



Rushern L. Baker, III
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Office of the Director

September 27, 2018



Ms. Sharon Freiland, P.E.
Dewberry
4601 Forbes Boulevard, Suite 300
Lanham, Maryland 20706

Re: Magruder Pointe, Holladay Co Addition, Proposed Conditions
Case No. 45614-2014-01
Flood Case No. 36721-2018, FPS 201827

Dear Ms. Freiland:

Please accept our apology for the delayed response to your letter requesting a waiver for constructing townhouses in the 100-year floodplain.

Staff reviewed your request and offers the following observations:

1. The proposed work is located at 6500 40th Avenue in Hyattsville at the intersection of Gallatin Avenue and 40th Street.
2. This site contains a defined Northwest Branch. The Northwest Branch is recognized as a County and FEMA designated special flood hazard area.
3. The National Flood Insurance Rate Map, Community-Panel Number 24033C0129E, indicates that the site is in the 100-year flooding area designated as Zone AE.
4. Effective Federal Emergency Management Administration (FEMA) Base Flood Elevations (BFE) is 22.9' NAVD88. Proposed FEMA BFE is 22.9' NAVD88. For delineation, 100-year floodplain delineation elevation equals 23.9' NAVD88.
5. The revised County BFE is 22.9' NAVD88. This floodplain study (FPS) 201827 will replace the current County floodplain elevations. This FPS 201827 is consistent with the FEMA study in this section. This was performed with more detailed and accurate analysis and latest data available.
6. Based on the plans provided by Dewberry, there are no finished floor slab elevations provided. However, these will be required to be shown in the technical plans.

9400 Peppercorn Place, 5th Floor, Largo, Maryland 20774
Phone: 301.636.2020 ♦ <http://dpie.mypgc.us> ♦ FAX: 301.636.2021

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The County's Floodplain Ordinance states that in order to develop a property in the County's floodplain, other than as permitted by the Ordinance, the applicant is required to obtain a waiver from the Director of the Department of Permitting, Inspections and Enforcement (DPIE) or the Director's designee. The applicant has requested a floodplain waiver from the Code restrictions of fill and placement of structures in floodplain. As per County Code 32-206, fill is not permitted in the floodplain unless a waiver is granted. This waiver will allow fill in the floodplain that will be placed per County Code 32-207(6). As per County Code 32-205(f), structures are not allowed in floodplain. This waiver will also allow placement of structures in the filled floodplain.

The following information was submitted by the applicant as part of the waiver request:

- 100-year floodplain study with floodplain delineation for the existing and proposed site conditions.
- Fill is proposed in the floodplain area. The compensatory storage exhibit (Appendix B) is provided showing cut and fill areas.
- The existing floodplain volume is 7,597 cubic yards. The proposed floodplain volume is 9,164 cubic yards.
- The justification of waiver conditions for development in floodplain as per Section 32-206 is enclosed.

This waiver is being granted based on the following project specific factors.

- a) This is a redevelopment project. Existing conditions of this site reflect the presence of buildings and parking lots in floodplain. This waiver will allow for the elimination of parking lots out of the 100-year floodplain.
- b) The proposed project will not have any buildings, parking lots, nor roads in the approved 100-year floodplain areas.
- c) The County is requiring 100-year controls, which will result in reduced 100-year flows leaving the site.

- d) The applicant has demonstrated no increase in 100-year flood elevations.
- e) The applicant has demonstrated that access to all proposed structures will be free and clear of 100-year flooding.
- f) The applicant has provided compensatory storage.
- g) The applicant has located all structures $\geq 25'$ from the 100-year floodplain.

Based on the information submitted and the corresponding summary response to the waiver conditions, the applicant has demonstrated compliance with the waiver requirement. Therefore, the waiver request is hereby approved with the following conditions:

1. This approval does not relieve the applicant of responsibility for obtaining any other approvals, license or permits in accordance with Federal, State or local requirements and does not authorize commencement of the proposed project.
2. Based on County Code 32-205 (f), no basements are allowed for houses 24-41 as shown on the enclosed sketch.
3. *Finished floor elevation should be at least two-foot above the base 100-year flood elevation, for each building. Basements are not permitted. The elevation of the lowest floor shall be certified by a registered surveyor or professional engineer on the asbuilt plan or after the lowest floor is in place. All new structures in any subdivision shall be located outside the 1-percent annual chance (100 year) floodplain boundary. All residential structures shall be set back at least 25 feet from the 1-percent annual-chance (100-year) floodplain). For every activity in the floodplain, the conditions described below in subsections (g) and (h) below, and Section 32-206 of the County Code must be met."*
4. *Per County Code 32-205 (f), "Lowest floor and setback requirements: Any new or substantially improved residential or non-residential structures including manufactured homes, shall be located outside the floodplain and have the lowest floor and the surrounding ground elevated, by fill, to or above the flood protection elevation.*

5. The waiver is based on the condition that the permit drawings will match the computations and exhibits submitted for floodplain study, and enclosed.
 6. Per County Code 32-205(f), *"an as-built survey and an elevation certificate shall be provided by a licensed surveyor for each building prior to issuance of a use and occupancy permit. The certificate shall verify finished floor elevations are constructed at or above the flood protection elevation"*.
 7. The floodplain information and requirements table for each proposed building should be shown on grading and building permit plans.
 8. Floodplain easements will be required within the property limits before technical approval and grading permit issuance.
 9. Please coordinate with Mike Colgan at the Department of Environment (DoE) to determine if a FEMA CLOMR is required. If required, revised/proposed elevations need to be approved by FEMA before permit issuance.
 10. Per County Code 32-207a (1) (c), *"Constructed with materials and utility equipment resistant to flood damage"*.
 11. Per County code 32-206(h), *"as a condition of the waiver, the owner of the property being developed shall be required to execute covenants to provide notice of the waiver, the potential for higher insurance premium rates, commensurate with the increased risk (with rates up to \$25 per \$100 of insurance coverage), the flood hazard, and any responsibilities of the owner to maintain flood proofing or stream modification facilities or systems, which covenants shall be recorded among the Land Records of the County"*.
- NOTE: This requirement must be met prior to issuance of grading permits.**
12. Per County Code 32-205(f), *"all buildings shall be elevated by fill"*. The Building permit must be reviewed and approved to ensure adequacy of design and conformance with floodplain code.

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13. Per County Code 32-207 (7) (a), *"Where permitted, disturbance or removal of the natural vegetation in the floodplain shall be avoided or minimized.*
14. Per County Code 32-207 (8) (B), *"No electrical distribution panels shall be permitted at an elevation less than three feet above the elevation of 1-percent annual chance (100) year flood"*.

If you have any questions or need additional information, feel free to contact Ms. Mary Giles, Associate Director of our Site/Road Plan Review Division, at 301-636-2060.

Sincerely,


Haitham A. Hijazi
Director

Enclosures

HAH:SB:dar

cc: Dawit Abraham, P.E., Deputy Director, DPIE
Mary Giles, P.E., Associate Director, S/RPRD, DPIE
Rey de Guzman, P.E., Chief Engineer, S/RPRD, DPIE
Steve Snyder, P.E., District Engineer, S/RPRD, DPIE
Steve Darcey, District Manager, Soil Conservation District
Mike Colgan, Water Resources Engineer, DoE
Salman Babar, CFM, Engineer, S/RPRD, DPIE

Sec. 32-206. Waiver Requirements for Development in Floodplain.

(a) In order to undertake any development in the County floodplain other than as permitted in the preceding Section, the applicant must obtain a waiver from the Director.

(b) The request for waiver shall include:

(1) The information required for a permit for development as set forth in this Division;

(2) A statement explaining the need for the development, any public benefit to be derived, and the actions that will be taken to reduce the threat of any potential flooding, flood damage, or adverse environmental impacts; and

(3) Plans and studies as required by the Department.

(c) Required plans and studies. The Department may require plans and studies to be submitted. All studies shall be subject to approval by the Department. All studies and calculations furnished to satisfy this provision shall become the property of the County and may be used by the County for reviewing other development or for other purposes.

(d) The Director shall grant a waiver only upon determining that:

(1) There is good and sufficient cause;

(2) The granting of the waiver will not result in additional threats to public safety, increased flood elevations or discharges, or other adverse impacts on other public or private property either upstream or downstream;

(3) The granting of the waiver will not result in fraud or victimization of the public;

(4) The waiver is the minimum necessary, considering the flood hazard, to afford relief to the owner, and public funds shall not be expended to mitigate the results of the waiver;

(5) The development will not violate other Federal, State or local laws or regulations; and

(6) The waiver does not violate the purpose and intent of this Division.

(e) Waivers will not be granted for any filling, or the construction or placement of any structures or obstructions which will ultimately be located in the FEMA-designated Floodways, or in the County designated Special Flood Hazard Areas which will increase the water surface elevation of the base flood. Within the floodplain, waivers shall not be granted for any new structures, the lowest floors of which are below flood protection elevations.

(f) If granted, a waiver shall involve only the least modification necessary to provide relief. If it should become necessary to grant any variance, the applicant shall be required to comply with all applicable requirements of the National Flood Insurance Program regulations (60.3d) including the requirements for elevation, flood proofing and anchoring. The applicant must also comply with any other requirements considered necessary by the Department.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood. Flood proofing is not an option in residential construction. All residential structures must be elevated.

(g) A record of all waiver actions, including justifications for their issuance, shall be maintained by the Department, shall be included in a bi-annual report submitted to the Federal Insurance Administrator, and shall be available upon request by FEMA or its authorized agent during periodic assessments of the County participation in the National Flood Insurance Program.

(h) As a condition of the waiver, the owner of the property being developed shall be required to execute covenants to provide notice of the waiver, the potential for higher insurance premium rates, the flood hazard, and any responsibilities of the owner to maintain flood proofing

or stream modification facilities or systems, which covenants shall be recorded among the Land Records of the County. Where there will be enclosed areas below the 100-year flood elevation, the owner shall provide a statement to be recorded in the Land Records of the County which reads, "No conversion of this area to habitable space is to occur unless the lowest floor is elevated to one (1) foot above the 100-year flood elevation. At this site the 100-year flood elevation is _____."

(CB-15-2011)