



JF BONDER
— PLLC —

April 15, 2021

By Email: dcurran@tpss.coop
dcurran@harmoncurran.com

Takoma Park – Silver Spring Cooperative, Inc.
210 Ethan Allen Avenue
Takoma Park, Maryland 20912
Attn: Diane Curran, President

**DIRECTION TO CEASE AND DESIST LOADING AND UNLOADING ACTIVITIES;
30-DAY NOTICE OF SUBLEASE TERMINATION**

Dear Ms. Curran:

Reference is made to that certain Parking Sub-Lease (the “Sub-Lease”) between NDC Takoma Junction, LLC (as “Landlord”) and Takoma Park – Silver Spring Cooperative, Inc. (as “Tenant”), dated as of September 1, 2018, related to the Takoma Junction Surface Parking Lot (the “Property” or the “Takoma Junction Parking Lot”) located immediately adjacent to the building located at 201 Ethan Allen Avenue, Takoma Park, Maryland. All capitalized terms used herein and not otherwise defined shall have the meaning ascribed to such terms in the Sub-Lease.

On March 19, 2021, my client met with you and Mike Huston to discuss the Landlord’s serious concerns about the unsafe loading and unloading practices being conducted at the Takoma Junction Parking Lot by the Tenant and its vendors, as detailed in the Site Conditions and Limitations Report, dated on or about March 10, 2021, prepared by City Manager Suzanne Ludlow (the “City Report”). To quote from the City Report: “Delivery Conditions - The current delivery practices present unsafe conditions. Delivery trucks regularly and illegally cross the double yellow line to enter and exit the City-owned parking lot. The largest 18-wheeler delivery trucks have been observed backing out onto MD-410 after making deliveries, causing traffic backups in both directions and endangering pedestrians, bicyclists and motorists. These practices endanger pedestrians, transit-users, bike riders and motorists.”

Studies done several years ago by traffic engineers regarding vehicular movement on the Takoma Junction Lot also concluded that the lot was too small to meet the standards for large vehicle circulation. And, aspects of how trucks enter and leave the site are clearly a concern of the SHA.

We are disappointed that to date we, your Landlord, have not received a response from you regarding our concerns, nor have we had any indication that you have changed your operational practices. Earlier this week we received comments from the Maryland State Highway Administration (“SHA”) analyzing the potential safety challenges of the layby lane we have

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proposed to accommodate your loading and unloading operations once our Takoma Junction Project has been completed. While the letter did not directly address your current operations, it is clear that SHA's concerns – large, "18 wheeler" trucks frequently entering and exiting Carrol Avenue at unscheduled hours, endangering pedestrians (including school children) and bicycle travelers, mechanized forklifts operating in a busy active parking lot, and other areas cited – apply equally, if not more so, to your current operational practices.

Given the immediate safety concerns identified by the City and SHA, the Landlord hereby directs you to immediately halt loading and unloading operations in the Takoma Junction Parking Lot. Furthermore, this letter serves as Landlord's 30-day Notice of Termination of the Sublease, as it is clear that your operations are fundamentally incompatible with the realities of the site and the requirements of current law.

We will be happy to work with you going forward to design and gain approval for a layby lane that will ensure the safety of the residents of Takoma Park while providing you with a reasonable accommodation for your loading and unloading activities.

Very truly yours,



Joel F. Bonder

cc: Adrian Washington (awashington@neighborhooddevelopment.com)
Mike Huston, General Manager (mhuston@tpss.coop)
Michele Rosenfeld, Esq. (rosenfeldlaw@mail.com)
Suzanne Ludlow, City Manager (suzannel@takomaparkmd.gov)