



## Halpine View Real Property Disposition, Mandatory Referral, MR2021014



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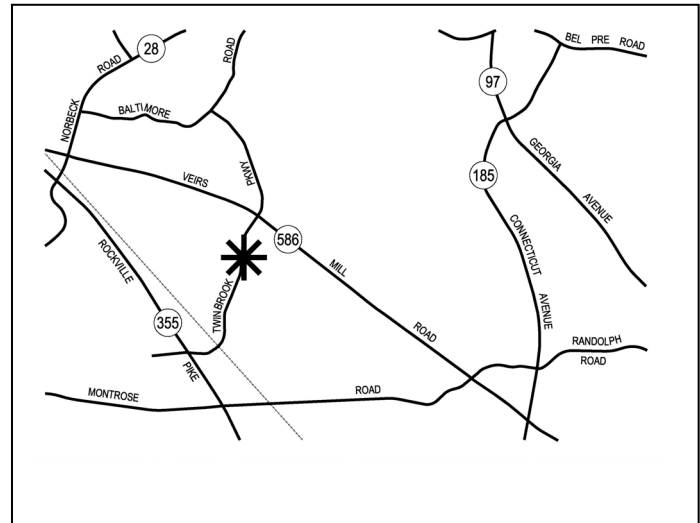


Carrie Sanders, Chief, Mid-County Planning, [Carrie.Sanders@montgomeryplanning.org](mailto:Carrie.Sanders@montgomeryplanning.org), 301.495.4653

Completed: 02/16/21

### Description

- The disposition of approximately 1.99 acres of property owned by Montgomery County.
- Master Plan: 2019 *Veirs Mill Corridor Master Plan* area; in the CRT 1.25, C-0.25, R-1.25, H-85 Zone.
- Filing Date: December 16, 2020.
- Applicant: Montgomery County Department of General Services (DGS).



### Summary

Staff recommends that the Planning Board approve the Mandatory Referral to dispose of approximately 1.99 acres of property off Twinbrook Parkway, found at Tax Account No. 14-03851496, recorded in Liber 3221 at Folio 441 among the land records of Montgomery County, Maryland.

## OVERVIEW

In accordance with Section 11B-45 of the Montgomery County Code and Section 11B.45.01 of the Code of Montgomery County Regulations (“COMCOR”), the Montgomery County Department of General Services requests that the Planning Board review the proposed disposition of County-owned property along Twinbrook Parkway, Rockville, 20851 (“Subject Property”).

The Subject Property is bordered by Parklawn Cemetery to the east, Twinbrook Parkway to the west, the northern section of the Halpine View Apartments and the Parkway Woods Apartments to the north, and the southern portion of the Halpine View Apartments to the south. The Subject Property is mostly unimproved except for a short segment of driveway connecting the north and south sections of the Halpine View Apartments. The overall property consists of approximately 1.99 acres in size and is zoned CRT 1.5, C-0.25, R-1.25, H-85. The property is located within the 2019 *Veirs Mill Corridor Master Plan* (“Plan”) area.

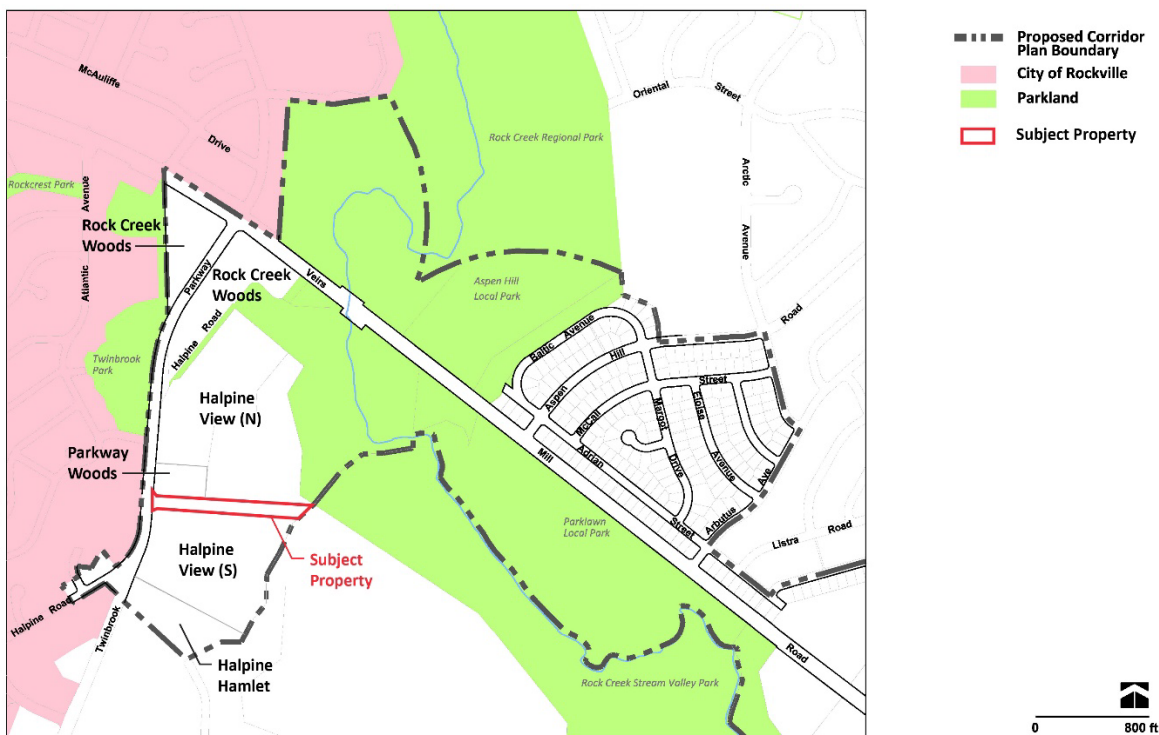


Figure 1: Existing County-owned property off Twinbrook Parkway

## DISCUSSION

The Subject Property was a reservation for a master planned extension of Aspen Hill Road to meet Twinbrook Parkway that has been deleted, in part due to the extensive environmental damage it would have caused to adjacent Rock Creek Stream Valley Park if constructed. The property was acquired fee simple by the County for no consideration in 1964. Since the County owns the subject property fee simple, it is required to go through the disposition process in accordance with Executive Regulation 11-13, Disposition of Real Property. In 2016, the Montgomery County Office of Management and Budget (OMB) determined that the Subject Property was no longer needed for public use and a reuse analysis was sent to all County departments and/or outside agencies. After no proposals were received from County departments or outside agencies, a competitive solicitation was issued.

The County intends to dispose of the Subject Property to Halpine Park LLC, owners of the surrounding Halpine View Apartments. Specific terms will be included in a Declaration of Covenants, to be recorded in the land records and bind the property. The agreement includes specific provisions to achieve the affordability requirements recommended in the 2019 *Veirs Mill Corridor Master Plan*. These provisions can be found in Executive Order No. 155-20 (see Attachment 1).

## **MASTER PLAN**

The Plan was approved by the Montgomery County Council on April 23, 2019. The Subject Property is located within the Twinbrook District, which is today an important source of market-affordable rental housing. The existing garden apartments provide a significant percentage of two- and three-bedroom units within sites designed to emphasize a relationship with the natural context of Rock Creek Stream Valley. The Plan encourages replacement of many of these units and seeks synergistic redevelopment of Halpine View and adjacent apartment communities that replaces not only the two- and three-bedroom units, but recreates the character, setting, and environmental significance of the existing apartment cluster. For the Halpine View properties, the Plan recommends:

- Maximizing residential development with minimal commercial density.
- A minimum 15 percent MPDUs.
- 10 percent market-rate affordable units under a rental agreement for up to 30 years.
- No net-loss in market-rate affordable units, achieved by providing affordable units per redevelopment phase equaling the number of units being removed.
- A range of unit sizes to accommodate larger families.
- With redevelopment, minimum 20 percent two-bedroom units and five percent three-bedroom units.
- Priority for existing residents for new two- and three-bedroom units under market-affordable rental agreements.

The Plan also discusses the Aspen Hill Road Extension, its deletion by the 1992 *North Bethesda – Garrett Park Master Plan* and the 1994 *Aspen Hill Master Plan*, and the recommendation by the 1994 *Aspen Hill Master Plan* to integrate a pedestrian and bicycle connection in the general location of the Subject Property to provide access to the Rock Creek Trail. The Plan supports the return of the Subject Property to the Halpine View property through the County's disposition process in exchange for the requirement to provide a minimum of 30 percent of the dwelling units attributable to the density of the subject property in the form of MPDUs. Executive Order No. 155-20 (Attachment 1) explicitly supports this recommendation. The Plan continues to recommend a trail connection through the Halpine View properties to connect to the more recent Twinbrook Trail and ultimately to the Rock Creek Trail, at a location to be determined during the redevelopment regulatory review process.

## **COMMUNITY OUTREACH**

The Planning Department notified all abutting and confronting property owners; civic, homeowners and renters associations that are registered with the Planning Board and located within one-half mile of the site of the proposed disposition. As of the date of this report, Staff has received no comments on the proposed disposition.

## **CONCLUSION**

Disposing of the subject property to the owners of the surrounding Halpine View Apartments will allow for comprehensive redevelopment at a metro-accessible location that achieves the recommendations of the 2019 Veirs Mill Corridor Master Plan. Staff recommends that the Planning Board approve the Mandatory Referral to dispose of approximately 1.99 acres of County-owned property within the Halpine View apartments, off Twinbrook Parkway.

## **Attachment**

1. Mandatory Referral Description, including Executive Order 155-20

# ATTACHMENT 1



## DEPARTMENT OF GENERAL SERVICES

Marc Elrich  
*County Executive*

David E. Dise  
*Director*

December 16, 2020

Ms. Gwen Wright  
Planning Director  
Montgomery County Planning Department  
2425 Reedie Drive  
Wheaton, MD 20902

RE: Mandatory Referral for the Halpine View Real Property, Rockville

Dear Gwen:

The Department of General Services (DGS) is requesting a Mandatory Referral review for the disposition of County-owned property along Twinbrook Parkway, Rockville, 20851 ("Property").

### PROPERTY

The Property the County will dispose of can be found at Tax Account Number 14-03851496, recorded in Liber 3221 at Folio 441 among the land records of Montgomery County, Maryland. It is approximately 1.99 acres. The Property can be found on Plat 7381 and on Tax Map HR11.

### BACKGROUND

The Property was acquired fee simple by the County for no consideration in 1964. Since the County owns the County Property fee simple, it is required to go through the disposition process in accordance with Executive Regulation 11-13, Disposition of Real Property. In 2016, OMB determined that the County Property was no longer needed for public use and a reuse analysis notice was sent to all County departments and outside agencies in July 2016. After no proposals were received from County departments or outside agencies, a competitive solicitation was issued.

The Veirs Mill Corridor Master Plan was approved in April 2019 ("Master Plan") and includes specific guidance for the Property, notably, the return of the Property to the Halpine View property through the disposition process in exchange for the requirement to provide a minimum of 30 percent of the dwelling units attributable to the density of the Property in the form of MPDUs.

Office of the Director

101 Monroe Street, 9th Floor • Rockville, Maryland 20850

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

The County intends to dispose of the Property to Halpine Park LLC. Specific terms are included in a Declaration of Covenants, to be recorded in the land records and bind the property. Notably, the agreement includes several specific provisions that exceed the affordability requirements recommended in the Master Plan. Specific provisions can be found in Executive Order No. 155-20, attached.

I hope this information is helpful. Please feel free to contact me at 240.777.6192 or [greg.ossont@montgomerycountymd.gov](mailto:greg.ossont@montgomerycountymd.gov) should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Gregory J. Ossont". The signature is written in a cursive, flowing style.

Greg Ossont  
Deputy Director

Attachments: Executive Order No. 155-20, Disposition of County Property: Halpine View Real Property

Cc: Ronnie Warner, Chief, Office of Planning and Development, Department of General Services



# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Disposition of County Property: Halpine View Real Property	Executive Order No. 155-20	Subject Suffix
Montgomery County Department of General Services	Department No.	Effective Date 12/14/2020

## BACKGROUND

WHEREAS, Halpine Park LLC owns several parcels of property in Rockville, Maryland located at 13001 Twinbrook Parkway, 5508 Dowgate Court, and 12813 Twinbrook Parkway ("Halpine View Property"); and

WHEREAS, the Halpine View Property is currently improved with 564 rental units, including several two-bedroom and three-bedroom units with rents that currently do not exceed 80% of the Area Medium Income ("AMI") for the Washington Metropolitan Statistical Area; and

WHEREAS, the County owns an unimproved parcel land of approximately 1.99 acres ("County Parcel") that bifurcates the Halpine View Property that was dedicated to the County by Halpine Park LLC's predecessor in interest for a roadway that was never constructed; and

WHEREAS, the County Parcel is described as: "A 1.99 acre parcel of land on Twinbrook Parkway, which parcel, commonly known as the Aspen Hill Extension, conveyed by Martin Seldeen, Trustee to Montgomery County, Maryland, by deed dated April 10, 1964, recorded among the Land Records of Montgomery County, Maryland in Liber 3221 at folio 441 and is depicted on that certain Plat entitled "Parcels A & B Prevention" recorded among the Land Records of Montgomery County, Maryland on May 6, 1964 as Plat No. 7381;" tax identification number 04-03851496; and

WHEREAS, the County Parcel was conveyed to the County in fee simple; and

WHEREAS, the County Parcel and Halpine View Property are included in the April 2019 Approved and Adopted Veirs Mill Corridor Master Plan ("Master Plan"); and

WHEREAS, Halpine Park LLC intends to redevelop the Halpine View Property and County Parcel (both jointly referred to as the "Property"); and

WHEREAS, as part of the consideration for the County's transfer of the County Parcel to Halpine Park LLC, Halpine Park, LLC agrees to record covenants against the Property to require affordable housing and to govern, among other things, the number and size of the affordable housing units and the level of affordability of the housing units when the Property is redeveloped; and

WHEREAS, the Master Plan supports the return of the County Parcel to the Halpine View Property through the County's property disposition process in exchange for the requirement that any redevelopment of the Property



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include a minimum of 30% of the dwelling units attributable to the density of the County Parcel be Moderately Priced Dwelling Units as defined under Chapter 25A of the County Code ("MPDUs"); and

WHEREAS, if Halpine Park LLC or its successors and assigns obtain site plan approvals to construct 1,800 or fewer new dwelling units at the Property, 30 MPDUs shall be attributable to the County Parcel ("County Parcel MPDUs"), and will be constructed over the first four phases of the redevelopment (determined at the time of site plan) such that in each of the four phases, the County Parcel MPDUs constructed in each Phase will equal the greater of one-quarter of the total County Parcel MPDUs or 3% of the total units constructed in that phase; and

WHEREAS, to the extent practicable, each of the four phases of redevelopment must include County Parcel MPDUs at the following income limits in a proportional manner: six of the County Parcel MPDUs provided to households whose income does not exceed 30% of AMI; six of the County Parcel MPDUs provided to households whose income does not exceed 40% of AMI; six of the County Parcel MPDUs provided to households whose income does not exceed 50% of AMI, and twelve of the County Parcel MPDUs provided to households whose income does not exceed 70% of AMI; and

WHEREAS, under this redevelopment scenario, all 12 of the County Parcel MPDUs provided to households whose income does not exceed 70% of AMI shall be counted for purpose of satisfying the Master Plan criterion of achieving no net loss of affordable units during redevelopment; however, the County Parcel MPDUs provided to households whose income does not exceed 50% of AMI shall not be counted for purposes of satisfying the no net loss of affordable units; and

WHEREAS, if Halpine Park LLC or its successors and assigns obtain site plan approvals to construct greater than 1,800 new dwelling units at the Property, the number of County Parcel MPDUs shall be equal to 30% of the number of units attributable to the County Parcel (determined by multiplying the total of all units approved under a site plan for the Property by 5.77% , which is the percentage of the County Parcel's land area of the Property), to be constructed over the first four phases of redevelopment (determined at the time of site plan) such that in each of the first four phases of redevelopment, the County Parcel MPDUs constructed for each phase will equal the greater of one-quarter of the total County Parcel MPDUs or 3% of the total units constructed in that phase; and

WHEREAS; to the extent practicable, each of the four phases must include County Parcel MPDUs in the percentages at the following income limits in a proportional manner: 20% of the County Parcel MPDUs provided to households whose income does not exceed 30% of AMI; 20% of the County Parcel MPDUs provided to households whose income does not exceed 40% of AMI; 20% of the County Parcel MPDUs provided to households whose income does not exceed 50% of AMI, and 40% of the County Parcel MPDUs provided to households whose income does not exceed 70% of AMI; and





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WHEREAS, under this redevelopment scenario, twelve of the County Parcel MPDUs provided to households whose income does not exceed 70% of AMI shall be counted for purpose of satisfying the Master Plan criterion of achieving no net loss of affordable units during redevelopment; however, any County Parcel MPDUs required at or below 70% of AMI in excess of twelve units, and all County Parcel MPDUs provided to households at or below 50% of AMI, shall be in addition to the combination of MPDUs and market-rate affordable units (no more than 80% AMI) generated from the Property that are necessary to achieve no net loss of affordability; and

WHEREAS, as provided in the Master Plan, the site plan shall require that the redevelopment of the Property includes a minimum of 20% of all newly constructed units be two-bedroom units and 5% of all newly constructed units be three-bedroom units; and

WHEREAS, as provided in the Master Plan, to achieve no net loss of affordable units during redevelopment of the Property, each phase of development must provide a number of affordable units, both market-rate affordable units and MPDUs, equal to the number of affordable units being removed from the Property; and

WHEREAS, the market-rate affordable units constructed on the Property, to be offered to households whose income does not exceed 80% AMI, must remain as market-rate affordable rental units for a term of 30 years; and

WHEREAS, Halpine Park LLC or its successors and assigns, when leasing the redeveloped rental units, must give priority to existing tenants to lease the two-bedroom and three-bedroom units and, if a tenant's income qualifies, the MPDUs and market-rate affordable units; and

WHEREAS, except for the income qualifications for the MPDUs and the market-rate affordable units, no conditions other than good standing status under a tenant's lease shall be imposed upon existing tenants seeking to relocate to an MPDU, market-rate affordable unit, two-bedroom unit, or three-bedroom unit. Halpine View, LLC must verify the income of existing tenants seeking to relocate to MPDUs or market-rate affordable units; and

WHEREAS, the covenants governing the affordable units, as described above, must remain in place for a term of fifty years; and

WHEREAS, the County Parcel has not been used by the County or the public since the County acquired it in 1964 and the County Parcel is no longer needed for public use; and

WHEREAS, in addition to providing the affordable housing described above, Halpine Park, LLC will pay the County \$2,898 for the County Parcel, which is less than full market value; however, the transfer of the County



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Parcel to Halpine Park, LLC will result in the construction of more affordable housing units than could be constructed on the County Parcel alone; and

WHEREAS, the material terms of the sale of the County Parcel are as stated above, including the requirement that the affordable housing requirements be recorded among the Land Records of Montgomery County, Maryland as covenants binding the Property for the 50 year term; and

WHEREAS, under Section 11B-45 of the County Code, the County may waive the requirement that the County Parcel be disposed of at less than full market value; and

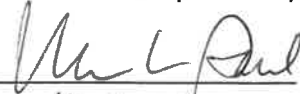
WHEREAS, the disposition of the County Parcel at less than full market value is in the best interest of the County as the County Parcel will yield more affordable housing units if it is redeveloped with the Halpine View Property; and

WHEREAS, in accordance with the provisions of Montgomery County Code Section 11B-45, Disposition of Real Property, the County Executive must issue an Executive Order declaring that County owned or controlled land is no longer needed for County use.

## ACTION

In consideration of the above recitals, the County Executive hereby declares that the County Parcel, approximately 1.99-acres off of Twinbrook Parkway in Rockville, Maryland, is no longer needed for County use and is available for disposition and sale to Halpine Park LLC subject to the material terms, including the covenants governing affordability, described above.

Approved as to Form and Legality  
Office of the County Attorney

By:   
Date: 12-11-20

APPROVED

  
A. Jerome Fletcher, Assistant Chief Administrative Officer  
Date: 12/14/2020