

PS COMMITTEE #1
May 6, 2011

Worksession

MEMORANDUM

May 4, 2011

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Worksession: FY12 CIP: 2nd District Police Station**

Summary of May 3 Committee Worksession:

The Committee discussed the proposed land swap deal to build a new 2nd District Police Station in Bethesda, and was given more information on the County's contribution of \$8 million. Some questions came up about the co-location of up to 400 housing units at the same site. Council staff had recommended deferring the amendment until after the budget had been approved, so that the Committee could receive a full briefing on the project. The Committee asked to revisit this issue before the budget is approved and requested a copy of the non-binding letter of intent as well as a copy of the General Development Agreement.

The packet from May 3 is attached at ©1-17.

The Zoning Text Amendment, which was received by the Council on May 4, is attached at ©18-25.

PS COMMITTEE #2
May 3, 2011

Worksession

MEMORANDUM

May 2, 2011

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Worksession: FY12 CIP: 2nd District Police Station**

Those expected for this worksession:

Chief Thomas Manager, Police Department
Neil Shorb, Police Department
Ed Piesen, Office of Management and Budget

BACKGROUND:

In FY08, a PDF for the 2nd District Police Station was included in the FY09-14 County Executive's *Recommended* CIP. It was not approved for FY09-14. At the time, the Executive indicated that it was possible that a public-private partnership "could be developed which could alleviate the need for some or a portion of County bonds to fund this project." In FY08, the Executive issued an RFP to find a developer interested in a land swap for the existing police station. A developer has been selected and the County is in negotiations with the developer to swap the current site at 7359 Wisconsin Avenue and Montgomery Lane for a site at Cordell Avenue between Woodmont Avenue and Wisconsin Avenue.

The current station was built in 1961 and has 21,707 square feet of space. The site is constrained with limited staff and public parking. Most parking is provided across the street in the public parking garage. Because the garage is open to the public, police vehicles have occasionally been damaged by vandals. The Program of Requirement developed for the replacement called for a 32,844 square foot building. The current PDF indicates the new station will be approximately 30,000 square feet on three floors, with approximately 44 underground parking spaces.

During FY07 worksessions, Chief Manger told the Committee that a solution has to be found for replacement of this station. There have been problems with the air conditioning and with mod growing in the locker rooms. At that time, he agreed that there is not a site in the Bethesda CBD, or probably in the 2nd District, where land costs would allow for a two story building with surface parking. He also said that the Department must maintain a presence in the CBD, whether it is a substation or a full district station.

The current PDF states the County will exchange the existing police station site as-is (\$8.7 million estimated value) for the new developer-built station, plus a County payment to the developer, which will not exceed \$8 million. The Executive also advises that “There is insufficient land value in the existing 2nd district station site to cover the costs of constructing a new police station. A new police station at the proposed site is estimated to cost approximately \$21.8 million including furniture, fixtures and equipment (FF&E) and staff costs. The existing site has a Fair Market Value of approximately \$8.7 million. This would leave \$13.1 million of additional cost to be covered. The County will cover \$10 million of that amount. The developer will be required to cover the balance plus any overages that are not the result of scope of change directed by the County.”

DISCUSSION ISSUE:

The County Executive has advised that this project is a mixed-use project that could include as many as 400 multi-family units of housing on site, although the current PDF does not mention housing. It is Council staff’s understanding that a non-binding letter of intent has been signed with the developer, and that a contract will be signed once funding is approved. Since the scope of this project is likely more complex than just a police station, ***Council staff recommends deferring this project so that the Committee can receive a full briefing on the project, perhaps later in June.*** If housing is co-located on the same site, a Zoning Text Amendment (ZTA) will be required. To date, none has been introduced. There are also additional questions about funding, parking (for police and residents), security, and other issues associated with the co-location of housing with a new police station that likely cannot be resolved within the next two weeks.

This packet contains

April 11, 2011 PDF for 2 nd District Police Station	© 1
County Executive’s responses to Council staff questions	2-3
RFP for 2 nd District Police Station Site	4-14
Map of Bethesda Parking Lot District	15

2nd District Police Station -- No. 471200

Category: Public Safety
 Subcategory: Police
 Administering Agency: General Services
 Planning Area: Bethesda-Chevy Chase

Date Last Modified
 Required Adequate Public Facility
 Relocation Impact Status

April 11, 2011
 Yes
 None
 Planning Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY10	Rem. FY10	Total 8 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 8 Years
Planning, Design, and Supervision	600	0	0	600	0	120	120	120	120	120	0
Land	8,000	0	0	8,000	0	0	0	0	0	8,000	0
Site Improvements and Utilities	0	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	1,400	0	0	1,400	0	0	0	0	200	1,200	0
Total	10,000	0	0	10,000	0	120	120	120	320	9,320	0

FUNDING SCHEDULE (\$000)

G.O. Bonds	Total	Thru FY10	Rem. FY10	Total 8 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 8 Years
10,000	10,000	0	0	10,000	0	120	120	120	320	9,320	0
Total	10,000	0	0	10,000	0	120	120	120	320	9,320	0

DESCRIPTION

This project provides for the County's share of costs for replacement of the existing 2nd District Police Station located at 7359 Wisconsin Avenue in Bethesda. Under the terms of a General Development Agreement (GDA) with the County, a private developer will provide the land, and will design and build a new district station in accordance with County requirements. The new station will be located at Cordell Avenue between Woodmont Avenue and Wisconsin Avenue. The station will be approximately 30,000 gross square foot facility on three floors with approximately 44 underground parking spaces.

The County will exchange the existing police station site as-is (estimated value of \$8,700,000) for the new developer-built station plus a County payment to the developer, which will not exceed \$8,000,000, for the new developer-built station.

JUSTIFICATION

The current 2nd District Police Station was constructed over 50 years ago and serves the Bethesda-Chevy Chase area and portions of Potomac and Silver Spring. The current 21,700 gross square foot station is too small for staff and programmatic requirements and requires major building repairs and upgrades. A 2005 County Maintenance report outlined a need for \$200,000 in deferred maintenance, HVAC deficiencies and security concerns. Continued population growth and development in the area also support the need for a new facility. In addition, the developer's improvements to the existing site will promote economic development in the Bethesda-Chevy Chase area.

OTHER

A developer was selected via a Request for Proposal (RFP) process and a General Development Agreement with the selected developer is being finalized.

FISCAL NOTE

The final project cost will be determined by and will be the responsibility of the developer. The County will fund an additional \$2,000,000 for MCG planning, design and supervision costs (\$600,000) and furniture/fixtures and equipment (\$1,400,000).

OTHER DISCLOSURES

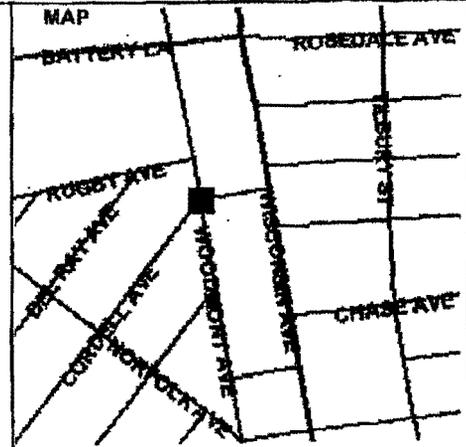
- A pedestrian impact analysis will be performed during design or is in progress.

APPROPRIATION AND EXPENDITURE DATA		
Date First Appropriation	FY	(\$000)
First Cost Estimate		
Current Scope	FY12	10,000
Last FY's Cost Estimate		0
Appropriation Request	FY12	120
Supplemental Appropriation Request		0
Transfer		0
Cumulative Appropriation		0
Expenditures / Encumbrances		0
Unencumbered Balance		0
Partial Closeout Thru	FY09	0
New Partial Closeout	FY10	0
Total Partial Closeout		0

COORDINATION

Department of Police, Police Facilities
 Department of General Services
 Department of Permitting Services
 Department of Technology Services
 Bethesda-Chevy Chase Regional Services Center

MAP



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Executive Branch Responses
2nd District Police Station Capital Project

1. Can you provide a copy of the original RFP?
The original RPF is attached.

2. What is the status of the current relationship between the County and the developer?
A Developer has been selected for negotiations. Negotiations are nearing completion.

Have we signed any contracts yet? If so, for what?
No contracts have been signed, but there is a "non-binding" letter of intent. The final agreement with the developer will be ready to be signed once funding is approved.

3. Please provide a status update on the project. What is the reason for needing additional funds through the CIP process, and why can this need not be met through negotiations?
There is insufficient land value in the existing 2nd district station site to cover the costs of constructing a new police station. A new police station at the proposed site is estimated to cost approximately \$21.8 Million including furniture, fixtures and equipment (FF&E) and staff costs. The existing site has a Fair Market Value of approx. \$8.7 million. This would leave \$13.1 million of additional cost to be covered. The County will cover \$10 million of that amount. The developer will be required to cover the balance plus any overages that are not the result of scope change directed by the County. It should be noted that leveraging the land value in this matter (and we are getting assemblage value) allows us to partially fund the new station without using debt capacity for that portion covered by the land value.

Responses to the 2nd District Police Station CIP Project

1) Is the County still working toward including new housing or any other use at the proposed site where the new police station will be built? If so, what is the cost of this?

The current plans are for a significant residential component to be constructed in the mixed use project of which the new police station would be a part. There may be as many as 400 multi-family units. Further concept plan development will fix the residential component of this mixed use project.

2) Your response indicates the property where the Police Station is currently located has a Fair Market Value of \$8.7 million. But then your response talks about “assemblage value.” Is this more than the \$8.7 million?

No, it is less.

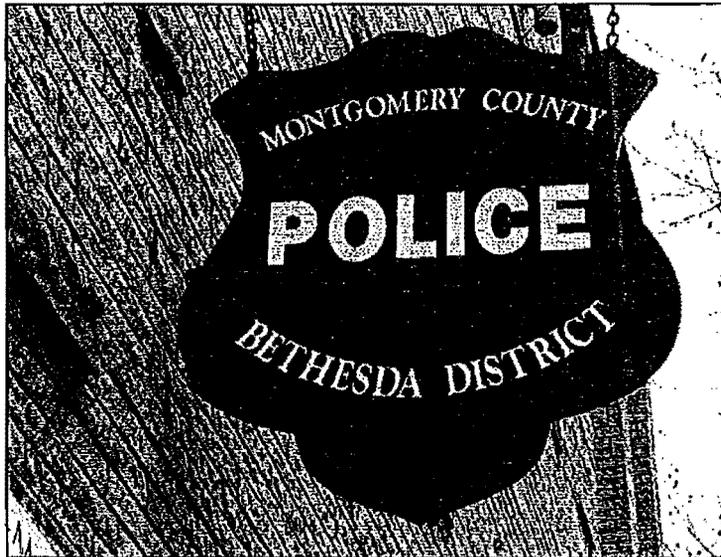
If so, what is it?

The assemblage Fair Market Value is based on the concept that the purchaser will be able to combine the property with other surrounding properties – resulting in a better overall property on which to build. The assemblage Fair Market Value is therefore typically a higher value than a stand-alone FMV. In this case, the developer controls properties around the existing police station site. Therefore it is appropriate to value the existing police station site at the assemblage FMV (\$8.7M) instead of the stand-alone FMV (\$7.3M).

REQUEST FOR PROPOSALS

FOR

2ND DISTRICT POLICE STATION SITE
7359 WISCONSIN AVENUE
BETHESDA, MARYLAND



ISSUED BY:

MONTGOMERY COUNTY GOVERNMENT
DEPARTMENT OF GENERAL SERVICES
101 MONROE STREET, 11TH FLOOR
ROCKVILLE, MARYLAND 20850

RESPONSES DUE BY: OCTOBER 10, 2008; 2:00 PM

MONTGOMERY COUNTY GOVERNMENT
ISIAH LEGGETT, COUNTY EXECUTIVE

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**2ND DISTRICT POLICE STATION SITE
REQUEST FOR PROPOSALS**

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- IX. Optional Pre-Submission Conference and Tour
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- XI. Minority, Female and Disabled Participation

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August 8, 2008

I. Overview

Montgomery County, Maryland through its Department of General Services, ("County") is requesting proposals from qualified development teams to develop a key parcel located at 7359 Wisconsin Avenue in downtown Bethesda, Maryland, currently improved by a 21,400 square feet County police station and adjacent parking lot (the "Site").

II. Objectives

The County is seeking development proposals ("Proposals") for the Site that through the long-term lease or sale of the Site, as described below, will achieve the following objectives:

1. The County currently uses the Site for the 2nd District Police Station (the "Station"), which includes one improved structure and surface level parking. The current Station was built more than 50 years ago and is in need of significant capital improvements or replacement. Proposals submitted in response to this Request for Proposals ("RFP") may propose the inclusion of the Station on the Site as part of a mixed-use development, in which case the Proposal for any private use to be made of the Site should be through a long term lease. Alternatively, a Proposal may provide for a new Station to be built on another site in Bethesda's Central Business District that the Proposer either owns or controls, in which case the County is to be provided with fee simple title to the land and improvements. Under this scenario, the County will consider a fee simple conveyance of the Site. If the new Station is built as part of a mixed-use development on the Site, the Proposer must articulate how the Station will be separated from the other uses in a safe and secure manner. The minimum Program of Requirements for the new Station is included under Exhibit A to this RFP.
2. The County has an interest in increasing the amount of affordable housing throughout the County, including Bethesda. Any Proposal that includes a housing component shall include a minimum of 20% affordable housing units at 60% area median income, in addition to any Moderately Priced Dwelling Units ("MPDUs") required for residential developments under the Optional Method of Development.
3. The proposed development (including other sites if applicable) must be of a high quality consistent with the quality of projects built or under development in the Central Business District ("CBD") of Bethesda.

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III. Site Location and Description

The Site is located at 7359 Wisconsin Avenue at the corner of Wisconsin Avenue and Montgomery Avenue in downtown Bethesda. The Site is comprised of parts of three lots (Lots 7, 8 and 9) totaling approximately 21,400 ground square feet in area. The Site is currently improved by the Montgomery County Police Department's 2nd District Police Station. A site survey is included under Exhibit B to this RFP.

The Site benefits from visibility by frontage on both Wisconsin and Montgomery Avenues, immediate access to East-West Highway (MD 410) as well as close proximity to the Washington Capital Beltway I-495. The Site is also conveniently located approximately 100 yards from the Washington Metropolitan Area Transit Authority's ("WMATA") Bethesda Rail Station (Red Line). The County and WMATA also both operate bus routes along Wisconsin Avenue, Montgomery Avenue and East-West Highway (MD 410).

The Site is located in the Bethesda Central Business District and the Bethesda Parking Lot District and is benefitted by the services of the Bethesda Urban Partnership.



Front View of Property (looking East from Wisconsin Avenue)

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IV. Zoning

The Site is zoned CBD-2 with a FAR of 2.0 under the Standard Method of Development and up to 5.0 under the Optional Method of Development. It is located in the Metro Core District ("Core") in the center of downtown Bethesda. The Core contains the highest intensities of building and the largest concentration of employees. It is also a major transportation hub. The Core is primarily a commercial area, containing both retail and office uses. Recently, mixed-use residential and retail developments have also been built in the Core.

The Bethesda Central Business District Sector Plan recommends optional method employment uses on most CBD-2 sites at 4.0 FAR. Optional method residential uses also allows up to 5.0 FAR. Any development on the Site would be governed by the Bethesda CBD Sector Plan. Proposers are encouraged to familiarize themselves with the Sector Plan to determine optimal use of the Site and conformance to local land uses.

V. Submission Requirements

All Proposals must provide a thoughtful development concept and explanation of key factors and milestones for its successful implementation. The County reserves the right to request additional information during the RFP review period.

FAILURE OF A PROPOSER TO SUBMIT ALL REQUIRED INFORMATION MAY RENDER THE PROPOSAL INCOMPLETE AND INELIGIBLE FOR FURTHER CONSIDERATION.

The Proposal must include the following elements:

1. Cover: The cover should contain the RFP title, the Proposer's name and the submission date.
2. Transmittal Letter: The transmittal letter should not exceed two pages and should contain:
 - A. The name, title and contact information of the individual with authority to bind the Proposer. This person should also sign the transmittal letter.
 - B. The address and legal form of the Proposer. If a joint venture is involved, provide the above information for all participating firms.
 - C. Statement that the Proposal will remain in effect for 120 days after the due date.

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- D. Statement acknowledging receipt of each addendum that the County may issue to the RFP.
- E. Statement that, if selected, the Proposer will negotiate in good faith with the County.

3. Statement of Qualifications:

- A. *Background Information:* A description of the Proposer, including the organizational structure, identification of principals, and length of time in business. For purposes of this RFP and this Section 3, if the Proposer is a joint venture, information for each entity should be furnished as well as an explanation of why a joint venture is the preferred mechanism for development.
- B. *Financial Capability:* A description of the Proposer's financial capability to complete the proposed project including, "typical" financing mechanisms used on similar projects. This section should provide evidence of the Proposer's ability to obtain sufficient financing for the project. This section should also include the most current twelve-month financial statements, including balance sheets, income statements for the past two fiscal years.
- C. *Project Experience:* Description of the Proposer's experience with similar developments. This information should clearly describe the financial structures and size of those projects, where it is located and when it was completed; if not yet complete, Proposer should include expected completion date. In addition, provide the name and telephone number of representative(s) for each project.
- D. *References:* Include names and addresses of at least three commercial or institutional credit references for the Proposer and any member of a proposed joint venture and a letter from each of the credit references authorizing them to respond to inquiries from the County.

4. Project Vision: This section should describe the Proposer's vision for the project and how this vision meets the County's objectives. This vision should identify the following:

- A. Milestones necessary to implement the vision (pre-development, land use approvals, etc);
- B. Concept plan that illustrates the proposed development plan, layout, square footage (including gross measured area, rentable area, and useable area), and other characteristics of the development, including building height and density;
- C. Project budget showing sources and uses of development funds and 15-year operating pro forma. The pro forma must include cost, revenue and inflation assumptions, as follows:
 - Pre-development costs;

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- Soft and hard costs, including cost to build the new Station;
- Infrastructure costs; and
- Cash flows to the developer and the County

Any assumptions/projections regarding stabilized rents or when stabilized rents will be achieved should be specified. Estimates of the project's asset value to the Proposer and to the County should be included. In addition to providing a hard copy of the budget, the Proposal should include a soft copy in Excel format on a CD-ROM.

- D. A proposed ownership structure; and
- E. A statement of whether the proposed development is contingent on any County or State government action (e.g., regulation changes, public funding-grants, loans), etc. and a listing of these contingencies.

5. Electronic Files: One copy of the entire Proposal shall be submitted in PDF format on a CD-ROM as one single file

VI. Evaluation Criteria

Upon receipt of the Proposals, the County's Qualification and Selection Committee ("QSC") will review and evaluate the Proposals in accordance with the criteria listed below. Interviews may be conducted with development teams. The selection committee's decisions and recommendations will be consensus-based.

The County's goal is to select the best Proposal from the most qualified Proposer that meets the County's objectives for this key site. The following evaluation criteria will help the County achieve its objectives for the Site:

- | | | |
|----|-----------------------------------------------------------|-----------|
| 1. | Overall quality of the development vision: | 20 points |
| 2. | Meeting of County's objectives for the Site: | 40 points |
| 3. | Expertise and financial capacity to implement the vision: | 15 points |
| 4. | Overall benefit to the County: | 15 points |
| 5. | Proposed timeframe for completion of the development: | 10 points |

VII. Administration of the RFP

Proposals are due by 2:00 pm on October 10, 2008. If a Memorandum of Understanding or other form of agreement acceptable to the County cannot be successfully negotiated with the top-ranked Proposer, the County may proceed to negotiate with the Proposer that submitted the next highest ranked Proposal. Alternatively, and in the County's discretion, until an initial letter of Intent or

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memorandum of understanding is entered into, the County may elect to negotiate with more than one Proposer at a time.

Any amendments to the RFP will be posted on Department of General Services' website which can be located through the County's website at www.montgomerycountymd.gov.

The County expects the RFP to meet the following schedule, but reserves the right to amend this schedule or, in its sole discretion, to cancel the solicitation at any time.

RFP Release	August 8, 2008
Site Tour/Pre-Submission Meeting	September 10, 2008 <i>(Optional)</i>
Deadline for Questions	September 24, 2008
Proposals Due	October 10, 2008
Candidate Interviews	November 2008
Selection	December 2008

VIII. Submittal Instructions

All Proposals shall include one original and seven (7) copies in 8½" by 11" format with no smaller than 11-point font; not exceed 25 pages, not including credit references, Letters of Intent ("LOIs"), Memoranda of Understanding ("MOUs"), renderings, excel-based worksheets/models, tables, charts, etc. Submissions must be bound and sealed, and must be mailed or delivered to:

James Stiles
Acting Chief
Division of Building Design and Construction
Montgomery County Department of General Services
101 Monroe Avenue, 11th Floor
Rockville, MD 20850

The envelope must state "2nd Police District Station RFP." Written Proposals will be evaluated upon only what is submitted, and it is incumbent upon the Proposer to submit sufficient information to enable the County to fully evaluate the Proposer's capabilities and experience. Proposals to this RFP received after the date and time specified are considered late and may not be considered. The County will not accept fax Proposals or Proposals sent via e-mail. Unless requested by the County, additional information cannot be submitted by the Proposer after the deadline set for receipt of Proposals. Proposer will be notified in writing of any change in the specifications contained in this RFP.

By submitting a Proposal, the Proposer agrees that its Proposal may not be modified, withdrawn or canceled by the Proposer for one hundred twenty (120) days following

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the time and date designated for the receipt of Proposals in this RFP or in any amendments hereto.

Prior to the time and date designated for receipt of Proposals, Proposals submitted early may be modified or withdrawn only by notice to the County receiving Proposals at the place and prior to the time designated for receipt of Proposals.

Timely modifications or withdrawals of a Proposal must be in writing and must be received by the County on or before the date and time set for receipt of Proposals.

Withdrawn Proposals may be resubmitted up to the time designated for the receipt of Proposals provided that they are then fully in conformance with the RFP.

IX. Optional Pre-Submission Conference & Tour

There will be an optional pre-submission conference on September 10, 2008. The conference will begin at 2:00 pm. at the conference room at the 2nd District Police Station; 7359 Wisconsin Avenue, Bethesda Maryland. An optional pre-submission site tour will take place immediately following the conference. The County will not provide transportation to or from the Site.

X. Conditions and Limitations

The County reserves the right to reject any or all Proposals submitted in response to this RFP, advertise for new Proposals, or to accept any Proposal deemed to be in the best interest of the County. A Proposal submitted in response to this RFP does not constitute a contract and does not indicate or otherwise reflect a commitment of any kind on behalf of the County. Furthermore, this RFP does not represent a commitment or offer by the County to enter into an agreement with a Proposer or to pay any costs incurred in the preparation or submission of a Proposal to this RFP. Furthermore, this RFP does not commit the County to pay for costs incurred in the negotiation or other work in preparation of, or related to, a final agreement between the selected Proposer and the County.

Any commitment made by the County will be subject to the appropriation of funds by the Montgomery County Council to carry out any such commitments and the execution of a contract acceptable to the County.

Questions regarding the RFP should be directed, via email, to James Stiles at the County james.stiles@montgomerycountymd.gov or fax 240-777-7289.

All questions, and the responses from the County, will be posted on County's website. The Proposals and any information made a part of the Proposals will become a part of

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the project's official files. The County is not obligated to return the responses to the Responders. This RFP and the selected team's response to this RFP may, by reference, become a part of any formal agreement between the Responder and the County.

The County reserves the right, in its sole and absolute discretion, to reject any and all Proposals received in response to this RFP and to cancel this RFP at any time, for any or no reason, prior to entering into a formal contract. The County further reserves the right to request clarification of information provided in Proposals submitted in response to this RFP without changing the terms of this RFP.

If a Proposer contends that any part of its Proposal is proprietary or confidential and, therefore, is limited to disclosure under the Maryland Public Information Act, Md. Code Ann. State Gov't §§10-611 *et seq.* (the "MPIA"), the Proposer must identify all information that is confidential or proprietary and provide justification for why such materials should not be disclosed by the County under the MPIA. The County, as custodian of Proposals submitted in response to this RFP, reserves the right to determine whether or not material deemed proprietary or confidential by the Proposer is, in fact, proprietary or confidential as required by the MPIA, or if the MPIA permits nondisclosure. The County will favor disclosure of all Proposals in response to any request for disclosure made under the MPIA.

Proposers must familiarize themselves with the Site and form their own opinions as to suitability for any proposed development on the Site. The County makes no representations as to the Site. The County assumes no responsibility for site conditions including, but not limited to, environmental and soil conditions on the Site. Proposers are responsible for their own background investigation as to restrictions, if any, bearing upon title, zoning, subdivision, transportation, developability, utilities, and physical conditions at the Site. Soils tests and other invasive tests may not be conducted upon the Site during the RFP stage.

Proposers are subject to the provisions of law pertaining to ethics in public contracting including but not limited to the provisions of Montgomery County Code Chapter 11B, Article XII and the applicable provisions of Chapter 19A.

XI. Minority, Female and Disabled Participation

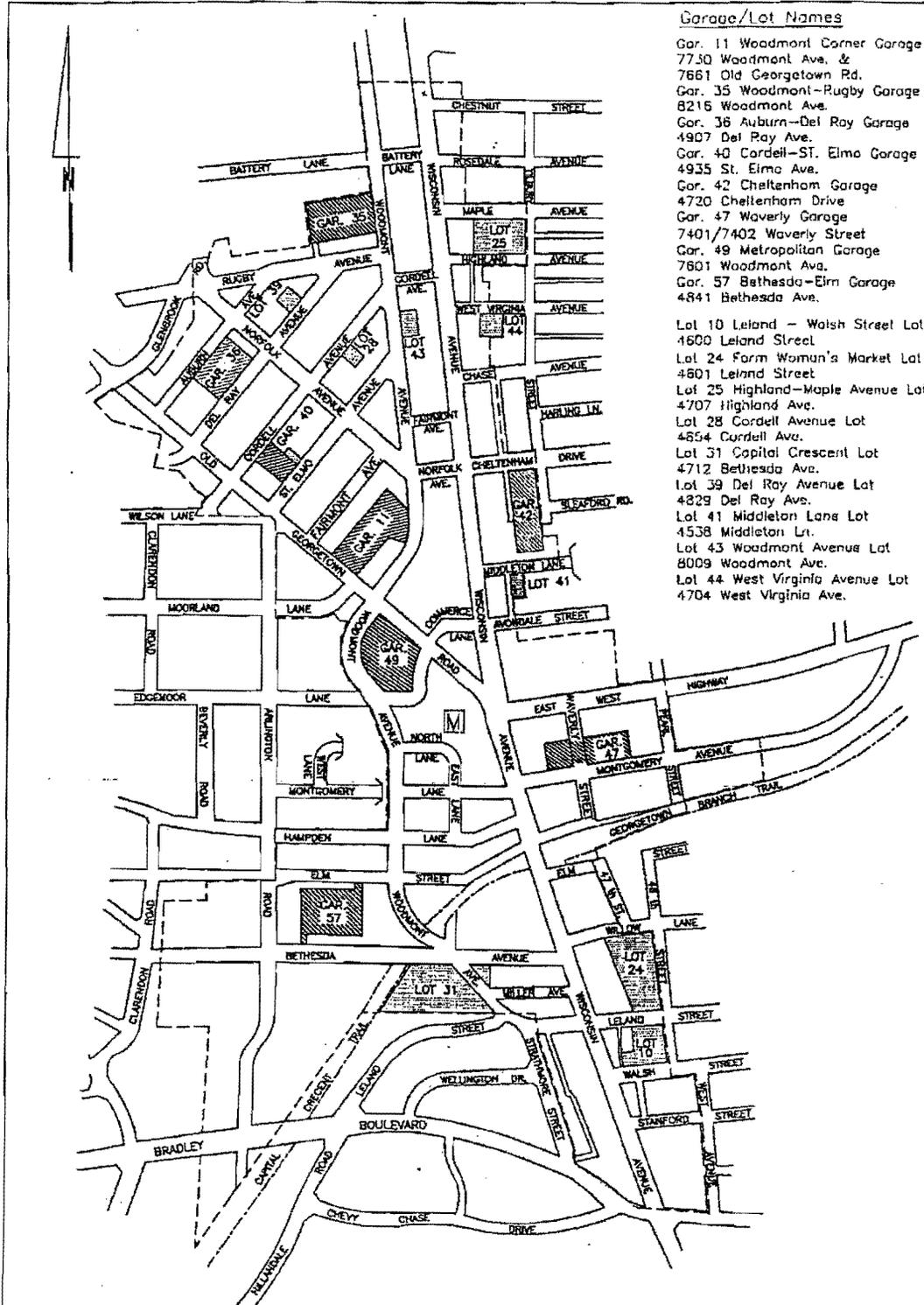
The County encourages contracting and development opportunities with business interests reflecting its diverse population and interests. Therefore, the County encourages Proposers to include where possible meaningful minority, female and disabled ("MFD") participation in the proposed project. This participation could include, but not be limited to, the Proposer teaming with MFD developers, builders and/or subcontractors for the proposed project.

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EXHIBIT A
TO
REQUEST FOR PROPOSALS
FOR
2ND DISTRICT POLICE STATION SITE
7359 WISCONSIN AVENUE
BETHESDA, MARYLAND

PROGRAM OF REQUIREMENTS

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- Garage/Lot Names**
- Gar. 11 Woodmont Corner Garage
7750 Woodmont Ave. &
7661 Old Georgetown Rd.
 - Gar. 35 Woodmont-Rugby Garage
8216 Woodmont Ave.
 - Gar. 36 Auburn-Del Ray Garage
4907 Del Ray Ave.
 - Gar. 40 Cordell-ST. Elmo Garage
4935 St. Elmo Ave.
 - Gar. 42 Cheltenham Garage
4720 Cheltenham Drive
 - Gar. 47 Waverly Garage
7401/7402 Waverly Street
 - Gar. 49 Metropolitan Garage
7801 Woodmont Ave.
 - Gar. 57 Bethesda-Elm Garage
4841 Bethesda Ave.
- Lot 10 Leland - Walsh Street Lot
1600 Leland Street
 - Lot 24 Farm Woman's Market Lot
4801 Leland Street
 - Lot 25 Highland-Maple Avenue Lot
4707 Highland Ave.
 - Lot 28 Cordell Avenue Lot
4854 Cordell Ave.
 - Lot 31 Capital Crescent Lot
4712 Bethesda Ave.
 - Lot 39 Del Ray Avenue Lot
4829 Del Ray Ave.
 - Lot 41 Middleton Lane Lot
4538 Middleton Ln.
 - Lot 43 Woodmont Avenue Lot
8009 Woodmont Ave.
 - Lot 44 West Virginia Avenue Lot
4704 West Virginia Ave.

Parking Lot District Boundary - - - - -
 Public Parking Lot [shaded box]
 Public Parking Garage [hatched box]
 Proposed [box with CAR]

TOTAL NO. SURFACE PARKING LOT SPACES	877
TOTAL NO. MULTI-LEVEL GARAGE SPACES	5822
TOTAL NO. METERED CURB SPACES	794
TOTAL PUBLIC PARKING SPACES	7493
TOTAL NO. SURFACE PARKING LOTS	9
TOTAL NO. MULTI-LEVEL PARKING GARAGES	8

**OFF-STREET PUBLIC PARKING FACILITIES
BETHESDA PARKING LOT DISTRICT**

Montgomery County, Maryland
 Department of Public Works
 and Transportation
 Division of Operations
 April, 2008

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ZTA



062525

JZ
have - CC
SBF
LL
SJF

Isiah Leggett
County Executive

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

RECEIVED
MONTGOMERY COUNTY
MAY 11 11 41 AM '11

MEMORANDUM

May 2, 2011

TO: Valerie Ervin, President
County Council

FROM: Isiah Leggett 
County Executive

SUBJECT: Public Facilities and Amenities and Public Use Space – Government Facilities

I am asking that the attached zoning text amendment be introduced for District Council adoption to allow government facilities to be offered in satisfaction of requirements for public facilities and amenities and public use space in optional method development projects. This zoning text amendment is consistent with the approach that was recently adopted in connection with the CR zone which allows a development density award for a project that includes a public facility offered as a public benefit.

This zoning text amendment is a creative approach to public/private partnerships in our central business districts to allow for the proffer of public facilities in connection with development projects. Such public/private partnerships can facilitate delivering services to the project and the central business district.

I appreciate your introduction of this zoning text amendment on my behalf and urge the Council to adopt it as expeditiously as possible. Executive staff is available to provide additional information you may need.

cc: Tim Firestine, Chief Administrative Officer
Kathleen Boucher, Assistant Chief Administrative Officer
Diane Jones, Assistant Chief Administrative Officer
David Dise, Department of General Services

Ordinance No.:
Zoning Text Amendment No:
Concerning: Central Business District
(CBD) zones – Public Facilities
Draft No. & Date:
Introduced:
Public Hearing:
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the Request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the definition of “Public facilities and amenities” and “Public use space;”
- amend the development standards for an optional method project to allow the provision of a building or land for a publicly owned and operated government facility to meet the public facility and amenity requirement;
- amend the development standards for an optional method project to allow the publicly owned and operated government facility to satisfy the public use space requirement for the optional method project and exclude the floor area in the calculation of gross floor area; and,
- generally amend the development standards for optional method projects in the CBD zones.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2 “DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1 Definitions
DIVISION 59-C-6 “CENTRAL BUSINESS DISTRICT ZONES”
Section 59-C-6.233 “Minimum Public Use Space”
Section 59-C-6.234 “Maximum Density of Development”

By adding the following section to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Section 59-C-6.2357 "Special standards for optional method development projects that include a building or land for a publicly owned or operated government facility"

*EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment*

Ordinance

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-A-2 is amended as follows:**

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 **59-A-2.1. Definitions**

4 * * *

5 **Public facilities and amenities:** Those facilities and amenities of a type and scale
6 necessary to provide an appropriate environment to satisfy public needs resulting
7 from, or related to, the development of a particular project or to support
8 government programs or services. Facilities and amenities may include, but are
9 not limited to:

- 10 (a) green area or open space which exceeds the minimum required, with
11 appropriate landscaping and pedestrian circulation;
- 12 (b) streetscaping that includes elements such as plantings, special pavers,
13 bus shelters, benches, and decorative lighting;
- 14 (c) public space designed for performances, events, vending, or
15 recreation;
- 16 (d) new or improved pedestrian walkways, tunnels or bridges;
- 17 (e) features that improve pedestrian access to transit stations;
- 18 (f) dedicated spaces open to the public such as museums, art galleries,
19 cultural arts centers, community rooms, recreation areas;
- 20 (g) day care for children or senior adults and persons with disabilities;
- 21 [and]
- 22 (h) public art[.]; and
- 23 (i) a publicly owned or operated government facility.

24 Public facilities and amenities may be recommended or identified in an approved
25 and adopted master or sector plan. Public amenities do not include road

26 improvements or other capital projects that are required to provide adequate
27 facilities to serve the property.

28 **Public use space:** Space devoted to public enjoyment, such as, but not limited to,
29 green areas, gardens, plazas, walks, pathways, promenades, arcades, urban parks,
30 town squares, public plazas with elements such as water features, and passive and
31 active recreational areas including outdoor recreation areas for a child day care
32 facility. Public use space may include land or building space for a publicly owned
33 or operated government facility. Public use space may also consist of space and/or
34 amenities recommended by an approved urban renewal plan. Public use space
35 must not include parking or maneuvering areas for vehicles. Except for an outdoor
36 recreation area for a child day care facility or a publicly owned or operated
37 government facility, public use space must be easily and readily accessible to the
38 public and be identified by a sign placed in public view. If public pedestrian
39 walkways are recommended in an approved and adopted master plan or sector
40 plan, it may be counted as public use space.

41 * * *

42 **Sec. 2. DIVISION 59-C-6 is amended as follows:**

43 **DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.**

44 * * *

45 **59-C-6.23. Development Standards.**

	CBD-1		CBD-2		CBD-3	
	S	O	S	O	S	O
59-C-6.233. Minimum Public Use Space (percent of net lot area)	10	20 ^{20, 22, *}	10	20 ^{22, *}	10	20 ^{22, *}
* * *						
59-C-6.234. Maximum Density of Development						
* * *						
(b) Optional Method of development (see section 59- C-6.215(b)):						
* * *						
(ii)(A) Nonresidential, including transient lodging however, the maximum excludes a site that satisfies subsection (ii)(B) (FAR):		2.0 ^{19, 23, **}		4.0 ^{23, **}		6.0 ^{23, **}
* * *						
(iii) Mixed-use (non- residential and residential uses).						
(A) Maximum permitted nonresidential, including transient lodging; however, the maximum excludes a site that satisfies subsection (iii)(B): (FAR) limited to:		2.0 ^{4, 23, **}		3.0 ^{5, 23, **}		5.0 ^{6, 23, **}
* * *						
-- Total FAR ^{13, 15}		3.0 ^{23, **}		5.0 ^{23, **}		8.0 ^{23, **}

23

²² The entire optional method public use space requirement is satisfied if the applicant has provided to the County, by conveyance or dedication, land or building space to accommodate an arts or entertainment use under Section 59-C-6.2356.

²³ The gross floor area of the arts or entertainment use that satisfies the public use space and the public facility and amenity requirements for the optional method of development under Section 59-C-6.2356 must not be counted in the gross floor area of the optional method project.

* The entire optional method public use space requirement is satisfied if the applicant conveys to the County or other governmental body, land or building space within the same central business district for a publicly owned or operated government facility under Section 59-C-6.2357.

** The gross floor area of the publicly owned or operated government facility that is provided in satisfaction of the public facility and amenity requirements for the optional method of development under Section 59-C-6.2357 must not be counted in the gross floor area of the optional method project.

* * *

47 **59-C-6.2357 Special standards for optional method of development projects**
48 **that include a building or land for a publicly owned or operated government**
49 **facility.**

50 (a) The public facility and amenity requirement is satisfied when:
51 1) the Planning Board finds that the project plan application warrants
52 approval with a publicly owned or operated facility satisfying the
53 amenity and the public use space requirements; and
54 2) the applicant conveys in fee simple to the County or other
55 government body the identified land or building space, and the

56 County accepts, the land or building space for a publicly owned or
57 operated government facility within the same central business district.

58 (b) Once the County or other government body has accepted the fee
59 simple conveyance of the land or building space for the publicly
60 owned or operated government facility:

61 (1) the public facility and amenity requirement also is satisfied for
62 any amendment to the original optional method of development
63 project plan that does not increase the floor area of the project;

64 (2) The land area that is conveyed to the County for the publicly
65 owned or operated government facility also is treated as public
66 use space for any amendment to the original project plan that
67 does not increase floor area; and

68 (3) Any transfer or lease of the building, or land, or any portion
69 thereof, by the County will not affect the approval of the
70 optional method of development project plan or the site plan.

71 (c) Standard streetscaping improvements along the frontage of the phase
72 of the project that is intended to accommodate the publicly owned or
73 operated government facility use must be provided during the phase of
74 the project that contains the facility.

75 * * *

76 **Sec. 3. Effective date.** This ordinance takes effect immediately upon
77 Council adoption.

78

79 This is a correct copy of Council action.

80

81

82 Linda M. Lauer, Clerk of the Council

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY
BY: Clifford S. Kogut
DATE: 5/2/14