

Washington Metropolitan Area Transit Authority  
**Board Action/Information Summary**

☒ Action ☐ Information

MEAD Number:  
201921

Resolution:  
☒ Yes ☐ No

**TITLE:**

FDA Parking at White Flint Station Parking Garage

**PRESENTATION SUMMARY:**

As a consent agenda item, staff is providing the Board with information and seeking approval to renew a one-year license agreement with the U.S. Food and Drug Administration (FDA) for rental of 150 parking spaces at the White Flint Metrorail Parking Garage and to grant the GM/CEO authorization to exercise future renewal options subject to confirmation from Montgomery County that FDA is complying with County traffic mitigation goals.

**PURPOSE:**

To request Board approval of an extension option for the license agreement for the rental of 150 parking spaces at the White Flint Metrorail station parking garage to FDA for one year and to grant the GM/CEO authorization to exercise future renewal options subject to confirmation from Montgomery County that FDA is complying with County traffic mitigation goals.

**DESCRIPTION:**

FDA leases 150 non-exclusive parking spaces for its employees at the White Flint Metrorail parking garage. The lease expires on January 4, 2018. FDA has notified WMATA of its intent to exercise the third of its four one-year renewal options to extend the term through January 4, 2019.

All business terms will remain the same except that FDA will pay the increased non-rider rate of \$8.70 per parking space per weekday or \$339,300 annually (260 workdays X \$8.70 X 150 spaces), with the payment due in advance. FDA will vacate on 60 days notice prior to the expiration of the term if the parking is required for Metro riders.

The White Flint parking garage has a capacity of 1,270 parking spaces and 350 to 450 of those spaces are vacant daily. Assuming FDA uses its entire 150-space allotment, the garage will still have 200 to 300 vacant spaces on a daily basis.

Pursuant to WMATA Board Resolution #2014-55, FDA is not eligible to exercise this annual renewal option unless it has made progress on achieving Non-Auto Driver

Mode Share Goals established for the White Flint Sector Plan area by Montgomery County and any Traffic Mitigation Agreement applicable to the FDA. The Montgomery County Department of Transportation has written to WMATA supporting the execution of this renewal option, citing progress that FDA is making toward these goals.

### **Key Highlights:**

- This extension supports one of the goals of the Momentum Strategic Plan - ensuring financial stability by generating additional revenue from Metro assets
- Montgomery County DOT indicates progress is being made by FDA in marketing of services and participation in employee commuter surveys
- If the option is approved by the Board, WMATA will continue to coordinate with Montgomery County DOT on progress of FDA towards addressing the county's demand management policies and goals.
- The 1,270 space garage has approximately 350-450 vacant spaces on a typical weekday
- Staff recommends that future renewals be authorized by the GM/CEO subject to confirmation from Montgomery County that FDA is complying with County traffic mitigation goals.

### **Background and History:**

FDA opened new offices and leased 150 parking spaces for its employee parking at the White Flint Metro station parking garage in 2014 for one year. It subsequently renewed by exercising the first two of its one-year renewal options as approved by the Board. The second one year option term expires in January 2018. FDA has notified WMATA that it wants to exercise the third of its four annual renewal options to extend the term for an additional year. The White Flint station parking garage has a total capacity of 1,270 spaces and 350 to 450 of those spaces are vacant daily.

Metro does not seek to encourage driving over public transit. FDA will occupy existing empty parking spaces in the Metro garage. Further, Metro will encourage FDA to work closely with Montgomery County towards achieving the County's non-auto drive mode share goals set forth in the adopted White Flint Sector Plan and applicable Traffic Mitigation Agreements.

### **Discussion:**

The incidental use of Metro property by a third party requires approval by the Federal Transit Administration (FTA), which approved the use in 2014.

### **FUNDING IMPACT:**

This is a revenue generating project producing \$339,300 in operating revenue per year.
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Project Manager:	Bruce Bourque
Project Department/Office:	CFO/LAND

#### **TIMELINE:**

<b>Previous Actions</b>	<p>2014: MEAD 201017 Board approval to execute license agreement</p> <p>2015 MEAD 201682 Board approval for a one-year renewal</p> <p>2016 MEAD 201818 Board approval for a one-year renewal</p>
<b>Anticipated actions after presentation</b>	Accept FDA's option to renew license agreement for one-year and collect \$339,300

#### **RECOMMENDATION:**

Board approval of a one-year renewal of the Food and Drug Administration license agreement for the rental of 150 parking spaces at the White Flint Metrorail Parking Garage and to grant the GM/CEO authorization to exercise future renewal options subject to confirmation from Montgomery County that FDA is complying with County traffic mitigation goals.

**PRESENTED AND ADOPTED: October 26, 2017**

**SUBJECT: APPROVAL TO RENEW AGREEMENT WITH THE U.S. FOOD AND DRUG ADMINISTRATION FOR 150 PARKING SPACES AT THE WHITE FLINT METRORAIL PARKING GARAGE**

**2017-49**

**RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

WHEREAS, Resolution 2014-55 approved, pursuant to Resolution 2011-30, a reimbursable agreement with the U.S. Food And Drug Administration (FDA) for the use of certain parking spaces at the White Flint Metrorail Parking Garage (Agreement) and conditioned exercise of the options in that Agreement on future Board of Directors action; and

WHEREAS, The Agreement expires in January 2018 and FDA has notified the Washington Metropolitan Area Transit Authority (WMATA) it wants to exercise the third of its four one-year renewal options; and

WHEREAS, Montgomery County Department of Transportation (MCDOT) has notified WMATA that the FDA has made progress on achieving Non-Auto Drive Mode Share goals according to the MCDOT, meeting the condition precedent to WMATA renewal of the Agreement; now, therefore be it

*RESOLVED*, That the Board of Directors determines that the FDA has made progress on achieving Non-Auto Drive Mode Share goals according to the MCDOT; approves the renewal of the lease of 150 parking spaces at the White Flint Metrorail Parking Garage to the FDA for one year expiring January 4, 2019, at the now current parking rate; and be it further

*RESOLVED*, That the Board of Directors authorizes the General Manager/Chief Executive Officer to concur if the FDA exercises the remaining option on the Agreement and so long as MCDOT has notified WMATA that the FDA has made progress on achieving Non-Auto Drive Mode Share goals; and the FDA is paying the then-current parking rate as a reimbursement for their incidental use of the property; and be it finally

**Motioned by Mr. Evans, seconded by Mr. McMillin**

**Ayes: 8 – Mr. Evans, Ms. Harley, Mr. Corcoran, Mr. McMillin, Mr. Price, Ms. Porter, Mrs. Hudgins and Mr. Horner**

*RESOLVED*, That this Resolution shall be effective 30 days after adoption in accordance with § 8(b) of the WMATA compact.

Reviewed as to form and legal sufficiency,



Patricia Y. Lee  
General Counsel

WMATA File Structure No.:

21.3.3 Disposal of Less Than Fee Temporary Interest (leases, licenses, most permits)