



**TUESDAY, MARCH 5, 2013**  
**WORKSESSION**  
**(COUNCIL CHAMBERS)**

**7:30 P.M.**

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**COLLEGE PARK MISSION STATEMENT**

The City of College Park encourages broad community involvement and collaboration, and is committed to enhancing the quality of life for everyone who lives, raises a family, visits, works, and learns in the City; and operating a government that delivers excellent services, is open and responsive to the needs of the community, and balances the interests of all residents and visitors.

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**CITY MANAGER'S REPORT**

**PROPOSED ITEMS TO GO DIRECTLY TO AGENDA**

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**PROPOSED CONSENT AGENDA ITEMS**

**WORKSESSION DISCUSSION ITEMS**

1. Presentation by AECOM of marketing analysis for College Park Metro Station area
2. Discussion of reorganization of College Park Neighborhood Watch – Robert Boone, Chair, Neighborhood Watch Steering Committee
3. Status Update and Discussion of Possible Redevelopment and Land Use Concepts for former Sigma Chi Fraternity House, 4600 Norwich Road – Matt Tedesco and Barry DesRoches
4. Preliminary Plan of Subdivision for the Litton Technology Center – Miriam Bader, Senior Planner
5. Renewal of Dental, Workers Compensation and General Liability Insurance – Jill Clements, Director of Human Resources
6. Charter Amendment Resolution to enable Special Taxing Districts in the City – Suellen Ferguson, City Attorney
7. Discussion of Council Retreat – Councilmember Mitchell
8. Discussion of a Senior Advisory Committee – Councilmember Mitchell
9. Review of recommendation letter for Al-Huda School

10. Final Review of Draft FY 2014 Action Plan – Chantal Cotton, Assistant to the City Manager

11. Review of Legislation (***Possible Special Session***) – Chantal Cotton, Assistant to the City Manager

12. Appointments To Boards And Committees, Including The Biennial Appointment Of The Board Of Election Supervisors

COUNCIL COMMENTS

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**INFORMATION/STATUS REPORTS FOR COUNCIL REVIEW**

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This agenda is subject to change. For current information, please contact the City Clerk. In accordance with the Americans With Disabilities Act, if you need special assistance, you may contact the City Clerk's Office at 240-487-3501 and describe the assistance that is necessary.

# 1. Marketing analysis for College Park Metro Station area

## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Michael Stiefvater, Economic Development Coordinator *MS*

**THROUGH:** Miriam Bader, Senior Planner *MB*  
Joseph L. Nagro, City Manager

**DATE:** March 1, 2013

**SUBJECT:** Metro Station TOD Market Analysis

### ISSUE

In July 2012, the City of College Park was awarded a grant through the National Capital Region Transportation Planning Board to enable a consultant to conduct a market analysis of the 14.2 acre study area (Attachment 1) located between Paint Branch Parkway and the College Park Airport. City staff selected AECOM to analyze the market potential for this area and provide recommendations for its redevelopment.

### SUMMARY

This market analysis is a follow up to the 2008 Technical Assistance Panel Report completed by the Urban Land Institute, which addressed items including the study area's market potential, possible development scenarios, and implementation strategies. Given the drastic changes in the real estate market since that report, this analysis provides a realistic and in-depth look at the development potential of the study area. The analysis is data-driven, as AECOM used various sources to compile demographic and economic information, real estate trends, and the context of the study area. In particular, the real estate trends are important indicators used in forecasting demand and absorption. Using those sources of information, AECOM analyzed potential demand for residential, office, and retail development in the study area over a period from 2013 to 2023.

The purpose of this analysis is to serve as the basis for discussions with Prince George's County, M-NCCPC, developers, and other entities. Highlights of the analysis include the following:

#### *Residential For-Sale Market*

- The residential for-sale market is largely unproven in the surrounding areas.
  - Hyattsville Arts District
    - The first phase of 140 townhomes built by EYA sold at a rate of 2.7 units per month, with an average sales price of \$285 per square foot. Sales opened in mid-2006 and ended in mid-2011.
    - The second phase of 172 townhomes built by Pulte Homes is currently selling at a rate of 1.9 units per month, with an average sales price of \$219 per square foot.

- University Town Center
  - One Independence Plaza, which contains 112 condominiums, is currently selling at a rate of 1.2 units per month, with an average sales price of \$333 per square foot. There are currently 37 units remaining on the market.
  - Plaza Lofts, which contains 22 units, did not see any sales prior to bank auctions. The units were originally listed for sale at an average price of \$572,635.

#### *Residential Rental Market*

- The residential rental market in College Park has been driven by student housing development with less precedence for market-rate housing.
- The Domain at College Park, set to deliver this summer, will be important to watch as a gauge for support for this product type.
- Asking rents for Class A apartments in the submarket have recovered to 2008 levels.
- Vacancy rates for Class A apartments in the submarket reached a high of 7.5% in 2010, but have since dropped to just over 5.0%.

#### *Office Market*

- There is likely to be minimal demand for new speculative space in the near-term due to high vacancy rates in Prince George's County, including a number of buildings near Metro stations.
- Driven by M Square, College Park is a bright spot in the county office market with higher rents and lower vacancies than average.
- Potential tenants for the study area, such as physicians, lawyers, and smaller professional offices, are likely to prefer office space in a mixed-use setting versus a research park and also are unlikely to have a research affiliation with the University, a requirement of tenancy at M Square.

#### *Retail Market*

- Retail vacancy is relatively low in College Park.
- M Square and on-site employees are likely to drive demand for retail, restaurants, and services in the study area. However, in-building cafeterias in nearby facilities may limit capture of dining expenditures.
- Retail is unproven in this location and a sense of place needs to be created for a successful retail component. However, this study area is unlikely to become a shopping destination.
- Subsidies may be required in the near-term to establish adequate retail mass.

#### *Development Program*

- The study area represents near-term opportunities for residential development with retail and limited office space.
- Early stage planning will be critical for the success of the overall development. This most likely will be achieved through a master developer and coordinated planning efforts.
- Between 2013 and 2023, AECOM recommends the following potential development program including:
  - 314 residential units
    - 150 for-sale single family attached

- 60 for-sale multifamily
- 104 for-rent multifamily
- 125,000 square feet of office space
- 32,000 square feet of retail space
  - 6,500 square feet of food and beverage
  - 3,600 square feet of health and personal care
  - 7,200 square feet of shoppers goods
  - 7,100 square feet of full-service restaurant
  - 7,600 square feet of limited-service restaurant

### **RECOMMENDATION**

AECOM will present their findings at the worksession on March 5<sup>th</sup> and answer questions.

### **ATTACHMENTS**

1. Study Area Boundary
2. Metro Station TOD Market Analysis Draft

# Attachment 1: Study Area Boundary





**DRAFT Project Report  
College Park Metro Station TOD Market  
Analysis**

**Prepared for  
The City of College Park  
College Park, Maryland**

**Metropolitan Washington Council of  
Governments  
Washington, DC**

**Submitted by  
AECOM  
February 7, 2013  
Project No. 60281519**

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## **GENERAL LIMITING CONDITIONS**

AECOM devoted effort consistent with (i) the level of diligence ordinarily exercised by competent professionals practicing in the area under the same or similar circumstances, and (ii) the time and budget available for its work, to ensure that the data contained in this report is accurate as of the date of its preparation. This study is based on estimates, assumptions and other information developed by AECOM from its independent research effort, general knowledge of the industry, and information provided by and consultations with the client and the client's representatives. No responsibility is assumed for inaccuracies in reporting by the Client, the Client's agents and representatives, or any third-party data source used in preparing or presenting this study. AECOM assumes no duty to update the information contained herein unless it is separately retained to do so pursuant to a written agreement signed by AECOM and the Client.

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This document may include "forward-looking statements". These statements relate to AECOM's expectations, beliefs, intentions or strategies regarding the future. These statements may be identified by the use of words like "anticipate," "believe," "estimate," "expect," "intend," "may," "plan," "project," "will," "should," "seek," and similar expressions. The forward-looking statements reflect AECOM's views and assumptions with respect to future events as of the date of this study and are subject to future economic conditions, and other risks and uncertainties. Actual and future results and trends could differ materially from those set forth in such statements due to various factors, including, without limitation, those discussed in this study. These factors are beyond AECOM's ability to control or predict. Accordingly, AECOM makes no warranty or representation that any of the projected values or results contained in this study will actually be achieved.

This study is qualified in its entirety by, and should be considered in light of, these limitations, conditions and considerations.

## **I. Summary of Findings**

The City of College Park engaged AECOM through the Metropolitan Washington Council of Governments' Transportation/Land-Use Connections (TLC) Program to update development scenarios created by an Urban Land Institute Technical Assistance Panel (ULI study) in 2008 for a series of parcels located near the College Park Metro station.

The following report details AECOM's analysis and recommendations. This summary is an overview of key discoveries and recommendations.

### **Site and Location**

- The study area includes 14.2 acres off Paint Branch Parkway, in close proximity to the College Park-University of Maryland Metro station and the College Park Airport.
- In addition to the study area's proximity to Metro, it also is anticipated to have few remediation needs. The relatively small number of different land owners is also a positive for land assembly. However, there are building height restrictions and floodplain issues to consider that could impact development. Also, the study area currently has limited pedestrian amenities, making walking to notable activity centers difficult.
- The County-owned parking lot in the study area is a key parcel for anchoring redevelopment of the study area. Its relatively large size, close proximity to M Square and the Metro, frontage along Paint Branch Parkway, and low site preparation costs make it a valuable resource that the public sector could leverage in spurring private development.

### **Demographics and Employment**

- While the City of College Park accounts for 3.4 percent of population in Prince George's County, it represented 7.8 percent of the county's growth from 2000 to 2011. The city grew from 24,661 residents in 2000 to 29,631 residents in 2011.
- There has been strong growth in population aged 15 to 24, corresponding with growth of the University of Maryland.
- At a median household income of \$83,080 in 2011, the Washington–Arlington–Alexandria, DC–VA–MD–WV Metropolitan Statistical Area (MSA) exceeds the national average of \$50,227.
- Median household income in Prince George's County was \$71,971 in 2011, 13.4 percent lower than the MSA as a whole. ESRI forecasts strong growth in median household income for College Park at 3.7 percent per year from 2011 to 2016, greater than the MSA and County.

- In College Park, 11.5 percent of households earn less than \$15,000 per year, primarily due to the large student presence, while 28.8 percent earn more than \$100,000 per year.
- In the County, the Professional and Business Services sector, a major source of demand for office space, has declined by 5,833 employees since the start of the recession. In contrast, the Education and Health Services sector has grown consistently since 2005, adding an average of 579 jobs per year.
- The Federal Government accounted for 9.2 percent of total jobs in the county in 2011, up from 8.4 percent in 2005
- In addition to being a major employment presence, the Federal Government also provides higher average wages in the County than other fields. The average wage for the sector was \$93,143 in 2011, surpassing Information (\$65,741) and Professional and Business Services (\$63,314).

### **Residential Market:**

- Throughout the MSA, there is a significant supply of new multifamily rental units under construction. This is likely to limit new projects in the near-term.
- In College Park, the for-sale market of multifamily residential is largely unproven. There are two nearby projects in other Prince George's County jurisdictions whose performance suggests caution with scale, phasing, and pricing of new projects:
  - Moderate pace of sales of Hyattsville Arts District townhomes (2-3 per month)
  - Slow sales of condos at University Town Center, particularly higher priced units in Plaza Lofts 22.
- Overall, the rental market near downtown College Park has been driven by student housing developments with less precedent for market-rate housing. The Domain at College Park, set to deliver in 2013, will be important to watch as a gauge of support for market-rate rentals in this immediate area.

### **Office Market:**

- There is likely to be minimal demand for new speculative space in the near-term due to high vacancy rates of existing Class A properties (19.8 percent) in Prince George's County, including a number of buildings near Metro stations.

- According to local real estate professionals, rents of approximately \$30.00 per square foot (full-service) are required to support new construction. Currently, Class A asking rents are \$21.34 per square foot in Prince George's County.
- Driven by development at M Square, College Park is a bright spot in the county office market with higher rents and lower absorption than average.

**Retail Market:**

- Retail vacancies in College Park are relatively low at 5.6 percent; operators report reasonable rents especially for well-known national chains.
- M Square and on-site employees are likely to drive demand for retail, restaurants, and neighborhood services in the study area. However, in-building cafeterias in several nearby facilities may limit capture of dining expenditures.
- Subsidies may be required in the near-term to establish adequate retail mass at the study area, as reportedly was the case at the Hyattsville Arts District. Retail amenities are an important driver of residential absorption.

**Development Program**

- The study area presents near-term opportunities for residential development with retail and limited office space.
- Early-stage planning and positioning of the site will be critical for the success of the overall development. This is most likely to be achieved through a master developer and coordinated planning efforts.
- Between 2013 and 2023, AECOM recommends the following potential development program:
  - Residential: 314 units
  - Office: 125,000 square feet
  - Retail: 32,000 square feet.
- A retail presence at the beginning of the project is likely to be important to creating an amenity to help drive residential sales and create a sense of place. This critical mass is not always easily achieved since it may be difficult to attract retailers to an unproven location.
- AECOM recommends a cluster of restaurants as initial retail tenants for the study area.
- Appropriate additional placemaking elements such as streetscape improvements, street furniture, and signage are also important to maximizing value at the site.

- Because of site constraints such as floodplain and height restrictions, it is likely that a comprehensive mixed use development would be most capable of spreading these costs over the full buildout. The scale of office space in the study area represents the greatest difference between the ULI study and the current study; the ULI study recommended greater than two times more office space.
- The ULI study also found additional demand for residential units, though not all development scenarios incorporated the full supportable amount of units.

## II. Background and Site Context

The City of College Park engaged AECOM through the Metropolitan Washington Council of Governments' Transportation/Land-Use Connections (TLC) Program to update development scenarios created by an Urban Land Institute Technical Assistance Panel (ULI study) in 2008 for a series of parcels located near the College Park Metro station.

The ULI study defined the market supportable development as:

- Up to 600 residential units
- Up to 300,000 square feet of office space
- A 140 to 180-room limited-service, extended-stay hotel
- 40,000 square feet of retail and dining space

Based on market supportable demand, the ULI panel generated three additional development programs of varying densities and use types, shown in Figure 1.

**Figure 1: Urban Land Institute Technical Assistance Panel Recommendations, 2008**

	<b>Market Supportable</b>	<b>Development Program 1</b>	<b>Development Program 2</b>	<b>Development Program 3</b>
Residential (units)	600 or More	600 or More	200	370
Office (sf)	Up to 300,000	300,000	368,000	280,000
Hotel (rooms)	140-180	140-180	120	120
Retail (sf)	40,000	40,000	24,000	24,000

Source: "College Park Metrorail Station Area," Urban Land Institute Technical Assistance Panel Report, ULI Washington, May 14-15, 2008.

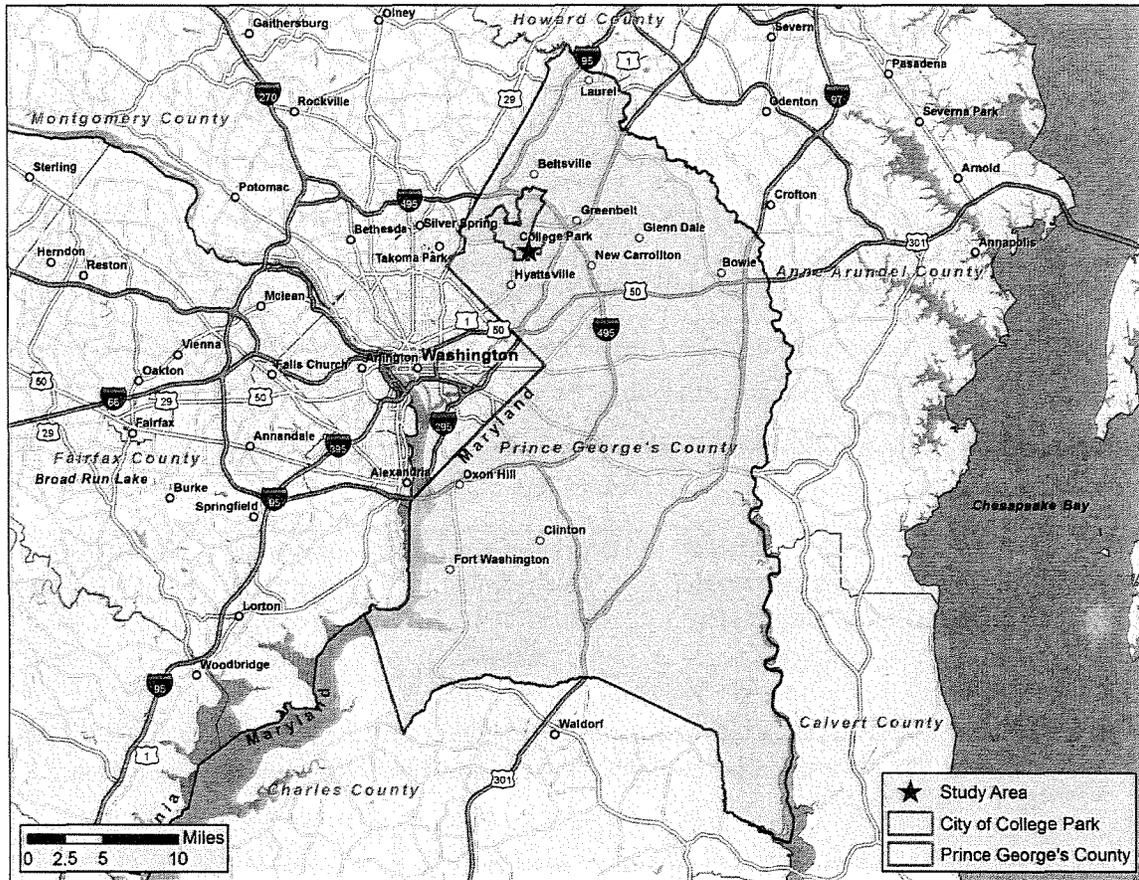
Though the Washington area fared better than many parts of the country through the recession, development conditions have changed substantially since the ULI study was issued. Accordingly, AECOM tested the findings from the study based on recent trends, existing conditions, and updated projections.

### Local Context

The study area is located within the City of College Park, a jurisdiction in the Developed Tier of Prince George's County, Maryland. College Park is accessible by a number of highly trafficked roads, including Interstate 495, Baltimore Avenue (US-1) and University Boulevard (MD-193). Transit systems available in the city include Metrorail, Metrobus, MARC, and Shuttle-UM. As home to the University of Maryland – College Park, the city is a major activity center and economic driver at local and regional levels. For the Fall 2012 semester, the University had 29,685 undergraduate students,

10,785 graduate students, and 10,810 full-time and part-time faculty. Major events hosted by the University include Maryland Day, graduations, and athletic events; total visitation was estimated at 1.1 million persons in the 2008 "Impacts of the University of Maryland, College Park" study.

**Figure 2: Study Area Local Context**



Source: ESRI; AECOM, 2013.

Surrounding municipalities include Hyattsville, University Park, Beltsville, Greenbelt, Berwyn Heights, and Riverdale Park. These cities are largely comprised of established neighborhoods though there have been several notable recent developments in Hyattsville (Hyattsville Arts District and University Town Center). The federal government has a strong presence in the area employment market, including the Goddard Space Flight Center, Food and Drug Administration, National Weather and Climate Prediction Center, United States Department of Agriculture research centers, National Center for Health Statistics, and other agency facilities.

**Study Area Characteristics and Constraints**

The study area is comprised of parcels totaling 14.2 acres and is bounded by Paint Branch Parkway to the south and west, College Park Airport to the north, and the College Park Tennis Center to the east. It is within walking distance of the College Park-University of Maryland Metro station. The study area boundary is shown in Figure 3.

**Figure 3: Study Area Boundary**



Source: ESRI; AECOM, 2013.

Land ownership is currently divided between the Washington Metropolitan Area Transit Authority (WMATA), Prince George’s County, the University of Maryland, and five private owners, with two owners holding the majority of the land. Flex industrial uses, such as automotive repair shops, comprise the majority of the study area with the exception of lab/office space owned by the University of Maryland. Uses adjacent to the study area include the M Square research park, an indoor tennis center, Prince George’s County park land, the College Park Airport, and the College Park Aviation Museum.

Constraints to development in the study area include floodplain coverage, building height restrictions, and the existing pedestrian environment. According to interviews with staff from the Maryland-National Capital Parks and Planning Commission (M-NCPPC), a significant share of the study area falls within the 100-year floodplain. Development within this area may require raising buildings, replacing stormwater management capacity, and other mitigation techniques. The study area also falls within Aviation Policy Area APA-6 due to proximity to College Park Airport flight paths. This designation generally limits building heights to 50 feet.

Pedestrian accessibility to the study area is limited by the state of existing transportation infrastructure. Pedestrian connections to the University are restricted by the lack of sidewalks along Paint Branch Parkway on the same side of the road as the study area as well as the imposing underpass below train tracks on the other side of the road. Also, despite being less than one-tenth of one mile away, walking to the Metro station from the study area requires crossing six lanes of traffic. The signalized intersection at the crosswalk is helpful for pedestrians; however, the situation remains less than ideal.

### III. Demographic and Employment Overview

Population, households, and employment form the backbone of demand for residential, retail, and office land uses. Demographic and employment trends are indicators of the general health of the economy and also provide key inputs for analysis of market demand. This study began with analysis of demographic trends for the Washington-Arlington-Alexandria Metropolitan Statistical Area (MSA), Prince George's County, and the City of College Park. ESRI Business Analyst was the primary source of demographic information; this dataset draws on U.S. Census Bureau figures from 1990, 2000, and 2010 as well as in-house demographic forecasts through 2016. Employment trends were evaluated for the MSA and Prince George's County. The U.S. Bureau of Labor Statistics was a source of labor force and unemployment data for this analysis while Maryland's Quarterly Census of Employment Wages Program data was used for analysis of employment and wages by industry sector.

#### Population and Household Trends

The population of the MSA has grown at a strong rate since 2000, adding 842,124 residents. While Loudoun, Fairfax, and Montgomery County experienced particularly strong growth during this period, Prince George's County grew more slowly than the MSA average, accounting for 7.6 percent of population growth in the MSA over this period. However, while the City of College Park accounts for 3.4 percent of population in Prince George's County, it represented 7.8 percent of the county's growth. The city grew from 24,661 residents in 2000 to 29,631 residents in 2011. Within these results, the population of residents under 15 years old declined marginally in College Park over this period while strong growth was seen in population aged 15 to 24, corresponding with growth of the University of Maryland.

**Figure 4: Population Trends and Estimates, 2000 to 2016**

Geography	Population			Change, 2000 to 2011			Change, 2011 to 2016		
	2000	2011	2016	Number	Percent	CAGR	Number	Percent	CAGR
MSA	4,796,183	5,638,307	5,955,343	842,124	17.6%	1.5%	317,036	5.6%	1.1%
Prince George's Co.	801,523	865,486	885,462	63,963	8.0%	0.7%	19,976	2.3%	0.5%
<i>Share of MSA</i>	<i>16.7%</i>	<i>15.4%</i>	<i>14.9%</i>						
College Park	24,661	29,631	29,812	4,970	20.2%	1.7%	181	0.6%	0.1%
<i>Share of County</i>	<i>3.1%</i>	<i>3.4%</i>	<i>3.4%</i>						

Source: ESRI; AECOM, 2012.

Households grew more slowly than population in the MSA from 2000 to 2011, increasing at a rate of 1.4 percent per year. The MSA added 295,626 households during this period of which 6.1 percent of net growth occurred in Prince George's County. College Park accounts for 2.2 percent of county households in 2011, an increase of 0.1 percent after adding 639 households since 2000. College Park and Prince George's County each have higher average household size than the MSA as a

whole, at 2.75 persons per household and 2.78 persons per household, respectively; ESRI forecasts a small increase in household size for geographies analyzed in this study.

**Figure 5: Household Trends and Estimates, 2000 to 2016**

Geography	Households			Change, 2000 to 2011			Change, 2011 to 2016		
	2000	2011	2016	Number	Percent	CAGR	Number	Percent	CAGR
MSA	1,800,263	2,095,889	2,208,824	295,626	16.4%	1.4%	112,935	5.4%	1.1%
Prince George's Co.	286,613	304,786	310,837	18,173	6.3%	0.6%	6,051	2.0%	0.4%
Share of MSA	15.9%	14.5%	14.1%						
College Park	6,032	6,671	6,665	639	10.6%	0.9%	(6)	-0.1%	0.0%
Share of County	2.1%	2.2%	2.1%						

Source: ESRI; AECOM, 2012.

The MSA has among the greatest median household incomes in the nation at \$83,080 in 2011; this compares favorably to the national average of \$50,227. Median income in the MSA grew at a rate of 2.6 percent per year since 2000, outpacing Prince George's County and College Park where incomes grew at rates of 2.4 percent and 2.1 percent, respectively. Median income in Prince George's County was \$71,971 in 2011, 13.4 percent lower than the MSA as a whole. ESRI forecasts strong growth in median household income for College Park at 3.7 percent per year from 2011 to 2016, greater than the MSA and Prince George's County.

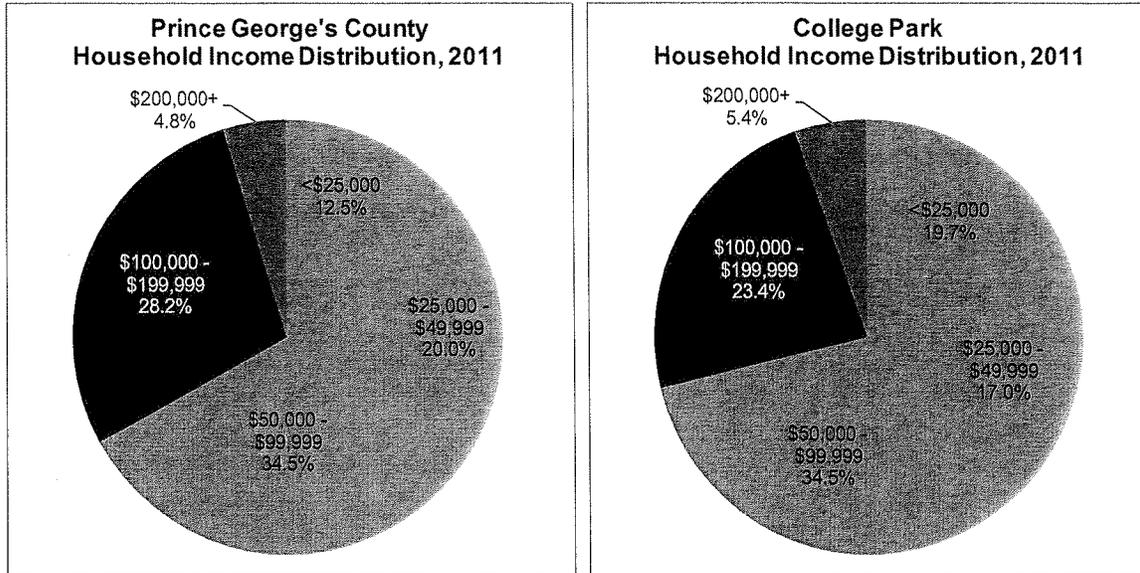
**Figure 6: Median Household Income Trends and Estimates, 2000 to 2016**

Geography	Median HH Income			Change, 2000 to 2011			Change, 2011 to 2016		
	2000	2011	2016	Number	Percent	CAGR	Number	Percent	CAGR
MSA	\$62,971	\$83,080	\$93,127	\$20,109	31.9%	2.6%	\$10,047	12.1%	2.3%
Prince George's Co.	\$55,223	\$71,971	\$82,777	\$16,748	30.3%	2.4%	\$10,806	15.0%	2.8%
College Park	\$51,684	\$64,701	\$77,451	\$13,017	25.2%	2.1%	\$12,750	19.7%	3.7%

Source: ESRI; AECOM, 2012.

Prince George's County's concentrations of households by income are geographically varied. County-wide, 33.0 percent of households earn more than \$100,000 per year; this accounts for 11.6 percent of such households in the MSA. In College Park, 11.5 percent of households earn less than \$15,000 per year, primarily due to the large student presence, while 28.8 percent earn more than \$100,000 per year.

**Figure 7: Income Distribution, Prince George's County and College Park, 2011**



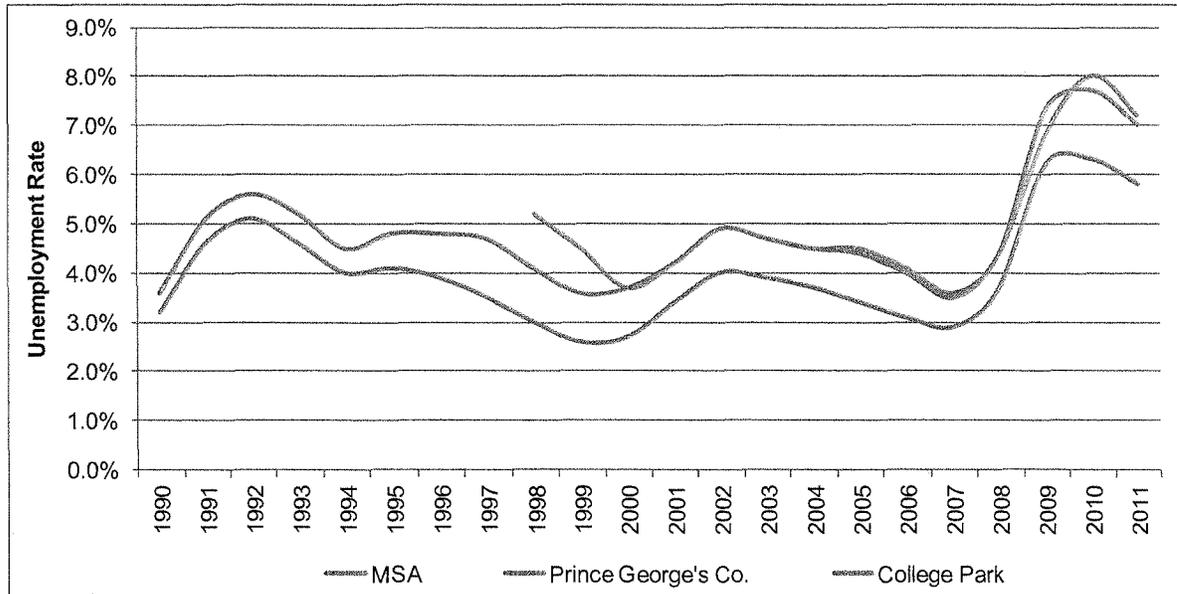
Source: ESRI; AECOM, 2013

**Employment Trends**

The MSA features one of the stronger regional economies in the nation due to the presence of the federal government and availability of a highly-educated workforce. Since 2000, the labor force in the MSA has grown to 3.17 million persons, an increase of over 500,000 during this period.

Unemployment rates tend to be relatively low, peaking at 6.3 percent during the recent recession in comparison with the national peak of 9.6 percent. Unemployment rates for the MSA have declined slightly since 2010 to average 5.8 percent in 2011. Residents of Prince George's County and College Park tend to have a higher incidence of unemployment than the MSA as a whole, with an average rate approximately one percent higher since 2000. For 2011, College Park had unemployment of 7.2 percent while Prince George's County had unemployment of 7.0 percent.

**Figure 8: Unemployment Trends, 1990 to 2011**



Source: U.S. Bureau of Labor Statistics; AECOM, 2013

Employment in Prince George’s County declined from 2005 to 2011 with the largest job losses occurring in 2009 and 2010. Between 2005 and 2007, employment in the county grew by 2,057 jobs, primarily in Local Government, Construction, and Education and Health Services sectors. The onset of the recession resulted in losses of employment in the Construction and Trade, Transportation, and Utilities sectors; since 2007, these sectors have declined by a combined 13,683 jobs in the county. The Professional and Business Services sector, a major source of demand for office space, has also declined by 5,833 employees since the start of the recession. The Education and Health Services sector has grown consistently since 2005, adding an average of 579 jobs per year. The Leisure and Hospitality sector also grew, largely as a result of development at National Harbor which launched in 2008. The Federal Government accounted for 9.2 percent of total jobs in the county in 2011, up from 8.4 percent in 2005. Federal and State Government sectors have consistently added employees in Prince George’s County despite the recession. Local Government employment has declined to 39,974 after reaching a peak of 43,189 jobs in 2008.

**Figure 9: Employment by Industry Sector, Prince George's County, 2005 to 2011**

Sector	Employment							Change, 2005 to 2011		
	2005	2006	2007	2008	2009	2010	2011	Number	Percent	CAGR
Federal Government	26,193	25,881	25,254	25,439	26,032	27,392	27,527	1,334	5.1%	0.83%
State Government	16,742	17,161	16,914	16,801	17,474	18,357	19,115	2,373	14.2%	2.23%
Local Government	37,842	39,460	41,315	43,189	42,621	41,042	39,974	2,132	5.6%	0.92%
Natural Resources and Mining	238	257	251	230	195	140	174	(64)	-26.9%	-5.09%
Construction	31,682	32,123	33,201	31,795	27,796	25,365	24,842	(6,840)	-21.6%	-3.97%
Manufacturing	11,045	10,461	10,188	9,834	9,858	9,114	7,987	(3,058)	-27.7%	-5.26%
Trade, Transportation, and Util.	62,598	61,636	62,308	60,273	57,373	57,386	56,984	(5,614)	-9.0%	-1.55%
Information	6,435	7,247	5,393	4,922	3,304	3,197	5,530	(905)	-14.1%	-2.49%
Financial Activities	13,766	13,839	13,659	12,994	12,270	11,816	11,881	(1,885)	-13.7%	-2.42%
Professional and Business Svcs.	44,249	43,117	44,036	42,596	41,116	39,549	38,203	(6,046)	-13.7%	-2.42%
Education and Health Services	25,979	26,969	27,718	28,054	29,080	29,159	29,603	3,624	13.9%	2.20%
Leisure and Hospitality	25,548	24,857	25,220	27,353	27,261	27,188	27,721	2,173	8.5%	1.37%
Other Services	10,137	9,933	10,225	9,913	9,579	9,522	9,392	(745)	-7.3%	-1.26%
Unclassified	185	2	14	3	7	0	1	(184)	-99%	-58%
<b>Total: All Sectors</b>	<b>312,639</b>	<b>312,943</b>	<b>315,696</b>	<b>313,396</b>	<b>303,966</b>	<b>299,227</b>	<b>298,934</b>	<b>(13,705)</b>	<b>-4.4%</b>	<b>-0.74%</b>

Source: Maryland Department of Labor, Licensing and Regulation; AECOM, 2012.

Average annual wages in Prince George's County have increased by 3.2 percent per year across industry sectors between 2005 and 2011. High growth sectors include Leisure and Hospitality (4.3 percent per year), Construction (3.5 percent per year), and Federal Government (3.4 percent per year) while Information and Trade, Transportation, and Utilities experienced little growth. By a large margin, the Federal Government sector has the highest average wage in the county at \$93,143 in 2011, surpassing Information (\$65,741) and Professional and Business Services (\$63,314).

**Figure 10: Average Annual Wage by Industry Sector, Prince George's County, 2005 to 2011**

Sector	Average Annual Wage							Change, 2005 to 2011		
	2005	2006	2007	2008	2009	2010	2011	Number	Percent	CAGR
Federal Government	\$76,410	\$79,140	\$82,459	\$86,257	\$88,032	\$90,385	\$93,143	\$16,733	21.9%	3.36%
State Government	\$40,422	\$42,640	\$44,724	\$45,198	\$47,078	\$45,803	\$46,409	\$5,987	14.8%	2.33%
Local Government	\$45,378	\$48,269	\$50,974	\$52,635	\$53,129	\$53,388	\$55,125	\$9,747	21.5%	3.30%
Natural Resources and Mining	\$40,827	\$45,807	\$48,325	\$46,507	\$43,573	\$37,691	\$40,734	(\$93)	-0.2%	-0.04%
Construction	\$48,379	\$50,867	\$53,447	\$55,786	\$57,785	\$57,990	\$59,382	\$11,003	22.7%	3.47%
Manufacturing	\$54,796	\$58,172	\$61,068	\$61,607	\$63,359	\$62,778	\$58,820	\$4,024	7.3%	1.19%
Trade, Transportation, and Util.	\$34,940	\$35,320	\$36,471	\$36,720	\$36,343	\$36,801	\$36,633	\$1,693	4.8%	0.79%
Information	\$63,458	\$60,345	\$66,749	\$74,617	\$71,262	\$77,739	\$65,741	\$2,283	3.6%	0.59%
Financial Activities	\$45,983	\$47,623	\$48,273	\$47,350	\$49,412	\$48,392	\$49,245	\$3,262	7.1%	1.15%
Professional and Business Svcs.	\$52,149	\$53,797	\$55,327	\$58,450	\$60,923	\$61,632	\$63,314	\$11,164	21.4%	3.29%
Education and Health Services	\$38,349	\$39,552	\$40,905	\$42,809	\$43,923	\$44,292	\$44,791	\$6,441	16.8%	2.62%
Leisure and Hospitality	\$14,951	\$15,701	\$16,105	\$17,837	\$18,032	\$18,699	\$19,248	\$4,297	28.7%	4.30%
Other Services	\$32,474	\$33,540	\$35,068	\$34,832	\$35,318	\$36,207	\$104,039	\$71,565	220.4%	21.42%
Unclassified	\$29,879	\$6,583	\$35,024	\$19,448	\$40,507	N/A	\$27,493	(\$2,386)	-8%	-1.38%
<b>Total: All Sectors</b>	<b>\$44,115</b>	<b>\$45,766</b>	<b>\$47,453</b>	<b>\$48,938</b>	<b>\$49,865</b>	<b>\$50,365</b>	<b>\$53,183</b>	<b>\$9,068</b>	<b>20.6%</b>	<b>3.16%</b>

Source: Maryland Department of Labor, Licensing and Regulation; AECOM, 2012.

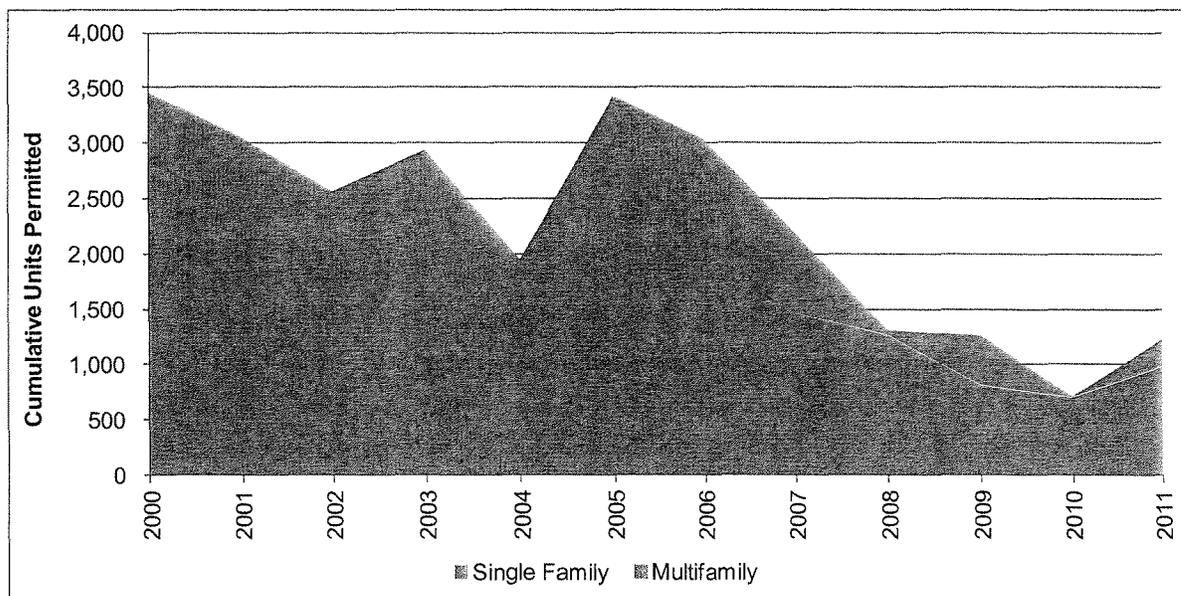
## IV. Real Estate Market Overview

Real estate trends were analyzed for residential, office, and retail markets at local and regional levels. Past results are a factor in future performance and are valuable indicators to be used in forecasting demand and absorption. Market trends are evaluated in light of College Park’s specific context, featuring a major public university with strong academic and research missions.

### Residential Market

To evaluate for-sale and rental residential market trends for Prince George’s County and selected submarkets, AECOM consulted a range of data sources to examine permitted units, new and existing home sales, and rental absorption and vacancy rates. Residential building permit activity in Prince George’s County, as tracked by the U.S. Census Bureau, has fluctuated over the last decade, peaking in 2005 and declining through 2010 as a result of the recession. Overall, the county permitted an annual average of 2,258 units from 2000 to 2011. The number of permits issued in the county declined from 3,425 in 2005 to 707 in 2010, a drop of 79 percent. An increase was seen in 2011 with 1,227 units permitted; however, this figure remains significantly below pre-recession levels. Single-family units accounted for 92 percent of permits issued from 2000 to 2011. However, multifamily units have become a progressively more popular choice; their share of all units increased to 22 percent starting in 2007.

**Figure 11: Housing Permits Issued, Prince George’s County, 2000 to 2011**

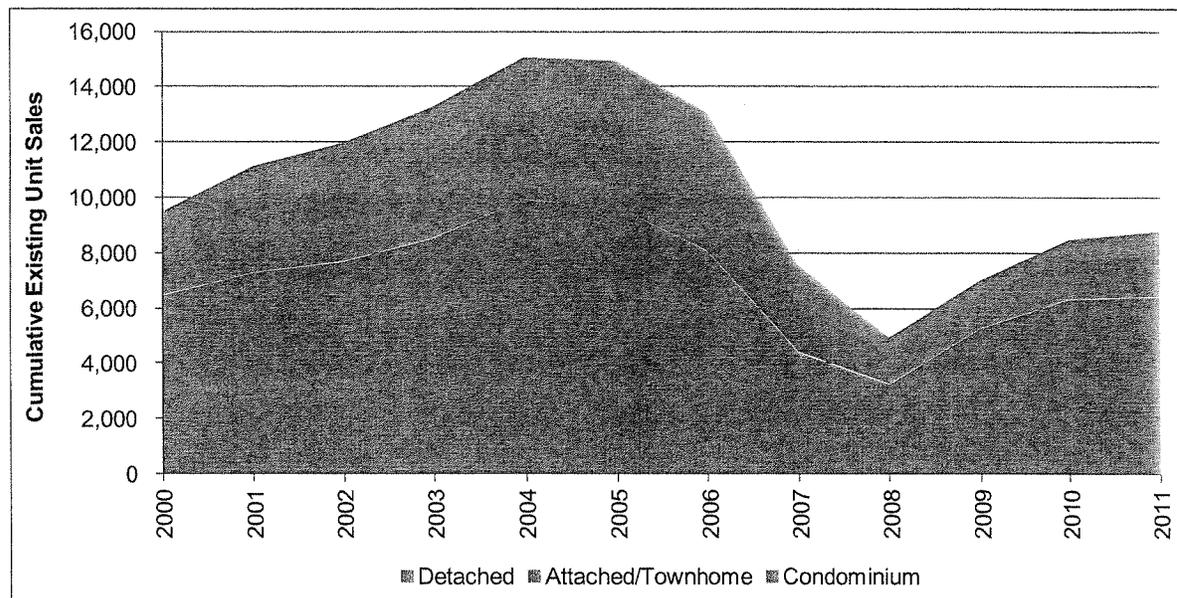


Source: U.S. Census Bureau; AECOM, 2013.

Sales of existing homes in Prince George’s County are tracked by Real Estate Business Intelligence, a subsidiary of Metropolitan Regional Information Systems (MRIS), the metropolitan area’s multiple

listing service (MLS). Sales of existing units increased steadily from 2000 to 2004, reaching a peak of 15,077 annual sales in 2004. Sales volumes remained relatively strong through 2006 before declining substantially due to the recession, hitting a low of 4,921 sales in 2008. Sales have increased moderately since reaching 8,778 units sold in 2011. From 2000 to 2011, sales of single-family detached units accounted for 66 percent of sales, followed by 22 percent attached/townhome units, and 12 percent multifamily condominiums. During this period, median sales prices for attached/townhome units ranged from \$150,000 to \$200,000 while median sales prices for condos ranged from \$100,000 to \$150,000.

**Figure 12: Existing Home Sales, Prince George's County, 2000 to 2011**

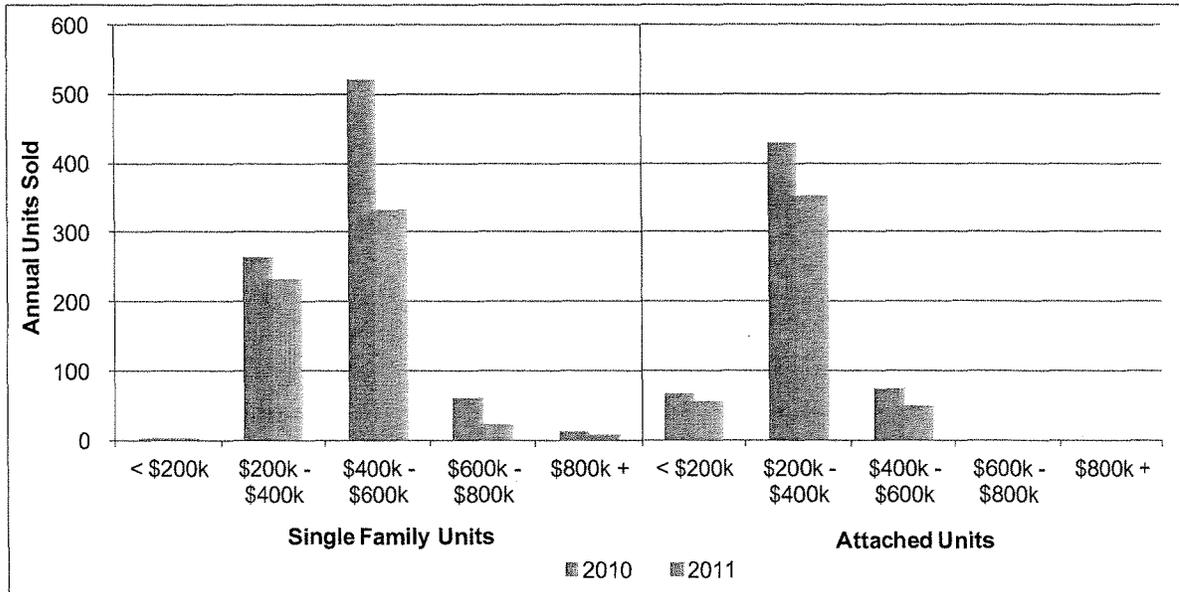


Source: MRIS; AECOM, 2013

Hanley Wood Market Intelligence provided data regarding sales of new homes in 2010 and 2011 in Prince George's County. During 2010, a total of 1,436 new home sales occurred in the county, including 575 attached units (including multifamily units) and 861 single family units. New home sales declined to 1,047 units in 2011, including 466 attached units and 601 single-family units. Units priced between \$400,000 and \$600,000 accounted for 58 percent of single-family sales during this two-year period with the majority of remaining single-family units priced from \$200,000 to \$400,000. The large majority of new single-family units sold occurred outside the Beltway, including 235 units sold in Upper Marlboro (ZIP Code 20774) and 251 units sold in Brandywine (ZIP Code 20613). Units priced from \$200,000 to \$400,000 accounted for 75 percent of attached unit sales in 2010 and 2011. Again, areas outside the Beltway accounted for the majority of attached units sold with 151 units sold in Upper Marlboro (ZIP Code 20774), 102 units sold in Brandywine (ZIP Code 20613), and 70 units sold

in Bowie (ZIP Code 20720). Areas within the Beltway seeing significant sales of new attached units in 2010 and 2011 include Capitol Heights (ZIP Code 20743) with 74 units sold and Hyattsville (ZIP Code 20781) with 46 units sold.

**Figure 13: New Home Sales, Prince George's County, 2010 and 2011**



Source: Hanley Wood Market Intelligence; AECOM, 2013

With a limited supply of new for-sale product in the immediate study area, AECOM acquired statistics for a number of recent, nearby townhome and condominium projects. Arts District Hyattsville, located along Route 1 approximately three miles from the site, includes two townhome projects, the first developed by EYA and the second by Pulte Homes. The two developments account for 312 planned units, each with average living area of 1,600 square feet per unit. The EYA community sold out over a five year period equating to 2.7 units sold per month. The Pulte project is currently selling at a rate of 1.9 units per month with 153 units remaining for sale. The two nearest condominium projects to the site are located in the University Town Center project, within walking distance of the Prince George's Plaza Metro station. Coming to market in 2007 as the recession took hold, unit sales were slow and ultimately led to foreclosure of these buildings. Seventy-five units in One Independence Plaza sold over a five year period at an average price of \$292,777 per unit. None of the high-end units in Plaza Lofts 22 sold prior to bank auctions, suggesting initial list prices were significantly higher than prevailing market rates.

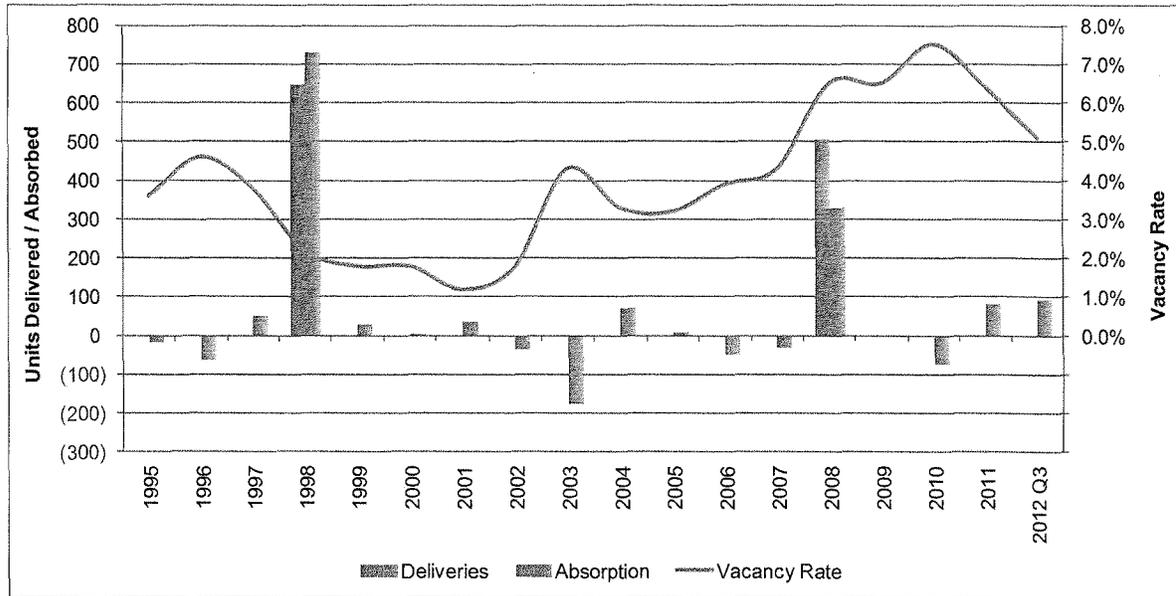
**Figure 14: Statistics for Selected For-Sale Projects**

	Key Dates		Unit Sales			Average Sales Price	
	Open	Close	Total Units	Units Sold	Sales Rate	Per Unit	Per Sq. Ft.
<b>Townhome</b>							
Arts District Hyattsville/ EYA	5/2006	7/2011	140	140	2.7	\$451,701	\$285
Arts District Hyattsville/ Pulte Homes	6/2011	Selling	172	19	1.9	\$350,144	\$219
<b>Condominium</b>							
One Independence Plaza	1/2007	Selling	112	75	1.2	\$292,777	\$333
Plaza Lofts 22	6/2007	Selling	22	0	N/A	\$572,635 (List Price)	N/A

Source: Hanley Wood; AECOM, 2012.

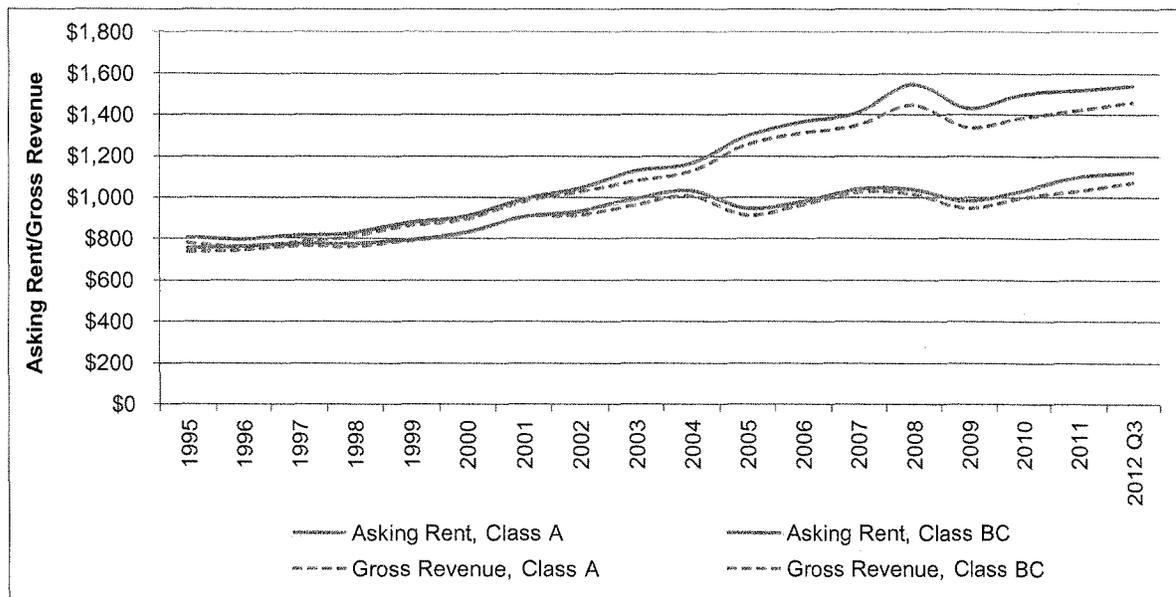
The rental residential market analysis evaluates trends based on REIS data covering the period from 1995 to the third quarter of 2012. Data reflects the REIS “College Park/Greenbelt” submarket which includes College Park, Greenbelt, Berwyn Heights, and Beltsville. REIS segments apartment data by class with Class A properties being recently built or distinguished by high rents, size, or amenities. The College Park/Greenbelt submarket contains a total of 12,439 market-rate rental units, of which 59 percent are categorized as Class A. The stock of Class A units has risen modestly since 1995 while Class B/C inventory has remained stable. Key deliveries to the submarket include Wynfield Park in 1998 (300 units) and Camden College Park in 2008 (508 units). Net absorption of Class A units has averaged 55 units per year since 1995 with peaks in 1998 and 2008 due to significant completions. Vacancy rates have ranged from a minimum of 1.2 percent in 2001 to a high of 7.5 percent in 2010. Asking rents for Class A apartments in College Park/Greenbelt have grown significantly since 1995, increasing at an average annual rate of 3.8 percent before adjusting for inflation. Asking rents dipped slightly during the recession but have recovered to 2008 levels. Class B/C asking rents have grown at an average rate of 2.3 percent since 1995. Current rent concessions for Class A units are equivalent to 5.1 percent of asking rents.

**Figure 15: Deliveries, Absorption, and Vacancy Rate Trends, Class A Apartments, College Park/Greenbelt Submarket, 1995 to 2012**



Source: REIS; AECOM, 2013.

**Figure 16: Apartment Asking Rents and Gross Revenue, College Park/Greenbelt Submarket, 1995 to 2012**



Source: REIS; AECOM, 2013.

## Office Market

AECOM evaluated office market trends for the MSA, Prince George’s County, and the City of College Park. CoStar was the primary source of office market data, providing key metrics including rentable building area (RBA), vacancy rates, and asking rents. Data was available for the period from 1993 through the third quarter of 2012. The MSA contains 475 million square feet of office RBA, including 250 million square feet of Class A space. The supply of office space in the MSA has grown by 91 million square feet since 2000, with the greatest increases seen from 2000 to 2002 and 2006 to 2008. Prince George’s County accounts for 5.6 percent of office space in the MSA, down from 6.5 percent in 1995. The county has added 2.96 million square feet of leasable office space since 2000 with significant additions in Bowie, Lanham, and Largo. The City of College Park comprises 5.7 percent of the county office supply with 1.53 million square feet of RBA. Four office buildings totaling 592,439 square feet have been developed in College Park since 2000, all within the M Square research park.

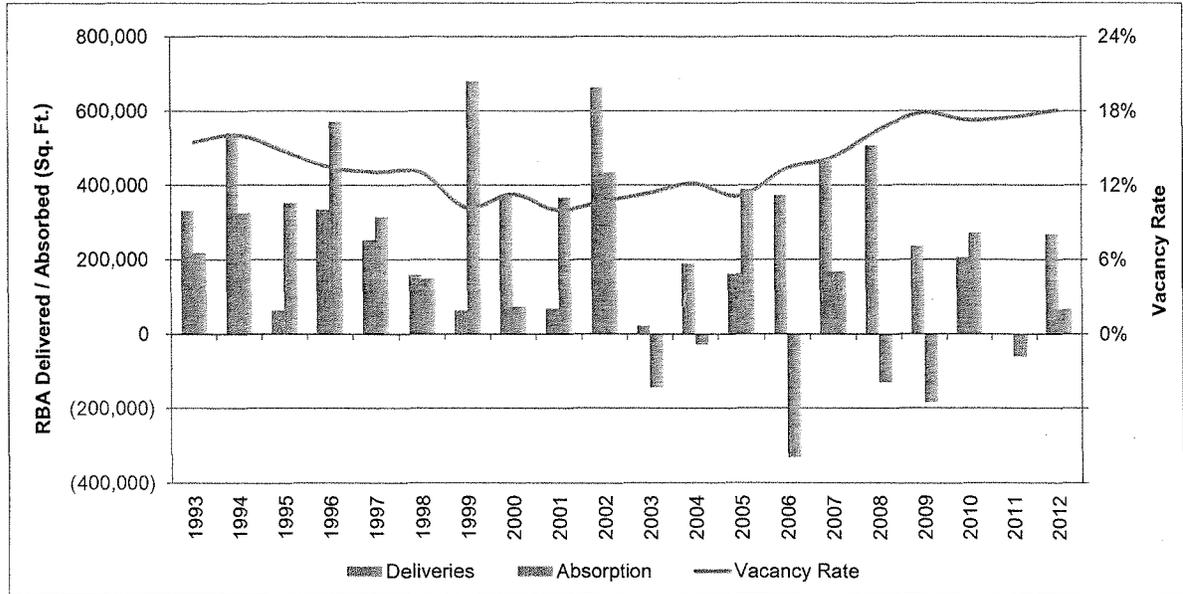
**Figure 17: Office Rentable Building Area, 1995 to 2012**

Geography	Rentable Building Area					Change, 1995 to 2012		
	1995	2000	2005	2010	2012	Number	Percent	CAGR
MSA	350,495,059	384,632,732	430,137,634	472,732,781	475,360,502	124,865,443	35.6%	1.8%
Prince George's Co.	22,608,357	23,749,594	24,853,631	26,441,525	26,709,027	4,100,670	18.1%	1.0%
Share of MSA	6.5%	6.2%	5.8%	5.6%	5.6%			
College Park	931,483	942,283	1,022,960	1,265,960	1,534,722	603,239	64.8%	3.0%
Share of County	4.1%	4.0%	4.1%	4.8%	5.7%			

Source: CoStar; AECOM, 2012.

Since 2000, a total of 84 million square feet of new Class A office space has been delivered within the MSA. An annual average of 272,458 square feet has been delivered in Prince George’s County since 2000 versus average absorption of 68,721 square feet. The discrepancy between deliveries and absorption has led to rising vacancy rates in the county, from ten percent in 2001 to 18 percent as of the third quarter of 2012. Prince George’s County has 1.74 million square feet of vacant Class A space, equating to a vacancy rate of 20 percent. Areas with substantial Class A vacancies include Greenbelt, Upper Marlboro, and Landover. Vacancies proximate to Metro can be found near Prince George’s Plaza, Largo Town Center, and New Carrollton stations. College Park has experienced stronger than average office market performance, largely driven by development activity at M Square; College Park has seen net absorption of 570,830 square feet of Class A space since 2000. With large office vacancies at the county level, development of new space is likely to be constrained in the near-term.

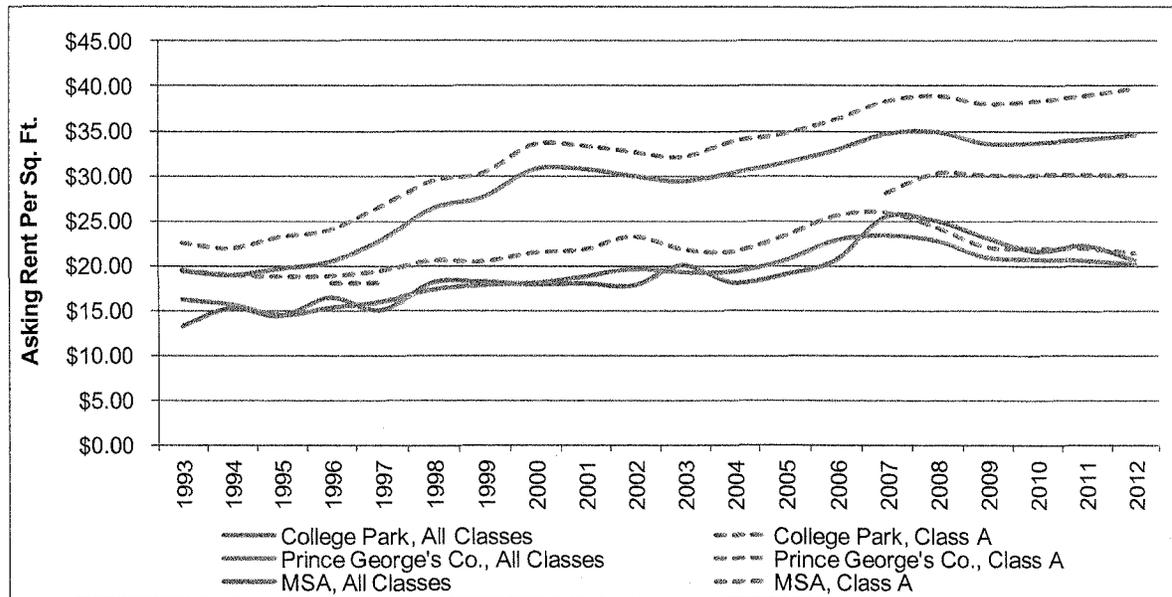
**Figure 18: Office Deliveries, Absorption, and Vacancy Rate, Prince George's Co., 1993 to 2011**



Source: CoStar Property; AECOM, 2013

Office asking rents in the MSA have grown at an annual rate of 1.0 percent since 2000, reaching \$34.47 per square foot in the third quarter of 2012. Class A rents are 15 percent higher than average at \$39.66 per square foot. In Prince George's County, rapid rent growth from 2000 to 2007 was followed by a significant decline in the face of the recession; overall, asking rents in the county have grown more slowly than the MSA at an annual average of 0.9 percent. Overbuilding of Class A space is a prime cause of this dynamic with high vacancy rates post-2007 corresponding with a spread of just 5.7 percent between Class A asking rents and average rents across all classes.

**Figure 19: Weighted Average Asking Rent (Full-Service), 1993 to 2012**



Source: CoStar Property; AECOM, 2013

The federal government has a significant footprint in Prince George's County with 36 buildings with over 4.4 million square feet of floor area. The largest concentration of owned buildings is located at the Suitland Federal Complex with over 2.4 million square feet of building area; this location contains the headquarters of the U.S. Census Bureau and the National Archives Washington Records Center. The Food and Drug Administration (FDA) Center for Food Safety and Applied Nutrition is the sole GSA facility located in College Park.

**Figure 20: Major GSA-Owned Properties in Prince George's County**

Tenant Agency	Address	City	Bldg. Type	Yr. Built	Square Feet
IRS	5000 Ellin Rd	Lanham	Office	1997	1,111,470
National Archives	4205 Suitland Rd	Suitland	Warehouse	1967	798,139
U.S. Census Bureau	4600 Silver Hill Rd.	Suitland	Office	2006	728,085
U.S. Census Bureau	4600A Silver Hill Road	Suitland	Office	2006	682,903
FDA	5100 Paint Branch Pky	College Park	Office	2001	371,667
Department of Justice	6500 Cherrywood Lane	Greenbelt	Courthouse	1994	223,378
NOAA	4231 Suitland Rd	Suitland	Office	2006	219,253
U.S. Census Bureau	17101 Melford Blvd	Bowie	Office	1997	122,114

Source: GSA; AECOM, 2012.

## Retail Market

Retail market trends were evaluated for the MSA, Prince George's County, and the City of College Park. CoStar was the primary source of retail market data, providing key metrics including gross leasable area (GLA), vacancy rates, and asking rents. Data were available for the period from 2006

through the third quarter of 2012. The MSA has 256 million square feet of retail GLA, representing growth of 16 million square feet since 2006. Prince George's County accounts for 15.9 percent of retail space in the MSA with 40 million square feet of GLA. The county has added 2.20 million square feet of leasable space since 2006 with major projects such as Vista Gardens Marketplace, Woodmoore Towne Centre, and Target stores in Bowie and Brandywine. The City of College Park accounts for 6.3 percent of county retail space with 2.56 million square feet of GLA.

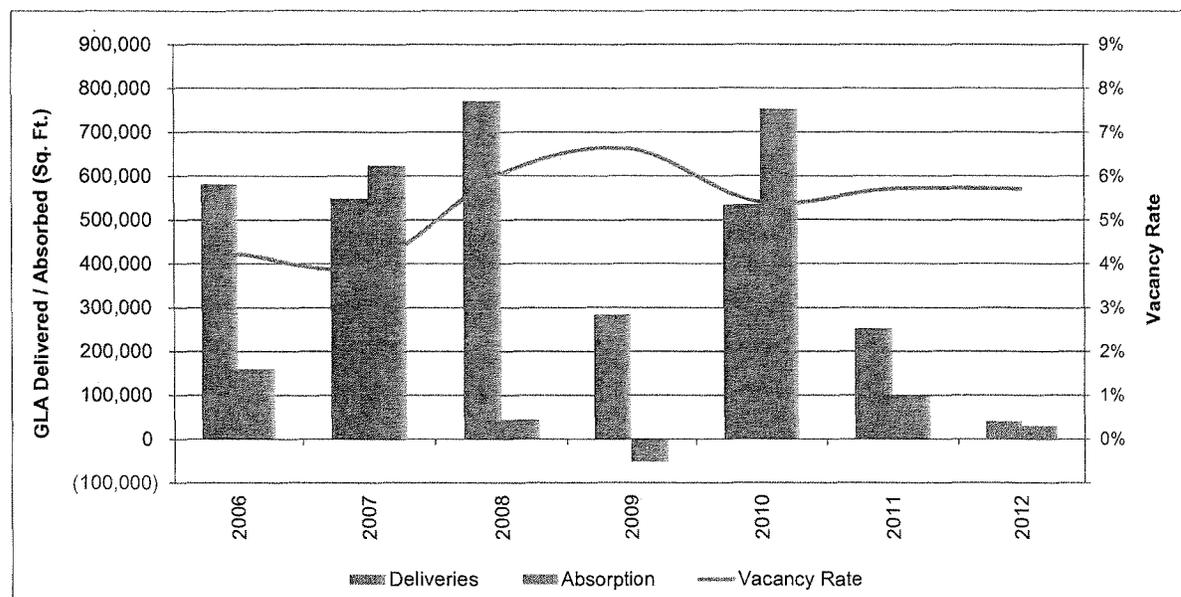
**Figure 21: Retail Gross Leasable Area, 2008 to 2012**

Geography	Gross Leasable Area					Change, 2008 to 2012		
	2008	2009	2010	2011	2012	Number	Percent	CAGR
MSA	251,704,217	253,983,717	255,188,765	255,868,770	256,151,409	4,447,192	1.8%	0.4%
Prince George's Co.	40,025,875	40,224,633	40,502,428	40,738,899	40,770,339	744,464	1.9%	0.5%
Share of MSA	15.9%	15.8%	15.9%	15.9%	15.9%			
College Park	2,565,691	2,565,219	2,553,863	2,562,839	2,562,839	(2,852)	-0.1%	0.0%
Share of County	6.4%	6.4%	6.3%	6.3%	6.3%			

Source: CoStar; AECOM, 2012.

Retail deliveries in Prince George's County have averaged 430,944 square feet annually since 2006 compared to average absorption of 237,041 square feet; accordingly, retail vacancy rates have increased from 4.2 percent in 2006 to 5.7 percent in 2012. Absorption and vacancy rates in College Park have fluctuated substantially from year to year with significant losses in 2008 and 2009 balanced by a moderate recovery over the next three years; vacancy rates in the city currently sit at 5.6 percent.

**Figure 22: Retail Deliveries, Absorption, and Vacancy Rate, Prince George's Co., 2006 to 2012**



Source: CoStar Property; AECOM, 2013

Seven retail nodes exist within the retail market area for the site, defined as a 7-minute drive time. Data regarding retail tenants was derived from the "Route One Communities Retail Market Study" (April 2012) along with fieldwork conducted by AECOM from December 2012 to January 2013. The retail nodes vary widely in terms of age, quality, range of retail categories offered, and access to transit and transportation networks. Generally, major big box retailers are well-represented in the surrounding market, with multiple Target and Staples stores as well as Best Buy and Home Depot. Shopping centers in the area tend to feature national chains plus a significant share of independent retailers. Brief descriptions of each retail node follow:

- **Downtown College Park:** Located one mile from the site, Downtown College Park contains a concentration of restaurants, including fast food (Subway), fast casual (Chipotle, Five Guys, Potbelly), and sit-down restaurants (Applebee's, Ledo's Pizza). National chains and local retailers are both well-represented, but significant turnover tends to be seen among less-established restaurants. Currently, Downtown College Park is likely to be a primary location for restaurant expenditures from employees near the site.
- **Campus Village/The Varsity:** This retail concentration includes the Campus Village shopping center, developed in 1986, as well as more recently developed retail on the ground floor of The Varsity student housing project. Campus Village is largely focused on food service establishments with a total of seven restaurants, including fast food and sit-down options; vacancies are significant with five available spaces. The Varsity includes more than 20,000 square feet of retail space primarily oriented towards dining and convenience options well-suited for nearby student populations.
- **Riverdale Plaza Shopping Center:** Situated near the intersection of Kenilworth Avenue and East West Highway, 1.8 miles from the site, Riverdale Plaza is an aging shopping center largely tenanted by independent retailers and Latino groceries. Five spaces are currently vacant.
- **Prince George's Plaza/University Town Center:** Located within walking distance of the Prince George's Plaza Metro station, three retail concentrations existing within close proximity: The Mall at Prince George's; Metro Shops; and University Town Center. The Mall at Prince George's is anchored by Target, Macy's, and JCPenney as well as discount retailers Ross and Marshalls; independent local retailers occupy the majority of inline spaces. The Metro Shops center, which includes Bob's Discount Furniture and Staples, is located immediately adjacent to the Metro station as well as more than 200 recently developed residential units. University Town Center is a mixed-use project featuring 134 market-rate residential units, 910 student housing beds, more than 1.2 million square feet of office space,

and more than 100,000 square feet of retail and entertainment space. While a number of fast casual (Qdoba, Five Guys) and sit-down restaurants (Hank's Tavern and Eats, Carolina Kitchen) remain, the retail space in this development has seen substantial turnover since opening in 2007 and currently has eight vacant storefronts.

- **Hyattsville Arts District:** A new mixed-use development, the Arts District is located along Baltimore Avenue in Hyattsville, 2.4 miles from the site. Retail available in the Arts District serves as an amenity for nearby residential development which includes over 300 townhomes and 200 rental apartments. Retail is anchored by Yes! Organic Market and a Busboys and Poets restaurant and also features chain restaurants, including Chipotle, Elevation Burger, and Tara Thai. Rent discounts were reportedly provided to primary tenants to ensure a sufficient retail amenity base for newly developed residential product.
- **Beltway Plaza:** Developed in 1980, Beltway Plaza is a shopping mall anchored by Giant Food, Target, and Burlington Coat Factory located 2.7 miles from the site. The interior of the mall is primarily occupied by independent retailers while pad sites along Greenbelt Road feature national restaurant and bank tenants. The departures of Sears Home Appliance, Quiznos, and Jeepers have created a moderate level of vacancy.
- **College Park Marketplace:** Located at the interchange between Route One and Interstate 495, College Park Marketplace features major big box tenants Home Depot and Best Buy along with one of the nearest major grocery stores to the site, Shoppers. There are not currently any vacant spaces, and area brokers report rents as high as \$50 per square foot.

**Figure 23: Key Retail Nodes in Retail Market Area**

<b>Name</b>	<b>Distance from Site</b>	<b>Year Built</b>	<b>Anchors</b>	<b>Categories Available</b>
Downtown College Park	1.0 miles	1918-2011	CVS; Ledo's Pizza; Rugged Warehouse	Full- and Limited-Service Restaurants; General Merchandise; Services
Campus Village/The Varsity	1.4 miles	1986-2011	Looney's Pub; Royal Farms	Full- and Limited-Service Restaurants; General Merchandise
Riverdale Plaza Shopping Center	1.8 miles	1966	CVS; IHOP; Megamart	Grocery; Limited-Service Restaurants; Services
Prince George's Plaza/University Town Center	2.3 miles	1957-2007	Target; Macy's; Regal Cinema	General Merchandise; Entertainment; Full- and Limited-Service Restaurants; Services
Hyattsville Arts District	2.4 miles	2007-2011	Yes! Organic Market; Busboys and Poets	Grocery; Full- and Limited-Service Restaurants; General Merchandise; Services
Beltway Plaza	2.7 miles	1980	Target; Giant; Academy Stadium Theaters	Grocery; General Merchandise; Entertainment; Full- and Limited-Service Restaurants; Services
College Park Marketplace	3.1 miles	1998-1999	Home Depot; Best Buy; Shoppers	Grocery; Electronics; Home Improvement; Full- and Limited-Service Restaurants

Source: Route One Communities Retail Market Study; AECOM, 2012.

## V. Market Demand Analysis

AECOM analyzed potential demand for residential, office, and retail development in the study area over a period from 2013 to 2023. This analysis synthesizes demographic and economic trends, real estate market conditions, and study area context to estimate absorption during the next ten years.

### Residential Demand

AECOM analyzed demand for new market-rate residential units in Prince George's County from 2013 to 2023 based on key metrics such as in-migration of new households, population growth, and turnover of existing households within the county. These metrics were generated using data from IRS Migration Profiles and the U.S. Census Bureau American Community Survey. Households moving to and within Prince George's County were segmented using ESRI Tapestry psychographic data to determine preferred housing type, tenure (i.e., renter or owner), and average household income. Further analysis of the competitive environment and strengths and weaknesses of the study area resulted in estimates of the likely capture of residential absorption.

In-migrating households to Prince George's County are a potential source of residential demand for the study area. IRS Tax Returns data from the Missouri Census Data Center indicates that an average of 24,465 households migrated into Prince George's County each year from 1999 to 2010. Households migrating into Prince George's County represent 66 percent of demand for new for-sale residential units and 30 percent of demand for rentals. Out-migration from the county has been strong, however, resulting in negative net household migration from 1999 to 2010; this trend results in vacancies of existing homes. The District of Columbia and Montgomery County are the primary sources of in-migrating households and also the destinations of the most out-migrating households. A significantly greater number of households are moving from the District to Prince George's County than are moving out each year; roughly even numbers move to and from Montgomery County.

**Figure 24: Top Household In-Migration Sources, 1999 to 2010**

Rank	Name	Avg. Ann'l. In-Migration
1	District Of Columbia, DC	5,475
2	Montgomery, MD	4,243
3	Anne Arundel, MD	1,343
4	Fairfax, VA	1,010
5	Charles, MD	864
6	Howard, MD	758
7	Baltimore, MD	449
8	Alexandria, VA	356
9	Arlington, VA	356
10	Baltimore City, MD	227

Source: IRS; AECOM, 2012.

**Figure 25: Top Household Out-Migration Destinations, 1999 to 2010**

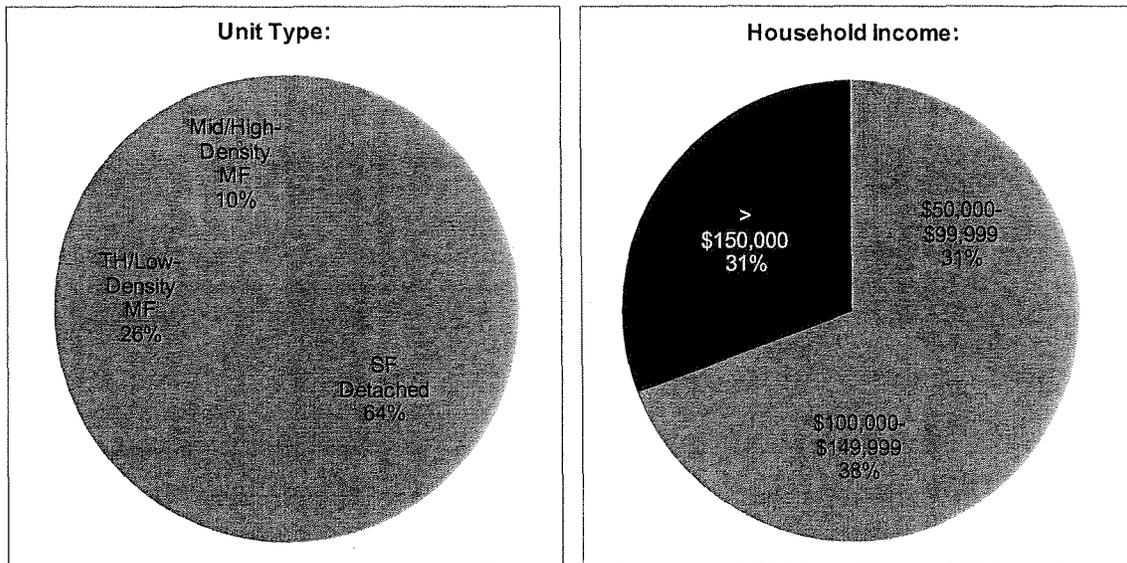
<b>Rank</b>	<b>Name</b>	<b>Avg. Ann'l. Out-Migration</b>
1	Montgomery, MD	4,210
2	District Of Columbia, DC	3,603
3	Anne Arundel, MD	2,423
4	Charles, MD	1,812
5	Howard, MD	1,342
6	Fairfax, VA	999
7	Baltimore, MD	609
8	Calvert, MD	485
9	Baltimore City, MD	328
10	Arlington, VA	282

Source: IRS; AECOM, 2012.

Current residents who are looking to move to another unit within Prince George's County represent another potential source of residential demand. Data from the 2010 American Community Survey for Prince George's County indicates that seven percent of households living in owner-occupied housing moved within the last year compared to 28 percent of renters. Out of moving households, 52 percent of owners and 63 percent of renters moved to another residential unit within the same county. Churn of current resident households represents 34 percent of demand for new for-sale residential units and 70 percent of demand for rentals.

Annual demand for new housing in Prince George's County is forecast at 2,067 units in 2013 with demand for a total of 21,720 new units projected through 2023. Average demand for ownership units is estimated at 1,554 units per year with single-family detached units, a development type not compatible for the study area, accounting for 64 percent of ownership demand. Annual demand for for-sale townhomes and low-density multifamily units averages 398 units on the county level while mid- to high-density multifamily demand averages 162 units. Households earning between \$50,000 and \$100,000 account for 48 percent of demand for ownership townhomes and multifamily units while the remaining demand is from households earning more than \$100,000 per year; these income ranges suggest strong potential demand for units priced from \$250,000 to \$400,000.

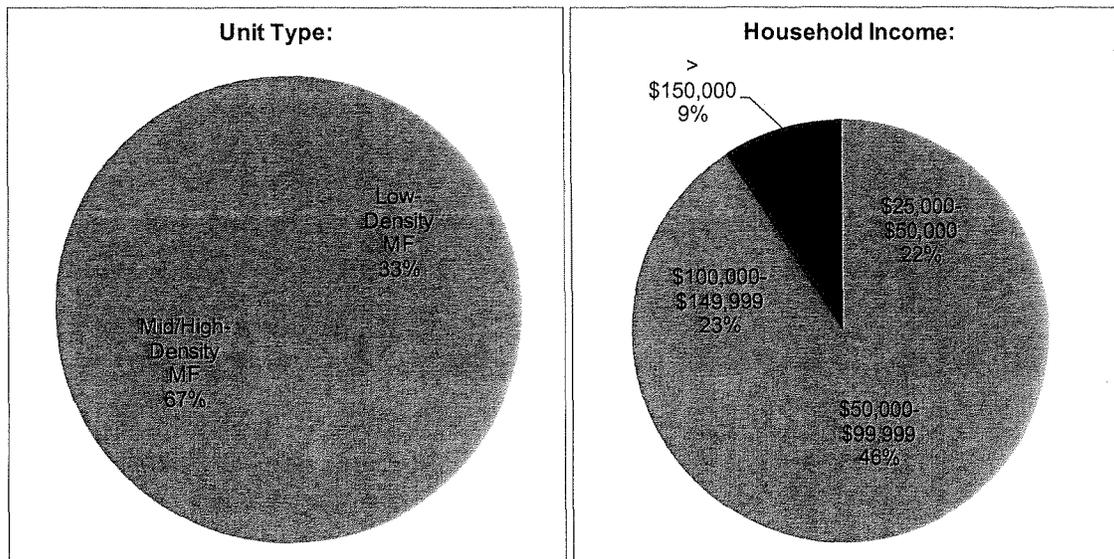
**Figure 26: Annual Demand for Ownership Units by Unit Type and Household Income, Prince George's County**



Source: AECOM, 2013

Average demand for rental multifamily units is estimated at 618 units per year at the county level. Low-density multifamily units account for 33 percent of annual rental demand at 205 units and mid- to high-density multifamily units account for the remaining 67 percent at 413 units. Households earning between \$50,000 and \$100,000 account for 46 percent of demand for rental units, equating to monthly rent of approximately \$1,250 to \$1,750.

**Figure 27: Annual Demand for Rental Units by Unit Type and Household Income, Prince George's County**



Source: AECOM, 2013

**Figure 28: Demand for Ownership and Rental Units by Type, Prince George's County, 2013 to 2023**

Tenure	Type	Units		Summary	
		2013-2018	2018-2023	Total	Annual
For-Sale	TH/Low-Density MF	1,978	1,997	3,975	398
	<u>Mid/High-Density MF</u>	807	815	<u>1,622</u>	<u>162</u>
	Total	2,785	2,812	5,597	560
Rental	Low-Density MF	1,018	1,033	2,052	205
	<u>Mid/High-Density MF</u>	<u>2,050</u>	<u>2,080</u>	<u>4,130</u>	<u>413</u>
	Total	3,068	3,114	6,182	618

Source: AECOM, 2012.

Existing housing stock, development patterns, and planned developments in College Park and the surrounding area were analyzed to estimate potential capture of county-wide demand for residential units. Trends in College Park and six nearby places (Hyattsville, University Park, Beltsville, Greenbelt, Berwyn Heights, and Riverdale Park) were reviewed; these jurisdictions are located in close proximity and share common transportation connections, including the Green Line, US-1, MD-410, MD-193, and MD-201. This submarket, largely comprised of established communities, accounts for nine percent of ownership units and 14 percent of rental units in the county. College Park accounts for 21 percent of units within the submarket.

College Park and the surrounding submarket have had a number of new residential developments in recent years, establishing the submarket as a target for growth within the developed tier of the county. Since 2000, the submarket accounted for 25 percent of market-rate apartment deliveries in the county according to data from CoStar. Notable rental projects delivered in the submarket during this period include Camden College Park, Mosaic at Metro, and Post Park. The share of market-rate rentals is likely to increase with the deliveries of The Domain at College Park and Palette at Arts District during 2013. For-sale product has seen mixed results in the submarket due to macroeconomic and project-specific causes, as described in the Real Estate Market Overview. Nonetheless, the submarket accounted for more than eight percent of sales of new attached units during 2010 and 2011. Major planned and proposed projects in the submarket, such as the Cafritz Property and College Park and Greenbelt Metro station developments, may further enhance the image of the submarket as well as provide additional amenities to potential residents.

Estimates of residential demand for the submarket and City of College Park were developed under the assumption that these geographies will be able to achieve growth in capture rates over historic averages on the basis of proximity to major activity centers, transit access, and eventual completion of the Purple Line. The submarket is estimated to capture 10 percent of townhome and multifamily

sales in the county from 2013 to 2018 with capture growing to 15 percent from 2018 to 2023. College Park is estimated to capture 30 percent of submarket ownership demand, equating to absorption of 210 units from 2013 to 2023. Townhomes are forecast to account for 71 percent of sales with mid- to high-density multifamily units accounting for the remaining 29 percent. The submarket is estimated to capture 25 percent of rental demand from 2013 to 2018, comparable to the last decade, with an increase to 35 percent from 2018 to 2023. College Park is estimated to capture 35 percent of submarket rental demand, equating to absorption of 650 units from 2013 to 2023.

**Figure 29: Capture of Ownership and Rental Units, College Park, 2013 to 2023**

<b>College Park Demand</b>	
For Sale	210
Rental	650
Total	860

<b>Development of this number of units:</b>	<b>Requires this share of College Park-wide demand:</b>
100	11.6%
200	23.3%
300	34.9%
400	46.5%
500	58.1%
600	69.8%
700	81.4%
800	93.0%

Source: AECOM, 2012.

The study area faces competition from several upcoming projects in College Park, including The Domain (256 units) and the Fairfield/Manekin project adjacent to the Metro station (290 units, estimated). Assuming these projects come online as planned, demand for 314 additional units exists over the study timeframe. For-sale townhomes and condominiums would account for 67 percent of potential demand on site with the remaining 33 percent allocated to rental multifamily.

Upside for additional residential units in the study area may result from demand from University of Maryland students and faculty or induced demand from completion of the Purple Line. While the study focuses on market-rate housing, student housing is a major driver of development with University View, The Varsity, The Enclave, Mazza Grandmarc, and the Towers at University Town Center, significantly expanding the supply of off-campus housing in recent years. A number of additional student housing projects are planned in College Park, including the Maryland Book

Exchange redevelopment, University View Village, and East Campus. Due to its further distance from campus and limited walkability, the study area does not provide the most ideal location for student housing in comparison with planned projects. Potential demand for student housing in the study area should be evaluated in context of near-term projected growth in University of Maryland enrollment as well as the performance of upcoming developments.

Demand may also exist for faculty housing in the College Park area since only approximately 20 percent of the University's 10,810 employees live in College Park or adjacent municipalities. University-sponsored programs, such as rental housing, loan programs, or ground-lease arrangements, would likely need to be implemented in order to drive demand to the study area. Draft findings from the faculty housing market analysis conducted by Anderson Strickler, LLC indicate a faculty preference for single-family detached units. Expansion of transit access via the Purple Line may also enhance residential demand in the study area. Currently, construction of the Purple Line is set to begin in 2015 with completion in 2020. By establishing strong transit connections from College Park to key population and employment centers in Montgomery County, including Bethesda and Silver Spring, the Purple Line is likely to make commuting to these places a significantly easier and more viable option.

### **Office Demand**

Demand for new office space was analyzed on the basis of employment growth in industry sectors with a high proportion of office-using employees, such as Financial Activities, Professional and Business Services, and the Federal Government. To determine the potential level of demand for office space in the study area, AECOM analyzed employment projections from Woods & Poole for Prince George's County. Total employment growth rates were adjusted to reflect the Maryland Department of Labor, Licensing and Regulation's "Job Outlook 2008-2018" for the county. Average ratios of office users to total employment by sector were developed through analysis of BLS employment data at the subsector level. These ratios, which range from 85 percent for Financial Activities to 25 percent for Education and Health Services, were applied to determine how many new employees would typically occupy office space; a factor of 250 square feet per office-using employee was used to determine space required.

**Figure 30: Full-Time Employment Growth Forecast by Sector, Prince George's County, 2013 to 2023**

Sector	Number			Change		
	2013	2018	2023	Number	Percent	CAGR
Federal Government	27,544	27,535	27,475	(69)	-0.3%	-0.03%
State and Local Government	61,334	65,110	69,111	7,777	12.7%	1.20%
Natural Resources and Mining	171	165	160	(11)	-6.3%	-0.64%
Construction	25,562	26,764	27,990	2,427	9.5%	0.91%
Manufacturing	8,014	8,035	8,019	5	0.1%	0.01%
Trade, Transportation, and Utilities	57,818	59,156	60,368	2,550	4.4%	0.43%
Information	5,543	5,557	5,556	13	0.2%	0.02%
Financial Activities	12,060	12,336	12,587	527	4.4%	0.43%
Professional and Business Services	39,856	42,701	45,814	5,958	14.9%	1.40%
Education and Health Services	31,342	34,344	37,647	6,306	20.1%	1.85%
Leisure and Hospitality	28,474	29,703	30,947	2,472	8.7%	0.84%
<u>Other Services</u>	<u>9,911</u>	<u>10,798</u>	<u>11,760</u>	<u>1,848</u>	<u>18.6%</u>	<u>1.72%</u>
<b>Total: All Sectors</b>	<b>307,630</b>	<b>322,205</b>	<b>337,433</b>	<b>29,803</b>	<b>9.7%</b>	<b>0.93%</b>

1/ Employment growth forecasts adjusted by 65% percent factor to reflect DLLR near-term Job Outlook report.  
 Source: Woods & Poole; Maryland Department of Labor, Licensing and Regulation; AECOM, 2012.

Historic office absorption rates from CoStar were compared against employment-based demand estimates from 1995 to 2011 to benchmark findings. Historic net absorption averaged 170,282 square feet per year compared with employment-based demand of 160,459 square feet per year, a difference of six percent. This factor was applied to market-wide demand forecasts to adjust findings for the office configurations typical of Prince George's County.

**Figure 31: Employment-Based Demand for Office Space, Prince George's County, 2013 to 2023**

Sector	Percent Office Users	Number /1 /2		Growth	
		2013-2018	2018-2023	Total	Annual
Federal Government	85%	(2,015)	(13,604)	(15,619)	(1,562)
State and Local Government	40%	400,741	424,532	825,273	82,527
Information	80%	2,888	(201)	2,686	269
Financial Activities	85%	62,089	56,759	118,848	11,885
Professional and Business Services	60%	452,938	495,405	948,343	94,834
Education and Health Services	25%	199,138	219,087	418,225	41,822
<u>Other Services</u>	<u>25%</u>	<u>58,833</u>	<u>63,764</u>	<u>122,597</u>	<u>12,260</u>
<b>Total: Demand from Employment Growth</b>		<b>1,174,613</b>	<b>1,245,741</b>	<b>2,420,354</b>	<b>242,035</b>
<b>Plus: Vacancy Adjustment /3</b>		<b>117,461</b>	<b>124,574</b>	<b>242,035</b>	<b>24,204</b>
<b>Total: Demand for Office Space</b>		<b>1,292,074</b>	<b>1,370,315</b>	<b>2,662,389</b>	<b>266,239</b>

1/ Average square feet per office using employee = 250  
 2/ Adjustment factor relating historical absorption to employment-based demand = 6%  
 3/ Frictional vacancy rate for new space = 10%  
 Source: Bureau of Labor Statistics; Woods & Poole; AECOM, 2013.

A substantial supply of vacant office space currently exists in Prince George's County, including 1.7 million square feet of Class A space and 2.7 million square feet of Class B space. This vacant space, which may be offered at a discounted rent level, is likely to limit demand for new space over the near-term. AECOM estimates that up to 1.1 million square feet of existing space will be absorbed from

2013 to 2023, with leasing of remaining vacant space likely restricted by location and building configuration issues.

**Figure 32: Existing Office Supply, Prince George's County, 4Q 2012**

Class	Absorption of Vacant Space /1			Replacement of Total Space /2		
	Vacant RBA	Allocation	Total Allocation	Total RBA	Allocation	Total Allocation
Class A	1,740,934	49%	860,896	8,800,384	0.0%	0
Class B	2,716,389	52%	1,421,748	12,946,406	0.0%	0
Class C	<u>367,657</u>	<u>0%</u>	<u>0</u>	<u>4,950,315</u>	<u>10.0%</u>	<u>495,032</u>
Total: All Classes	4,824,980	47%	2,282,644	26,697,105	1.9%	495,032

1/ Percentage of existing vacant space to be absorbed based on demand from new employment

2/ Percentage of existing space which may potentially be replaced during study timeframe

Source: CoStar; AECOM, 2013.

Additional demand for new space is likely to result as older, Class C buildings are replaced; there are currently five-million square feet of Class C space in the county. Assuming an annual replacement rate of one percent, 495,032 square feet of Class C space would be replaced from 2013 to 2023. Forecast absorption of new office space in Prince George's County is estimated at 201,610 square feet per year on the basis of employment-based demand plus adjustments for absorption of existing space and replacement of aging buildings. This equates to total demand for two-million square feet of new space in the county between 2013 and 2023.

**Figure 33: Demand for New Office Space, Prince George's County, 2013 to 2023**

	Number		Growth	
	2013-2018	2018-2023	Total	Annual
Demand from Employment Growth	1,292,074	1,370,315	2,662,389	266,239
<u>Plus: Replacement of Existing</u>	<u>247,516</u>	<u>247,516</u>	<u>495,032</u>	<u>49,503</u>
Total: Demand for Office Space	1,539,590	1,617,831	3,157,421	315,742
<u>Less: Absorption of Existing</u>	<u>570,661</u>	<u>570,661</u>	<u>1,141,322</u>	<u>114,132</u>
Net: Demand for New Office Space	968,929	1,047,170	2,016,099	201,610

Source: AECOM, 2013.

The City of College Park operates under a unique situation in the county, bolstered by research and business opportunities generated by the University of Maryland. The area surrounding the College Park Metro station is the primary node of office development within the city, including 1.8 million square feet of space between M Square and adjacent federally-owned buildings. The city currently accounts for 8.2 percent of leasable Class A space in Prince George's County, up from 1.9 percent in 2000 behind a strong set of new building deliveries. Using historical performance as a benchmark, it is estimated that College Park may capture between 10 and 15 percent of county-wide demand for new commercial office space. This capture rate equates to 201,610 square feet to 302,415 square feet of new space.

**Figure 34: Capture of Demand for New Office Space, College Park, 2013 to 2023**

Category	Rate	Time Period Total		Cumulative Total	
		2013-2018	2018-2023	2013-2018	2013-2023
Total Demand for New Space		968,929	1,047,170	968,929	2,016,099
Low-End Capture	10.0%	96,893	104,717	96,893	201,610
High-End Capture	15.0%	145,339	157,076	145,339	302,415

Source: AECOM, 2013.

Going forward, it is likely that the College Park Metro station area will remain the primary focus of office development in the city given its accessibility and land availability. Recently approved site plans for M Square allow for three new office buildings with 150,000 square feet of rentable space each; these buildings will be developed contingent upon a sufficient share of preleased space. Several features of M Square suggest that potential office development in the study area may target a complementary, rather than competitive, tenant base. Potential tenants for the study area, such as physicians, realtors, lawyers, and smaller professional services firms, are likely to prefer office space in a mixed-use setting versus a research park and also are unlikely to have a research affiliation with the University, a requirement of tenancy at M Square. M Square is likely to capture the majority of demand from larger, professional services tenants in the city while the study area may capture between 75,000 to 125,000 square feet of space aimed at smaller service sector tenants or start-ups related to University programs.

### **Retail Demand**

AECOM estimated demand for retail space in the study area based on household and employee spending patterns, competition, and site characteristics. Retail and dining demand is a function of capturing household spending, and new households and new income create demand for new space. Retailers and restaurants demand accessibility and visibility to their customers when looking for a location. The power of retail to draw customers can lie with its location (for example, an ice cream shop on a boardwalk at the beach) or intrinsically due to its appeal (for example, a restaurant with a famous chef that people may come to despite its remote location).

For the study area, AECOM determined the likely trade areas for potential retail and restaurants by reviewing the data from the demographic overview and the real estate market analysis. Currently, in this area of College Park, retail is unproven. According to real estate brokers, the most desirable location is along Route 1 and it is difficult—at market rents—to attract national credit tenants or highly successful local retailers to sites that are not on this important commuter route.

Since existing land uses in the study area are not particularly complementary to retail, a “place” with customers would need to be created in order to draw retailers to the study area. Primary customers



**Figure 36: Source Market Household and Employment Forecasts, 2013 to 2022**

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
	1	2	3	4	5	6	7	8	9	10
<b>On-Site Households</b>										
Households from New Developments					160	104	50			
Total Households	0	0	0	0	160	264	314	314	314	314
<b>Primary Trade Area - 0-3 Minutes</b>										
Households	192									
Growth Rate		-0.3%	-0.3%	-0.3%	-0.3%	-0.3%	-0.3%	-0.3%	-0.3%	-0.3%
Household Forecast	192	191	191	190	190	189	188	188	187	187
Households from New Developments			140	100	50					
Total Households	192	191	331	430	480	479	478	478	477	477
<b>Secondary Trade Area - 3-5 Minutes</b>										
Households	5,312									
Growth Rate		-0.2%	-0.2%	-0.2%	-0.2%	-0.2%	-0.2%	-0.2%	-0.2%	-0.2%
Household Forecast	5,312	5,299	5,286	5,274	5,261	5,248	5,235	5,223	5,210	5,198
Households from New Developments										
Total Households	5,312	5,299	5,286	5,274	5,261	5,248	5,235	5,223	5,210	5,198
<b>Tertiary Trade Area - 5-7 Minutes</b>										
Households	11,981									
Growth Rate		0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Household Forecast	11,981	12,039	12,098	12,157	12,216	12,275	12,335	12,395	12,455	12,516
Households from New Developments										
Total Households	11,981	12,039	12,098	12,157	12,216	12,275	12,335	12,395	12,455	12,516
<b>UMD Full-Time Faculty</b>										
Employees	8,370									
Employees from New Developments										
Percentage Trade Area Residents /1	5.2%	5.2%	5.2%	5.2%	5.2%	5.2%	5.2%	5.2%	5.2%	5.2%
Total Employees	7,935	7,935	7,935	7,935	7,935	7,935	7,935	7,935	7,935	7,935
<b>On-Site &amp; Research Park Employees</b>										
Employees	4,290									
Employees from New Developments			300	200	300	133	67			
Percentage Trade Area Residents /1	5.2%	5.2%	5.2%	5.2%	5.2%	5.2%	5.2%	5.2%	5.2%	5.2%
Total Employees	4,067	4,067	4,351	4,541	4,825	4,952	5,015	5,015	5,015	5,015

1/ Estimated from U.S. Census Bureau data based on percentage of total College Park employees living in College Park, University Park, Riverdale Park, and Berwyn Heights in 2010.

Source: ESRI Business Analyst; U.S. Census Bureau; University of Maryland; AECOM, 2013.

Residential demand estimates in the previous section project 314 households from new residential development in the study area. An additional 290 households are projected within a three-minute drive based on preliminary plans development surrounding the Metro station. ESRI has projected that populations within a five-minute drive will actually decrease slightly. Because of this, the tertiary area creates the largest opportunity for net new spending in the area. Residential market support for on-site retail will stem from shifts in households (from new residential on-site), a capture of existing spending that is currently spent elsewhere, and new household spending.

Figure 37 shows average per household and per employee retail and restaurant spending by store type. The household spending amounts are based on household spending by product category data from ESRI and category sales by store type data from the Economic Census. The employee

spending data is from a survey by the International Council of Shopping Centers on office worker spending habits as well as professional judgment.

To be conservative, AECOM removed “general merchandise stores” spending from consideration for this study. General merchandise stores include department stores and supercenters such as Walmart and Target, as well as smaller “dollar” stores and general stores. The area has an ample supply of general merchandise stores, and this is not a likely use in the study area. The type of shoppers goods most likely to be attracted to the site are smaller independent clothing, specialty shops, florists, and/or card/gift stores.

The on-site households on average will have the greatest per household spending power, followed by the primary trade area. The secondary trade area, with its higher student population, has a slightly lower average amount of annual spending on retail. After determining average household spending, these values are multiplied by the number of households to estimate total potential retail spending.

**Figure 37: Average Annual Spending by Source Market and Establishment Type, 2011**

Establishment Type	On-Site Households /1	Primary Trade Area (0-3 Minutes)	Secondary Trade Area (3-5 Minutes)	Tertiary Trade Area (5-7 Minutes)	UMD Full-Time Faculty /2	On-Site & Research Park Employees /3
<b>Food and Beverage Stores</b>	\$5,713	\$4,894	\$4,346	\$4,635	\$1,302	\$1,302
<b>Health and Personal Care Stores</b>	\$939	\$805	\$700	\$777	\$1,302	\$1,302
<b>Shoppers Goods Stores /4</b>						
Furniture and Home Furnishings Stores	\$829	\$710	\$592	\$669	\$191	\$191
Electronics and Appliance Stores	\$662	\$567	\$490	\$537	\$191	\$191
Clothing and Clothing Accessories Stores	\$1,237	\$1,060	\$937	\$1,007	\$1,148	\$1,148
Sporting Goods, Hobby, Book, Music Stores	\$459	\$393	\$358	\$375	\$383	\$383
Miscellaneous Store Retailers	\$535	\$458	\$389	\$436	\$383	\$383
Subtotal: Shoppers Goods Stores	\$3,721	\$3,188	\$2,765	\$3,024	\$2,295	\$2,295
<b>Food Service Establishments</b>						
Full-Service Restaurants	\$2,277	\$1,951	\$1,753	\$1,867	\$629	\$629
Limited-Service Eating Places	\$2,345	\$2,009	\$1,800	\$1,920	\$898	\$898
Drinking Places	\$133	\$114	\$105	\$110	\$65	\$65
Subtotal: Food Service Establishments	\$4,755	\$4,074	\$3,658	\$3,897	\$1,593	\$1,593
<b>Total: Selected Establishment Types</b>	\$15,129	\$12,961	\$11,469	\$12,333	\$6,492	\$6,492

1/ Spending by On-Site Households estimated to be 17% greater than Primary Trade Area based on comparison of projected median incomes.

2/ UMD faculty spending by establishment type assumed to be equivalent to spending by Research Park Employees.

3/ Research Park Employee spending at Full-Service and Limited-Service restaurants reduced by 20% due to cafeterias in M Square and nearby federal buildings.

4/ General Merchandise spending has been removed

Source: Economic Census 2007; ESRI Business Analyst; ICSC Office Worker Retail Spending Patterns; AECOM, 2013.

To determine potential on-site retail sales, the analysis relies on determining the share of retail spending that the site will “capture.” In theory, if every retailer in a given market were equally competitive, each would capture the same share of retail sales. Of course, the real world is more

complicated, and many factors play into a retailer’s trade area and spending capture. Because of the planning nature of the analysis, the capture rates are based on averages as experienced in similar retail situations. Figure 38 shows the capture rates used in this study. For example, in Food and Beverage stores, such as supermarkets and convenience stores, AECOM has estimated that the site can capture approximately 12.5 percent of all spending of on-site households. In other words, of every 100 dollars spent by a household, \$12.50 is spent on site. In addition to capturing sales from the listed market groups, there is always the potential to gain sales from outside of the defined trade areas. This is referred to as inflow and is expressed as a percentage of all sales from the trade areas. So, if \$1 million in sales comes from the trade area markets, and the inflow rate is five percent, another \$50,000 could potentially come from other patrons outside of these areas.

**Figure 38: Retail Capture Rates by Source Market**

Establishment Type	On-Site Households	Primary Trade Area (0-3 Minutes)	Secondary Trade Area (3-5 Minutes)	Tertiary Trade Area (5-7 Minutes)	UMD Full-Time Faculty	On-Site & Research Park Employees	Inflow /1
Food and Beverage Stores	12.5%	7.5%	2.5%	1.0%	0.0%	12.5%	2.5%
Health and Personal Care Stores	17.5%	10.0%	2.5%	1.0%	0.0%	17.5%	2.5%
Shoppers Goods Stores	10.0%	7.5%	5.0%	1.0%	0.0%	10.0%	2.5%
Full-Service Restaurants	17.5%	12.5%	7.5%	5.0%	7.5%	25.0%	10.0%
Limited-Service Eating Places	15.0%	10.0%	5.0%	2.5%	0.0%	25.0%	10.0%

1/ Inflow is estimated as a share of captured spending from resident and employee markets. Inflow accounts for capture of spending from households outside selected trade areas, including visitors, Metro riders, and passersby.

Source: AECOM, 2013.

The capture rates are applied to the total available retail spending by market to arrive at estimated on-site retail sales. The resulting capture of retail sales for each store type is divided by the average sales per square foot to arrive at estimated supportable retail square footage.

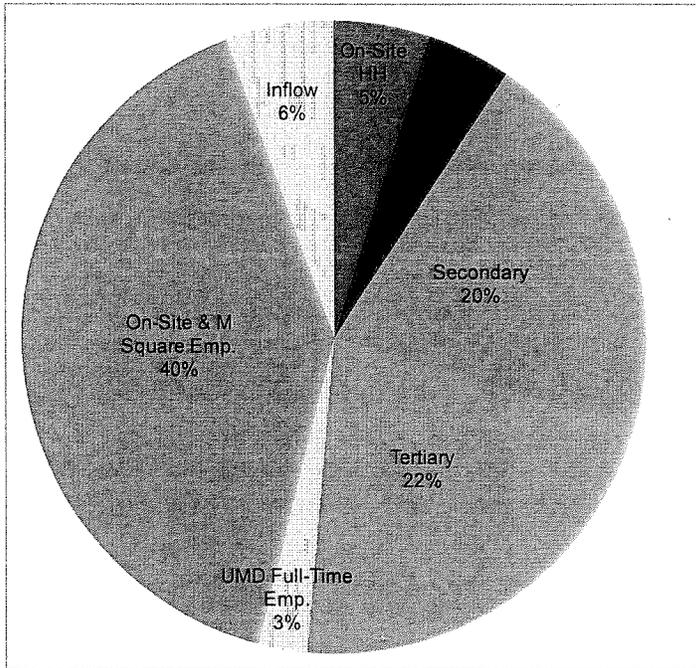
**Figure 39: Supportable Retail Space by Establishment Type, 2017 & 2022**

	Productivity	2017	2022
Food and Beverage Stores	\$375.00	6,100	6,500
Health and Personal Care Stores	\$400.00	3,500	3,600
Shoppers Goods Stores	\$350.00	7,000	7,300
Full-Service Restaurants	\$450.00	6,900	7,100
Limited-Service Eating Places	\$350.00	7,200	7,500
<b>Total: All Categories</b>		<b>30,700</b>	<b>32,000</b>

Note: Rounded to nearest hundred.

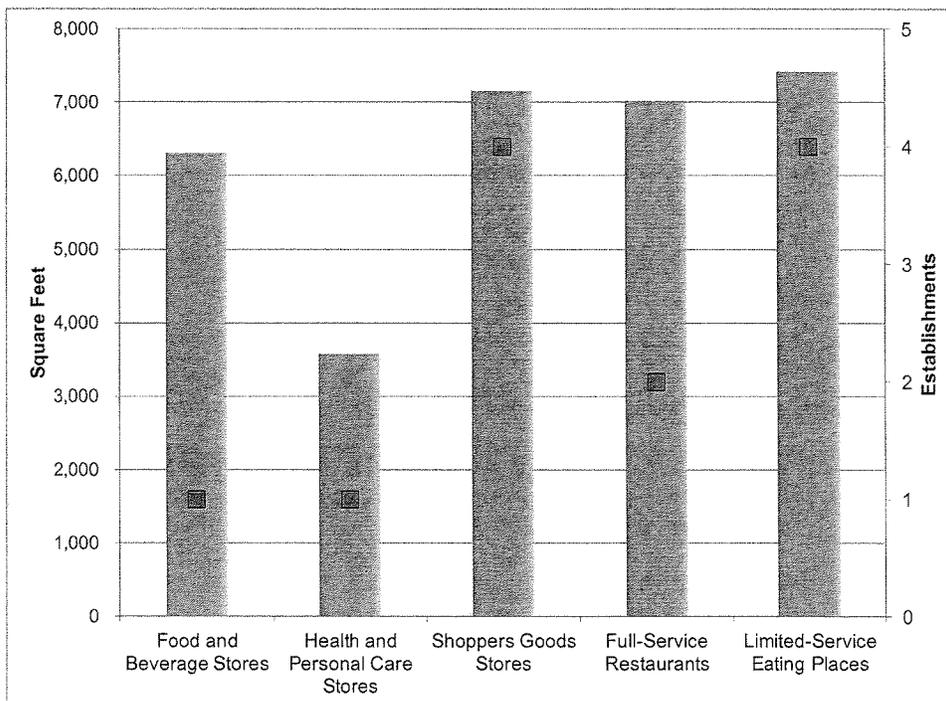
Source: Economic Census 2007; ESRI Business Analyst; U.S. Census Bureau; University of Maryland; ICSC Office Worker Retail Spending Patterns; ULI Dollars and Cents of Shopping Centers 2008; AECOM, 2013.

**Figure 40: Share of Supportable Space by Market**



Source: AECOM, 2013.

**Figure 41: Estimated Supportable Square Feet and Approximate Establishments by Type, 2018**



Source: AECOM, 2013.

In the next five years, the site could have the potential to support up to approximately 31,500 square feet of space, with slightly more potential in the ten-year timeframe. Nearly half of the space is for restaurants. The supportable square feet would fit between one and three full-service restaurants, depending on size, and up to six limited service restaurants. The rest of the space is split between Food and Beverage (potential for one small "gourmet"-type store), Health and Personal Care (one small pharmacy, cosmetics, or vitamin shop), and shoppers goods (between one and four stores—one large clothing store or several small boutique-size shops).

## VI. Development Program and Phasing Considerations

Based on the preceding analysis, AECOM recommends the following program in the next ten years:

**Figure 42: Total Supportable Development Program, 2013-2023**

<b>2013-2023</b>	
<b>Residential</b>	
For-Sale Single Family Attached	150
For-Sale Multifamily	60
<u>For-Rent Multifamily</u>	<u>104</u>
<b>Total</b>	<b>314</b>
<b>Office</b>	<b>125,000</b>
<b>Retail</b>	
Food & Beverage	6,500
Health and Personal Care	3,600
Shoppers Goods	7,200
Full-Service Restaurant	7,100
<u>Limited-Service Restaurant</u>	<u>7,600</u>
<b>Total</b>	<b>32,000</b>

Source: AECOM, 2013.

The study area presents near-term opportunities for residential development with retail and limited office space. Early-stage planning and positioning of the site will be critical for the success of the overall development. Developing the site under a master developer presents the greatest opportunity for thoughtful, well-timed phasing and a cohesive image to the market. The Hyattsville Arts District was positioned effectively, creating a unique “place” and a buzz about the retail and residential offerings. One of the key place-making components is providing a retail mass at the front end of the project to establish activity and drive residential sales. This critical mass is not always easily achieved since it may be difficult to attract retailers to an unproven location. Generally, retail is a following use, in that retailers follow customers and also follow complementary retailers. Since Route 1 has historically been a primary location for retail space in the market, the developer of the study area must treat retail as an amenity for its residential and office users, which can mean subsidizing rents (particularly for key anchors) and actively recruiting appropriate tenants. The right tenants are effective and experienced business owners who can manage fluctuations in customer traffic and have the capacity to attract customers. At the Hyattsville Arts District, Busboys and Poets is one such example.

### Phasing Considerations

AECOM recommends a cluster of restaurants as initial retail tenants for the study area. Visibility to Paint Branch Parkway and the Metro will be very important along with appropriate design treatments

that indicate the study area is a place to stop and congregate; such treatments may include streetscape improvements, street furniture, and signage. This initial mass can be accompanied by service retail to appeal to potential residents and existing tenants at M Square.

The following table represents a suggested phasing of the total recommended development.

**Figure 43: Suggested Phasing of Development, College Park Transit Oriented Development**

	0-5 years	5-10 years	Total
<b>Residential</b>			
For-Sale Single Family Attached	90	60	150
For-Sale Multifamily		60	60
<u>For-Rent Multifamily</u>	<u>60</u>	<u>44</u>	<u>104</u>
<b>Total</b>	<b>150</b>	<b>164</b>	<b>314</b>
<b>Office</b>	<b>15,000</b>	<b>110,000</b>	<b>125,000</b>
<b>Retail</b>			
Food & Beverage	6,500	0	6,500
Health and Personal Care	3,600	0	3,600
Shoppers Goods	2,000	5,200	7,200
Full-Service Restaurant	3,500	3,600	7,100
<u>Limited-Service Restaurant</u>	<u>3,500</u>	<u>4,100</u>	<u>7,600</u>
<b>Total</b>	<b>19,100</b>	<b>12,900</b>	<b>32,000</b>
<b>Total Residential Units</b>	<b>150</b>	<b>164</b>	<b>314</b>
<b>Total Commercial SF</b>	<b>34,100</b>	<b>122,900</b>	<b>157,000</b>

Source: AECOM, 2013.

Though not in AECOM's scope, the financial feasibility of the development will impact phasing and integration of uses. Because of the aforementioned constraints on the site in terms of floodplain and height restrictions, it is likely that a comprehensive mixed use development would be most capable of spreading these costs over the full buildout. Nonstandard site preparation and construction costs negatively impact financial performance of developments, typically requiring increased sales prices or greater densities. Since densities cannot be increased due to the height limitations in the study area, pricing is likely to be a key variable. These pressures must be matched with market realities to ensure sufficient absorption for effective place-making.

### Comparison to Previous Study

The scale of office space in the study area represents the greatest difference between the ULI study and the current study; the ULI study recommended greater than two times more office space. It also found additional demand for residential units, though not all development scenarios incorporated the full supportable amount of units. Also, AECOM did not evaluate the site for hotel demand. There have been several hotels planned and developed along Route 1 since the 2008 ULI study and there are

hotels proposed at the Metro site development. It is AECOM's opinion that in light of these developments, residential, office, and retail space present greater synergies with nearby land uses than additional hotel development.

**Figure 44: Comparison of Current Recommendation to ULI Study**

	<b>Current</b>	<b>ULI Technical Assistance Panel Recommendations (2008)</b>			
		Market Supportable	Development Program 1	Development Program 2	Development Program 3
Residential	314	600 or More	600 or More	200	370
Office	125,000	Up to 300,000	300,000	368,000	280,000
Hotel	0	140-180 rooms	140-180 rooms	120 rooms	120 rooms
Retail	32,000	40,000	40,000	24,000	24,000

Source: "College Park Metrorail Station Area," Urban Land Institute Technical Assistance Panel Report, ULI Washington, May 14-15, 2008; AECOM, 2013.

# 2. College Park Neighborhood Watch

## MEMORANDUM

**TO:** Mayor and City Council  
**THROUGH:** Joseph L. Nagro, City Manager  
**FROM:** Robert W. Ryan, Public Services Director   
**DATE:** March 1, 2013  
**SUBJECT:** Reorganization of College Park Neighborhood Watch (CPNW)

### ISSUE

A majority of the appointed members of The CPNW Steering Committee (CPNWSC) has recommended a reorganization of the CPNWSC, and a refocus of CPNWSC activity.

### SUMMARY

At a recent meeting of CPNWSC members, Council Members, COPS and Public Services staff, discussed reorganization of the CPNWSC and redirection of efforts. In summary, the following recommendations are being made.

1. Expand the CPNWSC from three appointed members to five.
2. Have one appointee from each election district, and one at large, appointed by the Mayor, for a total of five members.
3. Refocus Steering Committee efforts to adopt and provide support for an internet communications system, using an established program, "Nation of Neighbors", as a tool supported by CPNWSC and the City, and made available for use by each Neighborhood Watch group in the City.
4. Transfer responsibility for planning and implementing City supported CPNW training from the CPNWSC to the City's Public Safety Officer. The Public Safety Officer will implement the CPNW Academy program anticipated in the City Council's strategic action plan. The Public Safety Officer is encouraged to utilize COPS officers and qualified CPNW volunteers to assist in providing training.
5. Utilize the five CPNWSC members as district monitors of the Nation of Neighbors system to provide points of contact with police, rumor control, and user input appropriateness.
6. Utilize the CPNWSC to continue to provide recommendations to the Mayor and Council, and to support neighborhood program development.

7. Nothing in the reorganized program would mandate any changes to established CPNW programs. As Neighborhood Watch must be a grass roots effort to be effective, each neighborhood is encouraged to develop programs unique to its demographics and volunteer participation.

One major program change which was also discussed, and which should be immediately discussed by the new CPNWSC and Mayor and Council, is devolving the annual National Night Out (NNO) program in the City. It is proposed to return NNO in College Park to simple neighborhood events, such as porch lights on, walk and talk with neighbors, etc. The central event programs of recent years demand significant staff and volunteer effort, and more importantly compete for resources from public safety agencies trying to serve many communities that night. A central Public Safety Day event could be planned later in the fall when resources are more readily available, and more City residents are here. Perhaps even expanding the public safety presence at College Park Day.

A draft resolution is attached to this memo, along with information about the Nation of Neighbors program.

The current Chair of the CPNWSC, Mr. Robert Boone, will attend the Council work session to discuss these proposals.

## **RECOMMENDATION**

The Council should discuss these proposals with the CPNWSC, and decide whether to adopt a resolution reorganizing CPNWSC, or not.

Attachment (1) Draft Resolution

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND TO ESTABLISH A NEIGHBORHOOD WATCH COMMITTEE IN THE CITY OF COLLEGE PARK TO ADVISE THE CITY COUNCIL, AND TO ENHANCE NEIGHBORHOOD WATCH PROGRAMS CITY WIDE.

WHEREAS, the Mayor and Council adopted Resolution 97-R-15 in 1997 to establish a Neighborhood Watch Committee; and

WHEREAS, the Mayor and Council adopted Resolution 11-R-06 in 2011 to establish a three person Neighborhood Watch Steering Committee; and

WHEREAS, the City Council wishes to enhance College Park Neighborhood Watch programs, and

WHEREAS, in October 2010, the City Council Neighborhood Watch Subcommittee was formed; and

WHEREAS, the Subcommittee was charged to review City-wide Neighborhood Watch programs; and

WHEREAS, the Subcommittee recommended and the Council established a three person College Park Neighborhood Watch Steering Committee to advise the Council and to review, enhance and further develop College Park Neighborhood Watch; and

WHEREAS, the Neighborhood Watch Steering Committee has now recommended that the Steering Committee be reorganized to include five members and to focus efforts on the use of current technology to support CPNW, to share information and procedures, and to prevent crime in the City in coordination with police; and

WHEREAS, the reorganized Steering Committee is also charged to help develop Neighborhood Watch Programs in all sections of the City of College Park; and

WHEREAS, the Mayor and City Council wishes to redefine the College Park Neighborhood Watch Steering Committee.

NOW, THEREFORE BE IT RESOLVED THAT the current College Park Neighborhood Watch Steering Committee be dissolved and a new College Park Neighborhood Watch Steering Committee be formed under the following procedures:

#### COMPOSITION OF THE COLLEGE PARK NEIGHBORHOOD WATCH STEERING COMMITTEE

1. The Mayor and City Council shall appoint a five-member Neighborhood Watch Steering Committee from among the residents of the City. One appointment shall be made by Council members from each election district and one appointment shall be made by the Mayor .
2. Appointments shall be for two year terms.
3. Coordinators of individual Neighborhood Watch programs in the City of College Park shall be ex-officio, non-voting, advisory members of the Steering Committee.
4. The Prince George's County Police Department COPS officer(s) assigned to the City of College Park shall serve as ex-officio, non-voting, advisory member(s) of the Steering Committee.
5. The City of College Park Public Services Director and Public Safety Officer shall serve as the City liaisons to the Steering Committee.

#### PURPOSE

The CPNW Steering Committee shall:

1. Adopt for City-wide use an internet network system, such as the "Nation of Neighbors" program, to exchange information about crime occurring in our neighborhoods. Each District representative shall serve as the District/Neighborhoods monitor of any system established by the Steering Committee, and shall be responsible for maintaining proper use of the system.
2. Disseminate pertinent, police reviewed, crime-related information (i.e., actual incidents, police lookouts, crime trends) City-wide.
3. Work closely with Prince George's County Police Department Community Oriented Policing (COPS) officers and College Park Public Services Director and Public Safety Officer to identify and resolve neighborhood problems.
4. Promote and support the Neighborhood Watch concept, strengthen existing Neighborhood Watch groups, and help begin new groups in areas where they do not exist.
5. Provide crime prevention and police services information to the community.

#### DUTIES AND RESPONSIBILITIES

1. To hold meetings as necessary.
2. To provide yearly reports to the Mayor and Council on the status of crime prevention efforts in the City of College Park.

3. To help develop programs and activities to deter crime and vandalism in the City.
4. To promote the formation of Neighborhood Watch groups in any neighborhood lacking a formal Neighborhood Watch.
5. A member of the College Park Neighborhood Watch Steering Committee shall be a member of the College Park Citizens Corps Council representing Neighborhood Watch.

#### APPOINTMENT OF CHAIR

Annually, the members of the Steering Committee shall elect a Chairperson to serve as Chair of the Steering Committee for a one-year term.

#### MEETINGS

Meetings shall be held as necessary, and shall be called by the Chair. The Chairman shall have the authority to call a meeting to address an emergency.

Resolved this 12 day of March, 2013.

\_\_\_\_\_  
Andrew M. Fellows, Mayor  
City of College Park

ATTEST:

\_\_\_\_\_  
Janeen S. Miller  
City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

\_\_\_\_\_  
Suellen M. Ferguson  
City Attorney

**3. Sigma  
Chi  
Fraternity  
House,  
4600 Norwich  
Road**

# 4. Litton Technology Center

## MEMORANDUM

**TO:** Mayor and Council

**THROUGH:** Joseph L. Nagro, City Manager  
Terry Schum, Planning Director

**FROM:** Miriam Bader, Senior Planner *MB*

**DATE:** March 1, 2013

**SUBJECT:** Preliminary Plan of Subdivision 4-12014  
Litton Technology Center  
COPT Development and Construction Services, LLC and the State  
of Maryland/University of Maryland  
UPDATE

### ISSUE

This is a proposal by the Applicant, COPT Development and Construction Services, LLC and the State of Maryland/University of Maryland for a Preliminary Plan of Subdivision (4-12014) for the Litton Technology Center (See Attachment 1). The Prince George's County Planning Board has continued this hearing from February 21, 2013 to March 14, 2013 at the request of the Applicant. The Maryland-National Capital Park and Planning Commission (M-NCPPC) technical staff report may be available on March 5, 2013.

### BACKGROUND

The City Council discussed this case at their work session on February 5, 2013. At this meeting, City staff and the City Council were concerned as to if the proposed overall concept for the subdivision would be permitted since it is a unique request and the conditions of approval of the previous Riverside Subdivision are complex. Specifically, the Applicant is proposing to re-designate Lots 15-17 (of the Riverside Subdivision which is part of the M-Square development), currently located in the area identified as the South Area in the College Park-Riverdale Transit District Development Plan (TDDP) to the Litton Technology Center, which is located in the area the TDDP defines as the North Area. The Applicant wants to re-designate these lots in the South because a development cap of 2 million square feet was placed on the lots in the South and if these lots are not re-designated, development on these lots will be severely constrained. Therefore, the Applicant is proposing removing Lots 15-17 from the South and attaching them to the adjoining Litton Subdivision in the North, creating a re-subdivision of the Litton and Riverside Subdivisions.

The City Council decided it best to wait prior to making a final recommendation on this request, until they received an opinion from M-NCPPC. On February 14, 2013, Debra Borden, Associate General Counsel of M-NCPPC, issued a memorandum concerning the legality of this request (See Attachment 2). Specifically, Ms. Borden reviewed “whether the proposed re-subdivision of Riverside and Litton is in conformance with the approved Transit District Development Plan.” Ms. Borden concluded that the TDDP did not intend for the boundary between the northern and southern areas to be a hard line. Rather, the intention was to distinguish properties based on their relative walking distance from the Metro Station, specifically, differentiating between properties closer to the Metro and those farther from the Metro. Therefore, considering that the properties in question abut each other and are both within a 10 minute walking radius from the Metro, flexibility can be given as to where the “line” is drawn. Further, Ms. Borden concluded that the TDDP gives the Planning Board the right to approve preliminary plats that deviate from the conceptual building and parking locations established in the TDDP, if the proposal still meets the design intents and vision of the TDDP. Therefore, the City Council needs to determine if the submitted preliminary plat meets the design intents and vision of the TDDP.

The vision and design intents, as laid out in the TDDP, are as follows:

1. Create an attractive, pedestrian-friendly transit district that reduces reliance on the automobile and provides an economic boost to the municipalities of College Park and Riverdale and Prince George’s County.

Comment: At the time of Detailed Site Plan, City staff recommends that the Applicant provide more inter- and intra- pedestrian friendly connections between buildings and from the buildings to the perimeter hiker/biker trails so that people can travel between buildings and from the campus to the trails that lead to the Metro station.

2. Regarding parcel-specific goals, TDDP Parcel 12 (proposed parcels 1 – 6) is proposed to be developed as a mixed use parcel containing at least two of the following: office, retail, hotel and light industrial uses. TDDP Parcel 10 (proposed parcels 7-9) is proposed for “Planned Employment (Office/Retail/Light Industrial).

Comment: At the time of Detailed Site Plan, City staff recommends that the Applicant provide a mix of uses in addition to the proposed office use, such as, an on-site bank, post office, library, childcare facility, cafeteria, etc.

3. Create an urban setting in the northern half of the transit district with continuation of the existing block pattern and a suburban campus setting in the southern half.

Comment: At the time that the CASL property is re-developed, the Applicant should continue the existing block pattern, where feasible.

4. Limit the total amount of parking allowed.

Comment: At the time of Detailed Site Plan, the Applicant shall limit the amount of surface parking to the minimum level required.

5. Encourage shared parking arrangements between adjacent properties.  
Comment: The Applicant is proposing to build a parking garage that they plan to share with the adjacent properties, including properties to the immediate south of the subject site.
  
6. Use transportation management techniques such as a shuttle bus service and shared bike station.  
Comment: The Applicant is proposing to install a shared bike station. City staff would encourage the Applicant to consider a shuttle bus service based on demand.
  
7. Create and/or continue a hiker/biker trail system that connects to the adjacent, existing trail network.  
Comment: The Applicant is proposing to continue the existing hiker/biker trails by providing 8 foot wide bituminous trails.
  
8. Provide substantial buffers along the two streams that bisect the transit district.  
Comment: The Applicant is proposing to provide buffers along the two streams that bisect the transit district.
  
9. Encourage woodland conservation beyond the existing requirements of the County Woodland Ordinance.  
Comment: The Applicant is proposing to provide a .60 acre Woodland Preservation/Natural Reforestation Area on the north-west corner of proposed Lot 2. And the Applicant is proposing a 0.36 acre and 0.35 acre Woodland Reforestation Areas along the southern boundary of proposed Lot 1 and proposed Lot 2 respectively. M-NCPPC environmental planners have concluded that the request will meet the Woodland Conservation Ordinance with minor revisions that they have noted in their memorandum to the Development Review Division, dated February 15, 2013.

## **RECOMMENDATION**

Legal Counsel from M-NCPPC does not see a legal problem with the over-arching concept the Applicant is proposing of re-subdividing the property to include a southern property, as defined in the TDDP, into the northern region, as long as the plat meets the purposes and intent of the TDDP. City staff concludes that with conditions, the proposed plat can meet the purposes and intent of the TDDP. Therefore, City staff recommends approval with the following conditions:

### Prior to signature approval of the Preliminary Plan:

1. Establish lots (and buildings) so that 52<sup>nd</sup> Street may be extended south in the future.

2. The northernmost street should be aligned so that it can be extended west to Paint Branch Parkway in the future. A public street is preferred.
3. A plat note shall be included on the recorded plat to indicate that, for the purposes of determining the fees to be paid consistent with the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* toward the provision of TDM programs, needed roadways, trail improvements, and shared parking structures, the entire subject property shall be considered within the north portion of the TDOZ. This shall include proposed Lots 7 through 9.

Prior to Detailed Site Plan Approval:

1. The Applicant shall provide more inter- and intra- pedestrian friendly connections between buildings and from the buildings to the perimeter hiker/biker trails so that people can travel between buildings and from the campus to the trails that lead to the Metro station.
2. All buildings shall be connected by sidewalks along the street. Sidewalk and streetscape amenities shall be provided on both sides of the streets per standards S-18 on page 76 of the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* (TDDP).
3. Additional green spaces and gathering places to serve as on-site amenities for future employees and visitors shall be considered in accordance with standard S-260 on page 161 of the TDDP.
4. The Applicant shall provide a bicycle sharing facility in consultation and collaboration with the City of College Park, Town of Riverdale Park, Department of Public Works and Transportation and the Transportation Planning Section of the Planning Department.
5. Since the subject property is in Aviation Policy Area (APA) 6, no building permit shall be approved for a structure higher than 50 feet unless the Applicant can demonstrate compliance with Federal Aviation Regulations (FAR) Part 77 and receive approval from the relevant authorities.
6. The Applicant shall provide a mix of uses in addition to the proposed office use, such as, an on-site bank, post office, library, childcare facility, cafeteria, etc.
7. The Applicant shall limit the amount of surface parking to the minimum level necessary. Structure parking is encouraged in order to maximize efficient use of the property.

8. All buildings shall front on a street.
9. All parking shall be to the rear of the buildings. Parking, if necessary on the side, shall be screened from the street.
10. Total development within proposed Lots 1 through 6 shall be limited to uses that would generate no more than 713 AM and 728 PM peak-hour vehicle trips. Total development within proposed Lots 7 through 9 shall be limited to uses that would generate no more than 527 AM and 538 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

Prior to future development of Lot 1:

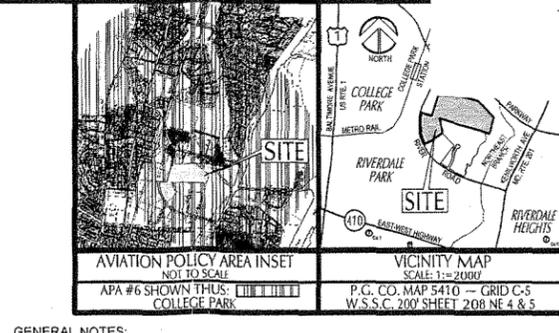
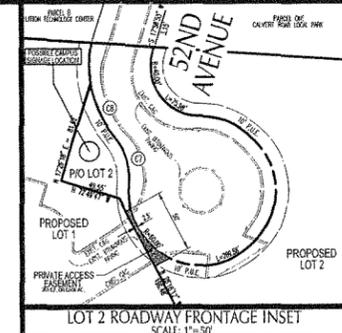
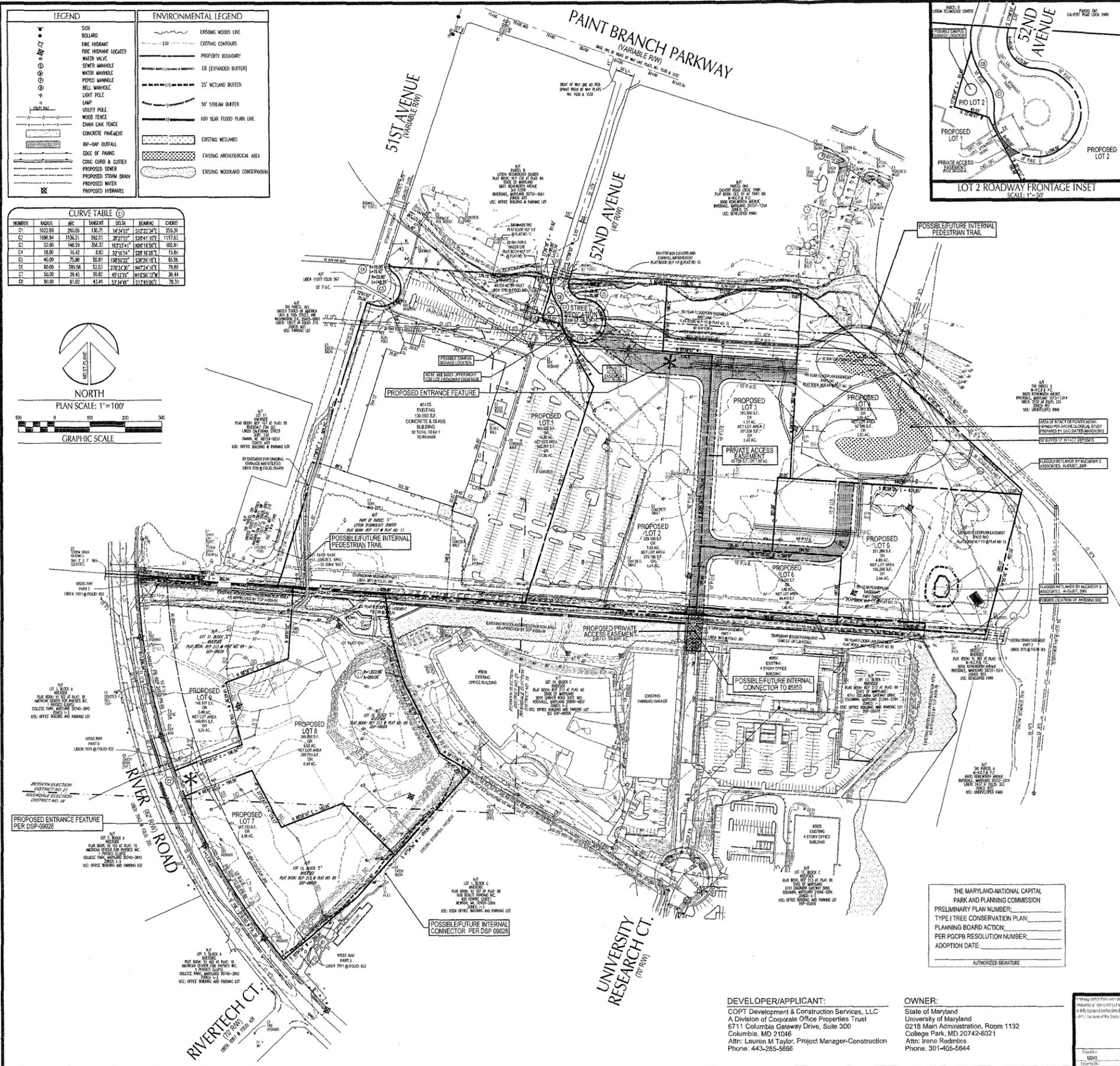
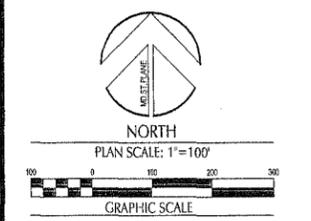
1. At the time that the CASL property is re-developed, the Applicant shall continue the existing block pattern as proposed in the TDDP, where feasible.

**ATTACHMENTS**

1. Preliminary Plan, dated 01-7-13, (revised since last meeting)
2. Cover Memo from Quynn Nguyen and Memo from M-NCPPC legal counsel, Debra Borden
3. Staff Referrals

LEGEND		ENVIRONMENTAL LEGEND	
•	SON	---	EXISTING WOODS LINE
○	BOLLARD	---	EXISTING CONTOURS
—	FIRE HYDRANT	---	PROPERTY BOUNDARY
—	FIRE HYDRANT LOCATOR	---	EB (EXPANDED BUFFER)
—	WATER MAIN	---	25' WETLAND BUFFER
—	SEWER MANHOLE	---	54' STREAM BUFFER
—	WATER MANHOLE	---	100' YEAR FLOOD PLAIN LINE
—	PEPCO MANHOLE	---	EXISTING WETLANDS
—	BELL MANHOLE	---	EXISTING ARCHAEOLOGICAL AREA
—	LIGHT POLE	---	EXISTING WOODLAND CONSERVATION
—	LAMP		
—	UTILITY POLE		
—	WOOD FENCE		
—	CHAIN LINK FENCE		
—	CONCRETE PAVEMENT		
—	IMP-ASP OUTFALL		
—	EDGE OF PAVING		
—	CONC CURB & CUTTER		
—	PROPOSED SEWER		
—	PROPOSED STORM DRAIN		
—	PROPOSED WATER		
—	PROPOSED HYDRANTS		

CURVE TABLE					
NUMBER	RADIUS	ARC	TANGENT	DELTA	CHORD
C1	1022.88	262.00	136.75	14°24'37"	432.22'±
C2	1156.94	1156.94	578.47	90°00'00"	1156.94
C3	52.00	182.29	324.33	18°15'14"	100.91
C4	18.00	18.43	8.83	52°16'54"	10.10
C5	40.00	75.96	65.91	108°50'27"	65.76
C6	80.00	295.56	53.53	278°31'37"	147.24'±
C7	50.00	38.45	24.12	42°12'25"	38.44
C8	90.00	91.02	43.49	57°34'48"	78.31



- GENERAL NOTES:**
- SUBJECT PROPERTY: PARCEL A, LITTON TECHNOLOGY CENTER. LOTS 15, 16 AND 17, BLOCK C, RIVERSIDE. PLAT BOOK: REP 213 AT PLAT: 69. TAX MAP: 42.
  - PARCEL A, LITTON TECHNOLOGY CENTER. LOTS 15, 16 AND 17, BLOCK C, RIVERSIDE. TAX MAP: 42.
  - WSSD 200 SHEET NUMBER: 208 NE 4 & 5.
  - PURPOSE: RESUBDIVISION OF LOTS 15, 16 & 17 AND PARCELS "A" LITTON TECHNOLOGY CENTER.
  - PROJ. APPROVALS: LITTON TECHNOLOGY CENTER (4-12-14); M. SQUARE UNIVERSITY OF M.D. RESEARCH/PARK OFFICE BUILDING (4500 & 4600) (DSP-00028).
  - GROSS AREA: 48.57 ACRES OR 2,115,923 S.F. TOTAL AREA OF ROAD DEDICATION: 8.30 ACRES OR 359,999 S.F. TOTAL AREA OF LOTS: 49.27 ACRES OR 2,151,922 S.F. TOTAL AREA OF FLOOD PLAIN: 8.21 ACRES OR 357,467 S.F. NET TYPICAL AREA: 28,327 S.F. OR 1,137,327 S.F.
  - AREA OF ENVIRONMENTAL REGULATED FEATURES: NOT APPLICABLE.
  - AREA OF 100 YEAR FLOOD PLAIN: 0.36 ACRES OR 15,696 S.F.
  - AREA OF ROAD DEDICATION: 8.30 ACRES OR 359,999 S.F.
  - EXISTING ZONING: PARCELS A, LITTON TECHNOLOGY CENTER: 35.14 ACRES B ZONED MXT, 100' AND 100' LOTS 15, 16 AND 17, BLOCK C, RIVERSIDE: 49,800 GFA (LOTS 2, 3, 4 & 5) 1 EXISTING BUILDING 49,800 GFA (LOT 1) OFFICE BUILDINGS 3 PROPOSED BUILDINGS AT 150,000 GFA 450,000 GFA (LOTS 2, 3 & 4) 1,800,000 GFA
  - PROPOSED USE: PARCELS A, LITTON TECHNOLOGY CENTER: OFFICE, RESEARCH & DEVELOPMENT AND ANCILLARY RETAIL, WHICH CAN INCLUDE, BUT NOT BE LIMITED TO: FOOD SERVICES - CATERING, BANQUET AND MEETING SERVICES 4 PROPOSED BUILDINGS AT 150,000 GFA 450,000 GFA (LOTS 2, 3, 4 & 5) 1 EXISTING BUILDING 49,800 GFA (LOT 1) OFFICE BUILDINGS 3 PROPOSED BUILDINGS AT 150,000 GFA 450,000 GFA (LOTS 2, 3 & 4) 1,800,000 GFA
  - TOTAL GROSS FLOOR AREA: 1 EXISTING BUILDING 49,800 GFA (LOT 1) 110 TOTAL PARKING = 238 SPACES PROPOSED GROSS FLOOR AREA: PARCELS A, LITTON TECHNOLOGY CENTER: 49,800 GFA (LOTS 2, 3, 4 & 5) TOTAL PARKING = 1,139 SPACES LOTS 15, 16 AND 17, BLOCK C: 450,000 GFA (LOTS 2, 3 & 4) TOTAL PARKING = 1,139 SPACES TOTAL GROSS FLOOR AREA: 49,800 GFA + 450,000 GFA + 450,000 GFA = 949,800 GFA TOTAL PROPOSED PARKING = 2,377 SPACES
  - MINIMUM LOT SIZE REQUIRED PER ZONING AND SUBDIVISION REGULATIONS: 107 SQUARE FEET LOTS 15, 16 AND 17, BLOCK C: 280 ACRES
  - MINIMUM LOT WIDTH AT FRONT BUILDING LINE AND FRONT STREET LINE: PARCELS A, LITTON TECHNOLOGY CENTER: NOT APPLICABLE LOTS 15, 16 AND 17, BLOCK C: 150'
  - EXISTING GROSS FLOOR AREA: 1 EXISTING BUILDING 49,800 GFA (LOT 1) 110 TOTAL PARKING = 238 SPACES PROPOSED GROSS FLOOR AREA: PARCELS A, LITTON TECHNOLOGY CENTER: 49,800 GFA (LOTS 2, 3, 4 & 5) TOTAL PARKING = 1,139 SPACES LOTS 15, 16 AND 17, BLOCK C: 450,000 GFA (LOTS 2, 3 & 4) TOTAL PARKING = 1,139 SPACES TOTAL GROSS FLOOR AREA: 49,800 GFA + 450,000 GFA + 450,000 GFA = 949,800 GFA TOTAL PROPOSED PARKING = 2,377 SPACES
  - STORMWATER MANAGEMENT CONCEPT NUMBER FOR: PARCELS A, LITTON TECHNOLOGY CENTER: 8994-2060-00 LOTS 15, 16 AND 17, BLOCK C, RIVERSIDE: 1816-2060-01 LOTS 15, 16 AND 17, BLOCK C, RIVERSIDE: 1816-2060-02 LOTS 15, 16 AND 17, BLOCK C, RIVERSIDE: 1816-2060-03
  - WATER & SEWER CATEGORY DESIGNATION: EXISTING: W-2 B-2-3 PROPOSED: W-2 B-2-3
  - AVIATION POLICY AREA: COLLEGE PARK AIRPORT, APA #6
  - MANDATORY PARK DEDICATION: NOT APPLICABLE
  - THERE ARE NO CEMETERIES OR GRAVES LOCATED ON, OR ADJACENT TO THIS SITE.
  - PARCEL "X" LITTON TECHNOLOGY CENTER IS SUBJECT TO ARCHAEOLOGICAL SITE. BEFORE THIS SITE IS SHOWN ON THE PLAN AS OUTLINED AS DEFINED BY THE "MARYLAND INVENTORY OF HISTORIC PROPERTIES" THIS SITE IS NUMBERED 68-04 (THE COLLEGE PARK AIRPORT) AND 68-012 (WALKER-ADAMANT WILL SITE) ARE IN THE VICINITY OF THE SUBJECT PROPERTY.
  - TYPE ONE CONSERVATION PLAN REQUIRED (SUBMITTED)
  - THIS PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
  - WETLANDS SHOWN ON THIS PLAN WERE BY MCGARTHY AND ASSOCIATES DATED AUGUST, 2009.
  - STREAMS: YES. A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN THE LIMITS OF A DESIGNATED 60 YEAR FLOOD PLAIN, AS DETERMINED BY F.E.M.A. RATE MAP PANEL 4 24500 005 C (1817).
  - NRI APPROVAL # 898-02749
  - BOUNDARY SURVEY AND TOPOGRAPHY INFORMATION PROVIDED BY OTHERS AND IN ACCORDANCE WITH PER FIELD DATA FROM FEBRUARY 2009 BY: JOYCE ENGINEERING CORPORATION 3000 BALTIMORE AVENUE BELTSVILLE, MARYLAND 20814
  - THE SUBJECT PROPERTY IS NOT IN OR ADJACENT TO AN EASEMENT HELD BY THE MARYLAND ENVIRONMENTAL TRUST, THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, OR ANY LAND TRUST OR ORGANIZATION.
  - AS PER THE SUBDIVISION REGULATIONS, SECTION 24-120(b) WITHIN A TRANSIT DISTRICT OVERLAY (T-D-O) OR DEVELOPMENT DISTRICT OVERLAY (DDO) ZONE, THE PLANNING BOARD MAY APPROVE A SUBDIVISION WITH PRIVATE RIGHTS-OF-WAY, EASEMENTS, ALLEYS OR FRONTS, THE PRIVATE ACCESS EASEMENT SHOWN ON LOTS 2, 3, 4 & 5 AND 6 HAVE A MINIMUM WIDTH OF 40 FEET AND A MINIMUM SECTION OF 30 FEET. THE PRIVATE ACCESS EASEMENT WILL BE CONNECTED TO KING AVENUE PUBLIC ROAD. THE PRIVATE ACCESS EASEMENT WILL HAVE A GATED ENTRANCE, GUARD HOUSE AND SECURITY CONTROL MEASURES WILL BE LOCATED WITHIN THE 42 FOOT WIDE EASEMENT.
  - THE APPROVAL OF THIS PRELIMINARY PLAN WILL BE IN ACCORDANCE WITH THE PRINCE GEORGES COUNTY CODE, SUBTITLE A, SECTION 24-120, SUBSECTIONS (b)(6) AND (b)(7) TO OBTAIN THE PLANNING BOARD APPROVAL, GRANTING SEVERAL VARIATIONS IN ACCORDANCE WITH THE ABOVE REFERENCED CODE.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 PRELIMINARY PLAN NUMBER: \_\_\_\_\_  
 TYPE I TREE CONSERVATION PLAN: \_\_\_\_\_  
 PLANNING BOARD ACTION: \_\_\_\_\_  
 PER PCCPB RESOLUTION NUMBER: \_\_\_\_\_  
 ADOPTION DATE: \_\_\_\_\_  
 AUTHORIZED SIGNATURE: \_\_\_\_\_

**PRELIMINARY PLAN  
 4-12014  
 LOTS 1 THROUGH 9  
 LITTON TECHNOLOGY CENTER  
 A RESUBDIVISION OF  
 LOTS 15, 16 AND 17, BLOCK "C"  
 RIVERSIDE  
 PLAT BOOK: REP 213 AT PLAT: 69  
 AND  
 PARCEL "A"  
 LITTON TECHNOLOGY CENTER  
 PLAT BOOK: NLP 117 AT PLAT: 13  
 BERWYN ELECTION DISTRICT NUMBER 21  
 RIVERDALE ELECTION DISTRICT NUMBER 19  
 PRINCE GEORGES COUNTY, MARYLAND**

**DEVELOPER/APPLICANT:**  
 COPT Development & Construction Services, LLC  
 A Division of Corporate Office Properties Trust  
 6718 Columbia Gateway Drive, Suite 300  
 Columbia, MD 21046  
 Attn: Lauren M Taylor, Project Manager-Construction  
 Phone: 443-265-6666

**OWNER:**  
 State of Maryland  
 University of Maryland  
 0218 Main Administration, Room 1132  
 College Park, MD 20742-8021  
 Attn: Irone Rodinias  
 Phone: 301-405-5844

REVISIONS:		JOYCE ENGINEERING CORPORATION	
NO. 1	DATE: 12.17.14	DESIGN: WJL	DATE: JULY 2012
NO. 2	DATE: 12.17.14	LIMIT: HNL	COMP: DOE
NO. 3	DATE: 12.17.14	CHECK: REC	SURVEY: CWJR
NO. 4	DATE: 12.17.14	SCALE: 1"=100'	SHEET: 1 OF 1

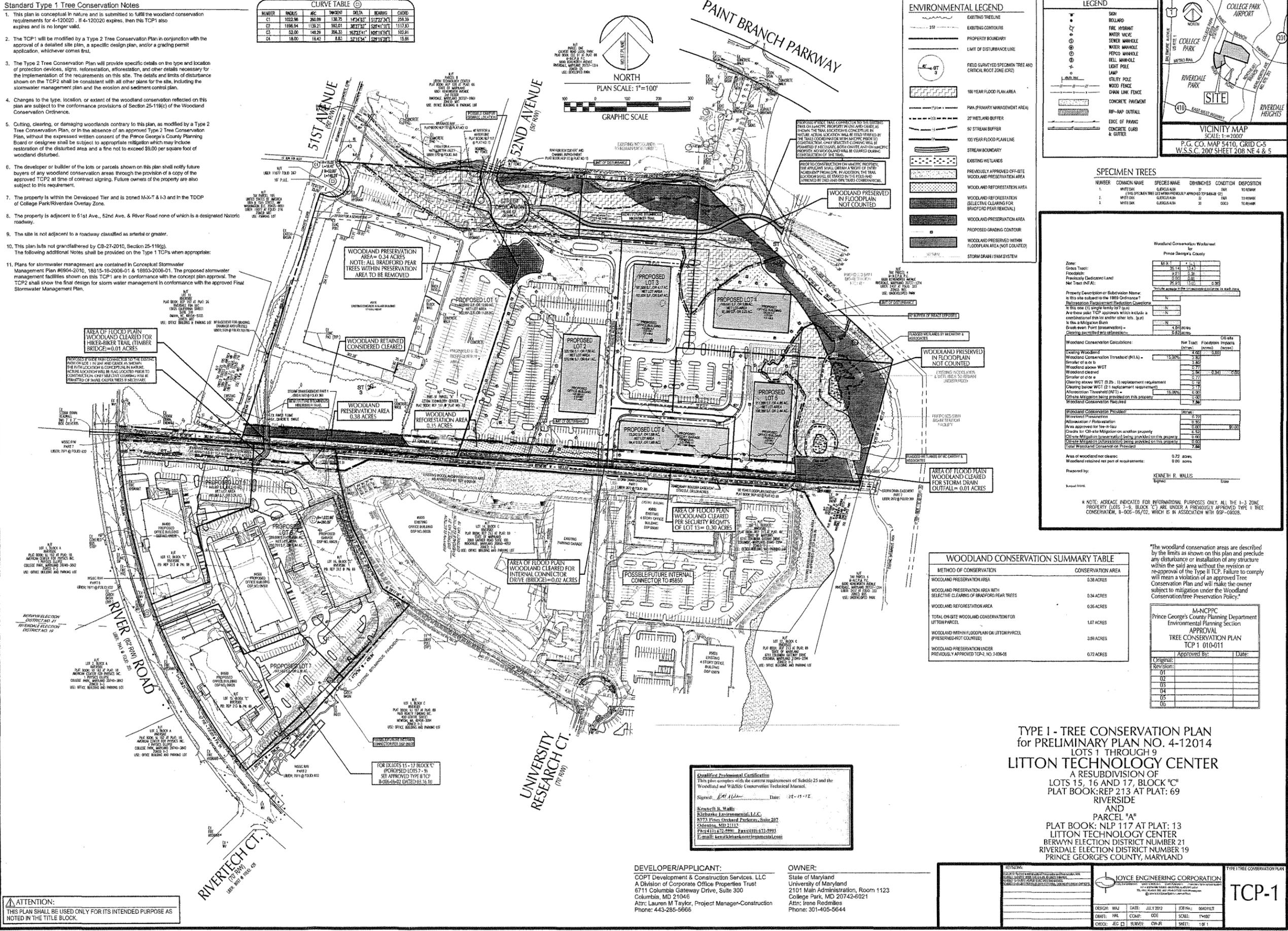
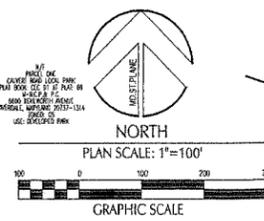
P-1

**Standard Type 1 Tree Conservation Notes**

- This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for 4-120020. If 4-120020 expires, then this TCP1 also expires and is no longer valid.
- The TCP1 will be modified by a Type 2 Tree Conservation Plan in conjunction with the approval of a detailed site plan, a specific design plan, and/or a grading permit application, whichever comes first.
- The Type 2 Tree Conservation Plan will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the requirements on this site. The details and limits of disturbance shown on the TCP2 shall be consistent with all other plans for the site, including the stormwater management plan and the erosion and sediment control plan.
- Changes to the type, location, or extent of the woodland conservation reflected on this plan are subject to the conformance provisions of Section 25-119(c) of the Woodland Conservation Ordinance.
- Cutting, clearing, or damaging woodlands contrary to this plan, as modified by a Type 2 Tree Conservation Plan, or in the absence of an approved Type 2 Tree Conservation Plan, without the expressed written consent of the Prince George's County Planning Board or designee shall be subject to appropriate mitigation which may include restoration of the disturbed area and a fine not to exceed \$5.00 per square foot of woodland disturbed.
- The developer or builder of the lots or parcels shown on this plan shall notify future buyers of any woodland conservation areas through the provision of a copy of the approved TCP2 at time of contract signing. Future owners of the property are also subject to this requirement.
- The property is within the Developed Tier and is zoned M-X-T & I-3 and in the TDDP of College Park/Riverdale Overlay Zone.
- The property is adjacent to 51st Ave., 52nd Ave., & River Road none of which is a designated historic roadway.
- The site is not adjacent to a roadway classified as arterial or greater.
- This plan is not grandfathered by CB-27-2010, Section 25-119(g). The following additional notes shall be provided on the Type 1 TCPs when appropriate:
  - Plans for stormwater management are contained in Conceptual Stormwater Management Plan #0604-2010, 18015-16-2006-01 & 18013-2008-01. The proposed stormwater management facilities shown on this TCP1 are in conformance with the concept plan approval. The TCP2 shall show the final design for storm water management in conformance with the approved Final Stormwater Management Plan.

**CURVE TABLE**

NUMBER	RADIUS	ARC	CHORD	DELTA	BEARING	CHORD
C1	1022.96	260.09	130.75	14°54'47"	S122°22'34"	259.39
C2	1186.54	118.21	59.11	30°27'54"	S041°14'17"	117.83
C3	52.00	149.26	356.33	103°24'41"	N07°16'52"	102.91
C4	18.00	18.43	8.61	52°16'54"	S21°16'21"	15.86

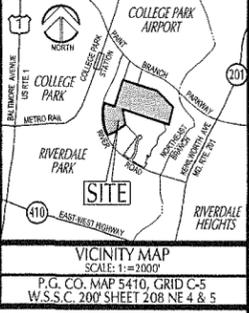


**ENVIRONMENTAL LEGEND**

- EXISTING TREE LINE
- EXISTING CONTOUR
- PROPERTY BOUNDARY
- LIMIT OF DISTURBANCE LINE
- FIELD SURVEYED SPECIMEN TREE AND CRITICAL ROOT ZONE (CRZ)
- 100 YEAR FLOOD PLAN AREA
- PMA (PRIMARY MANAGEMENT AREA)
- 20' WETLAND BUFFER
- 50' STREAM BUFFER
- 100 YEAR FLOOD PLAN LINE
- STREAM BOUNDARY
- EXISTING WETLANDS
- PREVIOUSLY APPROVED OFF-SITE WOODLAND PRESERVATION AREA
- WOODLAND REFORESTATION AREA
- WOODLAND PRESERVATION AREA
- WOODLAND PRESERVATION AREA
- WOODLAND PRESERVATION AREA
- PROPOSED GRADING CONTOUR
- WOODLAND PRESERVED WITH FLOODPLAIN AREA (NOT COUNTED)
- STORM DRAIN / SWM SYSTEM

**LEGEND**

- SIGN
- BOLLARD
- FIRE HYDRANT
- WATER VALVE
- SEWER MANHOLE
- WATER MANHOLE
- PECO MANHOLE
- BELL MANHOLE
- LIGHT POLE
- LAMP
- UTILITY POLE
- WOOD FENCE
- CHAIN LINK FENCE
- CONCRETE PAVEMENT
- RIP-RAP OUTFALL
- EDGE OF PAVING
- CONCRETE CURB & GUTTER



**SPECIMEN TREES**

NUMBER	COMMON NAME	SPECIES NAME	DBH INCHES	CONDITION	DISPOSITION
1	WHITE OAK	QUERCUS ALBA	32	FAIR	TO REMAIN
2	WHITE OAK	QUERCUS ALBA	32	FAIR	TO REMAIN
3	WHITE OAK	QUERCUS ALBA	32	GOOD	TO REMAIN

**Woodland Conservation Worksheet**  
for Prince George's County

Zone: M-X-T & I-3  
Gross Tract: 1.13  
Floodplain: 0.22  
Previously Disturbed Land: 0.00  
Net Tree (N1A): 26.25  
Net Tree (N1B): 0.00

Property Description or Subdivider Name: [Blank]  
Is this site subject to the 1989 Ordinance? [Blank]  
Regulation Management Protection Questions:  
Is this site (1) single family lot? [Blank]  
Are there other TCP approvals which include a combination of this lot and/or other lots? [Blank]  
Is this a Migration Bank? [Blank]  
Break-even Point (pre-approval) = 4.50 acres  
Clearing not subject to reforestation: [Blank]

**Woodland Conservation Calculations:**

Category	Net Tree	Floodplain Impact	Offset
Existing Woodland	15,000	0.00	0.00
Woodland Conservation Threshold (N1A)	15,000	0.00	0.00
Smaller of a or b	1,800	0.00	0.00
Woodland above WCT	2,775	0.00	0.00
Woodland cleared	2,775	0.00	0.00
Smaller of c or d	2,775	0.00	0.00
Clearing above WCT (0.25 = 1) replacement requirement	1,177	0.00	0.00
Clearing below WCT (2) replacement requirement	15,000	0.00	0.00
Woodland Conservation Required	1,177	0.00	0.00
Legal Woodland Conservation Provided	1,177	0.00	0.00
Woodland Conservation Provided:			
Woodland Preservation	0.72	0.00	0.00
Reforestation / Reforestation	0.00	0.00	0.00
Area approved for fee-in-lieu	0.00	0.00	0.00
Credit for Off-site Mitigation on another property	0.00	0.00	0.00
Off-site Mitigation (pre-approval) being provided on this property	0.00	0.00	0.00
Off-site Mitigation (pre-approval) being provided on this property	0.00	0.00	0.00
Legal Woodland Conservation Provided	0.72	0.00	0.00

Area of woodland not cleared: 0.22 acres  
Woodland retained net per requirements: 0.00 acres

Prepared by: KENNETH R. WALLIS  
Signed: [Signature]  
Date: [Blank]

\* NOTE: ACREAGE INDICATED FOR INFORMATIONAL PURPOSES ONLY. ALL THE I-3 ZONE PROPERTY (LOTS 7-9, BLOCK 'C') ARE UNDER A PREVIOUSLY APPROVED TYPE II TREE CONSERVATION, 4-005-06/02, WHICH IS IN ASSOCIATION WITH OSP-09028.

**WOODLAND CONSERVATION SUMMARY TABLE**

METHOD OF CONSERVATION	CONSERVATION AREA
WOODLAND PRESERVATION AREA	0.38 ACRES
WOODLAND PRESERVATION AREA WITH SELECTIVE CLEARING OF BRAZILIAN PEAR TREES	0.34 ACRES
WOODLAND REFORESTATION AREA	0.36 ACRES
TOTAL ON-SITE WOODLAND CONSERVATION FOR LITTON PARCEL	1.07 ACRES
WOODLAND WITH FLOODPLAIN ON LITTON PARCEL (PRESERVED-NOT COUNTED)	3.59 ACRES
WOODLAND PRESERVATION UNDER PREVIOUSLY APPROVED TCP-1, NO. 2-008-08	0.72 ACRES

"The woodland conservation areas are described by the limits as shown on this plan and preclude any disturbance or installation of any structure within the said area without the revision or re-approval of the Type II TCP. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

MANPCPC  
Prince George's County Planning Department  
Environmental Planning Section  
**APPROVAL**  
TREE CONSERVATION PLAN  
TCP 1 010-011

Original	Revision	Date
01		
02		
03		
04		
05		
06		

**TYPE I - TREE CONSERVATION PLAN**  
for PRELIMINARY PLAN NO. 4-12014  
LOTS 1 THROUGH 9  
**LITTON TECHNOLOGY CENTER**  
A RESUBDIVISION OF  
LOTS 15, 16 AND 17, BLOCK "C"  
PLAT BOOK: REP 213 AT PLAT: 69  
RIVERSIDE  
AND  
PARCEL "A"  
PLAT BOOK: NLP 117 AT PLAT: 13  
LITTON TECHNOLOGY CENTER  
BERWYN ELECTION DISTRICT NUMBER 21  
RIVERDALE ELECTION DISTRICT NUMBER 19  
PRINCE GEORGE'S COUNTY, MARYLAND

**Qualified Professional Certification**  
This plan complies with the current requirements of Subtitle 25 and the Woodland and Wildlife Conservation Technical Manual.  
Signed: [Signature] Date: 07-11-12  
Kenneth R. Wallis  
Richard Environmental, LLC  
5373 Kyles Orchard Parkway, Suite 207  
Odenton, MD 21113  
Phone: (410) 672-5999 Fax: (410) 672-5999  
E-mail: ken@richardenvironmental.com

**DEVELOPER/APPLICANT:**  
COPT Development & Construction Services, LLC  
A Division of Corporate Office Properties Trust  
6711 Columbia Gateway Drive, Suite 300  
Columbia, MD 21046  
Attn: Lauren M Taylor, Project Manager-Construction  
Phone: 443-265-5656

**OWNER:**  
State of Maryland  
University of Maryland  
2101 Main Administration, Room 1123  
College Park, MD 20742-6021  
Attn: Irene Redmilas  
Phone: 301-405-5644

**ATTENTION:**  
THIS PLAN SHALL BE USED ONLY FOR ITS INTENDED PURPOSE AS NOTED IN THE TITLE BLOCK.

**JOYCE ENGINEERING CORPORATION**  
DESIGN: HWJ DATE: JULY 2012 JOB NO.: 06401417  
DRAWN: HRA COMP: ODE SCALE: 1"=100'  
CHECK: JEC SURVEY: CW-JR SHEET: 1 OF 1

**TCP-1**

**Miriam Bader**

---

**From:** Nguyen, Quynn [Quynn.Nguyen@ppd.mncppc.org]  
**Sent:** Tuesday, February 19, 2013 4:48 PM  
**To:** Thomas H. Haller; Terry Schum; Miriam Bader; Sara Imhulse  
(simhulse@riverdaleparkmd.gov)  
**Cc:** Chellis, Whitney; Williams, Chad  
**Subject:** Litton Technology Center  
**Attachments:** LittonMemo.pdf

Hey Everyone,

There have been a few concerns of the whether the proposed preliminary plan 4-12014, Litton Technology Center, is in conformance with the approved TDDP. Specifically with regarding to the applicant's proposal to designate Lots 15-17 (M Square) as part of the North area in TDDP with this preliminary plan 4-12014. This preliminary plan of subdivision will remove the property (Lots 15-17) from the Riverside Subdivision.

Staff has raise these concerns to our Legal Department, and our Associate General Counsel, Debra Borden, has researched the issue of conformance with the applicant's proposal to the approved TDDP. Attached is the Legal Department final memo. Based on our meeting with legal department and the attached memo, it appears that the Approved College Park-Riverdale Transit District Development Plan (TDDP) did not intend the north and south boundary to be a bright line, and it did not designate the adjustment of north and south boundary as a primary amendment to the TDDP. Therefore it is concluded that there is more flexible in the TDDP to change the parcels within the north and south boundary without a required primary amendment to District Council, than we originally thought.

Therefore we concluded that Staff should move forward with this preliminary plan and no additional documents or information are required from the applicant. Transportation Section will look into the parking requirement and it appears that adequacy for transportation facilities can be found since applicant has agreed to pay the north parking fee. Urban Design will look into the design standard- especially set back and specific parcel requirement and it appears that a staff level revised to M Square DSP could resolve any issue to north design standard. A condition for a new plat for Lots 15-17 will also be required to reflect new plat notes etc...associated with the shift as appropriate.

I have spoken to Tom Haller and he has agreed to continue the case to March 14, 2013.  
If you have any other questions please contact me.

Thanks,

Quynn Nguyen  
Senior Planner  
Development Review Division  
Maryland-National Capital Park & Planning Commission  
Tel: 301-780-2465  
Fax: 301-952-3749

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# MEMO

OFFICE OF THE GENERAL COUNSEL  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
COMMISSION



---

14741 Gov. Oden Bowie Dr., Suite 4120  
Upper Marlboro, Maryland 20772  
(301) 952-4501 \* (301) 952-3444 fax

**TO:** Whitney Chellis  
Subdivision Section Supervisor

Alan Hirsch, Chief of Development Review

**FROM:** Debra S. Borden   
Associate General Counsel

**DATE:** February 14, 2013

**RE:** Preliminary Plan 4-12014 (the "Preliminary Plan"), "Litton Technology Center"  
subdivision ("Litton") and the "Riverside" subdivision ("Riverside").

**ISSUE:** Whether the proposed re-subdivision of Riverside and Litton is in conformance with the approved Transit District Development Plan (the "TDDP") for the College Park-Riverdale Transit District Overlay Zone (TDOZ).

The TDDP, approved by the Prince George's County Council (the "County Council") in 1997, sets forth land use and development requirements within the College Park-Riverdale Transit District (the "Transit District"). The TDDP is organized into various sections, which discuss applicability, site plan findings and submittal requirements, land use, district-wide and site-specific development requirements. For "reference purposes only" the TDDP assigned parcel numbers to the properties in the Transit District to facilitate discussion of the recommendations in the TDDP, but these parcel numbers did not "reflect the legal descriptions of the propert[ies]" and did not "necessarily correspond to legal lot lines." TDDP p. 7. This language is important because thereafter, and throughout the TDDP, parcels are referenced by number and assigned to the northern or southern portion of the Transit District, resulting in different parking and density maximum requirements for the north versus the south.

Generally, the TDDP established mandatory development requirements which are designated as either primary or secondary requirements. The primary standards as set forth in the TDDP may only be

amended by the County Council sitting as the District Council for Prince George's County. Secondary standards may be amended by the Planning Board. The TDDP does not define the northern and southern areas referenced throughout the plan in terms of primary or secondary standards or requirements. Further, the TDDP provides that the Planning Board may approve a subdivision in the Transit District upon a finding that the subdivision is in conformance with the "conceptual building and parking locations established in Part V of this TDDP [District-Wide Requirements]." TDDP p. 15. The TDDP goes on to state that a subdivision may "deviate from conceptual building and parking locations *only if the Planning Board finds that the proposal still meets the design intents and the vision of the TDDP.*"(emphasis added). TDDP p. 15. This language affords the Planning Board, within its authority to approve subdivisions of land, to deviate from the conceptual building and parking locations as set forth in the TDDP, as long as the required finding, with sufficient evidentiary support, is made by the Planning Board.

At the time of TDDP approval, an existing subdivision known as Riverside had been previously approved in the southern half of the Transit District. A maximum density for Riverside had already been established years earlier during its subdivision approval process. This fact was noted in the TDDP and it was decided that the southern portion of the Transit District would be subject to its previously approved maximum density, while the northern portion of the TDDP would be subject to a density cap driven by the amount of parking allowed in the northern portion of the district, which is outlined in Part V of the TDDP. TDDP p. 21. At the time of the TDDP, the effective differences between the northern portion and southern portions of the district were the proximity to metro, and more importantly that the southern portion was already subject to development standards established by *approved* subdivisions, while the northern portion was not. This is the reason that density is treated so differently with reference to north and south.

In fact the TDDP did not actually place a density cap on the northern area. Instead, it provided maximum numbers of parking spaces, which effectively limited the density to the amount of permitted uses generated in accordance with applicable parking standards. Part V of the TDDP contains district-wide development requirements which are, in the case of setbacks and parking, different based on whether the property is in the northern or southern portion of the district. The setbacks are a function, or a tool, of urban design, and the different recommendations are based upon the 10-minute walk distance from the Metro station, which encompasses the northern area. The maximum parking allocations, as explained above, are used in this TDDP as a density tool, and are therefore based on the recognition that at the time the TDDP was approved, the existing subdivisions already had density caps, while the northern area did not.

The Applicant proposes to re-subdivide, by removing a parcel from the pre-TDDP Riverside subdivision in the south (roughly corresponding to Parcel 10 in the TDDP), and adding it to the post-TDDP Linton subdivision located in the northern portion of the district. In this manner, the new lots (proposed lots 15-17, Block "C" of the Litton subdivision) would be subject to the maximum parking allocations, and subject to the parking space related fee which is required of all northern-area parcels under the TDDP. The question is, may the Planning Board approve the requested re-subdivision which would ostensibly involve moving one of the parcels referenced in the TDDP as a southern parcel, into the northern area

by incorporating it into the Linton subdivision. The TDDP gives the Planning Board the right to deviate from the conceptual building and parking locations if it finds that the subdivision still meets the intents and vision of the TDDP. TDDP p. 15. Since the parking locations were driving the density, it is clear that the TDDP envisioned a scenario where the Planning Board may be asked to re-subdivide the existing subdivisions. The TDDP identified the finding which must be made by the Planning Board, therefore, as long as that finding can be made, the Planning Board has the authority to alter the location of the parking, and thus the location of the density which is determined by the parking for the northern area.

The following list represents additional information, which may assist the Planning Board in finding that the intents and vision of the TDDP are still met with the proposed re-subdivision:

1. The north/south divide was based upon the then existing approved subdivision, an area that is, and was at the time, subject to re-subdivision by the Planning Board.
2. The parcel numbers used in the TDDP were for "reference purposes only", "did not reflect the legal descriptions of the propert[ies]," and "did not necessarily correspond to legal lot lines." P. 7 – TDDP. This language indicates that the north/south divide was not a bright line set according to lot or property boundaries.
3. The district-wide urban design standards are based upon 5 minute walk rings shown on page 122. The 10 minute walk ring that corresponds to the appropriate walking distance from the metro station, and thus sets forth the urban versus suburban divide, runs through and includes the areas identified in the TDDP as Parcels 3 and 10. Therefor a portion of Parcel 10 is in fact located within the 10 minute walk ring.
4. The TDDP states that the area located outside the 10 minute walk ring should be "pedestrian friendly with *either an urban or suburban campus character.*" This indicates some flexibility in the urban design standards with the caveat that a "typical suburban development scheme in which the building is surrounded by parking shall be avoided." p. 64.
5. The TDDP described Parcels 3 and 10 as providing a transition between the urban and suburban campus feel where the "setback along the eastern side of River Road decreases in size closer to the Metro Station." p.64.

The above does not represent an exhaustive list, but it does appear that the Planning Board could find that the intents and vision of the TDDP are best served by approval of the proposed subdivision which would have the effect of shifting TDDP Parcel 10 (proposed lots 15-17) from the southern area to the northern area, and requiring northern development standards, while incorporating design flexibility indicative of an urban/suburban transition.

Prince George's County Planning Department  
Community Planning Division

301-952-4225  
www.mncppc.org

February 25, 2013

**MEMORANDUM**

TO: Quynn Nguyen, Subdivision Review Section, Development Review Division  
VIA: Cynthia Fenton, Acting Planning Supervisor, Community Planning Division  
FROM: Chad Williams, LEED AP BD+C, Planner Coordinator, Community Planning Division  
SUBJECT: 4-12014 Litton Technology Center (Revised Referral)

**DETERMINATIONS**

- This application is consistent with the 2002 General Plan Development Pattern policies for Centers in the Developed Tier.
- This application conforms with the land use recommendations of the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone*.
- Several key design standards of the transit district development plan and design guidelines from the General Plan have not been adequately addressed, and the applicant should continue to refine the site designs, street layout, and lot pattern to better meet the intent of these standards.
- This application is located under the traffic pattern for a small general aviation airport (College Park Airport) and is subject to Aviation Policy Area regulations in Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. In particular, the applicant should be made aware of height and purchaser notification requirements contained in these regulations.

**BACKGROUND**

Location: Northeast side of River Road, south of Paint Branch Parkway  
Size: 48.57 acres  
Existing Uses: Vacant land that is partially wooded  
Proposal: Resubdivide three existing lots and one parcel into nine lots for research and development offices

## GENERAL PLAN, MASTER PLAN AND SMA

**2002 General Plan:** This application is located in the Developed Tier and is in a designated Center (College Park/UM Metro).

The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

The vision for Centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

**Master Plan:** 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone.*

**Planning Area/  
Community:** PA 66

**Land Use:** The northern portion of the subject property (identified as Parcel 12 by the 1997 transit district development plan) is recommended for mixed-use development consisting of a mix of office, retail, hotel, residential, and light industrial uses, while the southern three proposed lots (identified as part of Parcel 10 by the 1997 transit district development plan) are recommended for planned employment land uses consisting of a mix of office, retail, and light industrial development.

**Environmental:** Refer to the Environmental Planning Section referral for comments on the environmental element of the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* and the 2005 *Countywide Green Infrastructure Plan.*

**Historic Resources:** None identified

**Transportation:** River Road is identified as a four-lane collector (C-204) with an 80 foot right-of-way. Access to Parcel 12 will be via 52<sup>nd</sup> Avenue, a local commercial street linking to Paint Branch Parkway, which is identified as a four-lane collector (C-202) with an 80-100 foot right-of-way by the 2009 *Approved Countywide Master Plan of Transportation.*

Parcel 12 is approximately 1,200 feet southeast of the College Park-University of Maryland Metro Station and MARC platform and one of the proposed Purple Line platforms. The portion of Parcel 10 subject to this application is located approximately 1,050 feet northwest of the proposed River Road Purple Line platform.

**Public Facilities:** None identified

#### 4-12014 Litton Technology Center (Revised Referral)

February 25, 2013

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**Parks & Trails:** Parcel 12 abuts the Ellen Linson Pool and Herbert W. Wells Ice Rink to the north, and the Northeast Branch Stream Valley Park to the east. The Northeast Branch Stream Valley Park Trail is located on the east side of Parcel 12. The transit district development plan recommends a trail along the northern edge of Parcel 10, with additional trail connections linking Parcel 10 with Parcel 12. Additionally, a network or grid of trails is proposed throughout Parcel 12 with a connection to the Northeast Branch Stream Valley Park Trail.

**SMA/Zoning:** The 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* rezoned Parcel 12 from the I-1 Zone to the M-X-T Zone and Parcel 10 from the I-1 and I-2 Zones to the I-3 Zone. The transit district development plan also placed the entire property in the Transit District Overlay Zone (TDOZ), which requires site plan review.

### PLANNING ISSUES

This referral has been updated to reflect additional information submitted by the applicant and replaces the Community Planning Division referral dated January 11, 2013 (Williams to Nguyen).

Staff notes proposed Lots 7, 8, and 9 in the southwest portion of the subject property are included in this application primarily for the purpose of the redistribution of the parking space cap set by the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* (hereafter TDDP). These proposed lots are subject to an approved Detailed Site Plan (DSP-09028) and are identified by the TDDP as part of Parcel 10. The main focus of this referral will be on proposed Lots 1-6 (identified in the TDDP as Parcel 12), which will be subject to a future Detailed Site Plan application.

#### *Land Use and Plan Conformance*

The applicant has revised the site plans, which now include a general note indicating ancillary retail such as, but not limited to, food services/cafeteria, daycare, and banking services will be part of the final development in Parcel 12. With this notation this reviewer finds that the application conforms to the land use recommendations of the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* (hereafter TDDP).

However, while the applicant's intent is to provide for a mix of uses to satisfy the requirements of the M-X-T Zone and meet the TDDP land use recommendations for Parcel 12, staff notes the TDDP urban design concept outlined on pages 63-64 envisions an urban development for properties within a 10-minute walking distance from the College Park-University of Maryland Metro Station and specifically identifies Parcel 12 (the subject property for proposed Lots 1-6) as part of this concept. Page 64 states: "(i)n this area pedestrian density would be higher and urban design should focus on pedestrian activities. Physical development is based on a block pattern, with buildings close to the street and shielded parking." The physical layout of this development should continue to be revised in future stages of the development review process to provide for clear and convenient pedestrian access and a more urban form and character for the future office buildings.

Staff recognizes that proposed Lots 7, 8, and 9 conform to the land use recommendation for planned employment land uses including office, retail, and light industrial development in a suburban campus character for this portion of the proposed development.

The application is consistent with the land use recommendations of the 2002 General Plan for metropolitan centers—specifically with regard to the desired concentration of employers and workers for large government service, major employment centers, and major educational complexes as found on page 47 of the General Plan.

Additional General Plan guidance which has bearing on development within the TDDP can be found in:

- The objective on page 27 to incorporate appropriate pedestrian, bicycle, and mass transit-oriented features in all new development within centers and corridors;
- The urban design strategies for centers and corridors to emphasize the need for the overall design and amenities to create a special sense of place and ensure ample amenities such as plazas, public open space, public art, and civic uses are provided.

#### *Site Design, Circulation, and Access*

The submitted site plans do not reflect the urban character envisioned by the TDDP for the northern portion of the transit district. The site plan reflects a lot pattern that is suburban in nature, with no rhythm or clear sense of logical layout associated with proposed lots 1-6. Each of these proposed lots is of a different size and shape that seems to cater more to the expressed intent for a secure facility than to an urban, walkable environment.

While staff notes the revised site plans contain an adjusted private street network, the applicant should be encouraged to reconfigure these six proposed lots and provide true through-streets that further establish an urban grid-like street network within the subject property. This network should allow for future connections to Parcel 12 to the south (indicated by the submitted site plans) and to the CASL site to the west to allow for a possible future connection as the CASL site redevelops over time. An urban block configuration is mandated by standard S-260 on page 161 for Parcel 12.

At the time of Detailed Site Plan review, the applicant should demonstrate that the relationship of proposed buildings on the subject property north of the channelized stream (the southern boundary of Parcel 12 as defined by the TDDP) is evocative of a more urban relationship between buildings. The applicant Exhibit B submitted as part of the response letter to SDRC review comments indicates a preferred distance and a minimum distance for the anticipated security requirements future tenants may desire. Staff would prefer to see a lot and siting pattern that seeks to establish the minimum distance to remain more in keeping with the desired urban character for development in this area while still accommodating the applicant's desire to create a secure office environment.

The proposed buildings should have frontage on public streets if possible. In lieu of public streets, the site should be designed so that future buildings will front private streets. These streets should be designed to be consistent with Figure 12 on page 73 of the TDDP. This figure should also guide building setbacks from streets within Parcel 12. Both of these recommendations are in accordance with Parcel 12-specific standards S-6 and S-8 on page 159. The building setback should be finalized at the time of Detailed Site Plan review.

It appears that most of the proposed buildings on Parcel 12 will front drive aisles, areas identified as private access easements, or parking lots. Standard S-57 on page 82 states that “(p)arking lots should be located behind buildings” and standard S-74 on page 84 states that “(m)ajor building entrances shall be accessed from the street in the northern area.” Furthermore, standard S-252 on page 159 states: “(p)arking lots in front of buildings shall be prohibited.”

The circulation pattern of streets, sidewalks, and trails should be finalized prior to signature approval of the subdivision application. As indicated in the concept drawings, the street network and pedestrian linkages are insufficient to provide for an urban, connected circulation pattern within the subject property. The applicant should be encouraged to incorporate additional access and circulation paths within the subject property, and should confirm the presence and location of sidewalks and streetscape amenities on both sides of all streets per standard S-18 on page 76.

Additional green spaces and gathering places should be considered as potential on-site amenities for future workers and visitors in accordance with standard S-260 on page 161.

The applicant should consider providing a bicycle sharing facility in consultation and collaboration with the City of College Park, Town of Riverdale Park, Department of Public Works and Transportation, and the Transportation Planning Section of the Planning Department.

#### *Architecture and Design*

The proposed office buildings as shown in the submitted concept drawings have a very suburban design and site layout which is at odds with the recommended character of a more urban, mixed-use environment such as that envisioned by the General Plan for metropolitan centers and by the TDDP for the northern area. At the time of Detailed Site Plan review the applicant should demonstrate how the design of the proposed office buildings will fully meet the intent of the architectural standards contained in the TDDP.

#### *Technical Corrections*

While the applicant has attested that the municipal boundaries as depicted on the submitted site plans are accurate, the site plans themselves do not indicate the municipalities. Rather, the municipal boundaries are labeled with the election districts. The plans should be revised to identify the municipalities of College Park and Riverdale Park.

#### *Aviation Policy Area*

This application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area regulations adopted by CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in Aviation Policy Area (APA) 6. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to evaluation of this application. No building permit may be approved for a structure higher

**4-12014 Litton Technology Center (Revised Referral)**

February 25, 2013

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than 50 feet in APA-6 unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77.

The application should also be referred to the Maryland Aviation Administration for information and comment:

Ashish J. Solanki, Director  
Office of Regional Aviation Assistance  
Maryland Aviation Administration  
PO Box 8766  
BWI Airport, MD 21240-0766

c: Steve Kaii-Ziegler, AICP, Planning Supervisor, Community Planning Division  
Long-range Agenda Notebook



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George’s County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

February 26, 2013

**MEMORANDUM**

TO: Quynn Nguyen, Subdivision Section, Development Review Division  
FROM: Tom Masog, Transportation Planning Section, Countywide Planning Division  
SUBJECT: 4-12014, Litton Technology Center, Transportation Findings and Recommended Conditions for Preliminary Plan

The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 48.57 acres of land (39.36 acres net of dedication and floodplain) in the M-X-T and I-3 Zones, and also within the Transit District Overlay (T-D-O) Zone. The overall site is located between Paint Branch Parkway and River Road at 51st Street and 52nd Avenue. The applicant proposes a commercial subdivision of nine lots to include approximately 1.1 million square feet of office space, including 480,000 square feet of office space that has never been the subject of an approval.

***Analysis of Traffic Impacts: Requirement for a Traffic Impact Study***

The application is a preliminary plan of subdivision for a commercial development consisting of nine lots. One lot will contain an existing 130,000 square foot office building on Parcel A of Litton Technology Center. Three lots encompass Lots 15, 16, and 17 of Block C of Riverside; this area is covered by Detailed Site Plan DSP-09028, which allows 450,000 square feet of office space – a quantity that is currently proposed to remain unchanged under this plan. The final five lots are proposed for the development of 480,000 square feet of additional office space. The table below summarizes trip generation in each peak hour that will be used for the analysis and for formulating the trip cap for the site:

<b>Trip Generation Summary, 4-12014, Litton Technology Center</b>								
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
			<b>In</b>	<b>Out</b>	<b>Tot</b>	<b>In</b>	<b>Out</b>	<b>Tot</b>
Lot 1, general office (existing)	130,000	square feet	137	15	152	29	126	155
Lots 2-6, general office	480,000	square feet	505	56	561	109	464	573
Lots 7-9, general office (per DSP-09028)	450,000	square feet	474	53	527	102	436	538
<b>Total Trips</b>			<b>1,116</b>	<b>124</b>	<b>1,240</b>	<b>240</b>	<b>1,026</b>	<b>1,266</b>
<b>Less Existing and Approved</b>			<b>611</b>	<b>68</b>	<b>679</b>	<b>131</b>	<b>562</b>	<b>693</b>
<b>Net New Trips</b>			<b>505</b>	<b>56</b>	<b>561</b>	<b>109</b>	<b>464</b>	<b>573</b>

The trip generation is estimated using trip rates and requirements in accordance with the “Transportation Review Guidelines, Part 1(Guidelines).”

The applicable plan for this area is the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone*. By means of the approval of the District Council, this document constitutes an amendment to the Zoning Map for the area within this Transit District Overlay Zone (TDOZ). The TDOZ addresses the traffic study requirements within the TDOZ with the following text on Page 15 of the above-cited document, which is the transit district development plan (TDDP) for the area:

**“Compliance to all district-wide and parcel-specific mandatory development requirements and development guidelines shall be in substitution of and shall be considered to fulfill the requirements of the transportation adequacy requirements of Section 24-124 of the Prince George’s County Code, for Preliminary Plats of Subdivision submitted for any parcel within this transit district.”**

Given this statement, it is determined that a traffic study is not required pursuant to a finding of adequacy under Section 24-124. This simple statement, however, has been the subject of considerable discussion during the review of this application.

The issue at the heart of the discussion concerns the fact that the TDDP has clear policies regarding areas in the northern portion of the TDOZ and areas in the southern portion. In the northern portion of the TDOZ, development is capped only by the parking supply. In the southern portion of the TDOZ, development is capped by both the parking supply and by a square footage cap on the Riverside subdivision (Preliminary Plan of Subdivision 4-89228). The overall effect of this subdivision application would effectively move the line between north and south such that proposed Lots 7-9 would be included in the north. In response to the question of how this can occur within the context of the TDDP, three observations are made:

- In the TDDP, the north/south divide within the TDOZ is introduced on page 63. On page 7, however, it is stated that any parcel numbers used in the TDDP are for reference purposes, and continues by stating that they “do not reflect the legal descriptions for the property.”
- Most standards in the TDDP are actually parcel-specific. But parking quantity standards for uses are based on the walk rings displayed on page 122 of the TDDP. Even the general statements at the top of page 64 of the TDDP give an impression that the walk rings are actually driving the north/south distinctions.
- On page 64 of the TDDP, it is stated that Parcels 3 and 10 along River Road represent a transition area between the north and the south.

In considering these points, it is determined that the TDDP document allows some ambiguity in allowing the north-south line to shift. Furthermore, the effect of this subdivision, when recorded, would be to remove existing Lots 15-17 of Block C from the Riverside subdivision. The square footage cap of two million square feet for Riverside would remain in place. Lots 15-17, Block C, through this process, are being subjected to a new transportation finding that is consistent with the TDDP. The parking associated with these lots will be considered under the north parking cap.

A secondary issue regarding the need for a traffic study concerns item P-19 on page 122 of the TDDP. Item P-19 states that a traffic study is required “for any development plan in the north proposing an increase to the total parking supply above 4,845 spaces.” While conformance to the standards will be discussed in greater detail later in this memorandum, the subject application does increase the total parking supply in the north above 4,845 spaces, and this standard, on its face, would appear to require a traffic study. Regarding the applicability of this standard, several findings are required:

- A central theme in the TDDP involves the creation of a mechanism to pay for the road improvements needed in the area. The TDDP identified two funding sources to pay for needed road improvements. At the time the TDDP was adopted, property in the southern area had already been subdivided and was conditioned upon several road improvements. In addition to these road improvements, additional improvements were needed to support development in the north area. To pay for these improvements, a fee of \$580 per parking space provided was identified on page 129 of the TDDP (in 1997 dollars). It appears that the road improvements identified and funded through the TDDP were intended to support the level of development which could be generated by uses generating 16,000 parking spaces.
- The approval resolution of the TDDP (Zoning Ordinance 35-1997) includes additional information. Amendment 92 of ZO 35-1997 establishes an assessment on parking spaces constructed as the funding mechanism for the road improvements and trail improvements. Notably, the estimated costs of the infrastructure being funded were included in ZO 35-1997, but were not included in the text of the TDDP. On page 26 of ZO 35-1997, the estimated capital cost of the recommended road and intersection improvements was \$6,650,000 and the cost of the trail improvements was \$750,000. Thus, a total of \$7,400,000 was required to be raised through parking space assessments. As ZO 35-1997 notes, the south area was part of the Riverside subdivision and was already conditioned to make road improvements valued at \$2,050,000. Since the south was already paying for these road improvements, they did not need to pay any more per parking space. This reduces the remaining funding burden to \$5,350,000 (\$7.400 million less \$2.05 million). The amount to be paid per parking space in the northern area was \$580 for both surface and structured spaces.
- If only surface parking in the north paid the \$580 per parking space (4,845 spaces), only \$2,810,000 could be collected to pay for the road improvements. However, if both surface and structured spaces (9,045 spaces) pay this amount, \$5,246,100 would be collected. This literally completes the funding gap for virtually all of the transportation and trail needs in the TDDP not being paid for by the properties in the Riverside subdivision.

These findings clearly demonstrate a fiscal rationale for waiving the standard traffic study and adequacy test if a proposal is within the parameters of the development which was to be accommodated by the traffic improvements planned under the funding mechanism. If a new traffic study were required for any parking above 4,845 spaces per the standard, the entire funding mechanism of the TDDP would be undermined. It seems clear that the standard was intended to require the traffic study for any development plan in the north proposing an increase to the total parking supply above 9,045 spaces.

In summary, it is determined that a traffic study may be waived, and that the adequacy determination shall be made as described on page 15 of the TDDP. Notwithstanding this determination, a trip cap consistent with the trip generation for the overall site will be recommended as described earlier in this memorandum.

#### *Analysis of Conformance to TDDP Standards*

As noted earlier, in lieu of a traffic study, the plan shall be carefully examined regarding conformance to the various requirements and guidelines set out for the TDOZ and for Parcels 10 and 12 identified in the TDOZ (the site wholly occupies Parcel 12 plus a portion of Parcel 10). The following are noted:

- Uses and Streetscape: Conformance to these design elements shall be determined by others within the Planning Department. In reviewing the parcel-specific elements, there will be a brief discussion of item S-6 as it relates to the placement and design of internal roadways.
- Architecture and Development Review: Conformance to these design elements shall be determined by others within the Planning Department.
- Environmental Features and Public Facilities: Conformance to these elements shall be determined by others within the Planning Department.
- Transportation and Parking: Regarding conformance to the various requirements, the following comments and determinations are provided:
  - Items S-163 and S-164 shall apply to development within the subject property.
  - Items S-165 through S-175 will be determined by the trails reviewer.
  - Items P-15 through P-17 shall apply to development within the subject property, and will be checked at the time of detailed site plan review.
  - Item P-18 shall apply to development within the subject property. The applicant has provided a parking inventory for the north area which indicates that neither the surface parking nor the total parking caps will be violated with this proposal. The table below summarizes the parking inventory:

<b>College Park-Riverdale TDOZ North Section: Parking Inventory</b>					
TDDP Parcel	Existing Parking		Additional Planned Parking		Total Parking
	Surface	Structure	Surface	Structure	
Parcel 2**	0	0	80	312	392
Parcel 12, Prop. Lots 1-6*	336	0	677	462	1,475
Parcel 10, Prop. Lots 7-9*	0	0	655	470	1,125
Parcels 10D, 12C, 12D	890	0	0	0	890
Parcels 13, 15, 15E	510	0	0	0	510
Parcels 15D, 16	767	0	0	0	767
Parcel 1**	470	1,400	0	420	2,290
<b>TOTALS</b>	<b>2,973</b>	<b>1,400</b>	<b>1,412</b>	<b>1,664</b>	<b>7,449</b>
* These parcels are part of this application, and “additional planned parking” reflects the applicant’s intent as well as any approved site plans at this time. Parking quantities shall be checked for consistency with items P-15 through P-17 at the time of site plan review.					
** These parcels are not part of this application, and “additional planned parking” is highly speculative in that it is not reflective of an approved site plan. Future development will need to conform to the appropriate standards in the TDDP.					

- Item P-19 has been thoroughly discussed earlier in this memorandum. For reasons noted in that discussion, it is determined that a traffic study is not needed at this time.
- Items P-20 through P-26 and S-176 through S-188 involve the establishment of shared parking and a transportation demand management (TDM) district within the TDOZ. A fee is prescribed for future shared parking, as noted below. Regarding the establishment of a TDM district, there has not, to date, been sufficient justification for the establishment of a TDM district. As a result, the TDM annual fee (\$5.00 per parking space) shown on page 128 might not be required at

detailed site plan review. The applicant should however be aware that when the TDM district is established, the annual fee per parking space will be applied, as prescribed by the TDDP.

- Items P-27 through P-29 concern the payment of fees per parking space toward the provision of TDM programs, needed roadway and trail improvements, and shared parking structures. The fees are based upon the number of parking spaces constructed, and shall be determined at the time of detailed site plan review. It shall be noted, and a condition to this end will be recommended, that the entire site, including proposed Lots 7 through 9, shall be considered part of the north for the determination of appropriate fees.

- Regarding parcel-specific items for Parcel 10 as shown in the TDDP, proposed Lots 7 through 9 have been reviewed against the standards on pages 152 through 154 of the TDDP. No further review will be conducted at this time, but the standards will be re-reviewed as a part of any subsequent site plan review.

- Regarding parcel-specific items for Parcel 12 as shown in the TDDP, proposed Lots 1 through 6 have been reviewed against the standards on pages 159 through 161 of the TDDP. The applicant requests a waiver of item S-6, which defines the streetscape design for the east-west roadways through Parcel 12 and Parcel 12C. Additionally, it would appear that a modification to item S-260 would eventually be needed; this item defines the internal street pattern within Parcel 12 of the TDDP. With regard to the request, the following is noted:

- The applicant is proposing development that involves and requires a degree of security. As a result, the applicant believes that unrestricted access within the parcel is not feasible. Therefore, the applicant is proposing private roadways with a single access via an extension of 52nd Avenue. A secondary private roadway is shown extending to property to the south; however, this is labeled as a possible future connection.

- The applicant proposes to retain the existing building on proposed Lot 1. This greatly limits the likelihood of implementing any east-west streets as identified in the TDDP.

- The transportation staff determines that the functionality of the TDDP is not harmed by the use of private roadways versus public roadways. The functionality is affected by the presence of gates, fences, and a lack of appealing routes for pedestrians. Most of these details are not known until the time of site plan review. The street sections referenced by item S-6 were intended to ensure quality bicycle and pedestrian facilities within the TDOZ. This standard can be waived provided that the intent of creating walkable connections to the Metrorail station and to other areas within the TDOZ is maintained.

- By retaining the existing building on proposed Lot 1, there are some significant challenges in imposing an urban grid network on this site or extending 51st Avenue.

Therefore, it is determined that item S-6 can be waived. Given that private roadways and easements are to be used for circulation within Parcel 12, it premature to indicate an opinion regarding item S-260. At the time of site plan review, if needed, a waiver or amendment of item S-260 should be requested by the applicant, and at that time it can be reviewed on its own merits.

In conclusion, it is determined that the application is consistent with the applicable transportation-related standards in the TDDP. It is noted that many of these standards require further review as a part of the detailed site plan.

***Plan Comments***

With regard to the master plan for the site, River Road is a master plan collector facility. The roadway is shown on right-of-way plats as an 82-foot right-of-way. This is adequate and consistent with the master plan requirement of 80 feet.

***Transportation Staff Conclusions***

Based on the preceding findings, the Transportation Planning Section concludes that the subject application complies with all district-wide and parcel-specific mandatory development requirements and development guidelines within the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone*. By statements made within this plan, this finding shall be in substitution of and shall be considered to fulfill the requirements of the transportation adequacy requirements of Section 24-124 of the Prince George's County Code. These findings can be made if the application is approved with the following conditions:

1. Total development within proposed Lots 1 through 6 shall be limited to uses that would generate no more than 713 AM and 728 PM peak-hour vehicle trips. Total development within proposed Lots 7 through 9 shall be limited to uses that would generate no more than 527 AM and 538 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
2. A plat note shall be included on the record plat to indicate that, for the purposes of determining the fees to be paid consistent with the 1997 *Approved Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone* toward the provision of TDM programs, needed roadway and trail improvements, and shared parking structures, the entire subject property shall be considered within the north portion of the TDOZ. This shall include proposed Lots 7 through 9.

Countywide Planning Division  
Environmental Planning Section  
301-952-3650

February 15, 2013

**MEMORANDUM**

**TO:** Quynn Nguyen, Senior Planner, Development Review Division

**VIA:** Katina Shoulars, Supervisor, Environmental Planning Section

**FROM:** Chuck Schneider, Planner, Environmental Planning Section

**SUBJECT: Litton Technology Center; 4-12014, TCP1-001-10 and TCPII-006-06-05**

The Environmental Planning Section has reviewed the above referenced Preliminary Plan of Subdivision, 4-12014, and Type I Tree Conservation, TCP1-001-10, stamped as received by the Environmental Planning Section on February 5, 2013. An initial set of plans were received on November 12, 2012 and verbal comments were provided in a Subdivision Development Review Committee meeting on November 26, 2012 and also in a separate meeting with the applicant on December 12, 2013.

The Environmental Planning Section recommends approval of 4-12014 and TCP1-001-10 subject to the conditions noted at the end of this memorandum.

**BACKGROUND**

The subject application consists of one parcel (Parcel A) and three lots (Lots 15-17). The Environmental Planning Section has previously reviewed a preliminary plan application for the site (P-09022). That application was later withdrawn. With regard to Lots 15, 16, and 17, which totals 13.43 acres, the Environmental Planning Section previously reviewed the following applications for this site: Preliminary Plan of Subdivision, 4-89228, also known as Riverside, with Type I Tree Conservation Plan, TCPI/009/90, and subsequently as Detailed Site Plans DSP-92006, DSP-93019, and DSP-95017, with Type II Tree Conservation Plan TCPII/73/90. A 51-acre tract of land that included Lots 15-17 was later separated from that TCPII and reviewed with Detailed Site Plans DSP-05078, DSP-05079, and DSP-05080, in conjunction with TCPII/006/06 for the M-Square project. The site has been issued permits and has been cleared in conformance with its previous approvals. The most recent approval for Lots 15-17 is Detailed Site Plan DSP-09028 with TCPII-006-06/04. Conditions of approval for DSP-09028 can be found in Planning Board resolution PGCPB No. 12-20.

This application proposes to subdivide Parcel A to Lots 1-6, Lot 15 to Lot 7, Lot 16 to Lot 8 and Lot 17 to Lot 9. The proposed development consists of a research and development office park with shared parking. The entire site is located within the College Park-Riverdale Transit Development Overlay Zone (TDOZ).

**GRANDFATHERING**

With regard to the environmental regulations that became effective on September 1, 2010, the subject

application is not grandfathered under Subtitles 24 and 25. Lots 15-17 (proposed Lots 7-9), which were previously approved under the prior regulations, has an approved Type II Tree conservation plan (TCPII-006-06-04); however, it is no longer grandfathered because this is a new preliminary plan. For the purposes of this application, Lots 15-17 will remain as part TCPII-006-06 and be reviewed separately as the companion TCP to this preliminary plan because the site's woodland conservation acreages are credited for the overall M-Square site, where it should remain. Lots 15-17 are no longer grandfathered so the current environmental regulations will only apply to this portion of TCPII-006-06. The environmental regulations for Parcel A will be reviewed with TCP1-001-10. The area of Lots 15-17 are shown as part of the TCP1 for informational purposes to be with the TCPII. The acreages will not be reflected in the TCP1 worksheet.

The current regulations contained within Subtitle 24 now require that all sites within the Developed Tier to provide a 60-foot buffer for all streams. It also contains a provision that allows those sites to reduce the buffer to 50-feet when associated with transit oriented development.

“Section 24-101(b)[(31)](32) Stream Buffer: .....A reduction to the minimum buffer Developed Tier to fifty (50) feet may be approved during the development approval process to support transit-oriented development or other revitalization projects on constrained sites.”

Based on discussions with the applicant and a review of the existing environmental constraints on the site, staff recommends the reduction of the stream buffer from 60 feet to 50 feet to support transit oriented development on the M-X-T and I-3 zoned properties. The following review is based on a reduction to the buffer.

**Recommended Finding:** The Planning Board finds that the proposed development meets the criteria of Subdivision 24-101(b)(31) to allow a reduced stream buffer to 50-feet to support transit-oriented development within the Developed Tier.

## **SITE DESCRIPTION**

The 48.57-acre property is located on the north side of River Road and south side of Paint Branch Parkway, 2500 feet west of the intersection of Paint Branch Parkway and Kenilworth Avenue (MD 201). The southwest portion of the site is 13.43 acres and is in the I-3 zone. The northern portion of the site is 35.14 acres and is in the M-X-T zone. There are streams, wetlands, and associated 100-year floodplain on the subject property. Current air photos indicate that the site is approximately 25 percent wooded. The site is relatively flat and drains into unnamed tributaries of Lower Northeast Branch of the Anacostia River basin. No historic or scenic roads are nearby. River Road and Paint Branch Parkway are the nearest sources of transportation-generated noise impacts. The CSX railroads, located to the west, and the College Park Airport, located to the north, are not noise concerns because the proposed uses are not residential in nature. Furthermore, the proposed use is not expected to be a noise generator. The entire property is located within the Transit District Development Plan (TDDP) for the College Park-Riverdale Transit Development Overlay Zone (TDOZ). No species listed by the State of Maryland as rare, threatened or endangered are known to occur in the vicinity. According to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), the predominant soils found to occur on-site include the Beltsville-urban land complex, Codorus and Hatboro soils, Codorus and Hatboro-Urban land complex, Elsinboro sandy loam, Russett-Christiana-Urban land complex, and Udorthens. These soils series generally exhibit moderate limitations to development due to perched water tables,

impeded drainage, flood hazard, slow permeability and steep slopes. This property is located in the Developed Tier as delineated on the 2002 General Plan, and contains Regulated, Evaluation, and Network Gap Areas according to the Countywide Green Infrastructure Plan.

**Environmental Issues Addressed in the Transit District Development Plan for the College Park-Riverdale Transit District Overlay Zone.**

The 1997 Transit District Development Plan (TDDP) for the College Park-Riverdale Transit District Overlay Zone (TDOZ) contains District-wide and Parcel-specific requirements for the subject site. The District-wide Development Requirements and Guidelines apply to the entire site and will be addressed first. The Parcel-specific requirements will follow. The text shown in bold are the environmental requirements that apply to the subject property. The text shown in standard font are the comments.

**District-wide Development Requirements and Guidelines**

The District-wide Development Requirements for the subject site provide commentary on the overall TDDP with regard to environmental infrastructure; however, it also provides comments with regard to specific features within the subject application.

Page 93 of the TDDP states the following:

**The environmental vision for the College Park-Riverdale Transit District is a healthy, balanced environment that is protected by a skillful integration of natural resources and development. Green space is expanded to improve the natural environment and development is enhanced by the existing natural features. Achieving this vision is an integral part of the development of this plan.**

The TDDP goes on to provide detailed commentary regarding the two streams specific to this subject site:

**Two streams traverse the area and flow into the Northeast Branch. (See Map 10.) One of the streams, Northeast Tributary 5, flows northwest to the southeast and the other, an unnamed tributary, flows west to east. The majority of natural areas remaining are located south of the unnamed tributary. Conservation of these areas is an essential component in improving the water quality of the Anacostia River.**

Both of the streams described above are within the subject application. Northeast Tributary 5 is located along the north and east boundaries of the subject site. The unnamed tributary is located between the southern boundary of Parcel A, and the Northern boundary of Lots 15 and 16.

The following sections in bold are the requirements and guidelines for the 100-year floodplain, nontidal wetlands, stormwater management, woodland conservation, and air quality, and noise and vibration impacts. The applicant has provided an Amendment Request that addresses each of the requirements.

**P7: Any new development or reconstruction of existing development shall be in conformance with the Prince George's County Floodplain Ordinance.**

**P8: No development within the 100-year floodplain shall be permitted without the express**

**written consent of the Prince George's County Department of Environmental Resources.**

With regards to P7 and P8, the TCP1 and stormwater management (SWM) concept plans submitted show new development within the 100-year floodplain for trails, a road crossing, clearing for security and bioretention ponds with outfalls. According to the applicant's request, the submitted plan complies with this requirement; however, no confirmation of conformance with this requirement has been provided nor has authorization to develop within the floodplain been provided. It should be noted that the current regulatory agency for the county's floodplain ordinance is the Department of Public Works and Transportation (DPW&T).

The SWM approval letter for proposed Lots 1-6 state that a new floodplain study is required. In a discussion with the applicant on December 12, 2012, it was determined that the floodplain may have significantly changed (reduced) since its previous floodplain study reflected on a plat approved in 1983, prior to stormwater management regulations. An updated floodplain study needs to be completed and submitted with the DSP to reflect the current limit of the 100-year floodplain and so that staff can have a final delineation of the Primary Management Area on the site.

Any changes to the floodplain as currently reflected on the plat and NRI will require a revision to the Primary Management Area on the DSP and conservation easement on the final plat. This may also result in a change to the area of proposed impacts for the development. Because the site will be required to submit a DSP, any additional impacts to the floodplain that have not been approved will be reviewed at that time.

**Recommended Condition:** Prior to approval of the Detailed Site Plan, the applicant shall:

- a. Submit an approved floodplain study for the subject site. The limits of the approved floodplain shall be correctly reflected on all plans, including but not limited to the TCP2 plans and detailed site plan.
- b. Provide documented authorization from the Prince George's County Department of Public Works and Transportation (DPW&T) that the proposed development project is in conformance with the Prince George's County Floodplain Ordinance.
- c. Revise the TCP2 plans to correctly show the delineated PMA based on the updated approved 100-year floodplain.

**P-9 If the development is part of the subdivision process, then an approval of a letter of justification to the Subdivision Ordinance must be obtained for proposed impacts.**

A revised letter of justification has been submitted. Impacts to regulated environmental features are discussed in the Environmental Review section of this memorandum.

**P-10: Disturbance to nontidal wetlands requires a Maryland Department of the Environment (MDE) and U.S. Army Corps of Engineers (COE) Joint Permit Application (33 Code of Federal Regulations 320 through 330) and where required, issuance of the permit.**

The northern part of the site contains two isolated wetlands near the eastern boundary. These two wetland areas and their buffers will not be impacted as part of the development.

**S-130: If it is determined that a stream crossing is necessary, the crossing width, angle, frequency and elevation shall be considered in a way that minimizes impacts.**

**S-131 Stream crossings are discouraged. Roads and bridges should be located above the 100-year floodplain.**

According to the submitted TCPI, two crossings over the unnamed tributary are proposed. One crossing is for vehicular access from proposed Lot 6 to Lot 13. The other crossing is for a hiker/biker trail from proposed Lot 1 to proposed Lot 8.

The applicant has stated that the submitted plans comply with this requirement; however, specifications for the proposed crossings have not been provided, including the grading necessary for the crossing. The exhibits provided indicate that the road crossing will be bridged. The final grades for the proposed bridge and trail shall be shown on the DSP and TCP2.

Impacts for the stream crossing and any required additional information to evaluate the impacts are discussed in the Environmental Review Section.

**S-132 Disturbance to non-tidal wetlands is strongly discouraged.**

No impacts to wetlands and wetland buffers are part of this proposed development.

**P-12: Any new development shall provide for water quality and quantity control in accordance with all Federal, State and County regulations. Bioretention or other innovative water quantity or quality methods are strongly encouraged where deemed appropriate.**

The applicant states that in the Amendment Request “the site is designed to comply with current water quality requirements, through the use of stormfilters. Because of a high water table, bio-retention is not a preferred method.” Also, according to the Letter of Justification submitted, the site is proposing the use of storm filters, bio-engineering, the creation of man-made wetland facilities and the installation of non-erosive storm drain discharge methods.

The concept approvals for proposed Lots 8-9 show three underground SWM facilities and states that bioretention (proposed Lot 8 only) and stormceptors are required.

The concept approval for proposed Lots 1-6 show three ponds; however, subsequent to a meeting with the applicant, the number of ponds were reduced to two, and is demonstrated on the plan labeled “Exhibit B” which shows the proposed impacts for the site. The concept plan also shows four underground SWM facilities and one bio retention area outside the floodplain. The ponds do appear to be designed as bioretention/constructed wetlands as the applicant has stated. The proposed bioretention and constructed wetlands are considered environmental site design (ESD) techniques.

**Recommended Condition:** At the time of detailed site plan, the DSP and TCP2 shall correctly show the stormwater management (SWM) controls, including but not limited to, the limits of all proposed underground storage facilities, bioretention areas and their associated grading, inlets, outfalls and storm drains. Each SWM feature shall be labeled on the plan and identified in the legend.

- S-133: All new stormdrain inlets associated with the development of this Transit District shall be stenciled with the words “Do Not Dump, Chesapeake Bay Drainage.” Detailed Site Plans and sediment and erosion control plans shall have notation regarding storm drain stenciling.**

**Recommended Condition:** Prior to certification of the detailed site plan, the DSP shall be revised to include notes and a detail regarding the stenciling of storm drain inlets with “Do Not Dump - Chesapeake Bay Drainage.”

- S-134 Trash receptacles shall be placed in strategic locations to reduce litter accumulation. Detailed Site Plan shall show the number and location of the trash receptacles.**

This requirement shall be addressed at the time of detailed site plan.

**Recommended Condition:** Prior to approval of the detailed site plan, the Landscape Plan shall show the number and location of the trash receptacles. Trash receptacles shall be placed in strategic locations to reduce litter accumulation.

- S-135: Riparian reforestation within the transit district should be considered a priority for woodland mitigation measures.**

Riparian forests are forests adjacent to streams and function to control flooding by allowing more natural infiltration, control erosion and sedimentation, and stabilize the stream banks. A portion of the riparian forest area on the subject property is proposed to be cleared for a trail crossing, road crossing and security. There are areas on the subject property where buffers have been removed for parking; however those areas are not proposed to be disturbed with this application. Staff supports the applicant’s amendment in order to comply with security standards for the federal facility.

With regard to the trail crossing, it is in conformance with requirements of the TDDP. The proposed road crossing is not in conformance with the TDDP; however the impacts for the crossing will be reviewed in the Environmental Review Section.

- S-136: Reforestation, intensive planting of shrubbery or creation of a meadow should be considered for areas around existing and future stormwater management ponds.**

The approved concept plan proposes two SWM ponds that will be constructed as bioretention/wetlands. Intensive plantings are appropriate for these types of facilities and will help filter the stormwater water and provide water quality.

**Recommended Condition:** At the time of detailed site plan, the bioretention ponds shall be designed with intensive plantings of trees and shrubs and/or the creation of a meadow. The planting shall be reflected on the Landscape Plan around the ponds and shall be subject to the

approval of the Department of Public Works and Transportation. All on-site plantings for the SWM facilities shall be native species.

**S-137: Permanent structures should not be located within 25 feet of the stream buffer area.**

As previously discussed, staff recommends the approval of a 50-foot stream buffer for the on-site streams because the site is in the Developed Tier and is proposing transit-oriented development within the M-X-T and I-3 zones.

According to the applicant,

“The Parking Garage on Proposed Lot 6 and the Building on Lot 5 are proposed to be located only 10’ from the Stream Buffer; however any further distance greatly impacts the balance of the site access.

The plan as submitted shows a garage, office building and proposed parking within 25 feet of the 50-foot stream buffers for both streams. Parking areas are proposed within the 50-foot stream buffer itself. In a subsequent meeting with the applicant, staff concluded that enforcement of the requirement would result in an unwanted hardship on the proposal to support the M-X-T and I-3 development with regard to these structures within 25 feet of the buffers because the site’s developable area is significantly limited by the on-site regulated environmental features and the floodplain buffer restrictions from this TDDP.

The Environmental Planning Section support the applicant’s request to place the proposed parking, garage, and office building as shown on the TCP, within 25 feet of the 50-foot stream buffer. Impacts for the proposed ponds are discussed in the Environmental Review Section.

**S-138: The number of buffer impacts should be minimized to maintain an unbroken corridor of riparian forest. Crossings should occur at direct angles rather than oblique angles to avoid more clearing of the buffer area.**

The justification statement states “No impacts to riparian Forest” however; the design proposes to disturb riparian forest for a trail crossing, trail connection, road crossing and security standards. The plan shows that the clearing for the secured site will remain vegetated with grass and will not be encumbered by building, parking, or stormwater management structures. Both the proposed trail and road are designed to cross the stream at direct angles.

**S-139: If development occurs within the floodplain, afforestation and intense landscaping should be considered to reduce the existing impervious surface area.**

A small increase in the impervious area will result for the extension of the access road into the site. The ponds are proposed for the un-wooded portions of the floodplain which will have infiltration functions. At this time no afforestation is proposed; however a condition has been recommended to provide intensive plantings and around the facilities.

**S-140 Wooded 100-year floodplains shall remain as preservation areas.**

As submitted, the TCP1 proposes to preserve 81 percent of the wooded floodplain for the overall site. The plans as submitted are in conformance with this standard.

- S-141 For sites not subject to the Woodland Conservation and Tree Preservation Ordinance, a survey of specimen or historic trees is required at the time of application for a Detailed Site Plan, Preliminary Plan or Grading Plan. This survey shall include the health and vigor of the trees.**

**Comment:** This site is subject to the Woodland Conservation and Wildlife Habitat Conservation Ordinance.

- S-142 Preservation of existing trees is the highest priority of woodland conservation within the transit district, followed by on-site afforestation/reforestation. Afforestation or reforestation can occur off-site but it must be within the limits of the transit district area. There shall be no fee-in-lieu.**

The site is zoned M-X-T and I-3, and is associated with high density development, which often makes it challenging to preserve the entire woodland requirement, and in most cases, the woodland threshold, due to the need for a significant amount of parking and stormwater management to support the high-density development. As submitted, the TCP1 is proposing to meet the Woodland Conservation Ordinance requirement with 0.72 acres preservation, 0.35 acres of reforestation, and 6.52 acres of credits towards off-site woodlands conservation. The plan also shows that an additional 3.59 acres of woodland within the floodplain will also be preserved onsite. Woodland preserved in the floodplain cannot be counted to meet the woodland conservation requirement. In total, 5.38 acres of woodland will be preserved and planted on-site.

The woodland conservation associated with Lots 15-17, has a previous approval for the use of fee-in-lieu. The site is no longer grandfathered because of this new application; however, the approved fee-in-lieu should continue to be approved because the woodland conservation for that site has been implemented and supports the overall M-Square development.

**Recommended Condition:** Prior to certification of the preliminary plan, the TCP1 and TCP11 shall be revised to show the remaining requirement to be met with off-site woodland conservation.

- S-143 An afforestation/reforestation management plan will be required when afforestation and/reforestation is part of woodland conservation. The Prince George's County Department of Environmental Resources is responsible for the enforcement of this plan. The term of the management plan shall be no less than five years. Bonds held for afforestation reforestation plantings shall not be released for at least five years. The requirements of the management plan are located in Appendix I.**
- S-144 The types of trees planted must be from the native plant list obtainable from the Natural Resources Division.**
- S-145 The caliper of trees to be planted as part of conservation requirements shall be a mix of one to two inches. At least 50 percent shall be 2-inch caliper. In afforestation/reforestation areas greater than 35 feet in width, the seedlings and whips may be used as part of the mix. The**

**seedlings and whips must be located in the portion of the afforestation/reforestation furthest away from the public areas.**

For S-143 thru S-145, the planting plan and associated bonding will be addressed through the current requirements of the Woodland and Wildlife Habitat Conservation Ordinance. The current ordinance requires that only native stock can be used. The planting plan will be evaluated at the time of detailed site plan. Bonding will be determined at the time of permit review.

**S-146 Grading should be reduced to the greatest extent possible in order to preserve existing woodlands and other natural features.**

The TCP1 worksheet indicates that 3.98 acres of woodlands will be cleared on upland, and 0.10 acres within the floodplain. The grading must be shown on the plan.

**S-147 Preservation, reforestation, and afforestation along stream buffers should be considered as a first priority for conservation areas.**

**S-148 Continuous corridors of existing trees should be preserved. Unwooded areas adjacent to these corridors should be considered as areas for replanting**

With regard to S-147 and S-148, the plans as submitted are in conformance with these standards. As previously discussed, the TCP1 proposes woodland preservation and reforestation along the unnamed tributary, with the exception for clearing for crossings and security. The area south of proposed Lots 5 and 6 will be cleared but will remain vegetated with grass. The woodlands adjacent to North Tributary 5, all within the 100-year floodplain, will also be preserved.

A significant acreage of the woodland on-site is within the floodplain and stream buffer adjacent to North Tributary 5 and is proposed to be preserved. Some future clearing in the floodplain may occur to address stormwater management requirements, but it is expected to be minimal. Other areas of woodland will be cleared in the more central areas of the property to create a developable envelope that is consistent with the existing zoning. Opportunities to replant will be evaluated with the detailed site plan. There are un-wooded areas in the floodplain that would provide more connection within this corridor. These are proposed to be developed with bioretention ponds; however, staff has recommended that intense plantings be provided in these areas to enhance the corridor.

**S-149 All reasonable efforts should be made to preserve those specimen and historic trees**

The site contains 3 specimen trees and all three trees will be preserved as part of this development.

**P-13: New structures (other than parking structures) located within 150 feet of the centerline of the CSX railroad tracks are prohibited.**

**S-151: A detailed noise study is required for review and approval by the Natural Resources Division prior to approval of any Detailed Site Plan. The noise study shall include reverberation impacts on adjacent land uses; specifically, the residential neighborhoods on the west side of the railroad tracks. The study shall demonstrate that there will not be an**

**increase in the existing noise levels. The study shall be certified by an acoustical engineer.**

**S-152: The noise study shall include examination of appropriate mitigation techniques, such as landscaping and buffering, and the use of acoustical design techniques. Furthermore, a typical cross-section profile of noise emission from the road grade to the nearest habitable structure is required. If mitigation is necessary, an earth berm or a better method of reduction is preferred.**

**S-153: The State of Maryland's Established Noise Standards (Table 5) will be the maximum allowable noise levels (dBA) for receiving land use categories for areas that do not currently exceed the established noise standards. For any new development, the applicant shall utilize construction materials and design methods that will attenuate ultimate exterior noise levels as established in Table 5. Interior levels shall not exceed 45 dBA (Ldn) for residential developments and 55 dBA (Ldn) for commercial and industrial developments.**

Proposed structures on the subject property are not located within 150 feet of the centerline of the CSX railroad tracks. Noise is not an issue on this site, because residential uses are not proposed. The subject site is not expected to be a noise generator. A noise study is not required.

#### **Parcel-Specific Development Requirements and Guidelines**

The following are Parcel-Specific Development Requirements and Guidelines for Parcel 10 within the TDDP. Lots 15, 16, 17 (proposed Lots 7-9) are within the development envelope of Parcel 10. It should be noted that these lots are on the southwest side of the unnamed tributary.

**S-232: If development occurs on this parcel, the mandatory requirements and guidelines for floodplain, nontidal wetlands, stormwater management, woodlands and noise attenuation specified in the "District-wide Development Requirement and Guidelines" shall apply.**

**Comment:** See District-wide Development Requirements and Guidelines in the previous section.

**S-233: A minimum 50-foot buffer from the 100-year floodplain shall be provided. Preservation of existing trees and afforestation within this buffer are preferred rather than reforestation. The area of woodland conservation required that is not met with the 50-foot buffer will be determined at the time of the Detailed Site Plan.**

**S-234: Conservation of additional woodland can be used for other transit district woodland conservation requirements in accordance with District-Wide Mandatory Requirement S-142**

**S-238: The stream trail shall be sited to minimize removal of trees and to take advantage of views. In locating the trail, long, straight sections shall be avoided. The trail should be paved on bituminous concrete or crushed stone.**

With regard to S-232 thru S-234 and S\_238, Parcel 10 as identified in the TDDP includes Lots 15-17 (proposed Lots 7-9) and was previously reviewed as part of DSP-09028 with TCP11-006-06-04 for conformance with the above requirements. Staff performed a detailed review of the site and recommended revisions to bring the proposed design in conformance with the TDDP. The

Planning Board approved the application with staff's recommended conditions to revise the design. That TCPII has not yet been certified, but the applicant did submit an illustrative plan and TCPII that demonstrates conformance with those conditions. The proposed paved trail was relocated outside of the existing wooded floodplain and stream buffer to preserve more of the existing woodland within those areas, and minimize the impacts to the buffers. The conceptual layout submitted with this application is consistent with the illustrative plan and the site's previous approval.

**Recommended Condition:** At the time of detailed site plan, the TCPII shall be revised to show the required 50-foot floodplain buffer and stream buffer.

The following are Parcel-Specific Development Requirements and Guidelines for Parcel 12 (proposed Lots 1-6) within the TDDP. Parcel A, north of the unnamed tributary and south of Northeast Tributary 5, is Parcel 12 in the TDDP.

**S-232 If development occurs on this parcel, the mandatory requirements and guidelines for floodplain, nontidal wetlands, stormwater management, woodlands and noise attenuation specified in the "District-wide Development Requirement and Guidelines" shall apply.**

**Comment:** See District-wide Development Requirements and Guidelines.

**S-255 There is an approximate 4.0 acres minimum woodland conservation required by the Woodland Conservation Ordinance. Woodland conservation shall occur using the following hierarchy.**

- 1. Extension of 50-foot buffer area from the 100-year floodplain between Parcel 12 and Parcel 10**
- 2. Preservation/afforestation to extend upon mandatory buffer areas**
- 3. Afforestation/reforestation off-site (but within the TDOZ)**
- 4. Woodland Conservation off-site within the College Park- Riverdale Transit District.**

**S-256 Conservation of additional woodland meeting hierarchies listed in S-255 above can be used for other transit district woodland conservation requirements in accordance with District-Wide Mandatory Requirements S-142.**

With regard to S-255 and S-256, the woodland conservation requirement (for Parcel A only) based on the current ordinance is 7.59 acres. Of the total 4.66 acres that will be preserved/planted on-site, 1.07 acres will be counted toward meeting the requirement, while 3.59 will remain preserved in the floodplain. Because of the extensive floodplain on-site, it is not feasible to extend the floodplain buffer from the required 50 feet. The buffer areas have been preserved/planted to the extent possible. The plan proposes to meet the remaining requirement with off-site woodland conservation.

**S-257 Wooded floodplain areas shall be preserved.**

As submitted, the TCP1 proposes to clear 0.34 acres of woodland within the floodplain, preserving 91 percent of the wooded floodplain on Parcel A. Additional woodland clearing at the time of

DSP will be limited because the locations of the future ponds are within un-wooded areas of the floodplain. Based on the proposed design, the applicant has met this requirement to the extent possible.

### **Conformance with the Green Infrastructure Plan**

According to the Countywide Green Infrastructure Plan, approximately 95 percent of the site contains Regulated, Evaluation, and Network Gap Areas. The Regulated Area is comprised of the two stream valleys along the north, south and east boundaries of Parcel A and the associated 100-year floodplain. According to the FSD, the woodlands in the Regulated Areas are within Stand A, which is dominated by sweet gum and willow oak. Stand A also comprises the riparian areas for the on-site stream valleys. Because of their association with the stream valley, these woodlands are a priority for preservation. Stand B, also in the Regulated Area is a smaller area of isolated woodland in the central area of the site and is not associated with any sensitive on-site habitat.

The strong presence of the Green Infrastructure Network within this site generally warrants that at least the woodland conservation threshold be met on-site in order to fully protect the existing regulated environmental features; however consideration must be given to the site's location in the Developed Tier and within the Transit District Overlay Zone (TDOZ), which is associated with high density development. At a minimum, the wooded stream buffers should be preserved in place to the extent possible to be in conformance with the Green Infrastructure Plan.

To find conformance with the Green Infrastructure Plan, the Planning Board must find that the plan adequately addresses the following policies:

#### **Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**

The Regulated, Evaluation and Network Gap Areas are associated with the two stream valleys described above. The on-site 100-year floodplain area on Parcel A limits the developable envelope by almost 9.21 acres. The site is zoned M-X-T and I-3, which is associated with high density development that allows multiple uses (residential, retail, office). The conceptual design as shown on the TCP1 proposes to preserve and protect the network by preserving and planting woodland along the stream valley where no development currently exists. The proposed stormwater management is not shown on the TCP; however, an exhibit that conceptually shows the location of the ponds within the un-wooded areas of the floodplain was submitted. The wooded areas of the floodplain are also proposed to be preserved except where impacts limited to crossings, stormwater management required by other agencies, and clearing for security, also required by other agencies, are proposed.

#### **Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.**

**Comment:** According to the approved stormwater concept plans and TCP1, two bioretention ponds are proposed. The design appears to mimic natural landscapes for open water wetlands which function to retain and infiltrate water back into the ground for recharge. The details of the proposed ponds were not provided on the TCP, in accordance with staff's previous request. For this review, the ponds will be evaluated using the submitted exhibit.

**Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.**

As currently designed, the proposed plan is in conformance with the Countywide Green Infrastructure Plan.

**ENVIRONMENTAL REVIEW**

Notes: As revisions are made to the submitted plans the revision box on each sheet shall be used to describe in detail the revisions made, when and by whom.

1. The site has a Natural Resources Inventory (NRI/027/09) that was submitted with the application; however, the NRI was approved before the current regulations became effective. Staff will not require a revised NRI because the FSD is less than five years old and the information on the NRI contains the information needed to review the site with this application. Any additional requirements will be reflected on the TCP1 and TCPII, which will supersede the NRI approval.

According to the Forest Stand Delineation, the 48.57-acre site contains two stands of trees totaling 9.07 acres of woodland. Stand A totals 8.70 acres, is dominated by sweet gum and willow oak, and is associated with streams, wetlands, and the 100-year floodplain. The FSD states that this stand has canopy coverage of 89 percent. Only one invasive species, Japanese honeysuckle, was identified in this stand. A priority rating of 2 was given to Stand A; however, because of its association with regulated environmental features, its contiguousness with the stream valley, and the dominant presence of the Regulated Areas of the green infrastructure network, this stand should have a priority rating of 1.

Stand B is a 0.37-acre area of isolated woodland dominated by Bradford pear. It has canopy coverage of 69 percent and is not associated with any regulated environmental features on the site. This stand has been given a priority rating of 3. Staff agrees with this rating.

The source of information for the 100-year floodplain is from a plat dating back to 1983, prior to any stormwater management regulations. The level of development subsequent to that time has significantly increased and could have affected the floodplain elevations. In a stormwater management concept approval letter for the subject application, the DPW&T has stated that an updated 100-year floodplain study is required. This study must be submitted with the detailed site plan application so that the PMA can be correctly delineated on the plan and the impacts will need to be re-evaluated based on the revised floodplain limits.

**Comment:** A previous condition requiring an updated floodplain study and revision to the PMA with the detailed site plan has been recommended.

2. This site is subject to the provisions of the Woodland Conservation Ordinance because Parcel A (proposed Lots 1-6), the north parcel, is greater than 40,000 square feet and has more than 10,000 square feet of woodland. Lots 15-17 (proposed Lots 7-9), located at the southwest portion of the subject site, are also subject to the Woodland Conservation Ordinance because they have

previously approved tree conservation plans (TCPI/09/90), TCPII/073/06, and TCPII/006/06).

As currently submitted, the TCP1 shows Parcel A on the same plan as Lots 15-17. The previously approved TCPs for Lots 15-17, TCP1/009/90 and TCPII/073/90, covered a much larger site, also known as Riverside. The subject site was subsequently separated from TCPII/073/90 and reviewed with a new DSP and TCPII (DSP-05078, DSP-09028 and TCPII/006/06). Because of its previous approval history with other sites, and because the woodland credits on those lots are for the overall M-Square site, the woodland conservation requirements for Lots 15-17 should be reviewed for conformance with the most recently approved TCPII (TCPII/006/06-04) as part of this application. The proposed design for Lots 15-17 shown on the submitted TCP1 is for illustrative purposes. The acreages and proposed clearing for Lots 15-17 are not part of the calculation for this TCP1 worksheet. For this review, Lots 15-17 will be reviewed separately for conformance with approval for TCPII-006-06-04 using the conceptual layout on the TCP1.

### **Proposed Lots 1-6**

According to the TCP1 worksheet, Parcel A has a gross tract area of 35.14 acres and a net tract of 25.93 acres. Based on the proposed clearing, the total requirement for Parcel A is 7.59 acres. The TCP1 proposes to meet this requirement with 0.35 acres in reforestation and 6.52 acres of off-site woodland conservation.

The site contains an area of woodland within Stand B that is dominated by Bradford Pear. Bradford pear is an undesirable species of tree because it is invasive and has a short life span that may result affect the survival rate of other trees in that woodland conservation area. The Bradford Pear must be removed before any planting in the area can be done. This area is proposed as a 0.34-acre preservation area.

Woodlands will need to be cleared off-site to access the existing trail east of the site. This woodland trail will be staked in the field to determine the best alignment that removes the least amount of trees. Approval from the adjacent landowner, the Maryland-National Capital Park and Planning Commission (M-NCPPC), will be required.

A road crossing is proposed at the south central location of Parcel A to access former Lot 13, the secured federal facility. Also, there are security restrictions for Lot 13 required to be addressed that affect the existing wooded buffer adjacent to the unnamed tributary on proposed Lots 5 and 6. As a result, the woodlands on the north side of that stream will be cleared for security reasons. The proposed limits of disturbance for the crossing and security area reflect the clearing to implement this; however, it is unclear if authorization for the proposed crossing that accesses the secure site has been granted. Authorization for the crossing should be provided prior to certification of the detailed site plan. The TCP1 states that this road crossing will be spanning the stream with a bridge. There will still be clearing and impacts to the floodplain associated with this bridge.

### **Proposed Lots 7-9**

The development for proposed Lots 7-9 is shown conceptually on the TCP1; however, the approved TCPII (TCPII-006-06) is the companion TCP for this case. The most recent TCPII approved by the Planning Board, an -04 revision, has not yet been certified; however, the plan was

found to meet the WCO requirements with minor revisions. Because this is a new preliminary plan, and the site is no longer grandfathered, the TCPII must be revised as necessary to comply with all conditions of approval of this application, and then again for approval of a DSP revision to meet the requirements of this preliminary plan, if approved. In addition to the approved DSP-09028. Therefore, the TCPII for DSP-09028 must be certified prior to the signature approval of 4-12014.

The site as it currently exists contains a wooded preservation along the north border that is 45-55 feet wide. This buffer was established with previous approvals to meet S-233 of the TDDP which requires a 50-foot buffer from the 100-year floodplain. According to the submitted TCP1, the 0.72 acres of woodland within the buffer on these lots is proposed to be preserved. This layout is consistent with the recommendations of the TDDP and the previously approved TCPII with the exception of the clearing needed for the outfall connected to the underground storage area.

**Recommended Condition:** At the time of detailed site plan, the TCPII for Parcel A (Lots 1-6) shall be revised as follows:

- a. Show all proposed grading and woodland clearing for the proposed bridge road crossing and trail crossing.
- b. Revise the worksheet as necessary.
- c. Have the plans signed and dated by the qualified professional who prepared the plans.

**Recommended Condition:** At the time of detailed site plan, the TCPII for proposed Lots 7-9 shall be revised as follows:

- a. Show the original tree line.
  - b. Show all proposed grading.
  - d. Show the outfall and associated clearing for the underground SWM facility.
  - e. Revise the worksheet as necessary.
  - f. Have the plans signed and dated by the qualified professional who prepared the plans.
3. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. Impacts to these features are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113 at the time of preliminary plan. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

The Environmental Planning Staff met with the applicant on December 11, 2012 and January 23, 2013 to discuss the application and proposed impacts. A Letter of Justification dated January 31,

2013, stamped as received February 5, 2013, has been submitted. The applicant also provided eight exhibits showing the areas within the PMA that are proposed for impacts for the entire project area. These exhibits show existing and proposed impacts. The existing impacts were shown because there is no history to their approval status. According to the letter of justification, the applicant is proposing a total of 4.33 acres of impacts for trails, parking, SWM, and security requirements. All of these impacts are considered permanent; however, the proposed stormwater management facilities and the security area will result in pervious areas that will continue to have some natural infiltration functions.

The exhibit and letter request impacts for a portion of the trail that is located off-site. Off-site impacts do not generally require Planning Board approval but authorization to impact the off-site area must be provided by that owner.

Based on the review of the impacts along with discussions with the applicant, the staff supports the requested impacts with conditions.

### **Summary of Recommended Findings and Conditions**

The Environmental Planning Section recommends approval of Preliminary Plan 4-12014 and TCP1-001-10 subject to the following findings and conditions:

#### **Recommended Findings:**

1. The project area has regulated environmental features and woodland preservation/reforestation areas located onsite. The site will meet its woodland conservation requirement by acquiring 6.52 acres of off-site woodland conservation credits. These credits must to be purchased before a grading permit is issued.
2. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-001-10). The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-001-10 or most recent revision), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

If you have any questions concerning these comments, please contact me at 301-952-3650 or via e-mail at [alwin.schneider@ppd.mncppc.org](mailto:alwin.schneider@ppd.mncppc.org).

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# 5. Renewal of Insurance Policies

## Memo

To: Mayor and Council

Through: Joseph L. Nagro 

From: Jill R. Clements 

Date: March 1, 2013

**Re: Award of Insurance Contracts: Dental, Workers Compensation and General Liability**

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### ISSUE

The contracts for FY2014 insurance coverage for workers' compensation, general liability, and dental are submitted for approval and award. Last year we awarded a two-year contract for health insurance and we will not know our projected increase for that plan until early in April.

### SUMMARY

The City used a broker to research the dental contract information submitted for approval and award. The options for dental insurance have been evaluated and compared to assure that the City is purchasing products that are acceptable to the City and its employees at competitive prices.

We recommend that the workers' compensation and general liability insurances are renewed with our current carriers.

### Dental Insurance

The City recommends keeping DentaQuest and MetLife dental plans for FY 2014. Premiums will not increase next year for either plan. The total budgeted amount will be approximately \$43,000 for the current number of subscribers.

### Workers Compensation

Injured Workers Insurance Fund (IWIF) provides the City's workers' compensation insurance. Our premiums will be approximately \$173,488 next fiscal year at our current level of payroll.

This is a slight decrease from last year. Our claims experience during the past year has been excellent and our experience modification factor decreased again this year.

### **Liability Insurance**

The City's liability insurance is carried by the Local Government Insurance Trust (LGIT), of which the City is a charter member. This insurance covers the City-wide general liability, public officials' liability, auto, property, parking garage, boiler and machinery, personal injury protection, flood and earth movement and uninsured motorists' protection. In addition, the City purchases coverage from other insurance companies affiliated with LGIT for pollution legal liability, crime bond, Metro underpass, and fuel storage tanks.

Our plan year for LGIT coverage runs July 1 through June 30. Final premium rates are not available until May, but LGIT has advised us to budget approximately \$145,030 for FY14. This is a decrease of nearly \$10,000 from last year.

### **RECOMMENDATION**

We recommend the following contracts be approved and awarded for FY2014:

<u>Description</u>	<u>Vendor</u>	<u>FY2014 City cost</u> (at current enrollment and salary levels)
Dental insurance	MetLife, DentaQuest	\$ 43,000
Workers Compensation	IWIF	\$173,488
Liability insurances	LGIT and affiliates	<u>\$145,030</u>
<b>Total</b>		<b>\$ 361,518</b>

# 6. Legislation to enable Special Taxing Districts

## MEMORANDUM

**To:** Mayor and Council

**From:** Suellen M. Ferguson

**CC:** Joe Nagro, City Manager

**Date:** March 1, 2013

**Re: Charter Revision – Special Taxing Districts**

### ISSUE:

Charter §C11-6 makes provision for establishment of special taxing districts. Since this charter section was adopted, the state law authorizing special taxing districts had been amended to include enhancement of police, fire protection and rescue services as an approved purpose for a district.

### SUMMARY:

The City Council currently has authorization to establish special taxing districts, but has not included police, fire protection and rescue services in the charter provision, although it is now allowed by State law. The attached charter amendment would include this purpose among those that are allowed in order to establish a special taxing district.

### RECOMMENDATION:

That the Council consider adopting the attached charter amendment.

**A CHARTER RESOLUTION**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,**  
**AMENDING ARTICLE XI, § C11-6 "SPECIAL TAXING DISTRICTS" TO AUTHORIZE**  
**A SPECIAL TAXING DISTRICT TO FINANCE THE CAPITAL AND OPERATING**  
**COSTS TO ENHANCE POLICE, FIRE PROTECTION AND RESCUE SERVICES**

A Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended); and

**WHEREAS**, the Mayor and City Council of College Park desire to enhance police, fire and rescue services in the City; and

**WHEREAS**, Article 23A, §44 authorizes the City Council to establish special taxing districts for specific purposes, including to finance the capital and operating costs to enhance police, fire protection and rescue services; and

**WHEREAS**, the Mayor and Council have previously adopted § C11-6 to authorize the creation of special taxing districts; and

**WHEREAS**, the Mayor and City Council of College Park desire to amend the City Charter to enable the establishment of a district to finance the capital and operating costs to enhance police, fire protection and rescue services.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of College Park, Maryland, that:

**Section 1.** Article XI, § C11-6 of the Charter of the City of College Park is repealed, re-enacted and amended to read as follows:

**§ C11-6. Special Taxing Districts.**

A. Establishment, taxes, administration.

(1) Authority and purpose. Pursuant to Article 23A, §44 of the Annotated Code of Maryland, the City of College Park may establish Special Taxing Districts for the purpose of

financing the design, construction, establishment, extension, alteration or acquisition of adequate storm drain systems; for the purpose of financing the design, acquisition establishment, improvement, extension, operation or alteration of public parking facilities or pedestrian malls; for the purpose of financing the design, acquisition, erection, construction, improvement and maintenance of street and area lighting; FOR THE PURPOSE OF FINANCING THE CAPITAL AND OPERATING COSTS TO ENHANCE POLICE, FIRE PROTECTION AND RESCUE SERVICES; for the purpose of financing the activities of commercial management authorities; for the purpose of financing the design, acquisition, establishment, equipping, improvement, extension, operation, alteration or maintenance of public bus or ride sharing systems; and to levy on all real and personal property, within the districts, an ad valorem tax at a rate sufficient to provide adequate annual revenues to pay the principal and interest on any bonds or obligations of the City issued for these purposes as the principal and interest become due, and to pay the costs of operating and maintaining these facilities.

\* \* \* \*

**Section 2.** **BE IT FURTHER RESOLVED** that this Charter Resolution is adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50<sup>th</sup>) day after its passage by the City unless petitioned to referendum in accordance with Article 23A §13 of the Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

**Section 3. BE IT FURTHER RESOLVED** that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

**Section 4. BE IT FURTHER RESOLVED** that the City Manager of the City of College Park, Maryland, be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) certification of the mailing referred to in Section 3 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2013.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2013.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**ATTEST:**

**THE CITY OF COLLEGE PARK,  
MARYLAND**

\_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

By \_\_\_\_\_  
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

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Suellen M. Ferguson, City Attorney

# 7. Discussion of Council Retreat

# 8. Discussion of Senior Advisory Committee

## Janeen S Miller

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**From:** Denise Mitchell [mitch4district4@aol.com]  
**Sent:** Thursday, February 28, 2013 11:35 AM  
**To:** Andrew Fellows  
**Cc:** Joseph Nagro; Janeen S Miller  
**Subject:** Senior Advisory Committee

Andy,

I would like to add this to Tuesday's agenda for consideration. Since we had a discussion about updates to our FY 2014 Action plan, I think this would be most appropriate for us to consider. Please advise.

The Senior Advisory Committee would consist of ten members( 2 representatives from each district and 2 representatives from the UMD Community) appointed by the Mayor and Council with two representatives from the City who will serve as a liaison to the committee. The terms for the all appointees would be two years and they can be re-appointed to additional terms and serve without compensation.

The mission of the Committee is to advocate for and assist the City Council in providing creative and meaningful activities and services for older individuals. The Committee would also make recommendations to the Mayor and Council and how to best assist in the "Aging in Place" process so that our seniors could remain an active part of our city/community.

Some objectives:

1. Coordinate and strengthen public support for seniors and a multipurpose Community Center.
2. Formulate and recommend plans to assist in meeting the critical needs of older adults and adults with disabilities
3. Provide a channel for the dissemination of information regarding senior programs, activities and services.
4. Identify ways in which the city and university community could coordinate inter-generational activities, programs and services with outside stakeholders.

**Denise Mitchell**  
[mitch4district4@aol.com](mailto:mitch4district4@aol.com)

## City of Greenbelt:

<b>SENIOR CITIZENS ADVISORY COMMITTEE</b>	
<b>Membership:</b>	11
<b>Liaison:</b>	Supervisor, Recreation Therapy
<b>Meetings:</b>	Monthly (last Wednesday, 7:30 p.m.)
<b>Purpose:</b>	Make recommendations to the City Council on matters of interest to senior citizens residing in the City of Greenbelt. These matters include, but are not limited to, areas of physical and mental health and well-being; recreational, social and cultural needs; housing; financial security; transportation; and care giving. Publicize and conduct at least one public forum per year to solicit information on senior programs, problems and desires. Increase citizen awareness of problems faced by older citizens and encourage participation by religious and other groups in senior citizen programs and activities. Conduct an annual review of ongoing city programs in coordination with the city's budget cycle.

## City of Bowie:

### **Senior Housing Green Rehab Program**

This program has been suspended until further notice.

#### **Overview**

The Senior Citizen "Green" Housing Rehabilitation Program is funded by the City of Bowie, U.S. Department of Housing and Urban Development (HUD) -Community Development Block Grant Program (CDBG), and the OpenDoor Housing Fund through the Maryland Department of Housing and Community Development (MD-DHCD):

- Program Start Date: September 2009
- Project Funding Level: Approximately \$160,000 per year, plus \$250,000 first year
- Program Duration: Five years (ODHF funding is for one year)

#### **Program Elements**

- Correct leaky and poorly installed ducts
- Eliminate insufficient and poorly installed insulation
- Energy Star appliance requirement
- Provide new roofs
- Renovate bathrooms to provide access for indigent and handicapped seniors
- Repair structural damage, leaks, and decay
- Replace inefficient and/or leaky windows and doors
- Replace old and poorly maintained HVAC systems
- Solar energy technologies allowed

## City of Bowie

### **Senior Center**



#### **Overview**

The City of Bowie has a dynamic and all encompassing 29,000 square foot Senior Center that reflects the heart of its members. Adults age 55 + are welcome to participate.

This nationally accredited center offers opportunities for social, educational, creative, recreational, and physical programs. Information and Referral Services, Transportation Services, and a congregate lunch program are also available.

Friendships are made, new interests are discovered, skills are sharpened, talents are enjoyed, meals are shared, and special occasions are celebrated.

The mission of the Bowie Senior Center is to serve, support and enhance the lives of senior adults 55 years and older by providing programs and services that promote active, independent and healthy lifestyles.

# 9. Letter for Al- Huda School

March 5, 2013

Haroon Baqai  
Principal  
Al Huda School/Hifzh School  
5301 Edgewood Road  
College Park, MD 20740

Dear Principal Baqai:

This letter is sent on behalf of the City of College Park in response to your request that we provide a recommendation for the Al Huda School. We understand that there are plans to move the Al Huda School to a new facility, and we wish you success in your efforts to meet the needs of the growing Al Huda student population.

With respect to school operations, Al Huda has obtained all required permits from the City of College Park to operate the facility. There are no outstanding code violations or warnings.

Personally, in my annual visits to the school to explain the Maryland Municipal League's "If I Were Mayor" contest to fourth grade students, I have become familiar with your students and teachers, and am always impressed by the bright ideas that the students convey. Our Council has had the pleasure of hearing your students read their "If I Were Mayor" essays at Council meetings. The school also actively participates in annual College Park events that enhance the educational abilities of students, such as the Martin Luther King Celebration each January.

Thank you for this opportunity to provide information about the Al Huda School.

Sincerely,

Andrew M. Fellows  
Mayor

# 10. Draft FY 2014 Action Plan

## MEMORANDUM

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**TO:** Mayor and City Council  
**FROM:** Chantal R. Cotton, Assistant to the City Manager  
**THROUGH:** Joseph L. Nagro, City Manager  
**DATE:** March 1, 2013  
**SUBJECT:** FY 2014 Action Plan March 1<sup>st</sup> Draft

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### SUMMARY

Council brainstormed ideas for the FY 2014 Action Plan between February 5<sup>th</sup> and February 13<sup>th</sup>. The Council discussed these brainstormed ideas at the February 19<sup>th</sup> worksession. Staff compiled Council's suggestions into the attached short version DRAFT action plan (Attachment 1) as well as creating a timeline for the process which leads to the adoption of the FY 2014 Action Plan.

### DISCUSSION

The attached DRAFT FY 2014 Action Plan includes items carried over from the FY 2013 Action Plan as well as the new suggestions from Council. The new items and edited items are marked as such throughout the document by **BOLD** letters and grey highlights.

### FY 2014 Action Plan Timeline:

Date	Action
February 5, 2013	Council presented with brainstorm guide.
February 19, 2013	Council discussed brainstormed ideas.
March 5, 2013	Staff presents Council with the first draft of FY 2014 Action Plan that includes cleaned-up versions of their proposed ideas from the brainstorm guide.
March and April 2013	Community can comment on the draft by emailing staff or Council; Council will take the draft to their respective civic associations and have other meetings about it (if desired) to solicit feedback.
April 9, 2013	Public Forum on Action Plan.
April 30, 2013	All public comments due to Clerk's office.
May 7, 2013	Final Council worksession on FY 2014 Action Plan.
May 14 <sup>th</sup> or May 28, 2013	FY 2014 Action Plan adoption by Council

### RECOMMENDATION

Staff recommends that Council review this DRAFT FY 2014 Action Plan and the proposed timeline. If this draft Action Plan accurately presents all of Council's ideas, then Council should take this draft and review it with constituents within your respective council districts.

### ATTACHMENTS

1. Strategic Plan FY 2014 Action Plan (March 1, 2013 DRAFT)

## City of College Park Strategic Plan 2010 – 2015 FY 2014 Action Plan (March 1, 2013 DRAFT)

This document summarizes, in a shorter format, the Strategic Plan goals and objectives and lists out the DRAFT action items for FY 2014. Staff will prepare the full FY 2014 Action Plan (with responsible parties and resources needed, etc.) prior to adoption.

This action plan aligns with the Strategic Plan adopted by City Council August 10, 2010. As an annual road map for strategic plan implementation, this action plan intentionally focuses on a relatively manageable and strategic set of actions for approximately one fiscal year. Most of the steps included in this plan are assumed to have a finite scope (ideally within 1 year) and are strategically oriented towards change and improvement in College Park. Before the end of FY 2014, City Council and City Staff will develop an action plan for FY 2014. It is understood that some activities in the FY 2014 action plan will be repeated in the plan for FY 2014 and beyond because they span multiple years and are considered ongoing. The steps in this action plan are in addition to ongoing daily operations and recurring annual activities in the City.

City Council and City Staff will annually review and update the action plan in conjunction with the annual budget development process. Action steps that may not be completed in one year will be reconsidered and, where decided, carried forward into the next year.

### **Goal I: Consistent high quality and cost-effective public services that contribute to a safe and welcoming City for all.**

- 1) **Objective 1:** Improve public safety and reduce crime by utilizing contract police officers, collaborating with other police agencies, and encouraging community participation.
  - a. Work with UMD to explore expansion of the concurrent jurisdiction area to additional areas in the City.
  - b. **NEW ITEM:** consider expanding security cameras to additional streets.
  - c. **NEW ITEM:** review and implement where applicable, the Neighborhood Stabilization and Quality of Life Workgroup (NSQLWG) recommendations and considerations related to public safety.
  
- 2) **Objective 2:** Improve local schools that serve City of College Park residents through collaboration with strategic partners including the Prince George's County Public Schools and the University of Maryland.
  - a.
  - b.
  
- 3) **Objective 3:** Expand recreational, social and cultural activities for city residents.
  - a. **NEW ITEM:** explore options for funding the creation of a micro-grant program which would incentivize and support neighborhoods in organizing block parties.
  
- 4) **Objective 4: Strengthen well-being of residents that seek assistance through youth, family and seniors program.**
  - a. Expand public information about available senior programs and recreation activities to seniors in homes throughout the city.
  - b. **NEW ITEM:** consider inviting the Daughter for the Day, Inc. to share information and resources with seniors in homes for women and men who need regular checking in (separate from the Housing Authority).

- c. **NEW ITEM:** create a seniors "aging in place" ad hoc committee of the Council to explore options for the creation of an "aging in place" program in College Park to help seniors to remain in their homes.

5) **Objective 5: Improve customer / constituent service to better serve College Park residents.**

- a. Provide ongoing staff training in resident relations / constituent services and customer service, including timely responses to phone calls.
- b. **NEW ITEM:** coordinate with the County Department of Planning, Inspections, and Enforcement to streamline the county and city permitting processes.
- c. **NEW ITEM:** analyze options for initiating online permitting services.

**Goal II: Convenient transportation options that improve local travel and manage congestion.**

1) **Objective 1: Advocate for state and other resources to rebuild Route 1 to improve its safety, efficiency, and appearance.**

- a. Lobby State Legislature, State Highway Administration and County Council to allocate funding to rebuild Route 1.
- b. Work with M-NCPPC and SHA to require Route 1 developers to implement street improvements with new development or, if not feasible, pay a fee-in-lieu.
- c. Establish a Tax Increment Financing (TIF) district strategy to help fund infrastructure improvements.
- d. **NEW ITEM:** develop and implement a complete streets policy with community input.

2) **Objective 2: Support development of transit options that increase convenience, accessibility, and mobility.**

- a. Continue to market and brand THE BUS Route 17 as a Route 1 Main Street shuttle.
- b. Implement Route 1, Rhode Island Ave., Campus Drive, and other bus corridor enhancements.
- c. Participate in Purple Line design and preliminary engineering for alignment and stations.
- d. Continue funding and promoting use of Shuttle-UM pass for city residents and employees. Work with DOTS to get more reliable statistics.
- e. Develop a city-wide bicycle plan.

**Objective 3: Develop and implement Transportation Demand Management (TDM) strategies [on Route 1].**

- a. Support establishment of a Route 1 TDM District.
- b. Require developers to prepare trip reduction plans for new development.
- c. Seek funding for infrastructure improvements including bike trails and amenities and sidewalk construction.
- d. Direct traffic to least congested arterial and connector routes with improved signage and websites.

3) **Objective 4: Improve traffic, pedestrian, and bicycle safety.**

- a. Explore options to provide safer access to major arteries from all City neighborhoods.

**Goal III: Lead the College Park community in environmental conservation, protection, restoration, and energy efficiency.**

**1) Objective 1: Implement strategies to improve energy efficiency and reduce greenhouse gas emissions.**

- a. **EDITED ITEM:** develop and implement a community emissions action plan as part of the Sustainable Maryland Certified Green Team. Obtain bronze certification through Sustainable Maryland Certified program and continue to pursue projects for higher-level certifications.
- b. **NEW ITEM:** receive a current sustainability report from CBE to determine next steps.
- c. Establish a LEED-based sustainability standard for new development projects within the City jurisdiction.
- d. Promote greater use of carpooling and public transit by City staff.
- e. Encourage greater City staff participation in energy efficient practices.
- f. Pursue other grant resources to support activities addressing energy efficiency.
- g. Continue to pursue legislation for a home energy loan program for residents to make energy efficiency improvements. If legislation passes, pursue development of the program.

**2) Objective 2: Develop strategies to effectively manage local water resources and storm water runoff.**

- a. Review site plans for developer compliance with new storm water regulations.
- b. Incorporate best practices for storm water management into all City projects to the extent feasible.
- c. Encourage reduction of impervious surfaces in public and private property.
- d. Work with the Prince George's Police and develop education materials to discourage illegal dumping and enforce anti-dumping laws in the City.

**3) Objective 3: Increase and enhance parks and green spaces.**

- a. Develop a citywide parks and recreational facility inventory in preparation for future improvements and new green spaces.
- b. **NEW ITEM:** explore options for community gardening at the Endelman property in North College Park. Discuss options with property owners.
- c. Proceed with construction phasing of Duvall Field renovation with community input.

**4) Objective 4: Divert waste from landfills by continuing to increase participation in reduce/reuse/recycle programs.**

- a. Plan and execute public education program to promote recycling, with a focus on newly accepted recyclables.
- b. Promote increased business participation in recycling.

**Goal IV: Neighborhoods that are safe, peaceful, attractive and retain their community character.**

**1) Objective 1: Effectively and fairly enforce city and county codes and ordinances.**

- a. **EDITED ITEM:** Assess the effectiveness and consistency of citywide Code Enforcement by using national standards. Include the student perspective in the assessment.
- b. **NEW ITEM:** explore options for expanding noise enforcement capabilities according to recommendations from the CPCUP Public Safety Workgroup.

c. **NEW ITEM:** review and implement where applicable, NSQLWG recommendations and considerations related to code enforcement.

2) **Objective 2: Increase the rate of home ownership.**

a. Cultivate relationships with residential realtors to increase their knowledge of College Park's assets and positive attributes.

b. **NEW ITEM:** create an annual report of city accomplishments which will be used to market the city.

3) **Objective 3: Preserve and promote neighborhood resources that build a sense of community for all residents.**

a. **EDITED ITEM:** work with residents and the Farmers' Market Committee to explore options regarding a craft fair or farmers' market in the Hollywood Commercial District.

**Goal V: Expand the local economy and tax base with socially responsible development.**

1) **Objective 1: Encourage revitalization of the Route 1 corridor consistent with the desires and needs of the local community.**

a. Develop and track inventory of sites available for rent and redevelopment.

b. Work with developers to help identify businesses for new retail space.

c. **EDITED ITEM:** Pursue Tax Increment Financing (TIF) to support public infrastructure improvements associated with new development and public safety / security.

d. **NEW ITEM:** explore collaboration with the University of Maryland to market the city as a tourist destination.

2) **Objective 2: Encourage revitalization of the Hollywood Commercial District.**

a. **EDITED ITEM:** complete design of the Hollywood Commercial District streetscape plan and explore options for funding.

b. Continue to work with business owners interested in forming a Hollywood Merchants association or other type of support network.

3) **Objective 3: Support and attract diverse locally-owned high-quality retail and restaurant businesses with unique character and a commitment to local quality of life.**

a. Identify and promote available commercial space to prospective tenants.

b. Market downtown College Park as a destination location.

c. Expand the sign grant program to include façade improvements.

d. **NEW ITEM:** work with SBA and SPTDC to assist and market current College Park businesses and to attract new businesses.

e. **NEW ITEM:** develop an economic development committee which would solely look at the potential to develop a marketing / business plan for the city to help attract business in the area.

4) **Objective 4: Increase the diversity of job opportunities.**

a. Encourage University incubator businesses to remain in College Park by marketing suitable available space.

b. Work with Small Business Development Center to provide support to existing business owners and encourage new entrepreneurs to locate in College Park.

- 5) **Objective 5: Increase the diversity of available quality housing.**
  - a. Identify developers to build corridor infill housing consistent with the Route 1 Corridor Sector Plan.
  - b. **EDITED ITEM:** Encourage affordable graduate student housing in the new plans for the East Campus development and encourage future developers to set aside a certain percentage of housing for graduate students in other project opportunities.
  
- 6) **Objective 6: Facilitate development in the College Park Metro Station area.**
  - a. Work with WMATA on joint development projects.
  - b. Market public property in the Transit District Overlay Zone to the private sector.
  
- 7) **Objective 7: Encourage revitalization of the Berwyn Commercial District.**
  - a. Evaluate Berwyn Commercial District zoning and consider expanding usage.
  - b. Settle outstanding issues related to the completion of the Berwyn portion of the College Park Trolley Trail.

# 11. Legislation

## INFORMATIONAL REPORT

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**TO:** Mayor and City Council  
**FROM:** Chantal R. Cotton, Assistant to the City Manager *CC*  
**THROUGH:** Joseph Nagro, City Manager  
**DATE:** March 1, 2013  
**SUBJECT:** State Legislation Update

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### SUMMARY

The bills below represent the City's legislative priorities and bills on which we have taken a position. The 'topics of interest' section contains legislation topics that could have an impact on the City or topics that Council requested information about.

### DISCUSSION

Review the summaries below. If you would like more information about a bill, or if you would like to take a position on one of the bills in the "Topics of Interest" Section, please let me know as soon as possible.

Bill Name and Sponsor	Description and Update
<b>HB 111 / SB 45:</b> Maryland Consolidated Capital Bond Loan of 2006 - Prince George's County - College Park City Hall  <b>Sponsor:</b> Delegate Joseline Peña-Melnyk and Senator Jim Rosapepe	The Senate Budget and Taxation Committee held a hearing on February 27 <sup>th</sup> for our bill requesting an extension to our 2006 State Bond Bill funding for the City Hall project. Staff and Senator Rosapepe presented information about the bill. One Senator asked if we could consider moving the deadline to December 2014 instead of June 2015. Staff and Senator Rosapepe are working to get the deadline as far out as possible.
<b>PG 309-13 (HB 1070):</b> Alcoholic Beverages - City of College Park - Sales by License Holders  <b>Sponsors:</b> Delegate Benjamin Barnes and Senator Jim Rosapepe	The Prince George's House Delegation Law Enforcement subcommittee and the full Delegation both passed this bill. The Economic Matters Committee heard the bill on February 25 <sup>th</sup> with Councilmember Catlin representing the City. The bill should be able to get through the rest of the process now that it has passed through local delegation.
<b>PG 310-13:</b> City of College Park - Alcoholic Beverages Licenses for Supermarkets  <b>Sponsors:</b> Delegate Benjamin Barnes and Senator Jim Rosapepe	The full Prince George's County Delegation voted unfavorably on this bill on February 22 <sup>nd</sup> . The Economic Matters Committee bypassed the hearing for this bill because the local delegation voted it down.
<b>School Impact Fees:</b> There will not be a bill for this issue this session.	No new update. No bill.

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<p><b>PG 401-13:</b> Prince George's County – Authority to Impose Fees for Use of Disposable Bags</p>	<p>We supported this bill this session.</p> <p>No other updates thus far.</p>
<p><b>Sponsor:</b> Delegate Barbara Frush and Senator Paul Pinsky</p>	
<p><b>HB 337 (SB 514):</b> Natural Gas – Hydraulic Fracturing – Prohibition (Attachment 1)</p>	<p>The City supported this bill to ban fracking in Maryland.</p>
<p><b>Sponsor:</b> Delegate Shane Robinson (Montgomery County) and Senator Karen Montgomery (Montgomery County)</p>	<p>The Senate Education, Health, and Environmental Affairs and Finance Committees heard this bill on February 26<sup>th</sup>.</p>
<p>The HB 337 hearing before the House Environmental Matters Committee is set for March 8<sup>th</sup> at 1pm.</p>	
<p><b>HB 339:</b> Vehicle Laws – Bicycles – Required Use of Protective Headgear (Attachment 3)</p>	<p>This bill would require all bicycle riders to wear a helmet on any highway, bicycle way, or other property open to or used by the public for pedestrian or vehicular traffic.</p>
<p><b>Sponsor:</b> Delegate McIntosh (Baltimore City and Chairwoman of Environmental Matters Committee)</p>	<p><b>Update:</b> Mayor Fellows spoke with Delegate Frush after the City wrote a letter expressing concerns about the bill. Delegate Frush worked with the sponsor to amend the bill. Staff is actively working to find information about the amendment language.</p>
<p><b>HB 820 (SB 893):</b> Municipal Property Taxes – Annual Budget Ordinance and Special Rates (Attachment 4)</p>	<p>This bill would limit the ability for a municipality to establish a special taxing rate. It would cap the rate at no more than 110% of the rate used for all other real properties. The City and MML opposed this bill.</p>
<p><b>Sponsor:</b> Delegate Frick (Montgomery County) and Senator Manno (Montgomery County)</p>	<p><b>Update:</b> The House Ways and Means Committee heard this bill on February 28<sup>th</sup> and MML testified against the bill.</p>
<p><b>HB 640:</b> Washington Suburban Sanitary Commission – Sewage Leaks – Notice Requirements MC/PG 115-13 (Attachment 5)</p>	<p>This bill would require WSSC to notify the County and any municipal corporation in which a sewage leak is located within 24 hours of the discovery of the leak.</p>
<p><b>Sponsor:</b> Delegate Hucker</p>	<p>The City supported this bill. The Environmental Matters Committee will hear the bill on March 7<sup>th</sup> at 1pm.</p>

**Topics of Interest:**

<b>Topic</b>	<b>More Information and Current Status</b>
<p><b>HB 929:</b> Motor Vehicles – Speed Monitoring Systems – Local Jurisdictions Attachment 2</p> <p><b>Sponsor:</b> Delegate Malone (Baltimore and Howard County) and Delegate McMillan (Anne Arundel County)</p>	<p>Although many Delegates sponsored speed camera bills this session, this bill will serve as the main bill. Thus far, the bill mainly clarifies who can review speed camera citations. The bill would allow only a “duly authorized law enforcement officer employed by or under contract with an agency” to confirm tickets.</p> <p>The hearing date is set for March 5<sup>th</sup> at 1pm before the Environmental Matters Committee.</p> <p><b>Update:</b> Delegates desire to combine all of the speed camera bills into this one bill. Staff continues to monitor how such action could affect the City. Still no need for action quite yet.</p>
<p><b>HB 217 (SB 373):</b> Early Voting Act of 2013</p> <p><b>Sponsors:</b> Delegate Rosenberg and Senator Ferguson (Baltimore City)</p>	<p>The bill (Attachment 1) increases the number of early voting centers in each county during regularly scheduled general elections and, by the discretion of the State Board of Elections, during scheduled primary elections. The bill also establishes a nine-day early voting period for the 2014 and future elections. This would allow for early voting from the second Saturday before an election up to the Sunday before an election.</p> <p>The bill was heard by the House Ways and Means Committee on February 7<sup>th</sup> and by the Senate Education, Health, and Environmental Affairs Committee on February 21<sup>st</sup>. Neither Committee voted yet.</p>
<p><b>HB 224 (SB 279):</b> Election Law – Improving Access to Voting</p>	<p>This Administration bill (1) increases the number of early voting centers in certain counties; (2) establishes an eight-day early voting period for the 2014 and future elections; (3) allows for an individual to register to vote and subsequently vote during early voting, at an early voting center; and (4) makes specified changes to absentee voting provisions, including expanding and clarifying the methods by which a voter may request to receive an absentee ballot. See this bill in Attachment 2.</p> <p>This bill was heard on February 21<sup>st</sup> in both the House and Senate Committees although no vote has taken place yet.</p>

**Bills Requiring Council to go into a Special Session:**

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**SB 641 (HB 1085):** Statewide Container Recycling Initiative

**Sponsor:** Senator Frosh and Delegate McIntosh

This bill (Attachment 3) would impose a 5 cents redeemable beverage container deposit which would be applied to all individually sealed glass, metal, aluminum, steel, or plastic jars that contain between 6 and 33.8 fluid ounces of a beverage. The bill would also require counties and cities to establish redemption centers. Of the 5 cents for each container, 3 cents would come back to the municipality.

While the bill supports the reuse of materials, it also has the potential to drastically hurt municipal recycling programs. By removing glass, metal, and plastic materials from the municipal recycling programs, the programs could possibly not sustain. This would lead all the remaining materials to go to the landfill.

The Senate Education, Health, and Environmental Affairs and Finance Committees will hear this bill on March 5<sup>th</sup> at 1pm. The House Environmental Matters and Economic Matters Committees will hear this bill on March 8<sup>th</sup> at 1pm.

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**SB 281 (HB 294):** Firearms Safety Act of 2013

**Sponsor:** President Michael Miller (by Request of the Governor)

SB 281, the Governor's bill, seeks to modify and expand the regulation of firearms and ammunition in the State. It makes significant changes related to mental health restrictions on the possession of firearms. Attachment 4 contains the fiscal note on this bill. The bill passed the Senate with amendments on February 28<sup>th</sup>. The House Judiciary and Health and Government Operations Committees will hear the bill on March 1<sup>st</sup> at 1pm.

**SB 266 (HB 375):** Regulated Firearms - Database - Applications for Dealer's License - Record Keeping and Reporting Requirements

**Sponsor:** Senator Frosh (Montgomery County) and Delegate McIntosh (Baltimore City)

SB 266 (Attachment 5) establishes recordkeeping and reporting requirements for State-regulated firearm dealer licenses. The Senate Judiciary Proceedings Committee heard the bill on February 6<sup>th</sup> and the House Judiciary Committee will hear the House bill on March 5<sup>th</sup> at 1pm.

**SB 540:** Public Safety - Regulated Firearms - Reporting Lost or Stolen

**Sponsor:** Senator Raskin (Montgomery County)

SB 540 (Attachment 6) increases the penalties for gun owners and law enforcement officials in relation to lost or stolen guns. The bill would require a gun owner to report a lost or stolen gun within 72 hours of having lost the gun. Law enforcement officers must enter the information into a national database. The Senate Judiciary Proceedings Committee will hear this bill on March 6<sup>th</sup> at 1pm.

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## ATTACHMENTS

- Attachment 1: HB 217 (SB 373) – Early Voting Act of 2013
- Attachment 2: HB 224 (SB 279) – Election Law – Improving Access to Voting
- Attachment 3: SB 641 (HB 1085) – Statewide Container Recycling Initiative
- Attachment 4: HB 294 (SB 281) – Firearms Act of 2013 – Fiscal and Policy Note
- Attachment 5: SB 266 – Regulated Firearms - Database – Applications for Dealer's License -  
Record Keeping and Reporting Requirements
- Attachment 6: SB 540 – Public Safety – Regulated Firearms – Reporting Lost or Stolen

# HOUSE BILL 217

G1

3lr0677

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By: **Delegates Rosenberg, Braveboy, and Cardin**  
 Introduced and read first time: January 21, 2013  
 Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Early Voting Access Act of 2013**

3 FOR the purpose of increasing the number of early voting centers that are required to  
 4 be established in each county for a regularly scheduled general election;  
 5 authorizing the State Board of Elections, in collaboration with the local boards  
 6 of elections, to increase the number of early voting centers in each county for a  
 7 regularly scheduled primary election; requiring that early voting centers be  
 8 open for certain days and hours before regularly scheduled primary and general  
 9 elections; and generally relating to early voting.

10 BY repealing and reenacting, with amendments,  
 11 Article – Election Law  
 12 Section 10–301.1  
 13 Annotated Code of Maryland  
 14 (2010 Replacement Volume and 2012 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Election Law**

18 10–301.1.

19 (a) Except as provided under Title 9, Subtitle 3 of this article, during any  
 20 regularly scheduled primary or general election a voter may vote:

21 (1) in the voter's assigned precinct on election day; or

22 (2) at an early voting center in the voter's county of residence on any  
 23 early voting day in accordance with this section.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) (I) THIS PARAGRAPH APPLIES TO ANY REGULARLY  
2 SCHEDULED GENERAL ELECTION.

3 (II) Each county shall have [at least one] early voting [center]  
4 CENTERS established in the county as prescribed in this [subsection] PARAGRAPH.

5 [(2)] (III) A county with fewer than 150,000 registered voters shall  
6 have [one] TWO early voting [center] CENTERS established in the county.

7 [(3)] (IV) A county with more than 150,000 but fewer than 300,000  
8 registered voters shall have [three] SIX early voting centers established in the county.

9 [(4)] (V) A county with more than 300,000 registered voters shall  
10 have [five] TEN early voting centers established in the county.

11 (2) (I) THIS PARAGRAPH APPLIES TO ANY REGULARLY  
12 SCHEDULED PRIMARY ELECTION.

13 (II) THE STATE BOARD, IN COLLABORATION WITH THE  
14 LOCAL BOARD IN EACH COUNTY, SHALL DETERMINE THE NUMBER OF EARLY  
15 VOTING CENTERS IN THAT COUNTY, SUBJECT TO THE MINIMUM REQUIREMENTS  
16 PRESCRIBED IN THIS PARAGRAPH.

17 (III) A COUNTY WITH FEWER THAN 150,000 REGISTERED  
18 VOTERS SHALL HAVE AT LEAST ONE EARLY VOTING CENTER ESTABLISHED IN  
19 THE COUNTY.

20 (IV) A COUNTY WITH MORE THAN 150,000 BUT FEWER THAN  
21 300,000 REGISTERED VOTERS SHALL HAVE AT LEAST THREE EARLY VOTING  
22 CENTERS ESTABLISHED IN THE COUNTY.

23 (V) A COUNTY WITH MORE THAN 300,000 REGISTERED  
24 VOTERS SHALL HAVE AT LEAST FIVE EARLY VOTING CENTERS ESTABLISHED IN  
25 THE COUNTY.

26 (c) No later than 6 months before a primary election, the State Board, in  
27 collaboration with the local board in each county, shall designate each early voting  
28 center in that county.

29 (d) Each early voting center shall be open for voting as follows:

30 (1) [for the 2010 gubernatorial primary and general elections:

1 (i) beginning the second Friday before a primary or general  
2 election through the Thursday before the elections, but excluding Sunday; and

3 (ii) during the hours between 10 a.m. and 8 p.m.; and

4 (2) for the 2012 presidential primary and general elections:

5 (i) beginning the second Saturday before a primary or general  
6 election through the [Thursday] SUNDAY before the elections; and

7 [(ii) 1.] (2) (I) during the hours between 10 a.m. and 8 p.m. on  
8 [the Saturday and the Monday through the Thursday] EACH DAY during the early  
9 voting period EXCEPT SUNDAYS; and

10 [2.] (II) during the hours between 12 noon and 6 p.m.  
11 on [the] EACH Sunday during the early voting period.

12 (e) Each early voting center shall satisfy the requirements of § 10–101 of this  
13 title.

14 (f) Beginning 30 days prior to each early voting period the State Board and  
15 each local board shall undertake steps to inform the public about early voting and the  
16 location of early voting centers in each county, including:

17 (1) a series of public service media announcements;

18 (2) mailings to all registered voters in each county; and

19 (3) other measures as appropriate.

20 (g) Except as expressly provided in this section, any provision of this article  
21 that applies to voting on election day also applies to early voting.

22 (h) The State Board shall adopt regulations and guidelines in accordance  
23 with the requirements of this section for the conduct of early voting.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 July 1, 2013.

# HOUSE BILL 224

G1

3lr0141  
CF SB 279

By: **The Speaker (By Request – Administration) and Delegates Reznik, Barve, Bobo, Carr, Clagett, Davis, Dumais, Frick, Guzzone, Huckler, Lafferty, Luedtke, McHale, Mitchell, Rosenberg, Simmons, Tarrant, and M. Washington**

Introduced and read first time: January 21, 2013

Assigned to: Ways and Means

## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Improving Access to Voting**

3 FOR the purpose of providing an exception to the voter registration deadline to allow  
4 an individual to register to vote or update an existing voter registration address  
5 and vote during early voting; requiring proof of residency to register or update  
6 an existing voter registration address during early voting; providing the types of  
7 acceptable proof; requiring the State Board of Elections to adopt regulations and  
8 establish procedures for the administration of voter registration during early  
9 voting; providing for certain methods of requesting an absentee ballot, including  
10 through the use of an online application; requiring a local board of elections to  
11 provide a voter with an absentee ballot in the manner requested by the voter;  
12 requiring the State Board to provide an optional online ballot marking tool;  
13 specifying certain certification requirements for the ballot marking tool;  
14 authorizing an absentee ballot to be sent by the Internet or facsimile  
15 transmission and requiring certain information to be provided with the ballot;  
16 altering the number of early voting centers for a county with a certain number  
17 of registered voters; altering the dates and times for early voting during certain  
18 elections; and generally relating to election law and improving access to voting.

19 BY repealing and reenacting, with amendments,  
20 Article – Election Law  
21 Section 3–302, 9–305, 9–306, 9–308, 9–310, and 10–301.1  
22 Annotated Code of Maryland  
23 (2010 Replacement Volume and 2012 Supplement)

24 BY adding to  
25 Article – Election Law  
26 Section 3–305

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2010 Replacement Volume and 2012 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Election Law**

6 **3-302.**

7 (a) [Registration] **EXCEPT AS PROVIDED UNDER § 3-305 OF THIS**  
8 **SUBTITLE, REGISTRATION** is closed beginning at 9 p.m. on the 21st day preceding an  
9 election until the 11th day after that election.

10 (b) A voter registration application received when registration is closed shall  
11 be accepted and retained by a local board, but the registration of the applicant does  
12 not become effective until registration reopens.

13 (c) A voter registration application that is received by the local board after  
14 the close of registration shall be considered timely received for the next election  
15 provided:

16 (1) there is sufficient evidence, as determined by the local board  
17 pursuant to regulations adopted by the State Board, that the application was mailed  
18 on or before registration was closed for that election; or

19 (2) the application was submitted by the voter to the Motor Vehicle  
20 Administration, a voter registration agency, another local board, or the State Board  
21 prior to the close of registration.

22 **3-305.**

23 (A) **DURING EARLY VOTING, AN INDIVIDUAL MAY APPEAR IN PERSON AT**  
24 **AN EARLY VOTING CENTER IN THE INDIVIDUAL'S COUNTY OF RESIDENCE AND**  
25 **APPLY TO REGISTER TO VOTE OR CHANGE THE VOTER'S ADDRESS ON AN**  
26 **EXISTING VOTER REGISTRATION.**

27 (B) (1) **WHEN APPLYING TO REGISTER TO VOTE OR CHANGE AN**  
28 **ADDRESS ON AN EXISTING REGISTRATION DURING EARLY VOTING, THE**  
29 **APPLICANT SHALL PROVIDE PROOF OF RESIDENCY.**

30 (2) **THE APPLICANT SHALL PROVE RESIDENCY BY SHOWING THE**  
31 **ELECTION JUDGE:**

1 (I) A MARYLAND DRIVER'S LICENSE OR MARYLAND  
2 IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT ADDRESS;  
3 OR

4 (II) IF THE APPLICANT DOES NOT HAVE A DRIVER'S LICENSE  
5 OR IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT  
6 ADDRESS, A COPY OF AN OFFICIAL DOCUMENT THAT:

7 1. MEETS THE REQUIREMENTS ESTABLISHED BY THE  
8 STATE BOARD; AND

9 2. CONTAINS THE APPLICANT'S NAME AND CURRENT  
10 ADDRESS.

11 (C) (1) WHEN AN INDIVIDUAL APPLIES TO REGISTER TO VOTE AT AN  
12 EARLY VOTING CENTER, THE ELECTION JUDGE SHALL DETERMINE WHETHER  
13 THE APPLICANT RESIDES IN THE COUNTY IN WHICH THE APPLICANT APPLIED  
14 AND IS QUALIFIED TO BECOME A REGISTERED VOTER.

15 (2) IF THE VOTER IS A RESIDENT OF THE COUNTY AND IS  
16 QUALIFIED TO REGISTER TO VOTE, THE ELECTION JUDGE SHALL:

17 (I) ISSUE THE VOTER A VOTING AUTHORITY CARD;

18 (II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD;  
19 AND

20 (III) ISSUE THE VOTER A BALLOT.

21 (D) (1) WHEN A VOTER APPLIES TO CHANGE THE VOTER'S ADDRESS  
22 DURING EARLY VOTING, THE ELECTION JUDGE SHALL DETERMINE WHETHER  
23 THE VOTER RESIDES IN THE COUNTY IN WHICH THE VOTER SEEKS TO VOTE.

24 (2) IF THE VOTER IS A RESIDENT OF THE COUNTY, THE ELECTION  
25 JUDGE SHALL:

26 (I) ISSUE THE VOTER A VOTING AUTHORITY CARD;

27 (II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD;  
28 AND

29 (III) ISSUE THE VOTER THE APPROPRIATE BALLOT FOR THE  
30 VOTER'S NEW ADDRESS.

1           **(E) THE STATE BOARD SHALL ADOPT REGULATIONS AND PROCEDURES**  
2 **IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION FOR THE**  
3 **ADMINISTRATION OF VOTER REGISTRATION DURING EARLY VOTING.**

4 9-305.

5           (a) **[An application for] A VOTER MAY REQUEST** an absentee ballot[, signed  
6 by the voter, may be made] **BY COMPLETING AND SUBMITTING:**

7           (1) **[on a form produced by the local board and supplied to the voter]**  
8 **THE STATE BOARD APPROVED ABSENTEE BALLOT APPLICATION;**

9           (2) **[on] a form provided under federal law; [or]**

10           (3) **[in] a written request that includes:**

11           (i) the voter's name **[and],** residence address, **AND**  
12 **SIGNATURE; and**

13           (ii) the address to which the ballot is to be mailed, if different  
14 from the residence address; **OR**

15           **(4) THE ONLINE ABSENTEE BALLOT APPLICATION PROVIDED BY**  
16 **THE STATE BOARD.**

17           (b) **[Except for a late application under subsection (c) of this section, an] AN**  
18 application for an absentee ballot must be received by a local board:

19           **(1) IF THE VOTER REQUESTS THE ABSENTEE BALLOT BE SENT BY**  
20 **MAIL OR FACSIMILE TRANSMISSION,** not later than the Tuesday preceding the  
21 election, at the time specified in the guidelines;

22           **(2) IF THE VOTER REQUESTS THE ABSENTEE BALLOT BE SENT BY**  
23 **THE INTERNET, NOT LATER THAN THE FRIDAY PRECEDING THE ELECTION, AT**  
24 **THE TIME SPECIFIED IN THE GUIDELINES; OR**

25           **(3) IF THE VOTER OR THE VOTER'S DULY AUTHORIZED AGENT**  
26 **APPLIES FOR AN ABSENTEE BALLOT IN PERSON AT THE LOCAL BOARD OFFICE,**  
27 **NOT LATER THAN THE CLOSING OF THE POLLS ON ELECTION DAY.**

28           **[(c) (1) Beginning on the Wednesday preceding the election, through the**  
29 **closing of the polls on election day, a registered voter or the voter's duly authorized**  
30 **agent may apply in person for an absentee ballot at the office of the local board.**

1           (2) A special application for an absentee ballot issued under this  
2 subsection shall be supplied by the staff of the local board to the voter or the voter's  
3 duly authorized agent.

4           (3) The application shall be made under penalty of perjury but without  
5 a formal oath.

6           (4) After review of the application, the staff shall issue an absentee  
7 ballot to the voter or the voter's duly authorized agent.]

8 9-306.

9           (a) Promptly after receipt of an application, the election director shall review  
10 the application and determine whether the applicant qualifies to vote by absentee  
11 ballot.

12           (b) If the applicant qualifies to vote by absentee ballot, the local board shall  
13 [send] **PROVIDE** the ballot **BY ONE OF THE FOLLOWING METHODS REQUESTED BY**  
14 **THE VOTER:**

15                   (1) **MAIL;**

16                   (2) **FACSIMILE TRANSMISSION;**

17                   (3) **THE INTERNET; OR**

18                   (4) **BY HAND DURING AN IN-PERSON TRANSACTION.**

19           (c) **ONCE BALLOTS ARE AVAILABLE, THE LOCAL BOARD SHALL**  
20 **PROVIDE THE BALLOT TO A QUALIFIED APPLICANT:**

21                   (1) as soon as practicable after receipt of the request; or

22                   (2) [if the ballots have not been received from the printer, as soon as  
23 practicable after the local board receives delivery of the ballots] **IMMEDIATELY FOR**  
24 **AN IN-PERSON TRANSACTION WITH A VOTER OR THE VOTER'S DULY**  
25 **AUTHORIZED AGENT.**

26           [(c)] (D) (1) If the members of the local board determine that the  
27 applicant is not entitled to vote by absentee ballot, the local board shall notify the  
28 applicant as soon as practicable after receipt of the application of the reasons for the  
29 rejection.

1           (2) (i) The local board may delegate the determination under  
2 paragraph (1) of this subsection to the staff of the local board.

3                   (ii) If the determination has been delegated, the applicant may  
4 appeal the rejection to the members of the local board, who shall decide the appeal as  
5 expeditiously as practicable.

6           **[(d)] (E)** Not more than one absentee ballot may be issued to a voter unless  
7 the election director of the local board has reasonable grounds to believe that an  
8 absentee ballot previously issued to the voter has been lost, destroyed, or spoiled.

9 9-308.

10           (a) A voter who requires assistance in casting an absentee ballot by reason of  
11 disability, inability to write, or inability to read the ballot may be assisted by any  
12 individual other than:

13                   (1) a candidate who is on that ballot;

14                   (2) the voter's employer or an agent of the employer; or

15                   (3) an officer or agent of the voter's union.

16           (b) An individual rendering assistance under this section shall execute a  
17 certification as prescribed by the State Board and included in the instructions under §  
18 9-309 of this subtitle.

19           **(C) (1) THE STATE BOARD SHALL PROVIDE AN OPTIONAL ONLINE**  
20 **BALLOT MARKING TOOL FOR A VOTER WHO REQUESTED TO HAVE THE**  
21 **ABSENTEE BALLOT SENT BY THE INTERNET.**

22                   **(2) (I) THE STATE BOARD SHALL CERTIFY THE ONLINE**  
23 **BALLOT MARKING TOOL IN ACCORDANCE WITH THE APPLICABLE**  
24 **CERTIFICATION STANDARDS UNDER § 9-102(D) OF THIS TITLE.**

25                           **(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS**  
26 **PARAGRAPH, § 9-102(D)(2) OF THIS TITLE IS NOT APPLICABLE TO THE STATE**  
27 **BOARD'S CERTIFICATION DETERMINATION IF THE U.S. ELECTION ASSISTANCE**  
28 **COMMISSION HAS NOT APPROVED SPECIFIC PERFORMANCE AND TEST**  
29 **STANDARDS FOR ONLINE BALLOT MARKING TOOLS.**

30 9-310.

31           (a) **(1) THIS SUBSECTION APPLIES ONLY TO AN ABSENTEE BALLOT**  
32 **THAT IS SENT BY MAIL.**

1           (2) An absentee ballot shall be enclosed in specially printed envelopes,  
2 the form and content of which shall be prescribed by the State Board.

3           [(b) (1)] (3)       (I) A local board may use either two envelopes or three  
4 envelopes.

5           [(2)] (II) If two envelopes are used, the inner envelope shall be  
6 designated the "ballot/return envelope", and, when issued, it shall fit inside the  
7 envelope designated the "outgoing envelope".

8           [(3)] (III) If three envelopes are used, the innermost envelope shall be  
9 designated the "ballot envelope", which shall fit inside the envelope designated the  
10 "return envelope", both of which, when issued, shall fit inside the envelope designated  
11 the "outgoing envelope".

12          [(c)] (4) When voted and returned to the local board, an absentee ballot  
13 shall be enclosed in a ballot envelope or ballot/return envelope, on which has been  
14 printed an oath prescribed by the State Board.

15          **(B) IF AN ABSENTEE BALLOT IS SENT BY THE INTERNET OR FACSIMILE**  
16 **TRANSMISSION, THE LOCAL BOARD SHALL PROVIDE THE VOTER WITH AN**  
17 **ENVELOPE TEMPLATE, THE OATH PRESCRIBED BY THE STATE BOARD, AND**  
18 **INSTRUCTIONS FOR MARKING AND RETURNING THE ABSENTEE BALLOT.**

19 10-301.1.

20          (a) Except as provided under Title 9, Subtitle 3 of this article, during any  
21 regularly scheduled primary or general election a voter may vote:

22           (1) in the voter's assigned precinct on election day; or

23           (2) at an early voting center in the voter's county of residence on any  
24 early voting day in accordance with this section.

25          (b) (1) Each county shall have at least one early voting center established  
26 in the county as prescribed in this subsection.

27           (2) A county with fewer than [150,000] **125,000** registered voters  
28 shall have one early voting center established in the county.

29           (3) A county with more than [150,000] **125,000 REGISTERED**  
30 **VOTERS** but fewer than 300,000 registered voters shall have three early voting  
31 centers established in the county.

1           (4) A county with more than 300,000 registered voters **BUT FEWER**  
2 **THAN 450,000 REGISTERED VOTERS** shall have five early voting centers established  
3 in the county.

4           **(5) A COUNTY WITH MORE THAN 450,000 REGISTERED VOTERS**  
5 **SHALL HAVE EIGHT EARLY VOTING CENTERS.**

6           (c) No later than 6 months before a primary election, the State Board, in  
7 collaboration with the local board in each county, shall designate each early voting  
8 center in that county.

9           (d) Each early voting center shall be open for voting as follows:

10           [(1) for the 2010 gubernatorial primary and general elections:

11                   (i) beginning the second Friday before a primary or general  
12 election through the Thursday before the elections, but excluding Sunday; and

13                   (ii) during the hours between 10 a.m. and 8 p.m.; and

14           (2) for the 2012 presidential primary and general elections:

15                   (i) beginning the second Saturday before a primary or general  
16 election through the Thursday before the elections; and

17                   (ii) 1. during the hours between 10 a.m. and 8 p.m. on the  
18 Saturday and the Monday through the Thursday during the early voting period; and

19                               2. during the hours between 12 noon and 6 p.m. on the  
20 Sunday during the early voting period.]

21           **(1) BEGINNING THE SECOND THURSDAY BEFORE A PRIMARY OR**  
22 **GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTION; AND**

23           **(2) DURING THE FOLLOWING HOURS:**

24                   **(I) IN A PRESIDENTIAL GENERAL ELECTION, DURING THE**  
25 **HOURS BETWEEN 8 A.M. AND 8 P.M. EACH EARLY VOTING DAY; AND**

26                   **(II) IN ALL OTHER ELECTIONS, DURING THE HOURS**  
27 **BETWEEN 10 A.M. AND 8 P.M. EACH EARLY VOTING DAY.**

28           (e) Each early voting center shall satisfy the requirements of § 10-101 of this  
29 title.

1 (f) Beginning 30 days prior to each early voting period the State Board and  
2 each local board shall undertake steps to inform the public about early voting and the  
3 location of early voting centers in each county, including:

- 4 (1) a series of public service media announcements;
- 5 (2) mailings to all registered voters in each county; and
- 6 (3) other measures as appropriate.

7 (g) Except as expressly provided in this section, any provision of this article  
8 that applies to voting on election day also applies to early voting.

9 (h) The State Board shall adopt regulations and guidelines in accordance  
10 with the requirements of this section for the conduct of early voting.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 July 1, 2013.

# SENATE BILL 641

M3

3lr2233  
CF 3lr1228

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By: **Senators Frosh, Ferguson, Madaleno, Manno, Montgomery, Pinsky, and Raskin**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs and Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Statewide Container Recycling Incentive Program**

3 FOR the purpose of requiring certain beverage distributors to register with the  
 4 Department of the Environment in a certain manner on or before a certain date;  
 5 requiring certain beverage distributors to maintain certain records; requiring a  
 6 redeemable beverage container sold in the State to bear certain information  
 7 beginning on a certain date; requiring each county, in consultation with the  
 8 Department, to designate certain convenience zones on or before a certain date;  
 9 requiring certain beverage distributors to pay a certain deposit to the  
 10 Comptroller of the State beginning on a certain date; establishing procedures  
 11 for the payment of certain deposits by certain beverage distributors to the  
 12 Comptroller; requiring the Comptroller to deposit certain payments to the  
 13 Container Recycling Incentive Fund; requiring certain beverage distributors to  
 14 collect a certain deposit on redeemable beverage containers from certain  
 15 retailers and on-premise sellers beginning on a certain date; requiring certain  
 16 retailers to charge a consumer a redeemable beverage container deposit at the  
 17 point of sale of a beverage; requiring that certain deposit charges appear as a  
 18 separate line item on bills and invoices and prohibiting certain deposit charges  
 19 from being included in the calculation of the sales tax on a beverage; requiring  
 20 at least one licensed redemption center to be located within each convenience  
 21 zone beginning on a certain date; establishing certain requirements for  
 22 redemption centers; requiring each county, in consultation with the  
 23 Department, to adopt certain rules and procedures for the licensing of  
 24 redemption centers and to establish certain verification procedures for certain  
 25 redemption centers; requiring the Comptroller to pay to a redemption center the  
 26 full refund value of the redeemable beverage containers the redemption center  
 27 accepts under certain circumstances; requiring the Comptroller to pay certain  
 28 handling fees to privately operated redemption centers and to redemption  
 29 centers operated by a county; establishing certain requirements for requests for  
 30 payment submitted by redemption centers to the Comptroller; authorizing the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Comptroller to refuse payment to a redemption center under certain  
 2 circumstances; establishing the Container Recycling Incentive Fund as a  
 3 special, nonlapsing fund; specifying the purpose of the Fund; requiring the  
 4 Comptroller to administer the Fund; requiring the State Treasurer to hold the  
 5 Fund and the Comptroller to account for the Fund; specifying the purposes for  
 6 which the Fund may be used; providing for the investment of money in and  
 7 expenditures from the Fund; authorizing the Secretary to adopt certain  
 8 regulations; requiring the Office of Recycling to work with the counties on  
 9 certain activities; defining certain terms; and generally relating to the  
 10 establishment of a Statewide Container Recycling Incentive Program.

11 BY adding to  
 12 Article – Environment  
 13 Section 9–1733 through 9–1741 to be under the new part “Part V. Statewide  
 14 Container Recycling Incentive Program”  
 15 Annotated Code of Maryland  
 16 (2007 Replacement Volume and 2012 Supplement)

17 Preamble

18 WHEREAS, Four billion beverage containers are sold in Maryland each year,  
 19 and fewer than 25% are reused or repurposed – the remainder end up in our landfills  
 20 and litter our environment; and

21 WHEREAS, Research indicates that litter impacts public health and decreases  
 22 property values, harming vulnerable communities and ecosystems; and

23 WHEREAS, Balancing environmental priorities with market incentives is  
 24 crucial to growing American manufacturing in an age of globalization and climate  
 25 change; and

26 WHEREAS, More than 2 decades of data from deposit states point to the  
 27 economic and environmental benefits of integrating beverage container deposit  
 28 incentive programs with curbside recycling; and

29 WHEREAS, Deposit systems are a proven policy tool for increasing beverage  
 30 container recycling rates and protecting the environment – the 10 deposit states  
 31 currently recycle more than 50% of all beverage containers in the United States,  
 32 leading to reductions in greenhouse gas emissions and litter pollution; and

33 WHEREAS, The purpose of this Act is to incentivize the reuse and repurpose of  
 34 beverage containers to encourage recycling, prevent litter, and reduce greenhouse gas  
 35 emissions affecting Maryland and the Chesapeake Bay watershed; now, therefore,

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 37 MARYLAND, That the Laws of Maryland read as follows:

Article - Environment

9-1731. RESERVED.

9-1732. RESERVED.

PART V. STATEWIDE CONTAINER RECYCLING INCENTIVE PROGRAM.

9-1733.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "BEVERAGE" MEANS AN ALCOHOLIC OR A NONALCOHOLIC DRINK INTENDED FOR HUMAN CONSUMPTION AND PACKAGED FOR SALE IN A REDEEMABLE BEVERAGE CONTAINER.

(2) "BEVERAGE" INCLUDES BEER AND OTHER MALT BEVERAGES, WINE, DISTILLED SPIRITS REGARDLESS OF DAIRY-DERIVED CONTENT, CARBONATED AND NONCARBONATED SOFT DRINKS, FLAVORED AND UNFLAVORED BOTTLED WATER, FRUIT JUICE, AND TEA AND COFFEE DRINKS REGARDLESS OF DAIRY-DERIVED CONTENT.

(3) "BEVERAGE" DOES NOT INCLUDE:

(I) A SYRUP, A LIQUID CONCENTRATE, A CONDIMENT, OR ANY OTHER ADDITIVE INTENDED PRIMARILY AS A FLAVORING INGREDIENT IN FOOD OR DRINK;

(II) A LIQUID THAT IS A DRUG, A MEDICAL FOOD, OR AN INFANT FORMULA AS DEFINED BY THE FEDERAL FOOD, DRUG, AND COSMETIC ACT;

(III) A LIQUID THAT IS A DIETARY SUPPLEMENT AS DEFINED IN THE DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994;

(IV) MILK AND OTHER DAIRY-DERIVED PRODUCTS; OR

(V) A PRODUCT FROZEN AT THE TIME OF SALE TO THE CONSUMER.

(C) "COMPTROLLER" MEANS THE COMPTROLLER OF THE STATE.

1 (D) "CONSUMER" MEANS A PERSON WHO BUYS A REDEEMABLE  
2 BEVERAGE CONTAINER IN THE STATE FOR USE OR CONSUMPTION  
3 OFF-PREMISES.

4 (E) (1) "DISTRIBUTOR" MEANS A PERSON THAT MANUFACTURES  
5 BEVERAGES IN REDEEMABLE BEVERAGE CONTAINERS, OR THAT IMPORTS  
6 BEVERAGES IN REDEEMABLE BEVERAGE CONTAINERS TO SELL WITHIN THE  
7 STATE.

8 (2) "DISTRIBUTOR" DOES NOT INCLUDE AIRLINES AND SHIPPING  
9 COMPANIES THAT TRANSPORT REDEEMABLE BEVERAGE CONTAINERS.

10 (F) "PROGRAM" MEANS THE STATEWIDE CONTAINER RECYCLING  
11 INCENTIVE PROGRAM.

12 (G) "REDEEMABLE BEVERAGE CONTAINER" MEANS AN INDIVIDUAL,  
13 SEPARATE, AND SEALED GLASS, METAL, ALUMINUM, STEEL, OR PLASTIC JAR,  
14 CAN, OR BOTTLE THAT, AT ITS TIME OF SALE, CONTAINS NOT MORE THAN 33.8  
15 FLUID OUNCES AND NOT LESS THAN 6 FLUID OUNCES OF A BEVERAGE  
16 INTENDED FOR CONSUMPTION WITHIN THE STATE.

17 (H) "REDEEMER" MEANS A PERSON, OTHER THAN A RETAILER OR  
18 DISTRIBUTOR, WHO DEMANDS THE REFUND VALUE IN EXCHANGE FOR AN EMPTY  
19 REDEEMABLE BEVERAGE CONTAINER.

20 (I) "REDEMPTION CENTER" MEANS A FACILITY LICENSED OR  
21 OPERATED BY A COUNTY TO ACCEPT EMPTY REDEEMABLE BEVERAGE  
22 CONTAINERS FROM CONSUMERS IN EXCHANGE FOR THE CONTAINERS' REFUND  
23 VALUE.

24 (J) "REDEMPTION RATE" MEANS THE PERCENTAGE OF REDEEMABLE  
25 BEVERAGE CONTAINERS REDEEMED IN THE STATE OVER A REPORTING PERIOD,  
26 WHICH IS CALCULATED BY DIVIDING THE NUMBER OF REDEEMABLE BEVERAGE  
27 CONTAINERS REDEEMED BY THE NUMBER OF REDEEMABLE BEVERAGE  
28 CONTAINERS SOLD, THEN MULTIPLYING THAT NUMBER BY 100.

29 (K) "RETAILER" MEANS A PERSON WHO SELLS A BEVERAGE IN A  
30 REDEEMABLE BEVERAGE CONTAINER TO A CONSUMER FOR OFF-PREMISES  
31 CONSUMPTION.

32 (L) (1) "ON-PREMISE SELLER" MEANS A PERSON WHO SELLS A  
33 BEVERAGE IN A REDEEMABLE BEVERAGE CONTAINER FOR ON-PREMISE  
34 CONSUMPTION.

1           (2) "ON-PREMISE SELLER INCLUDES A BAR, RESTAURANT,  
2 HOTEL, SPORTING VENUE, ENTERTAINMENT VENUE, AND GAMING VENUE.

3           (M) "REVERSE VENDING MACHINE" MEANS A MECHANICAL DEVICE  
4 THAT ACCEPTS ONE OR MORE TYPES OF EMPTY REDEEMABLE BEVERAGE  
5 CONTAINERS AND ISSUES A REDEEMABLE CREDIT SLIP FOR A VALUE NOT LESS  
6 THAN THE CONTAINERS' REFUND VALUE.

7 9-1734.

8           (A) (1) ON OR BEFORE APRIL 1, 2014, EVERY DISTRIBUTOR  
9 OPERATING WITHIN THE STATE SHALL REGISTER WITH THE DEPARTMENT.

10           (2) AFTER APRIL 1, 2014, ANY PERSON WHO DESIRES TO  
11 CONDUCT BUSINESS IN THE STATE AS A DISTRIBUTOR SHALL REGISTER WITH  
12 THE DEPARTMENT NO LATER THAN 1 MONTH BEFORE COMMENCING BUSINESS.

13           (B) (1) A DISTRIBUTOR REGISTERED UNDER THIS SECTION SHALL  
14 MAINTAIN RECORDS OF:

15                   (I) THE QUANTITY OF ANY BEVERAGE IN A REDEEMABLE  
16 BEVERAGE CONTAINER THAT THE DISTRIBUTOR MANUFACTURES, SELLS, OR  
17 TRANSFERS; AND

18                   (II) THE IMPORTATION AND EXPORTATION OF ANY  
19 REDEEMABLE BEVERAGE CONTAINER.

20           (2) RECORDS KEPT IN ACCORDANCE WITH THIS SUBSECTION  
21 SHALL BE MADE AVAILABLE FOR INSPECTION AT THE REQUEST OF THE  
22 DEPARTMENT.

23 9-1735.

24           (A) BEGINNING OCTOBER 1, 2014, EXCEPT AS PROVIDED IN  
25 SUBSECTION (C) OF THIS SECTION, EVERY REDEEMABLE BEVERAGE CONTAINER  
26 SOLD IN THE STATE SHALL CLEARLY INDICATE A REFUND VALUE OF 5 CENTS  
27 AND THE WORD "MARYLAND" OR THE LETTERS "MD" ON THE REDEEMABLE  
28 BEVERAGE CONTAINER.

29           (B) THE REFUND VALUE SHALL BE CLEARLY, PROMINENTLY, AND  
30 INDELIBLY MARKED BY PAINTING, PRINTING, SCRATCH EMBOSSING, OR  
31 RAISED-LETTER EMBOSSING, OR BY SECURELY AFFIXED STICKERS, AND SHALL

1 APPEAR ON THE TOP OR SIDE OF THE REDEEMABLE BEVERAGE CONTAINER IN  
2 LETTERS AT LEAST ONE-EIGHTH INCH IN SIZE.

3 (C) THIS SECTION DOES NOT APPLY TO A REFILLABLE BEVERAGE  
4 CONTAINER THAT HAS:

5 (1) A BRAND NAME PERMANENTLY MARKED ON THE CONTAINER;  
6 AND

7 (2) THE EQUIVALENT OF A REFUND VALUE OF AT LEAST 5 CENTS  
8 THAT IS PAID ON RECEIPT OF THE CONTAINER BY A RETAILER OR DISTRIBUTOR.

9 (D) NO CONTAINER MARKED IN ACCORDANCE WITH THIS SECTION MAY  
10 BE SOLD TO A CONSUMER BEFORE OCTOBER 1, 2014.

11 9-1736.

12 (A) ON OR BEFORE APRIL 1, 2014, EACH COUNTY IN CONSULTATION  
13 WITH THE DEPARTMENT SHALL DESIGNATE CONVENIENCE ZONES BASED ON  
14 POPULATION DENSITY FOR THE PURPOSE OF ESTABLISHING REDEMPTION  
15 CENTERS.

16 (B) ON OR BEFORE APRIL 1 OF EACH YEAR, EACH COUNTY SHALL  
17 PREPARE AND MAKE AVAILABLE TO THE PUBLIC AN UPDATED MAP SHOWING  
18 THE CONVENIENCE ZONES WITHIN ITS JURISDICTION.

19 9-1737.

20 (A) (1) BEGINNING OCTOBER 1, 2014, EVERY DISTRIBUTOR SHALL  
21 PAY TO THE COMPTROLLER A DEPOSIT OF 5 CENTS FOR EVERY REDEEMABLE  
22 BEVERAGE CONTAINER THAT THE DISTRIBUTOR SELLS, DONATES, OR  
23 TRANSFERS WITHIN THE STATE.

24 (2) PAYMENT OF DEPOSITS SHALL BE MADE ON THE FIFTEENTH  
25 BUSINESS DAY OF EACH MONTH FOR ALL SALES, DONATIONS, AND TRANSFERS  
26 OCCURRING DURING THE PRECEDING MONTH.

27 (3) THE COMPTROLLER SHALL DEPOSIT THE PAYMENTS  
28 COLLECTED UNDER THIS SUBSECTION IN THE CONTAINER RECYCLING  
29 INCENTIVE FUND, IN ACCORDANCE WITH § 9-1740 OF THIS PART.

30 (B) (1) BEGINNING OCTOBER 1, 2014, EVERY DISTRIBUTOR THAT  
31 PAYS A DEPOSIT TO THE COMPTROLLER UNDER THIS SECTION SHALL COLLECT

1 FROM A RETAILER OR AN ON-PREMISE SELLER A DEPOSIT OF 5 CENTS ON EACH  
2 REDEEMABLE BEVERAGE CONTAINER THE DISTRIBUTOR SELLS WITHIN THE  
3 STATE.

4 (2) A RETAILER SHALL CHARGE A CONSUMER THE 5-CENT  
5 REDEEMABLE BEVERAGE CONTAINER DEPOSIT AT THE POINT OF SALE OF THE  
6 BEVERAGE.

7 (3) A DEPOSIT CHARGE MADE IN ACCORDANCE WITH THIS  
8 SUBSECTION SHALL APPEAR AS A SEPARATE LINE ITEM ON A BILL OR INVOICE  
9 AND MAY NOT BE INCLUDED IN THE CALCULATION OF ANY SALES TAX ON THE  
10 BEVERAGE.

11 (C) BEGINNING OCTOBER 1, 2014, A REDEEMER MAY RETURN AN  
12 EMPTY REDEEMABLE BEVERAGE CONTAINER TO A REDEMPTION CENTER  
13 ESTABLISHED UNDER § 9-1738 OF THIS PART FOR A FULL REFUND OF THE  
14 5-CENT DEPOSIT PAID ON THE CONTAINER.

15 9-1738.

16 (A) (1) BEGINNING OCTOBER 1, 2014, AT LEAST ONE LICENSED  
17 REDEMPTION CENTER SHALL BE LOCATED WITHIN EVERY CONVENIENCE ZONE  
18 DESIGNATED UNDER § 9-1736 OF THIS PART.

19 (2) A REDEMPTION CENTER MAY BE OPERATED BY:

20 (I) A COUNTY;

21 (II) A MUNICIPALITY; OR

22 (III) A PRIVATE BUSINESS OR NONPROFIT ORGANIZATION  
23 LICENSED BY A COUNTY.

24 (3) A REDEMPTION CENTER SHALL:

25 (I) ACCEPT ALL TYPES OF EMPTY REDEEMABLE BEVERAGE  
26 CONTAINERS FOR WHICH A DEPOSIT HAS BEEN PAID;

27 (II) VERIFY THAT ALL CONTAINERS TO BE REDEEMED BEAR  
28 A VALID MARYLAND REFUND VALUE;

29 (III) PAY TO THE REDEEMER THE FULL REFUND VALUE IN  
30 EITHER CASH OR A REDEEMABLE VOUCHER;

1 (IV) ENSURE EACH REDEEMABLE BEVERAGE CONTAINER  
2 THE REDEMPTION CENTER ACCEPTS IS RECYCLED THROUGH A CONTRACTUAL  
3 AGREEMENT WITH AN IN-STATE RECYCLING FACILITY, OR ON-PREMISES IF THE  
4 REDEMPTION CENTER IS A RECYCLING FACILITY;

5 (V) REMAIN OPEN AT LEAST 40 HOURS PER WEEK, OF  
6 WHICH AT LEAST 5 HOURS SHALL BE ON SATURDAY OR SUNDAY; AND

7 (VI) FORWARD TO THE COMPTROLLER ALL  
8 DOCUMENTATION NECESSARY TO SUPPORT CLAIMS FOR PAYMENT, IN  
9 ACCORDANCE WITH § 9-1739 OF THIS PART.

10 (4) A REDEMPTION CENTER SHALL REFUSE TO PAY THE REFUND  
11 VALUE ON ANY REDEEMABLE BEVERAGE CONTAINER THAT:

12 (I) IS BROKEN OR CORRODED;

13 (II) CONTAINS A FREE-FLOWING LIQUID;

14 (III) DOES NOT PROPERLY INDICATE A MARYLAND REFUND  
15 VALUE; OR

16 (IV) EXHIBITS CHARACTERISTICS OF HAVING BEEN  
17 PROCESSED AND BALED PREVIOUSLY.

18 (5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
19 PARAGRAPH, A REDEMPTION CENTER SHALL ACCEPT FROM A SINGLE  
20 REDEEMER NO MORE THAN 450 REDEEMABLE BEVERAGE CONTAINERS AT ONE  
21 TIME.

22 (II) 1. A REDEMPTION CENTER MAY ACCEPT MORE THAN  
23 450 REDEEMABLE BEVERAGE CONTAINERS FROM A REDEEMER THAT IS A  
24 CURBSIDE RECYCLING SERVICE PROVIDER OR AN ON-PREMISE SELLER.

25 2. A REDEMPTION CENTER MAY ESTIMATE THE  
26 QUANTITY OF REDEEMABLE BEVERAGE CONTAINERS ACCEPTED FROM A  
27 CURBSIDE RECYCLING PROVIDER OR AN ON-PREMISE SELLER USING  
28 VOLUME-TO-WEIGHT CONVERSION TABLES PUBLISHED BY THE UNITED STATES  
29 ENVIRONMENTAL PROTECTION AGENCY.

30 (6) (I) A REDEMPTION CENTER MAY USE A REVERSE VENDING  
31 MACHINE TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION.

1 (II) A REVERSE VENDING MACHINE SHALL:

2 1. ACCEPT ANY TYPE OF EMPTY REDEEMABLE  
3 BEVERAGE CONTAINER AND PAY OUT THE FULL REFUND VALUE IN EITHER CASH  
4 OR A REDEEMABLE VOUCHER FOR ANY CONTAINER THAT BEARS A VALID  
5 MARYLAND REFUND VALUE;

6 2. REJECT A CONTAINER IF THE REVERSE VENDING  
7 MACHINE IS UNABLE TO READ THE BARCODE ON THE CONTAINER; AND

8 3. BE ROUTINELY SERVICED TO ENSURE PROPER  
9 OPERATION AND CONTINUOUS ACCEPTANCE OF EMPTY REDEEMABLE  
10 BEVERAGE CONTAINERS AND PAYMENT OF REFUND VALUES.

11 (B) EACH COUNTY, IN CONSULTATION WITH THE DEPARTMENT, SHALL  
12 ADOPT RULES AND PROCEDURES FOR THE LICENSING OF REDEMPTION  
13 CENTERS.

14 (C) TO PROTECT AGAINST FRAUD, EACH COUNTY, IN CONSULTATION  
15 WITH THE DEPARTMENT, SHALL ESTABLISH RANDOM THIRD-PARTY  
16 VERIFICATION PROCEDURES FOR REDEMPTION CENTERS THAT COUNT  
17 REDEEMABLE BEVERAGE CONTAINERS MANUALLY.

18 (D) EACH COUNTY SHALL BE GIVEN CREDIT FOR THE REDEEMABLE  
19 BEVERAGE CONTAINERS COLLECTED FROM CURBSIDE AND DIVERTED FROM  
20 MUNICIPAL SOLID WASTE STREAMS UNDER THIS PROGRAM TOWARDS THE  
21 RECYCLING REDUCTION RATE GOALS ESTABLISHED BY § 9-505 OF THIS TITLE.

22 9-1739.

23 (A) THE COMPTROLLER SHALL REMIT TO A REDEMPTION CENTER THE  
24 FULL REFUND VALUE OF EACH REDEEMABLE BEVERAGE CONTAINER THE  
25 REDEMPTION CENTER ACCEPTS.

26 (B) IN ADDITION TO THE REFUND VALUE, THE COMPTROLLER SHALL  
27 PAY TO A REDEMPTION CENTER OPERATED BY A PRIVATE ENTITY A HANDLING  
28 FEE OF 0.025 CENTS FOR EACH REDEEMABLE BEVERAGE CONTAINER THE  
29 REDEMPTION CENTER COLLECTS.

30 (C) IN ADDITION TO THE REFUND VALUE, THE COMPTROLLER SHALL  
31 PAY TO A REDEMPTION CENTER OPERATED BY A COUNTY OR A MUNICIPALITY A  
32 HANDLING FEE OF:

1           (1) 3 CENTS FOR EACH REDEEMABLE BEVERAGE CONTAINER THE  
2 REDEMPTION CENTER ACCEPTS DURING ITS FIRST 3 YEARS OF OPERATION; AND

3           (2) 2.5 CENTS FOR EACH REDEEMABLE BEVERAGE CONTAINER  
4 THE REDEMPTION CENTER ACCEPTS AFTER ITS FIRST 3 YEARS OF OPERATION.

5           (D) PAYMENTS TO REDEMPTION CENTERS SHALL BE MADE ON A  
6 PER-UNIT BASIS AND NOT ON THE BASIS OF WEIGHT, EXCEPT AS AUTHORIZED IN  
7 § 9-1738(A)(5)(II) OF THIS PART.

8           (E) (1) A REDEMPTION CENTER SHALL SUBMIT REQUESTS TO THE  
9 COMPTROLLER FOR PAYMENT NO MORE THAN TWO TIMES PER MONTH.

10           (2) (I) A REDEMPTION CENTER SHALL SUBMIT REQUESTS FOR  
11 PAYMENT ALONG WITH SUPPORTING DOCUMENTATION ON FORMS REQUIRED BY  
12 THE COMPTROLLER.

13                           (II) REQUESTS SHALL INCLUDE, AT A MINIMUM:

14                           1. THE NUMBER OF REDEEMABLE BEVERAGE  
15 CONTAINERS OF EACH MATERIAL TYPE ACCEPTED AT THE REDEMPTION  
16 CENTER DURING THE REPORTING PERIOD;

17                           2. THE AMOUNT OF REFUNDS PAID OUT BY  
18 MATERIAL TYPE; AND

19                           3. THE NUMBER OF REDEEMABLE BEVERAGE  
20 CONTAINERS OF EACH MATERIAL TYPE TRANSPORTED TO AN IN-STATE  
21 RECYCLING FACILITY.

22           (3) THE COMPTROLLER MAY REFUSE PAYMENT ON ANY REQUEST  
23 THAT CONTAINS SIGNIFICANT DISCREPANCIES OR THAT DOES NOT INCLUDE  
24 SUFFICIENT SUPPORTING DOCUMENTATION.

25 9-1740.

26           (A) IN THIS SECTION, "FUND" MEANS THE CONTAINER RECYCLING  
27 INCENTIVE FUND.

28           (B) THERE IS A CONTAINER RECYCLING INCENTIVE FUND.

1 (C) THE PURPOSE OF THE FUND IS TO PROVIDE FINANCIAL ASSISTANCE  
2 FOR THE PROGRAM IN ACCORDANCE WITH THIS PART.

3 (D) THE COMPTROLLER SHALL ADMINISTER THE FUND.

4 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
5 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

6 (2) THE STATE TREASURER SHALL HOLD THE FUND  
7 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

8 (F) THE FUND CONSISTS OF:

9 (1) REDEEMABLE BEVERAGE CONTAINER DEPOSITS COLLECTED  
10 UNDER § 9-1737 OF THIS PART;

11 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

12 (3) ANY INVESTMENT EARNINGS OF THE FUND; AND

13 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED  
14 FOR THE BENEFIT OF THE FUND.

15 (G) THE FUND SHALL BE USED ONLY:

16 (1) TO PAY HANDLING FEES AND REFUNDS ON REDEEMABLE  
17 BEVERAGE CONTAINERS TO REDEMPTION CENTERS, IN ACCORDANCE WITH §  
18 9-1739 OF THIS PART;

19 (2) TO IMPLEMENT AND ADMINISTER THE PROGRAM; AND

20 (3) TO PROVIDE FUNDING FOR STATE AND LOCAL RECYCLING  
21 CENTERS, RECYCLING EQUIPMENT, RECYCLING EDUCATION, AND MARKETING;  
22 AND

23 (4) TO PROVIDE FUNDING FOR STATE AND LOCAL  
24 ENVIRONMENTAL PROGRAMS.

25 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE  
26 FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

1           (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID  
2 INTO THE SPECIAL FUND AND MAY NOT BE TRANSFERRED TO THE GENERAL  
3 FUND OF THE STATE.

4           (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN  
5 ACCORDANCE WITH THE STATE BUDGET.

6           (J) MONEY EXPENDED FROM THE FUND FOR THE PROGRAM IS  
7 SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING  
8 THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM.

9 9-1741.

10          (A) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE  
11 PROVISIONS OF THIS PART.

12          (B) THE OFFICE OF RECYCLING SHALL WORK WITH THE COUNTIES TO:

13               (1) ASSIST WITH THE IMPLEMENTATION OF THE PROGRAM;

14               (2) ACHIEVE A STATEWIDE REDEEMABLE BEVERAGE CONTAINER  
15 REDEMPTION RATE OF 75% BY DECEMBER 31, 2019;

16               (3) DEVELOP STRATEGIES FOR PROTECTING AGAINST FRAUD IN  
17 THE PAYMENT OF HANDLING FEES AND REFUNDS; AND

18               (4) FACILITATE THE EXCHANGE OF INFORMATION BETWEEN  
19 REDEEMABLE BEVERAGE CONTAINER MANUFACTURERS, DISTRIBUTORS,  
20 RETAILERS, AND LICENSED REDEMPTION CENTERS, INCLUDING UNIVERSAL  
21 PRODUCT CODE INFORMATION FOR REVERSE VENDING MACHINE PURPOSES.

22          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2013.

## HB 294

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**

**Revised**

House Bill 294 (The Speaker, *et al.*) (By Request - Administration)

Judiciary and Health and Government  
Operations

**Firearm Safety Act of 2013**

This Administration bill significantly modifies and expands the regulation of firearms and ammunition in the State and makes significant changes to related mental health restrictions on the possession of firearms.

**Fiscal Summary**

**State Effect:** General fund revenues increase by \$7.2 million in FY 2014 from handgun qualification licensing fees and voluntary registrations of other firearms. Out-year revenues reflect the anticipated growth in handgun licenses issued and a decrease in voluntary registrations of other firearms. General fund expenditures increase by \$3.4 million for licensing and registration, programming, and other activities within several agencies. Out-year costs reflect annualization and inflation. The criminal penalty provisions of this bill should not have a significant impact on State finances or operations.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
GF Revenue	\$7,169,800	\$7,498,000	\$7,948,500	\$8,465,100	\$9,026,800
GF Expenditure	\$3,359,400	\$2,446,300	\$2,555,200	\$2,867,800	\$2,788,600
Net Effect	\$3,810,400	\$5,051,700	\$5,393,300	\$5,597,300	\$6,238,200

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Minimal. Primary responsibility for enforcement is with the Department of State Police (DSP). Any coordination with local government police agencies is assumed to be handled with existing local resources.

**Small Business Effect:** The Administration has determined that this bill has a meaningful impact on small business (attached). The Department of Legislative Services concurs with this assessment.

## Analysis

### Bill Summary:

#### *Assault Weapons*

The bill applies the scope of current assault pistol prohibitions to all assault weapons. The bill adds a definition of “assault weapon” to apply to “assault long guns,” and to “copycat weapons.” An assault long gun is defined as being on the list of 45 regulated firearms that are not handguns under current law provisions of the Public Safety Article. A copycat weapon is defined as specified semiautomatic rifles, pistols, and shotguns, as well as shotguns with a revolving cylinder. The definition of a copycat weapon “does not include an assault long gun or assault pistol.”

The bill allows a licensed firearms dealer to continue to possess, sell, offer for sale, or transfer an assault long gun or a copycat weapon that the dealer lawfully possessed on or before October 1, 2013. In addition, a person who lawfully possessed such a weapon before that date and who registers the weapon with the Secretary of State Police before November 1, 2013, may continue possession or, if carrying a court order requiring surrender of the weapon, may transport the unloaded weapon directly to a law enforcement unit, having notified the unit of the transport.

#### *Handguns*

The bill modifies exceptions to the prohibition against wearing, carrying, or transporting handguns without a State permit by eliminating the active assignment requirement from being applicable to federal, State, or local law enforcement personnel; certain military personnel; out-of-state law enforcement personnel temporarily in Maryland on official business; and State correctional officers and wardens.

The bill also creates a new licensing scheme for handguns under the licensing authority of DSP. A “handgun qualification license” authorizes a person to purchase, rent, or receive a handgun. The licensing provisions prohibit a person from purchasing, renting, or receiving a handgun without such a license issued by the Secretary of State Police or if prohibited from purchasing or possessing a handgun under State or federal law. An applicant is also required to apply for a State and national criminal history records check.

The application fee for a handgun qualification license is \$100. The term of the license is five years. The bill delineates the identifying information and documentation that are required for the issuance of the license. Among other things, the application must also have a signed statement from the applicant, under penalty of perjury, that the applicant is not prohibited under federal or State law to possess a handgun. The applicant must also

show proof of completion of an approved firearms safety training course. The bill requires written approval or denial by DSP, as specified, within 30 days. The bill details the required approval and denial processes, and provides specified license revocation procedures. The bill repeals certain current law exemptions from certified firearms training course requirements in order to conform to the handgun qualification requirements of the bill.

The bill requires transmission of a firearms application by any electronic means approved by the Secretary.

#### *Ammunition*

The bill prohibits possession of “ammunition” by a person prohibited from possessing a regulated firearm. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000.

The bill reduces the allowable detachable magazine capacity for the manufacture, sale, purchase, receipt, or transfer in the State from 20 to 10 rounds of ammunition for a firearm. The bill similarly reduces referenced limits on magazine capacities under penalty provisions applicable to use of an assault weapon in the commission of a felony or crime of violence.

#### *Mental Health Provisions*

Under provisions relating to an involuntary admission of an individual to a mental health facility, the bill specifies that, if a hearing officer determines that the individual cannot safely possess a firearm based on credible evidence of dangerousness to others, the hearing officer must order the individual to surrender any firearms in their possession to law enforcement authorities and refrain from possessing a firearm unless the individual is granted relief in accordance with specified new provisions of the Public Safety Article that would allow an individual disqualified to possess a regulated firearm to qualify for possession if certain conditions are met.

The bill modifies restrictions on the possession of regulated firearms by eliminating current law language relating to mental disorders and adding prohibitions against possession of a regulated firearm if the person:

- has been found incompetent to stand trial or has been found not criminally responsible in a criminal case;
- has been a patient in a mental health care facility, and has been a voluntary or involuntary patient for 30 consecutive days or more or has been determined by a court to be unable to safely possess a firearm based on credible evidence of dangerousness to others;

- is under the protection of a guardian appointed by a court under specified provisions of the Estates and Trusts Article relating to the protection of minors and disabled persons; or
- is a respondent against whom a protective order has been issued by a court in another state or a Native American tribe and is in effect.

The bill requires a court to promptly report to the National Instant Criminal Background Check System (NICS), through a secure portal approved by the Department of Public Safety and Correctional Services (DPSCS), the date of the court determination or finding, and the name and identifying information of a person:

- determined to be not criminally responsible;
- found to be incompetent to stand trial; or
- found to be in need of the protection of a guardian under specified provisions of the Estates and Trusts Article relating to the protection of minors and disabled persons.

A mental health care facility must similarly report to NICS the name and identifying information of a person admitted or committed to the facility, the date of admission or commitment, and the name of the facility to which the person was admitted or committed, voluntarily or involuntarily, if the person has been admitted or committed to a facility for 30 consecutive days or more or, in the case of an involuntary admission, if a court determines that the person cannot safely possess a firearm based on credible evidence of dangerousness to others.

A person disqualified to possess a regulated firearm under any of the mental health related prohibitions may be reauthorized to possess a firearm if the person is not subject to another State or federal firearms restriction and the Department of Health and Mental Hygiene (DHMH) approves the possession, via specified application and approval provisions detailed in the bill. A person who seeks relief from a firearms disqualification must file an application with DHMH in a form and manner set by DHMH.

The applicant must include the following information in the application: (1) the reason for the prohibition and why relief should be granted; and (2) an approved signed certificate from a State licensed physician, certified as a psychiatrist or as a psychologist and listed in the National Registry of Health Service Providers that provides specified details, including that there is no reason to believe that the person will become incompetent in the foreseeable future, an opinion on whether granting a firearm qualification would be contrary to the public interest, and three statements attesting to the applicant's reputation and character relevant to firearm ownership or possession. The bill further delineates the circumstances under which additional information must be included.

If approved, DHMH must present a certificate of affirmation to the applicant and DSP as evidence of eligibility to possess a regulated firearm. The bill also specifies a hearing procedure for an applicant aggrieved by the action of DHMH. The applicant may request such a hearing by writing to the Secretary of Health and Mental Hygiene within 30 days after the decision on the application is mailed to the applicant. The standard of proof at such a hearing before an administrative law judge is by clear and convincing evidence. The applicant may seek judicial review of a determination of an administrative law judge under current provisions of the State Government Article. After a determination on the merits of a requested hearing, an applicant may not request a subsequent hearing within one year after the completion of the hearing process and any judicial review of the administrative decision. DHMH must enter into a memorandum of understanding with DSP to assist in clinical consultation and implementation of these features of the bill.

#### *Other Provisions*

A person who moves into the State with the intent of residency must register all regulated firearms with DSP within 30 days of establishing residency, using application forms prepared and provided by DSP. The bill requires that an application for registration under this provision must contain (1) the make, model, manufacturer's serial number, caliber, type, barrel length, finish, and country of origin of the regulated firearm and (2) the firearm applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, signature, driver's or photographic identification Soundex number, and occupation. The registration fee is \$15. The registration data is not open to public inspection.

Under provisions relating to the possession of rifles and shotguns, with the exception of an antique firearm, the bill prohibits a person from possessing a rifle or a shotgun if the person:

- has been convicted of a disqualifying crime;
- has been convicted of a violation classified as a common law crime and received an imprisonment term of more than two years;
- is a fugitive from justice;
- is a habitual drunkard;
- is addicted to a controlled dangerous substance or is a habitual user;
- is a respondent against whom (1) a current non *ex parte* civil protective order has been entered or (2) a protective order has been issued by a court of another state or a Native American tribe and is in effect; or
- if younger than 30 years of age at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

Any statutory restrictions on the possession of rifles or shotguns do not apply to a person transporting a rifle or shotgun if the person is carrying a civil protective order requiring the surrender of the weapon and (1) the rifle or shotgun is unloaded; (2) the person has notified a law enforcement unit that it is being transported in accordance with the protective order; and (3) the person transports it directly to the law enforcement unit.

**Current Law:** Generally, the State regulates firearms and crimes related to firearms under Title 5 of the Public Safety Article and Title 4 of the Criminal Law Article, respectively. The State preempts the right of any local jurisdiction to regulate the sale of firearms. The primary enforcement of the State's firearms laws and any licensing requirements are handled by DSP and its Licensing Division.

A regulated firearm means any handgun or 45 specified assault weapons. The provisions of Subtitle 1 – Regulated Firearms of Title 5 do not apply to:

- the transfer or possession of a regulated firearm or detachable magazine for testing or experimentation authorized by the Secretary and by a federally licensed gun manufacturer, dealer, or importer;
- the sale, transfer, or possession of an antique firearm;
- an unserviceable firearm sold, transferred, or possessed as a curio or museum piece;
- law enforcement personnel of any unit of the federal government, members of the U.S. Armed Forces or the National Guard, or law enforcement personnel of the State or any local agency in the State, while those personnel or members are acting within the scope of their official duties;
- a regulated firearm modified to render it permanently inoperative;
- purchases, sales, and transportation to or by a federally licensed gun manufacturer, dealer, or importer;
- an organization that is required or authorized by federal law governing its specific business or activity to maintain firearms;
- the receipt of a regulated firearm by inheritance, if the heir forwards to the Secretary a completed application to purchase or transfer that regulated firearm; or
- a signal pistol or other visual distress signal that the U.S. Coast Guard approves as a marine safety device.

In 1994, Maryland prohibited the sale and possession of “assault pistols” (defined as 15 specific semiautomatic pistols or their copies). The State also maintains a registration system for the possession of machine guns (fully automatic weapons) in Maryland. However, the lawful possession of a machine gun is limited (for military, law enforcement, or scientific purposes, or as a “curiosity” as long as it cannot be operated as a weapon). Simple possession of a machine gun with either spent or unused ammunition in the “immediate vicinity” is itself a crime.

The State regulates the possession and sale of assault weapons in the same manner as the possession and sale of handguns, both of which are defined together as “regulated firearms.” Assault weapons are defined as a list of 45 specific semiautomatic weapons and their copies (mostly types of semiautomatic rifles and shotguns). Before a person purchases, rents, or transfers a regulated firearm in the State, the person must submit to DSP or other designated law enforcement agency a firearm application that identifies the applicant and the firearm that is the subject of the transaction. Applications are investigated by DSP and are subject to a seven-day waiting period before the transaction may take place.

A person may not possess a regulated firearm if the person was convicted of a crime of violence or a violation of specified controlled dangerous substances offenses. A violator is guilty of a felony and subject to a nonsuspendable, nonparolable mandatory minimum sentence of five years. Each violation of this prohibition is a separate offense. Chapter 164 of 2011 (SB 174) similarly prohibits the possession of a rifle or a shotgun if a person was previously convicted of a crime of violence or drug-related felony. A violator is guilty of a felony and subject to a maximum sentence of 15 years. Each violation must be considered a separate offense.

Other disqualifying criteria for possession of a regulated firearm, or a rifle or shotgun, include (1) suffering from a mental disorder as defined in § 10-101(f)(2) of the Health-General Article and having a history of violent behavior against the person or another, unless the person has a physician’s certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another or (2) confinement for more than 30 days to a mental health “facility,” as defined in the Health-General Article, unless the person has a physician’s certificate that the person is capable of possessing such a weapon without undue danger to the person or to another.

A person must lawfully possess a dealer’s license issued by the Secretary of State Police before the person engages in the business of selling, renting, or transferring regulated firearms. An application for a dealer’s license must contain specific information, including a statement by the applicant that the applicant has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician’s certificate issued within 30 days before the date of application is attached to the application, certifying that the applicant is capable of possessing a regulated firearm without undue danger to the applicant or to another.

A dealer or other person may not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$10,000. Each violation is a separate crime.

To be issued a permit to carry a handgun by the Secretary of State Police, an applicant (1) must be 18 or older; (2) must not have been convicted of a felony or misdemeanor for which a sentence of imprisonment for more than one year has been imposed or, if convicted, must have been pardoned or been granted relief under federal law; (3) if the person is younger than 30, must not have been committed to a facility for juveniles for longer than one year or adjudicated delinquent for a crime of violence, a felony, or misdemeanor that carries a statutory penalty of more than two years; (4) must not have been convicted of a controlled dangerous substance violation and must not presently be an addict, a habitual user of a controlled dangerous substance, or an alcoholic; (5) must not exhibit a propensity for violence or instability which may reasonably render possession of a handgun a danger to the applicant or another; and (6) must have a good and substantial reason to wear, carry, or transport a handgun. "Good and substantial reason" includes a finding that the permit is necessary as a reasonable precaution against apprehended danger. The Secretary may limit the geographic area; circumstances; or times of day, week, month, or year in which a permit is effective.

A handgun permit application costs \$75; two years after the initial permit and every three years thereafter, a \$50 renewal fee is due. In addition, the applicant must pay for fingerprint-based federal and State criminal history background checks for initial applications and renewals.

Although Maryland law requires a person to be issued a permit to wear, carry, or transport a handgun, whether concealed or not, there are several exceptions to that requirement. For example, two of the exceptions include authorizing a person to wear, carry, or transport a handgun, provided that the handgun is unloaded and in an enclosed case or enclosed holster when being transported, if the person is (1) transporting the handgun to or from a legal place of sale or a repair shop or between the person's home or business or (2) wearing, carrying, or transporting the handgun in connection with an organized military activity, target practice, sport shooting event, hunting, or trapping. Further, a person may wear, carry, or transport a handgun if the person is in the person's home, place of business, or other property that the person owns or is a supervisory employee who is wearing, carrying, or transporting the handgun under specified circumstances.

Among other requirements that apply to an applicant to purchase, rent, or receive a regulated firearm (after January 1, 2002), the individual must have completed a certified firearms safety training course that the Police Training Commission conducts without charge or that meets the standards of the Police Training Commission. An individual is not required to complete a certified firearms training course if such a training course has already been completed or if the individual:

- has already completed a certified firearms safety training course;

- is a law enforcement officer of the State or any local law enforcement agency in the State;
- is a member, retired member, or honorably discharged member of the U.S. Armed Forces or the National Guard;
- is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; or
- holds a permit to carry a handgun.

### *Federal Law*

The Brady Handgun Violence Prevention Act went into effect in 1994. The Brady Act requires that background checks be conducted on individuals before a firearm may be purchased from a federally licensed dealer, manufacturer, or importer – unless an exception applies. It does not apply to private transactions, including those which occur at gun shows. If there are no additional state restrictions, a firearm may be transferred to an individual upon approval by NICS. In some states, proof of a previous background check can be used to bypass the NICS check.

NICS was launched by the Federal Bureau of Investigation (FBI) on November 30, 1998. It is used to quickly determine whether a prospective buyer is eligible to buy firearms or explosives from a licensee. Before a sale may be made, cashiers must call in a criminal history records check to the FBI (or other designated agency) to nationally check criminal records or other ineligibility criteria (such as mental health records). According to the FBI, over the last decade, more than 100 million such checks have been made, leading to more than 700,000 denials.

Nationally, states' laws and requirements governing carry and concealed carry permits vary. According to a July 2012 report by the U.S. Government Accountability Office (<http://www.gao.gov/assets/600/592552.pdf>):

The number of states allowing concealed carry permits is increasing, and states broadly differ in eligibility requirements and the extent to which they have reciprocity agreements. In June 2002, 7 states and the District of Columbia prohibited the concealed carry of handguns. As of March 2012, individuals can carry concealed handguns in all but 1 state (Illinois) and the District of Columbia. “Shall-issue” states – in which issuing authorities are required to issue a permit to an applicant that fulfills the objective statutory criteria – generally issue more permits than states with greater discretion in granting permits (“may-issue” states). Because of differing eligibility requirements, some states would issue a permit to an applicant, while others would not. For example, some states define what constitutes a disqualifying felony differently or have different firearms training

requirements. As of March 2012, 39 states that issue permits and Vermont (permits not required) recognize concealed carry permits from other states. Of the 9 states that do not grant reciprocity, 8 are may-issue states.

### *Mental Health Provisions*

Under federal law, it is unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person has been adjudicated as a mental defective or has been committed to any mental institution.

For more information on federal and state laws relating to the possession of a firearm by the mentally ill, see **Appendix – Laws Relating to Possession of a Firearm by the Mentally Ill**.

**Background:** A federal assault weapons ban was also enacted in 1994. It included a prohibition on the manufacture for civilian use of certain semiautomatic firearms. The ban only applied to weapons manufactured after the date of the ban's enactment. The ban prohibited the manufacture, transfer, or possession of 19 specific models of semiautomatic weapons, and their copies, as well as weapons that have a combination of certain military characteristics, such as large capacity ammunition magazines, flash suppressors, pistol grips on a rifle or shotgun, and barrel shrouds to cool gun barrels during multi-round firings. Some of these characteristics used to define an assault weapon are considered more cosmetic than operational or functional.

The federal ban also applied to the manufacture and sale of ammunition magazines capable of holding more than 10 rounds. It did not extend to weapons and magazines that were manufactured before the ban.

The federal ban expired in 2004 via a sunset provision. Subsequent attempts to renew the ban since 2004 have failed. However, subsequent to several high-profile shootings with semiautomatic weapons in 2012, especially the December event in Connecticut, several bills to reinstate and expand a federal assault weapons ban have been introduced in Congress in 2013.

In addition to Maryland, according to the National Conference of State Legislatures (NCSL), only Washington, DC and six states (California, Connecticut, Hawaii, Massachusetts, New Jersey, and New York) currently have bans in place that address some of these weapons. It has been reported that the weapons used in the December school shooting in Connecticut were not covered under that state's ban.

In January 2013, New York enacted the more stringent Secure Ammunition and Firearms Enforcement Act (or SAFE Act). The Act mandates the registration of assault rifles, lowers legal magazine capacities from 10 to 7 rounds, extends required background checks to include private sales, authorizes the monitoring of ammunition sales, and requires gun license recertification every five years. In addition, the Act includes provisions to keep firearms out of the hands of the mentally ill. It allows the revocation of gun licenses for those who are a danger to themselves and others and gives mental health case workers the ability to more readily report mentally ill persons to law enforcement.

According to NCSL, five states, including Maryland, have or had some training requirements related to the purchase of firearms. California, Connecticut, and Rhode Island require training prior to the purchase of a handgun. Michigan had a firearms training requirement, but it was removed by an act of the legislature in 2012. According to the Department of Natural Resources (DNR), there are at least 46 private and public shooting ranges throughout Maryland, which could presumably be available as locations for approved firearms safety training.

On January 16, 2013, President Obama signed 23 executive actions to strengthen existing gun laws and to take related steps addressing mental health and school safety. The President also asked Congress to reinstate and strengthen the assault weapons ban that expired in 2004, to restrict ammunition magazines to no more than 10 rounds, and to expand background checks to virtually all gun transactions. All of these Presidential Actions can be found online at: <http://www.whitehouse.gov/briefing-room/presidential-actions>.

Data on the total number of gun owners in the United States varies widely, but is generally considered to be greater than in most developed countries and growing. Gun ownership in the United States is usually determined through surveys, proxy variables, and sometimes with domestic production and importation data. Based on 1997 survey data, it was believed that at that time, there were approximately 44 million gun owners in the United States. In 2006, the General Social Survey of the National Data Program for the Sciences at the University of Chicago found that about 55% of households reported having a gun in the household and 44% reported that there was no gun in the household. Whether the surveyed households truthfully reported or not, by 2007, GunPolicy.org estimated the number of guns in circulation in the United States to be 270 million.

*Governing Magazine* has reported that 36 states recorded a year-over-year monthly increase in firearm background checks exceeding 50% in December 2012. According to DSP, the purchase of regulated firearms and new applications for handgun permits continue to rise in Maryland. In calendar 2012, applications to transfer regulated firearms – primarily via sales from licensed dealers – rose significantly over prior years. In December 2012 alone, there were 11,362 applications received by DSP to transfer

firearms (which includes sales by licensed dealers, secondary/private sales, gifts, and other voluntary transfers). The monthly average in 2012 prior to December was 5,295. **Exhibit 1** shows Maryland firearm statistics from 2010 to 2012.

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**Exhibit 1**  
**Maryland Firearms Statistics**  
**Calendar 2010-2012**

<b>Firearm Transfers</b>	<b><u>2010</u></b>	<b><u>2011</u></b>	<b><u>2012</u></b>
Firearm Transfer Applications	38,712	46,339	69,606
Approved Transfers	36,762	39,682	53,444
<b>Handgun Permits</b>			
New Handgun Permit Applications	1,932	2,020	2,503
Handgun Permit Renewal Applications	2,785	3,196	2,980
All Handgun Permits Approved	4,762	4,693	4,736

Source: Maryland Department of State Police

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The Center for Gun Policy and Research at the Johns Hopkins Bloomberg School of Public Health estimates that more than 31,000 people a year in the United States die from gunshot wounds. In addition, in 2010, approximately 337,960 nonfatal violent crimes were committed with guns, with 73,505 persons treated in hospital emergency rooms for nonfatal gunshot wounds. A two-day, January 2013 *Gun Policy Summit* at the Bloomberg, with participation from scientists and researchers from several disciplines, was held in Baltimore City. A report of this symposium is scheduled to be released in early 2013.

The total number of firearm background checks via NICS have also steadily increased nationally and in Maryland. Noting that the number of NICS checks do not represent the number of firearm sales, FBI data show 88,162 NICS checks from Maryland in 2010, 103,020 in 2011, and 136,604 in 2012.

*Mental Health Issues*

Chapter 131 of 2012 (HB 618) established a Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms, with three specified areas of concern to consider. The task force is staffed by the Governor's Office of Crime Control and Prevention and filed its report of findings and recommendations on December 31, 2012. The task force established three workgroups and assigned them specified tasks.

- The first workgroup studied the adequacy of State laws and policies relating to the access of law enforcement officers to mental health records and whether, and to

what extent, the State should expand access of law enforcement officers to certain mental health records.

- The second workgroup studied whether existing statutory and regulatory provisions adequately protect the public, as well as the civil rights of individuals with mental illness.
- The third workgroup studied the adequacy of State laws and policies relating to the access of individuals with a history of mental illness to all regulated firearms.

The task force report has seven findings, with nine recommendations. The recommendations include the need for: additional research; additional mandated reporting by mental health professionals and law enforcement; mandatory firearm seizures under certain circumstances; additional training for law enforcement personnel and mental health professionals; expansion of crisis intervention teams; changes in funding allocations for continuing education and local jurisdictions; and the establishment of a process for full restoration of firearms possession and purchasing rights in accordance with specified federal standards. The detailed findings and recommendations of the task force are contained in the full task force report which can be found online at: <http://www.goccp.maryland.gov/legislation/guns-mental-illness-task-force.php>.

#### **State Fiscal Effect:**

##### *Department of State Police*

According to DSP, the Licensing Division – Firearms Section is currently understaffed and responsibilities are met by obtaining additional assistance within the department via staff overtime for both sworn and civilian personnel. DSP reports that the Firearms Section has expenditures of approximately \$20,000 in overtime during each 14-day pay period or \$520,000, annually. DSP asserts that the Firearms Section has a current shortfall of two troopers and 31 office services clerks.

However, a fiscal 2013 general fund deficiency appropriation of \$400,000 is contained in the Governor’s proposed fiscal 2014 budget bill for DSP to automate the gun licensing processes and improve the efficiency of required background checks for the Licensing Division. While the Department of Legislative Services agrees that there is a current significant shortfall of personnel in the division, this bill alone does not generate that personnel need and the automation deficiency appropriation for fiscal 2013, if approved, should address those needs – at least in part.

DSP estimates a total of 85,051 firearms sales in the State in fiscal 2014; 92,798 in fiscal 2015; 100,544 in fiscal 2016; 108,291 in fiscal 2017; and 116,038 in fiscal 2018. DSP also assumes a similar growth rate in sales through fiscal 2023 at an annual growth rate of about 9%. Of the total, the number of sales expected to be handguns is as follows:

- fiscal 2014: 65,980
- fiscal 2015: 71,914
- fiscal 2016: 77,848
- fiscal 2017: 83,781
- fiscal 2018: 89,715

Under the bill, DSP must establish a new firearms registration system that interfaces with current systems and that can handle handgun licensing responsibilities as well as registrations for persons moving into the State. Beginning in fiscal 2019, when first year licensees will need to renew, DSP projects that only about 20% will renew their licenses. However, any actual fall off of licensees cannot be reliably predicted without some actual experience under the bill.

In addition, DSP estimates that about 38,120 persons in fiscal 2014 will voluntarily register any firearms held, purchased, or brought into the State. That number is expected to fall each succeeding year so that, by fiscal 2018, approximately 3,690 will voluntarily register firearms with DSP, representing an annual fall-off rate of about 50%.

Based upon the information provided by DSP in fiscal 2014, general fund revenues increase as shown in **Exhibit 2**.

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**Exhibit 2**  
**Estimated General Fund Revenues under the Bill**

	<u>Fiscal 2014</u>	<u>Fiscal 2015</u>	<u>Fiscal 2016</u>	<u>Fiscal 2017</u>	<u>Fiscal 2018</u>
Handgun Qualification Licenses (\$100)	\$6,598,000	\$7,191,400	\$7,784,800	\$8,378,100	8,971,500
Voluntary Registrations (\$15)	571,800	306,600	163,650	87,000	55,305
<b>Total</b>	<b>\$7,169,800</b>	<b>\$7,498,000</b>	<b>\$7,948,450</b>	<b>\$8,465,100</b>	<b>\$9,026,805</b>

Source: Department of Legislative Services

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General fund expenditures increase by \$2,346,584 in fiscal 2014, which accounts for the bill's October 1, 2013 effective date. This estimate reflects the cost of hiring seven State troopers, 13 office services clerks, and two computer services technicians to handle new handgun licensing and firearms registrations under the bill. It includes salaries and fringe benefits for sworn and civilian personnel, one-time start-up costs, police vehicles, license printing services, and ongoing operating expenses.

Positions	22
Salaries and Fringe Benefits	\$1,259,011
Automobiles and Operations	486,591
Printing Hardware and Costs	450,000
Other Operating Expenses	<u>150,982</u>
<b>Total FY 2014 DSP Expenditures</b>	<b>\$2,346,584</b>

Future year DSP expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses, including replacement police vehicles in fiscal 2017.

DSP advises that it needs to hire a total of 59 new staff in fiscal 2014, and that total costs range from \$4.7 million in fiscal 2014 to nearly \$5.0 million by fiscal 2018. As noted above, however, DSP is including costs to hire personnel to cover an existing staffing shortfall, not just the incremental needs resulting from this bill.

*Department of Public Safety and Correctional Services*

This bill impacts the workload of the State's Criminal Justice Information System as operated by the Information Technology and Communication Division (ITCD) of DPSCS in several ways. First, the bill expands the category of persons required to obtain State and National Criminal History Records Check. However, any new criminal history records check expenditures are offset by the costs of the checks (\$54.50 for State and federal).

Second, DPSCS through ITCD is also impacted by reprogramming needs, including secure data storage costs. The bill requires that a court and mental health care facilities report certain information via a secure data portal approved by DPSCS. Costs to establish such portals are estimated at \$145,000 (for programming and the purchase of a secure server). This estimate assumes a vendor contract for 700 hours to provide programming services at a rate of \$150 per hour.

Finally, additional DPSCS costs of \$276,000 are estimated in order to support DSP in its efforts to interface a new gun registry system with the current Maryland Automated Firearms System. This estimate assumes a vendor contract for 1,040 hours to provide

reprogramming services at a rate of \$150 per hour, plus an additional \$120,000 for system enhancements.

Accordingly, assuming all programming, reprogramming, and related costs for DPSCS occur in fiscal 2014, total one-time costs for DPSCS are estimated at \$421,000 in fiscal 2014.

*Department of Health and Mental Hygiene*

General fund expenditures increase for the Mental Health Administration (MHA) within DHMH by \$432,593 in fiscal 2014, which accounts for the bill's October 1, 2013 effective date. This estimate reflects the cost of hiring one senior program manager, one administrator, one computer specialist, one office secretary, and two contractual evaluators to maintain a database of mental health care patients affected under the bill, process information, attend evaluation hearings and challenges, work with DSP, and provide staff training. It includes salaries, fringe benefits, contractual salaries and benefits, one-time start-up costs, and ongoing operating expenses.

Positions (Permanent and Contractual)	6
Salaries and Fringe Benefits	\$304,435
Contractual Salaries and Benefits	81,945
Additional Equipment	19,775
Fixed Charges	12,600
Other Operating Expenses	<u>13,838</u>
<b>Total DHMH FY 2014 State Expenditures</b>	<b>\$432,593</b>

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The Department of Legislative Services notes that State-run adult psychiatric facilities that continue to operate under MHA include Clifton T. Perkins Hospital Center, Eastern Shore Hospital Center, Springfield Hospital Center, Spring Grove Hospital Center, and Thomas B. Finan Hospital Center, plus two child/juvenile facilities. There are fewer than 3,800 admissions to State and private mental health care facilities statewide annually. Of that number, there are about 1,000 who are admitted to State operated facilities, many of which have been referred to the facility via a court proceeding.

*Judiciary*

Under the bill, a court is required to report the name and identifying information of specified persons and the date of the applicable determination or finding promptly to NICS through a secure data portal approved by DPSCS. It is estimated that

implementing appropriate programming changes will require at least 2,368.8 hours at an approximate cost of \$159,260 for the Judiciary, not including costs to create and maintain the secure portal, which are assumed by DPSCS.

In any case, the Administrative Office of the Courts advises that the bill's requirements will significantly impact project schedules for the Judicial Information Systems Department. In addition, any increase in the courts' caseload will result in additional commissioner, court, and judicial time necessary for the adjudication of those cases. The circuit courts have jurisdiction for the majority of felonies and crimes of violence. The District Court has jurisdiction for some crimes of violence, the bail reviews, and preliminary hearings necessary for the processing of misdemeanors. However, such impacts cannot be reliably quantified.

#### *Office of Administrative Hearings*

The Office of Administrative Hearings advises that any additional hearings resulting from the bill can be handled with existing budgeted resources, including any potential additional travel costs.

#### *Programming Costs, Generally*

Finally, the Department of Legislative Services advises that, if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized, thereby reducing the costs associated with this bill and other legislation affecting any or all of the agencies mentioned above.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 281 (The President, *et al.*) (By Request - Administration) - Judicial Proceedings.

**Information Source(s):** Montgomery, Washington, and Worcester counties; Baltimore City; Department of Health and Mental Hygiene; Judiciary (Administrative Office of the Courts); Department of State Police; Office of Administrative Hearings; Department of Public Safety and Correctional Services; Department of Natural Resources; National Conference of State Legislatures; Federal Bureau of Investigation; U.S. Government Accountability Office; whitehouse.gov; University of Chicago; National Academy of Sciences; University of Pennsylvania; Johns Hopkins University; *Governing Magazine*; Department of Legislative Services

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**Fiscal Note History:** First Reader - February 5, 2013  
ncs/lgc Revised - Clarification - February 6, 2013

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Analysis by: Guy G. Cherry

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# SENATE BILL 266

E4

3lr0558  
CF 3lr2220

By: **Senators Frosh, Raskin, Conway, Ferguson, Forehand, Gladden, Kelley, Madaleno, Manno, Montgomery, Ramirez, and Rosapepe**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

## A BILL ENTITLED

1 AN ACT concerning

2 **Regulated Firearms – Database – Applications for Dealer’s License – Record**  
3 **Keeping and Reporting Requirements**

4 FOR the purpose of requiring the Secretary of State Police or the Secretary’s designee  
5 to disapprove an application for a State–regulated firearms dealer’s license if  
6 the Secretary or designee determines that the applicant intends a certain  
7 person to participate or hold a certain interest in the management or operation  
8 of the business for which the license is sought; requiring that the Secretary or  
9 designee suspend a dealer’s license if the licensee is not in compliance with  
10 certain record keeping and reporting requirements; requiring that a licensed  
11 dealer keep records of all receipts, sales, and other dispositions of firearms  
12 affected in connection with the licensed dealer’s business; requiring the  
13 Secretary or designee to adopt certain regulations specifying certain  
14 information; requiring that the records that licensed dealers maintain include  
15 certain information; specifying certain record keeping requirements to be met  
16 when a firearms business is discontinued; requiring that a licensee respond in a  
17 certain way after receipt from the Secretary or designee for certain information;  
18 authorizing the Secretary or designee to implement a system by which a certain  
19 person may request certain information; requiring the Secretary or designee to  
20 inspect the inventory and records of a licensed dealer under certain  
21 circumstances; authorizing the Secretary or designee to conduct a certain  
22 inspection during a certain time; providing for certain penalties; and generally  
23 relating to regulated firearms dealers and applicants for a regulated firearms  
24 dealer’s license.

25 BY repealing and reenacting, without amendments,  
26 Article – Public Safety  
27 Section 5–101(a) and (s)  
28 Annotated Code of Maryland  
29 (2011 Replacement Volume and 2012 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
 2 Article – Public Safety  
 3 Section 5–110(a), 5–114(a), and 5–115  
 4 Annotated Code of Maryland  
 5 (2011 Replacement Volume and 2012 Supplement)

6 BY adding to  
 7 Article – Public Safety  
 8 Section 5–144  
 9 Annotated Code of Maryland  
 10 (2011 Replacement Volume and 2012 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Public Safety**

14 5–101.

15 (a) In this subtitle the following words have the meanings indicated.

16 (s) “Secretary” means the Secretary of State Police or the Secretary’s  
 17 designee.

18 5–110.

19 (a) The Secretary shall disapprove an application for a dealer’s license if:

20 (1) the Secretary determines that the applicant supplied false  
 21 information or made a false statement;

22 (2) the Secretary determines that the application is not properly  
 23 completed; [or]

24 (3) the Secretary receives a written notification from the applicant’s  
 25 licensed attending physician that the applicant suffers from a mental disorder and is a  
 26 danger to the applicant or to another; **OR**

27 **(4) THE SECRETARY DETERMINES THAT THE APPLICANT INTENDS**  
 28 **THAT A PERSON WHO IS NOT ELIGIBLE TO BE ISSUED A DEALER’S LICENSE OR**  
 29 **WHOSE DEALER’S LICENSE HAS BEEN REVOKED OR SUSPENDED:**

30 **(I) WILL PARTICIPATE IN THE MANAGEMENT OR**  
 31 **OPERATION OF THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT; OR**

1                   **(II) HOLDS A LEGAL OR EQUITABLE INTEREST IN THE**  
 2 **BUSINESS FOR WHICH THE LICENSE IS SOUGHT.**

3 5-114.

4           (a) The Secretary shall suspend a dealer's license if the licensee:

5                   (1) is under indictment for a crime of violence; [or]

6                   (2) is arrested for a violation of this subtitle that prohibits the  
 7 purchase or possession of a regulated firearm; **OR**

8                   **(3) IS NOT IN COMPLIANCE WITH THE RECORD KEEPING AND**  
 9 **REPORTING REQUIREMENTS OF § 5-144 OF THIS SUBTITLE.**

10 5-115.

11           (a) (1) A person whose dealer's license is suspended or revoked **OR WHO**  
 12 **IS FINED FOR A VIOLATION OF THIS SUBTITLE** and who is aggrieved by the action  
 13 of the Secretary may request a hearing by writing to the Secretary within 30 days  
 14 after the Secretary forwards notice to the applicant under § 5-114(c) of this subtitle.

15                   (2) The Secretary shall grant the hearing within 15 days after  
 16 receiving the request.

17           (b) The hearing shall be held in accordance with Title 10, Subtitle 2 of the  
 18 State Government Article.

19 5-144.

20           **(A) (1) A LICENSED DEALER SHALL KEEP RECORDS OF ALL**  
 21 **RECEIPTS, SALES, AND OTHER DISPOSITIONS OF FIREARMS AFFECTED IN**  
 22 **CONNECTION WITH THE LICENSED DEALER'S BUSINESS.**

23                   **(2) THE SECRETARY SHALL ADOPT REGULATIONS SPECIFYING:**

24                           **(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**  
 25 **INFORMATION THAT THE RECORDS SHALL CONTAIN;**

26                           **(II) THE TIME PERIOD FOR WHICH THE RECORDS ARE TO BE**  
 27 **KEPT; AND**

28                           **(III) THE FORM IN WHICH THE RECORDS ARE TO BE KEPT.**

29                   **(3) THE RECORDS SHALL INCLUDE:**

1                   (I) THE NAME AND ADDRESS OF EACH PERSON FROM WHOM  
2 THE DEALER ACQUIRES A FIREARM AND TO WHOM THE DEALER SELLS OR  
3 OTHERWISE DISPOSES OF A FIREARM;

4                   (II) A PRECISE DESCRIPTION, INCLUDING MAKE, MODEL,  
5 CALIBER, AND SERIAL NUMBER, OF EACH FIREARM ACQUIRED, SOLD, OR  
6 OTHERWISE DISPOSED OF; AND

7                   (III) THE DATE OF EACH ACQUISITION, SALE, OR OTHER  
8 DISPOSITION.

9                   (4) THE SECRETARY MAY PROVIDE THAT RECORDS MAINTAINED  
10 UNDER 18 U.S.C. § 923(G)(1)(A) MAY BE USED TO SATISFY THE REQUIREMENTS  
11 OF THIS SECTION.

12           (B) (1) WHEN REQUIRED BY A LETTER ISSUED BY THE SECRETARY, A  
13 LICENSEE SHALL SUBMIT TO THE SECRETARY THE INFORMATION REQUIRED TO  
14 BE KEPT UNDER SUBSECTION (A) OF THIS SECTION FOR THE TIME PERIODS  
15 SPECIFIED BY THE SECRETARY.

16                   (2) THE SECRETARY SHALL DETERMINE THE FORM AND METHOD  
17 BY WHICH THE RECORDS SHALL BE MAINTAINED.

18           (C) WHEN A FIREARMS BUSINESS IS DISCONTINUED AND SUCCEEDED  
19 BY A NEW LICENSEE, THE RECORDS REQUIRED TO BE KEPT UNDER THIS  
20 SECTION SHALL REFLECT THE BUSINESS DISCONTINUANCE AND SUCCESSION  
21 AND SHALL BE DELIVERED TO THE SUCCESSOR LICENSEE.

22           (D) (1) A LICENSEE SHALL RESPOND WITHIN 24 HOURS AFTER  
23 RECEIPT OF A REQUEST FROM THE SECRETARY FOR INFORMATION CONTAINED  
24 IN THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION WHEN THE  
25 INFORMATION IS REQUESTED IN CONNECTION WITH A BONA FIDE CRIMINAL  
26 INVESTIGATION.

27                   (2) THE INFORMATION REQUESTED UNDER THIS SUBSECTION  
28 SHALL BE PROVIDED ORALLY OR IN WRITING, AS REQUIRED BY THE  
29 SECRETARY.

30                   (3) THE SECRETARY MAY IMPLEMENT A SYSTEM BY WHICH A  
31 LICENSEE CAN POSITIVELY ESTABLISH THAT A PERSON REQUESTING  
32 INFORMATION BY TELEPHONE IS AUTHORIZED BY THE SECRETARY TO REQUEST  
33 THE INFORMATION.

1           (E) THE SECRETARY MAY MAKE AVAILABLE TO A FEDERAL, STATE, OR  
2 LOCAL LAW ENFORCEMENT AGENCY ANY INFORMATION THAT THE SECRETARY  
3 OBTAINS UNDER THIS SECTION RELATING TO THE IDENTITIES OF PERSONS WHO  
4 HAVE UNLAWFULLY PURCHASED OR RECEIVED FIREARMS.

5           (F) THE SECRETARY:

6                   (1) SHALL INSPECT THE INVENTORY AND RECORDS OF A  
7 LICENSED DEALER AT LEAST ONCE EVERY 2 YEARS; AND

8                   (2) MAY INSPECT THE INVENTORY AND RECORDS AT ANY TIME  
9 DURING THE NORMAL BUSINESS HOURS OF THE LICENSED DEALER'S BUSINESS.

10           (G) (1) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A  
11 CIVIL PENALTY NOT EXCEEDING \$1,000 IMPOSED BY THE SECRETARY.

12                   (2) FOR A SECOND OR SUBSEQUENT OFFENSE, A PERSON WHO  
13 KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS  
14 SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT  
15 EXCEEDING \$10,000 OR BOTH.

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2013.

# SENATE BILL 540

E4

3lr2035

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By: **Senators Raskin, Conway, Currie, Ferguson, Forehand, Frosh, Garagiola, Jones-Rodwell, King, Madaleno, Manno, McFadden, Montgomery, Peters, Pinsky, Ramirez, Robey, Rosapepe, Young, and Zirkin**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Regulated Firearms – Reporting Lost or Stolen**

3 FOR the purpose of requiring certain persons who sell or transfer regulated firearms  
 4 to notify certain purchasers or recipients at the time of purchase or transfer  
 5 that the purchaser or recipient is required to report a lost or stolen regulated  
 6 firearm to a certain law enforcement agency; requiring the owner of a regulated  
 7 firearm to report the loss or theft of the regulated firearm to a certain law  
 8 enforcement agency within a certain period of time after the owner discovers  
 9 the loss or theft; requiring a law enforcement agency on receipt of a report of a  
 10 lost or stolen regulated firearm to enter certain information into a certain  
 11 database; establishing certain penalties; and generally relating to reports of lost  
 12 or stolen firearms.

13 BY adding to  
 14 Article – Public Safety  
 15 Section 5–144  
 16 Annotated Code of Maryland  
 17 (2011 Replacement Volume and 2012 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Public Safety**

21 **5–144.**

22 **(A) A DEALER OR ANY OTHER PERSON WHO SELLS OR TRANSFERS A**  
 23 **REGULATED FIREARM SHALL NOTIFY THE PURCHASER OR RECIPIENT OF THE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 REGULATED FIREARM AT THE TIME OF PURCHASE OR TRANSFER THAT THE  
2 PURCHASER OR RECIPIENT IS REQUIRED TO REPORT A LOST OR STOLEN  
3 REGULATED FIREARM TO THE LOCAL LAW ENFORCEMENT AGENCY AS  
4 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

5 (B) IF A REGULATED FIREARM IS LOST OR STOLEN, THE OWNER OF THE  
6 REGULATED FIREARM SHALL REPORT THE LOSS OR THEFT TO THE LOCAL LAW  
7 ENFORCEMENT AGENCY WITHIN 72 HOURS AFTER THE OWNER FIRST  
8 DISCOVERS THE LOSS OR THEFT.

9 (C) ON RECEIPT OF A REPORT OF A LOST OR STOLEN REGULATED  
10 FIREARM, A LOCAL LAW ENFORCEMENT AGENCY SHALL ENTER, TO THE EXTENT  
11 KNOWN, THE CALIBER, MAKE, MODEL, MANUFACTURER, AND SERIAL NUMBER  
12 OF THE FIREARM AND ANY OTHER DISTINGUISHING NUMBER OR  
13 IDENTIFICATION MARK ON THE FIREARM INTO THE NATIONAL CRIME  
14 INFORMATION CENTER (NCIC) DATABASE.

15 (D) A PERSON WHO VIOLATES SUBSECTION (A) OR (B) OF THIS SECTION  
16 IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

17 (1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 90  
18 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND

19 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT  
20 NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2013.

# 12. Boards And Committees & BOES Appointments

**MEMORANDUM**

**TO:** Mayor and City Council  
**THROUGH:** Joe Nagro, City Manager  
**FROM:** Janeen S. Miller, City Clerk  
**DATE:** March 1, 2013  
**RE:** Board of Election Supervisors

*JSM*

According to Section C4-3 of the College Park City Charter:

The Mayor and Council shall, not later than the first regular meeting in March of each year in which there is a general election, appoint and fix the compensation for five qualified voters of said city, not holding any office thereunder, as Supervisors of Elections, who shall act as Judges of Elections at any elections held during the two years succeeding their appointment and who shall perform such other duties as may be delegated to them under the College Park Code, one of whom shall be appointed from the qualified voters of each of the four election districts and one of whom shall be appointed by the Mayor with the consent of the Council, and such Supervisors of Elections are hereby authorized to administer oaths in the performance of their duties. The Mayor and Council shall designate one of the five Supervisors of Elections as the Chief of Elections.

At next week's meeting, Council will need to appoint the Supervisors of Elections for the next two year term, designate the Chief of Elections, and set their compensation. The attached motion regarding compensation for the Election Supervisors was approved in August of 2011.

The following motion was approved by Council on August 9, 2011, with an effective date of March 2013:

**Motion for Councilmember Nagle  
Compensation for Board of Election Supervisors**

**Agenda Item 11-G-66**

**Motion:**

**I move that the following amendment be made to the compensation for the City's Board of Election Supervisors, effective in March 2013: In an election year, or in a year where there is a special election, the following compensation shall be paid: To the Chief of the Election Supervisors: \$480 per fiscal year; to the remaining Election Supervisors: \$360 per fiscal year. In a non-election year, the following compensation shall be paid: To the Chief of the Election Supervisors: \$480 per fiscal year.**

**Comments:**

According to Section C4-3 of the City Charter, the City Council sets the compensation for the Board of Election Supervisors no later than the first regular meeting in March of an Election Year. Current compensation for the Chief is \$480 per year and the remaining Election Supervisors receive \$360 per year. As it is now, the Board is paid the same during a non-election year as they are during an election year. The City Council is very appreciative of the work done by the Board of Election Supervisors to ensure that our municipal elections run smoothly. However, we recognize that the workload for the Election Supervisors is greatly reduced during a non-election year. Thus, this motion eliminates the compensation paid to the Election Supervisors during non election years. The Chief of the Board of Election Supervisors will continue to be paid equally during election and non election years to recognize that he has a greater workload than the rest of the Board. The City will continue to budget funds for election supervisors in a non-election year in the event there is a Special Election which would result in payment being reinstated to the Election Supervisors. This amendment will become effective beginning with the next election cycle, in March of 2013, when the Board of Election Supervisors is next appointed.

**City of College Park**  
**Board and Committee Appointments**

Shaded rows indicate a vacancy or reappointment opportunity.  
 The date following the appointee's name is the date of initial appointment.

<b>Advisory Planning Commission</b>			
Appointee	Represents	Appointed by	Term Expires
Larry Bleau 7/9/02	District 1	Mayor	12/15
Rosemarie Green Colby 04/10/12	District 2	Mayor	04/15
VACANT (formerly Huffman)	District 2	Mayor	11/14
James E. McFadden 2/14/99	District 3	Mayor	11/12
Clay Gump 1/24/12	District 3	Mayor	01/15
Charles Smolka 7/8/08	District 4	Mayor	08/14
Mary Cook 8/10/10	District 4	Mayor	08/13

City Code Chapter 15 Article IV: The APC shall be composed of 7 members appointed by the Mayor with the approval of Council, shall seek to give priority to the appointment of residents of the City and assure that there shall be representation from each of the City's four Council districts. Vacancies shall be filled by the Mayor with the approval of the Council for the unexpired portion of the term. Terms are three years. The Chairperson is elected by the majority of the Commission. Members are compensated. Liaison: Planning.

<b>Airport Authority</b>			
Appointee	Resides in	Appointed by	Term Expires
James Garvin 11/9/04	District 3	M&C	07/14
Jack Robson 5/11/04	District 3	M&C	02/14
Anna Sandberg 2/26/85	District 3	M&C	03/16
Gabriel Iriarte 1/10/06	District 3	M&C	02/13
Christopher Dullnig 6/12/07	District 2	M&C	10/13
VACANT		M&C	
VACANT		M&C	

City Code Chapter 11 Article II: 7 members, must be residents and qualified voters of the City, appointed by Mayor and City Council, *term to be decided by appointing body*. Vacancies shall be filled by M&C for an unexpired portion of a term. Authority shall elect Chairperson from membership. Not a compensated committee. Liaison: City Clerk's Office.

<b>Animal Welfare Committee</b>			
Appointee	Resides in	Appointed by	Term Expires
Cindy Vernasco 9/11/07	District 2	M&C	09/13
Linda Lachman 9/11/07	District 3	M&C	09/13
Marcia Booth 3/9/10	District 1	M&C	03/13
Dave Turley 3/23/10	District 1	M&C	03/13
Christiane Williams 5/11/10	District 1	M&C	05/13
Patti Brothers 6/8/10	Non resident	M&C	06/13
Taimi Anderson 6/8/10	Non resident	M&C	06/13

Harriet McNamee 7/13/10	District 1	M&C	07/13
Suzie Bellamy 9/28/10	District 4	M&C	09/13
Harleigh Ealley 12/14/10	District 1	M&C	12/13
Christine Nagle 03/13/12	District 1	M&C	03/15
10-R-20: Up to fifteen members appointed by the Mayor and Council for three-year terms. Not a compensated committee. Liaison: Public Services.			

<b>Board of Election Supervisors</b>			
Appointee	Represents	Appointed by	Term Expires
John Robson (Chief) 5/24/94	Mayoral appt	M&C	03/13
Terry Wertz 2/11/97	District 1	M&C	03/13
Maxine Gross 3/25/03	District 2	M&C	03/13
Linda Lachman 3/8/11	District 3	M&C	03/13
Charles Smolka 9/8/98	District 4	M&C	03/13
<p>City Charter C4-3: The Mayor and Council shall, not later than the first regular meeting in March of each year in which there is a general election, appoint and fix the compensation for five qualified voters as Supervisors of Elections, one of whom shall be appointed from the qualified voters of each of the four election districts and one of whom shall be appointed by the Mayor with the consent of the Council. The Mayor and Council shall designate one of the five Supervisors of Elections as the Chief of Elections. This is a compensated committee. For purposes of compensation the year shall run from April 1 – March 31. Per Council action (item 11-G-66) effective in March, 2013: In an election year all of the Board receives compensation. In a non-election year only the Chief Election Supervisor will be compensated. Liaison: City Clerk's office.</p>			

<b>Cable Television Commission</b>			
Appointee	Resides in	Appointed by	Term Expires
Jane Hopkins 06/14/11	District 1	Mayor	06/14
Blaine Davis 5/24/94	District 1	Mayor	12/15
James Sauer 9/9/08	District 3	Mayor	09/14
VACANT		Mayor	
Clay Gump 3/12/02	District 3	Mayor	11/13
<p>City Code Chapter 15 Article III: Composed of four Commissioners plus a voting Chairperson, appointed by the Mayor with the approval of the Council, three year terms. This is a compensated committee. Liaison: City Manager's Office.</p>			

<b>College Park City-University Partnership</b>			
Appointee	Represents	Appointed by	Term Expires
Robert T. Catlin	Class A Director	UMD President	01/13
Rob Specter	Class A Director	UMD President	01/13
Linda Clement	Class A Director	UMD President	01/11
Brian Darmody	Class A Director	UMD President	01/12
Andrew Fellows	Class B Director	M&C	01/14
Maxine Gross	Class B Director	M&C	01/15

Senator James Rosapepe	Class B Director	M&C	01/13
Stephen Brayman	Class B Director	M&C	01/14
Dr. Richard Wagner	Class C Director	City and University	01/13

The CPCUP is a 501(c)(3) corporation whose mission is to promote and support commercial revitalization, economic development and quality housing opportunities consistent with the interests of the City of College Park and the University of Maryland. The CPCUP is not a City committee but the City makes appointments to the Partnership. Class B Directors are appointed by the Mayor and City Council; Class C Directors are jointly appointed by the Mayor and City Council and the President of the University of Maryland.

<b>Citizens Corps Council</b>			
Appointee	Represents	Appointed by	Term Expires
	CPNW	M&C	
Michael Burrier 3/14/06	BVFCRS	M&C	03/15
Matthew Cardoso 3/27/12	CPVFD	M&C	03/15
Dan Blasberg 3/27/12		M&C	03/15
David L. Milligan (Chair) 12/11/07		M&C	02/14

Resolution 05-R-15. Membership shall be composed as follows: A Citizen Corps Coordinator for each neighborhood shall be nominated and appointed by the Mayor and Council and serve as a potential member of the CPCCC for the term of their respective office in the neighborhood group. Mayor and Council shall nominate and appoint 5 to 7 residents to serve as community coordinators and to serve on the CPCCC. At least one member of the CPCCC shall be the Neighborhood Watch Coordinator, and at least one member shall represent each of the other Citizen Corps programs such as CERT, Fire Corps, Volunteers In Police Service, etc. Each member of the CPCCC shall serve for a term of 3 years, and may be reappointed for an unlimited number of terms. The Mayor, with the approval of the City Council, shall appoint the Chair and Co-Chair of the CPCCC from among the members of the committee. The Director of Public Services shall serve as an ex officio member. Not a compensated committee. Liaison: Public Services.

<b>Committee For A Better Environment</b>			
Appointee	Resides in	Appointed by	Term Expires
Kennis Termini 11/9/04	District 1	M&C	05/14
Janis Oppelt 8/8/06	District 1	M&C	09/15
Stephen Jascourt 3/27/07	District 1	M&C	05/13
Suchitra Balachandran 10/9/07	District 4	M&C	01/14
Donna Weene 9/8/09	District 1	M&C	12/15
Ballard Troy 10/13/09	District 3	M&C	09/15
Alan Hew 1/12/10	District 4	M&C	01/13
Gemma Evans 1/25/11	District 1	M&C	01/14
Benjamin Mellman 1/10/12	District 1	M&C	01/15
Richard Williamson 05/08/12	District 3	M&C	05/15
Macrina Xavier 08/14/12	District 1	M&C	08/15
Stephen Brimer 02/26/13	District 1	M&C	02/16

City Code Chapter 15 Article VIII: No more than 25 members, appointed by the Mayor and Council, three year terms, members shall elect the chair. Not a compensated committee. Liaison: Planning.

<b>Education Advisory Committee</b>			
Appointee	Represents	Appointed by	Term Expires
VACANT	District 1		
Kennis Termini 11/09/11	District 1	M&C	11/13
Charlene Mahoney	District 2	M&C	12/14
VACANT	District 2	M&C	
Harold Jimenez 4/14/09	District 3	M&C	11/13
Araceli Jimenez 4/14/09	District 3	M&C	11/13
Melissa Day 9/15/10	District 3	M&C	11/14
Carolyn Bernache 2/9/10	District 4	M&C	02/14
Doris Ellis 9/28/10	District 4	M&C	09/13
Peggy Wilson 6/8/10	UMCP	UMCP	02/14
<p>Resolutions 97-R-17, 99-R-4 and 10-R-13: At least 9 members who shall be appointed by the Mayor and Council: at least two from each Council District and one nominated by the University of Maryland. Two year terms. The Committee shall appoint the Chair and Vice-Chair of the Committee from among the members of the Committee. Not a compensated committee. Liaison: Youth and Family Services.</p>			

<b>Ethics Commission</b>			
Appointee	Represents	Appointed by	Term Expires
Edward Maginnis 09/13/11	District 1	Mayor	09/13
Forrest B. Tyler 3/24/98	District 2	Mayor	06/13
Sean O'Donnell 4/13/10	District 3	Mayor	04/12
Gail Kushner 09/13/11	District 4	Mayor	09/13
Robert Thurston 9/13/05	At Large	Mayor	09/12
Alan C. Bradford 1/23/96	At-Large	Mayor	11/12
Frank Rose 05/08/12	At-Large	Mayor	05/14
<p>City Code Chapter 38 Article II: Composed of seven members appointed by the Mayor and approved by the Council. Of the seven members, one shall be appointed from each of the City's four election districts and three from the City at large. 2 year terms. Commission members shall elect one member as Chair for a renewable one-year term. Commission members sign an Oath of Office. Not a compensated committee. Liaison: City Clerk's office.</p>			

<b>Farmers Market Committee</b>			
Appointee	Represents	Appointed by	Term Expires
Margaret Kane 05/08/12	District 1	M&C	05/15
Robert Boone 07/10/12	District 1	M&C	07/15
Lily Fountain 07/10/12	District 2	M&C	07/15
Leo Shapiro 07/10/12	District 3	M&C	07/15

Julie Forker 07/10/12	District 3	M&C	07/15
	District 4	M&C	
Kimberly Schumann 09/11/12	District 1	M&C	09/15
Priyanka Basumallick 07/10/12	Student	M&C	07/15

Established April 10, 2012 by 12-R-07. Up to 7 members. Quorum = 3. Three year terms. Not a compensated committee. Liaison: Planning Department. Agreement reached during July 3, 2012 Worksession to fill the seven positions as outlined above. Effective September 11, 2012 by 12-R-17: Membership increased to 8.

#### Housing Authority of the City of College Park

Helen Long 11/12/02		Mayor	05/01/17
George L. Marx 7/8/03		Mayor	05/01/13
John Moore 9/10/96		Mayor	05/01/14
Thelma Lomax 7/10/90		Mayor	05/01/15
Carl Patterson 12/11/12	Attick Towers resident	Mayor	05/01/16

The College Park Housing Authority was established in City Code Chapter 11 Article I, but it operates independently under Article 44A Title I of the Annotated Code of Maryland. The Housing Authority administers low income housing at Attick Towers. The Mayor appoints five commissioners to the Authority; each serves a five year term; appointments expire May 1. Mayor administers oath of office. One member is a resident of Attick Towers. The Authority selects a chairman from among its commissioners. The Housing Authority is funded through HUD and rent collection, administers their own budget, and has their own employees. The City supplements some of their services.

#### Neighborhood Stabilization and Quality of Life Workgroup

	Appointee	Represents
1	Andrew M. Fellows	Mayor
2	Patrick L. Wojahn	District 1 Councilmember
3	Monroe Dennis	District 2 Councilmember
4	Stephanie Stulich	District 3 Councilmember
5	Marcus Afzali	District 4 Councilmember
6	Lisa Miller	PGPOA Representative
7	Paul Carlson	PGPOA Representative
8	Richard Biffi	Landlord selected by Council
9	Andrew Foose	Landlord selected by Council
10	Jackie Pearce Garrett	District 1 Resident selected by Council
11	Jonathan Molinatto	District 1 Resident selected by Council
12	Robert Thurston	District 2 Resident selected by Council
13		District 2 Resident selected by Council
14	Kelly Lueschow-Dineen	District 3 Resident selected by Council
15	Sarah Cutler	District 3 Resident selected by Council
16	Suchitra Balachandran	District 4 Resident selected by Council
17	Bonnie McClellan	District 4 Resident selected by Council
18	Dr. Andrea Goodwin	UMD representative selected by University

19	Gloria Aparicio Blackwell	UMD representative selected by University
20	Chief David Mitchell (Jagoe – alt.)	University of Maryland Police Department rep
21	Josh Ratner	University of Maryland Student Government Liaison
22	Samantha Zwerling	Student Government Association representative
23	David Colon Cabrera	Graduate Student Government Association rep
24	Greg Waterworth	IFC/PHA representative
25	Robert W. Ryan	Director, College Park Public Services Department
26	Jeannie Ripley	Manager, College Park Code Enforcement Division
27	Major Rob Brewer (or alternate)	Prince George's County Police Department
Established September 25, 2012 by Resolution 12-R-18. No terms. Not a compensated committee. Liaison: City Clerk's office.		

<b>Neighborhood Watch Steering Committee</b>			
	Resident of:	Appointed By:	Term Expires:
Robert Boone 04/12/11	District 1	M&C	04/13
Aaron Springer 02/14/12	District 3	M&C	02/14
Zari Malsawma 04/12/11	District 4	M&C	04/13
The Neighborhood Watch Steering Committee was created on April 12, 2011 by Resolution 11-R-06 as a three-person Steering Committee whose members shall be residents. Coordinators of individual NW programs in the City shall be ex-officio members. Terms are for two years. Annually, the members of the Steering Committee shall appoint a Chairperson to serve for a one-year term. Meetings shall be held on a quarterly basis. This Resolution dissolved the Neighborhood Watch Coordinators Committee that was established by 97-R-15. This is not a compensated committee. Liaison: Public Services.			

<b>Noise Control Board</b>			
Appointee	Represents	Appointed by	Term Expires
Mark Shroder 11/23/10	District 1	Council, for District 1	11/14
Harry Pitt, Jr. 9/26/95	District 2	Council, for District 2	03/16
Alan Stillwell 6/10/97	District 3	Council, for District 3	09/16
Suzie Bellamy	District 4	Council, for District 4	12/16
Adele Ellis 04/24/12	Mayoral Appt	Mayor	04/16
Bobbie P. Solomon 3/14/95	Alternate	Council - At large	12/12
Larry Wenzel 3/9/99	Alternate	Council - At large	12/12
City Code Chapter 138-3: The Noise Control Board shall consist of five members, four of whom shall be appointed by the Council members, one from each of the four election districts, and one of whom shall be appointed by the Mayor. In addition, there shall be two alternate members appointed at large by the City Council. The members of the Noise Control Board shall select from among themselves a Chairperson. Four year terms. This is a compensated committee. Liaison: Public Services.			

Recreation Board			
Appointee	Represents	Appointed by	Term Expires
Wade Price 12/14/05	District 1	M&C	02/15
Sarah Araghi 7/14/09	District 1	M&C	07/15
Alan C. Bradford 1/23/96	District 2*	M&C	02/14
VACANT	District 2	M&C	
Adele Ellis 9/13/88	District 3	M&C	02/14
VACANT	District 3	M&C	
Barbara Pianowski 3/23/10	District 4	M&C	03/13
VACANT	District 4	M&C	
Bettina McCloud 1/11/11	Mayoral	Mayor	01/14
VACANT	Mayoral**	Mayor	

City Code Chapter 15 Article II: 10 members: two from each Council district appointed by the Mayor and Council and two members nominated by the Mayor and confirmed by the Mayor and Council. The Chairperson will be chosen from among and by the district appointees. 3 year terms. Not a compensated committee. Liaison: Public Services.

\*Although Mr. Bradford lives in what is now considered District 1, his residence was part of District 2 when he was appointed. The designation of his residence was changed to District 1 during the last redistricting. He is still considered an appointment from District 2.

\*\* Effective April 2012: Jay Gilchrist, Director of UMD Campus Recreation Services, changed his status from Rec Board member (Mayoral Appointment) to UM liaison to the Rec Board, similar to the M-NCPPC representative.

Rent Stabilization Board			
Appointee	Represents	Appointed by	Term Expires
Justin Fair 1/11/11	Member	M&C	01/14
VACANT		M&C	
Richard Biffi 6/6/06	Landlord	M&C	09/13
Bradley Farrar 6/14/11	Landlord	M&C	06/14
VACANT (formerly R. Day)		M&C	
VACANT		M&C	
Chris Kujawa 10/11/11	Resident	M&C	10/14

City Code Chapter 15 Article IX: Board shall have between 5 - 7 members appointed by M&C with priority given to the appointment of residents and to owners of real property located in the City. Three year terms. Vacancies shall be filled for unexpired portions of a term. At least two members should be tenants and two members should be landlords. Chairperson chosen by the Board from among the members. This is a compensated committee. Liaison: Public Services.

→7/10/12: Ordinance was extended until September 1, 2013, and the administration and enforcement of the law was suspended until September 1, 2013. The RSB is on hiatus. There is no need to maintain a quorum at this time.

<b>Sustainable Maryland Certified Green Team</b>		
Appointee	Represents	Term Expires
Denise Mitchell 04/10/12	City Elected Official	04/14
Patrick Wojahn 04/10/12	City Elected Official	04/14
Elisa Vitale 04/10/12	City Staff	04/14
Loree Talley 05/08/12	City Staff	05/14
Ballard Troy 05/08/12	CBE Representative	05/14
	A City School	
James Jalandoni 04/10/12	UMD Student	04/14
Eric Maring 04/10/12	UMD Faculty or Staff	04/14
Chrissy Rey - Pongos 05/08/12	City Business Community	05/14
Ben Bassett - Proteus Bicycles 09/25/12	City Business Community	09/14
Rebecca Hayes 04/10/12	Resident	04/14
Christine Nagle 04/10/12	Resident	04/14
	Resident	
	Resident	
<p>Established March 13, 2012 by Resolution 12-R-06. Up to 14 people with the following representation: 2 elected officials from the City of College Park, 2 City staff, 1 representative from the CBE, 1 representative of a City school, 1 student representative from the University of Maryland, 1 faculty or staff representative from the University of Maryland, 2 representatives of the City business community, up to 4 City residents. Two year terms. Not a compensated committee. A quorum shall be 6 people. The SMCGT shall select a Chair and a Co-Chair from among the membership on an annual basis. The SMCGT should meet at least bi-monthly. The liaison shall be the Planning Department.</p>		

<b>Tree and Landscape Board</b>			
Member	Represents	Appointed by	Term Expires
Dennis Herschbach 3/26/02	Citizen	M&C	07/13
John Krouse	Citizen	M&C	11/14
VACANT	Citizen	M&C	
Mark Wimer 7/12/05	Citizen	M&C	02/14
Amelia Murdoch 9/9/97	Citizen	M&C	11/11
Ballard Troy – liaison to CBE	CBE Chair		
John Lea-Cox 1/13/98	City Forester	M&C	12/14
Jonathan Brown	Planning Director		
Brenda Alexander	Public Works Director		
<p>City Code Chapter 179-5: The Board shall have 9 voting members: 5 citizens appointed by M&amp;C, plus the CBE Chair, the City Forester, the Planning Director and the Public Works Director. Two year terms. Members choose their own officers. Not a compensated committee. Liaison: City Clerk's office.</p>			

<b>Veterans Memorial Improvement Committee</b>			
Appointee	Represents	Appointed by	Term Expires
Winston Hazard 1/7/01		M&C	03/14
Deloris Cass 11/7/01		M&C	12/15
Joseph Ruth 11/7/01	VFW	M&C	12/15
Leonard Smith 11/25/08		M&C	03/15
Blaine Davis 10/28/03	American Legion	M&C	12/15
Rita Zito 11/7/01		M&C	02/15
Doris Davis 10/28/03		M&C	12/15
Mary Cook 3/23/10		M&C	03/13
Resolution 01-G-57: Board comprised of 9 to 13 members including at least one member from American Legion College Park Post 217 and one member from Veterans of Foreign Wars Phillips-Kleiner Post 5627. Appointed by Mayor and Council. Three year terms. Chair shall be elected each year by the members of the Committee. Not a compensated committee. Liaison: Public Works.			