


M E M O R A N D U M

November 27, 2019

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM:  Pamela Dunn, Senior Legislative Analyst

SUBJECT: **Amendment to the M-NCPPC FY19-24 Capital Improvements Program and Special Appropriation to the Department of Parks FY20 Capital Budget**

PURPOSE: Discuss M-NCPPC's Proposed Amendments and Special Appropriation

M-NCPPC Participants

Casey Anderson, Chair, Montgomery Planning Board
Mike Riley, Director, Montgomery Parks
Carl Morgan, CIP Manager, Park Development Division
Brenda Sandberg, Land Management Supervisor, Park Development Division

The Montgomery County Planning Board requests an amendment to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY19-24 Capital Improvements Program for acquisition of a Washington Area Metropolitan Transit Authority (WMATA) property. The amendment would transfer \$6.8 million in Montgomery County GO Bond appropriation from Legacy Open Space to Acquisition: Non-Local Parks. The Board is also requesting an appropriation of \$1.96 million in GO Bond funds to the M-NCPPC Department of Parks FY20 Capital Budget for Acquisition: Non-Local Parks.

Acquisition of the WMATA parcel provides a rare opportunity to support two major public priorities with one project: expanded (and improved) affordable housing and the creation of a new urban recreational park. Two key goals of the 2012 Wheaton CBD and Vicinity Sector Plan are to provide more affordable/workforce housing and to create more parks and open space to serve this growing urban center. The sector plan specifically recommends that a new park be established to serve urban recreational needs.

Fortunate timing has created the opportunity for the Parks Department to acquire the WMATA parcel and exchange it with another entity embarking on a major development project that will benefit both important master plan goals. Parks' goal is to acquire the WMATA parcel and enter into a Land Exchange Agreement with Montgomery Housing Partnership (MHP) to trade the WMATA parcel for a portion of the Amherst Square development nearby. Parks would prefer to locate the urban recreational park on the Amherst parcel in order to serve as many families living in and near the CBD as possible. The WMATA parcel is a preferred location on which MHP would like to construct new affordable multi-family housing, expanding the availability of affordable housing in the area. A letter of transmittal from the Planning

Board Chair (see © 7-31) provides more detailed information on the acquisition and exchange. In addition, on © 32-42 a briefing presentation developed by Parks staff is attached.

The Council held a public hearing on November 26, 2019. There were two speakers: Richard Madaleno, Director of the Office of Management and Budget, and Casey Anderson, Chair of the Montgomery County Planning Board. Both speakers expressed support for the acquisition, with some discussion of the potential impact on future funding.

Staff supports M-NCPPC's request for the proposed amendments and special appropriation.

Attached are the applicable resolutions to amend the FY19-24 Capital Improvements Program, transferring GO Bond appropriated funds from Legacy Open Space to Acquisition: Non-Local Parks, and further increase the appropriation for Non-Local Parks, to fund the acquisition of a Washington Metropolitan Area Transit Authority (WMATA) property within the Wheaton CBD.

This report contains:

	<u>Pages</u>
Resolution to Approve Amendment to the FY20 CIP, Legacy Open Space	©1-3
Resolution to Approve Special Appropriation and Amendment to the FY20 CIP, Non-Local Parks	©4-6
Transmittal from the Montgomery County Planning Board	©7-31
Parks Department Briefing Presentation	©32-42

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Amendment to the FY19-24 Capital Improvements Program #X-XXX-MNCPPC-X Maryland-National Capital Park and Planning Commission Department of Parks Legacy Open Space (No. 018710)

Background

1. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
2. Section 18-115, Section 18-116, and Section I 8-117 of the Maryland Land Use Code provide that the Council may amend, revise, or modify the M-NCPPC 6-year capital improvements program by an affirmative vote of six of its members.
3. Section 18-108 of the Maryland Land Use Code provides that after adoption of the M-NCPPC budget by the Council, the budget may be amended by resolution by the Council on their initiative or at the request of the Commission. Before adopting a budget amendment, the Council must receive recommendations from the County Executive and hold a public hearing on reasonable notice to the public.
4. On October 22, 2019, the Montgomery County Planning Board requested amendment of the FY20 Capital Budget and the FY 19-24 Capital Improvements Program (CIP) to provide funding for acquisition of the WMATA Property in the Wheaton CBD through the transfer of \$6.8 million in GO Bond Appropriation from Legacy Open Space (P018710) to Acquisition: Non-Local Parks (P998798).
5. This amendment is needed because the acquisition would support development of new and expanded affordable housing, create a new urban recreational park in Wheaton, implement key goals of the Wheaton CBD and Vicinity Sector Plan to create more affordable and workforce housing and to provide appropriate parks, and provide a rare opportunity to support two major public priorities with one project. The recommended amendment is

consistent with the criteria for amending the CIP because the project offers a significant opportunity which will be lost if not taken at this time.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The FY19-24 Capital Improvements Program of the M-NCPPC Department of Parks is amended as described above and as reflected on the attached project description form, and the transfer of \$6,800,000 in Montgomery County GO Bond Appropriation from Legacy Open Space to Acquisition: Non-Local Parks is approved.

This is a correct copy of Council action.

Mary Anne Paradise
Deputy Clerk of the Council



Legacy Open Space (P018710)

Category	M-NCPPC	Date Last Modified	10/04/18
SubCategory	Acquisition	Administering Agency	M-NCPPC
Planning Area	Countywide	Status	Ongoing

	Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
EXPENDITURE SCHEDULE (\$000s)											
Land	92,195	65,774	784	6,796	48,000	3,000	3,000	3,000	3,000	3,000	8,486
Other	7,805	5,848	357	17,151	1,500	250	215	250	250	250	100
TOTAL EXPENDITURES	100,000	71,622	7,092	10,600	3,250	3,250	3,250	3,250	3,250	3,250	1,786
			1,141	18,651		2,401					8,586

	Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
FUNDING SCHEDULE (\$000s)											
Contributions	938	938	-	-	-	-	-	-	-	-	-
Current Revenue: General	11,834	9,824	380	14,151	1,500	250	1,651	250	250	250	230
G.O. Bonds	54,274	32,063	0	5,964	15,000	2,500	2,500	2,500	2,500	2,500	8,060
M-NCPPC Bonds	10,796	6,739	761	3,000	3,000	500	500	500	500	500	1,260
PAYGO	17,855	17,855	-	-	-	-	-	-	-	-	296
POS-Stateside (M-NCPPC Only)	200	200	-	-	-	-	-	-	-	-	-
Program Open Space	4,003	4,003	-	-	-	-	-	-	-	-	-
TOTAL FUNDING SOURCES	100,000	71,622	7,092	10,600	3,250	3,250	3,250	3,250	3,250	3,250	1,786
			1,141	18,651		2,401					8,586

APPROPRIATION AND EXPENDITURE DATA (\$000s)											
Appropriation FY 20 Request		2,401	3,250		Year First Appropriation						FY01
Cumulative Appropriation		75,164	81,064		Last FY's Cost Estimate						100,000
Expenditure / Encumbrances			71,805								
Unencumbered Balance			10,159								

PROJECT DESCRIPTION

The Legacy Open Space initiative identifies open space lands that should be acquired and interpreted because of exceptional natural or cultural value to current and future generations of Montgomery County residents. Legacy Open Space will acquire or obtain easements or make fee-simple purchases on open-space lands of countywide significance. Priorities are updated during each CIP cycle but remain flexible to allow the Montgomery County Planning Board to address development threats, opportunity acquisitions, and joint funding opportunities. The County Council encourages the Commission to seek supplemental appropriations if approved CIP funding is insufficient. Non-County funding sources are expected to contribute significantly to the Legacy Open Space program. Contributions only will appear in the PDF Expenditure and Funding Schedules if the contribution is spent by the County or M-NCPPC. Donations of land or non-County funded payments that go directly to property owners are not included. The combination of these non-County and County funds have resulted in the successful protection of over 5,300 acres of open space in the County, including over 3,800 acres of new parkland. Over 500 acres of parkland were received at no cost through dedication and donations by private landowners.

COST CHANGE

In FY19, FY18 Current Revenue decreased by \$100k to reflect FY18 Savings Plan; FY17 actuals updated based on actual billings
 FY20 Amendment and transfer of \$6.8 million in GO Bond appropriation to Acquisition NL (P998798).

PROJECT JUSTIFICATION

The Vision 2030 Strategic Plan for Parks and Recreation in Montgomery County (2010) and the subsequent 2012 Park, Recreation and Open Space (PROS) Plan recommend placing priority on conservation of natural open spaces, protection of heritage resources, providing critical urban open spaces, and expanded interpretive activities in parks. Legacy Open Space: Open Space Conservation in the 21st Century, approved by the Montgomery County Planning Board in October 1999. Legacy Open Space Functional Master Plan adopted by the County Council in July 2001

OTHER

FISCAL NOTE

FY18 Current Revenue decreased by \$100k to reflect FY18 Savings Plan.

DISCLOSURES

Expenditures will continue indefinitely. M-NCPPC asserts that this project conforms to the requirement of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Amendment to the FY19-24 Capital Improvements Program and Special Appropriation #X-XXX-MNCPPC-X to the FY20 Capital Budget Maryland-National Capital Park and Planning Commission
Department of Parks
Acquisition: Non-Local Parks (No. 998798)

Background

1. Section 308 of the County Charter provides that a special appropriation is an appropriation which states that it is necessary to meet an unforeseen disaster or other emergency, or to act without delay in the public interest. Each special appropriation must be approved by not less than six Councilmembers. The Council may approve a special appropriation at any time after public notice by news release. Each special appropriation must specify the source of funds to finance it.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. Section 18-108 of the Maryland Land Use Code provides that after adoption of the M-NCPPC budget by the Council, the budget may be amended by resolution by the Council on their initiative or at the request of the Commission. Before adopting a budget amendment, the Council must receive recommendations from the County Executive and hold a public hearing on reasonable notice to the public.
4. Section 18-115, Section 18-116, and Section 18-117 of the Maryland Land Use Code provide that the Council may amend, revise, or modify the M-NCPPC 6-year capital improvements program by an affirmative vote of six of its members.
5. On October 22, 2019, the Montgomery County Planning Board requested a transfer of \$6,800,000 in GO Bond Appropriations from Legacy Open Space (P018710) to Acquisition: Non-Local Parks (P998798), and an additional appropriation of \$1,960,000 in GO Bond funding to Acquisition: Non-Local Parks as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Acquisition: Non-Local Parks	# P 998798	Land	\$1,960,000	GO Bonds
Total			\$1,960,000	

6. This increase is needed for an acquisition that supports the creation of a new urban recreational park in Wheaton and the development of new and expanded affordable housing. It implements key goals of the Wheaton CBD and Vicinity Sector Plan to create more affordable and workforce housing and to provide appropriate parks, as well as provides a rare opportunity to support two major public priorities with one project. The recommended amendment is consistent with the criteria for amending the CIP because the project offers a significant opportunity which will be lost if not taken at this time.
7. The County Council declares this request is in the public interest, to be acted upon without delay, as provided for under special appropriation requirements described in Article 3, Section 308 of the Montgomery County Charter.
8. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The FY19-24 Capital Improvements Program of the M-NCPPC Department of Parks is amended, as reflected on the attached project description form including the transfer from Legacy Open Space, and the special appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Acquisition: Non-Local Parks	# P 998798	Land	\$1,960,000	GO Bonds
Total			\$1,960,000	

This is a correct copy of Council action.

Mary Anne Paradise
Deputy Clerk of the Council



Acquisition: Non-Local Parks (P998798)

Category	M-NCPPC	Date Last Modified	05/21/19
SubCategory	Acquisition	Administering Agency	M-NCPPC
Planning Area	Countywide	Status	Ongoing

Total	Thru FY16	Rem FY16	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
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EXPENDITURE SCHEDULE (\$000s)

Planning, Design and Supervision	1,922	292	430	1,200	200	200	200	200	200	200	-
Land	27,783	18,023	894	3,205	23,683	4,788	10,695	2,050	2,050	2,050	-
TOTAL EXPENDITURES	29,705	1,186	3,636	16,123	4,988	2,436	2,250	2,250	2,250	2,250	-

FUNDING SCHEDULE (\$000s)

G.O. Bonds	8,760	-	-	8,760	8,760	-	-	-	-	-	-
Contributions	353	-	-	353	353	-	-	-	-	-	-
Current Revenue: General	1,618	348	-	1,270	135	135	250	250	250	250	-
Program Open Space	18,974	838	3,636	14,500	4,500	2,000	2,000	2,000	2,000	2,000	-
TOTAL FUNDING SOURCES	29,705	1,186	3,636	16,123	4,988	2,436	2,250	2,250	2,250	2,250	-

APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 20 Request	10,895	2,436	-	-	-	-	-	-	-	-	-
Cumulative Appropriation	-	9,810	-	-	-	-	-	-	-	-	-
Expenditure / Encumbrances	-	1,351	-	-	-	-	-	-	-	-	-
Unencumbered Balance	-	8,459	-	-	-	-	-	-	-	-	-

PROJECT DESCRIPTION

This project identifies capital expenditures and appropriations for non-local parkland acquisitions, including related costs for land surveys, appraisals, settlement expenses and other related acquisition costs. Non-local parks include Regional, Recreational, Conservation, Stream Valley, Special, and Historic Parks, including Urban Parks of county-wide significance. Acquisitions can include new parkland or additions to existing parks, and are pursued when they become available if sufficient funds exist. To the extent possible, the commission acquires parkland through dedication at the time of subdivision; however, to meet all parkland needs, this method must be supplemented by a direct land purchase program.

COST CHANGE

FY19 supplemental appropriation of \$2.85M including Program Open Space and Contributions. FY 20 Amendment and transfer of \$6.8 million in GO Bond appropriation from Legacy Open Space (P018710); and increase appropriation by \$1.96 million in GO Bond funding.

PROJECT JUSTIFICATION

2017 Park, Recreation and Open Space (PROS) Plan, approved by the Montgomery County Planning Board, area master plans, and functional master plans guide the non-local park acquisition program. This PDF provides latitude to acquire properties consistent with master plans and Commission policies.

OTHER

\$50,000 is budgeted annually to cover onetime costs to secure properties, e.g. removing attractive nuisances, posting properties, site clean-up, etc.

FISCAL NOTE

Prior year partial capitalization of expenditures through FY16 totaled \$40,009,000. FY13 supplemental appropriation of \$320K, Program Open Space. FY14 supplemental appropriation of \$1.706M, Program Open Space; FY19 supplemental appropriation of \$2.85M, Program Open Space and Contributions (concurrent FY20 reduction in \$2.5M in POS from Acquisition: Local Parks P767828).

DISCLOSURES

Expenditures will continue indefinitely. M-NCPPC asserts that this project conforms to the requirement of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

COORDINATION

Acquisition: Local PDF 767828, Legacy Open Space PDF 018710, ALARF PDF 727007



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

October 22, 2019

The Honorable Marc Elrich
Montgomery County Executive
Executive Office Building
101 Monroe Street
Rockville, MD 20850

The Honorable Nancy Navarro
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

Dear Mr. Elrich and Ms. Navarro:

The Montgomery County Planning Board requests amendments of the FY20 Capital Budget and the FY 19-24 Capital Improvements Program (CIP) to provide funding for acquisition of the WMATA Property in the Wheaton CBD:

- Legacy Open Space (P018710) to Acquisition: Non-Local (P998798) - \$6,800,000 transfer of Montgomery County GO Bond Appropriation from Legacy Open Space to Acquisition: Non-Local Parks
- Acquisition: Non-Local Parks (P998798) - \$1,960,000 increase in appropriation for GO Bonds.

Attached you will find copies of a draft Council resolution and staff report that were reviewed by the Planning Board on July 18, 2019 (Attachment A). The Board unanimously approved the FY20 Capital Budget amendment and FY19-24 CIP Amendment. Also attached is the signed Planning Board Resolution #19-103 (Attachment B) and the staff report (Attachment C) that explain the policy rationale and the support of the Planning Board for the land acquisition and proposed land exchange.

Acquisition of the WMATA Parcel provides a rare opportunity to support two major public priorities with one project: better affordable housing and more urban recreational amenities. Two key goals of the 2012 *Wheaton CBD and Vicinity Sector Plan* are to provide more affordable/workforce housing and the appropriate parks and open space to serve this growing urban center. The sector plan specifically recommends that a new park be created to serve urban recreational needs. Further policy support comes from the data-driven analysis of park needs conducted under the 2017 *Energized Public Spaces Functional Master Plan (EPS)*; EPS analysis indicates a lack of recreational amenities to serve the residents of Wheaton and confirms the need for an urban recreational park that was identified in the sector plan in 2012. Fortunate timing has created the chance to acquire the WMATA Parcel and exchange it with another entity that is embarking on a major development project that will benefit both important goals. The proposal is to acquire the WMATA Parcel and enter into a Land Exchange Agreement with Montgomery Housing Partnership (MHP) to trade the WMATA Parcel for a portion of the Amherst Square development. The Amherst parcel is a preferred

The Honorable Marc Elrich
The Honorable Nancy Navarro
October 22, 2019
Page Two

location for an Urban Recreational Park to serve the many multi-family dwellers in and near the CBD. The WMATA Parcel is a preferred location on which MHP intends to construct new affordable multi-family housing.

Over the past two months, Parks Department staff have been coordinating with Council and County staffs to prepare to move forward with this important acquisition and subsequent land exchange. To clarify some issues that were raised during this coordination process, here is some additional information for your consideration:

Legacy Open Space

- After the transfer of GO Bonds from Legacy Open Space to Acquisition: Non-Local, the Legacy Open Space project will retain approximately \$1.5 Million in GO Bonds. The Legacy Open Space program continues its efforts to protect the best remaining open spaces in the County, and those remaining funds will be available for active acquisitions that may be pursued during this Fiscal Year.
- The Commission will not request a lump sum to backfill Legacy Open Space through the coming CIP submission. Rather, this program's requested FY21-26 PDF will continue the pattern since its inception of requesting a reasonable, steady level of County and Commission Bond funding to provide certainty to land acquisition efforts and support steady progress toward implementing the goals of the *Legacy Open Space Functional Master Plan*.
- The Legacy Open Space PDF has traditionally been approved with "Beyond 6 Years" funding indicated so the entire PDF totals an even \$100 Million. The transfer of \$6.8 Million to another PDF will be balanced out by adding \$6.8 Million to the Beyond 6 Years column to retain the traditional total amount.

Land Exchange with MHP

- The proposed land exchange with MHP involves two parcels of land that are comparable in zoning, value, and size, and therefore are appropriate to swap via a Land Exchange Agreement. The Special Appropriation for an additional \$1.96 Million in GO Bonds is not a subsidy of MHP itself or its planned redevelopment of the Amherst Square apartments, but necessary funding to create an Urban Recreational Park to serve Wheaton.
- To implement the Land Exchange to create the dual benefits for this community, the WMATA Parcel will need to be approved for disposition from County title in an expedited manner. Fortunately, there are three clauses in the County's current land disposition code that allow for this project to go through a streamlined disposition process. Our understanding of the applicable Code is as follows:
 - First, since the disposition of the WMATA Parcel to MHP will be approved by the Council "as part of a CIP" through these CIP amendments, *the Disposition will not be subject to the Preliminary Reuse Review or Reuse Analysis.* (COMCOR 11B.45.01.04)


The Honorable Marc Elrich
The Honorable Nancy Navarro
October 22, 2019
Page Three

- Second, since the WMATA parcel will be used primarily for a housing development and MHP can legally commit that “at least 30% of the housing units built on the real property will be MPDUs or other units that are exempt from the development impact tax”, *the Disposition does not require the Council to hold a public hearing or approve the Declaration of No Further Need.* (COMCOR 11B.45.01.10)
- Third, based on the same commitment to over 30% MPDUs, *the Disposition for a property for less than Fair Market Value may occur without Council approval.* (COMCOR 11B.45.01.11)
- Based on this understanding of the County Code, the land disposition process for this project would consist of three short steps that could be accomplished in 30-45 days after the WMATA parcel has been acquired:
 - The Executive will forward the Disposition proposal (the Land Exchange Agreement) to the Council and allow the Council 30 days to comment;
 - The Executive will publish a Declaration of No Further Need to the County Register and the County website; then,
 - The County Executive may issue the Executive Order to implement the Land Exchange.

To ensure that this acquisition and subsequent land exchange move forward in an expedited fashion, I request that the County Council clearly indicate their approval in the CIP Amendment Resolution, stating that **the proposed Disposition of the WMATA Parcel to MHP as part of the Land Exchange is approved as part of the Park Acquisition: Non-Local CIP project.** I further request the full support of the relevant County Departments to implement the streamlined land disposition process outlined above to take advantage of this unique opportunity to benefit the residents of Wheaton and the County.

We appreciate the Executive’s favorable review and recommendation, and the scheduling of these amendments for public hearings and action at the Council’s earliest opportunity. Should you have additional questions or need more information, please do not hesitate to contact me.

Sincerely,


Casey Anderson
Chair

CC: Michael F. Riley, Director, Department of Parks, M-NCPPC

Attachments

CA:bcs

Attachment A

Amendment to M-NCPPC FY19-24 CIP and Special Appropriation to FY20 Capital Budget
Staff Report to Montgomery County Planning Board, July 18, 2019, Item #7



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB Item #7
July 18, 2019

MEMORANDUM

DATE: July 11, 2019

TO: Montgomery County Planning Board and Park Commission

VIA: Michael F. Riley, Director, Department of Parks
Bill Tyler, Acting Deputy Director for Operations
Shuchi Vera, Acting Deputy Director for Administration
Andrew Frank, Chief, Park Development Division (PDD) *(AFP)*

FROM: Carl Morgan, CIP Manager, PDD *Carl Morgan*
Brenda Sandberg, Real Estate Management Supervisor, PDD *BES*

SUBJECT: Amendment to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY19-24 Capital Improvements Program, and Special Appropriation to the FY20 Capital Budget, for **Acquisition: Non-Local Parks #998798 and Legacy Open Space #018710**

Staff Recommendation

Transmit the attached materials to the Montgomery County Executive and Montgomery County Council to amend the Department of Parks FY20 Capital Budget and FY19-24 Capital Improvements Program to provide funding for the WMATA Property acquisition, as follows:

- 1) Transfer of Montgomery County GO Bond Appropriation from Legacy Open Space (P018710) to Acquisition: Non-Local Parks (P998798), \$6,800,000
- 2) Special Appropriation: Acquisition: Non-Local Parks (P998798), \$1,960,000, GO Bonds

Background

The Department of Parks is pursuing acquisition of a parcel owned by the Washington Metropolitan Area Transit Authority (WMATA) located at 11507 Georgia Avenue, Wheaton MD 20902, for a negotiated purchase price of \$8,760,000. Details of the proposed acquisition are in the staff packet for Item #9 on the Montgomery County Planning Board's agenda, July 18, 2019.

The WMATA Property acquisition is proposed to be funded through the Acquisition: Non-Local Parks capital project that allows the Parks Department to acquire land that that serve County residents on a regional or county-wide basis. The Department of Parks proposes to transfer \$6,800,000 in existing appropriated County GO Bonds from the Legacy Open Space capital project into the Acquisition: Non-Local Parks capital project. To provide the remaining funds necessary for the WMATA Property, the Department of Parks also proposes a Special Appropriation of \$1,960,000 in GO Bonds to the Acquisition: Non-Local project.

The Legacy Open Space project currently has a balance of approximately \$8.2 Million in County GO Bonds. The Legacy Open Space (LOS) Program continues its ongoing efforts to protect the best remaining open spaces in the County, and three LOS parkland acquisitions using County GO Bond funding have been completed over the past four years. However, several properties that had been prioritized for acquisition using the rest of those funds have not come to fruition for a variety of reasons, resulting in the current GO Bond balance. After the shift of the \$6.8 Million, the LOS capital project will retain approximately \$1.5 Million in GO Bonds for active acquisitions during this fiscal year.

Use of this GO Bond balance for the WMATA Property will be an efficient use of existing appropriated funds within the acquisition program. Per guidance received over many years from the Planning Board and County Council, should an opportunity arise for an important Legacy Open Space acquisition in the near future that exceeds the current balance, the Department of Parks will pursue a supplemental funding request to support that acquisition. But in the meantime, the WMATA Property is a rare chance to expand urban parkland, and using existing acquisition funds that are not currently obligated elsewhere is a wise use of taxpayer dollars.

Attached you will find drafts of the Council Resolutions and the Project Description Forms (PDFs) for your review. Staff recommends approval of this CIP Amendment and Capital Budget Request and seeks direction from the Board to transmit the attached information to the Montgomery County Executive and to the County Council for Council consideration and approval of the CIP Amendment and Special Appropriation.

Conclusion

Upon approval the attached materials will be forwarded to the County Executive and County Council.

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Amendment to the FY19-24 Capital Improvements Program #X-XXX-MNCPPC-X
Maryland-National Capital Park and Planning Commission
Department of Parks
Legacy Open Space (No. 018710)

Background

1. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
2. Section 18-115, Section 18-116, and Section 18-117 of the Maryland Land Use Code provide that the Council may amend, revise, or modify the M-NCPPC 6-year capital improvements program by an affirmative vote of six of its members.
3. This amendment is needed because the acquisition would support development of new and expanded affordable housing, create a new urban recreational park in Wheaton, implement key goals of the Wheaton CBD and Vicinity Sector Plan to create more affordable and workforce housing and to provide the appropriate parks, and provide a rare opportunity to support two major public priorities with one project. The recommended amendment is consistent with the criteria for amending the CIP because the project offers a significant opportunity which will be lost if not taken at this time.

Action

The County Council for Montgomery County, Maryland approves the following action:

The FY19-24 Capital Improvements Program of the M-NCPPC Department of Parks is amended as described above and as reflected on the attached project description form

This is a correct copy of Council action.

Megan Davey Limarzi, Esq.
Clerk of the Council



Legacy Open Space (P018710)

Category	M-NCPPC	Date Last Modified	10/04/18								
SubCategory	Acquisition	Administering Agency	M-NCPPC								
Planning Area	Countywide	Status	Ongoing								
	Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years

EXPENDITURE SCHEDULE (\$000s)

Land	92,185	85,774	784	6,736	18,000	3,000	3,000	3,000	3,000	3,000	3,000	8,486	1,686
Other	7,805	5,848	357	17,151	1,500	250	215	250	250	250	250	250	100
TOTAL EXPENDITURES	100,000	71,622	7,092	48,600	3,250	3,250	3,250	3,250	3,250	3,250	3,250	4,786	8,586

FUNDING SCHEDULE (\$000s)

Contributions	938	938	-	-	-	-	-	-	-	-	-	-	-
Current Revenue: General	11,834	9,824	380	14,151	1,500	250	1,651	250	250	250	250	250	230
G.O. Bonds	54,274	32,063	0	5,964	16,000	2,500	2,600	2,500	2,500	2,500	2,500	2,500	8,060
M-NCPPC Bonds	10,786	8,739	761	3,000	500	500	500	500	500	500	500	500	288
PAYGO	17,855	17,855	-	-	-	-	-	-	-	-	-	-	-
POS-Stateside (M-NCPPC Only)	200	200	-	-	-	-	-	-	-	-	-	-	-
Program Open Space	4,003	4,003	-	-	-	-	-	-	-	-	-	-	-
TOTAL FUNDING SOURCES	100,000	71,622	7,092	48,600	3,250	3,250	3,250	3,250	3,250	3,250	3,250	4,786	8,586

APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 20 Request	2,401	3,259	Year First Appropriation		FY01
Cumulative Appropriation	75,164	81,964	Last FY's Cost Estimate		100,000
Expenditure / Encumbrances		71,805			
Unencumbered Balance		10,159			

PROJECT DESCRIPTION

The Legacy Open Space initiative identifies open space lands that should be acquired and interpreted because of exceptional natural or cultural value to current and future generations of Montgomery County residents. Legacy Open Space will acquire or obtain easements or make fee-simple purchases on open-space lands of countywide significance. Priorities are updated during each CIP cycle but remain flexible to allow the Montgomery County Planning Board to address development threats, opportunity acquisitions, and joint funding opportunities. The County Council encourages the Commission to seek supplemental appropriations if approved CIP funding is insufficient. Non-County funding sources are expected to contribute significantly to the Legacy Open Space program. Contributions only will appear in the PDF Expenditure and Funding Schedules if the contribution is spent by the County or M-NCPPC. Donations of land or non-County funded payments that go directly to property owners are not included. The combination of these non-County and County funds have resulted in the successful protection of over 5,300 acres of open space in the County, including over 3,800 acres of new parkland. Over 500 acres of parkland were received at no cost through dedication and donations by private landowners.

COST CHANGE

In FY19, FY18 Current Revenue decreased by \$100k to reflect FY18 Savings Plan; FY17 actuals updated based on actual billings
 FY20 Amendment to shift \$6.8 million in GO Bond funding to Acquisition NL (P998798)

PROJECT JUSTIFICATION

The Vision 2030 Strategic Plan for Parks and Recreation in Montgomery County (2010) and the subsequent 2012 Park, Recreation and Open Space (PROS) Plan recommend placing priority on conservation of natural open spaces, protection of heritage resources, providing critical urban open spaces, and expanded interpretive activities in parks. Legacy Open Space: Open Space Conservation in the 21st Century, approved by the Montgomery County Planning Board in October 1999. Legacy Open Space Functional Master Plan adopted by the County Council in July 2001

OTHER

FISCAL NOTE

FY18 Current Revenue decreased by \$100k to reflect FY18 Savings Plan.

DISCLOSURES

Expenditures will continue indefinitely. M-NCPPC asserts that this project conforms to the requirement of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

14

COORDINATION

Acquisition: Local Parks 767828, Acquisition: Non-Local Parks 998798, ALARF: M-NCPPC 727007, Restoration of Historic Structures 808494, State of Maryland

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

SUBJECT: Amendment to the FY19-24 Capital Improvements Program and Special Appropriation #X-XXX-MNCPPC-X to the FY20 Capital Budget Maryland-National Capital Park and Planning Commission Department of Parks Acquisition: Non-Local Parks (No. 998798)

Background

1. Section 308 of the County Charter provides that a special appropriation is an appropriation which states that it is necessary to meet an unforeseen disaster or other emergency, or to act without delay in the public interest. Each special appropriation must be approved by not less than six Councilmembers. The Council may approve a special appropriation at any time after public notice by news release. Each special appropriation must specify the source of funds to finance it.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. Section 18-108 of the Maryland Land Use Code provides that after adoption of the M-NCPPC budget by the Council, the budget may be amended by resolution by the Council on their initiative or at the request of the Commission. Before adopting a budget amendment, the Council must receive recommendations from the County Executive and hold a public hearing on reasonable notice to the public.
4. Section 18-115, Section 18-116, and Section 18-117 of the Maryland Land Use Code provide that the Council may amend, revise, or modify the M-NCPPC 6-year capital improvements program by an affirmative vote of six of its members.
5. On July 18, 2019, the Department of Parks requested an additional \$8,760,000 to the Acquisition: Non-Local Parks Project as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Acquisition: Non-Local Parks	# P 998798	Land	\$8,760,000	GO Bonds
Total			\$8,760,000	

6. This increase is needed because the acquisition would support development of new and expanded affordable housing, create a new urban recreational park in Wheaton, implement key goals of the Wheaton CBD and Vicinity Sector Plan to create more affordable and workforce housing and to provide the appropriate parks, and provide a rare opportunity to support two major public priorities with one project. The recommended amendment is consistent with the criteria for amending the CIP because the project offers a significant opportunity which will be lost if not taken at this time.
7. The County Council declares this request is in the public interest, to be acted upon without delay, as provided for under special appropriation requirements described in Article 3, Section 308 of the Montgomery County Charter.
8. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

The FY19-24 Capital Improvements Program of the M-NCPPC Department of Parks is amended as reflected on the attached project description form and a special appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Acquisition: Non-Local Parks	# P 998798	Land	\$8,760,000	State Aid
Total			\$8,760,000	

This is a correct copy of Council action.

Megan Davey Limarzi, Esq.
Clerk of the Council



Acquisition: Non-Local Parks (P996798)

Category	M-NCPPC	Date Last Modified	05/21/19
SubCategory	Acquisition	Administering Agency	M-NCPPC
Planning Area	Countywide	Status	Ongoing

Total	Thru FY18	Rem FY18	Total 6 Years	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	Beyond 6 Years
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EXPENDITURE SCHEDULE (\$000s)

Planning, Design and Supervision	1,922	292	430	1,200	200	200	200	200	200	200	-
Land	27,783	10,923	894	3,205	23,683	14,923	4,788	10,695	1,936	2,050	2,050
TOTAL EXPENDITURES	29,705	1,186	3,636	16,423	4,988	2,136	2,250	2,250	2,250	2,250	-
	29,705			24,883		10,895					

FUNDING SCHEDULE (\$000s)

G.O. Bonds	8,760			8,760		8,760					
Contributions	353	-	-	353	353	-	-	-	-	-	-
Current Revenue: General	1,818	348	-	1,270	135	135	250	250	250	250	-
Program Open Space	18,974	838	3,636	14,500	4,500	2,000	2,000	2,000	2,000	2,000	-
TOTAL FUNDING SOURCES	29,945	1,186	3,636	16,423	4,988	2,136	2,250	2,250	2,250	2,250	-
	29,705			24,883		10,895					

APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 20 Request	10,895	2,136		Year First Appropriation						FY99
Cumulative Appropriation		9,810		Last FY's Cost Estimate						18,082
Expenditure / Encumbrances		1,351								
Unencumbered Balance		8,459								

PROJECT DESCRIPTION

This project identifies capital expenditures and appropriations for non-local parkland acquisitions, including related costs for land surveys, appraisals, settlement expenses and other related acquisition costs. Non-local parks include Regional, Recreational, Conservation, Stream Valley, Special, and Historic Parks, including Urban Parks of county-wide significance. Acquisitions can include new parkland or additions to existing parks, and are pursued when they become available if sufficient funds exist. To the extent possible, the commission acquires parkland through dedication at the time of subdivision; however, to meet all parkland needs, this method must be supplemented by a direct land purchase program.

COST CHANGE

FY19 supplemental appropriation of \$2.85M including Program Open Space and Contributions. FY20 Amendment to shift \$6.8 million in GO Bond funding from Legacy Open Space (P018710) and increase appropriation by an additional \$1.96 million in GO Bond funding.

PROJECT JUSTIFICATION

2017 Park, Recreation and Open Space (PROS) Plan, approved by the Montgomery County Planning Board, area master plans, and functional master plans guide the non-local park acquisition program. This PDF provides latitude to acquire properties consistent with master plans and Commission policies.

OTHER

\$50,000 is budgeted annually to cover onetime costs to secure properties, e.g. removing attractive nuisances, posting properties, site clean-up, etc.

FISCAL NOTE

Prior year partial capitalization of expenditures through FY16 totaled \$40,009,000. FY13 supplemental appropriation of \$320K, Program Open Space. FY14 supplemental appropriation of \$1.706M, Program Open Space; FY19 supplemental appropriation of \$2.85M, Program Open Space and Contributions (concurrent FY20 reduction in \$2.5M in POS from Acquisition: Local Parks P767828).

DISCLOSURES

Expenditures will continue indefinitely. M-NCPPC asserts that this project conforms to the requirement of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

COORDINATION

Acquisition: Local PDF 767828, Legacy Open Space PDF 018710, ALARF PDF 727007

Attachment B

Montgomery County Planning Board Resolution No. 19-103:

Acquisition of the WMATA Property to create the future Wheaton Urban Recreational
Park



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 19-103

Acquisition of the WMATA Property to create the future Wheaton Urban Recreational Park

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission ("Commission") is authorized by Md. Code Ann., Land Use, §17-101 (formerly Article 28, Section 5-101), to acquire, develop, maintain and operate a public park system within the Maryland-Washington Metropolitan District; and

WHEREAS, the Commission identifies properties that are eligible for acquisition and recommends that the County acquire such properties; and

WHEREAS, the Washington Metropolitan Area Transit Authority ("WMATA") owns certain property identified by Tax Account #13-00964876, containing 3.83 acres, more or less, unimproved (the "WMATA Property"), located at 11507 Georgia Avenue, Wheaton Maryland 20902, and which property meets parkland acquisition criteria, for the purpose of creating a new urban recreational park in Wheaton; and

WHEREAS, acquisition is consistent with the recommendations in the 2012 Approved and Adopted Wheaton CBD and Vicinity Sector Plan; and

WHEREAS, the Montgomery County Planning Board on behalf of the Commission recommends that the County acquire the WMATA Property from WMATA all as described above; and

WHEREAS, there are sufficient monies available in the County's FY-20 Non-Local Park Acquisition Program CIP to pay for the acquisition of the Property; and

WHEREAS, while the WMATA Property would support creating a new urban recreational park in Wheaton, the Commission has identified a property owned by the Montgomery Housing Partnership Landing's Edge ("MHP Landing's Edge"), identified by Tax Account #13-01396574, containing 3.3 acres, more or less, improved ("Amherst Parcel B"), located at 11504 Amherst Avenue, Wheaton Maryland 20902, which property also meets parkland acquisition criteria; and

WHEREAS, the Commission has further identified that an exchange of the WMATA Property and Amherst Parcel B would provide the most benefit to the public by supporting development of new and expanded affordable housing and of creating a new urban recreational park in Wheaton; and

WHEREAS, for the reasons stated above, the Montgomery County Planning Board on behalf of the Commission recommends that, after settlement on the acquisition of the WMATA Property, the County conduct a Land Exchange with MHP Landing's Edge to exchange the WMATA Property for

Amherst Parcel B to best meet the need for expanded affordable housing and of creating a new urban recreational park in Wheaton.

NOW THEREFORE BE IT RESOLVED that the Montgomery County Planning Board recommends that the County execute the Purchase and Sale Contract, on such terms acceptable to the Commission, to acquire the Property from WMATA for the purchase price of Eight-Million, Seven Hundred Sixty Thousand Dollars (\$8,760,000) and other valuable consideration; and BE IT FURTHER RESOLVED that the Montgomery County Planning Board recommends that the County execute a Definitive Land Exchange Agreement with MHP or MHP Landing's Edge, on such terms acceptable to the Commission and County, to exchange the WMATA Property for Amherst Parcel B, for the purposes of supporting development of new and expanded affordable housing and of creating a new urban recreational park in Wheaton.


* * * * *

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Tina Patterson, seconded by Commissioner Gerald R. Cichy, with Commissioners Patterson, Cichy, and Commission Chair Anderson voting in favor of the motion, with Commission Vice-Chair Norman Dreyfuss and Commissioner Natali Fani-Gonzalez being absent, at its regular meeting held on Thursday, July 18th 2018 in Silver Spring, Maryland.



Chair Casey Anderson
Montgomery County Planning Board

LEGAL SUFFICIENCY
M-NCPPC Legal Department

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department
Date 7/19/2019

Attachment C

Land Acquisition and Exchange Recommendation: Wheaton Urban Recreational Park
Staff Report to Montgomery County Planning Board, July 18, 2019, Item #9



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

MCPB Item #9
Date: 07 / 18 / 2019

MEMORANDUM

DATE: July 11, 2019

TO: Montgomery County Planning Board

VIA: Michael F. Riley, Director of Parks *MR*
Shuchi Vera, Acting Deputy Director, Administration *SV*
Bill Tyler, Acting Deputy Director, Operations *BT*
Andrew Frank, Division Chief, Park Development Division (PDD) *Andrew Frank*

FROM: Brenda Sandberg, Real Estate Management Supervisor, PDD *BSS*

SUBJECT: Land Acquisition and Exchange Recommendation: Wheaton Urban Recreational Park
WMATA Parcel P920
11507 Georgia Avenue, Wheaton, MD 20902
3.83 acres, more or less, improved

STAFF RECOMMENDATION

Staff requests the following actions by the Montgomery County Planning Board:

- 1) Approve Resolution No. 19-103 for acquisition of the Washington Metropolitan Area Transit Authority Parcel P920 ("WMATA Parcel") for a negotiated purchase price of \$8,760,000 to be funded with County G.O. Bonds.
- 2) Approve staff entering into negotiations for a Land Exchange with Montgomery Housing Partnership, Inc. ("MHP") to exchange the WMATA Parcel for Parcel B of MHP's Amherst Square properties ("Amherst Parcel").

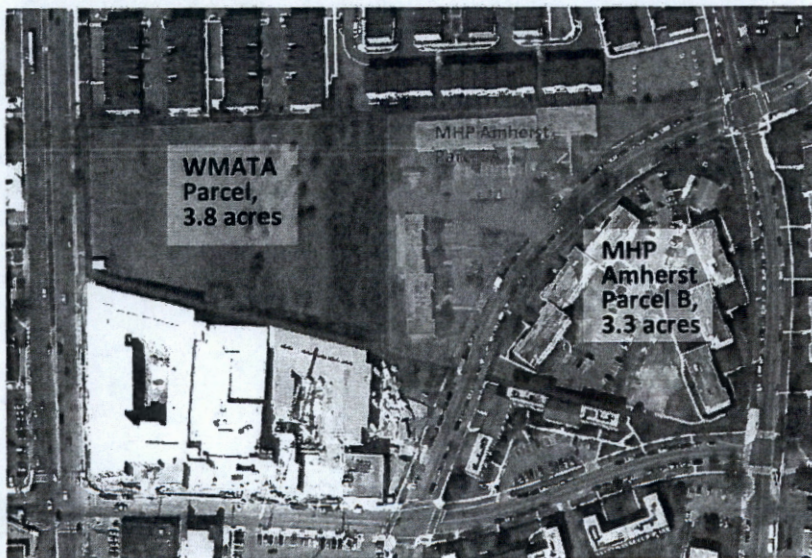
SUMMARY

The WMATA Parcel on the north side of the Wheaton CBD is a rare opportunity to acquire land for urban recreational needs in a growing CBD. This proposal is to acquire the WMATA Parcel and enter into a Land Exchange agreement with MHP to exchange the WMATA Parcel for the Amherst Parcel B (Figure 2). The Amherst Parcel B is a preferred location for an Urban Recreational Park to serve the many multi-family dwellers in and near the CBD. The WMATA Parcel is a preferred location on which MHP intends to construct new affordable multi-family housing.

Figure 1: Vicinity Map, WMATA Parcel and Amherst Parcel, Wheaton CBD



Figure 2: Aerial Photo, WMATA Parcel and Amherst Parcel, Wheaton CBD

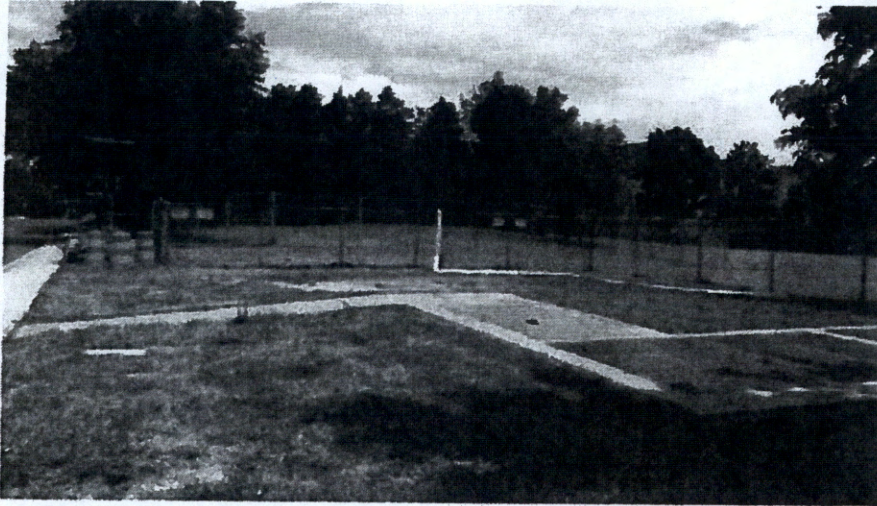


PROPERTY DESCRIPTIONS

The WMATA Parcel is a 3.83-acre unimproved parcel located at 11507 Georgia Ave, Wheaton, MD 20902. The property is being acquired through WMATA's required process to dispose of surplus land. The property fronts Georgia Avenue (Figure 3) in the northern portion of the CBD between newly constructed apartments (AVA) on the south and a townhouse development to the north. The property is moderately steep vacant land with one area of trees on the eastern (downhill) edge. The only development on the property is a small area on the south side of the Georgia Avenue frontage that includes a WMATA vent shaft, access stairs, and other mechanical equipment that supports subway system operations. One condition of the acquisition is that the vent shaft area will be protected by a perpetual easement to

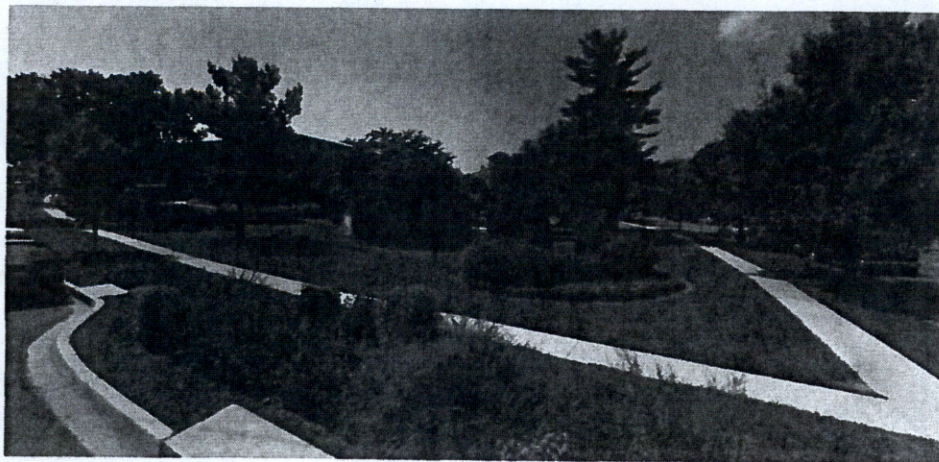
WMATA to support continued operation of the subway system. The WMATA Parcel is zoned CR 2.0, C 1.5, R 1.5, H 75 to allow for mixed-use residential development.

Figure 3. Georgia Avenue frontage of WMATA Property Looking North including Vent Structure



Montgomery Housing Partnership (MHP), a non-profit entity that builds and manages a variety of affordable and mixed income housing across Montgomery County, owns the Amherst Square apartment complex located at 11504 Amherst Ave, Wheaton MD 20902. The complex consists of two parcels – Parcel A and Parcel B (Figure 2). Parcel B, located between Amherst Avenue and Elkin Street, is the 3.3-acre property proposed for the Land Exchange. The relatively level property is improved with 72 multi-family apartments (Figure 4). These units would be replaced with new affordable units on the WMATA Parcel and then demolished to accommodate the future park. Both Amherst Parcels A & B are zoned CR 2.0, C 1.5, R 1.5, H 75, the same as the WMATA Parcel, to allow for mixed-use residential development. Parcel B is comparable in zoning, value, and size to the WMATA Parcel and therefore appropriate to swap via a land exchange agreement.

Figure 4. View of Amherst Parcel B, Looking Southwest from Amherst Avenue near Elkin Street

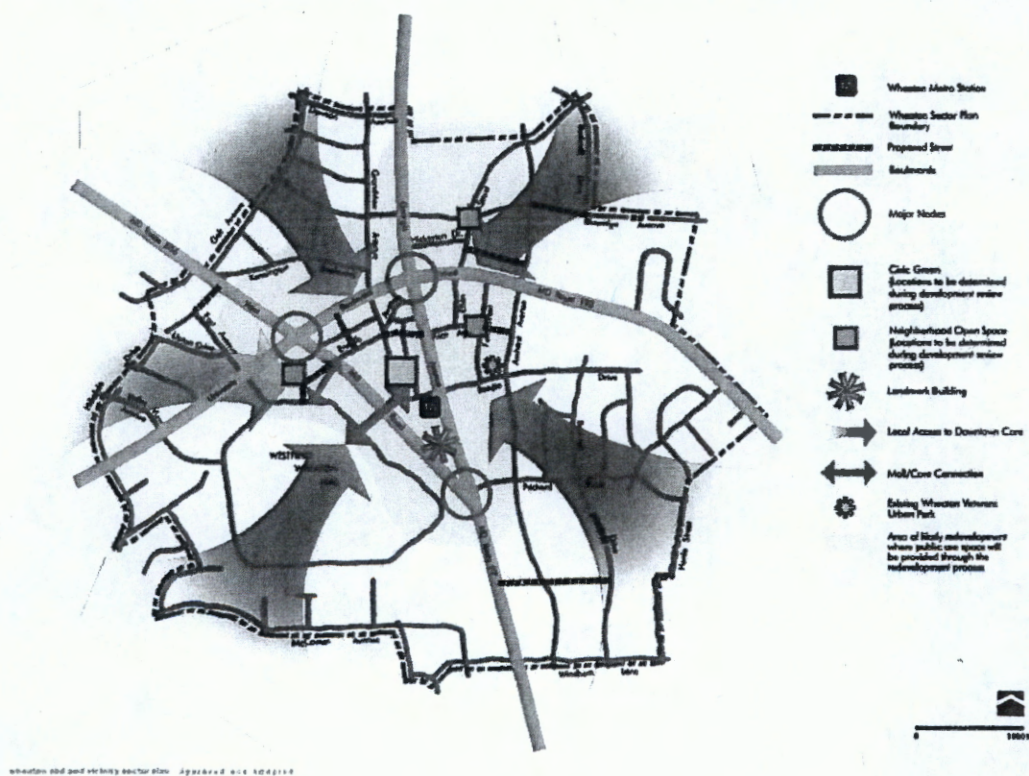


MASTER PLAN AND POLICY RATIONALE

The 2012 *Wheaton CBD and Vicinity Sector Plan* set a vision to provide socially sustainable development to create a community where people can live, work, and play. Two key goals of the Sector Plan are to create more affordable and workforce housing and to provide the appropriate parks and open space to serve this growing urban center. Much land in the Sector Plan Area was rezoned to encourage mixed-use development, resulting in increased future demand for housing and parks/open space. An estimated 3000 additional jobs and 4,600 additional residential units may result from the Plan recommendations.

The Wheaton Plan recommends creating new parks and open spaces to address shortages in the plan area. First, the Plan recommends creating a new public open space in the immediate vicinity of the WMATA Parcel and Amherst Parcel B (see Figure 5). Recent development near the intersection of Elkin and Blueridge has resulted in a Privately-Owned Public Space (POPS) and a pedestrian connection adjacent to the AVA development. While the POPS provides for a green respite in the built environment and a key pedestrian connection as recommended in the Sector Plan, this POPS is not intended to serve recreational purposes for Wheaton residents.

Figure 5: 2012 *Wheaton CBD and Vicinity Sector Plan*, Proposed Open Space



Second, the Sector Plan states a goal to “provide opportunities for urban recreation in the downtown.” To achieve that goal, the Plan further recommends that “Parks should explore opportunities for large parks...near the Plan area to meet the standards established in the [PROS] Plan.” This recommendation specifically proposes that Parks find a location for a new park to serve urban recreational needs. The

WMATA acquisition provides the opportunity to fulfill that recommendation through the creation of an Urban Recreational Park over 3 acres in size within the CBD boundary.

In addition to the Wheaton Sector Plan, the 2017 *Energized Public Spaces Functional Master Plan (EPS)* created a tool to implement data-driven analysis of supply and demand for Parks, and the initial results from that tool support the need for more urban recreation opportunities in the Wheaton CBD. Preliminary results from the EPS Quantitative Analysis show some areas of deficit (i.e., a lack of access to park experiences) near the proposed park site. In downtown areas such as Wheaton, analysis indicates a lack of active recreation amenities compared to a higher amount of social gathering spaces. The introduction of an urban recreational park in this location in Wheaton would reduce such deficits.

PROPOSED USE AND BENEFITS: LAND EXCHANGE OPPORTUNITY

Acquisition of the WMATA Parcel provides a rare opportunity to support two major public priorities with one project: better affordable housing and more urban recreational amenities. Fortunate timing has created the chance to acquire the WMATA Parcel and exchange it with another entity that is embarking on a major development project that will benefit both these important goals.

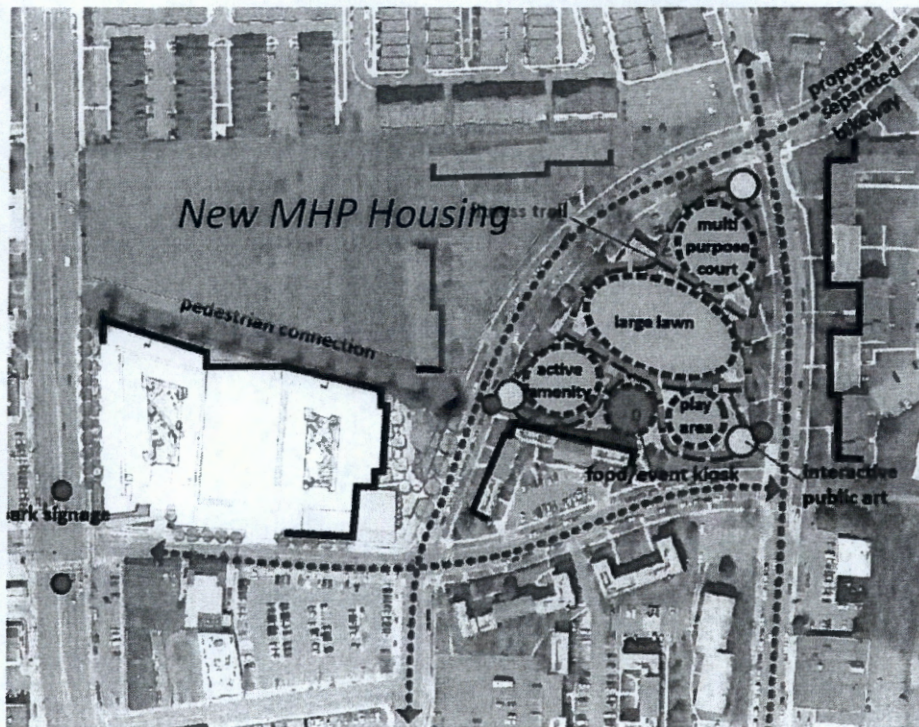
Montgomery Housing Partnership (MHP) owns the Amherst Square apartment complex immediately adjacent to the WMATA Parcel, as described in the Property Descriptions section above. MHP is an experienced government partner with significant experience in affordable housing projects in the County. The organization is currently implementing a 15-year plan to rebuild all their affordable housing units in Wheaton, starting with the Amherst Square complex. Discussions with MHP over the past year have identified several benefits to swapping the WMATA Parcel for Amherst Parcel B, summarized in Table 1.

Table 1. Summary of Benefits from Proposed Land Exchange

Better Housing on WMATA Parcel	Better Park on Amherst Parcel B
Easier connectivity for residents to CBD and Metro along Georgia Avenue sidewalks	Flatter terrain easier to utilize for park amenities such as central lawn area
Better residential urban design possible by being closer to Georgia Avenue	Better urban design location for park: - Bounded by roads on two of three sides - Surrounded by buildings/uses facing the site - More visible and safe
Minimizes or eliminates the need to relocate residents during construction of new apartments	Park nested within high density community east of Georgia Avenue
	Better accessibility for Pedestrians, Cyclists, and Maintenance

For illustrative purposes, a concept sketch is shown in Figure 6 showing how some potential park amenities could fit on the site and the overall relationship between the future park and the redeveloped Amherst Square apartment complex. Park facilities that could be appropriate in this proposed Urban Recreational Park might include a central lawn for flexible use, multipurpose courts, an amenity such as a skate park or dog park, playgrounds, and a space designed to support community events (such as a kiosk, stage, or space for food trucks or other portable or temporary park amenities).

Figure 6. Illustrative Concept, Potential Future Wheaton Urban Recreational Park on Amherst Parcel B



While this proposed Land Exchange is the preferred way forward to implement the future park, note that the acquisition of the WMATA Parcel is not contingent upon a final agreement with MHP for the land swap. A new park on either the WMATA Parcel or Amherst Parcel B will serve to provide a variety of walk-to active, contemplative and social recreation amenities in a dense, growing, and underserved community. If for some reason the Land Exchange does not come to fruition, the Department of Parks will pursue an urban recreational park on the WMATA Parcel to meet the growing needs of the Wheaton community.

Staff request Board approval to negotiate with MHP for a Land Exchange to support better parks and better housing in Wheaton.

START UP COSTS & OPERATING BUDGET IMPACT (OBI)

The Land Exchange agreement will lay out the details of how and when the two properties will be swapped as well as requirements for the condition of Parcel B when it is transferred to Parks. The Letter of Intent with MHP lays out the basic plan to swap equitable parcels clear of existing improvements and in stable, safe condition.

During the gap between Parks receiving Parcel B and full development of the new park, a minimally developed interim park condition may exist on the park site. Start-up costs may be required to make the property safe, accessible, and publicly usable after Parks accepts the parcel, depending on the conditions negotiated in the Land Exchange Agreement. Since the terms of that agreement are not yet written, it is difficult to estimate the appropriate start-up costs for this future park. Start up costs could be as low as \$0 or could be substantial, depending on the results of due diligence research by and negotiations between MHP and Parks.

Operating budget impacts (OBI) during the interim park condition can be given an order-of-magnitude estimate. OBI for maintaining 3.3 acres of open grass and trees, shoveling snow from sidewalks, and policing for a new urban park location could cost approximately \$30,000 - \$60,000 per year,

Plans for full implementation of the future vision for an urban recreational park will be developed with significant community input and presented to the Planning Board. Capital and operating budget costs for the new park will be determined during park development and operating budget processes and brought to the Planning Board for review and approval at that time.

IMPLEMENTATION STEPS

The implementation of this proposed acquisition and subsequent land exchange will take more process steps than a standard land acquisition. A summary of necessary steps and anticipated timing is as follows:

- **WMATA Approvals**
 - WMATA Board of Directors approval – completed, June 2019
 - Federal Transit Administration approval – pending Summer 2019
- **Planning Board Approvals**
 - Acquisition Closed Session – completed, July 11
 - Acquisition Open Session – today, July 18
 - CIP Budget Amendment – today, July 18
- **Land Exchange Agreements with MHP**
 - Letter of Intent – Draft approved, currently routing for signature
 - Definitive Exchange Agreement – To be drafted after Board Approvals and Letter of Intent signed
- **Montgomery County Council**
 - CIP Budget Amendment and Supplemental – proposed September 2019
- **Settlement with WMATA and Initiate Land Exchange with MHP – October 2019**

Staff looks forward to receiving Planning Board approval to acquire the WMATA Parcel and to enter Land Exchange negotiations with MHP to support new affordable housing and create urban recreational facilities in downtown Wheaton.

Attachment: MCPB No. 19-103, Acquisition of the WMATA Property to create the future Wheaton Urban Recreational Park

CC: Shuchi Vera
Darryl McSwain
Jim Poore
Bill Tyler
Kristi Williams
Megan Chung
Robert Kronenberg

Attachment

MCPB No. 19-103

Acquisition of the WMATA Property to create the future Wheaton Urban Recreational Park

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission ("Commission") is authorized by Md. Code Ann., Land Use, §17-101 (formerly Article 28, Section 5-101), to acquire, develop, maintain and operate a public park system within the Maryland-Washington Metropolitan District; and

WHEREAS, the Commission identifies properties that are eligible for acquisition and recommends that the County acquire such properties; and

WHEREAS, the Washington Metropolitan Area Transit Authority ("WMATA") owns certain property identified by Tax Account #13-00964876, containing 3.83 acres, more or less, unimproved (the "WMATA Property"), located at 11507 Georgia Avenue, Wheaton Maryland 20902, and which property meets parkland acquisition criteria, for the purpose of creating a new urban recreational park in Wheaton; and

WHEREAS, acquisition is consistent with the recommendations in the 2012 Approved and Adopted Wheaton CBD and Vicinity Sector Plan; and

WHEREAS, the Montgomery County Planning Board on behalf of the Commission recommends that the County acquire the WMATA Property from WMATA all as described above; and

WHEREAS, there are sufficient monies available in the County's FY-20 Non-Local Park Acquisition Program CIP to pay for the acquisition of the Property; and

WHEREAS, while the WMATA Property would support creating a new urban recreational park in Wheaton, the Commission has identified a property owned by the Montgomery Housing Partnership Landing's Edge ("MHP Landing's Edge"), identified by Tax Account #13-01396574, containing 3.3 acres, more or less, improved ("Amherst Parcel B"), located at 11504 Amherst Avenue, Wheaton Maryland 20902, which property also meets parkland acquisition criteria; and

WHEREAS, the Commission has further identified that an exchange of the WMATA Property and Amherst Parcel B would provide the most benefit to the public by supporting development of new and expanded affordable housing and of creating a new urban recreational park in Wheaton; and

WHEREAS, for the reasons stated above, the Montgomery County Planning Board on behalf of the Commission recommends that, after settlement on the acquisition of the WMATA Property, the County conduct a Land Exchange with MHP Landing's Edge to exchange the WMATA Property for Amherst Parcel B to best meet the need for expanded affordable housing and of creating a new urban recreational park in Wheaton.

NOW THEREFORE BE IT RESOLVED that the Montgomery County Planning Board recommends that the County execute the Purchase and Sale Contract, on such terms acceptable to the Commission, to acquire the Property from WMATA for the purchase price of Eight-Million, Seven Hundred Sixty Thousand Dollars (\$8,760,000) and other valuable consideration; and

BE IT FURTHER RESOLVED that the Montgomery County Planning Board recommends that the County execute a Definitive Land Exchange Agreement with MHP or MHP Landing's Edge, on such terms acceptable to the Commission and County, to exchange the WMATA Property for Amherst Parcel B, for the purposes of supporting development of new and expanded affordable housing and of creating a new urban recreational park in Wheaton.

* * * * *

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, and _____ voting in favor of the motion at its regular meeting held on Thursday, July 18th 2018 in Silver Spring, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board

Signature: *Bill Tyler*
Email: bill.tyler@montgomeryparks.org

Signature: *Shuchi Vera*
Email: shuchi.vera@montgomeryparks.org

Signature: *Miko Riley*
Email: mike.riley@montgomeryparks.org

Park Development Division
Real Estate Management Section

Wheaton Urban Recreational Park: County Government Briefing, September 2019



M-NCPPC Montgomery Parks

Mike Riley, Director
Brenda Sandberg, Real Estate Manager

32



Wheaton Urban Recreation Park - Summary

Significant opportunity to purchase over 3 acres of land in an urban CBD

Rare chance to support multiple public goals via a Land Exchange

- Create more affordable and workforce housing
- Create a new park to provide recreational resources to a densifying urban core

Seeking support of CIP Transfer and Special Appropriation to:

- Acquire the WMATA Property
- Pursue Land Exchange with Montgomery Housing Partnership (MHP)



Wheaton Urban Recreation Park – Vicinity Map



63



REAL ESTATE MANAGEMENT

Wheaton Urban Recreation Park – Policy Rationale

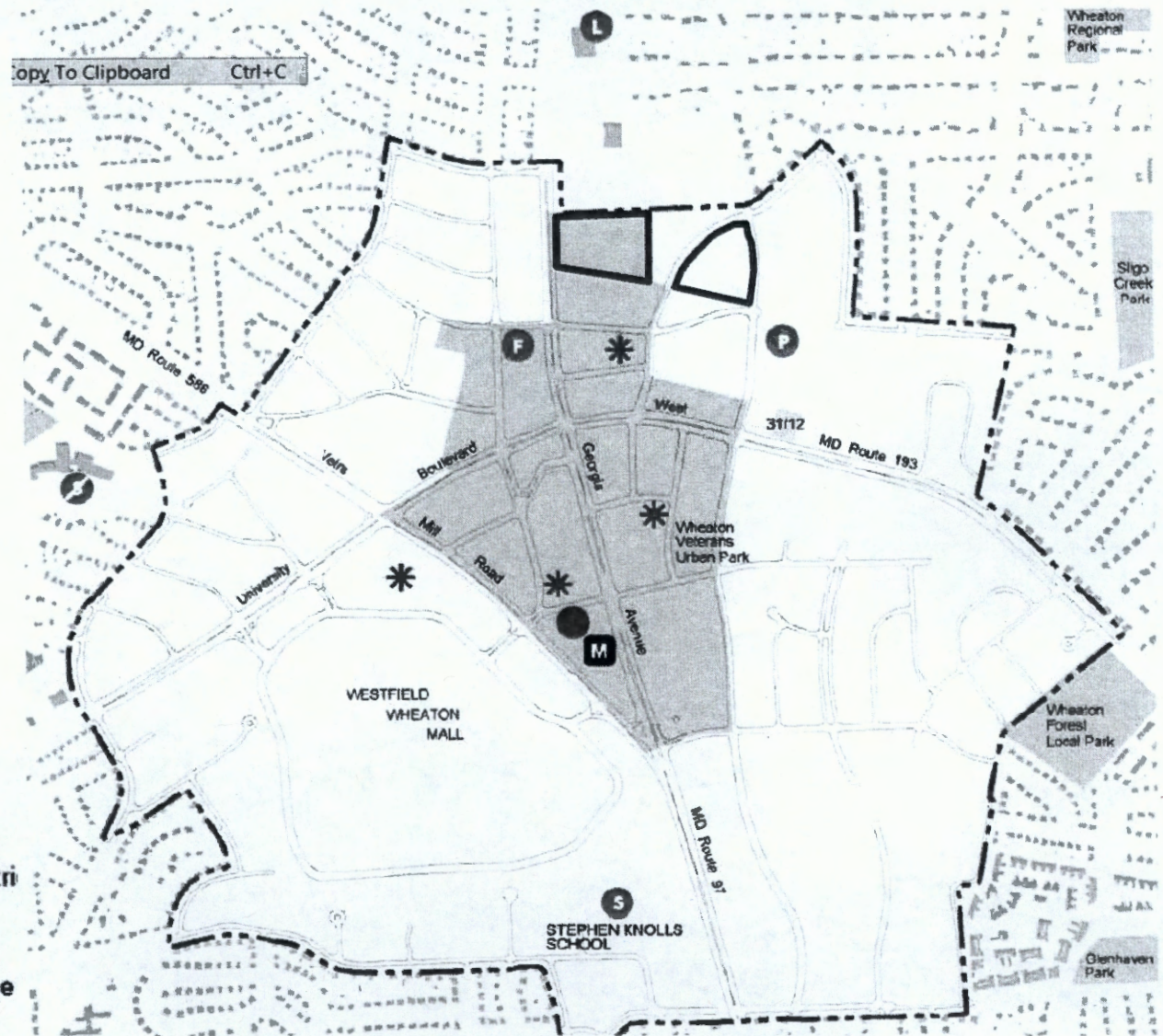
Map 21 Existing Community Facilities and Proposed Open Spaces

Wheaton CBD & Vicinity Sector Plan, 2012

- Create a new Recreational Park to address shortages in the plan area
- Create new Open Space in immediate vicinity of WMATA & MHP parcels

Energized Public Spaces FMP, 2017

- Preliminary analysis shows need for more recreation amenities in CBD



35



Wheaton Urban Recreational Park – The Opportunity

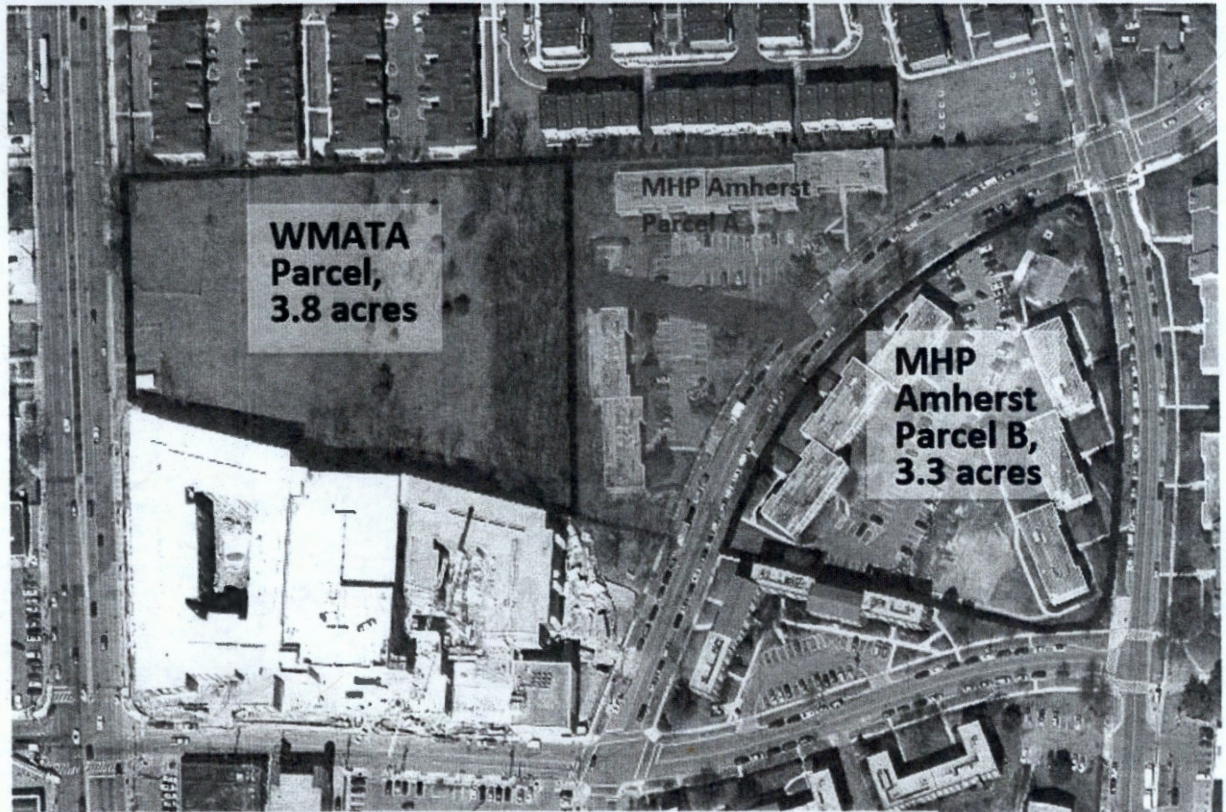
1. Purchase WMATA Site

2. Exchange for Amherst Parcel B

- Montgomery Housing Partnership

3. Results

- Better Housing on the WMATA site – 3.8 acres
- Better Park on MHP Amherst Parcel B - 3.3 acres



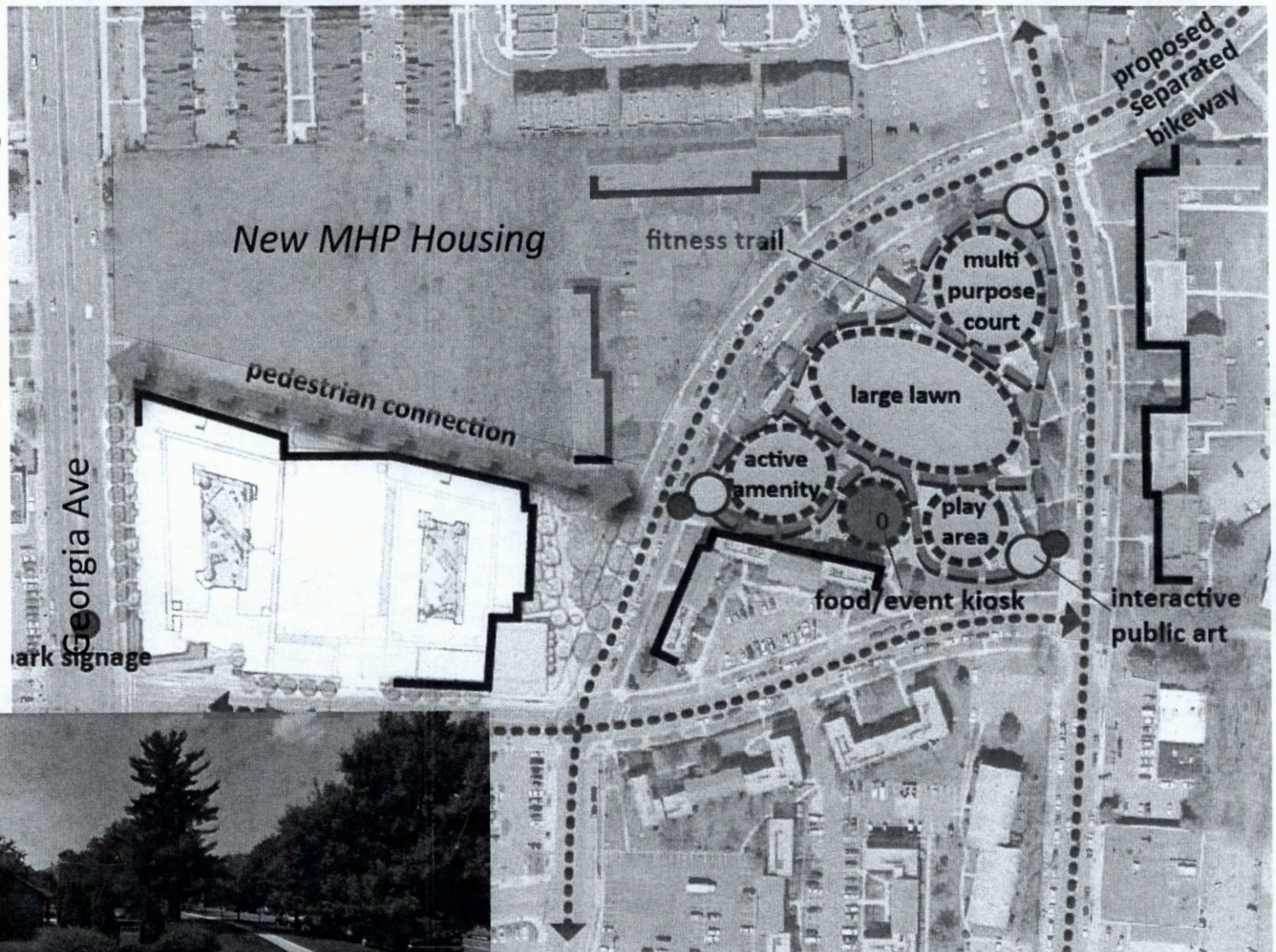
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REAL ESTATE MANAGEMENT

Wheaton Urban Recreational Park -- Concept

Illustrative Concept Plan



(37)

Wheaton Urban Recreational Park – Land Exchange

Benefits for New Urban Rec Park at Either Site

- Provides variety of walk-to active, contemplative and social recreation amenities in a dense, growing, underserved community

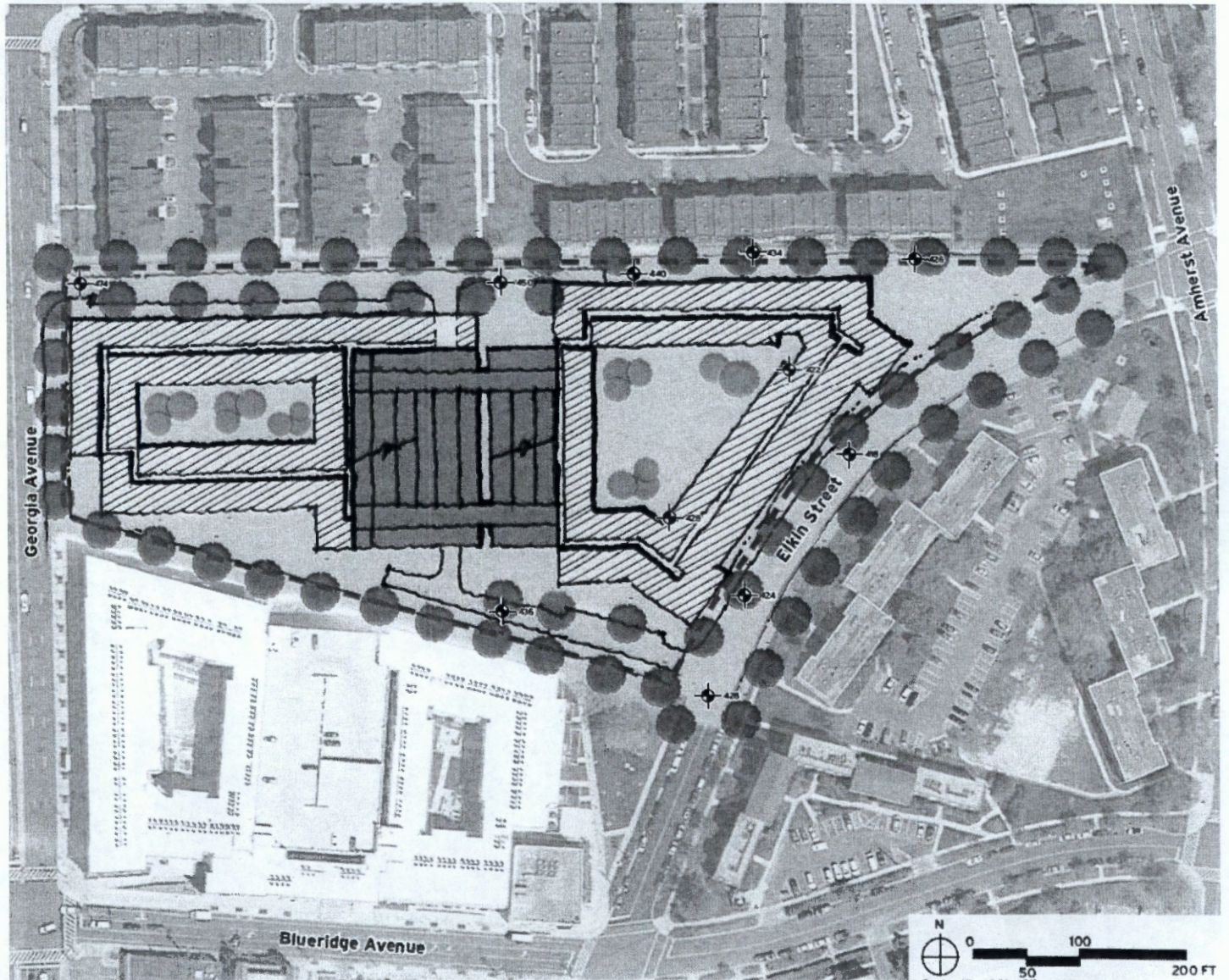
Better Housing on WMATA Parcel	Better Park on Amherst Parcel B
Easier connectivity for residents to CBD and Metro along Georgia Avenue sidewalks	Park nested within growing, high-density community east of Georgia Avenue
Better residential urban design possible by being closer to Georgia Avenue	Better urban design location for park: <ul style="list-style-type: none"> - Bounded by roads on two of three sides - Surrounded by buildings/uses facing the site - More visible and safe
Minimizes or eliminates the need to relocate residents during construction of new apartments	Flatter terrain easier to utilize for park amenities such as central lawn area
	Better accessibility for Pedestrians, Cyclists, and Maintenance

38



Wheaton Urban Recreation Park – MHP Concept Sketch

MHP Concept Sketch



39

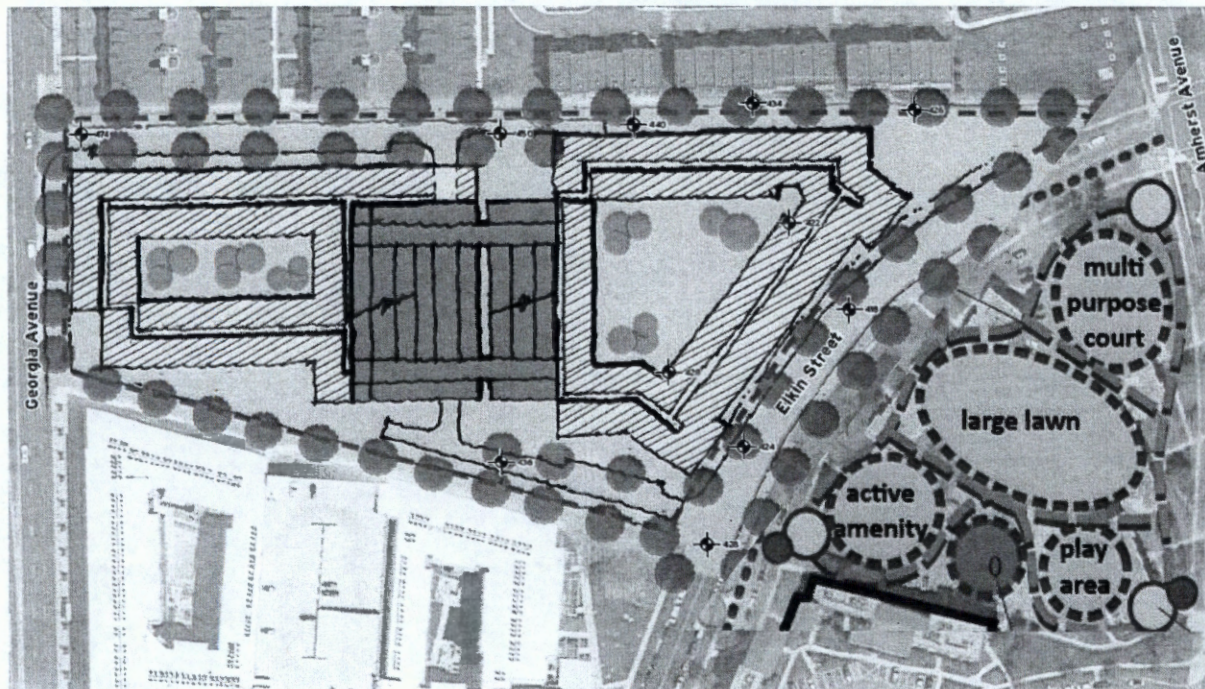


REAL ESTATE MANAGEMENT

Wheaton Urban Recreational Park – Planning Board

Planning Board Action, July 2019

- Approved Resolution No. 19-103 to acquire WMATA Parcel P920 for \$8,760,000 in County GO Bonds
- Approved entering negotiations for a Land Exchange with Montgomery Housing Partnership to exchange the WMATA Parcel for Amherst Square Parcel B



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Wheaton Urban Recreation Park – County Government

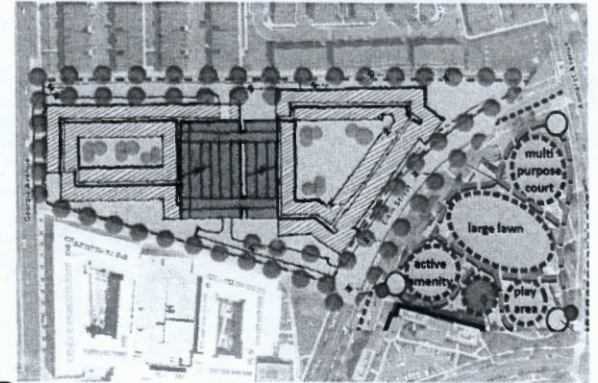
Council Actions Pending

- Amend the Department of Parks FY20 Capital Budget and FY19-24 Capital Improvements Program to provide funding for the WMATA Property acquisition, as follows:
 - 1) Transfer of Montgomery County GO Bond Appropriation from *Legacy Open Space* (P018710) to *Acquisition: Non-Local Parks* (P998798): **\$6,800,000**
 - 2) Special Appropriation of Montgomery County GO Bonds to *Acquisition: Non-Local Parks* (P998798): **\$1,960,000**
- Ensure Council Resolution indicates Land Exchange with MHP is approved as part of the *Acquisition: Non-Local Parks* PDF in the CIP to ensure streamlined disposition process

JH



Wheaton Urban Recreation Park



Next Steps

- Receive Council approval of CIP Actions
- Complete Acquisition of WMATA Parcel
- Develop detailed Land Exchange Agreement among MHP, Montgomery County, and M-NCPPC; key terms to include:
 - Swap WMATA Parcel and Amherst Parcel B in-fee
 - MHP will use WMATA Parcel for multi-family, mixed income development project to replace and expand current Amherst Square apartments
 - Commission will use Amherst Parcel for a public park with recreational amenities and open space
 - WMATA Parcel transfers to MHP soon after closing to allow mixed income development project to proceed
 - Amherst Parcel B transfers to County after MHP has transferred residents to new apartments and demolished all improvements to prepare for future park
- Implement Land Exchange using abbreviated disposition process
 - County Code provides simplified process for projects approved in CIP and providing over 30% affordable housing

24

