



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

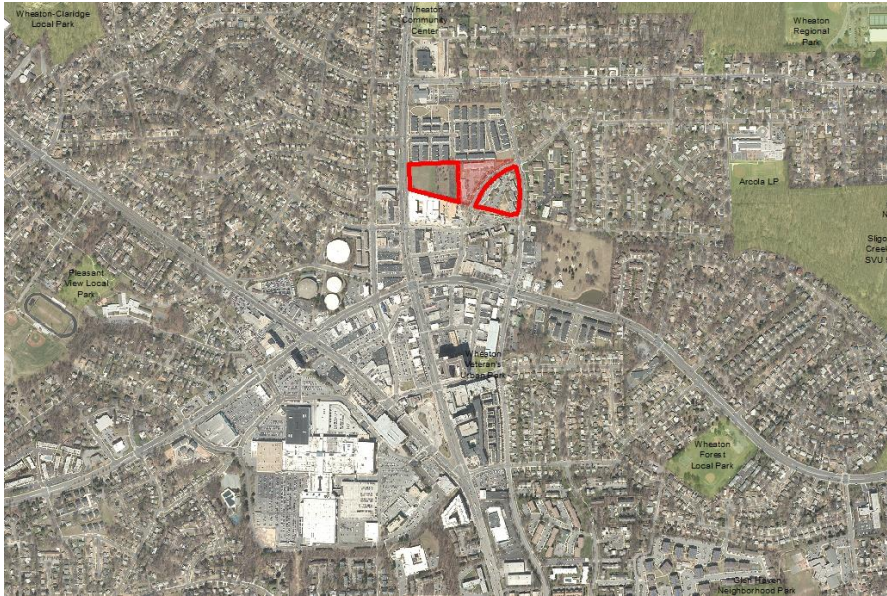
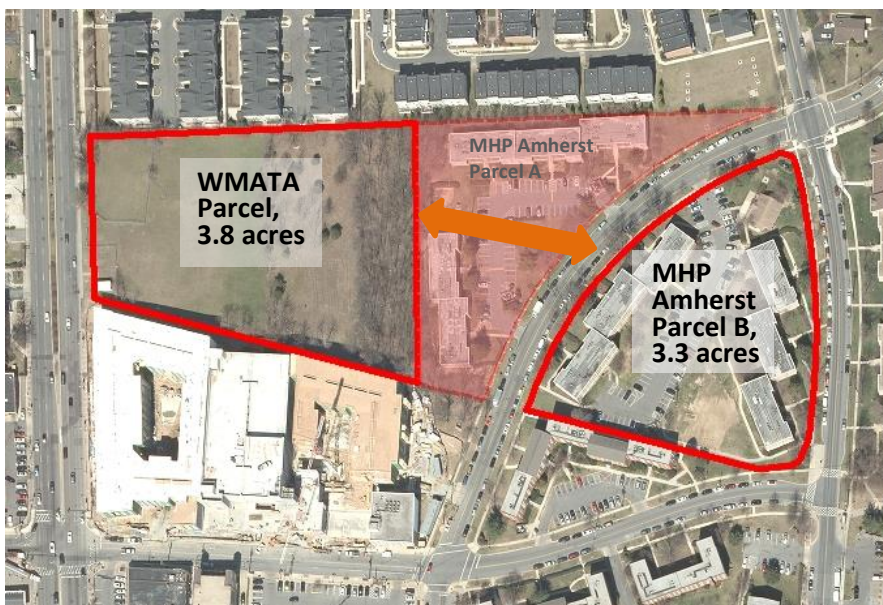


Figure 2: Aerial Photo, WMATA Parcel and Amherst Parcel, Wheaton CBD



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

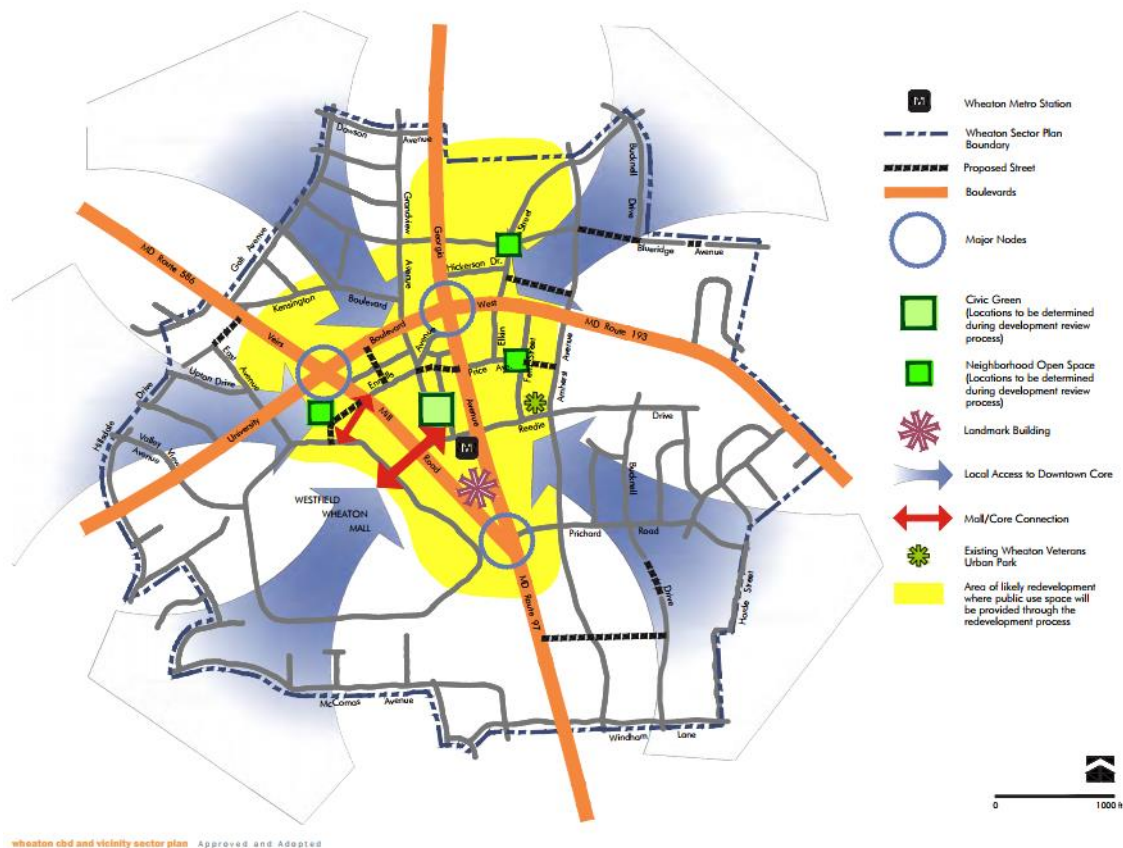


MASTER PLAN AND POLICY RATIONALE

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: <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	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: *Mike Riley*

Email: mike.riley@montgomeryparks.org












WMATA Memo for PB

Final Audit Report

2019-07-12

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