you must apply for and obtain authorization as required by the new permit once issued.

### **Part II. AUTHORIZATION UNDER THIS PERMIT**

All "operators" (as defined in Appendix A) associated with your construction site, who meet the eligibility requirements (Part I.B), and who seek coverage under this permit, must submit to the Department a complete and accurate NOI, fee payment and associated documentation (Part II.A) according to the deadlines in Table 1. The approval of the authorization is contingent on a response to any comments taken during the public notification period (Part II.B), and the Department's review of the submission. Your Authorization is effective once the Department provides you with a authorization letter (Part II.C).

Emergency Authorization Exception: A person who must conduct earth-disturbing activities prior to obtaining general permit coverage for discharges in response to a public emergency (e.g., natural disaster, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, must obtain emergency authorization from the Department within 24 hours after initiating earth-disturbing activities. The person must obtain such emergency authorization in writing or via electronic mail. If the Department denies emergency authorization, the person must immediately stabilize earth disturbance and complete the authorization process under this Part before resuming earth disturbance. Where circumstances allow, it is recommended that a person obtain emergency authorization prior to initiating earth-disturbing activities. A person with emergency authorization is authorized to discharge on the condition that a complete and accurate NOI is submitted within 7 calendar days after commencing earth-disturbing activities, and must ultimately complete all requirements to obtain regular coverage under the general permit. The person must provide a copy of the emergency authorization with the NOI.

### A. Authorization Request

1. **Notice of Intent (NOI).** You must submit to the Department an NOI (Part II.A.2) to be covered under this general permit. The NOI must be submitted prior to the expiration date of this permit, be accompanied by the appropriate fee (Part II.A.3) and include support documentation (Part II.A.4). The applicant must submit the documents in either the electronic or paper format designated by the Department (Part II.A.5 or Part II.A.6), and they must be certified (Part II.A.7 and Part II.A.8).
2. **Contents of Notice of Intent.** The NOI must include the following:
  - a. The site's name, mailing address, and general location;
  - b. The site's latitude and longitude in decimal degrees of at least 4 decimals, using a central point within the property boundary;
  - c. A vicinity map of the site;
  - d. The Operator's name and signatory's signature, address, telephone number, email address;
  - e. The preparer's name, organization, email address and telephone number;
  - f. The resident agent (for corporations/LLC) name and address, if the business is not incorporated or registered to do business in Maryland;
  - g. Federal Tax ID (not required for Individual);
  - h. Workers Compensation Certificate of Compliance document provided by the Workers Compensation Commission or Workers Comp Provider and Policy Number;
  - i. A brief project description, including existing and proposed land uses;
  - j. The type of organization (e.g., Individual, Sole Proprietor, Partnership, Volunteer Organization, Corporation, State, Federal, or Local Government);
  - k. Type of construction (e.g., Single-Family Residential, Multifamily Residential, Industrial and Warehouses, Institutional, Commercial, Other Non-residential Construction, Highway or Road, Bridge, Tunnel & Elevated Highway, Water, Sewer, or other Pipeline, Communications & Power Line Construction, Heavy Construction, Not Elsewhere Classified, Wrecking and Demolition Work, Other Special Trade Contractors);
  - l. The name of the receiving water(s) (if the discharge is to a municipal separate storm sewer system, the name of the municipal system and the receiving water(s) must be supplied);
  - m. A confirmation that the permittee has compared the eventual receiving water(s) with the Maryland 303(d) list, the date on which the comparison took place, and a statement as to whether the eventual receiving water(s) are listed on the 303(d) list as impaired for pollutants such as sediment or PCBs. Indicate the name and location of the impaired water(s) and the pollutant(s) for which the water is impaired;
  - n. A confirmation if the receiving water(s) are Tier II (high quality waters), and if so that the antidegradation review and Checklist have been completed (Part II.A.4.b);
  - o. The total site area, the total proposed disturbed area;
  - p. An indication whether you were exempted or waived from any requirements in the SWM Plan;
  - q. The E&SC Plan Approval Authority and Plan ID;

- r. Estimated construction project start date and end date;
  - s. Indicate identifying information for the main developer if the activity is part of a common plan of development or sale;
  - t. An indication if earth-disturbing activities have commenced on your project/site, and if so indicate if your project is an “emergency-related project”;
  - u. An indication if there is or will be demolition of any structure built or renovated before January 1, 1980;
  - v. An indication if any of the structures being demolished have at least 10,000 square feet of floor space (Part III.B.3);
  - w. An indication if disturbing material or soils with known contamination by toxic or hazardous substances (Part I.D.6) and identify the contaminants, (e.g. from sites managed under Maryland's Voluntary Cleanup Program (VCP), Land Restoration Program (LRP), or base on historic land records).
  - x. An indication if chemical additives are used for flocculation, and when intending to use a product that is cationic to identify the product (Part I.C.3);
  - y. Permit number of any other NPDES Permit you retain for this site, or if part of a common plan the name of the owner, and an indication if this is new or a continuation of coverage (see Table 1); and
  - z. An indication if there were any Federal or State listed rare, threatened, and endangered species or designated critical habitat located in the project area and if so are there specific requirements in your E&SC or SWPPP.
  - aa. An indication if dewatering benchmarks are applicable.
3. **Fees.** An application fee is required at the time of submission of an NOI. The fee schedule is based on the size of the total planned disturbance. If the area of disturbance is projected to increase, an NOI should be resubmitted with a fee that reflects this change in coverage. The applicant must determine the appropriate fee to be paid from the fee schedule set in State regulations COMAR 26.08.04.09-1 C(2). Fee clarification: For builders constructing single family homes within a larger common plan of development or sale where the common plan of development or sale has an authorization under this permit with an approved E&SC plan that specifies single family homes on Standard Plans, and the small residential lots individually themselves each are less than an acre, there is no additional fee.
4. **Additional Documentation Required:** The following documents are required and must be submitted as part of a complete authorization request.
- a. Erosion and Sediment Control (E&SC) and Stormwater Management (SWM) Plans: Persons who obtain coverage under this general permit must, prior to commencing construction, develop and obtain approval from the appropriate approval authority of: E&SC plans (Part II.A.4.a) in accordance with the requirements established in Title 4, Subtitle 1 of the Environment Article, Annotated Code of Maryland (Sediment Control); and in Code of Maryland Regulations (COMAR) 26.17.01 (E&SC); and SWM plans (unless exempted by the following law or regulation or obtaining a proper waiver from the approval authority) in accordance with the requirements established in Title 4, Subtitle 2 of the Environment Article, Annotated Code of Maryland (SWM); and in COMAR 26.17.02 (SWM). *For State or federal phased approvals, site preparation or grading may begin once the E&SC plan and Concept SWM plan have been approved, however further construction activities require final SWM plan approval.*  
*Where coverage under this permit is required but either E&SC, SWM plan requirements, or both are exempt under Title 4, a SWPPP must submitted in place of the exempted plan or plans as part of a complete authorization request.*
  - b. Antidegradation checklist: If your construction activity will result in discharges to Tier II waters, then you must complete the Checklist (Appendix C) as part of your antidegradation review (Part III.B.2).
  - c. Stormwater Pollution Prevention Plan (SWPPP): You must develop and submit a SWPPP consistent with Part III.F, when required by this permit (refer to Part III.F.1).

5. **How to Submit Your NOI and accompanying documentation via eNOI:** You must use the Department's NPDES eNOI Tool to electronically prepare and submit your NOI for coverage under this permit unless you received a Waiver from the Department (Part II.A.6). In addition to the NOI, you will also attach any additional documentation required, such as the proof of E&SC and SWM approval (either in the form of a letter or waiver signed by the approval authority, a copy of the stamped approval from the plan), antidegradation checklist and SWPPP as required by this permit. To access the tool, go to access the system at:  
<https://egov.maryland.gov/mde/npdes/Account/Login>.
6. **Where to Submit NOI and accompanying documentation, when exempted from eNOI:** You may submit your documents via mail only when granted a waiver from the Department. All other applicants must submit NOIs for coverage under this general permit through the electronic system designated by the Department. Waivers from electronic reporting may be granted based on one of the following conditions:
- a. If the operator's operational headquarters are physically located in a geographic area (i.e., ZIP code or census tract) that is identified as underserved for broadband Internet access in the most recent report from the Federal Communications Commission; or
  - b. If the operator has limitations regarding available computer access or computer capability.

If the operator wishes to obtain a waiver from submitting a report electronically, operators must submit a request to the Department. In that request, operators must document which exemption they meet, provide evidence supporting any claims, and a copy of their completed NOI form. A waiver may only be considered granted once operators receive written confirmation from the Department.

If the Department grants the operator approval to use a paper NOI, and they elect to use it, the operator must request the form from the Department. Those with the waiver will submit completed paper forms, required documents and payment by mail to the Department at the following address:

The Maryland Department of the Environment  
Water and Science Administration  
P.O. Box 2057  
Baltimore, Maryland 21203-2057

7. **Certification.** Any person signing documents under this section must provide certification in accordance with the laws and regulations identified in Part II.A.8 below.
8. **Signature Requirements.**
- Signatory:* All authorization requests, including NOIs, transfers, modifications or emergency requests must be signed by a signatory as follows:
- a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - i. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
    - ii. the manager of one or more properties belonging to the owner, provided the manager is authorized to make management decisions which govern the operation of the regulated facility having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

- c. For a municipality, State, Federal, or other public agency: By either a principal executive officer, ranking elected official or other duly authorized employee. For purposes of this section, a principal executive officer of a Federal agency includes:
  - i. the chief executive officer of the agency; or
  - ii. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the EPA).

*Duly Authorized Representative:* Your SWPPP, Turbidity Monitoring Report Form (i.e. Appendix D) or Antidegradation Checklist (i.e. Appendix C), including changes to your SWPPP to document any corrective actions taken as required by Part IV, and all reports submitted to the Department, must be signed by a Signatory as described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. the authorization is made in writing by a Signatory;
- b. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
- c. the signed and dated written authorization is included in the SWPPP or Antidegradation Checklist and made available to the Department upon request.

*Changes in Signatory or Duly Authorized Representative:* If an authorization for a representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of PART II.D must be submitted to the Department prior to submitting or with any reports, information or applications that must be signed by a duly authorized representative.

All certification of E&SC or SWM Plans must be signed in accordance with requirements established in COMAR 26.17.01.07 (E&SC) and COMAR 26.17.02.09 (SWM).

9. **Deadlines for Coverage.** The deadlines in Table 1 apply to operators applying for coverage under this permit. If you miss the deadline to submit your complete NOI package (Part II.B.1), any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. The Department may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

Table 1 - Deadlines for Permit Coverage

Type of Operator	NOI Package Submittal Deadline	Special Instructions
<p><b>Operator of an Existing Construction Site with an active authorization number under the prior 14GP</b> (i.e., a site where construction activities commenced prior to the effective date of this permit and which did have coverage under the prior 14GP permit).</p>	<p>Within 6 months after the effective date of this permit.</p>	<p>On eNOI select 'Continuation'. No additional fee or public notification period is required. Comply with the terms and conditions of the 14GP in the interim. (This includes sites that filed DOI with an NOI after the 14GP expired).</p>
<p><b>Operator of a New Site</b> (i.e. a site where construction activities commence on or after the effective date of this permit but before expiration of this permit).</p>	<p>A minimum of 14 days prior to commencing construction activities.</p>	
<p><b>New Operator</b> (i.e. an operator that through transfer of ownership, operation or both replaces the operator of an already permitted construction site that is either a "New site" or an "existing site").</p>	<p>A minimum of 14 days prior to date that the transfer will take place to the new owner/operator.</p>	<p>No additional fee or public notification period is required.</p>
<p><b>Amendments to Construction Activity which Adds a SWPPP Requirement</b> (i.e. a request to modify an existing authorization for use of a cationic chemical additive or other triggering activity requiring SWPPP).</p>	<p>Amendments for use of any approved cationic chemical additive must be submitted a week prior to use. All other amendment must be submitted within 7 days of the change.</p>	<p>Amendments are required each time a new approved cationic chemical additive is used, or for the first time an approved anionic chemical additive is used. Amendments are not required for other changes for authorizations that already had a SWPPP.</p>
<p><b>Increase in Construction Activity</b> (i.e. a request to modify an existing authorization for an increase in project acreage).</p>	<p>A minimum of 14 days prior to increasing construction activities.</p>	<p>If the increase is one acre or more, the process is the same as a new NOI. Fees are only assessed if the modification results in the total acreage being increased to the next fee tier.</p>
<p><b>Operator of an "emergency-related project"</b> (i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services).</p>	<p>No later than 7 calendar days after commencing construction activities.</p>	<p>You are considered provisionally covered under the terms and conditions of this permit immediately. After reviewing the NOI, the Department may request more information prior to issuing full coverage or deny continued coverage.</p>

10. **Failure to Notify.** If you miss the deadline (Part II.A.9) to submit your NOI (Part II.A), any and all discharges from your construction activities will continue to be unauthorized under the CWA and of the Environment Article, Annotated Code of Maryland, until they are covered by this or a different NPDES permit. The Department may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

11. **Modifying your NOI.** Reasons to modify your NOI include an increase in the number of acres that will be disturbed at the site beyond that stated in the documentation of coverage under the general permit, or the addition of an activity that requires a SWPPP. If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Modify/Amend NOI" form using eNOI. In

cases where the change necessitates a SWPPP, you must include the SWPPP along with the request. For increases in land disturbance of one acre or more, the process to modify the permit coverage is the same as for an initial NOI, thus a "Modify/Amend NOI" form may not be used. The permittee must reissue the NOI and be granted approval from the Department in order to have general permit coverage for the increased acreage before beginning earth disturbance on it.

## **B. NOI Approval Process and Public Notification Period**

1. *Complete NOI Package.* The Department will begin processing a Notice of Intent (NOI) to be covered under this general permit once the NOI is complete (no errors) and the applicant provides verification that the E&SC plan for the project has been approved (i.e. scanned signature page, or a signed letter) by the appropriate approval authority (see Part II.A.4.a), and if required has paid the appropriate application fee, provided the signed Antidegradation Checklist (see Part II.A.4.b) and signed SWPPP (see Part II.A.4.c). The Department will not begin processing the NOI package until the required information is provided.

*Public Notification Period.* The Department will regularly post NOI information on the NOI system website to include all complete NOI packages submitted during the previous week, with the exception in this Part for Single Family Homes in a Common Plan of Development or Sale (see below). This Public Notification Period serves as an announcement that the NOI has been submitted, providing the public with an additional notification in cases where they were not aware of the project. In order to provide opportunity for review of NOI package information, the Department will not complete authorization for construction sites during a minimum 14 day period that begins on the date the NOI information is posted on the NOI system website. E&SC and SWM Plans can be accessed through the appropriate approval authority (which is identified on the NOI).

After 14 days have elapsed from the date the Department posted the NOI information on the NOI system, the Department will make every reasonable effort, within 48 business hours, to issue notification that the site is covered under this permit, with the exception described in paragraph 3 of this section. [Note: If you modify/edit/alter the information while the NOI/eNOI is in the public notification period, you may cause the NOI/eNOI to restart the public notification period.]

*Exception to Public Notification Period:* For larger common plan of development or sale where the common plan of development or sale has an authorization under this permit with an approved E&SC plan that specifies single family home lots on Standard Plans, or groups of single homes on small residential lots, and the homes are being constructed by a single builder within this common plan of development, there is no additional notification period.

2. *Exception to NOI Approval Process.* If the Department identifies there are additional controls necessary to meet the requirements of this permit or water quality standards (e.g. receives a detailed, written explanation as to why the E&SC plan fails to meet State E&SC or SWM standards), prior to issuance of General Permit coverage, the Department will do the following: (i) notify the general permit applicant that this information has been requested, (ii) evaluate the information, and (iii) make a decision and send notification of that decision to the NOI applicant, confirming whether an individual permit or changes to the NOI are required, and any timeframes for required actions (see Part I.E.4).

## **C. Effective Date of Coverage.**

1. Based on the Department's review of your NOI (Part II.B) or Transfer Request (Part II.D) and associated documentation and fee payment, prior to authorization the Department may perform further review, notify you that additional controls are necessary to meet the requirements of this permit or water quality standards, or deny coverage under this permit and require submission of an application for an individual NPDES permit. In these instances, the Department will notify you in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application. If your request for coverage under the permit is granted, the Department will notify you and provide a authorization number.

2. Coverage under this general permit is effective on the date described in the authorization letter that you receive from the Department. You must contact the Department's compliance program two (2) weeks prior to starting construction to schedule a preconstruction meeting.

**D. Transfer of Authorization.**

The authorization under this permit is not transferable to any Operator except in accordance with this section, and in accordance with the Eligibility Conditions of this permit (Part I.B). As part of such transfer, the Department may require a separate application for an individual permit as stated in Part I. E.

1. As the transferor: Prior to relinquishing control, you must notify the Department via the eNOI system, of the proposed transfer, indicating the specific date of the proposed transfer of permit coverage, and to whom you propose to transfer permit coverage. You must familiarize the person who is assuming control of the permitted activities ("transferee" or new owner) with the program and provide the transferee/new owner with copies of: this general permit; the documentation from the Department that the site has coverage under the general permit; copies of any E&SC, SWM or SWPPPs prepared as required and the NOI submitted for the site.
2. As the transferee: You must certify (Part II.A.7), via the eNOI system, your intent to abide by this permit, and confirm that the other information given on the original NOI remain correct or update this information. By this certification you are acknowledging responsibility for compliance with all of the terms and conditions of this permit (which includes all conditions of the E&SC plan and SWM plan and if you are required to maintain a SWPPP, you must either follow the existing SWPPP or develop your own SWPPP).
3. The transfer becomes effective upon review and approval by the Department of a completed Transfer Request, signed by both the transferor and transferee.
4. Obligations of the permittee. All conditions and obligations outlined in this general permit apply to the new permittee/owner upon transfer. See Part III.C.8 for recordkeeping requirements applicable to the transferor following transfer.

**E. E&SC Requirements for Coverage**

Once construction has commenced, E&SC and SWM plan approvals must be kept up to date. Approved E&SC plans remain valid for 3 years from the date of approval (COMAR 26.17.01.08), after that time approvals may be extended or renewed by the approval authority. Where the Commencement of Construction Activities (see Appendix A) hasn't begun or construction contract not awarded at this 3 year milestone, a full reevaluation of any changes to E&SC due to modified sizing criteria for a 2-year or 10-year storm must take place and you must incorporate any updated sizing reflected in the ESC Handbook (see Appendix A). When the Commencement of Construction Activities has begun prior to this 3 year milestone, you must incorporate any updated sizing reflected and implement the E&SC to the maximum extent practicable as determined by the Appropriate Approval Authority (see Appendix A). Discharges from construction activity may not continue if the plans have expired, but may resume once plans are renewed without payment of an additional fee as long as coverage under this General Permit is still in effect.

**F. How to Terminate Coverage.**

Until you submit a request for termination of coverage under this permit and it is approved by the Department, you must comply with all conditions and effluent limitations in the permit. To request that your permit coverage be terminated, you must submit to the Department a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part II.F.

1. Minimum Information Required in the NOT – You must provide the following minimum information for the Notice of Termination.
  - a. The Notice of Termination consists of the information requested in the electronic system (Part II.A.5), unless the permittee is otherwise directed by the Department (Part II.A.5). Any alternative form that the Department may direct for use will include, but not be limited to, the following:

- i. The mailing address and location of the construction site for which notification is submitted. Where a mailing address is not available, the location can be described in terms of the latitude and longitude (to the nearest 15 seconds) and Maryland Grid Coordinates of the approximate center of the facility;
- ii. The permittee's name, address, and telephone number;
- iii. The name, address, and telephone number of the general contractor(s);
- iv. The NOI identification number;
- v. The following certification statement, signed as required by section VI.L. herein:

"I certify under penalty of law that disturbed soils at the identified site have been permanently stabilized in accordance with approved E&SC plans; that temporary E&SC have been removed or will be removed within 6 months; and that all stormwater discharges associated with construction activity from this site that are authorized by this general permit have been eliminated. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with construction activity by the general permit and that discharging pollutants in stormwater associated with construction activity to waters of this State is unlawful under the laws of the State of Maryland unless authorized by a state discharge permit and to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I understand that I must maintain the records described in Part III.C.8 of the General Permit for three years from the date of this Notice of Termination. I understand that I have the duty to provide information in Part IV.E. during this record retention period. I also understand that the submittal of this Notice of Termination does not release the permittee from liability for any violations of this permit or the Clean Water Act which may have occurred at this site."

- b. The permittee must transmit the completed Notice of Termination form through the electronic system designated by the Department (Part II.A.5). If you have received a waiver (Part II.A.6) from the Department, you may file the NOT via mail to the following address:

The Maryland Department of the Environment  
Water and Science Administration  
1800 Washington Blvd., Suite 455  
Baltimore, Maryland 21230-1708

## 2. Conditions for Terminating Coverage

You may terminate permit coverage only if one or more of the following conditions has occurred:

- a. You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part I.C.1.c), and you have met the following requirements:
  - i. For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities, you have met the permanent stabilization requirements for final vegetative or non-vegetative stabilization in Part III.A.2.f;

The following are valid exceptions from the final stabilization requirement prior to terminating when you have provided a justification to and received concurrence from the Department:

- Disturbed areas on agricultural land that are restored to their preconstruction agricultural use. This Part for final stabilization criteria does not apply, unless the areas disturbed were not previously used for agricultural activities, such as buffer strips immediately adjacent to Waters of this State, and areas which are not being returned to their preconstruction agricultural use.
- Areas that need to remain disturbed. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remains disturbed, and only the minimum area needed remains disturbed (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials, active landfill cells).

- ii. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;
- iii. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable; and
- iv. You have removed all potential pollutants and activities associated with construction that generate pollutants, unless needed for long-term use following your termination of permit coverage; or
- b. You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or
- c. You have obtained coverage under an individual or alternative general NPDES permit. To terminate coverage under these conditions, you must submit a Notice of Termination.

### **Part III. CONTROL MEASURES AND EFFLUENT LIMITATIONS**

#### **A. Technology-Based Limits.**

In the technology-based limits included in this Part, the term “minimize” means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

#### **1. Control Measure Selection and Design Considerations**

You must design, install, and maintain stormwater controls required in Parts III.A.2 (sediment) and III.A.3 (pollution prevention) to minimize the discharge of pollutants in stormwater from construction activities. These stormwater controls at a minimum must be developed in accordance with the requirements established in Title 4, Subtitle 1 of the Environment Article, Annotated Code of Maryland (Sediment Control); and as specified in the ESC Handbook. The ESC Handbook serves as the official guide for E&SC principles, methods, and practices. The Design Manual serves as the official guide for SWM principles, methods and practices. If the Department adopts applicable requirements after the effective date of this permit, including revised Standards and Specifications in the ESC Handbook, then you must update your plans accordingly (Part II.E). To meet this requirement (to design, install, and maintain stormwater controls), you must:

- a. Account for the following factors in designing your stormwater controls:
  - i. The expected amount, frequency, intensity, and duration of precipitation (refer to the most recent ESC Handbook for E&SC and Design Manual for post-construction stormwater management, to account for any updates based on climate change projections);
  - ii. The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater (including temperature increases in Use III or Use IV watersheds) and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and
  - iii. The soil type and range of soil particle sizes expected to be present on the site.
- b. Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.
- c. Complete installation of stormwater controls by the time each phase of construction activity has begun.
  - i. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.
  - ii. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth disturbing activities.

- iii. Ensure that stormwater management is installed for projects that span long periods of time to reduce downstream impacts related to potential flooding (e.g. more than half a year).
- d. Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.
  - i. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.
  - ii. If at any time you find that a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work, and complete such work by the close of the next business day.
  - iii. If at any time you find that a stormwater control needs repair or replacement, you must comply with the corrective action requirements in Part III.D.

**2. Erosion and Sediment Controls (E&SCs)**

You must implement erosion and sediment controls consistent with approved E&SC and SWM plans (Part II.E and Part II.A.4.a) and in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities. These controls are intended to prevent the discharge of significant amounts of sediment to surface waters, or conveyance systems leading to surface waters, particularly in the Chesapeake Bay watershed or impaired waterways. This permit is not an alternative for and does not take the place of any local permits or ordinances required by Maryland law or regulation or by the county or municipality that has jurisdiction where the construction activity occurs, including a grading permit, E&SC plan approval, or SWM plan approval. It is a condition of this permit that you comply with approved E&SC and SWM plans. Specific E&SC control design specifications are contained in the ESC Handbook.

- a. Provide and maintain a Stream Protection Zone. The Stream Protection Zone consists of a natural buffer from the site's earth disturbances to edge of stream of at least 50 feet for Tier I watersheds, or an average of 100 feet and not less than 50 feet at any point for Tier II watersheds, or other appropriate E&SCs in addition to, or instead of, a Stream Protection Zone. Additional requirements may also apply based on State regulations or local criteria (e.g., wetlands and waterways, forest conservation, and critical area). Refer to Appendix B for more specifics related to this requirement.

Stream Protection Zone Alternatives. If work is required within the Stream Protection Zone, additional E&SC measures are required. Such measures include accelerated stabilization, redundant controls, increased buffers, passive or active chemical treatment, or a reduction in the size of the grading unit. See Appendix B for additional conditions applicable to each compliance alternative.

- b. Minimize soil compaction. In areas of your site where post-construction stormwater control infiltration practices will be installed:
  - i. Restrict vehicle and equipment use in these locations to avoid soil compaction; or
  - ii. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.
- c. Preserve native topsoil, unless infeasible.
- d. Minimize steep slope disturbances. Minimize the disturbance of "steep slopes" (as defined in Appendix A).
- e. Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.
  - i. Remove sediment before it has accumulated to no more than one-half of the above-ground height of any perimeter control, or as specified in the cleanout volumes included in your approved plans.
  - ii. Exception. For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way),

implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

- f. Stabilize exposed portions of the site. Implement and maintain stabilization measures that minimize erosion from exposed portions of the site in accordance with the ESC Handbook. Stabilization practices are used to promote the establishment of vegetation on exposed soil, or in other cases to provide a stable, non-eroding surface for frequently used areas (e.g., equipment and material storage, staging areas, heavily used travel lanes) and to improve the water quality from the runoff of these areas. After initial soil disturbance or redisturbance, permanent (ESC Handbook Section B-4-5) or temporary (ESC Handbook Section B-4-4) stabilization is required within:
  - i. Three (3) calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes steeper than 3 horizontal to 1 vertical (3:1); and
  - ii. Seven (7) calendar days as to all other disturbed areas on the project site except for those areas under active grading.

Stabilization requirements are found in Section B-4 of the ESC Handbook. These include details on heavy use area protection, incremental stabilization, soil preparation, mulching, plant species, and seeding rates. Adequate vegetative stabilization requires 95% groundcover (ESC Handbook Section B-4). If environmental conditions, such as winter weather, prevent or delay seed germination, it is important to use a method of anchoring mulch to prevent erosion.

- g. Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infeasible.
- h. Minimize tracking of sediment at entrance or exit from construction site.
  - i. Restrict vehicle use to properly designated exit points;
  - ii. Use appropriate stabilization techniques (ESC Handbook Section B-1 or B-2) at all points that exit onto paved roads;
  - iii. Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit; and
  - iv. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or Waters of this State.
- i. Minimize dust. On areas of exposed soil, minimize the generation of dust through the appropriate application of water or other dust suppression techniques (ESC Handbook Section H-5).
- j. If you install a sediment trap or basin:
  - i. Situate the trap or basin outside of any Waters of this State and any natural buffers established under Part III.A.2.a;
  - ii. Design the trap or basin to avoid collecting water from wetlands;
  - iii. Design the trap or basin, outlet structures and associated erosion controls consistent with state standards (ESC Handbook Section D and G);
  - iv. Remove accumulated sediment to maintain stormwater capacity and conduct all other appropriate maintenance to ensure the trap or basin remains in effective operating condition as required for the practice in the ESC Handbook Section G.
- k. Protect storm drain inlets.
  - i. Install inlet protection measures (ESC Handbook Section E-9) that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a Waters of this State, provided you have authority to access the storm drain inlet; and

- ii. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, or performance is compromised. If the inlet protection does not completely drain within 24 hours after a storm event, it is clogged. When this occurs, remove accumulated sediment and clean, or replace the geotextile and stone. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.
  
- l. Minimize erosion of stormwater conveyance channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters. Use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion.
  
- m. If you are using chemical additives (defined in Appendix A) for control of sediment (such as polymers or flocculants) at your site, you must comply with the requirements identified in this section. You must refer to the most current version of Standards for Use of Chemical Additives for Sediment Control document available on the Department's website at <https://mdewwp.page.link/ChemAddStandards> for specific instructions on information which must be included in your SWPPP, additional requirements, and assistance in applying for chemical additive use.
  - i. The use of chemical additives for sediment control should only be considered in the event that water quality standards cannot be met using conventional best management practices.
  - ii. Should the use of chemical additives be necessary, you must utilize conventional best management practices for E&SCs at a location prior to and after the application of chemical additives.
  - iii. Chemical additives may only be applied where treated stormwater is directed to a sediment control (e.g., sediment basin, perimeter control) prior to discharge. This permit intends to authorize additives used to create flocculation of suspended materials in stormwater or groundwater. It does not authorize use of chemical additives for bank or soil stabilization.
  - iv. Chemical additives must be approved by the Department prior to use. The Department maintains a current list of pre-approved polymers/flocculants including approved application method and maximum allowable dosage concentration or application rate on its website (<https://mdewwp.page.link/MDFlocs>).
  - v. If you wish to use a chemical additive which is not found on the approved list, you must request approval by following the Department's Procedures for Review of Chemical Additives for Sediment Control. You may not begin use of any chemical additive absent from the pre-approved list until you receive written approval from the Department.
  - vi. You are required to identify all additives you will be using in your SWPPP, and any cationic chemical additives in your Notice of Intent (pursuant to Part II.A.1 of this permit). If you wish to change to or add another preapproved chemical, you must provide notification to the Industrial Stormwater Permits Division of the Department within 30 days of commencing the use of the new pre-approved chemical additive.
  - vii. You must minimize exposure of stored chemicals to stormwater. Store all treatment chemicals in leakproof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., spill berms, decks, spill containment pallets), or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means (e.g., storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill).
  - viii. You must comply with relevant local requirements affecting the use of chemical additives. If requested by the E&SC plan approval authority, provide a Safety Data Sheet (SDS) with your E&SC plan.
  - ix. You must use chemical additives and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals.

- x. You must document any departures from good engineering practices or dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals.
  - xi. Selection of chemical additives and dosing rates should be determined based on site-specific test results. Documentation of the chemical selection process and dosing rate determination must be included in your SWPPP. Dosing rates cannot exceed those found on the Department's list of pre-approved chemical additives.
  - xii. Ensure that all persons who handle and use chemical additives at the site are provided with appropriate, product-specific training. At a minimum, this training must cover proper dosing requirements and safe handling practices.
  - xiii. You must notify and receive written approval from the Department's Industrial Stormwater Permits Division of the Department at least 7 days prior to using cationic chemical additives (as defined in Appendix A). Use of anionic chemical additives requires notice once on the NOI to indicate additives are being used, however when changing additives for better results, only SWPPP updates are required. For anionic the notice to the Department must occur no later than a week (7 days) after you begin using a product.
  - xiv. To receive authorization to use cationic chemical additives under this permit, you must identify in your SWPPP appropriate controls and implementation procedures (including where the chemical is applied, description of active treatment systems required, dosing, filtering, pH monitoring, etc.) designed to ensure that your use of cationic chemical additives will not lead to a violation of water quality standards. See the Standards for Use of Chemical Additives for Sediment Control document for additional instructions for completing your SWPPP and requesting use of cationic chemical additives.
  - xv. A copy of the SWPPP section regarding use of cationic chemical additives must be submitted along with the NOI and Request for Use of Cationic Chemical Additives form. You are required to comply with all such requirements if the Department has authorized you to use cationic chemical additives at your site.
  - xvi. Depending on the chemical additive selected for use, you may be required to sample discharges and test for residuals or other components. Any such monitoring requirement will be laid out in your authorization letter. Results of required monitoring must be maintained with the SWPPP and made available if requested by Department personnel.
  - xvii. Authorization is conditioned on your compliance with additional requirements necessary to ensure that the use of such chemicals will not cause an exceedance of water quality standards. If you use polymers or other chemical treatments as part of your controls, you must identify the polymers or chemical treatments used and the purpose in your SWPPP.
- n. You must consider Federal and State listed rare, threatened, and endangered species and designated critical habitat in the design of the E&SC plan in accordance with the DESIGN METHODOLOGY in the ESC Handbook, Section A-4. You must use MERLIN "<https://dnr.maryland.gov/Pages/Merlin.aspx>" or contact the Department of Natural Resources (DNR) to identify where threatened and endangered species or designated critical habitat are located within your Project area (see Appendix A). If rare, threatened, and endangered species and designated critical habitat is identified, you must contact the DNR to determine additional regulatory requirements. You must also indicate the areas on the E&SC plan, and the SWPPP (Part III.F.3.i) if applicable, where protections must take place based on consultation with DNR.
- o. Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment or soil (ESC Handbook Section B-4-8):
- i. Locate the piles outside of any stream protection zones established under Part III.A.2.a and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated;
  - ii. Install a sediment barrier along all downgradient perimeter areas;
  - iii. For piles that will be unused for more than 7 days (3 days for all slopes steeper than 3 horizontal to 1 vertical (3:1)), provide cover or appropriate temporary stabilization (consistent with Part III.A.2.f);
  - iv. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or Waters of this State, unless it is treated through a basin per your approved E&SC plan.

### 3. Pollution Prevention Requirements

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

- a. For equipment and vehicle fueling and maintenance:
  - i. Implement measures to eliminate the discharge of spilled or leaked chemicals, including fuels and oils, from these activities (Examples of effective means include: locating activities away from waters of the State and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach Waters of this State; providing secondary containment (e.g., spill berms, decks dikes, spill containment pallets) and cover where appropriate; and having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.);
  - ii. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;
  - iii. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
  - iv. Use drip pans and absorbents under or around leaky vehicles;
  - v. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements;
  - vi. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down); and
  - vii. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.
  
- b. For equipment and vehicle washing:
  - i. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters; (Examples of effective means to minimize the discharge include locating activities away from Waters of this State and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.)
  - ii. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and
  - iii. For storage of soaps, detergents, or solvents, provide either
    - cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these detergents to precipitation and to stormwater, or
    - a similarly effective means designed to minimize the discharge of pollutants from these areas.
  
- c. For storage, handling, and disposal of building products, materials, and wastes:
  - i. For building materials and building products (Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles), provide either
    - cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these products to precipitation and to stormwater, or
    - a similarly effective means designed to minimize the discharge of pollutants from these areas.

Note: Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

- ii. For pesticides, herbicides, insecticides, fertilizers, and landscape materials:

- In storage areas, provide either
    - cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these chemicals to precipitation and to stormwater, or
    - a similarly effective means designed to minimize the discharge of pollutants from these areas; and
  - Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part III.A.3.e).
- iii. For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:
- Store chemicals in water-tight containers, and provide either
    - cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or
    - a similarly effective means designed to minimize the discharge of pollutants from these areas (e.g., having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill), or provide secondary containment (e.g., spill berms, decks, spill containment pallets); and
  - Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Notify the authorities as required. (Part III.A.3.f). You are prohibited from hosing the area down to clean surfaces or spills; and
  - Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
- iv. For hazardous or toxic wastes (Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.):
- Separate hazardous or toxic waste from construction and domestic waste;
  - Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;
  - Store all outside containers within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in a covered area, having a spill kit available on site);
  - Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements;
  - Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. Notify the authorities as required. (Part III.A.3.f). You are prohibited from hosing the area down to clean surfaces or spills;
  - Follow all other federal, state, tribal, and local requirements regarding hazardous or toxic waste; and
  - Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
- v. For construction and domestic wastes (examples of construction and domestic waste include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris and other trash or building materials, although not uncontaminated soils.):
- Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number to contain construction and domestic wastes;
  - For waste containers that have lids, keep waste container lids closed when not in use and close lids at the end of the business day and during storm events. For waste containers that do not have lids, provide either
    - cover (e.g., a tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation, or

- a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment);
  - On business days, clean up and dispose of waste in designated waste containers; and
  - Clean up immediately if containers overflow.

Note: If illegal dumping is occurring note that there may be specific state or local laws that address dumping at your construction site.

Note: Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants (such as final products and materials intended for outdoor use) and where winds from intense storms will not cause these materials to mobilize.

Note: When using secondary containment, evaluate contained water for color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants and plan to pump and haul the water offsite to be treated if it is contaminated.
- vi. For sanitary waste, position portable toilets so that they are secure and will not be tipped or knocked over and are located away from Waters of this State and stormwater inlets or conveyances.
- d. For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:
  - i. Direct wash water into a leak-proof container or leak-proof and lined pit designed (refer to ESC Handbook Section H-6) so that no overflows can occur due to inadequate sizing or precipitation;
  - ii. Handle washout or cleanout wastes as follows:
    - Do not dump liquid wastes in storm sewers or Waters of this State,;
    - Dispose of liquid wastes in accordance with applicable requirements in Part III.A.3.c; and
    - Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part III.A.3.c; and
  - iii. Locate any washout or cleanout activities as far away as possible from Waters of this State and stormwater inlets or conveyances, and to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.
- e. For the application of fertilizers:
  - i. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part III.F;
  - ii. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;
  - iii. Avoid applying before rains that could cause excess nutrients to be discharged;
  - iv. The application to frozen ground is prohibited;
  - v. The application to stormwater conveyance channels is prohibited; and
  - vi. Follow all other federal, state, tribal, and local requirements regarding fertilizer application, including Agriculture Article § 8-803.4.
- f. Releases in Excess of Reportable Quantities. Discharges of hazardous substances and oil resulting from on-site spills are not authorized by this permit. (Part I.D.5). In the event of a discharge resulting from a spill of hazardous substances or oil from a construction site (Parts III.A.3.c.iii and Part III.A.3.c.iv), where the release is an amount equal to or in excess of a reporting quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurring during a 24 hour period:
  - i. You must notify the National Response Center (NRC) as soon as you have knowledge of the discharge in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302;
    - 1-800-424-8802 or
    - 202-267-2675 (in the Washington, DC metropolitan area)
  - ii. You must notify the Maryland Department of the Environment as soon as you have knowledge of the discharge;

- Between 8AM and 5PM at 410-537-3510
- All other hours at (866) 633-4686

You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release to the Department's compliance program. Local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies. No condition of this general permit releases the permittee from any responsibility or requirements under other environmental statutes or regulations.

#### 4. Construction Dewatering Requirements

Comply with the following requirements to minimize the discharge of pollutants from dewatering operations, in accordance with Part I.C.2.

- a. Route dewatering water through a sediment control designed to minimize discharges of pollutants and prevent discharges with visual turbidity (as defined in Appendix A). Appropriate controls are identified in the ESC Handbook Section F and may require additional use of chemical additives as provided in this permit that are designed to remove sediment.
- b. Do not discharge visible floating solids or foam;
- c. Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to contain these materials;
- d. To the extent feasible, use well-vegetated, upland areas of the site to infiltrate dewatering water before discharge. You are prohibited from using Waters of this State as part of the treatment area;
- e. To prevent dewatering-related erosion and related sediment discharges;
  - i. Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) to discharge from dewatering controls;
  - ii. Do not place dewatering controls, such as pumped water filter bags, on steep slopes; and
  - iii. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part III.A.2.i;
- f. With backwash water, either haul it away for disposal or return it to the beginning of the treatment process;
- g. For any approved manufactured treatment systems, replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications; and
- h. Comply with dewatering-specific inspection requirements in Part C.

#### B. Water Quality-Based Limits.

##### 1. General Effluent Limitation to Meet Applicable Water Quality Standards

Discharges must be controlled as necessary to meet applicable water quality standards. In the absence of information demonstrating otherwise, the Department expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or the Department determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts III.D.1 and III.D.2, and document the corrective actions as required in Part III.D.3.

The narrative surface water quality criteria in Maryland's water quality standards (COMAR 26.08.02) include floating debris, oil, grease, scum, sludge, and other floating materials in amounts sufficient to cause the receiving water(s) to be unsightly; change the existing color to produce objectionable color for aesthetic purposes, or interfere directly or indirectly with designated uses; or elevate temperature which interfere directly or indirectly with designated uses.

The Department may require that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are

not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an EPA-approved or established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of your coverage under this permit.

## **2. Water Quality-Based Conditions for Sites Discharging to Tier II Waters**

For any portion of the site that discharges within a catchment or directly into a tributary that is designated by the Department as Tier II for antidegradation purposes, you must perform an antidegradation review (COMAR 26.08.02.04-1), including the social and economic justification (SEJ) and alternatives analysis provisions, and complete the antidegradation checklist in Appendix C to establish the stormwater controls you will implement to protect the water resource. The checklist confirms that you will comply with the inspection frequency specified in III.C, the stabilization deadline specified in Part III.A.2.f and the additional controls required when work is considered within Stream Protection Zones as specified in Part III.A.2.a and Appendix B. The antidegradation checklist includes verification of whether the stream has assimilative capacity or if any waivers were allowed. Operators with discharges to Tier II streams with no assimilative capacity will be subject to additional review by the Department, which should happen well before submitting your NOI. In addition, on a case-by-case basis, the Department may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

## **3. Water Quality-Based Conditions for Sites Discharging to Impaired Waters**

If you discharge to a water that is impaired, the Department may impose additional controls that are necessary for your discharge to meet water quality standards, including for it to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL, or if coverage under an individual permit is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

- a. Implement controls to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater (Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, using tools that minimize dust and heat. For additional information, refer to 20-CP Fact Sheet); and
- b. Ensure that disposal of such materials is performed in compliance with applicable state, federal, and local laws.

## **4. Turbidity Benchmark Monitoring to Protect Water Quality**

For Sites Discharging dewatering water to Tier II or Waters Listed as impaired for sediment or a sediment-related parameter, you are required to comply with the benchmark monitoring requirements in this Part and document the procedures you will use at your site in your SWPPP pursuant to Part III.F.2.h. A summary of these requirements is included in Table 3.

The benchmark threshold is not an effluent limitation, rather it is an indicator that the dewatering controls may not be working to protect water quality, which the operator must investigate and correct as appropriate. A benchmark exceedance is not a permit violation. However, if a benchmark exceedance triggers corrective action in Part III.D.1.e, failure to conduct any required action is a permit violation.

Where there are multiple operators associated with the same site, the operators may coordinate with one another to carry out the monitoring requirements of this Part in order to avoid duplicating efforts. Such coordinating arrangements must be described in the SWPPP consistent with Part III.F.2.h. Regardless of how the operators divide the responsibilities for monitoring and reporting, each operator remains responsible for compliance with these requirements.

- a. Turbidity monitoring requirements
  - i. **Sampling frequency.** You must collect at least one turbidity sample from your dewatering discharge each day a discharge occurs.
  - ii. **Sampling location.** Samples must be taken at all points where dewatering water is discharged. Samples must be taken after the dewatering water has been treated by installed treatment devices pursuant to Parts III.A.4.a and III.A.4.c and prior to its discharge off site into a receiving water, constructed or natural site drainage feature, or storm drain inlet.
  - iii. **Representative samples.** Samples taken must be representative of the dewatering discharge for any given day as required in Part III.C.8.e.
  - iv. **Test methods.** Samples must be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) and conforms with an approved method contained in Part 136 of the Federal Regulations (e.g., methods 180.1 and 2130). You are required to use the meter, and conduct a calibration verification prior to each day’s use, consistent with the manufacturer’s instructions.
- b. Turbidity benchmark
 

The benchmark threshold for turbidity for this permit is a daily maximum of 150 NTUs (referred to elsewhere in this permit as the “standard 150 NTU benchmark”)
- c. Comparison of turbidity samples to benchmark. Compare the daily maximum of your turbidity monitoring results to the standard 150 NTU benchmark.
  - i. If the daily maximum of your turbidity monitoring results exceeds the standard benchmark, you are required to conduct follow-up corrective action in accordance with Part III.D.5 and document any corrective action taken in your corrective action log in accordance with Part III.D.3.
  - ii. Although you are not required to collect and analyze more than one turbidity sample per day from your dewatering discharge, if you do collect and analyze more than one sample on any given day, you must include any additional results in your reporting.
  - iii. If you are conducting turbidity monitoring for more than one dewatering discharge point, you must report the daily maximum turbidity value for each discharge point and compare each to the turbidity benchmark.
- d. Reporting and recordkeeping.
  - i. You must maintain a log of daily turbidity measurements, as well as any calibration performed for the monitoring equipment.
  - ii. You must summarize the data using the form in Appendix D and submit the reports of your daily turbidity data summarized per week to the Department no later than 28 days following the end of each monitoring quarter (see Table 2). If there are monitoring weeks in which there was no dewatering discharge, or if there is a monitoring quarter with no dewatering discharge, indicate this in your turbidity monitoring report. If another operator associated with your same site is conducting turbidity monitoring on your behalf pursuant to Part III.B.4, indicate this in your turbidity monitoring report.
  - iii. For the purposes of this permit, the following monitoring quarters and reporting deadlines apply:

**Table 2 - Monitoring Quarters and Deadlines for Reporting Turbidity Benchmark Monitoring Data**

Monitoring Quarter #	Months	Reporting Deadline (no later than 30 days after end of the monitoring quarter)
1	January 1 – March 31	April 28
2	April 1 – June 30	July 28

3	July 1 – September 30	October 28
4	October 1 – December 31	January 28

- iv. You must use the Departments ePermits system (egov.maryland.gov/mde/npdes/Account/Login) to electronically submit your quarterly turbidity data, using the turbidity monitoring report form, in Appendix D. A copy of the filled out forms must also be kept on-site.
- v. For each day in which you are required to monitor, you must record the monitoring information and retain all such information for a period of at least three years from the date this permit expires or from the date your authorization is terminated.

**Table 3- Summary of Turbidity Benchmark Monitoring Requirements**

Applicability	Sampling Requirement	Turbidity Benchmark	Corrective Action	Reporting
Sites discharging dewatering water to a sediment impaired water or to a water designated as a Tier II for antidegradation purposes	Collect at least one turbidity sample per day, from each discharge point, on any day there is a dewatering discharge. Use turbidity sampling procedures specified in Part III.C.4.a.	Compare the daily maximum of your turbidity monitoring results to the 150 NTU benchmark.	If the daily maximum of turbidity monitoring results exceeds the 150 NTU turbidity benchmark, you are required to take follow-up corrective action in accordance with Part III.D.5.	Report all daily maximum turbidity monitoring results on a quarterly basis via ePermits using the monitoring form in Appendix D no later than 28 days following the end of each monitoring quarter.

**C. Site Inspection, Monitoring and Records.**

You must maintain records of your communications with the Department or delegated inspection authority related to the required pre-construction meetings. After the first earth disturbance occurs on the site, and thenceforth during the entire period of permit coverage whether the site is active or inactive, the permittee must conduct inspections of the permitted area.

**1. Person(s) Responsible for Inspecting Site**

The person(s) inspecting the site may be a person on the permittee’s staff or a third party hired or arranged to conduct inspections. The person conducting the inspection must hold a valid certificate of attendance from a training program for responsible personnel as required by Section 4-104(b) of the Environment Article, unless the E&SC plan approval authority has waived the requirement for a Certificate of Training in accordance with Section 4-104(c) of the Environment Article.

**2. Frequency of Inspections**

Unless you are subject to the Part III.C.3 site inspection frequency for discharges to Tier II waters or qualify for a Part III.C.4 reduction in the inspection frequency, at a minimum the permittee must conduct site inspections at one of the two following intervals,:

- a. Once each calendar week (Sunday to Saturday), and after a storm event of 0.25 inches or greater within 24 hours (either the same day the rainfall event concludes or the next day), or
- b. Once every four (4) business days.

You should discuss your inspection frequency selection at your preconstruction meeting, and you must keep your inspector updated if the inspection frequency changes. Document your inspection frequency selection and your communications with the inspector in your SWPPP, or with your inspection records.

In option III.C.2.a above, “within 24 hours” means that you must conduct an inspection within 24 hours once a storm event has produced 0.25 inches within a 24-hour period, even if the storm event is still continuing. Thus, if you have elected to inspect weekly in accordance with this Part III.C.2.a and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part III.C.7.f.

### 3. Increase in Inspection Frequency:

#### a. For Sites Discharging to Tier II Waters

For any portion of the site that discharges to a water that is identified by the Department as Tier II for antidegradation purposes (see Part III.B.2), instead of the inspection frequency specified in Part III.C.2, you must conduct inspections twice every week. When reasonably possible schedule these within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part III.C.7.f.

#### b. For Sites subject to Dewatering Turbidity Benchmarks

You must conduct an inspection in accordance with Part III.C.7 during the discharge once per day on which the discharge occurs. The Part III.C.2 inspection frequency still applies to all other portions of the site, unless the site is affected by either the increased frequency in Part III.C.3.a or the reduced frequency in Part III.C.4.

### 4. Reductions in Inspection Frequency

For areas meeting stabilization requirements of COMAR 26.17.01.07.B.6(f) and the E&SC plan, inspections may be reduced to once per month if construction activity is suspended. If construction activity resumes in such a portion of the site at a later date, the inspection frequency immediately increases to that required in III.C.2; the permittee must document the beginning and ending dates of the period of stabilization in its inspection records.

Exception. For “linear construction sites” (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on other portions, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in Part III.A.2.f have been completed. After the first month, you must inspect once more within 24 hours of the occurrence of a storm event of 0.25 inches or greater. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If “wash-out” of stabilization materials or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part III.C.2. Inspections must continue until final stabilization is visually confirmed following a storm event of 0.25 inches or greater.

### 5. Areas That Must Be Inspected

During your site inspection, you must at a minimum inspect the following areas of your site:

- a. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part III.A.2.f;
- b. All stormwater controls (including pollution prevention controls) installed at the site to comply with this permit (This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part III.A.2.h);
- c. Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;

- d. All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, or treat stormwater;
- e. All areas where construction dewatering is taking place, including controls to treat the dewatering discharge and any channelized flow of water to and from those controls;
- f. All points of discharge from the site; and
- g. All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are documented as considered unsafe to your inspection personnel.

## 6. Requirements for Site Inspections

During your site inspection, you must at a minimum:

- a. Check whether all stormwater controls (i.e., E&SCs and pollution prevention controls) are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges;
- b. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;
- c. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts III.A and III.B;
- d. Check for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to your discharge at points of discharge and, if applicable, the banks of any Waters of this State flowing within or immediately adjacent to the site;
- e. Identify any incidents of noncompliance observed;
- f. If a discharge is occurring during your inspection:
  - i. Identify all discharge points at the site; and observe and document the visual quality of the discharge, and
  - ii. take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants.
- g. Based on the results of your inspection, complete any necessary maintenance under Part III.A.1.d and corrective action under Part III.D;
- h. Verify if the site was subject to flooding.

## 7. Inspection Report

You must complete an inspection report within 24 hours of completing any site inspection and meet the applicable signature requirements. Approved forms for the inspection can be found on the Department's website. Each inspection report must include the following:

- a. the date and time of the inspection;
- b. the name(s) of the individual(s) who performed the inspection;
- c. for site inspections also include:
  - i. weather information (conditions during the inspection as well as time and amount of last recorded precipitation);
  - ii. a summary of your inspection findings, covering at a minimum the observations you made in accordance with Part III.C.6, including any necessary maintenance or corrective actions; (such as whether significant amounts of sediment were observed as described in Part III.C.6.d, above; an assessment of the condition of E&SC s and how any deficiencies were or are being addressed; and a description and date of any E&SC implementation and maintenance performed, including identification of any controls that have not been installed as required);
  - iii. a description of the site's present phase of construction;
  - iv. If you are inspecting your site based on a storm event (Part III.C.2.a or Part III.C.3), you must include the applicable rain gauge or weather station readings that triggered the inspection; and
  - v. If you documented that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.
- d. for dewatering inspections conducted pursuant to Parts III.C.3.b also include:
  - i. approximate times that the dewatering discharge began and ended on the day of inspection;
  - ii. if the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous.

- iii. estimates of the rate (in gallons per day) of discharge on the day of inspection;
- iv. whether or not any of the following indications of pollutant discharge were observed at the point of discharge to any receiving waters flowing through or immediately adjacent to the site, to constructed or natural site drainage features, or storm drain inlets:
  - a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; or
  - a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water.

**8. Records On-site**

- a. After the first earth disturbance occurs on the site, and thenceforth during the entire period of permit coverage whether the site is active or inactive, you must post, at a safe, publicly accessible location in close proximity to the project site, a notice of permit coverage, including the project name as listed on the permit, the permittee, the words "General Permit for Stormwater Associated with Construction Activity", and the permit authorization number. For larger linear construction projects, the notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way. For linear construction projects that extend over miles and for which a posting may be insufficient to provide notice of permit coverage, any proposed alternative methods of notification must be approved by the inspector during the preconstruction meeting.
- b. During the entire period of permit coverage, you must maintain the following records, which must be available when the site is active, either physically on-site or electronically accessible through your environmental reporting system, or at a readily accessible location within a reasonable distance from the site approved by the inspector during the preconstruction meeting.:
  - i. The NOI and records of all data used to complete the NOI;
  - ii. the approved E&SC plan;
  - iii. the approved SWM plan;
  - iv. a copy of this General Permit;
  - v. a copy of your SWPPP (if applicable);
  - vi. a copy of your antidegradation checklist (if applicable);
  - vii. a copy of the general permit authorization document from the Department;
  - viii. a copy of transfer of authorization documents (if applicable);
  - ix. all inspection reports and enforcement actions issued to the permittee from any appropriate enforcement or approval authority, including the Department, the delegated enforcement authority, or the U.S. Environmental Protection Agency; and
  - x. Written reports of all inspections conducted by the permittee.
- c. For a period of three (3) years from the date that general permit coverage for the site is terminated, the permittee must maintain the records in Part III.C.8.b above and a copy of the Notice of Termination (after it is prepared).
- d. When a permit is transferred, the original permittee must maintain the records in Part III.C.8.b above that document the permit activity up to the date of transfer. The original permittee must maintain those records for three (3) years from the date of transfer. Both the original permittee and the new permittee must maintain a copy of the Transfer of Authorization document.
- e. The permittee must ensure that samples and measurements taken for the purpose of monitoring are representative of the monitored activity. If the Department requires monitoring at a site covered by this permit, the permittee must use monitoring procedures that are sufficiently sensitive to meet an imposed limit, in accordance with federal regulations at 40 CFR 122.44(i)(1)(iv). Records of monitoring information must include:
  - i. the date, exact place, and time of sampling or measurements;
  - ii. the individual(s) who performed the sampling or measurements;
  - iii. the date(s) analyses were performed;

- iv. the individual(s) who performed the analyses;
  - v. the analytical techniques or methods used;
  - vi. the results of such analyses; and
  - vii. all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation.
- f. Reporting Requirements. You must provide, upon request by the Department, the information maintained in accordance with Part III.C.8 either by email when directed by the Department to send electronically or to:

The Maryland Department of the Environment  
Water and Science Administration  
Compliance Program  
1800 Washington Blvd, Ste 420  
Baltimore, Maryland 21230-1708

## **D. Corrective Actions**

### **1. Conditions Triggering Corrective Action.**

You must take corrective action to address any of the following conditions identified at your site:

- a. A stormwater control needs repair or replacement (beyond routine maintenance required under Part III.A.1.d);
- b. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly;
- c. Your discharges are causing an exceedance of applicable water quality standards;
- d. A prohibited discharge has occurred (see Part I.D);
- e. During discharge from site dewatering activities the daily maximum of your turbidity monitoring results exceeds the 150 NTU benchmark; or
- f. Indications exist of significant amounts of sediment discharging such as:
  - i. Earth slides or mud flows;
  - ii. Concentrated flows of stormwater such as rills, rivulets or channels that cause erosion when such flows are not filtered, settled or otherwise treated to remove sediment;
  - iii. Turbid flows of stormwater that are not filtered, settled or otherwise treated to reduce turbidity;
  - iv. Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets or catch basins that discharge directly to surface waters;
  - v. Deposits of sediment from the construction site on public or private streets outside of the permitted construction activity;
  - vi. Deposits of sediment from the construction site on any adjacent property outside of the permitted construction activity; or
  - vii. Discharges from the construction site to municipal conveyances, curbs and gutters, or streams running through or along the site where visual observations show that the discharges differ from ambient conditions in terms of turbidity so as to indicate significant amounts of sediment present in them.

### **2. Corrective Action Deadlines (except dewatering)**

If the permittee observes any of the triggering events (except e) described in Section III.D.1 above, or if any person informs the enforcement authority or the Department of a triggering event and the enforcement authority or the Department informs the permittee that one or more of the triggering events was verified, the permittee must undertake the following actions and record the dates and results of these actions in an on-site logbook, a SWPPP or electronically accessible through your environmental reporting system.

- a. Within one business day the permittee must inspect E&SC practices to verify compliance with its approved Plans. Any deficiencies, including; failure to follow the approved sequence of construction; failure to maintain approved buffers; grading beyond the limit of disturbance; or any approved E&SCs found to be missing, improperly installed or in need of maintenance must

be corrected immediately and may be considered to be a violation of this permit until such time that they are corrected.

- b. If the permittee believes the site to be in compliance with its approved Plans, the permittee must, by the next business day, contact the Compliance Program of the Water and Science Administration in the Department, the enforcement authority for the site (if it is not the Department), and the appropriate approval authority for E&SC and inform the authorities about the conditions observed during the inspection cited above. In addition to any requirements imposed by the delegated enforcement authority or the Department, the permittee must, after notifying the enforcement authority, implement any of the following that are determined to be appropriate towards the prevention of further triggering events:
  - i. Any change that may be approved in the field by the inspector for the enforcement authority for the site;
  - ii. Modifications to the Plans allowed as field modifications by the approval authority;
  - iii. Performing temporary or permanent seeding of disturbed areas more frequently than required by the approved Plan or regulation; or
  - iv. Increasing buffer distances.

The permittee must implement any changes needed based on the above review within four days after the triggering event is observed.

- c. If the permittee identifies additional triggering events, the permittee must determine if the E&SC plan and SWM plan are adequate or if an update to a SWPPP is required to prevent further triggering events, including any necessary on-site practices or plan modifications. Within three days of the observation of a second triggering event, the permittee must contact the Compliance Program of the Water and Science Administration in the Department, the enforcement authority for the site (if it is not the Department), and the approval authority for the Plans and advise them that:
  - i. The permittee observed a triggering event;
  - ii. If the E&SCs were properly installed and maintained, the event nevertheless happened; and
  - iii. The permittee is reviewing plans and will afford the approval authority the opportunity to concurrently review them.

The permittee must begin reviewing these plans within three days of the triggering event, submit revised plans to the approval authority no later than 14 days after the observation of a second triggering event and begin implementation of the changes to the revised Plans immediately upon approval from the approval authority.

### 3. Corrective Action Report

For each corrective action taken in accordance with this Part 2 above or Part 4 below, you must complete a report in accordance with the following requirements:

- a. Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- b. Within 24 hours of completing the corrective action (in accordance with the deadlines in Part III.D.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.
- c. Each corrective action report must be signed in accordance with Part II.A.7 of this permit.
- d. You must keep a copy of all corrective action reports at the site, at an easily accessible location or electronically accessible through your environmental reporting system, so that it can be made available at the time of an on-site inspection or upon request by the Department.
- e. You must retain all corrective action reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

### 4. Corrective Action Required by the Department

You must comply with any corrective actions required by the Department as a result of permit violations found during an inspection provided under Part IV.D.

### 5. Corrective Action Deadlines (for dewatering)

If the permittee observes any of the dewatering triggering events described in Section III.D.1e above, you must:

- a. Immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a solution, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition taking safety considerations into account;
- b. Determine whether the dewatering controls are operating effectively and whether they are causing the conditions; and
- c. Make any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

When you have completed these steps and made any changes deemed necessary, you may resume discharging from your dewatering activities.

## **E. Staff Training Requirements**

Each operator, or group of multiple operators, must assemble a “stormwater team” to carry out compliance activities associated with the requirements in this permit. At least one of the team members must be a qualified person who holds a valid certificate of attendance at a training program in accordance with Environment Article § 4-104 and must be on site at a frequency and duration sufficient to ensure compliance with the requirements of the permit and SWPPP (if applicable) and E&SC Plan.

### **1. Prior to the commencement of construction activities,**

You must ensure that the following personnel on the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- a. Personnel who are responsible for the compliance with the design, installation, maintenance, or repair of stormwater controls (including pollution prevention controls);
- b. Personnel responsible for the application and storage of treatment chemicals (if applicable);
- c. Personnel who are responsible for conducting inspections as required in Part III.C.1; and
- d. Personnel who are responsible for taking corrective actions as required in Part III.D.

### **2. Regarding subcontractors or outside service providers,**

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers, but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

### **3. Specific training related to scope of jobs,**

At a minimum, members of the stormwater team must be trained to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- a. The permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;
- b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;
- c. The proper procedures to follow with respect to the permit’s pollution prevention requirements; and
- d. When and how to conduct inspections, record applicable findings, and take corrective actions.

### **4. Easy access to documents,**

Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

## **F. Stormwater Pollution Prevention Plan (SWPPP)**

### **1. General Requirements**

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part III.F prior to their submittal of the NOI, if any of the following criteria apply at your site:

- a. The use of Chemical Additives or Polymers for Sediment Control,

- b. Construction activity which includes disturbing material or soils with known contamination by toxic or hazardous substances (Part I.D.6 and Part III.B.3), dewatering requiring turbidity benchmarks (Part III.B.4) or the Department notifies you to install additional controls to meet water quality standards (Part III.B.1),
- c. The implementation of controls associated with any of the pollution prevention activities referenced in Part III.A.3 (except projects less than 5 acres solely based on either building materials (including gravel or aggregate) present on-site, fertilizer required for revegetation or concrete washout),
- d. The sharing of permit-related functions between and among operators on the same site, or
- e. Where coverage under this permit is required but either E&SC, SWM plan requirements, or both are exempt under Title 4.

The SWPPP does not establish the effluent limits that apply to your site's discharges; these limits are established in this permit in Parts III.A and III.B.

Where there are multiple operators associated with the same site, they may develop a group SWPPP instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies on Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit-related functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to implement any measures necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not compromise any other operators' controls or any shared controls. The SWPPP must be kept up-to-date throughout coverage under this permit.

## 2. SWPPP Contents

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit. In cases where the information in paragraphs a – k below is contained in your approved E&SC plan, you may refer to that plan instead to avoid duplicate information.

- a. All Site Operators. Include a list (either maintain one yourself or reference a group list maintained by the main developer) of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.
- b. Stormwater Team. Identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities, including which members are responsible for conducting inspections. Include documentation that the required personnel were, or will be, trained in accordance with Part III.E.
- c. Nature of Construction Activities. Include the following:
  - i. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;
  - ii. The size of the property (in acres or length in miles if a linear construction site);
  - iii. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
  - iv. A description of any on-site and off-site construction support activity areas covered by this permit (see Part I.C.1.c);
  - v. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;
  - vi. A description and projected schedule for the following:
    - Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
    - Temporary or permanent cessation of construction activities in each portion of the site;
    - Temporary or final stabilization of exposed areas for each portion of the site; and
    - Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

- If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to “lock in” the operator to meet these dates. When departures from initial projections are necessary, this should be documented in the SWPPP, the E&SC, or in associated records, as appropriate.
- vii. A list and description of all pollutant-generating activities on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;
- viii. Business days and hours for the project;
- ix. If you are conducting construction activities in response to a public emergency (see Part I.F.1), a description of the cause of the public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), information substantiating its occurrence (e.g., state disaster declaration or similar state or local declaration), and a description of the construction necessary to reestablish affected public services.
- d. Site Map. Include a legible map, or series of maps (which may include reference to your E&SC map), showing the following features of the site:
  - i. Boundaries of the property (or right-of-way for linear utility projects);
  - ii. Locations where construction activities will occur, including:
    - Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;
    - Approximate slopes before and after major grading activities (note any steep slopes as defined in Appendix A);
    - Locations where sediment, soil, or other construction materials will be stockpiled;
    - Any crossings over Waters of this State;
    - Designated points where vehicles will exit onto paved roads;
    - Locations of structures and other impervious surfaces upon completion of construction; and
    - Locations of on-site and off-site construction support activity areas covered by this permit (see Part I.C.1.c).
  - iii. Locations of all Waters of this State to which the site discharges and one mile downstream of the site’s discharge points. Also identify if any are listed as impaired, or are identified as a Tier II water;
  - iv. Areas of State-listed critical habitat within the site or at discharge locations;
  - v. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);
  - vi. Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;
  - vii. Stormwater and authorized non-stormwater discharge locations, including:
    - Locations where stormwater or authorized non-stormwater will be discharged to storm drain inlets; and
    - Locations where stormwater or authorized non-stormwater will be discharged directly to Waters of this State.
  - viii. Locations of all potential pollutant-generating activities identified in Part III.F.2.c.vii;
  - ix. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and
  - x. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.
- e. Non-Stormwater Discharges. Identify all authorized non-stormwater discharges in Part I.C.2 that will or may occur.
- f. Description of Stormwater Controls.
  - i. For each of the Part III.A.2 E&SC effluent limits, Part III.A.3 pollution prevention effluent limits, and Part III.A.4 construction dewatering effluent limits, as applicable to your site, you must include the following:

- A description of the specific control(s) to be implemented to meet the effluent limit;
  - Any applicable stormwater control design specifications (including references to any manufacturer specifications, E&SC manuals, or ordinances relied upon, and any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP);
  - Routine stormwater control maintenance specifications; and
  - The projected schedule for stormwater control installation/implementation.
- ii. You must also include any of the following additional information as applicable;
- Natural buffers or equivalent sediment controls (see Part III.A). You must include the following:
    - The compliance alternative to be implemented;
    - If complying with alternative 2, the width of natural buffer retained;
    - If complying with alternative 2, the E&SC(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;
    - For “linear construction sites” where it is infeasible to implement compliance alternative 1, or 2, a rationale for this determination, and a description of any buffer width retained, supplemental E&SCs installed, or both; and
    - A description of any disturbances that have been exempted from these requirements by the approval authority that occur within Stream Protection Zones.
  - Perimeter controls for a “linear construction site” (see Part III.A.2.e). For areas where perimeter controls are not feasible, include documentation to support this assessment and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities. Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part III.A.2.e.i requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.
  - Sediment track-out controls (see Parts III.A.2.h.ii and III.A.2.h.iii). Document the specific stabilization techniques or controls that will be implemented to remove sediment prior to vehicle exit.
  - Treatment chemicals (see Part III.A.2.m). You must include the following:
    - A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction or updated as you learn more about site conditions;
    - A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;
    - If the Department authorized you to use cationic chemical additives for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic chemical additives will not lead to an exceedance of water quality standards;
    - The dosage of all treatment chemicals to be used at the site and the methodology to be used to determine dosage;
    - Information from any applicable Safety Data Sheet (SDS);
    - Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;
    - A description of how chemicals will be stored consistent with Part III.A.2.m.vi;
    - References to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer’s specifications regarding the use of your specific treatment chemicals or chemical treatment systems; and
    - A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.
  - Stabilization measures (see Part III.A.2.f). You must include the following:

- The specific vegetative or non-vegetative practices that will be used;
    - The stabilization deadline that will be met in accordance with Part III.A.2.f;
    - If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.
  - Spill prevention and response procedures (see Part I.D.5 and Part III.A.3.c.iv). You must include the following:
    - Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and
    - Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part III.A.3.f. and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period (see Part III.A.3.f). Contact information must be in locations that are readily accessible and available to all employees. You may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.
  - Waste management procedures (see Part III.A.3.c). Describe the procedures you will follow for handling, storing and disposing of all wastes generated at your site consistent with all applicable federal, state, tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.
  - Application of fertilizers (see Part III.A.3.e). Document any departures from the manufacturer specifications where appropriate.
- g. Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part III.A.1.d, Part III.C, and Part III.D of this permit. Also include:
- i. The inspection schedule you will follow, which is based on whether your site is subject to Part III.C.2 or Part III.C.3, or whether your site qualifies for any of the reduced inspection frequencies in Part III.C.4;
  - ii. If you will be conducting inspections in accordance with the inspection schedule in Part III.C.2, or Part III.C.3, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data; and
  - iii. Any maintenance or inspection checklists or other forms that will be used.
- h. Procedures for Turbidity Benchmark Monitoring from Dewatering Discharges (if applicable). If you are required to comply with the Part III.B.4 turbidity benchmark monitoring requirements, describe the procedures you will follow to collect and evaluate samples, report results to the Department and keep records of monitoring information, and take corrective action when necessary. Include the specific type of turbidity meter you will use for monitoring, as well as any manuals or manufacturer instructions on how to operate and calibrate the meter. Describe any coordinating arrangement you may have with any other permitted operators on the same site with respect to compliance with the turbidity monitoring requirements, including which parties are tasked with specific responsibilities. Include in your procedures a log (Part III.B.4.d) of turbidity monitoring equipment calibration and daily measurements of turbidity.
- i. Compliance with Other Requirements.
- i. Threatened and Endangered Species Protection. Include documentation required in Part III.A.2.n supporting your eligibility with regard to the protection of State threatened and endangered species and/or designated critical habitat.

- ii. Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls. If you are using any of the following stormwater controls at your site, document any contact you have had with the Department for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR 144 -147. Such controls would generally be considered Class V UIC wells:
  - Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);
  - Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and
  - Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).
- j. SWPPP Certification. You must sign and date your SWPPP in accordance with Part II.A.8.
- k. Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:
  - i. Any correspondence exchanged between you and the Department related to coverage under this permit;
  - ii. A copy of the acknowledgment letter you receive from the Department assigning your NPDES ID (i.e., permit authorization number);
  - iii. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

**3. On-site Availability of your SWPPP**

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by the Department, the EPA, the local approval agency, or the operator of a storm sewer system receiving discharges from the site. The Department may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from the Department. If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

**4. SWPPP Modifications**

- a. You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:
  - i. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part III.D. You do not need to modify your SWPPP if the estimated dates in Part III.F.2.vi change during the course of construction;
  - ii. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
  - iii. If inspections or investigations by the Department or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;
  - iv. Where the Department determines it is necessary to install or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:
    - A copy of any correspondence describing such measures and requirements; and
    - A description of the controls that will be used to meet such requirements.
  - v. To reflect any revisions to applicable federal, state, or local requirements that affect the stormwater controls implemented at the site; and
  - vi. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

- b. You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part III.F.2.j above) and a brief summary of all changes.
- c. All modifications made to the SWPPP consistent with Part III.F.4 must be authorized by a person identified in II.A.8.
- d. Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

#### **Part IV. STANDARD PERMIT CONDITIONS**

##### **A. Duty to Comply**

You must comply at all times with the terms and conditions of this permit; the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitles 2 and 3 of the Annotated Code of Maryland; and the Clean Water Act, 33 U.S.C. § 1251 et seq. Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act. As detailed in Part IV (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the Clean Water Act. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part III.D.

##### **B. Property Rights.**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

##### **C. Water Construction and Obstruction**

This permit does not authorize you to construct or place physical structures, facilities, or debris or undertake related activities in any Waters of this State, unless otherwise authorized by the appropriate State and/or Federal Agency.

##### **D. Right of Entry**

You must permit the Secretary of the Department, the Regional Administrator for the EPA, or their authorized representatives, upon the presentation of credentials, to:

1. enter upon your premises where a discharge's source is located or where any records are required to be kept under the terms and conditions of this permit;
2. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
3. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
4. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;
5. sample, at reasonable times, any discharge of pollutants; and
6. take photographs (which may require direction for reasons of national security).

##### **E. Duty to Provide Information.**

You must provide within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit to the Department. You must also provide copies of records required to be kept by this permit to the Department, upon request.

##### **F. Availability of Reports**

Except for data determined to be confidential under the Maryland Public Information Act or Section 308 of the Clean Water Act implemented in 33 U.S.C. § 1318, all submitted data, plans or reports prepared pursuant to this permit, including self-inspection information, must be available for public

inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

**G. Submitting Additional or Corrected Information**

When you become aware that you failed to submit any relevant facts or submitted incorrect information in the NOI or in any other approved plans or report to the Department, you must submit the facts or information to the Department within 30 days.

**H. Removed Substances**

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters or facility operations, must be disposed of in a manner to prevent any wastes or runoff from wastes from contacting Waters of this State.

**I. Toxic Pollutants**

You must comply with effluent standards or prohibitions for toxic pollutants established under the Federal Clean Water Act, or under Section 9-314 and Sections 9-322 to 9-328 of the Environment Article, Annotated Code of Maryland. You must be in compliance within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**J. Oil and Hazardous Substances Prohibited**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibility, liability, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act (33. U.S.C. § 1321), or under the Annotated Code of Maryland.

**K. Proper Operation and Maintenance.**

The permittee must at all times properly operate and maintain all systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the installation and operation of backup, auxiliary, or similar systems or controls, by a permittee when necessary to achieve compliance with the conditions of the permit.

**L. Bypass**

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:

1. the bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;
2. there are no feasible alternatives;
3. notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days of the permittee's becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification must be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and
4. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

**M. Upset**

Conditions Necessary for Demonstration of an Upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. an upset occurred and that the permittee can identify the specific cause(s) of the upset;

2. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
3. the permittee submitted a 24-hour notification of upset within 24-hours of becoming aware of the upset in accordance with the reporting requirements of Corrective Actions above;
4. the permittee submitted, within five (5) calendar days of becoming aware of the upset, documentation to support and justify the upset; and
5. the permittee complied with any remedial measures required to minimize adverse impact.

**N. Need to Halt or Reduce Activity Not a Defense.**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this general permit.

**O. Duty to Mitigate**

The permittee must take all reasonable steps to minimize or prevent any adverse impact to Waters of this State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**P. Permit Actions.**

Authorization under this permit may be modified, revoked and reissued, or terminated for cause. At any time at the discretion of the Department or the U.S. Environmental Protection Agency, or if there is evidence indicating that stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, the Department may require the owner or operator of such discharge to obtain an individual permit or alternative general permit coverage. A request by the permittee for a modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not suspend the permittee's obligation to comply with all permit conditions.

**Q. Severability.**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**R. Reopener Clause for Permits**

This permit may be modified, or alternatively, revoked and reissued, in accordance with the procedures contained in COMAR 26.08.04.10 and 40 C.F.R. §§ 122.62, 122.63, 122.64 and 124.5, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation issued or approved:

1. contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
2. controls any pollutant not limited in this permit. This permit, as modified or reissued under this section, must also contain any other requirements of the Act then applicable.

**S. Civil and Criminal Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 309 of the CWA, with Title 9 of the Environment Article, Annotated Code of Maryland, any applicable State or Federal law, or regulation under authority preserved by section 510 of the CWA.

**T. Action on Violations**

The issuance or reissuance of this permit does not constitute a decision by the State not to proceed in an administrative, civil, or criminal action for any violations of State law or regulations occurring before the issuance or re-issuance of this permit, nor a waiver of the State's right to do so.

**U. Civil Penalties for Violations of Permit Conditions.**

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amount authorized by Section 309(d) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

**V. Criminal Penalties for Violations of Permit Conditions.**

In addition to the criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both; In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to a fine of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both;
2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three years, or both; in the case of a second or subsequent conviction for a knowing violation, a person shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both;
3. Any person who knowingly violates Sections 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment for not more than 15 years, or both; in the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both; an organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than \$1,000,000 for a first violation and up to \$2,000,000 for second or subsequent convictions;
4. Any person who: falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance, shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

**W. Administrative Penalties for Violations of Permit Conditions.**

In addition to administrative penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

1. Class I Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500).
2. Class II Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$187,500).

**Part V. AUTHORITY TO ISSUE GENERAL NPDES PERMITS**

On September 5, 1974, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters under Section 402 of the federal Clean Water Act, 33 U.S.C. Section 1342. On May 15, 1989, EPA and Maryland entered into a superseding Memorandum of Agreement for such discharges. On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a general permit program. Under the approvals described above, this general discharge permit is both a State of Maryland general discharge permit and an NPDES general discharge permit.

*D. Lee Currey*  
D. Lee Currey (Dec 27, 2022 14:43 EST)

Dec 27, 2022

D. Lee Currey, Director  
Water and Science Administration

Minor Modification "20CPA" was issued May 2, 2023 to correct typographical errors, consistent with 40 C.F.R. 122.63 and COMAR 26.08.04.10.