



Takoma Park City Council Meeting – July 10, 2019

Agenda Item 3

Voting Session

Resolution Regarding Retention of Specialized Legal Services Regarding Certain Land Use Questions

Recommended Council Action

Approve Resolution

Context with Key Issues

The City Manager recommends retention of specialized legal counsel regarding development and land use in Montgomery County. With the impending move of Washington Adventist Hospital out of Takoma Park in the coming months and the interest expressed by Washington Adventist University in purchasing the hospital's parcels, clarity is desired in precisely which development review processes and land use and tax laws apply to the parcels. As a religious institution, there may be certain processes or requirements that are not required of Washington Adventist University that would be required of a different owner. Knowing these procedures and requirements, and the City of Takoma Park's role in them, is essential given the importance of this property to Takoma Park.

In addition, there are other properties in Takoma Park also being considered for redevelopment that were institutional uses owned by a nonprofit or religious entity. Having a clear understanding will assist the City regarding possible changes to these properties as well.

The Takoma Park Master Plan was adopted in 2000, before the Purple Line was approved and before there was any indication that the community's hospital would vacate its property or that more housing and school space would be needed in Takoma Park. Having specialized legal assistance when working with County Planning officials during this critical time in Takoma Park's history is very important.

The cost of attaining such legal advice may not exceed \$5,000 so may not require approval by the City Council. If, however, it appears that it may exceed \$5,000, an Ordinance will be brought forth for Council consideration. In any event, this Resolution provides direction to the City Manager to pursue retention of specialized counsel.

Council Priority

A Livable Community for All; Community Development for an Improved and Equitable Quality of Life; Fiscally Sustainable Government; Engaged, Responsive & Service-oriented Government

Environmental Considerations

Adherence to established development review procedures allows for appropriate environmental requirements to be met and improvements to occur when property is redeveloped or the use is changed.

Fiscal Considerations

It is important to ensure that property that is subject to property tax is correctly identified and assessed and that full payment is made.

Racial Equity Considerations

We do not believe retaining specialized counsel will disproportionately impact any particular group(s) in a negative or positive way. As we learn more about what could ultimately happen with the parcels, we will consider and report out on potential impacts.

Attachments and Links

Draft Resolution

Introduced by:

CITY OF TAKOMA PARK, MARYLAND

**RESOLUTION 2019-
AUTHORIZING RETENTION OF SPECIALIZED LEGAL COUNSEL REGARDING
CERTAIN LAND USE QUESTIONS**

WHEREAS, several major land use and ownership changes will be occurring within the City of Takoma Park over the next year, the most significant of which is the moving of Washington Adventist Hospital out of the community leaving parcels it currently owns largely vacant; and

WHEREAS, Washington Adventist University has expressed interest in owning or using the hospital parcels and, as a religious institution, questions have risen regarding the development review processes required for redevelopment of the parcels, the potential for use of the property without going through development review processes, and the extent to which the land will be subject to property tax; and

WHEREAS, several other properties in Takoma Park are being considered for redevelopment that also raise questions of institutional, nonprofit and/or religious use or ownership; and

WHEREAS, the Takoma Park Master Plan was adopted in 2000 and does not anticipate the impact of Washington Adventist Hospital's move from Takoma Park nor the need for additional schools, housing or other medical services for the people of Takoma Park; and

WHEREAS, legal advice on these matters may be able to be retained without triggering Council action if the services total less than \$5,000; and

WHEREAS, the City Council wishes to retain such services expeditiously given the schedule of the move of the hospital.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City Manager may retain legal services to provide advice to the City regarding development review, land use and property tax questions; and

BE IT FURTHER RESOLVED that if such services are likely to cost in excess of \$5,000, an Ordinance will be considered by Council regarding such services.

Adopted this _____ day of _____, 2019