

Item 11 - Correspondence

From: [Anjum, Mahnoor](#)
To: [Zyontz, Jeffrey](#); [Piñero, Roberto](#); [Pedoeem, Mitra](#); [Hedrick, James](#); [Bartley, Shawn](#); [MCP-Chair](#)
Cc: [Spielberg, Debbie](#); [Tibbitts, Dale](#); [Iseli, Claire](#); [Wellington, Meredith](#)
Subject: CE Memorandum - Veteran's Park Civic Green in Bethesda
Date: Wednesday, May 10, 2023 10:03:33 AM
Attachments: [CE Memo - Veteran's Park Civic Green in Bethesda.pdf](#)

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Good morning,

On behalf of County Executive Marc Elrich, attached please find the memorandum regarding Veteran's Park Civic Green in Bethesda.

Thank you,

Mahnoor Anjum (She/Her)

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OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

May 10, 2023

TO: Jeff Zyontz, Chair and Members of the Planning Board
Montgomery County Planning Board

FROM: Marc Elrich, County Executive *Marc Elrich*

SUBJECT: Veteran's Park Civic Green in Bethesda

I am writing to request that the Planning Board cancel this Thursday's closed session and public hearing on the disposition of the Commission's .256-acre property at 7800-7810 Wisconsin Avenue.

This very important property was specifically identified for purchase in the Bethesda Downtown Master Plan for the Veteran's Park Civic Green, a priority park. Now the Parks Department is recommending its sale to a private developer for a non-public use, a recommendation that comes after a process that had little, if any, transparency or public input. The community would best be served if this week's sessions are canceled and replaced by a thorough and transparent staff review of, and public hearing on, the options for the Veteran's Park Civic Green, including the option of incorporating this property into the civic green.

The land was purchased in 2020 for \$9.6M using Park Impact Payments (PIP) funds. The Parks Department's decision to sell the land benefits the private developer while failing to gain anything that meets the goals of the Bethesda Downtown Plan (BDP)--despite the fact that the Veteran's Park Civic Green is a top priority for a future park and that the BDP specifically identifies the property in question as a site for the park. In addition to being included as a priority in the BDP, the Veteran's Park Civic Green is listed in the Appendix to the 2022 PROS Plan, p.95, and meets the goals of the Energized Spaces Functional Master Plan.

I believe that Thursday's closed session, followed by the public approval of the sale, would be a clear statement that the Planning Board has already made up its mind to allow the disposition of this property. If that happens, it will only fuel more public concern over the series of events

leading up to this point, including the following:

- Parks never acknowledged or even listed Veteran's Park Civic Green on its website in its Parks Projects Directory. <https://montgomeryparks.org/projects/directory/>
- Parks never held a community meeting to discuss the development of the Veteran's Park Civic Green using the purchased property
- Parks never informed the BDP Implementation Advisory Committee (IAC) of the proposed sale. In fact, members of the IAC only learned of the decision to sell when the developer informed the Design Advisory Panel (DAP) in December 2022 that Parks had signed a letter of intent to sell, without benefit of a land swap or any other public benefit. Even after the developer told DAP, Parks still did not discuss the proposed sale with the IAC. It did not discuss Veteran's Green Park at an IAC meeting until invited by the IAC Chair to its February 3rd meeting this year—almost two months after the developer told DAP about the transaction. Parks' failure to inform the IAC interfered with the IAC's ability to fulfill its responsibilities to recommend action to the Planning Board and County on community impacts and parks. The IAC was denied the opportunity to object in a timely manner and possibly change the course of this transaction. You can see the IAC Rules of Procedures here: <https://montgomeryplanning.org/wp-content/uploads/2017/12/Rules-of-Procedure-1.pdf>.
- Parks never updated the Planning Board in public session about an important, singular, and controversial decision.

To remedy the uncertainty and distrust these events have caused I request a public hearing based on a staff report, allowing public comments and evaluation of the options for the park as set out in the Master Plan, as well as possible concept plans for the park. It would be helpful if this review addressed the following questions:

- In 2020, the original plan from the developer for Novel Bethesda at 7802 Wisconsin included the Civic Green and 25% MPDUs. What happened over the next two years? Why was the Civic Green removed from the developer's plan? Why did Parks first purchase the property for use in an expanded Veteran's Park Civic Green and then reject its use? When did Parks begin negotiations with the Novel Bethesda developer to sell the property?
- Why did Parks agree to a sale instead of following its long-standing tradition of holding park property, and forwarding park goals through judicious land swaps for more land of equal or better quality? What public benefit derives from the sale of this high priority parkland that could be considered consistent with Parks' responsibility to acquire and manage parkland in the public interest?
- Was it appropriate for Parks to make the purchase using Park Implementation Payment (PIP) funds? The PIP fund was established in the Bethesda Overlay Zone (BOZ),

Veteran's Park Civic Green in Bethesda

May 10, 2023

Page 3 of 3

59.4.2.C.2.b.ii.B, solely for the purchase of parkland. According to the Bethesda Downtown Plan Implementation Guidelines, PIP is a funding mechanism for implementation of "new parks and open space...PIP funds may only be used for acquisition of parkland and for planning, design and construction of new park facilities and new parks...Priorities include: Civic Gathering Spaces..." There is nothing in the PIP guidelines that authorizes the use of PIP funds to purchase land and then sell it to a private landowner for other uses.

Thank you for your consideration in this important matter.

From: [Amanda Farber](#)
To: [MCP-Chair](#)
Cc: [Matthew Gordon](#)
Subject: Disposition of 7800 and 7810 Wisconsin Ave - Veterans Park Civic Green - IAC Comments
Date: Wednesday, May 10, 2023 11:13:24 AM
Attachments: [Disposition of 7800 and 7810 Wisconsin Ave - Veterans Park Civic Green - IAC Comments.pdf](#)

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Planning Board Chair Zyontz -

Please see the attached comments from the Bethesda Implementation Advisory Committee regarding the Board's May 11th Agenda Item #11 - Disposition of 7800 and 7810 Wisconsin Ave.

Thank you,
Amanda Farber

May 10, 2023

To: Montgomery County Planning Chair Jeff Zyontz and Montgomery County Planning Board Members

Re: Disposition of 7800 and 7810 Wisconsin Avenue Properties - May 11th Planning Board Agenda Item #11

The Bethesda Implementation Advisory Committee (IAC) is writing to provide some additional information regarding the disposition of the properties at 7800 and 7810 Wisconsin and the role of the IAC. This agenda item is related to a *significant implementation issue* in the 2017 Bethesda Downtown Plan - the location and delivery of one of the three *priority* civic greens in the Plan - Veteran's Park Civic Green:

“Veteran’s Park Civic Green is envisioned as a green extension of the existing successful public open space in front of Veteran’s Park at the intersections of Woodmont Avenue, Wisconsin Avenue and Cheltenham Drive. This new park space would expand the existing public space across the street and serve as a linkage between the established center of the Woodmont Triangle District and Wisconsin Avenue Corridor District. Figure 2.22 on page 79 and Figure 3.02 on page 105 depict the general location for the expansion of Veteran’s Park as a community benefit under the CR zone. Other potential locations may also be explored through the development process.”

In addition to being one of the top priorities in the Bethesda Downtown Plan and the Plan Design Guidelines, the Veteran's Park Civic Green is also listed as a high priority short-term (2021-2025) acquisition in the County's 2022 Parks, Recreation, and Open Space Plan. The Woodmont Triangle area surrounding the current Veteran's Park has seen a notable amount of development in recent years and several significant additional projects are in the pipeline.

M-NCPPC purchased the properties at 7800 and 7810 Wisconsin using public funds from the Bethesda Park Impact Payment Fund in May 2020 and October 2021, respectively. The Planning Board Resolution for the purchase stated: “WHEREAS, the Property will provide the real estate assets necessary to create the future Veteran's Park Civic Green as envisioned in the Bethesda Downtown Plan (2017).” In 2022, the Parks Department decided to seek a disposition and sell those properties.

The Bethesda Downtown Plan's Implementation Guidelines include a clause to establish the 14-member IAC consisting of members of the business community and residents of the community appointed by the Planning Board. The IAC has been active since January 2018.

The role of the IAC is described as the following:

“This advisory group will work in coordination with the Montgomery County Planning Department, Bethesda Urban Partnership, Bethesda Chevy-Chase Regional Services Center and Bethesda Green by providing specific community and redevelopment expertise that would also serve as an interface between developers and County agencies in implementing the Bethesda Downtown Sector Plan recommendations. The IAC will be guided by the vision, goals and recommendations in the Approved and Adopted Bethesda Downtown Sector Plan, the Bethesda Downtown Design Guidelines, and the Bethesda Overlay Zone.

The role of the Committee is to coordinate and monitor the progress of development and address implementation of the recommendations in the Approved and Adopted Bethesda Downtown Sector Plan.

The committee will help to ensure transparency and accountability in the implementation of the Bethesda Downtown Sector Plan, Design Guidelines and Bethesda Overlay Zone. It will help the Planning Board, the County Council, the County Executive and their staff to maintain the objectives of the Bethesda Downtown Sector Plan, Design Guidelines and Bethesda Overlay Zone. The Committee will strengthen the monitoring of implementation, development, and construction of the various projects comprising the Sector Plan.

The committee is to provide advice and guidance to the Planning Board, County Council and County Executive staff on the County’s outreach, interaction with affected communities and businesses, advice on the issues appropriate to and pertaining to the achievement of the objectives of the Sector Plan.”

In addition, every Bethesda Downtown Plan Annual Monitoring Report from 2018-2022 includes the recommendation:

“Continue to engage the Implementation Advisory Committee to support realization of the Sector Plan’s recommended parks and open spaces.”

The proposed disposition of public land at this location is of interest to the IAC because of the impact on the future *implementation* of the Veterans Park Civic Green. This transaction will effectively eliminate all but one of the civic green location options (see attached image), including eliminating the location which had been described and intended during years of Plan development; the idea to include other potential locations was added at the very end of the Council process and illustrated in the subsequent Design Guidelines. There is no guarantee the Parks Department will be able to acquire all of the parcels for the civic green in the one remaining location option, which consists of four separately owned properties.

Despite our role in the implementation of the Bethesda Downtown Plan, the IAC was *not* initially informed or subsequently consulted about the decision by the Parks Department to no longer use the properties to implement the Veteran's Park Civic Green. The IAC found out about the Park Department's decision to sell the two properties after the fact on November 29, 2022, when one of our members virtually attended a Design Advisory Panel (DAP) meeting. At that meeting a representative for Novel Bethesda, the developer of the adjacent property, announced that Parks had made the decision that the civic green would *not* be located anywhere on that block and that they had agreed to sell the property to the adjacent developer:

"And finally after considerable discussions the Planning Department and the Parks Department leadership determined that the Veteran's Park Civic green which is described in the design guidelines in the sector plan would not be located on this block - or a privately owned substitute also would not be located on this block - and let the applicant know of this decision which then therefore put this issue to rest and allow the development to proceed. M-NCPPC is now in the process of selling 7800 and 7810 Wisconsin Avenue to the applicant which allows them to be included in the development application. M-NCPPC has consented to that so now the entire project comprises what you see all outlined in green - 7800 7810 7820 Wisconsin Avenue and 7815 Woodmont Avenue to the west."

Parks staff presented a briefing to the IAC on February 3, 2023 during which concerns and questions were raised. Staff indicated that the Parks Department had an agreement "in principle" to sell the property to the developer of Novel Bethesda. The staff memo on the disposition was posted last Thursday May 4, 2023. An IAC Co-Chair was then told there would not be an official public hearing. A public hearing was only added to the agenda late in the day on Friday, May 5, 2023. The next scheduled IAC meeting is June 2nd.

While we understand there is a need for certain confidentiality in real estate transactions, this disposition raises significant sector Plan implementation issues and we are disappointed that the IAC was not consulted earlier in the decision making process. We request that Parks inform the IAC of their plan to acquire the properties necessary to deliver the civic green.

We hope Montgomery County Park and Planning will be able to deliver the Veteran's Park Civic Green, ensure compliance with the sector plan for related approvals, and consult with the IAC on future implementation issues.

Thank you for your consideration of this information.

Signed,
Amanda Farber
Matthew Gordon
IAC Co-Chairs

