

1 Introduced by: Councilmember Seamens

2
3 **CITY OF TAKOMA PARK, MARYLAND**

4
5 **RESOLUTION 2018-41**

6
7 **RESOLUTION AUTHORIZING NEIGHBORHOOD DEVELOPMENT COMPANY, LLC TO**
8 **SUBMIT THE TAKOMA JUNCTION DEVELOPMENT PROJECT COMBINED SITE PLAN TO**
9 **THE MONTGOMERY COUNTY PLANNING DEPARTMENT**

10
11
12 **WHEREAS,** the development site consists of multiple City-owned parcels and one
13 privately-owned parcel located on the south side of Ethan Allen Avenue (MD
14 410) at the intersection with Carroll Avenue (MD 195), in a compact but
15 important neighborhood commercial area locally referred to as the Takoma
16 Junction; and

17
18 **WHEREAS,** the parcels owned by the City of Takoma Park (“City”) were purchased in
19 1995 for the purposes of stabilizing the Takoma Junction and facilitating the
20 revitalization of the area; and

21
22 **WHEREAS,** the City’s parcels total approximately 53,493 square feet of land. The front
23 half of the property on Carroll Avenue is a paved public parking lot zoned NR
24 - Neighborhood Retail. The back half of the property on Columbia Avenue is
25 sloped and largely wooded and is zoned R-60 – Single Family Residential.
26 The properties are within the Takoma Park Historic District and are
27 considered to be non-contributing. Pursuant to a Land License Agreement
28 with the City, a portion of the parking lot has been used by the Takoma Park
29 Silver Spring Co-op (“TPSS Co-op”) grocery store for customer and employee
30 parking, deliveries, trash collection and storage; and

31
32 **WHEREAS,** the potential future uses of the Property have been the focus of several
33 formal and informal resident committees and numerous City-sponsored
34 assessments beginning in 1983 with the establishment of the Takoma
35 Junction Revitalization Steering Committee, a series of City-initiated traffic
36 studies, market assessments and revitalization plans in the 1980s and 1990s;
37 and extending through to the informal Fire Place Group in 2010 and the
38 Takoma Junction Task Force (2010-2012). The Property was studied by each
39 of these groups which in turn discussed their desired development options
40 and advocated for multiple streetscape improvements and other initiatives
41 intended to improve the viability and attractiveness of the area; and

42
43 **WHEREAS,** the Takoma Park City Council (“Council”) considered options in 2013 for the
44 future use of the Property, including: 1) the continued maintenance of the
45 surface parking lot; 2) the development of a public facility such as a library or
46 recreational center; 3) the sale or lease of the Property at market rates; and

47 4) the open and competitive solicitation of development proposals. In
48 January 2014, the Council decided to proceed with the fourth option and
49 authorized the release of a competitive Request for Proposals (“RFP”) for the
50 development of the Property in a manner that would “act as a stimulus to the
51 commercial district and locally-owned, independent businesses; improve the
52 aesthetic appeal of the district; and be contextually sensitive and
53 environmentally sustainable”; and
54

55 **WHEREAS,** the Council received a total of seven submissions in response to the 2014
56 solicitation, four of which were determined by a review committee to be
57 responsive to the criteria set forth in the RFP. The qualifications of these
58 development teams and the merits of their proposals and preliminary
59 concept plans were then considered by the Council over the course of 11
60 months. During this period, the Council scheduled presentations of the
61 individual proposals, sponsored a community open house, held listening
62 sessions, solicited additional public comment through a variety of formats,
63 and held eight Council work sessions; and
64

65 **WHEREAS,** the Council, having carefully evaluated the expertise, financial capacity, and
66 overall vision of each of the development teams and weighing public input
67 gathered during this evaluation process, determined that Neighborhood
68 Development Company, LLC (“NDC”) was a capable developer and would be a
69 suitable partner for the redevelopment of the Property. On April 13, 2015,
70 the Council approved Resolution 2015-19 authorizing the City Manager to
71 initiate negotiations with NDC; and
72

73 **WHEREAS,** in authorizing the City Manager to initiate negotiations with NDC in April
74 2015, the Council articulated its priorities for the revitalization of the
75 Takoma Junction, established criteria for the development of the Property,
76 acknowledged the neighboring TPSS Co-op, and expressed interest in
77 maintaining the economic vitality of that business; and
78

79 **WHEREAS,** on July 27, 2016, the Council approved, by Resolution 2016-26, the execution
80 of the Development Agreement and Ground Lease with NDC after an
81 extended 15-month negotiation period during which the Council held a
82 series of work session discussions focused on elements of the proposed
83 development, hosted an open house discussion to respond to questions
84 raised by the community, and carefully considered comments submitted by
85 the public throughout this period; and
86

87 **WHEREAS,** the Development Agreement identifies the priorities of the Council,
88 establishes the process guiding the development of the Property, provides
89 opportunities for the expansion of the TPSS Co-op, and reflects the Council’s
90 commitment to ensuring continuity of the TPSS Co-op operations during
91 construction and reasonably accommodating the parking and delivery needs
92 of the TPSS Co-op; and

93
94 **WHEREAS,** besides the provisions relating to the TPSS Co-op, the Project Goals specified
95 in the Development Agreement include the following:

- 96
- 97 a) Inclusion of public parking for area businesses as part of the project
- 98 b) Minimization of detrimental impacts to neighboring properties on
- 99 Columbia and Sycamore Avenues
- 100 c) Design that optimizes the provision of retail services on the first floor of
- 101 the building
- 102 d) Provision of public or community spaces that result in enhanced
- 103 interactions among residents and visitors
- 104 e) Support of independent businesses
- 105 f) Provision of pedestrian access from Columbia Avenue to the property
- 106 g) Incorporation of environmentally sustainable and green building features
- 107 h) Encouragement of alternate modes of transportation
- 108 i) Retail mix with a high priority for local and regional operators; and
- 109

110 **WHEREAS,** the Development Agreement also provides that NDC will not lease any
111 portion of the project to another food co-operative or grocery store selling a
112 large variety of food and household items (but may lease to specialty shops,
113 restaurants and other sellers of food and beverages) while the TPSS Co-op is
114 operating in its existing premises; and

115
116 **WHEREAS,** the Ground Lease identifies other uses that are not permitted on the
117 premises, including an amusement center, sports facility, motor vehicle
118 maintenance shop, pawn shop, check cashing store, gun shop, dance hall,
119 tattoo parlor, tanning salon, gambling center, drug paraphernalia store, store
120 with pornographic materials or adult entertainment, or place of religious
121 worship; and

122
123 **WHEREAS,** during the discussions about the Development Agreement, the Council
124 considered other potential benefits of the project including:

- 125
- 126 a) Increased activity and vibrancy of the Takoma Junction which would
- 127 benefit existing businesses
- 128 b) Environmentally responsible in-fill development in a commercial and
- 129 residential area accessible by walking, biking, and transit
- 130 c) Reduction in driving by residents who could access retail and office
- 131 opportunities closer to their homes
- 132 d) Creation of appealing space for new and expanding local and regional
- 133 businesses
- 134 e) Creation of a retail tenant mix featuring local and regional businesses by
- 135 emphasizing preference for local and regional operators and precluding
- 136 certain types of businesses identified as not appropriate for the location

- 137 f) Creation of new employment opportunities for community residents
- 138 g) Potential for infrastructure changes to facilitate improved circulation of
- 139 pedestrians and bicyclists traveling through the Takoma Junction
- 140 development
- 141 h) Mitigation of the environmental impacts created over the years by the
- 142 landfill materials located under the asphalt surface of the parking lot
- 143 i) Reduction of the heat sink effect created by the asphalt parking lot
- 144 j) Reduction in the carbon footprint of the built and actively-used site
- 145 through the introduction of sustainability features such as a vegetative
- 146 roof and other energy conserving improvements
- 147 k) Diversion and treatment of run-off into the Chesapeake Bay with the
- 148 construction of various storm water management features
- 149 l) Retention and improvement of the green area on Columbia Avenue
- 150 through the stabilization of the wooded slope, removal of invasive plants,
- 151 and introduction of new natural landscaping elements
- 152 m) Creation of a financially productive property, which would increase the
- 153 City's tax base and provide lease revenue to the City; and

154
155 **WHEREAS,** working in partnership with the Council-appointed Community Consultation
156 Process Advisory Committee, NDC hosted two public meetings in February
157 2017 to discuss form and character options and to consider market and retail
158 ideas for incorporation in the development. A second set of public
159 discussions were held in March 2017 which focused on the topics of access,
160 mobility and the public realm. Members of the community were invited to
161 provide additional online feedback and materials were provided in Spanish
162 and Amharic. The Committee reached out to members across the City; and

163
164 **WHEREAS,** in addition to the outreach activities conducted with the Community
165 Consultation Process Advisory Committee, NDC also met with local
166 stakeholders, including representatives of Historic Takoma, Inc., Old Takoma
167 Business Association, Takoma Junction Task Force, Safe Roadways
168 Committee and the Façade Advisory Board and with individual community
169 members; and

170
171 **WHEREAS,** in accordance with the provisions of the Development Agreement, NDC
172 presented a preliminary concept plan ("Concept Plan") to the Council on
173 September 27, 2017, which expanded the project site to include an adjacent
174 5,470 sq. ft. parcel which NDC has under contract and began to reflect the
175 feedback received from the Council and the community during this initial
176 design process; and

177
178 **WHEREAS,** on October 25, 2017, the Council provided comment on the Concept Plan
179 through its approval of Resolution 2017-53. Resolution 2017-53 reiterated

180 the Council’s criteria for the development proposal, described the areas in
181 which the Concept Plan fell short of those criteria, and expressed the
182 Council’s expectation that the Site Plan would meet the criteria. Resolution
183 2017-53 also provided comments on the design and accessibility of the
184 public space, the use of the layby to facilitate the delivery of goods to address
185 the needs of on-site tenants, the placement and function of the planned
186 elevator(s), the design of the front facing façade such that it would consist of
187 large storefront windows and include exciting or iconic features, the height
188 and massing of the structure, the preservation of wooded area along
189 Columbia Avenue, the design of the Columbia Avenue building façade, the
190 accessibility of the parking area, the project’s sustainability elements, the
191 potential inclusion of another parcel to the west, and the importance of
192 providing reasonable accommodation for the continued operation of the
193 TPSS Co-op; and

194
195 **WHEREAS,** on April 4, 2018, NDC presented a draft Combined Site Plan (“Site Plan”) to
196 address certain specific design comments detailed in Resolution 2017-53.
197 The Site Plan provided for the construction of a two-story mixed-use
198 commercial development with below grade parking accommodating up to 72
199 vehicles, approximately 26,755 sq. ft. on the ground level (approximately
200 22,822 sq. ft. of ground level retail space), approximately 26,795 sq. ft. on the
201 second level (approximately 25,070 sq. ft. of office space), approximately
202 2,700 sq. ft. of public space designed to provide opportunities for social
203 engagement, the preservation and improvement of wooded area along
204 Columbia Avenue which is to be placed under a Forest Conservation
205 easement, a series of sustainability features exceeding the requirements of
206 the Development Agreement, and site improvements to address the internal
207 and external circulation of people and goods (*e.g.*, the layby, delivery access
208 lane and service corridor); and

209
210 **WHEREAS,** in response to the Council’s comments on the Concept Plan reflected in
211 Resolution 2017-53, and other design concerns, the following revisions to
212 design elements and operational features were incorporated into the April
213 2018 Draft Site Plan:

- 214
- 215 a) The third story was eliminated in favor of a two-story structure, with a
- 216 series of volumes and different materials for the façade of the building.
- 217
- 218 b) The depth of the retail space was modified, minimizing corridor spaces
- 219 and vertical circulation with the goal of optimizing visibility, connection
- 220 with the public realm, and retail engagement with the sidewalk.
- 221
- 222 c) An elevator stair tower was located on the west side of the building aimed
- 223 at signaling the beginning of the project, providing a gateway element and
- 224 a more modern architectural element to address the interest in an iconic
- 225 feature.

226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271

- d) The building was set back an additional 10 feet on the west side of the site, and room was provided for an 8-foot clear pedestrian path and a 2-foot-to-8-foot wide seating zone established along the remainder of the façade to the east, providing space for cafe seating, benches, etc., separated from the layby with a 7-foot-wide loading path and bollards.
- e) A public art element was added to provide an opportunity to engage with the public space at the west end of the property.
- f) Trees and other plantings in the public realm were added with appropriate soil depth so that they may thrive.
- g) A Forest Conservation Easement area was identified on the rear of the lot to provide passive enjoyment of the wooded area and protect the health of the sloped portion of the site, as well as create a green barrier between the building and the nearby residences.
- h) Modifications were made to the building design and Draft Site Plan which are intended to meet and exceed the LEED Gold sustainability standards in the Development Agreement. In addition to the building-oriented sustainability techniques that were identified in the Concept Plan, additional features were added to provide multi-modal access to the Property and capitalize upon pedestrian-first design methods, as well as a bioretention stormwater facility, a vegetative (“green”) roof, and other environmental mitigation features.
- i) The layby lane was increased to a width of 12' to accommodate the largest vehicles expected to make deliveries to the TPSS Co-op and to enable them to move completely out of the existing eastbound lanes. The layby lane is located outside of the existing four-lane roadbed of Carroll Avenue and is designed to be used for deliveries and trash and recycling collection; and

WHEREAS, since the Draft Site Plan was initially presented in April 2018, the Council has held a series of seven Work Session discussions focusing on various elements of the Draft Site Plan including the design of the building, its placement on the Property, the design and size of the dedicated public space, sustainability features, circulation patterns, and the findings and recommendations of the traffic studies, one funded by NDC and the other by the City. In addition to the Council hearing public comment at these work sessions and receiving written comment, and individual members of the Council meeting informally with constituents and neighborhood groups, the Council provided an afternoon open house held at the Takoma Park Community Center, an on-site virtual “pop-up” of the development, and a formalized one-on-one question-and-answer session with community members; and

272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317

WHEREAS, in his June 20, 2018 correspondence Adrian Washington, CEO and Co-Founder, Neighborhood Development Company, LLC, committed to making the following additional changes to the Site Plan, as requested by the Council:

- a) In consultation with the Montgomery County Historic Preservation Commission and its staff, to consider modification of the roofline, specifically the height of the parapet, to ensure that the height of the building and the proposed parapet are contextually appropriate.
- b) To add, in consultation with the TPSS Co-op, a second elevator at the east end of the building that operates between the lower level garage and street level to accommodate its customers and employees.
- c) To add multiple window openings and varied materials in the Columbia Avenue façade on both the first and second floors of the building to create a more visually attractive rear façade and to provide more light and air at the garage level, while ensuring that measures are taken to minimize the impacts of light and noise on the residential neighborhood behind the building.
- d) To include facilities for 4-yard dumpsters that would be accommodated in a corral, locked and outfitted with tamper-proof hose bib, a floor drain and an exhaust system for smells.
- e) To increase the width of the paved service corridor to 10 feet to ensure that deliveries can be safely and more easily conveyed by hand truck and to facilitate the removal of trash and recyclables; and

WHEREAS, in response to other concerns voiced by the Council, NDC has committed to implement the following:

- a) To take measures to protect and minimize damage to the natural elements in as much of the wooded and sloped rear portion of the Property as possible during the construction of the building and stormwater facilities, recognizing that some actions within the wooded area may be warranted in order to eradicate invasive species, stabilize the slope, and promote a healthy wooded area.
- b) Ensure that none of the trash generated by tenants of the building would be left outside and that the dumpsters would not be stored in the public realm. The project is anticipated to be able to accommodate all of the trash generated by ground floor users in three dumpsters and that three pickups per week would be scheduled. The dumpsters would be located on-site and ported by property management staff to curbside at the appropriate pickup times. Additional dumpster storage could be provided

318 at the rear of the building if required to accommodate the trash generated
319 by a change in tenant use.

320
321 c) NDC will partner with the City to program the public realm and the public
322 space, providing opportunities such as musical performances or the
323 scheduling of food trucks in the layby area; and
324

325 **WHEREAS,** NDC's and the City's traffic studies found that the intersection is currently
326 near capacity and would exceed acceptable levels with the addition of future
327 traffic resulting from other development projects unrelated to this project. As
328 a result of that traffic and the additional traffic generated by this project, the
329 traffic studies recommend a reconfiguration of the Takoma Junction
330 intersection (intersection of MD 195 and MD 410) and provided several
331 potential alternative configurations that could improve traffic flow as well as
332 increase safety and access for pedestrians, bicyclists and transit users. The
333 City is having ongoing discussions with the Maryland State Highway
334 Administration (SHA) regarding reconfiguration and safety; and
335

336 **WHEREAS,** The Traffic Group's traffic study utilized Shopping Center and General Office
337 Building rates for the Trip Generation model estimating traffic affiliated with
338 the Draft Site Plan. A different formula for a High Turnover (Sit-Down)
339 Restaurant was utilized to estimate traffic related to a background
340 development. The Traffic Group has stated its plans to include rates for a
341 High Turnover (Sit-Down) Restaurant in the Draft Site Plan in its Traffic
342 Impact Study before submitting to the County; and
343

344 **WHEREAS,** for purposes of this Resolution, the Draft Site Plan consists of the attached
345 plans prepared by NDC and presented to the Council in April 2018 and the
346 accompanying June 20, 2018, correspondence from Adrian Washington, CEO
347 and Co-Founder, Neighborhood Development Company, LLC, that includes
348 modifications to those plans, as well as the commitments made by NDC
349 stated above, the traffic study prepared by The Traffic Group for NDC, and
350 the additional commitments by NDC referenced in this Resolution; and
351

352 **WHEREAS,** Council approval of the proposed Draft Site Plan (and identified
353 modifications), as detailed in the Development Agreement, is required to
354 advance the project to the next phase of development. Further reviews and
355 approvals are required including technical review of the Site Plan by the
356 Montgomery County Development Review Committee, review and approval
357 by the Montgomery County Planning Board, technical review and approval of
358 the proposed layby, garage access and traffic impact analysis by SHA,
359 approval of a Historic Area Work Permit by the Montgomery County Historic
360 Preservation Commission (which requires review by the Façade Advisory
361 Board), administrative review and approval of a required stormwater
362 management plan and tree protection plan by City staff, and review of
363 construction plans prior to the issuance of building permits by Montgomery

364 County Department of Permitting Services. Additional public comment
365 opportunities are incorporated in the Montgomery County review processes;
366 and

367
368 **WHEREAS,** the Council acknowledges that the Site Plan may be modified during the
369 Montgomery County development review process, by SHA or at the request
370 of NDC, any of which may warrant further assessment by the Council to
371 ensure that the project appropriately addresses its goal of creating an
372 attractive, vibrant and economically viable development. The Site Plan may
373 also be modified following the approval of this resolution at the request of
374 the Council to ensure that the project appropriately addresses the objectives
375 and goals stated herein; and

376
377 **WHEREAS,** the Council remains strongly committed to ensuring the continuity of
378 operations for Takoma Junction businesses during construction and
379 providing reasonable accommodations for parking and deliveries for the
380 TPSS Co-op upon completion of the development; and

381
382 **WHEREAS,** the goals for the type of retail for the Takoma Junction project include:
383
384 a) Maintaining the unique character of the community and the appeal of
385 Takoma Junction.
386
387 b) Protecting the area's economic vitality by ensuring a diversity of
388 businesses with sufficient opportunities for independent entrepreneurs.
389
390 c) Fostering businesses that serve the basic needs of the surrounding
391 neighborhood; and

392
393 **WHEREAS,** the Council, acknowledging the complexity of matters relating to the
394 operation of the TPSS Co-op and that the Co-op has expressed its concerns
395 that the Draft Site Plan does not fully provide reasonable accommodation for
396 deliveries, parking, trash and business continuity during construction, has
397 offered to provide funding in an amount not to exceed \$5,000 to allow for a
398 facilitated discussion between NDC and the TPSS Co-op, both of which have
399 agreed to participate in the proposed mediation. Members of the Council and
400 City staff will serve, at the request of the TPSS Co-op, as observers during the
401 mediation. The Council requests that the mediation be concluded by early
402 September; and

403
404 **WHEREAS,** the Council views this mediation as an opportunity to build trust between
405 NDC and the TPSS Co-op and to identify solutions to outstanding operational
406 issues such as the timing, access and potential staging of deliveries, TPSS Co-
407 op trash and recycling requirements, customer and employee parking needs,
408 and the location, siting and type of elevator needed to facilitate access to the
409 TPSS Co-op building and the below grade parking facility, as well as

410 continuity of operations during construction. The Council expects both
411 parties to mediate in good faith and to reach agreement on how to equitably
412 address these matters in a timely manner, preferably by September 2018;
413 and

414
415 **WHEREAS,** the conditions set forth in the Development Agreement including the actions
416 required by the City and NDC throughout the development review process
417 and construction, the project schedule, and remedies for resolving disputes
418 and terminating the Agreement and Ground Lease remain enforceable
419 through the term of the Agreement.

420
421 **NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK,**
422 **MARYLAND,** has determined that the April 2018 Draft Site Plan submitted by NDC, along
423 with its June 20, 2018 correspondence and other modifications as noted in this Resolution,
424 advances the City's goals for the Property, and hereby authorizes NDC to submit the
425 Takoma Junction Development Project Combined Site Plan as modified herein to the
426 Montgomery County Planning Department for review.

427
428 **BE IT FURTHER RESOLVED THAT,** the Council will schedule a Work Session in September
429 2018 to determine if Site Plan changes are necessary to satisfy the reasonable
430 accommodation requirements set forth in the Development Agreement and if so will direct
431 NDC to make those changes to any Site Plan then pending before the Montgomery County
432 Planning Department. If Site Plan changes are required, whether because of mutual
433 agreement between NDC and the TPSS Co-op or otherwise, the Council will promptly notify
434 the relevant County offices of the required changes.

435
436 **BE IT FURTHER RESOLVED THAT,** in response to additional concerns, the Council
437 requires that NDC to commit to implement the following modifications:

- 438
439 a) To design the rear of the building to minimally impact the residential
440 neighborhood and wooded area behind it, including design elements to minimize
441 noise and light pollution, both from the garage and tenant spaces, and to utilize
442 outdoor lights with no greater than a 3000 Kelvin light temperature.
443
444 b) Add detail to the design of the rear façade, through the use of materials and other
445 methods, so it is less intrusive and more visually appropriate for the setting.
446
447 c) To reduce the height of the building by up to 5 feet, in an aesthetically
448 appropriate way, working with the Montgomery County Historic Preservation
449 Commission to ensure that the height of the building and the proposed parapet
450 are contextually appropriate, and that natural light and open space of the
451 interior are maintained.
452
453 d) To provide at least 2,700 sq. ft. of public gathering space not focused on outdoor
454 dining but as a shared space for residents, visitors and anyone else in the public

455 realm. In the event that the location or length of the layby is modified during the
456 Montgomery County Development Review process and encroaches into the
457 planned public space, NDC will make modifications to ensure that at least 2,700
458 square feet of public space is maintained and that it is equivalent in type and
459 quality.

- 460
- 461 e) NDC will partner with the City on the revitalization of B.Y. Morrison Park.
 - 462
 - 463 f) Explore the potential of adding a paved or unpaved walking path and/or benches
464 in the Forest Conservation Area Easement, provided that these elements do not
465 disturb the natural elements and conservation goals of this area.
 - 466

467 **BE IT FURTHER RESOLVED THAT,** the City is committed to significantly reducing
468 greenhouse gas emissions and promoting sustainable development. To this end, the
469 Development Agreement requires NDC to design and construct Takoma Junction to satisfy
470 LEED Gold or higher certification from the U.S. Building Council (or an equivalent
471 certification of environmental sustainability). The Development Agreement further
472 requires the incorporation of green building strategies into the Site Plan in consultation
473 with the City. The Council therefore requires that NDC work with the City to implement the
474 following green building strategies:

- 475
- 476 a) Stormwater will be managed within the project boundary using low-impact
477 development and green infrastructure. Treatment will significantly exceed the
478 City's 50% requirement for redevelopment.
 - 479
 - 480 b) Green construction methods such as the use of best available control
481 technologies to minimize air pollution from diesel equipment during
482 construction.
 - 483
 - 484 c) Creation of an energy neutral building through on-site methods or off-site
485 renewable energy credits.
 - 486

487 **BE IT FURTHER RESOLVED THAT,** the City will develop a process in which the Tree
488 Commission will provide insight and recommendations for the project as part of the
489 development review process. The City Manager has authority over tree protection plans
490 and tree removal plans on City property.

491

492 **BE IT FURTHER RESOLVED THAT,** the City acknowledges that the proposal involves
493 multiple lots and includes construction across at least one property line, which must be
494 addressed through either consolidation of all the lots or through a legal agreement that
495 both protects the City of Takoma Park and satisfies the requirements of Montgomery
496 County. The consolidation of the lots under City ownership is the Council's preferred
497 alternative. The City will work toward that goal, with the understanding that the legal steps
498 necessary to resolve this situation may not be finalized until the project is under

499 consideration by Montgomery County officials as part of the County development review
500 process.

501
502 **BE IT FURTHER RESOLVED THAT**, the Council will provide additional comment on any
503 modifications made to the Site Plan during the Montgomery County development review
504 process that noticeably change the building's or site's appearance, footprint or functionality
505 to ensure that the modified plan continues to address its goals for the revitalization of
506 Takoma Junction and will include those comments in a Resolution to the Montgomery
507 County Planning Board when the draft Final Site Plan/Preliminary Plan comes before the
508 Montgomery County Planning Board for consideration.

509
510 **BE IT FURTHER RESOLVED THAT**, the Council will work with NDC to minimize negative
511 construction impacts on area businesses and residents and to address the needs of Takoma
512 Junction businesses for continuity of operations during construction. The City will develop
513 a written agreement, memorandum of understanding or a similar document between the
514 City and NDC in order to ensure that these goals are achieved. The document will include
515 the requirement to build the layby in the first stage of the construction process to facilitate
516 Co-op deliveries during construction.

517
518 **BE IT FURTHER RESOLVED THAT**, for the project at Takoma Junction, the City bars
519 formula retail use—defined as a retail sales or service establishment that has eleven or
520 more other retail sales establishments in operation in Washington DC, Montgomery
521 County, and Prince George's County or twenty or more nationwide establishments—
522 without a vote of the Council for approval.

523
524 **BE IT FURTHER RESOLVED THAT**, the Council, when developing an ordinance associated
525 with the City's Affordable Housing Fund, will dedicate revenues received from this project
526 to the City's Affordable Housing Fund (or its successor), and will consider dedicating a
527 percentage of other project revenues to this fund when it is able to comprehensively
528 discuss this action in context of other actions recommended in the draft Housing and
529 Economic Development Strategic Plan. The Council intends to develop such an ordinance
530 by November 2018.

531
532 **BE IT FURTHER RESOLVED THAT**, in order to meet SHA standards for pedestrian safety
533 and vehicular traffic flow, Council has an expectation that intersection modifications may
534 be required. The Council will continue to work with SHA on reconfiguration of the Takoma
535 Junction intersection and/or other measures to improve traffic flow, taking into
536 consideration costs associated with the improvements. The Council will prioritize the
537 safety and flow of people walking, biking and using public transit; give appropriate
538 consideration to historic preservation; and seek to minimize cut-through traffic on nearby
539 streets.

540
541 **Adopted this 25th day of July, 2018.**

542
543 Attest: Jessie Carpenter, CMC, City Clerk