

Item 4B - Correspondence

From: [Keith Kozloff](#)
To: [Bogdan, Grace](#); [Dickel, Stephanie](#); [Hisel-McCoy, Elza](#); [MCP-Chair](#)
Subject: comments on Takoma Junction Development Project for September 15 hearing
Date: Tuesday, September 7, 2021 9:10:56 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Montgomery County Planning Board and staff,

I live on Sycamore Avenue in Takoma Park. As you may know, my block would be among the most affected by the proposed NDC development. From what I understand about the status of the process, the project is effectively dead. This is a major disappointment to me because the status quo parking lot underuses valuable urban infill space and poses effluent run off problems. More importantly, shutting down this project represents a lost opportunity to revitalize Takoma Junction because no sane developer would subject themselves to the risk, time and expense to propose something on an intrinsically difficult piece of property. And without the project as an impetus for improvement, we will likely never see a reconfiguration of the problematic intersection at the Junction. Given that many urban retail stores make use of laybys, I am confused why this issue was not resolvable. All in all, I am disappointed that the end result of the lengthy and expensive permitting process at all levels of government merely maintains the unsatisfactory status quo at Takoma Junction in perpetuity. Thank you for your consideration.

Kind Regards
Keith Kozloff
MS Urban Planning

From: [Bogdan, Grace](#)
To: [Keith Kozloff](#); [Dickel, Stephanie](#); [Hisel-McCoy, Elza](#); [MCP-Chair](#)
Subject: RE: comments on Takoma Junction Development Project for September 15 hearing
Date: Wednesday, September 8, 2021 12:14:01 PM
Attachments: [image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)

Thank you for your comments, they will be included in the packet to the Planning Board.

You can watch the Planning Board live online and also sign up to testify in the links below.

Watch online: <https://montgomeryplanningboard.org/meetings/watch-online/>

Sign up to testify: <https://montgomeryplanningboard.org/meetings/signup-to-testify/>

Thanks,

Grace



Grace Bogdan, AICP

Planner Coordinator, DownCounty Planning Division

Montgomery County Planning Department
2425 Reddie Drive, 13th Floor, Wheaton, MD 20902
grace.bogdan@montgomeryplanning.org
o: 301.495.4533



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Keith Kozloff <keith.kozloff@verizon.net>
Sent: Tuesday, September 7, 2021 9:11 PM
To: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; MCP-Chair <mcp-chair@mncppc-mc.org>
Subject: comments on Takoma Junction Development Project for September 15 hearing

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Dear Montgomery County Planning Board and staff,

I live on Sycamore Avenue in Takoma Park. As you may know, my block would be among the most affected by the proposed NDC development. From what I understand about the status of the process, the project is effectively dead. This is a major disappointment to me because the status quo parking lot underuses valuable urban infill space and poses effluent run off problems. More importantly, shutting down this project represents a lost opportunity to revitalize Takoma Junction because no sane developer would subject themselves to the risk, time and expense to propose something on an intrinsically difficult piece of property. And without the project as an impetus for improvement, we will likely never see a reconfiguration of the problematic intersection at the Junction. Given that many urban retail stores make use of laybys, I am confused why this issue was not resolvable. All in all, I am disappointed that the end result of the lengthy and expensive permitting process at all levels of government merely maintains the unsatisfactory status quo at Takoma Junction in perpetuity. Thank you for your consideration.

Kind Regards
Keith Kozloff
MS Urban Planning

From: [Bogdan, Grace](#)
To: [MCP-Chair](#)
Subject: FW: Takoma Junction (19apmo008xx) - NDC Response letter
Date: Wednesday, September 8, 2021 1:28:50 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[2021-09-07_19APMO008XX-Concept Review.pdf](#)

Hi Catherine-

Please see the attached letter from SHA for the September 15th Planning Board, item 4B, Takoma Junction.

Thanks!

Grace

From: Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>
Sent: Wednesday, September 8, 2021 9:12 AM
To: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>
Subject: Fwd: Takoma Junction (19apmo008xx) - NDC Response letter

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From: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>
Sent: Wednesday, September 8, 2021 7:57:24 AM
To: Michaela Kelinsky <mkelinsky@neighborhooddevelopment.com>
Cc: Erica Rigby <ERigby@mdot.maryland.gov>; Tania Brown <TBrown13@mdot.maryland.gov>; Jingjing Liu <jliu@neighborhooddevelopment.com>; Glenn Cook <gcook@trafficgroup.com>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Girard, Erin E. <egirard@milesstockbridge.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Alvin Powell <apowell@primeeng.com>; Joel Bonder <jbonder@jfbonder.com>; Paul Dorr <pdorr@trafficgroup.com>; Tim Smith <TSmith2@mdot.maryland.gov>; Derek Gunn <DGunn@mdot.maryland.gov>
Subject: RE: Takoma Junction (19apmo008xx) - NDC Response letter

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good morning Ms. Kelinsky.

My apologies for the delay. The final letter is attached.

Thanks, Kwesi

Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov
301-513-7347 (Direct)
1-888-228-5003 – toll free
Office Hours
M-Thurs.: 6:30a-3:30p
Fr: 6:30a-10:30a
9300 Kenilworth Avenue,
Greenbelt, MD 20770
<http://www.roads.maryland.gov>



From: Michaela Kelinsky <mkelinsky@neighborhooddevelopment.com>
Sent: Tuesday, September 7, 2021 5:15 PM
To: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>
Cc: Erica Rigby <ERigby@mdot.maryland.gov>; Tania Brown <TBrown13@mdot.maryland.gov>; Jingjing Liu <jliu@neighborhooddevelopment.com>; Glenn Cook <gcook@trafficgroup.com>; Hisel-McCoy, Elza <Elza.Hisel-McCoy@montgomeryplanning.org>; Girard, Erin E. <egirard@milesstockbridge.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Alvin Powell <apowell@primeeng.com>; Joel Bonder <jbonder@jfbonder.com>; Paul Dorr <pdorr@trafficgroup.com>; Tim Smith <TSmith2@mdot.maryland.gov>; Derek Gunn <DGunn@mdot.maryland.gov>
Subject: Re: Takoma Junction (19apmo008xx) - NDC Response letter

Kwesi,

We still have not seen the rest of the comments nor received the final letter. Can you please provide this to us? We are well out of the 28 days that SHA has stated is their comment period.

MICHAELA KELINSKY, PMP

Vice President | Neighborhood Development Company

O: (202) 567-3216 | **M:** (202) 656-1413

3232 Georgia Ave NW, Suite 100 | Washington, DC 20010

neighborhooddevelopment.com

[Facebook](#) | [Twitter](#) | [LinkedIn](#)

On Fri, Aug 20, 2021 at 11:26 AM Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov> wrote:

Ms. Kelinsky,

An agreement with the neighbor's giving authority to clear the trees is not a guarantee that a design waiver will be granted. Additionally, due to unforeseen circumstances, we have not yet received comments from our Traffic reviewers. We will need some more time to coordinate with them before issuing the final letter.

We will make every effort to complete this coordination expeditiously and follow up with you as soon as possible.

Thanks, Kwesi

Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov

301-513-7347 (Direct)
1-888-228-5003 – toll free

Office Hours

M-Thurs.: 6:30a-3:30p

Fr: 6:30a-10:30a

9300 Kenilworth Avenue,
Greenbelt, MD 20770

<http://www.roads.maryland.gov>



From: Michaela Kelinsky <mkelinsky@neighborhooddevelopment.com>

Sent: Friday, August 20, 2021 9:04 AM

To: Erica Rigby <ERigby@mdot.maryland.gov>; Tania Brown <TBrown13@mdot.maryland.gov>
Cc: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Jingjing Liu <jliu@neighborhooddevelopment.com>; Glenn Cook <gcook@trafficgroup.com>; Hisel-McCoy, Elza <Elza.Hisel-McCoy@montgomeryplanning.org>; Girard, Erin E. <egirard@milesstockbridge.com>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Alvin Powell <apowell@primeeng.com>; Joel Bonder <jbonder@jfbonder.com>; Paul Dorr <pdorr@trafficgroup.com>; Tim Smith <TSmith2@mdot.maryland.gov>
Subject: Re: Takoma Junction (19apmo008xx) - NDC Response letter

Erica,

We are confused by the wording of this letter. Is MDOT stating that if we provide an agreement with the neighbor's stating that we have the authority to clear the trees, that SHA will provide the Urban Design Waiver requested and will approve the layby?

MICHAELA KELINSKY, PMP

Vice President | Neighborhood Development Company

O: (202) 567-3216 | **M:** (202) 656-1413

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On Thu, Aug 19, 2021 at 6:28 PM Tania Brown <TBrown13@mdot.maryland.gov> wrote:

Good evening,

Please see the attached draft letter.

From: Michaela Kelinsky <mkelinsky@neighborhooddevelopment.com>
Sent: Wednesday, August 18, 2021 4:52 PM
To: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>
Cc: Erica Rigby <ERigby@mdot.maryland.gov>; Jingjing Liu <jliu@neighborhooddevelopment.com>; Glenn Cook <gcook@trafficgroup.com>; Hisel-McCoy, Elza <Elza.Hisel-McCoy@montgomeryplanning.org>; Girard, Erin E. <egirard@milesstockbridge.com>; Tania Brown <TBrown13@mdot.maryland.gov>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Alvin Powell <apowell@primeeng.com>; Joel Bonder <jbonder@jfbonder.com>; Paul Dorr <pdorr@trafficgroup.com>
Subject: Re: Takoma Junction (19apmo008xx) - NDC Response letter

Good Afternoon Tania,

can you please advise?

MICHAELA KELINSKY, PMP

Vice President | Neighborhood Development Company

O: (202) 567-3216 | **M:** (202) 656-1413

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neighborhooddevelopment.com

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On Tue, Aug 17, 2021 at 11:24 AM Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov> wrote:

Tania,

Please provide an update to Ms. Kelinsky.

Thanks, Kwesi

Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov
301-513-7347 (Direct)
1-888-228-5003 – toll free
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M-Thurs.: 6:30a-3:30p
Fr: 6:30a-10:30a
9300 Kenilworth Avenue,
Greenbelt, MD 20770
<http://www.roads.maryland.gov>



From: Michaela Kelinsky <mkelinsky@neighborhooddevelopment.com>

Sent: Tuesday, August 17, 2021 11:11 AM

To: Erica Rigby <ERigby@mdot.maryland.gov>

Cc: Jingjing Liu <jliu@neighborhooddevelopment.com>; Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Glenn Cook <gcook@trafficgroup.com>; Hisel-McCoy, Elza <Elza.Hisel-McCoy@montgomeryplanning.org>; Girard, Erin E. <egirard@milesstockbridge.com>; Tania Brown <TBrown13@mdot.maryland.gov>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Alvin Powell <apowell@primeeng.com>; Joel Bonder <jbonder@jfbonder.com>; Paul Dorr <pdorr@trafficgroup.com>

Subject: Re: Takoma Junction (19apmo008xx) - NDC Response letter

Erica,

I wanted to check in on SHA's response as it has been over the 28 day review period.

Regards,

MICHAELA KELINSKY, PMP

Vice President | Neighborhood Development Company

O: (202) 567-3216 | **M:** (202) 656-1413

3232 Georgia Ave NW, Suite 100 | Washington, DC 20010

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On Tue, Jul 20, 2021 at 2:17 PM Erica Rigby <ERigby@mdot.maryland.gov> wrote:

Jingjing,

Thank you for the submission. Kwesi's team has them under review.

Erica

From: Jingjing Liu <jliu@neighborhooddevelopment.com>

Sent: Friday, July 16, 2021 3:39 PM

To: Erica Rigby <ERigby@mdot.maryland.gov>; Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>

Cc: Glenn Cook <gcook@trafficgroup.com>; Hisel-McCoy, Elza <Elza.Hisel-McCoy@montgomeryplanning.org>; Derek Gunn <DGunn@mdot.maryland.gov>; Girard, Erin E. <egirard@milesstockbridge.com>; Tania Brown <TBrown13@mdot.maryland.gov>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Alvin Powell <apowell@primeeng.com>; Michaela Kelinsky <mkelinsky@neighborhooddevelopment.com>; Joel Bonder <jbonder@jfbonder.com>;

Paul Dorr <pdorr@trafficgroup.com>

Subject: Takoma Junction (19apmo008xx) - NDC Response letter

Good Afternoon Erica and Kwesi,

Thanks for your review comments. Please see attached response letter with Exhibits and sight distance profile. Feel free to let me know if you have any questions. Looking forward to hearing back from you soon.

Thanks,
Jingjing

--

Jingjing Liu

Senior Development Associate | Neighborhood Development Company

office: (202) 567-3205

cell: (305) 778-5829

3232 Georgia Ave NW, Suite 100 | Washington, DC 20010

neighborhooddevelopment.com

September 7, 2021

Mr. Paul Dorr
The Traffic Group, Inc.
9900 Franklin Square Dr. - Suite H
Baltimore, MD 21236

Dear Mr. Dorr:

Thank you for the opportunity to review the concept plan, for the (Takoma Junction development – SHA Tracking #19-AP-MO-008-xx) in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

Based on the information provided, please address the following comments in a point-by-point response:

District 3 Traffic Comments (By: Alvin Powell):

1. It is noted that the developer has increased the width of the lay-by lane to provide a single turning maneuver entry. However, based on the turning movements shown in Exhibit A, it appears that the WB-67 wheel path must first encroach/slip partially into the left turn lane and then make a hard right maneuver crossing the through lane and bike lane before entering the layby which creates undesirable driver expectations for drivers and cyclist alike. There are still significant concerns with regards to truck and bicycle lane weaving that remain unaddressed. MDOT SHA District 3 Traffic Office cannot support approval of the plan in its current form.
2. It is noted that the developer proposed to improve the sight distance by removing or trimming trees but there are still other obstructions not captured in the profile or Exhibit D that include parked cars and ornamental fence on private property. In addition, the property owner has expressed concerns and will not support tree trimming and tree removal. MDOT SHA District 3 Traffic Office cannot support approval of the plan in its current form.

Engineering Systems Team (EST) Comments (By: Urooj Zafar):

Acceptance of the layby concept is dependent upon the Developer's ability to acquire two things. 1) Urban Design Waiver and 2) Permission to remove the trees on the adjacent property. We have no further comments until these conditions are met.

Mr. Dorr
SHA Tracking No.: 19-AP-MO-008-xx
Page 2 of 2
September 7, 2021

Innovative Contracting Division (ICD) Comments (By: John Vranish):

The plans reviewed for the subject project are compliant with the *MDOT SHA Accessibility Policy and Guidelines for Pedestrian Facilities along State Highways*.

The network cannot support the proposed layby at this location therefore SHA cannot approve it as proposed. Further plan submittals should reflect the above comments. Please upload the plans and all supporting documentation in PDF format, including a point-by-point response to reflect the comments noted above directly to our online database. For electronic submissions create an account with our new online system <https://mdotsha.force.com/accesspermit>. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via the SHA Access Management web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions or require additional information please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at kwoodroffe@sha.state.md.us or shaamdpermits@sha.state.md.us.

Sincerely,



Erica Rigby,
District Engineer, SHA

ER/ts

cc: Glen Cook, Traffic Group
Jingjing Liu, NDC
Katie Mencarini, Montgomery Planning
Alvin Powell, SHA – District Traffic
Kwesi Woodroffe, SHA – Access Management

From: [Alan Zibel](#)
To: [MCP-Chair](#); [City Clerk](#) | [City of Takoma Park](#)
Subject: Takoma Junction comment
Date: Thursday, September 9, 2021 8:10:15 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Greetings planning board members:

I am a nine-year resident of Takoma Park and live on Philadelphia Avenue, just a short walk from the Takoma Junction site. I have long been excited about NDC's proposed investment in our community and looking forward to the new building and the businesses it would bring.

Sadly, this project is now in jeopardy, largely due to the failure of the Maryland State Highway Administration to review the plan in a timely and constructive fashion.

Rather than vote to effectively sink this project, the product of more than a decade of work by Takoma Park elected officials, city staff and the developer, I write to recommend that you grant the developer's request for more time to meet with SHA to discuss the site plan and come up with a solution. I also hope that you will direct planning staff to work actively with SHA and NDC to resolve this dispute.

I have watched this process unfold over the past year with increasing dismay as lengthy delays in evaluating this medium-sized infill project have now threatened to derail the project entirely. The main reason for these delays is the Maryland State Highway Administration's refusal to provide the developer with meaningful feedback on the project until last spring, several years after the project was proposed to the county and city.

Rather than provide a fair process for the developer to evaluate any concerns about loading and unloading for the site, the SHA instead bogged the community down in a meaningless feel-good "visioning" process about modest improvements to the intersection. (The recommended improvements discussed were so modest, one wonders whether SHA's spending on "visioning" staff time and public input consultants could have covered a decent portion of the costs).

On the substance of SHA's concerns, the agency claims that the layby would be unsafe to bikers and pedestrians. In doing so, the agency ignores facts that should be plain to anyone who has viewed Takoma Junction in person.

1) Two crossing guards are stationed at the Junction during school times ensuring that children can traverse this intersection safely. Children walking to Piney Branch Elementary and Takoma Park Middle School generally cross Ethan Allen and Carroll with the help of these crossing guards in the morning, then walk down Grant to school. They don't generally walk in front of the project site.

2) There is negligible bike traffic at the site, and the bikers that do go through the site are presumably going to Metro in the AM, when most deliveries to the site are being made. In the mornings, bikers would be biking on the opposite side of the street from the project site. In the afternoons/evenings cyclists would be biking from Metro on the same side of the street as the

project, encountering plenty of traffic, but little chance from the current conditions at the site.

Cars and trucks are dangerous. As a resident of Philadelphia Avenue, I know this well. Yet this basic fact should not preclude us from improving urban intersections in Montgomery County. Awkward loading and unloading situations exist all over Washington DC. Pedestrians can, and do, walk on the other side of the street if they feel unsafe. Trucks unload at small grocery stores on busy streets that lack a layby. (See the below photo of Adams Morgan for evidence) Life goes on. The concern about pedestrian and biker safety at a largely upscale intersection strikes me as a precious expression of economic privilege and political power. If only there was so much concern from SHA and residents about the low-income pedestrians who routinely face severe danger on stretches of East-West Highway in Hyattsville or at the intersection of New Hampshire and University Avenues.

I am not a technical expert in planning nor traffic nor urban design, but these problems seem solvable if the parties want to solve them.

-Alan Zibel (32 Philadelphia Ave)

PHOTO: Two trucks unloading at a small grocery, sans layby in Washington DC (1864 Columbia Rd, NW)



From: [Tracy Duvall](#)
To: [MCP-Chair](#)
Subject: Takoma Junction (Agenda items 4a & 4b): please reject extension and proposal
Date: Sunday, September 12, 2021 2:47:19 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Chair Anderson:

I am writing to support the staff's recommendations and the City of Takoma Park's position regarding Takoma Junction (Agenda Items 4a & 4b). Both the extension and the plan should be rejected.

I live directly across Columbia Ave from the proposed garage, so I have paid close attention to NDC's proposal and to its methods. In general, I would welcome a modest development in the parking lot, if it could meet the good planning standards that the City and County have set. Unfortunately, NDC's proposal does not come close. It:

- relies on a dangerous and traffic-snarling location for truck deliveries and a dangerous driveway location, both of which the SHA has rejected repeatedly
- creates a parking deficit of at least 70 spaces, endangering nearby businesses
- significantly reduces the wooded area and the number of trees
- imposes a parking garage on a residential area – not screened by vegetation, thanks to a fire-access lane
- greatly increases truck and other traffic on residential streets
- worsen delays at an already overburdened intersection, resulting in life-threatening delays to emergency vehicles from the fire station
- exacerbates stormwater-management problems, and
- fails to provide sufficient public gathering space.

Rather than attempting to build a right-sized, workable development, NDC's proposal requires multiple waivers from good planning regulations. NDC's attitude has been to ignore anything but their desire to maximize square-footage while presenting their plan as a take-it-or-leave-it proposition. Moreover, throughout this process, NDC has demonstrated an alarming level of bullying behavior and apparent mendacity.

For all of these reasons, I urge you to reject both NDC's proposal and their request for an extension. It's time to pull the plug.

Thank you for your attention,

Tracy

Tracy Duvall, PhD
7125 Poplar Ave

From: [Marcie Stickle/Geo French](#)
To: [MCP-Chair](#)
Cc: [Bogdan, Grace](#)
Subject: Takoma Junction, Item 4B*, French/Stickle, Hearing, 9/15/21, Submitted 9/13/21
Date: Monday, September 13, 2021 5:26:10 PM
Attachments: [Takoma Junction Testimony by French Stickle 9 13 21.docx](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

**Testimony of George French & Marcie Stickle
Takoma Junction Hearing, Planning Board, 9/15/21
Reference: "Takoma Junction
Mandatory Referral # MR2021019, Preliminary Plan # 120190150, Site Plan #
820190090,"
Item 4B***

TO: Planning Board Chair Casey Anderson & Planning Board Members, 9/13/21

We are totally opposed to this project by NDC in Takoma Junction.

We support the Planning Staff Report. Planning Staff, Takoma Park City Council & City Manager, several State Highway Administration Offices, and community organizations have all expressed opposition to this ill-conceived project. We join together with them in opposition.

NDC's character is also suspect. They attempted to damage one of the most important and respected Takoma Park long-lived businesses, the Takoma Park Silver Spring Coop [40 years], and community anchor. NDC had to be sued in order to rescind its demand to close the subleased Parking & Delivery Access Lot needed for the Coop to conduct its business.

Ever since the layby was proposed by NDC, it always struck us as being totally unsafe and unworkable. SHA agrees and has repeatedly rejected the layby scenarios floated by NDC.

Other issues not remedied by NDC include tree preservation on the site, and public gathering space not delivered.

Therefore, we respectfully request that you unanimously reject this project. Thank you.

**George French, 510 Albany Ave., Takoma Park, MD 20912, marcipro@aol.com
Marcie Stickle, 8515 Greenwood Ave., Takoma Park, MD 20912, marcipro@aol.com**

Testimony of George French & Marcie Stickle

Takoma Junction Hearing, Planning Board, 9/15/21

Reference: "Takoma Junction

Mandatory Referral # MR2021019, Preliminary Plan # 120190150, Site Plan # 820190090," Item 4B*

TO: Planning Board Chair Casey Anderson & Planning Board Members, 9/13/21

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George French, 510 Albany Ave., Takoma Park, MD 20912, marcipro@aol.com

Marcie Stickle, 8515 Greenwood Ave., Takoma Park, MD 20912, marcipro@aol.com

From: [Keith Kozloff](#)
To: [MCP-Chair](#)
Subject: RE: comments on Takoma Junction Development Project for September 15 hearing
Date: Monday, September 13, 2021 7:24:14 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

I would like to append the following onto my previous comments: Given the recent emergence of improper political interference with the State Highway Administration's determination on this project, I request that the Planning Commission delay further consideration of the project until it holds a public hearing into such interference with SHA's disapproval of the layby.

From: MCP-Chair [mailto:mcp-chair@mncppc-mc.org]
Sent: Wednesday, September 8, 2021 2:31 PM
To: Keith Kozloff <keith.kozloff@verizon.net>
Subject: RE: comments on Takoma Junction Development Project for September 15 hearing

Good afternoon,

Thank you for your comments. I am confirming receipt for distribution to the Planning Board and staff to review.

Thank you,

Catherine Coello, Administrative Assistant

The Maryland-National Park and Planning Commission
Montgomery County Chair's Office
2425 Reedie Drive, Wheaton, MD 20902
Main: 301-495-4605 | Direct: 301-495-4608
www.MontgomeryPlanningBoard.org

From: Keith Kozloff <keith.kozloff@verizon.net>
Sent: Tuesday, September 7, 2021 9:11 PM
To: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; MCP-Chair <mcp-chair@mncppc-mc.org>
Subject: comments on Takoma Junction Development Project for September 15 hearing

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Montgomery County Planning Board and staff,

I live on Sycamore Avenue in Takoma Park. As you may know, my block would be among the most affected by the proposed NDC development. From what I understand about the status of the process, the project is effectively dead. This is a major disappointment to me because the status quo parking lot underuses valuable urban infill space and poses effluent run off problems. More importantly, shutting down this project represents a lost opportunity to revitalize Takoma Junction because no sane developer would subject themselves to the risk, time and expense to propose something on an intrinsically difficult piece of property. And without the project as an impetus for improvement, we will likely never see a reconfiguration of the problematic intersection at the Junction. Given that many urban retail stores make use of laybys, I am confused why this issue was not resolvable. All in all, I am disappointed that the end result of the lengthy and expensive permitting process at all levels of government merely maintains the unsatisfactory status quo at Takoma Junction in perpetuity. Thank you for your consideration.

Kind Regards

Keith Kozloff

MS Urban Planning

From: [Carter Dougherty](#)
To: [MCP-Chair](#); [Anderson, Casey](#); [Verma, Partap](#); [Cichy, Gerald](#); [Patterson, Tina](#)
Cc: [Neal S. Cohen](#)
Subject: Comment on consideration of Takoma Junction project and Franchot involvement
Date: Monday, September 13, 2021 9:57:31 PM
Attachments: [Planning Board comment- TJ & Franchot.pdf](#)
[Takoma Junction 4.pdf](#)
[Takoma Junction 2.pdf](#)
[Takoma Junction 1.pdf](#)
[Takoma Junction 3.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Members of the Planning Board,

Please find attached a memo regarding your consideration of the Takoma Junction project and the application by the Neighborhood Development Company for an extension of its application. In brief, we document extensive political interference by Maryland Comptroller and gubernatorial candidate Peter Franchot at the city, county, and state level, in particular at the State Highway Administration.

Also attached are four supporting documents obtained via a public records request.

Thank you,
Carter Dougherty & Neal Cohen

Sept. 13, 2021

TO: Montgomery County Planning Board
FROM: Carter Dougherty and Neal Cohen/Takoma Park
RE: Sept. 15 meeting re Takoma Junction project

The Montgomery County Planning Board should delay the approval process for the Takoma Junction development. Then, it should investigate and make sure that the key decision -- that of the State Highway Administration, to reject the loading/unloading concept known as a lay-by -- was not tainted by undue political interference and was, in fact, based solely on expert analysis.

The Planning Board is chartered to act independently and that is all we are asking this Board to do: exercise its independent professional judgment. It seems difficult to imagine that grocery stores in cities such as D.C. and NY, can have large semi-trailers offload safely outside their facilities using lay-bys, but that somehow tiny Takoma Park, Maryland cannot make this happen. The reason it is not happening here seems pretty clear: ***Maryland Comptroller Peter Franchot.***

All available evidence suggests that Franchot, the second-most powerful official in Maryland, and current gubernatorial candidate, has repeatedly interfered in the Takoma Junction revitalization process for what he perceived to be the benefit of a business located a stone's throw away from his own home. He has leaned on city officials, county reviewers, and state agencies -- all involving a development project that is less than 100 yards from his front door on Sycamore Avenue in Takoma Park.

The approval of the lay-by through the State Highway Administration (SHA) is now the main stumbling block to finally getting actual building done at Takoma Junction. SHA rejected the current iteration of the lay-by (a loading/unloading concept involving a cutout in the road so trucks can stop without backing up traffic) in April, when the Takoma Park City Council was on the verge of approving the revised site plan. From there, it was to go to the Montgomery County Planning Board, whose approval would open the door to building permits and, finally, building.

Now the Planning Board is [considering](#) whether to grant Neighborhood Development Company (NDC), the firm that now has a 99-year lease on the Takoma Junction property, an extension on its application, or whether to deny the extension and reject its application altogether. But before they do any of that, they need to consider Franchot's highly inappropriate role in the whole process.

At a minimum, we need to know more about Franchot's role at the city, county, and state levels before the Planning Board rejects either NDC's application, or its request for an extension. And, SHA needs to reveal more about exactly what Franchot (and his staff) said to them and what they told him. It's time to shine a light on the process involved for a transportation project that was supposed to have a straightforward, expert-level review, not sustained resistance from a powerful state official doing favors for a high-end grocery store near his own home.

Franchot has been a public voice in support of the neighboring Takoma Park Silver Spring Co-op, which is officially neutral on the question of the development, even though opponents of it constantly invoke the Co-op's name in their protestations. In 2017, Franchot obtained a [\\$500,000 Maryland state grant](#) for the Co-op (it's a matter of public record), an odd allocation of taxpayer money given the Co-op's steady cash flow and the fact that Takoma Park, far from being a food desert, is surrounded by grocery stores.

Franchot Promised a Fight

In December 2016, Franchot had already [appeared](#) at the store to make a baldly political statement: "I'm not term-limited, and I will be here, and I am going to be someone that you can come to with any problem." In the context of [the moment](#) -- just after Takoma Park signed a development agreement with NDC -- Franchot was clearly promising to use his influence not as a customer but as Maryland comptroller to fight the development. And that's what he did.

Takoma Park City Council members have said publicly that Franchot contacted them during the long city process for approving the site plans for the development. What's less appreciated is that Franchot privately applied pressure to terminate the development outright, while dangling the idea to council members that he would get money from the state so the Co-op could buy the neighboring parcel, instead of a private developer. Former Takoma Park Council member Rizwan Qureshi felt compelled to address Franchot's pressure during an [October 2017 council meeting](#), saying that he was "shocked" to get a call from the Comptroller offering this deal in explicit terms.

That pressure wasn't just odd, like the grant Franchot got; it was absolutely inappropriate. But it didn't stop there.

After securing the grant in 2017, Franchot had a meeting with Casey Anderson, the chairman of the Montgomery County Planning Board in January 2018. From what we've

been able to learn, Franchot waltzed in expecting to throw his weight around and squash the development but was completely unbriefed on any of the details. It ended inconclusively. Mr. Anderson behaved appropriately. Not so Franchot.

Pressured SHA Repeatedly

Franchot continued to pressure other agencies involved in the process, and none appeared to be more vulnerable to his wrath than the State Highway Administration, which was run by Greg Slater until he was promoted to Maryland secretary of transportation in December 2019.

In his call with former Takoma Park council member Qureshi, Franchot [said](#) he'd spoken with people "much higher up" in the state administration, and boasted that he met with someone from the state Department of Transportation "every two weeks," Qureshi reported.

Through a Maryland public records request (see attached), we have obtained documents that indicate Franchot involved himself in SHA's review of the Takoma Junction project at numerous points. Given Qureshi's statement, what we got in writing is probably a fraction of what went on. But consider:

- In December 2017, Franchot demanded a meeting with Slater and the relevant engineer for the Takoma Park region "to discuss the Silver Spring-Takoma Park Co-op."
- In January 2018, Franchot's staff thanked Slater for a recent meeting and asked for a copy of a map Slater had used because "the Comptroller preferred that version to the one we are currently using."
- In August 2019, Franchot demanded a meeting with Slater "to receive an update on the Takoma Park Junction" [*sic*].

The most revealing email was one dated July 1, 2019 in which Len Foxwell, a longtime, now former, adviser to Franchot, writes an email to Slater asking for a time at which he can speak to Franchot "for a question that has NOTHING TO DO [*sic*] with ... the Takoma Junction." The tone was clear: Foxwell was apologetic about having come to Slater *so many times* about this little development in Takoma Park.

Outside Comptroller's Role

Clearly, Franchot had a bit of an obsession. And let's not kid ourselves about what Franchot's *interest* in the subject would have conveyed to state officials. The comptroller

is an influential figure, and Franchot's gubernatorial ambitions were well-known. Any official would have found Franchot's interest intimidating. (When speaking with Takoma Park's Qureshi, Franchot casually mentioned a Maryland mayor "whose political career was ruined" by pushing too hard on a development project.)

Check out the Maryland Comptroller's [website](#) and you won't find anything about a role in private development projects, or transportation; it's an agency concerned with fiscal probity. The Comptroller is also a member of the Maryland Board of Public Works, a fairly unique institution among state agencies [charged](#) with "ensuring that significant State expenditures are necessary and appropriate, fiscally responsible, fair, and lawful." It's hard to see how a half million dollar grant to a grocery store in an extremely gentrified neighborhood falls under any of these responsibilities, to say nothing of Franchot's repeated demands to SHA and Slater.

The Planning Board staff is currently recommending that the board, at its meeting on Wednesday, Sept. 15, reject NDC's application and its request for an extension. The [rationale](#) is the lack of approval by SHA, and, by extension, the lack of approval by the Takoma Park City Council, of NDC's current site plan. The city rejected the NDC plan because SHA had not approved the lay-by. But the staff recommendation is premised on the notion that NDC got a reasonable, expert-driven consideration of its plan at the state level.

However, Franchot interfered repeatedly in the SHA process, as part of a broader campaign to subvert the development.

No Respect for Democracy

Franchot's actions also show a breathtaking lack of respect for the local democratic process in Takoma Park. The City Council voted repeatedly to advance the project. And Mayor Kate Stewart, who has shown endless patience in shepherding the project through years of twists and turns, won the 2020 mayoral election by a nearly two-to-one margin against a Franchot-endorsed candidate whose bid was built around the issue of ending the Takoma Junction project. Still Franchot pushed state agencies privately to do what Takoma Park voters, over 4 different city elections, refused to do: kill the development.

The Planning Board owes not just NDC but the public a delay in the approval process so that we can all learn more about Franchot's role in SHA's decision. And then maybe, just maybe, this small development project on a tiny plot of land, long delayed for so many pointless reasons, can finally get a fair and impartial hearing.

From: [Pfeiffer, Callie](#)
To: gslater@sha.state.md.us
Cc: [Mitch Baldwin](#)
Subject: Takoma Park Junction
Date: Monday, August 5, 2019 11:08:00 AM
Attachments: [image001.png](#)

Good morning Administrator Slater,

Comptroller Franchot would like to request a meeting to receive an update on the Takoma Park Junction. Would it be possible to do so here in the Treasury building on September 9th? If not, we can look into another day!

Cheers,
Callie

Callahan Pfeiffer
Deputy Chief of Staff & Scheduler
Office of the Comptroller
cpfeiffer@comp.state.md.us
410-260-6054



From: [Foxwell, Len](#)
To: gslater@sha.state.md.us
Subject: Greg...do you have 5 minutes...
Date: Monday, July 1, 2019 4:06:00 PM

...for a question that has NOTHING TO DO with either the P3 or the Takoma Junction? But is still important to Peter?

From: [GENTILE, ANGELA](#)
To: gslater@sha.state.md.us
Subject: Takoma Park Junction Map
Date: Wednesday, January 10, 2018 1:59:00 PM

Hi Greg-

Thank you again for meeting with us in Annapolis about the Takoma Park Junction Project. I was wondering if you had a digital copy of the project map that you brought to the meeting. The Comptroller preferred that version to the one we currently are using.

Thanks again!

Angela Gentile, Esq.
External Content Manager
Comptroller of Maryland
Office: [\(410\) 260-7210](tel:(410)260-7210)
Cell: [\(443\) 949-1583](tel:(443)949-1583)

To: shaadmin@sha.state.md.us
Subject: Meeting with Comptroller Peter Franchot
Date: Monday, December 11, 2017 11:25:23 AM

Dear Mr. Slater:

Comptroller Peter Franchot would like to meet with you and the District Engineer who is within the Takoma Park region to discuss the Takoma Park-Silver Spring Food Co-Op, 201 Ethan Allen Ave, Takoma Park, MD 20912. Are you two available to meet on either Monday, December 18th at 3:15 p.m. or Wednesday, December 20th at 2:45 p.m. at the Comptroller's Office in Annapolis?

Thank you in advance for your consideration.

Best wishes,
Craig

Craig J. Zucker
Office of Comptroller Peter Franchot
Cell: (301) 213-6696

From: [Paul Chrostowski](#)
To: [MCP-Chair](#)
Cc: stormwater-takoma@googlegroups.com
Subject: September 15 Takoma Junction Proposal Hearing
Date: Tuesday, September 14, 2021 9:27:32 AM
Attachments: [TSS letter on Junction 9-13-21.docx.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Mr. Anderson

Please find attached a letter from Takoma Stormwater Solutions regarding the Takoma Junction development proposal. We request Planning Board disapproval due to serious deficiencies in the stormwater management plan for this project. Feel free to contact me if you have any questions.

Paul Chrostowski
Takoma Stormwater Solutions
Takoma Park

Sent from [Mail](#) for Windows

September 13, 2021

Casey Anderson
Chair, Montgomery County Planning Board
2425 Reddie Drive
Wheaton MD 20902

MCP-Chair@mncppc-mc.org

Re: Takoma Junction (plans 120190150 and 820190090); Hearing September 15, 2021

Dear Mr Anderson:

Takoma Stormwater Solutions (TSS) appreciates having this opportunity to provide public comment regarding environmental aspects of this proposed development. TSS is a project of the [Takoma Alliance for Local Living Economy \(TALLE\)](#). Although the development plans have gone through several iterations, little attention has been paid to water management (stormwater, surface water, construction dewatering, and groundwater). Although stormwater is ostensibly in the purview of the City of Takoma Park ("City"), the City has abrogated this responsibility and has an inherent conflict of interest regarding stormwater management (SWM) at the development site. Groundwater and surface water are waters of the State and, as such, not within the purview of the City. This site is not suited for this development from a hydrologic standpoint and the proposed development is far too large, exceeding the hydrologic carrying capacity of the underlying soils. Because of site constraints, any analysis of water resources needs to be comprehensive and holistic. This analysis has not, and will not, be undertaken by the City. As a result, TSS requests the Planning Board disapprove this proposed plan in the interests of protecting public safety and welfare.

The current SWM plan is little different from the original plan submitted several years ago. On March 11, 2019, a careful analysis determined that the concept plan was incomplete and inadequate. The immediate downgradient neighborhood, centering on Poplar Avenue, arguably has some of the worst SWM problems in the City. Residents requested that the City require the preparation of detailed geotechnical and hydrogeological studies, retention of an independent engineer, and conduct an open and transparent public process. Local resident environmental professionals offered assistance to the City *pro bono* to implement these recommendations, but no response has ever been received.

As an example, the design documents submitted by NDC to the Planning Board propose to treat only a small fraction of the stormwater falling on the site. Based on NDC's data, about 34% will be treated for a 1-year storm (2.57 inches), 28% for a 2-year storm (3.1 inches), 18% for a 10-year storm (4.77 inches), and 11% for a 100 -year storm (8.23 inches). These calculations do not account for increased stormwater volumes due to climate change. The remainder of the stormwater that is

not being treated will runoff either onto Carroll Ave or down the hill toward Columbia Avenue. This runoff will be exacerbated by the clear-cutting of trees required by the proposal. Currently, 37% of rainwater is potentially controlled by infiltration through permeable soil at the site, therefore, it is apparent that stormwater impacts will worsen if this development is approved.

The authority to manage stormwater in the City is vested in the Stormwater Management Board (City Charter Section 1101). Charter Section 1103 notes, “The Board shall have **full control** over said stormwater systems...” As constituted, the Board consists of the Mayor and City Council. This Board has not met to discuss the Junction development and has not responded to a formal request to meet in open session, despite the significant and controversial nature of the proposed project and the large number of residents that have voiced concern about stormwater and groundwater. In fact, the City has engaged in no public process whatsoever regarding SWM and has not even made its file on this project electronically accessible to the public.

There is also an inherent potential conflict of interest in the City even carrying out the review and approval of a SWM plan. The City, through the City Manager, is listed as the project owner. City representatives including the Mayor and former City Manager have promoted the development plan in public statements. The former City Manager acknowledged publicly that City Staff function as “champions of the project”. The City’s designated representative is an employee of NDC who, through its engineer, prepared the SWM Concept Plan. Thus, the City is moving forward to review and approve a SWM plan that was prepared by its own representative. This review and approval will be performed by City Staff who are subordinate to the City Manager. Given the City’s stated interest in obtaining approval of this plan, it is difficult to believe that any such review would be unbiased and sufficiently rigorous to “protect, maintain, and enhance the public health, safety, and general welfare” against negative impacts of stormwater as called for in Section 16.04.020 of the City Code.

The significance of groundwater cannot be overlooked here. The proposed development and the SWM Concept plan will essentially divert a large amount of stormwater to groundwater through a bioretention facility and a green roof. Although the City has not conducted any geotechnical studies at the site that are publicly available, soil borings advanced through an Environmental Site Assessment show the presence of many clay layers and bedrock under the site¹. These clay layers will trap groundwater that infiltrates through the ESD facilities and it will flow down the natural gradient to potentially impact the basements of residents on Columbia and Poplar Avenue and adjacent properties that already are subject to flooding even without this additional water. This is a known hydrogeological phenomenon in Takoma Park. For example, Montgomery College’s bioretention facility at its Pavilion 3 building in Takoma Park had the overall effect of diverting stormwater to groundwater that impacted downgradient properties. Groundwater is not within the City’s current purview; however, these down-gradient residents deserve protection from potential adverse effects of this development. This could be provided either by the County or by the City convening the Stormwater Board for hearings and drafting of groundwater management regulations.

¹ RK&K 2013. Takoma Junction Redevelopment, Phase II Environmental Site Assessment. May 2013.

Surface water from the site currently flows out onto Carroll Avenue and travels overland to Grant, Ethan Allen, Sycamore, and the continuation of Carroll Avenues from where it is discharged into Sligo Creek via the Maple Avenue outfalls². This fact has been disputed by City Staff despite the observations and photographic documentation provided by residents that this is the case. Based on the current concept plan, any stormwater that is not diverted to groundwater will pass either overland downslope toward Columbia Avenue or through a City conveyance and ultimately be discharged into Sligo Creek after daylighting along the Takoma Branch in Prince George's County. No analysis has been conducted on the potential impacts to Sligo Creek or Takoma Branch. As waters of the state, these too, deserve full protection as do our neighbors across the county line.

There are numerous additional issues with this Concept Plan including the lack of consideration of recent increased storm volumes that are becoming more frequent as a result of climate change. A recent independent study by engineers at Drexel University shows that rainfall in Takoma Park could increase as much as 45% by the year 2040 and 53% by the year 2070 compared to current design parameters³. The City has declared that a climate emergency exists yet fails to undertake even the minimum analysis to protect its residents from the effects of climate change.

All of the aforementioned factors combine to create the conditions that argue for disapproval of this project by the Planning Board.

Sincerely,

Paul Chrostowski, Ph.D., QEP

on behalf of

Takoma Stormwater Solutions

Takoma Park, Maryland

² Note that the City stormwater drainage system is sparse in this part of the City compared to other locations (NPDES Phase II Stormwater Program, 12/27/2018).

³ Drexel University 2020. "Stormwater Planning under Climate Change Report". Prepared for Takoma Park Public Works, September 2, 2020.

August 10, 2020

Elza Hisel-McCoy
Chief, Area 1 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20912

Dear Mr. Hisel-McCoy,

As the Planning Board reviews the latest version of the Neighborhood Development Company's (NDC) design plans for the Takoma Junction project, we residents of Takoma Park and neighboring communities in Montgomery County remain concerned about the equity implications of the planned development. We respectfully request that the Board include the critical concept of racial equity in your review and discussion of the project. Consistent with Montgomery County's growing support for racial equity and social justice as factors in county decision-making **and** the Planning Board's unanimous and strong support for the new County legislation, we ask that you do what the City of Takoma Park has not: cast a critical eye on a proposal that threatens the destruction of a racial minority-majority business community in order to fund an over-sized development that will generate the highest rents in the City and inexorably lead to increased gentrification.

The issue of racial equity is of paramount importance in this particular development decision for two significant reasons: one, the current Junction business community, successful and diverse, proudly exhibits the very combination of businesses sought by the County's racial equity goals; and second, at the same time, the most basic features of the proposed NDC development threaten the survival of this unique business community. We greatly appreciate your serious attention to these concerns.

First, we urge you to consider the uniqueness of the Takoma Junction business community in terms of racial diversity. Based on our best estimate, 14 of the 25 businesses currently in operation at the Junction are owned by people of color, including six by African-Americans. These Black and Brown-owned businesses include an automobile repair/electric refueling station that was the first in the country to completely convert over from fossil fuels; a music school with over 250 students; a veterinarian's clinic, a daycare center, a naturopathic doctor, and a beauty salon that just celebrated 31 years in business at the Junction, among others. These businesses have emerged largely on their own, through the vision and dedication of their owners, and they represent *exactly* the type of resilient, locally-owned businesses that the city claims it wants to foster in its new development. It is worth noting that several of these business leaders testified or submitted comments with concerns about the proposed development and that the city failed to engage the business leaders of color in their plans for the development until very late in the process.

Then we have the thriving Takoma Park-Silver Spring Food Co-op, a natural foods store with many thousands of members that features one of the most diverse workforces within the city confines of Takoma Park: 42 of 50 employees of the Co-op identify as people of color, and those 50 workers come from 30 different countries. These largely Black and Brown and unionized workers are paid a living wage with full health benefits, features all too rare in today's economy. What's more, the Co-op offers unique indigenous food, and health and wellness products that draw a diverse clientele of loyal customers from throughout the metropolitan area. Even a random visit to this business during working hours would reveal that a significant percentage of Co-op shoppers are people of color. Also, the Co-op contributes substantially to local and county-wide initiatives focused on ensuring food security for low income residents, many of whom are people of color.

Additionally, the public transportation and parking options currently available at the Junction facilitate access to the Junction's businesses and products for a diverse body of customers. The eastbound buses stop

directly in front of the City parking lot, the site of the proposed development, and give easy access to Junction customers bound to and from a multiplicity of lower-income and affordable apartment buildings in the eastern part of the county. WMATA statistics on the F4 line, which were presented by city staff to the council on January 15, 2020, show that over 95% of riders on these lines are people of color. A long-fought-for crosswalk at Grant Avenue offers a convenient pedestrian crossing to apartment-dwellers on Maple Avenue and adjoining streets. And the parking at the city-owned lot has become essential to the thriving minority businesses located across Carroll and Ethan Allen Avenues.

What has emerged at the Junction over the years is a business community with a strong appeal to people of color, one that has *revitalized itself* largely on its own - not a community in desperate need of revitalization.

In fact, the greatest threat to racial progress demonstrated by the Junction today is the NDC development plan, which we believe threatens the racial equity of the Junction on multiple fronts, notably these:

- **The projected high rents proposed in the current NDC plan represent a dramatic escalation of prevailing rents at the Junction and threaten to swamp the existing small businesses in a wave of gentrification.** In the figures we have been able to obtain, NDC's projected base rental rates of \$45 per square foot far exceed the rents paid by existing Junction businesses. These businesses rent at much closer to a \$30 per square foot range. As you know, rent differentials of this scope inexorably force existing rents upward. Spring Mill Bakery, one of our Takoma Junction businesses, closed its Bethesda location due to such escalating costs, and the development here could lead to closure of this, and other Junction businesses. This threat has intensified as nearly all local businesses are struggling in the wake of COVID-19. Any boost in the cost of their leases could be terminal. Disturbingly, the Takoma Park City Manager on July 22 in a statement about the Junction, said that business lease rates won't be affected because many businesses own their properties. We implore you to examine this carefully. In most cases, it is the White-owned businesses that own and the Black and Brown-owned ones that are leased. This is not absolute, but it is the dominant trend. To focus exclusively on predominantly White owners is precisely our concern about racial equity at the Junction.
- **The proposed elimination of the major eastbound bus stop deprives shoppers and transit passengers – disproportionately people of color based on local and national studies – of easy access to an important source of food and transportation.** There has been no suggested alternative placement of this east bound bus stop on either Ethan Allen or Carroll Avenue. There is no alternative proposed by the developer or the city, or any that we can envision, that would provide comparable access to the area businesses; customers with laundry or bags of food or other goods would be forced to carry them unreasonable distances to gain eastbound bus access.
- **Relegating all large loading and unloading operations for the entire development to a layby on Ethan Allen Avenue presents a serious if not fatal obstacle to the survivability of the Co-op.** The Co-op currently relies heavily on the city-owned lot that it rents for daily loading and unloading of its food trucks. To throw all major loading and unloading activity –including trash and recycling pickup for the entire development – into a small, contained space immediately adjacent to a congested state highway and pedestrian crosswalks is a recipe for hazardous gridlock. Add to the layby mix the inevitable profusion of Uber and Lyft vehicles, passenger car and taxi drop-offs, and the frustration of truck drivers waiting for loading space, and you have a built-in dysfunctionality almost certain to damage the Co-op's need for loading and unloading. The layby is thus a huge threat to the Co-op, a bastion of racial diversity in Takoma Park.

To statements that the Co-op has actually endorsed the layby concept and the proposed development, some context is necessary. It is obvious to us as long-time Co-op supporters and observers of the

business there that the Co-op is totally dependent on the current Junction parking lot for the unloading of food and other goods to keep itself in operation. If the city, or the city's chosen developer, decides at any moment to deny the Co-op access to the lot, the Co-op is likely finished as a viable business in that location. Our sense is that the Co-op is simply not free - especially under the gag order imposed by the City and NDC - to articulate its real needs and preferences in regards to loading and unloading. To us, Co-op acceptance of the layby concept was forced on the Co-op and does not in any real way reflect on the true business reality of the situation. We are not party to the inside information on all this, but our belief is that the poorly-conceived layby will kill the Co-op, but the Co-op simply isn't allowed to say this.

- **The parking currently offered in the city-owned lot is vital to many of the small businesses currently thriving at the Junction, many of them Black-owned. The developer's unwillingness to share detailed information about prospective parking fees in the new development heightens concerns about the ongoing affordability of parking in the proposed underground lot.** Will people be willing to pay for parking just to drop off dry-cleaning or pick up a gallon of milk? Add to this the inevitable bottleneck of cars seeking to enter or exit to the development's stores and restaurants onto a busy highway with no traffic light and an inadequate line of sight and you will have effectively removed convenient and affordable parking from a business community that has come to rely on it. While the City of Takoma Park and NDC have no obligation to provide free parking, the Board should not facilitate the undermining of conditions that have allowed Junction businesses to develop and thrive.
- **We were distressed that the City failed to actually meet with the local Black and Brown-owned businesses until City negotiations and planning were over five years in the making.** This only changed when several of the Junction small business owners testified before the City and submitted a [letter](#) raising concerns about the development.
- **With leadership from City Council member Jarrett Smith, the City passed a resolution in April 2017 [Committing the City Council to Systematically and Deliberately Apply a Racial Equity Lens in Decision-Making](#).** Unfortunately, despite this commitment, the City fell far short of its own standards on racial equity and the proposed Junction development, despite efforts by Council Member Smith to raise concerns. The City's [initial impact assessment](#) regarding racial equity and the Junction (September, 2017) indicated no impact and involved minimal if any analysis or consultation with local residents or businesses. It was cursory at best, deeply distressing and dismissive of the racial equity impacts of the proposed development – so much so that the City subsequently elected to revise its position on racial equity and the proposed development twice in the wake of public pressure and well-attended community meetings on racial equity and the Junction. The initial revised racial equity position is [here](#) (May, 2018). Again, this second racial equity impact statement, produced by unnamed staff and by an unknown rubric, was perfunctory and called out as wildly inaccurate by Black residents who testified at City Council. Finally, the City drafted [a resolution](#) (July, 2018) authorizing NDC to submit its proposal to the Montgomery County Planning Department. This resolution downgraded language from racial equity impacts to racial equity considerations regarding the Junction. The City's record is less than stellar and suggests a lack of institutional commitment to racial equity at the Junction.
- **Many residents are disturbed by the selection of a development company that has faced litigation from small displaced businesses as well as protests from Black Lives Matter for their padlocking of four black-owned businesses within twenty-four hours of taking control of a set of properties slated for development.** See <https://archive.org/details/DeveloperAdrienWashingtonHomeDemo1062018540p> and <https://dcindymedia.org/node/2048>

- **The potential removal of the long-fought-for north-south crosswalk across the state highway at Grant Avenue discriminates against pedestrians and Junction customers seeking safe foot access to affordable housing and subsidized housing just blocks to the north.** This is also a “Safe-Route-To-School” zone for over 200 students. One of the two most recent plans includes the crosswalk. One eliminates it.
- **None of the foregoing, of course, speaks to the incredible difficulties to be imposed on existing businesses during the construction of NDC's huge project.** Given the inevitable disturbance, *likely for years*, to the existing transportation network, people will avoid the Junction whenever possible, whether traveling on foot, bicycle, car or bus. Already grid-locked, the Junction will get worse. Even if cars arrive, they will find few places to park to drop off or pick up dry cleaning, unload a sick pet, or leave packages for FedEx or UPS deliveries. In short, patrons will go elsewhere, choosing more convenient commercial venues, and these businesses and their employees, largely minorities, will lose.
- **Construction disturbances, including vibration damage to existing buildings, should be of critical concern, rather than mere inconveniences in the service of the developer.** These buildings are old, and damage could even render some uninhabitable. The cost for rebuilding or significant repair, and the time a business would be closed during such, could very well cause some to be put out of business. Before any proposal is accepted, NDC should be required to put forth a feasible plan for the protection of the current businesses, one which shows a construction-staging plan that will permit existing businesses to continue to operate without being damaged by foreseeable construction issues.

Taken individually, any of the factors listed above would present a threat to the stable, diverse Junction community; taken as a whole, the threat to racial equity and our multicultural business community posed by the plan is substantial and disconcerting. Racial equity, long valued in Montgomery County, continues to be embraced with renewed urgency and new initiatives for the County. We applaud the recent [Racial Equity and Social Justice Act](#), sponsored and passed unanimously by the Council, requiring "each Department and Office to develop a racial equity and social justice action plan, and determine the implications for, and consequences of, County governmental actions." No development should jeopardize these equity goals, especially through predictable disruption to a thriving, vibrant, diverse business community with deep community roots.

We are not anti-development. In fact, we support the reasonable and appropriate development of this city property, and we believe that designs exist that meet that goal. What is mandatory, though, is a development plan that recognizes the value of the unique degree of racial equity currently realized at Takoma Junction. A thoughtful, inclusive plan for development is crucial so that the developer, with the tacit approval of the City, is not allowed to convert publicly-owned property to a privately-owned for-profit development, ostensibly in the name of promoting racial equity, but which ironically would gentrify and weaken the racially diverse business community we seek to protect.

While it may not be the Board's job to resolve political disagreements in our community, it is in accordance with the Board's mandate to disapprove and/or condition its approval of this proposed development with consideration of racial equity and social justice, and we call upon the Board to protect this irreplaceable racially diverse section of our community. We appreciate your careful review of these concerns, factors that remain critical to the ongoing health of the Junction with its unique, diverse character, as well as the City and County as a whole.

Thank you for your consideration, and we respectfully request an opportunity to meet with you to discuss these concerns. We also look forward to discussing these issues in a public forum, whenever a public hearing on the NDC proposal is scheduled. Thank you in advance for your consideration.

Very sincerely yours,

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Takoma Park
Takoma Park
Takoma Park Junction Business Owner
Takoma Park City Council Member, Ward 5
Takoma Park
Takoma Park
Takoma Park
Takoma Park
Takoma Park
Takoma Park

From: [Joan Meier](#)
To: [Hisel-McCoy, Elza](#)
Cc: [Roberta Valente](#)
Subject: comments on NDC proposal at TP Junction
Date: Monday, August 10, 2020 9:05:28 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Elza

Thank you again for your time and explanations at tonight's zoom meeting about the junction development.

I have a couple pretty basic (and I think, pretty universal) concerns I would like to share with you and your staff.

First, let me say that having SOME kind of SOMETHING at the junction is absolutely desirable. The question is what kind of thing.

I have three over-arching concerns/problems with NDC's proposals/drawings to date.

1. The traffic situation, as I think you know, is ALREADY close to disastrous at this intersection. It's a bit of a nightmare to try to navigate it by car at all, during rush hours. Without some dramatic fixes (and I'm not sure what they would be), it is inconceivable that a substantial development like NDC will not make the traffic situation so much worse that it is a true disaster. I would urge your staff to condition any approval on the traffic situation being handled in a concrete, meaningful, acceptable manner that does not create still more incursions into the neighborhood.
2. The stormwater situation is already pretty close to disastrous (also). If I understood you correctly, however, that is not your staff's concern. Only the city's? If it is within your jurisdiction I hope you will mandate that any additional runoff be piped and kept entirely underground.
3. The rear facade: Right now when we walk up Columbia toward Sycamore, or up Poplar toward Columbia, we see a hill with a lot of trees on it, and we see the corner of the Co-op building (not overly attractive, I might add). The latest NDC drawing seems to portray a huge structure which will essentially overhang that hill, looking like a prison or institution which DOES NOT BELONG in our neighborhood. I have heard Kacy saying the drawing does not show the trees, etc, but my concern is whether the trees will be at the NDC/Carroll Ave level. If they are only on the hill (where they are now), the structure will be so much higher above Columbia and the hill that it will still stick out like a sore thumb. The key question is whether they can create a natural landscaping that actually HIDES that rear facade sufficiently to insulate us from it. We are way below them topographically and that is the core of the problem.

THANK YOU for your consideration of these matters.

Warmly
Joan Meier

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Joan S. Meier, Esq. , Professor of Clinical Law and
Director, National Family Violence Law Center at GW
George Washington University Law School
2000 G St. N.W. , Washington, D.C. 20052 (202) 994-2278
(Founder, Domestic Violence Legal Empowerment and Appeals Project)



[Click here](#)

You can access most of my papers on the Social Science Research Network (SSRN) at
Joan Meier, <https://ssrn.com/author=55952>

From: [Bets Taylor](#)
To: [MCP-Chair](#)
Subject: written testimony- Takoma Junction
Date: Tuesday, September 14, 2021 11:32:53 AM
Attachments: [Letter from Community - Racial Equity and Takoma Junction 8-10-20 FINAL.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Attention: Casey Anderson, Chair, Montgomery County Planning Board, 2425 Reddie Drive, Wheaton, MD 20902

Chair Anderson,

Thank you for taking the time to include a review of the racial equity impacts of the proposed development at Takoma Junction.

We appreciate the Board's commitment to racial equity and your efforts to integrate this concern into your decisions.

This focus may come as a surprise given the developer and his role as a prominent African American developer. I think everyone can appreciate Mr. Washington's skills as a developer and his superb education and communication capabilities. I have met with him personally and recognize his determination to build his company and his projects. I respect and admire him for it. Yet in this case, there are many Black and Brown people in Takoma Park who have voiced concerns about this particular development's potential impact on existing independent Brown and Black owned businesses at the Junction. The attached letter is signed by over 100 concerned citizens, including seven local business owners at the Junction. Business owners of color have repeatedly testified as well before the Takoma Park City Council, including a local veterinarian concerned about traffic congestion impacting her business as well as owners of a local business center, a plant nursery and healing business, hair salon, and auto service center - all repeatedly opposing the proposed NDC development due to concerns about harmful impacts on their enterprises.

In addition to concerns about rising rents and displaced businesses, the attached letter signed by over 100 individuals urges attention to the safety impacts for elderly and lower income people of color who are disproportionately represented among walkers and bus riders near the Junction, including those who must use the laundromat and those who seek ethnic foods and health products at the local food coop. The proposed development has been cited as failing to comply with SHA and Montgomery County transportation regulations, including those focused on safety of pedestrians, bikers and bus riders.

Finally, please do read the letter. It raises many concerns, including several that were not

addressed sufficiently by Mr. Elza Hisel-McCoy.

We appreciate that your staff and board have many things to consider as you weigh this important decision, but please do note that the Takoma Park Food Co-op is overwhelmingly staffed by Black and Brown workers, all of whom are paid a living wage with full health care benefits. When we ponder development and its purposes, surely one of these is to provide economic opportunity and secure jobs for the less advantaged among us. The existing businesses at the Junction are directly threatened by the proposed development and if we lose one or more of these businesses due to the NDC proposal, we will also lose vital jobs that bring economic prosperity to Montgomery County and security to our communities of color.

Thank you and the board for your careful consideration of these important issues. We were sorely disappointed that this letter and Mr. Hisel-McCoy's response were not included in the packet. We thank Ms. Grace Bogdan for rectifying this.

Sincerely,
Betsy Taylor
Dennis May
Isabel Blanco
Susan Schreiber

August 10, 2020

Elza Hisel-McCoy
Chief, Area 1 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20912

Dear Mr. Hisel-McCoy,

As the Planning Board reviews the latest version of the Neighborhood Development Company's (NDC) design plans for the Takoma Junction project, we residents of Takoma Park and neighboring communities in Montgomery County remain concerned about the equity implications of the planned development. We respectfully request that the Board include the critical concept of racial equity in your review and discussion of the project. Consistent with Montgomery County's growing support for racial equity and social justice as factors in county decision-making **and** the Planning Board's unanimous and strong support for the new County legislation, we ask that you do what the City of Takoma Park has not: cast a critical eye on a proposal that threatens the destruction of a racial minority-majority business community in order to fund an over-sized development that will generate the highest rents in the City and inexorably lead to increased gentrification.

The issue of racial equity is of paramount importance in this particular development decision for two significant reasons: one, the current Junction business community, successful and diverse, proudly exhibits the very combination of businesses sought by the County's racial equity goals; and second, at the same time, the most basic features of the proposed NDC development threaten the survival of this unique business community. We greatly appreciate your serious attention to these concerns.

First, we urge you to consider the uniqueness of the Takoma Junction business community in terms of racial diversity. Based on our best estimate, 14 of the 25 businesses currently in operation at the Junction are owned by people of color, including six by African-Americans. These Black and Brown-owned businesses include an automobile repair/electric refueling station that was the first in the country to completely convert over from fossil fuels; a music school with over 250 students; a veterinarian's clinic, a daycare center, a naturopathic doctor, and a beauty salon that just celebrated 31 years in business at the Junction, among others. These businesses have emerged largely on their own, through the vision and dedication of their owners, and they represent *exactly* the type of resilient, locally-owned businesses that the city claims it wants to foster in its new development. It is worth noting that several of these business leaders testified or submitted comments with concerns about the proposed development and that the city failed to engage the business leaders of color in their plans for the development until very late in the process.

Then we have the thriving Takoma Park-Silver Spring Food Co-op, a natural foods store with many thousands of members that features one of the most diverse workforces within the city confines of Takoma Park: 42 of 50 employees of the Co-op identify as people of color, and those 50 workers come from 30 different countries. These largely Black and Brown and unionized workers are paid a living wage with full health benefits, features all too rare in today's economy. What's more, the Co-op offers unique indigenous food, and health and wellness products that draw a diverse clientele of loyal customers from throughout the metropolitan area. Even a random visit to this business during working hours would reveal that a significant percentage of Co-op shoppers are people of color. Also, the Co-op contributes substantially to local and county-wide initiatives focused on ensuring food security for low income residents, many of whom are people of color.

Additionally, the public transportation and parking options currently available at the Junction facilitate access to the Junction's businesses and products for a diverse body of customers. The eastbound buses stop

directly in front of the City parking lot, the site of the proposed development, and give easy access to Junction customers bound to and from a multiplicity of lower-income and affordable apartment buildings in the eastern part of the county. WMATA statistics on the F4 line, which were presented by city staff to the council on January 15, 2020, show that over 95% of riders on these lines are people of color. A long-fought-for crosswalk at Grant Avenue offers a convenient pedestrian crossing to apartment-dwellers on Maple Avenue and adjoining streets. And the parking at the city-owned lot has become essential to the thriving minority businesses located across Carroll and Ethan Allen Avenues.

What has emerged at the Junction over the years is a business community with a strong appeal to people of color, one that has *revitalized itself* largely on its own - not a community in desperate need of revitalization.

In fact, the greatest threat to racial progress demonstrated by the Junction today is the NDC development plan, which we believe threatens the racial equity of the Junction on multiple fronts, notably these:

- **The projected high rents proposed in the current NDC plan represent a dramatic escalation of prevailing rents at the Junction and threaten to swamp the existing small businesses in a wave of gentrification.** In the figures we have been able to obtain, NDC's projected base rental rates of \$45 per square foot far exceed the rents paid by existing Junction businesses. These businesses rent at much closer to a \$30 per square foot range. As you know, rent differentials of this scope inexorably force existing rents upward. Spring Mill Bakery, one of our Takoma Junction businesses, closed its Bethesda location due to such escalating costs, and the development here could lead to closure of this, and other Junction businesses. This threat has intensified as nearly all local businesses are struggling in the wake of COVID-19. Any boost in the cost of their leases could be terminal. Disturbingly, the Takoma Park City Manager on July 22 in a statement about the Junction, said that business lease rates won't be affected because many businesses own their properties. We implore you to examine this carefully. In most cases, it is the White-owned businesses that own and the Black and Brown-owned ones that are leased. This is not absolute, but it is the dominant trend. To focus exclusively on predominantly White owners is precisely our concern about racial equity at the Junction.
- **The proposed elimination of the major eastbound bus stop deprives shoppers and transit passengers – disproportionately people of color based on local and national studies – of easy access to an important source of food and transportation.** There has been no suggested alternative placement of this east bound bus stop on either Ethan Allen or Carroll Avenue. There is no alternative proposed by the developer or the city, or any that we can envision, that would provide comparable access to the area businesses; customers with laundry or bags of food or other goods would be forced to carry them unreasonable distances to gain eastbound bus access.
- **Relegating all large loading and unloading operations for the entire development to a layby on Ethan Allen Avenue presents a serious if not fatal obstacle to the survivability of the Co-op.** The Co-op currently relies heavily on the city-owned lot that it rents for daily loading and unloading of its food trucks. To throw all major loading and unloading activity –including trash and recycling pickup for the entire development – into a small, contained space immediately adjacent to a congested state highway and pedestrian crosswalks is a recipe for hazardous gridlock. Add to the layby mix the inevitable profusion of Uber and Lyft vehicles, passenger car and taxi drop-offs, and the frustration of truck drivers waiting for loading space, and you have a built-in dysfunctionality almost certain to damage the Co-op's need for loading and unloading. The layby is thus a huge threat to the Co-op, a bastion of racial diversity in Takoma Park.

To statements that the Co-op has actually endorsed the layby concept and the proposed development, some context is necessary. It is obvious to us as long-time Co-op supporters and observers of the

business there that the Co-op is totally dependent on the current Junction parking lot for the unloading of food and other goods to keep itself in operation. If the city, or the city's chosen developer, decides at any moment to deny the Co-op access to the lot, the Co-op is likely finished as a viable business in that location. Our sense is that the Co-op is simply not free - especially under the gag order imposed by the City and NDC - to articulate its real needs and preferences in regards to loading and unloading. To us, Co-op acceptance of the layby concept was forced on the Co-op and does not in any real way reflect on the true business reality of the situation. We are not party to the inside information on all this, but our belief is that the poorly-conceived layby will kill the Co-op, but the Co-op simply isn't allowed to say this.

- **The parking currently offered in the city-owned lot is vital to many of the small businesses currently thriving at the Junction, many of them Black-owned. The developer's unwillingness to share detailed information about prospective parking fees in the new development heightens concerns about the ongoing affordability of parking in the proposed underground lot.** Will people be willing to pay for parking just to drop off dry-cleaning or pick up a gallon of milk? Add to this the inevitable bottleneck of cars seeking to enter or exit to the development's stores and restaurants onto a busy highway with no traffic light and an inadequate line of sight and you will have effectively removed convenient and affordable parking from a business community that has come to rely on it. While the City of Takoma Park and NDC have no obligation to provide free parking, the Board should not facilitate the undermining of conditions that have allowed Junction businesses to develop and thrive.
- **We were distressed that the City failed to actually meet with the local Black and Brown-owned businesses until City negotiations and planning were over five years in the making.** This only changed when several of the Junction small business owners testified before the City and submitted a [letter](#) raising concerns about the development.
- **With leadership from City Council member Jarrett Smith, the City passed a resolution in April 2017 [Committing the City Council to Systematically and Deliberately Apply a Racial Equity Lens in Decision-Making](#).** Unfortunately, despite this commitment, the City fell far short of its own standards on racial equity and the proposed Junction development, despite efforts by Council Member Smith to raise concerns. The City's [initial impact assessment](#) regarding racial equity and the Junction (September, 2017) indicated no impact and involved minimal if any analysis or consultation with local residents or businesses. It was cursory at best, deeply distressing and dismissive of the racial equity impacts of the proposed development – so much so that the City subsequently elected to revise its position on racial equity and the proposed development twice in the wake of public pressure and well-attended community meetings on racial equity and the Junction. The initial revised racial equity position is [here](#) (May, 2018). Again, this second racial equity impact statement, produced by unnamed staff and by an unknown rubric, was perfunctory and called out as wildly inaccurate by Black residents who testified at City Council. Finally, the City drafted [a resolution](#) (July, 2018) authorizing NDC to submit its proposal to the Montgomery County Planning Department. This resolution downgraded language from racial equity impacts to racial equity considerations regarding the Junction. The City's record is less than stellar and suggests a lack of institutional commitment to racial equity at the Junction.
- **Many residents are disturbed by the selection of a development company that has faced litigation from small displaced businesses as well as protests from Black Lives Matter for their padlocking of four black-owned businesses within twenty-four hours of taking control of a set of properties slated for development.** See <https://archive.org/details/DeveloperAdrienWashingtonHomeDemo1062018540p> and <https://dcindymedia.org/node/2048>

- **The potential removal of the long-fought-for north-south crosswalk across the state highway at Grant Avenue discriminates against pedestrians and Junction customers seeking safe foot access to affordable housing and subsidized housing just blocks to the north.** This is also a “Safe-Route-To-School” zone for over 200 students. One of the two most recent plans includes the crosswalk. One eliminates it.
- **None of the foregoing, of course, speaks to the incredible difficulties to be imposed on existing businesses during the construction of NDC's huge project.** Given the inevitable disturbance, *likely for years*, to the existing transportation network, people will avoid the Junction whenever possible, whether traveling on foot, bicycle, car or bus. Already grid-locked, the Junction will get worse. Even if cars arrive, they will find few places to park to drop off or pick up dry cleaning, unload a sick pet, or leave packages for FedEx or UPS deliveries. In short, patrons will go elsewhere, choosing more convenient commercial venues, and these businesses and their employees, largely minorities, will lose.
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Taken individually, any of the factors listed above would present a threat to the stable, diverse Junction community; taken as a whole, the threat to racial equity and our multicultural business community posed by the plan is substantial and disconcerting. Racial equity, long valued in Montgomery County, continues to be embraced with renewed urgency and new initiatives for the County. We applaud the recent [Racial Equity and Social Justice Act](#), sponsored and passed unanimously by the Council, requiring "each Department and Office to develop a racial equity and social justice action plan, and determine the implications for, and consequences of, County governmental actions." No development should jeopardize these equity goals, especially through predictable disruption to a thriving, vibrant, diverse business community with deep community roots.

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Thank you for your consideration, and we respectfully request an opportunity to meet with you to discuss these concerns. We also look forward to discussing these issues in a public forum, whenever a public hearing on the NDC proposal is scheduled. Thank you in advance for your consideration.

Very sincerely yours,

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From: [Bogdan, Grace](#)
To: [MCP-Chair](#)
Subject: FW: sign up to testify for 9/15 PB
Date: Tuesday, September 14, 2021 11:58:58 AM
Attachments: [image005.png](#)
[image003.png](#)
[image004.png](#)
[image001.png](#)
[image002.png](#)

Please see below comments for tomorrow's PB hearing item 4B

From: Paul Huebner <pjhuebner@verizon.net>
Sent: Tuesday, September 14, 2021 11:56 AM
To: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>
Subject: Re: sign up to testify for 9/15 PB

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hello Grace and Thanks for all your help.

As we discussed, I am attaching my comments in this email.

Dear members of the Planning Board,

County and state traffic safety experts, using industry standards, have continuously and unanimously been unable to support this plan for this development in this fraught intersection due to substantial safety concerns, including non-approvals for a lay-by and concerns over sight distance noncompliance.

1. Almost three years ago, in a [December 11, 2018 evaluation](#), MCDOT determined that the Sight distance to the left is only 188 feet of 325 required by arterial classification. Maryland SHA confirmed an inadequate sight line, with no apparent achievable remedy available, most recently in its September 7, 2021 letter to the developer.
2. A [January 25, 2021 letter to Ms Bogdan](#) from the Montgomery County Development review team stated, "We do not support the location of truck loading layby area but defer to MDSHA and City of Takoma Park for the final decision."
3. MDSHA letters of [April 13, 2021](#), [May 17, 2021](#), [June 16, 2021](#) and [September 7, 2021](#) confirm the evaluations made almost three years ago by our county DOT. Each of these letters from SHA responds to a different iteration of the lay-by and sight distance plan. The SHA responses show that the developer is not getting closer to approval for the lay-by concept; while different in dimension, the lay-by concept continues to create direct and substantial hazards to pedestrians, cyclists, and other vehicles.
4. Based upon the judgment of traffic professionals, the [Takoma Park City Council voted unanimously](#) to recommend disapproval of the project by the Planning Board.
5. In its [October 17, 2017 letter to the City Council](#), NDC said that "We have studied the concept extensively, including the proposal put forth by the Co-op. It [a lay-by] is the only solution -- given all of the constraints and objectives of the project -- that will work for Takoma Junction." (i.e., the plot of land is too small for delivery/garbage to be done on the site itself.)
7. A [May 24, 2021 letter from SHA to the developer](#) states that "The MDOT SHA was first informed that the layby area would also be needed by this development for loading and unloading at our April 23, 2021 meeting."
8. Taken together, these two statements by the developer show that the developer can only build this plan by using a lay-by, and the State Highway Administration has consistently rejected all iterations of a lay-by.
9. For an extension to be granted, it is reasonable to believe that satisfactory progress toward approvals could be made by the developer. Given the consistent and substantial rejections of an element that the

developer has said is essential, it is apparent that this progress is not a reasonable expectation. I urge the Planning Board not to grant an extension and to reject this project outright, as the City Council has recommended.

Respectfully Submitted,

Thanks,
Paul Huebner

On Tuesday, September 14, 2021, 11:35:17 AM EDT, Bogdan, Grace
<grace.bogdan@montgomeryplanning.org> wrote:

Hi Paul-

As requested, please see the link below.

Thanks!

Grace

<https://montgomeryplanningboard.org/meetings/signup-to-testify/>



Grace Bogdan, AICP

Planner Coordinator, DownCounty Planning Division

Montgomery County Planning Department

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o: 301.495.4533





WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: [Karen Collins](#)
To: [MCP-Chair](#)
Subject: Takoma Junction
Date: Tuesday, September 14, 2021 12:48:20 PM

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To - Montgomery Co Planning Board

In reference to the Takoma Junction Development Plan, I hope that the Planning Board will do two things :

1. Please deny the Neighborhood Development Company's request for an extension of time for review of the plan.
2. Please vote "No" on the proposed development plan.

Many,many residents in our community oppose this plan due to issues which include the proposed layby (and other safety/traffic issues), storm water management, little public space and destruction of trees in the rear of the lot.

Thank you for your consideration.

Karen Collins