

# Maryland Department of Natural Resources Program Open Space Grant

## Acquisition Application and Project Agreement

POS PROJECT # 7214-15-721

(DNR Use Only)

**1. PROJECT INFORMATION:** Please fill out all sections of the form completely unless otherwise indicated.

PARK NAME Willard Avenue Neighborhood Park

PROJECT NAME Mizrahi Property

**2. PROJECT LOCATION:** Please identify all applicable parcels.

Street Address: 5304 Willard Ave

City/Town Chevy Chase County Montgomery Zip Code 20815

County Tax Map HM23 Grid 0000 Parcel 0000 Lot P1

Tax Account ID (From SDAT) 07-00421413 Legislative District 16

Deed Liber/Folio 37749/ 00263 Is this project located in a Priority Funding Area? Yes ☒ No ☐

**3. PROJECT DESCRIPTION:** Descriptions are written into the agenda item, which is presented to the Maryland Board of Public Works for approval. Please explain the proposed acquisition and be specific. Why is it being done (future recreation development, natural resource protection/conservation, etc.) and how does it relate to local recreation needs? Is it a new park or does it build upon an existing park area? Provide all of the information that you feel is necessary to explain and justify the project. Attach a separate sheet, if necessary.

Willard Avenue Neighborhood Park is located adjacent to the very high-density community of Friendship Heights and is just east of the growing Westbard community – both communities within easy walking distance of this Park. Willard Avenue Neighborhood Park functions as an urban park due to its location and layout. It currently provides limited green space and park amenities where residents and workers of the Friendship Heights area may relax (contemplative experiences), gather with friends (social experiences), and exercise (active recreation).

However, the constrained nature of the park limits the amenities that can serve social gathering and active recreation needs. While the park already provides a significant opportunity for an urban nature experience, most of the existing 6.2-acre park is within the stream valley buffer and floodplain for the tributary to Little Falls Branch that traverses the park, thus severely constraining the park amenities that can be provided. These constraints limit the functionality of the park and result in only a few facilities to serve the adjacent community, consisting of a playground, one half basketball court, exercise equipment, and a paved trail. The community has expressed interest during recent park upgrades in adding more active recreation facilities to this park.

This acquisition, which was envisioned in combination with the recently completed acquisition of the adjacent 4905 River Road, will add approximately one-quarter acre at the highly visible corner of River Road and Willard Avenue. Acquisition of this second property at the corner will significantly improve access to the park's existing and future urban park amenities.

### Improved Maintenance Access

Maintenance access to the Park is currently difficult with just parallel parking along Willard Road. Access into the east side of the park for maintenance vehicles was limited by the lack of a driveway off River Road and the limitations of the trail bridge over the stream. The combination of the recently acquired 4905 River Road lot and now this 5304 Willard Avenue lot will allow for the removal of the existing houses and creation of critical maintenance vehicle access into the east side of the park. Park operations staff strongly support this acquisition for the benefit of providing improved maintenance access from Willard Road.

### Improved Park Gateway and Potential for Urban Park Amenities

This acquisition combined with the previous 4905 River Road purchase provides space to create a better pedestrian gateway into the park at the corner of River Road and Willard Avenue. As described above under EPS Design Guidelines, a new gateway will make the park more visible from the street, safer, more welcoming to

pedestrians, and less hidden behind the backs of homes. In addition, this proposed acquisition adds a small area to the park outside environmentally constrained areas that could potentially support future park amenities.

**4. PROJECT PERIOD:** From: 10/15/2020 Date of Letter of Acknowledgement or Letter of Concurrence (DNR Use Only)  
To: 11/30/2021 Estimated Date of Completion (Must be filled in by Applicant)

**5. DESCRIPTION OF LAND TO BE ACQUIRED:**

This is a(n): New Park                      Addition to an Existing Park X Nearest town or community served: Chevy Chase  
Deed acres: .21 Ac. Acres to be acquired with this acquisition: .21 Ac.  
Existing park acreage: 6.16 Ac. Planned ultimate acreage: 7 Ac.  
How many acres are: Wooded 0 Ac. Agricultural 0 Ac. Floodplain .05 (100yr) Ac.  
In the Critical Area 0 Ac. Non-Tidal Wetlands 0 Ac.  
The topography is flat, steep, sloping or other (describe): Flat to moderately sloping  
Road Frontage: 155 Ft. Paved X Unpaved                       
This property is: Improved X Unimproved                       
If improved, list all current improvements – identify size, condition, and future use of each improvement:

Single family dwelling, 1918 Cape Cod style, 1,468 sf., fair condition. Proposed for demolition.  
Detached one car garage, fair condition. Proposed for demolition.

**5. DESCRIPTION OF LAND TO BE ACQUIRED (Cont.):**

Explain Zoning: R-60 residential, detached single-family use. 6,000 sf minimum lot size  
Current Land Use: Residential single family detached  
Is the property currently being utilized at its highest and best use? Yes                      No X  
Highest and Best Use: raze existing dwelling to construct larger single-family detached dwelling Developable potential - # of lots: NA  
Subdivided? Yes                      No X If Yes, # of lots: NA Average size of lots NA  
Utilities Available: Water X Sewer X Electric X Gas X Phone X  
Environmental Hazards: Yes                      No X If there are any hazards, list them and identify how they will be addressed:

NA

**6. PROJECT DETAILS:**

a. Benefits derived from this acquisition:

The property will benefit this constrained park in a high-density residential community by providing improved visibility into the park, space for a future gateway for improved public access to the park, and improved access for park maintenance and operations.

b. What, if anything, makes this project unique?:

This property will serve as a more welcoming entrance to the park and help strengthen the connection between the park and the surrounding neighborhood and make it easier to access and locate for all park users.

c. How is this project consistent with the County's Land Preservation, Parks and Recreation Plan (LPPRP)?

This property acquisition supports the goals and objectives in the *2017 PROS Plan, Vision 2030 Strategic Plan for Parks and Recreation*, and the recently adopted *Energized Public Spaces Functional Master Plan*. These planning documents highlight the importance of parks and open space needs to promote healthy living through diverse recreation and leisure activities.

- d. Infrastructure: Will the development planned for this site result in an increased demand on existing infrastructure (roads, utilities, etc.)? Yes ☐ No ☒ X

If yes, please explain the impact on the infrastructure and how this will be addressed.

NA

- e. Potential Conflicts: Are there any potential conflicting uses or possible non-compatible uses being planned (e.g., road widening, utility easements, etc.) which might require a Land-Use Conversion? Yes ☐ No ☒ X

If yes, please explain the potential conflicting use and how this will be addressed.

NA

- f. Interim Use: Will there be an interim use on the property prior to park development, including rental, lease, and/or other management techniques? Yes ☐ No ☒ X

If yes, please describe the interim use in detail. (Note that any interim use must have prior approval by DNR.)

NA

- g. Please describe the public access that will be available on the property and note any restrictions or limitations, both prior and subsequent to park development:

The property is adjacent to Willard Avenue Neighborhood Park. Acquisition of this property and the removal of the existing structures will create public access to the land as open space for walking and other contemplative enjoyment of open space. It will also serve as a more welcoming entrance to the park.

**7. SELLER'S NAME:** Parviz Mizrahi, et al.

**8. TITLE WILL BE HELD BY:** Maryland-National Capital Park and Planning Commission

(Name of County/Municipality, Department)

Title will be held in fee simple? Yes ☒ X No ☐ If not, please describe: NA

**9. APPRAISAL VALUES:**

<u>Laura G. Lamb</u>	\$ <u>820,000</u>	\$ <u>4,100,000</u>	/	Acre	<u>July 7, 2020</u>
(Name of Appraiser)	(Appraisal Amount)				(Date of Appraisal)
<u>Peter A. Moholt</u>	\$ <u>850,000</u>	\$ <u>4,250,000</u>	/	Acre	<u>July 7, 2020</u>
(Name of Appraiser)	(Appraisal Amount)				(Date of Appraisal)

**10. APPRAISAL EVALUATION:**

- a. Spread between appraisals: 3.6 %

If the value of the high appraisal is more than 20% greater than the low appraisal, please explain:

NA

- b. Average of appraisals: \$ 835,000

If the cost of the acquisition is not equal to the average of the two appraisals, please explain:

The negotiated purchase price of \$830,000 is \$5,000 less than the average of the two appraisals.

- c. Is the appraisal value reasonable relative to the area? Yes ☒ X No ☐ If not, please explain:

NA

- d. Are the appraisals more than 12 months old? Yes ☐ No ☒ X If yes, please explain:

NA

- e. The appraisals were performed by licensed real estate appraisers with qualifications consistent with industry standards and all applicable Local, State and Federal statutes and regulations.

BES Initial  
Here

**11. PROJECT COSTS:**

	<u>COST</u>	<u>POS AMOUNT</u>
a. LAND COST	\$ 830,000	\$ 830,000
b. COST OF IMPROVEMENTS (if not included in land costs)	\$ _____	\$ _____
c. INCIDENTAL COSTS (total from itemized list below)	\$ 23,400	\$ 23,400
Itemize incidental costs (appraisals, title work, surveys, etc.): Note that incidental costs not listed may not be reimbursed.		
Appraisals	\$ 3,400	
Title Work / Closing Costs	\$ 20,000	
	\$ _____	
	\$ _____	
d. TOTAL PROJECT COST	\$ 853,400	
e. TOTAL POS AMOUNT		\$ 853,400

**12. PROJECT FUNDING:**

POS FUNDS REQUESTED:	\$ 853,400	100 %
PRIOR POS FUNDS APPROVED:	\$ _____	%
LOCAL FUNDS:	\$ _____	%
OTHER FUNDS:	\$ _____	% (Specify Source/Type) _____
TOTAL PROJECT COST:	\$ 853,400	100 %


**13. APPLICANT INFORMATION:** Note that the Applicant is also the County or Municipality that will be receiving the funding at reimbursement.

APPLICANT M-NCPPCAPPLICANT'S  
FEDERAL ID # 52-6001550**14. LOCAL PROJECT COORDINATOR:**

Brenda Sandberg	Real Estate Management Supervisor	Montgomery Parks	M-NCPPC
(Print Name)	(Title)	(Department)	(Organization)
2425 Reddie Drive	Wheaton	MD	20902
(Mailing Address)	(City)	(State)	(Zip)
301-650-4360	240-772-2504	brenda.sandberg@montgomeryparks.org	
(Phone Number)	(Mobile Number)	(Email Address)	

**15. LOCAL GOVERNMENT AUTHORIZATION:**

As the authorized representative of this Political Subdivision, I have read the terms of the "Project Agreement and General Conditions" of the Local Program Open Space (POS) Grants Manual and I agree to perform all work in accordance with the Manual, POS Law and Regulations, all applicable Local, State and Federal statutes and regulations, and with the attachments included herewith and made a part thereof.

	Casey Anderson	Chair, Montgomery County Planning Board	10/12/20
(Signature)	(Print Name)	(Title/Organization)	(Date)

**PROGRAM ADMINISTRATIVE REVIEW:** (DNR Use Only)

ON-SITE INSPECTION: DATE \_\_\_\_\_ BY \_\_\_\_\_

DEPARTMENT OF NATURAL RESOURCES – PROGRAM OPEN SPACE APPROVAL:

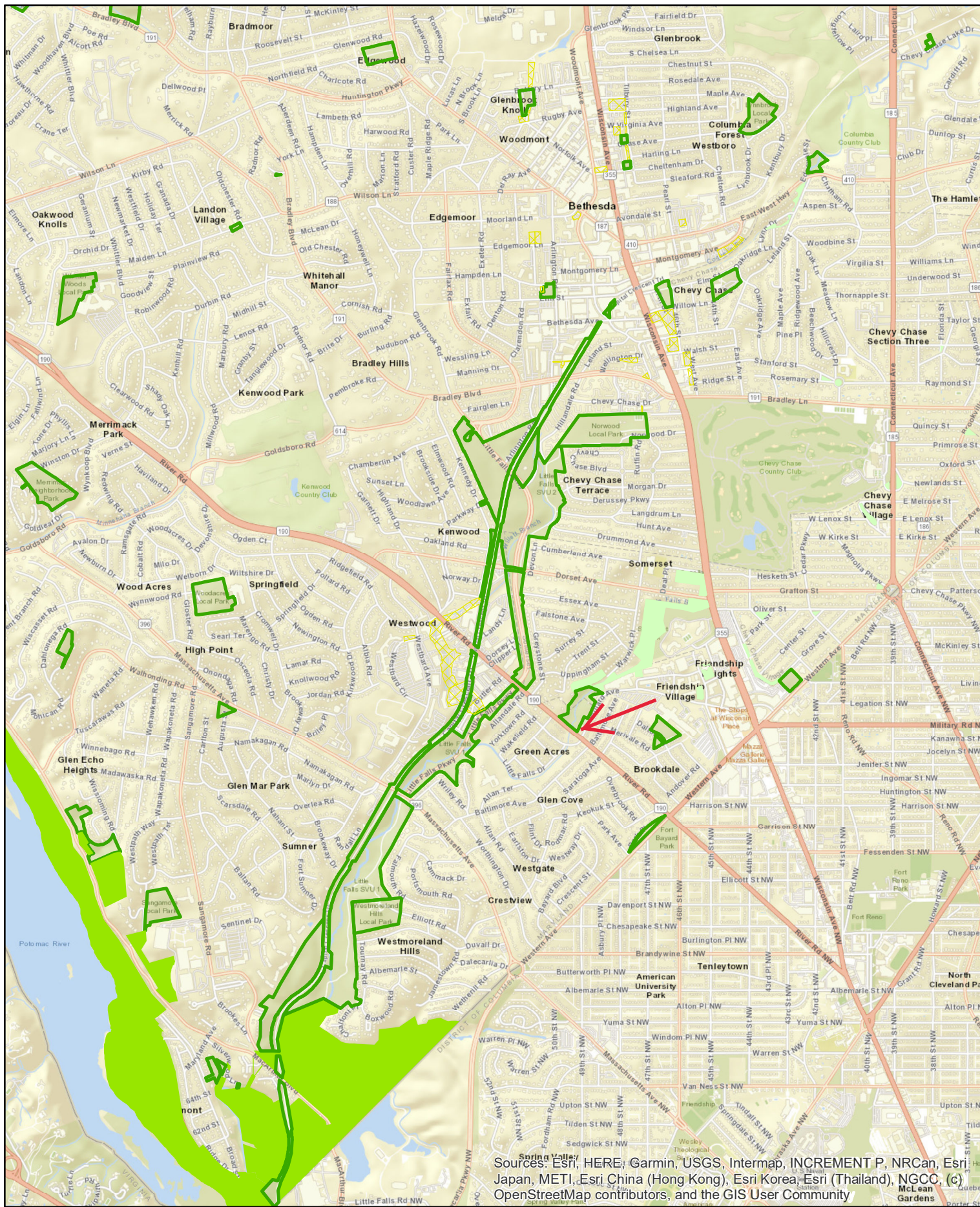
(Signature)

(BPW Approval Date)

(BPW Agenda Item Number)



# Mizrahi Property - City/County Road Map



0 0.1250.25 0.5 0.75 1 Miles

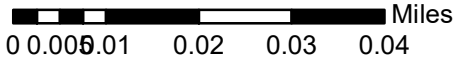




Mizrahi Property - Acquisition Line Map



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community





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

**MCPB No. 20-059**

**Acquisition of the Mizrahi Property as an Addition to Willard Avenue Neighborhood 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 Montgomery County Planning Board received and considered a recommendation from staff of the Commission, in closed session on July 9, 2020, that it approve the acquisition of 8,953 square feet of land, more or less, improved, from Parviz Mizrahi, Keivon Mizrahi, Khosrow S. Mizrahi, Gilda Mizrahi, Emanul Mizrahi, and Lida Soleimanzadeh, Trustee of the Lida Soleimanzadeh Revocable Trust, as Tenants in Common (collectively, “Seller”), identified as Maryland Department of Assessment and Taxation’s Tax Account Number 07-00421413 (the “Property”), as an addition to Willard Avenue Neighborhood Park; and

WHEREAS, the Property meets parkland acquisition criteria as an addition to Willard Avenue Neighborhood Park; and

WHEREAS, there are sufficient Program Open Space grants available in the Commission’s FY21 Acquisition: Local CIP to pay the \$830,000 negotiated purchase price for the Property; and

NOW THEREFORE, BE IT RESOLVED, that the acquisition of the Property from the Seller as described above, for a purchase price of \$830,000, in accordance with a proposed Land Purchase Agreement between the Commission and Seller, is hereby approved by the Montgomery County Planning Board on this 16<sup>th</sup> day of July, 2020 and the Executive Director is authorized to execute said Agreement on behalf of the Maryland-National Capital Park and Planning Commission.


\* \* \* \* \*

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 Gerald Cichy, seconded by Commissioner Partap Verma, with Chair Anderson, Vice Chair Fani-Gonzalez, and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson abstaining, at its regular meeting held on Thursday, July 16, 2020 in Silver Spring, Maryland.

**APPROVED AS TO LEGAL SUFFICIENCY**

  
M-NCPPC Legal Department

Date 7/29/2020

  
Casey Anderson, Chair  
Montgomery County Planning Board





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

MCPB Item #5

Date: 7 / 16 / 2020

**MEMORANDUM**

**DATE:** July 10, 2020

**TO:** Montgomery County Planning Board

**VIA:** Michael F. Riley, Director of Parks  
Miti Figueredo, Deputy Director, Administration  
Andrew Frank, Division Chief, Park Development Division (PDD)

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

**SUBJECT:** Land Acquisition Recommendation: Willard Avenue Neighborhood Park Addition  
Parviz Mizrahi, *et al.*, Property  
5304 Willard Avenue, Bethesda, MD 20816  
8,953 square feet, more or less, improved

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**STAFF RECOMMENDATION**

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

Approve Resolution No. 20-059 to acquire the Parviz Mizrahi, *et al.*, property as an addition to Willard Avenue Neighborhood Park for a negotiated purchase price of \$830,000 to be funded with grant money from Maryland's Program Open Space (POS).

The Mizrahi property is outlined in red on Figure 2, and Resolution No. 20-059 is attached to this memo.

**SUMMARY**

This acquisition is being recommended as an addition to Willard Avenue Neighborhood Park. The property will benefit this constrained park in a high-density residential community by providing improved visibility into the park, space for a future gateway for improved public access to the park, and improved access for park maintenance and operations.

*Figure 1: Willard Avenue Neighborhood Park location between Westbard and Friendship Heights*



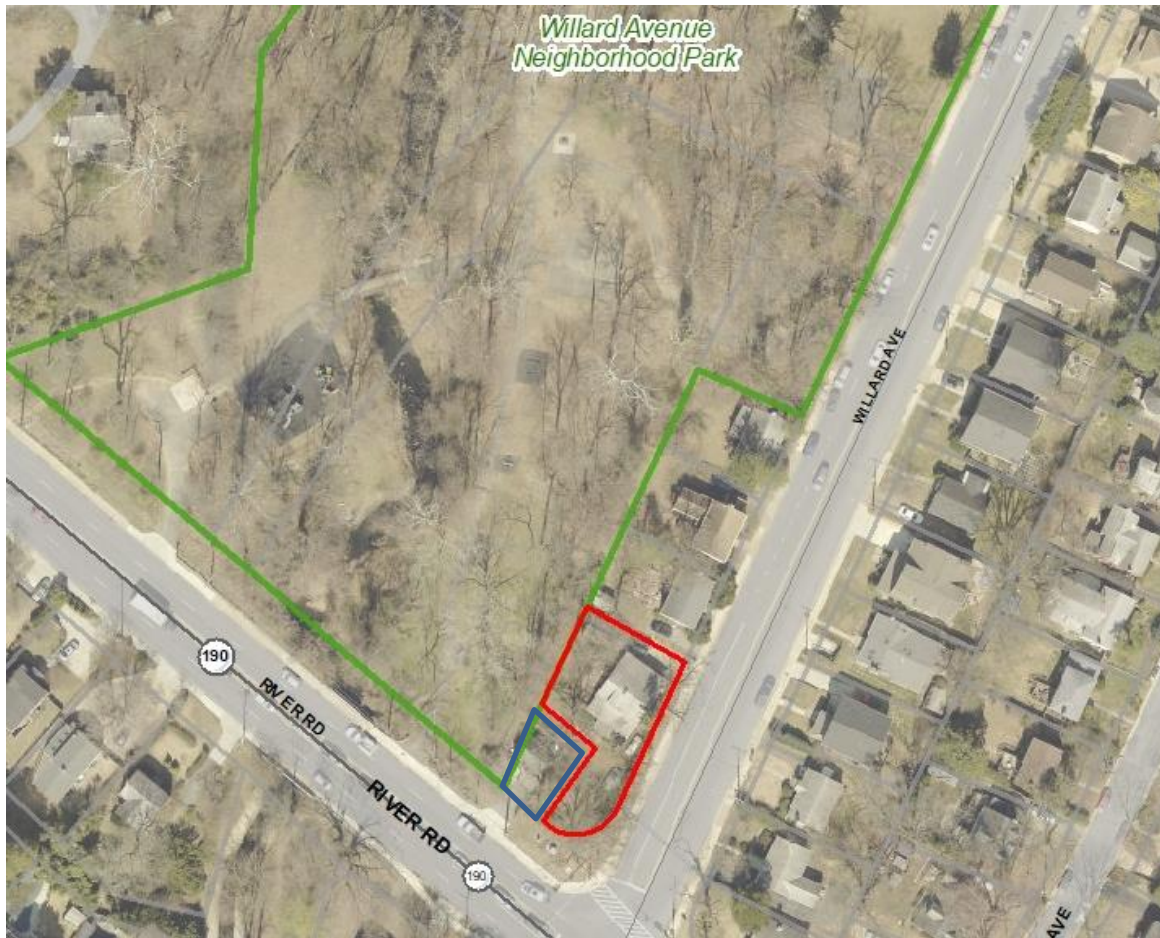
## PROPERTY DESCRIPTION

The Parviz Mizrahi, *et al.*, property consists of 8,953 square feet of land, more or less, improved. The subject property, zoned R-60, is located on the northwest side of Willard Avenue at the corner with River Road, just outside the center of Friendship Heights. The property address is 5304 River Road and is legally described as Part of Lot 1 in a subdivision known as West Friendship. The property includes a one and a half story Cape Cod style single-family dwelling with 1,468 sq. ft. of finished living area, purportedly built in 1918. The residence is in fair physical condition and is currently occupied by some of the family owners of the property.

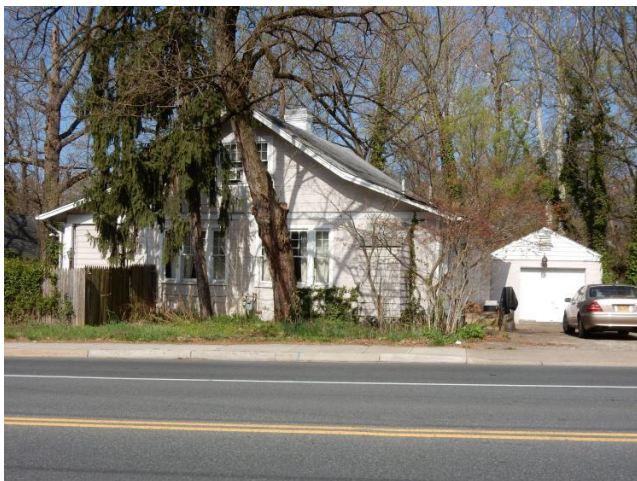
The property directly adjoins Willard Avenue Neighborhood Park. The site has flat to moderately sloping topography. Mature tree canopy covers both the existing park and the rear of the subject property. There are no apparent water features such as streams, seeps, springs, or wetlands on the property itself, but it is located at least partially in the 100-year floodplain. Public water and sewer is available. The owners are willing sellers and the property is being acquired through negotiation, in fee simple, with no reservations.



*Figure 2: Mizrahi Property (5304 River Road outlined in Red) Adjacent to Willard Avenue Neighborhood Park (recent Sunninghorse River 4905 River Road acquisition outlined in Blue)*



*Figure 3: Front (east) and Side (south) Views of 5304 Willard Avenue*





## MASTER PLAN AND POLICY RATIONALE

Acquisition of this property supports the goals and objectives in the *2017 PROS Plan*, *Vision 2030 Strategic Plan for Parks and Recreation*, and the *Energized Public Spaces Functional Master Plan*. All these planning documents highlight the importance of parks and open space needs for urban communities to promote healthy living through diverse recreation and leisure activities. Combined with the recent acquisition of the Sunninghorse River, LLC property (4905 River Road, outlined in blue on Figure 2), these properties create the opportunity for improvements to an existing park in a densely populated community.

### ***Vision 2030, 2017 PROS Plan, Energized Public Spaces Functional Master Plan***

These three policy documents include broad policy direction that supports this acquisition. The *Vision 2030 Strategic Plan for Parks and Recreation* (2010) prioritizes planning to meet the increasing demands of a growing population that will be concentrated in the urban areas of the central and southern part of the County. This strategic plan emphasized that adequate green space and parks and recreation amenities in these urbanized areas is essential to maintaining the high quality of life that is enjoyed by residents in Montgomery County.

The *2017 PROS Plan* outlines strategies for providing a variety of parks and recreation facilities that address current needs and emerging trends and sharpens the focus on addressing park needs in our most dense communities. Most recently, the *Energized Public Spaces Functional Master Plan* (2018) directed urban park efforts toward creating parks and public spaces within walking distance so people can gather, play and be in touch with the outdoors in our urbanizing communities. This proposed expansion of Willard Avenue Neighborhood Park will help to meet these urban park needs of this part of the County.

Figure 4: Environmental Constraints, Willard Avenue Neighborhood Park



### ***Energized Public Spaces (EPS) Design Guidelines***

A new focus on the design elements of existing and new urban parks is being applied to various park design and acquisition projects. *EPS Design Guidelines for Urban Parks and Open Spaces* was approved by the Planning Board on March 2019 to provide overall design guidance for all existing and proposed public spaces within the EPS Study Area. Evaluation of Willard Avenue Neighborhood Park by these urban design principles suggests that there are several potential benefits of acquiring this property. Acquisition of this property will have the following specific benefits for the park:

- Comfort: Make public space inviting
- Safety: Provide visibility to encourage human interaction and promote a sense of personal safety
- Connections: Enhance community connections with better access and wayfinding
- Maintenance: Design the spaces to allow efficient access for operations and maintenance

Park Planning and Stewardship and Park Development staff support this acquisition as an opportunity to improve the functionality and urban design characteristics of this park within an urban, down-county setting.

### ***Timeliness of Opportunity to Expand Park***

The community immediately surrounding Willard Avenue Neighborhood Park consists of high rise residential and single-family homes on small lots. Many of the smaller single-family homes in this community are undergoing demolition and replacement with significantly larger homes, including several directly across Willard Avenue from the park. Of the six homes adjacent to the park, five of them (including the one on this proposed acquisition) are the original smaller homes from the community's initial construction.

Since these lots have not yet been rebuilt with large modern homes, they are still relatively affordable for this down-county urban community. This situation creates a current market opportunity to expand Willard Avenue Park with the acquisition of this adjacent lot.

## **PARK NEEDS & BENEFITS**

Willard Avenue Neighborhood Park is located adjacent to the very high-density community of Friendship Heights and is just east of the growing Westbard community – both communities within easy walking distance of this Park. Willard Avenue Neighborhood Park functions as an urban park due to its location and layout. It currently provides limited green space and park amenities where residents and workers of the Friendship Heights area may relax (contemplative experiences), gather with friends (social experiences), and exercise (active recreation).

However, the constrained nature of the park limits the amenities that can serve social gathering and active recreation needs. While the park already provides a significant opportunity for an urban nature experience, most of the existing 6.2-acre park is within the stream valley buffer and floodplain for the tributary to Little Falls Branch that traverses the park, thus severely constraining the park amenities that can be provided. These constraints limit the functionality of the park and result in only a few facilities to serve the adjacent community, consisting of a playground, one half basketball court, exercise equipment, and a paved trail. The community has expressed interest during recent park upgrades in adding more active recreation facilities to this park.

This proposed acquisition, , which was envisioned in combination with the recently completed acquisition of the adjacent 4905 River Road, will add approximately one-quarter acre at the highly visible corner of

River Road and Willard Avenue. Acquisition of this second property at the corner will significantly improve access to the park's existing and future urban park amenities.

***Improved Maintenance Access***

Maintenance access to the Park is currently difficult with just parallel parking along Willard Road. Access into the east side of the park for maintenance vehicles was limited by the lack of a driveway off River Road and the limitations of the trail bridge over the stream. The combination of the recently acquired 4905 River Road lot and now this 5305 Willard Avenue lot will allow for the removal of the existing houses and creation of critical maintenance vehicle access into the east side of the park. Park operations staff strongly support this acquisition for the benefit of providing improved maintenance access from Willard Road.

***Improved Park Gateway and Potential for Urban Park Amenities***

This acquisition combined with the previous 4905 River Road purchase provides space to create a better pedestrian gateway into the park at the corner of River Road and Willard Avenue. As described above under EPS Design Guidelines, a new gateway will make the park more visible from the street, safer, more welcoming to pedestrians, and less hidden behind the backs of homes. In addition, this proposed acquisition adds a small area to the park outside environmentally constrained areas that could potentially support future park amenities.

**START UP COSTS & OPERATING BUDGET IMPACT (OBI)**

After acquisition, the property will go through site cleanup including removal of the dwelling and garage and any necessary tree maintenance to make the property safe and accessible. These start-up costs are estimated at \$80,000 and will be funded with Commission Bonds set aside for site cleanup and interim improvements in the Acquisition: Local Parks capital project.

Operating budget impacts (OBI) for managing this property are expected to be low, approximately \$3,000 per year. Operational tasks for this additional 0.21 acres of parkland include regular maintenance of a new area of grass turf and any necessary maintenance of trees and understory vegetation.

Future implementation of an improved gateway into the park at the corner of River Road and Willard Avenue would be developed with community input. Capital and operating budget costs for such park improvements will be determined at that time.

**Conclusion**

Parks staff believes acquisition of this lot is important to improve maintenance access for the existing park, will provide an enhanced gateway into the park, and will provide opportunity for future development of park amenities.

CC: Gary Burnett  
Sean Harbaugh  
Richard Kharman  
Jai Cole  
Darryl McSwain  
Jim Poore  
Kristi Williams  
Shuchi Vera  
David Vismara  
Megan Chung  
Robert Kronenberg  
Elza Hisel-McCoy  
Leslye Howerton



**ATTACHMENT**

**MCPB No. 20-059**

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\* \* \* \* \*

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 \_\_\_\_\_ voting in favor of the motion, at its regular meeting held on Thursday, July 16, 2020 in Silver Spring, Maryland.

\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

Mizrahi Property - Photographs





