



WEDNESDAY, NOVEMBER 6, 2013
(COUNCIL CHAMBERS)

7:30 P.M. WORKSESSION

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.

CITY MANAGER'S REPORT

PROPOSED ITEMS TO GO DIRECTLY TO NEXT WEEK'S AGENDA

PROPOSED CONSENT AGENDA ITEMS

WORKSESSION DISCUSSION ITEMS

1. Presentation on proposed Bottle Bill – Joanne Guy, MarylandPIRG (Request of Councilmember Day)
2. Approval of a Property Use Agreement with Fishnet (Return from October 15 Worksession) – Bob Ryan, Director of Public Services
3. Discussion of Amended DSP for Monument Realty and approval of Declaration of Covenants – Terry Schum, Director of Planning and Suellen Ferguson, City Attorney
4. Review and Discussion of Strategies in the NSQLWG Final Report
5. Appointments to Boards and Committees

COUNCIL COMMENTS

INFORMATION/STATUS REPORTS FOR COUNCIL REVIEW

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

1

MaryPIRG
Bottle Bill
Proposal

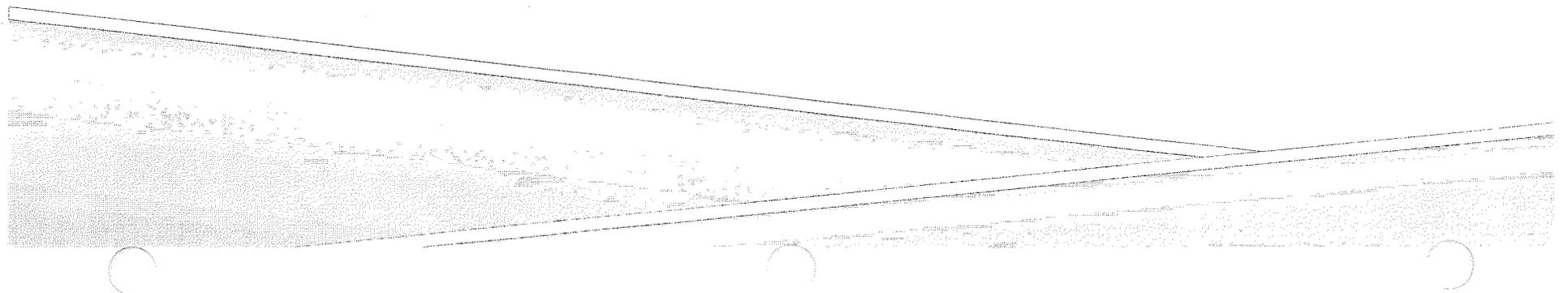
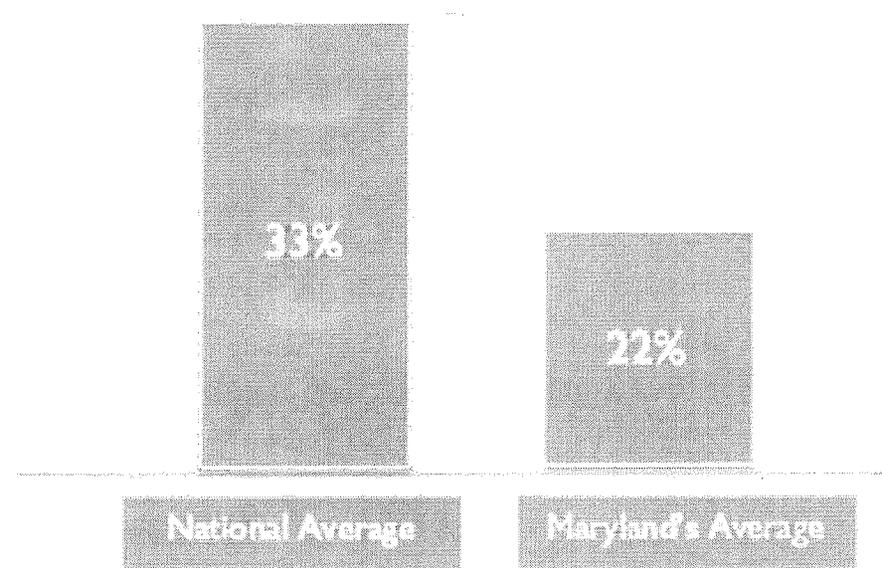


THE MARYLAND BOTTLE BILL

Facts, Benefits and Frequently Asked
Questions

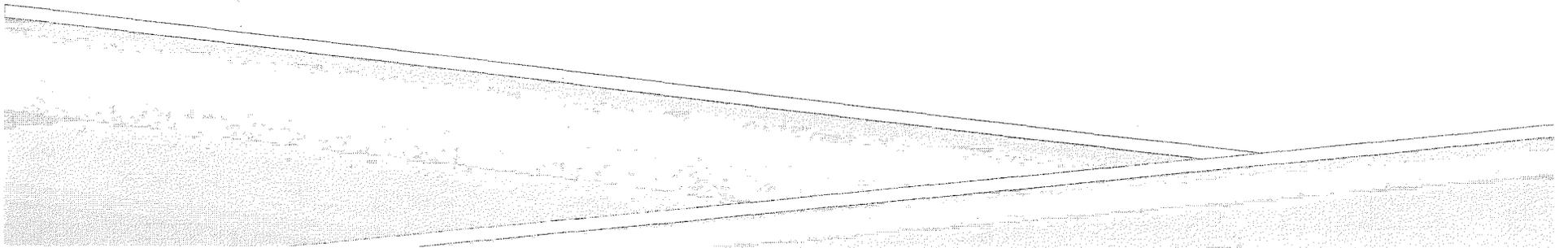
WHY DO WE NEED A BOTTLE BILL?

- ▶ Maryland's recycling rate is far below the national average
- ▶ Bottle bills are shown to triple the rates of recycling in 10 other states that have them



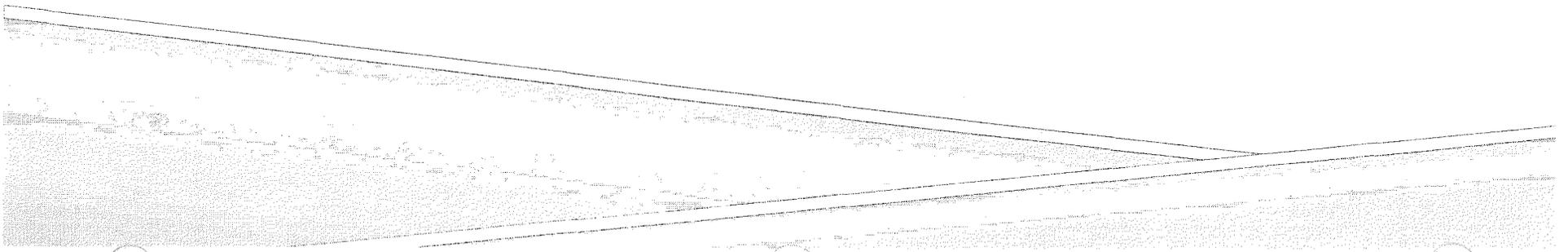
RETAILERS AND DISTRIBUTORS

- ▶ Retailers can set up redemption centers, where bottles and cans are collected
- ▶ In some states, retailers within a certain radius of licensed pre-existing recycling centers are exempt
- ▶ Occasionally distributors of beverages pay a 1 cent per container fee to the retailer (or other redemption center)



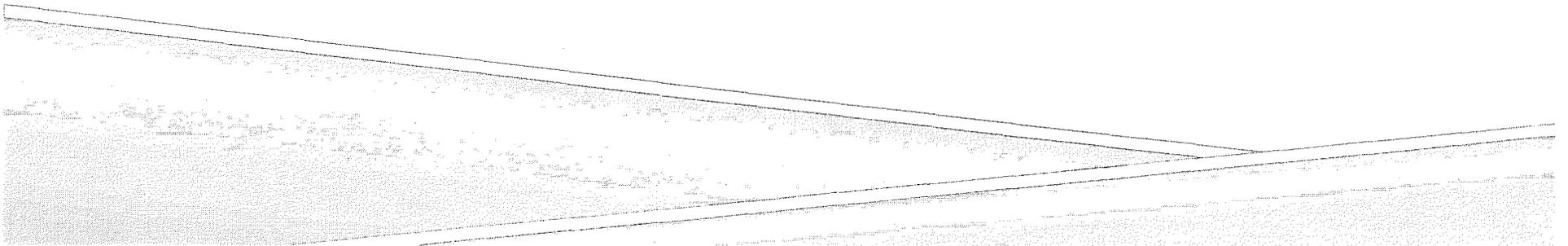
STATES AND COUNTIES

- ▶ States and counties can set up their own collection centers
- ▶ They can be regulated by state and other local governments
- ▶ Handling fees for the bottles can be paid via the funds allocated by the state/local government



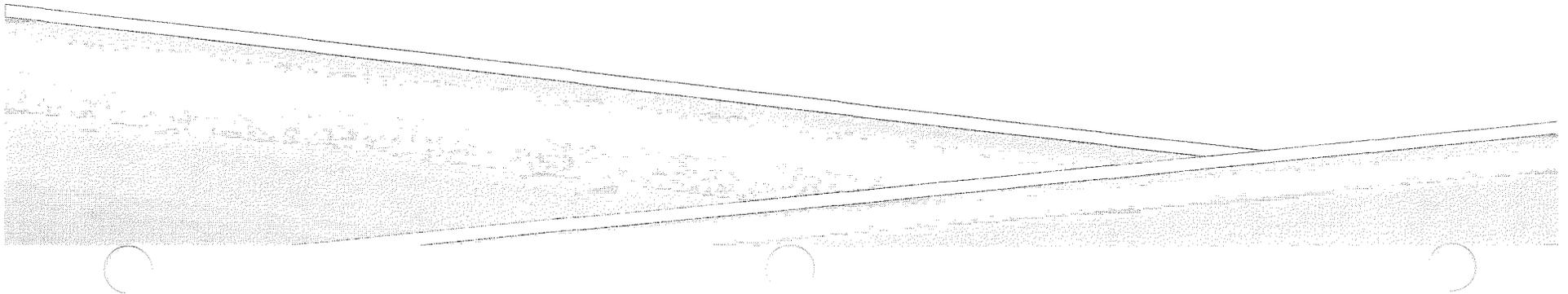
WORKING WITH MUNICIPAL RECYCLING PROGRAMS

- ▶ States with bottle bills have a higher container-recycling rate.
- ▶ Because the material is collected separately from other materials (especially other plastics), the material tends to be less contaminated and thus is of a higher quality than material collected curbside.
- ▶ Also, because the material has a cash value, people are less likely to litter the containers and even if they do end up as litter, someone is more likely to pick the material up.
- ▶ This is especially helpful toward reducing litter at beaches and parks which may have inadequate recycling opportunities.



BENEFITS FOR COLLEGE PARK

- ▶ From the college park website: “The City of College Park will be a vibrant and prosperous residential, commercial, and educational community with individuals working cooperatively. College Park will have safe and harmonious neighborhoods; a clean, attractive, and healthy natural environment...”
 - ▶ The bottle bill creates:
 - ▶ Community building and cooperation between members and local government or retailers
 - ▶ A cleaner environment with less litter
 - ▶ Cleaner air for everyone
 - ▶ Unredeemed funds go to environmental education
- ▶ College Park currently accounts for 40% of solid waste collection- there is so much room for improvement!



FAQS

- ▶ What other states have bottle bills?
 - ▶ California, Connecticut, Hawaii, Iowa, Maine, Massachusetts, Michigan, New York, Oregon, Vermont,
- ▶ Does it have any support?
 - ▶ A national deposit law is supported by 70-75% of the population, and expansion of existing state deposit laws is supported by 70-85% of the citizens of those states
- ▶ How do the un-recycled bottles harm the environment?
 - ▶ beverage containers account for 20% of the greenhouse gas emissions resulting from replacing wasted containers with new containers made from virgin materials
 - ▶ Beverage containers compose only 4-6%
- ▶ Where do unredeemed deposits go?
 - ▶ Most of the time they go to a state general fund to fund environmental education programs or facilitate more recycling



2

Fishnet PUA

MEMORANDUM

TO: Mayor and City Council

THROUGH: Joseph Nagro, City Manager

FROM: Robert W. Ryan, Public Services Director *JSM for RWR*

DATE: November 1, 2013

SUBJECT: Application for a new Class B, Beer and Wine License for the use of Fishnet Restaurant, LLC, t/a Fishnet, 5008-10 Berwyn Road, College Park

ISSUE

An application for a new Class B, Beer and Wine Alcoholic Beverage License has been submitted to the BOLC by Ferhat N. Yalcin, Owner, and Keyia N. Yalcin, Owner, for the use of Fishnet Restaurant, LLC, t/a Fishnet, 5008-10 Berwyn Road, College Park, 20740. A draft Property Use Agreement (PUA) has been prepared for Council consideration. The business owner has advised the City that he wishes the liquor license to include a coffee shop adjacent to the restaurant. The BOLC hearing is scheduled for November 26, 2013.

SUMMARY

The City Attorney and Director of Public Services met with the applicant again this week. In response to the applicant's wishes to open a future coffee shop in the storefront adjacent to the Fishnet restaurant, a revised draft PUA was discussed and is attached. The applicant was advised that the BOLC is the authority to decide if the coffee shop may be included on the license and any applicable conditions. The City PUA, however, is drafted to include the coffee shop pending BOLC approval.

During discussion, a new alcohol to food ratio of 30/70% was determined to be acceptable to the applicant. Customer identification was discussed. The applicant offered to use a scanning device to inspect the forms of ID approved by the BOLC. The applicant does not propose to charge a cover charge. The applicant plans to serve alcoholic beverages in the adjacent coffee shop when it opens in 2014, in an outdoor garden area behind the restaurant, and at sidewalk tables in front, if allowed by the BOLC. The applicant will not serve beer in pitchers. The applicant will apply for an exception to a BOLC entertainment license if they plan to have acoustic entertainment in the future. Security is provided by a system of six cameras and a remotely monitored alarm system. The applicant will attend the Council worksession on November 6, 2013 to discuss the draft PUA.

RECOMMENDATION

Staff recommends consideration of the draft PUA. After discussion of the PUA and any desired changes with the applicant, the Council should decide to oppose or not oppose approval of the license by the BOLC. Staff should be authorized to testify to the Council's position at the BOLC hearing on November 26, 2013.

Attachments: (1) Draft PUA
(2) Menu

PROPERTY USE AGREEMENT

THIS PROPERTY USE AGREEMENT (the "Agreement") is made as of the _____ day of _____, 2013, by and between Fishnet Restaurant, LLC, t/a Fishnet and Kahve, and Ferhat Yalcin and Keyia Yalcin, Managing Members, (collectively "Licensee"); and the CITY OF COLLEGE PARK, a Maryland municipal corporation (the "City").

WITNESSETH

WHEREAS, Alvin F. Jenkins is the owner and Fishnet Restaurant, LLC is a tenant at the property located at 5008-10 Berwyn Road, College Park, 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 a Class B, Beer and Wine License ("License") for the Property, which will be operated as Fishnet; and

WHEREAS, the Licensee has requested the support of the City for the issuance of the License 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 issuance of the License 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 License, the use of the Property shall be restricted to the operation of Fishnet and Kahve ("Restaurant"), or another substantially similar casual dining restaurant and cafe, which receives not more than thirty percent (30%) 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 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 25 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 the 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 11:30 a.m., or after 9:30 p.m. or until closing, whichever is earlier. Happy hour and like events shall be limited to 2:00 p.m. to 7:00 p.m. Food from a regular menu must be served at all times that the premises are open for business. At all times, at least 80% of the items listed on the regular menu shall be available for customers to order. The proposed menu provided by Licensee for Fishnet 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. Background

music is allowed on the patio until 9:30 p.m. or closing, whichever is earlier. In the event that complaints as to the sound level of voice or music entertainment on the patio are received by the City, the parties agree to review this condition, with further limitation of entertainment on the outside patio, if justified, not to be unreasonably refused by Licensee.

Cover and door charges will not be charged by Licensee and Licensee does not intend to provide entertainment. No live music is allowed in the Restaurant. In the event that Licensee seeks to charge a cover or door charge or to provide entertainment, Licensee will obtain all required licenses and request a modification of this Agreement with the City. Alcoholic beverages shall be served only to diners sitting at tables or counters inside the restaurant facility, on the rear patio and outside the front entrance and patrons standing 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 not sell beer in pitchers. Licensee will maintain all dining areas, including tables and chairs, inside the facility. Licensee shall ensure that the interior of the restaurant, including service areas, remain clean and graffiti free. The interior and exterior of the Property shall be rodent free. Licensee shall not allow grease, dirt, trash or graffiti to accumulate on any portion of the exterior of the Property that Licensee controls. 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, or wine nor off-premises leafleting of cars or on public right of way promoting the sale of beer or wine. All off-premises advertising of specials, happy hours or reduced prices for beer or wine shall be limited to promotions coupling the sale or service of food with the

sale of alcoholic beverages. Licensee shall use a scanner system, 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. 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 License, Licensee agrees that it shall not sell, transfer, or otherwise assign its rights under the License 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 License at the Restaurant, 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 or to obtain an exemption. For any activities authorized by such a license or exemption, 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. Any required 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.

a. Licensee shall operate and maintain no less than six (6) security/surveillance cameras installed and in operation inside and outside the Property. In addition, all security cameras shall record the events at the Property 24 hours per day, 7 days per week.

b. Licensee shall diligently enforce ID policies through trained and certified managers and employees. Licensee agrees to take all necessary measures to ensure that under age persons do not obtain alcoholic beverages.

c. All serving, bar, and management employees will be TIPS trained before serving alcohol.

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:

a. If to Licensee:
Ferhat Yalcin
5008-10 Berwyn Road
College Park, 20740.

b. If to the City:

Joseph L. Nagro
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, 4th 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

FISHNET RESTAURANT, LLC, T/A
FISHNET

Ferhat Yalcin, Managing Member

Keyia Yalcin, Managing Member

WITNESS/ATTEST

CITY OF COLLEGE PARK

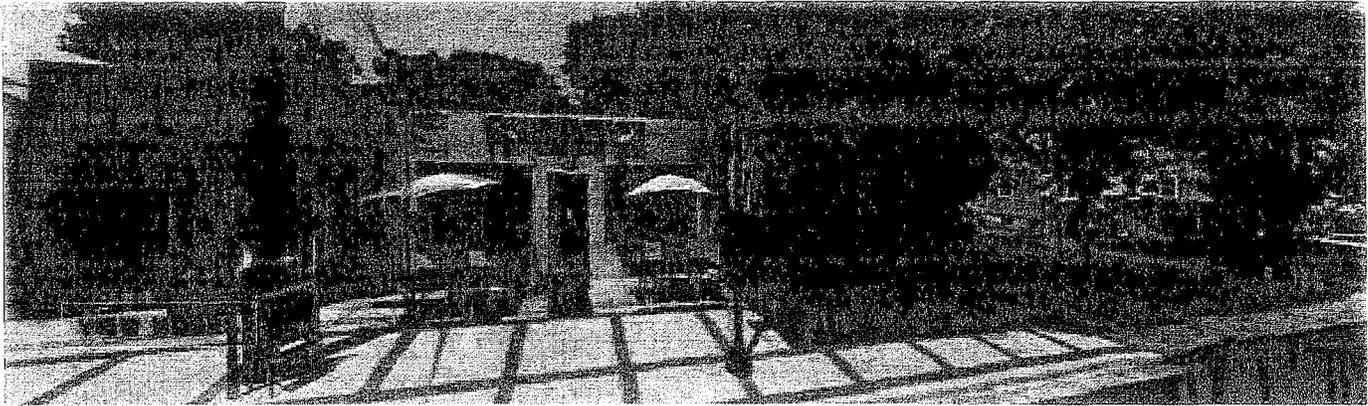
Janeen S. Miller, CMC, City Clerk

By: _____
Joseph L. Nagro, City Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
Suellen M. Ferguson, City Attorney

IS THIS YOUR BUSINESS? CUSTOMIZE YOUR HEADER AND EDIT YOUR MENU BY [CLAIMING IT ON LOCU](#). [LEARN MORE](#)



MAP

MENU

DIRECTIONS

WEBSITE

MENU

SIGNATURE ITEMS

Fish Tacos

Fried salmon with garlic sourcream, coleslaw and lime

Grilled Cheese and Tomato

Swiss and cheddar cheeses with grilled tomato melted into gooey goodness on ciabatta

Pineland Farms 1/2 Lb Beef Burger

A juicy, cooked to temperature half pound of deliciousness in a kaiser bun

Vegan Falafel

Crisp, bursting with flavor and dairy- free

Lump Crab Cake Sandwich

Succulent crab cake tossed in a tarragon mayo and finished with plugra butter

Fish Sticks

Tender strips of flaky white fish served with a side sauce

Seafood Soup

BUILD YOUR OWN

Choose Your Fish

Fish

Bluefish Salmon Fish of the day (check twitter)

Choose Your Sauce

Sauce

Turkish tartar (vegan) Cucumber tarragon (vegan) Spicy aioli Horseradish remoulade

Choose Your Side

Side

Coleslaw Baby arugula salad Hand-cut fries (non-nut based oil)

Look for these special brunch items on sunday only: french toast, salmon benedict and shrimp and grits

"All of our fish is fresh never frozen. Fish is hand-cut daily into boneless fillets. All sides and sauces are homemade."

TWEETS

@EAT_FISHNET

FACEBOOK

POWERED BY 

[Terms of Use](#)

3

Monument Realty DSP

MEMORANDUM

TO: Mayor and Council

FROM: Terry Schum, Planning Director 

THROUGH: Joseph Nagro, City Manager 

DATE: November 1, 2013

SUBJECT: Detailed Site Plan (DSP)-06095-01
Revision of Previously Approved Plan
Monument Village at College Park West
West side of Baltimore Avenue, North of Cherokee Street

ISSUE

The original DSP for this project was submitted by JPI Development Services, LP and was called The Jefferson at College Park. It was approved by the District Council on November 19, 2007 with conditions. The City of College Park entered into a Declaration of Covenants and Agreement with the applicant which was never recorded as the subject property was not purchased and the project was not developed. DSP's are typically not valid beyond three years, however, the District Council has extended the validity period for county DSP's until December 31, 2013 (legislation is pending to extend this period further). Monument Realty (MR Hillcrest 1 Capital LLC) has submitted an application to M-NCPPC for Planning Director review of a limited minor DSP in order to make some changes to the already approved plans.

The property was posted with a sign on September 26, 2013 giving 20 days or until October 16, 2013 for any interested party to request a public hearing. If no public hearing is requested, the internal M-NCPPC process typically allows 20 more days for staff to certify the DSP enabling the applicant to move forward. In this case, the City of College Park filed a request for public hearing (the only request received) in order to provide more time to negotiate a new Declaration of Covenants and Agreement and to schedule a worksession before the Mayor and Council.

SUMMARY

The previous applicant had worked closely with the residents of Autoville Drive to gain support for the project. The current applicant has done the same and these meetings have resulted in further plan revisions. The following summarizes the differences between the previous approved plan and the proposed amended plan.

	<u>Approved Plan</u>	<u>Amended Plan</u>
Total units	200	235
Studio/1 bedroom	94	185
2 bedrooms	84	50
3 bedrooms	22	0
Gross floor area	395,944 sf	215,494 sf
Total parking spaces	403	335
Loading spaces	3	3
Retail space	25,000 sf	4,800 sf

In addition, the applicant has made architectural revisions including changing from a flat roof to a pitched roof, increasing the use of brick, modifying façade proportions and articulation and adding residential units on the first floor. At the request of Autoville residents, the applicant has eliminated the 4-story building along Autoville Drive and eliminated one level of the parking garage. A final meeting with the residents is scheduled for Monday, November 4 when the main topic of discussion will be the landscaping treatment of the property where the building has been removed. City staff recommends that the exposed parking garage panels be clad in brick in lieu of a green screen.

The applicant is required to comply with all previous conditions and no new conditions can be placed on the DSP. All proposed amendments to the DSP must be shown on the site plan, approved by the Planning Director and certified by M-NCPPC staff. The District Council and Planning Board conditions are attached. Given the passage of time between the previous plan and current plan as well as other factors, a few conditions cannot be satisfied in whole or in part. These are discussed below.

District Council Condition C. (1): “...the applicant shall remove the utility poles and place underground the utility lines along the US Route 1 frontage.”

The applicant met with Pepco who determined that the utilities should not be placed underground at this site without a more comprehensive plan for the undergrounding of utilities.

District Council Condition C. (3): “A lay-by lane is permitted along US Route 1 to be used as a bus pull-off area and to serve as a loading area for larger trucks for a limited time in the evening.”

The lay-by lane was originally designed to accommodate a third loading zone required by the Sector Plan standards due to the retail proposed along the entire building frontage. Now that the retail has been reduced significantly, only two loading spaces are required to meet demand. There is no bus stop at this location so a bus pull-off area is not needed. Staff recommends elimination of the lay-by-lane but supports a restricted on-site loading space where access is required to a transformer.

Planning Board Condition 4: *“Prior to the issuance of any use and occupancy permits for residential units, the applicant shall make provisions for the placement of existing utility lines and the poles along the US 1 frontage underground. It is anticipated that the applicant will seek a Revitalization Tax Credit to offset the cost of this condition. The applicant, the Planning Board, the County Council, DPW&T and the City of College Park will develop a plan so that all tax credits received will be utilized to initiate a comprehensive utility relocation on Us Route 1 north of Route 193. Such funds derived by a Revitalization Tax Credit shall be used first on the subject property and then on adjacent properties.”*

This Planning Board condition (requiring provisions to be made) is in conflict with the District Council condition (requiring undergrounding). At this time, neither the cost for undergrounding utilities nor the amount of possible future tax credits is known. It is far more likely that the cost of undergrounding utilities will be paid through tax increment financing and special assessments. The first step is determining the feasibility of undergrounding and estimated costs. As the feasibility study is underway for Phase 1, staff is suggesting that a reasonable “provision” at this time would be a payment to the city in the amount of \$75,000 to pay for the city share of this study.

Planning Board Condition 9: *“The applicant shall participate in a Transportation Study of the US Route 1 Corridor in the City of College Park for evaluation of transit strategies, including a US Route 1 shuttle operated by governmental, quasi-governmental or private entities. The Transportation Study shall evaluate the implementation of a comprehensive corridor-wide shuttle system.*

In the event that a new or enhanced US Route 1 shuttle system is not operational and serving the subject property at the time of issuance of the final use and occupancy permit for this project, the applicant shall provide a private shuttle for residents of the development project in accordance with a schedule and routes agreed to with the City of College Park.

If subsequent to the institution of a private shuttle, a US Route 1 shuttle system is created, then the applicant shall participate in the new shuttle system in lieu of providing a private shuttle and it shall contribute a proportionate share of the costs of a US Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the subject property alone.

It is anticipated that the applicant will coordinate its shuttle activities with the city of College Park, and that depending on the findings of the Transportation Study of the Route 1 corridor and depending on the success of a private shuttle or a comprehensive Route 1 shuttle system, that this condition may be modified.”

The Route 1 Corridor Transportation Study was completed in 2008 and strongly recommended transit coordination and route consolidation in order to reduce current peak headways and increase service hours. Private shuttles were not recommended.

The Route 1 Ride (The Bus Route 17) is now operational and branded as Route 1 shuttle service. County staff researching funding for the shuttle recommends establishing a Transportation Management District that could assess developers with annual fees dedicated to improving service. This proposal is not ready for implementation at this time. City staff recommends a one-time payment to the City of College Park dedicated to transit improvements (not to exceed the cost of a private shuttle) or alternatively, a payment dedicated to the Capital Bikeshare program.

RECOMMENDATION

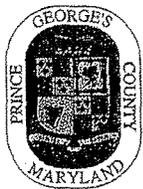
Staff recommends supporting an amended DSP for the site and withdrawing the city's request for a public hearing subject to the following:

1. Prior to DSP certification, the plans shall be revised to:
 - a. Eliminate the lay-by lane on Route 1 and continue the streetscape along the property frontage.
 - b. Provide a gate for the loading space on the north side of the building and screen from public view.
 - c. Show brick veneer on the concrete panels of the garage in lieu of a green screen.
 - d. Substitute brick veneer for cementitious panels on the west side building elevation north of the parking garage.
 - e. Show up to two parking spaces reserved for a car-share program such as Zip Cars or Car-to-Go.
 - f. Show landscaping and fence details for the western property along Autoville Drive as agreed to by Autoville residents.
2. Prior to building permit, provide a payment to the City of College Park in the amount of \$75,000 for the Project Feasibility Study for US 1 from College Avenue to MD 193 being conducted by the Maryland State Highway Administration.
3. Prior to building permit, provide a payment to the City of College Park in the amount of (to be determined) for improvements to the Route 1 Shuttle service or for implementation of the Capital Bikeshare Program.
4. The applicant shall enter into a Declaration of Covenants and Agreement with the City of College Park in substantially the form as attached (to be provided by the City Attorney).

ATTACHMENTS

1. District Council Notice of Conditional Zoning Approval
2. Planning Board Resolution No. 07-177
3. Declaration of Covenants and Agreement with JPI Development Services LP
4. Applicant's Statement of Justification dated August 6, 2013

5. Applicant's Statement of Justification dated September 23, 2013
6. Site Plan
7. Elevations



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

November 29, 2007

DISTRICT COUNCIL PRELIMINARY NOTICE OF CONDITIONAL ZONING APPROVAL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland, requiring notice of decision of the District Council, a copy of Zoning Ordinance No. 15 - 2007 granting preliminary conditional zoning approval of SP 06095 Jefferson at College Park, is attached.

In compliance with the provisions of Section 27-157(b) of the Zoning Ordinance, the applicant must file a written acceptance or rejection of the land use classification as conditionally approved within ninety (90) days from the date of approval by the District Council. Upon receipt by the Clerk's Office of a written acceptance by the applicant, a final Order will be issued with an effective date for conditional approval shown as the date written acceptance was received by the Clerk's Office.

The failure to accept the conditions in writing within ninety (90) days from the date of approval shall be deemed a rejection. Rejection shall void the Map Amendment and revert the property to its prior zoning classification.

Written approval or rejection of conditions must be received by the Clerk's Office no later than the close of business (5:00 p.m.) on February 18, 2008.

CERTIFICATE OF SERVICE

This is to certify that on November 29, 2007, this notice and attached Order were mailed, postage prepaid, to the attorney/correspondent and applicant(s). Notice of final approval will be sent to all persons of record.

Redis C. Floyd
Clerk of the Council

(5/99)

Case No. DSP-06095-C

Applicant: JPI Development Services, LP

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 15 - 2007

AN ORDINANCE to approve an amendment to the Zoning Map, with conditions.

WHEREAS, Application No. SP-06095 was filed for property known as Jefferson at College Park, described as approximately 3.79 acres of land in the M-U-I/DDOZ (2.5 acres) and R-55/DDOZ (1.29 acres) zones, located on the west side of Baltimore Avenue, across the street from the intersection of Baltimore Avenue and Cherokee Street (9122 and 9128 Baltimore Avenue), in the City of College Park, for approval of a rezoning of the R-55 part of the property (1.29 acres) to the M-U-I Zone, and approval of a detailed site plan showing 200 multifamily dwelling units, and 25,000 square feet of commercial retail and office uses; and

WHEREAS, the Technical Staff reviewed the application and filed recommendations with the Planning Board and District Council; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the Planning Board held a public hearing on the application and filed recommendations with the District Council; and

WHEREAS, having reviewed the record, the District Council has determined that the application, including the rezoning from the R-55 to the M-U-I Zone and the detailed site plan showing a development project of mixed residential, commercial/retail, and office uses, should be approved with additional conditions; and

WHEREAS, to protect adjacent properties and the neighborhood, this rezoning and site plan approval are granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the Planning Board resolution, PGCPB No. 07-177, as its findings of fact and conclusions of law, except as noted, as follows:

A. The Council adopts paragraphs 1 through 7 of PGCPB No. 07-177, which describe the property and neighborhood and the proposed development project, except to the extent that the proposed number of dwelling units are reduced and the proposed number of parking spaces are increased below.

B. The Council approves paragraphs 8 and 9 of the resolution, explaining how the application meets Zoning Ordinance and College Park U.S. Route 1 Sector Plan requirements and guidelines, except as discussed below. With imposition of appropriate conditions, the proposed mixed-use project is compatible with and in keeping with the surrounding residential neighborhood and the residential streets in the property's vicinity. The present proposal meets the Sector Plan vision for mixed residential, commercial/retail, and office uses in this part of U.S. Route 1, including new multifamily buildings.

C. The Council approves modifications of development district standards, as follows:

(1) The District Council rejects the applicant's request to not place utility poles underground. Therefore, pursuant to the condition below, the applicant shall remove the utility poles and place underground the utility lines along the U.S. Route 1 frontage. (Public Areas Standard P6.A.)

(2) The maximum built-to-line is 10-20 feet behind the right-of-way (ROW) line, but the proposed building may have 22 feet from the ROW of Baltimore Avenue, as determined by the final SHA ROW of Baltimore Avenue to allow for a lay-by lane in order to accommodate loading needs of larger trucks and as a bus stop. A six-foot landscaped median is deemed necessary from a design standpoint to separate this lay-by lane from the U.S. Route 1 travel lanes. In addition, the proposed building may have 35 feet from the ROW of Autoville Drive in order to maintain a consistent setback with the existing houses on both sides. (Site Design Standard S3.)

(3) A lay-by lane is permitted along U.S. Route 1 to be used as a bus pull-off area and to serve as a loading area for larger trucks for a limited time in the evening. (Site Design Standard S4.)

(4) The building height for the multifamily and retail building may be five stories, even though the Sector Plan recommends a limit of three stories in Areas 4 and 5. The applicant is providing parking in a multi-level structure behind the building fronting U.S. Route 1. (Building Design Standard B1.)

(5) The applicant is permitted to have a limited number of multifamily units without balconies, though the Sector Plan recommends balconies for all units above the ground floor. The applicant's building design compensates for the absence of balconies facing U.S. Route 1. (Building Design Standard I.)

(6) The applicant is permitted not to provide a sidewalk along the property's frontage on Autoville Drive since no sidewalk exists along this side of Autoville Drive. (Public Areas Standard P2.)

D. The Council approves the applicant's minor amendment to allow 42 percent two-bedroom units, though the Zoning Ordinance, in § 27-419, would limit two-bedroom units to 40 percent of the total.

E. The Council does not agree that the applicant's proposed parking scheme is acceptable and should be approved. The parking scheme raises various concerns and creates a likelihood of insufficient parking for the proposed uses. The Planning Board's recommendation lacked fact-based analysis to justify its conclusion and violated the specific language in the Sector Plan regarding justification of additional parking reductions. The applicant's proposed parking scheme must be revised, as follows, and additional conditions must be imposed.

(1) The Sector Plan recommends on-street parking "where possible." On-street parking on U.S. Route 1 is not feasible, and could only accommodate a handful of spaces. Cherokee Street and the other residential streets have only limited space available. Considering the number of dwelling units proposed and the amount of commercial/retail and office space, off-street parking in the proposed garage is warranted. (Public Areas Standard P1.A.)

(2) The applicant's proposal lacks evidence to support a 20 percent additional parking reduction. Therefore, the District Council approves the applicant's reduction of total dwelling units to 200, an increase in parking spaces so that the total number of parking spaces provided with this DSP is 403, and the District Council agrees with the transportation demand management strategy dated August 2, 2007 which shall be a condition of approval as stated below.

(3) The District Council approves the applicant's requests for departures from parking and loading standards to reduce the width of parking spaces in the parking garage from the required 9 ½ feet to 9 feet; and to reduce the required number of loading spaces from four to three,

though the Zoning Ordinance, in § 27-558 would require the width of a parking space of 9 ½ feet and in § 27-582 would require four loading spaces.

F. The District Council approves the conclusions by staff and Planning Board in paragraphs 10 (Landscape Manual), 11 (Woodland Conservation and Tree Preservation Ordinance) except as provided below, and 12 (referral comments).

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the R-55 portion (1.29 acres) of the property that is the subject of Application No. SP-06095 from the R-55 Zone to the M-U-I Zone, subject to the conditions stated below.

SECTION 2. The detailed site plan, as amended, filed with Application No. DSP-06095 is hereby approved, subject to the conditions stated below.

SECTION 3. The rezoning and detailed site plan approved herein are subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:
 - a. Provide additional architectural details and fenestration to break up the monotony of the elevations facing the interior courtyard where the proposed swimming pool is located to be reviewed and approved by the Urban Design Section as the designee of the Planning Board, and, in consultation with the District Council.
 - b. Provide a green screen and other treatments that are visually appealing on all exposed elevations of the parking garage that are not covered by other attached buildings in order that there shall be no exposed unfinished concrete facades.
 - c. Indicate the building height and actual building setbacks on the site plan.
 - d. Provide information regarding the percentage of brick on exterior elevations of the building and lot coverage.

e. Revise the Landscape Plan to show graphically each Section 4.7 bufferyard and its corresponding landscape schedule.

f. Add site plan notes as follows:

“A minimum of three retail uses as listed on Section 27-461(b) under category E, General Retail, shall be included in the commercial/retail component of this development.”

“Loading trucks that serve the residential portion of the building shall utilize the access point directly off U.S. Route 1. No truck traffic shall be allowed to access the subject site via Cherokee Street, and it shall be posted to prohibit truck traffic.”

“This project will be developed in accordance with the green building techniques included in "A Green Strategy for JPI College Park West" to achieve high quality indoor air-quality/comfort energy efficiency, water efficiency and sustainability, specifically including, but not limited to the following:

- (1) Eliminate pollutants by utilizing low emitting paint, carpets, adhesives, and sealants (see LEED NC 2.2, 4.1, 4.2 and 4.3).
- (2) Utilize Energy star appliances, Lighting (CFL, dimmers, vacancy switches) and HVAC – minimum SEER 13 and programmable thermostats.
- (3) Install water efficient landscaping, low flow faucets and low flow shower heads.
- (4) Provide community bicycle storage and encourage LE and FE vehicles by designating a preferred parking area.
- (5) Provide a recycling area during construction.
- (6) Make provision for the residents to recycle household waste by providing appropriate receptacles and making arrangements for removal.

g. Revise the justification statement to include a request to amend Public Area, P1 Road Network, Design Standard A.

h. Provide evidence that the subject DSP is consistent with the approved stormwater management concept plan for this site.

i. Revise the landscape and lighting plan as follows:

- (1) Locate the tables and chairs shown in Detail 3 on Sheet L-3, Hardscape Details on the Landscape Plan.
 - (2) Substitute Korean Pines for the Deodar Cedars; Serbian Spruce or Oriental Spruce for the Norway Spruce; and Maples for Ash.
 - (3) Eliminate the sod and expand the planting areas to the extent possible.
 - (4) Provide an on-site irrigation system for planting areas including the Greenscreen and the Courtyard areas.
- j. Revise the sign schedule to be consistent with DDOZ Standard B.5 Signs N. Provide a sign plan including lighting, colors, lettering style, size, height, quantity and location for review and approval by the Urban Design Section as the designee of the Planning Board and in consultation with the District Council and the City of College Park. No amendment to sign standards shall be granted without a revision to the subject DSP.
 - k. Provide a materials board.
 - l. Provide a clear demarcation of sidewalk across all driveway entrances and intersections along the site frontage to give priority to pedestrians.
 - m. Provide access to the site located at 9104 Baltimore Avenue from the access road that links Cherokee Street and Baltimore Avenue.
 - n. Subject to review and approval by the Urban Design Section as the designee of the Planning Board, provide a wrought iron fence to be located around the site's entire boundary area that is adjacent to the existing single-family detached houses. The wrought iron fence shall be six feet in height and be with a combination of brick piers and wrought iron fence.
 - o. Provide off-white or other light-color roof materials for the proposed parking garage complex.
- 2. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following sidewalk improvements:
 - a. The wide sidewalk along U.S. Route 1 as indicated on the updated rendering of Sheet L-1 of the DSP dated September 4, 2007, unless modified by the State Highway Administration.

- b. Four bicycle racks as indicated on the site plan.
 - c. Striped crosswalks at all access points crossing sidewalks, including the provision of a crosswalk pursuant to SHA standards across U.S. Route 1 at its intersection with Cherokee Street and the Site Access Road. Crosswalks shall be striped in accordance with the guidelines for secondary intersections included in DDOZ Design Standard E of the Public Areas.
 - d. All sidewalks shall include ADA accessible ramps and curb cuts at all road intersections.
3. The total development within the subject property shall be limited to no more than 200 multifamily residential units and 25,000 square feet of commercial retail, or different allowed uses generating no more than 184 AM (66 in, 118 out) and 432 PM (236 in, 196 out) peak-hour vehicle trips, respectively.
 4. Prior to issuance of any use and occupancy permits for residential units, the applicant shall make provisions for the placement of existing utility lines and the poles along the U.S. Route 1 frontage underground. It is anticipated that the applicant will seek a Revitalization Tax Credit to offset the cost of this condition. The applicant, the Planning Board, the County Council, DPW&T and the City of College Park will develop a plan so that all tax credits received will be utilized to initiate a comprehensive utility relocation on U.S. Route 1 north of Route 193. Such funds derived by a Revitalization Tax Credit shall be used first on the Subject Property and then on adjacent properties.
 5. Prior to the issuance of any building permit, the following improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the appropriate agency:
 - a. Provision of a new access roadway opposite of existing Cherokee Street (east leg) that shall be (dedicated to public use and is) open to all traffic at all times, and extends to Cherokee Street (west leg). This roadway shall provide for two outbound lanes and only one inbound lane to accommodate only the left-turn from U.S. Route 1 northbound and thru traffic from the east leg of Cherokee Street. This roadway shall include sidewalk that extends from U.S. Route 1 to Cherokee Street (west leg). The applicant is responsible for the signalization and any other modifications deemed needed by SHA, DWP&T and the City that would transform this intersection into a safe and pedestrian-friendly intersection, including provision of visible crosswalks at all approaches.
 - b. Provision of barrier-separated loading area pursuant to SHA and/or WMATA standards to also allow the opportunity to be used as a bus pull-off area in early

morning to late afternoon hours. The applicant shall continue to work with the City, SHA, DPW&T, and WMATA in an effort to determine appropriate hours to restrict loading in this area in order to allow safe and efficient bus access and maintain retail viability. If the bus pull-off area is acceptable to WMATA and SHA, the applicant shall also be responsible for relocating the nearby bus stop to this location and installing a bus shelter, deemed appropriate by DPW&T and the City, as well as any other needed transit and pedestrian-friendly street furniture.

6. Prior to the issuance of any building permits, the two road segments on the applicant's property in front of the subject site, starting from Cherokee Street west and ending at U.S. Route 1 shall be dedicated to the Department of Public Works and Transportation. Additionally, the applicant shall obtain a public use easement from the adjoining owners, Tax Account I.D. No. 2410058, to allow for full public access to the signal at U.S. Route 1 (Baltimore Avenue) and Cherokee Street.
7. Prior to issuance of any building permit, the applicant shall file a bond or other suitable financial guarantee with DPW&T and/or an agreement with the City of College Park to operate a private bus service or contribute to an existing service that will connect the subject property to the nearest Metrorail station. The service shall be offered to all with service headway of 30 minutes during weekday AM and PM peak periods, and vehicles have a minimum capacity of 15 persons.
8. The applicant shall comply with each element in its "Traffic Demand Management" strategy dated August 2, 2007.
9. The applicant shall participate in a Transportation Study of the U.S. Route 1 Corridor in the City of College Park for evaluation of transit strategies, including a U.S. Route 1 shuttle operated by governmental, quasi-governmental or private entities. The Transportation Study shall evaluate the implementation of a comprehensive corridor-wide shuttle system.

In the event that a new or enhanced U.S. Route 1 shuttle system is operational and serving the Subject Property at the time of issuance of the final use and occupancy permit for this project, the applicant shall contribute a proportionate share of the costs of a U.S. Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Subject Property alone.

In the event that a new or enhanced U.S. Route 1 shuttle system is not operational and serving the Subject Property at the time of issuance of the final use and occupancy permit for this project, the applicant shall provide a private shuttle for residents of the development project in accordance with a schedule and routes agreed to with the City of College Park.

If subsequent to the institution of a private shuttle, a U.S. Route 1 shuttle system is created, then the applicant shall participate in the new shuttle system in lieu of providing a private shuttle, and it shall contribute a proportionate share of the costs of a U.S. Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Subject Property alone.

It is anticipated that the applicant will coordinate its shuttle activities with the City of College Park, and that depending on the findings of the Transportation Study of the U.S. Route 1 Corridor and depending on the success of a private shuttle or a comprehensive U.S. Route 1 shuttle system, that this condition may be modified.

10. In consultation with the City of College Park and the District Council, the applicant shall make a good faith effort to execute a memorandum of understanding with the University of Maryland that prohibits University students residing in the project from obtaining on-campus parking permits. Also, in consultation with the City of College Park and the County Council, the applicant shall make a good faith effort to discuss with the University of Maryland methods to discourage faculty and staff residing in the project from driving their personal vehicles to the campus in the weekday morning and evening peak periods.
11. Should the residents on Autoville Drive and Cherokee Street west decide to request that the City of College Park create a parking permit zone, the applicant shall support such request with the City.

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall become effective initially on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the conditions in Section 3.

Ordered this 19th day of November, 2007, by the following vote:

In Favor: Council Members Exum, Bland, Campos, Dean, Dernoga, Harrington, Knotts, Olson and Turner

Opposed:

Abstained:

Absent:

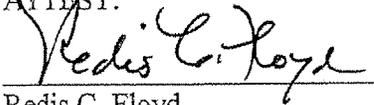
Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By:


Camille A. Exum, Chair

ATTEST:


Redis C. Floyd
Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

RECEIVED

September 25, 2007

SEP 27 2013

JPI
8300 Greensboro Drive
McLean, Virginia 22102

CITY OF COLLEGE PARK
PLANNING DEPARTMENT

Re: Notification of Planning Board Action on
Detailed Site Plan - 06095
Jefferson At College Park

Dear Applicant:

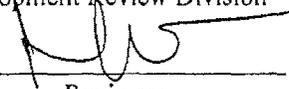
This is to advise you that on **September 20, 2007** the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

District Council review of this case is required by 2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment.

The applicant or any Person of Record may file a written appeal of the Planning Board's decision with the District Council within 30 days after the date of the final notice September 25, 2007 of the Planning Board's decision, pursuant to Section 27-280.

Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the Council, at the above address.

Very truly yours,
Arie Stouten, Chief
Development Review Division

By: 
Reviewer

c: Redis C. Floyd, Clerk to the County Council
Persons of Record

PGCPB No. 07-177
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PGCPB No. 07-177

File No. DSP-06095

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on September 13, 2007, regarding Detailed Site Plan DSP-06095 for Jefferson at College Park West, the Planning Board finds:

- Request:** The subject application is for approval of a mixed-use project with 220 residential mid-rise rental apartments and approximately 25,000 square feet of commercial/ retail space. The applicant is also requesting a change in the underlying zone for the portion of the site (approximately 1.29 acres) in the R-55 (One-family Detached Residential) Zone to the M-U-I (Mixed-use Infill) Zone.

2. Development Data Summary:

Zone(s) Use(s)	EXISTING M-U-I/R-55/DDOZ Commercial	PROPOSED M-U-I/DDOZ Residential Multifamily, Commercial Office/Retail
Acreage	3.8	3.8
Parcels	1	1
Square Footage/GFA	Vacant	25,000
Dwelling Units:	-	220
Of which Multifamily dwelling units	-	220

OTHER DEVELOPMENT DATA

Bedroom Unit Mix

Unit Type	Number of Units	Average Square Footage
1 Bedroom	106	763
2 Bedrooms	92	1,120
3 Bedrooms	22	1,343
Total	220	

Bedroom Percentage

Unit Type	Proposed Percentage	Percentage Per Section 27-419
1 Bedroom	48	50
2 Bedrooms	42*	40
3 Bedrooms	10	10
	100	100

Notes: * See Finding 8 below for discussion.

Parking Requirements Per Section 27-568(a)

Uses	Parking Spaces
Multifamily Apartments (220 Dus)	508
Of which one bedroom units (2 spaces per unit)	212
Two bedroom units (2 1/2 spaces per unit)	230
Three bedroom units (3 spaces per unit)	66
Commercial Shopping Center Space (25,000 square feet)(1/Per 250 sq. ft.)	100
Total	608

The minimum number of off-street parking spaces permitted for each land use type shall be reduced by 10 percent from the required spaces of Section 27-568 (a) pursuant to Site Design S2. Parking Area, Standard T. of the 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*

547

Shared Parking by Time Period (Pursuant to Table 15, Page 182 on Sector Plan)

Uses	Weekday		Weekend		Night-time
	Daytime	Evening	Daytime	Evening	
Residential (457 spaces)	60%=274	90%=411	80%=366	90%=411	100%=457
Commercial (90 spaces)	60%=54	90%=81	100%=90	70%=63	5%=5
Total Spaces	328	492	456	474	462[†]

Parking Provided*	396 spaces
Of which Structure parking spaces	386 spaces
Surface parking spaces	10 spaces

Notes: [†] The highest number of parking spaces becomes the minimum number of off-street parking spaces required; therefore a total of 492 spaces are required. The plan provides a total of 396 parking spaces, which are 120 spaces less than required and does not comply with the parking requirements. The applicant has requested a further 20 percent parking reduction based on provision of private shuttle bus service in accordance with Development District Overlay Zone standards, S2 Parking Area, IV. See below Finding 8 for discussion.

* For a total of 492 parking spaces required, nine spaces should be for the handicapped; at least one parking space should be a van accessible space. The site plan does not provide enough information regarding parking for the handicapped. A condition of approval has been provided in the recommendation section of this report to require the applicant to provide the required parking spaces for the physically handicapped prior to certificate approval.

Loading

Required per Section 27-582	4
Retail	1 space/2,000 -10,000 GFA 2 space/10,000-
Multifamily Residential	1 space /100-300 dwelling units
Provided*	3
Retail	3 spaces
Residential	Shared with retail use

Notes: * The DSP plan indicates that an amendment has been requested to allow the residential use to share one loading space with the retail/commercial uses. But this request is not included in the Justification Statement. A condition has been proposed in the recommendation section of this report.

3. **Location:** The site is located on the west side of Baltimore Avenue, across the street from the intersection of Baltimore Avenue and Cherokee Street within the City of College Park, in Planning Area 66, and Council District 3. The site is also located in Area 4 (Central Gateway Mixed-use Area), Subarea 4d, and Area 5 (Autoville Drive Residential Area), Subarea 5a, of the Approved College Park US 1 Corridor Sector Plan where detailed site plan review is required for conformance with the development district overlay zone (DDOZ) standards.
4. **Surrounding Uses:** The site is bounded on the east side by Baltimore Avenue (US 1); on the west side, a portion of the site is bounded by Autoville Drive and the rest of the western side is adjacent to existing single-family detached houses in the R-55 (One-family Detached Residential) Zone. The site abuts properties in the M-U-I (Mixed-use Infill) Zone on both the north and south sides.
5. **Previous Approvals:** The subject site carries two types of zoning designation and straddles two consolidation plats. The 1.26-acre part that is located in the north fronting Baltimore Avenue has most of the land in the M-U-I Zone and a small portion in the R-55 Zone. The 2.5-acre part that is located in the south fronting both Baltimore Avenue and Autoville Drive also has land in the M-U-I Zone and in the R-55 Zone. The entire site was formerly split-zoned in C-S-C (Commercial Shopping Center) and R-55 Zones and was improved with a hotel and a liquor store. However, currently there are no permanent buildings on the site. The 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*, which was approved by the District Council on April 30, 2002 (CR-18-2002), rezoned the portion of the site fronting Baltimore Avenue from the C-S-C Zone to the M-U-I Zone and retained the portion of the site away from Baltimore Avenue and along Autoville Drive in the R-55 Zone. The subject site encompasses the land in two consolidation plats: PM218@47 and REP 207@74 and no new preliminary plans are required. The site also has an approved stormwater management concept plan #50389-2006-00, which will be valid through March 20, 2010.
6. **Design Features:** The subject site is a roughly T-shaped property with the upper end fronting Baltimore Avenue and lower stem extending to Autoville Drive. The proposed mixed-use project is also shown in one roughly T-shaped building complex with a parking structure in the middle and surrounded on three sides by residential and commercial/ retail spaces. Along the US 1 frontage is the proposed vertical mixed-use section, which is composed of approximately 204 units of multifamily rental apartments on top of approximately 25,000 square feet of commercial/retail uses and which is a total of five stories in height. The commercial/retail spaces occupy the first story podium at the street level, and multifamily dwelling units are distributed in four stories above the podium. Behind the vertical mixed-use section is a six-story parking garage for 386 parking spaces. Further to the west of the parking garage fronting Autoville Drive is a four-story residential section for 16 multifamily dwelling units.

The site plan shows three vehicular accesses to the site. Two accesses are directly from Baltimore Avenue. The porte-cochere access to the parking structure behind the store front is a right-in only access and the other access is a full access at the intersection of eastern Cherokee Street and Baltimore Avenue. The third full access to the site is provided via western Cherokee Street to the north of the subject site. The site plan also shows an enclosed loading space at the northern end of the building which will be accessed from a loading/drop off lane outside of the right-of-way of Baltimore Avenue.

The frontage along US 1 has two improvement patterns. The northern section will be improved with a 15-foot sidewalk in front of the storefronts, a 12 foot loading/ bus drop off lane and a 6-foot-wide landscape strip. The southern section will be improved with a 15-foot wide sidewalk and a 23-foot-wide landscape strip.

The main façade fronting Baltimore Avenue is designed in a three-part composition with a projected first floor for retail/commercial use forming a strong base section. The second to the fifth floor of the building is for multifamily residential dwellings. The façade is finished with a combination of brick and cementitious panel. The elevation features various fenestration patterns with vertical divisions that are articulated with different projections, recesses or offsets. The elevation also has projected or recessed balconies along with continuous bay windows that provide additional visual interest. The roof treatments consist of flat roof, hipped roof and mansard roof. The flat roof is decorated with a heavy cornice and pedimented parapet. Additional decorative panels, band and trim have also been used on the elevation. At the street level, various canopies along with architectural details such as arched brick lintels, brick trims, and building-mounted lighting fixtures help to enrich the pedestrian experience. Colored pavers define the pedestrian realm.

Similar finishing materials have also been used in other elevations. The elevations present a good mixture of brick and vinyl. Since the DDOZ standards call for a minimum 75 percent of the exterior facades in brick, stone or approved equal, a condition has been proposed to require the applicant to provide the percentage information prior to certification. Judging by the submitted architecture package, the applicant should not have difficulty in meeting the minimum percentage standard. However, staff has concerns about the appearance of the courtyard and the parking garage. The courtyard in the middle of the building in the northern section is finished with vinyl only. The Urban Design staff recommends that a certain amount of brick or other equivalent materials be used to minimize visual monotony. A condition has been proposed in the recommendation section to require the applicant to improve the elevations of the courtyard prior to certification. The parking garage is finished with concrete panels without any decoration. The garage can be seen on both the north and south elevations. The section on the northern elevation is narrow. But the section on the southern elevation is extensive. The applicant has proposed a greenscreen on the southern elevation, but only for three stories. The garage is five stories high. Staff believes that the success of the proposed Greenscreen solution depends on too many variables such as soil condition, plant species, maintenance, etc. In addition, it will take years for the vine to effectively screen the undecorated and unsightly parking garage, if it ever does. The Urban Design Section recommends that the Greenscreen be eliminated and a decorative brick

veneer should be applied on all exposed elevations of the parking garage, especially on the south and north elevations that are visible from Baltimore Avenue and Autoville Drive. A condition has been proposed in the recommendation section.

A four story residential component attached to the parking garage has been proposed fronting Autoville Drive. No vehicular access is located off Autoville Drive to this section; but the first story-units have a front entrance directly from Autoville Drive. Due to the shape of the property, this section is located deep in the R-55 zoned section of the site and is flanked on both sides by the existing single-family detached houses. The closest distance between the proposed multifamily building and the existing single-family house is approximately 38 feet. Staff is concerned about the relationship of the proposed multifamily buildings and the existing single family detached houses. The four story multifamily building presents a dominant visual impact over the existing single-family detached houses. A three-story multifamily building would achieve approximately a 1:1 ratio of building height and building setback between the multifamily building and the closest single-family house. A sight-line analysis undertaken by Urban Design staff indicates that the three-story building can still screen the parking structure from the views on Autoville Drive. Staff also suggests applying a terrace-form design on both ends of the multifamily building to further reduce the bulk impact of the multifamily building on the existing single-family houses. As a result of this one-story reduction, the required number of parking spaces will be reduced by 11. A condition has been proposed to require the applicant to reduce the four story multifamily building to three stories to be reviewed and approved by the Urban Design Section as the designee of the Planning Board prior to certification.

A sign package consisting solely of building mounted signs has been provided with this DSP. The maximum allowable sign face area according to Section 27-613 (c) is calculated based on the total lineal footage of building frontage and the number of stories of each building up to 400 square feet of signage per building. The DDOZ standards call for an equivalent or smaller sign face area than the square footage per Section 27-613 (c). The proposed sign package shows a total sign face area that is well above the allowable square footage. A condition has been proposed to revise the sign schedule prior to certification.

The applicant has provided a green strategy statement with this DSP. The strategy consists of site selection of a greyfield site, increasing planting by providing Greenscreen on the garage and utilization of energy efficient appliances in the dwelling units. In addition, the strategy also focuses on green building construction techniques such as high level insulation, on creating a high degree of indoor air quality such as using low VOC and recycled content materials and on interior climate control such as using high efficiency minimum SHEER 13 system to reduce overall energy consumption.

7. **Recreation Facilities:** The subject DSP includes a recreational facility package consisting of an outdoor swimming pool that is located in a courtyard on the fifth floor with exterior sitting area, recreational and fitness facilities such as treadmill, recumbent bike, elliptical cross trainer and Liquid Crystal Displays with stands. Pursuant to the cost estimate information provided by the applicant, the above provided package is worth approximately \$253,000. In accordance with the

current formula for determining the value of recreational facilities for 220 multifamily dwelling units in Planning Area 66, a recreation facility package of approximately \$198,000 is required. The proposed recreational facility package is above the minimum requirements for private on-site facilities.

COMPLIANCE WITH EVALUATION CRITERIA

8. **The 2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment and the Standards of the Development District Overlay Zone (DDOZ):** The 2002 College Park US 1 Corridor Plan defines long-range land use and development policies, detailed zoning changes, design standards and a DDOZ for the US 1 Corridor area. The land use concept of the sector plan divides the corridor into six areas for the purpose of examining issues and opportunities and formulating recommendations. Each area has been further divided into subareas for the purpose of defining the desired land use types, mixes, and development character. The subject site is in Area 4 (Central Gateway Mixed-use Area), Subarea 4e, and Area 5 (Autoville Drive Residential Area), Subarea 5a, on the west side of US 1. The vision for Area 4 is to create a mixed-use area with a variety of retail and office uses, and the introduction of multifamily residential development in mid-and high-rise buildings. Buildings may be sited further from the street and from each other than in the town center and main street areas. Parking should be located in lots sited to the side or rear of properties. Shared parking is strongly encouraged. Sidewalk setback from the curb edge with trees and landscaping on both sides will create the gateway boulevard envisioned for US 1. The sector plan also provides specific subarea land use recommendations for Subarea 4d on the west side of US 1 and north of MD 193 for redevelopment including a mix of retail, office, and residential uses in low-rise buildings. No encroachment of commercial uses is permitted into the Autoville Drive South neighborhood. Primary access to properties will be from US 1. Adequate buffers should be provided and building heights should step down to be compatible with the adjacent existing residential neighborhood. The vision for Area 5 is for residential uses only. The land use recommendation for Subarea 5a, east of Autoville Drive South between Erie Street and University Boulevard is for infill housing compatible with the existing single-family detached houses. Adequate buffers should be provided between commercial properties and residential uses. There should be no expansion of commercial uses into the established single-family residential areas of this subarea. The application as proposed in the subject detailed site plan including the uses (a mixture of residential and commercial/retail), site layout, except for the building height of the residential component fronting Autoville Drive, is in general compliance with the land use visions and recommendations for Subarea 4d and 5a. Staff has made a recommendation to reduce the building height along Autoville Drive.

Section 27-548.25 (b) requires that the Planning Board find that the site plan meets applicable development district standards. The development district standards are organized into three categories: public areas; site design; and building design. The applicant has submitted a statement of justification that provides detailed explanation of how the proposed condominium project conforms to each development district standard.

- a. The detailed site plan meets most of the standards with the exception of several development district standards for which the applicant has requested an amendment. In order to allow the plan to deviate from the development district standards, the Planning Board must find that the alternative development district standards will benefit the development and the development district and will not substantially impair implementation of the sector plan. The amendments that the applicant has requested are discussed below.

PUBLIC AREAS:

P2. Sidewalks, Bikeways, Trails and Crosswalks

- A. All roads within the development district shall have a continuous system of sidewalks on both sides of the street. Refer to the Street Edge table (Table 16) in S3. Building Siting and Setbacks for the width of new sidewalks in the development district.

Comment: The applicant has requested to amend this standard for the portion of site frontage along Autoville Drive because no sidewalk is currently located along Autoville Drive. Not providing a sidewalk along this site frontage is consistent with the existing streetscape and therefore this alternate development district standard will benefit the development and the development district and will not substantially impair implementation of the sector plan.

P6. Utilities

- A. All new development within the development district shall place utility lines underground. Utilities shall include, but are not limited to, electric, natural gas, fiber optics, cable television, telephone, water and sewer.

Comment: The applicant has requested an amendment to modify the above standard. The applicant states that there are four utility poles carrying overhead lines located along the US 1 frontage of the subject property. These utility poles are proposed to be retained. The applicant does not intend to underground the overhead utilities since there is no financing program in place at this time to implement a systematic undergrounding of utilities along the US 1 Corridor. The applicant will place natural gas, fiber optic, cable television, telephone, and water and sewer service underground. The standard calls for reducing the

visual impact of existing overhead utility lines and associated poles along Baltimore Avenue within the development district by consolidating utility pole usage, relocating utility poles, or placing existing utility lines underground. According to the applicant, the above standard has been met since the applicant is not providing any additional utility poles along US 1, and the visual impact of the utility lines will be improved by the provision of attractive architecture, street trees, street lighting, and furniture. Staff agrees that undergrounding of utilities should be carried out systematically in order to reduce cost and minimize interruption to the established operations and services. During the review and approval of previous projects within the corridor, the City of College Park and the District Council have acknowledged the need for a systematic approach and the need for each project to provide its financial fair share in order to implement this measure. The applicant is fully aware of this approach and is willing to provide financial assistance should the undergrounding of utilities happen in a systematic way in the future. Therefore, the alternate Development District Standard will benefit the development and the development district and will not substantially impair implementation of the sector plan.

SITE DESIGN

S2. Parking Areas

- W. Applicant may request from the Planning Board during the site plan review process a reduction in the minimum off-street parking requirement if they provide incentives to encourage use of alternative modes of transportation other than single occupancy vehicles. These alternatives include contributing to the county and/or city ride sharing program, providing private incentives for car-and vanpooling, participating in usage of public transportation programs such as WMATA's Metrochek and MTA's Transitplus 2000, or provision of private shuttle bus service. Verifiable data must be produced that supports the desired reduction in the minimum off-street parking. The reduction shall range between 5 and 20 percent.**

Comment: The applicant has requested a 20 percent reduction based on provision of private shuttle bus to the College Park Metro Station in order to meet the minimum off-street parking requirements for this site. In addition, the applicant has also provided bike parking, information such as bus schedules and bike maps with this DSP.

The detailed site plan uses the commercial shopping center parking space ratio instead of the general commercial use parking ratio because the applicant claims that the site plan meets the minimum square footage for a shopping center and will have a minimum of three retail uses. As a result only 100 spaces will be required for the proposed 25,000 square feet of commercial/ retail uses. Otherwise 130 parking spaces will be required for the proposed commercial/retail space. Staff recommends a site plan note be added on the plan prior to certification indicating that a minimum of three retail uses, as listed on the Section 27-461 (b) under the category E, General Retail, should be included in this project, prior to certification.

As previously discussed, a one-story reduction has been recommended by the Urban Design Section in order to be consistent with the sector plan land use visions and recommendations. As a result of the removal of four units (two 2-bedroom and two 3-bedroom units), this DSP needs only an 18 percent reduction in parking to meet the required minimum off-street parking requirements of the sector plan. The provision of a private shuttle bus identified by the sector plan as one of the incentives to encourage use of alternative modes of transportation other than single-occupancy vehicles will benefit the development and the development district and will not substantially impair implementation of the sector plan.

S3. Building Siting and Setbacks

- C. A front build-to line between 10-20 feet from the ultimate right-of-way shall be established for all buildings in areas 4 , 5, and 6. See Type II Street Edge.**

Comment: The applicant has requested an exemption from this standard for the portion of the building that is fronting on Autoville Road in order to be consistent with the existing setback of the single-family detached houses. The existing single-family detached houses have an approximately 35-foot front setback from Autoville Drive. The proposed building is also set back 35 feet from the R-O-W of Autoville Drive. Allowing this deeper setback will maintain the existing streetscape of the established residential neighborhood and is consistent with the vision of the sector plan.

The applicant also requested an amendment of this standard for the building along Baltimore Avenue. The applicant proposes a lay-by lane in order to accommodate loading needs of larger trucks that will not fit into the proposed enclosed loading space at the northern end of the building. This lane is also used as a bus stop for buses that serve this development. For safety reasons, the State Highway Administration only allows this additional lane to be added outside of the ultimate right-of-way of Baltimore Avenue. A six-foot landscaped median is deemed necessary from a design point of view to separate this lay-by lane from the normal travel lanes on Baltimore Avenue. As a result, an additional two feet is needed between the proposed building and the lay-by lane that will exceed the maximum 20 feet setback from the ultimate right-of-way line. If the building height is increased to five stories as requested by the applicant (see height amendment discussion below), the two additional feet of building setback will not be noticeable and will not substantially impair implementation of the sector plan.

S4. Buffers and Screening

- A. All mechanical equipment, dumpsters, storage, service, loading and delivery areas shall be screened from public view, adjacent residential property and rights-of-way with an appropriate buffer**

consisting of plantings, wall or fences in compliance with the Screening Requirements of the *Landscape Manual*.

Comment: The applicant has proposed three loading spaces that will be fully enclosed with doors at the entrances. However, for the loading space at the northern end of the building that will serve the commercial/retail at the street level of Baltimore Avenue, the applicant expects that the larger trucks serving a possible restaurant will not be able to fit into the proposed enclosed loading space. Instead, a lay-by lane is provided outside of the right-of-way of Baltimore Avenue and will be separated by a 6-foot-wide landscape median. The lay-by lane will be used most of the time as a bus pull-off bay that will serve the proposed mixed-use project. The applicant has requested that after-hours loading use of this lay-by lane be permitted. This loading area will be used for larger trucks for a limited time in the evening. This alternative loading arrangement will not substantially impair implementation of the sector plan.

BUILDING DESIGN

B 1. Height, Scale, Massing and Size:

Height

Maximum height in general is three stories (P201, Sector Plan)

Comment: The sector plan is clear that the community vision for this Main Street area is for low-rise mixed-use buildings. Specifically, the building heights map on page 201 of the sector plan indicates that the maximum height, in general, for Subareas 4d and 5a is three stories. However, the sector plan, in its economic development strategy section, reiterates that the redevelopment of this corridor is driven by the market. The sector plan's land use and zoning strategies are aimed at establishing a flexible policy and regulatory framework to facilitate market-based decisions by the private sector. The sector plan also allows additional stories upon demonstration by the applicant that market and design considerations justify additional height and additional stories.

The site plan consists of a T-shaped building with a vertical mixed-use section along Baltimore Avenue and a tail section of residential use fronting Autoville Drive. Between the two is the structure parking. The proposed vertical mixed-use section is a five story building and the residential section is a four story building. The Urban Design Section recommends reducing the residential section that fronts on Autoville Drive to three stories based on bulk compatibility and in response to the land use vision for the subarea. The proposed vertical mixed-use section is a five-story building, which is two stories higher than the maximum allowable for this area. The applicant is requesting an amendment to allow the vertical mixed use building and the parking garage to be built at five stories.

The applicant has submitted a market study that justifies the proposed number of multifamily dwelling units pursuant to the requirements of the amendment process outlined in the Sector Plan (Page 201). The Research Section's preliminary review

indicates that there is sufficient market demand for the rental units in this area. In terms of design considerations, since the project across the street is a five story mixed-use building, it is desirable to keep the building at the same height to achieve an attractive streetscape. Staff believes that the proposed building at a five-story height provides more enclosure to the street that enhances the "Main Street" feeling in this section of Baltimore Avenue. Staff agrees with the applicant on this amendment.

B1. Height, Scale, Massing and Size
Massing

- I. All multifamily buildings should provide a balcony for each dwelling unit above the ground floor to articulate the building facade and to increase natural surveillance of the surrounding area.**

Comment: The applicant indicates that balconies have been proposed on most of the interior courtyard units and on some of the exterior facades facing Baltimore Avenue. Due to issues associated with noise from US 1 and articulation of the building facade, the applicant has not provided all units with balconies. Further, the development proposed by the applicant is not intended to be a garden-style apartment complex, which typically includes such balconies, but rather an urbane high-quality residential building which exhibits architectural innovation and uniqueness of design. The Urban Design staff agrees with the applicant's proposal and supports the design of the façade that is oriented toward Baltimore Avenue. The staff believes that the combination of balconies and various fenestration patterns, along with accented roof treatment and finishing materials as proposed by the applicant, provide a more attractive façade than would result from providing balconies for every unit.

B1. Height, Scale, Massing and Size
Bedroom Percentage

- N. Bedroom percentage for multifamily dwellings may be modified from section 27-419 of the Zoning Ordinance, if new development or redevelopment for student housing is proposed and the density is not increased above that permitted in the underlying zone.**

Comment: Refer to Finding 2 above for more details on bedroom percentages. Section 27-419 allows up to 40 percent two-bedroom units, 10 percent three-bedroom units and no limit for one-bedroom units. The application provides 48 percent one-bedroom units and 42 percent two-bedroom units. This mix does not fulfill the requirement of Section 27-419. According to the applicant, this two percent increase in two-bedroom units is a direct response to the most recent market information. This alternate development district standard will benefit the development and the development district and will not substantially impair implementation of the sector plan.

- b. The applicant does not request an amendment to the following standard. However, staff believes that the standard warrants discussion:

PUBLIC AREAS:
P1. Road Network

A. Development should, where possible, provide for on-street parking.

Comment: Baltimore Avenue (US 1) is an undivided five-lane section highway. The annual average daily trips passing through this section of US 1 is 32,500 vehicle trips per day. The application proposes no on-street parking. All parking provided will be within the underground parking garage for the multifamily section and inside the subdivision of the townhouse section. The Urban Design Section believes that the proposed off-street parking is better than on-street parking for this site, because traffic volumes on US 1 as currently designed will not permit safe on-street parking. The site plan shows parking on Cherokee Street, which is appropriate. A condition of approval has been proposed to require the applicant to revise the justification statement to include no on-street parking on Baltimore Avenue (US 1).

9. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the Development District Overlay Zone for rezoning part of the property from the R-55 Zone to the M-U-I Zone, and the requirements of the M-U-I Zone of the Zoning Ordinance, as follows:

- a. This DSP application includes a request to change the underlying zone for a section of the property from R-55 to M-U-I, in accordance with Section 27-548.26(b) in the Development District Overlay Zone section of the Zoning Ordinance. The area of the property zoned R-55 is approximately 1.29 acres in size and lies behind the M-U-I-zoned portion of the development that fronts onto Autoville Drive. The owner of the property may request changes to the underlying zone in conjunction with the review of a detailed site plan. Pursuant to Section 27-548.26 (b)(3), the Planning Board is required to hold a public hearing on the application and make a recommendation to the District Council. Only the District Council may approve a request to change the underlying zone of a property. The applicant is also required to meet requirements of Section 27-546.16 of the Zoning Ordinance for the Mixed-Use Infill Zone (M-U-I).

Under Section 27-548.26(b)(5), the District Council is required to find that the proposed development conforms to the purposes and recommendations for the Development District as stated in the master plan, master plan amendment or sector plan, and meets applicable site plan requirements. The development generally conforms to the applicable site plan requirements. As mentioned in Finding 8 above, the applicant has applied for several amendments to the development district standards. The sector plan does not contain a purpose section, but identifies four primary goals under Sector Plan Summary (p.159) to be implemented through the development district standards:

First, to create an attractive and vibrant gateway corridor leading to The University of Maryland and the City of College Park.

Second, to promote quality development by transforming US 1 into a gateway boulevard, main street, and town center in a pedestrian and bicycle-friendly environment.

Third, to provide a diverse mix of land uses in compact and vertical mixed-use development forms in appropriate locations along the corridor.

Fourth, to encourage multifamily development to reduce the use of the automobile and also to expand the opportunity for living, working and studying within the corridor.”

The Area and Subarea Recommendations (page 36) of the sector plan, land use and urban design recommendations are provided that establish the preferred mix, type and form of development desired in the six areas and their subareas. For Subareas 4d and 5a (page 161), the sector plan envisioned the following:

The vision for Subarea 4d is for development including a mix of retail, office, and residential uses in low-rise buildings. No encroachment of commercial uses is permitted into the Autoville Drive South neighborhood. Primary access to properties will be from US 1. Adequate buffers should be provided and building heights should be stepped down to be compatible with the adjacent existing residential neighborhood.

The vision for Subarea 5a is for infill housing compatible with the existing single-family detached neighborhood. There is no connection of Autoville Drive South with Autoville Drive North. Adequate buffers should be provided between commercial properties and residential uses. There shall be no expansion of commercial uses into the established single-family residential area of this subarea.

The proposed development is a mixed-use project that consists of 220 multifamily dwelling units and approximately 25,000 square feet of commercial /retail uses. The entire site is occupied by a T-shaped building with its commercial element along Baltimore Avenue within the existing commercial zone and only its residential component in the existing R-55-zoned portion that fronts on Autoville Drive South. The proposed building height is five stories, which is higher than the maximum allowed three stories for the subareas. The applicant has requested an amendment to this DDOZ standard (See above Finding 8). Adequate buffers have been provided where the proposed development is adjacent to the existing single-family detached houses in the R-55 Zone. However, the proposed development is not consistent with the above visions regarding bulk of the building. The vision for Subarea 4d calls for a step-down design in building height in

order to be compatible to the existing houses. The Urban Design section recommends a one-story reduction for the residential component to achieve this vision. See above Finding 7 for a detailed discussion.

The Community Planning Division in a memorandum dated May 21, 2007 (Williams to Zhang), recommended approval of the rezoning request citing that the application is consistent with the sector plan's land use recommendations for Subareas 4 and 5 and meets goals of the sector plan by presenting an attractive and vibrant mixed-use development along the US 1 Corridor, incorporating both retail and multifamily uses along a transit corridor, resulting in a diverse mix of vertical land uses that can take advantage of existing transit options to reduce the use of the automobile.

The community planner further explains why this portion of the site was retained in the R-55 Zone at the time of the sector plan and why rezoning is appropriate as follows:

A portion of the subject property was not rezoned to the M-U-I Zone at the time of approval of the sector plan due to the lack of redevelopment proposals at the time. The portion of the subject property with frontage upon US 1, which was classified in the M-U-I Zone at the time of plan approval to meet the plan's second goal, is narrow (approximately 200 feet in width with no alley access or internal street), limiting the redevelopment potential of the portion zoned M-U-I. However, the Detailed Site Plan submitted by the applicant includes the entirety of the site, providing sufficient land assembly to support a viable development proposal. The request to rezone the R-55 portion of the property to the M-U-I Zone is appropriate given the intended vision for the character of development along the US 1 Corridor, the plan's recommendations concerning future rezoning when land assembly has occurred, and the regulations of the M-U-I and Development District Overlay Zones.

Under Section 27-546.16(b)(2) of the Zoning Ordinance, the owner is required to meet all requirements in the Section and show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties. In addition, pursuant to Section 27-546.16(c), the M-U-I Zone may be approved only on property which adjoins existing developed properties for 20 percent or more of its boundaries, adjoins property in the M-U-I Zone, or is recommended for mixed-use infill development in an approved master plan, sector plan, or other applicable plan. Adjoining development may be residential, commercial, industrial, or institutional but must have a density of at least 3.5 units per acre for residential or a floor area ratio of at least 0.15 for nonresidential development."

The applicant has provided a justification statement that outlines how the proposed development plan meets the above requirements. In general, the goals and recommendations of the sector plan have been met by providing a compact and vertically mixed-use development consisting of 220 mid-rise, market rate, rental apartments and 25,000 square feet of retail/commercial space. The proposed mixed-use building will

create a strong presence on Baltimore Avenue with the provision of ground-level retail with residential above. The buildings will be sited close to the streets, with attractive streetscapes consisting of special paving and lighting, street furniture, bicycle racks and an abundance of public and private landscaping. As the building transitions back into the existing lower residential section, the architecture of the building has been designed to incorporate more residential-scaled details such as dormers, reverse gables, decorative window and door treatment, and stepped balconies, and has utilized building materials that are compatible with the existing surrounding residential neighborhoods. The three-story residential component in the R-55-zoned section of the site recommended by the Urban Design staff will serve as a step-down transition in building height in order to be compatible with the adjacent existing residential neighborhood consisting of single-family detached homes.

The parking will be provided in a five-level parking structure, accessed from Baltimore Avenue and Cherokee Street. The structure will be wrapped by the building on several sides, partially-screening it from the public views of Baltimore Avenue and Autoville Drive South. The structure will provide direct vehicular access to each level of the building for easy access to individual units. Only 10 surface parking spaces will be provided along the driveway connecting the parking garage to Cherokee Street (west).

The applicant has proffered to provide a private shuttle that will go to the Greenbelt Metro Station on a regular basis to help reduce the use of the automobile. The applicant has also proffered to provide a bus stop along US 1 in front of the site.

Adequate landscape buffers that are in conformance with the requirements of the *Landscape Manual* (subject to several conditions as discussed in Finding 11 below) have been provided between the development and the existing neighborhoods. Adequate buffers have been provided where the proposed development is adjacent to the existing single-family detached houses.

In conclusion, staff supports the rezoning of the property from the R-55 Zone to the M-U-I Zone because the property adjoins existing developed properties for 20 percent or more of its boundaries, adjoins property in the M-U-I Zone, is recommended for mixed-use infill development in the approved College Park US 1 Corridor Sector Plan, and adjoining development consists of residential and commercial and has a density of at least 3.5 units per acre for residential and a floor area ratio of at least 0.15 for nonresidential development. The staff further finds that the proposed development conforms to the purposes and recommendations for the development district, as stated in the sector plan, and meets applicable site plan requirements.

- b. The general purpose of the M-U-I Zone is to permit, where recommended in applicable plans (in this case the *2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*), a mix of residential and commercial uses as infill development in areas that are already substantially developed.

Section 27-546.19. Site Plans for Mixed Uses requires that:

(c) **A detailed site plan may not be approved unless the owner shows:**

1. **The site plan meets all approval requirements in Part 3, Division 9;**
2. **All proposed uses meet applicable development standards approved with the Master Plan, Sector Plan, Transit District Development Plan, or other applicable plan;**

Comment: The site plan meets all site design guidelines and development district standards of the 2002 *Approved College Park US 1 Corridor Sector Plan* and the standards of the Development District Overlay Zone (DDOZ) except for those discussed in Finding 8 above.

3. **Proposed uses on the property will be compatible with one another;**
4. **Proposed uses will be compatible with existing or approved future development on adjacent properties and an applicable Transit or Development District; and**

Comment: The application proposed a mixture of multifamily residential and commercial/retail in a vertical mixed-use format in a five-story building fronting Baltimore Avenue with a parking structure in the middle and a residential component that fronts Autoville Drive South. The proposed parking for the development will be primarily in the parking garage located in the building along with the commercial/ retail. The proposed uses on the subject property will be compatible with each other and will be compatible with existing or approved future development on adjacent properties in the Main Street area of the US 1 Corridor.

5. **Compatibility standards and practices set forth below will be followed, or the owner shows why they should not be applied:**

- (A) **Proposed buildings should be compatible in size, height, and massing to buildings on adjacent properties;**

Comment: In order to achieve this, the DSP specifically employs a residential component that has been recommended by staff as a "step down" in terms of building size, height and mass from the mixed-use component in order to be compatible with the existing single-family dwellings to the west, north and south of the subject site.

- (B) **Primary facades and entries should face adjacent streets or public walkways and be connected by on-site walkways, so pedestrians may avoid crossing parking lots; and**

Comment: The site plan shows primary facades along Baltimore Avenue and Autoville Drive South. Sidewalks will be provided along Baltimore Avenue, along the driveway to Cherokee Street and the entire Autoville Drive frontage, unless modified by the State Highway Administration or the City of College Park. The proposed parking for the development is mainly underground. Only 10 surface parking spaces are along the driveway on the side that is adjacent to the existing R-55 zoned property. Since a sidewalk has been provided on the other side of the driveway, there is no pedestrian crossing over a parking lot.

- (C) **Site design should minimize glare, light, and other visual intrusion into and impacts on yards, open areas, and building facades on adjacent properties;**

- (D) **Building materials and color should be similar to materials and color on adjacent properties and in the surrounding neighborhoods, or building design should incorporate scaling, architectural detailing, or similar techniques to enhance compatibility;**

Comment: The commercial /retail component of this project is located at the street level of the vertical mixed-use building that fronts on Baltimore Avenue. The rest of the stories of the building are for the proposed multifamily rental units. Behind the five-story building are the parking structure and another section of residential use that fronts on Autoville Drive South. The site plan minimizes glare, light and visual intrusion into the adjacent properties. The proposed building design and materials of the development will be an upgrade compared to the existing buildings in the vicinity.

- (E) **Outdoor storage areas and mechanical equipment should be located and screened to minimize visibility from adjacent properties and public streets;**

Comment: The application does not include outdoor storage. The mechanical equipment will be located within the building.

- (F) **Signs should conform to applicable Development District Standards or to those in Part 12, unless the owner shows that its proposed signage program meets goals and objectives in applicable plans; and**

Comment: A sign package consisting of various building mounted signs has been proposed for this DSP. The proposed signs are in general compliance with the applicable development district standards.

- (G) **The owner or operator should minimize adverse impacts on adjacent properties and the surrounding neighborhood by appropriate setting of:**
- (i) **Hours of operation or deliveries;**
 - (ii) **Location of activities with potential adverse impacts;**
 - (iii) **Location and use of trash receptacles;**
 - (iv) **Location of loading and delivery spaces;**
 - (v) **Light intensity and hours of illumination; and**
 - (vi) **Location and use of outdoor vending machines.**
(CB-10-2001; CB-42-2003)

Comment: According to the applicant, the hours of operation or deliveries for the stores fronting Baltimore Avenue will follow the normal schedule of the existing business establishments nearby. Since the vehicular access to the mixed-use section and access to the proposed loading and delivery spaces will be from Baltimore Avenue and Cherokee Street, the impact to the existing residential neighborhood has been minimized. Trash receptacles are to be located on the sidewalks along the driveway to Cherokee Street. No vending machines have been proposed. No freestanding luminaires have been proposed for the commercial/retail component. A decorative pole light and a bollard lighting fixture have been proposed to be installed along the sidewalk and driveway connecting Cherokee Street (west). The proposed lighting fixture is acceptable.

- c. The application also requires two departures from parking and loading standards because the applicant has provided parking spaces 9-feet-wide in the garage instead of the required standard 9 ½ feet in width and three loading spaces instead of the required four.

Section 27-548.25 (e) provides that if a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable development district standards. In the justification statement, the applicant notes that current parking space dimensions are for surface parking and do not factor in the issues unique to structure parking. The narrower parking space will enable the applicant to provide more spaces in a costly constructed parking garage. In fact, the Planning Board in its previous approvals including structured parking spaces found it acceptable to have a

narrower parking space in a parking garage. Staff believes that a 9-foot-wide space is acceptable.

The loading calculation included in Part 11 of the Zoning Ordinance is conceived for each individual use. This project proposes mixed uses that will operate in different time frames in terms of loading needs. Due to the design and manner of space utilization, wherein the residential and commercial uses can conveniently share the use of one loading space, three loading spaces will be adequate to serve this project.

The departures from parking and loading standards that reduce the width of parking spaces in the parking garage from the required 9 ½ feet to 9 feet; and reduce the required number of loading spaces from four to three are consistent with the intent of the sector plan. The departures are also in general conformance with the applicable DDOZ standards.

10. *Landscape Manual*: The 2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment and the standards of the Development District Overlay Zone (DDOZ) have modified the applicable sections of the *Landscape Manual*. In this case, the site plan is subject to residential planting requirements and buffering incompatible uses requirements of the *Landscape Manual*.
 - a. Development District Overlay Zone Standards, Site Design, S4, Buffers and screening, Design Standards G, requires that residential uses within the development district shall comply with the Residential Planting Requirements of the *Landscape Manual*. Section 4.1(g) of the *Landscape Manual* requires a minimum one shade tree per 1,600 square feet or fraction of green area provided for multifamily dwellings. A total of 34 shade trees is required for this site. The Landscape Plan provides 26 shade trees, 139 evergreen trees and 23 ornamental trees which are above and beyond what is required by the *Landscape Manual*.
 - b. Development District Overlay Zone Standards, Site Design, S4, Buffers and screening, Design Standards E, allows a 50 percent reduction of bufferyard requirements, in terms of the width of the bufferyard and the number of the planting units, in order to facilitate a compact form of development compatible with the urban character of the US 1 Corridor. The subject DSP has five boundary areas adjacent to the existing single-family detached houses that need to be buffered in accordance with the *Landscape Manual* because when the multifamily use is adjacent to one-family detached houses, a Type B bufferyard is required. A Type B bufferyard requires a minimum 30 foot building setback, a minimum 20 foot wide landscaped yard to be planted with 80 plant units per 100 linear feet of property line. According to Site Design, S4 Design Standard E, the minimum building setback can be reduced to 15 feet, the minimum width of the landscape yard can be reduced to 10 feet and plant unit number can be reduced to 40 units per 100 linear feet of the property line. The Landscape Plan shows that the narrowest building setback is 20 feet, and the narrowest width of the landscape yard is 10 feet and the number of plant units

is above and beyond what is required by the *Landscape Manual*. However, the Landscape Plan does not show each Section 4.7 bufferyard individually. A condition has been proposed in the recommendation section of this report to require the applicant to show graphically each Section 4.7 bufferyard and the corresponding schedule on the Landscape Plan prior to certification.

- c. The Landscape Plan shows an approximately 35-foot building setback from Autoville Drive in order to be consistent with the existing single-family detached houses. The Landscape Plan also shows a dense landscape yard within the 35-foot setback from Autoville Drive. Since the front entrances of the first level are oriented toward Autoville Drive, the dense landscape yard is out of character with the existing single-family detached houses which have open front yards facing Autoville Drive. Staff recommends that this landscape yard be redesigned to match the existing streetscape of Autoville Drive.
11. **The Woodland Conservation and Tree Preservation Ordinance:** This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodlands, and there is no previously approved Tree Conservation Plan. The Environmental Planning Section, Countywide Planning Division approved a standard letter of exemption from the Prince George's County Woodland Conservation Ordinance for this site on October 5, 2006.
 12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. The Community Planning Division in a memorandum dated May 21, 2007, indicated that the application is consistent with the 2002 General Plan Development Pattern policies for Corridors in the Developed Tier, and conforms to the land use recommendations of the *2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* for a mix of retail, office, and residential uses in mid-rise buildings. The community planner also noted that the applicant should submit an additional amendment request to modify the build-to-line along the frontage of Autoville Drive South. In addition, the applicant should clarify issues related to the development district standards regarding street tree planting areas, lot coverage, bicycle parking and utilities.

Comment: The applicant has submitted a supplemental statement of justification to request an amendment to Site Design, Design Standard C that requires a front build-to line between 10-20 feet from the ultimate right-of-way of Autoville Drive. The segment of building fronting Autoville Drive is located approximately 35 feet from the right-of-way in order to be consistent with the existing single-family detached houses. See above Finding 8 for a detailed discussion on the amendment to design standards. The applicant also has provided justification to clarify the issues identified by the community planner.
 - b. The Transportation Planning Section in a memorandum dated August 16, 2007, provided a summary of the possible traffic impacts that this DSP will have on the US 1 Corridor.

The Transportation Planner concludes that the level-of-service standard required by the Development District Overlay Zone of the US 1 Sector Plan will be achieved. The Transportation Planning Section recommends approval of this DSP with two conditions that have been incorporated into the recommendation section of this report.

In a separate memorandum from the Transportation Planning Section dated July 6, 2007, on detailed site plan review for master plan trail compliance, the trails planner provided a comprehensive review of the trail-related development district overlay zone standards that are applicable to this DSP. The trails planner recommends five conditions of approval that have been incorporated into the recommendation section of this report.

- c. In a memorandum dated May 24, 2007, the Subdivision Section indicated that because the site is developed with more than 5,000 square feet of gross floor area, which constitutes at least 10 percent of the total area of the site, built pursuant to a building permit issued on or before December 31, 1991, the subject site is thus exempt from subdivision requirements in accordance with Section 24-107 (c) (7)(D).
- d. In a memorandum dated August 17, 2007, the Environmental Planning Section recommended approval of Detailed Site Plan DSP-06095 with no conditions.
- e. In a memorandum dated May 17, 2007, the Permit Section provided 18 comments and questions regarding compliance with the sector plan and development district standards, signage, building setback, parking, loading, building height, etc. Most of the questions have been answered. Two outstanding items have been incorporated into conditions of approval in the recommendation section of this report
- f. In a memorandum dated July 17, 2007, the Department of Public Works and Transportation (DPW&T) noted that Baltimore Avenue is under the jurisdiction of the Maryland State Highway Administration and the City of College Park. However, DPW&T does not make any comments on the stormwater management of this site.
- g. In a memorandum dated May 3, 2007, the Department of Parks and Recreation recommended that on-site recreational facilities be provided.

Comment: The applicant has provided a recreational facility package that exceeds the minimum required value of on-site recreational facilities for this site in accordance with the current formula. See above Finding 7 for details.

- h. At the time this staff report was written, staff had not received the final referral comments from the Research Section. Their final comment from the Research Section will be presented at the time of the public hearing for this DSP.
- i. The City Council of the City of College approved this detailed site plan on August 14, 2007, with 14 conditions. Half of the conditions in the City Council's resolution are

consistent with the recommendations of the Urban Design Section. Conditions 6, 7, 8, 11, 12, 13, and part of Condition 5 have been incorporated into the recommendation of this report.

- j. In a memorandum dated August 8, 2007, the Maryland State Highway Administration (SHA) provided a complete review history of this case. SHA has approved the signalization of the intersection of Cherokee Street east and Baltimore Avenue and has agreed with the proposed pull-off lane that will be used both as a loading area for large tractor trailer and as a bus stop. SHA also requests the applicant continue to pursue the acquisition of the necessary right-of-way to ultimately align the east Cherokee Street with the west Cherokee Street. Since the additional property that SHA recommends to acquire is outside the limit of this DSP, staff has not proposed any conditions to require the applicant to do so.
 - k. At the time this staff report was written, neither the City of Berwyn Heights nor the City of Greenbelt had yet responded to the referral request.
13. As required by Section 27-285 (b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-06095, subject to the following conditions:

- A. Staff recommends that the Planning Board recommend to the District Council approval of the request to rezone approximately 1.29 acres in the R-55 (One-family Detached Residential) Zone to the M-U-I 9 (Mixed-use Infill) Zone.
- B. Staff recommends APPROVAL of the alternative development district standards for:
 - 1. P2. Sidewalks, Bikeways, Trails and Crosswalks, A. (to allow no sidewalk to be provided along the site's frontage on Autoville Drive).
 - 2. S3. Building Siting and Setbacks, C. (to allow approximately 35-foot setback from the R-O-W of Autoville Drive and approximately 22-foot setback from the R-O-W of Baltimore Avenue, as determined by the final SHA R-O-W, that exceed the front build-to-line of 10-20 feet behind the R-O-W line)
 - 3. S4. Buffers and Screening, A. (to allow a lay-by lane to serve as a loading area for larger trucks for a limited time in the evening along Baltimore Avenue. This lay-by lane may also serve as a bus pull-off area).

4. B 1. Height, Scale, Massing and Size, Height. (to allow the height of the multifamily residential building along Baltimore Avenue and its accessory parking garages to be two stories higher than the maximum height limit of three stories as shown on the Detailed Site Plan).
 5. B 1. Height, Scale, Massing and Size, Massing I. (to allow the applicant not to provide balconies for every unit for the multifamily section, and instead to allow the applicant to use a combination of balconies and other façade elements to articulate the façade and to increase natural surveillance of the surrounding area).
 6. B 1. Height, Scale, Massing and Size, Bedroom Percentages N. (to allow the bedroom percentage of two-bedroom units to exceed the maximum allowed 40 percent by two percent.)
 7. S2. Parking Areas, W. (to allow an additional 18 percent parking reduction due to provision of private shuttle bus as one of the incentives to encourage use of alternative modes of transportation other than single-occupancy vehicles).
- C. Staff recommends APPROVAL of the departures from parking and loading standards to reduce the width of parking spaces in the parking garage from the required 9 ½ feet to 9 feet; and to reduce the required number of loading spaces from four to three.
- D. Staff recommends APPROVAL of DSP-06095, for Jefferson at College Park, subject to the following conditions:
1. Prior to certificate approval of this detailed site plan, the applicant shall:
 - a. Provide additional architectural details and fenestration to break up the monotony of the elevations facing the interior courtyard where the proposed swimming pool is located to be reviewed and approved by the Urban Design Section.
 - b. Provide a green screen and other treatments that are visually appealing on all exposed elevations of the parking garage that are not covered by other attached buildings in order that there shall be no exposed unfinished concrete facades.
 - c. Indicate the building height and actual building setbacks on the site plan.
 - d. Provide information regarding the percentage of brick on exterior elevations of the building and lot coverage.
 - e. Revise the Landscape Plan to show graphically each Section 4.7 bufferyard and its corresponding landscape schedule.

- f. Add a site plan note as follows:
"A minimum of three retail uses as listed on Section 27-461(b) under category E, General Retail, shall be included in the commercial/retail component of this development."
 - g. Revise the justification statement to include a request to amend Public Area, P1 Road Network, Design Standard A.
 - h. Revise the sign schedule to be consistent with DDOZ Standard B.5 Signs N.
 - i. Provide evidence that the subject DSP is consistent with the approved stormwater management concept plan for this site.
 - j. Revise the landscape and lighting plan as follows:
 - (1) Locate the tables and chairs shown in Detail 3 on Sheet L-3, Hardscape Details on the Landscape Plan.
 - (2) Substitute Korean Pines for the Deodar Cedars; Serbian Spruce or Oriental Spruce for the Norway Spruce; and Maples for Ash.
 - (3) Eliminate the sod and expand the planting areas to the extent possible.
 - (4) Provide an on-site irrigation system for planting areas including the Greenscreen and the Courtyard areas.
 - k. Provide a sign plan including lighting, colors, lettering style, size, height, quantity and location for review and approval by the Urban Design Section as the designee of the Planning Board and the City of College Park.
 - l. Provide a material board.
 - m. Provide a clear demarcation of sidewalk across all driveway entrances and intersections along the site frontage to give priority to pedestrians.
 - n. Provide access to the site located at 9104 Baltimore Avenue from the access road that links Cherokee Street and Baltimore Avenue.
 - o. Provide a site plan note indicating that this project will be developed in accordance with the proposed green building techniques as included in "A Green Strategy for JPI College Park West".
2. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following sidewalk improvements:
- a. The wide sidewalk along US 1 as indicated on the updated rendering of Sheet L-1 of the DSP dated September 4, 2007, unless modified by the State Highway Administration.

- b. Four bicycle racks as indicated on the site plan.
 - c. Striped crosswalks at all access points crossing sidewalks, including the provision of a crosswalk per SHA standards across US 1 at its intersection with Cherokee Street and the Site Access Road. Crosswalks shall be striped in accordance with the guidelines for secondary intersections included in DDOZ Design Standard E of the Public Areas.
 - d. All sidewalks shall include ADA accessible ramps and curb cuts at all road intersections.
3. The total development within the subject property shall be limited to no more than 220 multifamily residential units and 25,000 square feet of commercial retail, or different allowed uses generating no more than 184 AM (66 in, 118 out) and 432 PM (236 in, 196 out) peak-hour vehicle trips, respectively.
4. Prior to the issuance of any building permit, the following improvements shall (a) have full financial assurances, (b) have been permitted for construction and (c) have been agreed-upon timetable for construction with the appropriate agency:
 - a. Provision of a new access roadway opposite of existing Cherokee Street (east leg) that shall be [dedicated to public use and is] open to all traffic at all times, and extends to Cherokee Street (west leg). This roadway shall provide for two outbound lanes and only one inbound lane to accommodate only the left-turn from US1 northbound and thru traffic from the east leg of Cherokee Street. This roadway shall include sidewalk that extends from US1 to Cherokee Street (west leg). The applicant is responsible for the signalization and any other modifications deemed needed by SHA and the city which would transform this intersection into a safe and pedestrian friendly intersection, including provision of visible crosswalks at all approaches.
 - b. Provision of barrier-separated loading area per SHA and/or WMATA standards to also allow the opportunity to be used as a bus pull-off area early morning to late afternoon hours. The applicant shall continue to work with the City, SHA, DPW&T, and WMATA in an effort to determine appropriate hours to restrict loading in this area in order to allow safe and efficient bus access and maintain retail viability. If the bus pull-off area is acceptable to WMATA and SHA, the applicant shall also be responsible for relocating the nearby bus stop to this location and installing a bus shelter, deemed appropriate by the city, as well as any other needed transit and pedestrian-friendly street furniture.
5. Prior to the issuance of any building permits, the two road segments on the applicant's property in front of the subject site, starting from Cherokee Street west and ending at

Baltimore Avenue shall be placed in a public use easement for existing development. Additionally, the applicant shall obtain a public use easement from the adjoining owners, Tax Account I.D. No. 2410058, to allow for full public access to the signal at US 1 (Baltimore Avenue) and Cherokee Street.

6. Prior to issuance of any building permit the applicant shall file a bond or other suitable financial guarantee DPW&T and/or an agreement with the City of College Park to operate a private bus service or contribute to an existing service which will connect the subject property to the nearest Metrorail station. The service shall be offered to all with service headway of 15 minutes during weekday AM and PM peak periods, and vehicles have a minimum capacity of 20 persons.
7. Prior to issuance of any use and occupancy permits for residential units, the applicant shall make provisions for the placement of existing utility lines and the poles along the Route 1 frontage underground. It is anticipated that the applicant will seek a Revitalization Tax Credit to offset the cost of this condition. The applicant, the Planning Board, the County Council, and the City of College Park will develop a plan so that all tax credits received will be utilized to initiate a comprehensive utility relocation on Route 1 north of Route 193. (Public Areas Standard P6.A.)

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Cavitt, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, September 13, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of September 2007.

R. Bruce Crawford
Executive Director



By Frances J. Guertin
Planning Board Administrator

RBC:FJG:HZ:BJS

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPAC Legal Department

Date 9/24/07



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CLERK
DEPARTMENT

ATTACHMENT 3

City Hall

4500 Knox Road
College Park, MD 20740-3390

City Manager

Telephone: 301-864-8667
Facsimile: 301-699-8029

City Clerk

Telephone: 301-864-8666
Facsimile: 301-699-8029

Finance

Telephone: 301-277-4286
Facsimile: 301-864-8941

Parking Enforcement

Telephone: 301-864-5585
Facsimile: 301-699-8029

Human Resources

Telephone: 301-799-4945
Facsimile: 301-277-4188

Planning

Telephone: 301-277-3445
Facsimile: 301-887-0558

Youth & Family Services

4912 Nantucket Road
College Park, MD 20740-1458

Community Resources

Telephone: 301-474-1210
Facsimile: 301-474-0717

Public Services

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

Code Enforcement Division

Telephone: 301-864-8877
Facsimile: 301-864-7965

Davis Hall

9217 51st Avenue
College Park, MD 20740-1947

Public Works

Telephone: 301-474-4194
Facsimile: 301-474-0825

Office of the City Clerk
301-864-8666

November 5, 2007

Trent Smith
JPI
8300 Greensboro Drive
Suite 600
McLean, VA 22102

Dear Mr. Smith,

Enclosed for your records is a fully executed copy of the "Declaration Of Covenants and Agreement Regarding Land Use" between the City of College Park and JPI Development Services, L.P.

If you need anything further, please do not hesitate to contact this office.

Sincerely Yours,

Janeen S. Miller
City Clerk

Enclosure

cc: Terry Schum

DECLARATION OF COVENANTS AND AGREEMENT
REGARDING LAND USE

THIS DECLARATION OF COVENANTS, is made this 12th day of September, 2007 by and between JPI DEVELOPMENT SERVICES, L.P. ("JPI"), and the CITY OF COLLEGE PARK, MARYLAND (the "City") a municipal corporation of the State of Maryland.

WHEREAS, JPI is the contract purchaser of certain property located in College Park, Maryland located on Route 1 and having a street address of 9122-9128 BALTIMORE AVE. (the "Property"); and

WHEREAS, JPI has asked the City to recommend approval of Detailed Site Plan No. 06095 to the Prince George's County Planning Board ("Planning Board") and the District Council for Prince George's County, Maryland; and

WHEREAS, the City has agreed to make said recommendations conditioned upon certain conditions, which shall be executed by JPI in the form of a separate agreement, and these covenants running with the land, as set forth below, which agreement and covenants may be enforced by the City

NOW, THEREFORE, in consideration of the aforesaid recommendations by the City, JPI hereby declares and agrees on behalf of itself its successors and assigns that the Property shall be held, transferred, sold, leased, rented, hypothecated, encumbered, conveyed or otherwise occupied subject to the following covenants, conditions, restrictions, limitations and obligations which shall run with and bind the Property or any part thereof and shall inure to the benefit and be enforceable by the City, its successors and assigns as follows:

1. The recitals set forth above as well as the foregoing “NOW, THEREFORE,” are incorporated herein as operative provisions of the Covenants.

(a) JPI will not sell any of the multi-family apartment units separately from the remaining multi-family apartment units, except as set out in Section 1(c). Any multi-family apartment units that are leased shall be rented to applicants who do not require a co-signer to qualify financially for a lease.

(b) When all or a portion of the Property not part of a condominium regime is operated as a rental facility, in order to insure high quality unitary management, said units shall be managed by JPI or its affiliates, or in the alternative, by a professional management agent with a strong reputation in property management and 10 years experience managing multifamily rental properties in the D.C. metropolitan area. Any decision to discontinue such required professional property management shall require the prior written consent of the City of College Park

(c) JPI agrees that no more than one master residential condominium regime may be established on the Property. Any such regime shall be included in and governed by a master condominium document. In the event JPI determines to establish a condominium regime under which apartments units may be individually sold, JPI, to the reasonable satisfaction of the City, will include provisions in the applicable condominium documents not subject to amendment except as set out herein, as follows:

i. To insure high quality management of the common areas, require unitary management for each such regime by a professional condominium management agent not owned or operated by any unit owner (except JPI or its affiliates or other similar exercised multifamily owner/operators) that has a strong reputation in the

property management industry and at least ten (10) years of experience managing multifamily projects in the Washington, D.C. metropolitan region. Any decision by the Board of Directors of a condominium to discontinue professional property management would require the prior written consent of the City of College Park;

ii. A provision prescribing that the condominium association provide a sample lease to unit owners for units which may be individually leased, which lease shall include a notice to proposed tenants of applicability of City ordinances relating to tenant rights and obligations and requiring unitary high quality maintenance and management with enforcement rights granted to the City and the condominium association to monitor and enforce tenant compliance with lease and other tenant obligations as set out herein and the City noise, nuisance and parking ordinances.

iii. The condominium documents shall provide that, except in cases of actual hardship, no more than twenty-five percent (25%) of the units within the condominium may be leased at any time, unless otherwise approved by the City. Any owner wishing to lease a unit must notify the Board of Directors of its intention to lease. Except in the event of actual hardship, the Board of Directors shall deny the right of a unit owner to lease a unit if such lease would result in more than twenty-five percent (25%) of the units within the Condominium being leased. Hardship is defined as need based on military service, loss of employment, involuntary relocation, death, disability, or other such circumstances. In the event an exception to the 25% rental limit is granted due to hardship, any lease so granted shall not exceed twelve months in duration unless approved by the City. In no event shall the total rental percentage, including

hardship exception rentals, exceed 30% of the units within the Condominium. Any unit owner seeking to lease a unit must comply with all applicable laws, including obtaining any required rental licenses. At the request of the Board of Directors or the City of College Park, each occupant of a unit may be required, not more than once in any twenty-four (24) month period (or more often if reasonably necessary), to complete an affidavit certifying the status of the unit occupancy (i.e., whether the occupant is a unit owner, member of the unit owner's family, guest or invitee, or a lessee). The affidavit shall be in a form subject to the reasonable approval by the City of College Park and may require that each occupant provide reasonable verification of the information contained in the affidavit. The minimum lease term for all leases within the for-sale condominium shall be twelve (12) months, and any rental of units will be subject to the prior review and approval of the Board of Directors. In this manner, the Board of Directors would be able to monitor the extent of leasing activity. No changes or modifications to these leasing restrictions will be permitted without the prior written consent of the City of College Park. The City of College Park would also be afforded the right, but not the obligation, to enforce these leasing restrictions against the individual unit owners, and would have the right, but not the obligation, to enforce other material use restrictions and rules against individual unit owners.

iv No transient tenants may be accommodated in any Unit, nor shall any Unit be utilized for short-term hotel purposes. No portion of a Unit (other than the entire Unit) may be rented. All agreements of the lease of a Unit shall provide that the

terms of the lease shall be subject in all respects to the provisions of the Maryland Condominium Act, the Condominium Declaration and Bylaws and that any failure of the lessee to comply with the terms of such provisions shall be a default under the lease, which default may be remedied by the Unit Owner in accordance with the lease and by the Condominium Association, in accordance with the Act. All leases must be in writing.

v. No Condominium Unit Owner or occupant shall make or permit to be made any disturbing noise in the Common Elements or in the Units by himself, his family, guests, tenants, employees, servants or invitees, nor permit anything to be done by any such persons as would materially interfere with the rights, comfort or convenience of other Unit Owners or occupants. No Unit Owner or occupant of any Unit shall carry on, or permit to be carried on, any practice in his Unit or on the Property which unreasonably interferes with the quiet enjoyment and proper use of another Unit or the Common Elements by the Unit Owner or occupant of any other Unit, or which creates or results in a material hazard or nuisance on the Condominium.

vi. Unit Owners and occupants must deposit all rubbish or litter in the designated areas and receptacles provided for such purpose.

viii. Unless specific portions of the General Common Elements are designated by the Board of Directors for such purpose, no portion of the General Common Elements shall be used for the storage or placement of furniture or any other article, including, but not limited to, plants, boxes, shopping carts, bicycles, shoes or other articles of clothing and the like.

viii. The Unit Owners and occupants shall not cause or permit the blowing of any horn from any vehicle in which his guests, family, tenants, invitees or employees shall be occupants, approaching or upon any of the driveways or parking areas serving the Condominium, except as may be necessary for the safe operation thereof.

ix. The owners and occupants of the Units shall in general not act or fail to act in any manner that unreasonably interferes with the rights, comfort and convenience of other Unit Owners and occupants.

x. No Unit Owner or any of his agents, servants, employees, licensees, or visitors shall at any time bring into or keep in his Unit any flammable, combustible or explosive fluid, material, chemical or substance, except for normal household use.

xi. Subject to the provisions in the Condominium Declaration and in the Bylaws, household birds and fish, house dogs or domesticated house cats are allowed, provided that the same shall not disturb or annoy other Unit Owners or occupants. Breeds of dogs that are prone to barking or howling are not allowed. Any inconvenience, damage or unpleasantness caused by such pets shall be the sole responsibility of the respective owners thereof. All such pets shall be kept under the direct control of their owners at all times and shall not be allowed to run free or unleashed or to otherwise interfere with the rights, comfort and convenience of any of the Unit Owners or occupants. All pets shall be attended at all times and shall be registered, licensed and inoculated as may from time to time be required by law, and must be registered with the condominium managing agent. Pets shall

be walked on the condominium property only where indicated and must be cleaned up after.

xii. Units shall be occupied by no more persons than the maximum permitted by law for the Unit.

xiii. No rugs shall be beaten on Common Elements or the patios, decks, balconies or porches of any Unit, nor dust, rubbish or litter swept from the Unit or any other room or the patios, decks, balconies or porches thereof onto any of the Common Elements.

xiv. No immoral, improper, offensive, or unlawful use shall be made of the Condominium or any part thereof, and all valid laws, zoning ordinances and regulations of all governmental agencies having jurisdiction thereof shall be observed. All laws, orders, rules, regulations, or requirements of any governmental agency having jurisdiction thereof, relating to the maintenance and repair of any portion of the Condominium, shall be complied with, by and at the sole expense of the Unit Owner or the Board of Directors, whichever shall have the obligation to maintain or repair such portion of the Condominium. No Unit Owner shall permit his Unit to be used or occupied for any prohibited purpose.

xv. No one shall interfere in any manner with the lighting in or about the buildings and Common Elements.

xvi. Unit Owners and occupants, their employees, servants, agents, visitors, licensees and their families will obey the parking regulations posted at the parking areas, and any other traffic regulations promulgated in the future for the safety, comfort and convenience of the Unit Owners and occupants.

xvii. Except as herein elsewhere provided, no junk vehicle or unlicensed or inoperable motor vehicle (which shall include, without limitation, any vehicle which would not pass applicable state inspection criteria), shall be kept upon any portion of the Condominium or upon the public or private streets adjacent to the Condominium (except for bona fide emergencies), nor shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon.

xviii. Streets and other exterior surface parking areas within the Condominium shall be used by Unit Owners, occupants and guests for fully operable, inspected and registered four-wheel passenger vehicles, two wheel motorized bicycles and standard bicycles only. No recreational vehicles, vans (other than non-commercial passenger vans), mobile homes, trailers, boats, trucks (unless licensed as a passenger vehicle and less than three-quarter ton capacity) or commercial vehicles (whether or not registered as a commercial vehicle with the Maryland Department of Motor Vehicles) shall be permitted to be parked on the Property, except on a day-to-day temporary basis in connection with repairs, maintenance or construction work on the Unit.

xix. Outdoor cooking or barbequing is prohibited on any patios, decks, balconies or porches.

xx. Each Unit Owner shall maintain his Unit in a safe, clean and sanitary manner and condition, in good order and repair and in accordance with all applicable restrictions, conditions, ordinances, codes and any rules or regulations which may be applicable hereunder or under law.

xxi. Portions of a Unit visible from the exterior of the Unit and the Limited Common Elements must be kept in an orderly condition so as not to detract from the neat appearance of the Condominium community. In this regard, no motorcycles or other motorized vehicles may be parked on the patios, decks, balconies or porches. No clotheslines and no outdoor clothes drying or hanging shall be permitted anywhere in the Condominium, nor shall anything be hung, painted or displayed on the outside of the windows (or inside, if visible from the outside) or placed on the outside walls or outside surfaces of doors of any of the Units, and no awnings, canopies or shutters (except for those heretofore or hereinafter installed by Declarant) shall be affixed or placed upon the exterior of a Units, or any part thereof, nor relocated or extended, without the prior written consent of the Board of Directors. Window air conditioners are prohibited. The Board of Directors, in its sole discretion, may determine whether the portions of a Unit visible from the exterior of the Unit and the Limited Common Elements are orderly. If an Owner shall fail to keep the portions of the Owner's Unit or the Limited Common Elements (if any) appurtenant thereto, that are visible from the exterior of such Unit or Limited Common Elements orderly, the Board of Directors may have any objectionable items removed from the portions of the Unit that are visible from the exterior of the Unit or the Limited Common Elements so as to restore their orderly appearance, without liability therefor, and charge the Unit Owner for any costs incurred in connection with such removal.

xxii. With the exception of lawn care equipment used by the Condominium Association, its employees or contractors, motorized vehicles may only be used or

maintained on the roadways within or adjacent to the Condominium and no unlicensed vehicles are allowed within the Condominium. Motorized vehicles including, but not limited to, mini-bikes, snowmobiles and motorcycles, may not be driven on the Common Elements by any Unit Owner, occupant or guest.

xxiii. Each Unit Owner shall maintain his Unit in a manner satisfactory to the Association and in accordance with the Declaration and rules and regulations of the Association. In the event that a Unit is not so maintained, the Association shall have the right to enter the Unit to maintain the same, after giving the Unit Owner at least fifteen (15) days written notice to cure any maintenance problems or deficiencies. In the event that the Association exercises its right of entry for maintenance purposes, the Association shall have the right to assess the particular Unit Owner for the cost of such maintenance. The Association, by its Board of Directors, shall have the right to establish Rules governing the maintenance of any Unit.

2. JPI agrees to construct an access road, running north from Cherokee Street on the west side of Route 1 through a portion of the Property, and then running east to intersect with Route 1. A diagram of the proposed access road is attached as Exhibit A. JPI agrees that said access road and appurtenances will be constructed to Prince George's County Department of Public Works and Transportation Urban Primary Residential Road Standard 100.06, subject to the requirements of any detailed site plan for the Property. JPI agrees that it will install a traffic light, if authorized, at the intersection of Route 1 and the access road. The parties recognize that a portion of the access road, as shown on Exhibit A, will be accessible by reason of a grant of easement from Ronald Doyle and Sandra Doyle to JPI. JPI agrees to enter into a permanent public use easement with Ronald and

Saundra Doyle for said portion of the access road, to allow for the use of said portion for local residents, for persons traveling to and from local residences, for users of current development on the Property and adjoining properties (including patrons of the retail establishments to the south of the Property), and for the development and future use of the Property. The form of the permanent public use easement shall be subject to prior approval by the City for consistency with the provisions of this paragraph 2, which approval shall not be withheld or delayed unreasonably. JPI agrees that, once constructed, the access road shall be accessible to and may be used by the same persons who have the right of access under the easement entered into between JPI and Ronald and Saundra Doyle. The parties also recognize that the portion of the access road adjacent to Route 1, being that portion that runs east to west from Route 1, is to be constructed on an angle, as shown on Exhibit A. In the event that JPI or its successors or assigns should acquire the property now owned by Ronald Doyle and Saundra Doyle, known as 9104 Baltimore Avenue, in College Park, JPI agrees to reconstruct that east-west portion of the access road adjacent to Route 1 in such a manner as to align the access road with Cherokee Street on the east side of Route 1 subject to the approval of the City. The parties recognize that JPI wishes to retain a developable parcel once said alignment occurs, and the City agrees that the approval of the City of said alignment will not be unreasonably withheld.

3. JPI agrees that loading and unloading of trucks in the loading space to be provided on Route 1 along the northeast corner of the Property shall take place only during the hours of 10:00 a.m. to 3:00 p.m. and 7:00 p.m. to 10:00 p.m. Upon request of JPI, the College Park City Council may modify the permissible hours of loading after consideration of the impact of traffic on Route 1, any practical difficulties associated with the then current loading hours, any proposed adverse impacts associated with altered loading hours, and input from neighboring residents. Approval of a request for alteration of permissible loading hours shall not be unreasonably withheld. JPI shall

ensure that all owners, tenants and occupants are aware of the hours of permissible loading as they exist from time to time. JPI shall include in leases and instruments of conveyance for the Property, and thereafter enforce, prohibitions against loading in violation of the provisions of this paragraph 3.

4. JPI recognizes that a Transportation Study of the US Route 1 College Park Corridor involving an evaluation of transit strategies has been performed. JPI agrees to contribute its proportionate share in accordance with the recommendation of the study in implementing any comprehensive corridor-wide shuttle system, which shall not exceed the cost of a private shuttle system for the JPI project alone. JPI would like to actively participate in the planning process for the shuttle system. In the event a new or enhanced US 1 shuttle service is operational and serving the Property at the time of issuance of the use and occupancy permit for the project, the applicant shall make financial contributions to assist with funding of the service. In the event that the new or enhanced US 1 shuttle service is not operational and serving the property at the time of issuance of the final use and occupancy permit for the project, the applicant shall provide a private shuttle bus for project residents to and from the Greenbelt Metro station beginning at the receipt of the final use and occupancy permit. The private service shall operate between the hours of 6:00 and 9:30 a.m. and 3:30 and 7:30 p.m., and shall operate at a frequency of approximately 30 minutes. The service shall utilize vehicles with a capacity of approximately 15 passengers and be free to residents. Shuttle service may be provided in cooperation with other Baltimore Avenue area property owners in College Park. Specifications and financial assurances for the service shall be provided at the time of first use and occupancy permit. The applicants shall survey their residents concerning commuting patterns and habits and adjust schedules and locations based upon the results of the survey. The applicant shall provide information on the shuttle service in any marketing or leasing brochure prepared for the

project, including to rental and condominium units. In the event such survey, subject to verification by the City, evidences that the shuttle ridership is less than 25% during a period of 3 months, or a comprehensive-corridor-wide shuttle system is not operated by January 1, 2011, JPI may terminate such private shuttle bus service. The 25% ridership shall be determined by using the average number of persons using the 15 person bus during said period. In the event that JPI determines that ridership has fallen below the 25% mark and wishes to terminate the system under this paragraph, it shall investigate to determine the reasons for the lack of use, and take reasonable steps to resolve barriers or hindrances to ridership, during an additional three month period. If, despite these efforts, of which proof shall be given to the City, ridership does not exceed 25% on average, then the service may be terminated. The parties recognize that a Transportation Study of the US Route 1 College Park Corridor will be conducted, with results expected in the summer of 2007. In the event that the study results indicate that the shuttle service required herein should be changed, or be part of a unified system, or that some other transportation strategy is more efficient, the parties agree that this paragraph may be amended to conform to those recommendations.

5. In the event that, as part of the development process for the Property, the access road is not required to be dedicated to the public use, JPI agrees that, upon receipt of notice from the City, it shall dedicate its interests in the access road as described in Exhibit A to the public use and shall execute any documents required to accomplish this dedication once requested by the City. The determination of whether and when to request such dedication is within the sole discretion of the City.

6. In consultation with the City, JPI shall make a good faith effort to execute a memorandum of understanding with the University of Maryland that prohibits University

students residing in the project from obtaining on-campus parking permits. Also in consultation with the City, JPI shall make a good faith effort to discuss with the University of Maryland methods to discourage faculty and staff residing in the project from driving to the campus in the weekday a.m. and p.m. peak periods in their personal vehicles. JPI agrees to participate in discussions with the city and others regarding transit and shuttle service options for the Route 1 corridor; and to pay a pro-rata share of the cost of a transit study not to exceed \$10,000.

7. At the time of final plat approval, JPI shall dedicate additional right of way as required by the State Highway Administration.

8. Total development of the Property shall be limited to uses which generate no more than 184 A.M. and 432 P.M. peak hour vehicle trips. Any development other than that identified herein shall require a new determination of adequacy.

9. The uses that are prohibited for the retail portions of the Project are attached hereto as Exhibit B and incorporated herein by reference. JPI may request on the basis of hardship that other uses be allowed by the City after a good faith effort of at least one year. Such a request may not be considered by the City Council unless and until notice of such request has been given to the North College Park Civic Association. The granting of such a hardship request, after notice as herein provided, shall not be unreasonably withheld by the City.

10. JPI agrees that no permanent direct vehicle access is allowed to the Property from Autoville Drive. JPI shall make its best efforts to insure that construction traffic for the project shall use U.S. Route 1 for ingress and egress, using Baltimore Avenue for access to the site, and that such traffic does not utilize other neighborhood streets except in extraordinary circumstances. These best efforts shall include but not be limited to monitoring said traffic and including the restrictions of this paragraph as to construction traffic in any contracts between JPI and contractors working at or

delivering to the site. Construction personnel and other employees involved in the project shall park on site. Construction vehicles shall be parked on site and construction materials shall be stored on site. When the structured parking garage on the property is available for use, such vehicles and materials shall be parked/stored therein, where practicable.

11. JPI agrees to the following restrictions on the use of the access road depicted on Exhibit A:

- (a) The use of the east/west segment of the access road, labeled as "Segment 1" on Exhibit A, by trucks other than single unit trucks is prohibited. As used in this paragraph 11(b), a single unit truck is a truck that is constructed with a combined cab and chassis. The types of trucks whose use of Segment 1 is prohibited include, but are not limited to, tractor-trailers, semi-trailers, and other types of trucks that have a cab and chassis as separate components.
- (b) The use of the north/south segment of the access road, labeled as "Segment 2" on Exhibit A, by all trucks is prohibited.
- (c) Notwithstanding paragraphs 11(a) and (b), the restrictions against the use of the access road by trucks does not apply to fire trucks and other emergency and public safety trucks and apparatus.
- (d) JPI shall use its best efforts to prevent the use of the access road by trucks as prohibited by paragraphs 11(a) and (b). Such best efforts may include, but not be limited to, the placement of signage and artificial barriers. Additionally, JPI shall ensure that all owners, tenants and occupants are aware of the restrictions of the use of the access road by trucks as provided in paragraph 11(a) and (b), and shall include in leases and instruments of conveyance for the Property, and thereafter enforce,

prohibitions against the use of the access road by trucks in violation of the provisions of paragraphs 11(a) and (b).

12. The City recognizes JPI's concern that future development in the immediate area, and in particular to the south, of the Property may eventually create a more intensive use of the access road than is now contemplated or can be sustained based on current plans. The City agrees to act in good faith in cooperation with JPI to insure that any such future development includes safeguards to protect access by the users of the Property.

13. Each person accepting a deed, lease or other instrument conveying any interest in the Property shall be bound by the terms of this Declaration whether or not the same is incorporated or referred to in such deed, lease or instrument and this Declaration is hereby incorporated by reference in any deed or other conveyance of all or any portion of each person's interest in any real property subject hereto.

14. These obligations are subject to and contingent upon final approval of the aforesaid DSP (with such approval being beyond appeal) and shall be recorded upon title to the Property being vested in JPI.

15. In the event that JPI assigns or relinquishes its contract purchase rights prior to taking title to the Property, JPI agrees that the said contract purchase rights shall be assigned or relinquished subject to the provisions of the Declaration of Covenants and Agreement and that the Agreement referenced herein shall be effective immediately as to JPI and shall be binding on its heirs, successors and assigns.

16. This Property shall be held, conveyed, encumbered, sold, leased, rented, used, and/or occupied subject to the terms and provisions of this Declaration of Covenants, which shall run with the land.

17. 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 JPI pursuant to the provisions of this Declaration of Covenants. In the event the City is required to enforce this Declaration of Covenants and JPI is determined to have violated any provision of this Declaration, said party will reimburse the City for all reasonable costs of the proceeding including reasonable attorneys' fees. Should JPI prevail in any action brought by the City to enforce a provision of this Declaration of Covenants, the City shall reimburse said party for all reasonable costs of the proceeding including reasonable attorneys' fees.

18. This Agreement may not be amended or modified except in a 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.

19. This Declaration of Covenants shall be construed in accordance with the laws of the State of Maryland. 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.

IN WITNESS WHEREOF, the parties have caused these presents to be executed and delivered.

WITNESS/ATTEST:

JPI DEVELOPMENT SERVICES L. P.

[Signature]

[Signature]
Name/Title ARON LIBBYT, SVP

Virginia
STATE OF ~~MARYLAND~~)
COUNTY Fairfax)

ss:

I HEREBY CERTIFY, that on this 13 day of Sept. 2007, before me, a Notary Public in and for the State aforesaid, personally appeared Aron Libbyt, and that he executed the foregoing Declaration of Covenants for the purposes therein contained by signing in my presence.

WITNESS my hand and Notarial Seal.

Diane Ferree
NOTARY PUBLIC
Commonwealth of Virginia
My Commission Expires 3/31/09
367755

[Signature] (SEAL)
Notary Public
My Commission Expires: 3-31-09

WITNESS/ATTEST:

CITY OF COLLEGE PARK

[Signature]
Janeen S. Miller, City Clerk

By: [Signature]
Joseph L. Nagro, City Manager

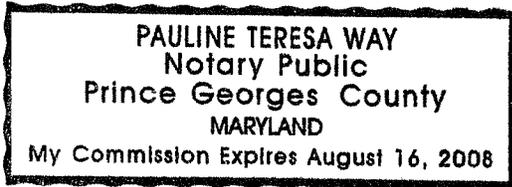
STATE OF MARYLAND)
COUNTY OF Prince Georges)

ss:

I HEREBY CERTIFY that on this 19th day of SEPTEMBER, 2007, before me, the subscriber, a Notary Public in the State and County aforesaid, personally appeared Joseph L. Nagro,

who acknowledged himself to be the City Manager of the City of College Park, and that he, as such City Manager, being authorized so to do, executed the foregoing Declaration of Covenants for the purposes therein contained by signing, in my presence, the name of said City of College Park, by himself, as City Manager.

WITNESS my hand and notarial seal.



Pauline Teresa Way (SEAL)
Notary Public
My Commission Expires: 8-16-2008

THIS IS TO CERTIFY that the within instrument has been prepared under the supervision of the undersigned Maryland attorney-at-law duly admitted to practice before the Court of Appeals.

Suellen M. Ferguson
Suellen M. Ferguson

This document shall be recorded in the Land Records of Prince George's County. After recording, please return to:

Suellen M. Ferguson, Esq.
Council, Baradel, Kosmerl & Nolan, P.A.
P.O. Box 2289
Annapolis, MD 21404-2289

EXHIBIT A

The Property is located on Tax Assessment Map Number 25 and is known as Parcel 72, being the same Property referenced in Detailed Site Plan application 03098 and Detailed Site Plan revision 03098/01.

**Detailed Site Plan Revision 03098/01
Jefferson Square at College Park**

In addition to the uses prohibited in the Mixed-Use-Infill (M-U-I) zone in the Development District Overlay Zone (DDOZ), the following uses shall be prohibited.

Additional Prohibited Uses

1. Commercial

- Eating or Drinking Establishments
 - Drive-in restaurant
 - Fast-food restaurant (except coffee shops or ice cream parlors)
 - Other than a drive-in or fast-food restaurant (which may include incidental carry-out service, except where specifically prohibited) permitting live entertainment or patron dancing, with hours of operation that extend beyond 11:00 p.m., and with parking abutting land used for residential purposes, except hotel lounges
- Vehicle, Mobile Home, Camping Trailer, and Boat Sales and Service
 - Bus Maintenance
 - Boat Fuel Sales at the waterfront
 - Boat sales, service, and repair, including outdoor storage of boats and boat trailers
 - Car Wash
 - Gas Station
 - Incidental automobile service in a parking garage
 - Vehicle lubrication or tune-up facility, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage
 - Vehicle, mobile home, or camping trailer repair and service station
 - Vehicle, mobile home, or camping trailer sales lot, which may include dealer servicing and outdoor storage of vehicles awaiting sale; but shall exclude the storage or sale of wrecked or inoperable vehicles, except as accessory to the dealership for vehicles which the dealership will repair
 - Vehicle or camping trailer rental
 - Vehicle or camping trailer storage yard
 - Vehicle parts or tire store including installation facilities, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage
 - Vehicle parts or tire store without installation facilities
 - Vehicle Towing Station, provided it is enclosed by a sight-tight wall or fence at least 6 feet high, or an evergreen screen
- Offices
 - Bank, savings and loan association, or other savings or lending institution that is an automatic teller machine only or a check-cashing establishment
 - Office (except as otherwise provided)
 - Office of a medical practitioner or medical clinic (which may include an accessory private spa)
- Services
 - Animal hospital, animal training, kennel
 - Bicycle repair shops other than non-motorized
 - Blueprinting, photostating, or other photocopying establishment

- Catering establishment
- Data processing
- Dry cleaning or laundry pickup station (except as a service provided exclusively for residential tenants)
- Retail or Wholesale dry cleaning store or plant:
- Electric or gas appliance, radio, or television repair shop
- Employment agency
- Fortune telling
- Funeral parlor, undertaking establishment
- Household appliance or furniture repair shop
- Key or locksmith shop
- Laboratory
- Laundromat
- Laundry store or plant
- Lawn mower repair shop
- Limousine service
- Massage establishment
- Methadone Treatment Center
- Newspaper publishing establishment
- Printing shop
- Taxidermy
- Trade (Generally Retail)
 - Bait shop
 - Bicycle (sales) shops other than non-motorized
 - Bottled gas sales
 - Food or beverage goods preparation for wholesale sales
 - Lawn mower (sales) store
 - Swimming pool or spa sales and service
- 2. ***Institutional/Educational***
 - Adult day care center
 - Church or similar place of worship, convent or monastery
 - Day care center for children (except ancillary to Gold's Gym)
 - Hospital (may include a private spa)
 - Nursing or care home (may include a private spa)
 - School, private
- 3. ***Miscellaneous***
 - a. Contractor's office (general) as a permanent use, including the businesses of siding, flooring, roofing, plumbing, air conditioning, heating, painting, carpentry, electrical work, landscaping and the like, with buildings, and uses accessory to the business (as well as the office) use
 - b. Mobile home, with use for which amusement taxes collected
 - c. Rental businesses:
 - i. Rental of boats
 - ii. Rental of any other merchandise allowed to be sold in the respective zone
 - d. Sign, in accordance with Part 12:
 - i. All others

4. *Public/Quasi Public*

- e. Community building, except as otherwise provided
- f. Library, private
- g. Post office
- h. Public building and use, except as otherwise prohibited
- i. Voluntary fire, ambulance, or rescue station

5. *Recreational/Entertainment/Social/Cultural*

- Amusement arcade
- Amusement center
- Amusement park
- Archery or baseball batting range
- Athletic field
- Auditorium
- Beach
- Billiard or pool hall (except a game room in the residential portion of the development)
- Boat ramp
- Bowling alley
- Club or lodge (private) except as otherwise provided
- Fishing pier
- Golf course or country club
- Golf driving range
- Miniature golf course
- Recreational or entertainment establishment of a commercial nature, of not otherwise specified
- Rifle, pistol, or skeet shooting range
- Skating rink
- Theatre

6. *Residential/Lodging*

- Hotel or motel
- Tourist home

7. *Resource Production/Recovery*

- Agricultural use

8. *Transportation/Parking/Communications/Utilities*

- Airport, airpark, airfield, airstrip, heliport, helistop
- Broadcasting studio (without tower)
- Bus station or terminal
- Parking garage, commercial
- Parking lot, commercial
- Public utility use or structure
- Taxicab dispatching station
- Taxicab stand
- Telegraph or messenger service
- Tower, pole, or antenna (electronic, public utility when not otherwise permitted, radio, or television, transmitting or receiving), except a satellite dish antenna

MONUMENT VILLAGE
AT COLLEGE PARK

APPLICATION OF
MR HILLCREST 1 CAPITAL LLC
FOR A
PLANNING DIRECTOR REVIEW
OF A
LIMITED MINOR DETAILED SITE PLAN

AMENDMENTS AND CONDITIONS ANALYSIS

AUGUST 6, 2013

District Council Amendment #	Text of District Council Amendment	Applicant's Compliance Response
A.	The Council adopts paragraphs 1 through 7 of PGCPB No. 07-177, which describe the property and neighborhood and the proposed development project, except to the extent that the proposed number of dwelling units are reduced and the proposed number of parking spaces are increased below.	The Applicant's proposed minor amendments are in compliance with this District Council amendment. The District Council approved a trip cap in Condition 3 which allows for updates to development quantities so long as the traffic generated by the updated development quantities do not exceed 184 AM (66 in, 18 out) and 432 PM (236 in, and 196 out) peak hour trips, respectively. The Applicant has provided staff with a transportation analysis (Enclosed as Exhibit 1) which shows that the trip cap has not been exceeded with the updated development quantities.
B.	The Council approves paragraphs 8 and 9 of the resolution, explaining how the application meets Zoning Ordinance and College Park U.S. Route 1 Sector Plan requirements and guidelines, except as discussed below. With imposition of appropriate conditions, the proposed mixed-use project is compatible with and in keeping with the surrounding residential neighborhood and the residential streets in the property's vicinity. The present proposal meets the Sector Plan vision for mixed residential, commercial/retail, and office uses in this part of U.S. Route 1, including new multifamily buildings.	This District Council amendment requires no analysis since it references the below listed District Council amendments and conditions.
C.	The Council approves modifications of development district standards, as follows:	This District Council amendment requires no independent analysis. Please see the subparts of this District Council amendment for analysis.

C.(1)	<p>The District Council rejects the applicant's request to not place utility poles underground. Therefore, pursuant to the condition below, the applicant shall remove the utility poles and place underground the utility lines along the U.S. Route 1 frontage. (Public Areas Standard P6.A.)</p>	<p>The Applicant does not propose any amendments which will impact this District Council amendment. Please see the analysis on Condition 4 for more information on how the Applicant will fulfill this requirement as expressly envisioned by this amendment.</p>
C.(2)	<p>The maximum built-to-line is 10-20 feet behind the right-of-way (ROW) line, but the proposed building may have 22 feet from the ROW of Baltimore Avenue, as determined by the final SHA ROW of Baltimore Avenue to allow for a lay-by lane in order to accommodate loading needs of larger trucks and as a bus stop. A six-foot landscaped median is deemed necessary from a design standpoint to separate this lay-by lane from the U.S. Route 1 travel lanes. In addition, the proposed building may have 35 feet from the ROW of Autoville Drive in order to maintain a consistent setback with the existing houses on both sides. (Site Design Standard S3.)</p>	<p>The Applicant's proposed minor amendments are in compliance with this District Council amendment. After the District Council approved this development proposal in 2008, the previous Applicant coordinated with SHA to determine the amount of ROW which the agency would require. Based on that coordination, the previous Applicant learned that the building would have to move to accommodate the updated SHA ROW requirements. Shortly after the previous Applicant found out about the updated SHA ROW requirements, the previous Applicant stopped processing the plans through the approval process. This Applicant has incorporated the updated SHA ROW requirement into the submitted civil plans while maintained the build-to-line mandated by this amendment.</p>
C.(3)	<p>A lay-by lane is permitted along U.S. Route 1 to be used as a bus pull-off area and to serve as a loading area for larger trucks for a limited time in the evening. (Site Design Standard S4.)</p>	<p>The Applicant does not propose any amendments which will impact this District Council amendment.</p>

C.(4)	The building height for the multifamily and retail building may be five stories, even though the Sector Plan recommends a limit of three stories in Areas 4 and 5. The applicant is providing parking in a multi-level structure behind the building fronting U.S. Route 1. (Building Design Standard B1.)	The Applicant does not propose any amendments which will impact this District Council amendment.
C.(5)	The applicant is permitted to have a limited number of multifamily units without balconies, though the Sector Plan recommends balconies for all units above the ground floor. The applicant's building design compensates for the absence of balconies facing U.S. Route 1. (Building Design Standard I.)	The Applicant does not propose any amendments which will impact this District Council amendment.
C.(6)	The applicant is permitted not to provide a sidewalk along the property's frontage on Autoville Drive since no sidewalk exists along this side of Autoville Drive. (Public Areas Standard P2.)	The Applicant does not propose any amendments which will impact this District Council amendment.
D.	The Council approves the applicant's minor amendment to allow 42 percent two-bedroom units, though the Zoning Ordinance, in § 27-419, would limit two-bedroom units to 40 percent of the total.	The Applicant's proposed minor amendments are in compliance with this District Council amendment. The Applicant's minor amendment proposes 247 total residential dwelling units, with 52 of the proposed dwelling units having two-bedrooms. Thus, two-bedroom dwelling units make up approximately 21 percent of the total dwelling units for this mixed-use development.
E.	The Council does not agree that the applicant's proposed parking scheme is acceptable and should be approved. The parking scheme raises various concerns and creates a likelihood of insufficient parking for the proposed uses. The Planning Board's recommendation lacked fact-based analysis to justify its conclusion and violated the specific language in the Sector Plan regarding justification of additional parking reductions. The applicant's proposed parking scheme must be revised, as follows, and additional conditions must be imposed.	This District Council amendment requires no independent analysis. Please see the subparts of this District Council amendment for analysis.

E.(1)	<p>The Sector Plan recommends on-street parking "where possible." On-street parking on U.S. Route 1 is not feasible, and could only accommodate a handful of spaces. Cherokee Street and the other residential streets have only limited space available. Considering the number of dwelling units proposed and the amount of commercial/retail and office space, off-street parking in the proposed garage is warranted. (Public Areas Standard P1.A.)</p>	<p>The Applicant does not propose any amendments which will impact this District Council amendment.</p>
E.(2)	<p>The applicant's proposal lacks evidence to support a 20 percent additional parking reduction. Therefore, the District Council approves the applicant's reduction of total dwelling units to 200, an increase in parking spaces so that the total number of parking spaces provided with this DSP is 403, and the District Council agrees with the transportation demand management strategy dated August 2, 2007 which shall be a condition of approval as stated below.</p>	<p>The Applicant's proposed minor amendments are in compliance with this District Council amendment. Based on the development quantities proposed in 2008 and in accordance with the 2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment, the previous Applicant was required to provide 492 parking spaces. As evidenced by this amendment, the District Council approved this development proposal with 403 parking spaces. By approving the reduction of 89 parking spaces, the District Council permitted an 18% reduction in parking spaces.</p> <p>With the updated development quantities, this Applicant is required to provide 469 parking spaces (Analysis enclosed as Exhibit 2). This Applicant is proposing 396 parking spaces, a reduction of only 73 parking spaces. This reduction amounts to a 16% parking reduction. Thus, this Applicant is requesting less of a percentage reduction than the District Council approved in 2008.</p>

E.(3)	The District Council approves the applicant's requests for departures from parking and loading standards to reduce the width of parking spaces in the parking garage from the required 9 ½ feet to 9 feet; and to reduce the required number of loading spaces from four to three, though the Zoning Ordinance, in § 27-558 would require the width of a parking space of 9 ½ feet and in § 27-582 would require four loading spaces.	The Applicant does not propose any amendments which will impact this District Council amendment.
F.	The District Council approves the conclusions by staff and Planning Board in paragraphs 10 (Landscape Manual), 11 (Woodland Conservation and Tree Preservation Ordinance) except as provided below, and 12 (referral comments).	The Applicant does not propose any amendments which will impact this District Council amendment.
Condition #	Text of Conditions	Applicant's Compliance Response
1	Prior to certificate approval of this detailed site plan, the applicant shall:	This District Council condition requires no independent analysis. Please see the subparts of this District Council condition for analysis.
1.a.	Provide additional architectural details and fenestration to break up the monotony of the elevations facing the interior courtyard where the proposed swimming pool is located to be reviewed and approved by the Urban Design Section as the designee of the Planning Board, and, in consultation with the District Council.	The Applicant's proposed minor amendments are in compliance with this District Council condition. This staff level revision was submitted to the Urban Design Section for review as designee of the Planning Board and this Applicant has been in close consultation with the District Council.
1.b.	Provide a green screen and other treatments that are visually appealing on all exposed elevations of the parking garage that are not covered by other attached buildings in order that there shall be no exposed unfinished concrete facades.	The Applicant does not propose any amendments which will impact this District Council condition. Specifically, this Applicant has incorporated the required green screen on the north and south architectural elevations.
1.c.	Indicate the building height and actual building setbacks on the site plan.	The Applicant does not propose any amendments which will

		impact this District Council condition. Please see the site plan for verification that the heights have been incorporated into the plans.
1.d.	Provide information regarding the percentage of brick on exterior elevations of the building and lot coverage.	The Applicant does not propose any amendments which will impact this District Council condition. Specifically, this Applicant proposes over 75% brick on the exterior elevations.
1.e.	Revise the Landscape Plan to show graphically each Section 4.7 bufferyard and its corresponding landscape schedule.	The Applicant does not propose any amendments which will impact this District Council condition. Please see the submitted landscape plan for verification that the 4.7 bufferyard has been shown graphically and the landscape schedule has been updated.
1.f.	<p>Add site plan notes as follows:</p> <p>"A minimum of three retail uses as listed on Section 27-461(b) under category E, General Retail, shall be included in the commercial/retail component of this development."</p> <p>"Loading trucks that serve the residential portion of the building shall utilize the access point directly off U.S. Route 1. No truck traffic shall be allowed to access the subject site via Cherokee Street, and it shall be posted to prohibit truck traffic."</p> <p>"This project will be developed in accordance with the green building techniques included in "A Green Strategy for JPI College Park West" to achieve high quality indoor air-quality/comfort energy efficiency, water efficiency and sustainability, specifically including, but not limited to the following:</p>	The Applicant does not propose amendments which will impact this District Council condition. Please see the submitted site plan for verification that these notes have been added. It is important to note that JPI is not the Applicant of this Application. Thus, the note regarding "Green Strategy" will reference this Applicant, not JPI.
1.f.(1)	Eliminate pollutants by utilizing low emitting paint, carpets, adhesives, and sealants (see LEED NC 2.2, 4.1, 4.2 and 4.3).	The Applicant does not propose any amendments which will impact this District Council condition.

1.f.(2)	Utilize Energy star appliances, Lighting (CFL, dimmers, vacancy switches) and HVAC – minimum SEER 13 and programmable thermostats.	The Applicant does not propose any amendments which will impact this District Council condition.
1.f.(3)	Install water efficient landscaping, low flow faucets and low flow shower heads.	The Applicant does not propose any amendments which will impact this District Council condition.
1.f.(4)	Provide community bicycle storage and encourage LE and FE vehicles by designating a preferred parking area.	The Applicant does not propose any amendments which will impact this District Council condition.
1.f.(5)	Provide a recycling area during construction.	The Applicant does not propose any amendments which will impact this District Council condition.
1.f.(6)	Make provision for the residents to recycle household waste by providing appropriate receptacles and making arrangements for removal.	The Applicant does not propose any amendments which will impact this District Council condition.
1.g.	Revise the justification statement to include a request to amend Public Area, P1 Road Network, Design Standard A.	The Applicant does not propose any amendment which will impact this District Council amendment. Please see enclosed as Exhibit 3 an updated Statement of Justification which includes a request to amend Public Area, P1 Road Network, Design Standard A.
1.h.	Provide evidence that the subject DSP is consistent with the approved stormwater management concept plan for this site.	The Applicant does not propose any amendments which will impact this District Council condition. Specifically, this Applicant submitted with the staff level revision request a stormwater technical approval. The stormwater technical approval was granted consistent with the stormwater concept approval.
1.i.	Revise the landscape and lighting plan as follows:	This District Council condition requires no independent analysis. Please see the subparts of this District Council condition for analysis.

1.i.(1)	Locate the tables and chairs shown in Detail 3 on Sheet L-3, Hardscape Details on the Landscape Plan.	The Applicant does not propose any amendments which will impact this District Council condition.
1.i.(2)	Substitute Korean Pines for the Deodar Cedars; Serbian Spruce or Oriental Spruce for the Norway Spruce; and Maples for Ash.	The Applicant does not propose any amendments which will impact this District Council condition.
1.i.(3)	Eliminate the sod and expand the planting areas to the extent possible.	The Applicant does not propose any amendments which will impact this District Council condition.
1.i.(4)	Provide an on-site irrigation system for planting areas including the Greenscreen and the Courtyard areas.	The Applicant does not propose any amendments which will impact this District Council condition.
1.j.	Revise the sign schedule to be consistent with DDOZ Standard B.5 Signs N. Provide a sign plan including lighting, colors, lettering style, size, height, quantity and location for review and approval by the Urban Design Section as the designee of the Planning Board and in consultation with the District Council and the City of College Park. No amendment to sign standards shall be granted without a revision to the subject DSP.	The Applicant does not propose any amendments which will impact this District Council condition.
1.k.	Provide a materials board.	The Applicant does not propose any amendments which will impact this District Council condition.
1.l.	Provide a clear demarcation of sidewalk across all driveway entrances and intersections along the site frontage to give priority to pedestrians.	The Applicant does not propose any amendments which will impact this District Council condition.
1.m.	Provide access to the site located at 9104 Baltimore Avenue from the access road that links Cherokee Street and Baltimore Avenue.	The Applicant does not propose any amendments which will impact this District Council condition.

1.n.	Subject to review and approval by the Urban Design Section as the designee of the Planning Board, provide a wrought iron fence to be located around the site's entire boundary area that is adjacent to the existing single-family detached houses. The wrought iron fence shall be six feet in height and be with a combination of brick piers and wrought iron fence.	
1.o.	Provide off-white or other light-color roof materials for the proposed parking garage complex.	The Applicant does not propose any amendments which will impact this District Council condition.
2	The applicant and the applicant's heirs, successors, and/or assignees shall provide the following sidewalk improvements:	This District Council condition requires no independent analysis. Please see the subparts of this District Council condition for analysis.
2.a.	The wide sidewalk along U.S. Route 1 as indicated on the updated rendering of Sheet L-1 of the DSP dated September 4, 2007, unless modified by the State Highway Administration.	The Applicant does not propose any amendments which will impact this District Council condition.
2.b.	Four bicycle racks as indicated on the site plan.	The Applicant does not propose any amendments which will impact this District Council condition.
2.c.	Striped crosswalks at all access points crossing sidewalks, including the provision of a crosswalk pursuant to SHA standards across U.S. Route 1 at its intersection with Cherokee Street and the Site Access Road. Crosswalks shall be striped in accordance with the guidelines for secondary intersections included in DDOZ Design Standard E of the Public Areas.	The Applicant does not propose any amendments which will impact this District Council condition.
2.d.	All sidewalks shall include ADA accessible ramps and curb cuts at all road intersections.	The Applicant does not propose any amendments which will impact this District Council condition.
3	The total development within the subject property shall be limited to no more than 200 multifamily residential units and 25,000 square feet of commercial retail, or different allowed uses generating no more than 184 AM (66 in, 118 out) and 432 PM (236 in, 196 out) peak-hour vehicle trips, respectively.	The Applicant's proposed minor amendments are in compliance with this District Council condition. The District Council approved a trip cap in this Condition which allows for updates to development quantities so long as the traffic

		<p>generated by the updated development quantities do not exceed 184 AM (66 in, 18 out) and 432 PM (236 in, and 196 out) peak hour trips, respectively. The Applicant has updated the development quantities to include 247 multi-family dwelling units and 4800 square feet of retail. The Applicant has provided staff with a transportation analysis (Enclosed as Exhibit 1) which shows that the trip cap has not been exceeded with the updated development quantities.</p>
4	<p>Prior to issuance of any use and occupancy permits for residential units, the applicant shall make provisions for the placement of existing utility lines and the poles along the U.S. Route 1 frontage underground. It is anticipated that the applicant will seek a Revitalization Tax Credit to offset the cost of this condition. The applicant, the Planning Board, the County Council, DPW&T and the City of College Park will develop a plan so that all tax credits received will be utilized to initiate a comprehensive utility relocation on U.S. Route 1 north of Route 193. Such funds derived by a Revitalization Tax Credit shall be used first on the Subject Property and then on adjacent properties.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition. This Applicant will continue to make provisions in consultation with the City of College Park, the Planning Board, the County Council, and DPW&T regarding the development of a comprehensive plan to underground the utilities. At this point, the Applicant understands that the City may need assistance with a study to underground the utilities consistent with SHA requirements. The Applicant will continue to work with all parties to ensure that provisions are made to underground the utilities consistent with this condition.</p>
5	<p>Prior to the issuance of any building permit, the following improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the appropriate agency:</p>	<p>This District Council condition requires no independent analysis. Please see the subparts of this District Council condition for analysis.</p>

5.a	<p>Provision of a new access roadway opposite of existing Cherokee Street (east leg) that shall be (dedicated to public use and is) open to all traffic at all times, and extends to Cherokee Street (west leg). This roadway shall provide for two outbound lanes and only one inbound lane to accommodate only the left-turn from U.S. Route 1 northbound and thru traffic from the east leg of Cherokee Street. This roadway shall include sidewalk that extends from U.S. Route 1 to Cherokee Street (west leg). The applicant is responsible for the signalization and any other modifications deemed needed by SHA, DWP&T and the City that would transform this intersection into a safe and pedestrian-friendly intersection, including provision of visible crosswalks at all approaches.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition. The Applicant is currently working with the developer of the adjoining property (the currently pending Jefferson East development) to ensure that sufficient agreements are in place to meet this condition. Specifically, the agreement will require this Applicant to be responsible for the realignment and construction of Cherokee Street and the developer of the adjoining property (the currently pending Jefferson East development) will be responsible for the signalization of Cherokee Street with Route 1.</p>
5.b.	<p>Provision of barrier-separated loading area pursuant to SHA and/or WMATA standards to also allow the opportunity to be used as a bus pull-off area in early morning to late afternoon hours. The applicant shall continue to work with the City, SHA, DPW&T, and WMATA in an effort to determine appropriate hours to restrict loading in this area in order to allow safe and efficient bus access and maintain retail viability. If the bus pull-off area is acceptable to WMATA and SHA, the applicant shall also be responsible for relocating the nearby bus stop to this location and installing a bus shelter, deemed appropriate by DPW&T and the City, as well as any other needed transit and pedestrian-friendly street furniture.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition.</p>

6	<p>Prior to the issuance of any building permits, the two road segments on the applicant's property in front of the subject site, starting from Cherokee Street west and ending at Route 1 shall be dedicated to the Department of Public Works and Transportation. Additionally, the applicant shall obtain a public use easement from the adjoining owners, Tax Account I.D. No. 2410058, to allow for full public access to the signal at Route 1 (Baltimore Avenue) and Cherokee Street.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition. Specifically, this Applicant has an agreement with the adjoining property owner to ensure that this access can be executed.</p>
7	<p>Prior to issuance of any building permit, the applicant shall file a bond or other suitable financial guarantee with DPW&T and/or an agreement with the City of College Park to operate a private bus service or contribute to an existing service that will connect the subject property to the nearest Metrorail station. The service shall be offered to all with service headway of 30 minutes during weekday AM and PM peak periods, and vehicles have a minimum capacity of 15 persons.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition. The Applicant intends to contribute to the existing Route 1 ride bus service that is already in existence.</p>
8	<p>The applicant shall comply with each element in its "Traffic Demand Management" strategy dated August 2, 2007.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition.</p>

The applicant shall participate in a Transportation Study of the U.S. Route 1 Corridor in the City of College Park for evaluation of transit strategies, including a U.S. Route 1 shuttle operated by governmental, quasi-governmental or private entities. The Transportation Study shall evaluate the implementation of a comprehensive corridor-wide shuttle system.

In the event that a new or enhanced U.S. Route 1 shuttle system is operational and serving the Subject Property at the time of issuance of the final use and occupancy permit for this project, the applicant shall contribute a proportionate share of the costs of a U.S. Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Subject Property alone.

In the event that a new or enhanced U.S. Route 1 shuttle system is not operational and serving the Subject Property at the time of issuance of the final use and occupancy permit for this project, the applicant shall provide a private shuttle for residents of the development project in accordance with a schedule and routes agreed to with the City of College Park.

If subsequent to the institution of a private shuttle, a U.S. Route 1 shuttle system is created, then the applicant shall participate in the new shuttle system in lieu of providing a private shuttle, and it shall contribute a proportionate share of the costs of a U.S. Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Subject Property alone. It is anticipated that the applicant will coordinate its shuttle activities with the City of College Park, and that depending on the findings of the Transportation Study of the U.S. Route 1 Corridor and depending on the success of a private shuttle or a comprehensive U.S. Route 1 shuttle system, that this condition may be modified.

The Applicant does not propose any amendments which will impact this District Council condition. The Route 1 shuttle is in existence. Thus, the Applicant intends to contribute to this existing service.

10	<p>In consultation with the City of College Park and the District Council, the applicant shall make a good faith effort to execute a memorandum of understanding with the University of Maryland that prohibits University students residing in the project from obtaining on-campus parking permits. Also, in consultation with the City of College Park and the County Council, the applicant shall make a good faith effort to discuss with the University of Maryland methods to discourage faculty and staff residing in the project from driving their personal vehicles to the campus in the weekday morning and evening peak periods.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition.</p>
11	<p>Should the residents on Autoville Drive and Cherokee Street west decide to request that the City of College Park create a parking permit zone, the applicant shall support such request with the City.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition.</p>

EXHIBIT 1



July 11, 2013

Mr. Kevin Murphy
Monument Realty
1700 K Street, NW
Suite 600
Washington, DC 20006

RE: Jefferson @ College Park West
Prince George's County, Maryland
Our Job No: 2013-0124

CORPORATE OFFICE
Baltimore, MD
Suite H
9900 Franklin Square Drive
Baltimore, Maryland 21236
410.931.6600
fax: 410.931.6601
1.800.583.8411

Dear Mr. Murphy:

As requested, The Traffic Group, Inc. has had an opportunity to review the previous approval of the Jefferson Square West Site which was previously under the direction of JPI and was approved by the Prince George's County Planning Board. This site was approved by the Board with a condition that the traffic to be generated by the site did not exceed 184 trips during the morning peak hour and 432 trips during the evening peak hour.

At that time, the trip cap was established based on a development program that consisted of 220 apartment units and 25,000 sq. ft. of retail space. Attached to this letter is Exhibit A which shows the trip generation rates and the peak hour trips which were to be generated by the subject site and were used as a basis for establishing the trip cap. It should be noted that the total trips shown on Exhibit A are consistent with the trip cap placed on the approval of the subject site by the Prince George's County Planning Board which limited the morning peak hour traffic to 184 trips and the evening peak hour to 432 trips.

Since that time, it is our understanding that Monument Realty is presently pursuing the development of the subject property, however, the development program proposed for the subject site is slightly different than what was previously approved for JPI. The new plan would consist of up to 247 apartment units and 4,800 sq. ft. of retail space and still fall within the required trip cap for this site. Using the Prince George's County trip rates for the residential component and the Institute of Transportation Engineers (ITE) equations for the retail space, we have prepared Exhibit B to show that with the reduction of 20,200 sq. ft. in retail space and an additional 27 apartment units could be developed on the subject property without exceeding the original caps placed on this property of 184 trips during the morning peak hour and 432 trips during the evening peak hour.

Therefore, based on the information shown on Exhibit B, a reduction of the 20,200 sq. ft. of retail space would result in the ability to develop 27 additional apartment units without exceeding the trip caps previously established for this property to make a finding of adequacy by the Prince George's County Planning Board.

FIELD OFFICE LOCATIONS

Arkansas
Maryland
New York
Texas
Virginia

If you have any questions concerning this information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Glenn Cook". The signature is written in a cursive style with a large initial 'G'.

Glenn Cook
Vice President

GEC/dg
(F:\2013\2013-0124\wp\Murphy.docx)

TRIP GENERATION FOR JEFFERSON SQUARE WEST

TRIP RATES / FORMULAE

IN/OUT

Apartments (garden and mid-rise, Prince Georges County Rates)

Morning Trips = 0.52 x Units 20/80

Evening Trips = 0.60 x Units 65/35

Shopping Center (<100 ksf, ITE for AM, Prince Georges County Rates for PM)

Ln(Morning Trips) = 0.596 x Ln(ksf) + 2.329 61/39

Evening Trips = 12.0 x ksf 50/50

TRIP TOTALS

	MORNING PEAK HOUR			EVENING PEAK HOUR		
	IN	OUT	TOTAL	IN	OUT	TOTAL
220 apartment units	23	91	114	86	46	132
25,000 sq.ft. retail	<u>43</u>	<u>27</u>	<u>70</u>	<u>150</u>	<u>150</u>	<u>300</u>
	66	118	184	236	196	432



EXHIBIT A
TRIP GENERATION
FOR JEFFERSON SQUARE WEST

TRIP GENERATION FOR JEFFERSON SQUARE WEST

TRIP RATES / FORMULAE

IN/OUT

Apartments (garden and mid-rise, Prince Georges County Rates)

Morning Trips = 0.52 x Units 20/80

Evening Trips = 0.60 x Units 65/35

Shopping Center (<100 ksf, ITE)

Ln(Morning Trips) = 0.596 x Ln(ksf) + 2.329 61/39

Ln(Evening Trips) = 0.67 x Ln(ksf) + 3.37 49/51

TRIP TOTALS

	MORNING PEAK HOUR			EVENING PEAK HOUR		
	IN	OUT	TOTAL	IN	OUT	TOTAL
247 apartment units	26	102	128	96	52	148
4,800 sq.ft. retail	<u>16</u>	<u>10</u>	<u>26</u>	<u>41</u>	<u>42</u>	<u>83</u>
	42	112	154	137	94	231



EXHIBIT B
TRIP GENERATION
FOR JEFFERSON SQUARE WEST

EXHIBIT 2

Unit type	# Units/sf
Studio	42
1BR	149
2BR	56
Total	247
Commercial	4,800

Multi-Family Apartments:					
Studio Units	42	x	2	required spaces =	84.0 Spaces
One Bedroom Units	149	x	2	required spaces =	298.0 Spaces
Two Bedroom Units	56	x	2.5	required spaces =	140.0 Spaces
	247	Units			522.0 Spaces
				10% Reduction	469.8 Spaces

Commercial Space:					
4,800 SF					
1 SP / 150 GSF for first 3,000 sf =	1 SP	/	150 GSF	3000 =	20.0 Spaces
1 additional SP / 200 GSF for area over 3,000 sf =	1 SP	/	200 GSF	1,800 SF =	9.0 Spaces
				Max Parking Required for Commercial =	29.0 Spaces
				10% Reduction	26.1 Spaces

Urban Land Institute Joint Use Calculation (Sector Plan, page 182)					
Use	Weekday Daytime	Weekday Evening	Weekend Daytime	Weekend Evening	Night
Commercial Trade (not restaurant)	60% 16	90% 24	100% 27	70% 19	5% 2
Residential	60% 282	90% 423	80% 376	90% 423	100% 470
Total	298	447	403	442	472

Parking Provided*	
Structured Parking	= 386
Surface Parking	+ 10
Total Parking Provided	= 396

*Proposed garage spaces are 9' - 19' - waiver requested for reduction in width.
One third of garage spaces are compact 8' - 16.5'

Proposed 2013 DSP Amendment	
Parking Required by Sector Plan:	472
Parking Proposed:	396
Parking Space Reduction:	76
Percentage Reduction	16%

Approved 2007 DSP	
Parking Required by Sector Plan:	492
Parking Proposed:	403
Parking Space Reduction:	89
Percentage Reduction	18%

EXHIBIT 3

MONUMENT VILLAGE
AT COLLEGE PARK

APPLICATION OF
MR HILLCREST 1 CAPITAL LLC
FOR A
PLANNING DIRECTOR REVIEW
OF A
LIMITED MINOR DETAILED SITE PLAN

UPDATED
STATEMENT OF JUSTIFICATION

AUGUST 6, 2013

APPLICANT: MR Hillcrest 1 Capital LLC
1700 K Street, NW
Suite 600
Washington, DC 20006
Contact: Amy Phillips
t: See Attorney

CIVIL ENGINEER: Vika Inc.
20251 Century Boulevard
Suite 400
Germantown, MD 20874
Contact: Meredith Byer
t: 301.916.4100
f: 301.916.2262

TRAFFIC ENGINEER: The Traffic Group
9900 Franklin Square Drive
Suite H
Baltimore, Maryland 21236
Contact: Glen Cook
t: 410.931.6600
f: 410.931.6601

ATTORNEY: Rifkin, Weiner, Livingston,
Levitan & Silver
14601 Main Street
Upper Marlboro, Maryland 20772
Contact: Richard K. Reed, Esquire
Contact: Christopher L. Hatcher, Esquire
t: 301.951.0150
f: 301.951.0172

I. INTRODUCTION

MR Hillcrest 1 Capital LLC (hereinafter the "Applicant"), the contract purchaser of the property located 180 feet from the northwest intersection of Cherokee Street and Baltimore Avenue (hereinafter the "Property"), hereby submits this Detailed Site Plan in order to amend DSP-06095 for Jefferson Square at College Park West consistent with §27-289 of the Prince George's County (hereinafter "County") Zoning Ordinance. The Property consists 3.70 acres of land that is in the Mixed-Use Infill (hereinafter "MUI") Development District Overlay Zone (hereinafter "DDOZ"). The purpose of this minor amendment to the Detailed Site Plan is to request a Planning Director level amendment to updates on the architecture and development scheme approved in 2008.

The Applicant respectfully requests that the Planning Director approves this minor amendment administratively, without posting, consistent with §27-289 of the County Zoning Ordinance.

II. APPLICATION DATA

- A. Location: 180' from the northwest intersection of Cherokee Street and Baltimore Avenue (US 1).
- B. Tax Map/Grid: Map 25, Grid D-3.
- C. Frontage: Baltimore Avenue (US 1).
- D. Election District: 17.

- E. Councilmanic District: 1.
- F. Acreage: 3.70.
- G. Existing Zoning: MUI/DDOZ.
- H. Master Plan & SMA: Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment; Central US 1 Corridor Approved Sector Plan and Sectional Map Amendment.¹
- I. General Plan: The General Plan places the Property within the "Developed Tier" along the "Baltimore Avenue" Corridor.

III. PLANNING DIRECTOR REVIEW

The Applicant respectfully requests that the Planning Director approves this limited minor amendment to the DSP application administratively. Section 27-289 of the Zoning Ordinance provides for such approval as follows:

§27-289. Amendment.

(c) Limited minor amendment, Planning Director.

- (1) The Planning Director is authorized to approve limited minor amendments administratively, without public hearing, to approved Detailed Site Plans.

¹ The 2010 Central US 1 Corridor Approved Sector Plan and Sectional Map Amendment on page 225 (Exemption #10) expressly states "Valid Detailed Site Plans: Properties that obtained approval of a detailed site plan prior to April 1, 2010 under the regulations and procedures of the 2002 College Park US 1 Corridor Sector Plan DDOZ shall be permitted to develop in accordance with the approved detailed site plan unless the validity period expires." DSP-06095 was approved by the District Council 2008. The District Council by legislative action has extended the validity period of this detailed site plan (along with all other detailed site plans that would have otherwise expired in 2009) until December 31st, 2013. Thus, this minor amendment should be analyzed consistent with the Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment.

(2) The Director may approve only the following minor amendments, if limited in scope and nature:

- (A) An increase of no more than ten percent (10%) in the gross floor area of a building;
- (B) An increase of no more than ten percent (10%) in the land area covered by a structure other than a building;
- (C) The redesign of parking or loading areas;
- (D) The redesign of a landscape plan;
- (E) New or alternative architectural plans that are equal or superior to those originally approved, in terms of overall size and quality;
- (F) Changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements;
or
- (G) Changes to any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality, or intent of the approved site plan.

The requested amendments comply with the above outlined Zoning Ordinance criteria. The Applicant's analysis of revisions are as follows:

A. Increase in the Floor Area

The minor amendment will increase the gross floor area to the extent necessary to effectuate all other outlined minor revisions. Specifically, the previous building proposed a gross floor area of 395,944 square feet. The revised building proposes a gross floor area of 416,673 square feet. The revised building will increase the gross floor area by 20,729 square feet. This is a mere 5.24% increase in gross floor area. Thus, the increase in gross floor area is less than 10%.

B. Increase in the Land Area

The minor amendment will not increase the land area covered by a structure other than a building.

C. Redesign of Parking or Loading Areas

The minor amendment will result in redesign of the parking garage. Specifically, this minor amendment reduces the number of parking spaces by 7 which may have an impact on the design of the parking garage.² Thus, the number of parking spaces provided in this application will be 396 parking spaces.³

² The parking garage will be 5 stories in height if the elevations are reviewed from the Autoville side and will be 6 stories in height if the elevations are reviewed from the Route 1 side. Consistent with the height studies enclosed with the staff level revision package, the garage will not be visible to residents on the Autoville side or pedestrians walking along Route 1.

³ Please note that the parking calculations analyzed by the District Council in 2007 were based on development quantities that have been updated. Ultimately, the District Council approved an 18% reduction in the amount of parking in the 2007 that resulted in 403 parking spaces being approved. With

D. Redesign of Landscape Plan

The minor amendment will redesign the Landscape Plan to the extent necessary to effectuate all other outlined minor revisions.

E. New or Alternative Architectural Plans

The Applicant is proposing minor architecture revisions which are improvements on the architecture that was approved in 2008 by the District Council. The Applicant has outlined, in a red box on the submitted architectural elevations, each of proposed minor architectural revisions. The primary minor architectural revision is an update to the roof. The previous architecture had a flat roof which did not conceal from the eyes or insulate the noise from the mechanical devices on the roof. The proposed pitched roof will be more consistent with the residential character of the surrounding single-family homes, conceal the mechanical devices from sight, and muffle the noise that will be generated from the mechanical devices on the roof. Thus, the Applicant asserts that the pitched roof, and the other minor architectural revisions, will constitute an improvement on the architecture which was approved by the District Council in 2008.

the updated development quantities taken into account, the Applicant is only requesting a 16% parking reduction, which is far than the 18% parking reduction approved by the District Council.

F. Engineering Changes

This minor amendment will incorporate engineering changes to the extent necessary to effectuate all other outlined minor revisions and to account for updated State Highway Administration information.

G. Other

a. Updated Development Quantities

This minor amendment seeks to decrease the amount of commercial space and increase the amount of residential space originally proposed and approved by the District Council in 2008. The District Council approved DSP-06095 with a trip cap. Specifically, Condition 3 in the District Council Order of Approval states:

3. The total development within the subject property shall be limited to no more than 200 multifamily residential units and 25,000 square feet of commercial retail, or different allowed uses generating no more than 184 AM (66in, 118 out) and 432 PM (236 in, 196 out) peak-hour vehicle trips, respectively.

Emphasis added.

Enclosed with this request for staff level revision is a comparative trip analysis performed by The Traffic Group. As stated in the analysis, the decrease in commercial space and the increase in residential space does not increase the amount of traffic past the District Council imposed trip cap. In fact, the submitted analysis suggests that the conversion of the commercial space to residential units will decrease the traffic impact of this development.

b. Compliance with District Council Order Condition 1.g.

The Applicant is formally revising the statement of justification to include a request to amend Public Area, P1 Road Network, Design Standard A, consistent with condition 1.g. of the District Council Order of Approval.

Condition 1.g. of the District Council Order of Approval states:

1. Prior to certificate approval of this detailed site plan, the applicant shall:

g. Revise the justification statement to include a request to amend Public Area, P1 Road Network, Design Standard A.

Thus, consistent with Condition 1.g. of the District Council Order of Approval, the Applicant respectfully requests an amendment to Public Area, P1 Road Network Design Standard A.⁴

CONCLUSION

The Applicant is confident that this application meets the criteria for a limited minor amendment of a DSP as outlined in §27-289. The proposed minor amendments to the DSP will permit the Applicant to update the development scheme and architecture to 2013 standards. These minor amendments will also ensure that the architecture is more consistent with the surrounding residential area. Thus, the applicant asserts that these minor amendments, which the Applicant seeks to incorporate into the

⁴ It is important to note that the District Council has already approved this request in two (2) manners. First, the approval of this request is implicit in this District Council condition of approval. Second, amendment E.(1) expressly recommends an alternative solution for Public Area Standard P1.A.

approved DSP, can be processed administratively, consistent with §27-289 of the Zoning Ordinance.

In consideration of the foregoing, the Applicant respectfully requests that the Planning Director approve this DSP application administratively without requiring the site to be posted.

Respectfully submitted,

RIFKIN, WEINER, LIVINGSTON,
LEVITAN, & SILVER, LLC.

By: 
Christopher L. Hatcher, Esquire

MONUMENT VILLAGE
AT COLLEGE PARK

APPLICATION OF
MR HILLCREST 1 CAPITAL LLC
FOR A
PLANNING DIRECTOR REVIEW
OF A
LIMITED MINOR DETAILED SITE PLAN

UPDATED AMENDMENTS AND CONDITIONS ANALYSIS

SEPTEMBER 23, 2013

District Council Amendment #	Text of District Council Amendment	Applicant's Compliance Response	Pre-acceptance Responses
A.	The Council adopts paragraphs 1 through 7 of PGCPB No. 07-177, which describe the property and neighborhood and the proposed development project, except to the extent that the proposed number of dwelling units are reduced and the proposed number of parking spaces are increased below.	The Applicant's proposed minor amendments are in compliance with this District Council amendment. The District Council approved a trip cap in Condition 3 which allows for updates to development quantities so long as the traffic generated by the updated development quantities do not exceed 184 AM (66 in, 18 out) and 432 PM (236 in, and 196 out) peak hour trips, respectively. The Applicant has provided staff with a transportation analysis (Enclosed as Exhibit 1) which shows that the trip cap has not been exceeded with the updated development quantities.	

B.	<p>The Council approves paragraphs 8 and 9 of the resolution, explaining how the application meets Zoning Ordinance and College Park U.S. Route 1 Sector Plan requirements and guidelines, except as discussed below. With imposition of appropriate conditions, the proposed mixed-use project is compatible with and in keeping with the surrounding residential neighborhood and the residential streets in the property's vicinity. The present proposal meets the Sector Plan vision for mixed residential, commercial/retail, and office uses in this part of U.S. Route 1, including new multifamily buildings.</p>	<p>This District Council amendment requires no analysis since it references the below listed District Council amendments and conditions.</p>	
C.	<p>The Council approves modifications of development district standards, as follows:</p>	<p>This District Council amendment requires no independent analysis. Please see the subparts of this District Council amendment for analysis.</p>	
C.(1)	<p>The District Council rejects the applicant's request to not place utility poles underground. Therefore, pursuant to the condition below, the applicant shall remove the utility poles and place underground the utility lines along the U.S. Route 1 frontage. (Public Areas Standard P6.A.)</p>	<p>The Applicant does not propose any amendments which will impact this District Council amendment. Please see the analysis on Condition 4 for more information on how the Applicant will fulfill this requirement as expressly envisioned by this amendment.</p>	

C.(2)	<p>The maximum built-to-line is 10-20 feet behind the right-of-way (ROW) line, but the proposed building may have 22 feet from the ROW of Baltimore Avenue, as determined by the final SHA ROW of Baltimore Avenue to allow for a lay-by lane in order to accommodate loading needs of larger trucks and as a bus stop. A six-foot landscaped median is deemed necessary from a design standpoint to separate this lay-by lane from the U.S. Route 1 travel lanes. In addition, the proposed building may have 35 feet from the ROW of Autoville Drive in order to maintain a consistent setback with the existing houses on both sides. (Site Design Standard S3.)</p>	<p>The Applicant's proposed minor amendments are in compliance with this District Council amendment. After the District Council approved this development proposal in 2008, the previous Applicant coordinated with SHA to determine the amount of ROW which the agency would require. Based on that coordination, the previous Applicant learned that the building would have to move to accommodate the updated SHA ROW requirements. Shortly after the previous Applicant found out about the updated SHA ROW requirements, the previous Applicant stopped processing the plans through the approval process. This Applicant has incorporated the updated SHA ROW requirement into the submitted civil plans while maintained the build-to-line mandated by this amendment.</p>	
C.(3)	<p>A lay-by lane is permitted along U.S. Route 1 to be used as a bus pull-off area and to serve as a loading area for larger trucks for a limited time in the evening. (Site Design Standard S4.)</p>	<p>The Applicant does not propose any amendments which will impact this District Council amendment.</p>	<p>A lay-by lane has been included on the civic plans.</p>

C.(4)	<p>The building height for the multifamily and retail building may be five stories, even though the Sector Plan recommends a limit of three stories in Areas 4 and 5. The applicant is providing parking in a multi-level structure behind the building fronting U.S. Route 1. (Building Design Standard B1.)</p>	<p>The Applicant does not propose any amendments which will impact this District Council amendment.</p>	<p>This amendment is permissive and not mandatory. However, the height of the building is 5 stories towards Route 1.</p>
C.(5)	<p>The applicant is permitted to have a limited number of multifamily units without balconies, though the Sector Plan recommends balconies for all units above the ground floor. The applicant's building design compensates for the absence of balconies facing U.S. Route 1. (Building Design Standard I.)</p>	<p>The Applicant does not propose any amendments which will impact this District Council amendment.</p>	<p>This amendment is permissive and not mandatory. Please see architectural plans for balcony distribution.</p>
C.(6)	<p>The applicant is permitted not to provide a sidewalk along the property's frontage on Autoville Drive since no sidewalk exists along this side of Autoville Drive. (Public Areas Standard P2.)</p>	<p>The Applicant does not propose any amendments which will impact this District Council amendment.</p>	<p>This amendment is permissive and not mandatory. However, the Applicant does not propose any sidewalk along the Autoville Drive frontage.</p>
D.	<p>The Council approves the applicant's minor amendment to allow 42 percent two-bedroom units, though the Zoning Ordinance, in § 27-419, would limit two-bedroom units to 40 percent of the total.</p>	<p>The Applicant's proposed minor amendments are in compliance with this District Council amendment. The Applicant's minor amendment proposes 247 total residential dwelling units, with 52 of the proposed dwelling units having two-bedrooms. Thus, two-bedroom dwelling units make up approximately 21 percent of the total dwelling units for this mixed-use development.</p>	

E.	<p>The Council does not agree that the applicant's proposed parking scheme is acceptable and should be approved. The parking scheme raises various concerns and creates a likelihood of insufficient parking for the proposed uses. The Planning Board's recommendation lacked fact-based analysis to justify its conclusion and violated the specific language in the Sector Plan regarding justification of additional parking reductions. The applicant's proposed parking scheme must be revised, as follows, and additional conditions must be imposed.</p>	<p>This District Council amendment requires no independent analysis. Please see the subparts of this District Council amendment for analysis.</p>	
E.(1)	<p>The Sector Plan recommends on-street parking "where possible." On-street parking on U.S. Route 1 is not feasible, and could only accommodate a handful of spaces. Cherokee Street and the other residential streets have only limited space available. Considering the number of dwelling units proposed and the amount of commercial/retail and office space, off-street parking in the proposed garage is warranted. (Public Areas Standard P1.A.)</p>	<p>The Applicant does not propose any amendments which will impact this District Council amendment.</p>	<p>The Applicant does not propose any on-street parking on Route 1.</p>
E.(2)	<p>The applicant's proposal lacks evidence to support a 20 percent additional parking reduction. Therefore, the District Council approves the applicant's reduction of total dwelling units to 200, an increase in parking spaces so that the total number of parking spaces provided with this DSP is 403, and the District Council agrees with the transportation demand management strategy dated August 2, 2007 which shall be a condition of approval as stated below.</p>	<p>The amendments to the application will be consistent with the parking requirements.</p>	

E.(3)	The District Council approves the applicant's requests for departures from parking and loading standards to reduce the width of parking spaces in the parking garage from the required 9 ½ feet to 9 feet; and to reduce the required number of loading spaces from four to three, though the Zoning Ordinance, in § 27-558 would require the width of a parking space of 9 ½ feet and in § 27-582 would require four loading spaces.	The Applicant does not propose any amendments which will impact this District Council amendment.	The Applicant has reduced the size of the parking spaces in the garage and reduced the amount of loading spaces consistent with this District Council amendment.
F.	The District Council approves the conclusions by staff and Planning Board in paragraphs 10 (Landscape Manual), 11 (Woodland Conservation and Tree Preservation Ordinance) except as provided below, and 12 (referral comments).	The Applicant does not propose any amendments which will impact this District Council amendment.	
Condition #	Text of Conditions	Applicant's Compliance Response	
1	Prior to certificate approval of this detailed site plan, the applicant shall:	This District Council condition requires no independent analysis. Please see the subparts of this District Council condition for analysis.	
1.a.	Provide additional architectural details and fenestration to break up the monotony of the elevations facing the interior courtyard where the proposed swimming pool is located to be reviewed and approved by the Urban Design Section as the designee of the Planning Board, and, in consultation with the District Council.	The Applicant's proposed minor amendments are in compliance with this District Council condition. This staff level revision was submitted to the Urban Design Section for review as designee of the Planning Board and this Applicant has been in close consultation with the District Council.	Refer to sheets A4-01 & A4-02 for updated elevations.

1.b.	Provide a green screen and other treatments that are visually appealing on all exposed elevations of the parking garage that are not covered by other attached buildings in order that there shall be no exposed unfinished concrete facades.	The Applicant does not propose any amendments which will impact this District Council condition. Specifically, this Applicant has incorporated the required green screen on the north and south architectural elevations.	Refer to details 1&2/A4-01 for updated elevations.
1.c.	Indicate the building height and actual building setbacks on the site plan.	The Applicant does not propose any amendments which will impact this District Council condition. Please see the site plan for verification that the heights have been incorporated into the plans.	Building heights are indicated on sheet A4-01 and C-1.
1.d.	Provide information regarding the percentage of brick on exterior elevations of the building and lot coverage.	The Applicant does not propose any amendments which will impact this District Council condition. Specifically, this Applicant proposes over 75% brick on the exterior elevations.	Refer to schedule on sheet A4-01 for the percentage of masonry.
1.e.	Revise the Landscape Plan to show graphically each Section 4.7 bufferyard and its corresponding landscape schedule.	The Applicant does not propose any amendments which will impact this District Council condition. Please see the submitted landscape plan for verification that the 4.7 bufferyard has been shown graphically and the landscape schedule has been updated.	Refer to sheet L6-01 for updated buffer yard plan.

1.f.	<p>Add site plan notes as follows:</p> <p>“A minimum of three retail uses as listed on Section 27-461(b) under category E, General Retail, shall be included in the commercial/retail component of this development.”</p> <p>“Loading trucks that serve the residential portion of the building shall utilize the access point directly off U.S. Route 1. No truck traffic shall be allowed to access the subject site via Cherokee Street, and it shall be posted to prohibit truck traffic.”</p> <p>“This project will be developed in accordance with the green building techniques included in "A Green Strategy for JPI College Park West" to achieve high quality indoor air-quality/comfort energy efficiency, water efficiency and sustainability, specifically including, but not limited to the following:</p>	<p>The Applicant does not propose amendments which will impact this District Council condition. Please see the submitted site plan for verification that these notes have been added. It is important to note that JPI is not the Applicant of this Application. Thus, the note regarding “Green Strategy” will reference this Applicant, not JPI.</p>	Refer to sheet C-1.
1.f.(1)	<p>Eliminate pollutants by utilizing low emitting paint, carpets, adhesives, and sealants (see LEED NC 2.2, 4.1, 4.2 and 4.3).</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition.</p>	
1.f.(2)	<p>Utilize Energy star appliances, Lighting (CFL, dimmers, vacancy switches) and HVAC – minimum SEER 13 and programmable thermostats.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition.</p>	
1.f.(3)	<p>Install water efficient landscaping, low flow faucets and low flow shower heads.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition.</p>	
1.f.(4)	<p>Provide community bicycle storage and encourage LE and FE vehicles by designating a preferred parking area.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition.</p>	
1.f.(5)	<p>Provide a recycling area during construction.</p>	<p>The Applicant does not propose any amendments which will impact this District</p>	

		Council condition.	
1.f.(6)	Make provision for the residents to recycle household waste by providing appropriate receptacles and making arrangements for removal.	The Applicant does not propose any amendments which will impact this District Council condition.	
1.g.	Revise the justification statement to include a request to amend Public Area, P1 Road Network, Design Standard A.	The Applicant does not propose any amendment which will impact this District Council amendment. Please see enclosed as Exhibit 2 an updated Statement of Justification which includes a request to amend Public Area, P1 Road Network, Design Standard A.	
1.h.	Provide evidence that the subject DSP is consistent with the approved stormwater management concept plan for this site.	The Applicant does not propose any amendments which will impact this District Council condition. Specifically, this Applicant submitted with the staff level revision request a stormwater technical approval. The stormwater technical approval was granted consistent with the stormwater concept approval.	Refer to sheet C-4.
1.i.	Revise the landscape and lighting plan as follows:	This District Council condition requires no independent analysis. Please see the subparts of this District Council condition for analysis.	
1.i.(1)	Locate the tables and chairs shown in Detail 3 on Sheet L-3, Hardscape Details on the Landscape Plan.	The Applicant does not propose any amendments which will impact this District Council condition.	Refer to sheets L2-04 & L2-05 for updated hardscape plans.
1.i.(2)	Substitute Korean Pines for the Deodar Cedars; Serbian Spruce or Oriental Spruce for the Norway	The Applicant does not propose any amendments which will	Refer to sheet L9-01 for revised landscape

	Spruce; and Maples for Ash.	impact this District Council condition.	specifications.
1.i.(3)	Eliminate the sod and expand the planting areas to the extent possible.	The Applicant does not propose any amendments which will impact this District Council condition.	Refer to sheets L8-01, L8-02, L8-03, L8-04 & L8-05 for updated planting plans.
1.i.(4)	Provide an on-site irrigation system for planting areas including the Greenscreen and the Courtyard areas.	The Applicant does not propose any amendments which will impact this District Council condition.	
1.j.	Revise the sign schedule to be consistent with DDOZ Standard B.5 Signs N. Provide a sign plan including lighting, colors, lettering style, size, height, quantity and location for review and approval by the Urban Design Section as the designee of the Planning Board and in consultation with the District Council and the City of College Park. No amendment to sign standards shall be granted without a revision to the subject DSP.	The Applicant does not propose any amendments which will impact this District Council condition.	Refer to sheet A4-03 for updated sign schedule.
1.k.	Provide a materials board.	The Applicant does not propose any amendments which will impact this District Council condition.	Provided a materials board.
1.l.	Provide a clear demarcation of sidewalk across all driveway entrances and intersections along the site frontage to give priority to pedestrians.	The Applicant does not propose any amendments which will impact this District Council condition.	Refer to sheets L2-04 & L2-05 for updated hardscape plans.
1.m.	Provide access to the site located at 9104 Baltimore Avenue from the access road that links Cherokee Street and Baltimore Avenue.	The Applicant does not propose any amendments which will impact this District Council condition.	Refer to sheet C-4.

1.n.	Subject to review and approval by the Urban Design Section as the designee of the Planning Board, provide a wrought iron fence to be located around the site's entire boundary area that is adjacent to the existing single-family detached houses. The wrought iron fence shall be six feet in height and be with a combination of brick piers and wrought iron fence.		Refer to sheets L2-01 & L2-02 for updated hardscape plans.
1.o.	Provide off-white or other light-color roof materials for the proposed parking garage complex.	The Applicant does not propose any amendments which will impact this District Council condition.	Refer to details 1&2/A4-01 for updated elevations.
2	The applicant and the applicant's heirs, successors, and/or assignees shall provide the following sidewalk improvements:	This District Council condition requires no independent analysis. Please see the subparts of this District Council condition for analysis.	
2.a.	The wide sidewalk along U.S. Route 1 as indicated on the updated rendering of Sheet L-1 of the DSP dated September 4, 2007, unless modified by the State Highway Administration.	The Applicant does not propose any amendments which will impact this District Council condition.	Refer to L2-04 & L2-05 for updated hardscape plans.
2.b.	Four bicycle racks as indicated on the site plan.	The Applicant does not propose any amendments which will impact this District Council condition.	Refer to sheets L2-04 & L2-05 for updated hardscape plans.
2.c.	Striped crosswalks at all access points crossing sidewalks, including the provision of a crosswalk pursuant to SHA standards across U.S. Route 1 at its intersection with Cherokee Street and the Site Access Road. Crosswalks shall be striped in accordance with the guidelines for secondary intersections included in DDOZ Design Standard E of the Public Areas.	The Applicant does not propose any amendments which will impact this District Council condition.	Refer to sheets L2-04, L2-03, L2-04 & L2-05 for updated hardscape plans.

2.d.	All sidewalks shall include ADA accessible ramps and curb cuts at all road intersections.	The Applicant does not propose any amendments which will impact this District Council condition.	Refer to sheet C-4.
3	The total development within the subject property shall be limited to no more than 200 multifamily residential units and 25,000 square feet of commercial retail, or different allowed uses generating no more than 184 AM (66 in, 118 out) and 432 PM (236 in, 196 out) peak-hour vehicle trips, respectively.	The Applicant's proposed minor amendments are in compliance with this District Council condition. The District Council approved a trip cap in this Condition which allows for updates to development quantities so long as the traffic generated by the updated development quantities do not exceed 184 AM (66 in, 18 out) and 432 PM (236 in, and 196 out) peak hour trips, respectively. The Applicant has updated the development quantities to include 247 multi-family dwelling units and 4800 square feet of retail. The Applicant has provided staff with a transportation analysis (Enclosed as Exhibit 1) which shows that the trip cap has not been exceeded with the updated development quantities.	Refer to sheet C-1.

4	<p>Prior to issuance of any use and occupancy permits for residential units, the applicant shall make provisions for the placement of existing utility lines and the poles along the U.S. Route 1 frontage underground. It is anticipated that the applicant will seek a Revitalization Tax Credit to offset the cost of this condition. The applicant, the Planning Board, the County Council, DPW&T and the City of College Park will develop a plan so that all tax credits received will be utilized to initiate a comprehensive utility relocation on U.S. Route 1 north of Route 193. Such funds derived by a Revitalization Tax Credit shall be used first on the Subject Property and then on adjacent properties.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition. This Applicant will continue to make provisions in consultation with the City of College Park, the Planning Board, the County Council, and DPW&T regarding the development of a comprehensive plan to underground the utilities. At this point, the Applicant understands that the City may need assistance with a study to underground the utilities consistent with SHA requirements. The Applicant will continue to work with all parties to ensure that provisions are made to underground the utilities consistent with this condition.</p>	
5	<p>Prior to the issuance of any building permit, the following improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the appropriate agency:</p>	<p>This District Council condition requires no independent analysis. Please see the subparts of this District Council condition for analysis.</p>	

5.a	<p>Provision of a new access roadway opposite of existing Cherokee Street (east leg) that shall be (dedicated to public use and is) open to all traffic at all times, and extends to Cherokee Street (west leg). This roadway shall provide for two outbound lanes and only one inbound lane to accommodate only the left-turn from U.S. Route 1 northbound and thru traffic from the east leg of Cherokee Street. This roadway shall include sidewalk that extends from U.S. Route 1 to Cherokee Street (west leg). The applicant is responsible for the signalization and any other modifications deemed needed by SHA, DWP&T and the City that would transform this intersection into a safe and pedestrian-friendly intersection, including provision of visible crosswalks at all approaches.</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition. The Applicant is currently working with the developer of the adjoining property (the currently pending Jefferson East development) to ensure that sufficient agreements are in place to meet this condition. Specifically, the agreement will require this Applicant to be responsible for the realignment and construction of Cherokee Street and the developer of the adjoining property (the currently pending Jefferson East development) will be responsible for the signalization of Cherokee Street with Route 1.</p>	Refer to sheet C-4.
5.b.	<p>Provision of barrier-separated loading area pursuant to SHA and/or WMATA standards to also allow the opportunity to be used as a bus pull-off area in early morning to late afternoon hours. The applicant shall continue to work with the City, SHA, DPW&T, and WMATA in an effort to determine appropriate hours to restrict loading in this area in order to allow safe and efficient bus access and maintain retail viability. If the bus pull-off area is acceptable to WMATA and SHA, the applicant shall also be responsible for relocating the nearby bus stop to this location and installing a bus shelter, deemed appropriate by</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition.</p>	Refer to sheet C-4.

	DPW&T and the City, as well as any other needed transit and pedestrian-friendly street furniture.		
6	Prior to the issuance of any building permits, the two road segments on the applicant's property in front of the subject site, starting from Cherokee Street west and ending at Route 1 shall be dedicated to the Department of Public Works and Transportation. Additionally, the applicant shall obtain a public use easement from the adjoining owners, Tax Account I.D. No. 2410058, to allow for full public access to the signal at Route 1 (Baltimore Avenue) and Cherokee Street.	The Applicant does not propose any amendments which will impact this District Council condition. Specifically, this Applicant has an agreement with the adjoining property owner to ensure that this access can be executed.	Refer to sheet C-4.
7	Prior to issuance of any building permit, the applicant shall file a bond or other suitable financial guarantee with DPW&T and/or an agreement with the City of College Park to operate a private bus service or contribute to an existing service that will connect the subject property to the nearest Metrorail station. The service shall be offered to all with service headway of 30 minutes during weekday AM and PM peak periods, and vehicles have a minimum capacity of 15	The Applicant does not propose any amendments which will impact this District Council condition. The Applicant intends to contribute to the existing Route 1 ride bus service that is already in existence.	

	persons.		
8	The applicant shall comply with each element in its "Traffic Demand Management" strategy dated August 2, 2007.	The Applicant does not propose any amendments which will impact this District Council condition.	
9	<p>The applicant shall participate in a Transportation Study of the U.S. Route 1 Corridor in the City of College Park for evaluation of transit strategies, including a U.S. Route 1 shuttle operated by governmental, quasi-governmental or private entities. The Transportation Study shall evaluate the implementation of a comprehensive corridor-wide shuttle system.</p> <p>In the event that a new or enhanced U.S. Route 1 shuttle system is operational and serving the Subject Property at the time of issuance of the final use and occupancy permit for this project, the applicant shall contribute a proportionate share of the costs of a U.S. Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Subject Property alone.</p> <p>In the event that a new or enhanced U.S. Route 1 shuttle system is not operational and serving the Subject Property at the time of issuance of the final use and occupancy permit for this project,</p>	The Applicant does not propose any amendments which will impact this District Council condition. The Route 1 shuttle is in existence. Thus, the Applicant intends to contribute to this existing service.	

	<p>the applicant shall provide a private shuttle for residents of the development project in accordance with a schedule and routes agreed to with the City of College Park. If subsequent to the institution of a private shuttle, a U.S. Route 1 shuttle system is created, then the applicant shall participate in the new shuttle system in lieu of providing a private shuttle, and it shall contribute a proportionate share of the costs of a U.S. Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Subject Property alone. It is anticipated that the applicant will coordinate its shuttle activities with the City of College Park, and that depending on the findings of the Transportation Study of the U.S. Route 1 Corridor and depending on the success of a private shuttle or a comprehensive U.S. Route 1 shuttle system, that this condition may be modified.</p>		
10	<p>In consultation with the City of College Park and the District Council, the applicant shall make a good faith effort to execute a memorandum of understanding with the University of Maryland that prohibits University students residing in the project from obtaining on-campus parking permits. Also, in consultation with the City of College Park and the County Council, the applicant shall make a good faith effort to discuss with the University of Maryland methods to discourage faculty and staff residing in the project from driving their personal vehicles to</p>	<p>The Applicant does not propose any amendments which will impact this District Council condition.</p>	

	the campus in the weekday morning and evening peak periods.		
11	Should the residents on Autoville Drive and Cherokee Street west decide to request that the City of College Park create a parking permit zone, the applicant shall support such request with the City.	The Applicant does not propose any amendments which will impact this District Council condition.	

EXHIBIT 1



July 11, 2013

Mr. Kevin Murphy
Monument Realty
1700 K Street, NW
Suite 600
Washington, DC 20006

RE: Jefferson @ College Park West
Prince George's County, Maryland
Our Job No: 2013-0124

CORPORATE OFFICE

Baltimore, MD
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410.931.6600
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FIELD OFFICE LOCATIONS

Arkansas
Maryland
New York
Texas
Virginia

Dear Mr. Murphy:

As requested, The Traffic Group, Inc. has had an opportunity to review the previous approval of the Jefferson Square West Site which was previously under the direction of JPI and was approved by the Prince George's County Planning Board. This site was approved by the Board with a condition that the traffic to be generated by the site did not exceed 184 trips during the morning peak hour and 432 trips during the evening peak hour.

At that time, the trip cap was established based on a development program that consisted of 220 apartment units and 25,000 sq. ft. of retail space. Attached to this letter is Exhibit A which shows the trip generation rates and the peak hour trips which were to be generated by the subject site and were used as a basis for establishing the trip cap. It should be noted that the total trips shown on Exhibit A are consistent with the trip cap placed on the approval of the subject site by the Prince George's County Planning Board which limited the morning peak hour traffic to 184 trips and the evening peak hour to 432 trips.

Since that time, it is our understanding that Monument Realty is presently pursuing the development of the subject property, however, the development program proposed for the subject site is slightly different than what was previously approved for JPI. The new plan would consist of up to 247 apartment units and 4,800 sq. ft. of retail space and still fall within the required trip cap for this site. Using the Prince George's County trip rates for the residential component and the Institute of Transportation Engineers (ITE) equations for the retail space, we have prepared Exhibit B to show that with the reduction of 20,200 sq. ft. in retail space and an additional 27 apartment units could be developed on the subject property without exceeding the original caps placed on this property of 184 trips during the morning peak hour and 432 trips during the evening peak hour.

Therefore, based on the information shown on Exhibit B, a reduction of the 20,200 sq. ft. of retail space would result in the ability to develop 27 additional apartment units without exceeding the trip caps previously established for this property to make a finding of adequacy by the Prince George's County Planning Board.

If you have any questions concerning this information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Glenn Cook". The signature is written in a cursive style with a large initial 'G'.

Glenn Cook
Vice President

GEC/clg
(F:\2013\2013-0124\wp\Murphy.docx)

TRIP GENERATION FOR JEFFERSON SQUARE WEST

TRIP RATES / FORMULAE

IN/OUT

Apartments (garden and mid-rise, Prince Georges County Rates)

Morning Trips = 0.52 x Units 20/80

Evening Trips = 0.60 x Units 65/35

Shopping Center (<100 ksf, ITE for AM, Prince Georges County Rates for PM)

Ln(Morning Trips) = 0.596 x Ln(ksf) + 2.329 61/39

Evening Trips = 12.0 x ksf 50/50

TRIP TOTALS

	MORNING PEAK HOUR			EVENING PEAK HOUR		
	IN	OUT	TOTAL	IN	OUT	TOTAL
220 apartment units	23	91	114	86	46	132
25,000 sq.ft. retail	<u>43</u>	<u>27</u>	<u>70</u>	<u>150</u>	<u>150</u>	<u>300</u>
	66	118	184	236	196	432



EXHIBIT A
TRIP GENERATION
FOR JEFFERSON SQUARE WEST

TRIP GENERATION FOR JEFFERSON SQUARE WEST

TRIP RATES / FORMULAE

IN/OUT

Apartments (garden and mid-rise, Prince Georges County Rates)

Morning Trips = 0.52 x Units 20/80

Evening Trips = 0.60 x Units 65/35

Shopping Center (<100 ksf, ITE)

Ln(Morning Trips) = 0.596 x Ln(ksf) + 2.329 61/39

Ln(Evening Trips) = 0.67 x Ln(ksf) + 3.37 49/51

TRIP TOTALS

	MORNING PEAK HOUR			EVENING PEAK HOUR		
	IN	OUT	TOTAL	IN	OUT	TOTAL
247 apartment units	26	102	128	96	52	148
4,800 sq.ft. retail	<u>16</u>	<u>10</u>	<u>26</u>	<u>41</u>	<u>42</u>	<u>83</u>
	42	112	154	137	94	231



EXHIBIT B
TRIP GENERATION
FOR JEFFERSON SQUARE WEST

EXHIBIT 2

MONUMENT VILLAGE
AT COLLEGE PARK

APPLICATION OF
MR HILLCREST 1 CAPITAL LLC
FOR A
PLANNING DIRECTOR REVIEW
OF A
LIMITED MINOR DETAILED SITE PLAN

UPDATED
STATEMENT OF JUSTIFICATION

SEPTEMBER 23, 2013

APPLICANT:

MR Hillcrest 1 Capital LLC
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Suite 600
Washington, DC 20006
Contact: Amy Phillips
t: See Attorney

CIVIL ENGINEER:

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Contact: Meredith Byer
t: 301.916.4100
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TRAFFIC ENGINEER:

The Traffic Group
9900 Franklin Square Drive
Suite H
Baltimore, Maryland 21236
Contact: Glen Cook
t: 410.931.6600
f: 410.931.6601

ATTORNEY:

**Rifkin, Weiner, Livingston,
Levitan & Silver**
14601 Main Street
Upper Marlboro, Maryland 20772
Contact: Richard K. Reed, Esquire
Contact: Christopher L. Hatcher, Esquire
t: 301.951.0150
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I. INTRODUCTION

MR Hillcrest 1 Capital LLC (hereinafter the “Applicant”), the contract purchaser of the property located 180 feet from the northwest intersection of Cherokee Street and Baltimore Avenue (hereinafter the “Property”), hereby submits this Detailed Site Plan in order to amend DSP-06095 for Jefferson Square at College Park West consistent with §27-289 of the Prince George’s County (hereinafter “County”) Zoning Ordinance. The Property consists 3.70 acres of land that is in the Mixed-Use Infill (hereinafter “MUI”) Development District Overlay Zone (hereinafter “DDOZ”). The purpose of this minor amendment to the Detailed Site Plan is to request a Planning Director level amendment to updates on the architecture and development scheme approved in 2008.

The Applicant respectfully requests that the Planning Director approves this minor amendment administratively, without posting, consistent with §27-289 of the County Zoning Ordinance.

II. APPLICATION DATA

- A. Location: 180’ from the northwest intersection of Cherokee Street and Baltimore Avenue (US 1).
- B. Tax Map/Grid: Map 25, Grid D-3.
- C. Frontage: Baltimore Avenue (US 1).
- D. Election District: 17.

- E. Councilmanic District: 1.
- F. Acreage: 3.70.
- G. Existing Zoning: MUI/DDOZ.
- H. Master Plan & SMA: Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment; Central US 1 Corridor Approved Sector Plan and Sectional Map Amendment.¹
- I. General Plan: The General Plan places the Property within the “Developed Tier” along the “Baltimore Avenue” Corridor.

III. PLANNING DIRECTOR REVIEW

The Applicant respectfully requests that the Planning Director approves this limited minor amendment to the DSP application administratively. Section 27-289 of the Zoning Ordinance provides for such approval as follows:

§27-289. Amendment.

(c) Limited minor amendment, Planning Director.

- (1) The Planning Director is authorized to approve limited minor amendments administratively, without public hearing, to approved Detailed Site Plans.

¹ The 2010 Central US 1 Corridor Approved Sector Plan and Sectional Map Amendment on page 225 (Exemption #10) expressly states “Valid Detailed Site Plans: Properties that obtained approval of a detailed site plan prior to April 1, 2010 under the regulations and procedures of the 2002 College Park US 1 Corridor Sector Plan DDOZ shall be permitted to develop in accordance with the approved detailed site plan unless the validity period expires.” DSP-06095 was approved by the District Council 2008. The District Council by legislative action has extended the validity period of this detailed site plan (along with all other detailed site plans that would have otherwise expired in 2009) until December 31st, 2013. Thus, this minor amendment should be analyzed consistent with the Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment.

(2) The Director may approve only the following minor amendments, if limited in scope and nature:

- (A) An increase of no more than ten percent (10%) in the gross floor area of a building;
- (B) An increase of no more than ten percent (10%) in the land area covered by a structure other than a building;
- (C) The redesign of parking or loading areas;
- (D) The redesign of a landscape plan;
- (E) New or alternative architectural plans that are equal or superior to those originally approved, in terms of overall size and quality;
- (F) Changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements; or
- (G) Changes to any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality, or intent of the approved site plan.

The requested amendments comply with the above outlined Zoning Ordinance criteria. The Applicant's analysis of revisions are as follows:

A. Increase in the Floor Area

The minor amendment will increase the gross floor area to the extent necessary to effectuate all other outlined minor revisions. Specifically, the previous building proposed a gross floor area of 395,944 square feet. The revised building proposes a gross floor area of 416,673 square feet. The revised building will increase the gross floor area by 20,729 square feet. This is a mere 5.24% increase in gross floor area. Thus, the increase in gross floor area is less than 10%.

B. Increase in the Land Area

The minor amendment will not increase the land area covered by a structure other than a building.

C. Redesign of Parking or Loading Areas

The minor amendment will result in redesign of the parking garage. Specifically, this minor amendment results in 335 parking spaces in the parking garage. This will also reduce the height of the parking garage to minimize the visual impact on the Autoville community.

D. Redesign of Landscape Plan

The minor amendment will redesign the Landscape Plan to the extent necessary to effectuate all other outlined minor revisions.

E. New or Alternative Architectural Plans

The Applicant is proposing minor architecture revisions which are improvements on the architecture that was approved in 2008 by the District Council. The Applicant has outlined, in a red box on the submitted architectural elevations, each of proposed minor architectural revisions. The primary minor architectural revision is an update to the roof. The previous architecture had a flat roof which did not conceal from the eyes or insulate the noise from the mechanical devices on the roof. The proposed pitched roof will be more consistent with the residential character of the surrounding single-family homes, conceal the mechanical devices from sight, and muffle the noise that will be generated from the mechanical devices on the roof. Thus, the Applicant asserts that the pitched roof, and the other minor architectural revisions, will constitute an improvement on the architecture which was approved by the District Council in 2008.

F. Engineering Changes

This minor amendment will incorporate engineering changes to the extent necessary to effectuate all other outlined minor revisions and to account for updated State Highway Administration information.

G. Other

a. Updated Development Quantities

This minor amendment seeks to decrease the amount of commercial space and increase the amount of residential space originally proposed and

approved by the District Council in 2008. The District Council approved DSP-06095 with a trip cap. Specifically, Condition 3 in the District Council Order of Approval states:

3. The total development within the subject property shall be limited to no more than 200 multifamily residential units and 25,000 square feet of commercial retail, or different allowed uses generating no more than 184 AM (66in, 118 out) and 432 PM (236 in, 196 out) peak-hour vehicle trips, respectively.

Emphasis added.

Enclosed with this request for staff level revision is a comparative trip analysis performed by The Traffic Group. As stated in the analysis, the decrease in commercial space and the increase in residential space does not increase the amount of traffic past the District Council imposed trip cap. In fact, the submitted analysis suggests that the conversion of the commercial space to residential units will decrease the traffic impact of this development.

b. Compliance with District Council Order Condition 1.g.

The Applicant is formally revising the statement of justification to include a request to amend Public Area, P1 Road Network, Design Standard A, consistent with condition 1.g. of the District Council Order of Approval.

Condition 1.g. of the District Council Order of Approval states:

1. Prior to certificate approval of this detailed site plan, the applicant shall:

...

g. Revise the justification statement to include a request to

*amend Public Area, P1 Road Network,
Design Standard A.*

Thus, consistent with Condition 1.g. of the District Council Order of Approval, the Applicant respectfully requests an amendment to Public Area, P1 Road Network Design Standard A.²

CONCLUSION

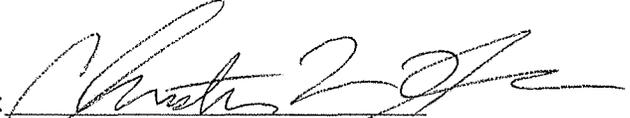
The Applicant is confident that this application meets the criteria for a limited minor amendment of a DSP as outlined in §27-289. The proposed minor amendments to the DSP will permit the Applicant to update the development scheme and architecture to 2013 standards. These minor amendments will also ensure that the architecture is more consistent with the surrounding residential area. Thus, the applicant asserts that these minor amendments, which the Applicant seeks to incorporate into the approved DSP, can be processed administratively, consistent with §27-289 of the Zoning Ordinance.

² It is important to note that the District Council has already approved this request in two (2) manners. First, the approval of this request is implicit in this District Council condition of approval. Second, amendment E.(1) expressly recommends an alternative solution for Public Area Standard P1.A.

In consideration of the foregoing, the Applicant respectfully requests that the Planning Director approve this DSP application administratively without requiring the site to be posted.

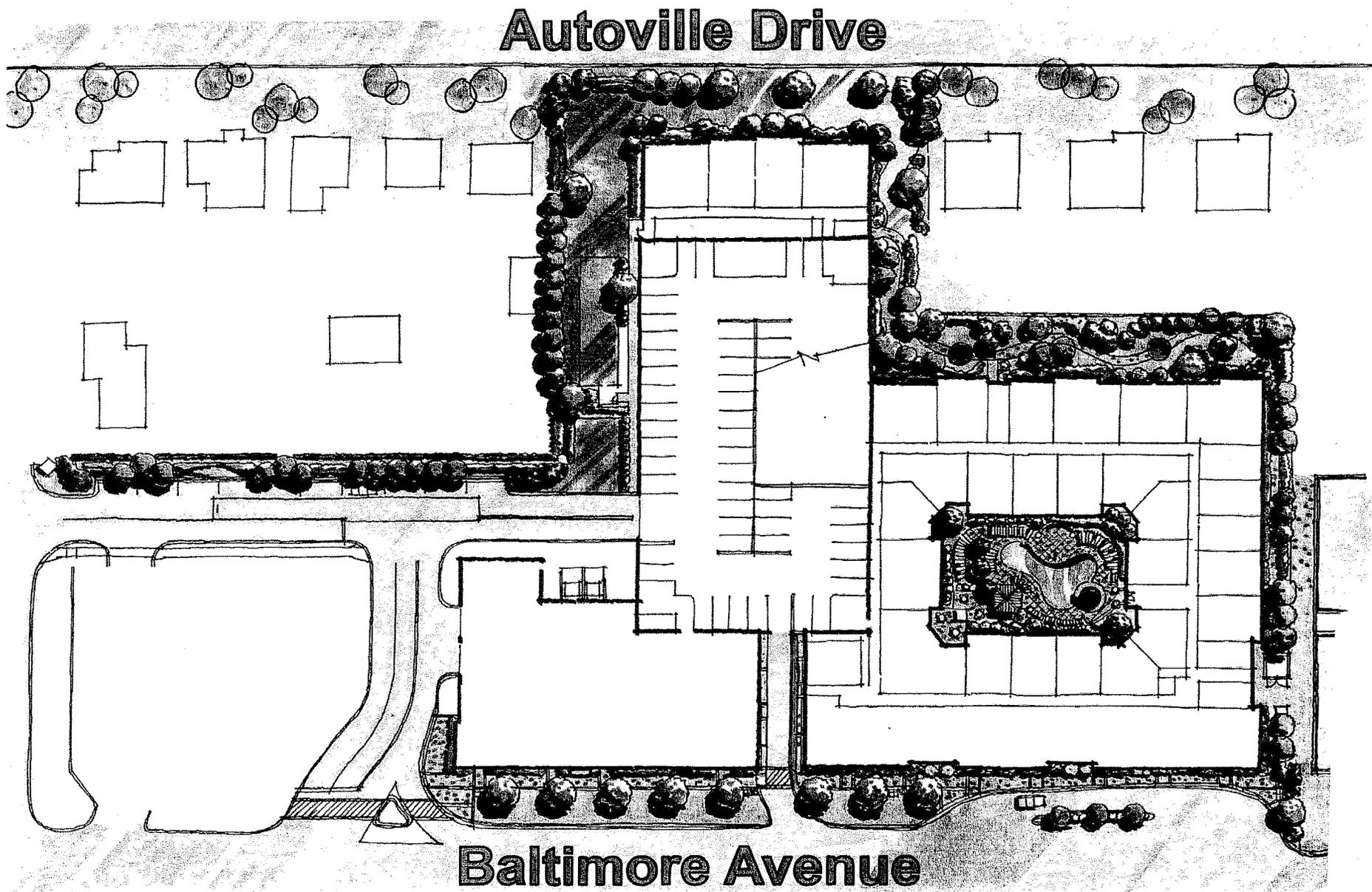
Respectfully submitted,

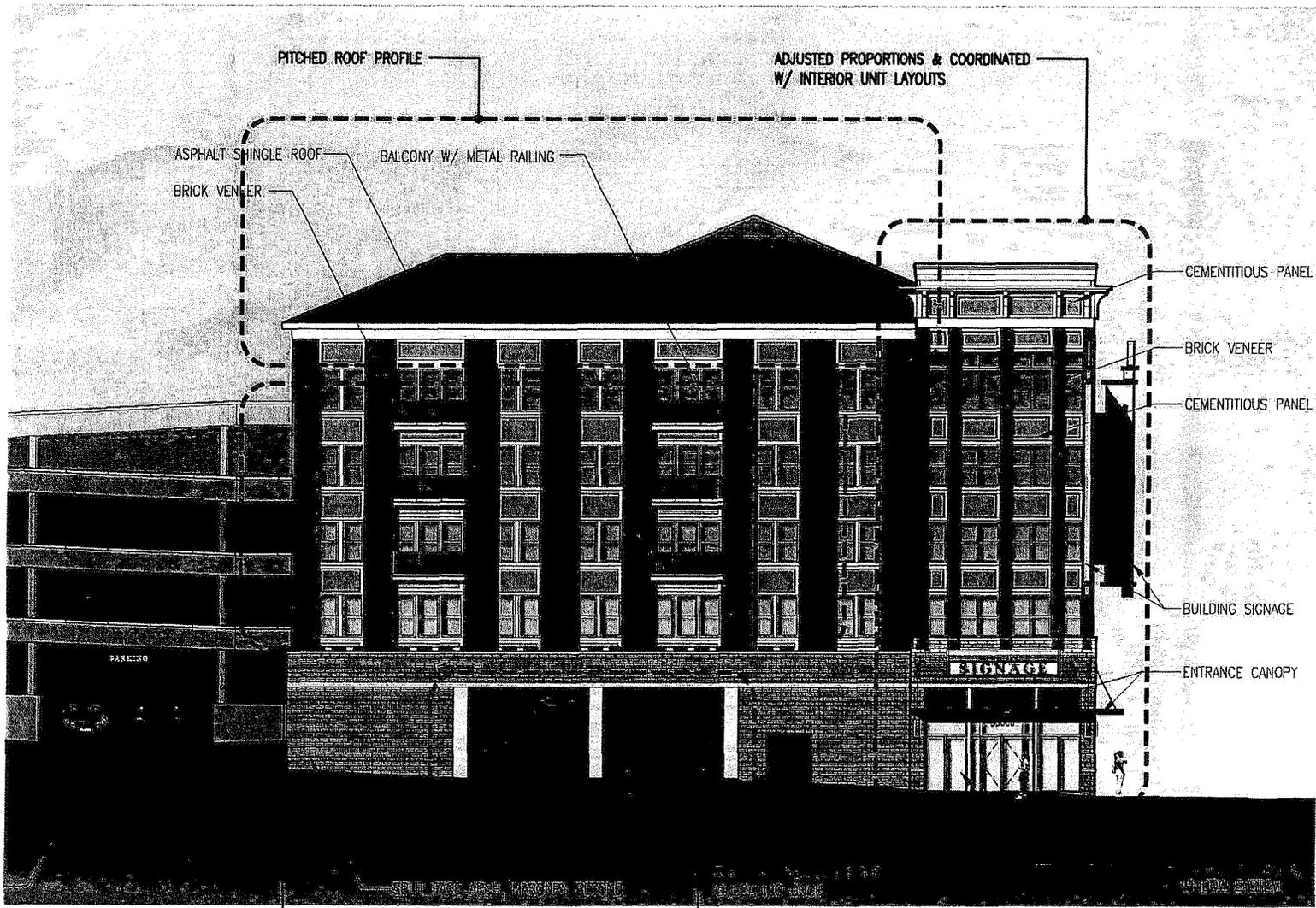
RIFKIN, WEINER, LIVINGSTON,
LEVITAN, & SILVER, LLC.

By: 

Christopher L. Hatcher, Esquire

Illustrative Site Plan





PITCHED ROOF PROFILE

ADJUSTED PROPORTIONS & COORDINATED
W/ INTERIOR UNIT LAYOUTS

ASPHALT SHINGLE ROOF

BALCONY W/ METAL RAILING

BRICK VENEER

CEMENTITIOUS PANEL

BRICK VENEER

CEMENTITIOUS PANEL

BUILDING SIGNAGE

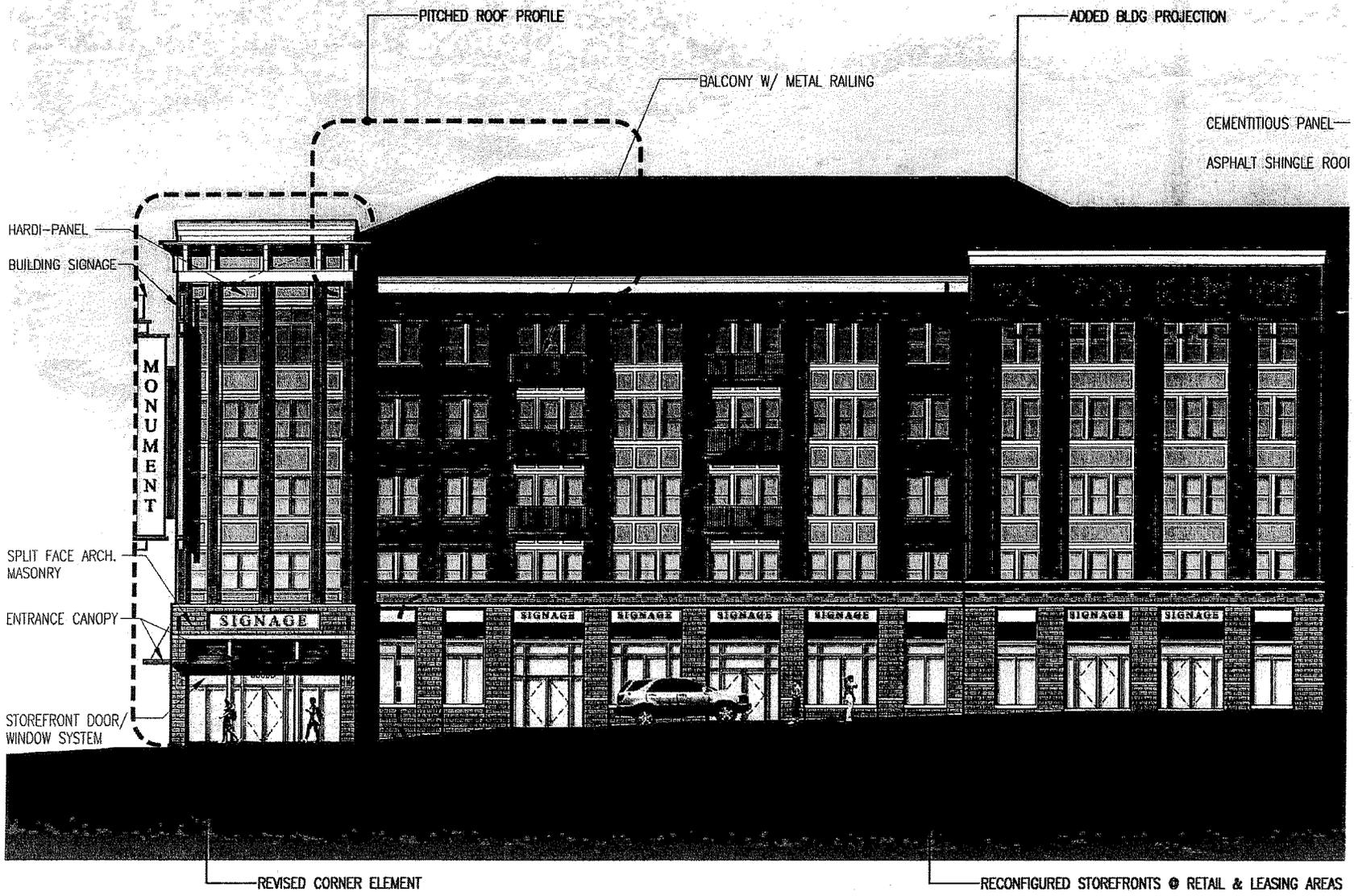
ENTRANCE CANOPY

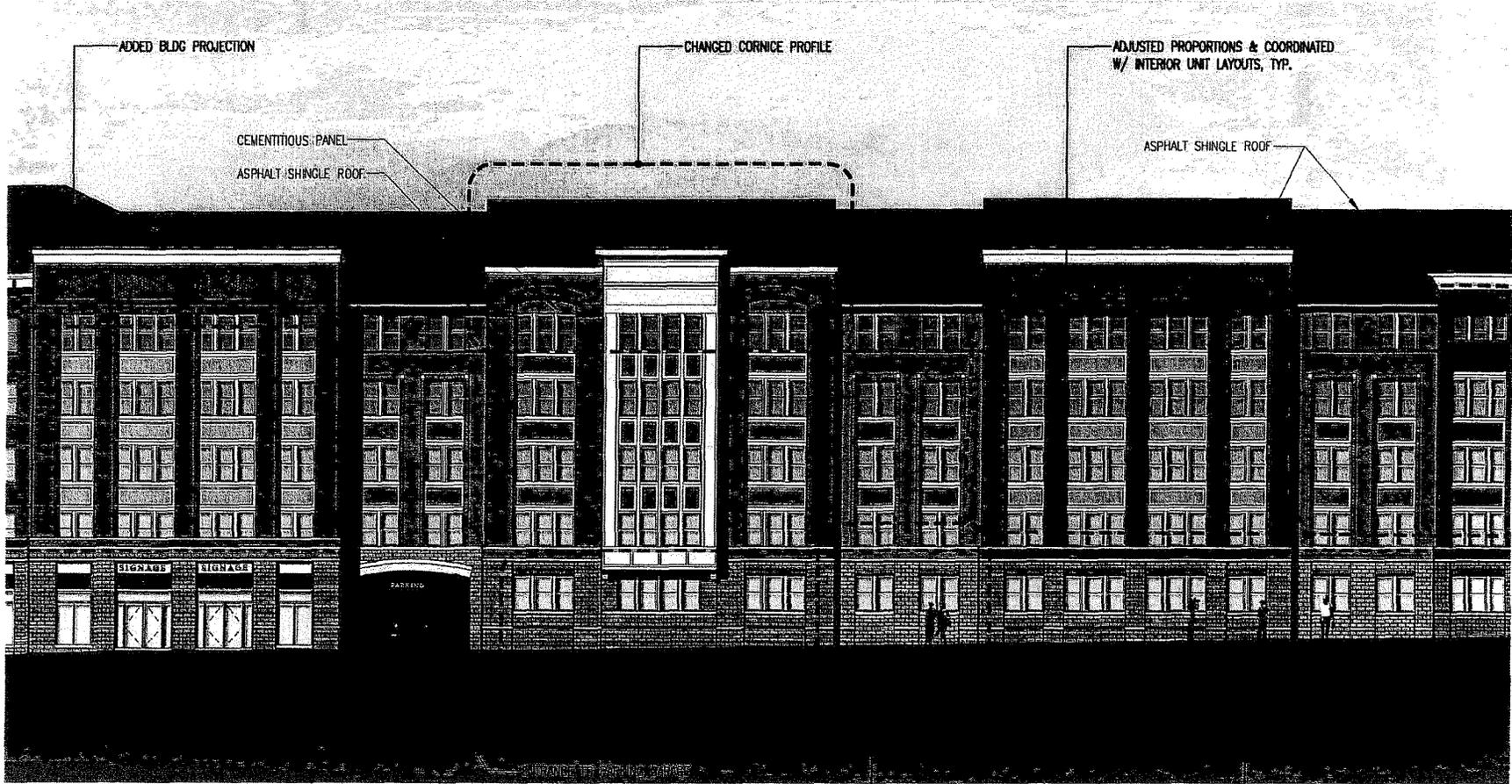
PARKING

STORAGE

COORDINATED WINDOWS W/ INTERIOR UNIT LAYOUTS

CREATED (2) SMALLER OPENINGS FOR SCALE

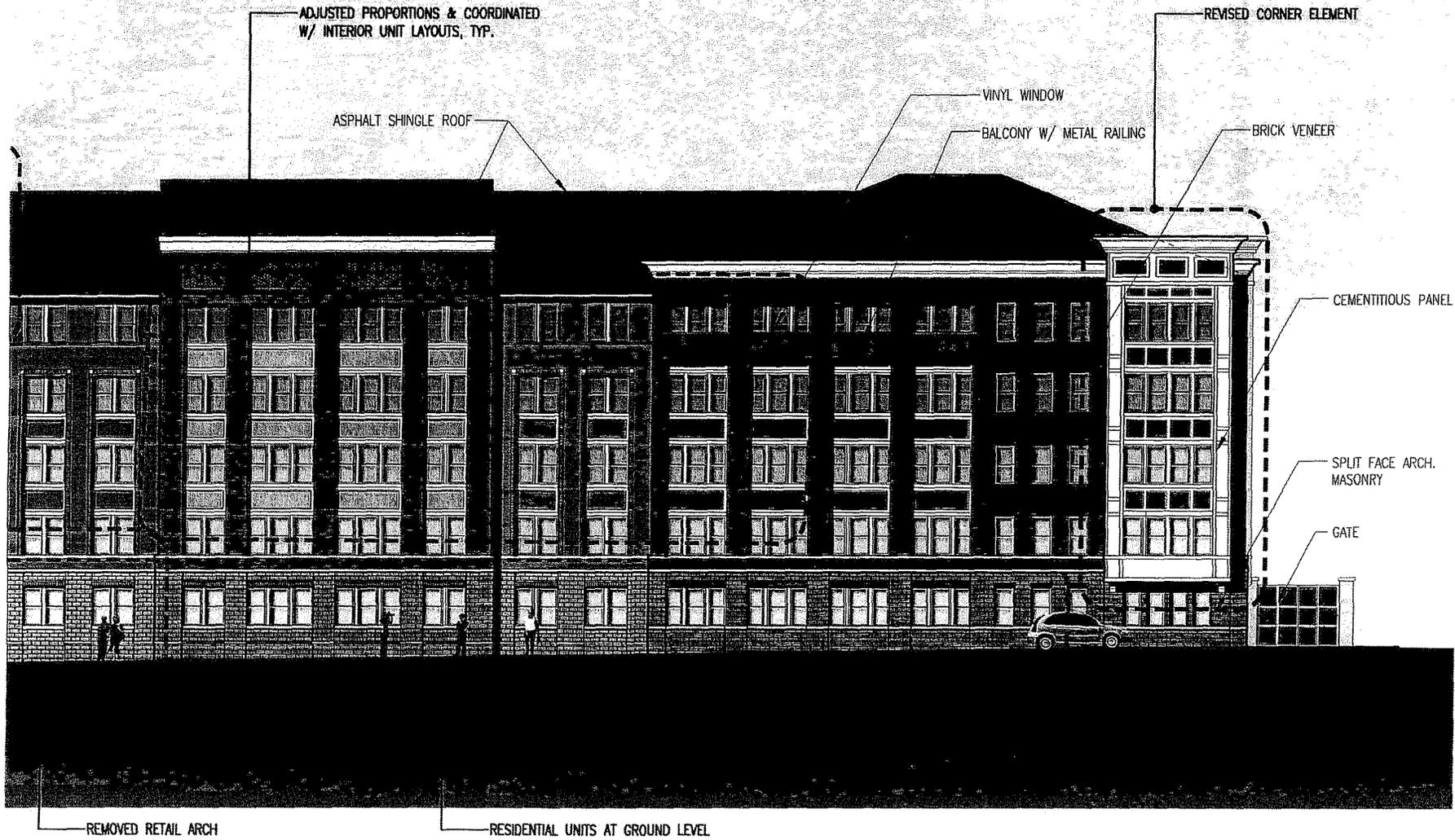




RECONFIGURED STOREFRONTS @ RETAIL & LEASING AREAS

REMOVED RETAIL ARCH

RESIDENTIAL UNITS AT GROUND LEVEL



ADJUSTED PROPORTIONS & COORDINATED
W/ INTERIOR UNIT LAYOUTS, TYP.

REMOVED CORNER ELEMENT

ASPHALT SHINGLE ROOF

VINYL WINDOW

BALCONY W/ METAL RAILING

BRICK VENEER

CEMENTITIOUS PANEL

SPLIT FACE ARCH.
MASONRY

GATE

REMOVED RETAIL ARCH

RESIDENTIAL UNITS AT GROUND LEVEL

4

Neighborhood
Stabilization
and Quality of
Life Work
Group:
Strategies

College Park Neighborhood Stabilization and Quality of Life Work Group

Report on Potential Strategies for Stabilizing Neighborhoods and Improving Quality of Life for College Park Residents

August 7, 2013

The City of College Park's Neighborhood Stabilization and Quality of Life Work Group was established by the Mayor and Council in July 2012 to develop and explore new strategies for addressing issues related to the increasing use of single-family houses as group rental houses over the past several decades. The City Council initiated this effort because of concerns about a long-term trend of increasing numbers of single-family houses being converted to group rental houses over the past several decades. The Council expressed a desire to ensure availability and maintenance of affordable housing in the City, protect the standard of living of all City residents, and strengthen and stabilize the City's neighborhoods.

The Council charged the Work Group with the task of developing specific strategies that have the potential to produce measurable improvements toward two overall goals – 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. This report provides a brief summary of the structure and process for the Work Group and a listing of the potential strategies that the Work Group developed for consideration by various stakeholders such as the City of College Park, University of Maryland, police agencies, student groups such as the Student Government Association and Inter-Fraternity Council, landlord organizations, and others.

The Work Group is pleased to note that some of the potential strategies listed in this report are already receiving serious consideration by stakeholders and a few are already being implemented. One of the most notable is the University of Maryland's recent expansion of the Student Code of Conduct to include off-campus behavior. In addition, greater coordination now exists between the City Code Enforcement, Prince George's County Police, and the University Police to manage large gatherings, particularly around athletic events. The organization of the large bonfire after the UM vs. Duke game and the resulting minimal level of disruptions is an example of their success and hard work. Student representatives are currently working with University and police officials to explore ways to move pre-game "tailgate" parties to on-campus locations. The Prince George's Property Owners Association is working to create a "Medallion" accreditation program to encourage rental house property owners and managers to commit to specific standards and actions to prevent problems and raise standards to increase quality of life for both tenants and neighbors. The Work Group members hope to see further implementation of these and other strategies during the coming year in order to improve quality of life and build more positive relations between all residents and stakeholders in the College Park community.

Work Group Membership and Structure

The City Council appointed a total of 26 members to the Work Group, including City Councilmembers, long-term residents, students, landlords, University officials, police, and City staff (see Attachment A for list of Work Group members). At the Work Group's first meeting on November 19, 2012, the group decided to create four task forces to work on the following issues:

- **Issue Reduction:** Strategies for reducing problems that have negatively impacted the quality of life for people who live in the community, including loud parties, noise, excessive alcohol consumption, public urination, trash, and vandalism.
- **Homeownership:** Strategies for reversing the trend of conversions of owner-occupied properties to rental properties and attracting more University faculty and staff and other owner-occupants to purchase homes in College Park.
- **Community Building:** Strategies for building positive relations between students and long-term residents and creating a stronger sense of community.
- **Housing Diversity:** Strategies for expanding housing options available to students, with a particular emphasis on affordable housing.

Attachment B provides a listing of the members of each of the four task forces.

Process for Developing List of Potential Strategies

The full Work Group and the individual task forces held numerous committee meetings from November 2012 through June 2013 to identify and discuss potential strategies for addressing the above issues. The Work Group also held two public forums during this period, on January 29 and April 30, to provide an opportunity for members of the broader community to express their concerns about neighborhood stabilization and quality of life issues, their ideas for what could be done to achieve tangible improvements, and their comments and reactions to the potential strategies that had been proposed. The Work Group also received and considered comments that were submitted in writing after each of the public forums.

The Work Group greatly appreciates the significant amount of input that community members provided to inform the development and consideration of potential strategies. Over 200 people attended the two public forums, with 56 people providing oral comments at the first forum and 18 people speaking at the second forum. Other people and organizations submitted comments in writing after the forum. University students played a significant role in the process including by participating in the task forces and the public forums. Members of the Student Government Association, Inter-Fraternity Council, Pan-Hellenic Association, and Co-op Housing University of Maryland (C.H.U.M.) participated in both formal and informal ways; although not all of their names are listed in this report, their contributions are very much appreciated by the Work Group.

During all of these meetings, Work Group members heard and recognized that community members have significant and valid concerns about quality of life issues and that a new course of action is required by all stakeholders to address the community's concerns. The group notes that prevention and education approaches can be more effective and less costly than enforcement-based approaches and could help to create a stronger and more cohesive community; at the same time, the group recognizes that changes to enforcement strategies are also necessary and critical to success in addressing the quality of life concerns.

The Work Group also notes that there are no "silver bullets" or simple solutions, and that achieving the measurable improvements that stakeholders are seeking will require a comprehensive set of approaches. For example, providing financial incentives for new homeowners will not be effective unless our neighborhoods are attractive to those potential residents. Increased enforcement without

community building may tend to increase tensions, and yet community building efforts without effective enforcement of community standards may not produce the behavior changes that are desired. Perhaps most important of all is the need for all stakeholders – City, University, police agencies, landlords, students, and long-term residents – to work together collaboratively and in a sustained manner to achieve our goal of making College Park a stronger community that we all can be proud of and enjoy as a “college town” that is “a smart place to live.”

Potential Metrics for Measuring Success

As the City, University, and other stakeholders move forward to implement various strategies, it will be important to periodically assess whether progress is being made. The Work Group discussed a number of potential performance metrics that could be used to assess progress in reducing quality of life problems and increasing the rate of homeownership – see Table 1. The group also believes it is important to track these metrics by neighborhood wherever possible, in addition to aggregate measures for the City as a whole. In addition, it would also be useful to compare College Park to other neighboring municipalities on measures for which there is comparable data.

Table 1: Potential Metrics Related to Neighborhood Stabilization and Quality of Life

Issue Reduction	<ul style="list-style-type: none"> • Number of noise complaints • Number of noise citations • Number of houses with more than 3 noise complaints during the calendar year • Number of property appearance-related code violations for tall grass/weeds, trash/debris, litter, parking on grass, exterior maintenance, and trash/recycling totes (report separate totals for rental houses and owner-occupied houses) • Number of vandalism incidents reported • Number of police calls for service, as measured by C-MAST calls • Crime statistics (e.g., number of violent crimes, property crimes, and total crimes)
Home Ownership	<ul style="list-style-type: none"> • Percentage of single family houses that are owner-occupied • Percentage of UMD faculty and staff who live in College Park • Number of single-family houses that are registered with the City as rentals • Number of owner-occupied single-family houses that were sold to investors • Number of investor-owned single-family houses that were sold to owner occupants • Average # of days that single-family houses were on the market before being sold
Community Building	<ul style="list-style-type: none"> • Percentage of respondents who report a satisfactory relationship between students and long-term residents on the City Resident Survey • Number of students and long-term residents who participated in community events that included both students and long-term residents
Housing Diversity	<ul style="list-style-type: none"> • Average monthly housing cost per bed in off-campus apartment buildings • Number of units of subsidized graduate student housing in College Park • Total number of beds in student apartment buildings constructed after 6/30/2012 • Percentage of student survey respondents who report that they are satisfied with the housing options that are available in College Park
Overall	<ul style="list-style-type: none"> • Number of potential strategies that were adopted and implemented • Percentage of respondents who give College Park an overall rating of “excellent” or “good” on the City Resident Survey • Percentage of respondents who give their neighborhood an overall rating of “excellent” or “good” on the City Resident Survey • Percent of residents that would recommend living in College Park to a friend

It is important to note that using these indicators to assess progress may not always be clear-cut and straightforward. For example, strategies that encourage residents to call police and the Noise Hotline more consistently to report problems could lead to an increase in the number of reported complaints, even if the actual incidence of problems has declined. In addition, metrics based on surveys may not yield reliable results if the surveys have low response rates, because those who respond may not be representative of all residents or students. Nevertheless, it is important for the City and other stakeholders to regularly examine the data to seek to understand how the implementation of various strategies is affecting the underlying issues and goals for this effort. The above metrics are suggested as a starting point for consideration, and the City Council and other stakeholders should explore the feasibility of these measures as well as seeking to identify other potential metrics that may provide more meaningful and reliable information about progress.

List of Potential Strategies

Table 2 below provides a listing of potential strategies that were developed by the four task forces for consideration by the City of College Park, the University of Maryland, landlords, students, and other stakeholders. It is important to note that these potential strategies are not “recommendations” of the committee – not all Work Group members support all of the proposed strategies, and the task forces were asked to compile all of the suggestions and not to eliminate any from consideration. The table includes a brief indication of which stakeholders could be involved in adopting and implementing each strategy. Finally, the last column of the table provides task force comments on each strategy, which may include background context, pros and cons, challenges, suggestions for implementation, and progress-to-date where applicable.

Next Steps

The Work Group intends for the strategies listed in the table below to act as a guide for the various stakeholders to develop and implement their own roadmap for addressing issues relating to neighborhood stabilization and housing options for student residents in College Park. The Work Group specifically intended not to make recommendations regarding the important policy decisions and trade-offs that individual stakeholders now must make regarding these strategies, but asks that each stakeholder give due consideration to the strategies that have been suggested.

This report fulfills original mission and charge of the Neighborhood Stabilization and Quality of Life Work Group, but the Work Group recommends that the City Council designate a smaller, ongoing committee to continue this important work. Such a committee would provide a valuable means for promoting and facilitating a continuing dialogue among various stakeholders, measuring progress toward adoption and implementation of the strategies, and tracking and disseminating information about progress on key metrics.

Table 2: List of Potential Strategies Developed by the College Park Neighborhood Stabilization and Quality of Life Work Group

#	Strategy	Potential Implementers	Comments
ISSUE REDUCTION			
Goal: Establish Consistent Expectations and Enforcement			
1	Extend UMD Code of Student Conduct to apply off campus, i.e., to require students to adhere to the same standards off campus as they do on campus.	University Administration, City Contract Police and Code Enforcement	Completed. In May 2013, the University Senate passed, and President Loh approved, changes to the Code of Student Conduct to make it apply anywhere that UMD students are involved, whether on campus or off campus. Five new UMCP Police Officers have been authorized and funded to patrol the City of College Park, and hiring is underway.
Goal: Increase Code Enforcement Effectiveness			
2	Increase collaboration and communication between various police agencies (UMPD, PGPD, City contract police), City code enforcement, and Noise Board).	University Administration, City (Code Enforcement, Contract Police, Noise Control Board)	C-MAST meetings have been initiated to increase communications and identify focus areas and properties for enforcement.
3	Hire dedicated, part-time, contract noise enforcement staff to work during evenings and weekends.	City Council, Code Enforcement	Approved City FY14 budget includes two half-time noise enforcement officers to be scheduled on night and weekend shifts. This will supplement full-time code enforcement officers who currently work overtime to meet demands during peak noise-related/party evenings and weekends. Some suggested that this could be funded by reallocating funds from the contract police program; Public Services staff responded that an increase in noise enforcement staff could result in a demand for increased police staffing to accompany the noise officers when responding to noise complaints.
4	Use C-MAST (City Multi-Agency Services Team) data to identify appropriate times to staff noise enforcement.	Code Enforcement, Contract Policy, UMD Police	City has historically used call-for-service data to schedule noise enforcement staff, and now is also using C-MAST data to provide additional information and context.

#	Strategy	Potential Implementers	Comments
5	Install surveillance cameras in key areas & work with the City Multi-Agency Services Team (C-MAST) on targeted problem areas.	City Council, University Administration, Contract Police	Funding options include grants, special taxing districts, and the City's general fund. In April 2013, the City Council adopted enabling legislation to permit future creation of public safety taxing districts, if desired.
6	Alter procedures for issuing noise citations: If enforcement agent is not easily able to determine tenant names, agents should issue fines in the name of the landlord and post on the door as well as notify landlord through City electronic notification system.	City Code Enforcement	City Code Enforcement has begun implementing this strategy.
7	Permit Code Enforcement Officers to take noise readings from the safety of their vehicle without the presence of a police officer (unless they feel they are in danger).	City Code Enforcement, City Council	Public Services staff commented that Code Enforcement Officers are required to be accompanied by a police officer when investigating noise complaints, in order to ensure officer safety. Environmental noise consultant is scheduled to advise if this method is acceptable for obtaining accurate sound level measurements. If not, it will not be implemented as it would invalidate evidence used in court. Could it still be useful for property owners and IFC/PHA/SGA to educate and inform?
8	Revise noise warning letters and violation letters to include more information about the details of the noise complaint or violation.	City Code Enforcement, PGPOA	It was suggested that property owners would be better able to intervene more effectively with their tenants if they were given more details about the problems that are reported. PGPOA and Public Services should work to revise forms and letters to better serve both City staff and property owners.
9	Enable code enforcement officers and police to take photographs and video (including sound) to document party problems.	Code Enforcement, City Attorney, UMPD	City Public Services is currently considering the use of video, and is waiting to consider the results of legal review of such use by some local police agencies. The City Attorney will be consulted when there is information to review. UMPD is considering similar actions.
10	<p>Utilize nuisance abatement strategies that were adopted by the Baltimore City Council in 2011.</p> <p>In the Baltimore statute, "neighborhood nuisance" means any premises on or in which an owner, operator, tenant, or occupant of the premises:</p> <ul style="list-style-type: none"> (1) acts in a disorderly manner that disturbs the public peace; or (2) creates or maintains conditions that lets others to act in a disorderly manner that disturbs the public peace. 	City Attorney, City Council, Code Enforcement, PGPD, UMPD, residents, County Councilmembers	The Baltimore ordinance utilizes a similar procedure to that used by the City of College Park for noise enforcement, but potential violations are broader than just noise and may address the more nuanced challenges faced in the community. Baltimore City has staff dedicated to tracking the totality of violations and an ability to prosecute houses that have an ongoing list of violations. Implementation may require a change in County law for City Contract Police to enforce a nuisance law since the City does not currently enforce misdemeanor laws; County Councilmembers should be invited to participate. See http://legistar.baltimorecitycouncil.com/attachments/7023.pdf .

#	Strategy	Potential Implementers	Comments
11	Require Noise Control Board to refer violations to the UMCP Office of Student Affairs (for enforcement under the Code of Student Conduct), Community Oriented Policing (COPS) officers, and/or new student peer enforcement mechanisms created by IFC/PHA or SGA to provide education and additional sanctions (such as community service).	Noise Control Board, City Attorney, City Council, UMD Office of Student Conduct, Students	Public Services staff recommends consulting with the Noise Control Board regarding strategies 9-12. Changes to decibel levels may be controversial; some residents said decibel limits should be reduced, while student representatives stated that decibel limits should be kept at their current levels. One member suggested that it may be prudent to see the effects of all other strategies before deciding whether a change to the decibel limits is needed. Public Services recommending the City's environmental noise consultant regarding this issue.
12	Limit the maximum fine reduction that the Noise Control Board may grant to no more than ½ of the fine (with fine reductions given for first-time offenses only).	City Council	Concerns were expressed that imposing community service sanctions might be costly and administratively challenging.
13	Lower decibel limits for noise violation thresholds.	City Council	
14	Add community service as an additional sanction to fines.	City Council, UMD Administration and Office of Community Engagement	
15	Add a student representative to the Noise Board.	City Council	
16	Develop new IFC/PHA mechanism for peer-to-peer noise and code enforcement.	IFC/PHA, SGA, UMD Student Affairs, City Code Enforcement,	IFC and PHA are currently exploring ways of increasing the jurisdiction of both Greek governing councils to self-govern "satellite houses" and complaints regarding parties in them that are hosted by member chapters of the IFC and PHA. Current judicial codes of IFC and PHA would need to be amended, as well as adding a means for residents, property owners, and City officials to contact IFC and PHA judiciaries with complaints.
17	Educate community members when and how to report problems. Develop an easy-to-use matrix detailing typical infractions and nuisances and corresponding contact information detailing how to report problems.	City Council, Code Enforcement, Contract Police, Civic Associations	Police and City code enforcement need residents to report specific problems and incidents in order to be able to take corrective action, but community members are sometimes reluctant to report less-urgent concerns or are unsure of who best to call for what and when. Outreach is needed to educate the community on the importance of these reports to enable effective enforcement as well as accurate tracking of problems and appropriate allocation of policing resources. A matrix would help to keep contact information close at hand, making it easier to reach the appropriate department in a timely manner.

#	Strategy	Potential Implementers	Comments
Goal: Establish Clear Expectations for Rental Property Owners and Develop Best Practices			
18	Create an accreditation program for rental house property owners/managers. Accreditation would indicate that property meets specific standards and that the property owner commits to certain actions that will address core quality of life issues in the neighborhood (see Attachment C for potential accreditation requirements).	Rental property owners	<p>City could inform property owners about Accreditation program during the rental license renewal process.</p> <p>Some suggested incentivizing participation by reducing frequency of inspections to every other year for accredited rental property owners and stated that other municipalities do inspections at 2-3 year intervals. A reduction in hours needed for inspections may free up time for other duties (i.e. more hours on Noise Enforcement). Public Services staff responded that an annual compliance inspection seems minimal to insure renter safety, health, and welfare and that inspections can help compliant property owners prove due diligence if sued by tenants for alleged deficiencies. One member commented that such a program should avoid providing City benefits that are not directly administered by the City, and should not require rental property owners to join, support, participate in, or seek approval from any private association as a condition for their entitlement to full benefits under the program.</p> <p>Public Services staff suggested a tiered approach (Gold, Silver, Bronze) to reflect life safety standards. PGPOA representatives thought that a tiered system would be too complicated for them to administer in the initial implementation phase but would be good to consider for the future.</p>
19	<p>Require property owners (or their agents) to participate in annual orientation, in order to receive rental license/permit, that has the following elements:</p> <ul style="list-style-type: none"> • Enrollment in electronic notification system with name of person with relevant contact information. • Explanation by code enforcement with a focus on new and enhanced expectations. • Mandated viewing of a video to highlight the challenges the community faces renting to the student population and outline best practices. 	City Council, Code Enforcement, rental property owners	Would need to decide who should develop the orientation materials and video.

#	Strategy	Potential Implementers	Comments
20	Require property owners or agent/manager to be within 75-mile radius of College Park.	City Council	Current permitting process only requires a local agent, not manager, to receive notices; the local agent does not have to address any problems that may arise at the property. PGPOA will provide a sample statute for the City to consider.
21	Streamline the rental licensing process, including the following: <ul style="list-style-type: none"> Automate rental license renewal process. Provide one rental registration deadline for ALL rental properties (early in the year) when the permit fee is paid and all paperwork is completed. Inspection occurs throughout the year (as it is done now). Offer orientation program on three different dates around the registration deadline. All stakeholders (University, Policy, Fire, Resident, IFC, SGA, PGPOA, etc.) could be invited to participate. 	Code Enforcement, City Council, rental property owners	Streamlining the licensing process could free up City staff to focus more time on issue reduction. Public Services staff commented that City Finance and IT staff would need to develop new protocols and software. Such a program should include enhancements to property owner contact information (e.g., adding email addresses, identifying type of phone (cell or landline), and indicating if phone number can receive text messages. Penalties could be imposed if the information provided is not accurate.
22	Create a clearinghouse for complaints against rental property owners and attempt to solve problems that are reported.	Rental property owners, City Council	
Goal: Change Incentives in Order to Redirect Parties from Residential Neighborhoods to Other Areas			
23	Explore University sponsorship of entertainment for students on campus, fraternity row, and other areas outside of neighborhoods, especially during the back-to-school period. Explore tailgating on campus.	University Administration, UMPD, IFC/PHA, SGA	This could provide alternatives to partying in neighborhoods. Discussions are ongoing at this time regarding bringing pre-game tailgating to a location on campus.
24	Through a City permitting process, allow for tailgating at designated locations such as the City municipal parking lot. Provide posted start and end times.	City Council, IFC/PHA, SGA	Would not be necessary if an on-campus location is found.
25	Relax noise enforcement on selected University home game days (to focus parties on certain dates)	City Council	This proposal would be very controversial in neighborhoods that currently experience frequent loud parties on game days.
26	Reconsider policies relating to parties and alcohol consumption on campus and in fraternities/sororities.	UMD, UMPD, IFC/PHA, SGA, City	Policies and enforcement practices that are more stringent than those applied off campus have the effect of pushing parties into the community (particularly fraternity "satellite house" parties). In order to protect both students and the larger community, policies should be evenly applied whether such parties occur on campus or off campus. A goal of moderation rather than prohibition could result in better-controlled parties in more appropriate locations.

#	Strategy	Potential Implementers	Comments
27	Implement a party registration program based on best practices from other peer institutions.	City Council	A party registration requirement could clarify expectations and enable students to have parties without receiving a noise citation as long as their party is kept within the limits specified in the registration agreement. This process could also help educate party hosts about how to handle safety issues such as uninvited guests.
28	Study best practices at other peer institutions for addressing other student/community-related issues.	UMD, City Council, SGA, IFC/PHA	The University and City could partner to conduct a systematic review of how other universities and “college towns” are handling similar issues. Best practices in other communities may be used as a guide but should be implemented considering the unique circumstances in College Park.
Goal: Enhance Safety of City Streets			
29	Implement additional speed reduction strategies in high pedestrian areas, such as planters to change the width of the road to address, raised sidewalks, and reduced speed limits.	City Council	Many residents complain about excessive speed, cars traveling down one-way streets in the wrong direction, and other motor vehicle infractions. The City could take a more proactive/ engineered approach to address these issues in key trouble spots, particularly where there is high pedestrian traffic. Security cameras and citizen reporting may help pinpoint problem areas.
HOME OWNERSHIP			
Goal: Provide Financial Incentives to Attract New Homeowners			
30	Expand the availability of grants to incentivize new homeowners to purchase homes in College Park, either by expanding the current City program and/or creating a new University-funded and administered program for UM faculty and staff.	City, UMD	Homeownership grants are one of the most direct ways to put cash in the hands of potential homeowners. The City currently has a “New Neighbor Homeownership Grant Program” that provides \$5,000 grants to home buyers who sign an owner-occupancy covenant agreement with the City. Eligibility is restricted to purchasers of a previously rented home and foreclosed or short sale properties or any purchaser who is a police officer, career firefighter, or EMT. The College Park City-University Partnership (CPCUP) previously had a similar program called the “Work & Live College Park” program.

#	Strategy	Potential Implementers	Comments
31	Create forgivable home purchasing loan program for University of Maryland faculty and staff who purchase homes and live in College Park. Could also encourage other employers located in College Park to offer such a program.	UMD, City, other employers	Like grant programs, forgivable loans could provide a strong financial incentive for University of Maryland employees to become homeowners in College Park. Unlike grant programs, forgivable loan programs do not have to be considered as taxable income and therefore may be more attractive. Other colleges and universities offer similar programs in cities like Detroit and Philadelphia. (Ref: UMCP Faculty/Staff Housing Market Analysis, January 2013).
32	Offer mortgage insurance program for University of Maryland faculty and staff in which the University backs the mortgages of staff and/or faculty that choose to live in College Park.	UMD	Such programs can reduce down payments and make home ownership available to more people with varying income levels. There are several programs on which this could be modeled.
33	Use a ground lease development program to develop new owner-occupied housing with relatively low purchase prices.	UMD	<p>Ground lease programs help make housing more affordable, though College Park has relatively affordable housing when compared to other places in the Washington, DC metropolitan region. Under a ground lease program, a buyer would purchase the home but not the land, which the buyer would lease from the property owner (i.e., UM or a UM-affiliated entity). A ground lease program enhances affordability by removing the cost of the land from the purchase price; this lower price is partially offset with ground rent. The program could maintain affordability over time by indexing the maximum resale price of the home based on an inflationary index. Challenges include identifying low- or no-cost land required for the program to operate below-market. (Source: UMCP Faculty/Staff Housing Market Analysis, January 2013)</p> <p>The Housing Diversity Task Force recommended specifically including student co-op housing in such a program.</p>
34	Reduce or eliminate school facilities surcharge exemption for student housing.	City, UMD, CPCUP, State Delegation	This exemption, created by state legislation, provides an incentive for developers to build student housing – and conversely, a disincentive to build other housing types that do not receive this exemption. Although a previous student housing shortage made this incentive attractive in the past, now that substantial additional student housing has been constructed, it may be time to either narrow the “waiver zone” or eliminate it in order to encourage developers to address other types of housing needs (e.g., condominiums, rentals for non-students).

#	Strategy	Potential Implementers	Comments
Goal: Retain Existing Homeowners			
35	Offer forgivable home improvement loans to retain existing homeowners who want upgraded homes as well as to improve “curb appeal” in neighborhoods and make good first impressions on prospective new homeowners.	UMD	Such programs sometimes restrict loans just to façade renovations, while others allow interior repairs, exterior repairs, or conversion of a property from a multi-family to single-family residence. One potential concern is whether there a danger that homeowners will come to expect a subsidy to keep their homes in acceptable condition. Deciding what repairs and for whom would be covered would have to be carefully considered. (Source: UMCP Faculty/Staff Housing Market Analysis, January 2013)
36	Create an Aging-in-Place program that would provide support to older homeowners who face challenges with accessibility, mobility, home maintenance, and need for medical and social services.	City	Such a program could help prevent conversion of owner-occupied housing to rental properties by helping older homeowners stay in their houses longer. This option recognizes that staying in one’s home is often the most desirable option for housing in one’s later years, although some older homeowners choose to sell their houses in order to access the equity they have built in their homes. The City could assess the potential demand for such a program before deciding whether to create it.
Goal: Use Marketing Strategies to Attract New Homeowners to College Park			
37	Create a Housing Resource Center to help incoming UM faculty and staff find housing that matches their needs.	UMD	Only 4% of UMD faculty currently live in College Park, and anecdotal information suggests that incoming faculty often receive informal advice against living here. A neutral housing resource center that provides objective information could help change negative perceptions about College Park while providing a valuable service to faculty and staff. The UMCP Faculty/Staff Housing Market Analysis (January 2013) noted that a housing resource center is a relatively low-cost option and that “UM already has a good start on developing a housing resource center with the creation of the Faculty Affairs relocation website. UM may want to consider expanding its services beyond incoming faculty and serve other incoming and existing employees as well.”

#	Strategy	Potential Implementers	Comments
38	Develop and disseminate marketing materials that highlight the amenities and benefits of living in College Park and encourage potential residents to move here.	City	University, staff, and other potential residents may not be aware of all of the advantages and amenities associated with living in College Park, and some have misperceptions about quality of life issues such as comparative crime rates, quality of schools, etc. This strategy could include reaching out to realtors.
39	Offer educational materials and other assistance to help home sellers market their homes to prospective owner-occupants.	City	These materials could help sellers prepare their house to appeal to potential homeowners, through repairs, staging and improving "curb appeal." Careful consideration for the standards and rules for the program are needed to ensure that the right behaviors are incentivized.
Goal: Improve K-12 Education and Activity Options for College Park Children and Youth			
40	Use the College Park Academy as a tool for attracting University faculty and staff.	CPCUP, City, UMD, State Delegation	Converting this charter school to a hybrid of choice school and neighborhood school, with a percentage of seats reserved for College Park residents, would allow the school to continue to serve the county as a whole while also serving as a tool for attracting University faculty and staff (and others) to purchase homes in College Park.
41	Expand University and City involvement in College Park schools.	UMD, City, CPCUP, PGCPs	Expanding the University's collaborative involvement in Paint Branch Elementary and other College Park schools could help make these schools more attractive to prospective home buyers. The City currently has several youth-oriented programs that could be expanded, including an after-school program run jointly by the County and the City. The City could partner with the University and/or community organizations to provide college-readiness programs for College Park youth, provide access to University libraries for College Park youth, expanding existing summer camp scholarships, or provide internships with the City. For more ideas, see www.nlc.org/find-city-solutions/institute-for-youth-education-and-families/municipal-leadership-for-children-and-families-in-small-and-mid-sized-cities .

#	Strategy	Potential Implementers	Comments
42	Highlight achievements and success stories within local schools, particularly from the parents' perspectives.	City	Some current and potential community members have negative perceptions about public schools in Prince George's County, including those in the College Park area, that task force members believe are exaggerated and obscure the real accomplishments and positive attributes of our schools. The City could work with school leaders to identify success stories of both teachers and students to demonstrate that students can be very successful in our schools. The City could also highlight parents' positive experiences, because parents may be the most convincing source of information to change the perception of school quality held by other parents. These stories can be used by the City's new marketing effort and highlighted on the City website and other sources that prospective home buyers (especially University staff) might use to learn about the area.
Goal: Improve Amenities for College Park Residents			
43	Provide resident discount for on-campus cultural and athletic events and improved access to University amenities (such as lifelong learning programs for College Park residents, use of the library, and recreational facilities).	UMD, CPCUP	Enabling College Park residents to benefit from University programs and amenities could strengthen the relationship between the University and existing residents and encourage new people to move to College Park. Any existing programs should be identified and communicated to residents.
44	Attract a wider variety of businesses to College Park.	City	Convenient and attractive retail options make the community more attractive for potential home buyers as well as existing residents. In particular, more businesses are needed that cater to non-student populations. The City could consider a grant program to incentivize improvements to existing businesses to make them more viable.



#	Strategy	Potential Implementers	Comments
COMMUNITY BUILDING			
Goal: Encourage Communication and Positive Relationships Between Students and Other Residents			
45	Facilitate neighbor block parties or "Meet & Greet" events such as those currently hosted by the CHUM student co-op housing group, to encourage students and long-term residents to get to know each other.	Students (CHUM, SGA, IFC/PHA), City Council, Neighborhood civic associations, Neighborhood Watch	C.H.U.M. (Co-op Housing University of Maryland) and neighborhood civic associations should be consulted in the planning process. Interested residents and students could work together to find locations and organize the events. Could identify best practices in the most successful events to recommend for other blocks. (The Issue Reduction Task Force also recommended this strategy.)
46	Implement Neighborhood Grant Program to promote community activities and block parties.	City Council	Need to establish rules to prevent abuse of funding. City Council could discuss logistics of such a program and review models in other cities such as Golden, CO, and Palo Alto, CA (see www.cityofgolden.net/live/get-involved/neighborhood-grant-program/ , www.cityofpaloalto.org/gov/depts/mgr/neighborhoodgrant/default.asp)
47	Encourage and coordinate student volunteer service projects in the City through a College Park Service Corps.	SGA, GSG, IFC/PHA, City	The Service Corps would identify potential service projects and disseminate information about these opportunities through a webpage on the UMD or City website. Both students and long-term residents could participate. SGA, GSG, IFC, PHA, and other student organizations could use their networks to encourage student participation. The Service Corps would enable residents to benefit from student volunteerism and build relationships between students and long-term residents who work together on service projects.
48	Work with Neighborhood Watch Steering Committee to analyze the efficacy of current Neighborhood Watch programs in the City and consider implementing new approaches such as the "Nation of Neighbors" website.	City Council, Neighborhood Watch Steering Committee, residents, students,	Some neighborhoods have relatively active Neighborhood Watch programs, including Neighborhood Watch listservs, while others have minimally active programs or no program. Some feel that the community would benefit from a more unified approach, which might facilitate better communication between students and long-term residents concerning safety issues. Others are satisfied with their current systems and may not want to change them.

#	Strategy	Potential Implementers	Comments
Goal: Educate Students About Community Expectations and How to Be Good Neighbors			
49	Create system of “Greek Team Captains” who would lead student efforts to educate other students about how to be good neighbors and provide a conduit role to help address any neighborhood problems.	IFC/PHA, SGA, City, neighborhood civic associations	Greek team captains could provide peer-to-peer support, presence, and pressure – similar to a dorm monitor. City code enforcement and/or neighborhood associations could alert Greek team captains about problem houses for student-led follow-up to change behavior and prevent future problems. Could host regular meetings (twice yearly) between Greek team captains and neighborhood association members to discuss specific issues and develop solutions. Consider awards or recognition for most effective teams. (The Issue Reduction Task Force also recommended this strategy.)
50	Expand “Walk & Talk” program, a multi-agency task force that visits student rental households to discuss expectations of the community, police, and code enforcement.	UM Police, Contract Police, City Code Enforcement, Students, Rental Property Owners	This program was originally designed to address “problem” houses – expanding this program could educate more student rental households at the beginning of the academic year. Because the goal is to proactively inform students about expected behaviors, this is best done in the fall; C-MAST is working now on coordinating this for Fall of 2014. (The Issue Reduction Task Force also recommended this strategy.)
51	Develop videos about living off-campus in College Park and have students watch them as part of UMD student orientation.	UMD Office of Community Engagement, UMD Student Orientation, City, landlords, SGA, IFC/PHA	Videos would educate students about living in College Park and the responsibilities of living off-campus in a house in a neighborhood. Videos could be made more broadly available via the UMD and City websites and/or You Tube. SGA, IFC, and PHA could encourage students to watch the videos. Landlords could require their tenants to watch the videos prior to signing the lease.
52	Install additional “Creative Trash Cans” and recycling bins with decorative UMD-themed designs (such as painted turtles).	City, University	“Creative Trash Cans” placed strategically in neighborhoods could help to reduce littering and spread Maryland pride into the City. Public Works could determine the most useful locations for additional waste bins. University and City could host a design contest. (The Issue Reduction Task Force also recommended this strategy.)



#	Strategy	Potential Implementers	Comments
HOUSING DIVERSITY			
Goal: Increase Affordable Student Housing			
53	Develop new off-campus student apartment buildings that are less luxurious and provide more affordable "bare bones housing" (i.e., where per-person rent is between \$600-\$800).	UMD, City, CPCUP	College Park lacks sufficient affordable graduate student housing, and many graduate students have to resort to living in other towns in the area. Undergraduates also have a hard time finding affordable housing, and many students live in Old Town and other neighborhoods because rental houses often have significantly lower rents than new high-rise apartment buildings. In addition, undergraduates also have a hard time finding the type of housing they desire on campus (such as apartment-style housing). The City and University should work with developers to encourage more affordable approaches to designing and constructing housing options.
54	Create more subsidized graduate student housing, including by obtaining increased funding from USM and the MGA.	UMD, SGA, CPCUP	
55	Work to obtain funding from the University System of Maryland and the Maryland General Assembly to build more student housing generally. Explore possible funding methods with prospective developers.	University, GSG	
Goal: Improve Quality of Housing Currently Available			
56	Strengthen code enforcement in areas where students exclusively live (such as Knox Towers and Hartwick Towers). Educate students living in these developments regarding role of code enforcement so they know who and when to contact when they need assistance. Approach apartment owners about informational session at the beginning of each year.	City, PGPOA	Would encourage students to live more in these "student areas," create a better living situation for students, and increase compliance with City codes.
57	Encourage apartment buildings to have a staff member sitting at a front desk at all times	City, PGPOA, County	Would increase safety for residents of apartment buildings, and keep residents and their visitors more accountable. This is not something the City could require, so it would be voluntary for owners of apartment buildings.
Goal: Assist International Students With the Leasing Process			
58	Create a guide or other materials to inform students about their rights and make it available online. Work with University foreign students program to provide this information to international students before they arrive. Consider including information about the new "Medallion Program" to market houses with responsible landlords to international students.	City, University, SGA, GSG, PGPOA	Would help international students understand their rights.
59	Consider offering temporary housing to international students when they arrive to allow them to search for apartment while they are here.		

#	Strategy	Potential Implementers	Comments
Goal: Expand Student Co-op Housing			
60	Create a co-op housing task force to explore ways to finance co-op housing and relieve restrictions on co-op housing in College Park.	City, CHUM, SGA	The C.H.U.M. group (Co-op Housing University of Maryland) has pioneered student co-operative housing for University of Maryland students in College Park, and is well regarded in the community as a model of responsible group house behavior and positive relationships with neighbors. Expanding this initiative to include more houses and students could both increase affordable housing options for students while also building more positive relationships between students and long-term residents.
61	Explore ways to relieve Prince George's County occupancy restrictions on co-op housing projects and establish other regulations to help facilitate co-op housing. Co-op housing task force should look into legal issues.	City, County, SGA, GSG	Would allow more flexibility for co-op housing, but it may be legally difficult to write an exception for co-op housing because of community concerns about overcrowding.
62	Publicize co-op housing to get more students interested in this housing option	SGA, GSG, University	Could create more demand for co-op housing, which in turn could lead to more co-op houses.
OVERALL			
63	Create an ongoing Neighborhood Quality of Life committee to meet four times per year to support implementation of strategies, continue to develop new strategies, and evaluate progress.	City Council	<p>A smaller group might be more effective, and yet there should be broad participation. One way to balance these two concerns might be to appoint a relatively small steering committee that would organize public participation meetings to share information and solicit broader input in addition to holding its own working meetings.</p> <p>Other groups to consider including in outreach efforts are civic association leaders, bar owners, and real estate professionals.</p>

Attachment A

**College Park Neighborhood Stabilization and Quality of Life Work Group
Task Forces and Membership**

<i>Co-Chairs: Stephanie Stullich & Patrick Wojahn</i>	
Andrew Fellows	Mayor
Patrick Wojahn	City Council – District 1
Monroe Dennis	City Council – District 2
Stephanie Stullich	City Council – District 3
Marcus Afzali	City Council – District 4
Jonathan Molinatto	Resident – District 1
Jackie Pearce Garrett	Resident – District 1
Robert Thurston	Resident – District 2
Kelly Lueschow	Resident – District 2
Sarah Cutler	Resident – District 3
Bonnie McClellan	Resident – District 4
Suchitra Balachandran	Resident – District 4
David Colon Cabrera	Student – Graduate Student Government
Josh Ratner	Student – Student Liaison to City Council
Gregory Waterworth	Student – Greek Community
Sam Zwerling	Student – Student Government Association
Paul Carlson	Landlord – Prince George’s Property Owners Association
Lisa Miller	Landlord – Prince George’s Property Owners Association
Richard Biffi	Landlord
Andrew Foose	Landlord
Maj. Rob Brewer	Prince George’s County Police Department
Chief David Mitchell	University of Maryland Police Department
Gloria Aparicio Blackwell	University of Maryland, Office of Community Engagement
Andrea Goodwin	University of Maryland, Office of Student Conduct
Bob Ryan	City of College Park, Public Services Department
Jean Ripley	City of College Park, Code Enforcement

Attachment B

**College Park Neighborhood Stabilization and Quality of Life Work Group
Task Forces and Membership**

Issues Reduction		Community Building	
<i>Chair: Paul Carlson</i>		<i>Chair: Josh Ratner</i>	
Patrick Wojahn	Council – D1	Patrick Wojahn	Council – D1
Stephanie Stullich	Council – D3	Monroe Dennis	Council – D2
Jonathan Molinatto	Resident – D1	Stephanie Stullich	Resident – D3
Robert Thurston	Resident – D2	Jackie Pearce Garrett	Resident – D1
Kelly Lueschow	Resident – D3	Jonathan Molinatto	Resident – D1
Sarah Cutler	Resident – D3	Bonnie McClellan	Resident – D4
Sam Zwerling	Student – SGA	Sam Zwerling	Student – SGA
Gregory Waterworth	Student – Greek	Gregory Waterworth	Student – Greek
Josh Ratner	Student – Liaison	Josh Ratner	Student – Liaison
David Colon Cabrera	Student – GSG	David Colon Cabrera	Student – GSG
Lisa Miller	Landlord	Lisa Miller	Landlord
Richard Biffi	Landlord	Gloria Aparicio Blackwell	University
Paul Carlson	Landlord		
Andrew Foose	Landlord		
Maj. Rob Brewer	PG Police		
Chief David Mitchell	UMPD		
Gloria Aparicio Blackwell	University		
Andrea Goodwin	University		
Bob Ryan	City Staff		
Jean Ripley	City Staff		
Home Ownership		Diversity of Housing Options	
<i>Chair: Jackie Pearce Garrett</i>		<i>Co-Chairs: Sam Zwerling & David Colon Cabrera</i>	
Andy Fellows	Mayor	Patrick Wojahn	Council – D1
Patrick Wojahn	Council – D1	Marcus Afzali	Council – D4
Monroe Dennis	Council – D2	Kelly Lueschow	Resident – D3
Stephanie Stullich	Council – D3	Sam Zwerling	Student – SGA
Marcus Afzali	Council – D4	Josh Ratner	Student – Liaison
Jackie Pearce Garrett	Resident – D1	David Colon Cabrera	Student – GSG
Robert Thurston	Resident – D2		
Suchitra Balachandran	Resident – D4		
Lisa Miller	Landlord		

Note: The task force members listed above are those who were formally appointed by the Mayor and Council to the Neighborhood Stabilization and Quality of Life Work Group. Other members of the community also participated in some of the task force meetings – including additional student participants from the Student Government Association, Inter-Fraternity Council, Panhellenic Association, Co-op Housing University of Maryland (CHUM), and other groups.

Attachment C
Proposed Accreditation for Rental House Property Owners/Managers

Accreditation will indicate that property meets specific standards and that the property owner commits to certain actions that will address core quality of life issues in the neighborhood.

Potential requirements for accreditation include a property owner's commitment to:

- Include the following standard lease language:
 - Noise deposit or security deposit to be forfeited in the event of a noise violation.
 - No outside gatherings of 20 or more people.
 - No amplified music that can be heard outside the house.
 - No beer or alcohol banners or advertisements attached to the house or visible from the exterior of the house.
 - No firearms.
 - Parking on lawns and driving on lawns is not permitted.
 - Trash and recycling totes may not be left at curbside after trash collection day.
- Provide tenants & parents with noise and behavior expectations.
- Commit to contact tenants & parents if party/noise violation occurs.
- Participate in listserv that notifies members of problem rental houses.
- Attest that adjoining property owners have updated contact information for rental property owner or local agent/property manager.
- Facilitate a bi-annual (every other year) inspection from Police and Fire authorities to ensure that home meets high safety standards (lighting, locks, etc.).
- Have a general willingness to be notified when problems arise (at all hours of day or night).
- Pass a rental property owner test to ensure knowledge of laws, requirements.
- Require tenants to view and pass test regarding understand expectation and rules for living in College Park.
- Maintain responsibility for lawn care/yard upkeep.
- Meet life safety standards and consider a tiered approach to accreditation such as:
 - GOLD includes compliance with codes for new properties including residential fire sprinkler system, current code compliant smoke alarm system, and compliance with City and County codes for new construction.
 - SILVER includes current new code compliant smoke alarm system and compliance with City and County codes for existing properties for era property was built.
 - BRONZE includes compliance with City and County codes for existing properties for era house was built.
- Comply with City ordinance to provide names of residents when requested for code enforcement.

5

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.

Advisory Planning Commission			
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
Christopher Gill 09/24/13	District 1	Mayor	09/16
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>			

Airport Authority			
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&C for an unexpired portion of a term. Authority shall elect Chairperson from membership. Not a compensated committee. Liaison: City Clerk's Office.</p>			

Animal Welfare Committee			
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.			

Board of Election Supervisors			
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
Janet Evander 07/16/13	District 3	M&C	03/15
Charles Smolka 9/8/98	District 4	M&C	03/15

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.

Cable Television Commission			
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

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.

College Park City-University Partnership			
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
<p>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.</p>			

Citizens Corps Council			
Appointee	Represents	Appointed by	Term Expires
VACANT		M&C	
VACANT		M&C	
VACANT	Neighborhood Watch	M&C	
Dan Blasberg 3/27/12		M&C	03/15
David L. Milligan (Chair) 12/11/07		M&C	02/14
<p>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.</p>			

Committee For A Better Environment			
Appointee	Resides in	Appointed by	Term Expires
Janis Oppelt 8/8/06	District 1	M&C	09/15
Stephen Jascourt 3/27/07	District 1	M&C	08/16
Suchitra Balachandran 10/9/07	District 4	M&C	01/14
Donna Weene 9/8/09	District 1	M&C	12/15
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
Macrina Xavier 08/14/12	District 1	M&C	08/15
<p>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.</p>			

Education Advisory Committee			
Appointee	Represents	Appointed by	Term Expires
Brian Bertges 06/18/13	District 1	M&C	06/15
Cory Sanders 09/24/13	District 1	M&C	09/15
Charlene Mahoney	District 2	M&C	12/14
VACANT	District 2	M&C	
VACANT	District 3	M&C	
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.

Ethics Commission			
Appointee	Represents	Appointed by	Term Expires
Edward Maginnis 09/13/11	District 1	Mayor	08/15
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	07/15
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.

Farmers Market Committee			
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 Committee

Name:	Represents:	Appointed By:	Term Ends:
	City Councilmember 1	City Council	
	City Councilmember 2	City Council	
	UMD DPS (UMD Police)	University	
	UMD Administration	University	
Jackie Pearce Garrett	City Resident 1	City Council	10/15
	City Resident 2	City Council	
Aaron Springer	City Resident 3	City Council	10/15
	City Resident 4	City Council	
Catherine McGrath	UMD Student 1	Student Liaison	10/15
	UMD Student 2	SGA Representative	
	UMD Student 3	IFC or PanHell. Assn.	
	UMD Student 4	Nat'l Pan-Hell. Council, Inc.	
	Graduate Student	GSG Representative	
	PG County Police Dept.	PG County Police	
Bob Ryan	Director of Public Services	City Council	10/15
	Rental Property Owner	City Council	
	Rental Property Owner	City Council	

Established by Resolution 13-R-20 adopted September 24, 2013 to replace the Neighborhood Stabilization and Quality of Life Workgroup. Amended October 8, 2013 (13-R-20.Amended) City Liaison: Clerk's Office. Two year terms. This is not a compensated committee.

Neighborhood Watch Steering Committee			
	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.

Noise Control Board			
Appointee	Represents	Appointed by	Term Expires
Mark Shroder 11/23/10	District 1	Council, for District 1	11/14
Harry Pitt, Jr. 9/26/95	District 2	Council, for District 2	03/16
Alan Stillwell 6/10/97	District 3	Council, for District 3	09/16
Suzie Bellamy	District 4	Council, for District 4	12/16
Adele Ellis 04/24/12	Mayoral Appt	Mayor	04/16
Bobbie P. Solomon 3/14/95	Alternate	Council - At large	12/12
Larry Wenzel 3/9/99	Alternate	Council - At large	12/12

City Code Chapter 138-3: The Noise Control Board shall consist of five members, four of whom shall be appointed by the Council members, one from each of the four election districts, and one of whom shall be appointed by the Mayor. In addition, there shall be two alternate members appointed at large by the City Council. The members of the Noise Control Board shall select from among themselves a Chairperson. Four year terms. This is a compensated committee. Liaison: Public Services.

Recreation Board			
Appointee	Represents	Appointed by	Term Expires
Wade Price 12/14/05	District 1	M&C	02/15
Sarah Araghi 7/14/09	District 1	M&C	07/15
Alan C. Bradford 1/23/96	District 2*	M&C	02/14
VACANT	District 2	M&C	
Adele Ellis 9/13/88	District 3	M&C	02/14
VACANT	District 3	M&C	
Barbara Pianowski 3/23/10	District 4	M&C	03/13
Judith Oarr 05/14/13	District 4	M&C	05/16
Bettina McCloud 1/11/11	Mayoral	Mayor	01/14
Solennie 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.

Rent Stabilization Board			
Appointee	Represents	Appointed by	Term Expires
VACANT	Tenant	M&C	
VACANT	Tenant	M&C	
Richard Biffel 6/6/06	Landlord	M&C	09/13
Bradley Farrar 6/14/11	Landlord	M&C	06/14
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.

→06/18/2013: Ordinance was extended until September 1, 2014, and the administration and enforcement of the law was suspended until September 1, 2014. The RSB is on hiatus. There is no need to maintain a quorum at this time.

Sustainable Maryland Certified Green Team		
Appointee	Represents	Term Expires
Denise Mitchell 04/10/12	City Elected Official	04/14
Patrick Wojahn 04/10/12	City Elected Official	04/14
VACANT	City Staff	
Loree Talley 05/08/12	City Staff	05/14
VACANT	CBE Representative	
VACANT	A City School	
VACANT	UMD Student	
VACANT	UMD Faculty or Staff	
VACANT	City Business Community	
Ben Bassett - Proteus Bicycles 09/25/12	City Business Community	09/14
VACANT	Resident	
Christine Nagle 04/10/12	Resident	04/14
Patrick John Brennan 06/18/13	Resident	06/15
VACANT	Resident	

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.

Tree and Landscape Board			
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
	CBE Chair Liaison		
John Lea-Cox 1/13/98	City Forester	M&C	12/14
	Planning Director		
Brenda Alexander	Public Works Director		
City Code Chapter 179-5: The Board shall have 9 voting members: 5 citizens appointed by M&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.			

Veterans Memorial Improvement Committee			
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.			