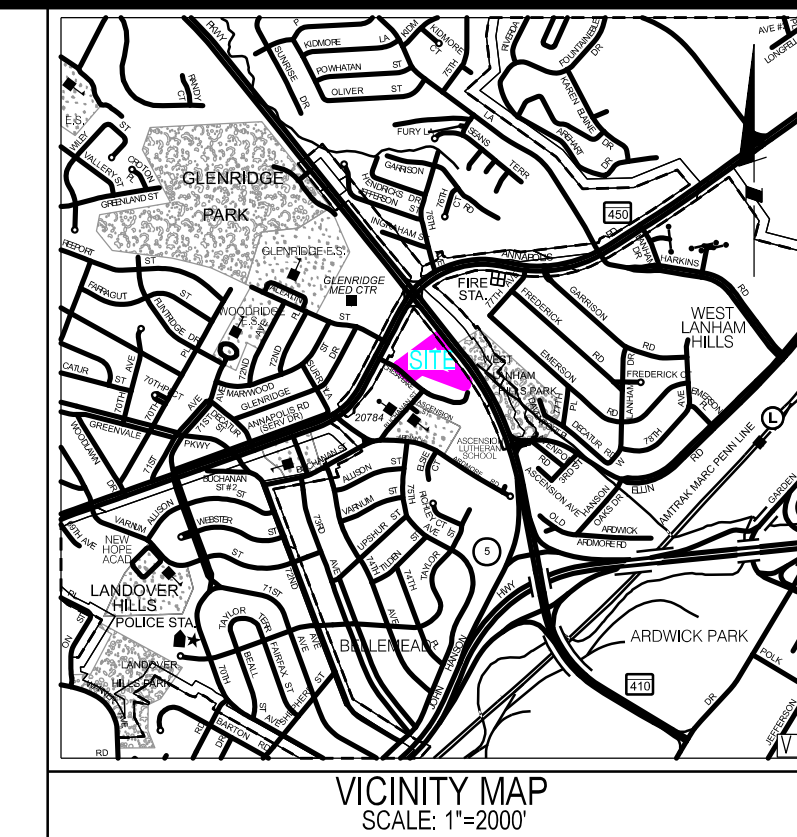
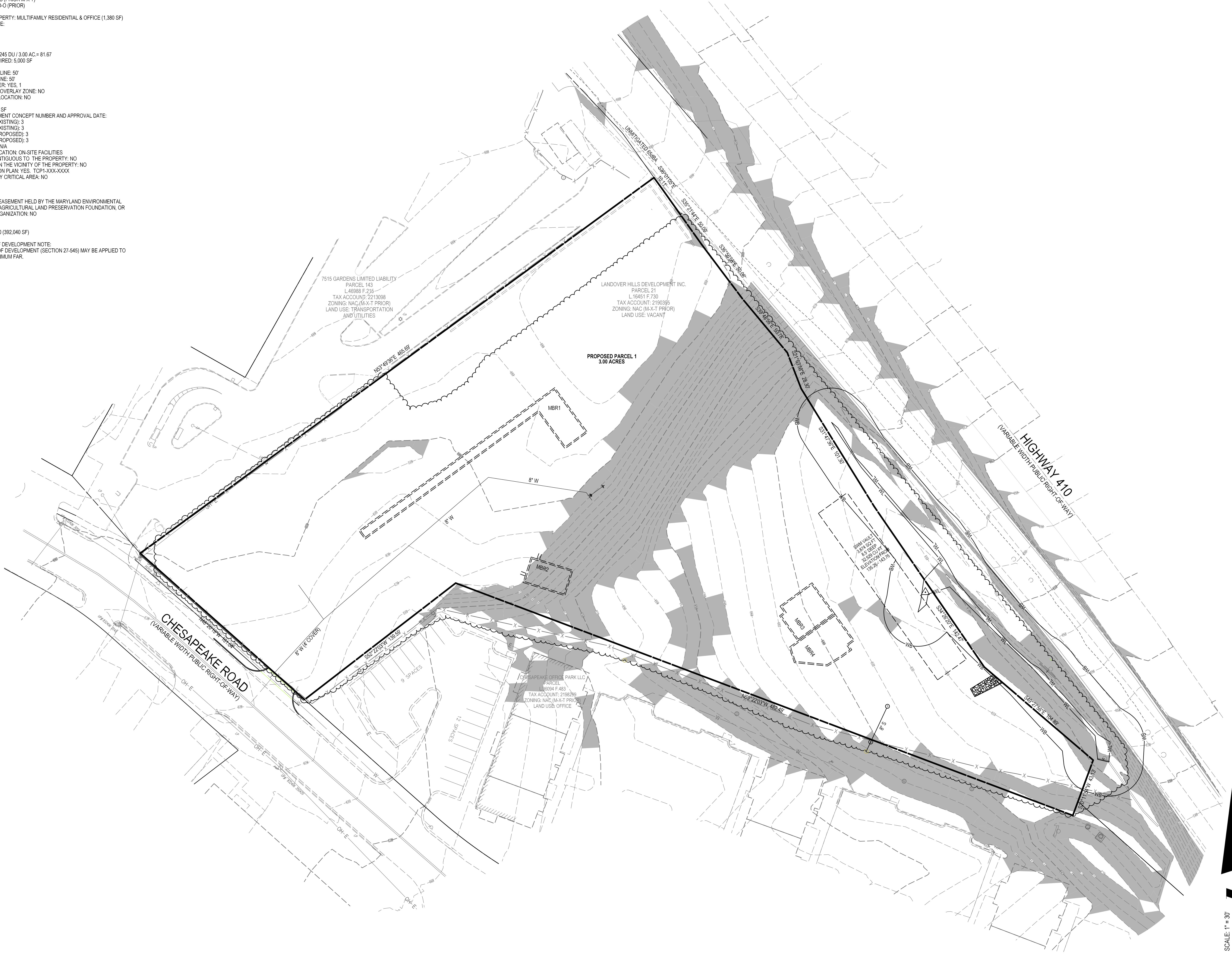


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- GENERAL NOTES:
1. PARCEL 21
L 16451 F 730
TAX ACCOUNT #: 2190395
 2. TAX MAP GRID: 51-E1
 3. 200 FOOT MAP REFERENCE (WSSC): 206NE06
 4. PURPOSE OF SUBDIVISION: ONE PARCEL FOR MIXED USE DEVELOPMENT
 5. PRIOR APPROVALS: N/A
 6. TOTAL GROSS ACREAGE: 3.00 AC.
 7. TOTAL NET ACREAGE: 3.00 AC.
 8. NET DEVELOPABLE AREA OUTSIDE OF PMA: 3.00 AC. (NO PMA)
 9. ACREAGE OF ENVIRONMENTAL REGULATED FEATURES: 0.00 AC.
 10. ACREAGE OF 100-YEAR FLOODPLAIN: 0.00 AC.
 11. ACREAGE OF ROAD DEDICATION: 0.00 AC.
 12. EXISTING ZONING: NAC (PRIOR M-X-T)
 13. EXISTING ZONING: D-D-O (PRIOR)
 14. EXISTING USE: VACANT
 15. PROPOSED USE OF PROPERTY: MULTIFAMILY RESIDENTIAL & OFFICE (1,380 SF)
 16. DWELLING UNITS BY TYPE:
1 BR: 107
2 BR: 98
3 BR: 40
TOTAL: 245
 17. DENSITY CALCULATION: 245 DU / 3.00 AC = 81.67
 18. MINIMUM LOT SIZE REQUIRED: 5,000 SF
 19. MINIMUM LOT WIDTH AT:
FRONT BUILDING LINE: 50'
FRONT STREET LINE: 50'
 20. SUSTAINABLE GROWTH TIER: YES, 1
 21. MILITARY INSTALLATION OVERLAY ZONE: NO
 22. CENTER OR CORRIDOR LOCATION: NO
 23. EXISTING GFA: 0 SF
 24. PROPOSED GFA: 281,000 SF
 25. STORMWATER MANAGEMENT CONCEPT NUMBER AND APPROVAL DATE:
 26. WATER DESIGNATION (EXISTING): 3
 27. SEWER DESIGNATION (EXISTING): 3
 28. WATER DESIGNATION (PROPOSED): 3
 29. SEWER DESIGNATION (PROPOSED): 3
 30. AVIATION POLICY AREA: N/A
 31. MANDATORY PARK DEDICATION: ON-SITE FACILITIES
 32. CEMETERIES ON OR CONTIGUOUS TO THE PROPERTY: NO
 33. HISTORIC SITES ON OR IN THE VICINITY OF THE PROPERTY: NO
 34. TYPE ONE CONSERVATION PLAN: YES, TOP1-XXX-XXXX
 35. WITHIN CHESAPEAKE BAY CRITICAL AREA: NO
 36. WETLANDS: YES
 37. STREAMS: NO
 38. SOILS: SEE NRI
 39. IN OR ADJACENT TO AN EASEMENT HELD BY THE MARYLAND ENVIRONMENTAL TRUST, THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, OR ANY LAND TRUST OR ORGANIZATION: NO
- FAR RANGE: 1.4 (182,952 SF) - 3.0 (392,040 SF)
- FAR AND OPTIONAL METHOD OF DEVELOPMENT NOTE:
A MIX OF OPTIONAL METHODS OF DEVELOPMENT (SECTION 27-545) MAY BE APPLIED TO REACH THE 3.0 PROPOSED MAXIMUM FAR.



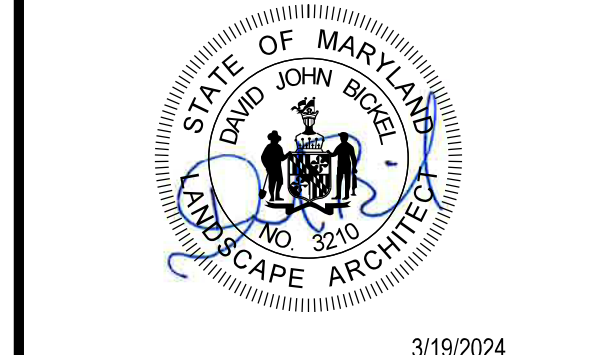
LEGEND			
	PROPERTY BOUNDARY		PARCEL LINE (EXISTING)
	PARCEL LINE (PROPOSED)		EXISTING WOODLANDS
	EXISTING CONTOUR		WETLAND
	WETLAND BUFFER		EXISTING GAS
	EXISTING WATER		EXISTING STORM DRAIN
	EXISTING SEWER		EXISTING WATER
	PROPOSED STORM DRAIN		PROPOSED WATER
	PROPOSED WATER		PROPOSED SEWER
	PROPOSED SEWER		PROPOSED SWM
	PROPOSED SWM		

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Engineering
Surveying
Planning
Environmental Sciences

MISS UTILITY NOTE
INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY OBTAINING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT MISS UTILITY AT 1-800-321-7171, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHATEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER / DEVELOPER / APPLICANT
OWNER:
LANDOVER HILLS DEVELOPMENT INC.
7011 CHESAPEAKE ROAD
HYATTSVILLE, MD 20784
APPLICANT:
LANDOVER HILLS LEASED HOUSING ASSOCIATES I, LLLP
2905 NORTHWEST BLVD., SUITE 150
FELTSMOUTH, MN 55441



PLAN VIEW
PRELIMINARY PLAN OF SUBDIVISION
7011 CHESAPEAKE ROAD
HYATTSVILLE, MD 20784
20TH ELECTION DISTRICT, PRINCE GEORGES COUNTY, MARYLAND

TAX MAP 51, E1	ZONING CATEGORY: NAC
WSSC 200' SHEET 206NE06	
SITE DATUM HORIZONTAL: XXXXXX VERTICAL: XXXXXX	
DATE: 3/19/2024 DESIGNED: YOR TECHNICIAN: DJB CHECKED: YOR CADD STPS: V8 / NCS	
SHEET 1 OF 1	
PROJECT NO. 43980000	

**Statement of Justification
for Impacts to Regulated Environmental Features
7011 Chesapeake Road
PPS-4-23005
March 7, 2024**

Applicant:

Landover Hills Leased Housing Associates I, LLLP
2905 Northwest Blvd,
Suite 150
Plymouth, MN 55441

Engineer/ Planner:

Soltesz, LLC
4300 Forbes Boulevard
Suite 230
Lanham, Maryland 20706
301-794-7555
Contact: David Bickel

Attorney

Peter Z. Goldsmith
Lerch, Early & Brewer, Chtd.
16701 Melford Boulevard
Suite 400
Bowie, Maryland 20715
pzgoldsmith@lerchearly.com

Introduction:

The Applicant is submitting this statement of justification in response to the Environmental Planning Section's reviewer comments to the Applicant's initial submission of its preliminary plan of subdivision package (4-23005, 7011 Chesapeake Road). Specifically, this statement is addressing the following comments:

3. Even though the off-site wetland is not in a primary management area (PMA), please provide justification for disturbing the wetland and its buffer that are on this property. Include how this project will meet the Environmental Infrastructure and Sustainability policies found in the Annapolis Road Approved Sector Plan and Sectional Map Amendment, beginning on page 104.

This statement will first provide an overview of the property and project. Then it will address the necessary impact to a marginal wetland. Finally, it will address the relevant policies in the Sector Plan under the heading Environmental Infrastructure and Sustainability.

Description and Transit-Oriented Location of the Subject Property:

The subject property is located on only approximately 3.00 acres of isolated land with very steep slopes, bounded by developed properties and a Purple Line track. The site is located on the southwest of the intersection of Chesapeake Road and Annapolis Road. To the northeast, the site is adjacent to Veterans Parkway (Highway 410) and the within walking distance of the proposed Glenridge Purple Line station. The proposed Purple Line runs between the site and Veterans Parkway, within the right-of-way.

Description of Proposed Use and Request:

The nature of the proposed preliminary plan of subdivision application is to develop a 100% affordable multifamily residential building with first-floor office space. Specifically, the Applicant anticipates constructing the building with approximately 245 dwelling units and approximately 1,380 square feet of office space. Residents and other users of the site will access the building from Chesapeake Road. A private road to safely accommodate pedestrian and automobile circulation will bisect a portion of the site. The Applicant is proposing surface parking to serve the office tenant and guests visiting the residents of the affordable community. To ensure the site complies with DPIE's water quality standards, and to further improve the environmental conditions of the property, the Applicant will include micro-bioretenment and SWM best practices.

Under the prior zoning ordinance, the site is zoned M-X-T (Mixed-Use Transportation Oriented), which envisions projects achieving a significant amount of density on site to support nearby publicly funded transportation infrastructure, both benefiting the community, with development that is not automobile-centric, and the government, with new tax revenue. In this case, achieving the proposed FAR of 3.0, which is tantamount to approximately 245 affordable residential units, will begin to provide the Glenridge area with the residential density that the Sector Plan envisions for this transit-oriented region.

As a result of these indispensable features of the proposal, the Applicant's affordable project must include a single impact to environmental features. More specifically, the impact affects a total of 5,228 square feet, primarily related to 5,132 square feet of a wetland buffer that is generated by off-site wetlands and 96 square feet of isolated wetlands located on site.

Description of Existing Regulated Features On-site:

The site contains no Primary Management Area: there are no streams or floodplain on or adjacent to the site. There is a total of 5,228 square feet of environmental features, which consist of 5,132 square feet of wetland buffer that is generated by off-site wetlands and 96 square feet of isolated wetlands located on site. The picture of the wetland depicted below was taken from the site facing the new Purple Line retaining wall. Although the area is considered by definition a wetland, its nature, character and function are marginal because of their size and location. The size of the impact to the wetland, itself, is 96 square feet, which is 66 square feet smaller than a 9' x. 18' parking space. The wetland is adjacent to the existing Purple Line retaining wall and drains into a headwall, which eventually drains across Veteran's Parkway. Both of these conditions do not provide any significant environmental benefits to water quality or wildlife habitat.



Description of Applicable Subdivision Regulations:

The prior subdivision regulations require proposed subdivisions to “be designed to minimize the effects of development on land, streams and wetlands, to assist in the attainment and maintenance of water quality standards, and to preserve and enhance the environmental quality of stream valleys.” Prior Subdivision Regulations, § 24-130(a). Relevant to this statement, the Planning Board is required to find:

Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the Preliminary Plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.

Prior Subdivision Regulations, § 24-130(b)(5). As will be explained further, the impact conforms to Part C, Section 2.0 of the *Environmental Technical Manual (2010)*, which implements a three-step process but allows certain impacts.

Net lot is determined by subtracting the floodplain from the gross tract area. This site has no floodplain; therefore, the gross tract equals the net tract. There is no impact to the net lot area by removing the environmental feature.

Description of Proposed Impacts and Justification of Avoidance and minimization:

In order to develop this property, one impact to environmental features cannot reasonably be avoided. The impact area is approximately 5,228 square feet, which mainly relates to 5,132 square feet of wetland buffer generated by off-site wetlands and approximately 96 square feet of isolated wetlands located on site. The impact is directly attributable to infrastructure throughout the site, including the need to ensure the site is developed with safe circulation and conforms to all code requirements, including the installation of stormwater management facilities that currently do not exist.

The Environmental Technical Manual (2010) explains that satisfying the requirement that environmental features be preserved to the “fullest extent possible” requires a three-part analysis:

The determination of “fullest extent possible” is a three-step process that starts with avoidance of impacts. Then if the impacts are unavoidable and necessary to the overall development of the site (as defined below) and cannot be avoided, the impacts must be minimized. In the third step, if the cumulative, minimized impacts are above the designated threshold, then mitigation is required for impacts proposed.

Environmental Technical Manual (2010), p. C-2.

The Manual, however, is not rigid and contemplates a relaxed standard for transit-oriented projects in General Plan Centers on constrained sites like the Applicant’s:

Where properties are located in the Developed Tier or a designated center or corridor, impacts to regulated environmental features may be considered where needed to accommodate planned development on constrained sites. Such impacts may include allowing impervious surfaces to remain within the buffer or the placement of structures within a currently unvegetated buffer. Preservation of existing vegetated buffers will be a priority.

Id.

The Applicant’s proposal minimizes the impact to 5,132 square feet of wetland buffer generated by off-site wetlands and 96 square feet of isolated wetlands located on site. Several factors contribute to the need to impact the environmental features. *First*, the property, itself, is constrained and has limited right-of-way frontage on Chesapeake Road, where there is only a single opportunity for access. That frontage on Chesapeake Road is limited to 161 linear feet. The project proposes a 22-foot wide drive aisle to enter the site. Additional space is needed to allow for 3:1 grading to make the access viable. The frontage along Veterans Highway is “denied access,” which of course is sensible because of the topography and the Purple Line track between the site and the road.

Second, this site has a 52-foot change in elevation from the highest point, which is approximately 184 feet above sea level, to the lowest, which is approximately 132 above sea level. The 52 feet of elevation change occurs over a span of approximately 430 linear feet. The Applicant's architects have designed the building with multiple levels that step down to accommodate the grade difference and to reduce the need for massive retaining walls.

Third, the property's shape is irregular, having its widest point at approximately 325 linear feet and the narrowest at 45 feet wide. The width is a limiting factor because each utility requires adequate separation from one another and from other proposed structures.

Fourth, the property is adjacent to the existing retaining wall that protects the Purple Line track, which itself has a zone of influence that cannot be disturbed without otherwise compromising its integrity.

Fifth, the Applicant submitted to the Maryland Department of the Environment (MDE) an application to participate in the Voluntary Clean Up Program (VCP) for this project and is in the process of submitting a Response Action Plan (RAP) to address contaminated soil located on site. The VCP Environmental Subsurface Evaluation concluded that concentrations of petroleum constituents exceeded MDE Residential Cleanup Criteria in the soil, groundwater, and soil vapor at the subject property. By virtue of preparing a RAP, and being included in the VCP, the project helps protect the environment from the unregulated contamination that currently exists on site.

Last, the building is subject to the County's fire code, which requires access to all sides of the building. In order to accomplish this, six flights of stairs are required to descend the slope to provide this access. After the architects had prepared a near-finalized design, the Applicant was required to redesign part of the building to allow a pass-through for a fire hose, ensuring the building was further in compliance with the code. As a result of these factors, in addition to others, including the need for safe circulation for all occupants and visitors, the proposed impact is minimized to the fullest extent possible, and therefore satisfies the requirements of the Subdivision Regulations and the *Environmental Technical Manual (2010)*.

Environmental Infrastructure and Sustainability

In addition to requesting the Applicant to justify the impact to the off-site wetland and its buffer, the review comments also request the Applicant to explain "how this project will meet the Environmental Infrastructure and Sustainability policies found in the Central Annapolis Road Approved Sector Plan and Sectional Map Amendment, beginning on page 104." In that section, the Sector Plan includes aspirations related to environmental infrastructure and sustainability, which are categorized as "guiding" General Plan policies, "goals," and "strategies." While the Sector Plan does not clearly explain who is responsible for achieving those aspirations, or whether they are a mandatory requirement, it is clear that several appear to encourage developers of properties within the Sector Plan area to contribute to the environmental policies set forth in that section. The policies relevant to this project will be addressed in turn.

The first goals listed relate to neighborhood connectivity and design. Specifically, those stated goals are:

- *Create vibrant mixed-use communities while minimizing the impact of infill development on existing residential neighborhoods and sensitive natural areas.*
- *Increase walkability and connectivity with enhanced pedestrian, bike, and public transit connections.*

This particular application is a preliminary plan of subdivision, which does not show how the project will help to achieve the Sector Plan's goals for neighborhood connectivity and design. The forthcoming detailed

site plan, however, will include vibrant renderings of the building's architecture and plaza, along with a thoughtful site layout, that will demonstrate how this transit-oriented project will both buffer the adjacent apartment community and contribute to the walkability of the Glenridge community. At a minimum, residents and guests will have walkable access to the Purple Line Station along existing and proposed sidewalks on Chesapeake Avenue and Annapolis Road. In addition, the circulation on site will be safe for pedestrians and those driving vehicles; the plan will comply with all code requirements.

The Sector Plan's second stated goals relate to water resources. Specifically, they are:

- *Manage stormwater runoff to reduce volume and improve water quality of runoff released to local storm sewers and natural drainage areas.*
- *Conserve water and avoid potable (drinking quality) water for nonpotable uses.*

The project will comply with all stormwater management requirements. Because the vacant site currently has no stormwater facilities, the project will likely improve water quality and runoff to a significant degree. The site is connected to public water, and the project will have no impact on any known efforts to conserve potable water.

The third stated goals in the Sector Plan are those related to green building design. Specifically, the Sector Plan reads:

- *Implement environmentally sensitive design building techniques and reduce overall energy consumption.*

The design of this project will provide the community a compact development to help maximize existing infrastructure and resources, including access to public transportation. In addition, the Applicant will likely utilize a variety of environmentally friendly and sustainable features. The most prominent of these items include:

- Energy star appliances.
- Energy star windows & exterior doors.
- Water conserving plumbing fixtures.
- High efficiency domestic water heaters.
- High efficiency mechanical equipment in common areas.
- Nearly 100% use of LED lighting with energy efficient starters.
- Occupancy Sensor controlled lighting in most common areas.
- Programmable thermostats in the units will help conserve energy.
- The exterior wall cladding is of low maintenance materials. These materials resist damage from the humidity and the temperature swings of our climate, resists flame spread, resists impact damage, and resists damage from insects.
- To the greatest extent possible, the project will incorporate locally available materials.
- Low to no VOC interior paints are used to enhance quality of life by creating healthier indoor air.
- Large windows of access to natural light.
- Recycling storage.
- Outdoor recreation areas for healthy living.

The next goal under the heading Environmental Infrastructure and Sustainability relates to tree canopy coverage and reads:

- *Preserve and enhance the existing urban tree canopy.*

The site is on an isolated wooded site, surrounded by the Purple Line track, Veterans highway, and existing commercial and residential development. The Planning Board approved a TCP 1 with the conceptual site plan, and the Applicant will ensure the project complies with Subtitle 25.

The fifth goal listed in the Sector Plan's policies related to environmental infrastructure and sustainability is to reduce light pollution in certain circumstances:

- *Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.*

As will be shown on the detailed site plan, and not specifically as part of this particular application, the building will be positioned closer to the commercial property to the northwest. The apartments further to the south are buffered by an office park and should not be affected in any material way by light generated by this project. In addition, the site is completely surrounded by development, a Purple Line track, and roads; therefore, the light the building generates will not affect in any material way any environmentally sensitive areas. Any required lighting plan will be submitted with the Detailed Site Plan.

The last goal in the sector plan with respect to environmental infrastructure and sustainability relates to air pollution and reads:

- *Reduce air pollution to support community health and wellness by supporting development that is accessible by nonmotorized and alternative modes of travel and by increasing the urban tree canopy.*

The Sector Plan encourages reduced parking for properties in the M-X-T zone and in the Glenridge Transit Area. The details for the number of parking spaces proposed will be provided in more detail when the detailed site plan is submitted; however, only a sufficient number of parking for the use will be provided, with the expectation that residents will utilize the Purple Line and other walkable amenities as the Glenridge area continues to be developed.

Conclusion:

In order to develop the property with the proposed 100% affordable community, one impact to environmental features is practically unavoidable. The impact affects only 5,228 square feet of environmental features, which mainly relate to 5,132 square feet of wetland buffer generated by off-site wetlands and 96 square feet of isolated wetlands located on site. As a result of the existing physical constraints and proposed improvements that must meet numerous requirements in the code, the Applicant and its team have taken careful consideration to provide a project that will ultimately improve many environmental aspects of the area, including improving stormwater runoff from the site. The impact to the wetland and its buffer are the minimum necessary to ensure the project's infrastructure is safe and meets all code requirements. The delineated wetland, although not considered Primary Management Area, is believed to be a drainage passage created as a result of the original construction of Veterans Highway. The loss of a small amount of marginal wetlands is greatly offset by the other goals of the Sector Plan that will be achieved if the project is able to proceed as proposed. If the requested disturbance is not granted, the project will lose approximately 26 affordable units. Therefore, we ask for approval of the impact for the reasons set forth in this statement of justification.

Sincerely,
Soltesz, LLC

David Bickel, RLA
Director of Planning

LERCH, EARLY & BREWER, CHARTERED

A handwritten signature in blue ink, appearing to read "Peter Z. Goldsmith". The signature is stylized with a large, looped "P" and "G".

Peter Z. Goldsmith
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Suite 400
Bowie, MD 20715
pzgoldsmith@lercheearly.com