

1 Introduced by: Councilmember Seamens  
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3 **CITY OF TAKOMA PARK, MARYLAND**

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5 **RESOLUTION 2018-41**

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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**

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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

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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

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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

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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

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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  
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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  
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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  
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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

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

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

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

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

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

- a) Increased activity and vibrancy of the Takoma Junction which would benefit existing businesses
- b) Environmentally responsible in-fill development in a commercial and residential area accessible by walking, biking, and transit
- c) Reduction in driving by residents who could access retail and office opportunities closer to their homes
- d) Creation of appealing space for new and expanding local and regional businesses
- e) Creation of a retail tenant mix featuring local and regional businesses by emphasizing preference for local and regional operators and precluding 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

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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

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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

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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

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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.  
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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.

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- 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

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**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.

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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  
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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  
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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

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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

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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

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382 **WHEREAS,** the goals for the type of retail for the Takoma Junction project include:  
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384 a) Maintaining the unique character of the community and the appeal of  
385 Takoma Junction.  
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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

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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

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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.

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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.

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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.

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- 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.
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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:

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- 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.
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  - 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.
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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.

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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.

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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.

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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.

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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.

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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.

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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.

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541 **Adopted this 25<sup>th</sup> day of July, 2018.**

542  
543 Attest: Jessie Carpenter, CMC, City Clerk