

**TUESDAY, JUNE 11, 2013**  
**WORKSESSION**  
**(COUNCIL CHAMBERS)**

**7:00 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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**PUBLIC HEARING**

1. Public Hearing to consider the application to Prince George's County Department of Environment Resources (DER) for an Adult Dance Hall License by Looney's Pub, 8150 Baltimore Avenue, College Park

**PROPOSED CONSENT AGENDA ITEMS**

2. Approval of a Collective Bargaining Agreement from July 1, 2013–June 30, 2016 – Jill Clements, Director of Human Resources
3. Resolution to suspend enforcement and administration of Rent Stabilization – Suellen Ferguson, City Attorney
4. Field Use Requests:
  - a. Open Bible Deaf Church at Berwyn Baptist – Yard Sale June 15 – Duvall Field
  - b. Boy Scouts Troop No. 740 – June 23 (June 30 rain date) – Duvall Field
  - c. Berwyn Christian School – Duvall Field – Soccer Sept – Oct Tu/Th 3p – 4:45p
  - d. College Park Boys & Girls Club – Calvert Hills – Soccer Aug 8 – Nov. 20, M-F 5p-8p
  - e. College Park Boys & Girls Club – Duvall Field – Soccer Aug 8 – Nov. 20, M-F 5p-8p

## WORKSESSION DISCUSSION ITEMS

5. Discussion with SHA on results of Feasibility Assessment for Pedestrian Safety along the East side of Baltimore Avenue from MD 193 to I-495 – Peter Campanides, Multi-modal Team Leader
6. Discussion of Animal Welfare Program AND Animal Control – Non-work hours and shelter renovations (FY '14 Budget Parking Lot)
7. Update on Actuarial Valuation from Maryland State Retirement Plan – Jill Clements, Director of Human Resources and Steve Groh, Director of Finance
8. Revitalization Tax Credit Application by The Varsity – Steve Groh, Director of Finance and Michael Stiefvater, Economic Development Coordinator
9. DSP-11005 and Rezoning for Yale House, 7302 Yale Ave – Terry Schum, Director of Planning
10. Contract Award to Avrio not to exceed \$50,000 for CCTV/LPR Cameras on Guilford Road – Bob Ryan, Director of Public Services
11. FY 2014 Program Open Space Annual Program – Terry Schum, Director of Planning
12. Authorization to receive funds from Prince George's County in the amount of \$250,000 to be used for bike share facilities in the Route 1 Corridor Area, and to approve a related MOU between the County and the City – Suellen Ferguson, City Attorney
13. Follow-up discussion on possible Council Retreat: timing, purpose and logistics
14. Criteria for honoring service to the City and the Community – Mayor Fellows
15. Appointments to Boards and Committees
16. **Special Session:** Approval of 13-R-08, A Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2013-02, 3533 Marlborough Way, College Park, Maryland, Recommending Approval Of A Variance To Expand A Driveway In The Front Yard By Adding 10 Feet In Width And 12 Feet In Length And Recommending Approval With Conditions Of An Appeal To Extend A Retaining Wall By 10 Feet In The Front Yard In Conjunction With An Expanded Driveway (*Appeal Period Ended May 29, 2013*)

## COUNCIL COMMENTS

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## INFORMATION REPORT

17. Confidential Memo from the City Attorney re: Cafritz Development (Under Separate Cover)

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**COMING UP NEXT WEEK (JUNE 18):  
7:00 P.M.  
PUBLIC HEARINGS**

**13-O-06 – Amending Section 127-13 “Rent Stabilization Expiration Date” To Extend The Effective Date Of The Rent Stabilization Law Through September 1, 2014.**

**13-O-07 - Authorizing The Sale Of Certain Property Located In The Osage Street Right Of Way That Is No Longer Needed For Any Public Use**

**13-O-08 - Amending Section 184-11 “Vehicles and Traffic, Prohibited Parking” To Prohibit Parked Vehicles From Blocking Or Obstructing Public Ways And Trails**

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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.

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Public Hearing:  
Looney's Dance  
Hall License  
Application

## MEMORANDUM

**TO:** Mayor and City Council  
**THROUGH:** Joseph Nagro, City Manager  
**FROM:** Robert W. Ryan, Public Services Director   
**DATE:** June 7, 2013  
**SUBJECT:** Looney's Dance License Application

### ISSUE

On May 14, 2013, the City was advised by the Acting Director of the Department of Environmental Resources (DER) that Looney's Pub had applied for an Adult Dance Hall License. The County Code requires DER to notify the City, and for the City to raise any objection to the issuance of such a license within 45 days. Further, the County Code requires the City to conduct a public hearing if the City wishes to recommend denial of this license. A public hearing has been scheduled so that the City Council may preserve its right to recommend denial, or not.

### SUMMARY

In order for Mayor and Council to determine if there is any reason to recommend denial of a dance license to Looney's, a public hearing on this matter has been scheduled for 7:00 p.m., Tuesday, June 11, 2013. The president of Looney's Pub at College Park, Inc., Mr. William A. Larney, Jr., has been invited to attend the hearing and subsequent work session. The hearing has been advertised to the public. Representatives of the Board of License Commissioner's (Liquor Board), Prince George's County police, and University of Maryland Department of Public Safety (Police) have also been invited to testify at the hearing.

Currently, no other business establishments in the City have dance licenses.

Background information is attached and includes Looney's PUA with the City, their security plan approved by PGPD and BOLC, their public dance license application, and DER's direction to the City for recommending denial or not.

### RECOMMENDATION

At this time we are not aware of any reason to recommend denial of this license. The Council should consider testimony presented at the public hearing, and decide whether to recommend denial of this license or not.

Attachments: (1) PUA dated 08/09/2011  
(2) DER Cover Letter dated 05/14/2013  
(3) Adult Dance License Application



City of College Park  
240-487-3500  
www.collegeparkmd.gov

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City Hall  
4500 Knox Road  
College Park, MD 20740-3390

City Manager  
240-487-3501

City Clerk  
240-487-3501

Finance  
240-487-3509

Human Resources  
240-487-3533

Parking Enforcement  
240-487-3520

Planning  
240-487-3538

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Youth & Family Services  
4912 Nantucket Road  
College Park, MD 20740-1458

240-487-3550

Seniors Program  
301-345-8100

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Public Services  
4601-A Calvert Road  
College Park, MD 20740-3421

Code Enforcement  
240-487-3570

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Public Works  
9217 51st Avenue  
College Park, MD 20740-1947

240-487-3590

August 31, 2011

William A. Larney, Jr., President  
Looney's Pub at College Park, Inc.  
8150 Baltimore Avenue  
College Park, MD 20740

RE: Property Use Agreement -  
Looney's Pub at College Park, Inc.

Dear Mr. Larney:

Enclosed for your files is an executed original of the  
Property Use Agreement dated August 19, 2011 between  
Looney's Pub at College Park, Inc., and the City of College Park,  
Maryland.

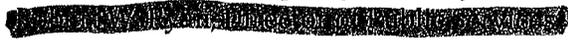
If you have any questions, please let me know.

Sincerely,

Janeen S. Miller  
City Clerk

Enclosure

Copy: Joseph F. Snee, Jr., Esq.  
Suellen Ferguson, Esq., City Attorney



PROPERTY USE AGREEMENT

THIS PROPERTY USE AGREEMENT (the "Agreement") is made as of the 19<sup>th</sup> day of August, 2011, by and between Looney's Pub at College Park, Inc. t/a Looney's Pub at College Park and William A. Larney, Jr., ("Licensee"); and the CITY OF COLLEGE PARK, a Maryland municipal corporation (the "City").

WITNESSETH

WHEREAS, Student Housing College Park, LLLC is the owner and Licensee is a tenant at the property located at 8150 Baltimore Avenue, College Park, Maryland 20740 (the "Property"); and

WHEREAS, the Property is located within the corporate limits of the City of College Park, Maryland; and

WHEREAS, Licensee has applied to the Board of Liquor License Commissioners of Prince George's County, for the issuance for Class B, Beer, Wine and Liquor License (BLX) for the Property; and

WHEREAS, the Licensee has requested the support of the City for the issuance of the Class B, Beer, Wine and Liquor License (BLX) for the Property; and

WHEREAS, in consideration of the covenants contained in this Agreement, the City will voice no objection to the Licensee's application and hearing for the Class B, Beer, Wine and Liquor License (BLX) to the Property, subject to the terms, conditions and restrictions contained herein.

NOW THEREFORE, in consideration of the foregoing, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Repair and Maintenance of the Property. Licensee shall, from and after the date hereof, continue to keep the Property in good order and repair, and free of debris and graffiti.

2. Restrictions. Except with the express written consent of the City, which consent may be withheld in the City's sole and absolute discretion, during the period that Licensee is using or has any interest in the Property, and is using the Class B Beer, Wine and Liquor License (BLX), the use of the Property shall be restricted to the operation of the Looney's Pub at College Park or another substantially similar casual dining restaurant, which receives not more than fifty percent (50%) of its average daily receipts over any three consecutive monthly periods from the sale of alcoholic beverages, and which complies strictly with the restrictions and requirements of the State of Maryland/Prince George's County Class B, BLX License. The calculation of the percentage of alcoholic beverages sold shall include the full cost of any such beverage, and not just the alcohol contained in the beverage. Licensee will provide the City, by January 15 of each year, with summaries of each month's receipts for the sales of alcoholic beverages and food for the preceding calendar year, and, at any time, such information in such form as the City may reasonably require to permit the verification of sales required in this paragraph 2 of this Agreement. Such information need not be prepared by an accountant or auditor, but must be accompanied by a general affidavit signed by the Licensees affirming the accuracy of the information provided. Licensees may be required

by the City to provide information to permit verification of the sales ratios required in this paragraph, including daily register receipts and the identity of, and invoices from, its alcohol and food suppliers. Any such information provided by Licensee that is claimed to be confidential shall be so marked by Licensee and the City will treat such record as confidential as allowed by law.

3. Use of Property. Except as otherwise set forth herein, those uses of the Property permitted by the applicable zoning for the Property shall be permitted uses for the purposes of this Agreement. In addition, the Property shall be subject to all of the restrictions imposed by the applicable zoning of the Property.

4. Noises and Nuisances. Licensee shall not permit any nuisance to be maintained, allowed or permitted on any part of the Property, and no use of the Property shall be made or permitted which may be noxious or detrimental to health or which may become an annoyance or nuisance to persons or businesses on surrounding property.

5. Operations. Licensee shall maintain and operate Looney's Pub at College Park restaurant in a manner that all seats are available for dining, no area is designated solely for the consumption of alcoholic beverages, and no sales of alcoholic beverages for off-sale consumption shall be allowed, except for partially consumed bottles of wine purchased at the Restaurant and allowed off premises pursuant to Maryland law. Alcoholic beverages shall not be sold or served prior to 6:00 a.m. or after 2:00 a.m. Monday through Thursday – alcoholic beverages shall not be sold or served prior to 6:00 a.m. or after 3:00 a.m. Friday and Saturday. Beer, Wine and Liquor shall only be served on Sunday from 12:00 noon on Sunday until 2:00 A.M. on Monday. Happy hour and like events shall be limited to 2:00 p.m. to 7:00 p.m. Happy hours may also occur during brunch

on Saturdays and Sundays. Food from a regular menu must be served at all times that the premises are open for business until 1:00 a.m. From 1:00 a.m. to close, food will be served from the appetizer menu and pizza will also be available. At all times, at least 80% of the items listed on the regular or appetizer menu, as appropriate, shall be available for customers to order. The proposed menu provided by Licensee is attached as Exhibit A. Licensee shall ensure music levels that allow patron conversation in a normal tone of voice, and prohibit disruptive or rowdy behavior that disturbs the peaceful enjoyment of the facility by Licensee's patrons and other persons visiting the facility. Live music is allowed for events in the Restaurant. Windows and doors will not be opened during live entertainment. Non-amplified voice and music entertainment and background music is allowed on the patio/deck until 11:00 p.m. In the event that complaints as to the sound level of voice or music entertainment on the patio/deck are received by the City, the parties agree to review this condition, with further limitation of entertainment on the outside patio/deck, if justified, not to be unreasonably refused by Licensee.

Cover and door charges will be charged for entry to the Property during live music performances. The payment of a cover or door charge shall not reduce the normal price charged by Licensee for alcoholic beverages. Alcoholic beverages shall be served only to diners sitting at tables or counters inside the restaurant facility or on the adjacent patio, and patrons standing or sitting at the bar or waiting for a table. The parties recognize that, during private parties, not all patrons may be seated, but that food will be served. The minimum price for alcoholic beverages, including 16 oz. beers, shall be \$2.00. Licensee may sell beer in pitchers provided the pitchers of beer are not sold for less than \$9.00 per pitcher and are sold in pitchers for convenience and accommodation. Licensee will

maintain all dining areas, including tables and chairs, inside the restaurant facility or on the deck/patio. Licensee shall ensure that the exterior of the restaurant, including service areas, remains clean and graffiti free. The interior and exterior of the Property shall be rodent free. Licensee shall not allow grease to accumulate on the exterior of the Property. Licensee agrees to fully comply with all applicable laws, including without limitation Subtitle 12, "Health", of the Prince George's County Code, and the Code of the City of College Park. Licensee shall not engage in window advertising of the sale of beer, wine or liquor, nor off-premises leafleting of cars or on public right of way promoting the sale of beer, wine or liquor. All off-premises advertising of specials, happy hours or reduced prices for beer, wine or liquor shall be limited to promotions coupling the sale or service of food with the sale of alcoholic beverages. Licensee shall use an IDetect Security System scanner system with photo and wrist band features, or equivalent, as allowed by law, designed to recognize false identification prior to making alcoholic beverage sales. The scanner shall be used for all persons who appear to be under the age of thirty five (35) years. Licensee will not accept State of Maryland vertical type licenses as proof of age.

Licensee shall not rent the facilities to individuals or businesses involved in promoting or making a business or profit from producing musical, band or disc jockey events. This provision does not prevent Licensee from hiring a booking agent to act on its behalf in scheduling live entertainment. Live music is allowed for events in the Restaurant. Licensee shall not provide tables, such as a beer pong table, whose purpose is for use in drinking games. Licensee shall not sponsor or support drinking games within the Property.

6. Enforcement. The City shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms, conditions,

covenants and agreements imposed upon the Property and/or Licensee pursuant to the provisions of this Agreement. The parties agree that if Licensee should breach the terms of the Agreement, the City would not have an adequate remedy at law and would be entitled to bring an action in equity for specific performance of the terms of this Agreement. In the event of a violation of paragraph 2 of this Agreement, Licensee shall have sixty (60) days from the date of notification of the violation to adjust his operations and achieve compliance, as measured during the sixty (60) day period, with the requirements of paragraph 2 of this Agreement. In the event the City is required to enforce this Agreement and Licensee is determined to have violated any provision of this Agreement, Licensee will reimburse the City for all costs of the proceeding including reasonable attorney's fees. Should Licensee prevail in any action brought by the City to enforce a provision of this Agreement, the City shall reimburse Licensee for all costs of the proceeding including reasonable attorney's fees.

7. Waiver. Neither any failure nor any delay on the part of the City in exercising any right, power or remedy hereunder or under applicable law shall operate as a waiver thereof nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or remedy.

8. Assignment of License. In consideration for the City voicing no objection to Licensee's application for the new Class B Beer, Wine and Liquor License (BLX), Licensee agrees that it shall not sell, transfer, or otherwise assign its rights under either the Class B Beer, Wine, Liquor License (BLX) to any entity or individual for use or operation within the City without the express prior written consent of the City, which consent will not be unreasonably withheld.

9. Assignment. This Agreement shall be binding upon, and shall inure to the benefit of, the respective affiliates, transferees, successors and assigns of the parties hereto.

10. Scope and Duration of Restrictions. The restrictions, conditions and covenants imposed by this Agreement shall be valid only so long as Licensee maintains a Class B, BLX Beer, Wine and Liquor License at Looney's Pub at College Park, or some other substantially similar casual dining restaurant.

11. Security. Pursuant to Article 2B, §6-201(r)(19), Licensee is required to obtain a License for special entertainment. For any activities authorized by such a license, the Licensee shall have and maintain a Security Plan to prevent the Property and any such activities from posing a threat to the peace and safety of the surrounding area. The Security Plan shall, at minimum, comply with the requirements of the Board of License Commissioners. The Security Plan for the Licensee is subject to review and revision annually or upon request by Prince George's County Police, the University of Maryland Police or the City of College Park. The Security Plan shall require the following:

- a. Licensee shall operate and maintain the Thirty-two (32) security/surveillance cameras installed and in operation inside and outside the Property. In addition, all security cameras shall record the events at the Premises 24 hours per day, 7 days per week. The security/surveillance system will be assessed and evaluated from time to time by Police George's County Police and/or University of Maryland Police and will make reasonable improvements based on those recommendations.
- b. Licensee shall implement a Dress Code consistent with Licensee's efforts to

maintain peace and safety.

- c. Licensee shall post sufficient notices advising customers that civility will be the norm and that improper activities and behavior and violence will not be tolerated and will result in immediate removal from the Property.
- d. Licensee shall diligently enforce ID policies by trained and certified managers and shall purchase and use a new ID Scanner to prevent use of fake IDs. The scanner shall be so equipped that it will keep a record of the ID photograph. Further, Licensee agrees to take all necessary measures to ensure that under age persons do not obtain alcoholic beverages.
- e. All serving, bar, security and management employees will be TIPS trained.
- f. All serving, bar, security and management employees will be 21 years or older.
- g. All security and management employees will be certified in crowd control through Maryland Fire Marshal.

The planned activities are:

**Sunday and Monday – karaoke and trivia games after football and basketball games**

**Thursday, Friday and Saturday nights – live music/bands**

**Wednesday nights – DJ's**

The Security Plan shall further provide:

At least one security person will be at the door every night from 5:00 p.m. to close. This person will check ID's. ID's will also be checked at the time a server is asked to serve alcohol. On Saturdays and Sundays during football and basketball seasons, the security person will be at the door starting at 12:00 p.m. On Sunday, Monday and Tuesday nights at 8:00 p.m. there will be two security persons posted at the door. On Wednesday, Thursday,

Friday and Saturday nights there will be no less than four security staff persons on duty after 8:00 p.m., with two at the door and two working in the restaurant space.

All security measures required by this section shall be provided at Licensee expense.

12. Notices. All notices given hereunder shall be in writing and shall be deemed to have been given when hand delivered against receipt of three (3) days after deposit with the United States Postal Service, as registered or certified mail, return receipt requested, postage prepaid, addressed:

(i) If to Licensee:

William A. Larney, Jr., President  
Looney's Pub at College Park, Inc.  
8150 Baltimore Avenue  
College Park, MD 20740

with copy to:

Joseph F. Snee, Jr., Esquire  
Gessner, Snee, Mahoney & Lutche, P.A.  
11 South Main Street  
Bel Air, MD 21014

(ii) If to the City:

City Manager  
City of College Park  
4500 Knox Road  
College Park, Maryland 20740

with copy to:

Suellen M. Ferguson, Esquire  
Council, Baradel, Kosmerl & Nolan P.A.  
125 West Street, 4<sup>th</sup> Floor  
P.O. Box 2289  
Annapolis, MD 21404

13. Amendments. This Agreement may not be amended or modified except in writing executed by all parties hereto, and no waiver of any provision or consent hereunder shall be effective unless executed in writing by the waiving or consenting party.

14. Severability. The provisions of this Agreement shall be deemed severable, so that if any provision hereof is declared invalid, all other provisions of this Agreement shall continue in full force and effect.

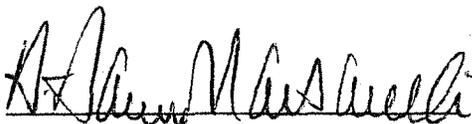
15. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Maryland.

16. Counterparts. This Agreement may be executed in any number of counterparts each of which shall constitute an original and all of which together shall constitute one agreement.

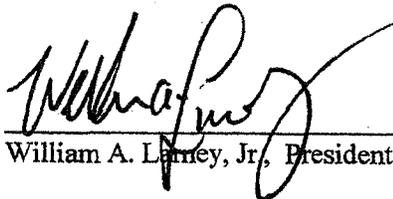
17. Headlines. The headings or titles herein are for convenience of reference only and shall not affect the meaning or interpretation of the contents of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

WITNESS/ATTEST

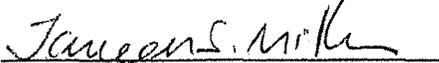


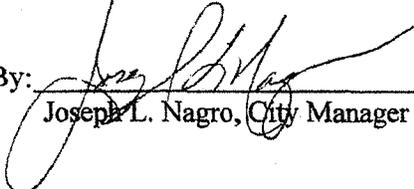
LOONEY'S PUB AT COLLEGE  
PARK, INC.

  
\_\_\_\_\_  
William A. Laney, Jr., President

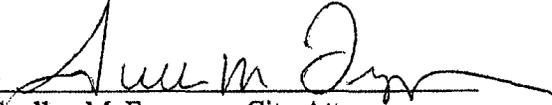
WITNESS/ATTEST

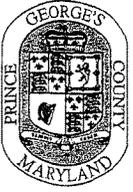
CITY OF COLLEGE PARK,  
MARYLAND

  
Janeen S. Miller, CMC, City Clerk

By:   
Joseph L. Nagro, City Manager

APPROVED AS TO LEGAL SUFFICIENCY:

By:   
Suellen M. Ferguson, City Attorney



THE PRINCE GEORGE'S COUNTY GOVERNMENT  
Department of Environmental Resources

May 14, 2013

*M&C*  
*Nazro*  
*Connor*  
*Ryan Schum*  
**RECEIVED**  
*Ferguson*  
MAY 20 2013

City of College Park  
Administration Office

The Honorable Andrew Fellows  
Mayor  
City of College Park  
4500 Knox Road  
College Park, Maryland 20740

Dear Mayor Fellows:

This is to notify you that on May 6, 2013, Looney's Pub at College Park, Inc. at 8150 Baltimore Avenue in College Park applied for an Adult Dance Hall License with this Department. The Prince George's County Code, Section 5-199 (b), requires that we notify you within 14 days of receipt of the application.

To better assist you in reviewing this matter, below is the applicable code section:

**Sec. 5-199. License application.**

(b) Before any application for an initial license or renewal shall be granted for a proposed adult dance hall or teen dance hall to be located inside of or within one-half mile of the boundaries of an incorporated municipality, the Director of the Department of Environmental Resources or their designee shall notify the governing body of the municipality of the pending application within fourteen (14) days of receipt of the application. The municipality shall have forty-five (45) calendar days for review, comment, and to hold a public hearing at the option of the municipality. If the proposed adult dance hall or teen dance hall lies within a municipality and is also within one-half mile of one or more other municipalities, the public hearing may only be held by the municipality within which the proposed adult dance hall or teen dance hall is located, with notice given to any affected municipality. If the proposed adult dance hall or teen dance hall is to be located within an

The Honorable Andrew Fellows  
May 14, 2013  
Page Two

unincorporated area, but is within one-half mile of two or more municipalities, the affected municipalities may hold a joint public hearing at their option. The municipality(ies) may recommend denial of the license after conducting a public hearing, upon a finding that the grant of the license would pose a threat to the peace and safety of the surrounding area or adversely affect the public health, safety, or welfare. If the municipality(ies) recommends denial, such license shall not be granted. The cost of any public hearing held by a municipality shall be borne by the applicant.

After your review, please provide us your written comments within 45 calendar days of this correspondence. Otherwise, we will consider that you have no objection to the issuance of the license.

Should you have any questions regarding this matter, please feel free to contact Behdad Kashanian, Associate Director, Licenses and Inspections Division, at (301) 883-3820.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Ortiz', with a stylized flourish extending to the right.

Adam Ortiz  
Acting Director

Enclosures

cc: Gary E. Cunningham, Deputy Director, DER  
Behdad A. Kashanian, Associate Director, LID, DER  
Bradley Goshen, Section Head, BLS, LID, DER



**Prince George's County**  
 Department of Environmental Resources  
**LICENSES AND INSPECTIONS DIVISION**  
 Business License Section  
 1801 McCormick Drive, Suite 100  
 Largo, Maryland 20774  
 (301) 883-3840 • FAX: (301) 883-3875



**APPLICATION FOR PUBLIC DANCE LICENSE**

TYPE OF LICENSE	FEES	<i>All fees MUST be paid by Money Order or Certified Check payable to Prince George's County. (Fees are NON-REFUNDABLE)</i>
<input checked="" type="checkbox"/> Adult Dance Hall	Fee: \$1,000	
<input type="checkbox"/> Teen Dance Hall	Fee: \$1,000	

**SECTION A — IDENTIFICATION**

Type of Business

- Sole Entity (Owner)     
  Partnership     
  Corporation     
  LLC

*Please print clearly.*

Name of Business: Looney's Pub at College Park, Inc.

Business Address: 8150 Baltimore Avenue  
Street  
College Park Maryland 20740  
City State ZIP Code

Business Telephone #: 240-542-4510

Is business located within the boundaries of an incorporated municipality?  Yes  No

If yes, name of municipality: City of College Park

Name of Property Owner: UMCPF Property I LLC

Address of Property Owner: 2900 O'Donnell Street  
Street  
Baltimore Maryland 21224  
City State ZIP Code

Submit a copy of the Maryland State Department of Assessments and Taxation property tax printout found at [http://sdatcert3.resiusa.org/rp\\_rewrite/](http://sdatcert3.resiusa.org/rp_rewrite/)

**SECTION B — BUSINESS DATA**

**CORPORATIONS**

1. President: William A. Larney, Jr.  
Home Address: 14121 Blenheim Road, Phoenix, Maryland 21131  
Business Address: 8150 Baltimore Avenue, College Park, Maryland 20740  
Telephone #: 240-542-4510
  
2. Vice President: n/a  
Home Address: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone #: \_\_\_\_\_
  
3. Secretary: William A. Larney, Jr.  
Home Address: 14121 Blenheim Road, Phoenix, Maryland 21131  
Business Address: 8150 Baltimore Avenue, College Park, Maryland 20740  
Telephone #: 240-542-4510
  
4. Treasurer: William A. Larney, Jr.  
Home Address: 14121 Blenheim Road, Phoenix, Maryland 21131  
Business Address: 8150 Baltimore Avenue, College Park, Maryland 20740  
Telephone #: 240-542-4510
  
5. Resident Agent: Joseph F. Snee, Jr., Esquire  
Home Address: 1322 Grafton Shop Road, Bel Air, Maryland 21014  
Business Address: 11 South Main Street, Bel Air, Maryland 21014  
Telephone #: 410-893-7500

**PARTNERSHIPS**

List each partner.

1. Name/Title: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone #: \_\_\_\_\_
  
2. Name/Title: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone #: \_\_\_\_\_
  
3. Name/Title: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

**PARTNERSHIPS - Continued**

4. Name/Title: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

**LLC**

List each member.

1. Name/Title: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

2. Name/Title: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

3. Name/Title: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

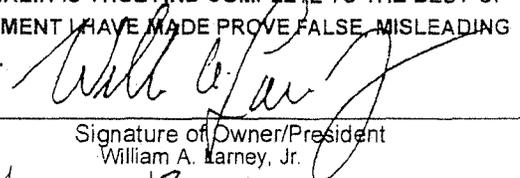
4. Name/Title: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

**BUSINESS ENTITY/TRADE NAME**

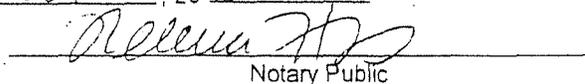
Looney's Pub at College Park, Inc. 1/3 Looney's Pub at College Park

1. Owner: William A. Larney, Jr.  
Home Address: 14121 Blenheim Road, Phoenix, Maryland 21131  
Business Address: 8150 Baltimore Avenue, College Park, Maryland 20740  
Telephone #: 240-542-4510

I, THE UNDERSIGNED, HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE READ AND FULLY COMPREHEND THIS FORM IN ITS ENTIRETY AND THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT SHOULD ANY STATEMENT I HAVE MADE PROVE FALSE, MISLEADING OR ERRONEOUS, I MAY RESULT IN THE REJECTION OF MY APPLICATION.

  
\_\_\_\_\_  
Signature of Owner/President  
William A. Larney, Jr.

SWORN TO BEFORE ME THIS 4th DAY OF March, 2013

  
\_\_\_\_\_  
Notary Public

SEAL

Please note that the minimum review time is 90 days from the date application is received.

PRINCE GEORGE'S COUNTY

Department of Environmental Resources  
Permits and Review Division

CERTIFICATE OF OCCUPANCY

EFFECTIVE DATE: February 07, 2012

CASE NUMBER : 1972-2011-00

PERMISSION IS HEREBY GRANTED TO OCCUPY :

8150 BALTIMORE AVE COLLEGE PARK, MD 20740

CASETYPE : CUW (COMMERCIAL

OWNERSHIP :

PARKING SPACES : 0

USE GROUP : A-2

SPECIAL EXCEPTION :

CONST. TYPE : UNLIMITED

LOT :

TAX MAP : 033

BLOCK :

ZONE : ROS

PARCEL :

LIMITATIONS (UP TO) :

O.k. for an eating and drinking establishment of any type, including music and patron dancing past the hours of 12:00am, excluding adult oriented uses located within Retail Space #1 with a total of 8,629 sq. ft. of which 1,184

USE (MNCPPC ZONING) : RESTAURANT

PROPERTY OWNER

UMCPF PROPERTY I LLC  
2900 O'DONNELL ST  
BALTIMORE, MD 21224

#

OCCUPANT

LOONEY'S PUB of COLLEGE PARK, INC.  
8150 BALTIMORE AVE  
COLLEGE PARK, MD 20740  
TRADE NAME :

#

CERTIFICATE IS TO BE CONSPICUOUSLY DISPLAYED AND NOT REMOVED FROM THE PREMISE FOR WHICH IT WAS ISSUED.  
IT IS NOT TRANSFERABLE.

*Kenna Campbell, P.E.*

BUILDING CODE OFFICIAL

YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGUN WITHOUT REQUIRED APPROVALS.

2

Collective  
Bargaining  
Agreement

7/1/13 –

6/30/16

## MEMORANDUM

**To: Mayor and Council**

**Through: Joseph L. Nagro** 

**From: Jill R. Clements** 

**Date: June 11, 2013**

**Re: Approval of Contract with AFSCME Local 1209C Effective July 1, 2013 through June 31, 2016**

---

### ISSUE

The new three-year Agreement between the Mayor and Council of the City of College Park, Maryland and the American Federation of State, County and Municipal Employees Local 1209, AFL-CIO needs to be ratified by the Mayor and Council. Also, the City Manager must be authorized to sign the new Agreement.

### SUMMARY

The City Manager has met with representatives of the Union in March and April, 2013 and they have negotiated to agreement on the changes and terms described below. Other than dates and signatures, there will be no other changes to the contract. The members of the bargaining unit have already ratified the proposed contract and the cost of the changes is within the parameters approved by Council.

The new Agreement incorporates the following changes to the current Agreement.

1. Article II – Check off Deduction of Union Dues

Add the sentence: The City will provide payroll deduction for voluntary contributions to AFSCME P.E.O.P.L.E.

2. Article V, Section 2, Step 5 -- Grievances and Arbitration

We have agreed to eliminate use of American Arbitration Association as the exclusive arbitrator. We will use a mutually-agreed upon arbitration service or panel of arbitrators.

3. Article VI, Section 2, G – Discipline

Change reference to correct section of grievance procedure to eliminate confusion.

4. Article XIII, Section 3 – Compensatory Time

Increase the maximum “comp time” accrual from 40 hours to 48 hours in first year of the contract and to 56 hours in second year of the contract.

5. Article XX – Rates

July 1, 2013 – 2% Cost of Living Adjustment (COLA)

July 1, 2014 – 1.75% COLA plus one-time bonus payment of \$175, payable in December

July 1, 2015 – 2% COLA

Other language remains the same including merit raises according to the pay plan and Saturday shift differential.

6. Article XXIX – Supersession

This contract replaces the contract dated July 1, 2007 and all addenda for ensuing years through June 30, 2013.

## **RECOMMENDATION**

We recommend that the Mayor and Council ratify the negotiated contract between the City and AFSCME Local 1209C and authorize the City Manager to sign the union contract negotiated to agreement with AFSCME Local 1209C representing Public Works employees in the bargaining unit.

3

Resolution to  
suspend Rent  
Stabilization  
enforcement  
and  
administration

**RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE CITY OF COLLEGE PARK, MARYLAND, TO EXTEND THE SUSPENSION  
OF ADMINISTRATION AND ENFORCEMENT OF CHAPTER 127, "RENT  
STABILIZATION", TO SEPTEMBER 1, 2014**

**WHEREAS**, pursuant to Md. Code Ann., Art. 23 A, Section 2, the City of College Park, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality; and

**WHEREAS**, the Mayor and City Council have found that, since 2005, homeownership in the City of College Park has declined at a pace substantially more significant than in Prince George's County or the State of Maryland, that the percentage of owner occupancy in College Park has been and continues to be substantially less than in Prince George's County or the State of Maryland, that the population of converted, previously owner-occupied units has expanded, that rents have continued to rise and that City Code violations remain substantially higher among rental units subject to the City's existing rent stabilization program than among owner-occupied dwellings; and

**WHEREAS**, the Mayor and City Council have found that the current rental market in the City continues to pose a threat to the public health, safety and welfare of the residents of the City; and

**WHEREAS**, the City of College Park continues to have a strong policy to promote home ownership and owner-occupancy of residences and reduce incentives for owners to convert their residences to rental units; and

**WHEREAS**, in 2005 the Mayor and Council adopted Ordinance 05-0-02, which established in Chapter 127 of the City Code a rent stabilization program for the purposes stated in the Ordinance, including the above-referenced public health and safety issues; and

**WHEREAS**, the Mayor and City Council adopted Ordinance 12-O-06 to extend the rent stabilization program through 2013 in order to fulfill the purposes of Ordinance 05-0-02 and Chapter 127 of the City Code, to receive the full benefit from the law, to ensure the availability and maintenance of affordable housing in the City, to protect the standard of living of all City residents, and to strengthen and stabilize the City's neighborhoods; and

**WHEREAS**, the Mayor and City Council have determined in adopting Ordinance 13-0-06 that the conditions that the rent stabilization program was designed to address have not yet been resolved, and that additional time is needed to receive the full benefit from the law; and

**WHEREAS**, various representatives of the landlords regulated by Chapter 127, including leaders of the Prince George's Property Owners Association ("PGPOA"), requested in 2012 that the City suspend enforcement of Chapter 127 in order to pursue other methods of achieving the stated goals; and

**WHEREAS**, the landlords and PGPOA stated that they recognized and supported the two overall goals for the City, which are to regain a balance in types of housing and population in College Park neighborhoods and to address quality of life concerns, including noise, littering, code violations, overcrowding, aggressive behavior, vandalism, underage drinking and crime; and

**WHEREAS**, in reliance upon the commitment of the landlords and the PGPOA to work with the City and the University of Maryland and to develop and engage in various strategies that produce measurable improvements in the resolution of the public safety and health issues that Chapter 127 was enacted to address, the Mayor and Council determined to suspend further administration and enforcement of Chapter 127 for one year through September 1, 2013; and

**WHEREAS**, the Mayor and Council engaged with stakeholders, including the PGPOA and landlords, the University of Maryland, students and the Student Government Association, and City residents, through the Neighborhood Stabilization and Quality of Life Workgroup (“Workgroup”) and other initiatives to explore avenues to achieve the goals and address and resolve the concerns stated in this Resolution; and

**WHEREAS**, the Workgroup is continuing in its efforts but will not have completed its work on or before September 1, 2013; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to extend the suspension of enforcement of Chapter 127, “Rent Stabilization” for a further period.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of College Park that the continued administration and enforcement of Chapter 127, “Rent Stabilization”, be and it is hereby suspended to and until September 1, 2014; and it is further

**RESOLVED**, that the continued administration and enforcement of Chapter 127, “Rent Stabilization” is subject to earlier resumption and enforcement by further resolution of the Mayor and City Council.

**ADOPTED** by the Mayor and City Council of the City of College Park, Maryland at a regular meeting on the 18th day of June, 2013.

**EFFECTIVE** the 18<sup>th</sup> day of June, 2013.

**WITNESS:**

**THE CITY OF COLLEGE PARK,  
MARYLAND**

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

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

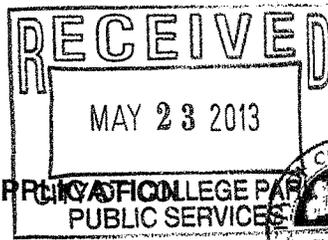
**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**

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

# 4

## Field Use Requests

- a. Open Bible Deaf Church at Berwyn Baptist – Yard Sale June 15 – Duvall Field
- b. Boy Scouts Troop No. 740 – June 23 (June 30 rain date) – Duvall Field
- c. Berwyn Christian School – Duvall Field – Soccer Sept – Oct Tu/Th 3p – 4:45p
- d. College Park Boys & Girls Club – Calvert Hills – Soccer Aug 8 – Nov. 20, M-F 5p-8p
- e. College Park Boys & Girls Club – Duvall Field – Soccer Aug 8 – Nov. 20, M-F 5p-8p



a

CITY OF COLLEGE PARK FIELD USE RESERVATION APPLICATION  
Duvall Field



Date of Application May 13, 2013

Name of Organization Open Bible Deaf Church at Berwyn Baptist Church

Name of Contact Individual Henry Tsai / Ora McKellan

Address 4804 Cherokee College Park MD

Telephone: Home 410-774-5044 Work \_\_\_\_\_ Cell \_\_\_\_\_

Is the Organization a City-located youth Organization? Yes  No  Is the Organization Headquartered in College Park?  Yes  No

REQUESTING DUVALL FIELD FOR:  Football, Age \_\_\_\_\_  Soccer, Age \_\_\_\_\_  Baseball, Age \_\_\_\_\_  T-Ball, Age: \_\_\_\_\_

Softball, Age: \_\_\_\_\_ ADDITIONAL NEEDS:  Lights  Bathrooms  Concession Stand

Date(s) Requested June 8 (or 15) Times Requested: From 8AM To 3 PM

Description of Activity or Event Yard Sale

Are you charging a fee? Yes  No  If yes, for what purpose? \_\_\_\_\_

Expected number of participants: 10 Age range: adults

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.

The organization's "Proof of adequate minimum liability insurance" (required under Section IV, Item 5) is attached to this application.

In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.

5-13-13 Date Ora McKellan Signature of Contact Individual

Do Not Write Below This Line

Recommendation of Recreation Board \_\_\_\_\_ Damage Deposit \$ 0

Approval  Disapproval \_\_\_\_\_ Estimated Fee \$ 0

Comments by Board 6/03/2013 for June 15

Date 6/3/13 Signature say for A Ellis + A Bradford

Recommendation of Public Services Director \_\_\_\_\_

Approval  Disapproval \_\_\_\_\_

Comments \_\_\_\_\_

Date 7 June 13 Signature [Signature]

Action by Mayor and Council (or City Manager)

Approval \_\_\_\_\_ Disapproval \_\_\_\_\_

Comments \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

6

# CITY OF COLLEGE PARK FIELD USE RESERVATION APPLICATION

## Duvall Field



Date of Application 5/15/13  
Name of Organization TROOP 740 BOY SCOUTS HOLY REDEEMER CHURCH TROOP

Name of Contact Individual MIKE MEHALICK

Address 11616 DOCKETTOWN RD LAUREL MD 20708  
Street City State Zip

Telephone: Home 301-552-2214 Work \_\_\_\_\_ Call 301-275-5078

Is the Organization a City-located youth Organization? Yes  No  Is the Organization Headquartered in College Park? Yes  No

REQUESTING DUVAL FIELD FOR:  Football, Age \_\_\_\_\_  Soccer, Age \_\_\_\_\_  Baseball, Age \_\_\_\_\_  T-Ball, Age: \_\_\_\_\_  
 Softball, Age: \_\_\_\_\_ ADDITIONAL NEEDS:  Lights  Bathrooms  Concession Stand

Date(s) Requested SUNDAY JUNE 23<sup>RD</sup> Times Requested: From 10 A To 5 P  
SUNDAY JUNE 30<sup>TH</sup> RAIN DATE

Description of Activity or Event CHICKEN BBQ

Are you charging a fee? Yes  No  If yes, for what purpose? PRICE OF DINNER

Expected number of participants: 100+ Age range: All

**NO** conflict with B+6 Club

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.

The organization's "Proof of adequate minimum liability insurance" (required under Section IV, Item 5) is attached to this application.

In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.

Date 5/15/13 Signature of Contact Individual Mike Mehalick

Do Not Write Below This Line

Recommendation of Recreation Board Damage Deposit \$ 0

Approval  Disapproval \_\_\_\_\_ Estimated Fee \$ 0

Comments for 6/23 and 6/30 rain date

Date 6/3/2013 Signature saf for Allis + Bradford

Recommendation of Public Services Director

Approval  Disapproval \_\_\_\_\_

Comments \_\_\_\_\_

Date 7 June 13 Signature [Signature]

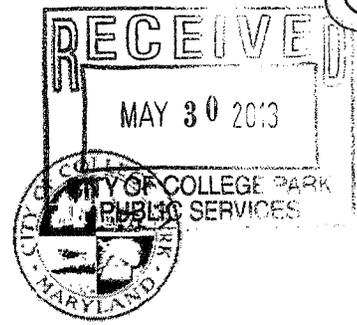
Action by Mayor and Council (or City Manager)

Approval \_\_\_\_\_ Disapproval \_\_\_\_\_

Comments \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

1



# CITY OF COLLEGE PARK FIELD USE RESERVATION APPLICATION

## Duval Field

Date of Application 5-30-13  
Name of Organization Berwyn Christian School  
Name of Contact Individual Esther Newell  
Address 4720 Cherokee Street College Park MD 20740  
Telephone: Home \_\_\_\_\_ Work 301-474-1561 Cell \_\_\_\_\_

Is the Organization a City-located youth Organization? Yes  No  Is the Organization Headquartered in College Park? Yes  No   
REQUESTING DUVAL FIELD FOR:  Football, Age \_\_\_\_\_  Soccer, Age 8-13  Baseball, Age \_\_\_\_\_  T-Ball, Age: \_\_\_\_\_  
 Softball, Age: \_\_\_\_\_ ADDITIONAL NEEDS:  Lights  Bathrooms  Concession Stand

Date(s) Requested Sept. 10, 12, 17, 19, 24, 26, Oct. 1, Oct. 3, 8, 10, 15, 17, 22, 24, 29, 31 Nov. 5, 7 Times Requested: From 3:00pm To 4:45pm  
Description of Activity or Event After school soccer practice  
Are you charging a fee? Yes  No  If yes, for what purpose? To pay coaches, administrative fees, equipment, ect.  
Expected number of participants: 25-30 Age range: 8 years - 13 years old

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.  
 The organization's "Proof of adequate minimum liability insurance" (required under Section IV, Item 5) is attached to this application.

In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.

5-30-13 Date Esther Newell Signature of Contact Individual

### Do Not Write Below This Line

Recommendation of Recreation Board \_\_\_\_\_ Damage Deposit \$ 0  
Approval  Disapproval \_\_\_\_\_ Estimated Fee \$ 0  
Comments for dates requested  
Date 6/3/13 Signature say for Allis + Abradford

Recommendation of Public Services Director  
Approval  Disapproval \_\_\_\_\_  
Comments \_\_\_\_\_  
Date 7 June 13 Signature Ashtley

Action by Mayor and Council (or City Manager)  
Approval \_\_\_\_\_ Disapproval \_\_\_\_\_  
Comments \_\_\_\_\_  
Date \_\_\_\_\_ Signature \_\_\_\_\_

**Berwyn Baptist School dba Berwyn Christian School  
Health Reimbursement Arrangement Plan**

**SUMMARY OF REIMBURSEMENT OF BENEFITS**

**December 1, 2012  
Group #591-012-0577**

<b>Maximum Reimbursement Amount Allowed for the Plan Year by Employee</b>	
<b>Coverage Level</b>	<b>Maximum Amount Allowed</b>
<b>Individual</b>	<b>\$1,200.00</b>
<b>Parent &amp; Child</b>	<b>\$1,200.00</b>
<b>Parent &amp; Children</b>	<b>\$1,200.00</b>
<b>Husband &amp; Wife</b>	<b>\$1,200.00</b>
<b>Family</b>	<b>\$1,200.00</b>
<b>Benefits Covered **</b>	
<b>Medical</b>	<b>All Eligible Medical Expenses</b>
<b>Prescription Drug</b>	<b>All Eligible Medical Expenses</b>

\*NOTE: Out-of-Pocket expenses on covered benefits may be submitted to the HRA Administrator for Reimbursement.

\*\*NOTE: All reimbursement amounts are inclusive and when combined by service cannot exceed the Maximum Amount Allowed documented above.

All submissions must include a copy of the carrier's Explanation of Benefits (EOB) or receipt of payment from the provider. In order for a paid receipt from the provider to be acceptable for claims submission it MUST contain the following information: Member's name, Provider's name, itemized service detail, date of service and paid amount.

The information provided is neither an offer of coverage nor medical advice. It is only a partial, general description of plan or program benefit and does not constitute a contract. In case of a conflict between your plan documents and this information, the plan documents will govern.



d

# Field Use Reservation Application

Complete both pages and Submit to: [publicservices@collegetparkmd.gov](mailto:publicservices@collegetparkmd.gov)

Select One:  Calvert Hills Playground (Youth field - groups must be 13 and under)  Duvall Field

Date of Application: 21 May 13

Name of Organization: College Park Boys + Girls Club

Is this Organization: City-Based Youth  Yes  No City Headquartered  Yes  No

Contact Name(s): Mary Lintner

Mailing Address: 5030 Laguna Rd College Park Md 20740

Email Address: CPBGC ROCKS @ verizon.net

Day Phone: 301 335 3106 Evening Phone: 301 474 7130 Cell Phone: 301 335 3106

Description of Activity/Event: SOCCER practice / games

Sports  Baseball  Football  Lacrosse  Softball  T-ball  SOCCER

Expected Number of Participants 30 Age Range 6-12

Additional Requirements:  Toilets  Lights  Concession Stand

Date(s) Requested: August 20 - November 20 2013

See Facilities Rules and Regulations for acceptable times and age group

Day(s) of Week Requested:  Sun.  Mon.  Tues.  Wed.  Thurs.  Fri.  Sat.

Time(s) Requested 5-8 pm  a.m.  p.m. UNTIL 5-8 pm  a.m. or  p.m.

Are you collecting a fee?  Yes  No If yes, Purpose: registration

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.

Organization's Proof of Adequate Minimum Liability Insurance as required under Section IV, Item 5 is attached hereto

*In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.*

### Recommendations and Notifications

Recreation Board:  Approve Fee Waived  Approve with Fee of \$ \_\_\_\_\_  Denied

Comments: 6/3/2013 by Board for CH self for AEllis + ABradford

Pub. Svcs Director: Concur  Yes  No

Comments: 7 June 13 [Signature]

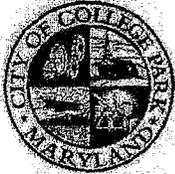
City Manager: Concur  Yes  No

Comments: \_\_\_\_\_

Mayor and Council: Concur  Yes  No

Comments: \_\_\_\_\_

2



# Field Use Reservation Application

Complete both pages and Submit to: [publicservices@collegeparkmd.gov](mailto:publicservices@collegeparkmd.gov)

Select One:  Calvert Hills Playground (Youth field - groups must be 13 and under)  Duvall Field

Date of Application: 21 May 13

Name of Organization: College Park Boys and Girls Club

Is this Organization: City-Based Youth  Yes  No City Headquartered  Yes  No

Contact Name(s): Mary Lintner

Mailing Address: 5030 Laguna Rd College Park Md 20740

Email Address: CPBGC ROCKS@VERIZON.NET

Day Phone: 3013353106 Evening Phone: 3014747130 Cell Phone: 3013353106

Description of Activity/Event: Soccer, Lacrosse

Sports  Baseball  Football  Lacrosse  Softball  T-ball  Soccer

Expected Number of Participants 80-100 Age Range 6-15

Additional Requirements:  Toilets  Lights  Concession Stand

Date(s) Requested: August 20 - November 20 2013

See Facilities Rules and Regulations for acceptable times and age group

Day(s) of Week Requested:  Sun.  Mon.  Tues.  Wed.  Thurs.  Fri.  Sat. 9 am - 8 pm

Time(s) Requested 5  a.m.  p.m. UNTIL 9  a.m. or  p.m.

Are you collecting a fee?  Yes  No If yes, Purpose: registration

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.

Organization's Proof of Adequate Minimum Liability Insurance as required under Section IV, Item 5 is attached hereto

In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.

### Recommendations and Notifications

Recreation Board  Approve Fee Waived  Approve with Fee of \$  Denied

Comments: 6/3/13 for DF by Board ref for AEllist A Bradford

Pub. Svcs Director Concur  Yes  No

Comments: 7 June 13 - [Signature]

City Manager Concur  Yes  No

Comments: \_\_\_\_\_

Mayor and Council Concur  Yes  No

Comments: \_\_\_\_\_

5

SHA Study  
re: sidewalks  
on US 1  
north of 193

C

C

6

Animal  
Welfare  
Program and  
Animal  
Control

## MEMORANDUM

**TO:** Mayor and City Council  
**THROUGH:** Joseph Nagro, City Manager  
**FROM:** Robert W. Ryan, Public Services Director   
**DATE:** June 7, 2013  
**SUBJECT:** Animal Welfare Committee and Animal Control

### ISSUE

Council members have requested an opportunity to review and discuss current activities of the Animal Welfare Committee and the City's Animal Control program.

### SUMMARY

A discussion of current Animal Welfare Committee (AWC) activities and Animal Control (ACO) program operations has been scheduled for the June 11, 2013 Council work session. Members of the AWC have been invited to attend the work session. Animal Control Officer Billy Dildine and I will attend to answer Council questions about ACO operations.

Attached for Council background are several items related to AWC and ACO including the:

1. Approved FY14 ACO budget
2. ACO position description
3. FY11 ACO report/presentation (an FY12/13 report is not available)
4. Resolution creating the AWC
5. AWC budget recommendations
6. Appendix A to FY14 Budget (see PS-4 and PW-1, not funded)
7. 2012 AWC Report
8. AWC position recommendation

In addition, in response to the AWC budget recommendation and Council request, Public Works has obtained three proposals to provide hot water and extend sewage to the existing animal holding building. Proposals range from \$7,300 to \$19,800. These are also attached.

Staff and AWC representatives will be present at the work session to answer Council questions.

### RECOMMENDATION

The Mayor and Council should discuss the state of the Animal Welfare Committee's programs and volunteer staffing, and operations of City Animal Control Officer functions, and decide if the Council wishes to make any changes to these, or not.

**PROGRAM NAME/NUMBER****Animal Control/2013**

**DESCRIPTION:** This program enforces both City and County animal control laws. The program goal is to protect the health, safety and welfare of the City's residents and animals. The Animal Control Officer (ACO) is on duty and patrols the City to meet variable seasonal and weekly needs. The ACO investigates all nuisance and cruelty/neglect complaints. The ACO distributes informative and educational literature to residents concerning a variety of domestic animal and wildlife topics. Stray domestic animals with identification are transported to the City animal shelter and are either returned to their owner or placed for adoption. Trapped, feral, illegal and stray animals without identification are transported to the Prince George's County Animal Management Division or cooperating animal rescue agencies. The Animal Control Officer serves as the City liaison to the Animal Welfare Committee and animal management agencies. For the convenience of City residents, Prince George's County animal licenses are sold at City Hall.

**GOALS & PERFORMANCE MEASURES:**

GOALS AND PLANNED ACCOMPLISHMENTS	PERFORMANCE MEASURES				
	EFFECTIVENESS MEASURES	FY 2012 ACTUAL	FY 2013		FY 2014 TARGET
			TARGET	ACTUAL	
1. Reduce problems with stray or nuisance animals by enforcing animal control ordinances • License all dogs and cats to aid in the prevention of rabies	Percent of residents rating animal control services as good or better	No survey	75%	61%	No survey
	Number of County animal licenses issued to City residents	437	460	TBD	TBD
2. Respond to nuisance animal and cruelty to animal complaints in a timely manner	Percent of complaints responded to within 30 minutes during on-duty hours	95%	95%	95%	95%
	Percent of priority complaints responded to within 8 hours during off-duty hours by City or County animal control officer	95%	95%	90%	90%

**PROGRAM NAME/NUMBER**

**Animal Control/2013**

**PERSONNEL EXPENDITURES:**

Authorized Positions in Full Time Equivalents (FTE's)	ACTUAL			ESTIMATED
	FY 2011	FY 2012	FY 2013	FY 2014
Animal Control Officer III	1.00	0.00	0.00	0.00
Animal Control Officer II	0.00	0.00	0.00	1.00
Animal Control Officer I	0.00	1.00	1.00	0.00
Administrative Assistant	0.00	0.00	0.00	0.05
<b>Budget Total</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.05</b>

**OPERATING EXPENDITURES**

EXPENDITURE SUPPORT DATA			PROGRAM NUMBER: 2013
Element/Object	Details	Total	
12 <u>Travel &amp; Training</u> 12-11 Travel & Training	Humane Society annual conference on animal control and welfare @ Daytona Beach, FL ..... 1,800 PAWS conference (local) ..... 200	2,000	
30 <u>Professional Services</u> 30-30 Veterinary Services	For humane care of impounded animals. (Costs are partially covered from adoption fees in Animal Control Cost Recovery, account 2013-3623.)	3,000	
34 <u>Contractual Services</u> 34-69 Rat Control	Integrated pest management plan to abate rats on public property	10,000	
36 <u>Special Services</u> 36-10 Printing	Public education materials	250	
36-23 Animal Control Cost Recovery	Animal adoption fees, microchip placement	(1,500)	
40 <u>Repair &amp; Maintenance</u> 40-11 Buildings & Grounds	Maintenance of animal shelter ..... 650 Repairs to animal shelter ..... 650	1,300	
42 <u>Cleaning Service</u> 42-10 Building	Sanitizing of animal shelter @ Public Works facility, as needed, for infectious disease control	200	
47 <u>Clothing &amp; Uniforms</u> 47-10 Clothing & Uniforms	(Replace as needed) Uniforms ..... 500 Safety shoes, 1 @ \$170 ..... 170 Fall/spring jacket, 1 @ \$75 ..... 75 Personal protective equipment ..... 75	820	
60 <u>Supplies</u> 60-10 General Supplies	Traps, flashlight/camera batteries, capture equipment ..... 600 Animal food ..... 400		

**PROGRAM NAME/NUMBER**

**Animal Control/2013**

<b>EXPENDITURE SUPPORT DATA</b>		<b>PROGRAM NUMBER: 2013</b>	
<b>Element/Object</b>	<b>Details</b>	<b>Total</b>	
	Supplies for shelter and vehicle .....	1,300	2,300
61	<u>Office Supplies</u> 61-10 Office Supplies		150
66	<u>Telephone &amp; Communications</u> 66-12 Cellular Phone	Monthly service @ \$40, 1 phone	480
67	<u>Dues &amp; Publications</u> 67-10 Dues	MWCOG Animal Services Committee ..... 100 Humane Society, PAWS ..... 100	200
	67-20 Publications	Reference books	100

**CAPITAL OUTLAY:** None

<b>RELATED REVENUES</b>		<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2013</b>	<b>FY 2014</b>
		<b>ACTUAL</b>	<b>ACTUAL</b>	<b>BUDGET</b>	<b>ACTUAL</b>	<b>BUDGET</b>
341.30	Animal Control Impound Fees	200	125	200	75	100
341.31	Animal Control Boarding Fees	240	30	150	0	100
359.20	Animal Fines	200	0	200	300	200
366.50	Animal License Commission	1,461	1,331	1,400	1,356	1,500
	<b>TOTAL</b>	<b>2,101</b>	<b>1,486</b>	<b>1,950</b>	<b>1,731</b>	<b>1,900</b>

CITY OF COLLEGE PARK  
 EXPENDITURE BUDGET WORKSHEET  
 FOR FISCAL YEAR 2014

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 2011 ACTUAL	FY 2012 ACTUAL	FY 2013 ADJUSTED BUDGET	FY 2013 Y-T-D ACTUAL	FY 2014 CITY MGR REQUEST
DEPT 20 PUBLIC SERVICES						
DIV 13 ANIMAL CONTROL						
SUB 0 PUBLIC SERVICES						
ELEM 10 PAYROLL-WAGES						
2013-520.10-02	HOURLY	44,519	34,646	37,551	27,932	43,733
2013-520.10-03	OVERTIME	1,618	1,358	1,500	2,183	3,000
2013-520.10-10	NIGHT SHIFT DIFFERENTIAL	0	0	100	0	100
*	PAYROLL-WAGES	46,137	36,004	39,151	30,115	46,833
ELEM 11 FRINGE BENEFITS						
2013-520.11-10	FICA	2,622	2,660	2,896	2,221	3,429
2013-520.11-12	HEALTH INSURANCE	4,431	4,310	4,250	3,421	6,194
2013-520.11-13	DENTAL INSURANCE	278	266	278	201	328
2013-520.11-14	LIFE INSURANCE	94	113	141	117	183
2013-520.11-15	VISION INSURANCE	96	93	99	72	115
2013-520.11-17	457 CITY MATCH CONTRIBUTN	522	520	521	369	547
2013-520.11-18	RETIREMENT	377	2,342	2,545	1,795	3,045
2013-520.11-21	WORKERS COMPENSATION INS	1,325	1,332	1,316	1,004	1,356
2013-520.11-22	LONG TERM DISABILITY INS	131	128	146	103	170
*	FRINGE BENEFITS	9,876	11,764	12,192	9,303	15,367
ELEM 12 TRAVEL & TRAINING						
2013-520.12-10	NON TRAINING TRAVEL	51	0	0	0	0
2013-520.12-11	TRAVEL & TRAINING	1,874	1,796	2,000	0	2,000
*	TRAVEL & TRAINING	1,925	1,796	2,000	0	2,000
ELEM 20 OVERHEAD						
2013-520.20-10	INSURANCE	1,778	1,736	1,594	1,196	1,417
2013-520.20-11	AUTOMOTIVE	13,411	13,786	14,929	11,197	15,056
2013-520.20-12	POSTAGE	151	212	320	275	320
2013-520.20-17	COPIER	0	22	252	28	288
*	OVERHEAD	15,340	15,756	17,095	12,696	17,081
ELEM 30 PROFESSIONAL SERVICES						
2013-520.30-30	VETERINARY SERVICES	2,346	5,131	3,000	2,353	3,000
*	PROFESSIONAL SERVICES	2,346	5,131	3,000	2,353	3,000
ELEM 34 CONTRACTUAL SERVICES						
2013-520.34-69	RAT CONTROL	15,000	14,250	15,000	10,680	10,000
*	CONTRACTUAL SERVICES	15,000	14,250	15,000	10,680	10,000
ELEM 36 SPECIAL SERVICES						
2013-520.36-10	PRINTING	217	367	250	60	250
2013-520.36-23	ANIMAL CTRL COST RECOVERY	174-	2,455-	1,500-	3,480-	1,500-
*	SPECIAL SERVICES	43	2,088-	1,250-	3,420-	1,250-
ELEM 40 REPAIR & MAINTENANCE						
2013-520.40-11	BUILDINGS & GROUNDS	0	79	1,300	0	1,300
*	REPAIR & MAINTENANCE	0	79	1,300	0	1,300
ELEM 42 CLEANING SERVICE						
2013-520.42-10	BUILDING	0	0	200	0	200
*	CLEANING SERVICE	0	0	200	0	200
ELEM 47 CLOTHING & UNIFORMS						
2013-520.47-10	CLOTHING & UNIFORMS	559	360	820	49	820
*	CLOTHING & UNIFORMS	559	360	820	49	820
ELEM 60 SUPPLIES						
2013-520.60-10	GENERAL SUPPLIES	2,169	969	2,300	1,706	2,300
*	SUPPLIES	2,169	969	2,300	1,706	2,300
ELEM 61 OFFICE SUPPLIES						
2013-520.61-10	OFFICE SUPPLIES	50	58	150	27	150
*	OFFICE SUPPLIES	50	58	150	27	150
ELEM 66 TELEPHONE & COMMUNICATION						

CITY OF COLLEGE PARK  
 EXPENDITURE BUDGET WORKSHEET  
 FOR FISCAL YEAR 2014

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 2011 ACTUAL	FY 2012 ACTUAL	FY 2013 ADJUSTED BUDGET	FY 2013 Y-T-D ACTUAL	FY 2014 CITY MGR REQUEST
DEPT 20 PUBLIC SERVICES						
DIV 13 ANIMAL CONTROL						
SUB 0 PUBLIC SERVICES						
ELEM 66 TELEPHONE & COMMUNICATION						
2013-520.66-12	CELLULAR PHONE	398	363	480	214	480
*	TELEPHONE & COMMUNICATION	398	363	480	214	480
ELEM 67 DUES & PUBLICATIONS						
2013-520.67-10	DUES	0	0	200	50	200
2013-520.67-20	PUBLICATIONS & BOOKS	0	0	100	0	100
*	DUES & PUBLICATIONS	0	0	300	50	300
ELEM 69 MISCELLANEOUS CHARGE						
2013-520.69-10	MISCELLANEOUS	0	193	0	34	0
*	MISCELLANEOUS CHARGE	0	193	0	34	0
ELEM 98 COMPUTER HDWE & SOFTWARE						
2013-520.98-10	COMPUTER HARDWARE	1,795	0	0	0	0
*	COMPUTER HDWE & SOFTWARE	1,795	0	0	0	0
**	ANIMAL CONTROL	95,638	84,635	92,738	63,807	98,581

CITY OF COLLEGE PARK, MARYLAND

CLASS SPECIFICATION

**CLASS TITLE:** ANIMAL CONTROL OFFICER I

**FLSA Status:** Nonexempt

**GENERAL CLASS DESCRIPTION:** Positions in this classification work in a training capacity and provide animal control services for domestic and wild animals throughout the City. Work involves patrolling the City and responding to calls regarding stray, diseased, potentially harmful or other suspicious animals. Enforces the City ordinances regarding domestic animals. Work is performed under the direct and close supervision of the Public Services Director or assigned supervisor.

**ESSENTIAL JOB FUNCTIONS:**

**The following duties are typical for this classification. Not all the listed duties may be required and other duties may be required or assigned.**

- Patrols the City to identify and pick up stray, abandoned, and diseased animals, and animals kept in violation of City ordinances. Picks up dead or injured animals. Takes domestic animals to the City compound to be held for potential pick up by owners.
- Responds to calls and complaints from citizens regarding vicious, diseased or stray animals; and picks up suspicious animals.
- Transports diseased, vicious and potentially harmful animals to the County Shelter. Transports unclaimed domestic animals from the City compound to the County Shelter.
- Investigates animal nuisance and dog bite complaints. Impounds dogs suspected of biting citizens.
- Issues citations to citizens regarding noncompliance with City ordinances, laws and regulations for animal control.
- Responds to citizen requests to search homes for suspected wild animals such as bats racoons, or snakes. Sets traps for wild animals and transports them from citizens' properties to more appropriate locations.

**KNOWLEDGES, SKILLS AND ABILITIES REQUIRED TO PERFORM ESSENTIAL FUNCTIONS.**

**Technical Knowledge:**

- Some knowledge of the City ordinances, laws and regulations related to the capture, custody and disposition of animals.
- Some knowledge of the layout and geography of the City.
- Some knowledge of the safety issues, risks and appropriate techniques for handling, capturing, and transporting animals.

**Physical Requirements:**

- Ability to trap, lift and transport animals.

## ANIMAL CONTROL OFFICER I

- Ability to operate a light truck used in patrolling for and transporting animals.
- Ability to stoop, crawl and climb in order to investigate and/or locate animals.

### Language Ability & Interpersonal Communications:

- Ability to communicate and effectively work with citizens regarding stray, diseased or potentially harmful animals and issues of noncompliance with City laws and ordinances pertaining to animal control.
- Ability to read and follow oral and written instructions. Ability to write in order to convey information, and to record information concerning patrol routes and ordinance violations.

### Environmental Adaptability

- Work is regularly performed outdoors which requires ability to work in varying weather conditions.
- Work occasionally requires crawling into small spaces or climbing ladders to inspect for loose animals.

### ACCEPTABLE TRAINING AND EXPERIENCE

Requires graduation from high school or equivalent with up to one year of experience performing related animal control duties; or an equivalent combination of training and experience which provides the required knowledges, skills and abilities.

Additional Requirements: Valid driver's license.

*College Park is an Equal Opportunity Employer. In compliance with the American with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

CITY OF COLLEGE PARK, MARYLAND

CLASS SPECIFICATION

CLASS TITLE: ANIMAL CONTROL OFFICER II

FLSA Status: Nonexempt

GENERAL CLASS DESCRIPTION: Positions in this classification provide animal control services for domestic and wild animals throughout the City. Work involves patrolling the City and responding to calls regarding stray, diseased, potentially harmful or other suspicious animals. Enforces the City ordinances regarding domestic animals. Work is performed under the supervision of the Public Services Director or assigned supervisor.

ESSENTIAL JOB FUNCTIONS:

*The following duties are typical for this classification. Not all the listed duties may be required and other duties may be required or assigned.*

- Patrols the City to identify and pick up stray, abandoned, and diseased animals, and animals kept in violation of City ordinances. Picks up dead or injured animals. Takes domestic animals to the City compound to be held for potential pick up by owners.
- Responds to calls and complaints from citizens regarding vicious, diseased or stray animals; and picks up suspicious animals.
- Transports diseased, vicious and potentially harmful animals to the County Shelter. Transports unclaimed domestic animals from the City compound to the County Shelter.
- Investigates animal nuisance and dog bite complaints. Impounds dogs suspected of biting citizens.
- Issues citations to citizens regarding noncompliance with City ordinances, laws and regulations for animal control.
- Responds to citizen requests to search homes for suspected wild animals such as bats racoons, or snakes. Sets traps for wild animals and transports them from citizens' properties to more appropriate locations.

KNOWLEDGES, SKILLS AND ABILITIES REQUIRED TO PERFORM ESSENTIAL FUNCTIONS.

Technical Knowledge:

- Considerable knowledge of the City ordinances, laws and regulations related to the capture, custody and disposition of animals.
- General knowledge of the layout and geography of the City.
- General knowledge of the safety issues, risks and appropriate techniques for handling, capturing, and transporting animals.

Physical Requirements:

- Ability to trap, lift and transport animals.
- Ability to operate a light truck used in patrolling for and transporting animals.

- Ability to stoop, crawl and climb in order to investigate and/or locate animals.

Language Ability & Interpersonal Communications:

- Ability to communicate and effectively work with citizens regarding stray, diseased or potentially harmful animals and issues of noncompliance with City laws and ordinances pertaining to animal control.
- Ability to read and follow oral and written instructions. Ability to write in order to convey information, and to record information concerning patrol routes and ordinance violations.

Environmental Adaptability

- Work is regularly performed outdoors which requires ability to work in varying weather conditions.
- Work occasionally requires crawling into small spaces or climbing ladders to inspect for loose animals.

**ACCEPTABLE TRAINING AND EXPERIENCE**

Requires graduation from high school or equivalent with 1 - 2 years of experience performing related animal control duties; or an equivalent combination of training and experience which provides the required knowledges, skills and abilities.

Additional Requirements: Valid driver's license.

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**CITY OF COLLEGE PARK, MARYLAND**

**CLASS SPECIFICATION**

**CLASS TITLE:** ANIMAL CONTROL OFFICER III

**FLSA Status:** Nonexempt

**GENERAL CLASS DESCRIPTION:** Positions in this classification coordinate the animal control services for domestic and wild animals throughout the City, providing educational outreach to the community as well as active animal control activities. In addition to patrolling the City and responding to calls regarding stray, diseased, potentially harmful or other suspicious animals, incumbent maintains database of activities, researches and prepares code amendments and educational articles for publication and distribution. May train and supervise employees in Animal Control Officer I and II positions. This class is distinguished from the Animal Control Officer II class by the required administrative and educational responsibilities which are not assigned to the latter. Work is performed under the supervision of the Public Services Director or assigned supervisor.

**ESSENTIAL JOB FUNCTIONS:**

**The following duties are typical for this classification. Not all the listed duties may be required and other duties may be required or assigned.**

- Patrols the City to identify and pick up stray, abandoned, and diseased animals, and animals kept in violation of City ordinances. Picks up dead or injured animals.
- Responds to calls and investigates complaints from citizens regarding vicious, diseased, stray or abused animals; and picks up and transports animals to the City compound or County shelter as needed.
- Maintains database of activities for program evaluation and budget projections; is responsible for program budget expenditures.
- Develops and implements licensing control and other community educational programs; writes articles and attends meetings of community and professional groups.
- Issues citations to citizens regarding noncompliance with City and/or County ordinances, laws and regulations for animal control.
- Trains and supervises subordinate Animal Control Officers as assigned, planning and evaluating performance as needed.

**KNOWLEDGES, SKILLS AND ABILITIES REQUIRED TO PERFORM ESSENTIAL FUNCTIONS.**

**Technical Knowledge:**

- Considerable knowledge of the City ordinances, laws and regulations related to the capture, custody and disposition of animals.
- General knowledge of the layout and geography of the City.
- Considerable knowledge of the safety issues, risks and appropriate techniques for handling, capturing, and transporting animals.
- General knowledge of the principles and practices of supervision

**Physical Requirements:**

- Ability to stoop, crawl and climb in order to locate, trap, lift and transport animals.
- Ability to operate a light truck used in patrolling for and transporting animals.
- Ability to operate a variety of automated office equipment including personal computers.

**Language Ability & Interpersonal Communications:**

- Ability to communicate and effectively work with citizens regarding stray, diseased or potentially harmful animals and issues of noncompliance with City laws and ordinances pertaining to animal control and program activities.
- Ability to read and follow oral and written instructions. Ability to write program reports, informational articles, performance evaluations and information for presentation.
- Ability to effectively plan, supervise and evaluate the work of subordinates

**Environmental Adaptability**

- Work is regularly performed outdoors which requires ability to work in varying weather conditions.
- Work occasionally requires crawling into small spaces or climbing ladders to inspect for loose animals.

**ACCEPTABLE TRAINING AND EXPERIENCE**

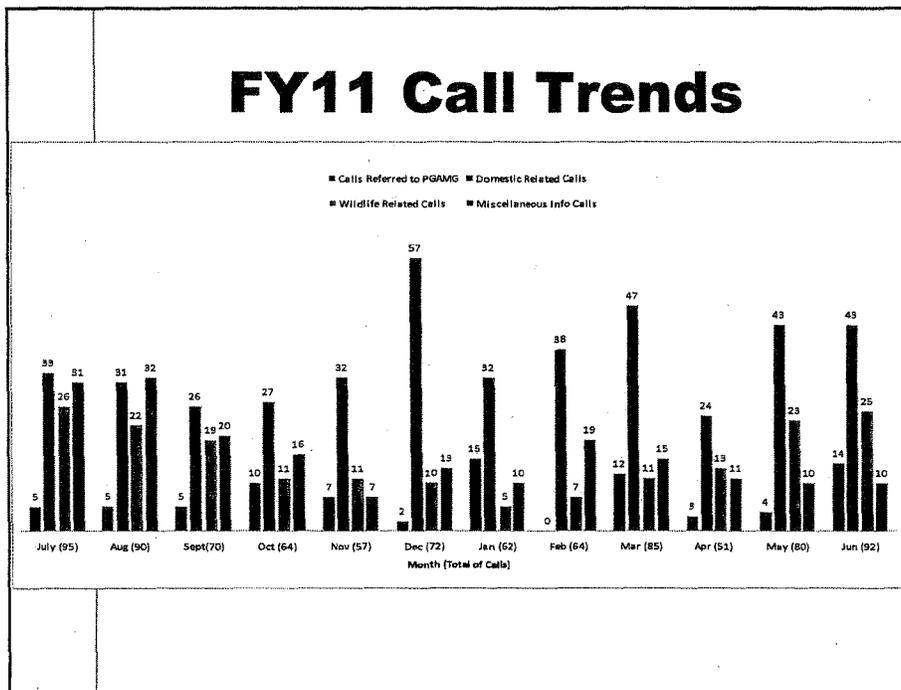
Requires graduation from high school or equivalent plus additional training in animal behavior, protection, care or related activities; 3 - 5 years of animal control experience; or any equivalent combination of training and experience which provides the required knowledges, skills and abilities.

**Additional Requirements:** Valid driver's license.

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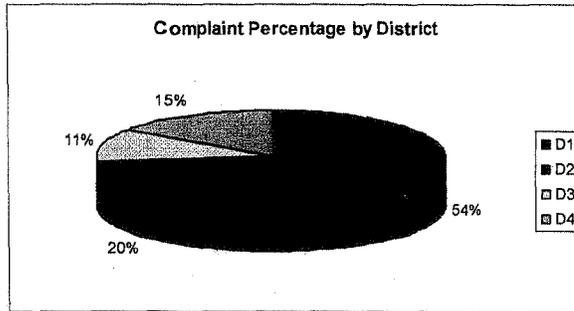
# City of College Park Animal Control Program

## An FY11 Snapshot

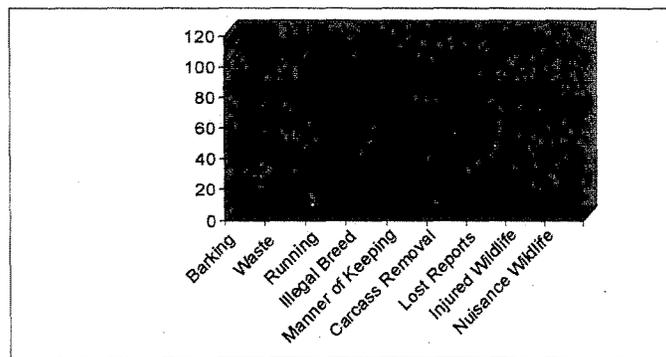


## Complaints Received

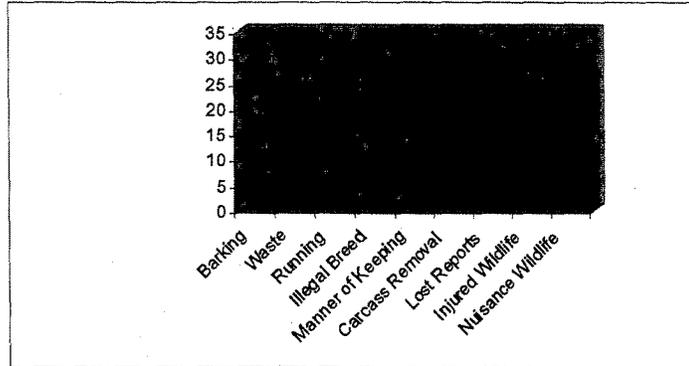
- ACO received **493** complaints from city residents during FY11 (not including routine phone calls for general information, follow up calls for violation notices, adoption inquiries, or out of jurisdiction complaints).



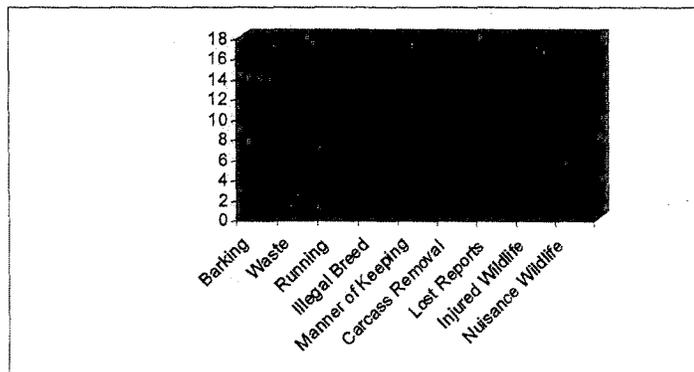
## District 1 Complaints



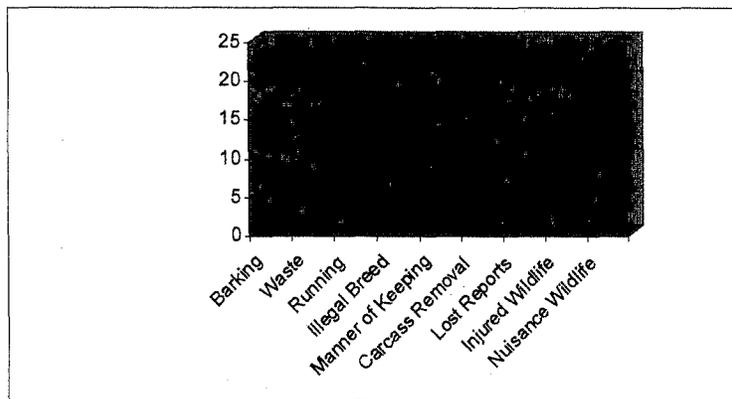
## District 2 Complaints



## District 3 Complaints



## District 4 Complaints



## Animal Code Enforcement

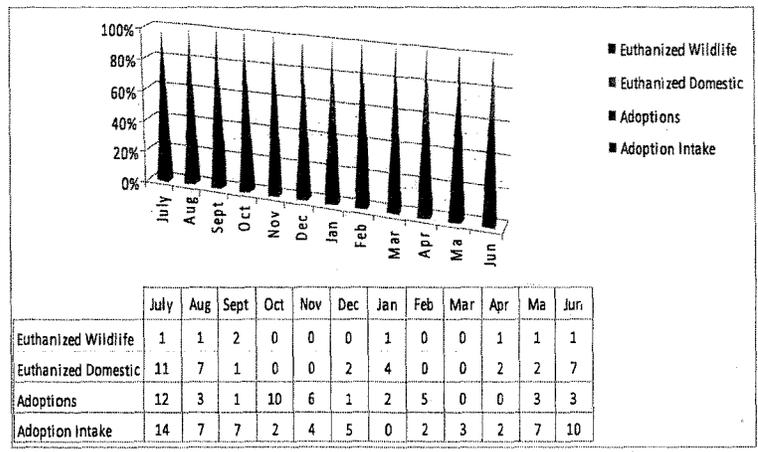
### ■ 196 Violation Notices Issued by ACO

- Running at Large: 48
- Licensing: 87
- Animal Waste: 12
- Illegal Animal: 14
- Cruelty/Neglect: 21
- Noise/Barking: 14

### ■ 22 Municipal Infractions Issued by ACO

- Licensing: 11
- Running at Large: 8
- Cruelty/Neglect: 3

## Animal Handling Trends



## Animal Control Training

- Bloodsports Introduction to Investigation of Animal Fighting
- East Coast Animal Control Officer's Academy
- American Biological Safety Association Working with Animals Biosafety Level 1
- American Biological Safety Association Working with Animals Biosafety Level 2
- Bloodborne Pathogens General Training
- Officer Survival of Aggressive and Dangerous Dogs
- Elanco Shelter Medicine Presentation
- 2nd Annual Animal Law Symposium
- NACA Level 3 certifications in Bite Stick, OC Spray, Chemical Immobilization, and Euthanasia
- PetCo Charities "Adoption Options" Conference

## **Animal Welfare Committee**

- Initiated "Keep me at Home" and "It's too Hot..." public education campaigns
- Purchased and installed new Air Conditioning unit in animal holding facility
- Purchased screen door for installation into animal holding facility
- Promoted city adoption program at such events as CP Woods Neighborhood Picnic and Maryland Day
- Raising funds for cataract surgery of cat
- Members foster adoptable animals
- Developed and maintains CPAC "Facebook" networking page for advertisement of adoptable animals
- Assist with cleaning, feeding, and walking of animals being sheltered in the animal holding facility

## **Proposed Adoption Fees: \$150/dog; \$100 - \$75/cat**

- City of Bowie: No local adoption program
- City of Greenbelt: \$100/dog; \$60/cat
- City of Laurel: No local adoption program
- City of New Carrollton: No local adoption program
- Companion Animal Rescue Alliance: \$350 - \$150/dog; \$130 - \$110/cat
- Last Chance Animal Rescue: \$135/cat
- Partnership for Animal Welfare: \$225/dog; \$105/cat
- PGAMG: \$200/dog; \$150/cat
- PGSPCA: \$180/dog; \$85/kitten; \$75 - \$85/cat
- Rude Ranch Animal Rescue: \$125/cat
- Washington Animal Rescue League: \$250/dog; \$100 - \$50/cat
- Washington Humane Society: \$170/dog; \$85/cat

# Animal Control at a Glance

The College Park Animal Control Program

## What Animal Control Was (pre-2000)

- ▶ Dog Catcher driving around the neighborhoods picking up stray animals
- ▶ Licensed animals (with tags) were returned to their owners
- ▶ Unlicensed animals were held at city facility temporarily then transported to the County Facility at the end of hold time

## Evolution of Animal Control

“ Animal Control is a critical component of public health and safety that functions on a local level. Encompassing public service, law enforcement, education, and animal protection, today’s animal control agencies perform far beyond the agencies of even 20 years ago.

“Long gone are the days of the ‘dog catcher’.”  
– NACA Training Guide

## Animal Control Today

“Today, Animal Control is so much more than just picking up stray animals, but relates to all the many facets of animal welfare including, but not limited to, animal abuse, cruelty, animal neglect, investigation of animal bites, education, shelter operations, adoptions and more.

Animal Control has a huge responsibility, not only to the communities they serve, but to the animals and their welfare.”

– NACA Training Guide

## Animal Control in College Park

- ▶ The program has evolved significantly over the past 10 years. Following the nationally recognized standards for animal care and Animal Control Officer training, our program has become more professional. Focused on public safety and health, the program now includes a wide range of duties.



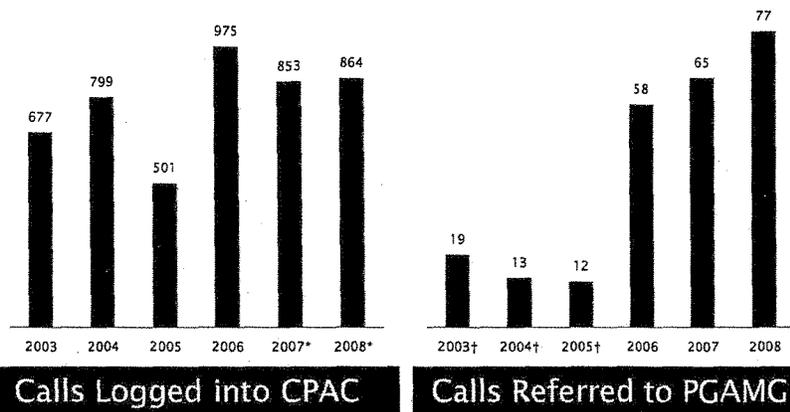
## City of College Park Program

- ▶ Patrol for Stray Animals
- ▶ Investigate Complaints
  - Nuisance
  - Cruelty
- ▶ Investigate Bite Reports
  - Initiation
  - Follow-Up/Release
- ▶ Carcass Removal
  - Domestic
  - Wildlife
- ▶ Licensing
  - Enforcement
  - Education
- ▶ Rat Control Quality Control
- ▶ Pet Ownership Education
  - Spay/Neuter Programs
  - Anti-Rabies Compliance
  - Microchip Clinics
- ▶ Nuisance Wildlife
  - Education
  - Capture/Removal
- ▶ Adoption Facilitation
  - Cats
  - Dogs
- ▶ Shelter Management
  - Husbandry
  - Basic Medical Care
- ▶ City Liaison to Residents for animal issues.

# Animal Control Enforcement

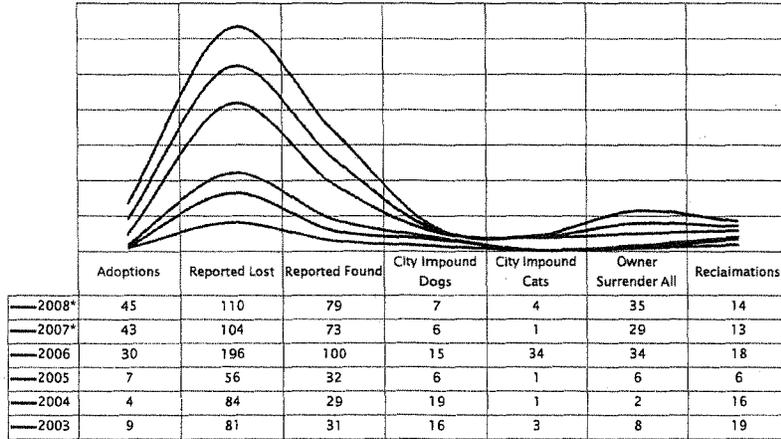
- ▶ College Park City Code
  - Animal Waste
  - Restraint
- ▶ Prince George's County Ordinance  
(adopted by City Code)
  - Illegal Breed Determination
  - Cruelty & Neglect
- ▶ Maryland State & Federal Laws
  - Bloodsport Investigations
  - Exotic Animals

## Calls to CP Animal Control 2003 - 2008

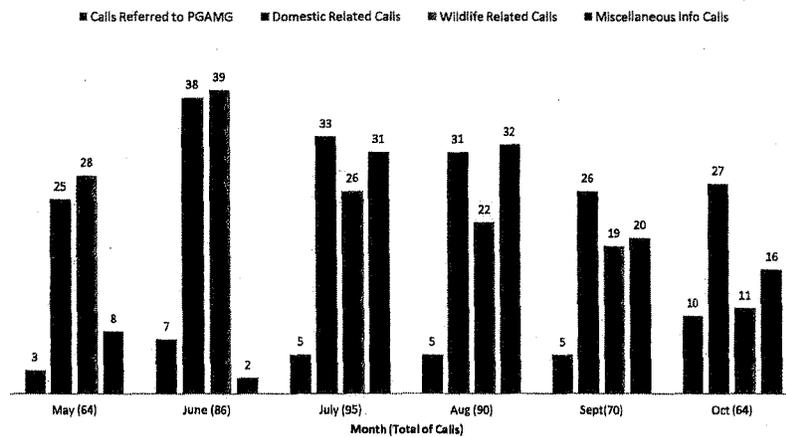


\* Years 2007 - 2008 may not be 100% accurate due to missing or unfiled reports  
 † Years 2003 - 2005 may not be accurate due to change in dat

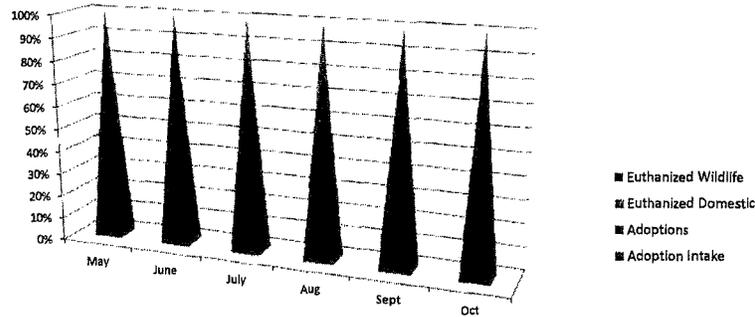
## City Trends 2003 - 2008



## Six Month Call Trends May - October 2010



## Six Month Animal Handling Trends May - October 2010



	May	June	July	Aug	Sept	Oct
Euthanized Wildlife	3	0	1	1	2	0
Euthanized Domestic	0	0	11	7	1	0
Adoptions	1	4	12	3	1	10
Adoption Intake	9	5	14	7	7	2

## City Shelter Facility

- ▶ City Code requires stray animals to be held for a minimum of 3 or 5 days.
- ▶ Maximum capacity of current shelter: 12 cats
- ▶ Large dogs are boarded at a third party facility within the city via verbal agreement with owner.
- ▶ AWC attempts to increase number of foster homes for cats and dogs, thus reducing sheltered and boarded animals.
- ▶ AWC attempts to find homes for healthy, adoptable companion animals.

## Animal Control Cost Recovery

- ▶ Newly added line item to AC budget which will better show reimbursement income of incurred costs.
- ▶ Such income will reflect:
  - Adoption fees
  - Boarding and Overhead Fees charged to owners of impounded animals, per the City code
  - Microchip service fees
- ▶ AWC donations will still deposit into AWC account.

## Proposed Improvements to the Program

- ▶ Increase AWC volunteer interaction with adoption program to include:
  - A regular schedule of daily chores
  - Marketing and advertisement of adoptive animals
  - Adoption events and fairs
  - Increased public awareness of the in-city adoption program.
  - Network with rescue groups to transfer animals
- ▶ ACO interaction with adoption program would be limited to:
  - Intake and assessment of animals into program
  - Oversee medical management of adoptive animals

## Concerns of the Program

- ▶ County Program Duplication
  - Similar to County Police, Code Enforcement, etc
  - a municipal Animal Control Officer provides a higher level of public service
- ▶ Limit Budget Requests With:
  - AWC Fundraisers
  - Private Donors
  - Grant Requests
  - Pro-Bono Service Work
  - Contract Vet Services

## Conclusion

- ▶ Continuation of the Animal Control Program in the current direction and/or with the incorporation of the proposed improvements should not create an additional burden on the City budget.
- ▶ Proper marketing of the adoption program should allow for quick turnover of impounded animals.
- ▶ Citizens of College Park feel comfortable knowing that surrendered or found animals will have a chance to be re-homed, rather than face immediate euthanasia.

AMENDMENT TO RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE CITY OF COLLEGE PARK  
ESTABLISHING AN ANIMAL WELFARE COMMITTEE

WHEREAS, the Mayor and Council adopted Resolution 07-R-17, which established an Animal Welfare Committee; and

WHEREAS, the Mayor and Council have determined that it is appropriate to increase the maximum number of members of the Committee from eleven to fifteen.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park, Maryland, that the resolution constituting the Animal Welfare Committee be and it hereby amended to read as follows:

BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of College Park that an Animal Welfare Committee be and it is hereby established.

I. PURPOSE

The purpose of the Animal Welfare Committee is as follows:

- A. Address issues related to domestic and wild animals in the City of College Park;
- B. Work with the City Animal Control Officer to plan activities and initiatives to promote animal welfare;
- C. Educate the community about responsible pet ownership, wildlife management and pest control;
- D. Advise the Mayor and Council on animal welfare related issues; and
- E. Coordinate with animal welfare and rescue organizations.

II. COMPOSITION AND TERM

The committee shall be composed of up to [~~eleven~~] FIFTEEN members. The committee members shall be appointed by the Mayor and Council for three-year terms. A committee member may carry over in his term to and until the time that a successor is appointed.

CAPS : Indicate matter added to existing law.  
[Brackets] : Indicate matter deleted from law.  
Asterisks \*\*\* : Indicate matter remaining unchanged in existing law but not set forth in the Resolution

**INTRODUCED** and **ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 13th day of July, 2010.

**EFFECTIVE** the 13th day of July, 2010.

**ATTEST:**

**THE CITY OF COLLEGE PARK,  
MARYLAND**

By: Janeen S Miller  
Janeen S. Miller, City Clerk

By: Andrew M. Fellows  
Andrew M. Fellows, Mayor

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

Suellen M. Ferguson  
Suellen M. Ferguson, City Attorney

CAPS : Indicate matter added to existing law.  
[Brackets] : Indicate matter deleted from law.  
Asterisks \*\*\* : Indicate matter remaining unchanged in existing law but not set forth in the Resolution

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK ESTABLISHING AN ANIMAL WELFARE COMMITTEE

BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of College Park that an Animal Welfare Committee be and it is hereby established:

I. PURPOSE

The purpose of the Animal Welfare Committee is as follows:

- A. Address issues related to domestic and wild animals in the City of College Park;
- B. Work with the City Animal Control Officer to plan activities and initiatives to promote animal welfare;
- C. Educate the community about responsible pet ownership, wildlife management and pest control;
- D. Advise the Mayor and Council on animal welfare related issues; and
- E. Coordinate with animal welfare and rescue organizations.

II. COMPOSITION AND TERM

The committee shall be composed of up to eleven members. The committee members shall be appointed by the Mayor and Council for three year terms. A committee member may carry over in his term to and until the time that a successor is appointed.

INTRODUCED and ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 13<sup>th</sup> day of June 2007.

EFFECTIVE the 13<sup>th</sup> day of June, 2007.

ATTEST:

THE CITY OF COLLEGE PARK,  
MARYLAND

By: Janeen S. Miller  
Janeen S. Miller, City Clerk

By: [Signature]  
Stephen A. Brayman, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

[Signature]  
Suellen M. Ferguson, City Attorney

## Attachment 5

The ~~Animal Welfare Committee (AWC)~~ is requesting that the FY 2014 budget include additional staffing for the shelter and running hot and cold water inside the shelter.

Request: Staff coverage of the shelter on days when the City's Animal Control Officer is not working. PS-44

Rational: When animals are housed at the shelter it requires at least a daily visit to care for the animals (more frequent when dogs are housed). With only one full-time staff member assigned to animal control duties, including the care of animals in the shelter, gaps in coverage exist.

Background: AWC volunteers have been assisting by providing coverage on weekends, holidays and days when the Animal Control Officer is on leave. AWC members are also providing daily coverage at the City's adoption partner PETCO. There are currently only five AWC members who provide coverage for both locations. Recent recruitment efforts in the City have not been fruitful. The AWC is currently reaching out to UMD students.

Suggested Solution: Cross-training of existing code enforcement or parking staff to provide coverage on the Animal Control Officer's days off and most weekends. AWC would continue to provide coverage at the shelter on holidays, as back-up on the weekends and at PETCO.

In the alternative, a new part-time position with shelter duties and code enforcement function could be added. This position would be hired for coverage on weekends, holidays and days when the full-time Animal Control Officer is not on duty.

Request: Hot and cold running water inside the shelter. PW-1

Rational: Currently only cold water is available for washing and sterilizing supplies and cleaning at the shelter. The current source of water is located outside. Feeding and drinking bowls and utensils cannot be properly sanitized due to the lack of hot water. AWC members and the Animal Control Officer are exposed to the elements when securing water. Monetary costs of this improvement will be offset by unutilized budget allocations that have already been allotted for the shelter, as described below.

Background: The shelter is housed in a small building in the public works yard. The building does not have indoor plumbing. Most times twigs and tree debris need to be removed from the sink and drain. When the weather is extremely cold use of cold water to wash dishes and secure drinking water can be extremely uncomfortable.

Currently the water from the sink drains back onto the ground directly below sanitary sink creating the potential for wet feet while using the sink. It is our understanding that flexible piping will be installed in the near future to redirect the drainage away from the sink and our feet.

**Appendix "A"**  
**FY2014 Mayor & Council Wish List**  
 (includes a request from Animal Welfare Committee)

	POTENTIAL FY 2014 BUDGET IMPACT
<u>NOTE:</u> In order to facilitate obtaining quotes for these items, they have been grouped by department with primary responsibility for the service or function. Following each item is the name of the councilmember(s) who requested that the item be priced and their cost estimate (if provided).	Wish list items already included in the Requested Budget are noted in this column with the account number or program.

<b>Public Services</b>		
PS-1	Increase part-time code enforcement staff to cover noise enforcement (\$150,000) (Stullich)	The FY 2014 requested budget includes 2 new part-time Code Enforcement Officer I positions (0.50 FTE each) in Public Services-Code Enforcement 2012, including noise certification training and required uniforms for each, for a total cost of \$56,500. New part-time staff will share workstations and vehicles with existing Code Enforcement staff.
PS-2	Purchase ID scanner requested by UMDPS for use in issuing citations in lieu of arrest for certain misdemeanor crimes (\$25,000) (Stullich)	Staff will reimburse UMDPS for the purchase of the ID scanner at \$24,500 in FY 2013 using unused snow removal budgeted funds.
PS-3	Purchase and install 2 security cameras with license plate readers (LPR) in Calvert Hills, one at Guilford Road & Wake Forest Drive and the second at Guilford Road & Rhode Island Avenue (\$50,000) (Stullich)	Public Services will investigate the feasibility of these installations with the CCTV vendor. If feasible, would be funded in FY 2013 using unused snow removal budgeted funds.
PS-4	Provide staff coverage for the animal control shelter in the Public Works yard when the City's animal control officer is not working (request from Animal Welfare Committee)	Hold for discussion at budget worksession.

<b>Planning</b>		
Plng-1	Budget for the remainder of the 2013 farmers market and the first half of the 2014 market (Stullich)	The FY 2014 requested budget includes funding for these items less the \$5,000 2014 DCPMA contribution in Planning-Economic Development 3014-3836 (\$24,475).

<b>Public Works</b>		
PW-1	Install hot and cold running water inside the animal control shelter in the Public Works yard (request from Animal Welfare Committee)	Public Works staff is investigating the feasibility of this request and will provide information and preliminary cost estimates at the budget worksession.

**Bob Ryan**

---

**From:** Harriet McNamee [hmnamee1@verizon.net]  
**Sent:** Wednesday, February 06, 2013 10:02  
**To:** Bob Ryan  
**Subject:** Letter and report from Animal Welfare Committee  
**Attachments:** aco.final[1].doc; AWC accomplishments 2012.docx

February 6, 2013  
Mr. Robert W. Ryan  
Director of Public Services

Dear Mr. Ryan:

The Animal Welfare Committee (AWC) would like to take the new year and the impending military leave of the City's Animal Control Officer as an opportunity to update the Mayor, City Council, and the City Manager about the AWC's 2012 accomplishments and to make our recommendations for 2013.

We are pleased to let you know how the AWC has been working in coordination with Vivian Cooper, the City's Animal Control Officer, to enhance animal welfare in College Park. The attached 2012 summary provides an overview of the AWC's activities last year. As you will see, our committee members spent many hours at the City's shelter and at Petco, our adoption partner, assisting with the care of animals who are now adopted into loving families. Our committee feels strongly that the adoption program and the shelter are essential elements of the City's animal welfare program.

To that end, the AWC is concerned by the recent posting for temporary animal welfare control officer(s) during Ms. Cooper's leave. The posting does not mention either the current adoption program or the shelter. While our committee is willing to assist, we are not prepared to take over the adoption program.

In accordance with the AWC's directive to advise the Mayor and Council on animal welfare issues in the City, the AWC is recommending that the adoption program and the operation of the City's shelter be incorporated into the City's strategic plan and budget. To assist the City Manager, we have drafted a job description that more accurately portrays the duties of the City's Animal Control Officer; the draft position description is attached for your review.

We feel strongly that the adoption program and the City's shelter are important programs that have support of our residents; we urge you to act to ensure their continued and uninterrupted operation. Our committee members are available to meet with you individually or to attend a Council work session. Thank you in advance for your time and attention.

Sincerely,

Linda Lachman, [lindalachman@verizon.net](mailto:lindalachman@verizon.net)  
Harriet McNamee, [hmnamee1@verizon.net](mailto:hmnamee1@verizon.net)  
AWC Co-Chairs

TO: College Park Mayor, Members of City Council, and City Manager  
Cc: Bob Ryan  
Encl: Job description  
Annual report

## Animal Welfare Committee Report to Mayor and City Council for 2012

The Animal Welfare Committee (AWC) is pleased to present this report on our activities during 2012. Members of the committee are dedicated to helping animals in our community and supporting the work of the Animal Control Officer (ACO). We believe that our work contributes to making College Park a livable, humane, family-friendly community.

### Animal Care Education

A core responsibility of the committee is educating residents about responsible care of companion animals and the treatment of wildlife. This year committee members participated, along with ACO Cooper, in three community events: Maryland Day in April, College Park Woods Community Picnic in June, and the annual College Park Day in October. AWC members talked with residents about our work, and gave out literature on management of "nuisance" wildlife, animal adoptions, microchipping pets, and other related topics. AWC co-chair Linda Lachman writes a blog on the College Park Patch that has given visibility to the work of the AWC, cats and dogs available for adoption, and proper care for companion animals. In addition, committee members informally help their neighbors with questions about wildlife and animal care.

### Shelter Coverage

Committee members helped with the care of cats, dogs, and the occasional rabbit at the shelter. This included coverage of days off, holidays, and the times ACO Cooper was at a conference or on vacation. Members also included took on spring and summer house cleanings, during which we removed all the furnishings; scrubbed the walls and floor; power washed cages, carriers, and litter pans; and cleaned the patio. During the year we contributed 267 hours of service at the shelter.

### Petco Partnership

The Animal Welfare Committee became an Adoption Partner of the Petco Foundation in late March. As part of this arrangement, the Petco store on Route 1 in Beltsville has featured cats from the shelter at the front of their store. AWC volunteers, along with assistance of Petco staff, provide care for the cats. AWC volunteers have contributed approximately 233 hours at Petco. So far, we have had successful adoptions of 28 of our cats. In addition, we have received donated supplies (litter, food) from the store and a contribution of \$300 from the Petco Foundation. This has been a particularly fruitful association for us because it has given visibility to the cats who are available for adoption. Feedback we have gotten has indicated that these companion cats have brought enormous joy to the lives of the adopting families.

### Fundraising

In order to supplement the city budget to help pay for extraordinary medical costs, the committee conducts fundraising activities. This year College Park resident Linda Gill

donated a quilt in memory of a stray cat who was her companion for a short time. Committee members have sold raffle tickets for the quilt at various quilt and fiber arts meetings in the region and at College Park Day. The drawing will be on Valentine's Day 2013.

Success Story – Smudge

When Smudge, a very young shelter cat, was taken for a routine vet check-up, it was discovered that she had cataracts. Committee members raised money for Smudge's surgery through yard sales, crafts sales, and donations. Officer Cooper contacted the Small Animal Hospital of the VA-MD Regional College of Veterinary Medicine in Blacksburg, VA, and was able to arrange for a discount for Smudge's treatment because it is a teaching hospital. AWC Volunteers took Smudge to Blacksburg on January 25. Following the successful surgery, Smudge was placed in foster care for her recovery and was later adopted.

Despite the family and work responsibilities of the volunteers of the Animal Welfare Committee, we all are dedicated to caring for the animals who are entrusted to us and to helping them to find homes where they will be well-cared for and loved.

Harriet McNamee, co-chair

Linda Lachman, co-chair

Taimi Anderson

Suzie Bellamy

Marci Booth

Patti Brothers

Harleigh Ealley

Christine Nagel

Dave Turley

Christiane Williams

CLASS TITLE: ANIMAL CONTROL OFFICER II  
FLSA Status: Nonexempt

**GENERAL CLASS DESCRIPTION:** Positions in this classification provide a combination of animal investigation, care, and education. The position is the primary contact between residents and the City on matters involving domestic animals and wildlife. Work involves responding to calls regarding stray, lost, diseased, or other potentially harmful animals. The position enforces City ordinances regarding domestic animals. Work on nights or weekends may be required. Work is performed under the supervision of the Public Services Director or assigned supervisor.

**ESSENTIAL JOB FUNCTIONS:**

The following duties are typical for this classification. Not all the listed duties may be required and other duties may be required or assigned.

**RESPONSE ACTIVITIES**

- Answers and returns incoming calls.
- Responds to calls and complaints from citizens regarding vicious, diseased, stray, injured, or lost animals; picks up potentially harmful animals.
- Investigates animal nuisance and dog bite complaints. May impound dogs suspected of biting citizens.
- Issues citations to citizens, for noncompliance with City ordinances, laws, and regulations for animal control. May seize/impound animals to protect public safety or the welfare of the animal(s).
- Transports diseased, vicious, and potentially harmful animals to the County Shelter to be euthanized.
- Determines home for other animals at large.
- Transports domestic animals to the City's shelter to be held for potential pick up by human companions.
- Assists city residents in locating lost animals; informs residents that their companion animal is at the City's Shelter.
- Patrols the City for domestic animal and wildlife issues.

**SHELTER AND ADOPTION ACTIVITIES**

- Receives and houses incoming animals.
- Performs brief assessment of animal health and temperament on arrival.
- Oversees the animal adoption program.
- Supplies sheltered animals with food, water and personal care.
- Ensures that daily checks are conducted, to maintain animal safety and well-being.
- Arranges for veterinary treatment of animals in need of medical attention.
- Writes reports and maintains files on animals that have been impounded and adopted.
- Cleans animal shelter and animal control truck, including equipment such as crates.

## COMMUNITY OUTREACH ACTIVITIES

- Educates the public about animal welfare, and animal control laws and regulations.
- Testifies in support of animal neglect and abuse cases and assists in preparation of case documentation.
- Works with the Animal Welfare Committee to plan activities and initiatives related to animal welfare.

## KNOWLEDGES, SKILLS AND ABILITIES REQUIRED TO PERFORM ESSENTIAL FUNCTIONS:

### Technical Knowledge:

- Considerable knowledge of the City and County ordinances, laws and regulations related to the capture, custody and disposition of animals.
- General knowledge of the layout and geography of the City.
- General knowledge of the safety issues, risks and appropriate techniques for handling, capturing and transporting animals.

### Physical Requirements:

- Ability to trap, lift and transport animals.
- Ability to operate a light truck.
- Ability to stoop, crawl and climb in order to investigate and/or locate animals.

### Language Ability & Interpersonal Communications:

- Ability to communicate and effectively work with citizens regarding stray, lost, diseased or potentially harmful animals and issues of noncompliance with City and County laws and ordinances pertaining to animal control.
- Ability to read and follow oral and written instructions.
- Ability to write in order to convey information and to record information.
- Ability to use logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems.

### Environmental Adaptability

- Work is regularly performed outdoors which requires ability to work in varying weather conditions.
- Work occasionally requires crawling into small spaces or climbing ladders to inspect for loose animals.

## ACCEPTABLE TRAINING AND EXPERIENCE:

Requires graduation from high school or equivalent with 1 - 2 years of experience performing related animal control duties; or an equivalent combination of training and experience which provides the required knowledge, skills and abilities.

Additional Requirements: Valid driver's license.



Commercial Plumbing and Mechanical  
Service and Construction

6700 E Distribution Drive  
Beltsville, Maryland 20705  
240-241-5060  
Fax 240-241-5055  
[jgelling@jpgplumbing.com](mailto:jgelling@jpgplumbing.com)

City of College Park, Maryland  
Department of Public Works  
9217 51<sup>st</sup> Ave  
College Park, Maryland 20740-1947

May 30, 2013

Attn: Bob Stumpff

Re: Sewer and water to Animal Facility

Thank you for the opportunity to provide you with our services. Please review the pricing and scope of work below for the plumbing at the Animal Facility.

The Price for this project will be	\$ 19,800.00
Add to replace existing yard hydrant with new	\$ 900.00

**Scope of work –**

- Sawcut and remove existing asphalt to access main sewer in the drive way—disposal of asphalt by others
- Excavate and protect approx. 9' deep to expose and tie in new PVC Sanitary Sewer as necessary
- Install new sewer from tie in, into the animal facility as necessary
- Back fill and compact existing earth as necessary
- Excavate and tie-in existing water serving the existing yard hydrant
- Install new ¾ underground water to animal facility as necessary
- Backfill and compact as necessary
- Provide and install interior waste and water piping for new sink
- Provide and install new sink and 6 gallon electric water heater
- Provide W.S.S.C. inspections as required

**Exclusions –**

- Repairs to existing systems
- Replacement of any main valves
- Piping Insulation
- Disposal of Asphalt or concrete debris
- Roof repair
- Asphalt repair
- Electrical

- Overtime or Off hours

**Pricing includes the following:**

We guarantee our workmanship and materials for a period of one (1) year from the date of completion pursuant to our standard warranty agreement.

This proposal is good for (30) thirty days, and includes, sales tax, trade permits, necessary labor, miscellaneous materials, trade coordination and project management.

We look forward to working with you on this project. Please call me if you have any questions.

Thank you,

***John P. Geiling***  
***President***  
***JPG Plumbing Services Inc.***

CC: File

# Proposal



Serving the Metropolitan area since 1964

## SPARTAN PLUMBING, HEATING & AIR CONDITIONING

3708 BLADENSBURG ROAD, BRENTWOOD, MD 20722

**301-864-7400**

MD HOME IMPROVEMENT CONTRACTOR #32799  
A DIVISION OF SPARTAN SEWAR RAIDER, INC.

LICENSED  
BONDED

PROPOSAL SUBMITTED TO: <i>Department of Public Works</i>	JOB NAME	DATE <i>4-5-13</i>
NAME <i>Bob Stumpff</i>	JOB LOCATION	
ADDRESS <i>9217 51st Ave</i>	<i>r.stumpff@collegeparkmd.gov</i>	JOB PHONE
CITY, STATE AND ZIP CODE <i>College Park md 20740</i>		
PHONE <i>240-487-3590</i>	Estimator <i>Don Little</i>	Date of Plans <i>Open</i>

We hereby submit specifications and estimates for: *Spartan will perform the following repairs per Customer's Request: All work to receive 1 year Warranty Parts + labor.*

- *Spartan will Excavate yard near hydrant, remove old hydrant and install a New 7 ft hydrant.*
- *Spartan will Tap into Water feed for hydrant, and run New 3/4" Soft Copper to Building for Animals. New Water Service will come up through floor of Building with appropriate sleeving. Spartan will install New 3/4" ball valve coming into Building with New laundry tub, faucet with shut-off valves. Also a New 6 gallon Electric Water heater in corner. Spartan will run New hot water line coming off water heater to new laundry tub. Electric wiring for water heater to be done by others.*
- *Spartan will use Automatic vent for laundry tub,*
- *Spartan will Tap into Main Sewer running beside bldg, and run New Sewer line for laundry tub, coming up through floor of Animal Bldg, with New Drain line + Trap for laundry tub. Spartan will back fill dirt for hydrant, and Sewer line. Asphalt, land-scapping are to be done by others. Spartan will patch Concrete floor inside of Bldg where Sewer + Water Service comes through - NOT responsible for feed coming to yard hydrant.*

Spartan, Inc. neither makes nor implies and guarantees on any material or equipment previously installed or subsequently altered by any other contractor. Access to work areas is to be provided and secured by acceptor of this proposal. You the buyer may cancel this transaction at anytime prior to midnight of the 3rd business day of this transaction.

Notice: All home improvement contractors and subcontractors must be licensed by the Maryland Home Improvement Commission. For inquires about a contractor, contact MHIC, telephone 301-333-6310

**We Propose** hereby to furnish material and labor -- complete in accordance with above specifications for the sum of *Fourteen Thousand Five Hundred Dollars* dollars (\$ *14,500.00* ).

Payment to be made as follows \_\_\_\_\_

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature \_\_\_\_\_

PROPOSAL IS NULL AND VOID UNLESS SIGNED BY THE PRESIDENT OF SPARTAN SEWAR RAIDER, INC.

Note - This proposal may be withdrawn by us if not accepted within *10* days.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above

Signature \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_

# PennMarVa, Inc.

Maryland Division  
Plumbing, Heating, & Air Conditioning  
W.S.S.C. #229, MHIC #37284, HVACR #16463  
7501 Rhode Island Avenue  
College Park, MD 20740

Telephone (301)-864-0303  
Fax (301)-779-2407

## Proposal

City of College Park  
Attn: Mr. Stumpff – DPW  
9217 51<sup>st</sup> Avenue, College Park, MD 20740  
[rstampff@collegeparkmd.gov](mailto:rstampff@collegeparkmd.gov)  
May 17, 2013

Job Address – 9217 51<sup>st</sup> Avenue – Animal Shelter

PennMarVa proposes to furnish the labor and material necessary to:

1. Apply for the necessary WSSC plumbing permit. Note: All Permit fees paid by City of College Park directly to WSSC. No permit fees are included.
2. Connect to the existing sewer under the driveway and extend the sewer to the Animal Shelter building.
3. Run the new sewer under the building slab, cut the concrete inside the building and stub up for a new laundry tub.
4. Install a new Mustee 19F laundry tub and faucet.
5. Vent the new laundry tub with an air admittance valve.
6. Dig and locate the cold water line to the existing yard hydrant.
7. Connect to the existing copper water line and run a new water line into the building to serve the new laundry tub and new water heater.
8. Install a new 6 gallon A.O. Smith electric water heater for the laundry tub. Please see the option below to use an electric tankless unit and not continually store and heat the water.

### Deductions:

DEDUCT \$350 – If Chronomite tankless water heating unit is installed. Please Note: This deduct option will require that 220-240 volts be delivered to the tankless unit and a 40 amp breaker.

### Exclusions:

1. All permit fees. Unknown what WSSC will charge given the existing water line and whether the yard hydrant was initially permitted and inspected by WSSC and what WSSC will charge for the sewer extension, laundry tub and water heater. This value can be obtained by taking a drawing to WSSC plan review counter and explaining all on-site fixtures.
2. Asphalt and landscaping.
3. Electric for new water heater. 120V for 6 gallon water heater. 240V for Chronomite option.

Total Amount Estimated ..... \$ 7,300.00

Page 2  
9217 51<sup>st</sup> Avenue, College Park, MD 20740  
May 17, 2013

Thank you for allowing PennMarVa Incorporated the opportunity to furnish this estimate. This estimate is for completing only the items and job as described above. **It is based on our evaluation and does not include material price increases or additional labor and material which may be required should unforeseen problems arise.** All unpaid balances are subject to a 2% per month and 24% per annum finance charge. PennMarVa, Inc. retains the right to rescind this contract prior to receipt of acceptance and the authorization is only valid for 30 days.

Estimated By: C. Matthews

Accepted By: \_\_\_\_\_

Date: May 17, 2013

Date: \_\_\_\_\_

7

Maryland  
State  
Retirement  
Plan



**Memo**

**To: Mayor and Council**

**Through: Joseph Nagro** *JN*

**From: Stephen Groh, Chantal Cotton, and Jill Clements** *JNC*

**Date: June 11, 2013** *SG*

**Re: Update on Maryland State Retirement Plan and Recommendation regarding City of College Park's retirement plans**

---

**ISSUE**

City administration believes that it is important to improve our retirement plan in order to provide the optimal retirement program for our employees with the dollars available; to recruit new employees for anticipated openings; and to retain employees in the long run. On April 2, 2013, City administration presented an overview of the City's current retirement savings plans and the Maryland State Retirement Plan (the Plan) along with the estimated costs of joining the Plan. Following the presentation, the Council asked a number of questions and indicated that City administrators should continue to research the possibility of joining the Plan.

**SUMMARY**

As reported in April, the City spends approximately eight percent of payroll on the 401(a) plan and the 457 plan combined, yet many of our employees are not saving enough to retire, even after a full career with the City. Our plans do not provide a guaranteed retirement income, whereas the Maryland State Retirement Plan, a defined benefit plan, does.

We recently received the actuarial report showing the current costs associated with joining the Plan and funding various levels of past service. The estimates are much lower than originally presented to the Council because of the changes to the Plan in 2011. The Plan costs for 2013 would be 6.47% of payroll plus the expense of whatever past service credit we choose to purchase.

In response to the Council's questions we surveyed other municipalities to find out what retirement and pension plans they offer to their employees and considered other possible options for College Park. The attached PowerPoint presentation reports our findings and will be discussed at the Council meeting.



Maryland State Retirement Plan (SRP)

Follow Up Information for Council  
June 11, 2013

1



Presentation Outline

- Revisit April 2<sup>nd</sup> Worksession Questions
- Review 2013 Actuarial Valuation
- Discuss Next Steps

2

### Municipalities with Independent Defined Benefit Plans

Municipality	DB	DC	Details	Contributions					
				401		457		Health	
				Mun.	Emp.	Mun.	Emp.	Mun.	Emp.
Laurel	x		Employees contribute 4.5%.	--	--	0	Vol	\$300 / mo for life	Bal
Rockville	x	x	Employee contributions: DB: 4.2% (union); 5.2% (non-union). DC: City gives \$.50 per \$1 up to 5%.	5% max	10% max	--	--	80% until Medicare	20%
Riverdale Park	x	x	DB: Employees contribute 9%. DC: Town gives 10%. DC plan available for employees who opt out of the DB.	10%	0%	0%	Vol	\$333 / mo until Medicare	Bal

3

### Area Municipalities in Maryland State Retirement Plan (SRP)

Municipality	DB	DC	Details	Contribution Percentages					
				401		457		Health	
				Mun.	Emp.	Mun.	Emp.	Mun.	Emp.
New Carrollton	x		SRP	--	--	0	Vol	0	100 until Medicare
Berwyn Heights	x		SRP	0	Vol	0	Vol	--	--
University Park	x		SRP	*		--	--	--	--
Takoma Park	x		SRP	--	--	2	Vol	--	--
Annapolis	x		SRP	--	--	--	--	75 max	25 until Medicare
Greenbelt	x	x	SRP	7.5	0	0	Vol	0	100 until Medicare
Hyattsville**	x	x	SRP	5 + 5	0	0	5	--	--

\* Employee ineligible for SRP in University Park receives the same percentage from the town as they would through the SRP.

\*\* Hyattsville automatically contributes 5% and offers up to a 5% match (to the 401A) to the employee contribution to the 457.

4

## Municipalities with Defined Contribution Plans

Municipality	DB	DC	Details	Contribution Percentages					
				401(k) or (a)		457		Health?	
				Mun.	Emp.	Mun.	Emp.	Mun.	Emp.
Gaithersburg		x	n/a	11	5	0	5	85 for life	15
Bowie*		x	n/a	4+6*	6 max	0	Vol	50 until Medicare	50
College Park		x	n/a	6.5	0	**	Vol	0 until Medicare	100

\* Bowie contributes 4% to all employees and offers a match up to an additional 6% for employee contributions depending on years of service.

\*\* College Park gives a sliding scale matching contribution of up to \$120 in the 457.

## Pros

SRP Defined Benefit	Defined Contribution
<ul style="list-style-type: none"> <li>• Guaranteed monthly benefit provides retiree security.</li> <li>• Enhances recruitment.</li> <li>• Encourages retention especially as one nears vesting point.</li> <li>• Pooled funds to spread risk.</li> <li>• Professional management of investments.</li> <li>• An independent DB plan not feasible for the City.</li> </ul>	<ul style="list-style-type: none"> <li>• Easy to understand as an employee. Easy to maintain as an employer. Easy to budget.</li> <li>• Generally portable—rollover upon termination of employment.</li> <li>• If one is a skilled investor, one may do better over time than a DB plan with the same \$.</li> </ul>

<b>Cons</b>	
SRP Defined Benefit	Defined Contribution
<ul style="list-style-type: none"> <li>• Plan funding risks lie predominantly with employer.                             <ul style="list-style-type: none"> <li>◦ Continual liability</li> <li>◦ Variable liability</li> </ul> </li> <li>• Long vesting period (10 years).</li> <li>• Not portable (outside of government).</li> </ul>	<ul style="list-style-type: none"> <li>• Risks lie with the employee.                             <ul style="list-style-type: none"> <li>◦ Investment</li> <li>◦ Spending</li> <li>◦ Inflation</li> </ul> </li> <li>• Lump sum value at retirement. Purchasing an individual annuity can be expensive.</li> </ul>

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<b>What Would SRP Cost the City?</b>	
<i>Updated Actuarial Valuation</i>	
<ul style="list-style-type: none"> <li>• FY 2014 Normal SRP Cost</li> <li>◦ This will cover the cost of benefits being earned in the current year.</li> <li>◦ The actual rates vary from year to year based on additional gains and losses, benefit changes, and assumption changes.</li> </ul>	<p>6.47%</p>
<ul style="list-style-type: none"> <li>• Benefit Surcharge</li> <li>◦ This does not apply to entrants into the Reformed Plan</li> </ul>	<p>0</p>
<ul style="list-style-type: none"> <li>• New entrant liability payments</li> </ul>	<p>TBD</p>

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### New Entrant Liability – Updated Information

- Actuarially determined costs:

% of Past Service	FY 2006 Valuation	FY 2014 Valuation
50%	\$2,778,402	\$1,463,914
75%	n/a	\$3,163,738
100%	\$5,160,238	\$4,847,270

- Actuarial valuation will have to be updated for entrance into SRP in FY 2015 (7/1/2014). Staff does not anticipate a significant difference for FY 2015 entrance into the SRP.

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### Summary of Data Projected up to June 30, 2013

	City of College Park	SRP Municipal Actives
# of Active Employees	106	24,455
Budgeted Payroll	\$5,176,830	\$997,276,476
Average Age	48.8 yrs	49.2 yrs
Average Benefit Service	10.3 yrs	11.1 yrs

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## Benefit details for SRP

- Normal retirement
  - Combined age and years of service equals 90
    - For example: Age 60 with 30 yrs of service
    - For example: Age 63 with 27 yrs of service
  - Age 65 with 10 years of service (minimum)
- Early retirement
  - Min age 60 with 15 years of service
- Benefit formula (for normal retirement)
  - $1.5\% \times \text{Average Final Comp} \times \text{Years of credit}$

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## Other Retirement Plan Options

- An independent defined benefit plan is not financially feasible for the City.
- Improve our current retirement savings plans:
  - Increase the employer contribution to the 401 plan and mandate employee contribution.
  - Eliminate the option to take loans from the 401 plan and allow loans from the 457 plan.
- Consider a retiree subsidy, funded by the City, to pay for Medicare supplement in retirement. The \$ amount could be based on length of service.
- Consider a retiree subsidy, funded by the City, to pay for health insurance before Medicare. The \$ amount would be based on the City's retirement standards.

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## Next Steps

- Staff recommends joining the Reformed Maryland State Retirement Plan in FY 2015 (as of 7/1/2014), purchasing 50% of past service for all active employees.
- If Council concurs, Council would need to pass a resolution to that effect.
- Staff would need to educate employees and obtain a commitment to join from 60% of current employees.
- In fall 2013, Council would need to work with the 21<sup>st</sup> Delegation to request a State bill to allow the City to join the Plan with less than 100% funding for eligible service credit.

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## Questions?



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# Revitalization Tax Credit Application

## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Michael Stiefvater, Economic Development Coordinator *MS*  
Steve Groh, Finance Director

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

**DATE:** June 7, 2013

**SUBJECT:** Revitalization Tax Credit Application from The Varsity

### ISSUE

On April 19, 2013, City staff received an application (see Attachment 1) from the owners of The Varsity mixed-use development at 8150 Baltimore Avenue (the "Project"), Student Housing College Park, LLLP and Potomac Holdings LLC (the "Applicant"), for a revitalization tax credit under Ordinance No. 12-O-10 (see Attachment 2), which established the City's Revitalization Tax Credit Program ("Program"). The purpose of the Program is to provide financial incentives to encourage economic development and redevelopment through a five-year property tax credit against the City's property tax imposed on real property.

### BACKGROUND

Qualifying projects are eligible to receive a five year tax credit on the increased assessment attributed to the taxable improvements upon project completion. The maximum tax credit is an amount equal to 75% of the increased assessment of City tax imposed in the first year, 60% in the second year, 45% in the third year, 30% in the fourth year, and 15% in the fifth year.

In order for a project to be eligible for the Program, it must meet basic eligibility requirements as set by Section 175-9 of the Ordinance. The table below lists these requirements, whether the Project met them, and details on how they were addressed.

	Eligibility Requirement	Details	Met
A	Eligible improvements include new construction, reconstruction, or rehabilitation of residential (excluding Single Family detached), commercial, hospitality, or mixed-use properties.	The Project is a mixed-use building that was new construction and completed in August 2011.	Yes
B	The applicant must be in good standing with the City's Public Services and Finance Departments. In order to be in good standing, applicants may not have any outstanding code violations or be delinquent on any payments	Per the City of College Park's Public Services and Finance Departments, the Applicant and Project are in good standing with the City at this time.	Yes

C	Projects are ineligible for this program if they are located within a tax increment financing district at the time of application.	There is no established tax increment financing district at this time.	Yes
D	Eligibility is contingent upon City Council approval of the project's detailed site plan, if applicable, or building permit if no detailed site plan is required. In the event the City Council approves the detailed site plan with conditions or any agreement between the applicant and the City, all recommended conditions or terms of agreement must be complied with before any tax credit will take effect.	The City Council approved the Project's Detailed Site Plan (DSP-07062) with conditions on March 24, 2009.	Yes
E	Projects that are under construction, completed, or have an approved detailed site plan or building permit prior to the adoption of this program are not eligible for the tax credit.	The Project was completed in August 2011, which was prior to the establishment of the Revitalization Tax Credit Program.	No

The Project meets all of the basic threshold requirements except for Section 175-9(E). In conjunction with Section 175-13(A)(2), this requirement may be waived as the Detailed Site Plan was approved after January 1, 2009 and the Project has been constructed.

The Project is located in Tax Credit District One, as it is included in the US 1 Corridor Development District Overlay Zone, and therefore is also required to meet a minimum four out of ten eligibility criteria identified in Section 175-10. The table below lists these criteria, whether the Project met them, and details on how they were addressed.

	Eligibility Criteria	Details	Met
A	The project is located within a ½-mile radius of an existing or under construction rail station for Washington Metropolitan Area Transit Authority, Maryland Area Regional Commuter, Maryland Transit Administration, or similar agency.	The Project is located just under 9/10 -mile from the nearest rail station, which is the College Park-UMD Metro Station.	No
B	The project involves the assemblage of lots or parcels owned by different parties.	The Project involved the assemblage of parcels owned by private owners, M-NCPPC, and the State of Maryland	Yes
C	The project involves the buyout of leases to facilitate redevelopment.	The Project involved the buyout of leases from Jerry's Sub and Pizza, Merchant's Tire and Auto Center, and Alario's.	Yes
D	The project will complete, or commit funds for, substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park, a public parking garage, undergrounding of utilities, or a bikeshare station.	The Project committed funds for several infrastructure improvements, including a bikeshare station, a public park, and funding for stream restoration.	Yes
E	The project meets the minimum green building guidelines as established by the US Green Building Council's LEED Silver certification for the project's appropriate rating system.	The Project did not meet the minimum green building guidelines as established by the USGBC's LEED Silver certification.	No

F	The project is located within one of the walkable development nodes designated in the approved Central US 1 Corridor Sector Plan.	The Project is located within Character Area 5a: Walkable Nodes, as designated by the Central US 1 Corridor Sector Plan.	Yes
G	The project involves the demolition of an existing non-historic structure, which has been vacant at least one year.	Prior to construction, the Applicant demolished the vacant Alario's restaurant, which was vacant for more than one year.	Yes
H	The project is a brownfield development, which means real property where expansion or redevelopment is complicated by the presence or potential presence of environmental contamination, and requires an environmental cleanup prior to redevelopment.	The redevelopment of the subject property was complicated by the presence of environmental contamination, which in this case consisted of petroleum contaminated soil that required removal and treatment.	Yes
I	The project has secured at least one locally-owned, non-franchise business as evidenced by executed lease agreements at the time of final application for the tax credit.	Prior to opening, the Applicant secured locally-owned, non-franchise businesses as retail tenants including ChiDogO's, The Frame Mender, and Looney's Pub.	Yes
J	The project provides space for a business incubator, community center, art gallery, or similar public-benefit use.	The Project did not provide space for one of the public-benefit uses listed, or a similar use.	No

The Project meets seven out of ten eligibility criteria and is eligible for consideration of a tax credit.

However, the Detailed Site Plan for the Project, DSP-07062, was approved by the City on March 24, 2009, which means the application's submittal date is in conflict with the application process described in Section 175-12(A):

An application for a City tax credit shall be submitted to the City's Planning, Community, and Economic Development Department no later than the date of acceptance for a Detailed Site Plan by the Maryland-National Capital Park and Planning Commission (M-NCPPC), if applicable, or the submission of a building permit application to Prince George's County.

The Mayor and Council may waive the above requirement and consider whether to grant a tax credit under the circumstances described in Section 175-13(A)(2). Per this section, the Project may be eligible if the Detailed Site Plan was approved after January 1, 2009, the project has been constructed, and the project satisfies at least the minimum required criteria identified in Section 175-10. The Project satisfies these three conditions and is eligible for consideration of a tax credit.

Additionally, the Project received a five-year Revitalization Tax Credit through Prince George's County for their County real property taxes prior to its completion.

## SUMMARY

Prior to construction of the Project, the properties were assessed at a value of \$2,372,798. Upon completion of the Project, the total assessment of the property is \$97,562,200, which leaves the increased assessment as \$95,189,202. Given the City's current real property tax

rate of \$.335 per \$100, which is subject to change, the Property's annual tax bill on the increased assessment is \$318,883.82. The following depicts the impact of the tax credit if granted at the amount and term described in Section 175-11 of the Ordinance.

Year 1 Credit at 75%:	\$239,162.87
Year 2 Credit at 60%:	\$191,330.29
Year 3 Credit at 45%:	\$143,497.72
Year 4 Credit at 30%:	\$95,665.15
<u>Year 5 Credit at 15%:</u>	<u>\$47,832.57</u>
Estimated Total Five Year Credit:	\$717,488.60

Under the waiver provision in Section 175-13(B), the amount and/or duration of the tax credit may be altered by the Mayor and Council.

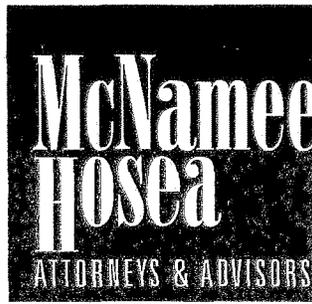
### **RECOMMENDATION**

The staff review has determined that the applicant is eligible for a tax credit subject to approval by the Mayor and Council and determination of the amount, duration, and timetable of the tax credit.

### **ATTACHMENTS**

1. Revitalization Tax Credit Program Application from the Owners of The Varsity
2. Ordinance Number 12-0-10 of the Mayor and Council of the City of College Park

ATTACHMENT 1:



McNamee, Hosea, Jernigan, Kim,  
Greenan & Lynch, P.A.

Matthew C. Tedesco, Esquire  
Admitted in Maryland

E-mail: MTedesco@mhlawyers.com  
Direct Dial: Extension 222

April 19, 2013

Via Hand Delivery

Michael Stiefvater  
Economic Development Coordinator  
City of College Park  
4500 Knox Road  
College Park, Maryland 20740

**Re.: City of College Park Revitalization Tax Credit &  
The Varsity, 8150 Baltimore Avenue, College Park, MD**

Dear Michael:

On behalf of Student Housing College Park, LLLP, Potomac Holdings, LLC, and The Varsity, and pursuant to Chapter 175, Article IV of the City Code, please find enclosed herein the following for review and consideration:

- Completed and executed Revitalization Tax Credit Program Application;
- Memorandum in support of Revitalization Tax Credit Program Application; and
- Exhibits A-E to Memorandum.

Although we believe that the enclosed documents satisfy the filing requirements for consideration of a City tax credit for The Varsity, if you should need additional information or have any questions, please do not hesitate to contact me at 301-441-2420 or via e-mail at MTedesco@mhlawyers.com.

As always, thank you in advance for your review and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Tedesco".

Matthew C. Tedesco

Enclosures

cc: Donnie Gross



City of College Park  
Planning, Community, and Economic Development Department  
4500 Knox Road  
College Park, MD 20740  
Phone: (240) 487-3538  
Fax: (301) 887-0558

## REVITALIZATION TAX CREDIT PROGRAM APPLICATION

This program provides a real property tax credit for properties located within a revitalization district to provide a financial incentive that encourages economic development and redevelopment in the City.

Please contact the Economic Development Coordinator at 240-487-3543 to schedule an appointment to submit a completed application with the required documents and appropriate signatures to avoid any delays in review of your application.

Please print legibly and return to the address above or by email to [mstiefvater@collegeparkmd.gov](mailto:mstiefvater@collegeparkmd.gov).

**Only completed applications, including all required documentation, will be reviewed by City staff.**

### 1. IMPROVEMENT STATUS (check one)

- Construction yet to begin and prior to submittal of detailed site plan or building permit
- Construction yet to begin, but approved detailed site plan or building permit in place
- Under Construction
- Completed

### 2. PROPERTY INFORMATION

Property Address: 8150 Baltimore Avenue, College Park, MD 20740

Tax Account Number(s):  
21-4022448

Current Owner: Student Housing College Park, LLLP

Current Owner's Address: ACC OP (The Varsity College Park) LLC, 12700 Hill Country Blvd., Suite T-200

City: Austin State: TX Zip Code: 78738

Contact Person: Joel Brown

Phone: 512-732-1000 Email: [jbrown@americancampus.com](mailto:jbrown@americancampus.com)

<b>3. APPLICANT INFORMATION (if different than current property owner)</b>		
Applicant Name: Potomac Holdings, LLC c/o Student Housing College Park, LLLP		
Mailing Address: 4915 St. Elmo Avenue, Suite 402		
City: Bethesda	State: MD	Zip Code: 20814
Contact Person: Donald A. Gross		
Phone: 301-654-3330	Email: Dgross@potolc.com	

<b>4. IMPROVEMENT INFORMATION</b>
Detailed Site Plan Number (if applicable): DSP-07062
Building Permit Number (if issued): 6521-2009-CGU; 6522-2009-CGU; 6259-2009-CGU
Total Assessment Prior to Proposed Improvements: P/O P.B (32,715 s.f.) = \$756,532 <del>land valuation:</del> P.A = \$1,037,266 <del>improvement valuation:</del> P/O P.B (18,335 s.f.) = \$759,000 *Total = \$2,372,798
<del>Estimated</del> Total Assessment After Proposed Improvements: \$97,562,200
<del>Projected</del> Completion Date of Proposed Improvements: August 2011
Property Use Before Proposed Improvements: Jerry's Sub & Pizza, Merchant's Tire, and vacant Allero's Restaurant
Description of Proposed Improvements: Mixed use development with 258 mid-rise residential apartment units with 22,019 square feet of ground floor commercial/retail space.

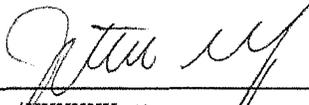
**5. ELIGIBILITY CRITERIA (check each criteria that the project meets; additionally provide evidence for all criteria met)**

- A) The project is located within a ½-mile radius of an existing or under construction rail station for Washington Metropolitan Area Transit Authority, Maryland Area Regional Commuter, Maryland Transit Administration, or similar agency.
- B) The project involves the assemblage of lots or parcels owned by different parties.
- C) The project involves the buyout of leases to facilitate redevelopment.
- D) The project will complete, or commit funds for, substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park, a public parking garage, undergrounding of utilities, or a bikeshare station.

- E) The project meets the minimum green building guidelines as established by the U.S. Green Building Council's LEED Silver Certification for the project's appropriate rating system. A LEED scorecard must be submitted with the detailed site plan application and evidence of certification at the time of final application for the tax credit.
- F) The project is located within one of the walkable development nodes designated in the approved Central US 1 Corridor Sector Plan.
- G) The project involves the demolition of an existing non-historic structure, which has been vacant at least one year.
- H) The project is a brownfield development, which means real property where expansion or redevelopment is complicated by the presence or potential presence of environmental contamination, and requires an environmental cleanup prior to redevelopment.
- I) The project has secured at least one locally-owned, non-franchise business as evidenced by executed lease agreements at the time of final application for the tax credit.
- J) The project provides space for a business incubator, community center, art gallery, or similar public-benefit use.

I/We hereby affirm that I/we have full legal capacity to authorize the filing of this application and that all information and exhibits submitted herewith are true and correct to the best of my/our knowledge.

I/We have read and understand the selected revitalization tax credit program guidelines.

  
 Owner/Applicant Signature \_\_\_\_\_ Date 1/16/2013  
 Student Housing College Park, LLLP

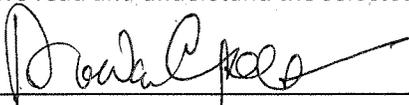
Owner/Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

**Note:** Applying for a tax credit does not obligate the City of College Park to approve a tax credit for the specified project. Only after the review and approval of the application and either the Detailed Site Plan or Building Permit will the City of College Park approve a tax credit. The project shall comply with the Program Guidelines established by the City of College Park. In the event that an application is denied by City staff, applicant may appeal to the Mayor and Council.

- E) The project meets the minimum green building guidelines as established by the U.S. Green Building Council's LEED Silver Certification for the project's appropriate rating system. A LEED scorecard must be submitted with the detailed site plan application and evidence of certification at the time of final application for the tax credit.
- F) The project is located within one of the walkable development nodes designated in the approved Central US 1 Corridor Sector Plan.
- G) The project involves the demolition of an existing non-historic structure, which has been vacant at least one year.
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I/We hereby affirm that I/we have full legal capacity to authorize the filing of this application and that all information and exhibits submitted herewith are true and correct to the best of my/our knowledge.

I/We have read and understand the selected revitalization tax credit program guidelines.

  
 \_\_\_\_\_  
 Owner/Applicant Signature Date  
 Potomac Holdings, LLC c/o Student Housing  
 College Park, LLLP  
 \_\_\_\_\_  
 Owner/Applicant Signature Date

**Note:** Applying for a tax credit does not obligate the City of College Park to approve a tax credit for the specified project. Only after the review and approval of the application and either the Detailed Site Plan or Building Permit will the City of College Park approve a tax credit. The project shall comply with the Program Guidelines established by the City of College Park. In the event that an application is denied by City staff, applicant may appeal to the Mayor and Council.

**MEMORANDUM**

**TO:** Mayor & City Council  
Joseph L. Nagro, City Manager  
Steve Groh, Finance Director  
Terry Schum, Planning Director  
Michael Stiefvater, Economic Development Coordinator

**FROM:** Matthew C. Tedesco, Esq.

**DATE:** April 18, 2013

**SUBJECT:** City of College Park Revitalization Tax Credit Program & The Varsity

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Please accept this memorandum in support of the Revitalization Tax Credit Program Application filed on behalf of Student Housing College Park, LLLP and The Varsity (the "Applicant"). On November 27, 2012, the Mayor and City Council adopted Ordinance No. 12-O-10, which created Article IV (Revitalization Tax Credit) of Chapter 175 of the City Code. The purpose of this article is to provide financial incentives for economic redevelopment projects. As the City is well aware, long before The Varsity project, which is located at 8150 Baltimore Avenue, College Park, Maryland, was completed or approved, revitalization tax credits were discussed. (Exhibit A). Indeed, it was The Varsity project that brought attention to the fact that the City lacked enabling legislation to create revitalization tax credit districts. Although The Varsity could not wait until such enabling legislation was passed by the General Assembly, it was clear that once said legislation was enacted and a program was adopted by the City, The Varsity would seek a tax credit. As explained in detail below, a tax credit financial incentive, even after the fact, is necessary in this instance due to the significant financial investment incurred by the developer to bring this particular project to fruition. Consequently, and pursuant to Section 175-13(A)(2) of the City Code, the applicant hereby requests a waiver of the requirements in Section 175-12, and respectfully requests that a tax credit be granted, and in support thereof offers the following:

I. The Varsity

The Varsity is a mixed-use development with 258 mid-rise residential apartment units for students attending the University of Maryland, and 22,019 square feet of ground floor commercial/retail space. After receiving support from the City of College Park, on March 24, 2009, Detailed Site Plan 07062 ("DSP-07062") was approved by the Prince George's County Council, sitting as the District Council, (to wit: Zoning Ordinance No. 8-2009). (Exhibit B). The Varsity officially opened for business in August, 2011.

In considering the applicant's request to be granted a revitalization tax credit program, it is absolutely critical that we reflect back on what was involved in order to make this development a reality. Prior to the development of The Varsity, the subject property, which was made up of various parcels along US 1 (Baltimore Avenue), was improved with a Jerry's Sub and Pizza, a Merchant's Tire and Auto Center, and a vacant/abandoned building (formerly the Allero's

restaurant). In order to assemble the property, the developer was required to buyout all of the leases for the then existing uses, which totaled approximately Three Million Dollars (\$3,000,000.00). (Exhibit C). In addition, once the leases were bought-out, the developer paid approximately Fourteen Million Dollars (\$14,000,000.00) to acquire the necessary 3.54 acres of land. This assemblage of property ultimately involved a three-party transaction between the developer, the State of Maryland, and The Maryland-National Capital Park and Planning Commission (“M-NCPPC”).

The costs and expenses just to acquire the ground for this signature development at the gateway of the University of Maryland did not stop at assembling the subject property. Given the proximity of the Paint Branch Stream Valley, the applicant preformed off-site plant removal and reforestation along the western property line and along the south side of the stream – west of the US 1 bridge. These improvements and concessions were in addition to the Woodland Conservation requirements for the subject property. More importantly, the developer contributed One Hundred Thousand Dollars (\$100,000.00) to the Department of Parks and Recreation for downstream improvements to the Paint Branch Stream Valley. The cost for the on-site and off-site reforestation work was approximately Ninety-Seven Thousand Dollars (\$97,000.00). The parkland fee-in-lieu for this development totaled One Hundred and Seventy-Four Thousand Dollars (\$174,000.00); the stormwater management fee for this development was Five Hundred Thousand Dollars (\$500,000.00); and the recreational facility package for this development exceeded Three Hundred and Forty-Five Thousand Dollars (\$345,000.00).The total cost to actually construct The Varsity was approximately Forty-Five Million Dollars (\$45,000,000.00).

The goal of this project was to provide a high-end, attractive, and sustainable development that the City would be proud to have along the US 1 corridor. We believe that such a project has been delivered and all expectations exceeded. The façade is finished predominately (over 65%) with a combination of brick – in two different color tones – and cementitious panels. Specifically, the east elevation that fronts on Baltimore Avenue is over 64% brick; the north elevation that fronts on the adjacent University View property is over 64% brick; the west elevation that fronts on the Paint Branch stream is over 58% brick; and the south elevation that fronts on the North Gate Park is over 77% brick. In addition, the design incorporates the Sector Plan’s vision through the use of arcades, bays, and other architectural features, all of which were incorporated in the design in order to draw pedestrians in to the commercial/retail spaces and promote street activity. Probably the most interesting design element is the building’s main entrance, which is entirely made up of windows. This prevents a monolithic look to the building. The total design of the building successfully and attractively utilizes projection and recession to break down the massing of the building.

The design and organization of the residential units provide two open space courtyards. The main courtyard acts as a green roof, as the same is completely landscaped and provides a vibrant and complete green open space above the parking garage. To implement additional “green” building initiatives, the roof of the buildings was constructed with the use of a reflective “Energy Star” material that consists of a high solar reflectance index (SRI). The use of this material on the roof significantly reduces the ambient air temperature, thus, reducing any heat island effect. Moreover, the building uses a cistern system to capture all stormwater from the roof of the building, which is then re-used on-site.

This development also provided infrastructure improvements within the US 1 right-of-way. As requested by the City, the developer extended the median on US 1 south to ensure a right-in movement only. There were intersection improvements made at US 1 and Melbourne Avenue. The developer also constructed a paved sidewalk along the north side of the building to connect the property to the pedestrian bridge to the northwest.

Indeed, the most significant example of how this development revitalized the City of College Park is evidenced by the tenants now occupying the commercial/retail spaces. The two anchor tenants include Royal Farms and Looney's Pub. World renowned chef, Bobby Flay, in opening his first restaurant in Maryland, chose The Varsity and the City of College Park. Similarly, the first Chicago hot-dog inspired restaurant, ChiDogO's, in Maryland opened at The Varsity. Bobby Flay just recently opened his second Bobby's Burger Palace at Maryland Live Casino in Anne Arundel County, and another ChiDogO's recently opened at National Harbor, but the City of College Park had both first, thanks to The Varsity. The same is true for Looney's Pub, as this was the first Looney's Pub to open in Prince George's County. These regional and national tenants have undoubtedly "created" the commercial/retail market for this section of US 1. Prior to the development of The Varsity, with the addition of these higher-end tenants, this corridor consisted of standalone underperforming uses, that were less than ideal and becoming eye-sores along the corridor. The Varsity provides for an improved mix of commercial/retail uses that accommodate the community's needs, as identified in the Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment.

The very definition of "revitalization" is "to impart new life or vigor." There is no doubt and there can be no dispute that The Varsity not only completely revitalized this corridor, but also significantly contributed to the enhancement of the City and the County by providing an attractive signature "gateway" feature along US 1. Certainly, the development of The Varsity, in conjunction with the newly constructed North Gate Park, has provided long-term benefits to the area, as well as, expanded and improved the hiker/biker trail along the Paint Branch stream. There is no better example of a revitalization project than one that actually encourages and facilitates reinvestment in the City and County. Since the opening of The Varsity, other adjoining developments have realized an increase in commercial/retail tenancy. The success of this development, which includes a number of environmental benefits and new building initiatives, has set the standard for other sustainable development in the City and the County. For these reasons and the reasons below, applicant respectfully requests that a revitalization tax credit pursuant to Section 175-11 be granted.

Although the City's goal for implementing a revitalization tax credit program is to attract redevelopment, it seems inequitable disincentivize or disenfranchises the very project that is the personification of revitalization. That said, the applicant understands the concerns the City may have with granting a tax credit after the fact, as the City's budget has likely already been approved and/or tax revenues have likely already been spent. Accordingly, the applicant, and this should be made clear, would be in support of a tax credit that does not take effect until some agreeable time in the future (i.e., FY 2014, FY 2015, etc.). Moreover, the applicant would not expect or request that the grant of a tax credit be applied retroactively to taxes already paid by

the applicant. Instead, the credit would apply prospectively based upon the percentage amounts provided for in Section 175-11.

In further support to grant The Varsity a revitalization tax credit, the applicant offers the following detailed list of how The Varsity meets the eligibility criteria for a tax credit under the City's Revitalization Tax Credit Program.

II. Eligibility Criteria (Section 175-10)

When evaluating whether a project will receive a tax credit under this Article, the City Council will use the following criteria:

- A. The project is located within a one-half mile radius of an existing or under construction rail station for WMATA, Maryland Area Regional Commuter, MTA, or similar agency.

COMMENT: The subject property is approximately 0.75 mile from the College Park Metro Station. Although this criterion is not specifically met, some consideration should be given consider the close proximity of the existing metro station.

- B. The project involves the assemblage of lots or parcels owned by different parties.

COMMENT: This requirement has been met. Prior to the approval of Preliminary Plan 4-07095 and the recordation of the final plat (Plat Book: PM 231, Plat No.: 45) (Exhibit D), the subject property was made up of 4 separate parcels. Three of these parcels (i.e. Parcel A, Parcel B, and P/O Parcel B) were owned by the Cochran Family and a portion of the fourth parcel was owned by The Maryland-National Capital Park and Planning Commission ("M-NCPPC"). That being said, the assemblage of the subject property also required a three-party land swap with the developer, M-NCPPC, and the State of Maryland. This land swap, which was required in order to facilitate the development of The Varsity and the adjacent North Gate Park ("Founders Park"), had to be approved by the National Capital Planning Commission, the Bi-County Planning Board, The University System of Maryland, the University of Maryland, College Park, and the Maryland State Board of Public Works.

- C. The project involves the buyout of leases to facilitate redevelopment.

COMMENT: This requirement has been met. As indicated above, prior to assembling the parcels, the developer bought-out the leases for Jerry's Sub and Pizza, Merchant's Tire and Auto Center, and Allero's at a total cost of approximately Three Million Dollars (\$3,000,000.00). (Exhibit C).

- D. The project complete, or commit funds for, substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park, a public parking garage, undergrounding of utilities, or a bike share station.

COMMENT: This required has been met. As indicated above, this project committed One Hundred Thousand Dollars (\$100,000.00) to the Department of Parks and Recreation for the Paint Branch Stream Restoration project. In addition, on and off-site plant removal and reforestation was completed for the property, the stream valley, and the North Gate Park. Intersection improvements were made at US 1 and Melbourne Avenue, along with significant frontage improvements along US 1. Moreover, the development of The Varsity, which included a land swap between M-NCPPC and the State of Maryland, facilitated the assemblage of land area needed for the construction of the North Gate Park, a public park and amenity for the City, the University, and The Varsity. Sidewalk connections to the pedestrian bridge to the northwest of The Varsity were made to connect the Paint Branch Trail system to US 1. The Varsity offers public structured parking elevated above grade due to the proximity of the floodplain. Finally, the developer made a financial contribution to a bike leasing/lending program.

- E. The project meets the minimum green building guidelines as established by the US Green Building Council's LEED Silver Certification for the project's appropriate rating system. A LEED scorecard must be submitted with the Detailed Site Plan application and evidence of certification at the time of the final application for the tax credit.

COMMENT: Although The Varsity development did not receive LEED Silver certification, during the review and approval of DSP-07062, M-NCPPC and the District Council requested that green elements be implemented in the building development plan. Accordingly, The Varsity development was designed, constructed and operates in a manner that reduces negative environmental impacts. Some of the LEED scorecard prerequisites that this development meets are as follows: use of sustainable sites; water efficiency; indoor environmental quality; and innovation design. Specifically, The Varsity is an infill – brownfield redevelopment project; it promotes and accommodates alternative transportation through the on-site Shuttle UM bus stop, parking for car sharing, and covered parking for over 137 bicycles; it contributed to the restoration and reforestation of the Paint Branch Stream Valley Park; it implements stormwater quality and quantity control measures through the use of a cistern system; it includes a landscape plaza over the parking structure that acts as a green roof; it utilized an Energy Star white (reflective) roof; it used Energy Star appliances in all 258 units; it installed high efficient fixtures to reduce water usage; 13+ SEER HVAC system was used; it provides for the collection of recyclable material; low VOC materials were used during construction; upgraded thermal insulation was used in walls and ceilings; and Low E glazing and energy efficient windows were installed throughout the building.

- F. The project is located within one of the walkable development nodes designated in the approved Central US 1 Corridor Sector Plan.

COMMENT: This requirement has been met. The subject property is located in Development Character Area 5b, Walkable Node (University).

- G. The project involves the demolition of an existing non-historic structure, which has been vacant for at least a year.

COMMENT: This requirement has been met. The development of the subject property involved the razing of three structures along US 1; (i) the Jerry's Sub and Pizza, (ii) the Merchant's Tire and Auto Center, and (iii) the Allero's restaurant. The latter building had been vacant and abandoned for at least five (5) years prior to its demolition.

- H. The property is a brownfield development, which means real property where expansion or redevelopment is complicated by the presence or potential presence of environmental contamination, and requires an environmental cleanup prior to redevelopment.

COMMENT: This requirement is met. As indicated above, prior to the development of The Varsity, the subject property was improved with a Jerry's Sub and Pizza, a Merchant's Tire and Auto Center, and the abandoned Allero's building. The redevelopment of the subject property, as recommended in the Central US 1 Corridor Sector Plan and as encouraged in the City's tax credit program, focused on and targeted obsolete and underutilizing buildings and uses. The infill redevelopment of the subject property with The Varsity was essential to renewing the blighted corridor that had plagued the City. The redevelopment of the subject property has spawned a more prosperous community. Given the prior use on the property included an auto repair center, the redevelopment of said property was further complicated by the potential presence of pollutants and/or contaminants. Consequently, all of the soil, due to the presence of petroleum contamination, had to be removed and remediated/treated by Soil Safe, Inc. at its Brandywine location. (Exhibit E). Clean fill was then brought in as needed to accommodate the ultimate development of The Varsity. Moreover, during construction, a significant number of abandoned tires and other debris was removed and remediated from the property. A significant amount of clean up was required and occurred prior to redeveloping the subject property.

- I. The project has secured at least one locally-owned, non-franchise business as evidenced by executed lease agreements at the time of final application for the tax credit.

COMMENT: This requirement is met. The Frame Mender is a locally owned, non-franchise business. In addition, Royal Farms and Looney's Pub are locally owned non-franchised companies headquartered in Baltimore, Maryland. All three tenants operate at The Varsity under executed lease agreements that can be made available upon request.

- J. The project provides space for a business incubator, community center, art gallery, or similar public-benefit use.

COMMENT: Although The Varsity building does not have specific space available per se, it does provide for public benefit-use through the existence of the North Gate Park, which was developed and made possible by the land swap between the developer, the State of Maryland, and M-NCPPC. That is, but for The Varsity project, the North Gate Park would most likely not exist today. Moreover, and as explained above, The Varsity contributed to the removal of invasive species and reforestation of portions of the North Gate Park and made financial contributions to the Paint Branch Stream Valley restoration project. Accordingly, The Varsity project facilitated and contributed to the development of the North Gate Park, which is a

significant public-benefit use for the students of the University of Maryland and the citizens of the City of College Park.

Although Section 175-10 and Section 175-13(A)(2) requires that four criteria be met, The Varsity satisfies seven criterion and provides compelling justification for three others. Based on this, and all of the other benefits that this redevelopment project brought to the City, it seems clear that the purposes of Article IV will be equally well served by waiving the requirements of Section 175-12 and granting a tax credit to the applicant. The applicant should not be punished because it took time for the City to obtain the necessary enabling legislation from the General Assembly, as it would have been illogical for the developer to stay its development of the project until such time that legislation was enacted. Consequently, the applicant relied to its detriment on the numerous conversations and public comments made during the review of DSP-07062 that once a program was enacted, The Varsity would be eligible for a City tax credit. Given that The Varsity development has met and exceeded every expectation placed on it and has been used as an example of successful infill development within the Capital Beltway, a revitalization tax credit is warranted and appropriate. That is, this development has single handedly created and enhanced the commercial/retail marketability of the surrounding area.

As mentioned previously, understanding the concern of reducing the tax base for previously allocated funds, the applicant would not contemplate or anticipate that a tax credit would be awarded retroactively. Instead, an awarded revitalization tax credit for The Varsity could be applied prospectively, which would allow the City to budget accordingly. Conceptually, a prospective tax credit two or even three years from the grant of said credit would be acceptable since it would give sufficient time for the City to properly budget, just as it would for a new development being awarded such a credit.

### III. Conclusion

There is no doubt that The Varsity project has created a significant amount of incentives in and for the City. Indeed, this project, which incurred a significant amount of costs in order to assemble land, buyout leases, relocate businesses, and construct with green initiatives, should be the model for infill redevelopment – not only in the City, but in the County. Again this project delivered on every one of its concessions and far exceeded the vision and expectations of the development plan. This development facilitated the construction of a new park, removed three eye-sores along US 1, provided and contributed to stream restoration and reforestation, improved the infrastructure, created a synergy with a walkable community, and most importantly has enhanced the commercial/retail marketability of the surrounding area.

The Varsity's impact on and redevelopment of the City should be rewarded and commended, not disincentivized or disenfranchised. This is particularly true given the foregoing and given all of the hurdles that were overcome in order to make this project a reality. No other project to date, or in the future, has or will face the amount of development challenges that this project had to successfully navigate and overcome. Indeed, if this project is not granted a revitalization tax credit, no project should be awarded a tax credit.

Based on the foregoing, we respectfully request that the City grant The Varsity a Revitalization Tax Credit pursuant to Section 175-11 of the County Code.

Respectfully submitted,

By:



Matthew C. Tedesco, Esq.  
Attorney for Potomac Holding, LLC  
c/o Student Housing College Park, LLLP

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,**  
**AMENDING CHAPTER 175 "TAXATION" TO ADD ARTICLE IV,**  
**"REVITALIZATION TAX CREDIT", SECTION 175-5, "PURPOSE"; §175-6,**  
**AUTHORITY TO ESTABLISH REVITALIZATION TAX CREDIT DISTRICTS; §175-7**  
**REVITALIZATION TAX DISTRICTS ESTABLISHED"; §175-8 "AUTHORITY TO**  
**GRANT A TAX CREDIT FOR REAL PROPERTY LOCATED IN A REVITALIZATION**  
**TAX CREDIT DISTRICT"; §175-9 "ELIGIBILITY REQUIREMENTS"; §175-10**  
**"ELIGIBILITY CRITERIA"; §175-11 "TAX CREDIT – AMOUNT AND TERM"; §175-12**  
**"APPLICATION PROCESS"; AND §175-13 "WAIVER", TO SET CRITERIA FOR**  
**AND ESTABLISH REVITALIZATION TAX DISTRICTS, GRANT A TAX CREDIT**  
**AGAINST THE CITY PROPERTY TAX IMPOSED ON REAL PROPERTY WITHIN**  
**THE DISTRICTS AND ESTABLISH ELIGIBILITY CRITERIA FOR THE TAX CREDIT**

WHEREAS, the State of Maryland, pursuant to 9-318(g) of the Tax-Property Article, Annotated Code of Maryland, has authorized the establishment of revitalization districts by resolution for the purpose of encouraging redevelopment; and

WHEREAS, Section 9-318(g) of the Tax-Property Article, Annotated Code of Maryland, also authorizes the City to grant a property tax credit against the City's real property tax for a property located within the revitalization district that is constructed or substantially redeveloped in conformance with adopted eligibility criteria and reassessed as a result of the construction or redevelopment at a higher value than that assessed prior to the construction or redevelopment; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to provide for the establishment of revitalization tax districts and to set the criteria for designation of such districts; and

WHEREAS, the Mayor and City Council have determined that it is in the public interest to authorize the granting of a property tax credit against the City's real property tax for properties within a revitalization district and to adopt eligibility criteria for granting the credit.

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CAPS : Indicate matter added to existing law.  
 [Brackets] : Indicate matter deleted from law.  
 Asterisks \*\*\* : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-5, "Purpose" be and it is hereby enacted as follows:

ARTICLE V REVITALIZATION TAX CREDIT

**§175-5 PURPOSE.** THE PURPOSE OF THE CITY OF COLLEGE PARK'S REVITALIZATION TAX CREDIT PROGRAM IS TO PROVIDE FINANCIAL INCENTIVES TO ENCOURAGE ECONOMIC DEVELOPMENT AND REDEVELOPMENT BY CREATING REVITALIZATION DISTRICTS IN THE CITY.

**Section 2. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-6, "Establishment of Revitalization Tax Credit Districts" be and it is hereby enacted as follows:

**§175-6. AUTHORITY TO ESTABLISH REVITALIZATION TAX CREDIT DISTRICTS.** THE COUNCIL MAY ESTABLISH ONE OR MORE REVITALIZATION TAX CREDIT DISTRICTS. A REVITALIZATION TAX CREDIT DISTRICT MAY BE ESTABLISHED WITHIN AN EXISTING DEVELOPMENT DISTRICT OVERLAY ZONE, TRANSIT DISTRICT OVERLAY ZONE, COMMERCIAL DISTRICT, INDUSTRIAL DISTRICT, OR COMMERCIAL CORRIDOR.

**Section 3. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-7, "Revitalization districts established" be and it is hereby enacted as follows:

**§175-7 REVITALIZATION TAX DISTRICTS ESTABLISHED.**

THE FOLLOWING DISTRICTS ARE ESTABLISHED:

- A. DISTRICT ONE – TO INCLUDE THE AREAS ENCOMPASSED BY THE US 1 CORRIDOR DEVELOPMENT DISTRICT OVERLAY ZONE AND THE COLLEGE PARK-RIVERDALE TRANSIT DISTRICT OVERLY ZONE.
- B. DISTRICT TWO – TO INCLUDE THE AREAS ENCOMPASSED BY THE HOLLYWOOD COMMERCIAL DEVELOPMENT DISTRICT OVERLAY ZONE, THE BERWYN COMMERCIAL AND INDUSTRIAL DISTRICTS, THE BRANCHVILLE INDUSTRIAL DISTRICT AND THE GREENBELT/UNIVERSITY COMMERCIAL CORRIDOR.

**Section 4. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-8, “Authority to grant a tax credit for real property located in a revitalization tax credit district” be and it is hereby enacted as follows:

**§175-8 AUTHORITY TO GRANT A TAX CREDIT FOR REAL PROPERTY LOCATED IN A REVITALIZATION TAX CREDIT DISTRICT.**

A PROPERTY TAX CREDIT MAY BE GRANTED BY RESOLUTION AGAINST THE CITY’S PROPERTY TAX IMPOSED ON REAL PROPERTY LOCATED WITHIN A REVITALIZATION DISTRICT THAT IS CONSTRUCTED OR SUBSTANTIALLY REDEVELOPED IN CONFORMANCE WITH THE ELIGIBILITY CRITERIA ESTABLISHED IN THIS ARTICLE AND REASSESSED AS A RESULT OF THE CONSTRUCTION OR REDEVEVELOPMENT AT A HIGHER VALUE THAN THAT ASSESSED PRIOR TO THE CONSTRUCTION OR REDEVELOPMENT.

**Section 5. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-9, "Eligibility requirements" be and it is hereby enacted as follows:

**§175-9 ELIGIBILITY REQUIREMENTS.**

TO BE ELIGIBLE FOR THE TAX CREDIT, A PROPERTY MUST MEET THE FOLLOWING ELIGIBILITY CRITERIA:

- A. IMPROVEMENTS MUST INCLUDE NEW CONSTRUCTION, RECONSTRUCTION, OR REHABILITATION OF RESIDENTIAL (EXCLUDING SINGLE FAMILY DETACHED), COMMERCIAL, HOSPITALITY, OR MIXED-USE PROPERTIES.
- B. THE APPLICANT MUST BE IN GOOD STANDING WITH THE CITY OF COLLEGE PARK'S PUBLIC SERVICES AND FINANCE DEPARTMENTS. IN ORDER TO BE IN GOOD STANDING, APPLICANTS MAY NOT HAVE ANY OUTSTANDING CODE VIOLATIONS OR BE DELINQUENT ON ANY PAYMENTS INCLUDING, BUT NOT LIMITED TO, TRASH BILLS, PERMIT FEES, AND CITY TAX PAYMENTS.
- C. PROJECTS ARE INELIGIBLE FOR THIS PROGRAM IF THEY ARE LOCATED WITHIN A TAX INCREMENT FINANCING DISTRICT AT THE TIME OF APPLICATION.
- D. ELIGIBILITY IS CONTINGENT UPON CITY COUNCIL APPROVAL OF THE PROJECT'S DETAILED SITE PLAN, IF APPLICABLE, OR BUILDING PERMITS. IN THE EVENT THE CITY COUNCIL APPROVES THE DETAILED SITE PLAN WITH CONDITIONS OR ANY AGREEMENT BETWEEN THE APPLICANT AND

THE CITY, ALL RECOMMENDED CONDITIONS OR TERMS OF AGREEMENT MUST BE COMPLIED WITH BEFORE ANY TAX CREDIT WILL TAKE EFFECT.

- E. PROJECTS THAT ARE UNDER CONSTRUCTION, COMPLETED, OR HAVE AN APPROVED DETAILED SITE PLAN OR BUILDING PERMIT PRIOR TO THE ADOPTION OF THIS PROGRAM ARE NOT ELIGIBLE FOR THE TAX CREDIT.

**Section 6. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-10, "Eligibility criteria" be and it is hereby enacted as follows:

**§175-10 ELIGIBILITY CRITERIA**

WHEN EVALUATING WHETHER A PROJECT WILL RECEIVE A TAX CREDIT UNDER THIS ARTICLE, THE CITY COUNCIL WILL USE THE FOLLOWING CRITERIA. FOR PROJECTS LOCATED WITHIN THE BOUNDARIES OF TAX CREDIT DISTRICT 1 AT LEAST 4 OF THE CRITERIA MUST BE MET AND FOR PROJECTS LOCATED WITHIN THE BOUNDARIES OF TAX CREDIT DISTRICT 2 AT LEAST 2 OF THE CRITERIA MUST BE MET.

- A. THE PROJECT IS LOCATED WITHIN A ½-MILE RADIUS OF AN EXISTING OR UNDER CONSTRUCTION RAIL STATION FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, MARYLAND AREA REGIONAL COMMUTER, MARYLAND TRANSIT ADMINISTRATION, OR SIMILAR AGENCY.
- B. THE PROJECT INVOLVES THE ASSEMBLAGE OF LOTS OR PARCELS OWNED BY DIFFERENT PARTIES.

- C. THE PROJECT INVOLVES THE BUYOUT OF LEASES TO FACILITATE REDEVELOPMENT.
- D. THE PROJECT WILL COMPLETE, OR COMMIT FUNDS FOR, SUBSTANTIAL INFRASTRUCTURE IMPROVEMENTS SUCH AS A NEW OR RELOCATED TRAFFIC SIGNAL, A PUBLIC STREET, A PUBLIC PARK, A PUBLIC PARKING GARAGE, UNDERGROUNDING OF UTILITIES, OR A BIKESHARE STATION.
- E. THE PROJECT MEETS THE MINIMUM GREEN BUILDING GUIDELINES AS ESTABLISHED BY THE US GREEN BUILDING COUNCIL'S LEED SILVER CERTIFICATION FOR THE PROJECT'S APPROPRIATE RATING SYSTEM. A LEED SCORECARD MUST BE SUBMITTED WITH THE DETAILED SITE PLAN APPLICATION AND EVIDENCE OF CERTIFICATION AT THE TIME OF FINAL APPLICATION FOR THE TAX CREDIT.
- F. THE PROJECT IS LOCATED WITHIN ONE OF THE WALKABLE DEVELOPMENT NODES DESIGNATED IN THE APPROVED CENTRAL US 1 CORRIDOR SECTOR PLAN.
- G. THE PROJECT INVOLVES THE DEMOLITION OF AN EXISTING NON-HISTORIC STRUCTURE, WHICH HAS BEEN VACANT AT LEAST ONE YEAR.
- H. THE PROJECT IS A BROWNFIELD DEVELOPMENT, WHICH MEANS REAL PROPERTY WHERE EXPANSION OR REDEVELOPMENT IS COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF ENVIRONMENTAL CONTAMINATION, AND REQUIRES AN ENVIRONMENTAL CLEANUP PRIOR TO REDEVELOPMENT.
- I. THE PROJECT HAS SECURED AT LEAST ONE LOCALLY-OWNED, NON-FRANCHISE BUSINESS AS EVIDENCED BY EXECUTED LEASE

AGREEMENTS AT THE TIME OF FINAL APPLICATION FOR THE TAX CREDIT.

- J. THE PROJECT PROVIDES SPACE FOR A BUSINESS INCUBATOR, COMMUNITY CENTER, ART GALLERY, OR SIMILAR PUBLIC-BENEFIT USE.

**Section 7. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-11, "Tax credit - amount and term" be and it is hereby enacted as follows:

**§175-11 TAX CREDIT – AMOUNT AND TERM**

AN ELIGIBLE PROPERTY MAY RECEIVE A 5-YEAR TAX CREDIT ON CITY REAL PROPERTY TAXES BASED ON THE INCREASED ASSESSMENT ATTRIBUTED TO THE TAXABLE IMPROVEMENTS UPON PROJECT COMPLETION AS DETERMINED BY THE SUPERVISOR OF ASSESSMENTS. THE TAX CREDIT SHALL BE IN AN AMOUNT EQUAL TO 75% OF THE INCREASED ASSESSMENT OF CITY TAX IMPOSED IN THE FIRST YEAR; 60% IN THE SECOND YEAR; 45% IN THE THIRD YEAR; 30% IN THE FOURTH YEAR; AND 15% IN THE FIFTH YEAR. THE TAX CREDIT IS TRANSFERABLE TO SUBSEQUENT PROPERTY OWNERS WITHIN THE TERM OF THE ORIGINAL AGREEMENT.

**Section 8. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-12, "Application process" be and it is hereby enacted as follows:

**§175-12 APPLICATION PROCESS**

- A. SUBMIT PRELIMINARY APPLICATION

AN APPLICATION FOR A CITY TAX CREDIT SHALL BE SUBMITTED TO THE CITY'S PLANNING, COMMUNITY, AND ECONOMIC DEVELOPMENT DEPARTMENT NO LATER THAN THE DATE OF ACCEPTANCE FOR A DETAILED SITE PLAN BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (M-NCPPC), IF APPLICABLE, OR THE SUBMISSION OF A BUILDING PERMIT APPLICATION TO PRINCE GEORGE'S COUNTY. THE APPLICATION SHALL SPECIFY WHICH EVALUATION CRITERIA ARE BEING ADDRESSED BY THE APPLICANT, THE ESTIMATED VALUE OF THE COMPLETED IMPROVEMENTS, AND ANY ADDITIONAL INFORMATION REQUESTED BY THE CITY. ALL PLANS ASSOCIATED WITH THE DETAILED SITE PLAN OR BUILDING PERMIT SHALL BE SUBMITTED WITH THE APPLICATION.

B. CITY STAFF REVIEW AND RECOMMENDATION

UPON RECEIPT AND ACCEPTANCE OF A COMPLETED APPLICATION, THE CITY'S PLANNING, COMMUNITY, AND ECONOMIC DEVELOPMENT DEPARTMENT WILL REFER A COPY OF THE APPLICATION TO THE FINANCE DEPARTMENT. CITY STAFF WILL PROVIDE A RECOMMENDATION TO THE CITY COUNCIL FOR A TAX CREDIT AT THE TIME OF DETAILED SITE PLAN REVIEW BEFORE THE CITY COUNCIL. FOR PROJECTS THAT DO NOT REQUIRE A DETAILED SITE PLAN, STAFF WILL REVIEW BUILDING PERMIT PLANS AND SCHEDULE THE APPLICATION FOR REVIEW BY THE CITY COUNCIL AT A CITY COUNCIL WORKSESSION.

C. CITY COUNCIL RESOLUTION

A CITY COUNCIL RESOLUTION MUST BE APPROVED TO AUTHORIZE THE AWARD OF A TAX CREDIT. THE APPROVAL WILL BE CONTINGENT ON ALL REQUIRED TERMS OF THE REVITALIZATION TAX CREDIT PROGRAM BEING MET AT THE TIME OF FINAL APPLICATION. IF THE PRINCE GEORGE'S COUNTY PLANNING BOARD, THE DISTRICT COUNCIL, OR ANY OTHER GOVERNMENT AGENCY WITH AUTHORITY CHANGES THE CITY APPROVED CONDITIONS FOR THE DETAILED SITE PLAN AFTER THE RESOLUTION HAS BEEN ADOPTED, STAFF WILL REVIEW THE CHANGES AND PROVIDE A SUPPLEMENTAL RECOMMENDATION FOR THE TAX CREDIT AUTHORIZATION THAT THE CITY COUNCIL WILL RELY UPON WITH RESPECT TO DETERMINING WHETHER IT SHOULD RE-CONSIDER THE AUTHORIZATION.

D. FINAL APPLICATION APPROVAL

PRIOR TO FINAL ACCEPTANCE OF THE APPLICATION FOR A CITY TAX CREDIT, DOCUMENTATION MUST BE SUBMITTED TO THE CITY'S DIRECTOR OF FINANCE INCLUDING A LEGAL DESCRIPTION OF THE PROPERTY, PROOF OF A PROPERLY ISSUED USE AND OCCUPANCY PERMIT APPLICABLE TO ELIGIBLE IMPROVEMENTS, EVIDENCE OF COMPLIANCE WITH ANY CITY AGREEMENT OR REQUIRED CERTIFICATIONS, AND SUCH OTHER INFORMATION OR DOCUMENTATION AS THE DIRECTOR MAY REQUIRE. UPON FINAL ACCEPTANCE THE CITY WILL ISSUE A CERTIFICATE TO THE PROPERTY OWNER THAT CONFIRMS THE PARCEL'S TAX CREDIT STATUS. A COPY OF THE CERTIFICATE WILL BE SENT TO THE PRINCE GEORGE'S

COUNTY SUPERVISOR OF ASSESSMENTS WHO WILL DETERMINE THE VALUE OF IMPROVEMENT.

**Section 9. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-13, "Waiver" be and it is hereby enacted as follows:

**§175-13 WAIVER**

A. IF IT FINDS THAT THE PURPOSES OF THIS ARTICLE WILL BE EQUALLY WELL SERVED BY DOING SO, THE COUNCIL MAY WAIVE THE REQUIREMENT IN §175-12 THAT AN APPLICATION MUST BE FILED NO LATER THAN THE DATE OF ACCEPTANCE FOR A DETAILED SITE PLAN, IF APPLICABLE, OR A BUILDING PERMIT APPLICATION, AND CONSIDER WHETHER TO GRANT A TAX CREDIT UNDER THE FOLLOWING CIRCUMSTANCES FOR PROJECTS FOR WHICH NO APPEAL WAS FILED BY THE CITY:

1. WHEN THE APPLICATION IS FILED PRIOR TO THE APPROVAL OF THE DETAILED SITE PLAN OR ISSUANCE OF THE BUILDING PERMIT; OR
2. NOTWITHSTANDING §175-9(E), IF THE DETAILED SITE PLAN WAS APPROVED AFTER JANUARY 1, 2009, THE PROJECT HAS BEEN CONSTRUCTED, AND THE PROJECT SATISFIES AT LEAST THE MINIMUM REQUIRED CRITERIA IDENTIFIED IN §175-10 FOR THE DISTRICT; OR
3. IF A DETAILED SITE PLAN HAS BEEN APPROVED, BUT CONSTRUCTION HAS NOT OCCURRED, FOR THE PURPOSE OF ENCOURAGING THE CONSTRUCTION; OR

4. FOR AN APPLICATION THAT IS TIMELY FILED, WHEN THE MINIMUM REQUIREMENTS OF §175-10 ARE NOT MET.

B. IN GRANTING A TAX CREDIT UNDER THIS SECTION, THE COUNCIL MAY REDUCE THE AMOUNT OR DURATION OF THE CREDIT SET OUT IN §175-11.

C. IN MAKING APPLICATION FOR A WAIVER, THE APPLICANT SHALL PROVIDE FOR CONSIDERATION THE INFORMATION REQUESTED BY THE CITY'S PLANNING, COMMUNITY, AND ECONOMIC DEVELOPMENT STAFF.

**BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:15 P.M. on the 27th day of November, 2012, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on December 18, 2012 provided that a fair

summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 23rd day of October 2012.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 27<sup>th</sup> day of November 2012.

**EFFECTIVE** the 18<sup>th</sup> day of December, 2012.

**ATTEST:**

**THE CITY OF COLLEGE PARK,  
MARYLAND**

By: Janeen S. Miller  
Janeen S. Miller, CMC, City Clerk

By: Andrew M. Fellows  
Andrew M. Fellows, Mayor

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

Suellen M. Ferguson  
Suellen M. Ferguson, City Attorney

9

# DSP and Rezoning for Yale House

## MEMORANDUM

**TO:** Mayor and Council

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

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

**DATE:** June 7, 2013

**SUBJECT:** Update on Yale House, Detailed Site Plan (DSP) 11005  
7302 Yale Avenue  
College Park Investments, LLC

This application was presented at the March 19, 2013 City Council work session, at which time the City Council expressed concern about increasing the density from 6 to 10 dwelling units and from 23 to 37 beds as well as with being able to meet City Code in terms of overcrowding. The City Council suggested that the applicant reduce the number of additional units proposed from 4 units to 2 units by removing the two basement units. In addition, the City Council was concerned about the potential impact to on-street parking and impact of resident's extracurricular activities disturbing the neighborhood. The applicant agreed to further analyze the project pro forma to consider the council's request.

On June 5, 2013, the applicant submitted a letter dated May 31, 2013 and exhibits to address these issues and concerns (see Attachment 1-3). Regarding life safety concerns, the applicant stated that the property was renovated in 2007 and that life safety enhancements were made at that time. Specifically, smoke detectors were upgraded and integrated into the emergency notification feature of the electronic security system. With the addition of the new units, the applicant will install a sprinkler system and the basement units will be designed to allow for fire escape. As for the request to reduce the number of units and beds, the applicant stated in his letter, that a financial pro forma was produced that reduced the number of beds and units; however, the pro forma concluded that reducing the number of beds and/or units would make the project no longer financially feasible. Therefore, the applicant will not be amending his original request in terms of reducing the number of beds/units.

To address the concern about overcrowding, the applicant has submitted a table (see Attachment 2) that indicates that the City Code minimum required square footage per occupant will be exceeded. In regard to student behavior, the applicant states that no complaints have been filed against the residents. The applicant has managed the property for a number of years and emphasizes the importance of being respectful to the neighborhood and community. The property manager(s) maintain a 24 hour a day contact availability to the residents and to the community. Finally, concerning on street parking, the applicant is proposing to provide 2 more

parking spaces than is required (10 off street parking spaces are required, 12 are provided). In addition, the property is located adjacent to a Public Parking garage so residents and guests can use this facility to park off street. As for bike racks, the applicant is required to provide 3 bike spaces and the applicant is proposing to continue to provide two 5-slot bicycle racks which can accommodate 10 bike spaces.

The staff report dated March 15, 2013, recommended approval of the proposal with conditions (see Attachment 5). The applicant has agreed to accept and comply with these conditions. Additionally, staff proposes a new condition related to the required LEED Silver certification. The applicant has agreed to this condition, in principal, as well. The exact wording was e-mailed to the applicant and we are awaiting a response. Amended conditions are listed in Attachment 4.

## **ATTACHMENTS**

1. Letter dated May 31, 2013 from Gerard T. McDonough
2. Table showing required and provided habitable space.
3. Floorplans
4. Amended conditions
5. Previous staff report (dated March 15, 2013) with attachments

**GERARD T. McDONOUGH**

*Attorney-at-Law*

8600 Snowden River Parkway, Suite 207  
Columbia, Maryland 21045

Telephone: (410) 953-0222, ext. 107  
(301) 752-1447  
Facsimile: (410) 953-0223

E-Mail:  
gtmcdonough@thesanfordcompanies.com  
gtmcd@hotmail.com

May31, 2013

Mayor & City Council  
City of College Park  
4500 Knox Road  
College Park, Maryland 20740-3390

Re: Application of College Park Investment, LLC ("CPI") for Detailed Site Plan Approval (DSP) & Re-Classification to the Mixed Use Infill (M-U-I) Zone for 7302 Yale Avenue, College Park, MD "Yale House" (M-NCPPC Appl. No. DSP-11-0005) (the "Application")

Dear Mayor & Council:

First, allow us to express our sincere appreciation for the time, effort and professionalism invested by your Senior Planner and Planning Staff in their review of our Application and for the consideration afforded it on your Agenda for the first Work Session. At the Work Session after our presentation of our Application following the presentation of your Planning Department's Staff Report, the Council raised a number of questions and comments regarding multiple aspects of our Application and we requested that we be allowed to take the same under consideration and return to you with our response prior to your final decision regarding the City's recommendation upon our Application. You graciously granted our request, which we truly appreciate. This letter is to provide our response to the issues raised at the prior work session and an explanation of our reasons therefore.

It was clear to us that members of the Council were concerned with the addition of the four (4) dwelling units in the building and the concomitant increase in the number of beds from the existing twenty-three (23) to thirty-seven (37). Prominent among your concerns were life safety issues, chiefly fire safety (emergency exit and fire suppression sprinklers) presented by the location of the four (4) new units, two (2) in the basement and two (2) on the fourth floor, as well as concern that the number of additional beds creates a potential for overcrowding. Also of concern was the potential impact of the additional residents at Yale House upon street parking and the potential for extracurricular activities of students that have historically disturbed the neighborhood. We have focused our responsive points and reasoning herein upon these issues.

Prefatory to addressing the above issues, we earnestly proffer that the ownership and management structure of the Applicant, College Park Investment, LLC ("CPI") merits your attention and consideration, vis-à-vis the relationship and commitment of its principals, not just to the property but also to the University and its students for whom it provides housing at Yale House and by extension to neighborhood, the Old Town Community and your fair City.

CPI was acquired by the family trust created by the current Manager, S. Bruce Jaffe, for the benefit of his wife and three children (the "Trust"). Mr. Jaffe, who grew up in Silver Spring and is now a resident of Ellicott City, is also an Alumnus of the University of Maryland (the "University") and remains active in Alumni affairs, including having served multiple terms on the University's Board of Trustees. The Trust's acquisition of the company that owns Yale House was not simply a financial investment; it was also intimately related to the then enrollment in the University of Trust's Beneficiaries, Mr. Jaffe's daughter and sons. The daughter and sons even resided at Yale House until matriculation. The continuing ownership of Yale House by the Trust and its Beneficiaries, now all alumni of the University, and its management by their father, also an alumnus, is truly motivated by a personal attachment, involvement and interest in Yale House by Mr. Jaffe and his family, over and above the purely financial, who envision Yale House as a permanent asset of the Trust.

This personal attachment has and continues to motivate Mr. Jaffe's operation and management of Yale House to the highest possible standards, as not just a business investment and enterprise, but also an extension of his family's personal identity and their loyalty to the University and by extension their sensitivity to its relationship to the neighborhood and community. While this personal, as well as financial commitment, may not be a specific statutory factor in the review of the Application, we contend that it is distinctly material thereto in that the Jaffe Family's personal identity with Yale House assures continued commitment to its superior management and by extension its commitment to the neighborhood, community and the City of College Park. We earnestly proffer that this commitment is evidenced by the Mr. Jaffe's husbandry of Yale House and his willing and gratis accommodation of the City's desires in conjunction with the planning and construction of its municipal parking garage on the public property adjoining Yale House.

The life safety of its residents, which for a time included his own children, was of paramount importance Mr. Jaffe, as Manager of CPI. In that light, the first priority of CPI's expenditures in its post-acquisition improvements to Yale House was those that were doable within the constraints of the existing structure. When the Trust acquired Yale House in 2007, the structure was 54 years old, having been built in 1953, and was distinctly in need of repairs, upgrades both, in general, and to life safety enhancement features, as well as an exterior facelift. Also, the six (6) original and current dwelling units therein required an upgrade of mechanical fixtures and appliances and an interior remodeling.

Since its acquisition, the Applicant has improved and upgraded the mechanical and security systems including the installation of a state of the art electronic keyless main and unit door access system, which most significantly enabled the upgrading of the then existing fire safety infrastructure consisting of simply smoke detectors to integrate the smoke alarms into the emergency notification feature of the electronic security system. CPI also renovated or replaced the then dilated building elements and gave it an exterior facelift, repaved of the parking and improved the landscaping and outdoor amenities.

Letter to Mayor & City Council City of College Park  
Dated May 31, 2103  
Page 3.

The key remaining element to be added to the fire safety infrastructure of Yale House is a sprinkler system. This will require the installation of more substantial water supply line from the water main to the building in order to accommodate the increased volume and pressure required by the sprinkler system. This enhanced water supply line is physically integrated into the design of the units to be constructed in the basement of Yale House, as well as the current enhanced design of the windows to be installed for ease of fire escape from those units.

In consideration of this Council's concerns with the Application's proposal for Yale House, we re-examined the financial pro forma for Yale House from every possible standpoint. In addition to the acquisition cost of \$1,250,000, the improvements done to date have cost approximately \$497,000. The streetscape improvements proposed by the Applicant (the two red maple trees) and the widening of the sidewalk proposed as a condition in the staff report will cost an estimated \$30,000. Based on foregoing figures and our estimated calculation of the cost of the installation of the upgraded water line, our inescapable conclusion from our re-examination is that from, both the aspect of design and financial feasibility, the addition of four (4) new units to the interior of the building and the rents therefrom are axiomatically critical elements to the upgrading the life safety elements of the building to current state of the art as well as to the continued financial health of the Yale House.

**Consequently we must reiterate our request that the City of College Park recommend approval of the Application in accordance with its Staff Report.** Well cognizant and appreciative of the historic concerns of the Old Town Neighborhood and this Council to off-campus student housing, we do not reinstate this request lightly and, being compelled to do so by design and economic necessity, we entreat this Council to refocus on the history of the Applicant's management of Yale House during its tenure to date and the site and building plans presented in its currently pending Application.

Since acquiring Yale House the Applicant has focused its management on the attenuation of the recognized concerns of the neighborhood about on-street parking, maximizing on-site (off-street) parking, installing bike racks and doing all it could to accommodate the adjoining Municipal Parking Facility. Regarding the ongoing neighborhood concerns with potential impacts of student extracurricular activity, the Applicant has instituted demonstrably successful management practices, such as emphasizing in leasing to prospective residents their responsibility to the neighborhood and community for respectful behavior, the hands on physical care and frequent, regular inspection of Yale House by its property manager(s) and maintaining their 24 hour a day contact availability to the community and their proximity to Yale House at CPI's office near the interchange of I-95 and Md. Rte. 175 in Columbia, Md., a 20 minute drive in non-rush hour and 30-45 minutes in rush hour. We are pleased that our efforts have borne fruit in that, during the tenure of our management, we have received no complaints of deterioration of on-street parking availability attributable to our residents or of any extracurricular activities of our student residents disruptive to the neighborhood.

Letter to Mayor & City Council City of College Park

Dated May 31, 2103

Page 4.

In the preparation of the plan for Yale House submitted with its Application, CPI focused them on designing the safest, enhanced living environment for the current and future residents of Yale House while making every possible effort to ameliorate and attenuate any potential impact on the neighborhood. Recognizing the concerns of the neighborhood about on-street parking, our site plan again increases on-site (off-street) parking and additional bike racks, both of which are supplemented by the adjoining Municipal Parking Facility, which provides constantly and immediately available off-street parking on a full time basis. Regarding the neighborhood concerns with student extracurricular activity, the Applicant through its closely held permanent management company, recommits to its heretofore demonstrably successful management practices, especially maintaining the availability to the community of its management responders both in their current proximate distance and time of travel to Yale House.

We also assert that our Application, as currently before you, presents the best planning and design, for implementing our long term goals for the continued financial health and physical condition of the property and its improvements though a modest and reasonable increase in density, consistent with the Central US 1 Corridor Sector Plan (the "Master Plan") and its Development District Overlay Zone (DDOZ) and tempered by the proximity of Yale House to Old Town. The exterior of the building, having already been substantially remodeled over the prior drab exterior to enhance its architectural interest and improve its curb appeal, the proposed plan and design seeks to optimize economic the opportunity available under the Master Plan and DDOZ by the proposed increase in units and, in doing so, advance the life safety elements of the building to state of the art and to do so with the least impact on the neighborhood.

As we affirmed at our last appearance before you, the Applicant accepts and will comply with all of the recommendations of your Planning Staff regarding changes to the subject Application, including its Site and Building Plans, those being as follows:

"1. Revise the site plan to provide an Architectural unit plan showing the placement of the beds for the proposed new units prior to signature approval of the DSP."

- Accepted.

"2. Show compliance with City Code 125-9 by showing the total square footage per bedroom as calculated in the City Code 125-9 or reduce the number of beds."

- Enclosed herewith is the spreadsheet calculation prepared by our Planner reflecting that we not only meet but exceed, in some cases significantly exceed the requirements of Sec. 125-9 applicable to both the minimum square footage of habitable area per unit, as well per bedroom.

Letter to Mayor & City Council City of College Park

Dated May 31, 2103

Page 5.

(Regarding the Comment in the Staff Report that “It is unusual to have so many beds per bedroom; newly constructed student housing typically leases by the bed with one bed per bedroom.”, it is our observation and experience that student housing contemporary with Yale House typically does have two beds per bedroom and that this proposal is not for new construction but interior reconstruction of an existing student housing building.)

(Regarding the Comment in the Staff Report that the “... staff is also concerned that there is no in-house management with a proposal of 37 students.”, the Applicant’s management team on-call responders are located in Columbia Maryland proximate to the interchange of I-95 & Md. Rte 175 a short 20-30 minute travel time from Yale House and available for response 24/7.)

(Regarding the Comment in the Staff Report that the “... staff is concerned that this proposal appears to not meet the minimum square footage per occupant requirements ... [of] City Code 125-9 ...” submitted herewith are the building floor plans that reflect the layout of each unit and room therein upon which the square footage calculations reflected in the spreadsheet Exhibit prepared by our Planner are based.)

3. Revise the Site Plan to note that the applicant shall paint white, reflective arrows that clearly indicate the parking lot circulation pattern.

- Accepted.

4. Revise the Site Plan to indicate that the applicant shall construct a 7-foot wide concrete sidewalk with brick pavers along the property frontage to match the width and design of the sidewalk to the north.

- Accepted.

5. Freestanding, ground mounted signs are prohibited in the DDOZ. The existing lease sign shall be removed.

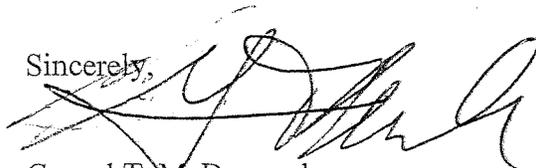
- Accepted.

Letter to Mayor & City Council City of College Park  
Dated May 31, 2103  
Page 6.

In conclusion, while we appreciate the Council's concerns with the increased density in our Application, the proposed density is a modest increase compared to the maximum potential that could be pursued under the Master Plan and DDOZ which were developed by M-NPPC with the involvement of the City and its Planning Staff and approved by the Planning Board and County Council after endorsement by this Council. While we concede that this does not predicate your recommendation of approval upon our Application, we do request that the members of this Council truly consider the effect of the City's action on our Application upon the viability of the Master Plan and DDOZ, especially the "walkable nodes" element and goal thereof.

The Applicant has tempered its scope to the limits of the interior space of the existing building, while maximizing the parking on site and management proximity and techniques to ameliorate any potential impacts upon the neighborhood vis-à-vis on-street parking and student extracurricular activities. If this Council cannot recommend approval of such a modest proposal as this, it does not bode well for the continued implementation of the Master Plan. Upon the foregoing, we conclude that consideration of the merits of this Application and its fair weighing in balance with its potential impacts and their amelioration in its plan and design deserves a recommendation of approval by this Council in accordance with the Staff Report and trust that your consideration hereof in an objectively balanced manner will lead to your recommendation of approval as requested.

Sincerely,



Gerard T. McDonough  
Attorney for Applicant

Enclosure

cc: S. Bruce Jaffe, Manager (w. enc.)  
College Park Investments, LLC  
8600 Snowden River Parkway, Ste. 207  
Columbia, MD 21045

Terry Schum, Planning Director (w enc.)

Miriam Bader, Senior Planner (w. enc.)

**MORRIS & RITCHIE ASSOCIATES, INC.**

14280 Park Center Drive

Laurel, MD 20707

Phone No. (410) 792-9792

Fax No. (410) 792-7395

Project Name: Yale House

Project No.: 17019

Computed By:

Checked By:

Date: 05/22/13

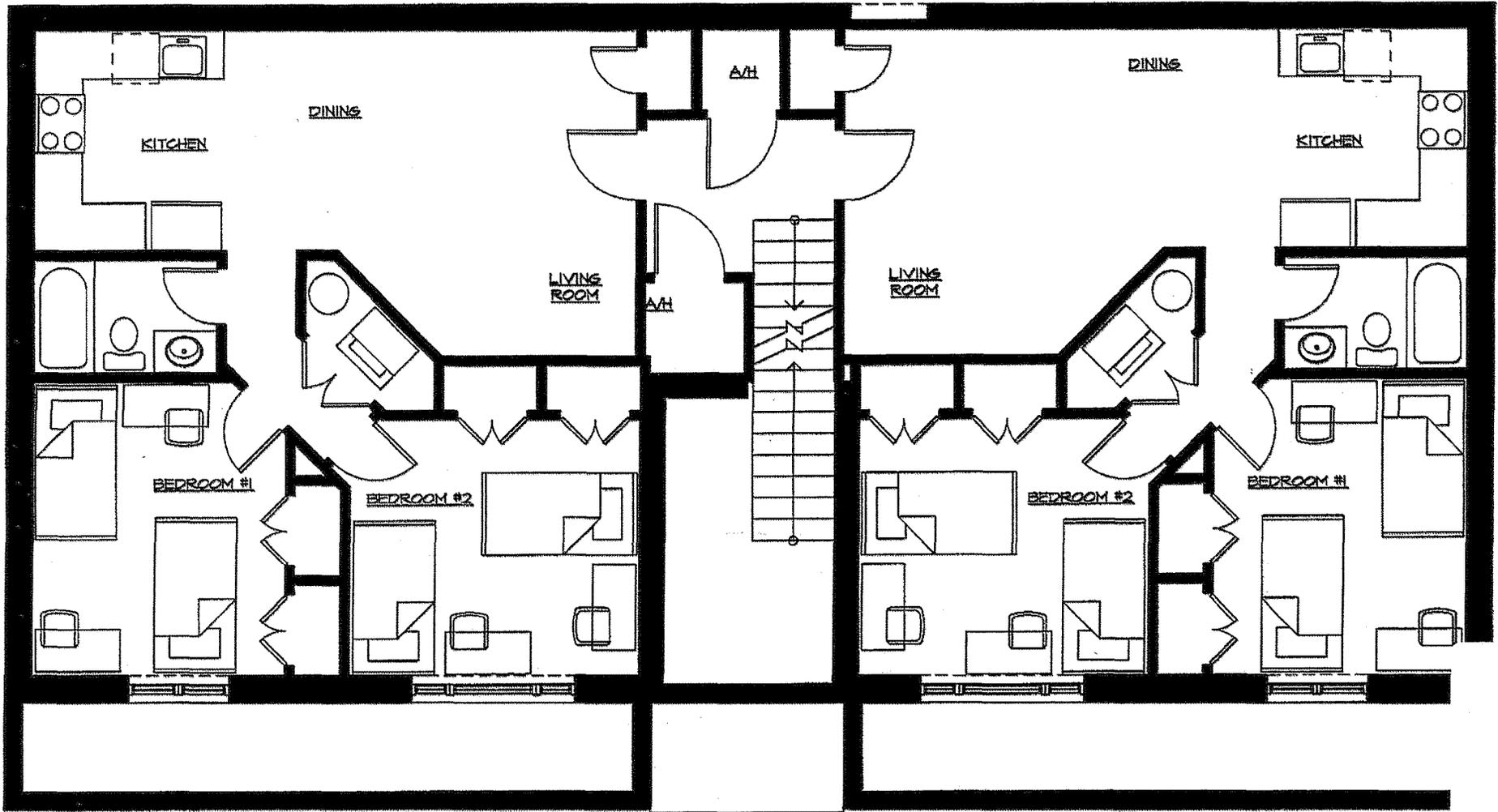
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Sheet No.: 1 OF 1

**Section 125-9 - Space, Use, and Location**

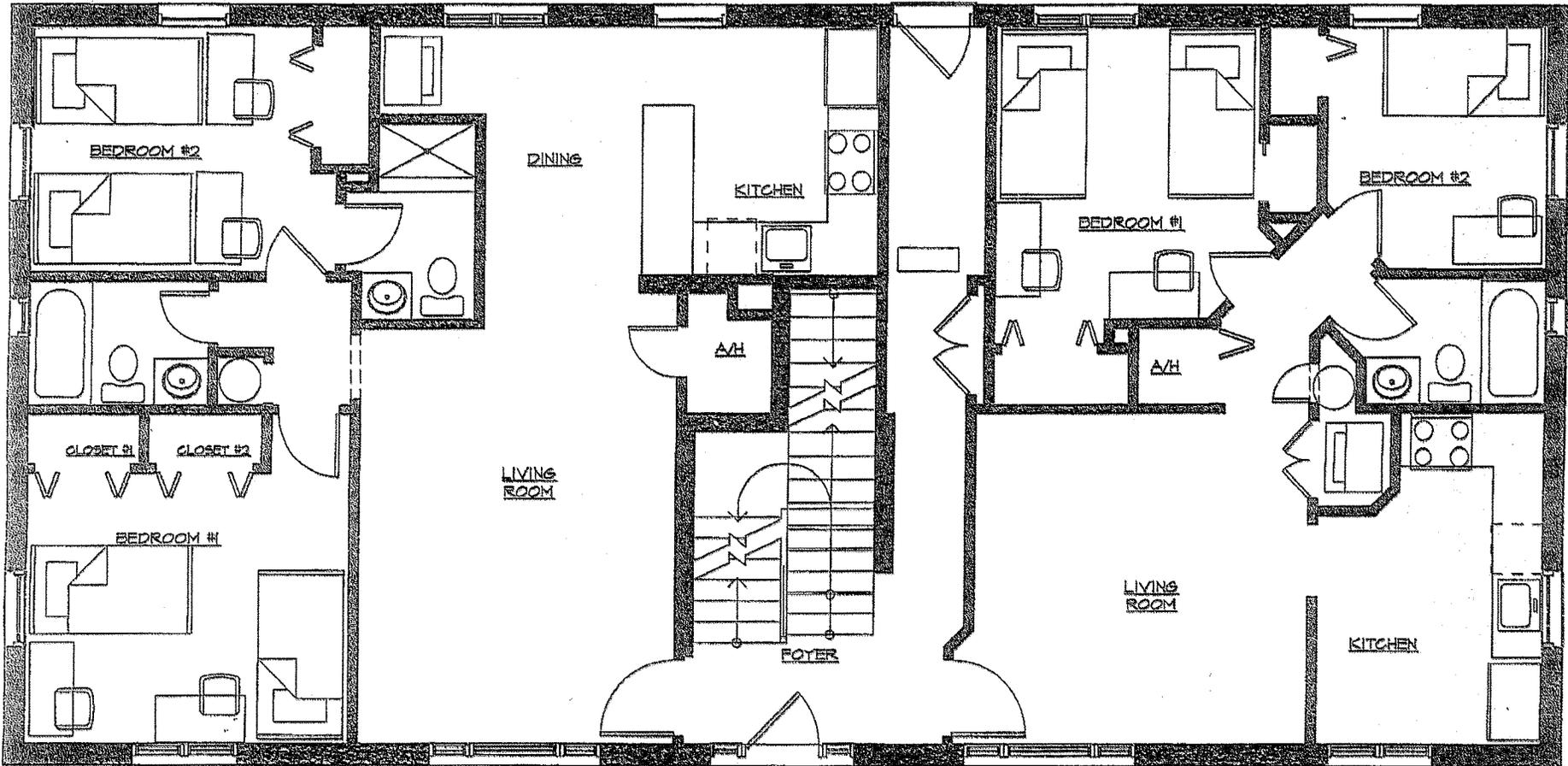
Unit #	Number of Beds/Occupants	Required Habitable Area	Provided Habitable Area
B2	4	450 SF	600 SF
B1	4	450 SF	613 SF
101	4	450 SF	699 SF
100	3	350 SF	526 SF
201	4	450 SF	697 SF
200	4	450 SF	701 SF
301	4	450 SF	697 SF
300	4	450 SF	701 SF
A2	3	350 SF	507 SF
A1	3	350 SF	507 SF



UNIT B-2

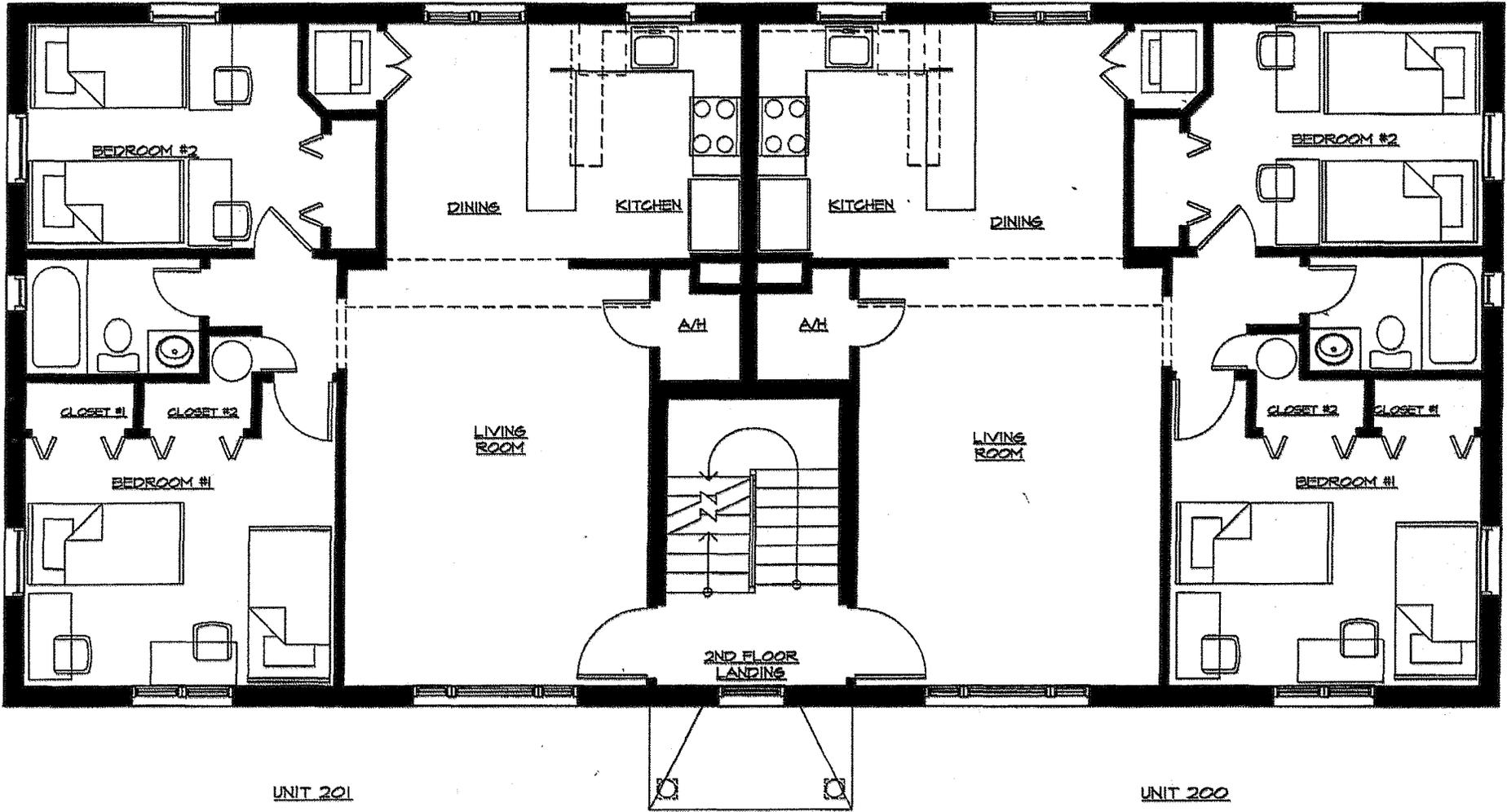
UNIT B-1

133



UNIT ~~101~~  
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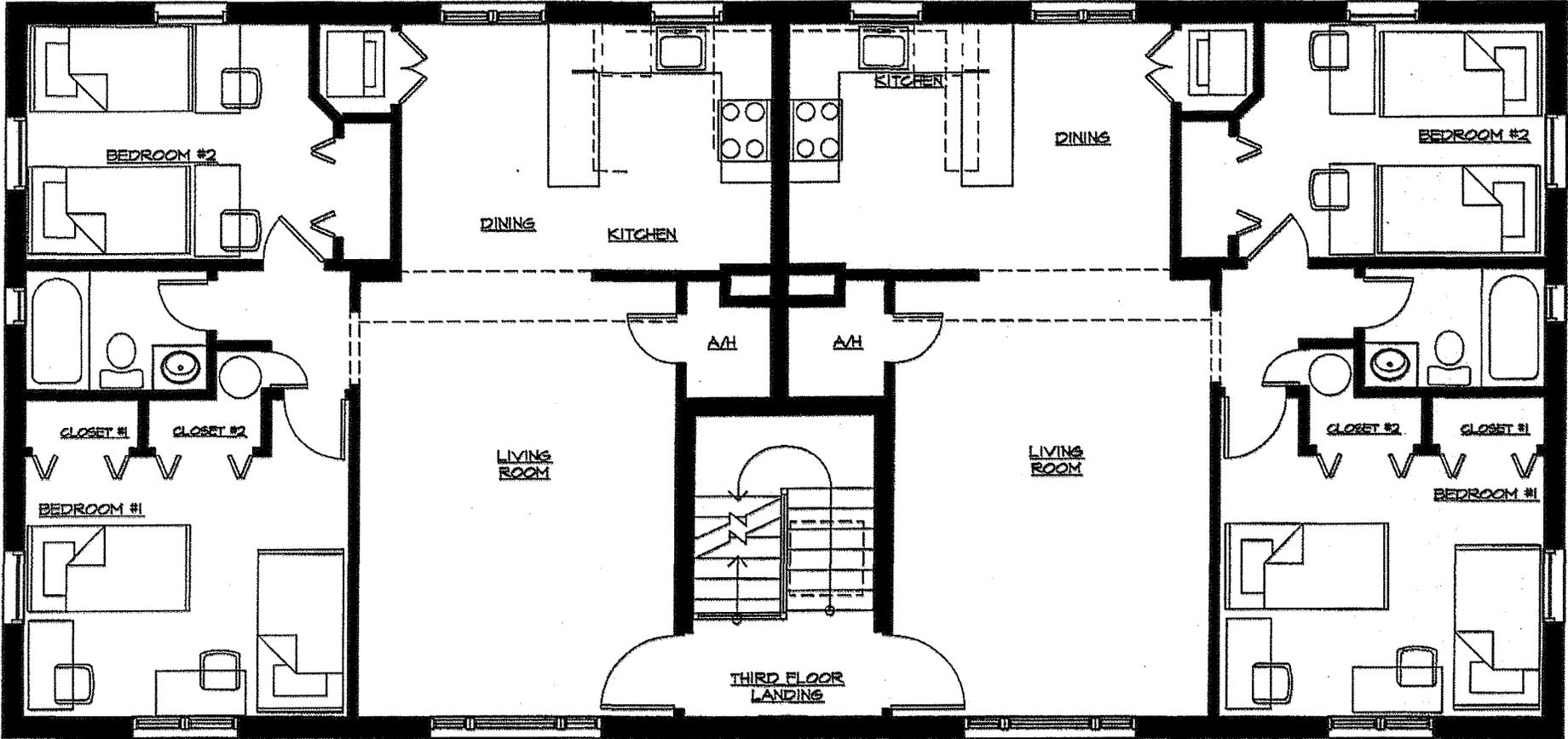
UNIT ~~100~~  
101



UNIT 201

UNIT 200

134



UNIT 301

UNIT 300

**Amended Conditions**

1. Prior to signature approval of the Detailed Site Plan (DSP):
  - A. Provide floor plans for all floors including the placement of the beds and furniture.
  - B. Provide a table that indicates compliance with City Code 125-9 by showing the total square footage per bedroom as calculated in the City Code 125-9 or reduce the number of beds accordingly.
  - C. Provide a parking lot circulation plan and paint white reflective arrows that comply with the proposed circulation plan.
  - D. Revise the site plan to show a 7-foot wide concrete sidewalk with brick pavers along the property frontage to match the width and design of the sidewalk to the north.
2. Remove the prohibited freestanding, ground mounted lease sign from the site.
3. The Applicant shall make every effort to achieve U.S. Green Building Council (USGBC) LEED-Silver certification under an applicable LEED 2009 rating system as required by the Sector Plan Development Standards. The Applicant shall pursue LEED Silver certification through the Split Review process. Specifically the Applicant shall follow the process below:
  - a. Prior to DSP certification, the Applicant shall:
    - 1) Register the project with the USGBC and provide a copy of the payment receipt.
    - 2) Designate a LEED-accredited professional ("LEED-AP") who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact information for the LEED AP to the City and M-NCPPC.
    - 3) Designate the City of College Park Planning Director as a team member in the USGBC's LEED Online system. The City's team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team.
  - b. Prior to the issuance of a building permit, the Applicant shall submit the results of the USGBC's preliminary review of design-oriented credits in the LEED program. This documentation shall demonstrate that the multi-family building is anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain LEED-Silver certification.

- c. Prior to the issuance of the first use and occupancy permit, the Applicant shall provide documentation that the project has been certified LEED-Silver or higher by the USGBC to the City of College Park and to M-NCPPC. If certification has not been completed, the Applicant shall submit certification statements from their LEED-AP that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain LEED-Silver certification.

The appropriate regulating agency may issue a temporary use and occupancy permit to the Applicant until such time as LEED-Silver certification or higher is documented. If it is determined that a temporary use and occupancy permit cannot be issued, a permanent use and occupancy permit may be issued by the appropriate regulating agency once an escrow or letter of credit in the amount of \$10,000 is established with an agent that is acceptable to the City of College Park. Said escrow agent shall hold the funds subject to the terms of this Agreement. The escrow (or letter of credit) shall be released to Applicant upon final LEED –Silver or higher certification. In the event that the Applicant fails to provide, within 180 days of issuance of the permanent use and occupancy permit for the Project, documentation to the City demonstrating attainment of LEED-Silver or higher certification, the entirety of the escrow will be released upon demand to the City and will be posted to a fund within the City budget supporting implementation of environmental initiatives.

If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the City, that USGBC completion of the review of the LEED certification application has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the proffered time frame may be extended as determined appropriate by the City, and no release of escrowed funds shall be made to the Applicant or to the City during the extension.

MEMORANDUM

**TO:** Mayor and Council

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

**FROM:** Miriam Bader, Senior Planner

**DATE:** March 15, 2013

**SUBJECT:** Detailed Site Plan (DSP) 11005  
Yale House  
College Park Investments, LLC

**ISSUE**

This is an application by “Yale House”(College Park Investments, LLC) for a Detailed Site Plan and a Zoning Map Amendment to rezone property from the R-18 Zone (Multifamily Medium Density Residential) to the M-U-I, DDOZ Zone (Mixed Use-Infill, Development District Overlay Zone) in order to add 4 dwelling units to a multi-family building increasing the total number of units from 6 units to 10 units and from 23 beds to 37 beds and to approve site improvements (expanded parking lot, new driveway, and additional curbcut) that were previously constructed without a required DSP or building permit. The Planning Board hearing is tentatively scheduled for April 18, 2013. The Maryland-National Capital Park and Planning Commission (M-NCPPC) Technical Staff Report may be available April 5, 2013.

**BACKGROUND**

The subject 0.25 acre property is located at 7302 Yale Avenue between Knox Road and Hartwick Road, approximately 100 feet east of US 1 (Baltimore Avenue). The building was constructed in 1953 (according to tax assessment records) and is zoned R-18. It currently has 6 units and 23 beds.

In 2007-2008, a building permit was approved for a new front portico/canopy (43416-2007-CE), a 3 foot retaining wall (39159-2007-CG), and roof replacement (10505-2008-CE). These improvements were constructed.

On April 7, 2010, M-NCPPC (Permit Review Section-Tempi Chaney) wrote a memorandum that noted that a parking lot was expanded and a new southern driveway and entrance were constructed without a permit and the required Detailed Site Plan (DSP) approval.

On December 9, 2011, an application for DSP was accepted to add 4 dwelling units to an

existing multifamily building and to validate existing site improvements (expanded parking lot, new driveway and additional curbcut).

On May 16, 2011, Gerard McDonough, Attorney for the Applicant, went before the Old Town Civic Association, to discuss their DSP application. Spillover on-street parking and density concerns were expressed by the residents but no formal action was taken.

On March 7, 2012, the City received a letter from Gerard McDonough that they were requesting a modification of the DSP to include a change in the zoning from R-18 to MUI, DDOZ in order to allow the applicant to increase their density. The R-18 zone permits 12 dwelling units per acre. The MUI zone permits 48 dwelling units per acre. Currently, the applicant has a density of 24 dwelling units per acre, which does not conform to the R-18 zone (12 du/acre). The applicant is seeking to increase their density to 40 dwelling units per acre.

On January 22, 2013, an amended application was filed in order to address the LEED certification requirements required for areas designated as “Walkable Nodes” in the DDOZ. Specifically, according to page 256 of the Approved Central US 1 Corridor Sector Plan and SMA, “all development within the walkable nodes shall obtain a minimum of silver certification in one of the following applicable LEED rating systems...”

## **SUMMARY**

This application is subject to the Zoning Ordinance, the 2002 General Plan and the Development District Standards as set forth in the 2010 Approved US 1 Corridor Sector Plan. In order to approve a Detailed Site Plan, the Zoning Ordinance requires the Planning Board to find “that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.”

Also, as a part of the filing of the Detailed Site Plan within a DDOZ, the applicant can request a rezoning to the M-U-I Zone in accordance with Section 27-548.26(b)(1)(B). “The sector plan only supports the property owner application process for rezoning to the M-U-I zone or expanding the DDOZ boundaries in locations that reinforce the concept of walkable nodes.” This property is within the Downtown College Park walkable node. The M-U-I zone also requires the Planning Board to find that the proposed uses are compatible with one another and with existing or approved future development on adjacent properties.

Moreover, this application is subject to the Development District Standards as set forth in the Approved College Park US 1 Sector Plan, including standards for public areas, site design and building design. The Planning Board may approve alternate standards if they are found to benefit the development and the district and will not substantially impair the implementation of the Sector Plan.

## **Density/Rezoning**

Currently, there are six (2-bedroom units) dwelling units or 23 beds in the existing multifamily structure (24 dwelling units/acre). The applicant is proposing to add four dwelling units, two (1

bedroom units) in the attic and two (2-bedroom units) in the basement (40 dwelling units/acre) for a total of 37 beds. Rezoning to MUI would bring the existing building into conformance (R-18 permits 12 du/acre) and allow the density to increase (MUI permits 48 du/acre). To clarify the number of units that exist and the bedroom and beds per bedroom configuration, a table has been provided below:

	<b>Existing</b>	<b>Proposed</b>
<b>Total Dwelling Units</b>	6 dwelling units	10 dwelling units
<b>Total Bedrooms</b>	12 bedrooms	16 bedrooms
<b>Total Beds</b>	23 beds	37 beds
1 Bedroom unit (3 beds per bedroom)	---	2 (6 total beds)
2 Bedrooms (3 beds total)	1 (3 total beds)	1 (3 total beds)
2 Bedrooms (2 beds per bedroom)	5 (20 total beds)	7 (28 total beds)

The additional units will be facilitated without any expansion of the footprint of the structure. The four additional units are proposed to be created by improving the existing attic space with the addition of two units and creating a basement with two units.

Comment: It is unusual to have so many beds per bedroom; newly constructed student housing typically leases by the bed with one bed per bedroom. City staff is also concerned that there is no in-house management with a proposal of 37 students. Moreover, City staff is concerned that this proposal appears to not meet the minimum square footage per occupant requirements. City Code 125-9 specifies the minimum area required per occupant in order to avoid overcrowding. It is unclear if the applicant will be able to comply with the formula because enough information was not provided by the applicant. City staff has recommended a condition that the applicant prove compliance with the space, use and location code, City Code 125-9 or reduce the number of beds accordingly.

#### Adjoining Properties

The zoning and use of the adjoining properties to the subject site, 7302 Yale Avenue, are as follows (see Attachment 3, Zoning Map):

North: M-U-I, Municipal Garage, and restaurant (Ledo's pizza).

South: R-55, Rental house

West: M-U-I, Retail

East: R-18, Rental house

#### Character of the Area

The character of the area consists of a mix of uses consisting mainly of commercial and multi-family rental properties. Along the west side of Yale Avenue from Hartwick Road to Knox Road, are two rental properties, including the subject property and the City of College Park Public Parking Garage. Part of the first floor of the garage is occupied by a restaurant. The east side of this block of Yale Avenue from Hartwick Road to Knox Road consists of three rental

multi-family houses and the College Park Professional Center which contains a bank, a hair salon, and several offices. The development to the west of the subject site fronts along Baltimore Avenue and consists of a variety of retail uses and restaurants.

### Historic District

The area is not located in the Old Town Historic District but is located across the street from this district. Since it is located across the street, City staff contacted the Historic Preservation Section staff to see if this request should be reviewed by the Historic Preservation Commission. They concluded that this would not be necessary due to the limited nature of the proposed external improvements. Further, the Historic Preservation Section staff found no adverse impact to the Historic District, see Attachment 4.

### Transportation

The Transportation Planning Section of M-NCPPC reviewed this plan and determined that the proposed four additional multifamily units would generate 2 AM and 2 PM weekday peak hour vehicle trips. Due to the limited trip generation of the site, a traffic study is not required. Also, since the site is located in the walkable node, a bicycle parking standard must be met. One bicycle parking space shall be provided for every three vehicular spaces. Since 12 parking spaces are proposed to be provided, 3 bicycle spaces are required. The applicant already has and will continue to provide two 5-slot bicycle racks on site. These racks can provide parking for 10 bicycles, which exceeds the standard.

Conformance with the 2002 General Plan: The 2002 General Plan defines the subject property as located in the Developed Tier. “The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use pedestrian-oriented, medium- to high-density neighborhoods.” (2002 General Plan, p. 31). The vision for Corridors is “mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.” (See Policy 1, 2002 General Plan, p. 50). City staff concludes that the proposed rezoning conforms with the 2002 General Plan since it recommends increasing existing residential density along the US 1 Corridor.

Conformance with the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment: The proposed development is located in the Downtown College Park Walkable Node as shown on Map 8 on page 60 of the 2010 Approved Central US 1 Corridor Sector Plan. Walkable nodes are intended to be hubs of pedestrian and transit activity emphasizing higher density mixed-use development at appropriate locations along the Central US 1 Corridor, and should be “directly and uniquely influenced by adjacent neighborhoods. Building height, scale, and type will be tailored to the existing businesses and residents, while accommodating desired growth and change.” (Page 42 of the 2010 Approved Central US 1 Corridor Sector Plan). Walkable node development should consist of buildings between 2 and 6 stories in height (pages 65, 230, and 234 of the 2010 Approved Central US 1 Corridor Sector Plan).

The applicant is requesting seven amendments to the development district standards to accommodate the existing building form and location on the subject site. Some of these

amendment requests incorporate multiple standards/amendments. Each request will be addressed below.

***Building Form (Walkable Nodes)***

The applicant is requesting amendments from the maximum build-to line at the lot frontage, side setbacks, and frontage buildout, arguing that maintaining the existing structure is in keeping with the existing architectural character of adjacent residential properties along Yale Avenue and within the adjoining neighborhoods.

Comment: Since a central tenant of the 2010 Approved Central US 1 Corridor Sector Plan is to respect and preserve existing residential development (see, for example, Policy 4 on page 63 and Policy 3, Strategy 1 on page 68), City staff finds this amendment to be in keeping with the spirit and intent of the sector plan. Requiring conformance to these standards would necessitate expansion of the existing structure in a manner that may not be considerate of adjoining and nearby residential properties.

***Building Form (Parking)***

The applicant is requesting an amendment from the required number of parking spaces permitted on the subject property. The requirement is to provide 10 spaces. The applicant is proposing 12 spaces of off-street parking.

Comment: The applicant met with the Old Town Civic Association on May 16, 2011. One of the major concerns expressed by members of the Association was on-street parking. The residents encouraged the applicant to provide as much on-site parking as possible. City staff does not have a concern with the two extra parking spaces and feels it will be a benefit to the neighborhood by lessening the pressure on on-street parking.

***Building Form (Parking Access)***

There are two existing parking access drives on-site, one was constructed without the proper permit. One of the purposes of this DSP is to seek approval of this existing condition. The driveways are 10 feet and 14 feet wide which meet code in terms of not exceeding maximum width. There is no alley access to the parking lot. The second driveway enhances parking lot circulation by providing a one way flow of vehicles on site.

Comment: In consultation with the City engineer, based on site constraints and to better accommodate safer parking lot circulation, City staff recommends this amendment request with the condition that the applicant clearly paint, reflective arrows on-site when restriping the parking lot to indicate the preferred parking lot circulation pattern.

***Building Form (Parking Lots, Loading, and Service Areas)***

The applicant is requesting an amendment from providing pervious parking surfaces on-site.

Comment: City staff notes that pervious paving materials for surface parking lots is desired by the development district standards but is not mandated. This amendment is unnecessary.

### ***Architectural Elements (Facades and Storefronts)***

The applicant is requesting an amendment to reduce the amount of window fenestration from a minimum of 20 percent of the façade to 10 percent, citing existing conditions and structural difficulties in adding new windows. The amount of fenestration required by the development district standards is in keeping with traditional local building design and best practices of crime prevention through environmental design (CPTED).

Comment: City staff supports this amendment. One of the intents of requiring more window fenestration is to encourage best practices of crime prevention. The applicant has installed security lighting surrounding the building that should help to deter crime.

### ***Streets and Open Spaces (Streetscape, Amenities and Adequate Public Facilities)***

The applicant is requesting amendments to the width of the landscape planting strip along Yale Avenue and to the total assembly width of the streetscape. Development would typically be required to provide between 12 and 18 feet of space adjacent to Yale Avenue.

Comment: Yale Avenue has a ROW of 40 feet. According to the DDOZ, p. 262, the applicant is exempt from landscape planting strip requirements. There is an existing four foot wide concrete sidewalk along the property frontage. This sidewalk continues a sidewalk located on both sides of the property; however, the sidewalk north of the site, in front of the Municipal Parking Garage, is 7 feet wide and consists of concrete with brick pavers on both sides. City staff recommends as a condition of approval that the applicant widen their sidewalk in front of their building to match the width and design of the sidewalk in front of the parking garage.

### ***Streets and Open Spaces (Streetscape, Amenities, and Adequate Public Facilities)***

The applicant is seeking relief from development district standards requiring the provision of pedestrian and streetscape amenities in the public right-of-way. Staff notes page 264 does not specify right-of-way or ownership of where amenities should be provided.

Comment: The applicant has provided four benches, two decorative trash receptacles and two bike racks at the front of the property for the use of the residents. In addition, the applicant is proposing to provide two native red maples in the front of the property which will serve to enhance the existing concrete walk. City staff supports these amendments due to the existing conditions and due to the provision of existing amenities (benches, decorative trash receptacles, and bike racks) and the proposed planting of two red maples in the front yard.

## **Sustainability and the Environment**

### **LEED Certification and Sustainability**

According to P. 256 of the Sector Plan, “all development within the walkable nodes shall obtain a minimum of silver certification in one of the following applicable LEED rating systems...”

The applicant is proposing to meet the LEED Silver Certification for New Construction and Major Renovation (see Attachment 1). In addition to renovating the building to meet LEED certification, the applicant is designing the site to be sustainable. The property is located adjacent to a Public Parking Garage (providing tenants with additional leasable parking spaces from those available on site), is close to commercial services, retail shops and restaurants and is

located within walking/biking distance of the University. In addition, the subject site is located one block east of Baltimore Avenue (MD Route 1) which serves multiple municipal and private bus services. Specifically, there are over four routes with stops within ¼ mile of the property. Also, as mentioned previously, the applicant has provided two five-slot bike racks on site. The proposed development does not significantly alter the existing site conditions, new egress wells are planned as required by Code to allow safe exit from the lower floor units. These wells will be buffered by new and additional plantings, hardscape features (decorative railing in front of the window wells) and removal and replacement of non-native plants.

Comment: City staff commends the applicant for pursuing LEED Silver Certification as required by the Sector Plan.

#### Other Zoning Overlay Zones

The site is not located in any historic overlay zone, floodplain, wetland, woodland conservation area or other protected overlay zone. The building is served by public water and sewer. Due to the project's small size, the site is exempt from storm water management measures.

#### Landscaping

Due to the small size of the site and parking lot, the applicant is not required to provide either interior parking lot plantings or landscaping along the street. The applicant meets the landscape ordinance. The applicant is required to provide 3 shade trees. The applicant is proposing to plant 2 shade trees and has 7 existing shade trees on site. As mentioned previously, the applicant is proposing to remove two invasive species trees from the rear of the property and replace them with two native Red Maples in the front yard.

Comment: City staff commends the applicant for removing the two invasive species trees and replacing them with Red Maples. There does not appear to be any additional opportunity to plant additional landscaping. Most of the site is covered by the building, the parking area, and the driveways. The existing front lawn and landscaping will remain. The new required window wells for the basement units will be buffered by new and additional plantings.

#### Signage

The applicant is not proposing to provide any signage. However, there is an existing freestanding leasing sign that does not conform with the DDOZ sign ordinance, therefore, City staff is recommending, as a condition, that this sign be removed.

### **RECOMMENDATION**

City staff recommends supporting DSP 110055 and the accompanied rezoning request and amendment requests, subject to the following conditions:

1. Revise the site plan to provide an Architectural unit plan showing the placement of the beds for the proposed new units prior to signature approval of the DSP.
2. Show compliance with City Code 125-9 by showing the total square footage per bedroom as calculated in the City Code 125-9 or reduce the number of beds

accordingly prior to signature approval of the DSP.

3. Revise the Site Plan to note that the applicant shall paint white, reflective arrows that clearly indicate the parking lot circulation pattern.
4. Revise the Site Plan to indicate that the applicant shall construct a 7-foot wide concrete sidewalk with brick pavers along the property frontage to match the width and design of the sidewalk to the north.
5. Freestanding, ground mounted signs are prohibited in the DDOZ. The existing lease sign shall be removed.

#### **ATTACHMENTS**

1. Applicant's written material including LEED Scorecard
2. Detailed Site Plan
3. Zoning Map
4. M-NCPPC Staff Referrals

**Description and location of the subject property:**

The subject property is located in the city of College Park, approximately 200' south of the intersection of Yale Avenue and Knox Road and fronts on the western side of Yale Avenue. The subject property is comprised of 0.25 acres located in Election District 21 and is further described as Lots 11 & 12, Block 27, in Johnson & Curridens Subdivision per Plat thereof recorded among the Land Records of Prince George's County, Maryland at JWB 5/479 and is depicted on Tax Map 33 in Grid C4 and 200 Sheet 209NE04. The street address of the subject property is 7302 Yale Avenue College Park, Maryland 20740.

The subject property is in Planning & Policy Analysis Area 66 & 243E, COG TAZ 981, PG TAX 681, and in the Central US 1 Corridor Development Review District.

The subject property is currently in R-18 Zone and is subject to the application of the Development District Overlay Zone (DDOZ) overlain on the subject property by virtue of the Adoption of Central US 1 Corridor Sector Plan and Sectional Map Amendment (SMA).

**Adjoining Properties:**

The uses for each adjoining property are as follows:

North: Lots 13-16, Block 27, in Johnson & Curridens Subdivision, which is in the M-U-I Zone and it is currently developed and used as a City of College Park Public Parking Garage with retail/restaurant uses (Ledo's Pizza) integrated therein.

East: Lots 1-4, Block 24, in Johnson & Curridens Subdivision, which is in the M-U-I Zone and it is currently developed and used as a commercial office complex.

Lots 5-6, Block 24, in Johnson & Curridens Subdivision, which is in the R-18 Zone and it is currently developed and used as a single family detached dwelling unit.

Lots 7-8, Block 24, in Johnson & Curridens Subdivision, which is in the R-55 Zone and it

is currently developed and used as a single family detached dwelling unit. South: Lots 9-10, Block 27, in Johnson & Curridens Subdivision, which is in the R-55 Zone and it is currently developed and used as a single family detached dwelling unit. (This property is five feet (5') higher in grade than the subject property, which grade is not sloped but maintained by a timber retaining wall erected on the northern boundary of these lots.)

West: Lots 1-8, Block 27, in Johnson & Curridens Subdivision, which are in the M-U-I Zone and are developed in a variety of retail uses including restaurants.

**Neighborhood Delineation:** Applicant proffers that the surrounding neighborhood of which the subject property is a part should be delineated as follows:

North – Knox Road

East - The Eastern Boundary Line of the US 1 Central Corridor Sector Plan  
(Princeton Avenue)

South – Hartwick Road

West - US 1 (Baltimore Boulevard)

**Description of required findings:**

The applicable sections of the Prince George's Zoning Ordinance that pertain to the request and the justification that the subject application comports with those requirements are detailed as follows:

**Sec. 27-546.15. Purposes.**

**General Purpose:**

“The general purpose of the M-U-I Zone is to permit, where recommended in applicable plans ... a mix of residential and commercial uses as infill development in areas which are already substantially developed .[and] ... may be approved on properties which adjoin developed properties or ... and which have overlay zone regulations requiring site plan review.”

The subject property lies within the Central US 1 Corridor Sector Plan (“Proposed

Land Use South) area and is reflected in the Residential Medium planning category (3 du/acre and 8 du/acre). The proposed use of subject property will remain multi-family residential (student housing) and will not have a mix of residential and commercial uses thereon. However, it is adjoined on its northern property line by a parcel in the M-U-I Zone improved by a structure that is the City of College Park Parking Garage, which structure also contains commercial uses in addition to the parking spaces, and on its western property line by parcels in the M-U-I Zone improved by commercial retail and restaurant uses. There is also an additional parcel, zoned M-U-I and developed in office and retail use, which adjoins the eastern side of Yale Avenue from the corner of its intersection with Knox Road extending in a southerly direction to a point directly across Yale Avenue from the northeast corner point of the subject property. When all of these parcels in the Applicant's defined neighborhood, especially those adjoining the subject property to the west, north and across the street to the northeast are considered together there is a substantial amount of M-U-I Zoning and mix of uses.

*Maryland common law regards a Master Plan as a guide and not a straight jacket.* While the proposed Detailed Site Plan for the subject property reflects 10 dwelling units (40 dwelling units per acre), a density greater than that recommended for the Residential Medium category in the Sector Plan, the plan density range recommendation, when considered in the context of the juxtaposition of the subject property with the M-U-I parcels adjoining it on the north and west, which occupy approximately three quarters of the land area of the neighborhood, and the intensity of the uses developed on those parcels, none of which are residential, particularly the city's parking garage, it is an imminently justifiable conclusion that the modest addition of four units comports with the recommendation of the Sector Plan for the subject property given the common law precept that the Sector Plan is a "guide" rather than a "straightjacket".

Furthermore, the placement of the subject property within the Residential Medium category is in conflict with the property's location within a Sector Plan designated "Walkable Node". One of the overall goals of the Sector Plan, as stated in the "Land Use of Urban Design Goals", is to "provide for an increase in residential density." It is expressed in multiple locations within the Sector Plan that this increased density should

be targeted within the walkable nodes.

Walkable Node Land Use and Urban Design Policy 1, Strategy #2 outlines a minimum residential density of 15 dwelling units per acre, almost twice the maximum allowable density allowed for a Residential Medium designated property. The strategies for Housing Policy 1 in Chapter 5: Community Development and Character also state that “higher densities should be concentrated within the designated walkable nodes.” Based on our analysis of the Sector Plan’s goals and strategies, the subject property would be more appropriately placed in the Residential High category (20+ dwelling units per acre). The Applicant asserts that the placement of the property in the Residential Medium category was in response to misinterpretation of the redevelopment potential of the existing structure on the subject property. The R-18 Zone does not support the minimum density recommendations for walkable nodes with density limitations of 12 units per acre for buildings less than 4 stories. It does allow for a density of up to 20 dwelling units per acre for buildings 4 stories or more with an elevator; however, the existing structure on the subject property does not have an elevator and it would not be feasible to install one. Rezoning the property to M-U-I would allow the retention of the existing structure which would help maintain the existing character of the surrounding neighborhood while allowing for the increased density supported by the Sector Plan policies and strategies. Corridorwide Land Use and Urban Design Policy 2, Strategy #5 specifically states that future expansion of the M-U-I zone should be limited to locations that reinforce the concept of walkable nodes. The subject site is clearly one of these locations.

Further, the subject property is also in an infill development area that is already substantially developed and which adjoins developed properties and it is overlain by the DDOZ, which has regulations requiring site plan review, which can be readily employed to ensure that the limited redevelopment of the subject site and limited improvement of the building thereon comports with the DSP approved concomitantly herewith.

**Upon the basis of the above justification, the subject application meets the general purposes of Sec. 27-546.15.**

The Application meets the specific purposes of the M-U-I Zone by implementing the recommendation therein for residential infill development in this area where most properties are already developed by providing in this area, so very proximate to the University of Maryland Campus, the student housing envisioned in the Sector Plan, in that these units are apartments which the Plan identifies as being needed based on the University's student housing study. Processing this Application in conjunction the DSP Application would certainly simplify review procedures for this residential development in this established community. This proposal is also innovative in its approach to the planning and design of infill development by adding the needed housing units to an existing structure without enlarging its footprint or height and it needs flexibility in the process of its review as infill development. It also promotes smart growth principles by encouraging efficient use of land and public facilities and services by increasing the number of residential units on the subject site, again without enlarging the footprint or height of the existing structure and creates a community environment enhanced by its addition to the mix of residential and commercial uses in the neighborhood.

**Upon the basis of the above justification, the subject application meets the specific purposes of Sec. 27-546.15.**

**Sec. 27-546.16. Approval of Zone.**

The subject application being dovetailed with the DSP Application meets the requirements of this Section of the Code in that the District Council may approve the M-U-I Zone in an individual site plan case in that it proposes development subject to site plan review and is overlain by the DDOZ adopted by the Central US 1 Corridor SMA and, further, is eligible to be reclassified from its current R-18 underlying zone to the M-U-I Zone through the property owner application process in Section 27-548.26(b), which allows the property owner to request that the District Council amend development requirements for this owner's property in the Development District to be changed from the underlying zone to the M-U-I Zone, as well as a change to the permitted uses as modified by the Development District Standards and the requested change in zoning combined with this property owner's pending Detailed Site Plan

The proposed rezoning and development will be compatible with the existing uses on adjacent properties, which are a mix of retail and restaurant commercial, a public Park public parking garage and rental residential units, and may be approved because the subject property adjoins existing developed properties on all sides, thus easily exceeding the requisite twenty percent (20%) boundary threshold. It also adjoins properties in the M-U-I Zone on its north and west property lines, which are commercially developed with a floor area ratio of at least 0.15.

**Upon the basis of the above justification, the subject application meets the specific purposes of Sec. 27-546.16.**

**Sec. 27-546.17. Uses.**

The existing and proposed use of multifamily dwelling units is permitted in Sec. 27-441(b)(3) for the R-18 Zone comporting this Application with this section of the Zoning Ordinance.

**Sec. 27-546.18. Regulations.**

The regulations governing location, setbacks, size, height, lot size, density, and other dimensional requirements in the M-U-I Zone are the R-18 Zoning Regulations but, since the property is located within the Development District Overlay Zone, all applicable regulations, with the exception of density, are governed by the Development District Standards. A density of up to 48 dwelling units per acre is allowed for multifamily residential uses. Parking requirements are also dictated by the Development District Standards.

**Central US 1 Corridor – Development District Overlay Zone:**

Since the subject property is located within the Central US 1 Corridor – Development District Overlay Zone (DDOZ), it is required to meet the regulations outlined therein. The subject property is located within a “Walkable Node”, as defined in the DDOZ, and is required to meet the standards specific to that area.

Due to the physical and other constraints affecting the subject site and building, the Applicant will not be able to comply with some of the regulations and, therefore, requests certain modifications of the development standards as iterated herein below.

**Building Form:**

~~The existing structure, which is to remain, currently faces the property frontage and~~ is comprised of a partially below ground crawl space and three (3) stories above ground, which are improved and currently utilized as six (6) student housing rental units, plus the attic, which is currently only partially improved (no interior partitions) and unutilized. As shown on the proposed DSP, the Applicant is proposing to deepen the crawl space and to partition, improve and finish it to create two (2) livable units and to partition and improve the attic space to create two (2) livable units, which would make the finished building 4 stories and add four (4) new units to for a total of ten (10).

Both the orientation and the building height (stories) are in compliance with the DDOZ standards. In addition, the existing structure has a front stoop, which is a permitted frontage. The DDOZ requires a minimum 80% front build-out at the build to line (BTL), a maximum of 80% lot coverage, a front BTL of 0-10', a side setback of 0-24', and a rear setback of 10'+. Since the Applicant is utilizing an existing structure and not proposing any enlargement of the present building footprint and height, it will not be able to meet any of the aforementioned requirements, with the exception of the lot coverage requirement (75.5%) and the rear building setback (47.6').

The Applicant therefore requests a modification to the DDOZ standards to accommodate the current build-out and setback characteristics of the existing structure. The modification would be for a minimum front build-out of 60% at the BTL, a front BTL of 0-34' and a side setback of 14'-22'. Preserving the existing structure as is will maintain continuity in the neighborhood and is a sustainably sensitive practice. Therefore, the Applicant contends that this modification would not substantially impair the implementation of the DDOZ.

As the project is utilizing an existing structure with no proposed enlargement of its footprint and height, the Applicant is not required to meet the massing requirements or

step-back transitions and landscape buffers of the DDOZ since they apply only to new construction.

The Applicant is proposing a total of 10 dwelling units within the building (6 existing and 4 new), which would generate a requirement of exactly 10 parking spaces. There are currently 12 parking spaces that exist on the property which are leased to the building residents. In order to maintain the current number of parking spaces we are ~~requesting a modification to allow 12 parking spaces per unit (12 parking spaces total)~~ on the subject property. The proposed development is for rental student housing and, even though there are only 10 dwelling units proposed, there are 40 total beds proposed (4 in each unit, 2 in each bedroom). The Applicant in its introductory preliminary meetings conducted in the community has heard from local residents and the City of College Park that on-street parking in the local neighborhood is of significant concern and maintaining as much parking as possible on site would be beneficial to alleviating the demand for on-street parking.

The DDOZ also suggests that access to parking should not be located on primary frontage streets whenever possible and that the total number of driveways should be kept to a minimum. The property is located in the middle of the block and does not have alley access. Since vehicular access to the property is limited to Yale Avenue (primary frontage) the access to parking can only be provided via the primary frontage. Existing access to the onsite parking is provided via two driveways (10' and 14' wide) on Yale Avenue. A modification is necessary to allow multiple driveways (2) along the primary frontage. The second driveway allows for one way flow of vehicles on site, one entrance driveway and one exit driveway thereby allowing for freer and safer movement of vehicles on site to the parking spaces in the rear of the building and out of those parking spaces to exit.

The parking lot is required to be at least 20' from all property lines along streets (except alleys) and shall be masked from the primary and secondary frontage streets. The existing parking lot, which shall be maintained in its current state, meets both of these requirements as it is setback 64' from the property line along Yale Avenue and the parking is set behind the existing structure and cannot be seen from the street. Since the parking lot is less than 6,000 square feet, no landscaping is required. In addition, there

are no loading or service areas for the building and there is no structured parking proposed.

The final items in the Building Form section, Drive-Throughs, Gas Stations and Bedroom Percentages, do not generate any requirements for this project.

### **Architectural Elements:**

The standards outlined in the DDOZ require that 20-70% of the building façade facing a street shall contain transparent windows. As previously noted, the applicant is proposing to utilize the existing structure and it would not be feasible, due to structural architectural constraints, to add additional windows to the structure. Therefore the Applicant is requesting a modification to require that only 10% of the street facing façade be required to contain windows. In addition, the DDOZ requires that ground-floor residential units have a raised finish floor at least 24 inches above the sidewalk grade to provide sufficient privacy. The current first floor elevation is 506.6' and the sidewalk grade, in front of the house, ranges from 504' down to 501' which meets the 24" requirement.

The Applicant is not proposing any awnings, galleries, arcades, marquees, balconies or porches in conjunction with this development. There is an existing stoop, 4' deep by 8' wide, which matches the architectural style of the building and meets the minimum size requirements set forth in the DDOZ (4' by 4').

The existing building has a painted brick façade, currently yellow & proposed to remain so. There is a half-oval header above the front entry door and the window sills are approximately 2" high, 1" deep and are the same painted brick masonry as the building façade. The front windows are dressed with synthetic shutters, green in color and proposed to remain so. The aforementioned architectural materials and features are in keeping with the requirements of the DDOZ. There is an existing split face block retaining wall at the rear of the property with a cap. There is no signage proposed for this project.

### **SUSTAINABILITY AND THE ENVIRONMENT:**

## **Leadership in Energy and Environmental Design (LEED®) Certification**

The Applicant's proposed project meets the requirements to qualify for a LEED Silver Certification (New Construction and Major Renovation), as is required since the subject property is in a walkable node. The LEED Scorecard, submitted herewith and included by reference herein, addresses Vision 4: Sustainable Urbanism and Celebrating Natural Resources, which Vision, the Applicant avers that it meets with its Leadership in Energy and Environmental Design (LEED) Green Building Rating System program submitted herewith as part of the owner's DSP and M-U-I applications and upon which the LEED Silver Certification Scorecard is based. The LEED Scorecard for the proposed improvement of the subject property and the preparation of the Applicant's Leadership in Energy and Environmental Design (LEED) Green Building Rating, was prepared in accordance with the LEED 2009 for New Construction and Major Renovation Manual published by the US Green Building Council as USGBC member approved version dated November 2008.

The further details of the Applicant's methodology to justify the LEED Scorecard filed herewith for the subject Application are explicated in the LEED Scorecard Summary Details, also filed herewith. The LEED Score as reflected in the LEED Scorecard and detailed in the accompanying LEED Scorecard Summary qualify the project proposed for the subject property for a LEED Silver Certification (New Construction and Major Renovation), which qualification is met based upon the LEED Scorecard reflection of the following items as basis for its LEEDS score:

- The structure on the subject property and the core of its facilities were sound at the time of acquisition (2007), except for the aged roof, which was redesigned and

a new roof installed in 2009. The site was further improved by installing plantings, trash receptacles, mailboxes and benches for seating. The parking spaces were brought up to standard sizes and egress and ingress access was improved providing for logical one way vehicular travel, when required.

- All interior finishes, fixtures, restrooms and kitchen facilities were replaced with current energy efficient fixtures and appliances. New furniture was also installed keeping with the University theme as the occupants attend the University.
- Many of the tenants walk or ride bikes to campus, and, if necessary, occupants park in the lot behind the building or also have the availability of parking in the City of College Park Garage immediately adjoining the subject site.
- The proposed interior improvement of the subject building and has two very distinct components, those being:

**ATTIC- Phase I:** The new proposed units to be located in the now existing attic area, which will be improved, do not require the installation of any new load bearing walls, which are structurally and physically already in place, and therefore the partition of the attic to create the new units is not considered a major renovation; however, the new installations in the attic units are graded as new opportunities to meet and exceed the LEED goals. Those items involved in creation of the new units in the attic include:

- New stairway access
- New hall and unity entryways- secured electronic access controlled (to match existing units)
- New HVAC units and delivery system
- New interior walls, rooms
- New fixtures, finishes and furnishings

**BASEMENT- Phase II- to be developed concurrently with phase I:**

The new proposed units to be located below grade shall be considered new

and major renovation work and include:

- Sequenced excavation and bracing of the existing structure (helical supports)
- Installation of new footers and foundation walls
- New below grade egress wells for units
- New sanitary sewerage main and new water supply service line (WSSC)
- New Pepco, phone and cable service lines
- New ELECT./HVAC units and delivery systems
- New stairway access
- New hall and unit entryways- secured electronic access controlled (to match ex units)
- New interior partition walls and rooms
- New fixtures, interior finishes and furnishings

- **SUSTAINABLE SITES:**

Site Selection: This facility already exists in its most favorable location and conditions support the desired proposed additional units. The new units will be completed without any expansion of the floor areas of the building or increase in its height. The building is not located in any historic overlay, floodplain, wetland or forested area and enjoys close proximity to the main gate of the University, public parking garages, commercial retail services and shopping.

Development Density and Community Connectivity: The existing density is a lawful use and the additional four (4) units are proposed within the existing building envelope (footprint & height), supported by ample on-site parking and a large municipal parking garage adjacent to the subject site, if needed. Community Connectivity is the hallmark of this use, as the tenants are students at the University and are engaged in every aspect of the community; as residents thereof for the term of their leases, they live, shop, patronize local restaurants and eateries, walk, ride public transportation, bike, recreate, and socialize as neighbors in the community.

Transportation: The subject site and building are located one block east of Baltimore Avenue (Md. Rte. 1) and have available to them every transportation service option provided by municipal and private services. There is a bike rack onsite (awning coverage proposal is being reviewed) and there is one covered bicycle rack located in the adjacent garage. There are multiple public and university bus routes that have stops within ¼ mile of the property. Since there are over four routes with close stops the Applicant qualifies for an innovation credit point for exemplary performance in this item.

Site Development: The proposed development does not alter the existing site conditions, as the new egress wells planned for safe exit from the lower floor units will be buffered by new and additional plantings, hardscape and removal and replacement of non-native plants. This will restore and create a new environment for existing habitat to remain and flourish. Excavation of the new egress well areas is already necessary to install the new foundation sequenced and staged to preserve the building above.

Storm water Design: The site has obtained the required and necessary storm water approvals from Prince George's County. The subject property currently has an approved SWM Concept Plan that exempts the project from stormwater management.

Heat Island Effect: The roof replacement was completed in 2009 and was approved by Prince George's County and the City of College Park. The new materials used were architectural grade 35 year shingles.

Light Pollution: Since the acquisition of the building in 2007, the management company has installed timers to control the exterior lighting, diminishing over-exposure of light. Also of note is the municipal garage adjacent to the northern boundary of the site and the shopping center rear

wall bordering the subject site to the west. There is a single lot, improved with a rental dwelling unit, adjoining the southern boundary of the subject site, which is separated therefrom by retaining walls located on the subject site that provide attenuation of lighting emanating from the subject site . The new units will implement fixturing and switching to ensure a reduction in indoor and outdoor light pollution.

- **WATER EFFICIENCY:**

Water Efficient Landscaping: The property was landscaped in 2010 with under canopy plantings, groundcovers and edge plantings of native but hardy species. These plant materials have survived and actually flourished with ambient rainfall, that is, no watering or irrigation has been necessary.

Water Use Reduction: All plumbing devices and fixtures in the existing building for the existing units were replaced in 2007 with water efficient devices and fixtures and energy star appliances. The same techniques, fixtures and appliances will be utilized and installed in any new connections and supply lines proposed for the additional units.

- **ENERGY AND ATMOSPHERE:**

Optimize Energy Performance: The existing facility in 2007 underwent an interior renovation, replacing all of the unit's fixtures and appliances, the core area lighting was placed on timers and the units secured by an electronic security system restricting access and providing fire monitoring. The then existing appliances were removed and replaced with energy star appliances. The same will be true of the proposed units.

Green Power: The Applicant is exploring options with Pepco and other providers to reduce the costs of supplying power to the subject site and building, which will most likely occur when the Basement Phase is implemented.

- **MATERIALS AND RESOURCES:**

Building Reuse- Maintain Existing Load Bearing Walls, Floors and Roof:

The attic phase is the exact definition of building re-use. The proposed units (2) planned for the now existing and vacant unused attic space creates space for new units without moving any portion of the existing load bearing walls, floors or the roof. The basement phase will maintain the existing building footprint, leaving intact the floors above and providing new access to them through those currently serving the existing structure and units.

Construction Waste Management: The Owner/Applicant's affiliated management company will be the property management company and collectively will retain and control the waste disposal service so the separation of materials can be optimized for adaptive re-use elsewhere.

Rapidly Renewable Materials: To the maximum reasonable extent possible new materials will be from sources that operate their supply houses using regional materials and those that are regionally renewable. Generally the concrete and lumber materials are included. The drywall is a man made product and its byproducts support other uses such as paints and plaster. Lighting fixtures and appliances are included in this subcategory as are padding and carpet/flooring. Bath tiles are ceramic and installed for sustainability and longevity.

- INDOOR ENVIRONMENTAL QUALITY: The existing units were refurbished in years 2007-2009 and the indoor environments for those units were enhanced by the installation of new water efficient devices and fixtures, as well as energy star appliances. The new units will have new HVAC units and delivery systems that will be new state of the art mechanical equipment and control systems. New fire protection systems are planned with hard wired smoke and radon monitoring systems expanded into new units. The sub-contractors will be

required to advise the Applicant on new or alternative methods available to accomplish higher standards for quality and efficiency.

Daylight and Views: The existing attic has new windows that allow for air, light and views. The new basement areas will have new windows in the front of the building to provide air, light, views and emergency egress. The window wells planned will be finished to match the brick of the building and will be protected by an ornamental rail and gate, and plantings to enhance the edge view from the units and the street.

• INNOVATION and DESIGN PROCESS: The Applicant has enlisted a professional land planner, landscape architect, civil engineer, architect and interior designer, as well as a LEED consultant, to plan and design the improvements to the building, refurbishing or replacing older, outdated materials and conditions wherever possible; the improvements to the subject site and building is a unique addition to available student housing soundly designed to the Silver LEED standard.

The Applicant's proposed proposal to increase the units has two key elements; one is the attic area, whose core space was installed in 2009 as lawful storage area (historically and currently un-used) and the second will be the newly excavated basement. Building the units within the existing footprint building envelope offers an opportunity to update the property's infrastructure as replacing the aging WSSC (sanitary sewer and water supply connections). This building is 54 years old and contains 6 units, thus the installation of new sewer and water connections would be efficient and prudent for longevity and sustainability. The same is said for the installation of the new power and cable services. The owner has lead the design and management team from feasibility stage to the properties current operating position,

and is clearly in tune with the need for housing and expanding this facilities connectivity to the community for which it is located.

**Passive Solar and Ventilation Design:**

Passive solar and ventilation design is encouraged, though not required, in the DDOZ. The existing building is surrounded by mature deciduous trees that help passively cool the building in the summer and allow light to filter through in the winter to provide partial passive heating. No other structures or techniques will be utilized in this project regarding passive solar or ventilation design.

**Materials:**

With regard to the building materials and construction, the subject project is an interior expansion of an existing structure without enlargement of the building's footprint or and increase in the building's height. (The four (4) additional units will be created by increasing the depth of the building's crawl space and improving it with the addition of two (2) units and improving the existing attic space with the addition of two (2) units. Consequently, it is not possible to incorporate green materials into the existing structural elements of the building. However, the Applicant will incorporate, wherever possible, green materials, higher efficiency water saving devices and fixtures and energy efficient appliances into its deepening of the basement and replacement of the existing water supply connections and the construction of the interior walls and partition walls, floor treatments and interior finishes of the new units and the installation of the mechanical (Plumbing, electric and HVAC) elements therein. For example, the Applicant will install efficient water supply and consumption devices and finish fixtures, HVAC units that have the highest efficiency rating or "Energy Star" designation and all existing lighting in common spaces will be high-performance or LED lighting.

**On-Site Energy Generation and Efficiency:**

There are no proposed or existing on-site energy generating systems therefore, this section does not apply to this project.

**Landscaping:**

The property currently has a small front lawn but the majority of the green area is landscaped or wooded. Lawn/turf areas have been minimized and drought-tolerant, native and indigenous plants have and will be utilized. All the landscaping is mulched and shall remain. The Applicant is proposing to remove two invasive trees from the rear of the property and replace them two native Red Maples in the front yard. There is no existing or proposed permanent irrigation on site.

**Water Efficiency and Recharge:**

The applicant is not proposing to reconstruct existing paved surfaces (parking lot and walkway) with pervious surfaces as required by the DDOZ. Consequently, it is requesting a modification to standards to allow the retention of the existing impervious surfaces since their removal and replacement with pervious surfaces would cause unnecessary earth disturbance and would put an unnecessary financial burden on the property owner. Since the parking lot is existing, the Applicant would have to demolish and remove the existing impervious surfaces all the way down to the existing sub-grade, install under-drains to manage the storm runoff in large storm events, install an appropriate sub-base, and then install pervious surface treatments. This would be extremely costly, time intensive and would disturb a large portion of the site and leave it

open to erosion and sediment runoff. As noted previously, there is an approved SWM Concept Plan exempting the subject property from SWM requirements.

**Food Production:**

There is no proposed food production, community garden or a green roof onsite.

**STREETS AND OPEN SPACES:**

**Streets and Open Spaces:**

The subject property is located along Yale Avenue which is classified as at “street” (ST). Per the DDOZ requirements, there shall be 12’-18’ from the face of curb to the private property line with raised curbs, 4’-8’ wide sidewalks, and 8’-12’ of continuous planter strip width. Since the existing right-of-way is 40’ wide, we are not required to provide street trees. A modification to standards is required since there is insufficient space within the right-of-way to accommodate the foregoing requirements. The modification would be to allow 7.6’ of space between the face of curb and the private property line and a 3’ wide landscape strip. The street (Yale Ave.) is existing and is already narrow and could not be reconstructed to accommodate the foregoing requirements. Sidewalks are required and special decorative paving materials are recommended; sidewalk material should be continuous across driveways where possible. There is an existing 4’ concrete sidewalk along the property frontage on Yale Avenue, which is contiguous across the driveways which is in keeping with the DDOZ standards. There are no proposed amenities within the public streetscape. The Applicant is requesting a modification that would alleviate any requirement to provide any amenities within the public streetscape. There are benches, trash receptacles and a bike rack on the property for the use of the residents. Due to the residential character of the public street, installation of amenities within the streetscape would be underutilized. In addition, there is only 3’ of space between the existing sidewalk and the right-of-way in which the Applicant could install amenities, which is insufficient space to do so.

Per the evaluation by MNCPPC Transportation Planning Section, this project meets the adequate transportation standards. There are existing street lights on the east side of Yale Avenue which provide adequate lighting for the entire street.

There are existing street lights on the east side of Yale Avenue which provide adequate lighting for the entire streetscape.

There is insufficient area on the subject property for a public open space and, due to the private residential nature of the property, a public open space would not be appropriate therefore, we are not proposing an open space area with this project. Since open space areas are not required by the DDOZ, we do not need to request a modification.

#### **Variance Request/s and Required Findings for Each Request:**

The Applicant is required to identify each applicable section of the Prince George's County Code from which a variance is being sought and to justify each required finding found in Section 27-230 of the Zoning Ordinance or Section 25-119 of the Woodland and Wildlife Habitat Conservation Ordinance based on the specific circumstances special to the subject property that sets it apart from other similarly-situated properties. There are no zoning variances required for the proposed development. The site is exempt from Woodland Conservation requirements per the Letter of Exemption, receipt #4486, which expires March 1, 2013.

#### **Modification Requests to the Central US 1 Corridor Sector Plan Development**

##### **District Standards:**

- To provide a minimum front building out of 60% at the BTL, a front BTL of 0-34' and a side setback of 14'-22'. We are not proposing to expand the exterior dimensions of the existing building and therefore, cannot meet the 80% minimum front build-out requirement. Maintaining the existing structure, as is, with the reduced buildout, is in keeping with the existing architectural character of the adjacent residential properties along Yale Avenue and the residential portion of the Neighborhood. Also, utilizing the existing structure is in keeping with green design principles. The reduced front build-to line of 34' and the side setback lines

of 14' and 22' represent the existing building conditions which are to remain. As noted above, maintaining the existing structure is more in keeping with the neighborhood character as well as green design.

- To provide 1.2 parking spaces per unit on the subject property. The existing parking lot on site contains 12 parking spaces while only 10 are permitted. This is a preexisting condition on site and should be allowed to be maintained. While there are only 10 total dwelling units proposed with this project, there will be beds enough for up to 40 students. The two additional spaces are needed to help address the parking needs of the residents of the building and to address the on-street parking concerns of the residents of the Neighborhood and the community due to the limited availability of on-street parking, in that the two additional spaces will provide the maximum possible parking on the subject site to alleviate on-street parking congestion.
- To provide multiple driveways along the primary frontage. There are two driveway entrances are pre-existing and are needed to allow safer and freer vehicular movement.
- To provide windows for 10% of the street facing façade. Approximately 10% of the existing structure on-site which is to remain, contains transparent windows as compared to the 20-70% that is required. It is not feasible to add additional windows without significant structural renovations. As noted above, maintaining the existing structure is in keeping with the neighborhood character as well as green design.
- To retain the existing impervious surfaces. Retaining the existing impervious surfaces in lieu of replacing them with pervious surfaces are required will prevent unnecessary earth disturbance. Since the parking lot is existing it would be extremely expensive and complex to demolish it and replace it with a pervious surface. In addition, removing the parking lot would cause over 5,000 square feet of disturbance which would require stormwater management. There is insufficient area on site to address stormwater and the current proposal has no proposed earth disturbance.
- To allow 7.6' of space between the face of curb and the private property line and

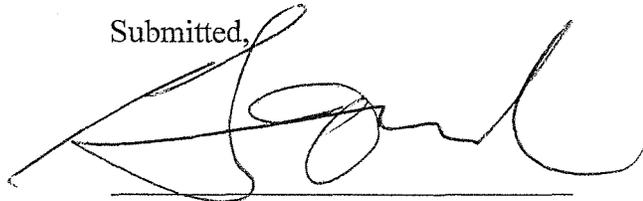
a 3' wide landscape strip. There is only 7.6' between the face of curb along Yale Avenue and the existing right-of-way line which is insufficient to meet the 12'-18' requirement. The existing landscape strip is only 3' wide which is insufficient to meet the 8'-12' requirement. The existing right-of-way width for Yale Avenue does not allow us to increase these dimensions and, since they represent the existing conditions, these dimensions should be permitted to remain. In addition, the existing sidewalk alignment is in keeping with the sidewalk alignment to the north and south of the subject site.

- To not require amenities within the public streetscape. There is insufficient room within the public right-of-way to provide amenities as required by the DDOZ. There are existing amenities on-site (including benches, a bike rack and trash receptacles) that are available to the residents and their guests.

**Conclusion:**

Based upon the particulars of foregoing Statement of Justification and the Detailed Site Plan submitted in DSP 11005, the Applicant proffers in conclusion that the subject application meets the requirements of the Zoning Ordinance in conjunction with modifications and variances requested herein and should be granted thereby reclassifying the subject property to the M-U-I Zone along with the approval of DSP 11005.

Submitted,



Gerard T. McDonough  
8600 Snowden River Parkway, Suite 207  
Columbia, Maryland 21045  
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Direct Dial: (301) 752-1447  
Facsimile: (401) 953-0222  
*Attorney for Applicant*



# LEED 2009 for New Construction and Major Renovations

## Project Checklist

YALE HOUSE

#####

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### Sustainable Sites

Possible Points: 26

Y			
Y			
Y			
		N	
Y			
		N	
		N	
		N	
		N	
Y			
		N	
		N	
		N	
Y			

- Prereq 1 Construction Activity Pollution Prevention
- Credit 1 Site Selection 1
- Credit 2 Development Density and Community Connectivity 5
- Credit 3 Brownfield Redevelopment 1
- Credit 4.1 Alternative Transportation—Public Transportation Access 6
- Credit 4.2 Alternative Transportation—Bicycle Storage and Changing Rooms 1
- Credit 4.3 Alternative Transportation—Low-Emitting and Fuel-Efficient Vehicles 3
- Credit 4.4 Alternative Transportation—Parking Capacity 2
- Credit 5.1 Site Development—Protect or Restore Habitat 1
- Credit 5.2 Site Development—Maximize Open Space 1
- Credit 6.1 Stormwater Design—Quantity Control 1
- Credit 6.2 Stormwater Design—Quality Control 1
- Credit 7.1 Heat Island Effect—Non-roof 1
- Credit 7.2 Heat Island Effect—Roof 1
- Credit 8 Light Pollution Reduction 1

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### Water Efficiency

Possible Points: 10

Y			
Y			
		N	
Y			

- Prereq 1 Water Use Reduction—20% Reduction
- Credit 1 Water Efficient Landscaping 2 to 4
- Credit 2 Innovative Wastewater Technologies 2
- Credit 3 Water Use Reduction 2 to 4

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### Energy and Atmosphere

Possible Points: 35

Y			
Y			
Y			
Y			
		N	
		N	
		N	
		N	
		N	
	M		

- Prereq 1 Fundamental Commissioning of Building Energy Systems
- Prereq 2 Minimum Energy Performance
- Prereq 3 Fundamental Refrigerant Management
- Credit 1 Optimize Energy Performance 1 to 19
- Credit 2 On-Site Renewable Energy 1 to 7
- Credit 3 Enhanced Commissioning 2
- Credit 4 Enhanced Refrigerant Management 2
- Credit 5 Measurement and Verification 3
- Credit 6 Green Power 2

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### Materials and Resources

Possible Points: 14

Y			
Y			
Y			
Y			
		N	

- Prereq 1 Storage and Collection of Recyclables
- Credit 1.1 Building Reuse—Maintain Existing Walls, Floors, and Roof 1 to 3
- Credit 1.2 Building Reuse—Maintain 50% of Interior Non-Structural Elements 1
- Credit 2 Construction Waste Management 1 to 2
- Credit 3 Materials Reuse 1 to 2

Y			N
Y			
Y			
		N	

### Materials and Resources, Continued

- Credit 4 Recycled Content 1 to 2
- Credit 5 Regional Materials 1 to 2
- Credit 6 Rapidly Renewable Materials 1
- Credit 7 Certified Wood 1

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### Indoor Environmental Quality

Possible Points: 15

Y			
Y			
		N	
Y			
		N	
Y			
Y			
Y			
Y			
Y			
Y			
Y			
Y			
Y			
Y			
Y			
Y			
Y			
Y			

- Prereq 1 Minimum Indoor Air Quality Performance
- Prereq 2 Environmental Tobacco Smoke (ETS) Control
- Credit 1 Outdoor Air Delivery Monitoring 1
- Credit 2 Increased Ventilation 1
- Credit 3.1 Construction IAQ Management Plan—During Construction 1
- Credit 3.2 Construction IAQ Management Plan—Before Occupancy 1
- Credit 4.1 Low-Emitting Materials—Adhesives and Sealants 1
- Credit 4.2 Low-Emitting Materials—Paints and Coatings 1
- Credit 4.3 Low-Emitting Materials—Flooring Systems 1
- Credit 4.4 Low-Emitting Materials—Composite Wood and Agrifiber Products 1
- Credit 5 Indoor Chemical and Pollutant Source Control 1
- Credit 6.1 Controllability of Systems—Lighting 1
- Credit 6.2 Controllability of Systems—Thermal Comfort 1
- Credit 7.1 Thermal Comfort—Design 1
- Credit 7.2 Thermal Comfort—Verification 1
- Credit 8.1 Daylight and Views—Daylight 1
- Credit 8.2 Daylight and Views—Views 1

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### Innovation and Design Process

Possible Points: 6

Y			
Y			
Y			
Y			
Y			
Y			

- Credit 1.1 Innovation in Design: SITE SELECTION 1
- Credit 1.2 Innovation in Design: PUBLIC TRANSPORTATION ACCESS 1
- Credit 1.3 Innovation in Design: Specific Title 1
- Credit 1.4 Innovation in Design: Specific Title 1
- Credit 1.5 Innovation in Design: Specific Title 1
- Credit 2 LEED Accredited Professional 1

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### Regional Priority Credits

Possible Points: 4

		N	
		N	
		N	
		N	

- Credit 1.1 Regional Priority: Specific Credit 1
- Credit 1.2 Regional Priority: Specific Credit 1
- Credit 1.3 Regional Priority: Specific Credit 1
- Credit 1.4 Regional Priority: Specific Credit 1

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### Total

Possible Points: 110

Certified 40 to 49 points Silver 50 to 59 points Gold 60 to 79 points Platinum 80 to 110



LEED 2009 for New Construction and Major Renovations  
Project Checklist

YALE HOUSE  
11/5/2012

5 0 9

Sustainable Sites

Possible Points: 14

Y	?	N	d/C
Y			
1			
1			
		1	
1			
		1	
		1	
		1	
		1	
		1	
1			

- c Prereq 1 Construction Activity Pollution Prevention
- d Credit 1 Site Selection 1
- d Credit 2 Development Density and Community Connectivity 5
- d Credit 3 Brownfield Redevelopment
- d Credit 4.1 Alternative Transportation—Public Transportation Access 6
- d Credit 4.2 Alternative Transportation—Bicycle Storage and Changing Rooms
- d Credit 4.3 Alternative Transportation—Low-Emitting and Fuel-Efficient Vehicles
- d Credit 4.4 Alternative Transportation—Parking Capacity
- c Credit 5.1 Site Development—Protect or Restore Habitat
- d Credit 5.2 Site Development—Maximize Open Space 1
- d Credit 6.1 Stormwater Design—Quantity Control
- d Credit 6.2 Stormwater Design—Quality Control
- c Credit 7.1 Heat Island Effect—Non-roof
- d Credit 7.2 Heat Island Effect—Roof
- d Credit 8 Light Pollution Reduction 1

Notes:

0 0 0

Water Efficiency

Possible Points: 6

Y	?	N	d/C
Y			
Y			
		N	
Y			

- d Prereq 1 Water Use Reduction—20% Reduction
- d Credit 1 Water Efficient Landscaping
  - Reduce by 50%
  - No Potable Water Use or Irrigation 4
- d Credit 2 Innovative Wastewater Technologies
- d Credit 3 Water Use Reduction
  - Reduce by 30% 2
  - Reduce by 35%
  - Reduce by 40%

Notes:

1 1 4

Energy and Atmosphere

Possible Points: 4

Y	?	N	d/C
Y			
Y			
Y			
1			

- c Prereq 1 Fundamental Commissioning of Building Energy Systems
- d Prereq 2 Minimum Energy Performance
- d Prereq 3 Fundamental Refrigerant Management
- d Credit 1 Optimize Energy Performance 4
  - Improve by 12% for New Buildings or 8% for Existing Building Renovations
  - Improve by 14% for New Buildings or 10% for Existing Building Renovations
  - Improve by 16% for New Buildings or 12% for Existing Building Renovations
  - Improve by 18% for New Buildings or 14% for Existing Building Renovations
  - Improve by 20% for New Buildings or 16% for Existing Building Renovations
  - Improve by 22% for New Buildings or 18% for Existing Building Renovations
  - Improve by 24% for New Buildings or 20% for Existing Building Renovations
  - Improve by 26% for New Buildings or 22% for Existing Building Renovations
  - Improve by 28% for New Buildings or 24% for Existing Building Renovations
  - Improve by 30% for New Buildings or 26% for Existing Building Renovations
  - Improve by 32% for New Buildings or 28% for Existing Building Renovations
  - Improve by 34% for New Buildings or 30% for Existing Building Renovations
  - Improve by 36% for New Buildings or 32% for Existing Building Renovations
  - Improve by 38% for New Buildings or 34% for Existing Building Renovations
  - Improve by 40% for New Buildings or 36% for Existing Building Renovations
  - Improve by 42% for New Buildings or 38% for Existing Building Renovations
  - Improve by 44% for New Buildings or 40% for Existing Building Renovations
  - Improve by 46% for New Buildings or 42% for Existing Building Renovations
  - Improve by 48%+ for New Buildings or 44%+ for Existing Building Renovations
- d Credit 2 On-Site Renewable Energy
  - 1% Renewable Energy
  - 3% Renewable Energy
  - 5% Renewable Energy
  - 7% Renewable Energy
  - 9% Renewable Energy
  - 11% Renewable Energy
  - 13% Renewable Energy

Notes:

		1
		1
		1
	1	

- c Credit 3 Enhanced Commissioning
- d Credit 4 Enhanced Refrigerant Management
- c Credit 5 Measurement and Verification
- c Credit 6 Green Power

5	0	3
---	---	---

**Materials and Resources**

Possible Points: 7

Y ? N

Y		
1		

- d Prereq 1 Storage and Collection of Recyclables
- c Credit 1.1 Building Reuse—Maintain Existing Walls, Floors, and Roof

	Reuse 55%
	Reuse 75%
1	Reuse 95%

3

1		
1		

- c Credit 1.2 Building Reuse—Maintain 50% of Interior Non-Structural Elements
- c Credit 2 Construction Waste Management

1

1	50% Recycled or Salvaged
	75% Recycled or Salvaged

		1
--	--	---

- c Credit 3 Materials Reuse
- Reuse 5%
- Reuse 10%

		1
--	--	---

- c Credit 4 Recycled Content
- 10% of Content
- 20% of Content

1		
---	--	--

- c Credit 5 Regional Materials
- 1 10% of Materials
- 20% of Materials

1

1		
		1

- c Credit 6 Rapidly Renewable Materials
- c Credit 7 Certified Wood

1

Notes:

13	0	2
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**Indoor Environmental Quality**

Possible Points: 13

Y ? N

Y		
Y		

- d Prereq 1 Minimum Indoor Air Quality Performance
- d Prereq 2 Environmental Tobacco Smoke (ETS) Control

		1
--	--	---

- d Credit 1 Outdoor Air Delivery Monitoring

1		
---	--	--

- d Credit 2 Increased Ventilation

1

1		
---	--	--

- c Credit 3.1 Construction IAQ Management Plan—During Construction

1

		1
--	--	---

- c Credit 3.2 Construction IAQ Management Plan—Before Occupancy

1		
---	--	--

- c Credit 4.1 Low-Emitting Materials—Adhesives and Sealants

1

1		
---	--	--

- c Credit 4.2 Low-Emitting Materials—Paints and Coatings

1

1		
---	--	--

- c Credit 4.3 Low-Emitting Materials—Flooring Systems

1

1		
---	--	--

- c Credit 4.4 Low-Emitting Materials—Composite Wood and Agrifiber Products

1

1		
---	--	--

- d Credit 5 Indoor Chemical and Pollutant Source Control

1

1		
---	--	--

- d Credit 6.1 Controllability of Systems—Lighting

1

1		
---	--	--

- d Credit 6.2 Controllability of Systems—Thermal Comfort

1

1		
---	--	--

- d Credit 7.1 Thermal Comfort—Design

1

1		
---	--	--

- d Credit 7.2 Thermal Comfort—Verification

1

1		
---	--	--

- d Credit 8.1 Daylight and Views—Daylight

1

1		
---	--	--

- d Credit 8.2 Daylight and Views—Views

1

Notes:

6	0	0
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**Innovation and Design Process**

Possible Points: 6

Y ? N

1		
1		

- d/C Credit 1.1 Innovation in Design: Specific Title
- d/C Credit 1.2 Innovation in Design: Specific Title

1

1		
---	--	--

- d/C Credit 1.3 Innovation in Design: Specific Title

1

1		
---	--	--

- d/C Credit 1.4 Innovation in Design: Specific Title

1

1		
---	--	--

- d/C Credit 1.5 Innovation in Design: Specific Title

1

1		
---	--	--

- d/C Credit 2 LEED Accredited Professional

1

Notes:

0	0	4
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**Regional Priority Credits**

Possible Points: 0

Y ? N

		1
		1

- d/C Credit 1.1 Regional Priority: Specific Credit
- d/C Credit 1.2 Regional Priority: Specific Credit

		1
--	--	---

- d/C Credit 1.3 Regional Priority: Specific Credit

		1
--	--	---

- d/C Credit 1.4 Regional Priority: Specific Credit

Notes:

30	1	22
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**Total**

Possible Points: 50

Certified 40 to 49 points Silver 50 to 59 points Gold 60 to 79 points Platinum 80 to 110

# YALE HOUSE DETAILED SITE PLAN PRINCE GEORGE'S COUNTY, MARYLAND

SHEET INDEX	
1	EXISTING CONDITIONS
2	APPROVAL
3	SITE PLAN
4	CIRCULATION PLAN & DETAILS
5	LANDSCAPE PLAN & DETAILS
6	EXISTING ARCHITECTURAL ELEVATIONS
7	EXISTING ARCHITECTURAL UNIT PLANS
8	PROPOSED ARCHITECTURE

COPYRIGHT ADC THE MAP PEOPLE  
PERMITTED USE NO. 21006237  
PRINCE GEORGE'S COUNTY MAP NO. 7: GRID D12



VICINITY MAP  
SCALE: 1" = 2,000'

**GENERAL NOTES**

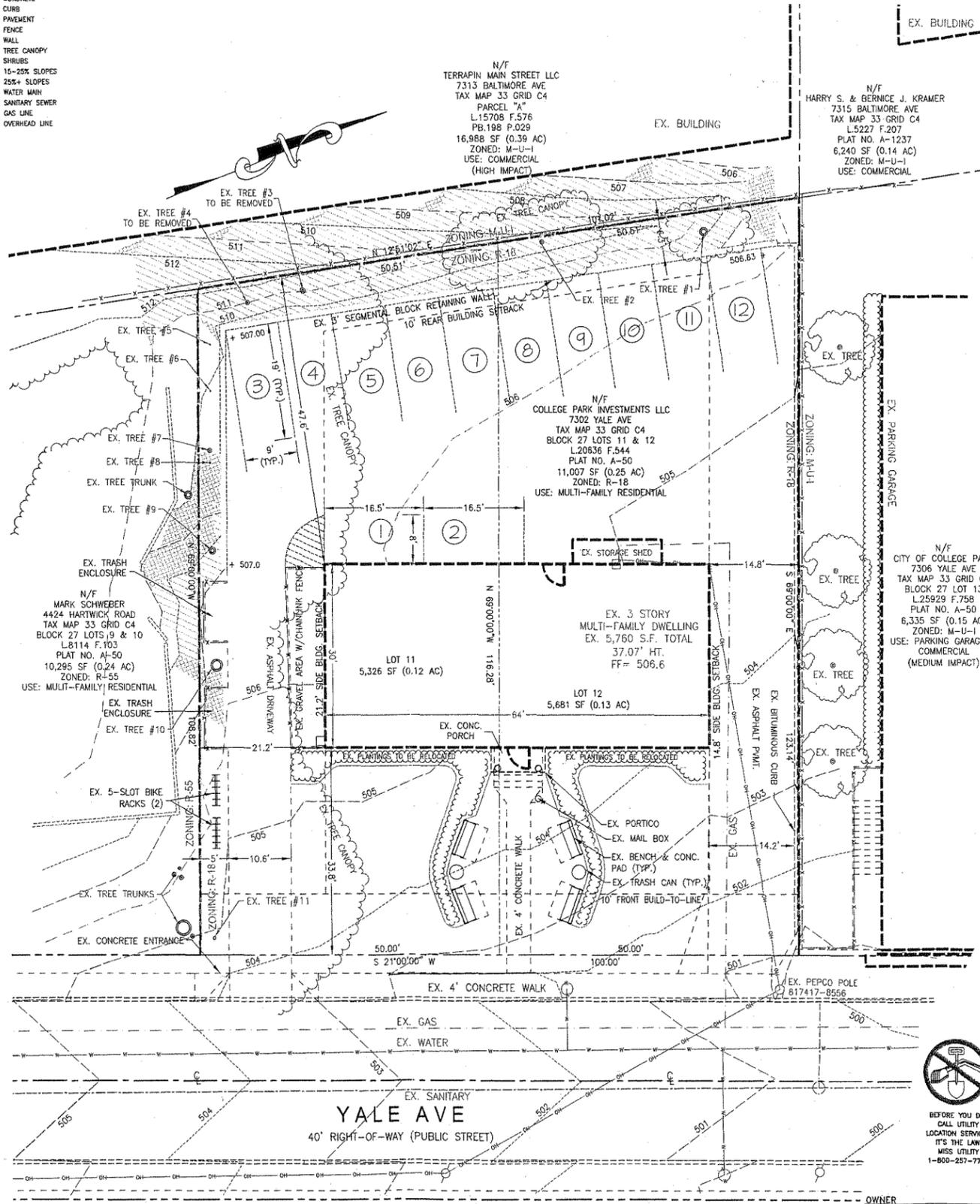
- OWNER/APPLICANT: COLLEGE PARK INVESTMENTS LLC, ATTN: GARY EVANS  
8800 SNOWDEN RIVER PARKWAY, SUITE 207  
COLUMBIA, MD 21045
- EXISTING ZONING: R-18 (MULTIFAMILY MEDIUM DENSITY RESIDENTIAL)
- PROPOSED ZONING: M-U-1 (MIXED USE INFILL)
- TOTAL TRACT AREA: 11,007 SQ. FT. OR 0.25 AC.
- EXISTING USE: MULTI-FAMILY RESIDENTIAL (6 DWELLING UNITS)
- PROPOSED USE: MULTI-FAMILY RESIDENTIAL (10 DWELLING UNITS)
- TAX MAP/GRID/BLOCK/LOT: 33/C4/27/11 & 12
- PLANNING AREA: 66 SUBREGION II
- COUNCIL DISTRICT: 03
- W.S.S.C. 200 SHEET: 209 NE 04
- EX. WATER CATEGORY/SEWER CATEGORY: W-3/S-3
- TAX ACCOUNT NUMBER: 21-2365823
- EXISTING DU/A: 24
- PROPOSED DU/AC: 40
- EXISTING GROSS FLOOR AREA: 5,760 SF
- PROPOSED GROSS FLOOR AREA: 9,280 SF
- THERE IS NO PROPOSED SITE DISTURBANCE WITH THIS DETAILED SITE PLAN.
- THE SUBJECT PROPERTY IS LOCATED WITHIN THE DEVELOPED TIER.
- THIS PROPERTY IS LOCATED IN THE CITY OF COLLEGE PARK AND IS SUBJECT TO THE CENTRAL US 1 CORRIDOR SECTOR PLAN AND SECTIONAL MAP AMENDMENT - DEVELOPMENT DISTRICT OVERLAY ZONE (D002).
- NATURAL FEATURES:
  - PER FEMA FIRM MAP #245208 0025 C THERE IS NO 100 YEAR FLOODPLAIN LOCATED ON THE SUBJECT PROPERTY.
  - THERE ARE NO WETLANDS LOCATED ON THIS PARCEL BASED ON FIELD VISITS CONDUCTED BY MORRIS & RITCHE ASSOCIATES, INC. (MRA) FEBRUARY 2011.
  - THERE ARE NO RARE, THREATENED, OR ENDANGERED SPECIES FOUND TO OCCUR ON THIS SITE.
  - DRAINAGE FROM THIS PROPERTY CONTRIBUTES TO THE NORTHWEST BRANCH WHICH FLOWS INTO THE ANACOSTIA RIVER.
  - THE ENTIRE PROPERTY IS COMPOSED OF BELLEVILLE-URBAN LAND COMPLEX SOIL, 0-5% SLOPES.
- THERE IS AN APPROVED STORMWATER MANAGEMENT CONCEPT, CASE NO. 0883-2011-00, WHICH STATES THAT, SINCE THERE IS LESS THAN 5,000 SQUARE FEET OF DISTURBANCE, THIS PROJECT IS EXEMPT FROM STORMWATER MANAGEMENT REQUIREMENTS. THE APPROVAL IS DATED JUNE 10, 2011 AND EXPIRES JUNE 10, 2014.
- THERE IS A WOODLAND CONSERVATION ORDINANCE LETTER OF EXEMPTION FOR THE SUBJECT PROPERTY, RECEIPT #4486, DATED MARCH 1, 2011 AND EXPIRES MARCH 1, 2013.
- THERE IS AN APPROVED NRI EQUIVALENCY LETTER, NRI-EL-005-2011, DATED APRIL 12, 2011 WHICH EXPIRES APRIL 12, 2016.
- THE EXISTING STRUCTURE, TO REMAIN, IS CURRENTLY SERVICED BY PUBLIC WATER AND PUBLIC SEWER.
- TOPOGRAPHY & BOUNDARY INFORMATION SHOWN HEREON IS DIGITIZED FROM APPROVED PERMIT PLANS 39159-2007-CG & 10505-2008-CE AND IS SUPPLEMENTED WITH FIELD SURVEY DATA, COLLECTED JANUARY 2011 AND MAY 2011.
- EXISTING TREE CANOPY SHOWN IS PER AERIAL IMAGES FROM GOOGLE IMAGES.

**LEGEND**

- EX. 1' CONTOUR
- EX. 2' CONTOUR
- EX. 10' CONTOUR
- EX. RIGHT-OF-WAY
- EX. PROPERTY LINE
- EX. ADJ. PROPERTY LINE
- EX. BUILDING SETBACK
- EX. ZONING LINE
- EX. BUILDING
- EX. CONCRETE
- EX. CURB
- EX. PAVEMENT
- EX. FENCE
- EX. WALL
- EX. TREE CANOPY
- EX. SHRUBS
- EX. 15-25% SLOPES
- EX. 25%+ SLOPES
- EX. WATER MAIN
- EX. SANITARY SEWER
- EX. GAS LINE
- EX. OVERHEAD LINE

**ZONING NOTES - M-U-1 ZONE**

- USE:
  - EXISTING USE:
    - MULTIFAMILY DWELLING (6 UNITS, 12 BEDROOMS, 23 BEDS)
    - 1 UNIT (3 TOTAL BEDS)
    - 2 BEDROOM UNITS (4 BEDS)
    - 5 UNITS (20 TOTAL BEDS)
  - PROPOSED USE:
    - MULTIFAMILY DWELLING (10 UNITS, 16 BEDROOMS, 37 BEDS)
    - 2 UNITS (2 PROPOSED + 0 EXISTING) (6 BEDS)
    - 1 UNIT (0 PROPOSED + 1 EXISTING) (3 BEDS)
    - 2 BEDROOM UNITS (4 BEDS)
    - 2 BEDROOM UNITS (4 BEDS)
- DENSITY (MULTIFAMILY RESIDENTIAL):
  - ALLOWED: 48 DWELLING UNITS PER ACRE
  - PROVIDED: 40 DWELLING UNITS PER ACRE



**EXISTING ON-SITE TREE LIST**

NO.	SCIENTIFIC NAME	COMMON NAME	DBH	CONDITION	REMARKS
1	ULMUS AMERICANA	AMERICAN ELM	15.5"	POOR	
2	ULMUS AMERICANA	AMERICAN ELM	8.0"	FAIR	
3	MORUS ALBA	COMMON MULBERRY	10.5"	FAIR	INVASIVE - TO BE REMOVED
4	MORUS ALBA	COMMON MULBERRY	8.4"	FAIR	INVASIVE - TO BE REMOVED
5	PRUNUS SEROTINA	BLACK CHERRY	1.5"	POOR	
6	FRAXINUS QUADRANGULATA	BLUE ASH	1.8"	GOOD	
7	ULMUS AMERICANA	AMERICAN ELM	8.0"	FAIR	
8	ULMUS AMERICANA	AMERICAN ELM	2.6"	FAIR	
9	CELTIS OCCIDENTALIS	COMMON HACKBERRY	13.8"	FAIR	
10	CATALPA BIGNONOIDES	SOUTHERN CATALPA	23.5"	FAIR	
11	ULMUS AMERICANA	AMERICAN ELM	5.8"	FAIR	

**PURPOSE NOTE**

- THE PURPOSE OF THIS DETAILED SITE PLAN IS:
- TO OBTAIN PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT APPROVAL OF SITE IMPROVEMENTS ALREADY CONSTRUCTED ON SITE AS DIRECTED BY MDCPPC PERMIT REVIEW SECTION.
  - THE FOLLOWING IMPROVEMENTS WERE CONSTRUCTED UNDER APPROVED PERMITS:
    - 3' RETAINING WALL (PERMIT #39159-2007-CG)
    - FRONT PORTICO/CANOPY (PERMIT #3416-2007-CE)
    - ROOF REPLACEMENT (PERMIT #10505-2008-CE)
  - THE FOLLOWING IMPROVEMENTS, WERE CONSTRUCTED AND APPROVED PERMITS ARE PENDING APPROVAL OF THIS DETAILED SITE PLAN:
    - ADDITIONAL DRIVEWAY ENTRANCE ALONG YALE AVENUE ON THE SOUTH SIDE OF PROPERTY (10502-2008-CG - INACTIVE; 0846-2010-COM)
  - THERE IS AN EXISTING MEMORANDUM OF UNDERSTANDING FOR THE EXPANDED DRIVEWAY AND PARKING EXPANSION ALONG THE NORTH PROPERTY LINE, ADJACENT TO THE PARKING GARAGE.
  - TO REZONE THE PROPERTY FROM R-18 TO M-U-1 (MIXED USE INFILL).
  - TO OBTAIN APPROVAL TO INCREASE THE NUMBER OF APARTMENT UNITS IN THE EXISTING DWELLING BY FOUR (4) FOR A TOTAL OF TEN (10) APARTMENT UNITS.

M-NCPPC APPROVALS			
PROJECT NAME: 7302 YALE AVENUE		PROJECT NUMBER: DSP - 11005	
For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet The Revision Date Below Apply to This Sheet			
Approval or Revision #	Approval Date	Reviewer's Signature	Certification Date



**MORRIS & RITCHE ASSOCIATES, INC.**  
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
14280 PARK CENTER DRIVE  
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FAX: (410) 792-7395  
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**DETAILED SITE PLAN  
YALE HOUSE**

**EXISTING CONDITIONS**

TAX MAP 33 - GRID 4 - L. 20636 F.544 - PLAT NO. A-1237  
7302 YALE AVENUE, CITY OF COLLEGE PARK  
PRINCE GEORGE'S COUNTY, MARYLAND

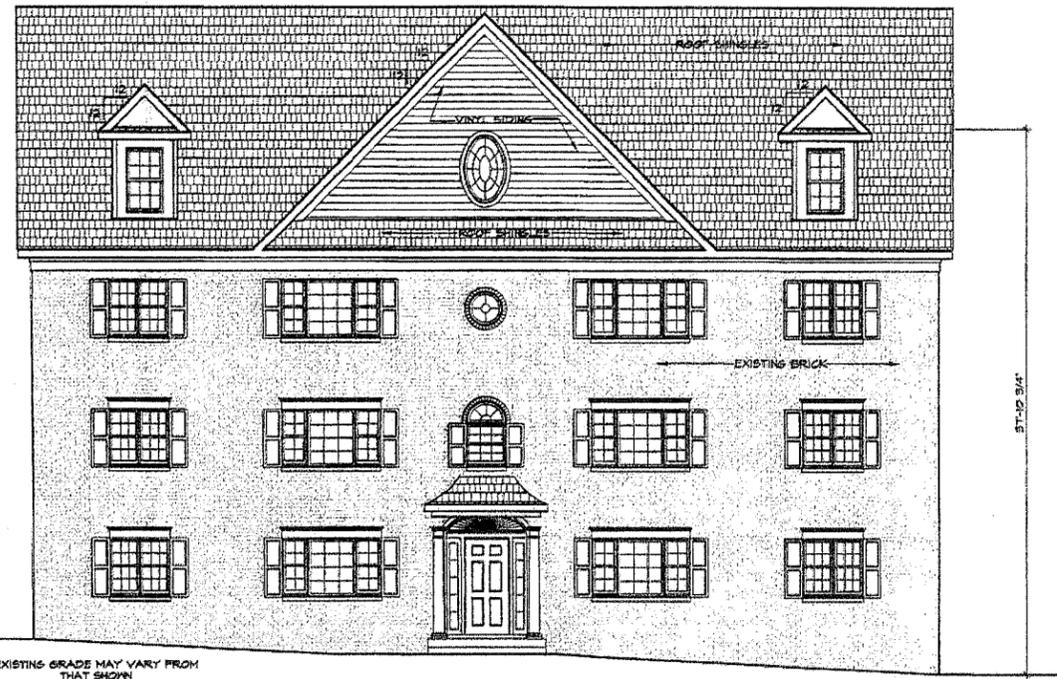
DATE	REVISIONS	JOB NO.:	DATE:
		17019	03/12/2013
		SCALE: AS SHOWN	DRAWN BY: CMG
		DESIGN BY: CMG	REVIEW BY: TFM
		SHEET: 1 OF 8	



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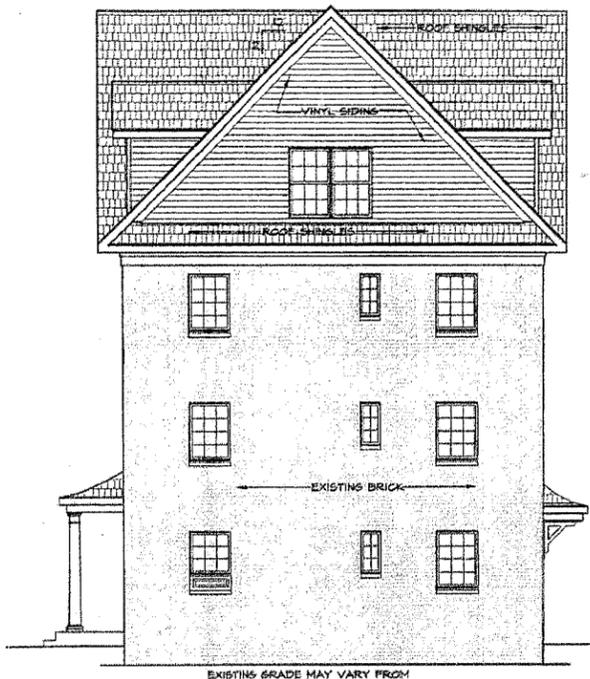
**EXISTING CONDITIONS PLAN**  
SCALE: 1" = 10'





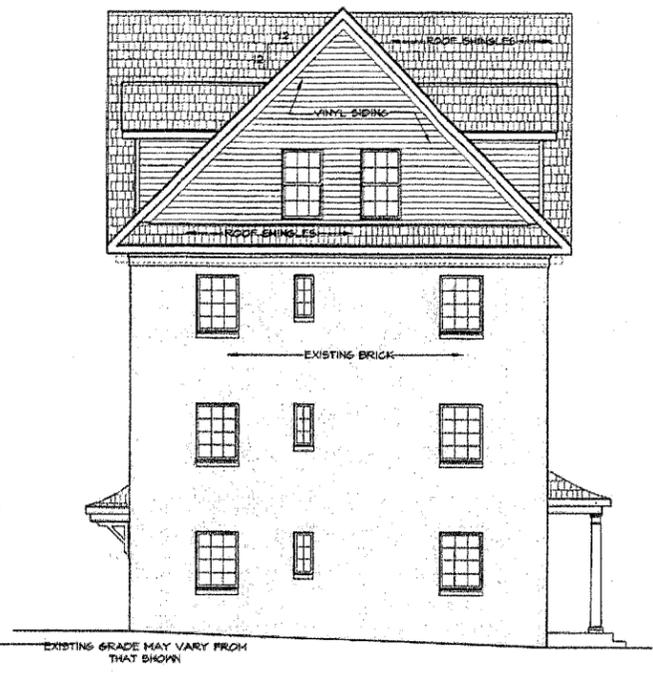
EXISTING GRADE MAY VARY FROM THAT SHOWN

EXISTING FRONT ELEVATION  
NOT TO SCALE



EXISTING GRADE MAY VARY FROM THAT SHOWN

EXISTING SIDE (NORTH) ELEVATION  
NOT TO SCALE



EXISTING GRADE MAY VARY FROM THAT SHOWN

EXISTING SIDE (SOUTH) ELEVATION  
NOT TO SCALE



EXISTING GRADE MAY VARY FROM THAT SHOWN

EXISTING REAR ELEVATION  
NOT TO SCALE

M-NCPPC APPROVALS			
PROJECT NAME: 7302 YALE AVENUE			
PROJECT NUMBER: DSP - 11005			
For Conditions of Approval see the Plan Cover Sheet or Approval Sheet The Following Listed Below Apply to this Sheet			
Approval or Refusal	Approval Date	Reviewer's Signature	Certification Title



SHEET: DSP-06

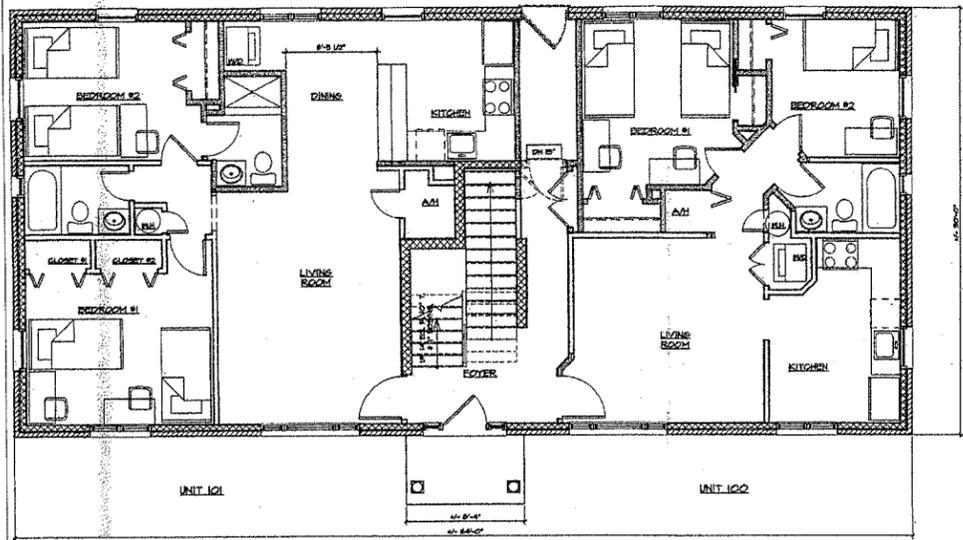
**MRA MORRIS & RITCHIE ASSOCIATES, INC.**  
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DETAILED SITE PLAN  
YALE HOUSE  
EXISTING ARCHITECTURAL ELEVATIONS  
TAX MAP 33 ~ GRID 4 ~ L. 20636 F.544 ~ PLAT NO. A-1237  
7302 YALE AVENUE, CITY OF COLLEGE PARK  
PRINCE GEORGE'S COUNTY, MARYLAND

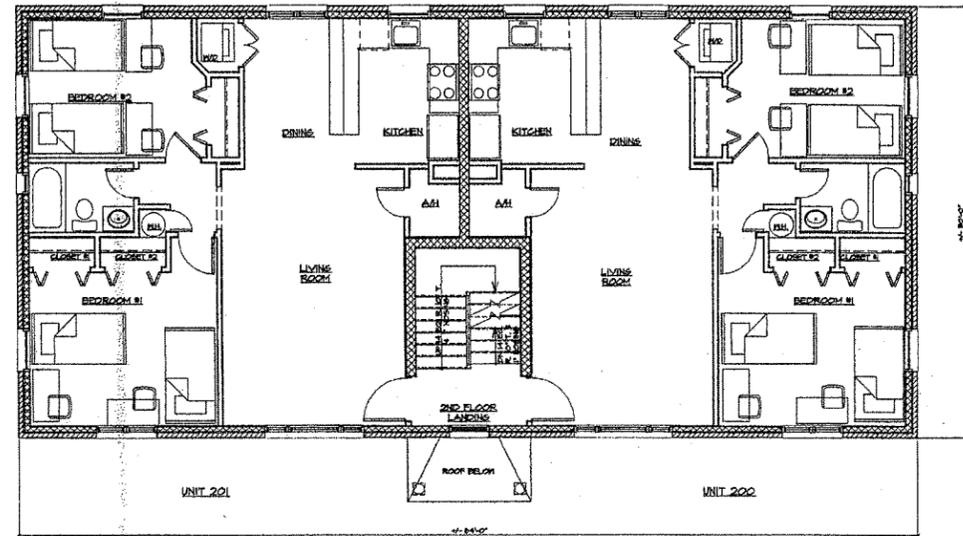
OWNER  
COLLEGE PARK INVESTMENT LLC  
8600 SNOWDEN RIVER PKWY  
SUITE 207  
COLUMBIA, MD 21045  
ATTN: GARY EVANS

DATE	REVISIONS	JOB NO.:
		17019
		SCALE: AS SHOWN
		DATE: 03/12/2013
		DRAWN BY: CWS
		DESIGN BY: CWS
		REVIEW BY: TFM
		SHEET: 6 OF 6

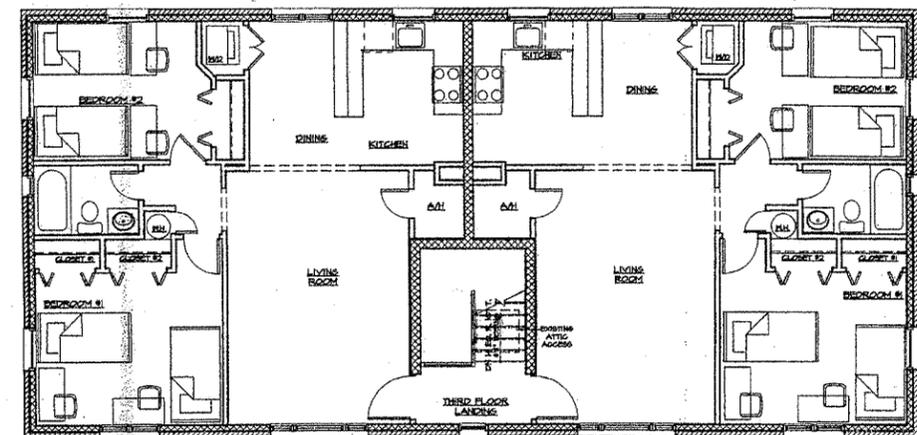
MD PROFESSIONAL CERTIFICATION:  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 29203, EXPIRATION DATE: 06/16/13.



EXISTING FIRST FLOOR UNITS  
NOT TO SCALE



EXISTING SECOND FLOOR UNITS  
NOT TO SCALE



EXISTING THIRD FLOOR UNITS  
NOT TO SCALE



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M-NCPPC APPROVALS			
PROJECT NAME: 7302 YALE AVENUE			
PROJECT NUMBER: DSP - 11005			
For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet The Revisions Listed Below Apply to this Sheet			
Approval or Revision #	Approval Date	Reviewer's Signature	Certification Date

SHEET: DSP-07



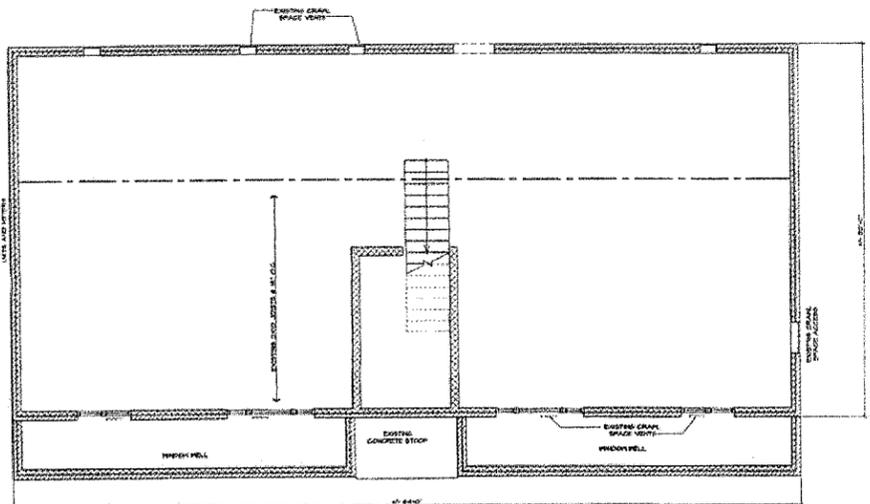
**MORRIS & RITCHIE ASSOCIATES, INC.**  
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DETAILED SITE PLAN  
YALE HOUSE  
EXISTING ARCHITECTURAL UNIT PLANS  
TAX MAP 33 -- GRID 4 -- L 20636 F.544 -- PLAT NO. A-1237  
7302 YALE AVENUE, CITY OF COLLEGE PARK  
PRINCE GEORGE'S COUNTY, MARYLAND

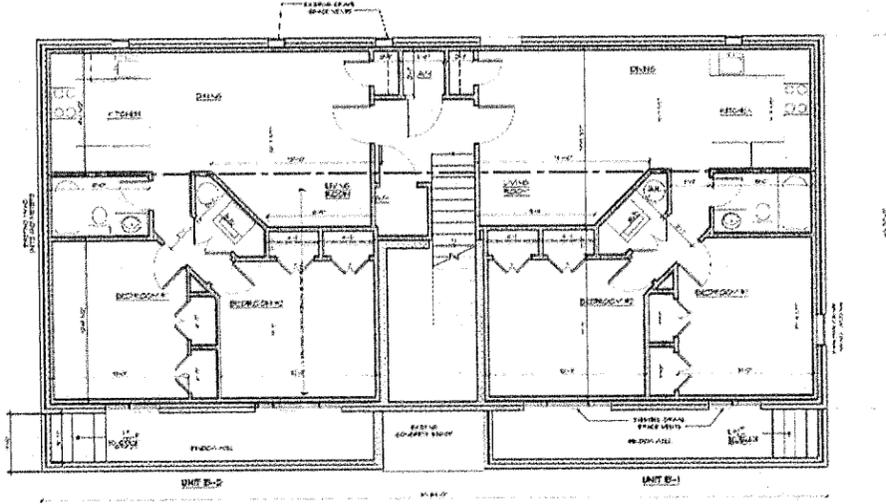
OWNER  
COLLEGE PARK INVESTMENT LLC  
8600 SNOWDEN RIVER PKWY  
SUITE 207  
COLUMBIA, MD 21045  
ATTN: GARY EVANS

DATE	REVISIONS	JOB NO.:
		17019
		SCALE: AS SHOWN
		DATE: 03/12/2013
		DRAWN BY: CMG
		DESIGN BY: CMG
		REVIEW BY: TFM
		SHEET: 7 OF 8

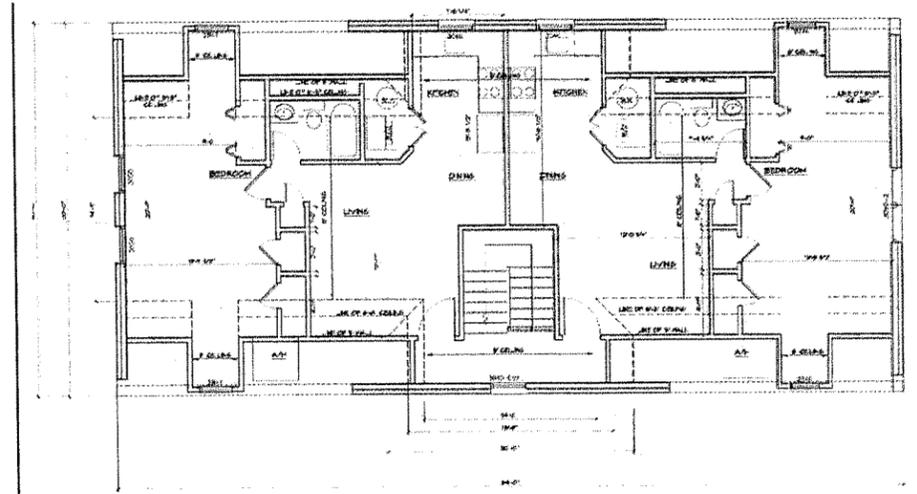
MD PROFESSIONAL  
CERTIFICATION:  
I HEREBY CERTIFY THAT THESE  
DOCUMENTS WERE PREPARED  
OR APPROVED BY ME, AND  
THAT I AM A DULY LICENSED  
PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE  
STATE OF MARYLAND, LICENSE  
NO. 29203, EXPIRATION DATE:  
06/16/13.



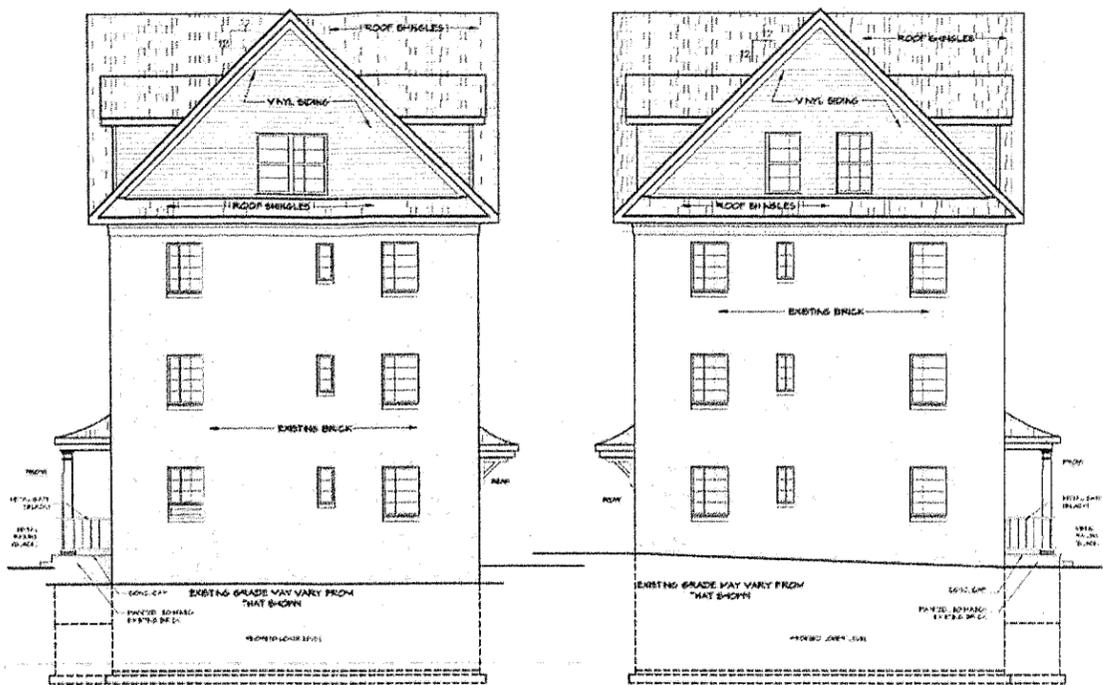
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NOT TO SCALE



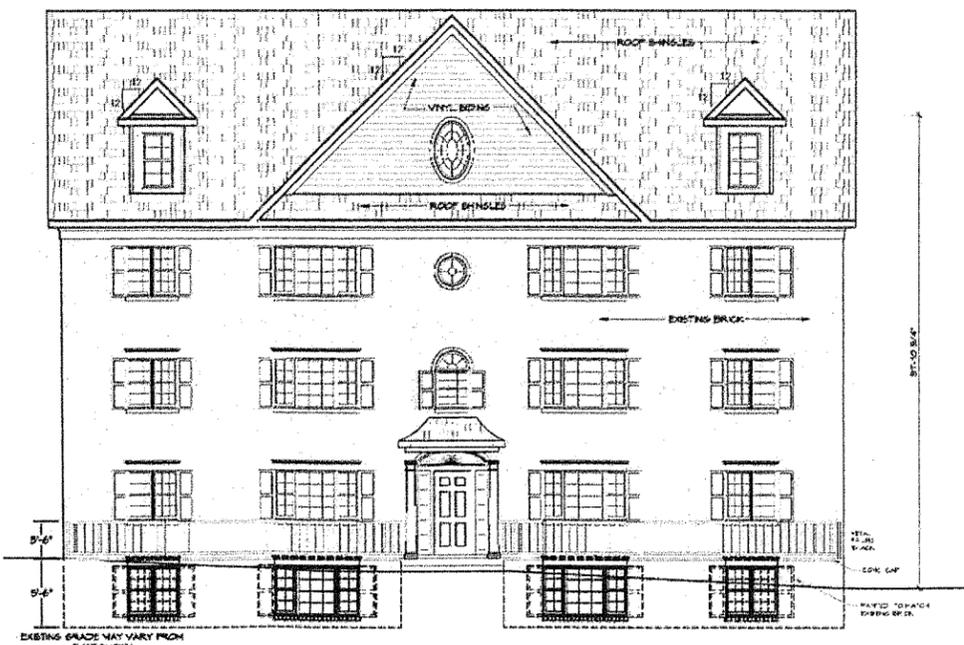
**PROPOSED BASEMENT UNITS**  
NOT TO SCALE



**PROPOSED ATTIC UNITS**  
NOT TO SCALE



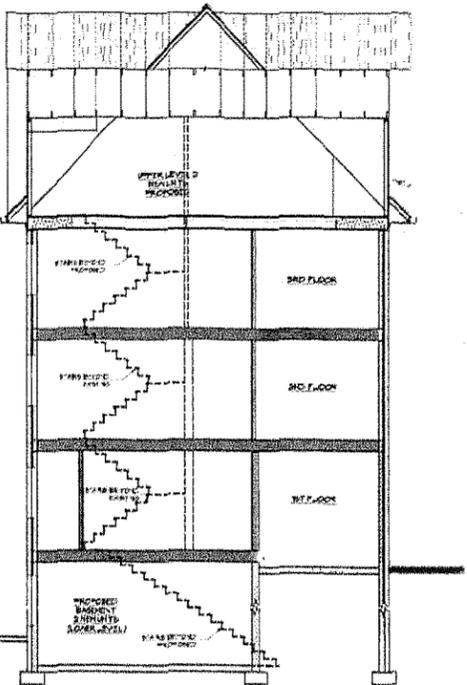
**PROPOSED SIDE ELEVATIONS & SECTIONS**  
NOT TO SCALE



**PROPOSED FRONT ELEVATION**  
NOT TO SCALE



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M-NCPPC APPROVALS			
PROJECT NAME: 7302 YALE AVENUE			
PROJECT NUMBER: DSP - 11005			
For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet The Schedule Listed Below Apply to this Sheet			
Approval or Action	Approval Date	Reviewer's Signature	Contribution Date

SHEET: DSP-08



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**DETAILED SITE PLAN**  
YALE HOUSE

**PROPOSED ARCHITECTURE**

TAX MAP 33 ~ GRID 4 ~ L. 20036 F.544 ~ PLAT NO. A-1237  
7302 YALE AVENUE, CITY OF COLLEGE PARK  
PRINCE GEORGE'S COUNTY, MARYLAND

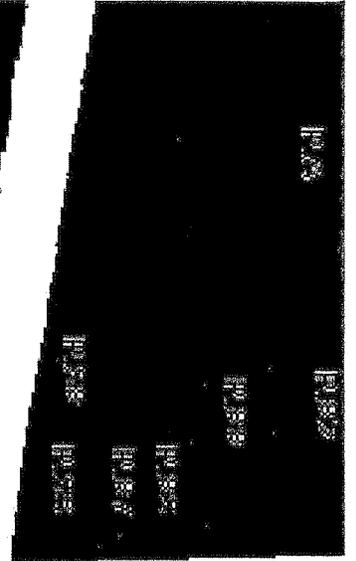
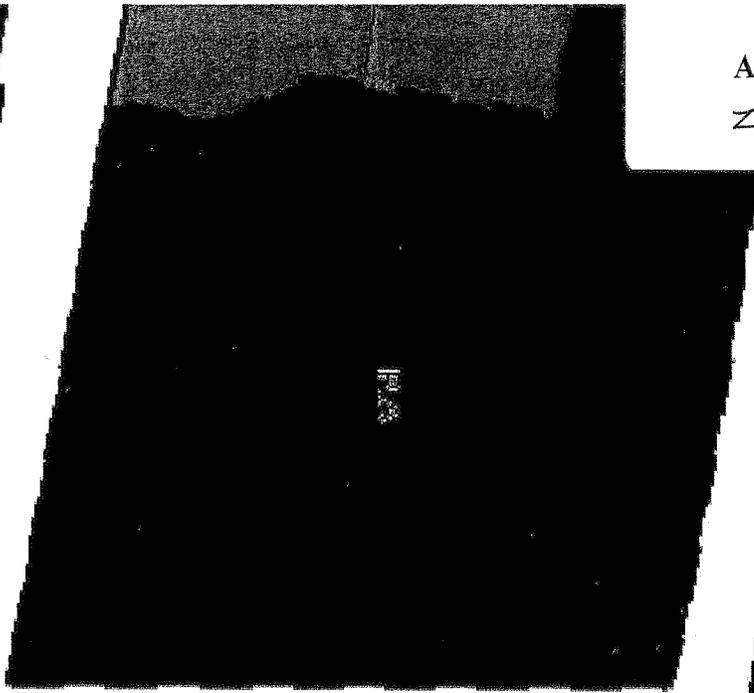
**OWNER**  
COLLEGE PARK INVESTMENT LLC  
8800 SNOWDEN RIVER PKWY  
SUITE 207  
COLUMBIA, MD 21045  
ATTN: GARY EVANS

MD PROFESSIONAL CERTIFICATION:  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 29205, EXPIRATION DATE: 05/15/13.

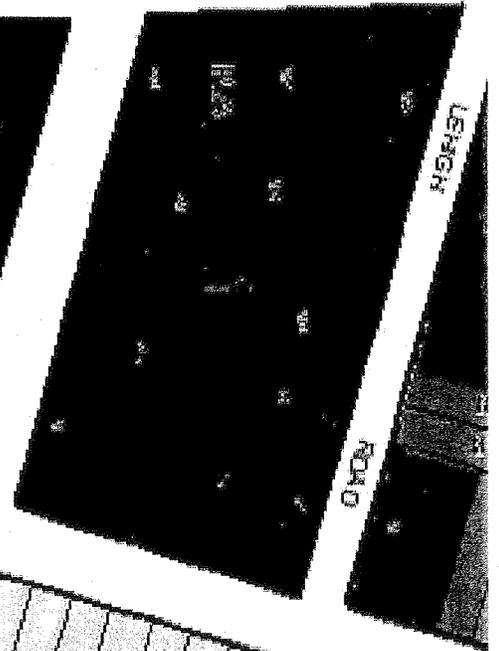
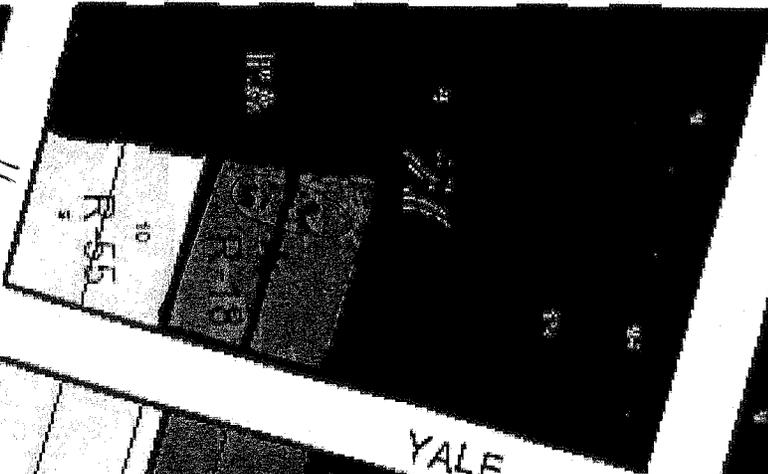
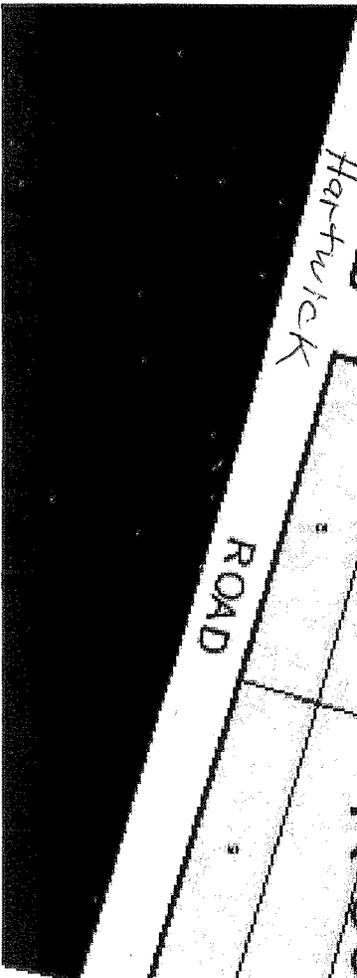
DATE	REVISIONS	JOB NO.:
		17019
		SCALE: AS SHOWN
		DATE: 03/12/2013
		DRAWN BY: CMG
		DESIGN BY: CMG
		REVIEW BY: TFM
		SHEET: 6 OF 8

ATTACHMENT 3

Zoning Map



BALTIMORE



Hartwick

YALE

LEIGH

ROAD

ROAD

R-55

KNOX

25  
R-55

PRINCETON

January 10, 2012

**MEMORANDUM**

**TO:** Jill Kosack, Urban Design Section  
**VIA:** Whitney Chellis, Subdivision Section  
**FROM:** Patrick Reidy, Subdivision Section  
**SUBJECT:** Referral for Yale House, DSP-11005

The property is known as Lots 11 and 12, located on Tax Map 33 in Grid C-4, and is 11,007 square feet. Lots 11 and 12 were recorded in plat book A@50 on June 6, 1890. The boundary of the property as reflected on the site plan is consistent with the record plat. The property is improved with six multifamily units. All structures are to remain and four new multifamily units are being proposed within the existing building to create a total of ten multifamily units. No new gross floor area is being proposed.

Section 24-111 of the Subdivision Regulations provides for exemptions from the requirement of filing a preliminary plan of subdivision for lots with a record plat. Specifically, in this instance Lots 11 and 12 are subject to Section 24-111(c)(4) which provides:

- (c) **A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless:**
- (4) **The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of the site, has been constructed pursuant to a building permit issued on or before December 31, 1991.**

Lots 11 and 12 have a record plat recorded on June 6, 1890. Based on PGAtlas and the submitted site plan, it appears that the gross floor area of the existing buildings is more than ten percent of the total area of Lots 11 and 12. Based on the archive aerial photos of the site on PGAtlas, the apartment building has been in existence prior to 1991. The site is exempt from the requirement of filing a preliminary plan of subdivision under Section 24-111(c)(4) based on the existing conditions and structures of the site provided by information in the application and PG Atlas.

**Plan Comments, sheet 1 should be revised to show the following, prior to certificate of approval:**

1. Revise the plat reference on the drawing from "A-1237" to "A-50".

The DSP-11005 is in substantial conformance with the plat, if the above comments have been addressed. There are no other subdivision issues at this time.

June 4, 2012

Referral Request – Response

The Historic Preservation Section review of DSP-11005 Yale House found the subject DSP revised plans to add four dwelling units to the existing multi-family dwelling and validated existing site improvements will have no effect on identified Historic Sites, Resources, or Districts.

Cecelia Garcia Moore  
Principal Planning Technician  
Historic Preservation Section  
301-952-3756



**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

August 15, 2012

**MEMORANDUM**

TO: Jill Kosack, Urban Design Section, Development Review Division

FROM: Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: DSP-11005, Yale House

The Transportation Planning Section has reviewed the site plan noted above. The subject site consists of 0.25 acres of land in the R-18 Zone. It is within the development district overlay (D-D-O) of the *Approved Central US 1 Sector Plan and Sectional Map Amendment*. The site is located on the west side of Yale Avenue between its intersections with Knox Road and Hartwick Road. The site is developed with a six-unit multifamily building. The current site plan proposes the addition of four units in the attic and the basement of the existing building, and also proposes rezoning the site to the M-U-I Zone.

The plan was modified to include the rezoning request and other changes, and was re-referred. This memorandum supersedes the Transportation Planning Section memorandum dated January 9, 2012.

***Review Comments***

The detailed site plan is a requirement for multifamily buildings in the R-18 Zone; this review focuses on general site plan issues. By virtue of the site being within the D-D-O of the sector plan, the site plan is potentially subject to the standards and requirements of the sector plan as well. The site is within Character Area 3: Existing Development, as defined by the sector plan. This brings elements of building form, sustainability, streetscape, and adequacy of transportation facilities into the review. Also, as a part of the filing of the detailed site plan within a D-D-O, the applicant can request a rezoning to the M-U-I Zone in accordance with Section 27-546.16(b)(2). The review of the rezoning request focuses on compatibility issues as well as conformance to the purposes and recommendations of the D-D-O, as noted in Section 27-548.26(b)(5).

The site encompasses two lots of an underlying plat recorded in 1930; therefore, there are no caps on development that would restrict this expansion of the use. Because the site is currently developed and no construction is proposed, there will be no preliminary plan.

The site has frontage on Yale Avenue, which is a 40-foot right-of-way residential street within the City of College Park. It is undesignated on any master plan. The streetscape includes a paved street with two travel lanes totaling 22 feet, a raised concrete curb, a four-foot concrete sidewalk, and planting strips in front of and behind the sidewalk totaling five feet. The standards prescribe narrower travel lanes (a range of eight to ten feet) and wider planting strips than currently exist. While the Community Planning Division, in consultation with the Urban Design Section, should determine the requirements for conformance to these standards, it is probably impractical to implement the sector plan streetscape along the relatively short portion of this block of Yale Avenue that is controlled by this applicant.

Four additional multifamily units would generate 2 AM and 2 PM weekday peak hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (Guidelines). Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact on the nearby link of US 1 to be de minimus. It is therefore recommended that the Planning Board find that 2 AM and 2 PM peak hour trips will have a de minimus impact upon service levels along the nearby link of US 1.

The use will be served by two existing driveways that currently serve the site, and circulation within the site will remain as exists. This is acceptable given the size of the site and the need to place required on-site parking within a very small site.

With regard to the rezoning request, the purpose of the D-D-O is to implement the land use and urban design recommendations of the sector plan. No further specific purposes are included in the sector plan. This site plan has been reviewed in consideration of the recommendations of the D-D-O, and is determined to generally conform to them from the standpoint of transportation. Therefore, the Transportation Planning Section would not object to the zoning change that is requested.

As such, aside from noting the requirements and the major features of the plan, the Transportation Planning Section has no comments on this plan.

Prince George's County Planning Department  
Community Planning Division

301-952-4225  
www.mncppc.org

January 18, 2013

MEMORANDUM

TO: Henry Zhang, AICP, Master Planner, Development Review Division  
VIA: Cynthia Fenton, Planner Coordinator, Community Planning Division  
FROM: Chad Williams, LEED AP BD+C Planner Coordinator, Community Planning Division  
SUBJECT: **DSP-11005 Yale House**

**DETERMINATIONS**

- This application is consistent with the 2002 General Plan Development Pattern policies for Corridor Nodes in the Developed Tier and does not violate the General Plan's growth goals for the year 2025, based upon review of Prince George's County's current General Plan Growth Policy Update.
- This application does not conform to the land use recommendation of the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* for residential medium density land uses in a walkable node.
- If approved, the proposed M-U-I (Mixed-Use Infill) Zone will permit the multifamily residential density requested in this application.
- A number of amendments to the development district standards are necessary to accommodate the proposed development program. Since the proposed development is primarily interior to an existing structure, these amendments should not constitute significant barriers to the proposed development.
- 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: 7302 Yale Avenue, approximately 100 feet east of US 1 (Baltimore Avenue)

Size: 0.25 acres

Existing Uses: An existing six-unit apartment building

Proposal: The applicant seeks a detailed site plan for the approval of already-constructed site improvements and rezoning to the M-U-I Zone for the addition of four new multifamily units for a total of ten multifamily units on-site.

### GENERAL PLAN, MASTER PLAN AND SMA

2002 General Plan: This application is located in the Developed Tier, and is within a Corridor Node designated by the 2010 Approved Central US 1 Corridor Sector Plan. Specifically, the subject property is within the Downtown College Park Walkable Node along the Baltimore Avenue Corridor (hereafter “Downtown College Park Walkable Node” within this referral).

“The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use pedestrian-oriented, medium- to high-density neighborhoods.” (2002 General Plan, p. 31).

The vision for Corridors is “mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.” (See Policy 1, 2002 General Plan, p. 50). This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor.

Master Plan: 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*

- Planning Area/Community:

PA 66 /Downtown College Park Walkable Node

- Land Use:

The subject property is located in the Downtown College Park Walkable Node area (see Map 8 on page 60 of the 2010 Approved Central US 1 Corridor Sector Plan). The overall vision for the Central US 1 Corridor is a vibrant hub of activity highlighted by walkable concentrations of pedestrian- and transit-oriented mixed-use development, the integration of the natural and built environments, extensive use of sustainable design techniques, thriving residential communities, a complete and balanced transportation network, and a world-class educational institution.

Walkable nodes are intended for pedestrian-friendly, transit-oriented, mixed-use development at appropriate locations along the Central US 1 Corridor. Development should be medium- to high-intensity with an emphasis on vertical mixing of uses. Development within a walkable node should generally be between two and six stories in height.

The proposed land use (south) map on page 60 of the 2010 Approved Central US 1 Corridor Sector Plan recommends residential medium

density land uses on the subject property.

- Environmental: Refer to the Environmental Planning Section referral for comments on the environmental element of the *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* and the *2005 Countywide Green Infrastructure Plan*.
- Historic Resources: The subject property abuts the Prince George's County Old Town College Park Historic District along Yale Avenue.
- Transportation: Baltimore Avenue (US 1) is a major collector (MC-200) within a right-of-way of 88 to 112 feet. The subject property would access Baltimore Avenue (US 1) via Yale Avenue and either Knox Road or Hartwick Road, all local residential streets.
- Public Facilities: None identified
- Parks & Trails: US 1 is recommended for dedicated bicycle facilities, with bicycle lanes as a possible interim solution and cycle tracks as the preferred long-term facility. Both Knox and Hartwick Roads are recommended to be shared roadway facilities. There are no park facilities in proximity to the subject site.

SMA/Zoning: The 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* retained the property in the R-18 Zone and in the Development District Overlay Zone (DDOZ), which requires site plan review.

## PLANNING ISSUES

### *Plan Conformance*

The vision of the 2002 General Plan is met by this application, which proposes an increase to the existing residential density contributing to transit-oriented design at a designated corridor node along the US 1 Corridor.

The 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment* recommends residential medium density land uses on the subject property (see Map 8 on page 60). Residential medium density land uses are described on page 57 of the 2010 Approved Central US 1 Corridor Sector Plan as “[d]etached and attached dwelling units and associated areas with densities between 3 du/acre and 8 du/acre.” The subject property has an existing density of 24 dwelling units per acre and a proposed density of 40 dwelling units per acre. Therefore, the proposed development does not conform to the land use recommendations.

However, the applicant is requesting rezoning to the M-U-I (Mixed-Use Infill) Zone, which would permit residential densities up to 48 dwelling units per acre.

The proposed development is located in the Downtown College Park Walkable Node as shown on Map 8 on page 60 of the 2010 Approved Central US 1 Corridor Sector Plan. Walkable nodes are intended to be hubs of pedestrian and transit activity emphasizing higher density mixed-use development at appropriate locations along the Central US 1 Corridor, and should be “directly and uniquely influenced by

adjacent neighborhoods. Building height, scale, and type will be tailored to the existing businesses and residents, while accommodating desired growth and change.” (Page 42 of the 2010 Approved Central US 1 Corridor Sector Plan). Walkable node development should consist of buildings between 2 and 6 stories in height (pages 65, 230, and 234 of the 2010 Approved Central US 1 Corridor Sector Plan).

As an existing three story building and with a proposal to convert existing space to a fourth story, the proposed development meets the above guidance. Additionally, one of the land use and urban design goals on page 51 calls for an increase in residential density to support new commercial and mixed-use development with an emphasis for concentrating student housing near the University of Maryland, College Park campus. The proposed development is in keeping with this goal.

#### *Amendments to Development District Standards*

The applicant is requesting seven amendments to the development district standards to accommodate the existing building form and location on the subject site. Some of these amendment requests incorporate multiple standards/amendments. Each request will be addressed below.

#### **Building Form (Walkable Nodes)**

The applicant requests amendments from the maximum build-to line at the lot frontage, side setbacks, and frontage buildout, arguing that maintaining the existing structure is in keeping with the existing architectural character of adjacent residential properties along Yale Avenue and within the adjoining neighborhoods. Since a central tenant of the 2010 Approved Central US 1 Corridor Sector Plan is to respect and preserve existing residential development (see, for example, Policy 4 on page 63 and Policy 3, Strategy 1 on page 68), this reviewer finds this amendment to be in keeping with the spirit and intent of the sector plan. Requiring conformance to these standards would necessitate expansion of the existing structure in a manner that may not be considerate of adjoining and nearby residential properties.

#### **Building Form (Parking)**

The applicant requests an amendment from the required number of parking spaces permitted on the subject property. The requirement would be 10 spaces and the applicant proposes 12 spaces of off-street parking. There are no significant concerns with this amendment request.

#### **Building Form (Parking Access)**

While this reviewer recognizes two existing parking access drives exist on-site, consideration should be given to consolidating parking access to one point, eliminating one of the curb-cuts and contributing to a more pedestrian-friendly, walkable environment along Yale Avenue.

#### **Building Form (Parking Lots, Loading, and Service Areas)**

The applicant requests an amendment from providing pervious parking surfaces on-site. Staff notes that pervious paving materials for surface parking lots is desired by the development district standards but is not mandated. This amendment is unnecessary.

#### **Architectural Elements (Facades and Storefronts)**

The applicant requests an amendment to reduce the amount of window fenestration from a minimum of 20 percent of the façade to 10 percent, citing structural difficulties in adding new fenestration. The amount of fenestration required by the development district standards is in keeping with traditional local building design and best practices of crime prevention through environmental design (CPTED). The applicant should consider additional CPTED measures such as decorative fencing and appropriate lighting levels to supplement a potential reduction in the amount of fenestration mandated by the development district standards.

**Streets and Open Spaces (Streetscape)**

The applicant requests amendments to the width of the landscape planting strip along Yale Avenue and to the total assembly width of the streetspace. Development would typically be required to provide between 12 and 18 feet of space adjacent to Yale Avenue (an ST street). The applicant requests reduction to seven and a half feet, with a three-foot-wide landscape planning area and four foot sidewalk. The applicant cites seven and a half feet as the space that exists between the existing right-of-way line and the face of curb.

The applicant should provide a wider planting strip and, if feasible, wider sidewalk. The 12 to 18 foot space along ST streets may be inclusive of both public right-of-way and private space, and it is the intent of the development district standards to provide for a pleasant walking experience including sufficient space for landscaping to buffer pedestrians from street traffic and for plantings to survive. A public access agreement may be appropriate in situations such as this where an existing building is being renovated and subdivision is otherwise not required for the provision of a public sidewalk.

**Streets and Open Spaces (Streetscape, Amenities, and Adequate Public Facilities)**

The applicant seeks relief from development district standards requiring the provision of pedestrian and streetscape amenities in the public right-of-way. Staff notes page 264 does not specify right-of-way or ownership of where amenities should be provided. Staff also notes the applicant states on-site resident amenities are provided in the forecourt/front lawn of the existing residential building. These amenities should be evaluated to determine if they meet the intent of the development district standards. If appropriate, a public access agreement as discussed above may be worth considering to ensure public access to amenities.

*Additional Comments*

While the applicant is not required to provide either interior parking lot plantings or street trees, the applicant should be encouraged to provide new tree plantings on-site to meet urban tree canopy objectives and better implement the sustainability goals of the 2010 Approved Central US 1 Corridor Sector Plan. The two proposed front shade trees are a good start, but perhaps there are additional opportunities to the sides or rear of the site.

The applicant should provide evidence that the minimum number of required bicycle parking spaces per the development district standards exists on-site and a general note on bicycle parking should be added to the submitted plan sheets.

The applicant should indicate whether any identification signage will be provided on-site to advertise the student/multifamily housing use. If any signage is provided, it shall conform to the development district standards. Staff notes that, at minimum, building-mounted numbers are required per page 254.

*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 than 50 feet in APA-6 unless the applicant demonstrates compliance with FAR Part 77.

**DSP-11005 Yale House**

January 17, 2013

Page 6

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: Ivy A. Lewis, AICP, Chief, Community Planning Division  
Steve Kaii-Ziegler, AICP, Planning Supervisor, Community Planning Division  
Long-Range Agenda Notebook

10

Contract  
Award For  
Cameras on  
Guilford  
Road

## MEMORANDUM

**TO:** Mayor and City Council  
**THROUGH:** Joseph Nagro, City Manager  
**FROM:** Robert W. Ryan, Public Services Director   
**DATE:** June 7, 2013  
**SUBJECT:** CCTV/LPR Cameras on Guilford Road

### ISSUE

Residents of Calvert Hills have expressed concerns about public safety and the desire to have the City extend the security camera system south, into Calvert Hills. Council Member Stullich included a FY14 budget request to provide security cameras on Guilford Road. The City Manager has determined that FY13 funds are available to accomplish this project.

### SUMMARY

Calvert Hills residents have raised concerns about public safety, in particular along Guilford Road. This road is becoming more frequently used by pedestrians, mostly UMD students returning to their homes late at night. Guilford Road is the current southern boundary of UMD Police concurrent jurisdiction. Council Member Stullich met with Calvert Hills residents and proposed funding to expand the security camera system along Guilford. The City manager has determined that \$50,000 of FY13 funds are available. This amount will provide for the addition of two (2) CCTV remotely monitored cameras and one (1) license plate recorder (LPR). It is proposed that cameras be installed at Guilford and the Trolley Trail, and at Guilford between Harvard and Wake Forest; and, that the LPR be located at Guilford and Baltimore to record vehicles entering the neighborhood. A third CCTV camera could later be added at Guilford and Baltimore if funding is available. It may be possible to obtain future funding from DCPMA or merchants adjacent to this intersection for an additional camera.

The City's current CCTV/LPR system vendor, Avrio RMS Group, has proposed the installation of this addition at a cost of \$50,000. This proposal includes equipment and services at a cost equal to, or less than, the cost of comparable equipment and services in our contract with them for the original Old Town system installation.

UMD Police will monitor the additional cameras. The annual cost to the City of UMDPS monitoring would be \$6,743.00 per camera.

### RECOMMENDATION

Staff recommends that the Council authorize the City Manager to execute a contract extension prepared by the City Attorney, to expand the CCTV/LPR MESH system to Guilford Road to provide two (2) CCTV cameras and one (1) LPR camera, as proposed, for a sum not to exceed \$50,000.

Attachments: (1) Map of area and proposed equipment locations  
(2) Avrio proposal

Attachment 1



Date: June 6, 2013

Quote #: 060313-1

Expiration Date:

To: City of College Park, MD

Salesperson	Job	Payment Terms	Due Date
Avrio	Guilford 3 PODS	Net 30	

Qty	Description	Unit Price	Line Total
1.00	LPR Camera	\$11,585.00	\$11,585.00
1.00	LPR Mount	\$250.00	\$250.00
2.00	PTZ Polecams	\$8,068.00	\$16,136.00
6.00	Fluidmesh Nodes	\$560.00	\$3,360.00
4.00	FM - 10MB License	\$740.00	\$2,960.00
2.00	FM - 30MB License	\$1,040.00	\$2,080.00
4.00	Mounting hardware and installation supplies	\$390.00	\$1,560.00
3.00	Genetec Omnicast Licenses	\$299.00	\$897.00
1.00	Genetec AutoVu Licenses	299.00	\$299.00
7.00	Installation and Configuration	1,500.00	\$10,500.00
1.00	1 year full system maintenance and support	3,135.00	\$3,135.00
	(Discount)		(2,762.00)
Subtotal:			\$ 50,000.00
Sales Tax:			
Total:			\$ 50,000.00

Shipping and Taxes not included. LPR cameras are Genetec Sharp Units.

Scope of Work - Wireless

Avrio RMS Group shall provide the City of College Park with the provisioning and installation of three (3) Portable Outdoor Digital Surveillance Systems (PODSS) with (3) three Genetec Omnicast and (1) one License Plate Recognition camera unit to be installed at three locations between the Route 1 and Guilford Rd and Guilford Rd and Rhode Island Ave. Connectivity back to the City network is achieved via a high-speed wireless link between the PTZ and LPR wireless node on Guilford Rd and Route 1 to a node on the upper rooftop of the Quality Inn Hotel on Route 1 and Calvert. Please refer to the attached drawing for a system diagram of the proposed network. This quote includes (2) two PODSS equipped with one Pelco Spectra IV PTZ camera and (1) one PODSS equipped with one Pelco Spectra IV and one Genetec AutoView LPR unit. A total of (6) six FluidMesh 1100 Mito Series radios will be installed to interconnect the PODSS and provide uplink to the video network. The PTZ plus LPR PODSS will be installed on the SE corner of Route 1 and Guilford Rd. The two PTZ PODSS will be installed on the pole nearby 4518 Guilford Rd and on the South entrance to the trail on Guilford Rd and Rhode Island Ave. This quote includes all Genetec Omnicast and LPR licenses to cover all cameras and LPRs for this project.

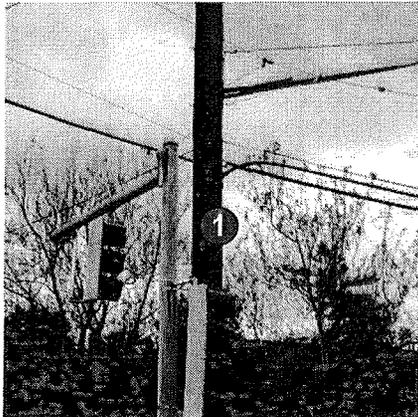
Avrio RMS assumes the City to provide:

1. Permits and power for each PODSS pole mounting location, Avrio will provide drawings and assist with the process as needed.
2. Genetec DVMS server that meets the hardware and storage requirements in support of these four additional cameras.
3. Access and rights for backhaul installation on the rooftop of the Quality Inn Hotel, Avrio RMS will mount PoE device on approved rooftop location and extend power over Ethernet to the new radio backhaul on the rooftop.
4. Turnkey solution with 24x7x365 annual maintenance

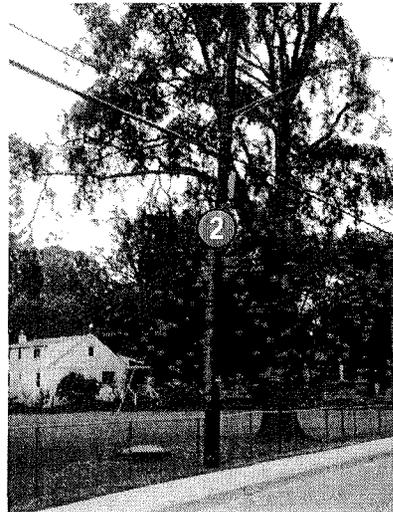
Avrio RMS Group - 3 N. Harrison St, Suite 100, Easton MD 21601 - www.avriormsgroup.com



- ① LPR & PTZ Wireless Polecam Node
- ② PTZ Wireless Polecam Node
- Building Level Backhaul
- Mesh Wireless Link
- ⊙ Existing Wireless Node

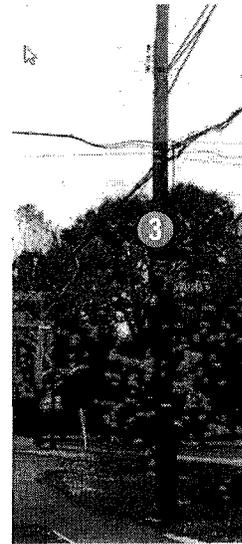


Route 1 & Guilford Rd – SE pole



4518 Guilford Rd North pole

Guilford Rd & Rhode Island South Trail pole



<p>Customer: City of College Park</p>	<p>Description: <b>Wireless Video Surveillance Design</b> Guilford Road Polecams</p>	<p>File: GuilfordCams-UMD.vsd</p> <p>Date: May 24, 2013</p>	<p>Designed by: AVRIO RMS Group</p>
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11

FY '14

Program  
Open Space  
Annual  
Program

**MEMORANDUM**

**TO:** Mayor and Council  
**FROM:** Terry Schum, Planning Director *TSS*  
**THROUGH:** Joseph L. Nagro, City Manager  
**DATE:** June 7, 2013  
**SUBJECT:** Fiscal Year 2014 Program Open Space Allocation and Annual Program

**ISSUE**

The City has been notified that the FY14 Program Open Space (POS) allocation for Prince George's County is \$4,715,249.43 and College Park will receive \$165,976.78 based on our 2010 census population. The City has opted to administer its own program and is required to submit proposed projects (annual program) through the Maryland-National Capital Park & Planning Commission (M-NCPPC) for approval prior to seeking approval from the State. Our project application is due to the M-NCPPC by June 21, 2013.

**SUMMARY**

Very little POS funding has been available in the last few years with no POS funding at all distributed by the State last year. We have been advised that this year's allocation must be divided equally between acquisition and development projects. Development projects require a 25% local cash match.

Currently, the City has a balance of allocated POS funding as follows:

Duvall Field	\$ 933,801
Hollywood Gateway Park	\$ 147,723
Route 1 Acquisition	\$ 575,571

The Duvall Field project continues to have a significant budget shortfall as the total cost of the project is over \$5,000,000 and a developer contribution is needed in order to provide the match required to utilize the POS funding. On May 24, 2011, the City Council rescinded the application for acquisition of 8200 Baltimore Avenue leaving the current balance allocated to Route 1 acquisition with no specific sites identified. The Hollywood Gateway Park project recently received authorization from the City Council to move forward but needs additional funding to cover the expanded scope of the project including the acquisition of additional property (two vacant lots at 4705 Edgewood Road).

## **RECOMMENDATION**

Staff recommends allocating the FY14 POS funds to the Hollywood Gateway Park project, specifically, \$82,988.39 to development and \$82,988.39 for acquisition.

12

County  
Bikeshare  
Funds and  
MOU

## MEMORANDUM

**To:** Mayor and Council

**From:** Suellen M. Ferguson, Esq.

**CC:** Joe Nagro, City Manager

**Date:** June 7, 2013

**Re: Receipt of Funds for Bike Share Facilities in the Route 1 Corridor Area**

### ISSUE:

The Prince George's County Council allocated \$250,000.00 in CB-38-2012 to the County Department of Public Works and Transportation ("DPW&T") to be used for "Bike Share Facilities in the Route 1 Corridor area". In a recent meeting with Councilmember Eric Olson, the City and representatives from ATHA and the Town of Riverdale Park, a plan was discussed that would involve payment of the \$250,000.00 by DPW&T to the City pursuant to a Memorandum of Understanding ("MOU"). The City would agree to administer the funds so that they are used for bike share facilities in the Route 1 Corridor area.

### SUMMARY:

The bike share funds must be encumbered by June 30, 2013 or the appropriation will end. Payment to the City under an MOU with DPW&T would sufficiently encumber the funds. At the meeting, a cooperative approach with other municipalities, including the Town of Riverdale Park and the City of Hyattsville, with the view of expanding the bike share system along the Route 1 Corridor was discussed. ATHA was included as a likely choice for eventual coordination of these efforts. However, due to the short time frame, it was proposed that the City receive the funds and that the details of where and how they are to be used and the eventual plan of administration would be left to a later date after consultation among the potential participants. The City's receipt of the funds is to be governed by the MOU. A draft of the MOU is now circulating but is not ready for approval. Hopefully, we will be able to provide the draft in advance of the voting session on June 18 so that it can be adopted by Council.

### RECOMMENDATION

That the Council consider authorizing 1) the receipt of \$250,000.00 from DPW&T, to be used for bike share facilities in the Route 1 Corridor area, 2) an MOU with DPW&T with respect to receipt of the funds, and 3) cooperation with other municipalities and ATHA with respect to where and how the monies will be spent to expand bike share facilities.

# 13

## Council “Retreat”

This is a scheduled follow-up to the March 5, 2013 W/S discussion of a possible Council “retreat” to take a comprehensive look at the City’s 2010-2015 Strategic Plan, the University District Vision 2020, and the recommendations that emerge from the NSQLWG, to determine how the Council can merge these documents into a new vision going forward.

14

Criteria for  
honoring  
service to the  
City and the  
Community

## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Joe Nagro, City Manager *JN*  
Janeen S. Miller, City Clerk *JSM*

**DATE:** May 29, 2013

**RE:** Criteria/Guidelines for honoring service to the City

### ISSUE

Over the years, the City has honored individuals – both elected officials and residents – in various ways. In 2000, the City Council adopted Resolution 00-R-10A regarding this very subject (Attachment 1). The purpose of this discussion item is to reconsider the 2000 Resolution and update the guidelines that the City can use in order to be appropriate and consistent in how we recognize and honor people for their service.

### SUMMARY

It is helpful to have guidance when considering how to recognize people in the community – both elected officials and residents – for their service to the City. Requests for recognition usually come from the City Council, civic associations, City committees or other community groups. Over the years a variety of things have been done to honor people, and in hindsight, there has been little consistency. Having a set of guidelines would provide a framework for considering future requests, with the understanding, however, that each case is unique. Resolution 00-R-10A, adopted in 2000, attempted to establish such guidelines, but has not been used when considering recent requests.

Questions to consider when developing guidelines:

1. Do we distinguish between these groups?:
  - City Elected Officials
  - County and State Elected Officials
  - Residents who have served the community in various ways
    - Member of City appointed Board
    - Civic Associations
    - Other community service
2. Is length of service a factor in how a person is recognized?
  - 10 years?
  - 20 years?
3. Does it matter who initiates the request? Is it ever automatic?

4. The cost factor. In the past the City has:

- Named a building after a Mayor
- Named a field after a Mayor
- Named a plaza after a Councilmember who served 25 years
- Given Keys to the City - but not to a City elected official (see Attachment 2)
- Built and dedicated a fountain for a City elected official
- Named a vest pocket park for a resident's community service

Often the cost associated with a selected method of recognition has not been budgeted.

### **RECOMMENDATION**

Staff recommends that a subcommittee be established to propose new guidelines to the Council for honoring service to the City. The subcommittee would:

1. Review Resolution 00-R-10A
2. Consider the factors noted above
3. Propose updated guidelines for Council's consideration that consider eligibility, cost and consistency.

The subcommittee should consist of three Councilmembers, the City Manager and the City Clerk.

### Attachments

- 1 - Resolution 00-R-10A
- 2 - List of "Keys to the City" recipients

00-R-10A

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF  
COLLEGE PARK, MARYLAND, ADOPTING A POLICY TO RECOGNIZE AND  
COMMEMORATE CITIZENS BY NAMING A CITY FACILITY OR OTHER  
PUBLIC PROPERTY IN THEIR NAME**

A RESOLUTION TO ESTABLISH GUIDELINES FOR THE PURPOSE  
OF RECOGNIZING AND COMMEMORATING CITIZENS WHO HAVE MADE  
SIGNIFICANT CONTRIBUTIONS TO THE CITY OF COLLEGE PARK,  
ENACTING RESOLUTION NUMBER TO PROVIDE FOR RECOGNITION IN  
PUBLIC AT PUBLIC RECREATION PROPERTIES OR OTHER CITY  
PROPERTIES.

BE IT RESOLVED by the Mayor and Council of the City of College Park,  
Maryland that the guidelines established for the purpose of recognizing citizens  
who have made significant contributions to the City of College Park, Maryland,  
should read as follows:

Section I. Criteria For Recognition.

1. All nominees shall have been a resident of College Park, MD; and
2. Any nominee who has been deceased for at least three years and who  
has made a significant contribution to the City of College Park or its  
residents; and
3. Any nominee who has served the community for more than ten years  
in government, civic minded endeavors, or general community  
volunteerism.

## Section II. Nominations

Organizations, elected officials, and resident of the City of College Park may nominate worthy individuals for commemoration.

## Section III. Form of Nomination.

A nomination to recognize an individual shall be submitted in writing to the City Manager on an approved form, which shall be available at the office of the City Clerk. The nomination shall identify the person to be recognized and the contributions of the person to the City of College Park.

## Section IV. Referral to an Ad Hoc Community Relations Review Panel

The Mayor shall form an Ad Hoc Community Relations Review panel that will reevaluate each nominee and make recommendations to the Mayor and City Council. The Panel shall consist of at least four disinterested residents of the City and a representative from the Recreation Board. The panel shall evaluate the merits of the nomination and hear the testimony of persons interested in the matter. The panel may seek the advice of other boards, committees or organizations that may have a special interest in the person nominated or the facility to be named. The panel may conduct one or more public hearings. In compliance with Maryland law, the panel may meet in executive session.

## Section V. Form of Recognition.

1. The Ad Hoc Community Relations Review Panel shall provide recommendations to the Mayor and City Council that include the form of

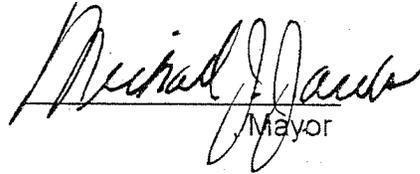
recognition to be bestowed upon an individual to be recognized.

2. Only those citizens who have made the most significant and outstanding contributions to the City of College Park shall be recognized by the naming of a City facility or other public property in their honor. The form of recognition shall be commensurate with the contributions of the individual being recognized.

Section VI. Ratification by the City Council.

The Mayor and City Council, upon receipt a recommendation from the Ad Hoc Community Relations Review Panel, shall make its determination in accordance with normal Mayor and City Council procedures.

ADOPTED by the Council of the City of College Park, Maryland at its regular meeting, April 25, 2000.

  
Mayor

ATTEST:  
  
City Clerk

CITY OF COLLEGE PARK, MARYLAND

PROPOSAL FOR COMMEMORATION OF CITIZEN  
OR NAMING OF CITY PROPERTY

Please indicate below the type commemoration being proposed:

- \_\_\_\_\_ a. Plaque placed in Mayor and Council Chambers.
- \_\_\_\_\_ b. Tree planted in Memorial Grove.
- \_\_\_\_\_ c. New title/name for city property.
- \_\_\_\_\_ d. Street named after the honoree.
- \_\_\_\_\_ e. Trail or path named after honoree.

If proposal is for commemoration of citizen, list name.

\_\_\_\_\_

If proposal is for naming of city property, (a) list exact location and/or present name, and (b) proposed name. Descriptive titles (historical, geographical or traditional names) or name of resident who has made significant contributions to College Park are eligible for nomination.

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_

Justification for Nomination: Please describe in detail your reasoning for the proposed commemoration. If individual is being nominated, please fully list his or her contributions to the City of College Park. If needed, attach additional pages.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If individual is nominated for commemoration, please provide date of nominee's death (must be deceased at least three years).

\_\_\_\_\_

\_\_\_\_\_  
Name/Organization  
\_\_\_\_\_

Minutes  
April 25, 2000  
Page 2

CITY MANAGER'S REPORT

Mr. Conti announced that the public works yard would be open on Saturday through the month of April; free mulch is available and that the public hearing on the appeal for Tecumseh Street, scheduled for April 26, 2000, had been withdrawn.

00-R-10 A Resolution of the Mayor and Council of the City of College Park, Maryland, adopting a policy to recognize and commemorate citizens by naming a City facility or other public property in their name.

COUNCILMAN KING MOVED FOR THE ADOPTION OF THIS RESOLUTION.

COUNCILMAN PERRY SECONDED.

Councilman Wanuck arrived at 8:08 p.m.

Councilman King indicated that this resolution sets up established criteria by which the city can begin a process to recognize citizens of the city who have made significant contributions to civic life and this is a process for residents to recognize residents. Councilman King stated that upon receiving a nomination from an organization, elected official, or resident of College Park, there is a process started whereby an Ad Hoc Community Relations Review Panel would convene to review this nomination and determine the merits of the nomination and what the appropriate commemoration of that particular individual should be. These recommendations are then submitted to the Mayor and Council who shall make their determination in accordance with normal Mayor and City Council procedures.

Dervey A. Lomax, 5013 Navahoe Street, former mayor of College Park, mentioned that in 1965 the Mayor and Council had indicated that a fountain, in his district, would be named in his honor and that this had not been done. Mr. Lomax stated that urban renewal came along and that something was supposed to be done in his area after the project was finished. Mr. Lomax commented that when he left office in 1989 he requested that the community center in Lakeland bear his name. Mr. Lomax hoped that Council would fulfill this promise.

Patricia Cott, 9002 Acredale Court, spoke on behalf of Mr. Lomax praising him for his community work and efforts which have brought about true race unity and harmony in reaching out to people of all groups.

Minutes

April 25, 2000

Page 3

COUNCILMAN OLSON AMENDED THE MOTION TO STRIKE #2. ANY NOMINEE WHO HAS BEEN DECEASED FOR AT LEAST THREE YEARS AND WHO HAS MADE A SIGNIFICANT CONTRIBUTION TO THE CITY OF COLLEGE PARK OR ITS RESIDENTS; AND.

COUNCILMAN BRAYMAN SECONDED.

Councilman Olson felt it was a good thing to honor those in their twilight years and not wise to have this only for those that are deceased.

Patricia Cott, 9002 Acredale Court, concurred and felt it was more meaningful to recognize people when they were living.

Councilman Catlin felt that Council could waive the criteria when they wanted to do so.

COUNCILMAN SHRODER AMENDED THE AMENDMENT TO CHANGE THE NUMBER OF YEARS A PERSON HAD SERVED FROM 10 TO 20.

MOTION FAILED FOR LACK OF A SECOND.

Councilman Wanuck concurred with Councilman Catlin that this policy could be overridden by Council.

Councilman King indicated that this could always be amended in the future but that this policy was modeled after a similar policy in Greenbelt. Councilman King felt that, at the appropriate time Mr. Lomax would be honored but that this policy was to insure that when an issue of naming comes up, Council has an objective procedure.

VOTE ON THE AMENDMENT FAILED..2-4-1..COUNCILMEMBERS OLSON AND BRAYMAN FOR THE AMENDMENT...COUNCILMEMBERS CATLIN, KING, WANUCK AND PERRY OPPOSED AND COUNCILMAN SHRODER ABSTAINED.

MOTION CARRIED 5-1-1...COUNCILMAN OLSON OPPOSED AND COUNCILMAN SHRODER ABSTAINED.

Keys to the City

1. **Dr. Phyllis Johnson** – February 12, 2008 – Never given to Dr. Johnson as she had a family emergency and moved out of state.
2. **William Robertson**, Chair of the Veterans Memorial Committee – Issued 11/11/08
3. **Amelia Murdoch** – Founder of VMIC – Issued 11/11/08
4. **Dr. Dora Funari Kennedy** – Education Advisory – Issued 02/09/09. This key was given to her son, Dallas Kennedy, at the time of Dr. Kennedy's funeral.
5. **Lt. Col. Kevin F. Davis** – Prince George' County Police District 1 Commander. Presented June 3, 2009 at a reception at the University of Maryland Golf Course.
6. **Frank J. Underwood** – Maryland State Fireman's Association President. Mayor Brayman presented the award at the Fireman's Association Convention in Ocean City, MD on June 13, 2009.
7. **Bradley S. Jewitt** – Former Berwyn Heights Mayor and Councilmember. Marine Corps reservist being deployed. **KEY NEVER GIVEN TO MR. JEWITT**
8. **President Obama** – Mayor took a Key to the University of Maryland for the President's visit when he gave a speech at Comcast Center on Healthcare Reform. Mayor presented the Key when he met the President. Thursday, September 17, 2009.

15

# Boards and Committees

**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 initial date of 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	04/16
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
<p>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.</p>			

<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	04/16
Christopher Dullnig 6/12/07	District 2	M&C	10/13
VACANT		M&C	
VACANT		M&C	
<p>City Code Chapter 11 Article II: 7 members, must be residents and qualified voters of the City, appointed by Mayor and City Council, <i>term to be decided by appointing body</i>. Vacancies shall be filled by M&amp;C for an unexpired portion of a term. Authority shall elect Chairperson from membership. Not a compensated committee. Liaison: City Clerk's Office.</p>			

<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
Dave Turley 3/23/10	District 1	M&C	03/16
Christiane Williams 5/11/10	District 1	M&C	05/15
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	03/15
Terry Wertz 2/11/97	District 1	M&C	03/15
Maxine Gross 3/25/03	District 2	M&C	03/15
VACANT	District 3	M&C	
Charles Smolka 9/8/98	District 4	M&C	03/15
<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
Tricia Homer 3/12/13	District 1	Mayor	03/16
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
Stephen Brimer 5/14/13	District 1	M&C	05/15
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

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.

<b>Ethics Commission</b>			
Appointee	Represents	Appointed by	Term Expires
Edward Maginnis 09/13/11	District 1	Mayor	09/13
VACANT	District 2	Mayor	
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

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.

<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
Leo Shapiro 07/10/12	District 3	M&C	07/15
Julie Forker 07/10/12	District 3	M&C	07/15
Kimberly Schumann 09/11/12	District 1	M&C	09/15

VACANT			
VACANT		M&C	
VACANT	Student	M&C	

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
Betty Rodenhausen 04/09/13		Mayor	05/01/18
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 Stullich	District 3 Councilmember
5	Marcus Afzali	District 4 Councilmember
6	Lisa Miller	PGPOA Representative
7	Paul Carlson	PGPOA Representative
8	Richard Biffel	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	04/15
Aaron Springer 02/14/12	District 3	M&C	02/14
VACANT	District 4	M&C	
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.			

<b>Recreation Board</b>			
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
Judith Oarr 05/14/13	District 4	M&C	05/16
Bettina McCloud 1/11/11	Mayoral	Mayor	01/14
Solonne Privett	Mayoral	Mayor	04/16

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.

<b>Rent Stabilization Board</b>			
Appointee	Represents	Appointed by	Term Expires
Justin Fair 1/11/11	Member	M&C	01/14
VACANT		M&C	
Richard Biffel 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
Jonathan Brown	City Staff	04/14
Loree Talley 05/08/12	City Staff	05/14
Ballard Troy 05/08/12	CBE Representative	05/14
VACANT	A City School	
James Jalandoni 04/10/12	UMD Student	04/14
VACANT	UMD Faculty or Staff	
VACANT	City Business Community	
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
VACANT	Resident	
VACANT	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 SMC GT shall select a Chair and a Co-Chair from among the membership on an annual basis. The SMC GT 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
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
VACANT		M&C	
VACANT			
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.			

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Special  
Session:

13-R-08

CPV-2013-02

3533 Marlborough Way



Office of the Mayor and Council  
City of College Park  
4500 Knox Road  
College Park, Maryland 20740  
Telephone: (240) 487-3501  
Facsimile: (301) 699-8029

**NOTICE OF FINAL DECISION  
of the  
MAYOR AND COUNCIL  
of the  
CITY OF COLLEGE PARK**

RE: Case No. CPV-2013-02 Name: Richard Kager

Address: 3533 Marlborough Way, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

June 11, 2013.

**CERTIFICATE OF SERVICE**

This is to certify that on June 13, 2013, the attached Resolution was mailed, postage prepaid, to all persons of record.

**NOTICE**

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

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Janeen S. Miller, CMC  
City Clerk

Copies to: Advisory Planning Commission  
City Attorney  
Applicant  
Parties of Record

PG Co. DER, Permits & Review Section  
M-NCPPC, Development Review Division  
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND ADOPTING THE RECOMMENDATIONS OF THE ADVISORY PLANNING COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2013-02, 3533 MARLBROUGH WAY, COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF A VARIANCE TO EXPAND A DRIVEWAY IN THE FRONT YARD BY ADDING 10 FEET IN WIDTH AND 12 FEET IN LENGTH AND RECOMMENDING APPROVAL WITH CONDITIONS OF AN APPEAL TO EXTEND A RETAINING WALL BY 10 FEET IN THE FRONT YARD IN CONJUNCTION WITH AN EXPANDED DRIVEWAY**

- WHEREAS,** the City of College Park, Maryland (hereinafter, the "City") has, pursuant to Ordinance Number 11-O-03 (hereinafter, the "Ordinance"), and in accordance with Section 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted an ordinance which sets forth procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot size, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS,** the City is authorized by the Ordinance to grant an application for a waiver or variance for lot size, setback, and similar requirements where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS,** the Advisory Planning Commission (hereinafter "APC") is authorized by the Ordinance to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and other requirements from which a variance may be granted by the Prince George's County Board of Appeals, including variances from Section 27-442(e) of the Prince George's County Zoning Ordinance, and to make recommendations to the Mayor and Council in connection therewith; and
- WHEREAS,** the City is authorized by §87-23, "Fence Ordinance" of the City Code to grant an appeal where, by reason of extraordinary situation or condition, the strict application of the Fence Ordinance would result in peculiar and unusual practical difficulty to or an exceptional or undue hardship upon the owner of the property; and a variance can be granted without substantial impairment of the intent, purpose and integrity of the Fence Ordinance; and where, if applicable, the variance is consistent with the Design Guidelines adopted for the Historic District; the variance will not adversely affect the public health, safety, welfare, or comfort, the fence for which a variance is requested incorporates openness and visibility as much as is practicable, provided that the fence shall not be constructed of

chain link unless the material is consistent with the surrounding neighborhood; and the fence construction, including setbacks, is characteristic of and consistent with the surrounding neighborhood; and in neighborhoods where chain link is a characteristic material, alternate materials incorporating openness and visibility, may be permitted; and

**WHEREAS,** Section 27-120.01 (c) of the Prince George's County Zoning Ordinance stipulates that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling, except a townhouse or multifamily dwelling, in the area between the front street line and the sides of the dwelling; and

**WHEREAS,** Section 87-23 (B) of the City of College Park Code states that fences shall not be constructed or reconstructed in the front yard and 87-23(E) states that retaining walls built to retain or support the lateral pressure of earth or water or other superimposed load and otherwise designed and constructed of appropriate materials within allowable stresses and in conformance with acceptable engineering practices may be constructed where necessary in the front, side or rear yard, but shall not extend more than one foot above finished grade, and that dimensions, placement and materials for new retaining walls in locations otherwise requiring a variance shall be determined by the Advisory Planning Commission; and

**WHEREAS,** the Mayor and Council are authorized by the Ordinance to accept or deny the recommendation of the APC with respect to variance requests; and

**WHEREAS,** on March 21, 2013, Richard Kager (hereinafter, the "Applicant"), submitted an application for a variance from Section 27-120.01(c) to permit construction of a 10 feet x 17 feet driveway expansion in front of the house; and for an appeal from the City of College Park Code, Section 87-23 Fences to extend a retaining wall in the front yard in conjunction with the expanded driveway at the premises known as 3533 Marlborough Way, College Park, Maryland ("the Property"); and

**WHEREAS,** on May 2, 2013, the APC conducted a hearing on the merits of the application, at which time the APC heard testimony and accepted evidence, including the staff report and Exhibits 1 – 8 with respect to whether the subject application meets the standards for granting an appeal set forth in the Fence Ordinance and for a variance from Section 27-120.01 (c) to permit construction of a 10 foot x 17 foot driveway and expanded retaining wall in front of the house.

**WHEREAS,** based upon the evidence and testimony presented, the APC voted 4-1-0 to recommend that the variance and appeal be granted; and

**WHEREAS,** the Mayor and Council have reviewed the recommendation of the APC as to the Application and in particular have reviewed the APC's findings of fact and conclusions of law; and

**WHEREAS**, no exceptions have been filed; and

**WHEREAS**, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC as to the Application as follows:

Section 1 Findings of fact:

- 1.1 The property is located at 3533 Marlborough Way in the College Park Woods community in the northwestern portion of the City. The neighborhood was developed in the 1960's with single family detached homes on curvilinear streets. The community is surrounded by open space including the Beltsville Agricultural Research Center.
- 1.2 The property is zoned R-55, single-family detached residential and also abuts the R-O-S zone to the northeast.
- 1.3 The property is a slightly irregular in shape and has an area of .19 acres. Constructed in 1963, the 2,125 square foot, two-story brick and siding single-family house has a storage shed, and concrete driveway accessed via the street.
- 1.4 The existing driveway is paved with concrete to a width of 10 feet and length of 17 feet, accommodating 1 vehicle. The property has steep slopes, stone retaining walls on three sides of the existing driveway, and a concrete stairway to the house.
- 1.5 The retaining wall on the property is of the same type and position of retaining walls in the surrounding neighborhood.
- 1.6 The applicant testified that he is disabled and uses a power wheelchair and special van with an automatic lift that requires a minimum clearance of 8 feet. The purpose of the variance to expand the size of the driveway in the front yard is to ensure adequate space for him to exit and enter his vehicle parked in the driveway. In order for the ramp to be extended properly it needs to rest at the same grade as the wheels of the vehicle. This precludes the use of the ramp at the curb.
- 1.7 The applicant further presented testimony regarding the curved walkway that must be constructed from the driveway to the rear of the dwelling at a grade which will allow the wheelchair to maneuver the walkway. To do so the walkway must connect at ground level to the driveway.

- 1.8 Department of Justice, 2010 ADA Standards for Accessible Design: Titles II & III-149., Chapter 5, General Site and Building Elements indicates that a typical handicapped parking space for a van has a total width of 16 feet.

Section 2A Conclusions of Law

The APC makes the following conclusions of law with regard to CPV-2013-02, for a Variance from Section 27-120.01(c) of the Prince George's County Zoning Ordinance, "Front Yards of Dwellings," to expand a driveway in the front yard to a width of twenty (20) feet and length of seventeen (17) feet.

2.A.1. The property has an exceptional topographic condition with steep slopes on three sides of the eastern end of the existing driveway which will require a curved walkway accessible from the driveway to the rear of the property at grade sufficient to allow the wheel chair to maneuver. There is also an extraordinary situation in that the applicant is disabled and uses a power wheelchair and special van with an automatic lift that has clearance requirements for its operation including for the ramp extending from his van.

2.A.2 The strict application of the county Zoning Ordinance will result in practical difficulties for the applicant by not allowing him to make improvements required for the use of his specially-equipped van and power wheelchair. This will also be a hardship on the applicant by denying him independent access to his home.

2.A.3. Granting the variance will not impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. The Fair Housing Act mandates "reasonable accommodations" to allow persons with disabilities an equal opportunity to use their dwelling.

Section 2B Conclusion of Law

The APC makes the following conclusions of law with regard to CPV-2013-02, for an appeal from the City of College Park Code, Section 87-23. Fences to extend a retaining wall in the front yard in conjunction with an expanded driveway.

2.B.1. Extending the existing retaining wall is needed to prevent soil erosion and degradation of the driveway and is thus necessary pursuant to Section 87-23 (E) of the City of College Park Code.

2.B.2 There is an extraordinary situation or condition that supports the grant of the appeal because of the exceptional topographic conditions including steep slopes on three sides of the existing driveway.

2.B.3. Denial of the appeal would result in a peculiar and unusual practical difficulty to or an exceptional or undue hardship on the owner. Without the retaining wall, the Applicant is not able to expand the driveway to a width that will meet ADA standards for a side loading van with wheel chair access

2.B.4. Granting the variance will not impair the intent, purpose or integrity of the Fence Ordinance. The retaining wall will not extend more than one foot above finished grade, meeting the requirements of the City of College Park Code and is necessary.

2.B.5. The property is not located in any Historic District.

2.B.6. The variance will not adversely affect the public health, safety, welfare or comfort. The expansion of the retaining walls to support the earth surrounding the driveway will allow adequate wheelchair access. The retaining wall will not prevent access to residences by emergency vehicles.

2.B.7. The criteria requiring openness and visibility as much as practicable does not apply because the proposed retaining wall is necessary for retaining a portion of the Applicant's yard to accommodate the expanded driveway.

2.B.8. The retaining wall is characteristic of both the type and positioning of retaining walls among adjacent properties.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of College Park, Maryland that the findings of fact and conclusions of law of the APC are hereby adopted and the following variance and appeal are granted:

- 1) Variance of the parking area requirements prohibiting driveways in the front yard be granted to allow the applicant to construct a 10 foot by 12 foot driveway expansion with the condition that the existing apron of the driveway remain as-is and no additional driveway apron be added.
- 2) An appeal to allow a 10 foot expansion of an existing retaining wall in the front yard in conjunction with the widening of the existing driveway and subject to the retaining wall being constructed of similar gray stone materials and at the same height as the existing retaining wall.

**ADOPTED,** by the Mayor and Council of the City of College Park, Maryland in a Special Session on the 11<sup>th</sup> day of June, 2013.

CITY OF COLLEGE PARK,  
MARYLAND

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Janeen S. Miller, CMC  
City Clerk

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Andrew M. Fellows, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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Suellen M. Ferguson  
City Attorney