



April 25, 2018

Mayor Kate Stewart
Takoma Park City Council Members
7500 Maple Avenue
Takoma Park MD 20912

RE: Takoma Junction Redevelopment Proposal

Dear Mayor Stewart and Council Members:

Thank you for this opportunity to submit testimony on behalf of the Takoma Park-Silver Spring Co-op, a grocery store with nearly 10,000 household member-owners, regarding redevelopment of the City's parking lot in the Takoma Junction proposed by the Neighborhood Development Company ("NDC"). As you know, we have testified before the Council on many occasions over the past several years regarding our concerns about the proposed development. Throughout this process, the Co-op has consistently raised the following issues in connection with the proposed NDC development at Takoma Junction:

- (1) the need for safe and efficient delivery of the Co-op's products;
- (2) the need for replacement of the customer parking that will be lost when this site is redeveloped;
- (3) the need for safe and efficient trash and recyclable materials storage and removal;
and
- (4) the need to ensure business continuity during construction.

The Board has been clear that "reasonable accommodation" of the Co-op, as set forth in the City's Development Agreement with NDC, must address these needs.

This particular testimony has three purposes.

First, we want to update you on our recent discussion with NDC about its newly-presented Draft Site Plan, and inform you that the result of the discussion was to exacerbate rather than resolve many of our concerns about the effects of the proposed development on the Co-op. We are now even farther from the mutual goal of achieving reasonable accommodation of the Co-op's operation. Therefore, we ask the City to take a more active role to ensure that our concerns have been adequately resolved before making a decision on the proposed development.

Second, we want to take this opportunity to highlight some of the significant concerns raised by our review of the summary traffic study presentation at Monday night's (April 23) City Council meeting. We look forward to providing a more detailed analysis once we have had a reasonable opportunity to review the underlying data and complete analyses.

Finally, we write to request that the Council establish a schedule and procedures that will allow for meaningful review and comment on information that has yet to be provided to the Co-op and other members of the public. This information includes the data and analyses underlying the two summary traffic presentations at Monday night's Council meeting, and the data and analysis underlying the City's Racial Equity Impact statement concluding that the proposed development will not "disproportionately impact any particular group."

Background

As you know, the Co-op has a longstanding relationship with the City whereby the Co-op pays the City for space on the lot for two of its critical functions: deliveries and trash/recycling storage and pickup. The Co-op also rents space on the City lot for overflow parking. When the City awarded the opportunity to redevelop this site to NDC, it stipulated that NDC must provide the Co-op with "reasonable accommodation," including these functions. The City also required that NDC must provide reasonable accommodation to the Co-op's business continuity during construction.

The Concept Plan submitted by NDC to the City in late 2016 raised significant concerns for the Co-op regarding the question of whether and how the development plan would accommodate the Co-op's operational needs. Unlike the plan submitted in NDC's winning bid for the development contract, which proposed a modest-scaled building and a dedicated loading area for the Co-op, the Concept Plan showed a building that filled the entire lot and eliminated the dedicated loading area. Instead, NDC substituted a "lay-by" lane at the front of the development, not suitable for the multiple deliveries that are commonplace in our business. NDC also proposed to charge the Co-op \$45/square foot to expand into the new space.

We informed the Council that these conceptual elements raised serious red flags for us. The Council responded by adopting a resolution on October 25, 2017. While the resolution found that a lay-by "may" be adequate for 18-wheeler trucks, you stopped short of reaching a conclusion. You also stated:

The Concept Plan shows a design for deliveries by non-18-wheel trucks and trash and recycling collection that raises questions and concerns about its workability, and questions remain about the opportunity for deliveries or trash and recycling collection to occur through the lower level of structure parking.

Therefore, the Council asked NDC to provide, in its Draft Site Plan:

Accommodation of delivery, trash and recycling vehicles in a manner that does not cause traffic problems, optimizes public enjoyment of the site, addresses the needs of on-site tenants, and provides reasonable accommodation to the TPSS Co-op.

With respect to the underground parking garage proposed by NDC, the Council also asked NDC to provide for:

Details regarding parking options for off-site businesses located in the Takoma Junction.

and

Placement of the elevator or elevators in a location that serves patrons and tenants conveniently, including patrons of the TPSS Co-op.

On April 4, NDC and its consultant StreetSense presented, for the first time in the four-year history of this project, a draft Site Plan showing some level of detail about the physical relationship of the proposed development and the Co-op, including the physical relationship between the NDC building and the Co-op; parking features; the elevator; and the specific dimensions of the lay-by. That was followed by additional new information presented a week later on April 11, and yet more new information a week after that on April 18. Among other things, the design drawings showed a building that completely fills the City-owned lot, with a shallow cut-out for a lay-by and no apparent space for trash storage or pickup for the Co-op.

I. SIGNIFICANT CONCERNS RAISED BY DISCUSSION WITH NDC

A. NDC Will Not Allow Use of Lay-By for Trucks Smaller than 18-Wheelers.

During our meeting, NDC representatives stated that they will allow only the largest delivery trucks (*i.e.*, 73-foot 18-wheelers) to use the lay-by. NDC expects that the Co-op will use the Co-op's parking lot on Sycamore Avenue ("Sycamore Lot") for its other delivery vehicles. But the AMT traffic study presented on Monday night indicates that there is no safe way for even a 55-foot truck to pull into the Sycamore Lot. In addition, the facilities in the Sycamore Lot lack a lift to raise deliveries to the floor level at the rear of the store, has no loading dock where supplies can be unloaded, and there is no receiving area in the interior of the store at this location. Redesigning the interior of the store to duplicate the existing interior receiving area is costly and takes away valuable square footage now dedicated to other essential store functions. Finally, some larger mid-sized delivery trucks using the Sycamore Lot can only safely exit by driving down Sycamore, or from there to Columbia to Poplar, forcing this truck traffic into local neighborhoods.

Without use of the lay-by for these delivery trucks, the Co-op cannot secure delivery of many of the products it sells. Thus, by restricting access of Co-op delivery vehicles

to only certain-sized trucks, the new design is even more problematic for the Co-op than was the Concept Plan.

B. NDC's Plan Makes No Accommodation for Storage or Removal of Co-op Trash and Recycling Materials

The Co-op uses the City lot for storage and removal of its trash and recycling, which is collected six days per week. During our April 18 meeting with the developer, NDC stated:

1. The trash room located in the interior of the NDC building will be available exclusively for use by NDC tenants, and will not be made available for storage of Co-op trash pending pickup, even under a lease arrangement;
2. The open-air "corridor" (a.k.a. alley) is for product deliveries only, and may not be used to move Co-op trash.
3. The area in front of the lay-by that has been designated as the area for trash removal on the NDC plans is not intended for Co-op use.
4. NDC assumes that all Co-op trash storage and removal will occur on the Sycamore Lot.

Again, contrary to NDC's contractual obligations to provide reasonable accommodation to the Co-op's displaced needs, such accommodation has not been provided.

C. NDC Offers Parking at "Market Rate" Without Giving a Sense of What the Rate Will Be.

The Co-op needs 20 spaces to replace the existing parking that will be lost when the City Lot redevelops. In our meeting, NDC stated it will make these spaces available at "market rate," but has not stated what that rate will be. The Co-op researched the cost of parking lot spaces in Takoma Park and determined that market rate is currently \$3 per hour with the first hour free.

We ask that the project not go forward without some determination as to what would be a reasonable market rate for parking at the Junction. This is necessary both for protection of the Co-op's interest in securing reasonably priced parking, and for other businesses in the Junction. The Co-op asks that the Council ensure that NDC set a similar parking fee structure as is provided for currently in Takoma Park.



D. Elevator Located Far from Co-op Entrance

As noted above, the Council's October 25, 2017, resolution called for "[p]lacement of the elevator or elevators in a location that serves patrons and tenants conveniently, including patrons of the TPSS Co-op." On this one point, NDC responded to Council input and confirmed to the Co-op that it will place a second elevator in its parking garage adjacent to the Co-op. We appreciate this decision, and ask that NDC consider further design modifications to address Council direction on other operational issues.

E. No Provision for Continuity of Operations During Construction

NDC advised us that the lay-by will not be available for use for a period of weeks to months, and that the entire City Lot will be inaccessible once construction begins (for the obvious reason that the project requires excavation for the underground parking garage). While the StreetSense presentation said that the lay-by would be built first, our construction consultants have advised that this schedule is very unusual, and it is highly unlikely that the lay-by could be built and operable while the remainder of the property remains an active construction site.

If the Co-op cannot have consistent delivery of its store products for even weeks, let alone months, the NDC project will put the Co-op out of business almost immediately.

The issues listed above represent serious problems for the Co-op's survival. The elements of NDC's Draft Site Plan and our discussion with NDC have made it very clear that NDC is not willing to absorb the cost of reasonable accommodations that will protect our future existence at the Junction, such as adequate delivery space for all trucks that serve the Co-op, space for trash/recycling storage and pickup, reasonable parking rates in the garage, or a reasonably located elevator. Instead, NDC has proposed a development project that devotes nearly 100% of the City's lot to construction of NDC's building, and fails to allocate any meaningful portion of it to the Co-op's needs.

We want to make it clear that – just as we have consistently paid for our use of the City lot over the past years -- we would be willing to pay NDC a reasonable rate for

comparable continued use of the space. But NDC is unwilling to offer us any such reasonable accommodation. Under the circumstances, we respectfully submit that the City must take the measures necessary to ensure that the "reasonable accommodations" required by the Development Agreement and the October 25 resolution are provided. We therefore ask the City to ensure that the Co-op can remain operational during construction. For our part, we will continue to work with the City and NDC to ensure that the Co-op can continue to provide to its 10,000-member households the core service it was founded to provide – a safe, convenient and locally owned place to buy food.

II. TRAFFIC STUDIES

Having had less than 48 hours to evaluate the summary power presentations presented on Monday, with their multiple alternative proposals to modify the Junction, it is impossible to respond to any of them in detail or with meaningful analysis. We will, however, provide some of the concerns that arise from our preliminary analysis.

First, both the City's and NDC's traffic consultants appear to base their studies on a very limited amount of data about issues such cut-through traffic and deliveries to the Co-op. We are very concerned that these consultants have made major design proposals, such as for the lay-by and for re-design of local streets and state highways, without adequate information. We await the provision of the data underlying the studies to assess this issue further.

Second, it is clear that the traffic planners envision the use of local streets for overflow traffic from delivery trucks and cars using the Junction. We are very concerned about the safety implications of this strategy.

Third, the traffic consultants appear to anticipate a major configuration of the state highways adjacent to the Co-op. This is clearly a very complex and significant change that could have huge impacts on Co-op shoppers and others with respect to pedestrian safety, access to the Co-op's Sycamore Lot, and access to bus and bicycle transportation. The traffic presentations at Monday night's meeting are not sufficiently detailed to assess these important issues.

For example, it is critical to the Co-op that shoppers remain able to access the Co-op's remaining on-site parking. As shown in this unnumbered exhibit in the presentation by NDC's consultant, The Traffic Group, this reconfiguration makes it impossible for vehicles to drive safely across the Junction intersection from Carroll Avenue to the Co-op.



We ask that the Council also consider the pedestrian and bike paths in and around the Junction, as we have both employees and shoppers who arrive via bus and bicycle as well as in cars. One significant benefit to this location is that shoppers have a number of ways to travel to and from the Co-op. The Council must ensure that any redesign of the Junction retains full vehicular, pedestrian, and bicycle access to the Co-op. This requires additional analysis and design work.

III. REQUEST FOR INFORMATION DISCLOSURE AND ADEQUATE OPPORTUNITY FOR REVIEW

During the last twenty days the Co-op has received more detail with respect to the still-moving parts of the NDC development proposal than it has received in the past four years. At the same time, we have also received summary information about traffic studies that will inform the City's decision about the safety and feasibility of critical elements of the Junction development (*i.e.*, the lay-by, safety of the parking garage, increased traffic congestion); and will also affect the long-term future of the Co-op and other Junction residents. Yet, critical data and analyses underlying these summary reports have not been provided. Finally, the City has issued a statement concluding that the proposed development will not disproportionately affect any particular group of people in the City, without also providing the data and analyses supporting that conclusion.

We appreciate the Council's role so far in ensuring the provision of available information in a timely way. We now ask you to ensure that *all* relevant information is provided, on a schedule that allows for meaningful review and participation in this process. We ask you to do the following:

1. Post the complete data and analyses for both traffic studies on its website.
2. Once those data and analyses are posted, set a schedule that postpones any vote on the proposed development until the following steps have been taken:
 - a. A three-week period for review by the public and City staff (three weeks is the minimum amount of time, in our experience, that is needed for professional review of these documents).
 - b. Following the three-week period for review, the Council should hold at least two more work sessions and an open house on the traffic issue. Topics of discussion should include
 - (i) effects of the proposed modifications on the Co-op and other businesses and residences in the Junction.

- (ii) effects on the rest of City that lies beyond the Junction.
 - (iii) effects on historic preservation.
3. The City should also make its own analysis of the traffic issues available for public review and comment (not just the consultants' analyses).

In establishing this schedule, we ask you to set dates for each step of the process, to allow the public to plan in advance for important public meetings, decisions, and comment deadlines.

Finally, we request that if the City decides to make any changes to local roads/seek State approval for changes to State highways, the City postpone a decision on the proposed development until it is clear that those road and/or highway changes will be made. In addition, we ask you to postpone construction on any new development until the changes have been completed.

IV. CONCLUSION

In conclusion, we want to reiterate that we are not anti-development, nor are we adverse to paying a reasonable price for reasonable use of the City lot at the Junction. But we continue to have very specific and important needs that are not being met by NDC's proposal:

1. We need space for safe and efficient delivery of the Co-op's products. As a practical matter, the only space that is workable for this purpose is the City lot. Given the frequency of Co-op deliveries and the range of truck sizes – from small trucks to 18-wheelers – the lay-by provided by NDC is simply insufficient to allow for our deliveries.
2. As a grocery store we are constantly generating trash and recycling. Thus, we need safe and efficient storage and frequent removal of trash and recyclable materials. We do not have space on the Sycamore Lot to accommodate trash storage or trash trucks; nor has NDC offered to rent us any space on the City lot. Crowding the lay-by with trash and recycling trucks in addition to delivery trucks is not a workable solution. We need adequate space on the City lot that is dedicated to this significant operational requirement.
3. We will need to replace the customer parking that will be lost when this site is redeveloped. In order to serve our customers, the parking will need to be both affordable and accessible. NDC has refused to give us a price for parking in its underground garage; and it has placed the elevator serving the garage so far from the Co-op entrance that using the garage will be difficult and time-consuming for our customers. We need a commitment for a reasonable rate and a garage design that will serve our customers.
4. Finally, we need to ensure business continuity during construction. To our knowledge, ensuring business continuity usually entails some complex planning to coordinate construction with the day-to-day operations of a store. The only solution that NDC has offered is to build the lay-by first. Not only is the lay-by problematic

for us as a delivery location, but we don't think it would make sense to build the lay-by before digging the underground parking garage that will lie almost directly under it.

Thank you for considering our testimony. We look forward to further information from the City and NDC, and to further discussion of these issues.

Finally, with the more detailed information that we now have, we expect to be able to return to you with alternatives for you to consider in addressing some of these ongoing issues of concern. We will contact City representatives in the next few days with a request to meet and discuss some of these issue in more detail.

In the meantime, please do not hesitate to contact me if you have any questions.

Sincerely,

Rachel Hardwick
President, Board of Representatives

cc: S. Ludlow